

# **ENVIRONMENTAL IMPACT REPORT**

THE CITY OF SAN DIEGO

Project No. 40329 SCH No. 2013101036

Candlelight: TENTATIVE MAP (TM) PLANNED DEVELOPMENT PERMIT (PDP), and SITE SUBJECT: DEVELOPMENT PERMIT (SDP) to subdivide the property into three multi-family residential lots, 1-3, totaling 26.33 acres, and two open space lots, The two open space lots include: lot 4 which consists of 15.76 acres located at the western boundary of the property, and lot 5 which consists of 2.10 acres located at the eastern boundary of the property. As part of the Project, the applicant will grant conservation easements over both open space lots in fee title to a California Department of Fish and Wildlife approved agency. Prior to conveyance, the applicant will grant a 10 foot trail easement to the City for maintenance on Lot 5. The Project also includes trail and trail access improvements on lots 3 and 5, including: access path surfacing, bollards, step-over rails, trailhead improvements (kiosk), and fencing, both chain link and peeler log/split rail. The Project site is designated multi-family residential with an allowable density of 15-29 dwelling units per acre and zoned RM-2-5; the project proposes a maximum of 475 multifamily units. The project is located on a 44.19-acre parcel 1.1 miles east of Interstate 805, 1.4 miles north of the U.S./Mexico border, south of Airway Road and State Route 905 (SR-905), and east of Caliente Avenue in the Otay Mesa Community Plan area in San Diego. (LEGAL DESCRIPTION: The project site occupies a portion of Section 31 within Township 18 South, Range 1 West of the U.S. Geological Survey 7.5-minute Imperial Beach guadrangle map in the City and County of San Diego). Applicant: Candlelight Properties, LLC.

> **April 2018 Update:** Revisions, minor corrections and clarifications have been made when compared to the Draft Environmental Impact Report (EIR) dated May 2016. The EIR was specifically revised to address new Storm Water Regulations and the Climate Action Plan (CAP) Checklist. Revisions were made to the Greenhouse Gas Emissions section of this EIR to address the requirement for, and a summary of, the Project CAP Checklist. In accordance with Section 15088.5 of the California Environmental Quality Act, the addition of new information that clarifies, amplifies, or makes insignificant modifications does not require recirculation as there are no new impacts and no new mitigation identified. All revisions are shown in a strike-through and/or underline format. These revisions do not affect the environmental analysis or conclusions of the document.

### **ENVIRONMENTAL DETERMINATION:**

This document has been prepared by the City of San Diego's Environmental Analysis Section under the direction of the Development Services Department and is based on the City's independent analysis and conclusions made pursuant to 21082.1 of the California Environmental Quality Act (CEQA) Statutes and Sections 128.0103(a), 128.0103(b) of the San Diego Land Development Code.

Based on the analysis conducted for the project described above, the City of San Diego, as the Lead Agency, has prepared the following Environmental Impact Report. The analysis addressed the following issue area(s) in detail: Land Use, Biological Resources, Transportation/Circulations, Historical Resources (Archeology), Paleontological Resources, Noise, Public Utilities, Air Quality, Geology/Soils, Hydrology, Water Quality, Energy, Visual Quality, and Greenhouse Gas Emissions. The Environmental Impact Report concluded that the project would result in significant but mitigated environmental impacts to Land Use (MHPA Land Use Adjacency), Biological Resources, Historical Resources (Archaeology), Transportation and Circulation, and Paleontological Resources, and significant and unmitigated impacts to Transportation and Circulation. All other impacts analyzed in the draft EIR were determined to be less than significant.

The purpose of this document is to inform decision-makers, agencies, and the public of the significant environmental effects that could result if the project is approved and implemented, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project.

### **PUBLIC REVIEW DISTRIBUTION:**

The following agencies, organizations, and individuals received a copy or notice of the draft Environmental Impact Report and were invited to comment on its accuracy and sufficiency. Copies of the Environmental Impact Report, the Mitigation Monitoring and Reporting Program and any technical appendices may be reviewed in the offices of the Development Services Department, or purchased for the cost of reproduction.

### Federal Government

U.S. Environmental Protection Agency U.S. Fish and Wildlife U.S. Army Corps of Engineers Border Patrol

### State of California

California Department of Fish and Wildlife California Department of Toxic Substances Control California Regional Water Quality Control Board, Region 9 State Clearinghouse California Department of Transportation Air Resources Board California Native American Heritage Commission <u>County of San Diego</u> Department of Planning and Land Use/Environmental Planning Section

<u>City of San Diego</u> Mayor's Office Councilmember, District 8

Development Services Department Environmental Analysis Section Development Project Manager Transportation Development Review Engineering Review Geology Review Land Development Review

Planning Department MSCP Plan Long Range Planning Park and Recreation Plan Facilities Financing

Park and Recreation Department Deputy Director – Open Space Division Biologist

San Diego Fire-Rescue Department San Diego Police Department Environmental Services Department Library Department Central Library San Ysidro Branch Library Otay Mesa-Nestor Branch Library Historical Resources Board Wetland Advisory Board

Other Interested Groups, Organizations, and Individuals San Ysidro School District City of Chula Vista SANDAG Metro Transit Systems San Diego Gas and Electric Otay Mesa Planning Committee Otay Mesa Nestor Community Planning Group San Ysidro Planning and Development Group Theresa Acero Sierra Club

San Diego Canyonlands San Diego Audubon Mr. Jim Peugh California Native Plant Society Endangered Habitats League Chapparal Conservancy Neighborhood Canyon Creek & Park Groups San Diego Baykeeper Ellen Bauder Vernal Pool Society San Diego Natural History Museum Carmen Lucas South Coastal Information Center San Diego Archaeological Center Save Our Heritage Organisation Ron Christman **Clint Linton** Frank Brown, Inter-Tribal Cultural Resources Council Campo Band of Mission Indians San Diego County Archaeological Society, Inc. Kumeyaay Cultural Heritage Preservation Kumeyaay Cultural Repatriation Committee Native American Distribution – Public Notice Only Rose Duro, Rincon Band of Luiseno Indians Chris Devers, Cultural Clerk, Pauma Band of Luiseno Indians **Clem Abrams - Applicant** Walter Schwerin, Schwerin and Associates Greg Mason, Alden Environmental, Inc. Kim Baranek, Baranek Consulting Group California Chaparral Institute Center for Biological Diversity Preserve Wild Santee

### **RESULTS OF PUBLIC REVIEW:**

- () No comments were received during the public input period.
- () Comments were received but did not address the accuracy or completeness of the draft environmental document. No response is necessary and the letters are incorporated herein.
- (X) Comments addressing the accuracy or completeness of the draft environmental document were received during the public input period. The letters and responses are incorporated herein.

Pheren for Kerry M. Santoro

Deputy Director Development Services Department

May 12, 2016

Date of Draft Report April 18, 2018

Date of Final Report

Analyst: Anna L. McPherson

## LIST OF PUBLIC AGENCIES AND ORGANIZATIONS THAT COMMENTED ON THE DRAFT ENVIRONMENTAL IMPACT REPORT (EIR)

A draft version of this EIR was circulated for public review for a period of 45 days from May 24, 2016 to July 11, 2016. Letters of comment to the Draft EIR were received from the following agencies, organizations and individuals (Table 1). Where comment letters contained requests for revisions that resulted in minor changes to the Draft EIR text, changes to the text are indicated by strikeout (deleted) and underline (inserted) markings in the Final EIR. Some comments do not pertain to the adequacy of analysis in the Draft EIR or to other aspects pertinent to the potential effects of the Candlelight project on the environment pursuant to the California Environmental Quality Act (CEQA). Often, these comments refer to aspects of the project and not the content of the EIR. Responses are provided to these comments. However, it is noted here for the public record that such comments are not in the purview of the Draft EIR or CEQA. Each comment letter is reproduced alongside the corresponding responses to individual comments.

Table 1       List of Commenting Agencies and Organizations					
	List of commenting Agencies and Organizations				
<u>LETTER</u> DESIGNATION	NAME	ADDRESS	DATE		
FEDERAL AND STA	TE AGENCIES				
А	U.S. Fish and Wildlife Service, Ecological Services, Carlsbad Fish and Wildlife Office	2177 Salk Avenue, Suite 250 Carlsbad, CA 92011	July 25, 2016		
В	California Department of Fish and Game, South Coast Region	3883 Ruffin Road San Diego, CA 92131	July 11, 2016		
с	California Department of Transportation (Caltrans) District 11	4050 Taylor Street, M.S. 240 San Diego, CA 92110	July 11, 2016		
D	State Clearinghouse Office of Planning and Research	1400 Tenth Street Sacramento, CA 95812	July 7, 2016		
E	State Clearinghouse Office of Planning and Research	1400 Tenth Street Sacramento, CA 95812	July 8, 2016		
SPECIAL INTEREST	ORGANIZATIONS				
F	San Diego County Archaeological Society, Inc.	P.O. Box 81106 San Diego, CA 92138-1106	July10, 2016		
G	California Chaparral Institute, Center for Biological Diversity, Preserve Wild Santee	9222 Lake Canyon Road Santee, CA 92071	July 11, 2016		



## United States Department of the Interior

FISH AND WILDLIFE SERVICE Ecological Services Carlsbad Fish and Wildlife Office 2177 Salk Ave, Suite 250 Carlsbad, California 92011

In Reply Refer To: FWS-SDG-08B0715-16TA0779

July 25, 2016 Sent by Email

Ms. Anna McPherson Environmental Planner City of San Diego, Development Services Center 1222 First Avenue, MS 501 San Diego, California 92101

Subject: Comments on the Draft Environmental Impact Report for the Candlelight Project (Project No. 403329, SCH No. 2013101036)

Dear Ms. McPherson:

The U.S. Fish and Wildlife Service (Service) has reviewed the above-referenced Draft Environmental Impact Report (DEIR) dated May 2016. We previously completed a biological opinion on the project (FWS-SDG-08B0715-08F0817, dated June 21, 2010; BO) for a consultation with the U.S. Corps of Engineers (Corps) pursuant to section 7 of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*). The comments and recommendations provided herein are based on information in the DEIR, the BO, our knowledge of the biological resources of the project area, and our participation in implementation of the Multiple Species Conservation Program (MSCP) and City of San Diego's (City) MSCP Subarea Plan (SAP).

The primary concern and mandate of the Service is the protection of fish and wildlife resources and their habitats. The Service has legal responsibility for the welfare of migratory birds, anadromous fish, and threatened and endangered animals and plants occurring in the United States. The Service is also responsible for administering the Act, including habitat conservation plans (HCP) developed under section 10(a)(1) of the Act. The City participates in the Service's HCP Program by implementing its SAP.

The 44-acre project site is located 1.1 miles east of Interstate 805 and 1.4 miles north of the U.S./Mexico Border within the Otay Mesa Community of the City, California. The project site will be subdivided into three multi-family residential lots and two open space/preserve lots. About 2.5 acres in the two proposed open space/preserve lots are included in the City's Multiple Habitat Planning Area (MHPA) or preserve.

Six vegetation communities occur within the project site including: vernal pools, disturbed wetland, maritime succulent scrub, non-native grassland, eucalyptus woodland and disturbed.

A-1

A-2

A-3

measure, if burrowing owls are detected on site or within 300 feet of the construction area during the pre-construction survey, the City and Wildlife Agencies will be notified and measures would be taken to avoid direct impacts to the species

in the MHPA.

Ms. Anna McPherson (FWS-SDG-08B0715-16TA0779) 2	
Species found on site currently or in the past include the federally endangered San Diego fairy shrimp ( <i>Branchinecta sandiegensis</i> ) and Riverside fairy shrimp ( <i>Streptocephalus woottoni</i> ); the federally threatened coastal California gnatcatcher ( <i>Polioptila californica californica</i> ); and burrowing owl ( <i>Athene cunicularia</i> ).	
The BO's project description included the development of the 44-acre project site described in the DEIR and all of Parcel C. However, most of Parcel C was not included in the DEIR and there is no explanation why. In addition, it is unclear what future activities will occur on Parcel C including any impacts to the vernal pools located there. The DEIR does not include any updated fairy shrimp surveys since those included in the BO. Terms and Conditions 1.1 and 2.1 of the BO state that if project construction is not initiated within 2 years of issuance of the BO, the Corps and/or Applicant (project proponent) will submit documentation to the Service prior to the initiation of project construction demonstrating that the distribution of San Diego fairy shrimp and Riverside fairy shrimp has not changed from the baseline condition of pools occupied by San Diego fairy shrimp and Riverside fairy shrimp and Riverside fairy shrimp and Riverside fairy shrimp and Riverside fairy shrimp has not changed). If the number and distribution of formal consultation would be required as provided in 50 CFR §402.16. Although the most recent surveys in 2012 did not detect burrowing owls, they were found on the	A-1 Parcel C is not part of the Candlelight project application but under the same ownership. It is being processed by the Applicant as a separate entitlement under the project name of Southwind (PTS No 412529). Southwind is a 75-unit, multi-family residential development on five acres located adjacent to the Candlelight project. Although being processed through two separate applications at the City, the USFWS issued one BO for impacts to fairy shrimp on both Candlelight and Southwind projects (refer to Figures 2 and 3 in Appendix S). As such, the mitigation for impacts to fairy shrimp caused by Southwind would be mitigated for on the Candlelight site as outlined in the approved BO.
project site in 2004. Therefore, updated burrowing owl surveys should be done. We have been working with the City and the California Department of Fish and Wildlife to develop a burrowing owl strategy that provides a standard approach to address impacts and identify potential mitigation for burrowing owls. We suggest the City evaluate the project and propose mitigation consistent with the draft burrowing owl strategy, including mitigation for impacts to Tier IV habitat. We are available to meet with you to discuss applying the draft burrowing owl strategy to the proposed project.	A-2 Comment noted. The Applicant acknowledges that the USFWS BO (specifically, Terms and Conditions 1.1) calls for updated fairy shrimp surveys if project construction is not initiated within 2 years of issuance of the BO. This requirement will also be assured as a condition of approval of the project.
If you have questions or comments regarding this letter, please contact Patrick Gower at 760-431-9440, extension 352. Sincerely, Digitally signed by DAVID ZOUTENDYK Date: 2016.07.25 09:28:20-0700' for Karen A. Goebel Assistant Field Supervisor	A-3 As noted in the Draft EIR, the last time burrowing owls (BUOW) were observed on the project site was 12 years ago. Despite its absence in 2012, the Draft EIR concluded that there is the potential for significant impacts to the BUOW species. In order to meet the MSCP Subarea Plan Conditions of Coverage for impacts to the species outside the MHPA, the EIR contains a mitigation measure (MM 4.2-6) that requires pre-construction surveys be conducted in accordance with the CDFW 2012 Staff Report prior to ground-disturbing activities. As described in the mitigation

A-3 cont.	During construction, best management practices will be used to prevent recolonization or colonization of new areas of the site. Coordination with the Wildlife Agencies will be sought if one or more burrowing owls are observed. The City is currently a part of the working group to develop a Burrowing Owl Implementation Plan and future guidance regarding BUOW habitat enhancement and restoration would be applied as appropriate and when available.



State of California – Natural Resources Agency DEPARTMENT OF FISH AND WILDLIFE South Coast Region 3883 Ruffin Road



July 11, 2016

Anna L. McPherson City of San Diego-Development Services Department 1222 First Avenue, MS 501 San Diego, CA 92101

Subject: Candlelight (Proposed Project) Draft Environmental Impact Report SCH# 2013101036

Dear Ms. McPherson:

The California Department of Fish and Wildlife (CDFW) received a draft Environmental Impact Report (DEIR) from the City of San Diego (City) for the Proposed Project pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.<sup>1</sup> CDFW previously submitted comments on October 21, 2013 in response to the Notice of Preparation.

#### CDFW ROLE

CDFW is California's **Trustee Agency** for fish and wildlife resources, and holds those resources in trust by statute for all the people of the state [Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a)]. CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (*Id.*, § 1802.). Similarly for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources. CDFW also administers the Natural Community Conservation Planning (NCCP) program. The City participates in the NCCP program by implementing its approved Multiple Species Conservation Program (MSCP) Subarea Plan (SAP).

#### PROJECT DESCRIPTION SUMMARY

Proponent: Candlelight Properties, LLC.

Objective: The objective of the Proposed Project is to develop a multi-family residential development, two open space preserves, and public road improvements. Primary project activities include the approval of a tentative map, planned development permit, and site development permit to subdivide an approximately 44.19-acre property into three multi-family residential lots, 1-3, totaling 26.33 acres, and two open space lots. The two open space lots include lot 4, consisting of 15.76 acres located at the western boundary of the Proposed Project, and lot 5, consisting of 2.10 acres located at the eastern boundary of the Proposed Project.

1 CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

Conserving California's Wildlife Since 1870

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As part of the Proposed Project, the applicant will grant conservation easements over both open space lots in fee title to a CDFW-approved agency. Prior to conveyance, a 10-foot-wide trail easement will be granted to the City for maintenance on Lot 5. The Proposed Project also includes trail and trail access improvements on lots 3 and 5, including: access path surfacing, bollards, step-over rails, trailhead improvements (kiosk), and both chain link and split rail fencing.

Location: The Proposed Project is located on a 44.19-acre parcel 1.1 miles east of Interstate 805, 1.4 miles north of the U.S./Mexico border, south of Airway Road and State Route 905 (SR-905), and east of Caliente Avenue in the Otay Mesa Community Plan area in San Diego. The Proposed Project site occupies a portion of Section 31, Township 18 south, Range 1 west of the U.S. Geological Survey 7.5-minute Imperial Beach guadrangle map in the City and County of San Diego.

#### COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the City in adequately identifying and/or mitigating the Proposed Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions may also be included to improve the document.

#### Habitat Management

- 1. CDFW recommends that mitigation measure Bio 4.2-3 identify a gualified land manager in the Final EIR. Land managers should have local expertise in managing native habitats, and accordingly, should guide management actions to be implemented through the Habitat Management Plan (HMP).
- 2. The HMP should follow an adaptive management approach consistent with the City's forthcoming Vernal Pool Habitat Conservation Plan (relevant management components are available through the City), and should serve as the basis for the Property Assessment Report (PAR). Once an approved land manager has been identified, they should be consulted during the preparation of the PAR. The land manager should inform the cost estimates to ensure that the PAR addresses their billable hourly rates. equipment needs, and management objectives. Lastly, the DEIR should require the City and Wildlife Agencies' (i.e., CDFW and the U.S. Fish and Wildlife Service) approval of the PAR and long-term endowment.

3. The east and west preserves should include site control measures to prevent and monitor unauthorized impacts to sensitive resources (e.g., vernal pools). Given the proximity of the Development with the project's proposed east and west preserves, they will be subject to increased recreational pressures. For this reason site control measures should include routine (e.g., monthly) monitoring and maintenance to ensure that resources are adequately protected.

- B-1 The On-site Habitat Management Plan (HMP; Alden Environmental 2013) contained in Appendix O to the Draft EIR calls for an individual or organization acceptable to the project proponent and resource agencies be contracted to serve as Habitat Manager. The HMP also identifies the following criteria for the Habitat Manager:
  - A B.S. or B.A. degree in wildlife management, natural resources, ecology, zoology, botany, biology or similar degree.
  - A minimum of two years' experience in field biology in southern California (preferably San Diego County).
  - Demonstrated experience in similar projects, or in projects requiring similar skills.
  - Experience in working with community groups.

B-2

B-3

B-1

B-1 cont.	Identification of the specific land manager/entity is premature at this time as the project is in the entitlement stage and not at the construction/implementation phase.
	The land manager will not be engaged until after successful completion of the restoration effort (i.e., approximately 5 years after habitat restoration installation is complete). The City and Applicant, with concurrence from the Wildlife Agencies, will jointly approve the Habitat Manager at the appropriate time.
B-2	The HMP (Section 3.2.2) requires the use of necessary adaptive management techniques as part of the responsibility of the Habitat Manager. A draft property analysis record (PAR) has been prepared and is included with these responses to comment as it was inadvertently left out of Appendix Q. The HMP also notes that the Applicant will be responsible for all HMP funding requirements and that the PAR endowment amount would require approval by the City and/or entity accepting title/management responsibilities for the HMP lands (i.e., Habitat Manager) with the USFWS and CDFW serving in an advisory capacity to the City regarding resource values and issues within the preserve areas. The Applicant acknowledges that the USFWS BO (Project Description, Item18) also calls for Wildlife Agencies approval of the endowment amount generated by the PAR.
B-3	The Draft Vernal Pool Habitat Conservation Plan (VPHCP; City of San Diego, September 2016) Appendix B references the existing USFWS BO for management requirements for the Candlelight/Southwind pools. Conservation Measure #18 of the BO requires a PAR, and Section 3.2.1 of the 2013 On Site Habitat Management Plan (HMP) contained in Appendix Q to this EIR requires a non-wasting endowment. The endowment requirement is meant to manage the resource in perpetuity. The HMP includes <i>Long-term Habitat Monitoring and Documentation</i> requirements in Section 5.1, including monthly general monitoring visits to be conducted by the Habitat Manager,

B-3	in perpetuity, to assess the condition of the preserve areas	
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cont. visually and to note and correct any problems. Such visits shall include the monitoring of the spread of exotic plant species and accumulation of trash/debris, and noting the general presence of target species. The preserve area fences and signs also will be inspected monthly and any necessary repairs noted. In addition to these general monitoring visits, vernal pools will be monitored twice a year after yearly rains for 10 years, and the preserve vegetation will be remapped every five years in perpetuity.

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#### **Burrowing Owl**

B-4

B-5

B-6

B-7

B-8

4. To provide sufficient detail for the City and Wildlife Agencies to make an informed decision regarding the Proposed Project's impacts to burrowing owl (*Athene cunicularia*), we recommend that the DEIR's burrowing owl survey is updated to utilize CDFW's 2012 Staff Report on Burrowing Owl Mitigation (Burrowing Owl Protocol). The burrowing owl report provided as Appendix Y of the DEIR (Alden, 2012) does not provide specific observational information regarding burrowing owl or potential burrows. The Burrowing Owl Protocol requires one survey between 15 February and 15 April followed by three additional surveys, at least three weeks apart, between 15 April and 15 July, having at least one visit after 15 June. Currently, the City SAP relies on the 1993 Burrowing Owl Consortium Guidelines, which requires a minimum of four site visits ideally during peak breeding activity (15 April and 15 July). The DEIR's burrowing owl report (Alden 2012) included the following survey dates: 3/11/12, 3/13/12, and 4/15/12. Given that the DEIR's burrowing owl report is four years old and includes only one survey date during peak breeding season, CDFW does not believe that the provided burrowing owl surveys fully capture the peak burrowing owl breeding activity.

5. A burrowing owl mitigation strategy should be provided in the DEIR. One burrowing owl occurrence is depicted in Figure 3b of the burrowing owl survey (Alden, 2012); however, the text of the same report concludes that the site does not support burrowing owls (Alden, 2012). Given that the burrowing owl survey does not provide specific observational data regarding burrowing owl burrows, or the presence of California ground squirrel (*Spermophilus beecheyi*) burrows, the presence of owl is assumed—necessitating a burrowing owl mitigation strategy.

6. Any burrowing owl eviction should include the preparation of a burrowing owl exclusion plan—see Appendix E of the CDFW's 2012 Staff Report on Burrowing Owl Mitigation. Consistent with the MSCP SAP, any displacement of burrowing owl outside of MHPA states "... Mitigation for impacts to occupied burrowing owl habitat must be through the conservation of occupied burrowing owl habitat or conservation of lands appropriate for restoration, management and enhancement of burrowing owl nesting and foraging requirements."

7. Mitigation Measure Bio 4.2-6 should identify who the City intends to verify the burrowing owl biologist qualifications, "...the permit holder shall submit evidence to the ADD [specify recipient here] of Entitlements verifying that a Biologist possessing qualifications pursuant 'Staff Report on Burrowing Owl Mitigation....'"

Vernal Pools

8. CDFW is unclear how the DEIR concludes that the existing vernal pools are manmade and were not historically present. According to the DEIR, "It should be noted that the City's Biology Guidelines state that the City's wetland definition is intended to differentiate naturally occurring wetlands from those created through human activity, and that it is not the intent of the City to regulate artificially created wetlands in historically non-wetland areas. Due to the human made nature of the pools on site, they are not considered City jurisdictional wetlands (Alden 2013, Appendix C)". The U.S. Fish and Wildlife Service issued a biological opinion (BO) stating that there are historic vernal pool B-4 Comment noted; please refer to response to USFWS comment A-3.

- B-5 Comment noted; refer to response to USFWS comment A-3. In addition, the mitigation for non-native grassland outlined in MM 4.2-10 in the Draft EIR is more than just preservation of habitat as required by the MSCP Subarea Plan. The measure includes the construction/restoration of maritime succulent scrub, to create foraging and/or nesting habitat for the burrowing owl, and the construction of 6 artificial burrows to help enable the species to become established on site. These additional voluntary efforts by the Applicant obviate the need for a separate burrowing owl mitigation strategy.
- B-6 Comment noted; refer to response to USFWS comment A-3 regarding the various elements of the pre-construction survey, including owl eviction.
- B-7 The ADD staff assigned to the project is not determined until construction and grading permits are issued. Therefore, the measure, as written in the Draft EIR, is adequate.
- B-8 Page 4.2-5 of the DEIR discusses that while the site appeared to have vernal pools and mima mound topography in 1928, the next available aerial photograph in 1953 shows the site clearly being used for agriculture.

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and mima mound complexes that have been subsequently disturbed and influenced by the installation of the berms. The BO does not state that the vernal pools are manmade. Therefore, we do not agree that the on-site vernal pools are manmade or not considered City wetlands.

9. Given that stormwater treatment design has the potential to: a) physically alter the MHPA through habitat modifications, b) chemically alter the MHPA via effluents, and c) alter the hydrologic regime of MHPA, Mitigation Measure Bio 4.2-5 should include specific site drainage and water quality treatment measures for public review. The Mitigation Measure should retain City Engineer overview and approval and require City Mitigation Monitoring and Compliance staff approval.

#### Restoration

B-8

B-9

B-10

B-11

cont.

10. Mitigation measure 7.1.1 of the biological technical report (Alden, 2103) requires the restoration of vernal pool, wetland resources, and burrowing owl habitat. Each restoration proposal should include an accompanying mitigation measure in the Mitigation Monitoring and Reporting Program (MMRP). In addition, a restoration plan is required pursuant to the City SAP, "[a]II restoration will be required to have a restoration plan that outlines specific species for planting/hydroseeding, timing, irrigation, and grading requirements, if any, a long-term maintenance, monitoring and reporting criteria for success, as well as contingency measures in case of failure..."

#### Draft Habitat Management Plan

11. While not the focus of this letter, CDFW offers the following preliminary comments on the draft Habitat Management Plan (HMP) and anticipates providing additional detail during subsequent HMP updates.

a) The HMP should be updated to reference the current DEIR (SCH No. 2013101036) currently it references a previous project (SCH No. 2004101031). The revised HMP should correspond to the Proposed Project, include accurate preserve/mitigation acreages (as identified in the DEIR), and be submitted for review to the Wildlife Agencies. Currently, Mitigation Measure 4.2-3 requires the implementation of an inaccurate and outdated HMP (amended in 2008). The mitigation measure should be revised to implement a new HMP, specific to the Proposed Project, as revised by process described above.

b) Following City and Wildlife Agency approval of the HMP, a property assessment report (PAR) or PAR-equivalent should be approved by the City and land manager. The nonwasting endowment for the preserve's long-term conservation should subsequently be calculated using the costs identified in the HMP and PAR. Start-up costs are a necessary component for the successful management of mitigation lands and should be included in all mitigation proposals. In its current draft, section 3.2.1 of the HMP (2013a) no longer requires start-up tasks or funding associated with preserve management start-up tasks and funding should be required in the HMP. B-8 The DEIR, page 4.2-10, fourth paragraph, concludes that the current vernal pools in the study area were developed when cont. humans created artificial berms on the property from 1995 to 1997 and therefore they are man-made, non-historical pools, and not City wetlands. While not considered "City wetlands," the pools are treated as jurisdictional for the Army Corps of Engineers (ACOE) and impacts to the vernal pools are considered significant in the EIR and mitigation is required. Additionally, the USFWS BO provides take authorization for impacts to endangered fairy shrimp species and it does not differentiate between naturally occurring and man-made wetlands. The USFWS BO does not include an analysis to determine if the pools on site meet the City's wetland definition because such a determination is outside the scope of the Endangered Species Act review. As such, the USFWS BO cannot be relied upon to make a determination as to whether a vernal pool does or does not meet the City's wetland definition.

B-9 As described in Section 4.2, Biological Resources, of the Draft EIR under Indirect Impacts, drainage and toxin impacts to the MHPA would be avoided through the project's compliance with the MSCP Land Use Adjacency Guidelines. Specifically, the Land Use Adjacency Guidelines preclude the release of untreated runoff into the MHPA. Additionally, the project is required to comply with the State Regional Water Quality Control Board permit through conditions and requirements which are included on the current Vesting Tentative Map sheets (Appendix N) which show best management practices (BMPs), storm water detention areas, and dissipation structures. To protect water quality with the MHPA, runoff would be dissipated/treated on site in bioretention and hydromodification basins and dissipated prior to entry into the MHPA or diverted from the MHPA. Additionally, outfalls on the eastern and western ends of the project would be located entirely within the project footprint.

B-9 cont.	Ultimately, the use of low-impact design features, source control, and treatment control BMPs would preclude drainage and water quality impacts to the MHPA. The current hydrological regime in both the preserve and development areas would be altered from the current topography as described in the BO (Figures 4 and 5) and the On-site Vernal Pool Restoration Plan (VPRP; EIR Appendix P). Per the VPRP (page 5), vernal pools would be created with an average watershed to pool ratio of 6.5:1 and the rationale to support the expected success of the implementation is presented in Section VI.A of the VPRP. That section states that watershed analysis was performed wherein pools can be sustained with a watershed to pool size ratio as low as 4:1 but more commonly 6 or 7:1, and that direct precipitation plays a more important role in pool filling than watershed contributions to more porous soils.
	The developed area would drain away from the MHPA or water would be retained, filtered, and dissipated before release into the MHPA. The preserve areas would include areas of grading to create vernal pools basin areas along with elevated mima mound areas restored with maritime chaparral. New vernal pool hydrological/watersheds would, therefore, feed the restored pools.
	The site-specific drainage and water quality treatment features are described in Section 4.11 of the Draft EIR and the Water Quality Technical Report and Drainage Study are contained in EIR Appendices I and H, respectively.
B-10	Please refer to Draft EIR Mitigation Measure 4.2-1 which references the On-site VPRP prepared by Alden Environmental (2013) and Mitigation Measure 4.2-10 which outlines the non- native grassland (and burrowing owl) habitat restoration effort. All of these plan efforts satisfy the requirements of the City's Subarea Plan and are contained in Appendix P to the Draft EIR.

Anna L. McPherson City of San Diego-Development Services Department July 11, 2016 Page 5 of 5

B-11 cont. c) CDFW is concerned that the current draft HMP states that "[b]arrier installation is not a component of this HMP nor is it the responsibility of the Habitat Manager." We recommend that the habitat manager is funded to maintain barriers and monitoring, which are both necessary to protect the preserve.

#### CONCLUSION

CDFW appreciates the opportunity to comment on the Candlelight Draft Environmental Impact Report to assist the City in identifying and mitigating Proposed Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Eric Weiss, Senior Environmental Specialist at (858) 467-4289 or eric.weiss@wildlife.ca.gov.

Sincerely Gail K. Sevrens

Gall K. Sevrens Environmental Program Manager South Coast Region

ec: Patrick Gower, USFWS Office of Planning and Research, State Clearinghouse, Sacramento

#### **References:**

Alden Environmental May 2012. Burrowing Owl Survey for the Candlelight Project.

Alden Environmental, June 2013. Biological Technical Report for the Candlelight Project.

City of San Diego, May 2016. Candlelight TM/PDP/SDP Draft Environmental Impact Report. SCH No. 2013101036.

B-11 The HMP is contained in Appendix Q to the Draft EIR. A Final HMP will be prepared after the Draft EIR is certified, and will be included on the construction plans incorporating all required elements of the BO and original/draft HMP prior to the initiation of the vernal pool restoration effort, in accordance with the terms and conditions of the BO issued by the USFWS. As noted in Mitigation Measure 4.2-3, a final PAR is required to be completed. Start-up tasks and funding are required to be included in the final PAR.

The draft PAR prepared for the HMP (included with these responses to comments) does not include specific funding for repair/replacement of barriers (fences and walls) between the preserve areas and adjacent private development. The Candlelight project design includes the installation and maintenance of barriers along the borders between the development project and the preserve areas. These barriers are a component of the development project and will be located on private land. If necessary, the final PAR prepared for the project prior to implementation will include funding for some remedial barrier repair/installation if required in the future.

RESPONSES

	DEPARTMENT OF TRANSPORTATION DISTRICT 11 PLANNING DIVISION 4050 TAYLOR STREET, M.S. 240 SAN DIEGO, CA 92110 PHONE (619) 688-6960 FAX (619) 688-4299 TTY 711		
	July 11, 2016		
	11-SD-905 PM 7.0 Candlelight/40329 Department of Planning and Land Use 1222 First Avenue, MS-501 San Diego, CA 92101 Dear Ms. McPherson:		
Γ	Thank you for providing us with the opportunity to review the Draft Environmental Impact Report (SCH No. 2013101036) for the proposed Candlelight project located near State Route 905 (SR-905). Caltrans has the following comments: Cumulative impacts were identified at the SR-905/Caliente Avenue interchange. However, the DEIR concluded that the impacts are considered unmitigated since there are not currently placed or found of menote to expend the SR 905/Caliente interchange.	C-1	Comment noted.
	As part of Caltrans review of the recently approved Otay Mesa Community Plan Update (CPU), our Department emphasized in both our comments for the CPU EIR and to the City Planning Commission, concerns with traffic impacts to the State Highway System (SHS) within the CPU areas, specifically SR-905.		
C-1	As a result of Caltrans concerns for the CPU, the City modified the Public Facilities Financing Plan (PFFP) to include an "unfunded" list of interchange improvements, specifically identifying the SR-905/Caliente interchange, and deferring potential funding to future Specific Plan and development project studies. This decision further stresses the need to include appropriate mitigation for specific developments to allow for transportation mitigation improvements to be aggregated and implemented within a reasonable time frame consistent with future development.		
	Development mitigation also provides a potential funding stream for the early development of Project Study Reports (PSRs) to plan and program larger scale transportation improvements. The identification through early development of a PSR allows more easily for other development contributions, leveraging of other potential funding sources, as well as identification of future right-of-way needs.		
C-2	Currently, Caltrans has excess lands available from the remainders of the SR-905/Caliente Avenue interchange. Some portions of these remainders will probably be needed for the future	C-2	Otay Mesa is a Facility Benefit Assessment (FBA) community. As such, the project will be required to provide funds according to
	"Provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability"		the FBA schedule in the PFFP. The transportation projects identified in the City's PFFP include additional improvements at the Caliente Avenue and SR-905 interchange. The large portion of the funds for these improvements would come from FBA fees.

Ms. Anna L. McPherson July 11, 2016 Page 2

widening of Caliente. PSR development facilities justification for Caltrans to retain these excess properties.

As previously communicated, Caltrans nor SANDAG, have identified any future funding to address significant deficiencies that are being identified with future growth and development along SR-905 with the Otay Mesa community. Therefore, consistent with the City's Final EIR for the Otay Mesa CPU and PFFP, Caltrans recommends the fair-share contribution identified in the EIR for the Candlelight project EIR be implemented to assist in future improvements at the impacted location identified at the SR-905/Caliente Avenue interchange.

SR-905 is a major transportation corridor that serves intraregional, interregional, commercial, and commuter traffic and is critical to economic activity and the flow of goods and services between the United States and Mexico. Therefore, Caltrans welcomes the opportunity to partner with the City to identify and develop a collaborative approach to addressing transportation deficiencies for the SR-905 corridor.

If you have any questions, or require further information, please contact Brandon Tobias, at (619) 688-2503.

Sincerely,

C-2

C-3

cont.

JACOB M. ARMSTRONG, Chief Development Review Branch

C-2 A portion of the funds will be originated from other sources, as cont. mentioned in this comment. However, these other sources may

represent additional projects not identified in the FBA or for large future Specific Plan areas, such as the Southwest Village yet to be planned and to undergo City review.

C-3 Comment noted.

"Provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability"



STATE OF CALIFORNIA Governor's Office of Planning and Research

State Clearinghouse and Planning Unit



Director

Governor

July 12, 2016

Anna L. McPherson City of San Diego 1222 First Avenue, MS-501 San Diego, CA 92101

Subject: Candlelight SCH#: 2013101036 .

Dear Anna L. McPherson:

The enclosed comment (s) on your Draft EIR was (were) received by the State Clearinghouse after the end of the state review period, which closed on July 7, 2016. We are forwarding these comments to you because they provide information or raise issues that should be addressed in your final environmental document.

The California Environmental Quality Act does not require Lead Agencies to respond to late comments. However, we encourage you to incorporate these additional comments into your final environmental document and to consider them prior to taking final action on the proposed project.

Please contact the State Clearinghouse at (916) 445-0613 if you have any questions concerning the environmental review process. If you have a question regarding the above-named project, please refer to the ten-digit State Clearinghouse number (2013101036) when contacting this office.

Sincerel

Scott Morgan Director, State Clearinghouse

Enclosures cc: Resources Agency

> 1400 TENTH STREET P.O. BOX 3044 SACRAMENTO, CALIFORNIA 95812-3044 TEL (916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

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CALIFORNIA	DEPARTMENT OF FISH AND WILDLIFE	CHARLTON H BONHAM Director
PISH & WILDLIFE	South Coast Region	CHARLETON N. BONNAN, DIFECTOR
i w	3883 Ruffin Road	
S	San Diego, CA 92123	(
4	www.wildlife.ca.gov	
	No. of the second s	The second s
	July 11, 2016	
1.5	Anna I. McPhereon	Governor's Office of Planning & Research
1. A.	City of San Diego-Development Services Department	IIII 7 1 2016
	1222 First Avenue, MS 501 San Diego, CA 92101	
	State of the second	STATE CLEARINGHOUSE
1.00	Subject: Candlelight (Proposed Project)	and the second
· • •	Draft Environmental Impact Report	
	SCH# 2013101036	
	Dear Ms McPherson	
	The California Department of Fish and Wildlife (CDFW) re	eceived a draft Environmental Impact
34	Report (DEIR) from the City of San Diego (City) for the Pr	roposed Project pursuant the California
	Environmental Quality Act (CEQA) and CEQA Guidelines	CDFW previously submitted
	comments on October 21, 2013 in response to the Notice	or Preparation.
1 123 M C	CDFW ROLE	
2 K 2 K 15	CDFW is California's <b>Trustee Agency</b> for fish and wildlife in trust by statute for all the people of the state [Fish & G. Pub. Respures Code \$21070. CEOA Guidelines \$1538	resources, and holds those resources Code, §§ 711.7, subd. (a) & 1802; 35 subd. (a): ODEW in its trusto
	capacity, has jurisdiction over the conservation, protection native plants, and habitat necessary for biologically sustai ( <i>Id.</i> , § 1802.). Similarly for purposes of CEQA, CDFW is cl	n, and management of fish, wildlife, nable populations of those species harged by law to provide, as available,
	biological expertise during public agency environmental re-	eview efforts, focusing specifically on
2 <sup>1</sup> -	resources. CDFW also administers the Natural Communit	v Conservation Planning (NCCP)
	program. The City participates in the NCCP program by in	mplementing its approved Multiple
100	Species Conservation Program (MSCP) Subarea Plan (S/	AP).
	BRO IECT DESCRIPTION SUMMARY	a
	PROJECT DESCRIPTION SUMMARY	
1	Proponent: Candlelight Properties, LLC.	
	Objective: The objective of the Proposed Project is to dev	velop a multi-famity residential
	development, two open space preserves, and public road	improvements. Primary project
	activities include the approval of a tentative map, planned	development permit, and site
	residential lats 1-3 totaling 26.33 acres and two onen en	acre property into three multi-tamily
	include lot 4, consisting of 15.76 acres located at the west	ern boundary of the Proposed Project
	and lot 5, consisting of 2.10 acres located at the eastern bi	oundary of the Proposed Project
		erendezen er sammendezen i 1910 i titalitet di 74 fattalitet i 19
94. 		۵.
8 8	The second s	и и и м. н
	1 CBQA is codified in the California Public Resources Code in section found in Title 14 of the California Code of Regulations, commencing y	21000 et seq. The "CEQA Guidelines" are with section 15000.
	Conserving California's Wildl	life Since 1870

Anna L. McPherson City of San Diego-Development Services Department July 11, 2016 Page 2 of 5

As part of the Proposed Project, the applicant will grant conservation easements over both open space lots in fee title to a CDFW-approved agency. Prior to conveyance, a 10-foct-wide trail easement will be granted to the CIty for maintenance on Lot 5. The Proposed Project also includes trail and trail access improvements on lots 3 and 5, including: access path surfacing, bollards, step-over rails, trailhead improvements (klosk), and both chain link and split rail fencing.

Location: The Proposed Project's located on a 44.19-acre parcel 1.1 miles east of Interstate 805, 1.4 miles noth of the U.S./Mexico border, south of Airway Road-and State. Route 905 (SR-905), and east of Caliente Avenue in the O tay Mesa Community Plan area in San Diego. The Proposed Project site occupies a portion of Section 31, Township 18 south, Range 1 west of the U.S. Geological Survey 7.5-minute Imperial Beach quadrangle map in the City and County of San Diego.

#### COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the City in adequately identifying and/or mitigating the Proposed Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions may also be included to improve the document.

#### Habitat Management

- CDFW recommends that mitigation measure Bio 4:2-3 identify a qualified land manager in the Final EIR. Land managers should have local expertise in managing native habitats, and accordingly, should guide management actions to be implemented through the Habitat Management Plan (HMP).
- 2. The HMP should follow an adaptive management approach consistent with the City's forthcoming Vernal Pool Habitat Conservation Plan (relevant management components are available through the City), and should serve as the basis for the Property Assessment Report (PAR). Once an approved land manager has been identified, they should be consulted during the preparation of the PAR. The land manager hould inform the cost estimates to ensure that the PAR addresses their billable hourly rates, equipment needs, and management objectives. Lastly, the DEIR should require the City and Wildlife Agencies' (i.e., CDFW and the U.S. Fish and Wildlife Service) approval of the PAR and long-term endowment.
- 3. The east and west preserves should include site control measures to prevent and monitor unauthorized impacts to sensitive resources (e.g., vernal pools). Given the proximity of the Development with the project sproposed east and west preserves, they will be subject to increased recreational pressures. For this reason site control measures should include routine (e.g., monthly) monitoring and maintenance to ensure that resources are adequately protected.

Anna L. McPherson City of San Diego-Development Services Department July 11, 2016 Page 3 of 5

#### Burrowing Owl

- 4. To provide sufficient detail for the City and Wildlife Agencies to make an informed decision regarding the Proposed Project's impacts to burrowing owi (Athene curricularia), we recommend that the DEIR's burrowing owl survey is updated to utilize CDFW's 2012 Staff Report on Burrowing Owl Mitigation (Burrowing Owl Protocol). The burrowing owl report provided as Appendix Y of the DEIR (Alden, 2012) does not provice specific observational information regarding burrowing owl or potential burrows. The Burrowing Owl Protocol requires one survey between 15 February and 15 April followed by three additional surveys, at least three weeks apart, between 15 April and 15 July, having, at least one visit after 15 June. Currently, the City SAP relies on the 1993 Burrowing Owl Consortium Guidelines, which requires a minimum of four site visits ideally during peak breeding activity (15 April and 15 July). The DEIR's burrowing owl report (Alden 2012) included the following survey dates: 3/11/12, 3/12/12, 3/13/12, and 4/15/12. Given that the DEIR's burrowing owl report is four years old and includes only one survey date during peak breeding season, CDFW does not believe that the provided burrowing owl surveys fully capture the peak breewing owl breeding activity.
- 5 A burrowing owl mitigation strategy should be provided in the DEIR. One burrowing owl occurrence is depicted in Figure 3b of the burrowing owl survey (Alden, 2012); however, the text of the same report concludes that the site does not support burrowing owls (Alden, 2012). Given that the burrowing owl survey does not provide specific observational data regarding burrowing owl burrows, or the presence of California ground squirrel (Spermophilus beecheyr) burrows, the presence of owl is assumed—necessitating a burrowing owl mitigation strategy.
- 6. Any burrowing owl eviction should include the preparation of a burrowing owl exclusion plan—see Appendix E of the CDFWs 2012 Staff Report on Burrowing Owl Mitigation. Consistent with the MSCP SAP, any displacement of burrowing owl valuation of MHPA states "... Mitigation for impacts to occupied burrowing owl habitat must be through the conservation of occupied burrowing owl habitat or conservation of lands appropriate for restoration, management and enhancement of burrowing owl nesting and foraging requirements."
- Mitigation Measure Bio 4.2-5 should identify who the City intends to verify the burrowing owl biologist qualifications, "...the permit holder shall submit evidence to the ADD [specify recipient: here] of Entitlements verifying that a Biologist possessing qualifications pursuant "Staff Report on Burrowing Owl Mitigation...?"

#### Vernal Pools

B. CDFW is unclear how the DEIR concludes that the existing vernal pools are manmade and were not historically present. According to the DEIR, "It should be noted that the City's Biology Guidelines state that the City's wetland definition is intended to differentiate naturally occurring wetlands from those created through human activity, and that it is not the intent of the City to regulate artificially created wetlands in historically non-wetland areas. Due to the human made nature of the pools on site, they are not considered City jurisdictional wetlands (Alden 2013, Appendix C)". The U.S. Fish and Wildlife Service issued a biological opinion (BO) stating that there are historic vernal pool Anna L. McPherson City of San Diego-Development Services Department July 11, 2016 Page 4 of 5

> and mima mound complexes that have been subsequently disturbed and influenced by the installation of the berms. The BO does not state that the vernal pools are mammade. Therefore, we do not agree that the on-site vernal pools are mammade or not considered City wetlands.

9. Given that stornwater treatment design has the potential to: a) physically atter the MHPA through habitat modifications, b) chemically alter the MHPA via effluents; and c) alter the hydrologic regime of MHPA, Mitigation Measure Bio 4.2-5 should include specific site drainage and water quality treatment measures for public review. The Mitigation Measure should retain City Engineer: overview and approval and require City Mitigation Monitoring and Compliance staff approval.

Restoration.

10. Mitigation measure 7.1.1 of the biological technical report (Alden, 2103) requires the restoration of vernal pool, wetland resources, and burrowing owi habitat. Each restoration proposal should include an accompanying mitigation measure in the Mitigation Monitoring and Reporting Program (MMRP). In addition, a restoration plan is required pursuant to the City SAP, "[a]ll restoration will be required to have a restoration plan that outlines specific species for planting/hydroseeding, timing, irrigation, and grading requirements, if any, a long-term maintenance, monitoring and reporting criteria for success, as well as contingency measures in case of failure...\*

#### Draft Habitat Management Plan

- 11. While not the focus of this letter, CDFW offers the following preliminary comments on the draft Habitat Management Plan (HMP) and anticipates providing additional detail during subsequent HMP updates.
- a) The HMP should be updated to reference the current DEIR (SCH No. 2013101036) currently it references a previous project (SCH No. 2004101031). The revised HMP should correspond to the Proposed Project, include accurate preserve/mitigation acreages (as identified in the DEIR), and be submitted for review to the Wildlife Agencies. Currently, Mitigation Measure 4.2-3 requires the implementation of an inaccurate and sutdated HMP (amended in 2008). The mitigation measure should be revised to implement a new HMP, specific to the Proposed Project, as revised by process described above.
- b) Following City and Wildlife Agency approval of the HMP, a property assessment report (PAR) or PAR-equivalent should be approved by the City and land manager. The nonwasting endowment for the preserve's long-term conservation should subsequently be calculated using the costs identified in the HMP and PAR. Start-up costs are a necessary component for the successful management of mitigation lands and should be included in all mitigation proposals. In its current draft, section 3.2.1 of the HMP (2013a) no longer requires start-up tasks or funding associated with preserve management start-up tasks and funding should be required in the HMP.

Anna L. McPherson City of San Diego-Development Services Department July 11, 2016 Page 5 of 5

c) CDFW is concerned that the current draft HMP states that "[b]arrier installation is not a component of this HMP nor is it the responsibility of the Habitat Manager." We recommend that the habitat manager is funded to maintain barriers and monitoring, which are both necessary to protect the preserve.

CONCLUSION

CDFW appreciates the opportunity to comment on the Candlelight Draft Environmental Impact Report to assist the City in identifying and mitigating Proposed Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Eric Weiss, Senior Environmental Specialist at (858) 467-4289 or eric.weiss@wildlife.ca.gov.

Sincerely -th 5 1Cm Gail K. Sevrens

Environmental Program Manager South Coast Region

ec: Patrick Gower, USFWS Office of Planning and Research, State Clearinghouse, Sacramento

References:

Alden Environmental May 2012. Burrowing Owl Survey for the Candlelight Project.

Alden Environmental, June 2013. Biological Technical Report for the Candlelight Project.

City of San Diego, May 2016. Candlelight TM/PDP/SDP Draft Environmental Impact Report. SCH No. 2013101036.



STATE OF CALIFORNIA Governor's Office of Planning and Research



Director

State Clearinghouse and Planning Unit

Edmund G. Brown Jr. Governor

E-1

July 8, 2016

Anna L. McPherson City of San Diego 1222 First Avenue, MS-501 San Diego, CA 92101

Subject: Candlelight SCH#: 2013101036

Dear Anna L. McPherson:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. The review period closed on July 7, 2016, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Scott Morgan

Director, State Clearinghouse

1400 TENTH STREET P.O. BOX 3044 SACRAMENTO, CALIFORNIA 95812-3044 TEL (916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

CANDLELIGHT FINAL ENVIRONMENTAL IMPACT REPORT

		Document Deta State Clearinghous	ils Report se Data Base	
SCH# Project Title Lead Agency	2013101036 Candlelight San Diego, City of			
Type	EIR Draft EIR			
Description	Tentative Map planned of three multi-family reside space lots include: lot 4 and lot 5 which consists	development permit and si ntial lots, 1-3, totaling 26.3 which consists of 15.76 ac of 2.10 acres located at th	te development permit 13 acres, and two open cres located at the west he eastern boundary of	to subdivide the property into space lots. The two open ern boundary of the property, the property.
Lead Agend	y Contact			
Name	Anna   McPherson			
Agency	City of San Diego			
Bhong	619 446 5276		Far	
omail	010 440 0270			
Address	1222 First Avenue MS-	501		
City	San Diego		State CA Zip 92	101
Project Loc	ation			
County	San Diego			
City	San Diego			
Region				
Lat/Long	32° 33' 56" N / 117° 1' 23	3" W		
Cross Streets	Caliente and Airway Rds			
Parcel No.	645-06-0350, -08-0080,	various		
Township	18S Range	1W Sec	tion 31	Base Imperial
Proximity to	):			
Highways	SR-005 1805			
Airports	Brown Field			
Pailwave	DIOWISTICIO			
Matanways	Tiluana Divor			
Valerways	Son Vaidro US			
Schools	Vegent / Multifemily Dee	idential )15 00 du/aa\/ DM	25	
Land Use	vacant / wultifamily Res	idential ) 15-29 du/ac)/ Riv	-2-5	
Project Issues	Aesthetic/Visual; Air Qua	ality; Biological Resources	; Archaeologic-Historic	; Geologic/Seismic; Noise;
	Public Services; Sewer (	Capacity; Solid Waste; Tra	affic/Circulation; Vegeta	tion; Wetland/Riparian;
	Growth Inducing; Landu	se; Cumulative Effects; Ot	her Issues	
Reviewing Agencies	Regional Water Quality Region 5; Department of Services, California; Cal Department of Housing a Lands Commission	Control Board, Region 9; f f Parks and Recreation; Di trans, Division of Aeronau and Community Developm	Resources Agency; Dep epartment of Water Re tics; California Highway ent; Native American H	partment of Fish and Wildlife, sources; Office of Emergency Patrol; Caltrans, District 11; leritage Commission; State
Date Received	05/24/2016 Start o	f Review 05/24/2016	End of Review	07/07/2016

	PH DIEGO COUL	**			
•		San Diego County Archaeological Society, Inc.			
ACT	e Ci	Environmental Review Committee			
	TEOLOGICAL S	10 July 2016			
	To: Subject:	Ms. Anna McPherson Development Services Department City of San Diego 1222 First Avenue, Mail Station 501 San Diego, California 92101 Draft Environmental Impact Report Candlelight Project No. 40239			
	Dear Ms. M	AcPherson:			
	I have revie committee	ewed the cultural resources aspects of the subject DEIR on behalf of this of the San Diego County Archaeological Society.			
F-1	Based on th impact ana institution" excluding a 36CFR79 a Curation o	he information contained in the DEIR and its Appendix F, we concur with the lysis and mitigation measures as proposed. We note that the "appropriate ' for curation of any resulting cultural resources collections (see page 4.4-13), any human remains and/or burial items, is one meeting the standards of and those of the State Historical Resources Commission, <i>Guidelines for the</i> of Archaeological Collections, dated May 7, 1993.	F-1	Comment noted.	
	Thank you for this pro	for the opportunity to participate in the City's environmental review process oject.			
		Sincerely, Lames W. Royle, Jr., Chainerton Environmental Review Committee			
	cc: AS SD Fil	SM Affiliates DCAS President e			
		P.O. Box 81106 San Diego, CA 92138-1106 (858) 538-0935			





**Preserve Wild Santee** 

July 11, 2016

Ms. Anna L McPherson **Environmental Planner** City of San Diego 1222 First Avenue, MS 501 San Diego, CA 92101 DSDEAS@sandiego.gov

### RE: Candlelight Subdivision Draft EIR, Project #40329

Dear Ms. McPherson,

G-1

G-2

Please consider these initial comments upon the Candlelight Project Draft EIR from the California Chaparral Institute, Center for Biological Diversity and Preserve Wild Santee. Since our organizations have all repeatedly requested to be on notification/circulation lists for projects with biological impacts, it is disappointing that our organizations have not been included on the distribution list (Public Notice pages 2 and 3). We have a long history of submitting comments upon projects with vernal pool and other biological impacts. Thus, please place our organization on the notice list for all future projects in San Diego with biological impacts and the distribution list for Candlelight environmental documents.

Also, please consider these comments as initial and likely to be expanded as we expand our review of the Draft EIR.

### Significant Adverse Impacts

Section "4.2-1: Impacts to listed fairy shrimp shall be mitigated at a 2:1 ratio..." (ES-20)

A 2:1 mitigation ratio for endangered fairy shrimp is inadequate and inconsistent with both San Diego's Biology Guidelines and it's Draft Vernal Pool HCP.

Comment noted; the commenters will be placed on the Public G-1 Notice list for the Candlelight project and other projects proposing impacts to biological resources.

The wetland mitigation ratios in City Biology Guidelines do not G-2 apply to the project, as suggested in this comment, because mitigation for the impacted vernal pools was determined in a consultation between the Army Corps of Engineers (ACOE) and the USFWS. The Draft VPHCP was released for public review in September 2016, after the Draft EIR was released for public review in June 2016. The plan will not be applied to this or any May 2012

2

Land Development Manual – Biology Guidelines

|--|

OUTSIDE THE COASTAL Z	<u>CONE</u>
HABITAT TYPE	MITIGATION RATIO
Coastal Wetlands (salt marsh, salt panne)	<u>8:1</u>
Riparian Forest or Woodland (oak, sycamore, or willow)	<u>6:1</u>
Riparian Scrub	4:1
Freshwater Marsh	4:1
*Natural Flood Channel (NFC)	1:1
*Disturbed Wetlands	4:1
Vernal Pools	4:1 to 8:1
Notes: Mitigation must be provided within or adjacent to Any impacts to wetlands must be mitigated "in-kind" and achi	o the MHPA. ieve a "no-net loss" of wetland
functions and values. Mitigation for vernal pools can range from	m 4:1 when no listed species are
present, and up to 8:1 when listed species with very limited dis	tributions (e.g. Pogogyne abramsii)
are present.	

### Vernal Pool HCP Incomplete - Mitigation is Inadequate

In 1997, the U.S. Fish and Wildlife Service estimated that ninety to ninety-seven percent of vernal pool habitat in San Diego County had been permanently lost. 62 Fed. Reg. 4925, 4926 (Feb. 3, 1997). Vernal pools have been so decimated that we have stated that there should not be any further impacts until a viable Vernal Pool Habitat Conservation Plan (VPHCP) is completed. We have been consistent advocates for the completion of the City of San Diego's (VPHCP) that was originally scheduled for completion by June 2012 (scope of work schedule indicated January 2012-June 2012 for preparation and printing of the final draft plan).

The SD City Council accepted a \$500,000 federal grant for the plan's preparation, formally relinquished Federal coverage to authorize take of vernal pool species and approved an interim process for development approvals on March 16, 2010. The

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- G-2 other project until it is approved. The Candlelight project was,
- cont. however, included as an impact area in the Draft VPHCP and the two on-site mitigation areas are identified as preserve areas in the plan. The City does not have "take" authorization for fairy shrimp in the impacted vernal pools and must rely on permission from the USFWS, who issued the project-specific take authorization for the impacted pools supporting listed fairy shrimp species in the Biological Opinion (BO). The 2:1 mitigation ratio cited in the Draft EIR was approved by the USFWS in the BO they issued for the project (refer to Appendix S). The BO (and its mitigation requirements) has no expiration date and is, therefore, still valid and applicable to the Candlelight project.

G-3 The City has an established procedure for reviewing projects and cannot withhold processing and approval of a compliant project simply because there is a new process under development, such as the Draft VPHCP. The project has received take authorization for fairy shrimp impacts from the USFWS (as discussed in response to comment #2) and does not require any authorization from the Draft VPHCP to proceed. The impact to vernal pool species would be the same, regardless if it is authorized through the USFWS BO or the future final VPHCP. See response to comment #2 above regarding the status of the Draft VPHCP and the USFWS-approved mitigation ratio for the project.

The project's On-site Vernal Pool Restoration Plan (VPRP approved by the USFWS in the project's BO and contained in Appendix P to the Draft EIR) would result in the establishment of twice as much vernal pool/fairy shrimp (2:1 ratio) habitat than

G-3

G-3 cont.	interim process included an expiration date of June 2012 that would allow all projects with vernal pool impacts to pursue take authority through a federal process if the (VPHCP) was not completed – which unfortunately provided little incentive to complete the conservation plan. At the March 16, 2010 hearing approving the preparation of the (VPHCP), Councilmember Donna Frye took issue with \$650,000 of vernal pool management funds that had been "inadvertently redirected" according to City staff because of three years without activity. Frye argued that the inactivity and redirection pointed to the fact that the City "has not gotten serious about vernal pool conservation" and she argued against the interim process expiration date. A (VPHCP) draft EIR has still not been released. Within this context, it is difficult to find the City's incentive for implementing and adhering to the federal law that requires the conservation and recovery of endangered vernal pool species.	G-3 cont.	would be impacted by the project. Take of the fairy shrimp as part of the project has been authorized by the USFWS in their BO; therefore, impacts are not prohibited.
G-4	Considering the delinquent status of the Vernal Pool Habitat Conservation Plan (VPHCP), the decimated and precarious state of vernal pool species and the City's responsibility to set an example by following both the letter and the spirit of the Federal Endangered Species Act, we implore the City to delay any groundbreaking for a Project until a viable (VPHCP) is approved with adequate funding for its implementation. Without including such a requirement, the Project would have a significant adverse impact to vernal pool species. The mitigation ratio of 2:1 is inadequate. The City of San Diego's LDC – Biology Guidelines (updated 2012) prescribes mitigation ratios from 4:1 - 8:1 for a "Biologically Superior Project Outside the Coastal Zone" with vernal pool impacts. Considering that a VHCP has not been approved and funded, if any vernal pool impacts are going to be allowed (and again - we believe they should not be allowed until VPHCP approval and implementation) the impacts should be mitigated at the highest ratio in the Biology Guidelines, Table 2b <b>at 8:1</b> .	G-4	As described in the Draft EIR, Biological Technical Report and BO, the vernal pools on-site are highly degraded and of low quality. The man-made vernal pools were created in 1995 and 1997 during the construction of the perimeter berm on the site; machinery used to form the berms left behind shallow depressions that hold water during the rainy season. While it is likely that the site and surrounding area historically (at least prior to 1953) supported vernal pool habitat, the currently mapped vernal pools have only been in existence since construction of the berm and are not historic. Over time, the berms are gradually eroding and sloughing into the vernal pools, thereby filling them with soil and precluding ponding and fairy shrimp presence.
G-5 G-6	How do Project biological mitigation measures contribute to the conservation and recovery of vernal pool species? Our conclusion is that they do neither. The Project does not contribute to conservation and recovery of species; the Project contributes to the further decline of endangered vernal pool species by destruction of occupied vernal pools, which will result in prohibited "take" of federally endangered species. Project objectives should be revised to permit feasible alternatives that avoid vernal pool impacts. Section "4.1-1: Solar Roofs. The project design shall incorporate the use of solar roofs to reduce electricity use by approximately 25 percent". (Page ES- 83) 9222 Lake Canyon Road. Santee. CA 92071_Tel/Fax (619) 258-7929_SaveFanita@cox.net_LD#980429	G-5	The USFWS consultation that resulted in take authorization for the fairy shrimp that occupy the on-site vernal pools included an extensive project alternative analyses and requires the implementation of design measures to minimize impacts to the maximum extent practicable. In addition, the USFWS indicates in the BO that the project supports recovery of the species through the net increase in the acreage and quality of the vernal pools and would not likely result in jeopardy to the species continued existence (see pages 49 and 50 of the BO contained in Appendix S).
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G-6 Comment noted. The City adopted its Climate Action Plan (CAP) in December 2015 and the CAP Consistency Checklist in July 2016, during the Candlelight DEIR public review period. The CAP is a plan for the reduction of GHG emissions in accordance with CEOA Guidelines Section 15183.5. Pursuant to CEOA Guidelines Sections 15064(h)(3), 15130(d), and 15183(b), a project's incremental contribution to a cumulative GHG emissions effect may be determined not to be cumulatively considerable if it complies with the requirements of the CAP. The Checklist is part of the CAP and contains measures that are required to be implemented on a project-by-project basis to ensure that the specified emissions targets identified in the CAP are achieved. Implementation of these measures would ensure that new development is consistent with the CAP's assumptions for relevant CAP strategies toward achieving the identified GHG reduction targets. Projects that are consistent with the CAP as determined through the use of the Checklist may rely on the CAP for the cumulative impacts analysis of GHG emissions. Subsequent, to the public review period City staff required the Applicant to prepare a CAP Consistency Checklist for the project. The CAP Consistency Checklist is appended to the Final EIR (Appendix Z).

> As shown in the checklist evaluation, the project is consistent with adopted community plan designation and implementing zone. The project would also implement all GHG reduction strategies required for residential projects. Therefore, the cumulatively significant and unmitigable impacts to GHG previously identified in the Draft EIR would no longer be considered cumulatively considerable; project impacts would be less than significant based on the project's consistency with the CAP (a qualified plan as defined by Section 15183.5 of the State CEQA Guidelines) and the assumptions contained in the CAP EIR (SCH No. 2015021053), which is incorporated by reference. Therefore, the project would not generate GHG emissions that would have a significant impact on the environment and would not conflict with any applicable plan, policy or regulation adopted for the purpose of reducing emissions of GHG. This information has been added to Section 4.14 of the Final EIR.

How much energy will the project consume? How much GHGs will be emitted and G-7 Comment noted. Please refer to Response G-6 regarding the fact why aren't solar roofs installed with sufficient potential to offset 100 percent of that the project's impacts would not be cumulatively electric demand? How do the GHG total emissions relate to state GHG reduction G-6 considerable, and, thus, less than significant. Besides the GHG targets? cont. reduction strategies outlined in the CAP Consistency Checklist, no All GHG impacts, water supply and biological impacts should be disclosed and additional reduction measures are required of the project. With avoided or adequately mitigated. respect to zero net energy, the California Public Utilities Commission Strategic Plan and 2007 Integrated Energy Policy Significant Cumulative Adverse Climate Change Impacts Report adopted zero net energy goals for new construction in California that will be enforced through future iterations of the The project would conflict with state regulations, plans and policies adopted to reduce GHG emissions. The project's GHG emissions are cumulatively significant Cal Green Building Code. Therefore, the City can rely on state adverse impacts to climate change. The project misses feasible opportunities to legislation to implement this goal, and therefore, a City-specific avoid and mitigate significant cumulative climate impacts. requirement was not specifically included within the CAP. G-7 The project should be designed with the goal of making the project net zero energy. G-8 Comment noted. With respect to how State reduction targets Water is approximately 90% imported with high-energy costs/GHG impacts. directed the CAP projections, pursuant to AB 32, the California Demand has exceeded local supply to the point that desalination is being utilized Air Resources Board (CARB) adopted the Climate Change with even higher intensity energy costs/GHG impacts than the imported supplies. Scoping Plan with a recommendation for local governments to The project is a typical BAU auto-dependent subdivision. adopt a goal for municipal operations and community-wide emission reduction by approximately 15 percent from current California has recently established new more aggressive requirements for reducing GHGs (SB 350 and Executive Order B-30-15). CEQA requires this significant new levels by 2020. In accordance with this recommendation, the information to be disclosed and incorporated appropriately into the project. City's CAP includes a municipal operations and community-wide GHG emissions baseline calculation from 2010 and sets a target EO B-30-15 was issued April 29, 2015. The MND has not considered the impacts of to achieve a 15 percent reduction from the baseline by 2020. In that order on the project design. Nor has it considered the requirements of SB 350. its 2014 update to the Climate Change Scoping Plan, CARB "SB 350 codifies goals Governor Brown laid out in his January 2015 inaugural recommended local governments chart a reduction trajectory address to double the rate of energy efficiency savings in California buildings and G-8 that is consistent with, or exceeds, the trajectory created by generate half of the state's electricity from renewable resources by 2030" consistent statewide goals, such as the GHG reduction target set in with EO B-30-15.2 Executive Order S-3- 05. To remain consistent in its GHG SB 375 requires local and regional planning agencies to be responsible for reduction calculation approach, the City calculated its 2050 GHG developing a "sustainable communities strategy". SANDAG's Regional emission reductions at 80 percent below the 2010 baseline and Transportation Plan has been ruled to be deficient by the court. Regardless, there is set a 2035 target based upon the trajectory for meeting the not any apparent attempt to design the project with measures that consider SB 375 City's 2050 reductions. Therefore, the 2035 target should be (and now SB 350 and EO B-30-15) requirements. Project "access" to infrequent considered an "interim" target towards achieving the City's 2050 emission reductions target. As part of the CAP implementation strategy, the City intends to monitor the effectiveness of CAP <sup>2</sup> "Governor Brown Signs Landmark Climate Legislation," Office of Governor actions at reducing GHG emissions. This will enable the City to Edmund G. Brown, 10-7-2015. https://www.gov.ca.gov/news.php?id=19153 4 make adjustments to the CAP, including implementing new, 9222 Lake Canyon Road. Santee, CA 92071 Tel/Fax (619) 258-7929 SaveFanita@cox.net LD.#980429 more aggressive strategies to achieve the City's GHG reduction Preserve Wild Santee targets beyond 2020, if needed.

public transportation is not compelling. The project is yet another auto-dependent subdivision without mitigating its significant adverse impacts.

# Addressing Climate Change is Urgent and Must be Considered at the Level of Individual Projects

The project emits GHGs directly and encourages the continued burning of fossil fuels indirectly that moves us collectively toward an inhabitable planet. Action to address climate change becomes ever more urgent with each passing day.<sup>3</sup> Even meeting state mandates is not enough to avoid severe climatic impacts, which is why individual projects should be designed to be GHG neutral.<sup>4</sup> Every avoidable emission increases the severity of the problem as we accelerate toward tipping points where the damage becomes increasingly severe, irreversible and uncontrollable.<sup>5</sup>

In recent decades civilization has placed its foot to the floor of a sluggish climate accelerator. Now that strong collective adverse action is kicking in, but we are

G-8 cont. <sup>3</sup> "Humanity today, collectively, must face the uncomfortable fact that industrial civilization itself has become the principal driver of global climate. If we stay our present course, using fossil fuels to feed a growing appetite for energy-intensive life styles, we will soon leave the climate of the Holocene, the world of prior human history. The eventual response to doubling pre-industrial atmospheric CO2 likely would be a nearly ice-free planet, preceded by a period of chaotic change with continually changing shorelines. Humanity's task of moderating human-caused global climate change is urgent ... Continued growth of greenhouse gas emissions, for just another decade, practically eliminates the possibility of near-term return of atmospheric composition beneath the tipping level for catastrophic effects...The stakes, for all life on the planet, surpass those of any previous crisis. The greatest danger is continued ignorance and denial, which could make tragic consequences unavoidable." Hansen, James et al. "Target Atmospheric C02: Where Should Humanity Aim?" NASA/Goddard Institute for Space Studies, 2008 <sup>4</sup> Hansen, James et al. "Target Atmospheric C02: Where Should Humanity Aim?" NASA/Goddard Institute for Space Studies, 2008. http://climate.nasa.gov/vital-signs/carbon-dioxide/ http://climate.nasa.gov/evidence/ <sup>5</sup> "Effects that scientists had predicted in the past would result from global climate change are now occurring: loss of sea ice, accelerated sea level rise and longer, more intense heat waves" (NASA Global Climate Change Vital Signs of the Planet). "...the net damage costs of climate change are likely to be significant and to increase over time."- Intergovernmental Panel on Climate Change

http://climate.nasa.gov/effects/

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applying little more than a parking brake as government policy appears blinded to the cliff of unalterable climate forcing in the pipeline.<sup>6</sup>

"Many aspects of climate change and associated impacts will continue for centuries, even if anthropogenic emissions of greenhouse gases are stopped. The risks of abrupt or irreversible changes increase as the magnitude of the warming increases."<sup>7</sup>

The National Oceanic and Atmospheric Administration (NOAA) and National Aeronautics and Space Administration (NASA) confirmed that 2014 was the hottest year ever recorded. (NASA 2015.) 2015 is on pace to shatter the record set in 2014. In the National Climate Assessment released by the U.S. Global Change Research Program, experts make clear that "reduc[ing] the risks of some of the worst impacts of climate change" will require "aggressive and sustained greenhouse gas emission reductions" over the course of this century. (Melillo 2014.) Indeed, humanity is rapidly consuming the remaining "carbon budget" necessary to preserve a likely chance of holding the average global temperature increase to only 2°C above preindustrial levels. According to the IPCC, when non-CO<sub>2</sub> forcings are taken into account, total cumulative future anthropogenic emissions of CO<sub>2</sub> must remain below about 1,000 gigatonnes (Gt) to achieve this goal.<sup>8</sup> Some leading scientists—

G-8 cont.

<sup>6</sup> "Earth's response to climate forcings is slowed by the inertia of the global ocean and the great ice sheets on Greenland and Antarctica, which require centuries, millennia or longer to approach their full response to a climate forcing. This long response time makes the task of avoiding dangerous human alteration of climate particularly difficult, because the human-made climate forcing is being imposed rapidly, with most of the current forcing having been added in just the past several decades. Thus, observed climate changes are only a partial response to the current climate forcing, with further response still 'in the pipeline'."

Hansen, James et al. "Climate sensitivity, sea level and atmospheric carbon dioxide", The Earth Institute, Columbia University, NASA Goddard Institute for Space Studies, 2013, p. 2.

<sup>7</sup> Intergovernmental Panel on Climate Change , "Climate Change 2014 Synthesis Report Summary for Policymakers," page 16.

<sup>8</sup> IPCC 2013 ("Limiting the warming caused by anthropogenic CO<sub>2</sub> emissions alone with a probability of >33%, >50%, and >66% to less than 2°C since the period 1861–1880, will require cumulative CO<sub>2</sub> emissions from all anthropogenic sources to stay between 0 and about 1570 GtC (5760 GtCO<sub>2</sub>), 0 and about 1210 GtC (4440 GtCO<sub>2</sub>), and 0 and about 1000 GtC (3670 GtCO<sub>2</sub>) since that period, respectively. These upper amounts are reduced to about 900 GtC (3300 GtCO<sub>2</sub>), 820 GtC (3010 GtCO<sub>2</sub>), and 790 GtC (2900 GtCO<sub>2</sub>), respectively, when accounting for non-CO<sub>2</sub> forcings as in RCP2.6. An amount of 515 [445 to 585] GtC (1890 [1630 to 2150]

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characterizing the effects of even a 2°C increase in average global temperature as "disastrous"—have prescribed a far more stringent carbon budget for coming decades. (Hansen 2013.) Climate change will affect California's climate, resulting in such impacts as increased temperatures and wildfires, and a reduction in snowpack and precipitation levels and water availability.

California has a mandate under AB 32 to reach 1990 levels of greenhouse gas emissions ("GHG") by the year 2020, equivalent to approximately a 15 percent reduction from a business-as-usual projection. Health & Saf. Code § 38550. The state must also reduce emission levels to 80 percent below 1990 levels by 2050. (Executive Order S-3-05 (2005).) In enacting SB 375, the state has also recognized the critical role that land use planning plays in achieving greenhouse gas emission reductions in California.<sup>9</sup>

In 2015, Governor Brown issued Executive Order B-30-15 requiring greenhouse gas emissions to be 40% <u>below</u> 1990 levels by 2030.<sup>10</sup> The most recent legislative session passed SB 350, which requires widespread electrification of the transportation sector, half of all power generated to be from renewable sources, and a doubling of energy efficiency in buildings.

The state Legislature has found that failure to achieve greenhouse gas reduction would be "detrimental" to the state's economy. Health & Saf. Code § 38501(b). In his 2015 Inaugural Address, Governor Brown reiterated his commitment to reduce greenhouse gas emissions with three new goals for the next fifteen years:

- · Increase electricity derived from renewable sources to 50 percent;
- Reduce today's petroleum use in cars and trucks by 50 percent;

• Double the efficiency of existing buildings and make heating fuels cleaner. (Brown 2015 Address.)

Although some sources of GHG emissions may seem insignificant, climate change is a problem with cumulative impacts and effects. *Ctr. for Biological Diversity v. Nat'l Highway Traffic Safety Admin.*, (9th Cir. 2008) 538 F.3d 1172, 1217 ("the impact of greenhouse gas emissions on climate change is precisely the kind of cumulative

GtCO<sub>2</sub>), was already emitted by 2011."). *See also* UNEP 2013 (describing emissions "pathways" consistent with meeting 2°C and 1.5°C targets).

<sup>9</sup> See http://www.arb.ca.gov/cc/sb375/sb375.htm.

G-8

cont.

<sup>10</sup> Marin County has demonstrated the feasibility of state GHG reduction targets. Marin achieved a 15% below 1990 levels by 2012 – eight years ahead of schedule and set a new aggressive target of 30% below 1990 levels by 2020. http://www.marincounty.org/main/county-press-releases/pressreleases/2015/cda-climateaction-111015

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G-9 cont.

G-10

1

Ensure that the Project is fully served by full recycling and composting	
<ul> <li>services;</li> <li>Ensure that the Project's wastewater and solid waste will be treated in facilities where greenhouse gas emissions are minimized and captured.</li> <li>Installing the maximum possible photovoltaic array on the building roofs and/or on the project site to generate all of the electricity required by the Project, and utilizing wind energy to the extent necessary and feasible;</li> <li>Installing solar water heating systems to generate all of the Project's hot water requirements;</li> </ul>	
<ul> <li>Installing solar or wind powered electric vehicle and plug-in hybrid vehicle charging stations to reduce emissions from vehicle trips.</li> </ul>	
Mitigation measures related to Project construction could include:	
<ul> <li>Utilize recycled, low-carbon, and otherwise climate-friendly building materials such as salvaged and recycled-content materials for building, hard surfaces, and non-plant landscaping materials;</li> </ul>	
<ul> <li>Minimize, reuse, and recycle construction-related waste;</li> <li>Minimize grading, earth-moving, and other energy-intensive construction wasticed.</li> </ul>	
<ul> <li>Landscape to preserve natural vegetation and maintain watershed integrity;</li> </ul>	
<ul> <li>Itilize alternative fuels in construction equipment and require construction</li> </ul>	
equipment to utilize the best available technology to reduce emissions.	
"Emissions Gap" and Importance of a Net Zero Energy Project	C 10
Every GHG emission is now a cumulatively significant impact to climate. Certainly	G-10
this project's emissions are significant. One reason is because of the large	
"Emissions Gap" between the projected results of current GHG reduction pledges	
and policies <sup>13</sup> versus the reductions required to hold the increase in average global	
temperature to 2 degrees Celsius above pre-industrial levels. (Even a 2ºC increase may have catastrophic impacts). <sup>14</sup>	
<sup>13</sup> International GHG reduction commitments are termed Intended Nationally Determined Contributions (INDC). These are largely unsecured pledges that may or may not be enacted to reduce GHG emissions.	
http://cait.wri.org/indc/	
<sup>14</sup> "Temperature increases beyond 1.0°C may elicit rapid, unpredictable, and non-	
Inear responses that could lead to extensive ecosystem damage" Stockholm	
http://www.carbonbrief.org/two-degrees-the-history-of-climate-changes-speed- limit	
9	
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	-

G-10 Comment noted. The project's GHG emissions would not be considered cumulatively considerable as demonstrated in the CAP Consistency Checklist which shows that the project would be consistent with the assumptions in the City's CAP. Please refer to responses to comment numbers G-6 through G-8.

CANDLELIGHT FINAL ENVIRONMENTAL IMPACT REPORT

G-10 cont.

The severity of the gap is illustrated in Figure ES1: Historical greenhouse (GHG) emissions and projections until 2050 and Figure ES2: The Emission Gap (next pa	ıge).
The current emission trend is illustrated in shaded gray, which corresponds to calamitous temperature increases. The shaded blue represents the substantial G reductions required to meet less severe temperature increases.	нс
The upward Current Policy Trajectory line appears in yellow/gold in Figure ES2: The Emission Gap (next 2 pages).	
The gap is sufficiently wide that the Department of Defense is preparing a "Clima Change Adaptation Roadmap". The foreword to the plan states:	ite
<ul> <li>"Rising global temperatures, changing precipitation patterns, climbing sea levels, and more extreme weather events will intensify the challenges of global instability, hunger, poverty, and conflict. They will likely lead to food and water shortages, pandemic disease, disputes over refugees and resources, and destruction by natural disaster in regions across the globe. In our defense strategy, we refer to climate change as a 'threat multiplier' because it has the potential to exacerbate many of the challenges we are dealing with today – from infectious disease to terrorismClimate change is a global problem. Its impacts do not respect national borders. No nation can deal with it alone. We must work together</li> <li>Secretary of Defense Chuck Hagel, Department of Defense 2014 Climate Change Adaptation Roadmap</li> </ul>	
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CANDLELIGHT FINAL ENVIRONMENTAL IMPACT REPORT

G-10 cont.

Van

Van K. Collinsworth Geographer / Director, Preserve Wild Santee Conservation Coordinator / California Chaparral Institute

- Bure

John Buse Senior Counsel, Center for Biological Diversity

Thank you for considering our comments.

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# CANDLELIGHT

# TM/PDP/SDP

# FINAL ENVIRONMENTAL IMPACT REPORT

Draft May 2016 Finalized April 2018

SCH NO. 2013101036 PROJECT NO. 319435

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- A. Notice of Preparation (NOP), Oct, 2013, Initial Study, and NOP Comment Letters (Bound with EIR)
- B. Air Quality Assessment, ISE, Inc, May, 2006
- C. Biological Technical Report, Alden Environmental, June, 2013
- D. Geotechnical Investigation/Update, April, 2013
- E. Cortese List Search, Alden Environmental, Inc, July, 2012
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- G. Paleontological Resources Report, Brian F. Smith and Associates, March, 2012
- H. Drainage Study for Candlelight, Schwerin & Associates, August, 2013
- I. <u>Storm</u> Water Quality <del>Technical Report/Drainage Study</del><u>Management Plan</u>, <del>Schwerin &</del> Associates<u>SB&</u>), Inc., August, 2013December 2017
- J. Sewer Study Update, Schwerin & Assoc., Aug, 2013 & Sewer Study, PBS&J
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- L. Traffic Impact Analysis, Kimley, Horn & Assoc., June, 2013
- M. Will-Serve Letter, San Diego Water Department, August 2005
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- P. On-Site Vernal Pool Restoration Plan, Alden Environmental, July, 2013
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- S. United States Fish and Wildlife Service Biological Opinion, June, 2010
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- U. Waste Management Report, Alden Environmental, April, 2013
- V. Sensitivity Analysis for Transportation Unmitigated Impacts, Kimley Horn & Assoc, June 25, 2015
- W. Quino Checkerspot Survey, Alden Environmental, May 4, 2012
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- Y. Burrowing Owl Survey, Alden Environmental, May, 2012

#### ACRONYMS AND ABBREVIATIONS

°C	degrees Celsius
°F	degrees Fahrenheit
µg/m3	Micrograms per cubic meter
AB	Assembly Bill
ас	acre
ADA	Americans with Disabilities Act
ADD	Assistant Deputy Director
ADRP	Archaeological Data Recovery Program
ADT	Average Daily Trips
AEOZ	Airport Environs Overlay Zone
AF	acre-feet
AFY	acre-feet per year
AIA	Airport Influence Area
ALUC Plan/ALCUP	Airport Land Use Compatibility Plan
AME	Archaeological Monitoring Exhibit
AMSL	above mean sea level
ANLA	American Nursery and Landscape Association
APCA	Airspace Protection Compatibility Area
APCD	Air Pollution Control District
APE	Area of Potential Impact (Paleontology)
ARB	Air Resources Board
Basin Plan	Water Quality Control Plan for the San Diego Basin
BAT	best available technology
BAU	business-as-usual
BCME	Biological Construction Monitoring Exhibit
ВСТ	best conventional pollutant control technology
BI	Building Inspector
BIOL	Biological Habitats of Special Significance
BMP(s)	Best Management Practice(s)
BTS	Bureau of Transportation Statistics
C&D	construction and demolition
CAA	Federal Clean Air Act
CAAQS	California Ambient Air Quality Standards
CAC	California Administrative Code

CAD	Computer Aided Drawing
CADNA	Computer Aided Noise Abatement
CAFE	Federal Corporate Average Fuel Economy standard
CalEEMod	California Emission Estimator Model
CalEPA	California Environmental Protection Agency
Caltrans	California Department of Transportation
CAP	Climate Action Plan
CAPCOA	California Air Pollution Control Officers' Association
CBC	California Building Code
CBSC	California Buildings Standards Commission
ССАР	California Climate Action Plan
CCAR	General Reporting Protocol
CCR	California Code of Regulations
CDFW	California Department of Fish and Wildlife
CFD	Community Facilities District
CEC	California Energy Commission
CEFS	California Emission Forecasting System
CEIDARS	California Emission Inventory Development and Reporting System
CEQA	California Environmental Quality Act
cf	cubic feet
CFC	chlorofluorocarbons
CFS/cfs	cubic feet per second
CGS	California Geologic Survey
CH4	methane
CIP	capital improvement project
City	City of San Diego
CIWMB	California Integrated Waste Management Board
CLUP	Comprehensive Land Use Plan
СМ	Construction Manager
CMP	Congestion Management Plan
CNEL	Community Noise Equivalent Level
CNPS	California Native Plant Society
СО	carbon monoxide
CO <sup>2</sup>	carbon dioxide
CO2e	CO2 equivalent

COD	chemical oxygen demand
СРА	Community Plan Amendment
CPFS	criteria pollutant forecast system
CPTED	Crime Prevention through Environmental Design
CPUC	California Public Utilities Commission
CSMP	Construction Site Monitoring Program
CSVR	Consultant Site Visit Record
CWA	Clean Water Act
су	cubic yards
dB	decibel
dB(A)	A-weighted decibel
DEH	County Department of Environmental Health
DIF	Development Impact Fee
DPM	diesel particulate matter
DSD	City of San Diego Development Services Department
DTSC	Department of Toxic Substances Control
DUA's	DWELLING UNITS PER ACRE
DU's	DWELLING UNITS
DWR	Department of Water Resources
EAS	Development Services Department Environmental Analysis Section
EB	eastbound
EDU	equivalent dwelling unit
EIR	Environmental Impact Report
EMS	Emergency Medical Services
Energy Code	California Energy Code
EO	Executive Order
EPA	Environmental Protection Agency
EPA Cal-OSHA	California Division of Occupational Safety and Health
EPIC	Energy Policy Initiative Center
ESA	Environmental Site Assessment
ESD	Environmental Services Department
ESL	Environmentally Sensitive Lands
FAA	Federal Aviation Administration
FAR	Floor area ratio/Federal Aviation Regulations
FBA	Facilities Benefit Assessment

FEMA	Federal Emergency Management Agency
FHWA	Federal Highway Administration
g	grams
g/bhp-hr	grams of particulate matter per brake horsepower hour
g/L	grams/liter
GCC	global climate change
GCP	General Construction Permit
General Plan	City of San Diego's General Plan
GHG	greenhouse gas emissions
gpd	gallons per day
gpm	gallons per minute
gWh	gigawatt hours
GWP	Global Warming Potential
H&SC	California Health and Safety Code
H <sub>2</sub> S	hydrogen sulfide
H2S	hydrogen sulfide
HA(s)	Hydrologic Area(s)
HAPs	Hazardous Air Pollutants
HCFC	hydrochlorofluorocarbons
НСМ	Highway Capacity Manual
HFC	hydrofluorocarbon
HFE	hydrofluorinated ethers
HLVP	High-Volume, Low-Pressure
HMMD	Hazardous Materials Management Division
HOV	high occupancy vehicle
HR	House of Representatives Bill
HRG	Historical Resources Guidelines
HU	Hydrologic Unit
HUD	Federal Department of Housing and Urban Development
HVAC	heating, ventilation, and air conditioning
HVAC&R	heating, ventilation, air conditioning, and refrigerating
IAQ	indoor air quality
IBC	international building code
ICLEI	International Council on Local Environment Initiatives
IEPR	Integrated Energy Policy Report

IND	industrial service supply
IOD	Irrevocable offer to Dedicate
IPCC	United Nations Intergovernmental Panel on Climate Change
IPM	Integrated Pest Management
ISO	International Standards of Operation
JURMP	Jurisdictional Urban Runoff Management Plan
kg	kilogram
kV	kilovolt
kWh	kilowatt hour
lbs/MWh	pounds per megawatt-hour
LCFS	Low Carbon Fuel Standard
LDC	Land Development Code
LDN	Day-Night Sound Level 24-hour average
LDR	Land Development Review
LEED	Leadership in Energy and Environmental Design
Leq	equivalent continuous sound level
LID	low impact development
LOS	Level of Service
М	Measurement Location
MAR	Marine Habitat
MBTA	Migratory Bird Treaty Act
MCAS	Marine Corps Air Station
MDD	maximum day demand
MEP	maximum extent practicable
MG	million gallons
mg/m3	milligrams per cubic meter
mgd	million gallons per day
MHPA	Multiple Habitat Planning Area
MLD	Most Likely Descendent
MM	million
ММС	Mitigation Monitoring Coordination
MMRP	Mitigation Monitoring and Reporting Program
MMT	million metric tons
MMTCO2e	million metric tons equivalent CO2
Мрд	miles per gallon

mph	miles per hour
MPO	Metropolitan Planning Organization
MRZ	mineral resource zone
MSAT	Mobile Source Air Toxics
MSCP	Multiple Species Conservation Program
MT	metric tons
MUN	municipal and domestic water supply
Municipal Permit	Municipal Storm Water Permit
MW	megawatt
MWD	Metropolitan Water District of Southern California
MWh	megawatt-hour
N2 O	nitrous oxide
NAAQS	National Ambient Air Quality Standards
NAHC	Native American Heritage Commission
NB/nb	northbound
NCWRP	North City Water Reclamation Plant
NF3	nitrogen trifluoride
NLEV	national low emission vehicle
NO	nitrogen oxide
NO2	nitrogen dioxide
NOA	naturally occurring asbestos
NOC	Notice of Completion
NOI	Notice of Intent
NOP	Notice of Preparation
NOx	oxides of nitrogen
NPDES	National Pollution Discharge Elimination System
NRDC	National Resources Defense Council
NSHP	New Solar Homes Partnership
NTP	Notice to Proceed
03	ozone
OAL	Office of Administrative Law
ОМСР	Otay Mesa Community Plan
OPR	Office of Planning and Research
ORV	off road vehicles
OSHA	Occupational Safety and Health Administration

Pb	lead
PDFs	Project Design Features
PDO	Planned District Ordinance
PDP	Planned Development Permit
PDP SWQMP	Priority Development Project Storm Water Quality Management Plan
PFFP	Public Facilities Financing Plan
РН	peak hour
PI	Principal Investigator
Plan	Santee Investments Precise Plan
PM	Parcel Map
PM/p.m.	afternoon
PM10	particulates with an aerodynamic diameter less than 10 microns
PM2.5	fine particulate matter with an aerodynamic diameter less than 2.5 microns
PME	Paleontological Monitoring Exhibit
ppm	parts per million
PRC	Public Resources Code
Precon	Preconstruction
PRP	Paleontological Recovery Program
PUC	Public Utilities Commission
PUD	Public Utilities Department
PVC	polyvinyl chloride
RAQS	Regional Air Quality Strategy
RARE	Rare, Threatened, or Endangered Species
RCP	SANDAG's Regional Comprehensive Plan
RE	Resident Engineer
RES	Regional Energy Strategy
RFG	reformulated gasoline
RMPP	Risk Management and Prevention Plan
ROCs	Reactive Organic Compounds
ROGs	Reactive Organic Gases
RPS	renewable portfolio standard
RTP	Regional Transportation Plan
RWQCB	Regional Water Quality Control Board
SANDAG	San Diego Association of Governments
SB	Southbound or Senate Bill

SCE	Southern California Edison
SCH	State Clearinghouse
SCS	Sustainable Communities Strategy
SDAB	San Diego Air Basin
SDAPCD	San Diego Air Pollution Control District
SDCGHGI	San Diego County Greenhouse Gas Inventory
SDCRAA	San Diego County Regional Airport Authority
SDCWA	San Diego County Water Authority
SDFD	San Diego Fire-Rescue Department
SDG&E	San Diego Gas and Electric
SDP	Site Development Permit
SDPD	San Diego Police Department
SDREIS	San Diego Regional Energy Infrastructure Study
SDREO	San Diego Regional Energy Office
SDUHSD	San Dieguito Union High School District
sec.	second(s)
sf	square feet
SF6	sulfur hexafluoride
SFHA	Special Flood Hazard Area
SIP	State Implementation Plan
SO <sub>2</sub>	sulfur dioxide
SOx	sulfur monoxide
SPWN	Spawning, Reproduction or Early Development
SR	State Route
SRRE	Source Reduction and Recycling Element
SUSMP	Standard Urban Storm Water Mitigation Plan
SWP	State Water Project
SWPPP	Storm Water Pollution Prevention Plan
SWQMP	Storm Water Quality Management Plan
SWRCB	State Water Resources Control Board
TAC(s)	Toxic Air Contaminant(s)
Тс	time of concentration
TDS	total dissolved solids
TET	The Environmental Trust
TIA	Traffic Impact Analysis

TLV-STEL	Thresholds Limit Value - Short Term Exposure Limit
TLV-TWA	Threshold Limit Value - Time Weighted Average
ТМ	Tentative Map
TMDL	Total Maximum Daily Load
TNM	Traffic Noise Model
ТРМ	Tentative Parcel Map
TRU	transportation refrigeration storage units
TSS	total suspended solids
UBC	Uniform Building Code
UFC	Uniform Fire Code
UNFCCC	United Nations Framework Convention on Climate Change
URMP	Urban Runoff Management Program
USAI	Urban Systems Associated, Inc.
USDOT	U.S. Department of Transportation
USFWS	U.S. Fish and Wildlife Service
UST(s)	underground storage tank(s)
UWMP	Urban Water Management Plan
v/c	vehicle to capacity ratio
VCP	vitrified clay pipe
VMT	vehicle miles traveled
VOCs	volatile organic compound(s)
VTM	Vesting Tentative Map
WARM	Waste Reduction Model
WB	westbound
WILD	Wildlife Habitat
WMP	waste management plan
WQTR	Water Quality Technical Report
WSA	Water Supply Assessment
WURMP	Watershed URMP

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# **EXECUTIVE SUMMARY**

This summary provides a brief synopsis of the proposed Candlelight Development Project (project), the results of the environmental analysis, and project alternatives considered in this Environmental Impact Report (EIR). This summary does not contain the extensive background and analysis contained in the EIR. Therefore, the reader should review the entire EIR to fully understand the project and its environmental consequences.

The purpose of an EIR is to inform public agency decision makers and the general public of the potentially significant environmental effects of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project (State CEQA Guidelines Section 15121(a)).This EIR is an informational document for use by the City of San Diego (City), decision makers and members of the general public to evaluate the environmental effects of the proposed project. This document complies with all criteria, standards and procedures of CEQA and the State CEQA Guidelines (California Administrative Code 15000 et. seq.) and the City's Environmental Review Process Bulletin 401 (City 2007). The City of San Diego is the Lead Agency for the proposed project evaluated in this EIR. This document has been prepared as a Project EIR pursuant to Section 15161 of the State CEQA Guidelines. This document represents the independent judgment of the City as Lead Agency (State CEQA Guidelines Section 15050).

A Notice of Preparation (NOP) was prepared for the project by the City pursuant to CEQA Guidelines §15082 et seq., and this NOP was distributed to the State Clearinghouse, Responsible and Trustee Agencies, and interested members of the public on October 10, 2013. The City's environmental review of the project determined that the proposed project has the potential for significant environmental impacts, and a Project EIR, as defined by CEQA Guidelines §15161 et seq., would be required.

#### **ES-1 INTRODUCTION**

The Candlelight project site consists of 44.19 undeveloped acres located in the southern portion of the City in the Otay Mesa Community Planning Area. The project is located along Caliente Avenue (south of its intersection of Airway Road), south of Otay Mesa Road and the newly constructed State Route 905 and, southwest of Brown Field Municipal Airport.

The City has reviewed this project and determined that an Environmental Impact Report (EIR) is required due to potentially significant environmental impacts that have been identified as part of the scoping process. Therefore, this EIR is the site-specific Project-level EIR as defined in State CEQA Guidelines Section 15161 et seq. that would allow the development of the Candlelight project site with the intended uses described in more detail below.

The discretionary actions required in order to implement the proposed project include: Tentative Map (TM), Site Development Permit (SDP), and Planned Development Permit (PDP). Various state and federal permits are also required and the applicant is in the process of securing the following permits, a Streambed Alteration Agreement under the California Department of Fish & Wildlife (CDFW) Section 1600; a Section 404 Permit from the Army Corps of Engineers (Corps) for impacts to "Waters of the U.S.;" and a California Regional Water Quality Control Board Section 401 certification. The Corps has

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conducted a Section 7 Consultation with the United States Fish and Wildlife Service (USFWS) for impacts to endangered species, including listed species that could be affected by the project (i.e., Riverside Fairy Shrimp and San Diego Fairy shrimp). Additionally, the project obtained a Biological Opinion (BO) from the USFWS in June of 2010 (see Appendix S of this EIR). Since a USFWS Biological Opinion was issued it is part of the consultation and it is described more fully in the *Biological Resources* analysis contained in Section 4.2.

Based upon the Preliminary Review, project review, and response to the Scoping Letter, it was determined that the project has the potential to result in potentially significant impacts for the following issue areas, which are addressed in detail in this EIR: Land Use; Biological Resources; Transportation/ Circulation; Historical Resources; Paleontological Resources; Noise; Public Utilities; Air Quality and Odor; Geology/Soils; Hydrology; Water Quality; Energy Conservation; Visual Quality and Neighborhood Character; and Greenhouse Gas Emissions. Other topics are addressed in the Effects Found Not to be Significant section of the EIR.

#### **ES-2 PROJECT DESCRIPTION**

The area of the proposed Candlelight project is 44.19 acres, with 23.74 proposed for residential development. The proposed project is in the Otay Mesa community of San Diego, and is south of Airway Road and State Route 905 (SR-905). The project proposes to develop a multi-family residential development, two open space preserves, and public road improvements. The project requires approval of a Planned Development Permit (PDP), Site Development Permit (SDP), and Tentative Map (TM) to create three distinct neighborhoods comprised of multi-family housing units, recreation areas, and open spaces/preserves. Existing zoning for this property is RM-2-5 and RM-1-1, and the land use designation for the property is Residential – Medium Density which allows a density of 15 to 29 residential dwelling units per acre (du/ac).

The PDP includes a set of Development Guidelines which outline conceptual architectural, building, and landscape design for project implementation. The Design Guidelines also contain specific requirements regarding fence and wall treatment adjacent to the open space preserves in addition to the trail and trailhead locations. These Development Guidelines are contained in Appendix T to this EIR.

Table ES\_1, *Candlelight Project Development Summary*, provides an overview of the land uses proposed by the project within the aforementioned land use and zoning guidelines. Pursuant to the guidelines, the density for each Lot must be within the 15 to 29du/ac range within each of the individual lots. The overall density of the project (three lots combined) is a maximum 475 units (or an average of 20 du/ac).

As previously noted, the project proposes two open space preserves (Lots 4 and 5) totaling 17.95 acres, an access trail, and trailhead and trail improvements. In addition, Caliente Avenue is proposed to be extended through the project ending at a new Public Street (Public Street "A"), running east and west at the southern edge of the project. Within Caliente Avenue, public sewer and water facilities are proposed, along with private sewer facilities within Public Street "A". Public Street "A" will be constructed at the southern end of Caliente Avenue as a two-lane local collector. The project will construct half width plus 10 feet of roadway, totaling 28 feet of roadway. This will have a full parkway on the north side within the existing right of way. Public Street "A" will provide access to the project. An Irrevocable Offer to Dedicate (IOD) 30' of land west of the western cul-de-sac is being provided for a

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potential future road extension of Public Street "A". The new intersection of Caliente Avenue and Public Street "A" will be configured as an all-way stop controlled intersection (prior to the future extension of Caliente Avenue to the south).

Lot Number	Lot Number Proposed Land Use		Total Possible Units	Residential Density (du/ac)
<b>RESIDENTIAL LAND USES</b>				
Lot 1	Multi-Family Residential	7.72	212	27.2 du/ac
Lot 2	Multi-Family Residential	7.15	130	18.2 du/ac
Lot 3	Multi-Family Residential	8.87	133	15.0 du/ac
	Residential Subtotal:	23.74	475	20.008 du/ac $^{\dagger}$
Non-Residential Land Uses				
Lot 4	Open Space	15.85		
Lot 5	Open Space	2.10		
	Public Roads	2.50		
	Non-Residential Subtotal:	20.45		
	TOTAL:	44.19	475	N/A

Table ES\_1 CANDLELIGHT PROJECT DEVELOPMENT SUMMARY

t-on average, not to exceed 475 dwelling units for all three lots

#### **ES-3 AREAS OF KNOWN CONCERN**

A Notice of Preparation (NOP), dated October 10, 2013, was prepared and distributed to all Responsible and Trustee Agencies, as well as other agencies and members of the public who may have an interest in the project. The purpose of the NOP is to identify and determine the full range and scope of environmental issues of concern so that these issues could be fully examined in this EIR. Written comments received by the City during the NOP process are addressed in this EIR. Letters were received from the following public agencies: California Department of Fish and Wildlife (CDFW), California Department of Transportation (Caltrans), Native American Heritage Commission (NAHC), San Diego Archaeological Society (SDAS), and Viejas Tribal Government. Copies of the NOP and NOP Comment Letters are provided in the Technical Appendices to this EIR under Appendix A. Issues raised during the NOP comment period are summarized below in Table ES\_2, *Areas of Concern and Issues to be Resolved*.

#### Table ES\_2 AREAS OF CONCERN AND ISSUES TO BE RESOLVED

a.	<ul> <li>CDFW commented on the potential for impacts to wildlife resources, including: 1) past unauthorized activity on site; 2) adequate identification of biological resources, 3) project avoidance and minimization of impacts to MSCP covered and/or narrow endemic species, 4) potential impacts to MSCP covered species for which the City does not have take authorization, 5) potential impacts to sensitive species not covered by MSCP, 6) potential impacts to vernal pools and potentially restorable vernal pools, and 7) potential impacts to the MHPA.</li> </ul>
b.	Caltrans expressed concerns over the cumulative potential impacts to existing and proposed State roadway facilities, including SR-905 and the associated on-ramp.
c.	NAHC commented about the need to proper <u>ly</u> evaluat <u>eion of</u> resources, the need to contact tribal entities to get their input and the adequacy of measures proposed to address potential project impacts to archaeological resources.
d.	SDAS indicated that the EIR should address project impacts to historical resources.
e.	Viejas Tribe indicated their concern for project impacts to historical resources.

Each of the concerns identified above in Table ES\_2 has been addressed in relevant portions of this EIR, and, where necessary and appropriate, mitigation measures are provided to ensure that significant impacts would not occur.

#### **ES-4 ENVIRONMENTAL SETTING**

The proposed project site is located along both sides of proposed Caliente Avenue, south of the existing intersection with Airway Road. San Ysidro High School is located along the northwestern boundary of the site, while the northeastern, eastern, southern, and western boundaries all abut undeveloped lands. The northeastern boundary abuts an approved multifamily residential project called Vista Del Sur, which is anticipated to be constructed prior to the Candlelight Project implementation. The site is generally bordered by non-native vegetation to the south, east and west comprised primarily of annual grasslands.

The area surrounding the project site is known for its flat topography intersected by finger canyons that lead to the Otay River Valley to the north or the Tijuana River Valley to the south. The canyon areas west and east of the project site are in the City's Multi-Habitat Planning Area (MHPA). Brown Field, a Municipal Airport owned and operated by the City, lies to the northeast of the project site across Otay Mesa Road, with runways used for commercial aviation purposes. Additionally, the International Border with Mexico is located approximately 1.25 miles south of the proposed project site. The Tijuana International Airport within Mexico is located approximately 2 miles southeast of the project site.

Plans, policies and regulations that pertain to land use and transportation planning for the proposed project are contained in: the City's General Plan, the 2014 Otay Mesa Community Plan (OMCP), the 1993 Santee Investments Otay Mesa Precise Plan (Precise Plan), the City Multiple Species Conservation Program (MSCP) Subarea Plan, the City Land Development Code (LDC), and the Brown Field Airport Land Use Compatibility Plan (ALUCP).

These plans and regulations address a variety of land use issues, including development of a mix of land uses at appropriate densities in accordance with existing community character, conservation of

sensitive habitats, provision of open space and public improvements, and protection against incompatible land uses.

#### **ES-5 ENVIRONMENTAL ANALYSIS**

The EIR contains an environmental analysis of the potential impacts associated with implementation of the proposed project. The issues that are addressed in detail in the EIR include Land Use, Biological Resources, Transportation/Circulation, Historical Resources, Paleontological Resources, Noise, Public Utilities, Air Quality and Odor, Geology/Soils, Hydrology, Water Quality, Energy Conservation, Visual Quality and Neighborhood Character, and Greenhouse Gas Emissions. Of these issues, the analysis contained in this EIR concluded that the project could result in potentially significant, direct and/or cumulative impacts with respect to: Land Use (MSCP), Biological Resources, Transportation/ Circulation, Historical Resources, Paleontological Resources, and Noise. The analysis concluded that the project would not have significant impacts related to: Public Utilities, Air Quality, Geology/Soils, Hydrology, Water Quality, Energy Conservation, and-Visual Quality and Neighborhood Character, and Greenhouse Gas Emissions. See Table ES\_3, *Summary of Project Impacts*, for more information.

Three cumulative impacts to Transportation/Circulation would remain significant and unavoidable even after mitigation measures are implemented, as would the projects' contribution to cumulative-GHG emissions impacts.

Table ES\_3 summarizes the proposed project's potentially significant direct and cumulative environmental impacts and proposed mitigation measures by issue, as analyzed in Sections 4.0, 5.0 of this EIR. The last column of this table indicates whether the impact would be reduced to below a level of significance after implementation of mitigation measures.

Issue Area	Impacts Not Significant	Impacts Less Than Significant with Mitigation Incorporated	Impacts Significant After Mitigation
Land Use		Х	
Biological Resources		Х	
Transportation/Circulation		Х	Yes
Historical Resources		Х	
Paleontological Resources		Х	
Noise		Х	
Public Utilities	Х		
Air Quality and Odor	Х		
Geology/Soils	Х		
Hydrology/Water Quality	Х		
Energy	Х		
Visual Effects and Neighborhood Character	Х		
Greenhouse Gas Emissions	<u>X</u>		Yes

#### Table ES\_3 SUMMARY OF PROJECT IMPACTS

Note: All direct impacts would be less than significant with mitigation incorporated; cumulatively significant and unavoidable impacts to Transportation/Circulation and Greenhouse Gas Emissions would occur.

#### **ES-6 PROJECT ALTERNATIVES**

Section 7.0, *Alternatives to the Proposed Project*, includes an analysis of the following alternatives proposed to reduce project impacts: The No Project/No Development alternative would propose no development on the site, and the Reduced Project Intensity (RPI) would lower the amount of dwelling units. Each of the two alternatives is summarized in Table ES\_4, *Summary of Alternatives to the Proposed Project*, and are described below.

#### No Project/No Development

The No Development Alternative assumes that no development occurs on the proposed project site and no dwelling units would be developed. The land use would remain multi-family residential. The existing vacant land would remain without development. Figure 7-1, *No Development Alternative*, depicts the land uses on the proposed project site under the No Development Alternative. Implementation of the No Project/No Development would eliminate the project's impacts.

The No Project/No Development would not meet Project Objectives as described in Section 3.1, *Project Goals.* This alternative would result in the project site remaining vacant and would not implement the General Plan, Otay Mesa Community Plan, and Santee Investments Precise Plan policies. As such, it would not provide housing, protected open space and would impede timely completion of an important road connection identified in the Otay Mesa Community Plan (OMCP) Mobility Element.

#### **Reduced Project Intensity (RPI)**

The Reduced Project Intensity (RPI) Alternative would avoid the significant unmitigated traffic impacts by reducing the vehicular trips generated by the project. This would require a reduction of the total dwelling unit count to 171 units. See Appendix V, "Sensitivity Analysis for Transportation Unmitigated Impacts". 17.86 acres of open space would be provided along the eastern and western boundaries of the site. On the remaining portions of the site, within the same graded area proposed for residential development under the proposed project, a total of 171 multi-family homes would be constructed (refer to Figure 7-2, *Increased Parkland Alternative*). The reduction in residential units, caused by decreasing the development intensity from approximately 20 du/ac to a density of approximately 7 du/ac, would not meet the following project objective: "Implement the minimum density range as specified in the OMCP to contribute to the production of an adequate housing supply in the southern geographic area of the City." The minimum density set by the OMCP land use designation is 15 du/ac. All other project design features would remain the same as the proposed project.

Alternative	Dwelling	Population*	Residential	Open	On-site	Total
	Units			Space	Road-ways	
Proposed	475	1752	23.74 acres	17.95	2.50	44.19
Project				acres	A <u>a</u> cres	acres
No	N/A	N/A	N/A	N/A	N/A	44.19
Development						acres
Alternative						
Reduced	171	628	24.26 <u>acres</u>	17.86	2.07	44.19
Project				<u>acres</u>		<u>acres</u>
Intensity						

Table ES\_4 SUMMARY OF ALTERNATIVES TO THE PROPOSED PROJECT

\*Assumes 3.67 persons per household, per 2010 Census data provided by SANDAG for 2050 for the project area zip code (i.e., 92154).

A summary of the mitigation identified for the proposed project is provided below in Table ES\_5, *EIR Summary Matrix and Mitigation Monitoring and Reporting Plan (MMRP)*.

#### Table ES\_5 EIR SUMMARY MATRIX AND MITIGATION MONITORING AND REPORTING PLAN (MMRP)

Environmental Topic	Environmental Impact	Mitigation Measures	Impact after Mitigation?
4.1 Land Use (MSCP)			
Consistency with Applicable Planning Documents	The project is consistent with goals, polices and recommendations of the General Plan, Otay Mesa Community Plan (OMCP), SANDAG Regional Transportation Plan, Santee Investments Precise Plan, Otay Valley Regional Park Plan, and the Brown Field Master Plan, and the Airport Land Use Compatibility Plan for Brown Field, the Comprehensive Land Use Plan and CPIOZ overlay.	Mitigation is not required <del>.</del>	No
Consistency with the City's Land Development Code Regulations regarding Environmental Resources	The project is consistent with the requirements of the Land Development Code.	<u>Mitigation is not required</u> No mitigation is required.	No

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Environmental Topic	Environmental Impact	Mitigation Measures	Impact after Mitigation?
Land Use (MSCP)	The project would not result in any	<b>4.1-1</b> Prior to issuance of any	
	direct conflicts with or impacts to the	construction permit or notice to	
	City of San Diego MSCP Subarea Plan.	proceed, DSD/ LDR, and/or MSCP	
	Potentially significant indirect impacts	staff shall verify the Applicant has	
	would occur with project	accurately represented the	
	implementation (land use adjacency).	project's design in or on the	
	In addition, a potentially significant	Construction Documents	
	impact would occur if the project were	(CD's/CD's consist of Construction	
	to fail to implement the required	Plan Sets for Private Projects and	
	measures listed in MSCP Table 3-5 for	Contract Specifications for Public	
	the burrowing owl, coastal California	Projects) are in conformance with	
	gnatcatcher, San Diego fairy shrimp,	the associated discretionary permit	
	and/or Riverside fairy shrimp.	conditions and Exhibit "A", and also	
	Mitigation measures for direct	the City's Multi-Species	
	impacts to the burrowing owl,	Conservation Program (MSCP)	
	Riverside fairy shrimp, and San Diego	Multi-Habitat Planning Area	
	fairy shrimp are provided in EIR	(MHPA) Land Use Adjacency	
	Section 4.2.	Guidelines. The applicant shall	
		provide an implementing plan and	
		include references on/in CD's of	
		the following:	
		A. Grading/Land Development/MHPA	
		Boundaries - MHPA boundaries on-	
		site and adjacent properties shall be	
		delineated on the CDs. DSD Planning	
		and/or MSCP staff shall ensure that	

Environmental Topic	Environmental Impact	Mitigation Measures	Impact after Mitigation?
Land Use (MSCP)		all grading is included within the development footprint, specifically manufactured slopes, disturbance, and development within or adjacent to the MHPA. For projects \vi thin or adjacent to the MHPA, all	
		manufactured slopes associated with site development shall be included within the development footprint.	
		<b>B. Drainage -</b> All new and proposed parking lots and developed areas in and adjacent to the MHPA shall be designed so they do not drain directly into the MHPA. All developed and	
		of toxins, chemicals, petroleum products, exotic plant materials prior to release by incorporating the use of filtration devices, planted swales and/or planted detention/desiltation	
		basins; or other approved permanent methods that are designed to minimize negative impacts, such as excessive water and toxins into the ecosystems of the MHPA.	
Environmental Topic	Environmental Impact	Mitigation Measures	Impact after Mitigation?
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Land Use (MSCP)		C. Toxics/Project Staging Areas/Equipment Storage - Projects that use chemicals or generate by- products such as pesticides, herbicides, and animal waste, and other substances that are potentially toxic or impactive to native habitats flora/fauna (including water) shall incorporate measures to reduce impacts caused by the application and/or drainage of such materials into the MHPA. No trash, oil, parking, or other construction/development- related material/activities shall be allowed outside any approved construction limits. Where applicable, this requirement shall be incorporated into leases on publicly owned property when applications for renewal occur. Provide a note in/on the CD's that states: "All construction related activity that may have potential for leakage or intrusion shall be monitored by the Qualified Biologist/ Owners Representative or	

Environmental Topic	Environmental Impact	Mitigation Measures	Impact after Mitigation?
Land Use (MSCP)		Resident Engineer to ensure there is no impact to the MHPA."	
		<b>D. Lighting -</b> Lighting within or adjacent to the MHPA shall be directed away/shielded from the MHPA and be subject to City Outdoor Lighting Regulations per LDC Section 142.0740.	
		<b>E. Barriers</b> - New development within or adjacent to the MHPA shall be required to provide barriers (e.g. non- invasive vegetation; rock/boulders; - foot high, vinyl-coated chain link or equivalent fences/walls; and/or signage) along the MHPA boundaries to direct public access to appropriate locations, reduce domestic animal predation, protect wildlife in the preserve, and provide adequate noise reductions where needed.	
		<b>F. Invasives -</b> No invasive non-native plant species shall be introduced into areas within or adjacent to the MHPA.	

Environmental Topic	Environmental Impact	Mitigation Measures	Impact after Mitigation?
Land Use (MSCP)		G. Brush Management - New	
		development adjacent to the MHPA	
		shall be set back from the MHPA to	
		provide required Brush Management	
		Zone 1 area on the building pad	
		outside of the MHPA. The project	
		does not propose use of Zone 2	
		brush management. Brush	
		management zones will not be	
		greater in size than 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 and vegetation clearing shall be	
		prohibited within native coastal sage	
		scrub and chaparral habitats from	
		March 1-August 15 except where the	
		City ADD/MMC has documented the	
		thinning would be consistent the	
		City's MSCP Subarea Plan. Existing	
		and approved projects are subject to	
		current requirements of Municipal	
		Code Section 1420412.	
		H. Noise - Due to the site's location	
		adjacent to or within the MHPA where	

Environmental Topic	Environmental Impact	Mitigation Measures	Impact after Mitigation?
Land Use (MSCP)		the Qualified Biologist has identified	
		potential nesting habitat for listed	
		avian species, construction noise that	
		exceeds the maximum levels allowed	
		shall be avoided during the breeding	
		seasons for the following: California	
		Gnatcatcher (3/1-8/15). If construction	
		social for the species U.S. Fish and	
		Wildlife Service protocol surveys shall	
		be required in order to determine	
		species presence/absence. If protocol	
		surveys are not conducted in suitable	
		habitat during the breeding season	
		for the aforementioned listed species	
		presence shall be assumed with	
		implementation of noise attenuation	
		and biological monitoring.	
		When applicable (i.e. habitat is occupied	
		or if presence of the covered species is	
		assumed), adequate noise reduction	
		measures shall be incorporated as	
		follows:	
		COASTAL CALIFORNIA GNATCATCHER	
		(Federally Threatened).	

Environmental Topic	Environmental Impact	Mitigation Measures	Impact after Mitigation?
Land Use (MSCP)		<ol> <li>Prior to the issuance of any grading permit, (prior to the preconstruction meeting), 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:</li> <li>No clearing, grubbing, grading, or other construction activities shall occur between March 1 and August 15, the breeding season of the coastal California Gnatcatcher, until the following requirements have been met to the satisfaction of the City Manager:</li> </ol>	
		A. A qualified biologist (possessing a valid ESA Section 10(a)(1)(A) Recovery Permit) shall survey appropriate habitat (coastal	
		sage scrub) areas within the off-site MHPA that lie within 500 feet of the project footprint and would be subject to	

Environmental Topic	Environmental Impact	Mitigation Measures	Impact after Mitigation?
Land Use (MSCP)		construction noise levels exceeding 60 dB(A) hourly average for the presence of the coastal California gnatcatcher. If no appropriate habitat is present then the surveys would not be required. If appropriate habitat is present, surveys for the coastal California gnatcatcher shall be conducted pursuant to the protocol survey guidelines established by the USFWS within the breeding season prior to the commencement of any construction. If gnatcatchers are present within the MHPA, then the following conditions must be met:	
		<ol> <li>Between March 1 and August 15, no clearing, grubbing, or grading of occupied habitat shall be permitted within the MHPA. Areas restricted from such activities shall be staked or fenced under the supervision of a qualified biologist; and</li> </ol>	
		II. Between March 1 and August 15, no construction activities shall occur within any portion of the site where	

Environmental Topic	Environmental Impact	Mitigation Measures Mitigation?
Land Use (MSCP)		construction would result in noise exceeding 60 decibels hourly average at the edge of occupied habitat within the MHPA. The analysis shall be prepared by a qualified acoustician possessing a current noise engineer license or registration with monitoring noise level experience with listed animal species. The acoustician shall be approved by the City Manager or appropriate designee two week prior to the commencement of construction activities. Prior to the commencement of construction during the breeding season, areas restricted shall be staked or fenced under the supervision of a qualified biologist; or
		III. At least two weeks prior to the commencement of construction activities, noise attenuation measures, if warranted, shall be implemented under the direction of a qualified acoustician to ensure that construction noise levels would not exceed 60 dB(A) hourly average at the edge of the MHPA habitat

Environmental Topic	Environmental Impact	Mitigation Measures	Impact after Mitigation?
Land Use (MSCP)		occupied by the coastal California	
		gnatcatcher. Concurrently, noise	
		monitoring shall be conducted at the	
		edge of occupied habitat within the	
		MHPA to ensure that noise levels do not	
		exceed 60 dB(A) hourly average. If the	
		noise attenuation techniques are not	
		adequate, construction activities in the	
		attenuation can be achieved as directed	
		by the qualified acoustician or until the	
		end of the breeding season (August 16).	
		*Construction noise monitoring shall	
		continue to be monitored at least twice	
		weekly on varying days, or more	
		frequently depending on the construction	
		activity, to verity that noise levels at the	
		edge of occupied habitat are maintained	
		below 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.	

Environmental Topic	Environmental Impact	Mitigation Measures	Impact after Mitigation?
Land Use (MSCP)		Such measures may include, but are not limited to, limitations on the placement of construction equipment and the simultaneous use of equipment.	
		B. If coastal California gnatcatchers are not detected during the protocol survey, the qualified biologist shall submit substantial evidence to the City Manager and applicable resource agencies that demonstrates whether or not mitigation measures such as noise walls are necessary between March 1 and August 15 as follows:	
		<ol> <li>If this evidence indicates the potential is high for coastal California gnatcatcher to be present based on historical records or site conditions, then condition A.III above shall be adhered to as specified above.</li> </ol>	
		II. If this evidence concludes that no impact to this species is anticipated, no mitigation measures would be necessary.	

Environmental Topic	Environmental Impact	Mitigation Measures	Impact after Mitigation?
4.2 Biological Resource	es		
Biological Resources - Impacts to Candidate, Sensitive, or Special Status species	Significant direct impacts would occur to San Diego and Riverside fairy shrimp.	<b>4.2-1:</b> Impacts to listed fairy shrimp shall be mitigated at a 2:1 ratio in conjunction with the vernal pool/road pool mitigation discussed under Issue 3, in the Biological Resources section of this EIR. Restored vernal pool habitat shall support San Diego or Riverside fairy shrimp, as required in the Biological Opinion (BO) Appendix S of this EIR. Additionally, the BO requires that fairy shrimp surveys be conducted within 2 years of initiation of project construction activities.	No
Biological Resources - Indirect impacts to habitat	Significant indirect impacts would occur to vernal pool watersheds and San Diego and Riverside fairy shrimp habitat.	<ul> <li>4.2-2: The following measures are required to avoid indirect impacts to vernal pool watersheds and San Diego and Riverside fairy shrimp habitat, as found in the Biological Opinion (Appendix S of this EIR):</li> <li>a. In order to avoid direct, construction-phase impacts to avoided vernal pool watersheds, the following measures shall be incorporated into the final design plans and construction</li> </ul>	

Environmental Topic	Environmental Impact	Mitigation Measures	Impact after Mitigation?
Biological Resources - Indirect impacts to habitat		<ul> <li>contract requirements for the proposed project:</li> <li>A 50-foot buffer shall be provided between the brush management area and VP1.</li> <li>Prior to initiation of construction activities, protective fencing (e.g., silt fencing and construction fencing) shall be installed along the interface of development and VP 1 to protect the watershed, Grading adjacent to VP 1 shall be scheduled when VP 1 is dry.</li> <li>A biological monitor shall be on site during construction in this area to ensure that activities stay within approved limits.</li> </ul>	
Biological Resources - Habitat Management Plan		<b>4.2-3</b> A Habitat Management Plan (HMP) for the open space areas within the project site and adjacent Candlelight project site that incorporates short and long-term maintenance activities, protective fencing, trash removal, public awareness, erosion control,	

Environmental Topic	Environmental Impact	Mitigation Measures	Impact after Mitigation?
Biological Resources - Habitat Management Plan		<ul> <li>and exotic pest removal has been prepared (Appendix Q). The HMP will be implemented upon successful completion of the vernal pool habitat restoration effort. The following measures shall be completed, in conjunction with the HMP:</li> <li>The applicant shall identify an appropriate habitat manager (i.e., natural lands management organization subject to approval of the City and wildlife agencies) to ensure conservation of biological resources in the on-site open space areas in perpetuity.</li> <li>A Property Analysis Record (PAR) or similar analysis shall be prepared for the on-site biological open space areas and used to estimate initial start-up costs and ongoing annual cost of management activities for the HMP. A</li> </ul>	

Environmental Topic	Environmental Impact	Mitigation Measures	Impact after Mitigation?
Biological Resources - Habitat Management Plan		<ul> <li>preliminary PAR is provided in the HMP to help identify long term management costs for the preserve.</li> <li>A financial mechanism (e.g., non-wasting endowment) shall be established to ensure that funding is available and of a sufficient amount. The City reserves the right to review the financing plan to ensure that funding is sufficient to cover City involvement in monitoring the manager or assuming manager's duties in the event of default.</li> <li>The habitat manager shall be responsible for implementing the HMP.</li> </ul>	
Biological Resources - On-site Vernal Pool Restoration		<b>4.2-4</b> The On-site Vernal Pool Restoration Plan shall be initiated prior to issuance of the first grading permit. At a minimum, initiation activities must include	

Environmental Topic	Environmental Impact	Mitigation Measures	Impact after Mitigation?
Biological Resources - On-site Vernal Pool Restoration		fencing of the preserve areas, placement of signage, and initial site preparation (trash and weed removal).	
Biological Resources - Drainage	Direct and indirect impacts could occur to the MHPA due to storm water runoff.	<ul> <li>4.2-5 Prior to issuance of the first grading permit, the applicant shall show on the plans, to the satisfaction of the City Engineer, that all drainage has been either directed away from the MHPA and on-site vernal pool preserve areas, or has been filtered prior to entering MHPA/vernal pool areas through means such as a natural detention basin, grass swale(s), or mechanical trapping device(s) in compliance with the Standard Urban Storm water Management Plan and the Municipal Storm water Permit of the SWRCB and the City.</li> <li>The use of structural and non-structural Best Management Practices, Best Available Technology, and use of sediment</li> </ul>	

Environmental Topic	Environmental Impact	Mitigation Measures	Impact after Mitigation?
Biological Resources -		catchment devices downstream of	
Drainage		paving activities shall reduce	
		construction. The project design	
		shall comply with the Standard	
		Urban Storm water Management	
		Plan and Municipal Storm water	
		Permit criteria of the SWRCB and	
		City.	
		Projects that use chemicals or	
		generate by-products that are	
		potentially toxic or impactive to	
		native habitats/flora/fauna	
		(including water) shall incorporate	
		measures to reduce impacts	
		caused by the application and/or	
		MHPA No trash oil parking or	
		other construction/development-	
		related material/activities shall be	
		allowed outside any approved	
		construction limits. Provide a note	
		in/on the CD's that states: "All	
		construction related activity that may	
		have potential for leakage or	

Environmental Topic	Environmental Impact	Mitigation Measures	Impact after Mitigation?
Biological Resources -		intrusion shall be monitored by the	
Drainage		Qualified Biologist/Owners Paprosantativa or Pasidant Engineer	
		to ensure there is no impact to the	
		MHPA."	
Biological Resources -	Impacts could occur to Burrowing Owls	<b>4.2-6:</b> The following is species specific	
(BUOW)	(BUOW) with implementation of the	mitigation required to meet MSCP	
	project.	Subarea Plan Conditions of	
		Western Burrowing Owls (BLIOW)	
		and their associated habitat	
		located OUTSIDE the MHPA.	
		Please note: BUOW and	
		associated habitat impacts within	
		the MHPA MUST BE AVOIDED.	
		PRECONSTRUCTION SURVEY ELEMENT	
		Prior to Permit or Notice to Proceed	
		Issuance:	
		1. As this project has been determined to	
		be BUOW occupied or to have BUOW	
		occupation potential, the Permit Holder	
		Entitlements verifying that a Biologist	
		possessing qualifications pursuant "Staff	
		Report on Burrowing Owl Mitigation.	

Environmental Topic	Environmental Impact	Mitigation Measures	Impact after Mitigation?
Biological Resources - (BUOW)		<ul> <li>State of California Natural Resources</li> <li>Agency Department of Fish and Game.</li> <li>March 7, 2012 (hereafter referred as</li> <li>CDFG 2012, Staff Report), has been</li> <li>retained to implement a burrowing owl</li> <li>construction impact avoidance program.</li> <li>2. The qualified BUOW biologist (or their</li> <li>designated biological representative) shall</li> <li>attend the pre-construction meeting to</li> <li>inform construction personnel about the</li> <li>City's BUOW requirements and</li> <li>subsequent survey schedule.</li> </ul>	
		<b>Prior to Start of Construction:</b> 1. The 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 project site; regardless of the time of the year. "Site" means the project site and the area within a radius of 450 feet of the project site. The report shall be submitted and approved by the Wildlife Agencies and/or	

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Biological Resources - (BUOW)		City MSCP staff prior to construction or BUOW eviction(s) and shall include maps of the project site and BUOW locations on aerial photos. 2. The pre-construction survey shall follow the methods described in CDFG 2012, Staff Report -Appendix D (please note, in 2013, CDFG became California Department of Fish and Wildlife or CDFW). 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) Section. If results of the preconstruction surveys have changed and BUOW are present in areas not previously identified, immediate notification to the City and WA's shall be provided prior to ground disturbing activities.	

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Biological Resources - (BUOW)		<ul> <li>During Construction:</li> <li>1. Best Management Practices shall be employed as BUOWs are known to use open pipes, culverts, excavated holes, and other burrow-like structures at construction sites. Legally permitted active construction projects which are BUOW occupied and have followed all protocol in this mitigation section, or sites within 450 feet of occupied BUOW areas, should undertake measures to discourage BUOWs 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.</li> <li>2. On-going BUOW Detection - If BUOWs or active burrows are not</li> </ul>	
		detected during the pre-construction surveys, Section "A" below shall be followed. If BUOWs or burrows are	

Environmental Topic	Environmental Impact	Mitigation Measures	Impact after Mitigation?
Biological Resources -		detected during the pre-construction	
(BOOM)		surveys, Section "B" shall be followed.	
		A. Post Survey Follow Up if Burrowing	
		Owis and/or Signs of Active Natural or	
		Artificial Burrows Are <u>Not</u> Detected	
		Survey Monitoring the site for new	
		burrows is required using Appendix D	
		protocol for the period following the	
		initial pre-construction survey until	
		construction is scheduled to be complete	
		and is complete	
		•	
		1) If no active burrows are found but	
		BUOWs 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	
		BUOWs are observed during follow up	
		monitoring to repeatedly (4 or more	
		signtings) use the site for roosting or	
		Toraging, the City's Milligation Monitoring	
		and Coordination (MMC) Section shall be	

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Biological Resources - (BUOW)		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 BUOW 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	
		<b>Survey</b> - Monitoring the site for new burrows is required using Appendix D CDFG 2012, Staff Report for the period	
		survey, until construction is scheduled to be complete and is complete ( <i>NOTE</i> - <i>Using a projected completion date (that is</i> <i>amended if needed) will allow development</i>	

Environmental Topic	Environmental Impact	Mitigation Measures	Impact after Mitigation?
Biological Resources - (BUOW)		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 – <b>all direct</b> <b>and indirect impacts to BUOWs within</b> <b>the MHPA <u>SHALL</u> be avoided.</b>	
		2) If one or more BUOWs are using any burrows (including pipes, culverts, debris piles <i>etc.</i> ) on or within 300 feet of the proposed construction area, the City's MMC Section shall be contacted. The City's MMC Section shall contact the Wildlife Agencies regarding eviction/ collapsing burrows and enlist appropriate City biologist for on-going coordination with the Wildlife Agencies and the qualified consulting BUOW biologist. 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	

Environmental Topic	Environmental Impact	Mitigation Measures	Impact after Mitigation?
Biological Resources - (BUOW)		relation to the site's topography, and other physical and biological characteristics.	
		a) <b>Outside the Breeding Season</b> - If the BUOW is using a burrow on site outside the breeding season (i.e. September 1 – January 31), the BUOW may be evicted after the qualified BUOW biologist has determined via fiber optic camera or other appropriate device, that no eggs, young, or adults are in the burrow and written concurrence from the Wildlife Agencies for eviction is obtained prior to implementation.	
		b) <b>During Breeding Season</b> - If a BUOW is using a burrow on-site during the breeding season (Feb 1-Aug 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 BUOWs can be evicted. Eviction requires written concurrence from the Wildlife Agencies prior to implementation	

Environmental Topic	Environmental Impact	Mitigation Measures	Impact after Mitigation?
Biological Resources - (BUOW)		<ul> <li><b>3. Survey Reporting During</b></li> <li><b>Construction</b> - 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 Section 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).</li> <li><b>Post Construction:</b> <ul> <li>Details of the all surveys and actions undertaken on-site with respect to BUOWs (i.e. occupation, eviction, locations etc.) shall be reported to the City's MMC Section and the Wildlife Agencies within 21 days post-construction and prior to the release of any grading bonds. This report must include summaries off all previous reports for the site; and maps of the project site and BUOW locations on aerial photos.</li> </ul> </li> </ul>	

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Biological Resources - MHPA lighting	Indirect impacts could occur to the MHPA due to lighting	<b>4.2-7:</b> Prior to the issuance of the first grading permit, a note shall be added to the plans which states, "All lighting installed in the vicinity of the MHPA and other open space (including on-site vernal pool preserve areas) shall be directed away or shielded to prevent light overspill. Shielding may consist of installation of fixtures that physically direct light away from the outer edges of the property or by landscaping, berming, or other physical barriers that prevent light overspill. Prior to the issuance of the first building permit, the Building inspector shall ensure that project lighting shall be directed away from adjacent open space (including vernal pool preserve areas) and MHPA areas". It should be noted that no night time lighting is proposed at this time.	
Biological Resources - MHPA invasive species	Indirect impacts could occur to the MHPA due to invasive plant species	<b>4.2-8:</b> Prior to the issuance of the first grading permit, the applicant shall submit a landscape plan consistent with Exhibit "A." The plan shall include only native species adjacent to the MHPA and on-site vernal pool preserve areas, and shall	

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Biological Resources - MHPA invasive species		include view fencing surrounding the on- site MHPA and vernal pool preserve areas located at the eastern end of the site. Implementation of Mitigation Measures 4.2-5, 4.2-7, 4.2-8 and 4.2-10 would ensure that indirect impacts to MHPA areas are reduced to a level below significance.	
Biological Resources - (Jurisdictional Areas)		<b>4.2-9:</b> Prior to issuance of grading permits, the applicant shall submit documentation to the City of San Diego verifying that the necessary permits required by the Corps, CDFW, and RWQCB have been obtained.	
Biological Resources - MHPA (Sensitive Vegetation Communities)	The project would impact approximately 0.2 acre of maritime succulent scrub (Tier I) and approximately 21.2 acres of non- native grassland (Tier IIIB).	<ul> <li>4.2-10 Prior to the Permit Issuance</li> <li>A. Land Development Review (LDR) Plan Check</li> <li>1. Prior the issuance for any construction permits, including but not limited to, the first Grading Permit, Demolition</li> <li>Plans/Permits and Building Plans/Permits, whichever is applicable, the ADD</li> <li>environmental designee shall verify that</li> </ul>	

Environmental Topic	Environmental Impact	Mitigation Measures	Impact after Mitigation?
Biological Resources - MHPA (Sensitive		the following mitigation measures are completed:	
Vegetation Communities)		(Table 4.2_8 represents the required- upland habitat mitigation requirements. Note that the amounts shown are based on impacts occurring outside the MHPA, with mitigation occurring within the MHPA).	
		Direct impacts to maritime succulent scrub and non-native grassland habitats shall be mitigated as described below.	
		a. Direct impacts to 0.2 acre of maritime succulent scrub shall be mitigated within the MHPA through on-site preservation at a ratio of 1:1, resulting in a total mitigation requirement of approximately 0.2 acre of Tier I habitat. Between the Eastern and Western Preserve areas the project would preserve approximately 5.7 acre of maritime succulent scrub habitat within the MHPA. A surplus of	
		approximately 5.5 acres of preserved	

Environmental Topic	Environmental Impact	Mitigation Measures	Impact after Mitigation?
Biological Resources - MHPA (Sensitive Vegetation Communities)		<ul> <li>MSS habitat on site will be used as partial mitigation for NNG impacts. In addition, 5.2 acres of maritime succulent scrub shall be restored in the western portion of the site within the on-site vernal pool restoration complex (Helix 2008b), all of which shall be used for mitigation for impacts to non-native grassland.</li> <li>b. Direct impacts to 21.2 acres of nonnative grassland (non-MHPA) shall be mitigated through habitat preservation and restoration in the on-site Western and Eastern Preserve Areas (to be incorporated into the MHPA). Combined, the preserve areas encompass 17.3 acres of habitat, 0.2 of which would be used for maritime succulent scrub mitigation. The remaining 17.1 acres would be used to mitigate the project's impacts to nonnative grassland habitat, all of which would be considered suitable for burrowing owls as foraging and/or nesting habitat. This would result in an approximate mitigation ratio of .8:1,</li> </ul>	

Environmental Topic	Environmental Impact	Mitigation Measures	Impact after Mitigation?
Biological Resources - MHPA (Sensitive Vegetation Communities)		<ul> <li>which is higher than the City's .5:1 ratio for non-native grassland habitat impacts. In addition to this preservation, habitat restoration of vernal pool and maritime succulent scrub habitats would occur in both preserve areas. While not a mitigation measure, the restoration effort also would incorporate 6 artificial burrowing owl burrows (4 in the western preserve and 2 in the eastern preserve) to help enable this species become established on the site.</li> <li>c. Prior to the 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 applicant has recorded a conservation easement over the western and eastern preserve areas. The applicant also shall provide funding as specified in the HMP.</li> </ul>	

Environmental Topic	Environmental Impact	Mitigation Measures	Impact after Mitigation?
Transportation and Ci	rculation		
Existing Plus Project Conditions (Street Segments and Intersections)	The proposed project would result in less than significant impacts to any roadway segment or intersection.	Mitigation is not required	No
Near-Term Plus Project Conditions (Street Segments and Intersections)	The proposed project would have significant impacts at two intersections: Otay Mesa Road/Caliente Avenue, and Airway Road/Caliente Avenue. The proposed project would not significantly impact any roadway segments in the study area.	<ul> <li>4.3-1: Prior to issuance of the first building permit, the Owner/Permitee shall assure by permit and bond the modification of the traffic signal at the intersection of Caliente Avenue and Otay Mesa Road to remove the crosswalk on the south leg of the intersection ,stripe a new crosswalk on the west leg of the intersection and modify the signal timing to provide less green time for the eastbound through movement and more green time for the westbound left-turn movement, satisfactory to the City Engineer. This improvement shall be completed and accepted by the City Engineer prior to issuance of any occupancy permit.</li> <li>4.3-2: Prior to issuance of the first building permit, the Owner/Permitee shall assure by permit and bond the</li> </ul>	No

Environmental Topic	Environmental Impact	Mitigation Measures	Impact after Mitigation?
Near-Term Plus Project Conditions (Street Segments and Intersections)		installation of a traffic signal at the intersection of Caliente Avenue and Airway Road and stripe the northbound, southbound, and westbound approaches to their ultimate lane configuration satisfactory to the City Engineer. If the ultimate pavement width is not in place to stripe the additional lanes, the Owner/Permitee shall widen the street. This improvement shall be completed and accepted by the City Engineer prior to issuance of any occupancy permit.	
Long-Term Plus	The proposed project would have	<b>4.3-3</b> : Prior to the issuance of the first	Yes, at the
Project Conditions	significant impacts at three intersections:	building permit, the Owner/Permitee shall	intersection of
(Street Segments and	Otay Mesa Road/Caliente Avenue, SR-905	provide a 5.23-percent fair-share	SR-905
Intersections)	Westbound Ramps/Caliente Avenue, and	contribution towards providing an	Westbound
	Caliente Avenue/Public Street A.	overlap phase for the northbound right-	Ramps and
		turn movement at the intersection of	Caliente
	The proposed project would not	Otay Mesa Road and Callente Avenue,	Avenue. There
	significantly impact any roadway segment	satisfactory to the City Engineer.	currently are
		<b>43.4</b> : The recommended mitigation	nlanned or
		measure for the significant cumulative	funded
		traffic impact at the SR-905 Westbound	projects to
		Ramps and Caliente Avenue intersection	expand the SR-

Environmental Topic	Environmental Impact	Mitigation Measures	Impact after Mitigation?
Long-Term Plus Project Conditions		is for the project applicant to pay 7.65- percent fair share contribution towards	905 and Caliente
(Street Segments and		the construction of an exclusive	Avenue
Intersections)		southbound right-turn lane and striping modifications to Caliente Avenue to	interchange and the
		provide a second southbound right-turn	recommended
		lane and a second northbound left-turn	mitigation
		lane. However, there currently are not	measure
		any planned or funded projects to expand	cannot be
		the SR-905 and Caliente Avenue	reasonably
		interchange and the recommended	assumed as
		mitigation measure cannot be reasonably	feasible
		Therefore, the impact at this location	improvement.
		would be unmitigated.	
		<b>4.3-5</b> : Prior to issuance of the first	
		building permit, the Owner/Permitee shall	
		assure the installation of a traffic signal at	
		the intersection of Caliente Avenue/Public	
		Street "A", Satisfactory to the Lity	
		when warranted and notentially can be	
		assured through a bonded Deferred	
		Improvement Agreement, to the	
		satisfaction of the City Engineer.	

Environmental Topic	Environmental Impact	Mitigation Measures	Impact after Mitigation?
Existing Plus Project (Freeway Segments and Metered Freeway On-Ramps)	The addition of the proposed project's traffic to freeway segments and metered freeway on-ramps would not result in significant impacts.	Mitigation is not required	No
Near-term (Freeway Segments and Metered Freeway On-Ramps)	The addition of the proposed project's traffic to freeway segments and metered freeway on-ramps would not result in significant impacts.	Mitigation is not required	No
Long-term (Freeway Segments and Metered Freeway On-Ramps)	The proposed project would have a significant impact on the freeway segment of SR-905 between Caliente Avenue and Britannia Boulevard and at the SR-905 westbound on-ramp Caliente Avenue.	<ul> <li>4.3-6: The recommended mitigation measure for the significant cumulative traffic impact on the freeway segment along SR-905 between Caliente Avenue and Britannia Boulevard is for the project applicant to pay fair share contribution towards widening of SR-905. However, there currently are not any planned or funded projects to expand SR-905. Therefore, the impact at this location would be unmitigated for Horizon Year scenario.</li> <li>4.3-7: The recommended mitigation measure for the significant cumulative traffic impact at the SR-905 Westbound Ramps and Caliente Avenue intersection</li> </ul>	Yes, the segment of SR- 905 between Caliente Avenue and Britannia Boulevard.

Environmental Topic	Environmental Impact	Mitigation Measures	Impact after Mitigation?
Long-term (Freeway Segments and Metered Freeway On-Ramps)		is for the project applicant to pay 7.65- percent fair share contribution towards the construction of an exclusive southbound right-turn lane and striping modifications to Caliente Avenue to provide a second southbound right-turn lane and a second northbound left-turn lane. However, there currently are not any planned or funded projects to expand the SR-905 and Caliente Avenue interchange. Therefore, the impact at this location would be unmitigated.	Yes, at the intersection of SR-905 Westbound Ramps and Caliente Avenue
Transportation (Alternative Modes of Transportation)	The proposed project would not conflict with any adopted policies, plans, or programs that support the development of alternative transportation modes. Therefore, a significant impact would not occur.	No mitigation required	No
Transportation (Parking)	The project's proposed parking would be consistent with the requirements of the City and is not anticipated to adversely affect residential neighborhoods or access to public facilities. No significant impact would occur.	No mitigation required	No

Environmental Topic	Environmental Impact	Mitigation Measures	Impact after Mitigation?
4.4 Historical Resource	es		
Historical Resources (Archaeology)	The potential exists for significant buried or masked elements to be present which may be discovered during project grading. Grading could destroy or impact these buried or masked elements if measures are not taken to ensure their proper removal.	<ul> <li>PRIOR TO PERMIT ISSUANCE</li> <li>4.4-1 Prior to the issuance of any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits or Notice to Proceed for Subdivisions, but prior to the first pre-construction meeting, whichever is applicable, the following shall occur:</li> <li>A. Entitlements Plan Check</li> <li>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 precedent 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</li> </ul>	No

Environmental Topic	Environmental Impact	Mitigation Measures	Impact after Mitigation?
Historical Resources (Archaeology)		monitoring have been noted on the applicable construction documents through the plan check process.	
		B. Letters of Qualification have been submitted to ADD	
		<ol> <li>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. MMC will provide a letter to the applicant confirming the</li> </ol>	
		qualifications of the PI and all persons involved in the archaeological	
		monitoring of the project meet the qualifications established in the HRG.	
Environmental Topic	Environmental Impact	Mitigation Measures	Impact after Mitigation?
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Historical Resources (Archaeology)		<ol> <li>Prior to the start of work, the applicant must obtain approval from MMC for any personnel changes associated with the monitoring program.</li> </ol>	
		Prior to Start of Construction	
		<b>4.4-2</b> Prior to the start of construction activities, including, but not limited to, demolition, grading, excavation, and/or trenching, the following shall occur:	
		Verification of Records Search	
		<ol> <li>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 Coast Information Center, or, if the search was in-house, a letter of verification from the PI stating that the search was completed.</li> </ol>	

Environmental Topic	Environmental Impact	Mitigation Measures	Impact after Mitigation?
Historical Resources (Archaeology)		<ol> <li>The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.</li> </ol>	
		3. The PI may submit a detailed letter to MMC requesting a reduction to the ¼- mile radius.	
		C. PI Shall Attend Pre-Construction (Precon) Meetings	
		<ol> <li>Prior to beginning any work that requires monitoring, the Applicant shall arrange a Precon Meeting that shall include the PI, Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The qualified Archaeologist shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the Archaeological Monitoring program with the Construction Manager and/or</li> </ol>	
		Grading Contractor.	

Environmental Topic	Environmental Impact	Mitigation Measures	Impact after Mitigation?
Historical Resources (Archaeology)		<ul> <li>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.</li> <li>2. Identify Areas to be Monitored</li> <li>a. Prior to the start of any work that requires monitoring, the PI shall submit an Archaeological Monitoring Exhibit (AME) based on the appropriate construction documents (reduced to 11x17) to MMC identifying the areas to be monitored including the delineation of grading/excavation limits.</li> <li>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).</li> </ul>	

# EXECUTIVE SUMMARY

Environmental Topic	Environmental Impact	Mitigation Measures	Impact after Mitigation?
Historical Resources (Archaeology)		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.	
		DURING CONSTRUCTION	
		<b>4.4-3</b> During construction activities, including, but not limited to, demolition, grading, excavation,	

Environmental Topic	Environmental Impact	Mitigation Measures	Impact after Mitigation?
Historical Resources (Archaeology)		<ul> <li>and/or trenching, the following shall occur:</li> <li>A. Monitor Shall be Present During Grading/Excavation/Trenching. In addition, a Native American Monitor Shall be present, specifically a Native American (Kumeyaay) monitor shall participate in the monitoring program for the project.</li> <li>1. The Archaeological monitor and Native American (Kumeyaay) monitor shall be present full time during grading/excavation/ trenching activities which could result in impacts to archaeological resources as identified on the AME. The Construction Manager is responsible for notifying the RE, PI, and MMC of changes to any construction activities such as in the case of potential safety concerns within the area being monitored. In certain circumstances OSHA safety requirements may necessitate modification of the AME.</li> </ul>	

Environmental Topic	Environmental Impact	Mitigation Measures	Impact after Mitigation?
Historical Resources (Archaeology)		2. The Archaeological monitor and Native American (Kumeyaay) monitor shall determine the extent of their presence during soil disturbing and grading/excavation/trenching activities based on the AME and provide that information to the PI and MMC. If prehistoric resources are encountered during the Native American consultant/monitor's absence, work shall stop and the Discovery Notification Process detailed in Section III.B-C and IV.A-D shall commence.	
		3. The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition such as modern disturbance post-dating the previous grading/trenching activities, presence of fossil formations, or when native soils are encountered may reduce or increase the potential for resources to be present.	

Environmental Topic	Environmental Impact	Mitigation Measures	Impact after Mitigation?
Historical Resources (Archaeology)		<ul> <li>4. The archaeological and Native American consultant/monitor shall document field activity via the Consultant Site Visit Record (CSVR). The CSVR's shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (Notification of Monitoring Completion), and in the case of ANY discoveries. The RE shall forward copies to MMC.</li> </ul>	
		B. Discovery Notification Process	
		1. In the event of a discovery, the Archaeological Monitor and/or Native American (Kumeyaay) monitor shall direct the contractor to temporarily divert trenching activities in the area of discovery and immediately notify the RE or Bl, as appropriate.	
		2. The Monitor shall immediately notify the Pl (unless Monitor is the Pl) of the discovery.	
		3. The PI shall immediately notify MMC by phone of the discovery, and shall	

Environmental Topic	Environmental Impact	Mitigation Measures	Impact after Mitigation?
Historical Resources (Archaeology)		<ul> <li>also submit written documentation to MMC within 24 hours by fax or email with photos of the resource in context, if possible.</li> <li>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.</li> </ul>	
		<ul> <li>D. Determination of Significance</li> <li>1. The PI and Native American representative from the Native American (Kumeyaay) tribe, shall evaluate the significance of the resource. If Human Remains are involved, follow protocol in Section IV below.</li> </ul>	
		<ul> <li>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.</li> <li>b. If the resource is significant, the PI shall submit an Archaeological Data</li> </ul>	

Environmental Topic	Environmental Impact	Mitigation Measures	Impact after Mitigation?
Historical Resources (Archaeology)		Recovery Program (ADRP) 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. <b>Note: If a</b> <b>unique archaeological site is also</b> <b>an historical resource as defined in</b> <b>CEQA, then the limits on the</b> <b>amount(s) that a project applicant</b> <b>may be required to pay to cover</b> <b>mitigation costs as indicated in</b> <b>CEQA Section 21083.2 shall not</b> <b>apply.</b> Any Native American cultural material shall be curated with the Barona Band of Mission Indians.	
		<ul> <li>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.</li> <li>DISCOVERY OF HUMAN REMAINS</li> <li>4.4-4 If human remains are discovered,</li> </ul>	

Environmental Topic	Environmental Impact	Mitigation Measures	Impact after Mitigation?
Historical Resources (Archaeology)		work shall halt in that area and no soil shall be exported off-site until a determination can be made regarding the provenance of the human remains; and the following procedures set forth in the California Public Resources Code (Sec. 5097.98) and State Health and Safety Code (Sec. 7050.5) shall be undertaken:	
		<ul> <li>A. Notification</li> <li>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.</li> </ul>	
		<ol> <li>The PI shall notify the Medical Examiner after consultation with the RE, either in person or via telephone.</li> </ol>	
		1. Work shall be directed away from the	

Environmental Topic	Environmental Impact	Mitigation Measures	Impact after Mitigation?
Historical Resources (Archaeology)		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 provenience of the remains.	
		<ol> <li>The Medical Examiner, in consultation with the PI, shall determine the need for a field examination to determine the provenience.</li> </ol>	
		<ol> <li>If a field examination is not warranted, the Medical Examiner shall determine with input from the PI, if the remains are or are most likely to be of Native American origin.</li> </ol>	
		C. If Human Remains <b>are</b> determined to be Native American, then the following shall occur:	
		1. The Medical Examiner shall notify the Native American Heritage Commission (NAHC) and the Native American (Kumeyaay) monitor within 24 hours. By law, <b>only</b> the Medical	

Environmental Topic	Environmental Impact	Mitigation Measures	Impact after Mitigation?
Historical Resources (Archaeology)		<ul> <li>Examiner can make this call.</li> <li>2. NAHC will immediately identify the person or persons determined to be the Most Likely Descendent (MLD) and provide contact information.</li> <li>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 &amp; Safety Codes.</li> <li>4. The MLD will have 48 hours to make recommendations to the property Owner/Permitee or representative, for the treatment or disposition with proper dignity, of the human remains and associated grave goods.</li> <li>5. Disposition of Native American Human Remains will be determined between the MLD and the PI, and, if:</li> <li>a. The NAHC is unable to identify the MLD, OR the MLD failed to make a recommendation within 48 hours</li> </ul>	

Environmental Topic	Environmental Impact	Mitigation Measures	Impact after Mitigation?
Historical Resources (Archaeology)		<ul> <li>after being notified by the Commission; OR;</li> <li>b. The landowner or authorized representative rejects the recommendation of the MLD and mediation in accordance with PRC 5097.94 (k) by the NAHC fails to provide measures acceptable to the landowner, THEN,</li> <li>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.</li> <li>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</li> </ul>	

Environmental Topic	Environmental Impact	Mitigation Measures	Impact after Mitigation?
Historical Resources (Archaeology)		treatment of such a discovery may be ascertained from review of the site utilizing cultural and archaeological standards. Where the parties are unable to agree on the appropriate treatment measures the human remains and items associated and buried with Native American human remains shall be reinterred with appropriate dignity, pursuant to Section 5.c., above.	
		<ul> <li>D. If Human Remains are NOT Native American</li> <li>1. The PI shall contact the Medical Examiner and notify them of the historic era context of the burial.</li> <li>2. The Medical Examiner will determine the appropriate course of action with the PI and City staff (PRC 5097.98).</li> <li>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</li> </ul>	

Environmental Topic	Environmental Impact	Mitigation Measures	Impact after Mitigation?
Historical Resources		with MMC, EAS, the applicant/	
(Archaeology)		landowner, any known descendant	
		group, and the San Diego Museum of	
		Man.	
		NIGHT AND/OR WEEKEND WORK	
		4.4-5	
		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	
		tollowed.	
		a. NO DISCOVERES	
		were encountered during night	
		and/or weekend work the PI shall	
		record the information on the	
		CSVR and submit to MMC via fax by	
		8AM of the next business day.	
		b. Discoveries	
		All discoveries shall be processed	
		and documented using the existing	

Environmental Topic	Environmental Impact	Mitigation Measures	Impact after Mitigation?
Historical Resources (Archaeology)		<ul> <li>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.</li> <li>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.</li> <li>d. The PI shall immediately contact MMC, or by 8AM of the next business day to report and discuss the findings as indicated in Section III-B, unless other specific arrangements have been made.</li> </ul>	
		<b>4.4-6</b> A. 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	

Environmental Topic	Environmental Impact	Mitigation Measures	Impact after Mitigation?
Historical Resources (Archaeology)		<ul> <li>work is to begin.</li> <li>2. The RE, or BI, as appropriate, shall notify MMC immediately.</li> <li>B. All other procedures described above shall apply, as appropriate.</li> <li>In the event that night work becomes necessary during the course of construction activities, then the following shall occur:</li> </ul>	
		<ol> <li>The Construction Manager shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin.</li> </ol>	
		2. The RE, or Bl, as appropriate, shall notify MMC immediately.	
		<ol> <li>All other procedures described in Mitigation Measure 4.4-5 shall apply, as appropriate.</li> </ol>	
		Post Construction	
		<ul><li><b>4.4-7</b> Following completion of construction activities, the following shall occur:</li><li>A. Preparation and Submittal of Draft</li></ul>	

Environmental Topic	Environmental Impact	Mitigation Measures	Impact after Mitigation?
Historical Resources (Archaeology)		<ul> <li>Monitoring Report</li> <li>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.</li> <li>a. For significant archaeological</li> </ul>	

Environmental Topic	Environmental Impact	Mitigation Measures	Impact after Mitigation?
Historical Resources		resources encountered during	
(Archaeology)		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	

Environmental Topic	Environmental Impact	Mitigation Measures	Impact after Mitigation?
Historical Resources (Archaeology)		<ul> <li>approval.</li> <li>4. MMC shall provide written verification to the PI of the approved report.</li> <li>5. MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.</li> <li>B. Handling of Artifacts <ol> <li>The PI shall be responsible for ensuring that all cultural remains collected are cleaned and catalogued</li> <li>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.</li> <li>The cost for curation is the responsibility of the property owner.</li> </ol> </li> <li>C. Curation of artifacts: Accession Agreement and Acceptance</li> </ul>	

Environmental Topic	Environmental Impact	Mitigation Measures	Impact after Mitigation?
Historical Resources (Archaeology)		<ul> <li>Verification</li> <li>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.</li> <li>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.</li> <li>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</li> </ul>	

Environmental Topic	Environmental Impact	Mitigation Measures	Impact after Mitigation?
Historical Resources (Archaeology)		<ul> <li>show what protective measures were taken to ensure no further disturbance occurs in accordance with Section IV – Discovery of Human Remains, Subsection 5.</li> <li>D. Final Monitoring Report(s)</li> <li>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.</li> <li>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.</li> </ul>	

Environmental Topic	Environmental Impact	Mitigation Measures	Impact after Mitigation?
Historical Resources (Human Remains)	No human remains are known to exist within the project site. The potential exists for the discovery of remains during project grading.	Mitigation measures 4.4-1 and 4.4-2 shall apply.	No
4.5 Paleontological Res	sources		
Paleontological Resources	The soils and geologic structure that underlies the project site have a high to moderate potential to paleontological resources. The potential exists for the discovery of paleontological resources during project grading, which could be destroyed during construction.	<ul> <li><b>PRIOR TO PERMIT ISSUANCE</b></li> <li><b>4.5-1:</b> A. Entitlements Plan Check         <ol> <li>Prior to the 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 Paleontological Monitoring have been noted on the appropriate construction documents.</li> </ol></li></ul>	No
		B. Letters of Qualification have been submitted to ADD	

Environmental Topic	Environmental Impact	Mitigation Measures	Impact after Mitigation?
Paleontological Resources		<ol> <li>The applicant shall submit a letter of verification to Mitigation Monitoring Coordination (MMC) identifying the Principal Investigator (PI) for the project and the names of all persons involved in the paleontological monitoring program, as defined in the City of San Diego Paleontological Guidelines.</li> <li>MMC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the paleontological monitoring of the project.</li> <li>Prior to the start of work, the applicant must obtain approval from MMC for any personnel changes associated with the monitoring program.</li> </ol>	
		II. PRIOR TO START OF CONSTRUCTION 4.5-2:	
		A. Verification of Records Search 1.The PI shall provide verification to MMC that a site-specific records search has been completed. Verification includes, but is not	

Environmental Topic	Environmental Impact	Mitigation Measures	Impact after Mitigation?
Paleontological		limited to a copy of a confirmation	
Resources		letter from San Diego Natural	
		History Museum, other institution	
		or, if the search was in-house, a	
		letter of verification from the PI	
		stating that the search was	
		completed.	
		2. The letter shall introduce any	
		pertinent information concerning	
		expectations and probabilities of	
		discovery during trenching and/or	
		B D Shall Attend Bro Construction	
		B. PI Shall Allend Pre-Construction	
		1 Prior to beginning any work that	
		requires monitoring the Applicant	
		shall arrange a Precon Meeting that	
		shall include the PL Construction	
		Manager (CM) and/or Grading	
		Contractor, Resident Engineer (RE).	
		Building Inspector (BI), if	
		appropriate, and MMC. The	
		qualified paleontologist shall attend	
		any grading/excavation related	
		Precon Meetings to make	
		comments and/or suggestions	

Environmental Topic	Environmental Impact	Mitigation Measures	Impact after Mitigation?
Paleontological		concerning the Paleontological	
Resources		Monitoring program with the	
		Construction Manager and/or	
		Grading Contractor.	
		a. If the PI is unable to attend the	
		Precon Meeting, the Applicant shall	
		schedule a focused Precon Meeting	
		with MMC, the PI, RE, CM or BI, if	
		appropriate, prior to the start of	
		any work that requires monitoring.	
		2. Identify Areas to be Monitored	
		Prior to the start of any work that	
		requires monitoring, the PI shall	
		submit an Paleontological	
		Monitoring Exhibit (PME) based on	
		the appropriate construction	
		documents (reduced to 11x17) to	
		MMC identifying the areas to be	
		monitored including the	
		delineation of grading/excavation	
		limits. The PME shall be based on	
		the results of a site specific records	
		search as well as information	
		regarding existing known soil	
		conditions (native or formation).	
		3. When Monitoring Will Occur	

Environmental Topic	Environmental Impact	Mitigation Measures	Impact after Mitigation?
Paleontological		a. Prior to the start of any work,	
Resources		the PI shall also submit a	
		construction schedule to MMC	
		through the RE indicating when	
		and where monitoring will occur.	
		b. The PI may submit a detailed	
		letter to MMC prior to the start	
		of work or during construction	
		requesting a modification to the	
		monitoring program. This	
		request shall be based on	
		relevant information such as	
		review of final construction	
		documents which indicate	
		conditions such as depth of	
		excavation and/or site graded to	
		bedrock, presence or absence of	
		fossil resources, etc., which may	
		reduce or increase the potential	
		for resources to be present.	
		<b>A</b> Monitor Shall be Present During	
		Grading/ Excavation/Trenching	
		1. The monitor shall be present full	

Environmental Topic	Environmental Impact	Mitigation Measures	Impact after Mitigation?
Paleontological		time during grading/excavation/	
Resources		trenching activities as identified on	
		the PME that could result in impacts	
		to formations with high and	
		moderate resource sensitivity. The	
		Construction Manager is	
		responsible for notifying the RE,	
		PI, and MMC of changes to any	
		construction activities such as in	
		the case of potential safety	
		concern within the area being	
		nionicorea. In certain	
		circuinstances OSHA safety	
		modification of the PMF	
		2 The PI may submit a detailed letter	
		to MMC during construction	
		requesting a modification to the	
		monitoring program when a field	
		condition such as trenching activities	
		that do not encounter formational	
		soils as previously assumed, and/or	
		when unique/unusual fossils are	
		encountered, which may reduce or	
		increase the potential for resources	
		to be present.	

Environmental Topic	Environmental Impact	Mitigation Measures	Impact after Mitigation?
Paleontological		3. The monitor shall document field	
Resources		activity via the Consultant Site Visit	
		Record (CSVR). The CSVR's shall be	
		faxed by the CM to the RE the first	
		day of monitoring, the last day of	
		monitoring, monthly (Notification	
		of Monitoring Completion), and in	
		the case of ANY discoveries. The RE	
		shall forward copies to MMC.	
		<b>B.</b> Discovery Notification Process	
		1.In the event of a discovery, the	
		Paleontological Monitor shall direct	
		the contractor to temporarily divert	
		trenching activities in the area of	
		discovery and immediately notify	
		the RE or BI, as appropriate.	
		2.The Monitor shall immediately	
		notify the PI (unless Monitor is the	
		PI) of the discovery.	
		3.The PI shall immediately notify	
		MMC by phone of the discovery,	
		and shall also submit written	
		documentation to MMC within 24	
		hours by fax or email with photos	

Environmental Topic	Environmental Impact	Mitigation Measures	Impact after Mitigation?
Paleontological		of the resource in context, if	
Resources		possible.	
		<b>C</b> . Determination of Significance	
		1. The PI shall evaluate the	
		significance of the resource.	
		a. The Pi shall immediately houry	
		significance determination and	
		shall also submit a letter to MMC	
		indicating whether additional	
		mitigation is required. The	
		determination of significant for	
		fossil discoveries shall be at the	
		discretion of the PI.	
		b. If the resource is significant, the PI	
		shall submit a Paleontological	
		Recovery Program (PRP) and obtain	
		written approval from MMC.	
		Impacts to significant resources	
		must be mitigated before ground-	
		disturbing activities in the area of	
		discovery will be allowed to	
		resume.	
		c. If the resource is not significant	
		(e.g. small pieces of broken	
		common shell fragments or other	

Environmental Topic	Environmental Impact	Mitigation Measures	Impact after Mitigation?
Paleontological		scattered common fossils) the Pl	
Resources		shall notify the RE, or BI as	
		appropriate, that a non-significant	
		discovery has been made. The	
		monitor the area without	
		notification to MMC unless a	
		significant resource is	
		encountered.	
		d. The PI shall submit a letter to	
		MMC indicating that fossil	
		resources will be collected, curated,	
		and documented in the Final	
		Monitoring Report. The letter shall	
		also indicate that no further work	
		is required.	
		IV. NIGHT WORK/OR WEEKEND	
		<b>4.5-4</b> : <b>A</b> . 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:	

Environmental Topic	Environmental Impact	Mitigation Measures	Impact after Mitigation?
Paleontological Resources		<ul> <li>a. No Discoveries <ul> <li>In the event that no discoveries were</li> <li>encountered during night work, The</li> <li>PI shall record the information on the</li> <li>CSVR and submit to MMC via fax by</li> <li>8AM the following morning, if</li> <li>possible.</li> </ul> </li> <li>b. Discoveries <ul> <li>All discoveries shall be processed and</li> <li>documented using the existing</li> <li>procedures detailed in Mitigation</li> <li>Measures 4.4-3 (Section III -During</li> <li>Construction).</li> </ul> </li> <li>c. Potentially Significant Discoveries <ul> <li>If the PI determines that a potentially</li> <li>significant discovery has been made,</li> <li>the procedures detailed under</li> <li>Mitigation Measure 4.4-3 (Section III -</li> <li>During Construction) shall be</li> <li>followed.</li> </ul> </li> </ul>	
		d. The PI shall immediately contact MMC, or by 8AM the next business day to report and discuss the findings as indicated in Section III -B of Mitigation Measure 4.4-3 (Discovery	

Environmental Topic	Environmental Impact	Mitigation Measures	Impact after Mitigation?
Paleontological Resources		<ul> <li>Notification Process), unless other specific arrangements have been made.</li> <li>B. If night work becomes necessary during the course of construction</li> <li>1. The Construction manager shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin.</li> <li>2. The RE, or BI, as appropriate, shall notify MMC immediately.</li> <li>C. All other procedures described above shall apply, as appropriate.</li> </ul>	
		<ul> <li>V. POST CONSTRUCTION</li> <li>4.5-5:</li> <li>A. Submittal of Draft Monitoring Report <ol> <li>The PI shall submit two copies of the Draft Monitoring Report (even if negative) prepared in accordance with the Paleontological Monitoring Program (with appropriate graphics) to MMC for review (with appropriate graphics) to MMC for review and approval within 90 days following the completion of</li> </ol></li></ul>	

Environmental Topic	Environmental Impact	Mitigation Measures	Impact after Mitigation?
Paleontological		monitoring,	
Resources		a. For significant paleontological	
		resources encountered during	
		monitoring, 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, and submittal of	
		such forms to the San Diego	
		Natural History Museum with	
		the Final Monitoring Report.	
		2.MMC shall return the Draft	
		Monitoring Report to the PI for	
		revision or, for preparation of the	
		Final Report.	
		3.The PI shall submit revised Draft	
		Monitoring Report to MMC for	
		approval.	

Environmental Topic	Environmental Impact	Mitigation Measures	Impact after Mitigation?
Paleontological Resources		<ul> <li>4.MMC shall provide written verification to the PI of the approved report.</li> <li>5.MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.</li> <li>B. Handling of Fossil Remains <ol> <li>The PI shall be responsible for ensuring that all fossil remains collected are cleaned and catalogued</li> <li>The PI shall be responsible for ensuring that all fossil remains are analyzed to identify function and chronology as they relate to the geologic history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate.</li> </ol> </li> </ul>	
		<b>C</b> . Curation of fossil remains: Deed of Gift and Acceptance Verification 1.The PI shall be responsible for	
		ensuring that all fossil remains associated with the monitoring for	

Environmental Topic	Environmental Impact	Mitigation Measures	Impact after Mitigation?
Paleontological Resources		<ul> <li>this project are permanently curated with an appropriate institution.</li> <li>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.</li> <li>D. Final Monitoring Report(s)</li> <li>1. The PI shall submit two copies of the Final Monitoring Report to MMC (even if negative), within 90 days after notification from MMC that the draft report has been approved.</li> <li>2. The RE shall, in no case, issue the Notice of Completion until receiving a copy of the approved Final Monitoring Report from MMC which includes the Acceptance Verification from the curation from the curation institution.</li> </ul>	
## EXECUTIVE SUMMARY

Environmental Topic	Environmental Impact	Mitigation Measures	Impact after Mitigation?
4.6 Noise			
Noise (Sensitive Wildlife Species)	Indirect noise impacts to the coastal California gnatcatcher during construction activities may occur if construction occurs during the breeding season (March 1 to August 15).	Mitigation Measure <b>4.1-1</b> shall be required.	No
4.14 Greenhouse Gas	Emissions		
GHG Emissions (Conflict with any Applicable Plan, Policy or Regulation)	GHG emissions <u>associated with the project</u> <u>would not conflict with any applicable plan,</u> <u>policy, or regulation.</u> that would exceed the City's significance threshold of 900 MT <del>per year</del>	Mitigation is not required <b>4.14 -1: Solar</b> <b>Roofs</b> . The project design shall incorporate the use of solar roofs to reduce electricity use by approximately 25 percent. The solar roofs shall be incorporated into the final building plans prior to issuance of building permits. <b>4.14-2: Electric Vehicle Charging</b> <b>Stations</b> . The project design shall provide conductive/inductive electric vehicle charging stations and signage prohibiting parking for non-electric vehicles.	¥es <u>No</u>

## EXECUTIVE SUMMARY

•	Mitigation Measures	Mitigation?
(Conflict with any Applicable Plan, Policy or Regulation)	<ul> <li>Mitigation Measure 4.14-3: CALGREEN Tier 1 Elective Measures. The project design shall incorporate the following Tier 1 elective measures from the CALGREEN building code into the final building design:         <ul> <li>A4.106.10 Outdoor lighting systems shall be designed and installed to comply with:                 <ul></ul></li></ul></li></ul>	

Environmental Topic	Environmental Impact	Mitigation Measures	Impact after Mitigation?
GHG Emissions		rate, but not to exceed 2.2 gallons	
(Conflict with any		<del>per minute (gpm) at 60 psi and</del>	
Applicable Plan,		must default to a maximum flow	
Policy or Regulation)		<del>rate of 1.5 gpm.</del>	
		• A4.303.3 Dishwashers and clothes	
		washers in residential buildings	
		shall comply with the following:	
		<ul> <li>Install at least one qualified</li> </ul>	
		ENERGYSTAR appliance with	
		<del>maximum waster use as</del>	
		follows:	
		- Standard Dishwashers -	
		4.25 gallons per cycle.	
		<ul> <li>Compact Dishwashers – 3.5</li> </ul>	
		<del>gallons per cycle.</del>	
		<ul> <li>Clothes Washers – water</li> </ul>	
		factor of 6 gallons per cubic	
		feet of drum capacity.	
		A4.106.3 Post-construction	
		landscape designs will utilize at	
		least 75 percent native California or	
		drought-tolerant plant and tree	
		species appropriate for the climate	
		zone region.	

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CANDLELIGHT FINAL ENVIRONMENTAL IMPACT REPORT

### **1.0 INTRODUCTION**

### 1.1 PROJECT BACKGROUND

The Candlelight Development Project (proposed project) consists of the subdivision and development of 44.19 acres located in the southern portion of the City of San Diego (City) in the Otay Mesa Community Planning Area. The project site is located south of the existing terminus of Caliente Avenue, southerly of Otay Mesa Road and the newly completed State Route 905, and south of the intersection of Airway Road. San Ysidro High School is situated immediately north of the western portion of the project site. Brown Field Municipal Airport is a general aviation airport and is situated 1.2 miles northeast of the project site. Please refer to Figure 1-1, *Location Map*, Figure 1-2, *Project Aerial Photo*, Figure 1-3, *Topographic Map*, Figure 1-4, *Proposed Impact Map*, and Figure 1-5, *Southwest District*, for information about the project location.

The project site became a part of the Santee Investments Precise Plan area in 1993. An EIR was prepared for a previous project on the site (Candlelight East) in 2005. The <u>initial</u> Candlelight East I-EIR was circulated for public review in 2006. A court injunction, however, related to endangered biological resources, halted the project in the fall of 2006. The project site was sold to the current applicant who completed a redesign of the project. In June 2010, the USFWS issued a Biological Opinion (BO) for the Candlelight project (see Appendix S of this EIR). Upon completion of the new project review, city staff determined that it would result in significant impacts and required preparation of an EIR.

The Candlelight project site contains approximately 44 acres of land, including 23.74 acres proposed for residential use (i.e., Lots 1 through 3), 17.95 acres proposed as natural open space/preserves (i.e., Lots 4 and 5), and 2.50 acres devoted to public roads. The developed project would consist of a maximum of 475 multi-family residences and three community recreation areas on three lots, resulting in a density range of 15-29dwelling units per acre (du/ac) with a maximum of 475 dwelling units (du's). The project would be built in two to three phases. The Lot 1 development would be developed in the initial phase (Phase 1) in order to complete the needed sewer infrastructure for Lots 2 and 3. Lots 2 and 3 can be built independently at any time after the completion of the sewer infrastructure in Lot 1. A detailed description of the project is contained in Section 3.0, *Project Description*.

The discretionary approvals required to implement the proposed project include a Tentative Map (TM), a Planned Development Permit (PDP), and a Site Development Permit (SDP) for impacts to Environmentally Sensitive Lands (ESL), all of which would be subject to review and approval by the City's Planning Commission. Various state and federal permits would also be required and include: a Streambed Alteration Agreement under the California Department of Fish and Wildlife (CDFW) Section 1600; an Incidental Take Permit for vernal pools obtained through Section 7 and/or 10A of the Endangered Species Act (ESA); a Section 404 Permit from the Army Corps of Engineers (Corps) for impacts to "Waters of the U.S.;" and a California Regional Water Quality Control Board Section 401 certification. A detailed description of each action required for project implementation is included in Section 3.0, *Project Description*, of this EIR.

### CANDLELIGHT FINAL ENVIRONMENTAL IMPACT REPORT Page 1-1

### 1.2 PURPOSE AND LEGAL AUTHORITY

The purpose of an EIR is to inform public agency decision makers and the general public of the potentially significant environmental effects of a project, identify possible ways to mitigate the significant effects, and describe reasonable alternatives to the project (per State California Environmental Quality Act [CEQA] Guidelines Section 15121(a)). This document complies with all criteria, standards and procedures of CEQA and the State CEQA Guidelines (California Administrative Code 15000 et seq.) and the City's EIR Guidelines.

Per Section 21067 of CEQA and Sections 15367 and 15050 through 15053 of the State CEQA Guidelines, the City is the Lead Agency under whose authority this document has been prepared. As Lead Agency, the City is the public agency with the greatest responsibility for supervising or approving the project or the first public agency to make a discretionary decision to proceed with the proposed project.

### 1.3 SCOPE AND CONTENT OF THE EIR

A Notice of Preparation (NOP) was prepared for the proposed project by the City, pursuant to CEQA Guidelines and the NOP was distributed to the State Clearinghouse, Responsible and Trustee Agencies, and interested members of the public on October 10, 2013. The City conducted an environmental review which determined that the proposed project has the potential for significant environmental impacts, and a Project EIR, as defined by CEQA Guidelines would be required. The Project EIR represents the independent judgment of the City, as Lead Agency.

This document serves as a Project EIR for the evaluation of potential environmental impacts associated with the proposed project. A copy of the scoping letter and NOP are contained in Appendix A of this report. Written comments received during the EIR scoping process have been taken into consideration during the preparation of this EIR. An outline of the issues noted during the scoping process is contained in the *Areas of Known Concern* discussion in the Executive Summary of this EIR.

The following potentially significant issue areas are addressed in this EIR: Land Use; Biological Resources; Transportation/Circulation; Historical Resources; Paleontological Resources; Noise; Public Utilities; Air Quality and Odor; Geology/soils; Hydrology; Water Quality; Energy Conservation; Visual Quality(Effects)and Neighborhood Character; and Greenhouse Gas Emissions.



### PROJECT AERIAL PHOTO



CANDLELIGHT EIR

FIGURE 1-2







## TOPOGRAPHIC MAP

PAGE 1-5

CANDLELIGHT

500

Feet

250

**Environmental Impact Report** 



Proposed Impact Areas

### **Otay Mesa Community Plan Land Use - Southwest District**



### Figure 1-5

Under each issue area identified for analysis by the City, this EIR includes a description of the existing conditions relevant to each environmental topic and an assessment of any impacts associated with implementation of the project. The State CEQA Guidelines §15126.2(a) requires that an EIR has *"consideration and discussion of significant environmental impacts"* of a proposed project. The terms "effects" and "impacts" are synonymous under CEQA and are used interchangeably within this EIR. Where the impact analysis demonstrates that a potential effect would or may (without undue speculation) occur and is found to have a substantial or potentially substantial adverse impact on physical conditions within the area affected by the project, mitigation measures are provided which would minimize the significant effects. In most cases, the mitigation measures would reduce impacts to below a level of significance. If feasible mitigation measures are not available or proposed, the significant effect is identified as one which would result in a significant unavoidable adverse impact.

Significant environmental effects that cannot be avoided if the proposed project is implemented are required to be discussed per CEQA guidelines 15126.2(b). These issues are discussed in Section 6.2 of this EIR, titled "SIGNIFICANT ENVIRONMENTAL EFFECTS WHICH CANNOT BE AVOIDED IF THE PROPOSED PROJECT IS IMPLEMENTED." This EIR also includes mandatory CEQA discussion areas as well as a discussion of a reasonable range of project alternatives that could avoid or reduce potentially significant environmental impacts associated with implementation of the project.

Printed under separate cover and as an accompaniment to this EIR are the Technical Appendices. In addition to the NOP and letters received in response to the NOP (Appendix A), the Technical Appendices also include the various supporting documents used in the preparation of this EIR.

### **1.4 INCORPORATION BY REFERENCE**

In addition to the documents appended to this EIR and as permitted by the State CEQA Guidelines §15150, this EIR references technical studies, analyses and reports that have been incorporated by reference. Referenced documents are briefly summarized in the appropriate section(s) of this document and the relationship between the incorporated parts of the referenced document and the EIR have been described.

The City Council certified a Final EIR (SCH No. 2006091032) for the City General Plan (Project No. 104495) in 2008 and the Otay Mesa Community Plan (SCH No. 2004651076) in March 2014 (Project No. 30330/304032). Both documents are referenced herein.

Finally, the City analyzed impacts associated with the Otay Mesa Trunk Sewer (OMTS) Project (Project No. 2004071167, SCH No. 2004071137). The OMTS project proposes to construct approximately 14.7 miles (or 77,850 feet) of new and/or replacement/upgrade sewer line in the Otay Mesa area. The OMTS Project would construct Phases 2 and 3 as described in the 2005 Otay Mesa Sewer Master Plan and Alignment Study. Impacts associated with the provision of sewer service to the project site are analyzed in appropriate portions of this document. The proposed project would ultimately take service from the facilities being constructed as part of the OMTS (Phase 2C). Accordingly, relevant components of the OMTS EIR are hereby incorporated by reference.

In addition to the project-specific technical reports included in the Appendices, other documents and reference sources, which have been used in the preparation of this EIR, are identified in Section 8.0, *References*.

### 1.5 CONTENT AND ORGANIZATION OF THE EIR

This EIR has been organized in the following manner:

- **Executive Summary** provides a summary of the EIR analysis, discussing the project description, the alternatives which would reduce or avoid significant impacts, and the conclusions of the environmental analysis. The conclusions focus on those impacts that have been determined to be significant but mitigated, as well as impacts considered significant and unmitigated, if applicable. Impacts and mitigation measures are provided in tabular format. In addition, this section includes a discussion of areas of concern known to the City, including those issues identified by other agencies and the public. The Mitigation, Monitoring and Reporting Program (MMRP) is also contained in this section.
- Section 1.0, Introduction, provides a brief description of the project, the purpose and scope of the EIR, key discretionary City actions, permits and approvals required by other agencies, and an explanation of the document format.
- Section 2.0, Environmental Setting, provides an overview of the regional and local setting, as well as the physical characteristics of the project site. The setting discussion also addresses the relevant planning documents and existing land use designations of the project site.
- Section 3.0, Project Description, provides a detailed description of the proposed project, including its purpose and main objectives, proposed land uses, transportation and circulation, landscaping treatments, utilities, project phasing, and project grading and construction. In addition, the intended and required uses of the EIR, and a discussion of discretionary actions and future ministerial actions required for project implementation are included.
- Section 4.0, Environmental Analysis, constitutes the main body of the EIR and includes the detailed impact analysis for each environmental issue. The topics analyzed in this section are addressed in the following order: Land Use, Biological Resources, Transportation/Circulation, Historical Resources, Paleontological Resources, Noise, Public Utilities, Air Quality and Odor, Geology/Soils, Hydrology, Water Quality, Energy Conservation, Visual Quality and Neighborhood Character, Greenhouse Gas. Under each topic, Section 4.0 includes a discussion of existing conditions, the thresholds identified for the determination of significant impacts, and an evaluation of the impacts associated with implementation of the project. Where the impact analysis demonstrates the potential for the project to have a significant adverse impact on the environment, mitigation measures are provided which would minimize the significant effects, if possible. The EIR indicates whether the proposed mitigation measures would reduce impacts to below a level of significance.

- Section 5.0, Cumulative Impacts, addresses the cumulative impacts due to implementation of the proposed project in combination with other recently approved or pending projects in the area. The area of potential effect for cumulative impacts varies depending upon the type of environmental issue.
- Section 6.0, Mandatory CEQA Topics, discusses environmental issues determined not to have the potential for significant adverse impacts as a result of the proposed project. This section also discusses significant environmental effects that cannot be avoided if the project is implemented.
- Section 7.0, Alternatives to the Proposed Project, addresses the mandatory "no project" alternative, as well as development alternatives that would reduce or avoid the proposed project's significant impacts.
- **Section 8.0, References**, includes EIR References, Individuals and Organizations Consulted, and Certifications/Qualifications.

### **1.6 EVALUATION OF ENVIRONMENTAL EFFECTS**

The environmental impacts analysis seeks to determine the significance of potential impacts and to develop appropriate mitigation for impacts that have been determined to be significant. In order to facilitate the analysis of each issue, a standard format was developed to analyze each issue thoroughly. This format is presented below, with a brief discussion of the information included within each topic.

### 1.6.1 Existing Conditions

The introductory discussion of each issue section describes the existing environmental conditions related to the specific issue being analyzed. In accordance with Section 15125 of the CEQA Guidelines, both the existing local and regional settings are discussed as appropriate and as they exist prior to implementation of the proposed project. The existing environmental conditions are the baseline for documenting the nature and extent of environmental changes or impacts anticipated to result from project implementation. The environmental conditions evaluated as the baseline in this EIR are those that existed at the time the NOP was circulated.

### 1.6.2 Impact Analysis

This section presents an evaluation of the impacts what would result from implementation of the proposed project. The analysis is comprised of four subsections described below, specifically: *Threshold(s) of Significance Impact Analysis, Significance of Impacts, Mitigation Measures, and Significance of Impacts following Implementation of Mitigation Measures* (as necessary).

### **Thresholds of Significance**

Pursuant to Section 15064.7 of the CEQA Guidelines, a threshold of significance is an identifiable quantitative, qualitative, or performance level criterion or criteria. Non-compliance with the

threshold(s) would normally mean the effect would be determined to be significant, and compliance with the threshold(s) would normally mean the effect would be determined to be less than significant.

The City's Development Services Department has developed significance thresholds, referred to as *California Environmental Quality Act Significance Determination Thresholds - Development Services Department* (January 2011), which provides the basis for distinguishing between impacts which are determined to be significant (i.e., impact exceeds the threshold of significance) and those which are typically less than significant.

#### **Impact Analysis**

The impact analysis presented in this EIR begins with a specific "issue question" intended to clearly focus the discussion of the specific environmental issue. The analysis then identifies specific project-related direct and indirect, short-term and long-term, and unavoidable impacts associated with implementation of the Candlelight project. A discussion of cumulative impacts is presented in a separate section titled *Cumulative Impacts* (Section 6.0).

Section 15126.2 of CEQA Guidelines requires that an EIR "identify and focus on the significant environmental effects of the proposed project. "Effects" and "impacts" have the same meaning under CEQA and are used interchangeably within this EIR. A "significant effect" or "significant impact" on the environment means "a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project": With respect to each potential impact, analysis has been conducted in this EIR to determine if and to what extent:

- The project causes the identified "impact"
- The impact produces a substantial, or potentially substantial, change in the physical conditions within the area affected by the project and
- The changed conditions are "adverse."

#### Significance of Impacts

The *Significance of Impacts* subsection provides a concise and brief statement as to whether or not a project impact would constitute a significant environmental impact, if mitigation is required and if project impact would constitute a significant environmental impact after mitigation.

#### **Mitigation Measures**

This subsection of the analysis outlines all of the measures required to reduce or eliminate significant project impacts by identifying their timing, technical requirements, the responsible party and the monitoring/reporting requirements.

### 2.0 ENVIRONMENTAL SETTING

### 2.1 PROJECT LOCATION

This Environmental Impact Report (EIR) addresses the *Candlelight* project, located east of Interstate 805 (I 805) and south of State Route 905 (SR 905) in the Otay Mesa Community Planning area of the City of San Diego, California (City). The property lies within the U.S. Geological Survey 7.5 minute topographic map for the Imperial Beach quadrangle, Section 31and 32, Township 18 South, Range 1 West. The project site is located approximately 18 miles southeast of downtown San Diego, approximately 2 miles east of I-805 and 1.2 miles north of the International Border with Mexico. The project APNs include: 645-060-3200, 645-060-3500, and 645-080-0800. The proposed project proposes the extension of Caliente Avenue to the southern border of the property and the construction of Public Street "A", an east-west road at the southern edge of the property. Additionally, a 30-foot Irrevocable Offer to Dedicate (IOD) has been granted to the City westerly of the western cul-de-sac. This IOD would be used if it is determined that Public Street "A" would be extended at a later date. In addition, an eastern cul-de-sac of Public Street "A" would be off-site. Public Street "A" is proposed to be completed by others when development occurs to the south. The full width of the roadway cannot be constructed at this time due to the need for additional right-of-way. Figure 1-1 depicts the general location of the project site in relation to the southern San Diego region.

### 2.2 EXISTING PHYSICAL SITE CONDITIONS

The project site consists of a roughly rectangular-shaped parcel of land of 44.19 acres that runs on an east-west axis parallel to the alignment of Otay Mesa Road and SR 905. The on-site landform is characterized by flat elevation over the majority of the property, with the exception of the southeastern edge, where a portion of Spring Canyon extends on-site, and the southwestern portion, where Dillon Canyon extends on-site. These canyons form part of the Tijuana River watershed.

Elevations on the main portion of the property range from approximately 480 feet Above Mean Sea Level (AMSL) in the southeastern corner to 534 feet AMSL in the north-central portion, where several man-made berms have been created to discourage use of the site by off-road vehicles. Elevations in the far eastern portion of the site range from 460 to 515 feet AMSL. Steep slopes occupy approximately 13.4 acres (see Figure 4.1-4 in Section 4.1 of this EIR). However, 97.5% of these steep slopes are in areas designated as open space/preserve and are not proposed for development, and would be dedicated as a covenant of easement or a dedication in fee title to an agency approved by the USFWS, CDFW, and the City of San Diego.

The site is undeveloped and supports sparsely vegetated sensitive native and non-native habitats. Ground surfaces over much of the property are smooth and essentially featureless because of previous long-term agriculture cultivation. Two sensitive native plant communities are identified on-site: maritime succulent scrub and vernal pools. Non-native habitats, which comprise the majority of the site, include annual grassland, eucalyptus trees, and disturbed land. Several dirt access roads are present throughout the property, as can be seen from the aerial photo in Figure 1-2. Site topography can be seen on Figure 1-3.

A portion of the proposed project, approximately 2.47 acres, lies within the Multi-Habitat Planning Area (MHPA) as established by the City's Multiple Species Conservation Program (MSCP). The goal of the City's MSCP Subarea Plan is to preserve as permanent open space lands designated by the MSCP as MHPA (Figure 2-1, *MSCP Subarea Plan-Southern Area* and Figure 2-2, *On-Site MHPA Land*). For the proposed project, all areas of the open space/preserve areas in Lots 4 and 5 that are not currently in the MHPA would be added to the City's MHPA with the completion of the project's final map. Some of the resources to be conserved in the Otay Mesa area identified by the MSCP include coastal sage scrub, grassland vegetation communities, and vernal pools (MSCP 1996).

### 2.3 SURROUNDING LAND USE AND DEVELOPMENT

Figure 2-1 illustrates the locations of existing land uses surrounding the project site. With the exception of the Sweetwater Union High School District's San Ysidro High School site, located immediately northwest and adjacent to the project site, the Candlelight property is surrounded by undeveloped vacant lands. The right-of-way and travel lanes for SR 905 are situated 1,000 feet north of the site, while Brown Field Municipal airport, a general aviation airport owned and operated by the City, lies 0.86 miles from the northeast corner of the project site across Otay Mesa Road.

The area surrounding the project site is known for its flat topography intersected by finger canyons that lead to the Otay River Valley to the north or the Tijuana River Valley to the south. The canyon areas west and east of the project site are in the City's MHPA.

### 2.4 EMERGENCY SERVICES

### 2.4.1 Fire Protection Services

The project site is located within the San Diego Fire-Rescue Department service area for fire protection and emergency medical services. The City has 47 fire stations protecting more than 330 square miles and over 1.3 million residents. The Fire-Rescue Department has current staffing of 0.6 uniformed firefighters per 1,000 residents per the City's SDFD website (2014). Also, per the Fire-Rescue Department City Webpage, Fire Station 43, at 1590 La Media Road, is the nearest station to the project site. This station is equipped with one engine, one Airport crash rig and one brush rig, and is located approximately 1.5 miles from the site. Fire Station 6, located approximately five miles from the site at 693 Twining Avenue, is equipped with one engine. Fire Station 29, located approximately 4.5 miles from the site at 198 W. San Ysidro Boulevard, is equipped with one engine and one truck, as well as utility, brush, and medic rigs.

### CANDLELIGHT EIR



### **MSCP Subarea Plan - Southern Area**

### CANDLELIGHT EIR

**Environmental Impact Report** 



Response times to the project site were calculated using the San Diego Fire-Rescue 911 Computed Aided Dispatch System point-to-point routing. This system uses the road network representing the closest path from the fire station addresses to the requested location. Based on this methodology, the following response times were generated for the project site based on correspondence from the Fire-Rescue Department December 2013, see Table 2\_1, *Deployment Measures for San Diego City Growth*.

	Structure Fire	Structure Fire	Structure Fire	Wildfires
	Urban Area	Rural Area	Remote Area	Populated Areas
1st Due Travel	5	12	20	10
Time				
Total Reflex Time	7.5	14.5	22.5	12.5
1st Alarm Travel	8	16	24	15
Time				
1st Alarm Total	10.5	18.5	26.5	17.5
Reflex				

Table 2\_1 DEPLOYMENT MEASURES FOR SAN DIEGO CITY GROWTH

Based on <u>mutual aid</u> agreements between the two fire agencies, City of Chula Vista Fire units, are dispatched through the San Diego Fire-Rescue 911 Dispatch Center, as required. <del>Chula Vista engines, trucks and Battalion Chiefs can therefore be recommended to respond to incidents in the City. In the event that a Chula Vista Battalion Chief is the first responder to a Citycall, a San Diego Battalion Chief would also be assigned to the call.</del>

### 2.4.2 Police Services

Police protection to the site is provided by the City Police Department's Southern Division, located at 1120 27<sup>th</sup> Street, or approximately 3.5 miles west of the project site. The General Plan identifies the Police Facilities Plan as the resources document for San Diego Police Department (SDPD) standards. The SDPD currently utilizes a five-level priority dispatch system, with the following priority call categories: E (Emergency), One, Two, Three, and Four (lowest priority). The calls are prioritized by the phone dispatcher and routed to radio operators for dispatch to field units. The priority system is designed as a guide, allowing discretion by phone and radio dispatchers to raise or lower the call priority based on specific conditions. Priority E and Priority One calls involve serious crimes in progress, or those with a potential for injury. Priority Two calls include vandalism and property crimes. Priority Three includes calls after a crime has been committed, such as burglaries and noise complaints (e.g., loud music and dogs barking). Priority Four calls include nuisance calls, such as children playing in the street or lost and found reports (Police Operational Support letter dated Dec, 2013).

The Southern Division station has current staffing consisting of 84 sworn personnel (including 79 uniformed patrol officers) and one civilian employee. Officers work 10-hour shifts, four days per week, based on the following shift (watch) schedule: (1) first watch, 6:00 a.m. to 4:00 p.m.; (2) second watch, 2:00 p.m. to midnight; and (3) third watch, 9:00 p.m. to 7:00 a.m. Pursuant to the SDPD minimum staffing guidelines, the Southern Division currently employs a minimum of 9 patrol officers on first watch, 11 on second watch, and 7 on third watch.

### CANDLELIGHT FINAL ENVIRONMENTAL IMPACT REPORT

Current department-wide response time goals include 7 minutes for Emergency calls, 14 minutes for Priority One calls, 27 minutes for Priority Two calls, and 70 minutes for Priority Three and Four calls. The project site is within the boundaries of Police Beat 713, with the following average response times identified for Beat 713 in 2011; 8.3 minutes for Emergency calls, 18.6 minutes for Priority One calls, 31.4 minutes for Priority Two calls, 71.3 minutes for Priority Three calls, and 55.5 minutes for Priority Four calls. Based on the noted information, response times to the project site currently do not meet established criteria for Emergency and Priority One and Two calls, but are within the stated goals for Priority Four calls. By comparison, the citywide averages for response times in 2011 were 6.6 minutes for Emergency calls, 12.1 minutes for Priority One calls, 25.2 minutes for Priority Two calls, 67.4 minutes for Priority Three calls and 66.7 minutes for Priority for Priority Three calls, and 66.7 minutes for Priority Four calls. Priority Four calls (Police Operation Support letter Dated December 2013).

The San Diego Police Department does not staff individual stations based on ratios of sworn officer per 1,000 population. The goal citywide is to maintain 1.48 officers per 1,000 population ratio. The Department strives to maintain the response time goals as one of various other measures used to assess the level of service to the community. The Department's current staffing ratio is 1.37 sworn officers per 1,000 residents based on the 2011estimate residential population of 1,311,882. The ratio is calculated to take into account all support and investigative positions within the Department. The ratio does not include the significant population increase resulting from citizens who commute to work from outside of the City of San Diego or those who are visiting.

### 2.5 UTILITIES

Water services would be supplied to the proposed project by the City of San Diego Public Utilities Department. Two public 16" water mains are proposed, running north-south on the west side of Caliente Avenue. These mains would be extended from the existing water mains ending just north of the property line in Caliente Avenue. One of these two water mains would connect to a proposed 12" main running east-west in Public Street "A". Dry utility locations in Caliente Avenue and Public Street "A" would be determined when improvement plans are processed. San Diego Gas and Electric (SDG&E) would provide electrical service to the site.

### **3.0 PROJECT DESCRIPTION**

This Environmental Impact Report (EIR) analyzes potential environmental effects associated with the development of the *Candlelight* project, located in the Otay Mesa community of the City of San Diego (City) (refer to Figure 1-1 and Figure 1-3). The project requires a Tentative Map (TM), a Planned Development Permit (PDP), and a Site Development Permit (SDP), each of which are discussed in greater detail below.

This section of the draft EIR addresses the project's goals and objectives, a description of the project's technical aspects, and a detailed listing of actions associated with the proposed project.

### 3.1 **PROJECT OBJECTIVES**

The specific project objectives for the *Candlelight* project include the following, as required by 15124(b) of the State California Environmental Quality Act (CEQA) Guidelines:

- Establish a comprehensive development plan for the site which provides an appropriate balance of residential, recreational, and open space land uses.
- Provide a compact neighborhood and appropriate mix of architectural styles and product types.
- Establish a project-wide circulation system that connects to the public streets and roads identified in the adopted Otay Mesa Community Plan-Mobility Element.
- Provide an easement, access path, trail and trailhead kiosk to connect to the community trail network as identified in the OMCP.
- Protect portions of the site that are included in the Multi-Habitat Planning Areas (MHPA) of the City's Multiple Species Conservation Plan (MSCP), and those areas of the proposed open space/preserve that will be added to the MHPA.
- Implement project related public improvements and infrastructure consistent with the adopted Otay Mesa Community Plan.
- Provide key components of the transportation infrastructure to allow access to and development of the properties south of the site.
- Implement the minimum density range as specified in the OMCP to contribute to the production of an adequate housing supply in the southern geographic area of the City.

### 3.2 TECHNICAL CHARACTERISTICS OF THE PROJECT

Provided below is a general description of the project's characteristics, as required by §15124(c) of the State CEQA Guidelines.

### 3.2.1 <u>Tentative Map (TM), Site Development Permit (SDP), Planned Development</u> <u>Permit (PDP)</u>

The *Candlelight* project is proposed to be developed as a comprehensively planned residential development. The project consists of an application for a PDP, SDP, and TM to create three distinct residential neighborhoods comprised of multi-family housing units, recreation areas, and natural open space/preserves, as depicted on Figure 3-1, *Candlelight Tentative Map (Lots 1 and 4),* Figure 3-2, *Candlelight Tentative Map (Lots 2, 3 and 5),* and Figure 3-3, *Typical Roadway Cross-Sections.* As part of the application for the project, *Candlelight Development Guidelines* (Appendix T of this EIR) includes concept site plans, concept landscape plans, concept architecture, concept site elements, site safety and security guidelines, site sustainability guidelines, and conceptual architectural styles. Appendix N to this EIR contains a copy of the <u>draft TM, PDP, and SDP</u>.

### A. Project Overview

The project requires a TM, a SDP, and a PDP to entitle the proposed project. The TM is needed to subdivide the approximately 44-acre site into five distinct lots (i.e., residential Lots 1, 2, 3, and open space/preserves Lot 4 and Lot 5) and public rights-of-way, as shown on Figure 3-1, Figure 3-2 and Figure 3-3. Lots 1, 2, and 3, which combined total approximately 23.74 acres, would accommodate the construction of up to 475 multi-family dwelling units. Additionally, three recreation areas are proposed (one on each residential lot) as well as the two open space/preserve areas (Lots 4 and 5). The open space/preserve areas would total approximately 18.017.95 acres combined, and would be added to the City's MHPA lands.

The SDP is required to ensure protection for the steep slopes and Environmentally Sensitive Lands (ESL) on the project site. The proposed project includes land in the City's MHPA, which is subject to the ESL regulations in the City's Land Development Code (LDC). All ESL on site would be completely encompassed within the open space/preserve areas of lots 4 and 5. Lot 4 of the open space/ preserve area would be used for the long-term conservation of vernal pools and their watersheds as identified for preservation by the United States Fish and Wildlife Service (USFWS) Biological Opinion (BO), On-site Vernal Pool Restoration Plan (Appendix P) and On-site Habitat Management Plan (Appendix Q). Due to the Brewster Injunction, the City is no longer able to process permits for projects containing any of the seven Vernal Pool species. It was determined that some projects could be exempt from the Brewster Injunction, if the United States Fish and Wildlife Service (USFWS) issued a USFWS Biological Opinion (BO) stating "that this level of take is not likely to result in jeopardy to San Diego or Riverside fairy shrimp." The project obtained the USFWS Biological Opinion take is not likely to result in jeopardy to San Diego or Riverside fairy shrimp." The approved USFWS

## CANDLELIGHT EIR



ROS 17546 SAN YSIDRO HIGH SCHOOL NE 1/4 SEC 31 ROS 10518 T18S R1W SBM 89°23'03"W 1316.6 LOT 4 15.76 AC LOT 4 - THIS PORTION OF THE WESTERNEE PRESERVE TO BE ADDED TO THE MHPA. A COVENANT OF ASSEMENT OR A DEDICATION IN FEE TITLE WILL BE GRANTED TO AN ENTITY APPROVED BY THE CITY OF SAN ROS 17546 15' REAR SETBACK 20' EASEMENT TO BE QUITCLAIME 30' EASEMENT TO BE QUITCLAMED URB AND Y EASEMENT SOL STREET SIDE ITY ESM 503'15'27"W, L 512.98'FG NATER SERVIC R=20, L=30.44, D= 512,72 PRO SWH 45 EE:505.37 RIN:511.56 THE OWNER OR HOA SHALL RESPENSIBLE FOR WANAAGEW LANDSCAPE IMPROVEMENTS ROW SHOWN ON THE APPRO PLANS PRO. PRIVATE WATER 8" GRAVITY SEWER EMRA TO BE PROVIDED 6" PUBLI -PUBLIC STREET "A" TWO PRIVATE 6 WATER SERVICES WITH BACKFLOW PER LOT PUBLIC RE ONE 2" PVT. IRRIGATION SERVICE WITH APN:645-074-26 ROS 7703 TWO 6" PVT FIRE SERVICES WITH BACKFLOW PROPOSED FOR EACH DEVELOPED LOT POTENTIAL LOCATIONS ARE DEPICTED AND A SUBJECT TO CHANGE WHEN THE PROJECT IS DESIGNED. WATER WILL BE LOOPED ONSITE <u>NOTE</u> SEE SHEET 6 FOR WATER QUALITY FACILITI





CANDLELIGHT EIR



# Candlelight EIR

BO (Appendix S), the Biological Technical Report (Appendix C), On-site Vernal Pool Restoration Plan (Appendix P) and the On-site Habitat Management Plan (Appendix Q) are appended to this EIR.

Lot 4 is located on the western edge of the proposed project, and Lot 5 is located at the eastern edge of the proposed development. Both Lots 4 and 5 include lands designated as Open Space by the Santee Investments Precise Plan, as well as ESL as stated above.

Lots 4 and 5 are open space areas and the implementation of the habitat management and vernal pool restoration would occur in phase one of the project. Lot 1 would connect the sewer outflow for the three residential lots to the existing sewer manhole in Caliente Avenue north of the project. Therefore, Lot 1 would need to be built prior to completion of Lots 2 and 3. See more phasing detail in Section 4.7, *Public Utilities*.

The PDP is required to build the residential units, per the Santee Investments Otay Mesa Precise Plan. The PDP ensures that the Santee Investments Otay Mesa Precise Plan guidelines are enacted by the project.

### B. Tentative Map and Site Improvements

As illustrated on Figure 3-1 and Figure 3-2, the proposed TM would subdivide the 44.19-acre Candlelight site into a total of five lots. Residential development is proposed on three of the five lots, specifically: Lot 1 (7.72 acres), located in the western portion of the project site, would be developed with 212 multi-family residential units; Lot 2 (7.15 acres), located adjacent to Caliente Avenue on the eastern side, would be developed with 130 multi-family residential units; and Lot 3 (8.87 acres), located east of Lot 2, would be developed with 133 multi-family residential units. The total proposed development for the three residential lots would be 475 residential units, for an average density of 20.008 dwelling units per acre (du/ac). Lot 3 would contain a 6-foot access trail to the Lot 5 Trail. A trailhead with kiosk and trailhead enhancements would be located on Lot 3 immediately before the 4-foot trail begins in Lot 5. Trail and trailhead details are included in Figure 3-2.

Lot 4 (15.85 acres), located adjacent to and west of the Lot 1 residential development, is proposed for preservation as open space/preserve (refer to EIR Figure 3-1 for details), including the southwestern-most corner which contain 1.0 acre currently within the MHPA. The remainder of Lot 4 open space/preserve area would be added to the MHPA. The on-site vernal pool restoration and habitat management plan implementation would occur on Lot 4. For details, see the *Biological Resources* section of this EIR (Section 4.2).

Lot 5 (2.10 acres) would be the second preserve/open space lot, and is located on the eastern edge of the proposed development, east of Lot 3 residential development. Lot 5 would include a 4-foot trail with a city access easement. The eastern section of this lot has steep slopes and 1.47 acres that are currently mapped in the MHPA (refer to Figure 3-2). Thus, a total of 17.95 acres would be open space/preserve under the proposed T<u>M</u>entative Map.

On-site improvements necessary to implement the project include: the construction of Caliente Avenue through the site (approximately 1.19 acres); the construction of Public Street "A" along the

southern edge of the site (approximately 1.31 acres); improvements necessary for utilities; and internal access roads. Off-site improvements of approximately 1.15 acres for Public Street "A" are off-site to the south of the project boundary. In addition, the construction of necessary connections to offsite utilities (within Caliente Avenue) to service the site would be necessary. An Irrevocable Offer to Dedicate (IOD) would be provided to the City for the future potential road extension of Public Street "A" (west of the western cul-de-sac).

A 4-foot trail in Lot 5 and an access trail in Lot 3 along with trailhead improvements are proposed. Trail and trailhead details are on Figure 3-2.

The proposed configurations of the roadways are depicted in Figure 3-1 and Figure 3-3. A 30-foot IOD is included on the Tentative Map for a potential future westerly extension of Public Street "A". Caliente Avenue is proposed to be constructed as a six-lane major arterial roadway in the ultimate configuration. However, in the near-term configuration it would be striped as a 5-lane major, due to the limited near-term projected traffic conditions.

Proposed locations of utilities required by the project are shown in Figure 3-1. Lot 1 and Lot 3 would have sewer lift stations and would eventually flow to the existing manhole in Caliente Avenue just north of the project. Dual 16-inch potable water mains currently exist in Caliente Avenue at the northern boundary of the Candlelight site. These mains are proposed to be extended into the Candlelight site as part of the proposed development. In addition, four sewer force mains would be constructed in Caliente Avenue for future use.

### C. Planned Development Permit (PDP)

In accordance with Land Development Code §126.0602(b)(1), a PDP is required to conform with the requirements of the Santee Investments Otay Mesa Precise Plan (Precise Plan), adopted November 3, 1993 by resolution number R-282969 and amended in 2006. The PDP process, as required by the Precise Plan, is the mechanism by which the design guidelines and other development standards outlined within the Precise Plan would be implemented. The Precise Plan stipulates that any development in the plan area require a planned development permit along with the TM. The City would use the PDP to confirm that all requirements of the Precise Plan are met and that the project is in conformance with the Precise Plan. As part of the project, a trail is proposed through Lot 5, along with a 10-foot wide trail access easement. A 6-foot wide access path to the trail would be provided, along with a trailhead kiosk in Lot 3.

### D. Site Development Permit (SDP)

The proposed Site Development Permit is required to demonstrate compliance with the City's ESL Regulations protecting steep hillsides (pursuant to LDC §143.0142), sensitive biological resources (pursuant to LDC §143.0141), the General Development Regulations (LDC §143.0140), and Covenants of Easements (LDC §143.0152). Lots 4 and 5 (open space/preserves) would be conveyed to the City's MSCP preserve. <u>As required by the project's Conditions of Approval (COA), Fthe on-site proposed</u> MHPA within proposed Lot 4 and 5 would be conveyed to the City's MSCP preserve through either fee title to an approved agency or through a covenant of easement or a dedication in fee title

### CANDLELIGHT FINAL ENVIRONMENTAL IMPACT REPORT Page 3-7

granted in favor of a conservation agency (approved by the USFWS, CDFW, and the City of San Diego). Conveyance of any land in fee to the City shall require approval from the Park and Recreation Department Open Space Division. The Owner/Permitted/Applicant would ensure longterm management and protection of the preserve areas. The land may be managed by a land management entity approved by the USFWS and regulatory agencies.

### E. Grading and Drainage

As previously discussed, Lots 1, 2 and 3 would be developed for multi-family residential use whereas Lots 4 and 5 would be conserved as open space/preserves. The existing topographical slope for the residential lots ranges from 3.5 percent to the southwest within Lot 1 and from 1.5 percent to the southeast on Lot 3. The majority of steep slopes are not located on the three residential lots. An in-depth discussion of existing slope conditions is found in Section 4.9, *Geologic Conditions*, of this EIR and can be seen on Figure 4.1-3, *Slope Analysis*.

Proposed grading for the three lots would be in conformance with existing topography and not require extensive landform changes. Only in isolated instances of less than 5 percent of the site would grading (i.e., cut or fill) be in excess of one and a half feet of cut or fill. Lot grading is projected to be balanced on site at 57,000 cubic yards of cut and 57,000 cubic yards of fill. Grading for each of the three lots can be done independently. Grading for each of the Lots is independent of grading for the remaining lots, except for sewer improvement phasing as noted above.

The southeast portion of Lot 5 encompasses a finger of Spring Canyon. The southwestern portion of Lot 4 encompasses a portion of the Moody Canyon. Both Lots 4 and 5 are proposed as open space/preserve areas with no development. These canyons ultimately drain into the Tijuana River Valley. The project site is located in the Tijuana River Watershed which is comprised of approximately 1,750 square miles. As the proposed project does not substantially modify existing landforms, drainage would continue to flow into the Tijuana River Watershed. A site-specific <u>Priority</u> <u>Development Project Storm Water Quality Management Plan (PDP SWQMP)</u> Water Quality Technical Report and Drainage studywas prepared to address such issues and is included in the technical appendices of this EIR (refer to Appendix I). An in-depth discussion of hydrology and water quality can be found in Sections 4.10, *Hydrology*, and 4.11, *Water Quality*, of this EIR.

### F. Development Guidelines

Development guidelines have been prepared for the project (refer to Appendix T). The Development Guidelines address the overall external appearance of the development, including building forms, details, and proportions. Three architectural styles have been proposed; including:

 Mediterranean style, which is based on Spanish Revival characteristics. Identifying features include low-pitched roofs with or barrel or "S"-tile roofing which is typically red in color; gable or hip roofs, with the occasional flat roof; eave overhangs with exposed beams, or flush eaves with simple trim and gutter; recessed windows and doors to give the appearance of thick walls; arched openings and arches at recessed windows and doors; and walls with smooth stucco finish and colors in the warm, subtle range.

### CANDLELIGHT FINAL ENVIRONMENTAL IMPACT REPORT Page 3-8

- 2) Bungalow style, which is derived from the characteristics of the Craftsman houses found in Southern California. This style features low pitched gabled roofs with open roof overhangs and exposed roof rafters; deep eave overhands with beans and braces added at gables; roofs generally of composition shingles, flat concrete or clay tile; porches supported with square columns with variable detail; and wall finishes including lap siding, shingles, stucco, stone or brick.
- 3) Old World style, also known as European Country. The style is loosely based on French and English cottages, and features steeply pitched roofs with half-timbered gables and distinctive large chimneys; minimal roof overhangs; roofs of composition shingles, flat concrete or clay tile; bay windows and tall narrow windows with multi-pane glazing organized in horizontal groupings; and walls of stucco, brick or stone.

The proposed development would incorporate sustainable design features including: energy-efficient light fixtures, appliances and heating/cooling systems; energy conservation through building design features; recycling facilities; low-water use fixtures and landscaping. Refer to Appendix T for additional details.

#### G. Landscaping and Brush Management

The proposed Development Guidelines and TM provide landscape details and conditions of the project, the location and treatment for recreation areas, fuel modification treatments, and treatments proposed for the various project entries. Erosion control plans for the site would be prepared when the project grading and improvements plans are submitted. Areas proposed to be impacted by brush management also are depicted in the TM. Landscaping is planned to enhance the project and the overall corridor views. Landscaping adjacent to the MHPA would use non-invasive plant species and would follow all city landscape regulations. Proposed landscape drawings for the ROW areas are contained in Figure 3-4 and Figure 3-5, *Landscape Plans Lots 2, 3 and 5.* 

Alternative Compliance brush management is proposed for the site in order to limit fire hazards for the development. See Figure 3-6, *Brush Management,* for proposed brush management. The City's Fire Department has approved will review the specific proposed alternative compliance for brush management<u>measures as part of the grading and building permit process</u>.

### H. Trail and Trailhead

A six-foot wide access trail to the trailhead would be provided in Lot 3. Trailhead enhancements would be provided in Lot 3 (west of the eastern open space/preserve in Lot 5). The portion of the trail located within the MHPA boundary on Lot 5 (Eastern Preserve) shall be a maximum four feet in width, per the City MSCP Subarea Plan, Section 1.5.2 Trail Guidelines. Trail and trailhead enhancements are illustrated on the Tentative Map, see Figure 3-2.



CANDLELIGHT EIR





Source: Gregg Stockwell & Associates 2018

## CANDLELIGHT EIR



#### LEGEND:

SETBACKS LOTLINE

PROPOSED ROW

PROPOSED CURB

BRUSH MGMT ZONE

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#### NOTE:

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IT SHALL BE THE RESPONSIBILITY OF THE OWNER/PERMITEE TO SCHEDULE A PRE-CONSTRUCTION MEETING ON SITE WITH THE CONTRACTOR AND THE DEVELOPMENT SERVICES DEPARTMENT TO DISCUSS AND OUTLINE THE IMPLEMENTATION OF THE BRUSH MANAGEMENT PROGRAM.

BRUSH MANAGEMENT ZONES BRUSH MANAGEMENT ZONES FOR THIS PROJECT ARE BASED ON A STANDARD 35-FT ZONE ONE WITH 65-FT ZONE TWO. RINAL CONFIGURATION OF BRUSH MANAGEMENT ZONES SHALL BE ESTEMISHED IN COMUNOTON WITH FINAL LAYOUT OF RESIDENTIAL STRUCTURES, EXERCISING ZONE REDUCTION PROVISIONS SET FORTH UNDER 142.0412(7), WHERE COMPOSITE BRUSH MANAGEMENT ZONES SHALL BE IMPLEMENTED PER 142.0412(7) THROUGH (J) TO INCLUDE MEASURES SHALL BE IMPLEMENTED PER 142.0412(7) THROUGH (J) TO INCLUDE OF STRUCTURES FLUS A 10-FT PROVISION OF STRUCTURES FLUS A 10-FT PERPENDICULAR RETURN ALONG ADJACENT WALL FACES, (TYP.)

### **Brush Management**

Figure 3-6

### 3.2.2 Project Phasing

It is anticipated that the proposed project would be developed in phases, with the construction of Lot 1 required to occur first, and the construction of Lots 2 and 3 in a later phase(s). Lot 1 is required to be constructed in Phase 1, due to the sewer infrastructure needed to be completed prior to completion of the construction of Lots 2 and 3. This infrastructure includes a pump station, dual sewer force mains, and sewer main connection with the existing sewer manhole in Caliente Avenue. Lots 2 and 3 could be constructed at the same time or independently of each other. See Figure 3-7, *Project Phasing Plan* for details.

### 3.3 INTENDED USES OF THE EIR

This EIR is intended to disclose any potential impact that may occur to the environment as a result of project implementation. In addition to being made available to the public as an informational document, the conclusions reached in this EIR would be considered by the Lead Agency (i.e., City) and Responsible and Trustee Agencies in determining whether to grant the various project approvals. A description of each of the roles of the various agencies is provided below, followed by a listing of the various approvals required for the project. However, this EIR is intended to cover all state and local governmental approvals which may be needed to construct or implement the Project, whether or not each approval is explicitly listed below.

### 3.3.1 Lead Agency

State law requires that a public agency be identified as the *Lead Agency*, which is defined as "the public agency which has the principal responsibility for carrying out or approving a project." The Lead Agency is granted authority under CEQA in deciding whether an EIR or Negative Declaration would be required for a project and would cause the document to be prepared. The City has primary discretionary approval over the project's primary actions, including the decision whether to approve, conditionally approve, or deny the proposed PDP, SDP and TM. Accordingly, and pursuant to §15367 et seq. of the CEQA Guidelines, the City is identified as the Lead Agency for this Project.

### 3.3.2 <u>Responsible and Trustee Agencies</u>

State law requires that all EIRs be reviewed by trustee and responsible agencies. A *Trustee Agency* is defined in Section 15386 of the State CEQA Guidelines as "a state agency having jurisdiction by law over natural resources affected by a project which are held in trust for the people of the State of California." Per Section 15381 of the CEQA Guidelines, the term *'Responsible Agency'* includes all public agencies other than the Lead Agency which have discretionary approval power over the project. In the case of the *Candlelight* project, the Lead Agency is the City, as defined by Section 15367 of CEQA. Trustee Agencies which may have an interest in the project include the California Department of Fish and Wildlife (CDFW). Responsible Agencies which may have an interest in the project include: <u>U.S.</u> Army Corps of Engineers (Corps), the San Diego Regional Water Quality Control Board (SDRWQCB).

- U.S. Army Corps of Engineers (Corps): Section 404 of the Clean Water Act (CWA) regulates the disposal of dredge or fill material into "Waters of the U.S." These activities are not prohibited by section 404, but simply must be done under a Corps permit. The term "Waters of the U.S." generally applies to navigable waters, though the definition of navigable waters in the CWA has been expanded to include wetlands. Grading activities proposed by the project would result in impacts to Waters of the U.S., and a Section 404 consultation with the Corps to permit such activities has been initiated.
- California Department of Fish and Wildlife (CDFW): The CDFW has the authority to reach an agreement with an agency or private party proposing to affect intermittent or permanent wetlands habitat, pursuant to Section 1602 of the State Fish and Game Code. The CDFW generally evaluates information gathered during preparation of the environmental documentation, and attempts to satisfy their permit concerns in these documents. Where a State-listed threatened or endangered species occurs on a project site, the CDFW would be responsible for the issuance of a Memorandum of Understanding (MOU) to ensure the conservation, enhancement, protection and restoration of State-listed threatened or endangered species and their habitats.
- San Diego Regional Water Quality Control Board (SDRWQCB): Section 401 of the Clean Water Act (CWA) requires that any person applying for a federal permit or license which may result in a discharge of pollutants into waters of the United States, must obtain a state water quality certification that the activity complies with all applicable water quality standards, limitations, and restrictions. No license or permit may be issued by a federal agency until certification required by Section 401 has been granted. Further, no license or permit may be issued if certification has been denied. Accordingly, the project would be required to obtain a Section 401 permit from the SDRWQCB in order to obtain a Section 404 permit from the ACOE.

### 3.3.3 Discretionary Approvals

These documents would be used by the City's Planning Commission under the Process Four decision-making process (or by the City Council if the project is appealed) for:

- Certification of this Project EIR and Adoption of Project Mitigation, Monitoring, and Reporting Program (MMRP).
- Approval of the Proposed Planned Development Permit (PDP), Site Development Permit (SDP), and Tentative Map.

### 3.3.4 **Future Discretionary and Ministerial Approvals**

Subsequent ministerial and/or discretionary actions and necessary approvals from the City or others may include the following:

### PROPOSED PHASING PLAN






- Ministerial Approval of Building Permits, Grading Permits, Street Improvements, Drainage Infrastructure, and Water and Sewer Service Infrastructure.
- Encroachment Permits from the City to allow access within City right-of-ways (ROW) and for construction of various roadway/circulation improvements.
- A 10-foot access easement to the trail in Lot 5 would be granted to the City prior to conveying a covenant of easement or a dedication in fee title for the open space/preserves (Lots 4 and 5).
- 404 Permit by the U.S. Army Corps of Engineers. This permit is required for any discharge to or disturbance of "waters of the U.S.," which is defined to include wetlands. This permit would be required for impacts to on-site wetland areas.
- Water Quality Certification Determination for compliance with Section 401 of the Clean Water Act by the San Diego Regional Water Quality Control Board.
- Section 1602 Streambed Alteration Agreement from the California Department of Fish and Wildlife.
- Storm Water Pollution Prevention Permit (SWPPP) issued by the State of California Water Quality Board.

## 3.4 HISTORY OF PROJECT CHANGES

This EIR analyzes potential environmental effects associated with the development of the Candlelight project, located in the Otay Mesa community of the City of San Diego. The project was originally submitted by Hunsaker and Associates on behalf of the former owner D.R. Horton on May 27, 2004. Due to a change in ownership and re-design of the project, the Tentative Map was resubmitted on March 27, 2012 by Schwerin & Associates. The <u>current-draft</u> Tentative Map/Site Development Permit (SDP)/Planned Development Permit (PDP) (PTS 40329) was accepted by staff on September 23, 2013 and the technical reports were approved by the various City departments. <u>After the Draft EIR was circulated, the City adopted a new Storm Water Standards BMP Design Manual and revisions to the accepted TM were subsequently made in response to updated procedures for planning, preliminary design, selection, and design of permanent storm water BMPs based on the performance standards of the NPDES Municipal Permit. The TM revisions are described below and updated EIR figures based on the revised TM were incorporated into this report, as well as the Priority Development Project Storm Water Quality Management Plan (PDP SWQMP) which is contained in Appendix I.</u>

The major project design changes implemented for the revised Tentative Map are outlined below.

In addition to the revised <u>pendingdraft</u> Tentative Map, a Biological Opinion (BO) was issued since the original Tentative Map <u>was submitted</u> by the US Fish and Wildlife Service (USFWS) on June 21, 2010 stating "The project proponent is implementing significant conservation measures to avoid,

## CANDLELIGHT FINAL ENVIRONMENTAL IMPACT REPORT Page 3-16

minimize, and offset the incidental take of San Diego fairy shrimp and Riverside fairy shrimp during construction and implementation of the Candlelight Villas project." The BO is included as Technical Appendix S of this EIR.

## 3.4.1 **Project Overview of Changes**

Based on the comments from various departments on the Tentative Map/SDP/PDP, many changes were made to the proposed project in response to environmental concerns. The major changes are outlined below by department.

### A. PARK AND RECREATION

- 1. A six-foot wide access path was added to the southern and eastern portion of Lot 3 to allow access to the proposed trail in Lot 5 due to Trail guidelines... was
- 2. A four-foot wide trail was added through Lot 5 to connect with other trails in the area.
- 3. Split rail fencing was added to the access path to prevent hikers from entering the preserve areas.
- 4. Bollards and step over rails were added to prevent motorcycles or cars from entering the access trail and trail.
- 5. A Trailhead Kiosk was added to the trailhead area in Lot 3.
- 6. A 10-foot wide easement for maintenance of the trail in Lot 5 would be granted to the City.

#### B. MSCP/ENVIRONMENTAL

- 1. Split rail, block wall and chain link fencing <u>was were</u> added to the project to prevent human and animal entrance into the preserve areas.
- 2. The previous staging area in Lot 4 was removed from the preserve area.

#### C. ENGINEERING

- 1. In accordance with the City's new 2016 Storm Water Standards BMP Design Manual, on-site treatment BMPs were re-engineered to comply with the new requirements.
- 2. Changes to the proposed structural BMPs were made, including shifting from bio-retention to bio-filtration facilities and incorporating subsurface (underground) hydromodification and detention facilities instead of hydromodification vaults.
- 3. One of the proposed bio-filtration basins was adapted to solely treat runoff from the extension of a public road (i.e., Caliente Avenue).
- <u>4. Revisions to the storm drain locations were made, which triggered minor modifications to the Tentative Map, including the landscape plans (refer to revised Figures 3-1, 3-2, and 4.10-2 in the Final EIR).</u>
- 5. All of the treatment control and structural BMPs remained in the same locations analyzed in the Draft EIR.
- 6. As part of the engineering review process, the project's brush management program depicted in the Draft EIR was also updated to comply with current City regulations (refer to revised Figures 3-4, 3-5 and 3-6 in the Final EIR). No changes to the outer extent of fuel

modification zones are proposed with these brush management revisions; alternative compliance would continue to be used to fully comply with the fire code requirements and minimize impacts to sensitive biological resources.

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## 4.0 ENVIRONMENTAL ANALYSIS

The following environmental analysis (provided in Sections 4.0 and 5.0 of this Project EIR) is based on the project description provided in Section 3.0 of this EIR.

## 4.1 LAND USE

## 4.1.1 Existing Conditions

#### **Existing On-site Uses**

The 44.19-acre site is currently vacant and has been graded previously for agricultural use. The Otay Mesa area has historically had issues with trash dumping and unlawful off-road vehicle (ORV) use. Previous off-road vehicle use of the site is evidenced by numerous trails and roads that traverse the project. Topographically, the subject property is characterized by mesa land with nearly flat to gently inclined ground surfaces over most of the proposed site. Two fingers of nearby canyons intersect the site. One intersects at the eastern margin of the property and the other intersects at the southwestern edge of the property. The center of the site drains to a nearby finger canyon. This finger canyon is just south of the project boundary. Two east-west trending berms measuring approximately 10 feet in height and 20 feet in width are located along the northern and southern property lines. The majority of the site generally drains gently south and westward, with the easternmost section draining southeasterly. All site drainage eventually enters into the Tijuana River in Baja California, Mexico. Ground surfaces over much of the property are smooth and essentially featureless because of agriculture cultivation over many years. The project site is very long and narrow and elevations range from a high of approximately 534 feet Above Mean Sea Level (AMSL) in the north-central portion of the site, where several man-made berms have been created, to a low of approximately 460 feet AMSL in the southeastern corner of the site.

#### **Existing Surrounding Uses**

The project site is located in Otay Mesa, known for its flat topography intersected on the edges by finger canyons that lead to the Otay River Valley to the north or the Tijuana River Valley to the southwest, such as Spring Canyon and its tributaries. Surrounding the site in all directions are other flat mesa lands characteristic of this area. San Ysidro High School is contiguous to the site on the northwest. Brown Field is a general aviation airport owned and operated by the City of San Diego (City) that lies 0.86 miles to the northeast of the project site across Otay Mesa Road and State Route 905 (SR-905). Additionally, the International Border with Mexico is located approximately 1.2 miles south of the proposed project site. The Tijuana International Airport within Mexico is located approximately 2 miles southeast of the project site.

## **Applicable Plans and Policies**

Plans, policies and regulations that pertain to land use and transportation planning for the proposed project are contained in: the City's General Plan, the 2014 Otay Mesa Community Plan (OMCP), 1993 Santee Investments Otay Mesa Precise Plan (Precise Plan), the City Multiple Species Conservation

Program (MSCP) Subarea Plan (MSCP SAP), the City Land Development Code (LDC), and the Brown Field Airport Land Use Compatibility Plan (ALUCP).

These plans and regulations address a variety of land use issues, including development of a mix of land uses at appropriate densities in accordance with existing community character, conservation of sensitive habitats, provision of open space and public improvements, and protection against incompatible land uses. The applicable policies of these plans and regulations are described below.

#### City Of San Diego General Plan

State laws require cities and counties to adopt a general plan to guide its future development, and mandates that the plan be periodically updated to ensure relevance and value. The City of San Diego's General Plan is a comprehensive, long-term planning document that sets out a long-range vision and policy framework to guide how the City will grow and develop, provide public services, and maintain the qualities that define San Diego. The General Plan has ten elements: Land Use and Community Planning; Mobility; Urban Design; Economic Prosperity; Public Facilities, Services and Safety; Recreation; Conservation; Historic Preservation; Noise; and Housing. Within each General Plan Element are a set of goals and policies that are intended to guide a wide range of public and private development decisions. The City's General Plan was last updated in March 2008, and in December 2010 and January 2012 the City Council approved minor amendments to the General Plan Land Use and Community Planning Element; Public Facilities, Services, and Safety Element; Recreation Element; Conservation Element; and Glossary.

The project site has a General Plan land use designation of Residential. Relevant policies from the various General Plan elements that pertain to residential development are contained in Table 4.1\_1, Summary of Consistency with City of San Diego General Plan.

#### Land Use and Community Planning Element (Land Use Element)

The Land Use and Community Planning Element guides future growth and development of the City into a sustainable development pattern while maintaining or enhancing the quality of life. This element provides policies to implement the City of Villages strategy and includes policy direction to govern the preparation of community plans. The relevant policies of the Land Use Element for the proposed project are as follows:

#### Mobility Element

The Mobility Element provides the framework to improve mobility through development of a balanced, multi-modal transportation network that is efficient and minimizes environmental and neighborhood impacts. In addition to addressing walking, streets, and transit, the Mobility Element includes policies related to bicycling and parking.

#### Urban Design Element

The purpose of the Urban Design Element is to guide the physical development toward a desired scale and character that is consistent with the social, economic and aesthetic values of the City. The

element addresses urban form and design through policies aimed at respecting the natural environment, and targeting new growth into compact villages.

#### **Recreation Element**

The purpose of the Recreation Element is to preserve, protect, acquire, develop, operate, maintain, and enhance public recreation opportunities and facilities throughout the City for all users.

#### **Conservation Element**

The Conservation Element contains policies to guide the conservation of the resources that are fundamental components of San Diego's environment, that help define the City's identity, and that are relied upon for continued economic prosperity.

#### Noise Element

The purpose of the Noise Element is to protect people living and working in the City from excessive noise and associated impacts to quality of life. The Noise Element provides goals and policies to guide compatible land uses and incorporate noise attenuation measures for new uses.

#### Climate Action Plan

The City adopted its Climate Action Plan (CAP) in December 2015. The CAP serves as mitigation for the City's 2008 General Plan (City of San Diego 2015). The General Plan calls for the City to reduce its carbon foot-print through actions including adopting new or amended regulations, programs, and incentives. General Plan Policy CE-A.13 specifically identifies the need for an update of the City's 2005 Climate Protection Action Plan that identifies actions and programs to reduce the GHG emissions of the community-at-large, and City operations. Additionally, with future implementing actions, it is anticipated that the CAP will serve as a "Qualified GHG Reduction Plan" for purposes of tiering under CEQA. The CAP quantifies baseline GHG emissions for 2010; provides emissions for 2020 and 2035; establishes reduction targets for 2020 and 2035; identifies strategies and measures to reduce GHG levels; and provides guidance for monitoring progress on an annual basis. Implementation of the CAP relies on compliance with various policies within the General Plan.

#### Otay Mesa Community Plan

Because of the size and diversity of the communities in the City of San Diego, the Land Use Element of the City's General Plan incorporates community plans that implement the policies of the General Plan by providing more detailed land use designations and community-specific goals and policies to guide future development. In addition to the City's General Plan, development in the project area is governed by the Otay Mesa Community Plan (OMCP), which was approved by the City Council in March 2014. The proposed Candlelight project is located within the community boundaries of Otay Mesa.

The OMCP envisions Otay Mesa as a diverse international community in proximity to the U.S./Mexico border, with a mixture of industry, business, commercial, housing, recreation, education, services and civic uses making up a vibrant community.

## **CANDLELIGHT FINAL ENVIRONMENTAL IMPACT REPORT** Page 4.1-3

Within the community, a series of districts have been designated to help organize the community based on predominant land uses, facilities, natural features, and infrastructure. The project site is located in the Southwest District of Otay Mesa, which is identified in the OMCP for the development of a residential and mixed-use village and natural resources preservation.

Figure 2-1 in the Land Use Element of the OMCP, the Otay Mesa Southwest District land use map, designates the project site for one land use: Medium Density Residential use at 15-29 residential dwelling units per acre (du/ac). See Figure 4.1-1, *Otay Mesa Community Plan Land Use-Southwest District*.

In addition to the land use designation for the project site, the OMCP provides a number of policies pertinent to the proposed project that are contained in Table 4.1\_2, *Summary of Consistency with Otay Mesa Community Plan.* 

#### Santee Investments Otay Mesa Precise Plan

The City adopted the Santee Investment Otay Mesa Precise Plan (herein referred to as the "Precise Plan") on November 9, 1993 which encompasses approximately 130 acres within the western portion of the Otay Mesa community including the entire Candlelight project site. The 1981 Otay Mesa Community Plan (OMCP) required that a precise development plan be prepared for each neighborhood development prior to proceeding with the processing of specific development proposals. The Precise Plan is intended to provide detailed development proposals for the Precise Plan area to implement the future development guidelines, proposals and concepts that are included in the 1981 OMCP. The Precise Plan provides densities, road alignments, conceptual grading, design approaches, and locations of community and neighborhood facilities which could not be conveyed in adequate detail at the community plan level.

As noted in the previous section regarding the OMCP, the community plan was updated in 2014. The Precise Plan was remains in effect in conjunction with the 2014 OMCP. However, when a policy in the Precise Plan is in conflict with the 2014 OMCP, the OMCP policy will supersede the Precise Plan policy.

The majority of the proposed project site is designated as Medium Density Residential use or Low-Medium Density Residential per the Precise Plan. In addition to the Medium Density Residential and Low-Medium Density Residential designated areas, there is a triangular portion of the site west of Caliente Avenue that is designated for Neighborhood Commercial use by the Precise Plan. However, this has been updated and superseded by the OMCP designation of Medium Density Residential due to the realignment of Caliente Avenue. The Precise Plan requires a Planned Development Permit (PDP) for each residential development as a condition of final map approval. The guidelines and development standards set forth in the Precise Plan are monitored and implemented by the City Planning Department through the processing of PDPs for specific development proposals within the Precise Plan area.

## **Otay Mesa Community Plan Land Use - Southwest District (Ultimate)**

## Figure 4.1-1



(Source OMCPU, Sept 2013)

Precise Plan policies pertinent to the proposed project are contained in Table 4.1\_3, *Summary of Consistency with the Adopted Precise Plan*.

#### City Multiple Species Conservation Program (MSCP) Subarea Plan

The Multiple Species Conservation Program (MSCP) was developed to preserve a network of habitat and open space, protecting bio-diversity and enhancing the region's quality of life. The City is one of several jurisdictions participating in the MSCP. The MSCP covers 85 species and the core biological resource areas are identified throughout the City as Multi-Habitat Planning Areas. The City has entered into an Implementing Agreement with the federal and state wildlife agencies to ensure implementation of the MSCP.

The MSCP allows for the incidental take of threatened and endangered species, as well as regionally sensitive species that are to be conserved (known as covered species), as regulated by the City in certain areas, while providing for the species' conservation in designated preserve areas. MHPA areas target large contiguous swaths of land to function as regional preserves. These areas will be 90% preserved with development typically clustered on the least biologically sensitive 25% of land parcels.

The City adopted an MSCP Subarea Plan pursuant to the general outline developed by the United States Fish and Wildlife Service (USFWS) and the California Department of Fish and Wildlife (CDFW) to meet the requirements of the California Natural Communities Conservation Planning (NCCP) Act of 1992. The Subarea Plan, adopted in 1997, forms the basis for the Implementing Agreement which is the contract between the City and the wildlife agencies which ensures implementation of the plan and consistency with specific management directives (City 1997).

The overarching MSCP goal is to maintain and enhance biological diversity in the region and conserve viable populations of endangered, threatened, and key sensitive species and their habitats, thereby preventing local extirpation and ultimate extinction, and minimizing the need for future listings, while enabling economic growth in the region. Where land is preserved as part of the MSCP through acquisition, regulation, mitigation or other means, management is necessary to continue to ensure that the biological values are maintained over time, and that the species and habitats that have been set aside are adequately protected and remain viable. There are 2.47 acres of MHPA currently mapped on the project site (refer to Figure 2-5 in the Environmental Setting section of this EIR). All of the MHPA land is in the proposed Lots 4 and 5 open space/preserve areas. The remainder of Lots 4 and 5 that are not currently within the MHPA will be added as part of the project.

The Framework Management Plan of the MSCP Subarea Plan includes Specific Management Policies and Directives for the Otay Mesa area. Top priorities for the Otay Mesa MHPA include: restricting vehicle use to existing access roads to avoid disturbance to the habitat; remove trash and hazardous materials, and vehicles from the MHPA prior to the transfer from private into public ownership and/or management; inventory vernal pool areas within the Otay Mesa area for sensitive and target species where not previously or recently done; and assess vernal pool areas proposed for development for transplantation of sensitive plants and soils containing seedbanks of sensitive flora and fauna.

#### Land Development Code, Chapter 13 (Zones)

The zones applicable to the project site are defined in the Land Development Code (LDC); it includes regulations regarding maximum density, setback requirements and allowable uses. The project site is zoned as follows:

- Proposed Project Lot 1: RM-2-5
- Proposed Project Lot 2: RM-2-5
- Proposed Project Lot 3: RM-2-5
- Proposed Project Lot 4: RM-1-1, RM-2-5
- Proposed Project Lot 5: RM-2-5

Approximately 25.9 acres of the proposed project site is zoned RM-2-5 (Lots 1, 2, 3, and 5). The purpose of RM zones is to provide for multiple dwelling unit development at varying densities. The RM-2-5 zone permits medium density multiple dwelling units and allows a maximum density of one dwelling unit for each 1,500 square feet of lot area.

Lot 4 is designated as RM-1-1, which permits lower density multiple dwelling units at a maximum density of one dwelling unit for each 3,000 square feet of lot area. However, this project proposes to designate Lot 4 as open space/preserve which would not be developed. See Figure 4.1-2, *Existing Zoning*.

As required by the Santee Investments Precise Plan, a Planned Development Permit (PDP) is required for the proposed project. The purpose of the PDP, as stated in **§**126.0601of the LDC, is to "encourage imaginative and innovative planning and to assure that the development achieves the purpose and intent to the applicable land use plan and that it would be preferable to what would be achieved by strict conformance with regulations." All projects in the Precise Plan area require a PDP.

A Site Development Permit (SDP) is also required for the proposed project because the site contains sensitive biological resources and steep slopes (i.e., Environmentally Sensitive Lands (ESL)). The purpose of the Site Development Permit (SDP) procedures in the SDMC is to establish a review process for proposed development that may have significant impacts on resources or on the surrounding area. The City adopted the ESL Regulations in January 2000 in order to protect, preserve and, where damaged, restore the environmentally sensitive lands of San Diego and the viability of the species supported by those lands (SDMC §143.0101). Additional discussion of these regulations is provided in Section 4.2, *Biological Resources*.

#### Noise Ordinance

The City of San Diego Noise Abatement and Control Ordinance (SDMC§59.5.04 et seq.) limits the hours of allowable construction activities and establishes performance standards for construction noise at any residentially zoned property to abate the potential nuisance from construction noise, especially in proximity to adjacent noise-sensitive development. This ordinance prohibits construction from 7:00 PM to 7:00 AM, and on Sundays and selected holidays, unless a permit has been granted by the City; limits construction noise in residential areas from 7:00 AM to 7:00 PM to a maximum of 75 decibels (dB); and exempts emergency construction, provided adequate notice is given after work commences.

## CANDLELIGHT EIR



# **Existing Zoning**

#### Brown Field Airport Land Use Compatibility Plan

The Candlelight project area is located within the Airport Influence Area (AIA) identified in the Airport Land Use Compatibility Plan (ALUCP) for Brown Field, adopted in 2010 by the San Diego Regional Airport Authority functioning as the San Diego County Airport Land Use Commission (ALUC). The basic function of the ALUCP is to promote compatibility between airports and the land uses that surround them to the extent that these areas are not already devoted to incompatible land uses. The ALUCP safeguards the general welfare of the inhabitants within the vicinity of Brown Field and the public in general.

The ALUCP provides policies and criteria for the City of San Diego to implement and for San Diego County ALUC to use when reviewing development proposals. The City of San Diego implements the ALUCP policies and criteria with the supplemental development regulations contained in the Airport Land Use Compatibility Overlay Zone. The Brown Field ALUCP addresses four types of airport land use compatibility concerns: noise, safety, airspace protection, and overflight.

There are two Airport Influence Area Review Areas for Brown Field. Review Area 1 consists of locations where noise and/or safety concerns may necessitate limitations on the types of land uses. Specifically, Review Area 1 encompasses locations exposed to noise levels of CNEL 60 dB or greater together with all of the safety zones depicted on the associated maps in the ALUCP. Within Review Area 1, all types of land use plan amendment and rezone actions are to be submitted to the ALUC for review to the extent review is required by law and determination of consistency with the ALUCP. Review Area 2 consists of locations beyond Review Area 1 but within the airspace protection and/or overflight areas depicted on the associated maps in the ALUCP.

The project site is within Review Area 2. Airport Airspace protection zones surfaces have been established by the FAA to evaluate the airspace compatibility of land use development within the AIA. The project's proximity to Brown Field only requires notification to the Federal Aviation Administration (FAA) in order to conduct an Obstruction Evaluation/Airport Airspace analysis under Title 14 code of Federal Regulations, Part 77 if the proposed project exceeds 100:1 notification surface. The project would not exceed the notification surface.

With regard to airport noise, the Brown Field ALUCP establishes noise exposure contours outlining areas that are exposed to airport noise in the ranges of 60-65 dB community noise equivalent level (CNEL), 65-70 dB CNEL, 70-75 dB CNEL, and 75+ dB CNEL. The project site is outside of the 60 decibel (dB) noise exposure contours in the Brown Field ALUCP. The Brown Field ALUCP also identifies safety zones that have been established for the purpose of evaluating the safety compatibility of land use development in the AIA. The project site is not located within a safety zone for Brown Field.

The project site is also not within the Overflight Notification Area, which requires that development projects record an overflight notification document as a condition of development. However, State statutes require that residential real estate transactions within the AIA disclose that the property is within the vicinity of an airport.

### 4.1.2 Impact Analysis

#### **Basis for Determining Significance**

According to the Land Use Section of the City of San Diego's *Significance Determination Thresholds*, a proposed project would have a significant land use impact if any one or more of the following conditions would occur as a result of the project:

- Inconsistency/conflict with the environmental goals, objectives, or guidelines of a community or general plan.
- Inconsistency/conflict with an adopted land use designation or intensity and indirect or secondary environmental impacts occur (for example, development of a designated school or park site with a more intensive land use could result in traffic impacts).
- Substantial incompatibility with an adopted plan. For example: a rock crusher in a residential area would result in land use conflicts related to environmental consequences (i.e. noise), and environmental impacts would result. As a general rule, projects that are consistent with the zoning and compatible with surrounding uses should not result in land use impacts.
- Development or conversion of general plan or community plan designated open space or prime farmland to a more intensive land use.

#### **Determination of Significance**

### Issue 1 Would the proposed project result in a conflict with the environmental goals, objectives, or recommendations of the General Plan and/or community plan in which it is located?

#### DISCUSSION OF PROJECT IMPACTS (ISSUE 1)

#### **General Plan Consistency**

Analysis of the proposed project's consistency with the policies of the City of San Diego General Plan is provided below in Table 4.1\_1. As shown in the consistency table, the proposed project would be consistent with the applicable policies of the General Plan. The proposed project would not conflict with the goals, objectives, or recommendations of the General Plan.

Table 4.1_1 SUMMARY OF CONSISTENCY WITH THE CITY OF SAN DIEGO GENERAL PLAN			
Doucy	Consis	STENCY	Discussion
POLICY	C*	<b>I</b> *	DISCUSSION
LA	ND USE AN	D COMMUN	NITY PLANNING ELEMENT
Policy LU-C.4: Ensure efficient use of remaining land available for residential development and redevelopment by requiring that new development meet the density minimums of applicable plan designations.	X		The project proposes to use the land efficiently by building 20 multi-family du/ac, which exceeds the density minimum of 15 du/ac.
		MOBILITY	ELEMENT
WALKABLE COMMUNITIES Policy ME-A.4: Make sidewalks and street crossings accessible to pedestrians of all abilities.	X		On-site circulation would be ADA compliant and there is a proposed 5' temporary asphalt sidewalk on south Public Street "A" in order to provide safe access to the high school and connect to the City trail system via the Lot 3's public access trail. ADA guidelines are being met by the proposed project and would meet these policies and requirements.
Policy ME-A.6a: Ensure that pedestrian facilities such as sidewalks, trails, bridges, pedestrian- oriented and street lighting, ramps, stairways and other facilities are implemented as needed to support pedestrian circulation.	X		Pedestrian circulation is being supported with 12' and 22' parkways which include non- contiguous sidewalks. Public access trail and public trail improvements are proposed for the project in Lots 3 and 5. Street lighting, curb ramps and other facilities are proposed to support pedestrian circulation.

Table 4.1_1 SUMMARY OF CONSISTENCY WITH THE CITY OF SAN DIEGO GENERAL PLAN				
	CONSISTENCY		-	
POLICY	C*	<b>I</b> *	DISCUSSION	
Policy ME-A.6a (3): Design grading plans to provide convenient and accessible pedestrian connections from new development to adjacent uses and streets.	x		Grading is proposed for the Candlelight project to design convenient and accessible pedestrian connections from the proposed project to adjacent uses, including the San Ysidro High School and the City trail system.	
Policy ME-A.6b: Link sidewalks, pedestrian paths and multi- purpose trails into a continuous region-wide network where possible.	X		The proposed project would contribute to the region-wide network by extending Caliente Avenue and building Public Street "A". The City wide trail system would be accessed through an on-site access trail in Lot 3 and continue through Lot 5.	

Table 4.1_1 SUMMARY OF CONSISTENCY WITH THE CITY OF SAN DIEGO GENERAL PLAN				
Doucy	CONSISTENCY		Discussion	
POLICY	C*	<b>I</b> *	DISCUSSION	
STREET LAYOUT, DESIGN AND OPERATIONS	x		The proposed project would construct Caliente Avenue, a Circulation Element Road, through the project site and a portion of Public Street	
Policy ME-C.4: Improve operations and maintenance on city streets. a. Regularly optimize traffic signal timing and coordination to reduce travel time and delay and implement new signal and intersection technologies that improve pedestrian safety and traffic flow.			A on-site, including a IOD for the future potential extension of the street. The on-site portion of Caliente Avenue would feature both Class I and Class II bicycle lanes; the off-site portion of the road would contain a Class II bike lane. These road improvements would improve operations of City streets.	
b. Adequately maintain the transportation system.				
c. When new streets are built and as existing streets are modified over time, design, construct, and operate city streets to accommodate				

Table 4.1_1 SUMMARY OF CONSISTENCY WITH THE CITY OF SAN DIEGO GENERAL PLAN				
Deven	CONSISTENCY		Discussion	
FOLICE	C*	<b>I</b> *	DISCUSSION	
and balance service to all users/modes (including walking, bicycling, transit, High Occupancy Vehicles, autos, trucks, automated waste and recycling collection vehicles, or emergency vehicles).				

Table 4.1_1 SUMMARY OF CONSISTENCY WITH THE CITY OF SAN DIEGO GENERAL PLAN			
Poucy	Consis	STENCY	DISCUSSION
POLICE	C*	۱*	DISCOSSION
TRANSPORTATION DEMAND MANAGEMENT Policy ME-E.6. Require new development to have site designs and on-site amenities that support alternative modes of transportation. Emphasize pedestrian and bicycle-friendly design, accessibility to transit, and provision of amenities that are supportive and conducive to implementing TDM strategies such as car sharing vehicles and parking spaces, bike lockers, preferred rideshare parking, showers and lockers, on-site food service, and child care, where appropriate.	X		The proposed project would feature both bicycle path and lanes, as well as a trail system and sidewalks to encourage alternative means of travel by residents.
BICYCLING			
ME-F.4: Provide safe, convenient, and adequate short- and long-term bicycle parking facilities and other bicycle amenities for employment, retail multi-family housing			103 bicycle spaces are being proposed for the project. This would allow bicycle parking on-site as well as in the individual garages of the units. These parking facilities would provide adequate safe and convenient bicycle parking for this multi-family project.

Table 4.1_1 SUMMARY OF CONSISTENCY WITH THE CITY OF SAN DIEGO GENERAL PLAN			
Poursy	Consis	STENCY	Discussion
FOLICT	С*	<b>I</b> *	DISCUSSION
schools and colleges, and transit facility uses.			
	U	RBAN DESI	GN ELEMENT
Policy UD-A.1b: Continue to implement the Multiple Species Conservation Program (MSCP) to conserve San Diego's natural environment and create a linked open space system. Preserve and enhance remaining naturally occurring features such as wetlands, riparian zones, canyons, and ridge lines.	X		MSCP guidelines are being followed to conserve San Diego's natural environment. Lot 4 and Lot 5 would become a part of the MHPA via this project. Habitat restoration is proposed for Lot 4, along with a Vernal Pool preservation plan. Lot 4 &5 are near the canyons and ridge lines and therefore would preserve these features.
Policy UD-A.2b: Preserve and encourage preservation of physical connectivity and access to open space.	x		The project proposes open space with an on- site access trail to a proposed public trail within Lot 5's open space.
Policy UD-A.3: Design development adjacent to natural features in a sensitive manner to highlight and complement the natural environment in areas designated for development.			The proposed development has proposed Development Guidelines which address in Chapter 3 context-sensitive development planning and building siting and massing that is oriented to take advantage of natural views. The project proposes 17.95 of Open Space adjacent to the two canyons east and west of the proposed project.

Table 4.1_1 SUMMARY OF CONSISTENCY WITH THE CITY OF SAN DIEGO GENERAL PLAN			
		STENCY	Discussion
POLICY	С*	۱*	DISCUSSION
Policy UD-A.4: Use sustainable building methods in accordance with the sustainable development policies in the Conservation Element.	х		The proposed project would have sustainable design features that would reduce the project's overall demand for energy including the installation of energy- and water-efficient systems.
Policy UD-A.5: Design buildings that contribute to a positive neighborhood character and relate to neighborhood and community context.	X		The concept building design has been proposed in a manner to enhance neighborhood character, including such elements as street frontages that are designed with architectural and landscape interest to provide visual appeal. Development Guidelines have been developed to allow flexibility in design while still adhering to the neighborhood character and relating to the neighborhood and community.
Policy UD-A.6: Create street frontages with architectural and landscape interest to provide visual appeal to the streetscape and enhance the pedestrian experience.	X		Street frontages have been designed with architectural and landscape interest to provide visual appeal. A 22' parkway and a 12' parkway have been proposed on Caliente Avenue and Public Street "A". Landscaping is proposed on both of these streets to enhance the pedestrian experience. Chapters 3 and 4 of the Development Guidelines address building orientation to the streets and pedestrian- oriented building entries.
Policy UD-A.8: Landscape materials and design should enhance structures, create and define public and private spaces, and provide shade, aesthetic appeal, and environmental benefits.	x		Per the Development Guidelines, landscape materials would enhance public and private spaces with a unifying landscape theme with unique plantings at key project elements, by screening trash enclosures and perimeter walls, and adding aesthetic appeal and environmental benefits through the use of shade trees.

Table 4.1_1 SUMMARY OF CONSISTENCY WITH THE CITY OF SAN DIEGO GENERAL PLAN			
Ρομαγ	Consis	STENCY	DISCUSSION
Folici	C*	<b>I</b> *	
Policy UD-A.12: Reduce the amount and visual impact of surface parking lots.	x		Garages are proposed to reduce surface parking. Surface parking is needed to meet parking requirements; however, it is distributed throughout the site in order to reduce the visual impact.
Policy UD-A.13: Provide lighting from a variety of sources at appropriate intensities and qualities for safety.	x		Lighting is proposed to assist with safety per the Development Guidelines Chapter 7. Lighting would be provided by a variety of sources and would be at appropriate intensities.
Policy UD-A.16: Minimize the visual and functional impact of utility systems and equipment on streets, sidewalks, and the public realm.	X		Visual impact of utilities would be minimized. Roof-mounted and ground-mounted mechanical equipment would be screened from view per Chapter 4 of the Development Guidelines. Landscaping would be used to help shield equipment from view per Chapter 5 of the Development Guidelines.
DISTINCTIVE NEIGHBORHOODS AND RESIDENTIAL DESIGN Policy UD-B.2: Achieve a mix of housing types within single developments.	X		Three concept housing types are being proposed for the site: residential flats, carriage units, and townhomes. Each lot is able to choose one of the three housing types in order to achieve a mix within the development.

Table 4.1_1 SUMMARY OF CONSISTENCY WITH THE CITY OF SAN DIEGO GENERAL PLAN			
Doursy	Consi	STENCY	Discussion
POLICY	C*	I*	DISCUSSION
PUE	<b>3LIC FACILI</b>	ΓIES, SERVI	CES AND SAFETY ELEMENT
EVALUATION OF GROWTH, FACILITIES AND SERVICES	X		
Policy PF-C.1: Require development proposals to fully address impacts to public facilities and services.			Impacts to public facilities and services have been reviewed in this EIR. The project would contribute to the Facilities Benefit Assessment in order to contribute to new facilities in the area. The project would assist the sewer and water infrastructure of Otay Mesa by extending two public water mains down Caliente Avenue and one public water main in Public Street "A". The project is proposing four public sewer force mains in Caliente Avenue for future use.
		RECREATIO	N ELEMENT
Policy RE-A.10: Encourage private development to include recreation facilities, such as children's play areas, rooftop parks and courts, useable public plazas, and mini- parks to supplement population-based parks.	x		Recreation facilities are proposed for each Lot within the project. The project proposes a Tot Lot and other open space recreation areas in each of the three proposed Lots. These open space recreation areas would be used to supplement population-based parks.
Policy RE-C.7: Protect beaches and canyons from uncontrolled urban runoff.	X		The proposed project would comply with source control, site design, and structural BMPs hydromodification requirements to control runoff to canyons. <u>Permanent best</u> <u>management practices would include Bio-</u> <u>retention and</u> -hydromodification and detention basins. <u>would be used to control storm water</u> <u>run-off. In addition, Best Management Practices</u> <u>would be used to manage storm water.</u> These measures are outlined in the <u>Priority</u> <u>Development Project Storm Water Quality</u> <u>Management PlanWater Quality</u> . Technical Report.

Table 4.1_1 SUMMARY OF CONSISTENCY WITH THE CITY OF SAN DIEGO GENERAL PLAN				
Ρομικά	CONSISTENCY		DISCUSSION	
	С*	<b>I</b> *	DISCOSSION	
CONSERVATION ELEMEN	ІТ			
Policy CE-A.5 Employ sustainable or "green" building techniques for the construction and operation of buildings.	X		• The project would participate in the California Green Building program (CalGreen), as described in Section 4.14, <i>Greenhouse Gas Emissions</i> , of this EIR.	
Policy CE-A.7: Construct and operate buildings using materials, methods, and mechanical and electrical systems that ensure a healthful indoor air quality. Avoid contamination by carcinogens, volatile organic compounds, fungi, mold, bacteria, and other known toxins.	X		Air Quality has been reviewed in this EIR and the proposed project would comply with air quality standards. Current building standards and guidelines would be complied with at the time that building permits are applied for to ensure the most updated construction methods are used to help ensure a healthful indoor air quality and eliminate toxins and fungi.	
Policy CE-A.8: Reduce construction and demolition waste in accordance with Public Facilities Element, Policy PF-1.2, or by renovating or adding on to existing buildings, rather than constructing new buildings.	X		A waste Waste management Management report Plan has been prepared to ensure building waste from the construction of the proposed project is handled is in accordance with this policy. Recycling of building materials would be used to prevent excessive construction waste.	
Policy CE-A.9: Reuse building materials, use materials that have recycled content, or use materials that are derived from sustainable or rapidly renewable sources to the extent possible.	X		The proposed project would incorporate materials that have recycled content, as described in the project's Waste Management Plan.	

Table 4.1_1 SUMMARY OF CONSISTENCY WITH THE CITY OF SAN DIEGO GENERAL PLAN			
Doursy	Consis	STENCY	_
POLICY	C*	۱*	DISCUSSION
Policy CE-A.10: Include features in buildings to facilitate recycling of waste generated by building occupants and associated refuse storage areas. a. Provide permanent, adequate, and convenient space for individual building occupants to collect refuse and recyclable material. b. Provide a recyclables collection area that serves the entire building or project. The space should allow for the separation, collection and storage of paper, glass, plastics, metals, yard waste and other materials as needed.	X		Permanent recycling areas are proposed for the project in order to comply with this policy. Areas would be provided on-site for recycling of waste by building occupants. Permanent, convenient and adequate trash enclosure areas would be provided for both refuse and recyclable materials, as described in Chapter 6 of the Development Guidelines. This on-site space would allow for the separation, collection and storage of paper, glass, plastics, metals, yard waste and other materials as needed.
Policy CE-A.11: Implement sustainable landscape design and maintenance.	X		Sustainable landscape design would be used and drought tolerant native plants would be used where possible to meet this policy, as described in Chapters 5 and 8 of the Development Guidelines. The landscape design would emphasize low water use, low plant maintenance, and low landscape waste in the design of the on-site and ROW landscape.

SUMMARY OF (	CONSISTEN	Table CY WITH TH	4.1_1 IE CITY OF SAN DIEGO GENERAL PLAN
Poucy			<b>D</b>
POLICY	C*	<b>I</b> *	DISCUSSION
<ul> <li>Policy CE-A.12: Reduce the San Diego Urban Heat Island, through actions such as:</li> <li>Using cool roofing materials, such as reflective, low heat retention tiles, membranes and coatings, or vegetated eco-roofs to reduce heat build- up;</li> <li>Planting trees and other vegetation, to provide shade and cool air temperatures. In particular, properly position trees to shade buildings, air conditioning units, and parking lots; and</li> <li>Reducing heat build- up in parking lots through increased shading or use of cool paving materials as feasible.</li> </ul>	X		The project proposes to diminish Urban Heat Island through the use of cool roofing materials and landscaping throughout the project, as described in Chapter 8 of the Development Guidelines. Trees and vegetation would be planted throughout the project to help lower the heat index and provide shade. Parking is provided throughout the project site and in garages, to limit large expanses of asphalt and paving. Trees would also be used in parking areas to provide shade and reduce heat gain.
OPEN SPACE AND LANDFORM PRESERVATION	X		
Policy CE-B.1: Protect and conserve the landforms, canyon lands, and open spaces that: define the City's urban form; provide public views/vistas;			The project proposes dedicating 17.95 acres of conserved open space abutting the canyons to the west and east of the project site. This would provide public views and vistas and protect core biological areas and wildlife and meet all portions of this policy. An access trail and public trail is proposed in Lot 3 and 4. This

Table 4.1_1 SUMMARY OF CONSISTENCY WITH THE CITY OF SAN DIEGO GENERAL PLAN				
Dever	CONSISTENCY		Disament	
POLICY	С*	<b>I</b> *	DISCUSSION	
serve as core biological areas and wildlife linkages; are wetlands habitats; provide buffers within and between communities; or provide outdoor recreational opportunities.			would provide outdoor recreation opportunities. Biological linkages to the canyons and other wildlife linkages would be provided by the proposed open space and MHPA areas in Lots 4 and 5.	
BIOLOGICAL DIVERSITY Policy CE-G.1: Preserve natural habitats pursuant to the MSCP, preserve rare plants and animals to the maximum extent practicable, and manage all City-owned native habitats to ensure their long-term biological viability.	X		17.95 acres of natural habitat would be preserved as new MHPA land in order to preserve rare plants and animals to ensure their long-term viability of these sensitive species.	
Policy CE-G.3: Implement the conservation goals/policies of the City's MSCP Subarea Plan, such as providing connectivity between habitats and limiting recreational access and use to appropriate areas.	X		The proposed project would implement the conservation goals and policies of the City's MSCP, by increasing the MHPA open space/preserve area by an additional 17.95 acres that is connected to large canyon systems, and by creating a vernal pool preserve and habitat restoration plan for Lot 4. Recreational access would be limited in these areas.	

Table 4.1_1 SUMMARY OF CONSISTENCY WITH THE CITY OF SAN DIEGO GENERAL PLAN				
Doursy	CONSISTENCY		_	
POLICY	С*	<b>I</b> *	DISCUSSION	
Policy CE-I.10: Use renewable energy sources to generate energy to the extent feasible.	x		Renewable energy sources would be used to the extent feasible, as described in Chapter 8 of the Development Guidelines. This includes electric vehicle charging stations and solar roof panels to generate energy.	
URBAN FORESTRY Policy CE-J.4. Continue to require the planting of trees through the development permit process.	X		The proposed project's landscape plan incorporates trees in the plant palette.	
SUSTAINABLE ENERGY Policy CE-I.10: Use renewable energy sources to generate energy to the extent feasible.	X		The proposed project would include solar energy on rooftops as a source of on-site energy.	
		NOISE E	LEMENT	
Policy NE-A.2: Assure the appropriateness of proposed developments relative to existing and future noise levels by consulting the guidelines for noise- compatible land use (Table NE-3) to minimize the effects on noise- sensitive land uses.	X		The proposed project is not located near any land uses that generate significant noise levels, nor is it located in an area affected by airport noise from Brown Field. However, transportation noise from future traffic on Caliente Avenue may result in noise impacts to residential units with a direct line of sight to the roadway. A Title 24 noise analysis would be required at the time of application for building permits, and noise attenuation measures would be used, if the projected interior noise levels exceed the 45 dBA CNEL. This may include a sound wall and or double paned windows.	

Table 4.1_1 SUMMARY OF CONSISTENCY WITH THE CITY OF SAN DIEGO GENERAL PLAN				
Poucy	CONSISTENCY		Discussion	
POLICE	C*	۱*	DISCUSSION	
Policy NE-A.3: Limit future residential and other noise-sensitive land uses in areas exposed to high levels of noise.	X		The proposed project is not located near any land uses that generate significant noise levels, nor is it located in an area affected by airport noise from Brown Field.	
Policy NE-B.3: Require noise reducing site design, and/or traffic control measures for new development in areas of high noise to ensure that the mitigated levels meet acceptable decibel limits.	X		Transportation noise from future traffic on Caliente Avenue may result in noise impacts to residential units with a direct line of sight to the roadway. A Title 24 noise analysis would be required at the time of application for building permits, and noise attenuation measures would be used, if the projected interior noise levels exceed the 45 dBA CNEL. This may include a sound wall and or double paned windows. Also, noise control site planning wouldtake into consideration high traffic noise levels.	
Policy NE-B.4: Require new development to provide facilities which support the use of alternative transportation modes such as walking, bicycling, carpooling and, where applicable, transit to reduce peak- hour traffic.	X		The project proposes bike lanes and walkable non-contiguous sidewalks to encourage walking and bicycling and reduce peak-hour traffic. San Ysidro High School is within walking distance and can safely be walked to via the on- site circulation and Public Sidewalks. Additionally, 103 bicycle spaces are being proposed for the project. This would allow bicycle parking on-site as well as in the individual garages of the units, to support bicycling as a mode of transportation for project residents.	
Policy NE-D.1: Encourage noise- compatible land use within airport influence areas in accordance with federal and state noise standards and guidelines.	X		The proposed project does not fall within the Brown Field Airport Land Use Compatibility Plan's airport noise contour. Therefore, the proposed project meets the federal and state airport noise standards.	

Table 4.1_1 SUMMARY OF CONSISTENCY WITH THE CITY OF SAN DIEGO GENERAL PLAN				
Darras	CONSISTENCY		Discussion	
POLICY	C*	<b>I</b> *	DISCUSSION	
Policy NE-I.2: Apply CCR Title 24 noise attenuation measures requirements to reduce the noise to an acceptable noise level for proposed single- family, mobile homes, senior housing, and all other types of residential uses not addressed by CCR Title 24 to ensure an acceptable interior noise level, as appropriate.	X		Transportation noise from future traffic on Caliente Avenue may result in noise impacts to residential units with a direct line of sight to the roadway. A Title 24 noise analysis would be required at the time of application for building permits, and noise attenuation measures would be used, if the projected interior noise levels exceed the 45 dBA CNEL. This may include a sound wall and/or double paned windows.	

\*Legend: "C" = Project is consistent with goals, objectives, and policies.

"I" = Project is inconsistent with one or more goals, objectives, and/or policies.

#### **Community Plan Consistency**

Analysis of the proposed project's consistency with the policies of the OMCP is provided below in Table 4.1\_2. As shown in the consistency table, the proposed project would be consistent with the applicable and policies of the OMCP. The proposed project would not conflict with the goals, objectives, or recommendations of the OMCP.

Table 4.1_2					
SUMMARY OF CONSISTENCY WITH THE OTAY MESA COMMUNITY PLAN					
Ροιις	CONSISTENCY		Discussion		
	C*				
Policy 2.2-3: Include in all residential developments housing units that are sized to meet the household family sizes anticipated in Otay Mesa.	x		The project proposed a variety of housing unit types and bedroom counts (1-4 bedrooms), sized to meet anticipated family sizes in Otay Mesa.		
Policy 2.2-7: Promote the production of very-low and low income affordable housing in all residential and village designations.	Х		Inclusionary housing goals would be met as required by either setting aside the appropriate number of affordable units, or paying the inclusionary housing in lieu of fees.		
Policy 2.6-2: Create a close relationship between the natural environment of the Otay River Valley, Spring Canyon, and the Dennery Canyon systems and developed areas through the provision of multi-use trails and educational elements.	X		The project proposes an access trail in Lot 3 which connects the developed areas with the natural environment near the boundary of the new Open Space/Preserve in Lot 5, which is adjacent to Spring Canyon. The 4' wide peeler log fenced trail in Lot 5 connects to the City trail system east of Lot 5. The Kiosk in Lot 3 would provide announcements and educational materials for trail users.		
		MOBILITY	ELEMENT		
WALKABILITY	X		The proposed project proposes adding a 22		
sidewalk and trail system with connections to villages, activity centers, and open spaces. a. Prioritize connections that link activity centers and create safe routes to schools, transit, and village areas. b. Provide safe, convenient, and attractive pedestrian crossings of SR-905.			parkway adjacent to Caliente Avenue. The project proposed a non-contiguous sidewalk with street trees and landscaping along the entire parkway. The project also proposes 12' wide parkway adjacent to Public Street "A". This would also have a non-contiguous sidewalk with street trees and landscaping. These large parkways would provide shade and separation from travel lanes. Both roads would connect the pedestrian safely to transit, activity centers along Otay Mesa Road and Ocean View Hills Parkway, and San Ysidro High School. These connections would be safe, convenient and		

Table 4.1_2					
SUMMARY OF CONSISTENCY WITH THE OTAY MESA COMMUNITY PLAN					
Ροιις			Discussion		
	C*	*			
<ol> <li>Provide safe pedestrian access to San Ysidro High School with well- designed crossings along Old Otay Mesa Road, Ocean View Hills Parkway and Caliente Avenue.</li> <li>Create the pedestrian realm in accordance with the standards and guidelines of the Street Design Manual.</li> <li>Improve the quality of the walking experience through streetscape, shading, and separation from travel lanes.</li> <li>Design open space trails to be consistent with the Multiple Species Conservation Program and with the trail standards and design policies from Appendix K of Park and Recreation's Consultant's Guide to Park Design and Development 2011.</li> <li>Provide multi-use (equestrian, biking, pedestrian use) trails except where maintenance, resource protection or safety concerns warrant limiting use of one or more of the above user groups.</li> </ol>	<b>C</b> *		follow the City's Street Design Manual. The proposed project open space trails are consistent with the Multiple Species Conservation Program and with the trail standards and design policies. Peeler logs fencing would be used in the open space area and would be four feet in width to be consistent with MSCP specifications. The trail can be multi-use unless there are resource protection or safety concerns.		
Policy 3.1-5: Implement the Community's Street	x		The selection of street trees would be consistent Community's Street Tree Master Plan and the City of San Diego's Landscape		

Table 4.1_2				
SUMMARY OF CONSISTENCY WITH THE OTAY MESA COMMUNITY PLAN				
Ροιια	C*	STENCY	Discussion	
contribute to more walkable, tree-lined streets, using identified drought tolerant species. (Urban Design Element Section 4.8)	<u> </u>	1.	Regulations Section of the Land Development Code. Drought tolerant trees would be used in order to save water.	
STREETS AND FREEWAYS Policy 3.3-1: Provide an interconnected network of public streets and internal project circulation systems as an organizing framework for development. See also OMCP Urban Design Element Policy 4.2-2.	Х		The project would comply with this policy by constructing Caliente Avenue and Public Street "A" to connect the project to the community circulation system. In order to assist in future connectivity, an IOD at the western cul-de-sac is being added for potential future road extension at the western cul-de-sac. The proposed conceptual site plans in the Development Guidelines include an interconnected pedestrian circulation system and separate vehicle circulation system within the project site.	
Policy 3.3-2: Avoid street design configurations that rely on free-flow turn lanes that conflict with bicycle and pedestrian movements.	X		Caliente Avenue would include a bicycle lane. No free-flow turn lanes are planned.	
Policy 3.3-4: Provide adequate sidewalk width and separation from travel lanes for major pedestrian routes connecting activity centers.	X		A 22' parkway is proposed along Caliente Avenue with a 6' sidewalk and a 12' parkway adjacent to Public Street "A" is provided with a 5' sidewalk. Both are non-contiguous in order to create a separation from the traffic travel lanes.	
Policy 3.3-5: Plant drought tolerant trees adjacent to the curb in grates or parkways, as referenced	Х		The proposed project would implement the Street Tree Plan with street trees planted in the 22' and 12' parkways of Caliente Avenue and Public Street "A".	

Table 4.1_2					
SUMMARY OF CONSISTENCY WITH THE OTAY MESA COMMUNITY PLAN					
Ρομογ	CONSISTENCY		DISCUSSION		
	C*	I*			
in the Street Tree Plan.					
In the Street Tree Plan. BICYCLES Policy 3.4-1: Refine and implement the Bicycle Master Plan in the Otay Mesa Community Plan area. a. Develop bicycle facilities that implement internal connectivity to activity areas within the community and links to regional bicycle network. b. Construct bicycle facilities as identified in Figure 3-5. c. Provide Class I bikeways along Caliente Avenue, Beyer Boulevard and the south side of Airway Road. d. Provide Class II bikeways along all new classified streets in Otay Mesa. e. Bikeways within the village areas should connect to trail heads with access to the canyon system trails and pathways. f. Provide secure bicycle parking, especially near	X		Class I and class II bike lanes are proposed along Caliente Avenue to meet this policy. These bicycle lanes would connect to other community links like San Ysidro High School and Otay Mesa Road. Caliente Avenue is proposed to connect with Beyer Boulevard's bike lane in the future, which would assist with bicycle connectivity to destinations to the south. Secure bicycle parking would be provided on each of the three developed lots. In addition, garages are available within the residential units for bicycle storage.		
community village areas.					
Policy 4.2-5: Design the street system to create and/or enhance public views along public rights of way.	X		The public right of ways proposed for the project would incorporate landscaped areas to enhance public views. Also, the cul-de-sac at the eastern end of Public Street "A" would provide views to Spring Canyon. Additionally,		

Table 4.1_2				
SUMMARY OF CONSISTENCY WITH THE OTAY MESA COMMUNITY PLAN				
POLICY	C* I*		Discussion	
			the public access path and public trail in lot 5 would have canyon views and scenic vistas.	
Policy 4.2-6: Consider landscape as a major element of the streetscape and incorporate a consistent theme along the roadways while including an appropriate mix of plant types in order to provide a diverse ecosystem.	X		A street landscape theme with an appropriate mix of plant types would be proposed as described in Chapter 5 of the Development Guidelines in order to provide a diverse ecosystem.	
Policy 4.3-2: Provide public space, parks, and scenic overlooks at the end of streets and adjacent to open space areas to take full advantage of scenic opportunities. a. Provide for public view opportunities when streets end due to open space areas or abrupt changes in topography b. Avoid locating housing and other structures at the end of streets.	X		A public trail is proposed on the easterly side of Lot 3 at the edge of the Open Space which would provide for public views of the open space/preserve areas. No residential areas would be located at the end of the two cul-de- sacs on Public Street "A" in order to provide unobstructed views of the open space areas.	
Policy 4.3-3: Develop buildings and street frontages with architectural interest adjacent to public areas and the public right of way. Use design techniques such as façade step-backs, articulation, off-setting planes, unique	X		Design techniques such as façade step-backs, articulation, off-setting planes, unique roof forms, and varied building elevations would be used in the proposed development, as described in Chapters 3 and 4 of the Development Guidelines. These design techniques would add architectural interest adjacent to the public areas and the public right of way. Three architectural styles (Mediterranean, Bungalow and Old World) have	

Table 4.1_2				
SUMMARY OF CONSISTENCY WITH THE OTAY MESA COMMUNITY PLAN				
Ροιικ			Discussion	
roof forms, and varied building elevations. Policy 4.3-5: Use visual details such as architectural style, color and material schemes, and façade treatments to convey neighborhood identity.	C*	*	been specified in the Development Guidelines to add architectural variety to the project. Neighborhood identity would be conveyed by use of architectural style, color and material schemes, and façade treatments. The architectural styles chosen for the project are compatible with adjacent developments. These architectural styles are outlined in detail and can be seen in the Development Guidelines	
Policy 4.3-7: Create visual and physical linkages within villages, neighborhoods, and project site areas through a unified landscape theme. a. Complement the streetscape design and enhance overall connectivity with a landscape theme. b. Utilize sustainable landscape practices, including water conservation and storm water management.	X		(Appendix T). The proposed project would create visual and physical linkages within the neighborhood by use of complementary landscape themes. Drought tolerant landscaping plants would be selected in order conserve water. <u>BioHydromodification and detention basins-</u> retentionand vegetative swales- on-site would be used to clean and treat storm water from prior to it leaving the site.	
Policy 4.8-2: Provide an appropriate mix of tree types (evergreen and deciduous), in order to provide a diverse ecosystem more able to adapt to changing environmental pressures. 1. Provide a mixed age tree population, adequate species diversity and distribution – a mix of juvenile, young, and mature trees is essential to ensure a	X		An appropriate mix of tree types would be proposed in accordance with Chapter 5 of the Development Guidelines. The project would provide different mixes and ages of the trees. Juvenile and mature trees would be interspersed within the project site. A variety of forms and textures, bushes, vines and groundcover would be used. Non-native trees would be removed from the site prior to development. All street trees and on-site trees would be protected and cared for to ensure continued health.	
Table 4.1_2				
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SUMMARY OF CONSISTENCY WITH THE OTAY MESA COMMUNITY PLAN				
Ρομικ	Consi	STENCY	Discussion	
	C*	*		
constant level of benefits from street trees. 2. Provide varied forms, textures, structure, flowering characteristics and other aesthetic benefits to enhance the types of street environments found in Otay Mesa. 3. Protect and provide for the necessary care of existing street trees.				
SUSTAINABILITY Policy 4.9-1: Design new development to have a climate sensitive, energy efficient, and environmentally oriented site design.	X		The proposed development would have a climate sensitive, energy efficient, and environmentally oriented site design, as described in Chapters 3 and 4 of the Development Guidelines. Drought tolerant plants would be used in order to be climate sensitive as described in Development Guidelines Chapter 5, and solar panels would be used to be environmentally sensitive along with electric automobile charging stations on- site as described in Chapter 8.	
Policy 4.9-2: Incorporate environmentally conscious building practices and materials for all new development and redevelopment proposals. a. Use durable construction materials, as well as re-used and recycled materials. b. Encourage the use of permeable paving elements in auto and	x		The proposed development would incorporate environmentally conscious building practices and materials as described in Development Guidelines Chapters 4 and 8. Durable constructions materials would be used as well as recycle materials whenever possible. Permeable paving would be used whenever possible to comply with the City's Storm Water Standards Manual. The impervious footprint would be minimized through the use of landscaping areas to avoid thermal gain. Hydromodification would be addressed by using vegetative swales within the projectdetention basins. Best management	

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Table 4.1_2						
SUMMARY OF CONSISTENCY WITH THE OTAY MESA COMMUNITY PLAN						
Ροιις	Consis	STENCY	Discussion			
	C*	I*				
non-auto-oriented areas. c. Minimize impervious surfaces that have large thermal gain and hydromodification. d. Ensure that all best management practices for storm water are implemented for both public and private properties.			practices for storm water would be implemented, as well as all storm water best practices found in the <u>Priority Development</u> <u>Project Storm Water Quality Management</u> <u>PlanWater Quality</u> Technical Report for this project.			
Policy 4.9-3: Minimize building heat gain with appropriate shade treatments and design techniques as listed below. a. Orient new buildings and lots to minimize east and west facing facades. b. Provide awnings, canopies and deep-set windows on south facing facades and entries. c. Provide exterior shades and shade screens on east, west and south-facing windows d. Use horizontal overhangs, awnings or shade structures above south facing windows to mitigate summer sun but allow winter sun. Encourage overhang width to equal half the vertical	X		Appropriate shade treatments and design techniques would be used in the proposed project as described in Chapters 3, 4, and 8 of the Development Guidelines. These may include building orientation, awnings, canopies, exterior shades, overhangs and awnings, and cool roofs. Overhang width of the awnings and shade structures would be considered to prevent summer heat gain.			

Table 4.1_2					
SUMMARY OF CONSISTENCY WITH THE OTAY MESA COMMUNITY PLAN					
Ροιις	Consis	STENCY	Discussion		
shade windows from early May to mid- August, while allowing sunlight in the winter.	ر^	1*			
STORM WATER INFRASTRUCTURE	Х				
Policy 6.3-1: Use sustainable infrastructure design to capture and control using Drainage Design Standards.			Drainage design standards would be met by the proposed project by the use of bio <u>filtration</u> - retention facilities with engineered soil to filter and clean storm water. Hydromodification <u>and</u> vaults- <u>detention basins</u> would be used to hold storm water to prevent stream erosion. Two detention basins are also proposed to detain water and prevent an increase in storm water as compared to the pre-development storm water runoff <u>volumes.</u>		
Policy 6.3-6: Consider design features that supplement the public drinking water system such as water retention, rain barrels and infiltration within development and redevelopment projects.	X		Water detention and infiltration is planned for the proposed project, which would allow storm water to supplement landscape watering systems. This includes a two detention basins and Bio-retention facilities. These bio-retention facilities would clean and filter water on-site. Some pervious areas and grassy lined swales would also be used to allow water to infiltrate into the soil.		
Policy 6.5-5: Promote litter prevention efforts and practices through the provision of conveniently located public litter and recyclable materials containers on public streets and in large public venues.	X		Public litter and recyclable materials containers would be provided on public streets adjacent to the proposed project. Additionally, recycled material containers and trash enclosure would be available throughout the project site.		
RECREATION ELEMENT	Х				
Policy 7.1-11: Provide improved public access from recreation facilities,			Non-contiguous sidewalks are proposed that encourage public access to the community		

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Table 4.1_2					
SUMMARY OF CONSISTENCY WITH THE OTAY MESA COMMUNITY PLAN					
Ροιις	CONSI		Discussion		
canyons, open space, and community villages using sidewalks, pathways, and trails. (See Policy 6.1-1 and General Plan Urban Design Element Policies.) Policy 7.2-1: Balance goals	x		villages, and that connect to the canyon trails system. An access trail through proposed Lot 3 and a new public trail in Lot 5 is proposed to increase public access to trails and open space/canyons.		
to preserve MHPA and open space areas with opportunities for providing recreation. 1. Maintain Spring Canyon and portions of the Otay Valley Regional Park in their natural state. Future uses should be compatible with the open space concept, and may include hiking, bicycling, and sightseeing. 2. Create a close relationship between the natural environment of Spring Canyon and developed areas through an extensive parks, recreation, and open space system by connecting parks to open space trails, bike routes, and sidewalks.			by the proposed project and would become a part of the MHPA. A public trail would cross this proposed MHPA area and would join with the City's trail system and Spring Canyon. By adding this trail and MHPA land the project is balancing the need for recreation and preserving natural land and sensitive species. The project proposed bike routes, pedestrian access and a trail through Lot 3 and 5 in order to meet the goals of this policy.		
Policy 7.2-4: Locate scenic overlooks, and parks adjacent to Spring Canyon and Otay River Valley trail entrances. 1. Design scenic overlooks and trail	x		The trail entrance area would be located off Public Street A and would connect to the trail system at Spring Canyon through Lot 3. The trail entrance area would use natural materials and native plant species to reflect the natural surroundings. A trail kiosk is proposed which would provide information and trail maps for		

Table 4.1_2					
SUMMARY OF CONSISTENCY WITH THE OTAY MESA COMMUNITY PLAN					
Ροιις		STENCY	Discussion		
<ul> <li>entrances using natural materials and native plant species to reflect the natural surroundings.</li> <li>2. Include benches, picnic tables or other types of seating at trail entrances.</li> <li>3. Include information boards and trail maps at trail entrances.</li> </ul>		1.	users.		
Policy 7.2-5: Support efforts to designate trails and create a comprehensive trails system within Spring Canyon and the Otay Valley Regional Park's Dennery Canyon open space areas as shown in Figure 7-1. Determine final trail alignments and analyze with future Specific Plans or project- specific proposals.	x		The project proposes a public access trail in Lot 3 and a trail in Lot 5 that connect to the trail system in Spring Canyon. The Park and Recreation department along with MSCP have determined the proposed location of this trail.		
ENVIRONMENTALLY SENSITIVE LANDS Policy 8.1-1: Implement the Environmentally Sensitive Lands Regulations related to biological resources and steep hillsides for all new development.	X		Environmentally Sensitive Lands Regulations related to biological resources and steep hillsides would be implemented with this project by locating the preserve/open space areas to be adjacent to the canyons, steep hillsides, and most sensitive biological resources. Therefore, the proposed development would not disturb and would enhance the most sensitive resources on the project site.		

Table 4.1_2					
SUMMARY OF CONSISTENCY WITH THE OTAY MESA COMMUNITY PLAN					
Ροιις	Consis		Discussion		
Policy 8.1-3: Plan development to minimize grading and relate to the topography and natural features of Otay Mesa.	X		The grading proposed for the project would maintain the current landform and natural features of Otay Mesa. The portion of the project site that would be graded is a mesa and relatively flat. The steep portions of the site would be left in their natural state and preserved as open space.		
Policy 8.1-4: Implement the MSCP Management Policies and Directives for Otay Mesa through the project review process.	X		The proposed project implements the MSCP management policies with regard to site development, as discussed in this EIR.		
Policy 8.1-5: Implement City regulations and Biology Guidelines for preservation, acquisition, restoration, management and monitoring of biological resources.	X		City regulations and Biology Guidelines for preservation, acquisition and restoration would be met per the Biological Technical Report (Appendix C). In addition, an On-site Vernal Pool Preservation Report (Appendix P), an On- site Habitat Management Plan (Appendix Q) were written to outline plans for preservation and restoration of sensitive biological resources for the site.		
Policy 8.1-6: Implement Area Specific Management Directives and Conditions of Coverage as stated in Table 3-5 of the MSCP Subarea Plan for Species protected in Otay Mesa and identified in Table 8-1.	X		Area Specific Management Directives and Conditions of Coverage as stated in Table 3-5 of the MSCP would be followed. As included in the above noted reports, these species would be protected and managed for the proposed project.		
Policy 8.1-7: Require preservation, restoration, management, and monitoring within identified vernal pool preservation areas in accordance with City, state, and federal policies and regulations. The boundaries of vernal pool preserve areas should be	X		17.95 acres of the proposed site is being preserved for sensitive biological resources including vernal pools. A vernal pool preservation plan and habitat management plan would be used to ensure this preservation and restoration. Therefore, monitoring within identified vernal pool preservation areas would be included and the proposed project would meet City, state, and federal policies and regulations. The boundaries of vernal pool preserve areas would be of sufficient size and		

Table 4.1_2					
SUMMARY OF CONSISTENCY WITH THE OTAY MESA COMMUNITY PLAN					
Ροιις	CONSIS	STENCY	Discussion		
of sufficient size and shape to protect the vernal pool basins, watersheds, functional buffers, and areas necessary to maintain vernal pool ecosystem function and species viability. a. Design, as feasible, the preserve areas to provide connectivity between vernal pools, surrounding open space, and nearby vernal pool complexes. b. Conduct management and monitoring of preserved and restored vernal pool sites in accordance with the citywide regulations and Biology Guidelines	C*	1*	shape to protect the vernal pool basins, watersheds, functional buffers, and areas necessary to maintain vernal pool ecosystem function and species viability		
Policy 8.3-3: Require new development and redeveloping properties to use water conserving plant material and techniques to comply with the landscape water budget of the Municipal Code.	~		Water conserving plant material and techniques would be used as described in Chapter 5 of the Development Guidelines. The project would use drought tolerant plants and native plants to reduce water usage.		
WATERSHED URBAN RUNOFF Policy 8.4-1: Manage storm water using Low Impact Development principles for development proposals, and include the most current	X		Per the <u>Priority Development Project Storm</u> <u>Water Quality Management Plan</u> <del>Water Quality</del> Technical Report (Appendix I), many Low Impact Development features are incorporated into the project including <del>bio-retention,</del> hydromodification <del>,</del> detention basins, and vegetative swales. These features would		

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Table 4.1_2					
SUMMARY OF CONSISTENCY WITH THE OTAY MESA COMMUNITY PLAN					
POLICY	Consis	STENCY	Discussion		
POLICY restrictions/allowances for sustainable development and environmental maintenance. a. Consider topography, soils and other site features that are essential when planning for Low Impact Development design. b. Incorporate sufficient land areas to locate storm water management facilities early in the development planning process. c. Include Low Impact Development practices such as bioretention, porous paving, and green roofs, early in the development processs to find compatibilities with other goals, such as incorporating landscaped bio- retention features that	C*	1*	contribute to the project's sustainability and environmental maintenance.		
walkability.					
URBAN FOREST Policy 8.5-1: Ensure the overall tree cover and other vegetation throughout Otay Mesa is no less than 20 percent in urban residential areas and 10 percent in the business areas so that the natural landscape is sufficient in mass to	X		Otay Mesa's 20% residential overall tree coverage and landscaping minimum would be met by the proposed project. Additionally, 17.95 acres of the 44.19 acres site would be preserved as open space and no development would occur on these acres.		

Table 4.1_2						
SUMMARY OF	SUMMARY OF CONSISTENCY WITH THE OTAY MESA COMMUNITY PLAN					
Derren	CONSISTENCY		Discussion			
POLICY	C*	*	DISCUSSION			
provide significant						
benefits to the city in						
terms of air and water						
management.						
HISTORIC PRESERVATION	X		Archaeological surveys and consultation with interested Native Americans has begun on this			
Policy 10.1-1: Require			project and further consultations are proposed			
archaeological surveys			throughout the project development.			
and consultation with						
interested Native						
Americans as part of						
future development						
within Otay Mesa.						

\*Legend: "C" = Project is consistent with goals, objectives, and policies.

"I" = Project is inconsistent with one or more goals, objectives, and/or policies.

#### Inconsistencies with the Precise Plan

As indicated below in Table 4.1\_3, the proposed project would be consistent with applicable goals and policies of the Precise Plan, except the Neighborhood Commercial designation of a portion of Lots 1 and 4 which has been superseded by the OMCP land use designation for these areas.

Table 4.1_3 SUMMARY OF CONSISTENCY WITH THE ADOPTED PRECISE PLAN				
PRECISE PLAN	CONSISTENCY			
	С*	*	Discussion	
		·		
<ul> <li>The proposed project site features the following land use designations:</li> <li>Proposed Project Lot 1: Medium-Density Residential (30 du/net ac) and Neighborhood Commercial</li> <li>Proposed Project Lot 2: Medium-Density Residential (30 du/net ac)</li> <li>Proposed Project Lot 3: Medium-Density Residential (30 du/net ac)</li> <li>Proposed Project Lot 4: Low-Medium Residential (15 du/net ac) (residential alternative for Senior High School area), Neighborhood Commercial, Open Space</li> <li>Proposed Project Lot 5: Medium-Density Residential (30 du/net ac), Open Space</li> </ul>	×		Since the Precise Plan was written, Caliente Avenue has been realigned. Due to this realignment, the land use in the Precise Plan designated as Neighborhood Commercial is no longer optimum. Due to this realignment, the Otay Mesa Community Plan was updated to redesignate this portion of the site to a Residential – Medium Density land use designation. Since the OMCP supersedes the Precise Plan, the Precise Plan policies regarding Commercial land use are not applicable to the proposed project. The proposed project is consistent with the Medium-Density Residential, Low-Medium Residential, and Open Space land use designations, as demonstrated.	

**CANDLELIGHT FINAL ENVIRONMENTAL IMPACT REPORT** 

Table 4.1_3 SUMMARY OF CONSISTENCY WITH THE ADOPTED PRECISE PLAN				
PRECISE PLAN	Consis	TENCY		
IMPLEMENTATION REQUIREMENT	C*	۱*	Discussion	
Development within the Medium-Density Residential range would consist of a mixture of attached housing designs providing apartment and condominium housing.			Three concept attached housing types are being proposed for the site: residential flats, carriage units, and townhomes. Each lot is able to choose one of the three housing types in order to achieve a mix within the development.	
Under no circumstances shall the total combined unit count for Areas 3 and 5 [Proposed Lots 1 (non-commercial portion), 2, 3, and 5] exceed 591 units, which is the maximum number of units permitted for this area by the [1981] Otay Mesa Community Plan.	X		The total proposed residential unit count for all Lots is 475, which is below the maximum established by the Precise Plan.	
RESOURCE MANAGEMENT AND OPEN SPACE ELEMENT The following Resource Planning Goals are stated in the Precise Plan: • Retain contiguous areas of natural open space intended to preserve both the planning area's natural character and sensitive resources. • Site development areas in a manner sensitive to the distinct topographic features, natural vegetation and other sensitive resources	x		The proposed project's site plans is in conformance with the areas designated for Open Space land use in the Precise Plan. The topographic features of the site and steep slopes would be avoided during development. Vernal pools and sensitive biological resources were avoided where possible and would be preserved on-site in the newly created open space area of Lot 4. The new open space would be protected and managed via a habitat management plan.	

Table 4.1_3 SUMMARY OF CONSISTENCY WITH THE ADOPTED PRECISE PLAN				
PRECISE PLAN	CONSISTENCY			
IMPLEMENTATION REQUIREMENT	C*	<b> </b> *	Discussion	
<ul> <li>that characterize Otay Mesa planning area.</li> <li>Preserve the sensitive hillside slopes in the western and central portions of the plan area.</li> <li>Preserve the vernal pools and associated drainage areas.</li> <li>Establish an open space management program to protect sensitive resources to be preserved onsite.</li> </ul>				
Designated open space areas shall be preserved through the application of negative open space easements, with the developer granting the City an irrevocable offer to dedicate the land to the City in fee title without cost, in the future. Responsibility for long-term maintenance of these open space areas will be established as a condition of final map recordation. Any additional acreage set aside in the future to preserve sensitive resources should be handled similarly.	X		City regulations and Biology Guidelines for preservation, acquisition and restoration would be met per the Biological Technical Report (Appendix C). In addition, an On-site Vernal Pool Preservation Report (Appendix P) and an On- site Habitat Management Plan (Appendix Q) were written to outline plans for preservation and restoration of sensitive biological resources for the site.	
Legend: "C" = Project is co "I" = Project is inc	nsistent wit onsistent w	n goals, ol ith one or	ojectives, and policies. more goals, objectives, and/or policies.	

#### Significance of Impacts (Issue 1)

As demonstrated by the above analysis of project consistency with the City's General Plan, the OMCP, the 1993 Santee Investments Precise Plan, and the underlying zoning designations, the proposed project is consistent with all of the relevant planning documents affecting the site except the designation of Neighborhood Commercial in the Precise Plan, which is superseded by the Residential designation in the OMCP and therefore, is not significant.

#### Mitigation Measures (Issue 1)

Significant impacts would not occur; therefore, mitigation would not be required.

## Issue 2 Would the proposal result in the exposure of people to noise levels which exceed the City's Noise Ordinance or are incompatible with the Noise Compatibility Guidelines (Table NE-3) in the Noise Element of the General Plan?

#### Discussion of Project Impacts (Issue 2)

#### Impact Thresholds

Noise at excessive levels can affect the environment and the quality of life. Noise is subjective since it is dependent on the listener's reaction, the time of day, distance between source and receptor, and its tonal characteristics. At excessive levels, people typically perceive noise as being intrusive, annoying, and undesirable (refer to Table 4.1\_4, *Excerpt from the Noise Land Use Compatibility Chart-General Plan*). For the complete Chart and more Noise details, see Section 4.6, *Noise*, and Table 4.6\_6 in this EIR.

Table 4.1_4 EXCERPT FROM NOISE LAND USE COMPATIBILITY CHART - GENERAL PLAN	N
--	---

LAND USE					
	6	0 (	65	70	75
Open Space and Parks and Recreational			-		
Community & Neighborhood Parks; Passive Recreation					
Residential					
Single Units; Mobile Homes; Senior Housing 45		45		ĺ	
Multiple Units; Mixed-Use Commercial/Residential; Live Work; Group Living Accommodations *For uses affected by aircraft noise, refer to Policies NE-D.2. & NE-D.3.		45	45*		

Source: San Diego 2008 General Plan- Land Use Compatibility

First and second story areas of most of the proposed multi-family structures having line-of-sight to Caliente Avenue (i.e., Receptors 1-16, Appendix K, Acoustical Report) would exceed the CCR Title 24

noise abatement outdoor threshold of 60 dBA CNEL. Thus, project implementation could result in a violation of indoor noise level standards; however, the following condition of project approval on the building permit would ensure consistency with the General Plan Noise Element:

At the time of application for building permits, an interior noise analysis shall be required for each unit with a direct line-of-sight to Caliente Avenue. The information in the Title 24 analysis shall include wall heights and lengths, room volumes, window and door tables typical for a building plan, as well as information on any other openings in the building shell. With this specific building plan information, the analysis shall determine the predicted interior noise levels at the planned on-site buildings. If predicted noise levels are found to be in excess of 45 CNEL, the report shall identify architectural materials or techniques which could be included to reduce noise levels to 45 CNEL in habitable rooms. Glazing with Sound Transmission Control (STC) ratings from a STC 22 to STC 60 should be considered. In addition, walls with appropriate STC ratings (34 to 60) should also be considered. This interior noise analysis shall identify specific noise attenuation that shall be depicted on the building plans. The interior noise analysis shall demonstrate that incorporation of the proposed noise attenuation measures would attenuate interior noise levels to a level below 45 dBA CNEL. To reduce the impact of outdoor recreation the following mitigation would apply: The future design plans may contain one of the following three conditions. Title 24 exterior-to-interior noise study will be required as part of the final building plan submittal. The Title 24 exterior to interior study is expected to be able to show compliance with the 45 CNEL interior usable space requirements with normal construction techniques. The requirement for the noise analysis is assured by being a requirement of the building permit.

#### Significance of Impacts (Issue 2)

The proposed project would be conditioned to comply with the interior standard of 45 dB CNEL in the Noise Element of the General Plan; no significant impact would occur.

#### Mitigation Measures (Issue 2)

Significant impacts would not occur; therefore, mitigation would not be required.

# Issue 3 Would the proposal require a deviation or variance, and the deviation or variance would in turn result in a physical impact on the environment?

#### Discussion of Project Impacts (Issue 3)

A discussion of the proposed project's consistency with the regulations of the City contained in the LDC is provided below.

#### Analysis of Consistency with Environmentally Sensitive Lands (ESL) Regulation

The City's ESL Regulation (Land Development Code §143.0101 et. seq.) is intended to protect, preserve and, where damaged restore, the environmentally sensitive lands within the city and the viability of the species supported by those lands. The ESL regulations apply to proposed developments when any of the following environmentally sensitive resources are present: sensitive biological resources; steep hillsides; coastal beaches; sensitive coastal bluffs; and special flood

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hazard areas. Within the vicinity of the Candlelight project site, there are no coastal beaches, sensitive coastal bluffs, or special flood hazard areas. However, the project site does contain sensitive biological resources, and portions of the site qualify as steep slopes.

Due to the presence of resources, a SDP is required. In accordance with the ESL Regulations, and as depicted on the project's SDP, the proposed development, including public facilities and circulation elements, has been designed to minimize impacts to on-site environmentally sensitive lands to the maximum extent practical. The SDP also includes a summary of the allowable development area and lists required mitigation for each parcel. A summary of the proposed project's compliance with the ESL regulations as they specifically relate to sensitive biological resources and steep slopes is provided below.

#### **Sensitive Biological Resources**

LDC §143.0141 provides the development regulations for lands containing sensitive biological resources. Sensitive biological resources on the project site include the following:

- Lands included within the MSCP Preserve;
- Tier I (i.e., maritime succulent scrub) and Tier IIIB (i.e., non-native grassland) habitats located outside the MHPA;
- Lands supporting the San Diego fairy shrimp (federally endangered), Riverside fairy shrimp (federally endangered), and coastal California gnatcatcher (federally threatened); and
- Lands containing habitats for the following species specifically covered by the Biology Guidelines of the Land Development Manual: San Diego barrel cactus, San Diego fairy shrimp, Riverside fairy shrimp, coastal California gnatcatcher, burrowing owl, northern harrier, orange-throated whiptail, and the California rufous-crowned sparrow.

In addition, it should be noted that while the proposed project site does contain wetland areas that fall under the jurisdiction of the Corps and/or the CDFW, the on-site wetlands do not meet the City's wetland definition. Therefore, the requirements of §143.0141(b) are not applicable to the proposed project. Please refer to EIR Section 4.2, *Biological Resources*, for a discussion of project-related wetland issues.

The following provides an analysis of the proposed project's consistency with applicable provisions of §143.0140 and §143.0141, *Development Regulations for Sensitive Biological Resources* (the following analysis excludes portions of §143.0140 and §143.0141 that are not applicable to the proposed project):

- In accordance with §143.0140(a), ESL that are outside of the proposed development area (i.e., proposed Lots 4 and 5) would be left in a natural state and used only for those passive activities allowed as a condition of permit approval. Lots 4 and 5 would be dedicated in fee to an agency approved by the USFWS, which would manage and assume liability obligations associated with both lots. <u>Although Lot 4and 5 containESL outside of the proposed development area, Lot 4 and 5 would be the subject of separate applications, as described in EIR Section 3.0.</u>
- 2. In accordance with §143.0140(d), all temporary disturbance or storage of material or equipment would occur within areas approved for development by the proposed SDP.
- 3. In accordance with §143.0141(a), the project applicant has conferred with the U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service (USFWS) and the California Department of Fish and

Wildlife early in the process. The applicant has solicited input from the Resource Agencies on impact avoidance, minimization, mitigation, and buffer requirements. Although negotiations with the Resource Agencies are ongoing (and are not expected to be completed prior to public hearings on the project), the applicant has, to the maximum extent feasible, incorporated the Resource Agencies' recommendations. For example, at the request of the Resource Agencies, the area within Lot 4 has been designed as a restoration area for fairy shrimp. As would be required as a standard condition of project approval, grading and construction permits shall not be issued for the proposed project until all necessary federal and state permits have been obtained. Additionally, the USFWS has issued a USFWS Biological Opinion authorizing take of listed species. Please refer to EIR Section 4.2 *Biological Resources*, for a detailed description of the biological resources impacts on-site.

- 4. §143.0141(b) is not applicable to the proposed project because on-site wetlands do not meet the City's wetland definition. Please refer to EIR Section 4.2, *Biological Resources*, for a discussion of project-related wetland issues.
- 5. In accordance with §143.0141(c), project implementation would not result in indirect impacts to narrow endemic species and other species specifically covered by the Biology Guidelines of the Land Development Manual as these resources have not been detected on- or off-site.
- 6. In accordance with §143.0141(c), and the USFWS BO, direct impacts to two federally endangered species present outside the MHPA (San Diego fairy shrimp and Riverside fairy shrimp) would be fully mitigated through enhancement, restoration, and/or transplantation, as required by Mitigation Measure (c).
- 7. The proposed project would be consistent with §143.0141(d) in that the proposed development would not encroach into MHPA areas.
- 8. In accordance with §143.0141(e), and as described later in this section under the discussion of Issue 4, the proposed development would be consistent with the MSCP Subarea Plan.
- 9. The proposed project would be consistent with §143.0141(g) in that the proposed development would not encroach into areas designated by the OMCP and/or Santee Investments Precise Plan as open space.
- 10. The proposed project would be consistent with §143.0141(h) because, as described above, proposed impacts to sensitive biological resources are consistent with the provisions of §143.0141(b) and (g).
- 11. In accordance with §143.0141(i), mitigation has been identified to reduce impacts to sensitive biological resources to below a level of significance. Refer to EIR Section 4.2, *Biological Resources*, for a comprehensive list of mitigation measures proposed to reduce impacts to sensitive biological resources.
- 12. In accordance with §143.0141(j), the project proposes mitigation (Mitigation Measures 4.1-1) which would ensure that project grading during wildlife breeding seasons is consistent with the MSCP Subarea Plan.
- 13. §143.0141(k) requires that lands containing sensitive biological resources located outside of the proposed development area and lands that would be provided for off-site mitigation, shall be left in its natural state either through dedication in fee or through application of a covenant of easement, in accordance with §143.0152 of the LDC. As a condition of approval for the project's

proposed SDP, the City would require the project applicant to comply with the provisions of §143.0141(k) prior to recordation of the Final Map.

As noted in the above analysis, the proposed project would comply with all provisions of the ESL Regulations with respect to sensitive biological resources, as required by LDC §143.0141 et seq., and a significant impact to land use leading to a physical effect on the environment would therefore not occur.

#### **Steep Hillsides**

LDC §143.0142 provides the development regulations for lands containing steep hillsides. As defined by LDC §113.0103, steep slopes include "all lands that have a slope with a natural gradient of 25 percent (4 feet of horizontal distance for every 1 foot of vertical distance) or greater and a minimum elevation differential of 50 feet, or a natural gradient of 200 percent (1 foot of horizontal distance for every 2 feet of vertical distance) or greater and a minimum elevation differential of 10 feet." As depicted on Figure 4.1-3, *Slope Analysis*, the easternmost and westernmost portions of the proposed project site contain slope angles that exceed a natural gradient of 25 percent and exhibit an elevation difference of more than 50 feet. However, proposed grading in the eastern portion of the site would completely avoid all steep hillsides regulated by the ESL Regulations, and grading is not proposed in the vicinity of the steep hillsides located at the western end of proposed Lot 4. Therefore, because the proposed project would avoid all steep hillsides regulated by the ESL, the proposed project would be consistent with this policy.

#### Zoning

The proposed project seeks to implement the site's underlying zoning designation of "Residential Medium (RM-2-5)." The Candlelight Development Guidelines illustrate strict compliance with this base zoning regulations contained in the SDMC. It is noted that although a portion of the project site is zoned RM-1-1, no development is proposed within the area zoned RM-1-1. No deviations are requested; therefore, no impacts would arise related to zoning inconsistencies.

## Significance of Impacts (Issue 3)

As discussed above, the proposed project would be consistent with the requirements of the City's LDC and no deviation or variance would be required. Although project implementation would result in impacts to sensitive biological resources, a SDP is required pursuant to LDC §143.0110(b)(1) and mitigation measures are discussed in Issue 4 below and EIR Section 4.2 to reduce impacts to sensitive biological resources to a level below significance. With application of the mitigation measures provided below-under Issue 4 and in EIR Section 4.2, and as described above in the analysis of consistency with LDC §143.0141 (Sensitive Biological Resources), project implementation would not result in a significant conflict with the purpose and intent of the regulations in the City's LDC.

#### Mitigation Measures (Issue 3)

Significant impacts would not occur; therefore, mitigation would not be required.

#### Issue 4 Would the proposed project conflict with the provisions of the City's MSCP Subarea Plan or any other approved local, regional, or state habitat conservation plan?

#### Impact Thresholds

According to the Land Use Section of the City of San Diego's *Significance Determination Thresholds*, a proposed project would have a significant land use impact if any one or more of the following conditions would occur as a result of the project:

- Inconsistency/conflict with adopted environmental plans for an area. For example, a use incompatible with MSCP for development within the MHPA would fall into this category.
- Significantly increase the base flood elevation for upstream properties, or construct in a Special Flood Hazard Area (SFHA) or floodplain/wetland buffer zone.

#### Discussion of Project Impacts (Issue 4)

Potential conflicts with the MSCP Subarea Plan are discussed below.

#### Direct Impacts to the MSCP Subarea Plan

Within the Candlelight project site, a small area (1.47 acres) of the eastern corner of the property (Lot 5) lies within the City's MHPA, as does an area in the western portion of Lot 4 (1.0 acre). EIR Figure 2-52, *On-Site MHPA Land*, depicts the location of the on-site MHPA in relation to the project site. The on-site MHPA supports maritime succulent scrub, non-native grassland and vernal/road pool habitats. In addition, land immediately east of the property is located within the MHPA, and additional MHPA lands are located westerly of Lot 1. Project grading and brush management would not directly impact any lands located within the MHPA. In addition, as a standard condition of project approval, the following requirements would be required prior to recordation of the first final map and/or issuance of grading permits in order to assure that on-site MHPA areas are properly managed:

"Prior to recordation of the first final map and/or issuance of any grading permits, the onsite MHPA within proposed Lot 4 and5 shall be conveyed to the City's MSCP preserve through either fee title to an approved agency or through a covenant of easement or a dedication in fee title granted in favor of the approved conservation agency, approved by the U.S. Fish and Wildlife Service (USFWS), California Department of Fish and Wildlife (CDFW) and the City of San Diego. Conveyance of any land in fee to the City shall require approval from the Park and Recreation Department Open Space Division Deputy Director and shall exclude detention basins or other Storm water control facilities, brush management areas, landscape/revegetation areas, and graded slopes. To facilitate MHPA conveyance, any nonfee areas shall be allotted separately, have if located in the MHPA, and be maintained in perpetuity by the Owner/Permittee/Applicant unless otherwise agreed to by the City. All other on-site areas can be conveyed through any of the three above methods." The Owner/Permittee/Applicant shall ensure long term management and protection of the preserve areas. The land may be managed by a land management entity approved by the USFWS and regulatory agencies.



#### Analyze Slopes Report Area 1

Slopé Range (%)	Plan Area (sa.ft)	% of Total Area
0.000 - 25.0000	6420.38.67	81.37
	48458 70	6.39
35.0000-Vert	86999.65	12.24
	777497 02	100.00

#### Analyze Slopes Report Area 2

Slopé Ra	ngė (%) –	Plan Area (	sa ft)	% of Total	Area
0.0000-	25.0000	992338.03		89.88	
25.0000-	-35.0000	12062.91		1.14	
35.0000-	-Vert	86581.87		8.98	
Totals		1090982.81		100.00	

#### Analyze Slopes Report Area 3

<u>Slopé Range (%)</u>	Plan Area (sa ft)	8 of Total Area
	60792.19	66.00
25.0000-35.0000	6344.38	7.16
<u> </u>	22166.73	26.85
Totals	89303.31	100.00

#### Analyze Slopes Report Area 4

Slope Range (%)	Plan Area (sa ft)	% of Total Area
0.0000-25.0000	51 <u>588</u> 40`'´	80.74
 25.0000-35.0000	1476.82	2.41
 35.0000-Vert	9347.93	16.85
Totals	62413.15	100.00

#### Analyze Slopes Report SUMMARY

Slope Range (%)	Plan Area (sa ft)	% of Total Area
0.0000-25.0000 25.0000-35.0000 35.0000-Vert	1750136 67976.13 204549	86.6 3.3 10.1
Totals	2022661	100.00



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#### **Consistency with MSCP Subarea Plan**

In addition, Section 1.5.3 of the City's MSCP Subarea Plan contains specific project requirements for certain areas within the MHPA. Section 1.5.3 requirements and goals for all the MHPA areas within Otay Mesa are listed below.

#### Priority 1:

- 1. No unauthorized motorized vehicles except border patrol, MHPA (preserve) managers, maintenance personnel or emergency vehicles will be allowed on any trails or off-trail in the MHPA. The border patrol should restrict vehicle use to the existing access roads as much as feasible, to avoid disturbance of habitat.
- 2. Remove all trash, hazardous materials, and vehicles from the MHPA prior to transfer from private into public ownership and/or management. If hazardous materials remain, these areas should be signed to indicate their locations and made off-limits to people.
- 3. Inventory vernal pool areas within the Otay Mesa area for sensitive and target species where not previously or recently done, and assess for enhancement/restoration needs or opportunities, general status, and potential threats.

#### Priority 2:

Assess vernal pool areas proposed for development (e.g., approved development projects or proposed regional transportation facilities such as State Routes 905 and 125) for transplantation of sensitive plants and soils containing seedbanks of sensitive flora and fauna. Include in mitigation programs arrangements for proper timing of soil and plant removal, proper storage if necessary, and appropriate timing of enhancement/restoration efforts, including transplantation.

The Candlelight project is required to avoid and/or reduce and mitigate for all impacts to vernal pools on-site or affected by its development. Project features and associated mitigation measures for vernal pool preservation and restoration are listed in Section 4.2 Biological Resources of this EIR and project implementation would not result in any direct conflicts with or impacts to the City's MSCP Subarea Plan in this regard.

#### Indirect Impacts to the MSCP Subarea Plan

The Land Use Adjacency Guidelines (LUAG) contained in the MSCP Subarea Plan (Section 1.4.3) provide a list of issues to be addressed for projects within or adjacent to the MHPA Preserve. These issues include toxins, drainage, lighting, human intrusion/barriers (roadkill), invasives (exotic plant species/nuisance animal species), grading, brush management, and noise. A discussion of project consistency with the LUA Guidelines is provided below.

#### Toxins/Drainage

The use or generation of toxins should be avoided/reduced/and cleaned up on-site and prevented from entering storm water areas on-site.

Drainage should be directed away from the MHPA, or if not possible, must not drain directly into the MHPA. Storm water and runoff should be detained for dissipation and filtering prior to release into the MHPA.

#### <u>Lighting</u>

Lighting should be directed away from the MHPA, and shielded if necessary and follow all requirements per Municipal Code §1742.0740.

#### <u>Invasives</u>

No prohibited species per the Municipal Code Landscape Standards-Section 1.3 shall be utilized anywhere on-site and no potentially invasive plant species shall be planted in or adjacent to the MHPA (i.e. 100 feet).

#### **Barriers/Access**

Impacts from increased vehicular activity in the area could result in increases in animal roadkill. Roadkill impacts only would be considered significant if it results in adverse effects to federally or state listed species. However, the increase would occur in an already heavily-used incremental increase of roadkill along Otay Mesa Road would be regarded as an adverse but less than significant impact. Fencing should be used where possible to direct wildlife to safe corridors.

Increases in human activities in natural areas could result in degradation of sensitive vegetation by habitat fragmentation, illegal dumping, and removal of existing plants.

Access to the MHPA, if any, should be directed to minimize impacts and reduce impacts associated with domestic pet predation. The use of appropriate barriers (boulders, bollards, fencing), signage, and educational handouts is encouraged).

The project's Tentative Map sheets 3 and 4, provided in conjunction with the proposed PDP, includes fencing between the developed lots and the preserves/open space areas. <u>Fencing would be a natural wood, unpainted split-rail (or similar) design that would provide a rustic/natural appearance and allow for wildlife movement. Fence materials that could inhibit wildlife movement (e.g., chain link and barbed wire) would not be used. This fencing would reduce this potential impact to a level below significance. Nonetheless, potential impacts associated with human intrusion in the MHPA are regarded as potentially significant, and mitigation, in the form of required compliance with the fencing plan depicted on the project's Tentative Map plans, would be required.</u>

Development of the project has the potential for domestic animals to impact native wildlife through predation of native species. The project's proposed Tentative Map plan, provided in conjunction with the proposed PDP, includes several types of fencing at the Lot lines between the developed lots (1 and 3) and the preserve/open space areas. This fencing would reduce this potential impact to a level below significance. Nonetheless, the potential for domestic animals to impact native wildlife is regarded as a potentially significant indirect impact for which mitigation in the form of required

compliance with the fencing plan depicted on the project's Tentative Map sheets 3 and 4, would be required.

#### **Grading**

All manufactured slopes must be included within the development footprint and outside the MHPA.

#### Brush Management

All Zone 1 brush management areas must be included within the development footprint and outside the MHPA. The site does not propose brush management Zone 2, due to low fuel levels as determined by the Fire Marshall. As part of the proposed project, a brush management zone would be required. As depicted on EIR Figures 3-4 and 3-5, *Landscape Plan*, the proposed brush management zone 1 would occur entirely outside of MHPA areas. <u>The combination of fuel</u> <u>modifications presented in the landscape plan and alternative compliance would ensure that</u> <del>Therefore,</del> the proposed brush management zones would not result in a conflict with the LUAGs.

#### <u>Noise</u>

Construction-related noise would create a temporary impact to wildlife. Noise-related impacts would be considered significant if sensitive species were displaced from their nests or territories or failed to breed. Indirect noise impacts to breeding coastal California gnatcatchers could occur if clearing, grubbing, or other construction activities create noise in excess of 60 dBA in occupied coastal sage scrub habitat within the MHPA during the gnatcatcher breeding season (March 1 through August 14). Based on the adjacency of the MHPA to the project site, the appropriate habitat (maritime succulent scrub) within the MHPA, and the positive gnatcatcher results on-site, there is a potential for significant indirect noise impacts to breeding gnatcatchers during construction for which mitigation would be required. Long-term noise impacts associated with the proposed residential use are not anticipated to be significant.

Due to the site's location adjacent to and partially within the MHPA, construction noise would need to be avoided, if possible, during the breeding season of the *California gnatcatcher* (3/1-8/15). If construction is proposed during the breeding season for the species, U.S. Fish and Wildlife Service protocol surveys would be required in order to determine species presence/absence. If the species *is/are* not identified within the MHPA, no additional measures would be required.

If present, measures to minimize noise impacts would be required and should include temporary noise walls/berms.

If a survey is not conducted and construction is proposed during the species' breeding season, presence would be assumed and a temporary wall/berm would be required. Noise levels from construction activities during the bird breeding season should not exceed 60 dBA hourly LEQ.

#### **Special Considerations for Covered Species**

Special conditions apply to covered species that would be potentially impacted by a project. These conditions apply to species classified as narrow endemic as well as other species specifically identified in the MSCP Subarea Plan. Species with a potential to occur on the project site and for which special consideration is required include the following: San Diego barrel cactus; San Diego fairy shrimp; Riverside fairy shrimp; coastal California gnatcatcher; burrowing owl; northern harrier;

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orange-throated whiptail; and California rufous-crowned sparrow. Of these species, only the burrowing owl, coastal California gnatcatcher, San Diego fairy shrimp, and Riverside fairy shrimp have been observed on the proposed project site. Potentially significant impacts would occur if the project was to conflict with state, federal and local (including MSCP) requirements for these species, and mitigation for potential impacts to these species is required.

#### Flood Elevation and Special Flood Hazard Area

The project could potentially raise the base flood elevation for upstream properties if it were to perform massive grading. The project does not propose any grading that would increase the flood elevation for upstream properties. The project would not be constructed in a Special Flood Hazard Area (SFHA) or floodplain/wetland buffer zone.

#### Significance of Impacts (Issue 4)

No direct impacts to the MHPA would occur. Indirect impacts to the MHPA could occur with project implementation, and these indirect impacts would be regarded as a significant impact to land use for which mitigation would be required. Indirect impacts for which mitigation would be required include the potential land use adjacency impacts including increased runoff into MHPA areas, the dispersion of light into MHPA areas, construction noise impacts on MHPA areas, the potential for colonization of MHPA areas by invasive plant species, <u>potential for brush management</u> <u>encroachment</u>, and the intrusion of domestic animals and humans into MHPA areas.

In addition, a potentially significant impact would occur if the project were to fail to implement species specific mitigation for known high or moderate potential sensitive species on-site, including noise restrictions relation to the coastal California gnatcatcher. See the Biology Section 4.2 for additional information for those species known to be present on-site and required mitigation.

No impacts would occur to base flood elevations for upstream properties. The project proposes no major land form changes and would continue the natural slope and drainage patterns of the project. The project site is not in a Special Flood Hazard Area (SFHA) or floodplain/wetland buffer zone.

#### Mitigation Measures (Issue 4)

#### 4.1-1 MSCP Land Use Adjacency Guidelines

I. Prior to issuance of any construction permit or notice to proceed, DSD/ LDR, and/or MSCP staff shall verify the Applicant has accurately represented the project's design in or on the Construction Documents (CD's/CD's consist of Construction Plan Sets for Private Projects and Contract Specifications for Public Projects) are in conformance with the associated discretionary permit conditions and Exhibit "A", and also the City's Multi-Species Conservation Program (MSCP) Multi-Habitat Planning Area (.MHPA) Land Use Adjacency Guidelines. The applicant shall provide an implementing plan and include references on/in CD's of the following:

**A. Grading/Land Development/MHPA Boundaries** - MHPA boundaries on-site and adjacent properties shall be delineated on the CDs. DSD Plam1ing and/or MSCP staff shall ensure that all grading is included within the development footprint, specifically

manufactured slopes, disturbance, and development within or adjacent to the MHPA. For projects within or adjacent to the MHPA, all manufactured slopes associated with site development shall be included within the development footprint.

- **B. Drainage** -All new and proposed parking lots and developed areas in and adjacent to the MHPA shall be designed so they do not drain directly into the MHPA. All developed and paved areas must prevent the release of toxins, chemicals, petroleum products, exotic plant materials prior to release by incorporating the use of filtration devices, planted swales and/or planted detention/desiltation basins or other approved permanent methods that are designed to minimize negative impacts, such as excessive water and toxins into the ecosystems of the MHPA.
- **C. Toxics/Project Staging Areas/Equipment Storage-** Projects that use chemicals or generate by-products such as pesticides, herbicides, and animal waste, and other substances that are potentially toxic or impactive to native habitats flora/fauna (including water) shall incorporate measures to reduce impacts caused by the application and/or drainage of such materials into the MHPA. No trash, oil, parking, or other construction/development-related material/activities shall be allowed outside any approved construction limits. Where applicable, this requirement shall be incorporated into leases on publicly owned property when applications for renewal occur. Provide a note in/on the CD's that states: "All construction related activity that may have potential for leakage or intrusion shall be monitored by the Qualified Biologist/Owners Representative or Resident Engineer to ensure there is no impact to the MHPA."
- **D.** Lighting Lighting within or adjacent to the MHPA shall be directed away/shielded from the MHPA and be subject to City Outdoor Lighting Regulations per LDC Section 142.0740.
- **E. Barriers -** New development within or adjacent to the MHPA shall be required to provide barriers (e.g. non-invasive vegetation; rock/boulders; -foot high, vinyl-coated chain link or equivalent fences/walls; and/or signage) along the MHPA boundaries to direct public access to appropriate locations, reduce domestic animal predation, protect wildlife in the preserve, and provide adequate noise reductions where needed.
- **F. Invasives -** No invasive non-native plant species shall be introduced into areas within or adjacent to the MHPA.
- **G. Brush Management -** New development adjacent to the MHPA shall be set back from the MHPA to provide required Brush Management Zone 1 area on the building pad outside of the MHPA. The project does not propose use of Zone 2 brush management. Brush management zones will not be greater in size than 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 and vegetation clearing shall be prohibited within native coastal sage scrub and chaparral habitats from March 1-August 15 except where the City ADD/MMC has documented the thinning would be consistent the City's MSCP Subarea Plan. Existing and approved projects are subject to current requirements of Municipal Code Section 1420412.

H. Noise - Due to the site's location adjacent to or within the MHPA where the Qualified Biologist has identified potential nesting habitat for listed avian species, construction noise that exceeds the maximum levels allowed shall be avoided during the breeding seasons for the following: California Gnatcatcher (3/1-8/15). If construction is proposed during the breeding season for the species, U.S. Fish and Wildlife Service protocol surveys shall be required in order to determine species presence/absence. If protocol surveys are not conducted in suitable habitat during the breeding season for the aforementioned listed species, presence shall be assumed with implementation of noise attenuation and biological monitoring.

When applicable (i.e., habitat is occupied or if presence of the covered species is assumed), adequate noise reduction measures shall be incorporated as follows: COASTAL CALIFORNIA GNATCATCHER (Federally Threatened).

 Prior to the issuance of any grading permit, (prior to the preconstruction meeting), the City Manager (or appointed designee) shall verify that the Multi-Habitat Planning Area (MHPA) boundaries and the following project requirements regarding the coastal California gnatcatcher are shown on the construction plans:

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

- A. A qualified biologist (possessing a valid ESA Section 10(a)(1)(A) Recovery Permit) shall survey appropriate habitat (coastal sage scrub) areas within the off-site MHPA that lie within 500 feet of the project footprint and would be subject to construction noise levels exceeding 60 dB(A) hourly average for the presence of the coastal California gnatcatcher. If no appropriate habitat is present then the surveys would not be required. If appropriate habitat is present, surveys for the coastal California gnatcatcher shall be conducted pursuant to the protocol survey guidelines established by the USFWS within the breeding season prior to the commencement of any construction. If gnatcatchers are present within the MHPA, then the following conditions must be met:
  - I. Between March 1 and August 15, no clearing, grubbing, or grading of occupied habitat shall be permitted within the MHPA. Areas restricted from such activities shall be staked or fenced under the supervision of a qualified biologist; and
  - II. Between March 1 and August 15, no construction activities shall occur within any portion of the site where construction would result in noise exceeding 60 decibels hourly average at the edge of occupied habitat within the MHPA. The analysis shall be prepared by a qualified acoustician possessing a current noise engineer license or registration with monitoring noise level experience with listed animal species. The

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acoustician shall be approved by the City Manager or appropriate designee two week prior to the commencement of construction activities. Prior to the commencement of construction during the breeding season, areas restricted shall be staked or fenced under the supervision of a qualified biologist; or

III. At least two weeks prior to the commencement of construction activities, noise attenuation measures, if warranted, shall be implemented under the direction of a qualified acoustician to ensure that construction noise levels would not exceed 60 dB(A) hourly average at the edge of the MHPA habitat occupied by the coastal California gnatcatcher. Concurrently, noise monitoring shall be conducted at the edge of occupied habitat within the MHPA to ensure that noise levels do not exceed 60 dB(A) hourly average. If the noise attenuation techniques are not adequate, construction activities in the area shall cease until adequate attenuation can be achieved as directed by the qualified acoustician or until the end of the breeding season (August 16).

\*Construction noise monitoring shall continue to be monitored at least twice weekly on varying days, or more frequently depending on the construction activity, to verity that noise levels at the edge of occupied habitat are maintained below 60 dBA 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 dBA hourly average or to the ambient noise level if it already exceeds 60 dBA hourly average. Such measures may include, but are not limited to, limitations on the placement of construction equipment and the simultaneous use of equipment.

- B. If coastal California gnatcatchers are not detected during the protocol survey, the qualified biologist shall submit substantial evidence to the City Manager and applicable resource agencies that demonstrates whether or not mitigation measures such as noise walls are necessary between March 1 and August 15 as follows:
  - I. If this evidence indicates the potential is high for coastal California gnatcatcher to be present based on historical records or site conditions, then condition A.III above shall be adhered to as specified above.
  - II. If this evidence concludes that no impact to this species is anticipated, no mitigation measures would be necessary.

#### II. Prior to Construction

**A. Biologist Verification -** The owner/permittee shall provide a letter to the City's Mitigation Monitoring Coordination (MMC) section stating that a Project Biologist (Qualified Biologist) as defined in the City of San Diego's Biological Guidelines (2012), has been retained to implement the project's biological monitoring program. The letter shall include the names and contact information of all persons involved in the biological monitoring of the project.

- **B. Preconstruction Meeting -** The Qualified Biologist shall attend the preconstruction meeting, discuss the project's biological monitoring program, and arrange to perform any follow up mitigation measures and reporting including site-specific monitoring, restoration or revegetation, and additional fauna/flora surveys/salvage.
- **C. Biological Documents -** The Qualified Biologist shall submit all required documentation to MMC verifying that any special mitigation reports including but not limited to, maps, plans, surveys, survey timelines, or buffers are completed or scheduled per City Biology Guidelines, Multiple Species Conservation Program (MSCP), Environmentally Sensitive Lands Ordinance (ESL), project permit conditions; California Environmental Quality Act (CEQA); endangered species acts (ESAs); and/or other local, state or federal requirements.
- D. BCME -The Qualified Biologist shall present a Biological Construction Mitigation/Monitoring Exhibit (BCME) which includes the biological documents in C above. In addition, include: restoration/revegetation plans, plant salvage/relocation requirements (e.g., coastal cactus wren plant salvage, burrowing owl exclusions, etc.), avian or other wildlife surveys/survey schedules (including general avian nesting and USFWS protocol), timing of surveys, wetland buffers, avian construction avoidance areas/noise buffers/ barriers, other impact avoidance areas, and any subsequent requirements determined by the Qualified Biologist and the City ADD/MMC. The BCME shall include a site plan, written and graphic depiction of the project's biological mitigation/monitoring program, and a schedule. The BCME shall be approved by MMC and referenced in the construction documents.
- E. Avian Protection Requirements To avoid any direct impacts to raptors and/or any native/migratory birds, removal of habitat that supports active nests in the proposed area of disturbance should occur outside of the breeding season for these species (February 1 to September 15). If removal of habitat in the proposed area of disturbance must occur during the breeding season, the Qualified Biologist shall conduct a pre-construction survey to determine the presence or absence of nesting birds on the proposed area of disturbance. The pre-construction survey shall be conducted within 10 calendar days prior to the start of construction activities (including removal of vegetation). The applicant shall submit the results of the pre-construction survey to City DSD for review and approval prior to initiating any construction activities. If nesting birds are detected, a letter report or mitigation plan in conformance with the City's Biology Guidelines and applicable State and Federal Law (i.e. appropriate follow up surveys, monitoring schedules, construction and noise barriers/ buffers, etc.) shall be prepared and include proposed measures to be implemented to ensure that take of birds or eggs or disturbance of breeding activities is avoided. The report or mitigation plan shall be submitted to the City 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 or mitigation plan are in place prior to and/or during construction.
- **F. Resource Delineation -** Prior to construction activities, the Qualified Biologist shall supervise the placement of orange construction fencing or equivalent along the limits of

disturbance adjacent to sensitive biological habitats and verify compliance with any other project conditions as shown on the BCME. This phase shall include flagging plant specimens and delimiting buffers to protect sensitive biological resources (e.g., habitats/flora & fauna species, including nesting birds) during construction. Appropriate steps/care should be taken to minimize attraction of nest predators to the site.

**G. Education** - Prior to commencement of construction activities, the Qualified Biologist shall meet with the owner/permittee or designee and the construction crew and conduct an onsite educational session regarding the need to avoid impacts outside of the approved construction area and to protect sensitive flora and fauna (e.g., explain the avian and wetland buffers, flag system for removal of invasive species or retention of sensitive plants, and clarify acceptable access routes/methods and staging areas, etc.).

#### III. During Construction

- A. Monitoring- All construction (including access/staging areas) shall be restricted to areas previously identified, proposed for development/staging, or previously disturbed as shown on "Exhibit A" and/or the BCME. The Qualified Biologist shall monitor construction activities as needed to ensure that construction activities do not encroach into biologically sensitive areas, or cause other similar damage, and that the work plan has been amended to accommodate any sensitive species located during the pre-construction surveys. In addition, the Qualified Biologist shall document field activity via the Consultant Site Visit Record (CSVR). The CSVR shall be e-mailed to MMC on the 1<sup>st</sup> day of monitoring, the 1<sup>st</sup> week of each month, the last day of monitoring, and immediately in the case of any undocumented condition or discovery.
- **B. Subsequent Resource Identification -** The Qualified Biologist shall note/act to prevent any new disturbances to habitat, flora, and/or fauna onsite (e.g., flag plant specimens for avoidance during access, etc). If active nests or other previously unknown sensitive resources are detected, all project activities that directly impact the resource shall be delayed until species specific local, state or federal regulations have been determined and applied by the Qualified Biologist.

#### **IV. Post Construction Measures**

A. In the event that impacts exceed previously allowed amounts, additional impacts shall be mitigated in accordance with City Biology Guidelines, ESL and MSCP, State CEQA, and other applicable local, state and federal law. The Qualified Biologist shall submit a final BCME/report to the satisfaction of the City ADD/MMC within 30 days of construction completion.

#### Significance After Mitigation (Issue 4)

With implementation of Mitigation Measure4.1-2, indirect impacts to the MHPA would be reduced to a level below significance. Also see biological mitigation measures 4.2-5, 4.2-14 and 4.2-15described in Biological Resources (Section 4.2) regarding the MSCP area.

With implementation of Mitigation Measure<del>s</del> 4.1-2, the project would comply with the special considerations criteria for the sensitive covered species.

Therefore, with implementation of mitigation identified in this EIR, the proposed project would not conflict with the MSCP Subarea Plan, and significant direct and indirect impacts to land use policy would not occur.

### Issue 5 Would the proposal result in land uses which are not compatible with the adopted Airport Land Use Compatibility Plan (ALUCP), including aircraft noise levels as defined by the plan?

#### Impact Thresholds

According to the Land Use Section of the City of San Diego's *Significance Determination Thresholds*, a proposed project would have a significant land use impact if the following condition would occur as a result of the project:

• Incompatible uses as defined in an airport land use plan or inconsistency with the Airport Land Use Compatibility Plan as adopted by the San Diego County Regional Airport Authority.

#### Discussion of Project Impacts (Issue 5)

As depicted Figure 4.1-3, t\_The proposed project site is located within the Brown Field AIA Review Area 2, approximately 2.1 miles southwest of the Brown Field Municipal Airport <u>(San Diego County Regional Airport Authority 2004)</u>. The project does not exceed the Part 77 notification 100:1 surface threshold for FAA notification based on the project site elevations, proposed building elevations, and distance from Brown Field. The proposed project is outside the compatibility safety map area, the compatibility overflight map area, the aviation overflight notification area and the noise notification map area. Figures 4.1-3, 4.1-4, 4.1-5 and 4.1-6 show that tThe project site is not in the airport compatibility area for noise, airspace, overflight or safety <u>(San Diego County Regional Airport Authority 2004)</u>.

Airspace Protection is the only ALUCP factor that affects the project site. The proposed project would not exceed the Part 77 surface that requires notification to the Federal Aviation Administration. Therefore, the proposed project would not conflict with the provisions of the Airport Land Use Compatibility Plan in any manner that would result in a physical impact to the environment.

#### Significance of Impacts (Issue 5)

Per Figures 4.1-3, 4.1-4and 4.1-5, 4.1-6, 4.1-7, t<u>T</u>he proposed project site is not within the airport influence area, noise, airspace, overflight, or safety areas and therefore, no significant impact would occur. Per Figure 4.1-5, t<u>T</u>he project site is in the FAA part 77 notification area. This requires that the proposed project notify the FAA that the project is within a notification area. However, since the project does not meet the 100:1 surface area criteria, a letter from the Project Engineer has been obtained certifying no aviation 100:1 surface criteria apply. Therefore, impacts would not occur.

## Mitigation Measures (Issue 5)

No impacts would occur and therefore, no mitigation is proposed.

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## 4.2 BIOLOGICAL RESOURCES

The analysis in this section is based on the following City guidelines and technical reports prepared for the project: City of San Diego Biology Guidelines (City 2012); Appendix C - *Biological Technical Report for the Candlelight Project*, (Alden Environmental (Alden), June 27, 2013); Appendix P - *On-Site Vernal Pool Restoration Plan <u>Changes</u> (Helix August 5, 2008 with Alden, update-July 2, 2013); Appendix Q - <i>On-Site Habitat Management Plan* (Helix, August 5, 2008 with Alden update July 2, 2013); Candlelight Project (LDR 40329) Habitat Management Plan Changes, prepared by Alden on July 2, 2013 (Alden 2013<u>a</u>, Appendix C); and Appendix S - *Formal Section 7 Consultation for the Candlelight Villas Project* (Corps 404 File No. 200501638-LAM), San Diego County, California (referred to in this section as "Biological Opinion" or "BO"), prepared by the U.S Fish and Wildlife Service (USFWS) on June 21, 2010. An update to the 2013 Biological Technical Report was also conducted on January 29, 2015 to confirm that the project site conditions had not changed <u>(Alden 2015)</u>.

## 4.2.1 Existing Conditions

## Literature/Database Review

Helix Environmental Planning, Inc. (Helix) conducted a full range of biological field surveys in 2004 and 2005. Additional update surveys were conducted by Alden Environmental, Inc. (Alden) in 2012 to provide more current information for the project analysis. Prior to conducting updated field investigations, Alden performed a review of existing literature, including the previously prepared Biological Technical Report for the site (Helix 2007a) and environmental documentation prepared for the adjacent Southview project. A search of the CDFW's California Natural Diversity Database (CDFW 2011 and 2012) and the California Native Plant Society ([CNPS] 2010) online database for information regarding sensitive species known to occur within the project vicinity. Additional sources include information compiled as part of the MSCP (City 1997a and b), State Route 905 Biological Technical Report (Helix 2004a), and Sweetwater Union High School Biological Constraints Report (Helix 1999).

## **Field Surveys**

The following field surveys were conducted within the project limits: vegetation mapping, rare plant surveys, a jurisdictional delineation, burrowing owl (*Athene cunicularia*) surveys, and USFWS protocol-level presence/absence surveys for fairy shrimp (San Diego [*Branchinecta sandiegonensis*] and Riverside [*Streptocephalus woottoni*]), Quino checkerspot butterfly (*Euphydryas editha quino*), and coastal California gnatcatcher (*Polioptila californica californica*). During the surveys, incidental plant and animal observations were noted. During the rare plant surveys, special attention was given to MSCP narrow endemic species potentially occurring on site. More detailed information about the protocol-level surveys is summarized in the Biological Technical Report (Appendix C), Quino Checkerspot Butterfly Survey (Appendix W), Wet Season Fairy Shrimp Survey (Appendix X), and Burrowing Owl Survey (Appendix Y).

## Vegetation Communities

The 44.19-acre project site is located on a mesa top previously used for agriculture. The site is currently undeveloped and supports native and non-native habitats. Three wetland/riparian and

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four upland vegetation communities occur on the project site and associated off-site project areas. Wetland/riparian vegetation communities include disturbed wetland, vernal pool, and road pool (unvegetated ephemeral basin). Upland vegetation communities include maritime succulent scrub, non-native grassland, eucalyptus woodland, and disturbed land. Table 4.2\_1, *Existing On-site and Offsite Vegetation Communities*, provides an acreage summary of the various vegetation communities and Figures 4.2-1a and 4.2-1b, *Vegetation and Sensitive Resources*, depict their locations.

Vagatation Communities	Area (acre[s]) <sup>2</sup>						
vegetation communities	On–Site	Off–Site	Total By Type				
Wetland/Riparian Vegetation Communities							
Vernal pool	0.19	0.03	0.22				
Road pool <sup>3</sup>	0.24		0.24				
Disturbed wetland	0.02		0.02				
Upland Vegetation Communities							
Maritime succulent scrub (Tier I)	5.9		5.9				
Non-native grassland (Tier IIIB)	32.7	1.5	34.2				
Other Habitats							
Disturbed land (Tier IV)	5.2	0.5	5.7				
TOTAL	44.9	2.0	46.34				

Table 4.2\_1 EXISTING ON-SITE AND OFF-SITE VEGETATION COMMUNITIES

Source: Alden (2013b)

<sup>2</sup>Uplands are rounded to the nearest 0.1 acre, wetlands to the nearest 0.01 <sup>3</sup>Unvegetated road pools (ephemeral basin) supporting fairy shrimp

These existing on-site and off-site vegetation communities are described below:

#### Wetland/Riparian Habitats

#### 1. Vernal Pools

Vernal pools are a highly specialized habitat supporting a unique flora and fauna. Natural vernal pools are normally associated with two important physical conditions: a subsurface hardpan or claypan that inhibits the downward percolation of water, and topography characterized by a series of low hummocks (mima mounds) and depressions (vernal pools). These two physical conditions allow water to collect in the depressions during the rainy season. As water evaporates, a gradient of low soil water availability to high soil water availability is created from the periphery of the pool margins to the center of the pool. This allows for a temporal succession of vernal pool plant species to occur at the receding pool margins, depending on the physical and chemical characteristics of the pool. In a wet year, vernal pools will have a high proportion of native species that are endemic (locally rare) to this habitat (Alden 2013, Appendix C).

Twenty-four vernal pools (Figures 4.2-1a and 4.2-1b), with a total surface area of approximately 0.19 acre (8,276 square feet [sq ft]) and associated watersheds were mapped within the study area and assessed in the USFWS Biological Opinion (USFWS 2010). The vernal pools on-site are highly degraded and of low quality. The pools were created by the construction of the perimeter berm on the site. Machinery used to form the berms left behind shallow depressions that hold water during the rainy season. Based on property research, the berms were created between 1995 and 1997, making the pools on-site 17 to 19 years old (Alden 2013, Appendix C).

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#### CANDLELIGHT EIR



## CANDLELIGHT EIR

Feet

## Figure 4.2-1b



Five additional vernal pools, with a total surface area of 0.01 acre (519 sq ft), occur within the offsite road area south of the project site on the Bachmann Property. These vernal pools, created by construction of the berm, were mapped during protocol (fairy shrimp) surveys for the adjacent property owner. These vernal pools are also highly degraded and of low quality. As discussed above, these berms were created between 1995 and 1997; therefore, the pools that currently occur within the off-site project area are also approximately 17 to 19 years old (See Appendix C of this EIR).

Per City of San Diego Biology Guidelines, water-holding basins that support one or more vernal pool plant indicator species (U.S. Army Corps of Engineers [Corps] 1997) are considered to be vernal pools. The vernal pools are dominated by non-native grasses and forbs, and generally support one or two vernal pool indicator plant species, with cover of less than one percent. Vernal pool indicator species observed within these vernal pools include dwarf wooly-heads (*Psilocarphus brevissimus*), quillwort (*Triglochin scilloides*), water clover (*Marsilea vestita*), and adobe popcorn flower (*Plagiobothrys acanthocarpus*). Vernal pools within the study area have been degraded by erosion, off-road vehicle use, and former agricultural activities. It should be noted that the City's Biology Guidelines state that the City's wetland definition is intended to differentiate naturally occurring wetlands from those created through human activity, and that it is not the intent of the City to regulate artificially created wetlands in historically non-wetland areas. Due to the human-made nature of the pools on-site, they are not considered City jurisdictional wetlands (Alden 2013, Appendix C).

While the current vernal pools are clearly manmade, an aerial photograph analysis and review of previous studies show that it is likely that the area supported naturally occurring vernal pools in the past. The 1928 aerial photograph shows what appear to be remnants of mima mound topography characteristic of vernal pool complexes (Figure 4.2-2a, *Aerial Photo-1928*). There is also evidence of disturbance in the same aerial photo which could be a result of agricultural activity. In the next available aerial photograph (1953), the site is clearly being used for agricultural purposes (Figure 4.2-2b, *Aerial Photo-1953*) (Alden 2013, Appendix C).

## 2. Road Pools

Eight unvegetated water-holding basins were mapped on site as road pools (Figures 4.2-1a and 4.2-1b) with an overall surface area of approximately 0.24 acre (10,454 sq ft). These pools were addressed in the USFWS Biological Opinion (BO) (USFWS 2010). No road pools occur within the offsite improvement (road) grading area. Road pools are distinguished from vernal pools based on the absence of vernal pool indicator plant species (Corps 1997). Like vernal pools described above, the road pools were created by construction of the berm. The high soil compaction in these pools allows water to pond readily, even in years of low rainfall when vernal pools typically remain dry. All of the road pools lack vernal pool indicator plant species. Despite their low quality and lack of vegetation, the mapped road pools support San Diego and/or Riverside fairy shrimp and are therefore considered sensitive. There are many other depressions on site that hold water during rainy periods but do not support vernal pool indicator plant species or endangered fairy shrimp. These basins are not considered sensitive habitat (Alden 2013, Appendix C).
## 3. Disturbed Wetland

This community is dominated by exotic wetland species that have invaded sites that have been previously disturbed or undergone periodic disturbances such that these invasive non-natives have displaced the native wetland flora. Species found within the 0.02 acre of disturbed wetland include curly dock (*Rumex crispus*), salt cedar (*Tamarix* sp.), mustard (*Brassica* sp.), fennel (*Foeniculum vulgare*), and Italian ryegrass (*Lolium multiflorum*) (Alden 2013, Appendix C).

## Upland Habitats

## 1. Maritime Succulent Scrub

Approximately 5.9 acres of maritime succulent scrub occurs on-site. Maritime succulent scrub is a low, open scrub community dominated by a mixture of stem and leaf succulent and drought-deciduous species that also occur within sage scrub communities. Maritime succulent scrub is restricted to within a few miles of the coast, from about Torrey Pines to northern Baja California, and on San Clemente Island and Santa Catalina Island. It is considered a sensitive habitat by the California Department of Fish and Wildlife (CDFW), County of San Diego, and the City of San Diego. Maritime succulent scrub occupies the City's highest level of sensitivity (Tier I) for upland habitats, and requires mitigation for impacts (Alden 2013, Appendix C).

Plant species observed within this vegetation community include cliff spurge (*Euphorbia misera*), jojoba (*Simmondsia chinensis*), coast prickly pear cactus (*Opuntia littoralis*), and San Diego bur-sage (*Ambrosia chenopodiifolia*). Maritime succulent scrub also contains Diegan coastal sage scrub species, such as California sagebrush (*Artemisia californica*), lemonadeberry (*Rhus integrifolia*), and California buckwheat (*Eriogonum fasciculatum*) (Alden 2013, Appendix C).

## 2. Non-Native Grassland

Non-native grassland is characterized by a dense to sparse cover of exotic annual grasses, and is often associated with species of showy-flowered native annual forbs. Characteristic species include Italian ryegrass (*Lolium multiflorum*), wild oats (*Avena spp.*), foxtail chess (*Bromus madritensis ssp. rubens*), ripgut grass (*B. diandrus*), filaree (*Erodium spp.*), and mustard (*Brassica spp.*). Although not as sensitive as native grasslands, non-native grasslands can support many of the same plant and animal species. Non-native grasslands are located in large patches throughout the site where previous disturbance from agricultural uses has occurred. Non-native grasslands are recognized as a Tier IIIB upland vegetation community (common upland) by the City, and require mitigation for impacts. Approximately 34.2 acres of non-native grassland occurs on-site and within the off-site improvement areas (Alden 2013, Appendix C).

## Other Habitats

## 1. Eucalyptus Woodland

Eucalyptus woodland is dominated by eucalyptus, an introduced tree species to the region. Approximately 0.6 acres of eucalyptus woodland occurs on-site (Alden 2013, Appendix C).





## 2. Disturbed Land

Disturbed lands are lands that were previously and permanently altered by human activity that offer no biological value for native species. Such areas include dirt roads, trails, graded areas, and dump sites, where no native or naturalized species remain. Approximately 5.7 acres of disturbed land occurs within the project area. Disturbed land is considered Tier IV by the City, and mitigation of impacts is not required (Alden 2013, Appendix C).

## Jurisdictional Areas

A jurisdictional delineation was conducted to determine the presence of federal (Corps), state (CDFW), and City jurisdictional areas on site. All areas with depressions or drainage channels were evaluated for the presence of Corps Waters of the U.S., including jurisdictional wetlands. Each area was inspected according to federal wetland delineation guidelines. Presence of Corps jurisdictional features was evaluated using the criteria described within the Wetlands Delineation Manual (Environmental Laboratory 1987) and the Arid West Supplement (Corps 2008). Corps jurisdictional non-wetland Waters of the U.S. (e.g., ephemeral streambeds) were determined by the presence of bed and bank within unvegetated drainage courses. Corps jurisdictional areas occur in two drainages: one at the eastern end of the site and one through the center of the site directly south of Caliente Avenue (Figure 4.2-3, *Corps Jurisdictional Delineation/Impacts*). These two areas also are considered CDFW jurisdictional (Figure 4.2-4, *CDFW Jurisdictional Delineation/Impacts*). No City of San Diego jurisdictional wetlands occur on the site (Alden 2013, Appendix C).

## 1. Federal Jurisdictional Areas

Corps jurisdictional wetlands include 27 vernal pools (VPs 1, 7 to 11, 13 to 15, 26 to 30, and 34 to 43) totaling approximately 0.22 acre (9,583 sq ft) within the study area (Table 4.2\_2, *Existing Corps Jurisdictional Areas*; Figure 4.2-4). Non-wetland Waters of the U.S. occur in two drainages on the project site: in a north-south alignment through the eastern preserve (Lot 5), and in a north-south alignment through the center of the project site just west of Caliente Avenue (Lot 1). Both drainages are unvegetated and do not meet wetland criteria. The drainages do show signs of occasional water (bed and bank) passing through and are therefore characterized as non-wetland Waters of the U.S. covering approximately 0.05 acre (2,435 sq ft). The easternmost non-wetland Waters of the U.S. is approximately 300 feet in length and varies from 2 to 4 feet in width. The westernmost non-wetland Waters of the U.S. is approximately 0.05 is approximately 600 feet in length and varies from 1.5 to 5 feet in width. Additionally, eight unvegetated road pools (RPs 2, 3, 12, 16, 17, and 31 to 33; water-holding basins with fairy shrimp) occur on site and total approximately 0.24 acre (10,356 sq ft) (Alden 2013, Appendix C).

	Area (acre[s])			
Παβιίαι	On–Site	Off-Site	Total	
	Wetlands			
Vernal pool	0.19	0.03	0.22	
Non-wetland Waters of the U.S.				
Drainage	0.05	0.00	0.05	
Road pools	0.24	0.00	0.24	
TOTAL	0.42	0.03	0.45	

Table 4.2\_2 EXISTING CORPS JURISDICTIONAL AREAS (ACRES)\*

Source: Alden 2013, Appendix C. \*Totals reflect rounding.

## 2. State (CDFW) Jurisdictional Areas

CDFW jurisdictional areas within the proposed project area include 0.02 acre of disturbed wetlands and 0.05 acre (2,329 sq feet) of streambed (Table 4.2\_3, *Existing Jurisdictional Areas*; Figure 4.2-4) (Alden 2013, Appendix C).

Habitat	Area (acre[s])			
Παβιτατ	On–Site	Off–Site	Total	
Wetlands				
Disturbed wetland	0.02	0.00	0.02	
Non-wetland Waters of the U.S.				
Streambed	0.05	0.00	0.05	
TOTAL	0.07	0.00	0.07	

Table 4.2 3 EXISTING JURISDICTIONAL AREAS (ACR	ES)*
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Source: Alden 2013, Appendix C. \*Totals reflect rounding.

## 3. City of San Diego Wetlands

The Corps and CDFW jurisdictional areas discussed above do not meet the City's wetland definition. According to the City's Land Development Code Biology Guidelines (City 2012), seasonal drainage patterns (i.e., ephemeral/intermittent drainages), would not satisfy City's wetland definition unless wetland dependent vegetation is either present in the drainage or lacking due to past human activities. The non-wetland Waters of the U.S./streambed on site lack wetland vegetation and therefore are not City jurisdictional wetlands. The 0.02 acre of disturbed wetland located on site is not considered City jurisdictional wetland because it is man-made (Alden 2013, Appendix C). Each type of jurisdictional feature is discussed in more detail in the following paragraphs.

This man-made ephemeral drainage is located in the center of the project site; it carries flows from the adjacent high school site directly south. The drainage was constructed to convey surface runoff from the high school and prevent flooding at the outfall adjacent to the high school. This drainage along with the constructed berms along the site perimeter provides a place for water to pond that now supports disturbed wetland vegetation.

A small (less than 0.1 acre) area of mule fat (*Baccharis salicifolia*) and willows (*Salix* spp.) found at the southern terminus of Caliente Avenue is not located in an area that historically supported wetland habitat, and is not considered a City wetland because it is man-made. The adjacent high school's detention basin outlet and stormdrain outlet allow for water overflow to enter into this area that now supports scattered wetland species. School maintenance crews periodically clear this area of vegetation at the detention basin outlet (Alden 2013, Appendix C).

As stated in the Environmentally Sensitive Lands (ESL) Regulations and Biology Guidelines, the City's wetland definition is intended to differentiate uplands from wetlands and naturally occurring wetlands from those created through human activity. It is not the intent of the City to regulate artificially created wetlands in historically non-wetland areas unless they have been delineated as wetlands by the Corps and/or CDFW (City 2012). The vernal pools within the study area were created by human activity (berm construction) between 1995 and 1997. While it is likely that the site and surrounding area historically (at least prior to 1953) supported vernal pool habitat, the currently mapped vernal pools have only been in existence since construction of the berm and are not historic. Therefore, the vernal pools are man-made and non-historic and are not considered City wetlands (USFWS Biological Opinion, June 2010, Appendix S, of this EIR).

## CANDLELIGHT EIR



# Figure 4.2-3

## CANDLELIGHT EIR





Figure 4.2-4

**CDFW Jurisdictional Delineation/Impacts** 

## City/CDFW Sensitive Vegetation Communities

Sensitive vegetation communities are considered rare within the region or sensitive by CDFW or the City. These communities in any form are considered sensitive because they have been historically depleted, are naturally uncommon, or support sensitive species. The study area supports four sensitive vegetation communities: maritime succulent scrub, vernal pools, disturbed wetland, and non-native grasslands, as described above. Road pools are not considered a sensitive habitat although they may contain sensitive animal species, such as fairy shrimp (Alden 2013, Appendix C).

## Sensitive Plant Species Observed

Sensitive plant species are considered rare, a characteristic that may be based on three distributional traits: geographic range, habitat specificity, or population size. A species that exhibits a small or restricted geographic range (such as those endemic to the San Diego region) are geographically rare. A species may be more or less abundant but occur only in very specific habitats. Lastly, a species may be widespread but exist naturally in small populations (Alden 2013, Appendix C).

The presence of any federally or state listed or City narrow endemic plant species within proposed project limits would pose a constraint to development. The presence of these species is determined through focused rare plant surveys conducted during the appropriate time of year. Typically, impacts to any listed or City narrow endemic plant species require species-specific mitigation, usually in the form of plant salvage and translocation to a suitable preserve area (Alden 2013, Appendix C).

Three sensitive plant species were observed within the biological study area during the rare plant surveys conducted in 2004, 2005, and 2012: San Diego bur-sage, cliff spurge, and San Diego sunflower (*Bahiopsis laciniata*) (Alden 2013, Appendix C), described as follows:

## San Diego bur-sage (Ambrosia chenopodiifolia)

**Listing**: --/--; CNPS List 2.1 (see Appendix C for a listing and explanation of status codes for plant and animal species)

**Distribution**: Southwestern San Diego County, Arizona, and Mexico below 600 feet in elevation **Habitat**: Dry, sunny hillsides in coastal sage scrub and maritime succulent scrub **Status on site**: Scattered individuals were observed in maritime succulent scrub within the MHPA portions of the study area

## Cliff spurge (Euphorbia misera)

## Listing: --/--; CNPS List 2.2

**Distribution**: Coastal range extends from Corona Del Mar to Baja. In San Diego County, known from Carlsbad, Point Loma, San Diego, Sweetwater Valley, and Otay Mesa and also occurs across the border in the Tijuana Hills (Beauchamp 1986).

**Habitat**: Occurs on rocky soils in maritime succulent scrub, coastal sage scrub, and coastal bluff scrub

**Status on site**: Found in maritime succulent scrub within the preserved MHPA area on the western end of the study area

## San Diego sunflower (Viguiera laciniata)

#### Listing: --/--; CNPS List 4.2

**Distribution**: Known from southern coastal and foothill San Diego County and Baja. Reported localities in San Diego County include San Onofre, Bonsall, Mission Hills, Mission Valley, Spring Valley, La Mesa, and Otay Lake (Beauchamp 1986).

**Habitat**: Open coastal sage scrub and maritime succulent scrub on a variety of soil types **Status on site:** Subdominant species found in maritime succulent scrub within the study area

None of these species is federally or state listed as threatened or endangered. No City narrow endemic plant species were observed within the study area. The sensitive plant species found within the study area occur primarily within the preserved maritime succulent scrub habitat on the western end of the project area (Alden 2013, Appendix C).

## SENSITIVE PLANT SPECIES NOT OBSERVED WITH POTENTIAL TO OCCUR

#### **Narrow Endemics with Potential to Occur**

City of San Diego narrow endemic plant species not observed but with potential to occur on-site include fifteen species: San Diego thorn-mint, Shaw's agave, San Diego ambrosia, aphinisma, coastal dunes milk vetch, Encinitas baccharis, Otay tarplant, short-leaved dudleya, variegated dudleya, San Diego button-celery, prostrate navarretia, snake cholla, California Orcutt's grass, San Diego mesa mint, and Otay mesa mint (Alden 2013, Appendix C).Table 4.2\_4, *Potential For All City Narrow Endemic Species To Occur*, describes the sensitive species status and potential to occur for each of these species.

SPECIES	STATUS*	POTENTIAL TO OCCUR
San Diego thorn-mint	FT/SE	Low in the grassland within clay soil. Would
(Acanthomintha ilicifolia)	CNPS List 1B.1	have been observed if present.
Shaw's agave	/	Low in maritime succulent scrub. Would have
(Agave shawii)	CNPS List 2.1	been observed if present.
San Diego ambrosia	FE/	Low. Not known from project vicinity.
(Ambrosia pumila)	CNPS List 1B.1	
Aphanisma	/	Very low. No known populations in MSCP Plan
(Aphanisma blitoides)	CNPS List 1B.2	Area.
Coastal dunes milk vetch	FE/SE	Very low. Occurs in sandy places along the
(Astragalus tener var. titi)	CNPS List 1B.1	coast, including coastal dunes. Range includes
	CA Endemic	coastal areas of Monterey, Los Angeles, and
		San Diego counties. Not known from project
		vicinity.
Encinitas baccharis	FT/SE	Low. Occurs in chaparral associated with
(Baccharis vanessae)	CNPS List 1B.1	nutrient poor soils such as southern maritime
	CA Endemic	chaparral. Would have been observed if
		present. Not known from near the project
		study area.

## Table 4.2\_4 POTENTIAL FOR ALL CITY NARROW ENDEMIC SPECIES TO OCCUR

SPECIES	STATUS*	POTENTIAL TO OCCUR
Otay tarplant	FT/SE	Moderate. Known to occur in project vicinity.
(Deinandra conjugens)	CNPS List 1B.1	Would have been observed during summer
		rare plant survey.
Short-leaved dudleya	/SE	Low. Occurs on dry, sandstone bluffs in
(Dudleya brevifolia)	CNPS List 1B.1	chamise chaparral.
	CA Endemic	
Variegated dudleya	/	Moderate. Could occur along canyon rim in
(Dudleya variegata)	CNPS List 1B.2	maritime succulent scrub. Would have been
		observed during focused summer rare plant
		survey.
San Diego button-celery	FE/SE	Moderate. A vernal pool species that occurs in
( <i>Eryngium aristulatum</i> var.	CNPS List 1B.1	project vicinity. Would have been observed in
parishii)		pools on site if present.
Prostrate navarretia	FT/	Moderate. A vernal pool species that occurs in
(Navarretia prostrata)	CNPS List 1B.1	project vicinity. Would have been observed in
	CA Endemic	pools on site if present.
Snake cholla	/	Low. Known to occur in project vicinity (Otay
<i>(Opuntia californica</i> var.	CNPS List 1B.1	Mesa). Would have been observed if present.
californica)		
California Orcutt's grass	FE/SE	Moderate. A vernal pool species that occurs if
(Orcuttia californica)	CNPS List 1B.1	present.
San Diego mesa mint	FE/SE	None. Not an Otay Mesa vernal pool species.
(Pogogyne abramsii)	CNPS List 1B.1	Outside of species range.
	CA Endemic	
Otay Mesa mint	FE/SE	Moderate. A vernal pool species that occurs in
(Pogogyne nudiuscula)	CNPS List 1B.1	project vicinity. Would have been observed in
		pools on site if present.

Source: Alden 2013.

List and explanation of status and sensitivity codes contained in Appendix C

#### **OTHER SENSITIVE PLANT SPECIES WITH POTENTIAL TO OCCUR**

Additional sensitive plant species that were not observed or detected but have potential to occur in the study area include the following thirteen species: San Diego County needlegrass, southcoast saltscale, Orcutt's brodiaea, seaside calandrinia, prostrate spineflower, Orcutt's dudleya, Palmer's goldenbush, San Diego barrel cactus, Palmer's grapplinghook, San Diego goldenstar, Little mousetail, Short-lobed broom-rape, and Parry's tetracoccus (Alden 2013, Appendix C). Table 4.2\_5, *Listed or Sensitive Plant Species with Potential to Occur*, describes the sensitive species status and potential to occur for each of these species.

Table 4.2 5 LISTED	OR SENSITIVE PLANT	SPECIES WITH POT	ENTIAL TO OCCUR

SPECIES	LISTING OR SENSITIVITY*	POTENTIAL TO OCCUR
San Diego County	/	Low. Known from project vicinity but site is too
(Achnathurum diegoense)	CINPS LIST 4.2	disturbed.
Southcoast saltscale	/	Moderate. Occurs west of the project site within
(Atriplex pacifica)	CNPS List 1B.2	the southern slopes of Moody canyon. Would have been observed during focused rare plant surveys.
Orcutt's brodiaea	/	Moderate. Found in non-native grassland areas.
(Brodiaea orcuttii)	CNPS List 1B.1 CA Endemic	
Seaside calandrinia ( <i>Calandrinia maritima</i> )	/ CNPS List 4.2	Low. Would have been observed if present.
Orcutt's dudleya	/	Low. Found in coastal bluff scrub, chaparral and
( <i>Dudleya attenuata</i> ssp.	CNPS List 2.1	coastal sage scrub. Would have been observed if
orcuttii)		present.
Palmer's goldenbush	/	Low. Would have been observed if present.
(Ericameria palmeri ssp. palmeri)	CNPS List 2.2	
San Diego barrel cactus	/	Moderate to high. Appropriate habitat found on
(Ferocactus viridescens)	CNPS List 2.1	site. Would have been observed during rare plant surveys. This species occurs within the adjacent Candlelight Villas West project site.
Palmer's grapplinghook	/	Low. Found in chaparral and grassland with clay
(Harpagonella palmeri)	CNPS List 4.2	soil. Would have been observed if present.
San Diego goldenstar ( <i>Muilla clevelandii</i> )	/ CNPS List 1B.1	Moderate. Would have been observed if present in non-native grassland and maritime succulent scrub.
	/	Moderate. A vernal pool species that occurs in
Little mousetail	CNPS List 3.1	project vicinity. Would have been observed in
(Myosurus minimus ssp. apus)		pools on site if present.
Short-lobed broom-rape	/	Low. Would have been observed if present.
(Orobanche parishii ssp. brachyloba)	CNPS List 4.2	
Parry's tetracoccus	/	Low. Would have been observed if present.
(Tetracoccus dioicus)	CNPS List 1B.2	

Source: Alden 2013.

List and explanation of status and sensitivity code contained in Appendix C

## SENSITIVE WILDLIFE SPECIES OBSERVED OR DETECTED

Ten sensitive animal species were observed or detected within the study area during biological surveys and are described below (Alden 2013, Appendix C).

#### San Diego fairy shrimp (Branchinecta sandiegonensis)

Listing: FE/--

**Distribution**: San Diego County

**Habitat**: Seasonally astatic pools that occur in tectonic swales or earth slump basins and other areas of shallow standing water, often in patches of grassland and agriculture interspersed in coastal sage scrub and chaparral

**Status on and off site (within project footprint)**: Many water-holding basins were sampled during the 2003-2004 and 2004-2005 season within the study area. VPs 1, 8, 14, 26 to 30 and RPs 2, 3, 12, 16, 17, and 31 to 33 contained San Diego fairy shrimp.

## Riverside fairy shrimp (Streptocephalus woottoni)

Listing: FE/--

**Distribution**: Riverside, Orange, and San Diego counties; northern Baja **Habitat**: Vernal pools and other ephemeral pools of at least 6 to 12 inches deep **Status on site**: Many water-holding basins were sampled during the 2003-2004 and 2004-2005 season. RP 12 contained Riverside fairy shrimp.

#### Northern harrier (Circus cyaneus)

**Listing**: Nesting; --/CSC; MSCP Covered

**Distribution**: Widespread throughout the temperate regions of North America and Eurasia. Winters and migrates throughout California from below sea level in Death Valley to an elevation of 9,800 feet amsl.

Habitat: Coastal, salt, and freshwater marshlands, grasslands, and prairies.

**Status on site**: Observed flying over site foraging. Has potential to nest on site.

## Orange-throated whiptail (Cnemidophorus hyperythrus beldingi)

Listing: --/CSC, Protected; MSCP Covered

**Distribution**: Southern Orange and southern San Bernardino (Colton) counties south to Baja cape **Habitat**: Coastal sage scrub, chaparral, edges of riparian woodlands and washes. Also found in weedy, disturbed areas adjacent to these habitats. Important habitat requirements include open, sunny and shaded areas with abundant invertebrate prey base, particularly termites (*Reticulitermes* sp.).

Status on site: In canyon area in eastern portion of site

## Loggerhead shrike (Lanius ludovicianus)

Status: --/CSC

**Distribution**: Widespread but declining throughout North America; winters south to Central America **Habitat**: Open habitats including grasslands, scrublands, and ruderal areas with adequate perching locations

**Status on site**: Observed perched atop laurel sumac (*Malosma laurina*) in southeastern corner of site.

## Cooper's hawk (Accipiter cooperii)

**Listing**: Nesting; --/CSC; MSCP Covered

**Distribution**: Found throughout the continental U.S., excluding Alaska and parts of Montana and the Dakotas. Winters south to Mexico and Honduras.

**Habitat**: In San Diego County, tends to inhabit lowland riparian areas and oak woodlands in proximity to suitable foraging areas such as scrublands or fields

Status on site: One Cooper's hawk was observed soaring over the property in 1999.

## San Diego black-tailed jackrabbit (Lepus californicus bennettii)

Listing :--/CSC

**Distribution**: Southern Santa Barbara County south on coastal slope to vicinity of San Quintin, Baja. Localities on eastern edge of range include Jacumba and San Felipe Valley in San Diego County.

**Habitat**: Occurs primarily in open habitats including coastal sage scrub, chaparral, grasslands, croplands, and open disturbed areas if there is at least some scrub cover present **Status on site**: Observed in non-native grassland and maritime succulent scrub on site

## Western spadefoot (Spea hammondii)

Listing: --/CSC Distribution: Northern California into northern Baja Habitat: Breeds in vernal pools and may be found within burrows within coastal sage scrub or maritime succulent scrub habitats Status on site: Found in many of the water-holding basins on site

## Coastal California gnatcatcher (Polioptila californica californica)

**Listing:** FT/CSC; MSCP Covered **Distribution:** Southern Los Angeles, Orange, western Riverside, and San Diego counties south into Baja

Habitat: Coastal sage scrub

**Status on site**: One individual heard during second protocol survey in eastern maritime succulent scrub canyon approximately 100 feet off site. CAGN habitat extends into project area, which is considered occupied. Two individuals also observed within Moody Canyon west of the site.

## Burrowing owl (Athene cunicularia)

Listing: --/CSC; MSCP Covered

**Distribution**: Lower British Columbia to Manitoba, Canada and the central and western U.S. south to northern Mexico and Baja

**Habitat**: Generally restricted to grasslands and agricultural lands. Uses burrows of California ground squirrel (*Spermophilus beecheyi*) for nest sites.

**Status on site**: Owl pellet and evidence of occupied burrow found at the northeastern edge of the site during the 2004 summer rare plant survey. Owl observed during on-site meeting in October 2004. No owls observed in subsequent site visits or 2012 protocol surveys (Appendix Y). Based on the current CDFW owl guidelines a site is considered occupied if at least one burrowing owl has been observed occupying a burrow within the last three years. Since an owl has not been observed on site since 2004 the site is not considered to be occupied.

In addition, the following two sensitive species were observed on site in 1999:

#### White-tailed kite (Elanus leucurus)

**Listing**: Nesting; --/Fully Protected **Distribution**: Breeds in the Pacific U.S. Winters to South America as far south as Chile. **Habitat**: Nesting typically occurs in riparian or oak woodlands adjacent to grasslands where small mammals are hunted

Status on site: Two kites were observed hunting over the site

#### Northwestern San Diego pocket mouse (Chaetodipus fallax fallax)

Listing: --/CSC

**Distribution**: Los Angeles and southern San Bernardino counties south into west-central Baja **Habitat**: Open areas of coastal sage scrub and weedy growth, often on sandy substrates **Status on site**: One dead mouse was found in the non-native grasslands

## SENSITIVE WILDLIFE SPECIES NOT OBSERVED WITH POTENTIAL TO OCCUR

Seventeen sensitive animal species that were not observed or detected but have potential to occur within the biologic study area were identified (Alden 2013, Appendix C). Table 4.2\_6, *Listed or Sensitive Animal Species with Potential to Occur*, describes the sensitivity status and potential to occur for each of these species.

SPECIES	LISTING OR SENSITIVITY*	POTENTIAL TO OCCUR
INVERTEBRATES		
Quino checkerspot	FE/	Low. Small amount of host plants present. Not
butterfly		known from immediate area, and not detected
(Euphydryas editha		during surveys conducted by others or during Alden
quino)		2012 surveys.
Hermes copper	/	Low. Host plant redberry (Rhamnus crocea) occurs
butterfly		on the site in preserve area.
(Lycaena hermes)		
VERTEBRATES		
<b>Reptiles and Amph</b>	ibians	
Red-diamond	/CSC	Moderate within maritime succulent scrub on site.
rattlesnake		
(Crotalus exsul)		
Western whiptail	/CSC	Moderate within maritime succulent scrub on site.
(Cnemidophorus		
tigris)		

#### Table 4.2\_6 LISTED OR SENSITIVE ANIMAL SPECIES WITH POTENTIAL TO OCCUR

## Table 4.2\_6 LISTED OR SENSITIVE ANIMAL SPECIES WITH POTENTIAL TO OCCUR (cont.)

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SPECIES	LISTING OR SENSITIVITY*	POTENTIAL TO OCCUR	
VERTEBRATES (cont.)			
<b>Reptiles and Amph</b>	ibians (cont.)		
San Diego horned	/CSC	High within maritime succulent scrub on site.	
lizard	MSCP		
(Phrynosoma	Covered		
coronatum			
blainvillei)			
Silvery legless	/CSC	Low. Prefers loose soil with some vegetation, but	
lizard		can be found in leaf litter.	
(Anniella pulchra			
pulchra)			
Birds			
Southern	/CSC	Moderate in maritime succulent scrub and coastal	
California rufous-	MSCP	sage scrub. Would have been detected during CAGN	
crowned sparrow	Covered	surveys if present.	
(Aimophila ruficeps			
canescens)			
Bell's sage sparrow	BCC/CSC	Moderate in maritime succulent scrub on site.	
(Amphispiza belli		Would have been observed if present.	
belli)			
Cactus wren	BCC/CSC	MSCP Covered Moderate. Limited habitat within	
(Campylorhynchus		maritime succulent scrub within the study area.	
brunneicapillus)			
Burrowing owl	/CSC	Moderate. Suitable habitat present, previously	
(Athene cunicularia)	MSCP	observed on site in 2004. Recent surveys on this and	
	Covered	adjacent site have been negative (Alden 2012).	
Mammals			
Pallid bat	/CSC	Low. Generally found in xeric sage scrub, chaparral,	
(Antrozous pallidus		or grassland communities and requires undisturbed	
pacificus)	100.0	rocky areas for roosting.	
Dulzura pocket	/CSC	Low due to inappropriate soil types. Commonly	
mouse		occurs between grasslands and scrublands.	
(Chaetodipus		Suitable habitat exists within study area. Trapping	
californicus		necessary for detection but not warranted.	
Jemoralis)	1656		
western mastiff	/CSC	Moderate. Foraging habitat includes chaparral, sage	
bat (F		scrub, and woodland habitats. Requires crevices in	
(Eumops perotis		cliffs, trees, or buildings for roosting. Suitable	
californicus)		nabitat exists on site, but detection would likely	
		require mist netting.	

## Table 4.2\_6 LISTED OR SENSITIVE ANIMAL SPECIES WITH POTENTIAL TO OCCUR (cont.)

SPECIES	LISTING OR SENSITIVITY*	POTENTIAL TO OCCUR
VERTEBRATES (cont	.)	
<b>Reptiles and Amph</b>	ibians (cont.)	
San Diego desert	/CSC	High. Suitable habitat exists on eastern edge of site.
woodrat		Nests or indirect signs would likely have been
(Neotoma lepida		observed during surveys.
intermedia)		
Southern	/CSC	
grasshopper		Moderate. Occurs in coastal sage scrub and
mouse		chaparral with moderate shrub cover and soils
(Onychomys		appropriate for digging.
torridus ramona)		
Pacific pocket	FE/CSC	Very low. Typically found in coastal sage scrub and
mouse		grasslands with sandy soils. All recent records are
(Perognathus		from coastal areas between San Elijo Lagoon and
longimembris		San Mateo Creek.
pacificus)		

Source: Alden 2013.

List and explanation of status and sensitivity codes contained in Appendix C:

## **Wildlife Movement Corridors**

Wildlife corridors can be local or regional in scale; their functions may vary temporally and spatially based on conditions and species presence. Wildlife corridors represent areas where wildlife movement is concentrated due to natural or anthropogenic constraints. Local corridors provide access to resources such as food, water, and shelter. Animals use these corridors, which are often hillsides or tributary drainages, to move between different habitats. Regional corridors provide these functions and link two or more large habitat areas. They provide avenues for wildlife dispersal, migration, and contact between otherwise distinct populations. The easternmost portion of the site is within the MHPA, as is the southwestern corner of the parcel (western preserve area, Figure 4.2-6). The MHPA in this portion of Otay Mesa provides connectivity between the Spring Canyon complex and Dennery Canyon to the north.

## 4.2.2 Regulatory Framework

The following Federal, State, and local regulations apply to the proposed project:

## FEDERAL REGULATIONS

## <u>Clean Water Act</u>

The Clean Water Act (CWA [33 U.S.C. 1251 et seq.]) is intended to restore and maintain the quality and biological integrity of the nation's waters. It prohibits the discharge of pollutants into Waters of the United States without a National Pollutant Discharge Elimination System (NPDES) permit from

the Environmental Protection Agency (EPA). By issuing NPDES permits, the EPA can regulate the discharge of pollutants to protect water quality.

The CWA Section 404(b)(1) Guidelines set forth a goal of restoring and maintaining existing aquatic resources. The Corps will strive to avoid adverse impacts and offset unavoidable adverse impacts to existing aquatic resources, and for wetlands, will strive to achieve a goal of no overall net loss of values and functions. Section 404 of the CWA provides that whenever any person discharges dredged or fill material into WUS (e.g., streams, wetlands, lakes, bays), a permit is required from the Corps. The Corps has issued 52 separate Nationwide Permits (NWPs) for different types of projects with impacts to wetlands (as of September 2012). Depending on the level of impact, projects qualifying for an NWP may be required to provide the Corps with Pre-Construction Notification of the impacts and meet other restrictions. Projects with greater wetland impacts than those allowed under one of the NWPs require an Individual Permit. The process of obtaining an Individual Permit includes public notice and response to all comments received; the permit decision document includes a discussion of the environmental impacts of the project, the public and private needs, alternatives to achieve project purposes if needed, and beneficial and/or detrimental effects of the project on public and private uses. In SWANCC vs. USACE, the Supreme Court ruled that the jurisdiction of the Corps does not extend to isolated, intrastate, non-navigable waters and wetlands such as vernal pools, ephemeral streams, and wetlands not associated with a stream channel.

Section 401 of the CWA requires that an applicant for a federal license or permit to discharge into navigable waters must provide the federal agency with a water quality certification. The certification must declare that the discharge would comply with water quality standards requirements of the CWA. Corps issuance of a Section 404 permit triggers the requirement that a Section 401 certification also be obtained. In California, the Regional Water Quality Control Boards (RWQCBs) issue this certification.

## U.S. Endangered Species Act (ESA)

The Federal Endangered Species Act (ESA) designates threatened and endangered animals and plants and provides measures for their protection and recovery. "Take" of listed animal species and of listed plant species is prohibited without obtaining a federal permit. Take is defined as "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to engage in any such conduct." Harm includes any act that actually kills or injures fish or wildlife, including significant habitat modification or degradation that significantly impairs essential behavioral patterns of fish or wildlife. Activities that damage the habitat of (i.e., harm) listed wildlife species require approval from the USFWS for terrestrial species. ESA Section 7 and Section 10 provide two pathways for obtaining authority to take listed species. The ESA also generally requires determination of critical habitat for listed species. If critical habitat has been designated, impacts to areas that contain the primary constituent elements identified for the species, whether or not the species is currently present, is also prohibited.

The applicant is currently processing an Individual Permit with the Corps for impacts to jurisdictional features on site. As part of this process, a USFWS Section 7 Consultation for impacts to federal listed species has been completed. The USFWS issued a BO on June 21, 2010 (USFWS 2010). The BO is the mechanism through which the USFWS provided ESA take authorization for the San Diego fairy shrimp, Riverside fairy shrimp, and the coastal California gnatcatcher.

## **Migratory Bird Treaty Act**

The Migratory Bird Treaty Act (MBTA) implements international treaties between the United States and other nations that protect migratory birds, (including their parts, eggs, and nests) from killing, hunting, pursuing, capturing, selling, and shipping unless expressly authorized or permitted. Generally, the list of species protected under the MBTA includes those where evidence of natural occurrence in the United States or its territories exists, and the documentation of such records has been recognized by the American Ornithologists Union or other competent scientific authorities. Species not protected under the MBTA include those whose occurrences in the United States are strictly the result of intentional human introduction.

## **Bald and Golden Eagle Protection Act**

The Bald and Golden Eagle Protection Act (BGEPA) (16 USC 668–668d) prohibits take of the bald eagle (*Haliaeetus leucocephalus*) and golden eagle (*Aquila chrysaetos*), unless take is pursuant to its implementing regulations. The BGEPA defines take of an eagle to include a broad range of actions, including to pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest, or disturb. The term "disturb" is defined in 50 CFR 22.3 to include agitation or bothering a bald or golden eagle to a degree that it causes, or is likely to cause, injury to an eagle; a decrease in its productivity by substantially interfering with normal breeding, feeding, or sheltering behavior; or nest abandonment by substantially interfering with normal breeding, feeding, or sheltering behavior; behavior, based on the best scientific information available.

## Executive Order 13112 – Invasive Species

Executive Order (EO) 13112 was signed in February 1999 and established the National Invasive Species Council. To the extent practicable and permitted by law, this EO requires agencies to: prevent the introduction of invasive species; provide for control of invasive species; and minimize the economic, ecological, and human health impacts that invasive species cause.

## Executive Order 11990 – Protection of Wetlands

EO 11990 establishes a national policy to avoid adverse impacts on wetlands whenever there is a practicable alternative.

## STATE REGULATIONS

## California Endangered Species Act (CESA)

The California Endangered Species Act (CESA) provides protection and prohibits the take of plant, fish, and wildlife species listed by the State of California. Unlike the federal ESA, state listed plants have the same degree of protection as wildlife, but insects and other invertebrates may not be listed. Take is defined similarly to the federal ESA and is prohibited for both listed and candidate species. Take authorization may be obtained from CDFW under CESA Sections 2091 and 2081. Section 2091, like federal ESA Section 7, provides for consultation between a state lead agency under CEQA and CDFW, with issuance of take authorization if the project does not jeopardize the listed species. Section 2081 allows take of a listed species for educational, scientific, or management purposes. In this case, private developers consult with CDFW to develop a set of measures and standards for managing the listed species including full mitigation for impacts, funding of implementation, and monitoring of mitigation measures.

## **California Environmental Quality Act (CEQA)**

CEQA was enacted in 1970 to provide for full disclosure of environmental impacts to the public before issuance of a permit by state and local public agencies. In addition to federal or state listed species, "sensitive" plants and animals receive consideration under CEQA. Sensitive species include, but are not limited to, wildlife Species of Special Concern listed by CDFW and plant species on the CNPS's List 1A (Presumed extinct); List 1B (Rare, threatened, or endangered in California and elsewhere/eligible for state listing); or List 2 (Rare, threatened, or endangered in California but more common elsewhere eligible for state listing).

The CEQA Guidelines are the regulations that explain and interpret the law for both the public agencies required to administer CEQA and for the public generally. They are found in the California Code of Regulations, in Chapter 3 of Title 14. The Guidelines provide objectives, criteria and procedures for the orderly evaluation of projects and the preparation of environmental impact reports, negative declarations, and mitigated negative declarations by public agencies. The fundamental purpose of the Guidelines is to make the CEQA process comprehensible to those who administer it, to those subject to it, and to those for whose benefit it exists. The following is a list of the CEQA Guidelines for determining the significance of impacts to biological resources.

Would the project:

- a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS?
- b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFW or USFWS?
- c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the CWA (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?
- d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?
- e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?
- f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

#### California Fish and Game Code

Sections 3511, 4700, 5050, and 5515 of California Fish and Game Code outline protection for "fully protected" (i.e. Fully Protected species refer to all vertebrate and invertebrate taxa of concern to the Natural Diversity Database regardless of legal or protection status species of mammals, birds, reptiles, amphibians, and fish. These species may not be taken or possessed without a permit from the Fish and Game Commission and/or CDFW. Species that are fully protected by these

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sections may not be taken or possessed at any time. CDFW cannot issue permits or licenses that authorize the "take" of any fully protected species, except under certain circumstances such as scientific research and live capture and relocation of such species pursuant to a permit for the protection of livestock. Furthermore, it is the responsibility of the CDFW to maintain viable populations of all native species. To that end, the CDFW has designated certain vertebrate species as Species of Special Concern because declining population levels, limited ranges, and/or continuing threats have made them vulnerable to extinction.

Pursuant to California Fish and Game Code Section 3503, it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by this code or any regulation made pursuant thereto. Raptors and owls and their active nests are protected by California Fish and Game Code Section 3503.5, which states that it is unlawful to take, possess, or destroy any birds of prey or to take, possess, or destroy the nest or eggs of any such bird unless authorized by the CDFW. Section 3513 states that it is unlawful to take or possess any migratory non-game bird as designated in the MBTA. These regulations could require that construction activities (particularly vegetation removal or construction near nests) be reduced or eliminated during critical phases of the nesting cycle unless surveys by a qualified biologist demonstrate that nests, eggs, or nesting birds will not be disturbed, subject to approval by CDFW and/or USFWS.

## Native Plant Protection Act (NPPA)

The Native Plant Protection Act (NPPA) of 1977 directed the CDFW to carry out the Legislature's intent to "preserve, protect, and enhance rare and endangered plants in this State." The NPPA gave the California Fish and Wildlife Commission the power to designate native plants as "endangered" or "rare" and protect endangered and rare plants from take. The California ESA of 1984 expanded on the original NPPA and enhanced legal protection for plants, but the NPPA remains part of the Fish and Game Code. To align with federal regulations, the California ESA created the categories of "threatened" and "endangered" species. It converted all "rare" animals into the ESA as threatened species but did not do so for rare plants. Thus, there are 3 listing categories for plants in California: rare, threatened, and endangered. Because rare plants are not included in the California ESA, mitigation measures for impacts to rare plants are specified in a formal agreement between CDFW and the project proponent.

## **CDFW Lake and Streambed Alteration Program**

Prior to commencement of any activity that would substantially divert or obstruct the natural flow or substantially change the bed, channel, or bank (which may include associated riparian resources) of a river, stream, or lake, or deposit or dispose of debris, waste, or other material containing crumbled, flaked, or ground pavement where it may pass into any river, stream, or lake, the project proponent shall submit a complete Lake or Streambed Alteration Program notification package and fee to the CDFW. The Lake and Streambed Alteration Program is a California law that requires that any person, state, local government agency, or public utility notify the CDFW prior to beginning of the activities listed above. The CDFW has 30 days to review the proposed actions and propose measures to protect affected fish and wildlife resources. The final proposal that is mutually agreed upon by CDFW and the project proponent becomes the Lake or Streambed Alteration Agreement. The conditions of agreement and a CWA Section 404 permit often overlap.

## Porter-Cologne Act

The intent of the Porter-Cologne Act is to protect water quality and the beneficial uses of water, and applies to both surface and groundwater. Under this law, the SWRCB develops statewide water quality plans, and the RWQCBs develop basin plans that identify beneficial uses, water quality objectives, and implementation plans. The RWQCBs have the primary responsibility to implement the provisions of both statewide and basin plans. Waters regulated under Porter-Cologne include isolated waters that are not regulated by the Corps. Developments which impact jurisdictional waters must demonstrate compliance with the goals of the Porter-Cologne Act by developing Storm Water Pollution Prevention Plans (SWPPPs), Standard Urban Storm Water Mitigation Plans (SUSMP), and other measures in order to obtain a CWA Section 401 Water Quality certification.

## LOCAL REGULATIONS

## City of San Diego Multiple Species Conservation Program (MSCP)

The City's MSCP Subarea Plan was prepared to meet the requirements of the California Natural Communities Conservation Planning (NCCP) Act of 1992. The Subarea Plan is consistent with the NCCP and describes how the evaluation of proposed development projects relative to the City's portion of the MSCP Preserve (the MHPA) will be implemented. In July 1997, the USFWS, CDFW, and City adopted the Implementing Agreement for the MSCP (City 1997a). This program allows the incidental take of over 85 rare, threatened and endangered species as well as regionally sensitive species that are conserved by it (herein referred to as "MSCP covered species"). The City relinquished coverage for the San Diego and Riverside fairy shrimp and other federal listed vernal pool associated plant species in 2010. Development involving the take of vernal pool species requires authorization directly by the USFWS through the federal process of a Section 7 consultation or Section 10(a) permit in accordance with the federal ESA provisions. This federal process will be in place until the City completes a new vernal pool HCP and enters into another Implementing Agreement for a new federal Incidental Take Permit for those species.

Special conditions apply to MSCP covered species that would potentially be impacted by a project. These conditions apply to species classified as "narrow endemic," as well as other species specifically identified in the MSCP Subarea Plan. The project would be required to comply with the conditions for each of these species contained in *Table 3-5 of the MSCP Subarea Plan*. The specific species to which special conditions apply include the San Diego barrel cactus, the San Diego fairy shrimp, the Riverside fairy shrimp, the Coastal California gnatcatcher, the burrowing owl, the Northern harrier, the Orange-throated whiptail, and the California rufous-crowned sparrow. These conditions vary from species to species, and include requirements such as protection against detrimental edge effects, management of fire effects, and the avoidance of direct impacts.

The MSCP also designates regional preserves that are intended to be mostly void of development activities, while allowing development of other areas subject to the requirements of the program. The MSCP (City 1997b) identifies an MHPA that is intended to link all core biological areas into a regional wildlife preserve. Approximately 1.1 acres of habitat lies within the MHPA on the western edge of the site and 1.4 acres of habitat lies within the MHPA on the eastern edge of the site within the MHPA support maritime succulent scrub, non-native grassland, disturbed land, and vernal pool. In addition, land immediately west and east of the property is

located within the MHPA, which is considered a significant regional habitat and wildlife preserve and therefore, of high value.

Development activities adjacent to the MHPA are subject to special conditions that ensure minimal direct or indirect impacts to the MHPA referred to as Land Use Adjacency Guidelines. Potential land use adjacency issues include drainage, toxics, lighting, noise, barriers, invasives, brush management, and grading/land development as follows.

## **MHPA Land Use Adjacency Guidelines**

## Drainage and Toxics

According to the Land Use Adjacency Guidelines, 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.

Additionally, land uses, such as recreation and agriculture, that use chemicals or generate byproducts 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.

Landscaping and irrigation associated with the residential development may result in increased runoff. Landscaping will not use plants that require intensive irrigation, fertilizers, or pesticides adjacent to the MHPA, however. Runoff due to irrigation is often associated with increased erosion, sedimentation, and pollution, which could significantly impact water quality in sensitive habitat in the adjacent MHPA. The Land Use Adjacency Guidelines preclude release of runoff into the preserve. All potential drainage and toxics impacts to biological resources in the MHPA due to urban runoff would be minimized through project design features, including the use of detention basins. All runoff water would be treated on site in the identified bio<u>filtration basin</u>-retention and hydro modification<u>detention basin</u> locations (Figures 4.2.1a and 4.2.1b). Additionally, the outfall on the eastern end of the project would be located entirely within the project footprint, outside of the Eastern Preserve and the MHPA. No water would be discharged directly into the MHPA. All runoff water would be discharged outside of the MHPA after being treated and having passed through an energy dissipating structure at the outfall location. Based on the project water quality design features, the proposed project conforms to this Land Use Adjacency Guideline.

While there are no vernal pools, road pools, or their watersheds in the MHPA, The proposed project is designed such that all runoff from hardscape would be directed away from off-site pools ensuring that no contaminated water from the project flows into these them, thus avoiding potential indirect impacts to the fairy shrimp that occupy the pools.

## <u>Lighting</u>

According to the Land Use Adjacency Guidelines, 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.

Night lighting exposes adjacent wildlife species to an unnatural light regime, may alter their behavior patterns, and consequently result in a loss of species diversity. Unless appropriate measures are taken to prevent dispersion of light into the adjacent MHPA during project operations, lighting effects would not be in conformance with this Land Use Adjacency Guideline.

## <u>Noise</u>

According to the Land Use Adjacency Guidelines, 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.

Noise impacts resulting from the proposed residential uses are not anticipated to be excessively noisy and would be, therefore, in conformance with this Land Use Adjacency Guideline.

## **Barriers**

According to the Land Use Adjacency Guidelines, 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.

<u>As described in Section 3.0, Project Description, split rail, block wall and chain link fencing would</u> <u>be installed to prevent direct access to open space.</u> Signage will be installed identifying the open space as preserved (on the eastern and western preserve areas, see Figures 4.2-6 and 4.2-7) as required by the HMP for the project's open space. The proposed trail in the MHPA in the Lot 5 Eastern Preserve would be fenced on both sides along its entire length within the MHPA. The fence would be a natural wood, unpainted split-rail (or similar) design that would clearly demarcate the trail limits, provide a rustic/natural appearance, and allow for wildlife movement while inhibiting human intrusion. Fence materials that could inhibit wildlife movement (e.g., chain link and barbed wire) would not be used. Bollards would also be installed at the end of the maintenance road located at the eastern end of the project site. Therefore, the proposed project would be in conformance with this Land Use Adjacency Guideline.

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#### **Invasives**

According to the Land Use Adjacency Guidelines, no invasive non-native plant species shall be introduced into areas adjacent to the MHPA.

Only native, non-invasive species will be planted within 100 feet of the MHPA and vernal pool complex. Specifically, no plant species included in the California Invasive Plant Inventory prepared by the California Invasive Plant Council (Cal-IPC; 2006) would be installed adjacent to the existing MHPA or proposed vernal pool complex. Therefore, the proposed project would conform with this Land Use Adjacency Guideline.

## Brush Management

According to the Land Use Adjacency Guidelines, 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 Zone 1 brush management areas on the development pad and outside of the MHPA. Zones 2 and 3 will be combined into one zone (Zone 2) and 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.

An Alternate Compliance for brush management has been approved for the project with only Zone 1 brush management. See Figure 3-6 for details. There is no Zone 2 brush management. Direct impacts from grading and brush management will affect all of lots 1, 2 and 3 and also on and off-site areas needed for public streets and storm water areas. Lots 4 and 5 will not have any grading or brush management impact.

The project includes "Alternate Compliance" brush management along a portion of its southern boundary, western boundary of lot 1 and eastern boundary of lot 3. The project has been designed such that the brush management would occur completely outside of the adjacent MHPA areas and outside of lots 4 and 5. Therefore, the project conforms to this Land Use Adjacency Guideline.

## Grading/Land Development

According to the Land Use Adjacency Guidelines, manufactured slopes associated with site development shall be included within the development footprint for projects within or adjacent to the MHPA. The proposed project conforms with this Land Use Adjacency Guidelines.

## Section 1.5.3 of the City's MSCP Subarea Plan

Section 1.5.3 of the City's MSCP Subarea Plan contains specific project requirements for certain areas within the MHPA. Although, the Candlelight project area has no specific management directives outlined in the Subarea Plan; Section 1.5.3 of the City's MSCP Subarea Plan contains requirements and goals for all the MHPA areas within Otay Mesa. Policies relevant to the proposed project site are as follows:

## Priority 1:

- 1. No unauthorized motorized vehicles except Border Patrol, MHPA (preserve) managers, maintenance personnel, or emergency vehicles will be allowed on any trails or off-trail in the MHPA. The Border Patrol should restrict use to the existing access roads as much as feasible to avoid disturbance of habitat.
- 2. Remove all trash, hazardous materials, and vehicles from the MHPA prior to transfer from private into public ownership and/or management. If hazardous materials remain, these areas should be signed to indicate their locations made off-limits to people.
- 3. Inventory vernal pool areas within the Otay Mesa Area for sensitive and target species where not previously or recently completed and assess for enhancement/restoration needs or opportunities, general status, and potential threats.

## Priority 2:

Assess vernal pool areas proposed for development for transplantation of sensitive plants and soils containing seedbanks of sensitive flora and fauna. Include in mitigation programs arrangements for proper timing of soil and plant removal, proper storage if necessary and appropriate timing of enhancement/restoration efforts, including transplantation.

## **City Environmentally Sensitive Lands Regulations**

Environmentally sensitive lands include sensitive biological resources, steep hillsides, coastal beaches, sensitive coastal bluffs and 100-year floodplains. The mitigation requirements for sensitive biological resources discussed later in this section follow the requirements of the City's Biology Guidelines (2012) as outlined in the City's ESL ordinance (City 2010). Based on the project site's relationship to the MHPA, impacts to biological resources within the MHPA must comply with the ESL Regulations, which also serve as standards for the determination of biological impacts and mitigation under CEQA in the City. In addition to aiding implementation and interpretation of the ESL regulations, the City's Biology Guidelines, in accordance with the Land Development Code, define sensitive biological resources as (1) those lands included within the MHPA as identified in the MSCP Subarea Plan (1997) and other lands outside the MHPA that contain wetlands; (2) vegetation communities classifiable as Tier I, II, IIIA or IIIB; and (3) habitat for rare, endangered, threatened, narrow endemic or MSCP covered species. Each tier is based on rarity and ecological importance, with Tier I including the most sensitive habitats and Tier IV the least. The assessment of the sensitivity of vegetation communities and plant and wildlife species presented in the BTR and in this section follows the tiering guidelines presented in the MSCP and the City's Biology Guidelines. (Vegetation communities designated as Tier IV are not considered to have important habitat value and, therefore, are not considered sensitive.)

The purpose of the ESL ordinance 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 ordinance requires that development avoid impacts to certain sensitive biological resources as much as possible, including all MHPA lands, wetlands and vernal pools in naturally occurring complexes, listed non-covered species and narrow endemics. Furthermore, the ESL states that wetlands impacts should be avoided and unavoidable impacts should be minimized to

the maximum extent practicable. In addition to protecting the wetlands themselves, the ESL requires that a buffer be maintained around wetlands as appropriate to protect associated functions and values. While a 100-foot width is generally recommended, this width may be increased or decreased on a case-by-case basis, in consultation with the CDFG, Corps, and USFWS (City 2012).

## City of San Diego General Plan

The City of San Diego General Plan (General Plan) contains policies related to biological resources. Please refer to Table 4.1\_1, *Summary of Consistency with General Plan*, in Section 4.1, (Land Use MSCP LUAG), of this EIR for discussion of General Plan policies applicable to the proposed project.

## Otay Mesa Community Plan (OMCP)

The Otay Mesa Community Plan (OMCP) contains policies related to biological resources. Please refer to Table 4.1\_2, *Summary of Consistency with the Otay Mesa Community Plan*, in Section 4.1, *Land Use*, of this EIR for discussion of OMCP policies applicable to the proposed project.

## Santee Investments Precise Plan

The Santee Investments Precise Plan contains policies and standards related to biological resources. Please refer to Table 4.1\_3, *Summary of Consistency with the Adopted Precise Plan*, in Section 4.1, *Land Use*, of this EIR for discussion of Precise Plan policies and standards applicable to the proposed project.

## 4.2.3 Impact Analysis

## A. BASIS FOR DETERMINING SIGNIFICANCE

Pursuant to the Biological Resources Section of the City's "Significance Determination Thresholds", a proposed project would have a significant impact on biological resources if any one or more of the following conditions would occur as a result of the project:

- 1. A substantial adverse impact, either directly or through habitat modifications, on any plant or animal species identified as a candidate, sensitive, or special status species (i.e., unique, rare, endangered, sensitive, or fully protected) in the MSCP or other local or regional plans, policies or regulations, or by the California Department of Fish and Wildlife (CDFW) or U.S. Fish and Wildlife Service (USFWS);
- 2. A substantial adverse impact on any Tier I Habitats, Tier II Habitats, Tier IIIA Habitats, or Tier IIIB Habitats as identified in the Biology Guidelines of the Land Development Code, or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFW or USFWS (e.g. streamside vegetation, oak woodland, coastal sage scrub, chaparral, etc.);
- 3. A substantial adverse impact on wetlands (including, but not limited to, marsh, vernal pool, riparian, etc.) through direct removal, filling, hydrological interruption, or other means;

- 4. A substantial interference with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, including linkages identified in the MSCP Plan, or impede the use of native wildlife nursery sites;
- 5. A conflict with the provisions of an adopted Habitat Conservation Plan (HCP), Natural Conservation Community Plan (NCCP), or other approved local, regional, or state habitat conservation plan, either within the MSCP plan area or in the surrounding region;
- 6. The introduction of land use within an area adjacent to the MHPA that would result in adverse edge effects; or
- 7. An introduction of invasive species of plants into a natural open space area.

Additionally, pursuant to Appendix G of the CEQA Guidelines, the proposed project would have a significant impact on biological resources if it would:

8. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

## B. DETERMINATION OF SIGNIFICANCE

Issue 1: Would the proposed project result in a substantial adverse impact, either directly or through habitat modifications, on any plant or animal species identified as a candidate, sensitive, or special status species (i.e., unique, rare, endangered, sensitive, or fully protected) in the MSCP or other local or regional plans, policies or regulations, or by the California Department of Fish and Wildlife (CDFW) or U.S. Fish and Wildlife Service (USFWS)?

## **DISCUSSION OF PROJECT IMPACTS (ISSUE 1)**

Project impacts may be considered either direct or indirect. A direct impact occurs when the primary effects of the project replace existing habitat with graded or developed areas. An indirect impact consists of secondary effects of a project, including drainage/toxics, lighting, noise, invasives, habitat insularization, roadkill, nuisance animal species, and nesting birds. The magnitude of an indirect impact may be the same as a direct impact; however, the effect usually takes a longer time to become apparent.

#### **DIRECT IMPACTS**

Direct impacts consist of disturbances associated with project grading and/or brush management activities.

#### **Sensitive Plant Species**

Implementation of the proposed project would impact San Diego bur-sage and San Diego sunflower located within maritime succulent scrub on the eastern end of the site. Neither of these species is federally or state listed as threatened or endangered, and neither is an MSCP covered species. No City narrow endemic plant species were observed on site so none would be impacted.

Direct impacts to these species are not considered significant due to the relatively low sensitivity of these species and the low number of individuals (approximately 5) impacted.

San Diego bur-sage, San Diego sunflower, and cliff spurge occur in maritime succulent scrub on the western end of the site and would not be impacted by the proposed project.

The potential for impacts to Otay mesa mint, San Diego button celery, Otay tarplant, variegated dudleya, prostrate navarretia, and California Orcutt's grass is low based on recent and previous surveys of the study area, which demonstrate that these species do not occur on site. Other sensitive plant species with potential to occur in the study area are listed in Tables 4.2\_4 and 4.2\_5. The potential for impacts to sensitive plant species, such as federally and state listed endangered vernal pool indicator plant species and narrow endemic species, is considered low based on recent and previous surveys of the study area (Alden 2013, Appendix C).

## **Sensitive Animal Species**

Implementation of the proposed project would directly impact the habitats of federally listed endangered San Diego and Riverside fairy shrimp, and federally listed threatened CAGN. The CAGN is a covered species under the MSCP Subarea Plan and the City is authorized to allow take of the species in accordance with the Incidental Take Authorization issued in 1997. The City does not currently have authorization to issue take for San Diego and Riverside fairy shrimp, but is in the process of preparing a Habitat Conservation Plan (HCP) for vernal pools and associated species. The City is working closely with the Wildlife Agencies (i.e., USFWS and CDFW) to obtain that authorization. However, until take authorization is obtained, individual property owners must obtain take authorization from the USFWS on a project-by-project basis.

The USFWS issued take authorization for impacts to the two vernal pool species observed on site: San Diego and Riverside fairy shrimp. The authorization is contained in the BO (USFWS 2010) prepared under a Section 7 consultation with the Corps for the project, as discussed below. The currently proposed project is smaller than, but within the limits of, the project addressed in the 2010 BO. Minor changes to the project as well as upland vegetation on site (increase in non-native grassland) have occurred and are reflected in the project BTR (Alden 2013, Appendix C).No changes to vernal pools and their associated listed species (fairy shrimp) have occurred. The currently proposed project would impact three fewer vernal pools (off-site pools 4, 5, and 6) than authorized in the BO. Additionally, the BO conditions require that if construction does not occur within two years of issuance, additional vernal pool surveys would be required prior to construction. Based on this information, the project as currently proposed has "take" authorized through the 2010 USFWS BO. An amendment to the BO and associated conservation measures would be required if any changes to the amount or type of listed species impact is proposed.

The project would remove maritime succulent scrub outside the MHPA, thus, no direct impacts to CAGN individuals are assumed upon project implementation. Impacts to CAGN would be limited to indirect construction-related noise impacts only (see Noise, under *Indirect Impacts*, below) as this species occurs outside the proposed project development area (Alden 2013, Appendix C).

Direct impacts would occur to the northern harrier, orange-throated whiptail, loggerhead shrike, Cooper's hawk, western spadefoot, San Diego black-tailed jackrabbit, northwestern San Diego

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pocket mouse, and white-tailed kite through habitat loss. Cumulative impacts to raptor foraging habitat would occur through the loss of non-native grassland and other upland habitats. Cumulative impacts are addressed by the MSCP.

Direct impacts to nesting birds (e.g., nest destruction) are regulated according to Sections 3503, 3503.5, and 3513 of California Fish and Game Code. Please refer to Section 4.2.2 for more information. Additionally, the City requires mitigation to avoid direct impacts to raptors and/or any native/migratory birds.

The quino checkerspot butterfly was not observed during focused surveys of the study area. The potential for this species to occur on the site is considered to be low due to the small amount of host plants present and the lack of observations both within the immediate area and during the protocol surveys (Alden 2012, Appendix W).

The burrowing owl has not been observed on the site since 2004, as confirmed in the 2012 survey (Appendix Y). Given this, the site is not currently considered to be occupied. However, burrowing owl is known to occur in the project vicinity and could occupy the site in the future. The project has incorporated artificial owl burrows into the on-site habitat restoration effort to help improve the habitat for this sensitive species should they occur in the future. These burrows are restoration design features and not intended to serve as owl mitigation (Alden 2013, Appendix C).

## MSCP SPECIAL CONDITIONS FOR COVERED SPECIES

The conditions relevant to sensitive animal species observed on site are noted below.

## **Coastal California Gnatcatcher**

Area-specific management directives must include measures to reduce edge effects and minimize disturbance during the nesting period, fire protection measures to reduce the potential for habitat degradation due to unplanned fire, and management measures to improve habitat quality including vegetation structure.

## **Burrowing Owl**

According to the Staff Report on Burrowing Owl Mitigation (CDFG 2012) a site is considered occupied by the burrowing owl if an owl has been observed on the site within the last 3 years.

During the environmental analysis of proposed projects, burrowing owl surveys (using appropriate protocols) must be conducted in suitable habitat to determine if this species is present and the location of active burrows. If burrowing owls are detected, the following mitigation measures must be implemented: within the MHPA, impacts must be avoided; outside of the MHPA, impacts to the species must be avoided to the maximum extent practicable; any impacted individuals must be relocated out of the impact area using passive or active methodologies approved by the wildlife agencies; mitigation for impacts to occupied habitat (at the Subarea Plan specified ratio) must be through the conservation of occupied burrowing owl habitat or conservation of lands appropriate for restoration, management and enhancement of burrowing owl nesting and foraging requirements.

Management plans/directives must include: enhancement of known, historical and potential burrowing owl habitat; and management for ground squirrels (the primary excavator of burrowing owl burrows). Enhancement measures may include creation of artificial burrows and vegetation management to enhance foraging habitat. Management plans must also include: monitoring of burrowing owl nest sites to determine use and nesting success; predator control; establishing a 300-foot wide impact avoidance area (within the preserve) around occupied burrows.

## Northern Harrier

Area-specific management directives must manage agricultural and disturbed lands (which become part of the preserve) within 4 miles of nesting habitat to provide foraging habitat and include an impact avoidance area (900 feet or maximum possible within the preserve) around active nests.

## **Orange-throated Whiptail**

Area-specific management directives must address edge effects.

## **INDIRECT IMPACTS**

Potential indirect project impacts consist of secondary effects of the project, including those from drainage/toxics, lighting, noise, invasives, habitat insularization, roadkill, nuisance animal species, and those on nesting birds. The magnitude of an indirect impact can be the same as a direct impact, but the effect usually takes a longer time to become apparent.

## Drainage/Toxics

Potential indirect impacts from drainage and toxics associated with the built project is addressed above under the MSCP Land Use Adjacency Guidelines in Section 4.2.2. The proposed project would be in conformance with those guidelines. During construction, however, there is potential for erosion and sedimentation impacts, as well as potential impacts from hazardous spills (fuel, oil, etc.) to indirectly impact sensitive species. In particular, there is potential for indirect impacts to the existing function and values of Vernal Pool 1 and the vernal pool creation area should the 50foot buffer proposed around it not be maintained. Without adequate protection of the vernal pool and road pool watersheds (as required by the City's ESL regulations) during project construction, and implementation of long-term project design measures that direct runoff away from these sensitive resources, indirect impacts to vernal pool watersheds could occur.

## **Lighting**

Potential indirect impacts from lighting associated with the built project is addressed above under the MSCP Land Use Adjacency Guidelines in Section 4.2.2. The proposed project would be in conformance with those guidelines.

No nighttime lighting is proposed as part of project construction.

## <u>Noise</u>

Potential indirect impacts from noise associated with the built project is addressed above under the MSCP Land Use Adjacency Guidelines in Section 4.2.2. The proposed project would be in conformance with those guidelines.

Construction-related noise from such sources as clearing, grading, and vehicular traffic would be a temporary impact to wildlife, and noise-related impacts could displace sensitive bird species from their nests or territories and result in their failure to breed successfully.

In particular, indirect noise impacts to breeding CAGNs could occur if clearing, grubbing, grading, or other construction activities create noise in excess of 60 decibels (dB) hourly average in occupied CAGN habitat within the MHPA during the CAGN breeding season (March 1 to August 15). The project site abuts the MHPA along its eastern boundary. Based on the adjacency of the MHPA to the project impact area, appropriate CAGN habitat (maritime succulent scrub) within the MHPA in that location, and the positive CAGN survey results (from the western portion of the project site), there is potential for noise impacts to breeding CAGNs during construction.

## <u>Invasives</u>

Potential indirect impacts from invasive plant associated with the built project is addressed above under the MSCP Land Use Adjacency Guidelines in Section 4.2.2. The proposed project would be in conformance with those guidelines.

Non-native plants can colonize areas disturbed by construction and can spread into adjacent preserve areas, particularly following disturbances such as fire. Such invasions displace native plant species, reduce species diversity, increase flammability and fire frequency, change ground and surface water levels, and adversely affect the native wildlife that are dependent on native vegetation. However, approximately 85 percent of the project site is already occupied by non-native grassland, disturbed habitat, and eucalyptus woodland supporting non-native plant species. Construction of the project would remove these sources of potentially invasive species and would use only native, non-invasive species within 100 feet of the MHPA and vernal pool complex. In addition, exotic/invasive plant species included in the California Invasive Plant Inventory prepared by the California Invasive Plant Council (Cal-IPC; 2006) would not be installed adjacent to the existing MHPA or proposed vernal pool complex. Therefore, it is not anticipated that the project would cause indirect impacts to species from invasive plant species.

## Habitat Insularization

Habitat insularization is the fragmentation of large habitat areas into smaller "islands" effectively isolated from one another. Such fragmentation presents barriers to wildlife movement and breeding, splits animal and plant populations, and increases edge effects. Often, habitat insularization is associated with local species extirpation, since smaller habitat areas support relatively fewer species than larger ones. No impacts to sensitive plant or animal species are expected to occur as a result of habitat insularization because the project would not isolate any habitat areas, and the preserved areas would be adjacent to or within the MHPA. Additionally, the trail in the Eastern Preserve would be fenced with a split-rail type fence that would not prohibit wildlife movement (Alden 2013, Appendix C).

## Drainage/Water Quality

Landscaping and irrigation associated with the residential development may result in increased runoff. Runoff due to irrigation is often associated with increased erosion, sedimentation, and pollution, which could significantly impact water quality in sensitive habitat in the adjacent MHPA.

MHPA adjacency guidelines preclude release of runoff into the preserve. All potential drainage and toxin impacts to biological resources in the MHPA due to urban runoff would be minimized through project design features, including the use of <u>biofiltration and hydromodification</u> detention basins. All runoff water would be treated on site in the identified bio-retention and hydromodification locations (Figures 4.2.1a and 4.2.1b). Additionally, the outfall on the eastern end of the project would be located entirely within the project footprint, outside of the Eastern Preserve and the MHPA. No water would be discharged directly into the MHPA. All runoff water would be discharged outside of the MHPA after being treated and having passed through an energy dissipating structure at the outfall location. Based on the project water quality design features, no significant indirect impacts resulting from drainage or impaired water quality would occur (Alden 2013, Appendix C).

## <u>Roadkill</u>

The project is likely to result in an increase in the number of vehicles using roads servicing the project vicinity (i.e., Otay Mesa Road, SR 905, Airway Drive, and Caliente Avenue). However, the increase in vehicular traffic would occur in an already heavily used portion of Otay Mesa Road; therefore, roadkill increase is expected to be incremental. Otherwise, vehicle traffic would be associated with private driveways internal to the project where roadkill is not expected.

## **Nuisance Animal Species**

The project has the potential for domestic animals to impact native wildlife due to the residential nature of the development. In particular, cats are known to harm native rodent and bird populations in locations where they have access to natural areas. Domestic animals could impact sensitive wildlife within the MHPA; however, the lower sensitivity of most of the wildlife species detected in the project vicinity and the potential presence of coyotes could help control domestic animals that may wander from the developed areas into the open space.

As explained in Section 4.2.2 (MSCP Land Use Adjacency Guidelines--Barriers), signage will be installed identifying the open space as preserved (on the eastern and western preserve areas, see Figures 4.2-6 and 4.2-7) as required by the HMP for the project's open space, and the proposed trail in the MHPA would be fenced on both sides along its entire length within the MHPA to direct public access to keep people (and their pets) out of the preserve.

## **Nesting Birds**

Construction during the avian nesting season (February 1 to September 15) could cause nest destruction, nesting birds to be displaced from their nests or territories, and result in a failure to breed successfully. Avian nesting is regulated according to Sections 3503, 3503.5, and 3513 of California Fish and Game Code. Please refer to Section 4.2.2 for more information.

#### SIGNIFICANCE OF IMPACTS (ISSUE 1)

#### **DIRECT IMPACTS**

#### **Sensitive Plant Species**

Direct impacts to San Diego bur-sage and San Diego sunflower are considered less than significant due to the relatively low sensitivity of these species and the low number of individuals (approximately 5) impacted. No mitigation would be required.

#### **Sensitive Animal Species**

#### San Diego and Riverside Fairy Shrimp

Implementation of the proposed project would directly impact the habitats of federally listed endangered San Diego and Riverside fairy shrimp. These impacts would occur outside of the MHPA. Direct impacts to the San Diego and Riverside fairy shrimp and habitat loss would be considered significant. The USFWS issued take authorization for impacts to the listed San Diego and Riverside fairy shrimp in the BO (Appendix S; USFWS 2010), prepared under the Section 7 consultation with the Corps for the project. Impacts to the San Diego and Riverside fairy shrimp would be addressed through mitigation of impacts to the on-site vernal pools and road pools, as presented in the USFWS BO and further discussed under Issue 3.

#### **Coastal California Gnatcatcher**

The project would remove maritime succulent scrub outside the MHPA, thus, no direct impacts to the coastal California gnatcatcher individuals would occur upon project implementation. Mitigation for CAGN habitat loss is discussed under Issue 2.

#### Raptors

Direct impacts to raptor foraging habitat would be addressed by complying with the MSCP and mitigating for the loss of this habitat. This is discussed under Issue 2.

## **Nesting Birds**

Construction during the avian nesting season (February 1 to September 15) could cause nest destruction or nesting birds to be displaced from their nests or territories, for example, and result in a failure to breed successfully. Avian nesting is regulated according to Sections 3503, 3503.5, and 3513 of California Fish and Game Code. Impacts to nesting birds are considered significant, and mitigation is required. Mitigation for Avian nesting is included in section 4.1 (Land Use MSCP LUAG) of this EIR (mitigation measure 4.1-1).

#### **INDIRECT IMPACTS**

#### **Drainage/Toxics**

During construction, there is potential for erosion and sedimentation impacts, as well as potential impacts from hazardous spills (fuel, oil, etc.) to indirectly impact sensitive species. In particular,

there is potential for indirect impacts to the existing function and values of Vernal Pool 1 and the vernal pool creation area should the 50-foot buffer proposed around it not be maintained. Without adequate protection of the vernal pool and road pool watersheds (as required by the City's ESL regulations) during project construction, and implementation of long-term project design measures that direct runoff away from these sensitive resources, indirect impacts to vernal pool watersheds could occur. These impacts would be significant and require mitigation.

## <u>Noise</u>

If construction were to occur during the CAGN breeding season (March 1 through August 15), then potentially significant indirect noise impacts could occur to the CAGN in the MHPA.

## **Raptor Nesting**

Construction during the raptor breeding season (February 1 to August 1) could cause raptors to be displaced from their nests or territories and result in a failure to breed successfully. Raptor nesting is regulated according to Sections 3503, 3503.5, and 3513 of California Fish and Game Code (refer to Section 4.2.2 for more information), so this impact would be significant and require mitigation.

## MITIGATION MEASURES (ISSUE 1)

The following mitigation measures are derived from the BO for fairy shrimp and from the City's Mitigation Monitoring Reporting Program for drainage/toxics, noise, nesting birds, construction monitoring, and post-construction reporting.

## USFWS BIOLOGICAL OPINION MEASURES

## San Diego and Riverside Fairy Shrimp

- **4.2-1** Impacts to listed fairy shrimp shall be mitigated at a 2:1 ratio in conjunction with the vernal pool/road pool mitigation discussed under Issue 3. Restored vernal pool habitat shall support San Diego or Riverside fairy shrimp, as required in the BO. Additionally, the BO requires that fairy shrimp surveys be conducted within 2 years of initiation of project construction activities.
- **4.2-2** The following measures to avoid indirect impacts to vernal pool watersheds and San Diego and Riverside fairy shrimp habitat:
  - a. In order to avoid direct, construction-phase impacts to avoided vernal pool watersheds, the following measures shall be incorporated into the final design plans and construction contract requirements for the proposed project:
    - A 50-foot buffer shall be provided between the brush management area and VP1.
    - Prior to initiation of construction activities, protective fencing (e.g., silt fencing and construction fencing) shall be installed along the interface of development and VP 1 to protect the watershed. Grading adjacent to

VP 1 shall be scheduled when VP 1 is dry.

- A biological monitor shall be on site during construction in this area to ensure that activities stay within approved limits.
- **4.2-3** An HMP (Helix 2008a) for the open space areas within the project site and adjacent Candlelight Villas West project site that incorporates short- and long-term maintenance activities, protective fencing, trash removal, public awareness, erosion control, and exotic pest removal has been prepared. The HMP will be implemented upon successful completion of the vernal pool habitat restoration effort. The following measures shall be completed, in conjunction with the HMP:
  - The applicant shall identify an appropriate habitat manager (i.e., natural lands management organization subject to approval of the City and wildlife agencies) to ensure conservation of biological resources in the on-site open space areas in perpetuity.
  - A Property Analysis Record (PAR) or similar analysis shall be prepared for the on-site biological open space areas and used to estimate initial start-up costs and ongoing annual cost of management activities for the HMP. A preliminary PAR is provided in the HMP to help identify long term management costs for the preserve.
  - A financial mechanism (e.g., non-wasting endowment) shall be established to ensure that funding is available and of a sufficient amount. The City reserves the right to review the financing plan to ensure that funding is sufficient to cover City involvement in monitoring the manager or assuming manager's duties in the event of default.
  - The habitat manager shall be responsible for implementing the HMP.
- **4.2-4** The On-site Vernal Pool Restoration Plan (Helix 2008b) shall be initiated prior to issuance of the first grading permit. At a minimum, initiation activities must include fencing of the preserve areas, placement of signage, and initial site preparation (trash and weed removal).

## NON-BIOLOGICAL OPINION MITIGATION MEASURES

## **Drainage/Toxics**

**4.2-5** Prior to issuance of the first grading permit, the applicant shall show on the plans, to the satisfaction of the City Engineer, that all drainage has been either directed away from the MHPA and on-site vernal pool preserve areas, or has been filtered prior to entering MHPA/vernal pool areas through means such as a natural detention basin, grass swale(s), or mechanical trapping device(s) in compliance with the Standard Urban Storm water Management Plan and the Municipal Storm water Permit of the SWRCB and the City.

The use of structural and non-structural Best Management Practices, Best Available Technology, and use of sediment catchment devices downstream of paving activities shall reduce potential impacts associated with construction. The project design shall comply with the Standard Urban Stormwater Management Plan and Municipal Stormwater Permit criteria of the SWRCB and City.

Projects that use chemicals or generate by-products that are potentially toxic or impactive to native habitats/flora/fauna (including water) shall incorporate measures to reduce impacts caused by the application and/or drainage of such materials into the MHPA. No trash, oil, parking, or other construction/ development-related material/activities shall be allowed outside any approved construction limits. Provide a note in/on the CDs that states: *"All construction related activity that may have potential for leakage or intrusion shall be monitored by the Qualified Biologist/Owners Representative or Resident Engineer to ensure there is no impact to the MHPA."* 

## **Burrowing Owl**

**4.2-6** The following is Species Specific Mitigation (Required to meet MSCP Subarea Plan Conditions of Coverage) for Potential Impacts to Western Burrowing Owl and Associated Habitat located OUTSIDE the MHPA (BUOW and associated habitat impacts within the MHPA MUST BE AVOIDED)

## PRECONSTRUCTION SURVEY ELEMENT

## Prior to Permit or Notice to Proceed Issuance:

- As this project has been determined to be BUOW occupied or to have BUOW occupation potential, the Permit Holder shall submit evidence to the ADD of Entitlements verifying that a Biologist possessing qualifications pursuant to "Staff Report on Burrowing Owl Mitigation, State of California Natural Resources Agency Department of Fish and Game, March 7, 2012" (hereafter referred as CDFG 2012, Staff Report), has been retained to implement a burrowing owl construction impact avoidance program.
- 2. The qualified BUOW biologist (or their designated biological representative) shall attend the pre-construction meeting to inform construction personnel about the City's BUOW requirements and subsequent survey schedule.

## Prior to Start of Construction:

1. The Permit Holder and Qualified Biologist must ensure that initial preconstruction/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 project site; regardless of the time of the year. "Site" means the project site and the area within a radius of 450 feet of the project site. The report shall be submitted and approved by the Wildlife Agencies and/or City MSCP staff prior to construction or BUOW eviction(s) and shall include maps of the project site and BUOW locations on aerial photos.

- 2. The pre-construction survey shall follow the methods described in CDFG 2012, Staff Report - Appendix D (*please note, in 2013, CDFG became California Department of Fish and Wildlife or CDFW*).
- 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) Section. If results of the preconstruction surveys have changed and BUOW are present in areas not previously identified, immediate notification to the City and WA's shall be provided prior to ground disturbing activities.

### **During Construction:**

- Best Management Practices shall be employed as BUOWs are known to use open pipes, culverts, excavated holes, and other burrow-like structures at construction sites. Legally permitted active construction projects which are BUOW occupied and have followed all protocol in this mitigation section, or sites within 450 feet of occupied BUOW areas, should undertake measures to discourage BUOWs 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. On-going BUOW Detection If BUOWs or active burrows are not detected during the pre-construction surveys, Section "A" below shall be followed. If BUOWs 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 BUOWS TO BE INJURED OR KILLED OUTSIDE OR WITHIN THE MHPA; in addition, IMPACTS TO BUOWS 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 Appendix D protocol for the period following the initial preconstruction 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)

- If no active burrows are found but BUOWs 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 BUOWs are observed during follow up monitoring to repeatedly (4 or more sightings) use the site for roosting or foraging, the City's Mitigation Monitoring and Coordination (MMC) Section 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 BUOW 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 Appendix D CDFG 2012, Staff Report 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).
  - This section (B) applies only to sites (including biologically defined territory) wholly outside of the MHPA – all direct and indirect impacts to BUOWs within the MHPA <u>SHALL</u> be avoided.
  - 2) If one or more BUOWs are using any burrows (including pipes, culverts, debris piles, etc.) on or within 300 feet of the proposed construction area, the City's MMC Section shall be contacted. The City's MMC Section shall contact the Wildlife Agencies regarding eviction/collapsing burrows and enlist appropriate City biologist for on-going coordination with the Wildlife Agencies and the qualified consulting BUOW biologist. 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 BUOW is using a burrow on site outside the breeding season (i.e. September 1 January 31), the BUOW may be evicted after the qualified BUOW biologist has determined via fiber optic camera or other appropriate device, that no eggs, young, or adults are in the burrow and written concurrence from the Wildlife Agencies for eviction is obtained prior to implementation.
- b) During Breeding Season If a BUOW is using a burrow on-site during the breeding season (Feb 1-Aug 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 BUOWs can be evicted. Eviction requires written concurrence from the Wildlife Agencies prior to 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 Section 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:

Details of the all surveys and actions undertaken on-site with respect to BUOWs (i.e., occupation, eviction, locations etc.) shall be reported to the City's MMC Section and the Wildlife Agencies within 21 days post-construction and prior to the release of any grading bonds. This report must include summaries off all previous reports for the site; and maps of the project site and BUOW locations on aerial photos.

### **OUTSIDE AGENCY PERMIT ASSURANCE MEASURES**

- **4.2-7** Prior to the issuance of the first grading permit, a note shall be added to the plans which states, "All lighting installed in the vicinity of the MHPA and other open space (including on-site vernal pool preserve areas) shall be directed away or shielded to prevent light overspill. Shielding may consist of installation of fixtures that physically direct light away from the outer edges of the property or by landscaping, berming, or other physical barriers that prevent light overspill. Prior to the issuance of the first building permit, the Building inspector shall ensure that project lighting shall be directed away from adjacent open space (including vernal pool preserve areas) and MHPA areas". It should be noted that no night time lighting is proposed at this time.
- **4.2-8** Prior to the issuance of the first grading permit, the applicant shall submit a landscape plan consistent with Exhibit "A." The plan shall include only native species adjacent to the MHPA and on-site vernal pool preserve areas, and shall

include view fencing surrounding the on-site MHPA and vernal pool preserve areas located at the eastern end of the site.

Implementation of Mitigation Measure 4.2-5, 4.2-7 and 4.2-8would ensure that indirect impacts to MHPA areas are reduced to a level below significance.

### **SIGNIFICANCE AFTER MITIGATION**

Upon successful implementation of Mitigation Measure 4.2-1, potential direct impacts to the San Diego and Riverside fairy shrimp would be reduced to a level of less than significant.

Upon successful implementation of Mitigation Measure 4.2-2, potential indirect impacts to the San Diego and Riverside fairy shrimp would be reduced to a level of less than significant.

Upon successful implementation of Mitigation Measure 4.2.5, potential indirect impacts from drainage/toxics would be reduced to a level of less than significant.

Upon successful implementation of Mitigation Measure 4.1-1, Section 4.1 (Land Use MSCP LUAG), potential indirect impacts to the coastal California gnatcatcher from noise would be reduced to a level of less than significant.

Upon successful implementation of Mitigation Measure 4.2-6, potential direct and indirect impacts to Western Burrowing Owls and their associated habitat potentially occurring during project construction would be reduced to a level less than significant.

Upon successful implementation of Mitigation Measure 4.1.1 in Section 4.1 (Land Use MSCP LUAG), potential direct and indirect impacts to nesting potentially occurring during project construction would be reduced to a level of less than significant.

Upon successful implementation of Mitigation Measures 4.2-3, 4.2-7 through 4.2-10 shall further ensure that all mitigation measures are implemented and that no significant impacts to sensitive plant and animal species or their habitats occur during project construction.

### Issue 2: Would project implementation result in a substantial adverse impact on any Tier I Habitats, Tier II Habitats, Tier IIIA Habitats, or Tier IIIB Habitats as identified in the Biology Guidelines of the Land Development manual, or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFW or USFWS (e.g. streamside vegetation, oak woodland, coastal sage scrub, chaparral, etc.)?

### DISCUSSION OF PROJECT IMPACTS (ISSUE 2)

### DIRECT IMPACTS

### **Vegetation Communities**

Approximately 27.68 acres would be impacted by the proposed project (including on- and off-site impacts), none of which is located within the MHPA boundary. Impacts would occur from grading

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for the residential development, brush management, and trail creation. Areas that would be impacted on- and off-site include non-native grassland, maritime succulent scrub, disturbed land, vernal pools, road pools, disturbed wetland, and eucalyptus woodland. Table 4.2\_7, *Impacts to Vegetation Communities*, provides a summary of impacts to vegetation communities within the project's anticipated impact area. Impacts to wetlands/riparian areas are further discussed below, under Issue 3.

Vegetation Community	On Site	Off Site	Total
Wetland/Riparian Habitats			
Disturbed wetland	0.02		0.02
Vernal pool	0.12	0.01	0.13
Road pool <sup>2</sup>	0.23		0.23
Upland Habitats			
Maritime succulent scrub (Tier I)	0.20		0.20
Non-native grassland (Tier IIIB)	20.70	0.50	21.20
Other Habitats			
Eucalyptus woodland (Tier IV)	<u>0.60</u>	<u>0.0</u>	<u>0.60</u>
Disturbed land (Tier IV)	4.50	0.80	5.30
TOTAL:	26.37	1.31	27.68

Table 4.2\_7 IMPACTS TO VEGETATION COMMUNITIES<sup>1</sup>

Source: Alden 2013, Appendix C.

<sup>1</sup>Uplands are rounded to the nearest 0.1 acre, while wetlands to the nearest 0.01 acre <sup>2</sup>Unvegetated road pools (ephemeral basin) supporting fairy shrimp

### UPLAND HABITATS

### Maritime Succulent Scrub (Tier I)

Approximately 0.2 acre of disturbed maritime succulent scrub would be impacted upon implementation of the proposed project (Alden 2013, Appendix C; Figures 4.2-1a and 4.2-1b), which is considered a significant impact according to City thresholds.

### Non-native Grassland (Tier IIIB)

Approximately 21.2 acres of non-native grassland would be impacted upon implementation of the proposed project (Alden 2013, Appendix C; Figures 4.2-1a and 4.2-1b), which is considered a significant impact according to City thresholds.

### **OTHER HABITATS**

### **Eucalyptus Woodland (Tier IV)**

Approximately 0.6 acre of eucalyptus woodland would be impacted upon implementation of the proposed project (Alden 2013, Appendix C; Figures 4.2-1a and 4.2-1b). Eucalyptus woodland is not a sensitive habitat type. Less than significant impacts are assessed according to City thresholds.

### Disturbed Land (Tier IV)

Approximately 5.3 acres of disturbed land would be impacted upon implementation of the proposed project (Figures 4.2-1a and 4.2-1b). This includes the impact associated with the

approximately 270-foot long pedestrian trail to be built by the City in the Eastern Preserve (Alden 2013, Appendix C). Disturbed land is not a sensitive habitat type. Less than significant impacts are assessed according to City thresholds.

### Indirect Impacts

Indirect impacts to vegetation communities are addressed under the Indirect Impacts to Adjacent MHPA discussion for Issue 1. As noted in that discussion, vegetation communities within the MHPA could be significantly impacted by human intrusion and invasive species. Mitigation is proposed to address those impacts.

### SIGNIFICANCE OF IMPACTS (ISSUE 2)

As indicated in Table 4.2\_7, project implementation would result in a substantial adverse impact on both uplands and wetlands habitat. Impacts to uplands approximately 0.2 acre of maritime succulent scrub (Tier I) and approximately 21.2 acres of non-native grassland (Tier IIIB). Impacts to Tier I and Tier IIIB habitats are regarded as significant, and mitigation would be required. Impacts to 0.6 acre of eucalyptus woodland and 5.3 acres of disturbed land would not be regarded as significant because these vegetation communities are not considered to be sensitive and they do not provide critical habitat for any sensitive wildlife.

Impacts to disturbed wetlands, non-wetland waters, vernal pools and road pools are addressed under Issue 3, below.

### MITIGATION MEASURES (ISSUE 2)

The following mitigation measures are derived from the City's Biology Guidelines for impacts to uplands. Table 4.2\_8, *Upland Habitat Mitigation Requirements*, presents the minimum upland habitat mitigation requirements. The amounts shown are based on impacts occurring outside of the MHPA and mitigation occurring within the MHPA.

HABITAT	Impact	Mitigation Ratio <sup>2</sup>	Minimum Mitigation Requirement <sup>3</sup>
Tier I			
Maritime succulent scrub	0.20	1:1	0.20
Tier IIIB			
Non-native Grassland	21.20	.5:1	10.60
Tier IV			
Eucalyptus Woodland	0.60		
Disturbed Land	5.30		
TOTAL	27.30		10.80

Table 4.2\_8 UPLAND HABITAT MITIGATION REQUIREMENTS (ACRE)<sup>1</sup>

<sup>1</sup>Totals reflect rounding

<sup>3</sup> Minimum required based on City ratios, actual mitigation proposed would exceed this amount.

<sup>&</sup>lt;sup>2</sup> Ratios based on mitigation occurring within the MHPA

### Habitat Mitigation

- **4.2-9** Prior to the issuance of grading permits, the applicant shall submit documentation to the City of San Diego verifying that the necessary permits required by the Corps, CDFW, and RWQCB have been obtained.
- 4.2-10 Prior to the Permit Issuance
  - A. Land Development Review (LDR) Plan Check
    - Prior to the 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 following mitigation measures are completed:

Direct impacts to maritime succulent scrub and non-native grassland habitats shall be mitigated as described below.

- a. Direct impacts to 0.2 acre of maritime succulent scrub shall be mitigated within the MHPA through on-site preservation at a ratio of 1:1, resulting in a total mitigation requirement of approximately 0.2 acre of Tier I habitat. Between the Eastern and Western Preserve areas the project would preserve approximately 5.7 acre of maritime succulent scrub habitat within the MHPA. A surplus of approximately 5.5 acres of preserved MSS habitat on site will be used as partial mitigation for NNG impacts. In addition, 5.2 acres of maritime succulent scrub shall be restored in the western portion of the site within the on-site vernal pool restoration complex (Helix 2008b), all of which shall be used for mitigation for impacts to non-native grassland.
- b. Direct impacts to 21.2 acres of non-native grassland (non-MHPA) shall be mitigated through habitat preservation and restoration in the on-site Western and Eastern Preserve Areas (to be incorporated into the MHPA). Combined, the preserve areas encompass 17.3 acres of habitat, 0.2 of which would be used for maritime succulent scrub mitigation. The remaining 17.1 acres would be used to mitigate the project's impacts to non-native grassland habitat, all of which would be considered suitable for burrowing owls as foraging and/or nesting habitat. This would result in an approximate mitigation ratio of .8:1, which is higher than the City's .5:1 ratio for non-native grassland habitat impacts. In addition to this preservation, habitat restoration of vernal pool and maritime succulent scrub habitats would occur in both preserve areas. While not a mitigation measure, the restoration effort also would incorporate 6 artificial burrowing owl burrows (4 in the western preserve and 2 in the eastern preserve) to help enable this species become established on the site.

c. Prior to the 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 applicant has recorded a covenant of easement or a dedication in fee title over the western and eastern preserve areas. The applicant also shall provide funding as specified in the HMP.

### SIGNIFICANCE AFTER MITIGATION

With the implementation of Mitigation Measures 4.2-9 and 4.2-10 impacts to Tier I and Tier IIIB habitats would be reduced to below a level of significance.

### Issue 3: Would the project have a substantial adverse impact on wetlands (including, but not limited to, marsh, vernal pool, riparian, etc.) through direct removal, filling, hydrological interruption, or other means?

DISCUSSION OF PROJECT IMPACTS (ISSUE 3)

### DIRECT IMPACTS TO WETLANDS/RIPARIAN AREAS

### Jurisdictional Areas (Corps, CDFW and City)

Project-related impacts to Corps jurisdictional areas would encompass 0.13 acre of Corps-defined wetlands (e.g., vernal pools) and 0.28 acre of Corps-defined non-wetland Waters of the U.S. (e.g., ephemeral drainage and road pools with fairy shrimp) on- and off-site (Figure 4.2-5; Table 4.2\_9, *Impacts to Corps Jurisdictional Areas*) (Alden 2013, Appendix C).

Habitat	On Site	Off Site	Total
WETLANDS			
Vernal pool	0.12	0.01	0.13
Non-wetland Waters of th	e U.S.		
Drainage	0.05	0.00	0.05
Road pools	0.23	0.00	0.23
TOTAL	0.40	0.01	0.41

### Table 4.2\_9 IMPACTS TO CORPS JURISDICTIONAL AREAS (ACRE)\*

Source: Alden 2013, Appendix C \*Totals reflect rounding

Impacts to CDFW jurisdictional areas would encompass 0.02 acre of CDFW-defined wetlands (e.g., disturbed wetlands) and 0.05 acre of CDFW-defined non-wetland Waters of the State (e.g., ephemeral streambed; Figure 4.2-4; Table 4.2\_10, *Impacts to CDFW Jurisdictional Areas*). No impacts to City-defined wetlands would occur (Alden 2013, Appendix C).

Habitat	On Site	Off Site	Total		
WETLANDS					
Disturbed wetland	0.02	0.00	0.02		
Non-wetland Waters of t	he State				
Streambed	0.05	0.00	0.05		
TOTAL	0.07	0.00	0.07		

### Table 4.2\_10 IMPACTS TO CDFW JURISDICTIONAL AREAS (ACRE)\*

Source: Alden 2013, Appendix C. \*Totals reflect rounding

The proposed project has been designed to avoid to the maximum extent possible project effects to Corps and CDFW jurisdictional areas. The project has been redesigned to avoid the natural (not constructed) ephemeral drainage channel on the eastern boundary of the project site located within the MHPA. The project design avoids impacts to VP 1, which is located in the northeastern portion of the site and is the largest and highest quality vernal pool on site and is located next to the City's planned open space preserve (MHPA). The other ephemeral drainage that traverses the central portion of the project site is a constructed drainage ditch of low quality. The other vernal pools and road pools are located in the depressions left when berms were graded around the perimeter of the property and are of low quality. The feasibility of preserving additional vernal pools, road pools, and drainages within the study area is limited by the (1) low quality of basins; (2) location of basins away from the MHPA; and (3) fact that potential for their long-term persistence is low (Alden 2013, Appendix C).

### **Disturbed Wetland**

Approximately 0.02 acre of disturbed wetland within the study area would be impacted upon implementation of the proposed project (Figures 4.2-1a and 4.2-1b).

### <u>Vernal Pool</u>

Impacts have been assessed to a total of 15 vernal pools (11 on site and 4 off site) with a combined surface area of 0.13 acre (Figures 4.2-1a and 4.2-1b; Table 4.2\_11, *Summary of Impacts to Vernal and Road Pools On and Off Site*). One large vernal pool (VP 1) that supports San Diego fairy shrimp located at the northeastern edge of the project site would be preserved; however, approximately 0.35 acre of its watershed would be directly impacted. As such, this pool has been included in the impact calculations.

### CANDLELIGHT EIR





### CANDLELIGHT EIR





Impacts to Vegetation and Sensitive Resources

Figure 4.2-5b

Basin No.	Туре	Area (sq. ft.)	Fairy Shrimp	Location
1	Vernal pool	2,415	SD	On site
2	Road pool	1,010	SD	On site
3	Road pool	1,001	SD	On site
8	Vernal pool	327	SD	Off site
9	Vernal pool	24		Off site
10	Vernal pool	128		Off site
11	Vernal pool	26		Off site
12	Road pool	7,442	SD, RS	On site
13	Vernal pool	524		On site
14	Vernal pool	1,533	SD	On site
15	Vernal pool	10		On site
16	Road pool	488	SD	On site
17	Road pool	33	SD	On site
26	Vernal pool	73	SD	On site
27	Vernal pool	49	SD	On site
28	Vernal pool	151	SD	On site
29	Vernal pool	121	SD	On site
30	Vernal pool	107	SD	On site
31	Road Pool	112	SD	On site
32	Road Pool	125	SD	On site
33	Road Pool	146	SD	On site
34	Vernal Pool	108	SD	On site
35	Vernal Pool	247 <sup>1</sup>	SD	On site

### Table 4.2\_11 SUMMARY OF IMPACTS TO VERNAL AND ROAD POOLS ON AND OFF SITE

Source: Alden 2013, Appendix C.

<sup>1</sup>While only a part of Pool 35 will be directly impacted, the entire pool has been assessed as impacted.

The proposed project has been designed to avoid, to the maximum extent possible, project effects to vernal pools and road pools (discussed below). Impacts to these low-quality man-made vernal pools and road pools; however, are unavoidable due to site constraints and topography of the site. An assessment of impacts to vernal pools was included in the 2010 USFWS BO (Alden 2013, Appendix C).

### Road Pool

Eight road pools with a combined surface area of approximately 0.24 acre (10,357 sq ft) that support listed fairy shrimp species would be impacted upon implementation of the proposed project (Alden 2013, Appendix C; Figures 4.2-1a and 4.2-1b).

The proposed project has been designed to avoid, to the maximum extent possible, project effects to vernal pools and road pools. Impacts to these low-quality man-made vernal pools and road pools, however, are unavoidable due to site constraints and topography of the site.

### INDIRECT IMPACTS TO WETLANDS/RIPARIAN AREAS

In addition to the direct impacts to vernal and road pools and the watershed of VP No. 1, as discussed above, vernal pools potentially subject to indirect impacts occur off-site, adjacent to the project footprint. Additionally, there is potential for indirect impacts to occur to the preserved and restored pools located within the on-site preserve areas. The project has been specifically

designed to ensure that all project runoff will be directed away from these pool areas and into on-site water treatment facilities. With protection of the vernal and road pool watersheds (as required by the City's ESL regulations) and project design measures that direct runoff away from these sensitive resources, no indirect impacts due to a lack of sufficient preserved watershed are anticipated. Additionally, the project would not functionally isolate the avoided pools from seed sources or pollinators in adjacent areas.

### SIGNIFICANCE OF IMPACTS (ISSUE 3)

### DIRECT IMPACTS TO WETLANDS/RIPARIAN AREAS

Wetlands and non-wetland Waters of the U.S. are regulated by federal, state, and local agencies, and typically represent a high constraint to development due to the avoidance policy of most agencies. If avoidance can be demonstrated to be not feasible, impacts may occur with mitigation. Due to the long and narrow configuration of the proposed project site and the Community Plan requirements for residential density (i.e., 15-30 du/ac), it is not possible to avoid all on-site wetlands and non-wetland Waters of the U.S. that occur on the site (refer to EIR Section 7.0 for a discussion of alternatives to the proposed project, including alternatives proposed to reduce impacts to jurisdictional and wetland resources). However, as described above, the proposed project has been designed to minimize impacts to sensitive resources on site.

Project-related impacts to Corps jurisdictional areas would encompass 0.13 acre of Corps-defined wetlands (e.g., vernal pools) and 0.28 acre of Corps-defined non-wetland Waters of the U.S., both within and adjacent to the project site. Impacts to CDFW jurisdictional areas would encompass 0.02 acre of CDFW-defined wetlands (e.g., disturbed wetlands) and 0.05 acre of CDFW-defined non-wetland Waters of the State (e.g., ephemeral streambed) on- and off-site. These impacts would be regarded as significant, and mitigation would be required.

### INDIRECT IMPACTS TO WETLANDS/RIPARIAN AREAS

Potential indirect impacts associated with the vernal pools located outside of but adjacent to the development impact area would be avoided because the project has been designed to avoid direct or indirect impacts to these vernal pool areas. Specifically, a minimum 50-foot fenced buffer would be maintained between the vernal pools and vernal pool restoration area. The buffer would provide space between development and the resources that would protect the watersheds and pools themselves from damage by occupants of the project. In addition, no brush management would occur within the buffer areas.

As discussed under Issue 1 under *Indirect Impacts*, the project also has been designed such that all runoff from hardscape would be directed away from these vernal pools into bio<u>filtration and</u><u>hydromodification detention</u>-retention basins, ensuring that no contaminated water from the project would flow into the pools or their watersheds.

With protection of these vernal pool watersheds (as required by the City's ESL regulations and the USFWS BO) and project design measures that direct runoff away, no indirect impacts due to preserved watershed areas are anticipated. Additionally, the project would not functionally isolate the avoided vernal pools from seed sources or pollinators in adjacent areas because they would be contained in preserved open spaces and managed in accordance with the provisions of the

project's HMP. Both the western and eastern preserve areas are located within the City's MHPA and are connected to larger, contiguous open space areas associated with the Spring Canyon complex in Otay Mesa. See Figure 4.2-6, *Western Preserve Area*, and Figure 4.2-7, *Eastern Preserve Area*.

### MITIGATION MEASURES (ISSUE 3)

The following required mitigation measures are derived from City, the USFWS BO and permitting agency requirements.

Mitigation for impacts to wetland/riparian features would be mitigated through a combination of on-site preservation and restoration of vernal pool habitat. The USFWS BO for the project identified conservation measures for impacts to vernal pools with fairy shrimp, vernal pools without fairy shrimp, and road pools with fairy shrimp (USFWS 2010). In addition to the Candlelight project, the BO addressed impacts for vernal/road pool impacts that would occur from the future Candlelight Villas West project. The mitigation for this potential future project is included with the requirements for the current project, as shown in Table 4.2\_12, *Jurisdictional Area Mitigation Requirements*. The additional area is not a requirement of the current project, but is intended to be carried out with the mitigation effort and would be used as the mitigation for the future project when it is approved.

Habitat Type	Candlelight Candlelig Villas We		Total Restored Impacts On-Site		Preserved/ Enhanced On-Site	Total
Vernal/road pools supporting fairy shrimp	0.36	0.02	0.38	0.96	0.06	1.02
Vernal pools with no listed fairy shrimp	0.004	0.04	0.044	0.20	0.01	0.21
Disturbed wetland <sup>2</sup>	0.02	0.00	0.02	0.04	0.00	0.04
Waters of the U.S./Streambed <sup>2</sup>	0.05	0.00	0.05	0.05	0.00	0.05
Total <sup>3</sup>	0.43 AC	0.06 AC <sup>4</sup>	0.49 AC	1.25 AC	0.07 AC	1.32 AC

Table 4.2\_12 JURISDICTIONAL AREA MITIGATION REQUIREMENTS<sup>1</sup>

<sup>1</sup>Based on USFWS BO, 2010

<sup>2</sup>Mitigation provided with restored vernal pool habitat (higher quality wetland)

<sup>3</sup>Totals reflect rounding

<sup>4</sup>These impacts are not currently proposed; however, project would to mitigate for them now.

**4.2-11** Prior to the 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 notices to proceed regarding permit requirements of the State Water Regional

Board, Army Corps, CSFW, and USFWS (BO) have been received by the City and that the on-site area to mitigate direct impacts to wetland/riparian/waters features has been assured through a County recorded covenant of easement with mitigation/restoration measures poised to be commenced with permit notice to proceed as described below and as outlined under the following project specific documents: Appendix P -On-site Vernal Pool Restoration Plan (Helix, August 5, 2008 with Alden update July 2, 2013); and Appendix S -USFWS BO (Section 7 Consultation for the Candlelight Villas Project, Corps 404 File No. 200501638-LAM, June 21, 2010). All required mitigation elements of Appendix P, Q and S shall be listed verbatim and reflected in applicable notes and details on the final construction plans to the satisfaction of City MSCP, MMC or Permit Reviewer.

- a. Mitigation for vernal/road pool impacts shall include (1) preservation of VP 1 and enhancement of its associated watershed located in the Eastern Preserve Area; (2) restoration of vernal pool habitat within the western portion of the site, and preservation of VP 38 through 43 located in the Western Preserve Area. Impacts to disturbed wetland and jurisdictional streambed also will be mitigated through vernal pool preservation and restoration. Combined, the project would be required to restore 1.25 acres and preserve/enhance 0.07 acres of vernal pool habitat on site. An On-site Vernal Pool Restoration Plan has been prepared that describes the proposed vernal pool restoration as well as enhancement of VP 1 (Helix 2008b). All restored pools and enhanced pools will be planted with vernal pool indicator plant species and inoculated with San Diego and/or Riverside fairy shrimp. However, only 0.96 acre of the restored pools will be required to support reproducing fairy shrimp populations (USFWS 2010).
- b. Indirect impacts to preserved and adjacent vernal pools would be fully mitigated through adherence to the requirements of the HMP. Adherence to the HMP would ensure that indirect impacts due to runoff, construction activities, and/or human or animal intrusion into the area would be mitigated to a level below significance.
- c. Prior to bond sign-off for the project, evidence of compliance (i.e. certificates of completion) with all USFWS BO, MHP, ACOE and CDFW permits shall be provided to the satisfaction of the City ADD environmental designee.

### SIGNIFICANCE AFTER MITIGATION (ISSUE 3)

Mitigation of impacts to Corps-defined non-wetland Waters of the U.S. (ephemeral drainages), disturbed wetland/vernal/road pool habitat, and other potential indirect impacts would be required as a result of the consultation process with the Corps, CDFW, and the USFWS. Adherence to the permit requirements of the Corps, CDFW, and USFWS (BO) would ensure that impacts to wetlands, riparian areas, and disturbed wetland/vernal/road pools would be reduced to below a level of significance.

### CANDLELIGHT EIR



Western Preserve Area

# Figure 4.2-6



### CANDLELIGHT EIR

### Figure 4.2-7



### **Eastern Preserve Area**

### Issue 4: Would the project create a substantial interference with the nesting/foraging/ movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, including linkages identified in the MSCP Plan, or impede the use of native wildlife nursery sites?

### DISCUSSION OF PROJECT IMPACTS (ISSUE 4)

Removal of habitat during proposed project construction has the potential to cause direct impacts to nesting birds protected by California Fish and Game Code and the MBTA. This potential impact is addressed under Issue 1 above.

Wildlife corridors within the project vicinity are limited to several canyons located southwesterly and southeasterly of the proposed project site, and much of this area is within the City's MHPA. The proposed project would not directly impact the MHPA areas of the MSCP, which is intended to ensure the provision of regional wildlife corridors. In addition, the split-rail fencing along the City trail in the Eastern Preserve contained in Lot 5 would not preclude wildlife movement (Alden 2013, Appendix C).

Implementation of Mitigation Measures outlined under Section 4.2, Issue 1 and Section 4.1 (Land Use MSCP LUAG) and Section 8.0 (Mitigation Measures and Reporting Program), would ensure that direct and indirect impacts to nesting and MHPA areas are reduced to a level below significance. Thus, the proposed project would not directly impact the nesting, foraging, or movement of any native resident or migratory fish or wildlife species within the MHPA. Furthermore, project implementation would not impact any wildlife corridors outside of the MHPA, and would not substantially interfere with wildlife movement, or foraging within these non-MHPA areas.

### SIGNIFICANCE OF IMPACTS (ISSUE 4)

Implementation of the proposed project would not impact any wildlife corridors, nor would it substantially interfere with the foraging or movement of any native resident or migratory fish or wildlife species. Thus, significant impacts would not occur.

### MITIGATION MEASURES (ISSUE 4)

No significant impacts would occur, therefore, no mitigation is required.

### Issue 5: Would the project create a conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approved local, regional, or state habitat conservation plan, either within the MSCP plan area or in the surrounding region?

### DISCUSSION OF PROJECT IMPACTS (ISSUE 5)

Project implementation could result in indirect and direct impacts to biological resources covered under an adopted HCP (i.e. the City's MSCP SAP). As the project would be carried out in compliance

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with the City's ESL and Biology Guidelines (2012), the City's MSCP SAP and state and federal requirements (i.e., the USFWS BO), there is a potential for significant impacts to occur but would be mitigated through implementation of Mitigation Measures listed under Section 4.1 (Land Use MSCP LUAG) and Section 4.2 Mitigation Measures for Issues 1, 2 and 3.

### SIGNIFICANCE OF IMPACTS (ISSUE 5)

The proposed project would not directly or indirectly conflict with the MSCP or any other adopted habitat conservation plan, and therefore, significant impacts would not occur.

### MITIGATION MEASURES (ISSUE 5)

No significant impacts would occur, therefore, no mitigation is required.

# Issue 6: Would the proposed project introduce land uses within an area adjacent to the MHPA that would result in adverse edge effects or that is in conflict with the objectives of the MSCP Land Use Adjacency Guidelines?

### DISCUSSION OF PROJECT IMPACTS (ISSUE 6)

As discussed above under Issue 1, potential edge effects to adjacent MHPA lands may occur, including impacts associated with project lighting, noise impacts, the introduction of exotic plant species, the introduction of nuisance animal species, and human intrusion into MHPA lands. These potential indirect impacts would represent a potential conflict with the MHPA Land Use Adjacency Guidelines of the MSCP. Implementation of Mitigation Measure under Section 4.1 (Land Use MSCP LUAG) and Mitigation Measures 4.2-7 and 4.2-8 under issue 1 would ensure that indirect impacts to MHPA areas are reduced to a level below significance.

### SIGNIFICANCE OF IMPACTS (ISSUE 6)

Indirect impacts to the MHPA lands would be regarded as potentially significant. However, with implementation of Mitigation Measure under Section 4.1 (Land Use MSCP LUAG), these indirect impacts would be reduced to below a level of significance.

### MITIGATION MEASURES (ISSUE 6)

No significant impacts would occur, therefore, no mitigation is required.

## *Issue 7:* Would the proposed project introduce invasive species of plants into a natural open space area?

### DISCUSSION OF PROJECT IMPACTS (ISSUE 7)

As previously disclosed under Issue 1, the invasion of the open space areas by non-native plants from on-site landscaping could occur with project implementation. This would be regarded as a significant impact. However, the Candlelight Development Guidelines (Rodriguez 2013, Appendix T)

for the project do not allow planting non-native species within areas adjacent to the MHPA. Potentially significant impacts are identified and additional mitigation is listed under Issue 1.

### SIGNIFICANCE OF IMPACTS (ISSUE 7)

The use of non-native plants adjacent to open space areas could result in introduction of nonnative species to these areas. Implementation of Mitigation Measure in section 4.1, (Land Use MSCP LUAG) would further restrict the use of non-native plant species in areas adjacent to the MHPA.

Implementation of Mitigation Measure in Section 4.1 (Land Use MSCP LUAG) would adequately address the introduction of non-native species to open space areas. Therefore, additional mitigation measures would not be required.

### MITIGATION MEASURES (ISSUE 7)

No significant impacts would occur, therefore, no mitigation is required.

### Issue 8: Would the proposed project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

### **DISCUSSION OF PROJECT IMPACTS (ISSUE 8)**

As previously disclosed in Section 4.1, (MSCP LUAG, section 1.4.3) and other biological issues under issue areas 1-6 and 8, all local policies and ordinance including the City's ESL and MSCP SAP would be adhered to. In addition, there are no mature native trees present on-site that are subject to any tree preservation policy and other historical resources would be covered under the archaeology/cultural resources/historical portion of this EIR.

### SIGNIFICANCE OF IMPACTS (ISSUE 8)

As previously disclosed under LU Section 4.1 (MSCP LUAG Section 1.4.3) and other biological issues under issue areas 1-6 and 8, all local policies and ordinances including the City's ESL and MSCP SAP would be adhered to and not impacts that would occur.

Mitigation Measures for this issue are disclosed under LU Section 4.1 (MSCP LUAG Section 1.4.3) and other biological issues under issue areas 1-6, and 8. Additional mitigation measures would not be required.

As previously disclosed under LU Section 4.1 (MSCP LUAG Section 1.4.3) and other biological issues under issue areas 1-6 and 8, all local policies and ordinances including the City's ESL, and MSCP SAP would be adhered to and all impacts would be mitigated to below a level of significance.

### MITIGATION MEASURES (ISSUE 8)

No significant impacts would occur, therefore, no mitigation is required.

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### 4.3 TRANSPORTATION/CIRCULATION

The following traffic impact assessment is based on a technical report entitled *Candlelight Traffic Impact Analysis*, prepared by Kimley-Horn and Associates, Inc. (herein KHA), dated June 2013. For reference purposes, a copy of this report is contained in the Technical Appendices to this EIR under Appendix L.

### 4.3.1 Existing Conditions

### **Existing Circulation Network**

The area surrounding the proposed project site can be characterized as an urbanizing portion of the City of San Diego. Streets and highways in the site vicinity that could be impacted by the proposed project include State Route 905, Otay Mesa Road, and Caliente Avenue. Figure 4.3-1, *Existing Conditions Intersection and Roadway Geometrics*, shows the existing circulation network in the project study area.

- **State Route 905** (SR-905) is a six-lane freeway within the vicinity of the project site, with an interchange at Caliente Avenue that was constructed and opened to traffic on July 30, 2012, when the six-lane freeway was completed between I-805 and Britannia Boulevard. Bicycles are prohibited from cycling on the SR-905 freeway.
- **Otay Mesa Road** currently functions as a six-lane prime arterial with a concrete k-rail median dividing the roadway in this area. The posted speed limit along Otay Mesa Road is 50 mph. Otay Mesa Road is classified as a six-lane prime arterial with a Class I and Class II bicycle facility within the study area per the Otay Mesa Community Plan (OMCP).
- Caliente Avenue between SR 905 and Airway Road functioned as an undivided five-lane arterial with no fronting property while the traffic study for this EIR was prepared as shown in Figure 4.3-1. Caliente Avenue is classified as a six-lane primary arterial with a Class II bicycle facility, between Otay Mesa Road and Airway Road, in the Otay Mesa Community Plan (OMCP) per Figure 3-5 and 3-6 on the OMCP. South of Airway Road and Public Street "A", Caliente Avenue is classified as a 6-lane Major Arterial with a Class II bicycle facility, per Figure 3-5 and 3-6 on the OMCP. Caliente Avenue becomes Ocean View Hills Parkway north of Otay Mesa Road. Since the completion of the Traffic Study in June 2013, Caliente Avenue has been improved and widened as a six-lane primary arterial north of Airway Road. Caliente Avenue has been widened to approximately 700 feet south of Airway Road. This portion of Caliente Avenue is currently striped as a 5-lane major, but will be re-striped to a 6-lane major when Caliente Avenue is extended past Public Street "A".
- **Airway Road** within the study area currently functions as a three-lane collector with a twoway left-turn lane. The posted speed limit is 25 mph. San Ysidro High School is located along the south side of the roadway. Sidewalks are provided along the south side of the roadway and a portion of the north side. Parking is provided along the south side of the road. Between Old Otay Mesa Road and Caliente Avenue, Airway Road is classified as a four-lane collector with a Class I bicycle facility per the OMCP Figure 3-5 and 3-6. East of Caliente Avenue, Airway Road is classified as a four-lane major arterial with a Class I bicycle facility.

### Methodologies

### Study Timeframes

A total of six scenarios were analyzed in the study prepared by KHA, which are listed below:

- Existing Conditions (2012)
  - a. <u>Existing Conditions</u>: Represents the traffic conditions of the existing street network at the time that existing traffic volumes were collected on September 2012, after the opening of the SR-905 completion of the segment between the I-805 and Brittania Boulevard.
  - b. <u>Existing with Project Conditions</u>: Represents the existing traffic conditions with the addition of the proposed project. Project impacts under this scenario are considered direct impacts.
- Near Term Conditions (2014)
  - a. <u>Near Term Baseline Conditions</u>: Represents the traffic conditions of the street network assumed to be in place in the Near Term without project baseline. This scenario includes projected traffic growth to account for other reasonable foreseeable projects in the study area.
  - b. <u>Near Term with Project Conditions</u>: Represents the Near Term traffic conditions with the addition of the proposed project at the project's expected opening day Comparison of this scenario to the Near Term Baseline Conditions scenario will determine direct project traffic impacts under the Near Term conditions for the facilities analyzed. Project impacts under this scenario are considered direct impacts.
- Horizon Year Conditions (2035)
  - a. <u>Horizon Year Baseline Conditions</u>: Represents the traffic conditions of the street network assumed to be in place under Horizon Year conditions.
  - b. <u>Horizon Year with Project Conditions</u>: Represents the Horizon Year traffic conditions with the addition of the proposed project. Comparison of this scenario to the Horizon Year Baseline Conditions scenario will determine cumulative project traffic impacts under the Horizon Year conditions for the facilities analyzed. Project impacts under this scenario are considered cumulative impacts.

### Analysis Methodologies

Street system operating conditions are typically described in terms of "level of service" (LOS). Level of service is a scale used to indicate the quality of traffic flow on roadway segments and at intersections. Level of service ranges from LOS A (free flow, little congestion) to LOS F (forced flow, extreme congestion).

### Roadway Segment Capacity Analysis

The City of San Diego has published daily traffic volume standards for roadways within its jurisdiction. To determine service levels on study area roadway segments, the appropriate average daily traffic (ADT) thresholds for level of service, the daily capacity of the study area roadway segments, and the volumes experienced in the study area were all compared. The City of San Diego



**Candlelight EIR** 

Existing Conditions Intersection and Roadway Geometrics

thresholds for determining level of service used in the analysis are provided in the Traffic Impact Analysis.

### Intersection Capacity Analysis

The analysis process includes evaluating the a.m. and p.m. peak-hour operations at the study intersections. Intersections were measured and quantified by using the Synchro traffic analysis software package. Results were compared to the City's thresholds to determine if the project has any significant traffic impacts.

To analyze the operations of both signalized and unsignalized intersections, Synchro 7.0 (Trafficware) was used for the analysis. Synchro 7.0 uses the methodologies outlined in the 2000 Highway Capacity Manual (HCM). The existing intersection peak-hour factor (PHF) was used for Existing and Near Term scenarios. A PHF of 0.92 was used for Horizon Year conditions to account for the unknown change in traffic patterns.

The 2000 Highway Capacity Manual (HCM) published by the Transportation Research Board establishes a system whereby highway facilities are rated for their ability to process traffic volumes. The terminology "level of service" is used to provide a "qualitative" evaluation based on certain "quantitative" calculations, which are related to empirical values.

Level of service (LOS) for signalized intersections is defined in terms of delay, which is a measure of driver discomfort, frustration, fuel consumption, and loss of travel time. Specifically, LOS criteria are stated in terms of the average control delay per vehicle for the peak 15-minute period within the hour analyzed. The average control delay includes initial deceleration delay, queue move-up time, and final acceleration time in addition to the stop delay. The level of service for unsignalized intersections is determined by the computed control delay and is defined for each minor movement. The criteria for the various levels of service designations for signalized and unsignalized intersections are given in Exhibits 16-2 and 17-2 of the 2000 Highway Capacity Manual.

### Freeway Mainline Analysis

The method for calculating freeway level of service is based on the volume-to-capacity (v/c) ratio. Caltrans has published v/c ratio standards for peak-hour volumes on freeway mainline segments. To determine service levels on study area freeway segments, the average daily traffic (ADT), peak hour percent, directional distribution, and truck percentages are considered and compared with the published capacities. The Caltrans thresholds for determining level of service standards used in the analysis are provided in the Traffic Impact Analysis.

### **Daily Roadway Segment Operations**

Table 4.3\_1, *Existing Daily Roadway Segment Conditions*, summarizes the existing levels of service for project area roadways. As depicted, all study area roadway segments currently operate at LOS A or B.

	Functional				
	Roadwav	Los E	ADT	V/C	
Roadway Segment	Classification	Capacity	(a)	Ratio (b)	LOS
Otay Mesa Road					
	6 Lane Prime				
Caliente Ave to Heritage Rd	Arterial	60,000	13,967	0.233	А
Caliente Avenue					
	6 Lane Prime				
Otay Mesa Rd to SR-905	Arterial	60,000	17,562	0.293	А
SR-905 to Airway Rd	4 Lane Collector	30,000	6,403	0.213	А
	2 Lane Collector				
	(no fronting				
Airway Rd to Public Street A (c)	property)	10,000	4,652	0.465	В
Airway Road			-		
Old Otay Mesa Rd to Caliente					
Ave	3 Lane Collector (d)	22,500	4,989	0.222	А
Ocean View Hills Parkway					
Otay Mesa Rd to Hidden Trails	6 Lane Major				
Rd	Arterial	50,000	8,500	0.17	А
Caliente Ave to Heritage Rd Caliente Avenue Otay Mesa Rd to SR-905 SR-905 to Airway Rd Airway Rd to Public Street A (c) Airway Road Old Otay Mesa Rd to Caliente Ave Ocean View Hills Parkway Otay Mesa Rd to Hidden Trails Rd National	Arterial 6 Lane Prime Arterial 4 Lane Collector 2 Lane Collector (no fronting property) 3 Lane Collector (d) 6 Lane Major Arterial	60,000 60,000 30,000 10,000 22,500 50,000	13,967 17,562 6,403 4,652 4,989 8,500	0.233 0.293 0.213 0.465 0.222 0.222	А А В А

### Table 4.3\_1 EXISTING DAILY ROADWAY SEGMENT CONDITIONS

Notes:

Bold values indicate roadway segments operating at LOS E or F.

(a) Average Daily Traffic (ADT) volumes for the roadway segments were provided by National Data and Surveying Services and measured in September 2012.

(b) The v/c Ratio is calculated by dividing the ADT volume by each respective roadway segment's capacity.

(c) There is an existing driveway (High School) that does not affect the capacity or classification of the segment.

(d) The capacity for the 3-lane collector was calculated by taking 3/4 of the capacity of a 4-lane collector.

### Peak Hour Intersection Performance

Table 4.3\_2, *Existing Peak Hour Intersection Conditions*, summarizes the existing peak hour operating conditions for the study intersections. As shown in the table, all study intersections operate at LOS C or better during both the AM and PM peak hours.

				Existing Bas	seline
	Intersection	Traffic Control	Peak Hour	Delay (a)	LOS (b)
1	Otay Mesa Rd and Caliente	Signal	AM	18.8	В
1	Ave	Signal	PM	33.2	С
2	SR-905 WB Ramps and	Signal	AM	7.8	А
2	Caliente Ave	Signal	PM	13.4	В
2	SR-905 EB Ramps and	Signal	AM	12.3	В
5	Caliente Ave	Signal	PM	12.6	В
1	Ainway Rd and Calipate Ave		AM	18.2	С
4	All way Ru and Callente Ave	All-way Stop	PM	21.1	С

### **Table 4.3 2 EXISTING PEAK HOUR INTERSECTION CONDITIONS**

Notes:

(a) Delay refers to the average control delay for the entire intersection, measured in seconds per vehicle.

(b) LOS calculations are based on the methodology outlined in the 2000 Highway Capacity Manual and performed using Synchro 7.

### **Peak-Hour Freeway Segment Operations**

Lanes

3 M

3 M

3 M

3 M

Table 4.3 3, Existing Peak Hour Freeway Segment Conditions, summarizes the existing levels of service for project area freeways. As depicted, all study area freeway segments currently operate at LOS A.

		A	M Peak	PN	l Peak
		Peak- Hour		Peak- Hour	
Number Of	Canacity	Volume	VIC	Volume	V/C

(b)

1,606

1,252

2,103

1,639

Ratio LOS

А

А

А

A

0.228

0.178

0.298

0.233

(b)

2,240

1,746

1,947

1,518

Ratio

0.318

0.248

0.276

0.215

LOS

А

А

А

А

Table 4.3\_3 EXISTING PEAK HOUR FREEWAY SEGMENT CONDITIONS

Notes:

M= Main lane

**Freeway Segment** 

**SR-905 WB** I-805 to

Caliente Ave Caliente Ave to

Britannia Blvd SR-905 EB I-805 to

Caliente Ave Caliente Ave to

Britannia Blvd

(a)

7,050

7,050

7,050

7,050

(a) The capacity is calculated as 2,350 vehicles per hour per lane (vhpl) for the main lanes (b) Daily traffic volumes along the SR-905 freeway were not available for public distribution by Caltrans at the time of the study. For analysis purpose only, volumes along the SR-905 freeway segments were estimated by comparing ADT counts collected along Otay Mesa Road in February 2012 (prior to the completion of the SR-905 freeway) and September 2012 (post construction of SR-905). It was assumed that the reduction of traffic along Otay Mesa Road would be equal to the existing traffic volumes along the newly constructed SR-905 freeway.

### 4.3.2 Impact Analysis

### Basis for Determining Significance

Pursuant to the Transportation/Circulation and Parking Section of the City's "Significance Determination Thresholds," significant traffic impacts would occur if any of the following were to result from project implementation:

- The proposal results in an increase in project traffic which is substantial in relation to the existing traffic load and capacity of the street system.
- The proposal results in traffic generation in excess of specific community plan allocations.
- The proposal results in addition of a substantial amount of traffic to a congested freeway segment, interchange, or ramp.
- The proposal result in a substantial impact upon existing planned transportation systems
- The proposal increase traffic hazard for motor vehicles, bicyclist, or pedestrians due to a proposed non-standard design feature (e.g., poor sight distance or driveway onto an access-restricted roadway.

Table 4.3\_4, *City of San Diego LOS Significance Thresholds*, below shows the City's LOS Significance Thresholds. These are used throughout the document to demonstrate project compliance or non compliance with current thresholds.

Facility	Measurement of Effectiveness (MOE)	Significance Threshold (a)
Intersection	Seconds of delay	>2.0 seconds at LOS E or >1.0 seconds at LOS F
Roadway Segment	ADT, v/c ratio	>0.02 at LOS E or >0.01 at LOS F
Freeway Segment	v/c ratio	>0.01 at LOS E or >0.005 at LOS F
Freeway ramp meter	Minutes of delay per vehicle	>2.0 minutes for freeway segments operating at LOS E, and > 1.0 minutes for freeway segments operating at LOS F. This criteria only applies for ramp meters where the delay without project is 15 minutes or higher.

### Table 4.3\_4 CITY OF SAN DIEGO LOS SIGNIFICANCE THRESHOLDS

Notes: If a project adds any increment of delay to cause the operations of an intersection to go from LOS D to either LOS E or LOS F, then the project is considered to cause a significant impact.

Source: City of San Diego Significance Determination Thresholds, page 72, January 2011.

(a) Significance threshold applies only when the type of facility operates at LOS E or F.

### CANDLELIGHT FINAL ENVIRONMENTAL IMPACT REPORT

### Determination of Significance

### Proposed Project Traffic

### **Project Trip Generation**

Trip generation is a measure or forecast of the number of trips that begin or end at the project site. All or part of these trips will result in traffic increases on the streets where they occur. The traffic generated is a function of the extent and type of development proposed for the site.

In order to estimate the traffic generation for the site, standard City of San Diego traffic generation rates taken from the City of San Diego *Trip Generation Manual* (May 2003) were applied to the proposed project. This manual provides standards and recommendations for the traffic generation of various land uses based upon local, regional, and nation-wide studies of existing developments in comparable settings. "Multiple Dwelling Units – Over 20 dwelling units per acre" rates were used to estimate the daily trip rate and morning and afternoon peak-hour traffic generation for this use. Table 4.3\_5, *Trip Generation*, summarizes the trips that are anticipated to be generated by the proposed project. As shown in Table 4.3\_5, the 475 dwelling unit project would generate a total of 2,850 new daily trips, including 228 (46 in, 182 out) a.m. peak-hour trips, and 257 (180 in, 77 out) p.m. peak-hour trips.

				AM P	eak-l	Hour			PM P	eak-H	our		
		Daily			In:					In:			
		Trip	Daily	% of	Out				% of	Out			
Land Use	Units	Rate	Trips	ADT	Ratio	In	Out	Total	ADT	Ratio	In	Out	Total
	Driveway Trips												
Multiple													
Dwelling													
Unit - Over													
20 dwelling													
units/acre	475 du	6 / du	2,850	8%	2:8	46	182	228	9%	7:3	180	77	257

### Table 4.3\_5 TRIP GENERATION

Notes:

1. DU = Dwelling Unit

2. Trip rates referenced from the City of San Diego Land Development Code - Trip Generation Manual, May 2003.

3. Driveway trips are the total number of trips generated by a site.

### Anticipated Circulation Networks

As growth within the Otay Mesa community occurs, the circulation network is anticipated to change from existing conditions. In order to encourage connectivity throughout the Otay Mesa area, an Irrevocable Offer to Dedicate (IOD) will be granted to the City. This 30' wide IOD will allow for Public Street "A" to extend approximately 409 feet past the western cul-de-sac ROW (at the centerline). This IOD will be used if at a future date, the City determines that the road should be extended to provide

connectivity to the parcel southwest of Candlelight. Current detention facilities will remain in the IOD dedicated area until if and/or when it is determined the road will be extended. Please see Figure 3-1 for the location of proposed IOD and the *Proposed Street Improvement IOD Option* detail.

Changes to the roadway network result in different route opportunities for motorists. Provided below are the changes to the circulation network assumed in this analysis for both the Near-Term and Horizon Year conditions.

### Near-Term Conditions

For purposes of this analysis, the near-term analysis considers year 2016, the first year of anticipated building occupancy. The Southview project completed construction of Caliente Avenue between Airway Road and the northern project boundary (which is the southern Southview project boundary) to a five-lane major facility with three northbound lanes and two southbound lanes. The segment between Airway Road and Otay Mesa Road was completed as a six-lane Prime Arterial with the completion of the curb work north of Airway Road. Also, as part of the Southview project, the eastern fourth leg of the Airway Road and Caliente Avenue intersection was constructed. A tentative map for the Southview project was approved by City Council on September 18 2012, and the Southview project constructed the street improvements, which were completed in October 2015. Figure 4.3-2, *Near-Term Conditions Intersection and Roadway Geometrics*, depicts the intersection geometrics in place in the Near Term (Year 2014) scenario. The near-term conditions assumed eleven projects as potential cumulative project that can reasonably be assumed to be completed prior to the opening day (Year 2014) scenario. Information on the cumulative projects was extracted from the approved Traffic Study for the *Southview project*, dated November 15, 2011.

### Horizon Year Conditions

For this scenario, it was assumed Caliente Avenue is constructed south of Public Street A. Figure 4.3-3, *Horizon Year 2035 Conditions Intersection and Roadway Geometrics*, depicts the long-term circulation network within the study area. The 2035 Horizon Year baseline peak-hour volumes at the study intersections and the Average Daily Traffic (ADT) volumes on the study roadway segments were extracted from the Series 11 Forecast Model prepared for the City of San Diego based on the land uses included in the OMCP. The volumes included in the Forecast Model represent the future buildout conditions of the Otay Mesa Community that for planning purposes at the time was expected by the Year 2050. To estimate the Year 2035 volumes (Horizon Year project conditions), the Buildout volumes were reduced linearly between the year 2014 and 2050 to project 2035 volumes.



### **Candlelight EIR**

Near Term Conditions Roadway and Intersection Geometrics



**Candlelight EIR** 

Horizon Year 2035 Conditions Intersection and Roadway Geometrics

### Project Trip Distribution and Assignment

Trip distribution and assignment is the process of identifying the probable destinations, directions, or traffic routes that project related traffic will likely utilize. The project distribution for the Existing and Near Term scenarios was estimated based on traffic distribution patterns used in the final Traffic Impact Study prepared for the Southview project, dated November 15, 2011. The distributions for both studies should be the same since both projects have the same land uses and the roadway networks are the same. For the Horizon Year scenarios, a Series 11 Select Zone model run was provided by the City of San Diego in order to estimate the project's trip distribution. The distribution for the Horizon Year scenario is different from the Near Term scenario because of land use and roadway network changes expected for the Horizon Year conditions based on the City's Adopted Community Plan and Public Facilities Financing Plan for the Otay Mesa community. A summary of the distributions are provided below.

Existing and Near Term Conditions:

- 87% of the project traffic would originate from the north along Caliente Avenue.
  - 32% would originate from the north
    - 6% north along Ocean View Hills Parkway
    - 26% east along Otay Mesa Road
  - o 42% would originate from the west along SR-905
  - 13% would originate from the east along SR-905
- 13% of the project traffic would originate from the west along Airway Road.

### Horizon Year Conditions:

- 2% of the project traffic would originate from the south along Caliente Avenue.
- 88% of the project traffic would originate from the north along Caliente Avenue.
  - o 41% would originate from the north
    - 8% north along Ocean View Hills Parkway
    - 28% east along Otay Mesa Road
    - 5% west along Otay Mesa Road)
  - 14% would originate from the west along SR-905
  - o 33% would originate from the east along SR-905
- 10% of the project traffic would originate from the west along Airway Road.

Figure 4.3-4, *Existing and Near Term Conditions Project Trip Distribution*, and Figure 4.3-5, *Horizon Year Conditions Project Trip Distribution*, illustrate the project's distribution patterns for the surrounding circulation network.

Based on the project trip distributions, daily and a.m. and p.m. peak-hour project trips were assigned to the local roadway network and through the study intersections. 4.3-6, *Existing and Near Term Conditions Project Trip Assignment*, and Figure 4.3-7, *Horizon Year Condition Project Trip Assignment*, show the increase in trips that the proposed project would add to the circulation network using the distribution previously depicted. Figure 4.3-8, *Caliente Avenue Configuration*, shows the proposed Caliente Avenue striping concept.

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### Issue 1: Would the proposal result in an increase in project traffic which is substantial in relation to the existing traffic load and capacity of the street system?

### DISCUSSION OF PROJECT IMPACTS (ISSUE 1)

An analysis of potential impacts to study area intersections, roadway segments, and freeway segments was conducted for existing, near term, and horizon year conditions.

### Peak Hour Intersection Performance (Existing Conditions)

Table 4.3\_6, *Existing Conditions Peak Hour Intersection Evaluation*, summarizes the existing peak hour operating conditions for the study intersections with and without the proposed project. As indicated in the table, all study intersections operate at LOS D or better in the AM and PM peak hours with and without the project. Thus, there would not be significant impacts at study area intersections in the existing plus project scenario.

				Exist	Existing		g Plus ect		
	Intersection	Traffic Control	Peak Hour	Delay (a)	LOS (b)	Delay (a)	LOS (b)	Delta	Sig?
1	Otay Mesa Rd and	Signal	AM	18.8	В	19.0	В	0.2	No
Ι	Caliente Ave	Signal	PM	33.2	С	35.0	D	1.8	No
	SR-905 WB Ramps		AM	7.8	А	9.4	А	1.6	No
2	and Caliente Ave	Signal	PM	13.4	В	15.7	В	2.3	No
	SR-905 EB Ramps		AM	12.3	В	13.5	В	1.2	No
3	and Caliente Ave	Signal	PM	12.6	В	13.5	В	0.9	No
Λ	Airway Rd and	All-Way	AM	18.2	С	34.1	D	15.9	No
4	Caliente Ave	Stop	PM	21.1	С	29.5	D	8.4	No
			AM	Interse	ection	11.7	В	11.7	No
5	Public Street A and Caliente Ave	All-Way Stop	PM	does no undei scen	ot exist r this ario	13.0	В	13.0	No

Table 4.3\_6 EXISTING CONDITIONS PEAK HOUR INTERSECTION EVALUATION

Notes:

(a) Delay refers to the average control delay for the entire intersection, measured in seconds per vehicle.

(b) LOS calculations are based on the methodology outlined in the *2000 Highway Capacity Manual* and performed using Synchro 7.

### Daily Roadway Segment Performance (Existing Conditions)

Table 4.3\_7, *Existing Condition Daily Roadway Segment Evaluation*, provides a summary of the results. As indicated in the table, all study segments are anticipated to operate at LOS D or better with and

CANDLELIGHT FINAL ENVIRONMENTAL IMPACT REPORT

### CANDLELIGHT EIR

### Figure 4.3-4 Environmental Impact Report



Existing and Near Term Conditions Project Trip Distribution

### CANDLELIGHT EIR

### Figure 4.3-5 Environmental Impact Report



Horizon Year Conditions Project Trip Distribution


K:\SND\_TPTO\0955666001-CandlelightExcel(609001TA01xism)NT Proj Assign Figure 1-16

Existing and Near Term Conditions Project Trip Assignment

# CANDLELIGHT EIR

Figure 4.3-7 Environmental Impact Report



Horizon Year Condition Project Trip Assignment



without the proposed project. Thus, there would not be significant impacts on roadway segments in the existing plus project scenario.

			Evicti	ng Racol	ino	Evicting		ojoct			
			EXISTI	V/C		EXISTINE	V/C	Jeci			
Roadway	Roadway	LOS E		Ratio			Ratio		Change	Change	
Segment	Classification	Capacity	ADT	(A)	LOS	ADT	(a)	LOS	In ADT	In V/C	Sig?
Otay Mes	a Road										
Caliente											
Ave to											
Heritage	6 Lane Prime										
Rd	Arterial	60,000	13,967	0.233	Α	14,708	0.245	Α	741	0.012	NO
Caliente	Avenue							1			
Otay											
Mesa Rd											
to SR-	6 Lane Prime										
905	Arterial	60,000	17,562	0.293	Α	18,474	0.308	Α	912	0.015	NO
SR-905											
to											
Airway	4 Lane										
Rd	Collector	30,000	6,403	0.213	Α	8,883	0.296	Α	2480	0.083	NO
Airway	2 Lane										
Rd to	Collector (no										
Public	fronting										
Street A	property)	10,000	4,652	0.465	В	7,502	0.75	D	2850	0.285	NO
Airway R	pad	1	1	1		1	1			1	1
Old											
Otay											
Mesa Rd											
to											
Caliente	3 Lane										
Ave	Collector	22,500	4,989	0.222	A	5,360	0.238	A	371	0.016	NO
Ocean Vi	ew Hills Parkwa	ay			r			1		1	
Otay											
Mesa Rd											
to											
Hidden	6 Lane Major										
Trails Rd	Arterial	50,000	8,500	0.17	A	8,671	0.173	A	171	0.003	NO
Notes:						<b>-</b>					
Bold value	es indicate road	way segme	ents opera	ating at	los e	or F. <b>Bol</b>	d and s	haded	l values in	idicate a p	project
significant	impact.										
(a) The v/o	: Ratio is calcula	ted by divid	ding the A	ADT volu	ime by	/ each res	spective	roadw	iay segme	ent's capa	city.

# Table 4.3\_7 EXISTING CONDITION DAILY ROADWAY SEGMENT EVALUATION

CANDLELIGHT FINAL ENVIRONMENTAL IMPACT REPORT

# Peak Hour Freeway Segment Performance (Existing Conditions)

Table 4.3\_8, *Existing Condition Peak Hour Freeway Segment Evaluation*, provides a summary of the results. As indicated in the table, all study segments are anticipated to operate at LOS A with and without the proposed project. Thus, there would not be significant impacts along freeway segments in the existing plus project scenario.

				AM Peak			PM Peak			
Freeway Segment	# of Lanes	Capacity (a)	Scenario	Peak- Hour Volume (b)	V/C Ratio	L O S	Peak- Hour Volume (b)	V/C Ratio	L O S	
SR-905 WB										
1 805 to			Baseline	1,606	0.228	Α	2,240	0.318	Α	
Caliente Ave	3 M	7,050	Plus Project	1,682	0.239	А	2,272	0.322	А	
		Change/S	ignificant?	76	NO		38	NO		
Caliente Ave			Baseline	1,252	0.178	А	1,746	0.248	А	
to Britannia Blvd	3 M	7,050	Plus Project	1,258	0.178	А	1,770	0.251	А	
		Change/S	ignificant?	19	NO		76	NO		
SR-905 EB										
1-805 to			Baseline	2,103	0.298	А	1,947	0.276	А	
Caliente Ave	3 M	7,050	Plus Project	2,122	0.301	A	2,022	0.287	A	
		Change/S	ignificant?	6	NO		23	NO		
Caliente Ave			Baseline	1,639	0.233	А	1,518	0.215	Α	
to Britannia Blvd	Britannia 3 M 7,050 d	Plus Project	1,663	0.236	А	1,528	0.217	А		
	ignificant?	24	NO		10	NO				

Table 4.3\_8 EXISTING CONDITION PEAK HOUR FREEWAY SEGMENT EVALUATION

Notes:

M= Main lane

(a) The capacity is calculated as 2,350 vehicles per hour per lane (vhpl) for the main lanes (b) Peak-hour volumes taken from the San Diego - Tijuana Cross Border Facility Project Traffic Impact Study and adjusted to remove the existing land use at the project site.

# Peak Hour Intersection Performance (Near Term Conditions)

Table 4.3\_9, *Near Term Conditions Peak Hour Intersection Evaluation*, summarizes the near term peak hour operating conditions for the study intersections with and without the proposed project. As indicated in the table, two intersections would operate at LOS F during both peak periods. The proposed project increases delay at both of these intersections by more than one second in both the AM and PM peak hour, which exceeds the City's threshold for significance (refer to Table 4.3\_4).

Thus, there would be significant impacts at two study area intersections in the near term plus project scenario.

				Baseline		With F	Project		
	Intersection	Traffic Control	Peak Hour	Delay(	LOS (B)	Delay (A)	LOS (B)	Change (C)	ςίσ?
1	Otay Mesa Rd and	Signal	AM	87.0	F	88.1	F	1.1	YES
I	Caliente Ave	Signal	PM	82.0	F	95.3	F	13.3	YES
	SR-905 WB Ramps		AM	10.9	В	12.2	В	1.3	NO
2	and Caliente Ave	Signal	PM	15.0	В	17.4	В	2.4	NO
	SR-905 EB Ramps		AM	21.9	С	24.8	С	2.9	NO
3	and Caliente Ave	Signal	PM	30.8	С	35.9	D	5.1	NO
4	Airway Rd and	All-Way	AM	66.5	F	85.7	F	19.2	YES
4	Caliente Ave	Stop	PM	65.3	F	93.4	F	28.1	YES
	Public Street A		AM	Interse	ction	11.0	В	-	NO
5	and Caliente Ave	All-Way Stop	PM	does no under scena	t exist this ario	13.0	В	-	NO

Table 4.3\_9 NEAR TERM CONDITIONS PEAK HOUR INTERSECTION EVALUATION

Notes:

**Bold** values indicate intersections operating at LOS E or F. **Bold** and shaded values indicate project significant impact.

(a) Delay refers to the average control delay for the entire intersection, measured in seconds per vehicle.

(b) LOS calculations are based on the methodology outlined in the *2000 Highway Capacity Manual* and performed using Synchro 7.

(c) Change in delay due to addition of project traffic.

# Daily Roadway Segment Performance (Near Term Conditions)

Table 4.3\_10, *Near Term Condition Daily Roadway Segment Evaluation*, provides a summary of the results. As indicated in the table, all study segments are anticipated to operate at LOS A with and without the proposed project. Thus, there would not be significant impacts on roadway segments in the near term plus project scenario. It should be noted that as part of the proposed project, Caliente Avenue will be improved to a six-lane major road south of Airway Road.

			Near To Ba	ar Term (2014) Near Term (2014) Baseline Plus Project		С	Char				
Roadway Segment	Roadway Classification	Los E Capacity	ADT	V/C Ratio (a)	L O S	ADT	V/C Ratio (a)	L O S	ange in ADT	nge in V/C	SIG?
Otay Mes	a Road								•		
Caliente Ave to Heritage Rd	6 Lane Prime Arterial	60,000	18,004	0.3	A	18,745	0.312	A	741	0.012	NO
Caliente	Avenue	, ,	, , , , , , , , , , , , , , , , , , ,			,		1			
Otay Mesa Rd to SR-905	6 Lane Prime Arterial	60,000	21,241	0.354	A	22,153	0.369	A	912	0.015	NO
SR-905 to Airway Rd	6 Lane Prime Arterial	60,000	12,155	0.203	A	14,635	0.244	A	2480	0.041	NO
Airway Rd to Public Street A	5 Lane Major Arterial	45,000	8,100	0.18	А	10,950	0.243	A	2850	0.063	NO
Airway Ro	bad										
Old Otay Mesa Rd to Caliente Ave	3 Lane Collector	22,500	6,236	0.277	A	6,607	0.294	A	371	0.017	NO
Ocean Vie	ew Hills Parkwa	ay				· ·		1			
Otay Mesa Rd to Hidden Trails Rd	6 Lane Major Arterial	50,000	12,911	0.258	A	13,082	0.262	A	171	0.004	NO

# Table 4.3\_10 NEAR TERM CONDITION DAILY ROADWAY SEGMENT EVALUATION

Notes:

**Bold** values indicate roadway segments operating at LOS E or F. **Bold and shaded** values indicate a project significant impact.

(a) The v/c Ratio is calculated by dividing the ADT volume by each respective roadway segment's capacity.

# Peak Hour Freeway Segment Performance (Near Term Conditions)

Table 4.3\_11, *Near Term Condition Peak Hour Freeway Segment Evaluation*, provides a summary of the results. As indicated in the table, all study segments are anticipated to operate at LOS A with and without the proposed project. Thus, there would not be significant impacts on freeway segments in the near term plus project scenario.

				AM Peak			PM Peak			
Freeway	# Of	Capacity	Conneria	Peak- Hour Volume	V/C	L O	Peak- Hour Volume	V/C	L O	
	Lanes	(a)	Scenario	(D)	Ratio	3	(D)	Ratio	3	
1-805 to			Baseline	2,136	0.303	A	2,980	0.423	A	
Caliente Ave	3 M	7,050	Plus Project	2,212	0.314	А	3,.012	0.427	В	
		Change/S	Significant?	76	NO		32	NO		
Caliente Ave			Baseline	1,521	0.216	Α	2,122	0.301	Α	
to Britannia Blvd	3 M	7,050	Plus Project	1,527	0.217	А	2,146	0.304	А	
		Change/S	Significant?	19	NO		76	NO		
SR-905 EB										
1-805 to			Baseline	2,797	0.397	Α	2,590	0.367	Α	
Caliente Ave	3 M	7,050	Plus Project	2,816	0.399	А	2,665	0.378	А	
Change/Significant				6	NO		23	NO		
Caliente Ave			Baseline	1,992	0.283	А	1,845	0.262	Α	
to Britannia Blvd	3 M 7,050		Plus Project	2,016	0.286	А	1,855	0.263	А	
		Change/S	Significant?	24	NO		10	NO		

# Table 4.3\_11 NEAR TERM CONDITION PEAK HOUR FREEWAY SEGMENT EVALUATION

Notes:

M= Main lane

(a) The capacity is calculated as 2,350 vehicles per hour per lane (vhpl) for the main lanes(b) Peak-hour volumes taken from the San Diego - Tijuana Cross Border Facility Project Traffic Impact Study and adjusted to remove the existing land use at the project site.

# Peak Hour Intersection Performance (Horizon Year 2035 Conditions)

Table 4.3\_12, *Horizon Year Conditions Peak Hour Intersection Evaluation*, summarizes the horizon year peak hour operating conditions for the study intersections with and without the proposed project. As indicated in the table, all intersections would operate at LOS F during one or both peak periods with the exception of SR-905 EB Ramps and Caliente Avenue which would operate at LOS D. With the exception of the intersection of Airway Road and Caliente Avenue, the project impact exceeds the significance threshold at the intersections operating at LOS F.

				Baseline		With Project			
		Traffic	Peak	Delay	LOS	Delay	LOS (b)	Change	
	Intersection	Control	Hour	(a)	(b)	(a)		(C)	Sig?
1	Otay Mesa Rd and	Signal	AM	101.0	F	126.6	F	25.6	YES
I	Caliente Ave	JIBLIO	PM	153.6	F	158.5	F	4.9	YES
	SR-905 WB Ramps		AM	35.8	D	38.9	D	3.1	NO
2	and	Signal							
	Caliente Ave		PM	154.9	F	170.6	F	15.7	YES
	SR-905 EB Ramps		AM	46.5	D	50.3	D	3.8	NO
3	and	Signal							
	Caliente Ave		PM	40.5	D	43.4	D	2.9	NO
1	Airway Rd and	All-Way	AM	ECL	F	102.8*	F		NO
4	Caliente Ave	Stop*	PM	ECL	F	87.2*	F		NO
	Public Street A		AM	Inters	ection	51.2	F	51.2	YES
5	and	All-Way		does no	ot exist	262.5			
	Calianta Ava	Stop		unde	r this				
			PM	scenario			F	262.5	YES

# Table 4.3\_12 HORIZON YEAR CONDITIONS PEAK HOUR INTERSECTION EVALUATION

Notes:

**Bold** values indicate intersections operating at LOS E or F. **Bold** and shaded values indicate project significant impact.

ECL = Exceeds Calculable Limit

\* Delay and LOS for "With Project" conditions assumes that the intersection of Airway Road and Caliente Avenue will be signalized, since the signalization of the intersection is a project feature. (a) Delay refers to the average control delay for the entire intersection, measured in seconds per vehicle.

(b) LOS calculations are based on the methodology outlined in the 2000 Highway Capacity Manual and performed using Synchro 7.

(c) Change in delay due to addition of project traffic.

# Daily Roadway Segment Performance (Horizon Year 2035 Conditions)

Table 4.3\_13, *Horizon Year Condition Daily Roadway Segment Evaluation*, provides a summary of the results. As indicated in the table, all study segments are anticipated to operate at LOS D or better with and without the proposed project, except at one location. The segment on Airway Road between Old Otay Mesa Road and Caliente Avenue operate at LOS E with and without the project. The increase in traffic related to the proposed project will not exceed the City's allowable threshold for significance (refer to Table 4.3\_4). Thus, there would not be significant impacts along roadway segments in the horizon year plus project scenario.

			Year 20	35 Baseli	ne	Year 2035 Plus Project			Ch	ch	
Roadway	Roadway	LOS E		V/C Ratio	L		V/C	L	ange in ADT	ange in V/C	
Segment	Classification	Capacity	ADT	(a)	5	5 ADT Ratio (a)		5			SIG?
to Caliente Ave	6 Lane Prime Arterial	60,000	22,174	0.370	А	22,317	0.372	А	143	0.002	NO
Caliente Ave to Heritage Rd	6 Lane Prime Arterial	60,000	50,902	0.848	D	51,700	0.862	D	798	0.014	NO
Caliente Aver	nue										
Otay Mesa Rd to SR-905	6 Lane Prime Arterial	60,000	27,051	0.451	В	28,220	0.47	В	1169	0.019	NO
SR-905 to Airway Rd	6 Lane Prime Arterial	60,000	22,565	0.376	А	25,073	0.418	В	2508	0.042	NO
Airway Rd to Public Street A	5 Lane Major Arterial	45,000	19,592	0.435	В	22,385	0.497	В	2793	0.062	NO
Airway Road											
Old Otay Mesa Rd to Caliente Ave	3 Lane Collector	22,500	19,807	0.880	Е	20,092	0.893	E	285	0.013	NO
Caliente Ave to Heritage Rd	4 Lane Major Arterial	40,000	32,200	0.805	D	32,200	0.805	D	0	0.000	NO
Ocean View H	lills Parkway										
Otay Mesa Rd to Hidden Trails Rd	6 Lane Major Arterial	50,000	23,347	0.467	В	23,575	0.472	В	228	0.005	NO

# Table 4.3\_13 HORIZON YEAR CONDITION DAILY ROADWAY SEGMENT EVALUATION

Notes:

**Bold** values indicate roadway segments operating at LOS E or F. **Bold and shaded** values indicate a project significant impact.

(a) The v/c Ratio is calculated by dividing the ADT volume by each respective roadway segment's capacity.

# Peak Hour Freeway Segment Performance (Horizon Year 2035 Conditions)

Table 4.3\_14. *Horizon Year Condition Peak Hour Freeway Segment Evaluation,* provides a summary of the results. As indicated in the table, each segment would operate at LOS F during one of the peak hours. The increase in traffic related to the proposed project would exceed the City's allowable threshold for significance for the segment of SR-905 between Caliente Avenue and Britannia Boulevard (refer to Table 4.3\_4) and would be considered a significant cumulative traffic related impact.

				AM Peak			PM Peak			
Freeway Segment	# of Lanes	Capacity (a)	Scenario	Peak-Hour Volume (b)	V/C Ratio	LOS	Peak-Hour Volume (b)	V/C Ratio	LOS	
SR-905 WB										
1 805 to			Baseline	5,593	0.793	С	8,399	1.191	F	
Caliente Ave	3 M	7,050	Plus Project	5,618	0.797	С	8,410	1.193	F (c )	
	(	Change/ Sig	nificant?	25	NO		11	NO		
Caliente Ave			Baseline	4,938	0.700	С	7,416	1.052	F	
to Britannia Blvd	to Britannia 3 M Blvd	7,050	Plus Project	4,953	0.703	С	7,475	1.060	F (d)	
		Change/ Sig	gnificant?	6	NO		25	YES		
SR-905 EB										
1 805 to			Baseline	8,380	1.189	F	5,614	0.796	С	
Caliente Ave	3 M	7,050	Plus Project	8,386	1.190	F	5,639	0.800	С	
	(	Change/ Sig	nificant?	15	NO		59	NO		
Caliente Ave			Baseline	7,397	1.049	F	4,959	0.703	С	
to Britannia Blvd	3 M	3 M 7,050	Plus Project	7,457	1.058	F	4,984	0.707	С	
	Change/ Significant?				YES		25	NO		

# Table 4.3\_14 HORIZON YEAR 2035 CONDITION PEAK HOUR FREEWAY SEGMENT EVALUATION

Notes:

M= Main lane

(a) The capacity is calculated as 2,350 vehicles per hour per lane (vhpl) for the main lanes

(b) Peak-hour volumes taken from the San Diego - Tijuana Cross Border Facility Project Traffic Impact Study and adjusted to remove the existing land use at the project site.

(c) The increase in traffic related to the proposed project will increase the v/c ratio by 0.002 which does not exceed the allowable threshold by the City of San Diego. Thus, it will not be considered a cumulative impact that would require mitigation along this segment.

(d) The increase in traffic related to the proposed project will increase the v/c ratio by 0.08 which exceeds the allowable threshold by the City of San Diego. Thus, it will be considered a cumulative impact that would require mitigation along this segment.

# <u>Significance of Impacts (Issue 1)</u>

# Existing Conditions

In the existing plus project scenario, the project was not found to have a significant direct traffic related impact at any of the intersections, roadway segments, or freeway segments within the study area.

#### Near-term Conditions

In the near-term plus project scenario, the project was found to have a significant direct traffic related impact at two intersections. The following locations were determined to have significant direct traffic related impacts:

- Otay Mesa Road and Caliente Avenue intersection and
- Airway Road and Caliente Avenue intersection.

#### Horizon Year Conditions

In the horizon year scenario, the project was found to have significant cumulative traffic impacts at three intersections and one freeway segment. The following locations were determined to have significant cumulative traffic impacts:

- Otay Mesa Road and Caliente Avenue intersection;
- SR-905 Westbound Ramps and Caliente Avenue;
- Caliente Avenue and Public Street A intersection; and
- SR-905 freeway segment between Caliente Avenue and Britannia Boulevard.

#### Mitigation Measures (Issue 1)

#### <u>Near-term Conditions</u>

- **4.3-1** Prior to issuance of the first building permit, the Owner/Permitee shall assure by permit and bond the modification of the traffic signal at the intersection of Caliente Avenue and Otay Mesa Road to remove the crosswalk on the south leg of the intersection, stripe a new crosswalk on the west leg of the intersection and modify the signal timing to provide less green time for the eastbound through movement and more green time for the westbound left-turn movement, satisfactory to the City Engineer. This improvement shall be completed and accepted by the City Engineer prior to issuance of any occupancy permit.
- **4.3-2** Prior to issuance of the first building permit, the Owner/Permitee shall assure by permit and bond the installation of a traffic signal at the intersection of Caliente Avenue and Airway Road and stripe the northbound, southbound, and westbound approaches to their ultimate lane configuration satisfactory to the City Engineer. If the ultimate pavement width is not in place to stripe the additional lanes, the Owner/Permitee shall widen the street. This improvement shall be completed and accepted by the City Engineer prior to issuance of any occupancy permit.

#### Horizon Year Conditions

- **4.3-3** Prior to the issuance of the first building permit, the Owner/Permitee shall provide a 5.23-percent fair-share contribution towards providing an overlap phase for the northbound right-turn movement at the intersection of Otay Mesa Road and Caliente Avenue, satisfactory to the City Engineer.
- **4.3-4** The recommended mitigation measure for the significant cumulative traffic impact at the SR-905 Westbound Ramps and the Caliente Avenue intersection is

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for the project applicant to pay 7.65-percent fair share contribution towards the construction of an exclusive southbound right-turn lane and striping modifications to Caliente Avenue to provide a second southbound right-turn lane and a second northbound left-turn lane. However, these impact are considered unmitigated since there is no currently planned project to expand the SR-905/Caliente Avenue interchange.

- **4.3-5** Prior to issuance of the first building permit, the Owner/Permitee, shall assure the installation of a traffic signal at the intersection of Caliente Avenue/Public Street "A", satisfactory to the City Engineer. The signal to be installed when warranted, and potentially can be assured through a bonded Deferred Improvement Agreement, to the satisfaction of the City Engineer.
- **4.3-6** The recommended mitigation measure for the significant cumulative traffic impact on the freeway segment along SR-905 between Caliente Avenue and Britannia Boulevard is for the project applicant to pay fair share contribution towards widening of SR-905. However, there currently are not any planned or funded projects to expand SR-905. Therefore, the impact at this location would be unmitigated for the Horizon Year scenario.

# SIGNIFICANCE AFTER MITIGATION (ISSUE 1)

# Near-term Conditions

As shown below in Table 4.3\_15, Near Term Condition Peak Hour Intersection Evaluation With *Mitigation*, with implementation of Mitigation Measures 4.3-1 and 4.3-2 near-term significant direct impacts to the intersection of Caliente Avenue and SR-905/Otay Mesa Road would be fully mitigated and reduced to a level below significance, returning intersection operations to LOS D or better.

				Without Project Baseline		With P With Mitig Meas	roject, iout ation sure	With Project, With Mitigation Measure	
Intersection		Mitigation Measure	Peak Hour	Delay (a)	LOS (b)	Delay (a)	LOS (b)	Delay (a)	LOS (b)
	Otay Mesa Rd		AM	87.0	F	88.1	F	31.1	С
1	and Caliente Ave	4.3-3	PM	82.0	F	95.3	F	54.7	D
4	Airway Rd and	4.2.5	AM	66.5	F	85.7	F	17.3	В
4	Caliente Ave	4.3-5	PM	65.3	F	93.4	F	18.3	В

# Table 4.3\_15NEAR TERM CONDITION PEAK HOUR INTERSECTION EVALUATION WITHMITIGATION

Notes:

Bold values indicate intersections operating at LOS E or F.

(a) Delay refers to the average control delay for the entire intersection, measured in seconds per vehicle.

(b) LOS calculations are based on the methodology outlined in the 2000 Highway Capacity Manual and performed using Synchro 7.

# **Horizon Year Conditions**

As depicted in Table 4.3\_16, *Horizon Year Condition Peak Hour Intersection Evaluation With Mitigation*, with implementation of Mitigation Measures 4.3-3 and 4.3-5 horizon year cumulatively significant impacts at two locations would be reduced to a level below significance. At the intersection of Otay Mesa Road and Caliente Avenue, the cumulatively significant impact would be mitigated and delay would be decreased to a level below significance relative to the "without project" condition. As noted in Table 4.3\_4, "If the LOS with the proposed project becomes unacceptable...the project applicant shall be responsible for mitigating the significant impact changes." At the intersection of Caliente Avenue and Public Street A, the cumulatively significant impact would be fully mitigated and reduced a level below significance, returning intersection operations to LOS D or better.

The mitigation measure for the cumulatively significant impact at the intersection of SR-905 Westbound Ramps and Caliente Avenue intersection was considered infeasible since there is no currently planned project to expand the SR-905/Caliente Avenue interchange and, therefore, the project would result in a significant unmitigated impact at this location.

The mitigation measure for the cumulatively significant impact on the freeway segment of SR-905 between Caliente Avenue and Britannia Boulevard was considered infeasible since there is no currently planned project to widen SR-905. Therefore, the project would result in a significant unmitigated impact at this location.

				Without Project Baseline		With Project, Without Mitigation Measure		With Project, With Mitigation Measure	
		Mitigation	Peak	Delay	LOS	Delay	LOS	Delay	LOS
Intersection		Measure	Hour	(a)	(b)	(a)	(b)	(a)	(b)
	Otay Mesa Rd		AM	101.0	F	126.6	F	91.3	F
1	and	4.3-3							
	Caliente Ave		PM	153.6	F	158.5	F	101.1	F
	Public Street A		AM	Interse	ection	51.2	F	6.6	А
5	and 4.3-5	4 3-5		does no	ot exist				
5		4.5 5		under	r this				
	Callente Ave		PM	scenario		ECL	F	7.3	А

Table 4.3\_16 HORIZON YEAR CONDITION PEAK HOUR INTERSECTION EVALUATION WITHMITIGATION

Notes:

**Bold** values indicate intersections operating at LOS E or F.

ECL= Exceeds Calculable Limit.

(a) Delay refers to the average control delay for the entire intersection, measured in seconds per vehicle.

(b) LOS calculations are based on the methodology outlined in the *2000 Highway Capacity Manual* and performed using Synchro 7.

# *Issue 2:* Would the proposal result in traffic generation in excess of specific community plan allocations?

#### Discussion of Project Impacts (Issue 2)

Per the OMCP, the parcels to be developed as part of the project have been designated as Medium Residential with a density range between 15 and 29 dwelling units per acre.

#### Significance of Impacts (Issue 2)

As proposed, the project would have a density of approximately 20 dwelling per acre, which is within the density range established within the OMCP. Therefore, the proposed project would not result in traffic generation in excess of the Community Plan allocations.

#### Mitigation Measures (Issue 2)

Impacts would not be significant; thus, mitigation would not be required.

# *Issue 3:* Would the proposed project add a substantial amount of traffic to a congested freeway segment, interchange or ramp?

#### **Discussion of Project Impacts (Issue 3)**

As indicated in Table 4.3\_14, the freeway segment of SR-905 between Caliente Avenue and Britannia Boulevard would operate at LOS F during both peak hours and experience an increase in traffic related to the proposed project that would increase the v/c ratio by 0.008 in the a.m. peak hour and 0.009 in the p.m. peak hour. These values exceed the City's allowable threshold for significance for freeway segments operating at LOS F, which is 0.005.

An analysis of potential impacts to ramp metering operations was conducted for horizon year conditions. Existing and Near Term conditions did not require analysis of ramp meter as the freeway segments operate at LOS A and ramp metering either does not exist or would not be required.

As indicated previously in Table 4.3\_4, a project would create a significant impact on traffic and circulation if, at a freeway segment that operates at LOS F, the project contributes more than 1 minute to the delay of an onramp meter where the existing delay is already 15 minutes or more.

As depicted in Table 4.3\_17, *Horizon Year Condition Peak Hour Ramp Metering Analysis,* the project would increase delay at the SR-905 Westbound entrance ramp from Caliente Avenue by more than one minute during the p.m. peak hour and would be a significant cumulative impact. There would be no increase in delay to the SR-905 Eastbound entrance ramp from Caliente Avenue as volume demand would be adequately managed by the ramp metering and delays and queues would be nominal.

				AM Peak		PM Peak			
	Number Of		Fre	eway LOS C		Freeway LOS F			
Ramp Location	Lanes And Meter Rate (a)	Scenario	Demand (VEH/HR) (b)	Excess Demand (VEH/HR)	Avg. Delay (Min)	Demand (VEH/HR)	Excess Demand (VEH/HR)	Avg. Delay (Min)	
Calianta Ava	1 SOV lane	Baseline	1506	1026	128.3	2419	1939	242.4	
to SR-905 WB	480 veh/hr/ln	Plus Project	1531	1051	131.4	2430	1950	243.8	
Signifi	cant?/ Change	e in Delay	Ν	0	3.1	YES		1.4	
Calianta Ava	1 SOV lane	Baseline	280	0	0	202	0	0	
Callente Ave to SR-905 EB	480 veh/hr/ln	Plus Project	340	0	0	227	0	0	
Significant?/ Change in Delay			N	0		N	0		

#### Table 4.3 17 HORIZON YEAR 2035 CONDITION PEAK HOUR RAMP METERING ANALYSIS

Notes:

SOV = Single Occupancy Vehicle

(a) Meter rates were provided by Caltrans. The meter rates for these locations are based on typical ramp metering operations. It is assumed that 2 vehicles per green will be allowed. The meter rates for a 2 vehicle per green operation ranges from 480 vehicles per hour per lane to 900 vehicles per hour per lane. The meter rate used in the analysis represent average service rate.

(b) Demand is the peak hour demand expected to use the on-ramp.

# Significance of Impacts (Issue 3)

In the horizon year, three cumulatively significant traffic-related impacts were identified. The freeway segment of SR-905 between Caliente Avenue and Britannia Boulevard would operate at LOS F and have an increase in v/c ratio that exceeds the City's allowable threshold. The v/c ratio in the a.m. peak hour (westbound) would increase from 1.052 to 1.060, an increase of 0.008; and the v/c ratio in the p.m. peak hour (eastbound) would increase from 1.049 to 1.058, an increase of 0.009. The project would add traffic to a freeway segment that is already over capacity and would further worsen the conditions. The freeway entrance ramp from Caliente Avenue to SR-905 Westbound would experience an increase in delay of 1.4 minutes with the project. The delay without the project was found to be 242.4 minutes, so the project would further worsen the condition by a small amount compared to the overall delay expected.

# Mitigation Measures (Issue 3)

The recommended mitigation measure for the significant cumulative traffic impact at the freeway segment along SR-905 between Caliente Avenue and Britannia Boulevard would require an addition of an HOV lane. However, there is no currently planned project to expand SR-905 and the recommended mitigation measure cannot be reasonably assumed as a feasible improvement. Therefore, the project would result in a cumulatively significant unmitigated impact at this location.

The recommended mitigation measure for the significant cumulative traffic impact at the SR-905 Westbound entrance ramp from Caliente Avenue would require the widening of the ramp to accommodate two lanes. However, these impacts are considered unmitigated since there is no currently planned project to expand this ramp. The ramp expansion would require a reconfiguration of the SR-905/Caliente Avenue interchange. Therefore, the project would result in a cumulatively significant unmitigated impact at this location.

# Significance after Mitigation (Issue 3)

Mitigation for the three impacts at the two locations, would require an addition of an HOV lane on the mainline or widening on the entrance ramp. There currently are not any projects planned to expand or reconfigure SR-905 near Caliente Avenue. Therefore, mitigation measures are considered infeasible and the project would result in a cumulatively significant unmitigated impact at both of these locations.

# Issue 4: Would the proposal result in a substantial impact upon existing or planned transportation systems?

# Discussion of Project Impacts (Issue 4)

The OMCP designates Caliente Avenue as a 6-lane major arterial south of Airway Road. The Candlelight project is proposing the completion of Caliente Avenue between Public Street A and Airway Road in the horizon year scenario as a 6-Lane Major, with three southbound lanes and three northbound lanes. This configuration is consistent with the OMCP and impacts would not be significant.

# Significance of Impacts (Issue 4)

No significant impacts.

#### Mitigation Measures (Issue 4)

Impacts would not be significant; thus, mitigation would not be required.

# Issue 5: Would the proposed project increase traffic hazards for motor vehicles, bicyclists or pedestrians due to proposed non-standard design features (e.g., poor sight distance, or driveway onto an access-restricted roadway)?

#### Discussion of Project Impacts (Issue 5)

The proposed project is located on both the east and west sides of Caliente Avenue. Access to the project would be taken from a project roadway that intersects with Caliente Avenue. In the near-term scenario, it is assumed that this intersection would not be signalized because Caliente Avenue terminates just south of the project site and no through traffic is anticipated on the roadway. In the

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horizon year scenarios, the intersection would be signalized as a mitigation measure of the project. All access proposed by the project would be consistent with applicable City standards.

As described in Section 3.0, *Project Description*, Caliente Avenue is proposed to be constructed as a 6-lane major arterial roadway with Class II bike lanes and a class I bike path south of Airway Road.

All other roadway improvements, including the on-site circulation network and the construction of Caliente Avenue through the project site, would be constructed to City standard

#### Significance of Impacts (Issue 5)

The design features of all roadways proposed by the project would be constructed to appropriate City standards, and impacts would not be significant.

#### Mitigation Measures (Issue 5)

Impacts would not be significant; thus, mitigation would not be required.

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# 4.4 HISTORICAL RESOURCES

The information provided in the following section is based on an archaeological resources investigation conducted by Brian F. Smith and K. Harley Meier (Smith and Meier). The Cultural Resource report is entitled, "An Archaeological Survey and Evaluation of Cultural Resources for the Candlelight Villas East Project" (September 22, 2005 and updated October 6, 2010) and is included in the Technical Appendices to this EIR under Section F; correspondence from the Native American representatives is provided in Appendix O.

# 4.4.1 Existing Conditions

# **Regional and Site History**

The project is situated within the Otay Mesa Community Plan area of the City of San Diego, south of Otay Mesa Road/State Route 905 (SR 905) and east of Interstate 805 (I 805). The project lies on a coastal mesa capped by the Lindavista Formation, a unit of Pleistocene marine and terrace deposits. The project area is positioned north and west of Dillon Canyon, with Moody Canyon located to the west. Spring Canyon is southeast of the site. The cultures that have been identified in the general vicinity of the proposed project site consist of the possible Paleo-Indian manifestation of the San Dieguito Complex, the Archaic and Early Milling Stone Horizons represented by the La Jolla Complex, and the Late Prehistoric Kumeyaay culture. The area was used for ranching and farming extending into the historic period. The site shows an easement for a riding and hiking trail in 1949. The site was purchased by D.R. Horton in 2005 for use as a potential multi-family development site. The current owner purchased the site in 2008, and it has remained vacant. A more detailed discussion of the cultural elements in the project area is provided in the project's cultural/archeological resources report (refer to Section F of the Technical Appendices).

The proposed project site, although currently undeveloped, has been used for farming and grazing for more than 125 years. Modern impacts to the site include the dumping of building debris and trash and off-road vehicle use, as well as the grading of a soil berm that surrounds a portion of the site.

# 4.4.2 <u>Regulatory Setting</u>

# Federal

# National Register of Historic Places

The National Historic Preservation Act (NHPA) established the National Register of Historic Places (NRHP), a federally-recognized listing of the Nation's historic places worthy of preservation at the national, state or local level. Criteria for listing on the NRHP pursuant to Title 26, Part 63 of the Code of Federal Regulations are: significance in American history, architecture, archaeology, engineering, and culture as presented in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and that are either:

(a) associated with events that have made a significant contribution to the broad patterns of our history;

(b) associated with the lives of persons significant in our past;

(c) embody the distinctive characteristics of a type, period, or method of construction, represent the work of a master, possess high artistic values, or represent a significant and distinguishable entity whose components may lack individual distinction; or

(d) have yielded, or may be likely to yield information important to history or prehistory. Criterion (d) is usually reserved for archaeological resources.

Properties eligible for the NRHP must be of sufficient age, be proven through scholarship to meet at least one of the significance criteria, and exhibit integrity of the features, elements, and/or informational value which provides the property or resource its documented historical or archaeological significance.

#### State

#### California Environmental Quality Act

Public Resources Code (PRC) Section 21084.1 states that a project may have a significant effect on the environment if that project may cause a substantial adverse change in the significance of a historical resource (a resource listed in, or determined to be eligible for listing in, the California Register of Historical Resources). The CEQA guidelines (CCR, Title 14, Division 6, Chapter 3, Article 5) Section 15064.5 gives the criteria for determining the significance of impacts to Archaeological and Historical Resources. These criteria follow closely those established for the determination of eligibility to the NRHP (see above).

#### California Register of Historical Resources

Section 5024.1 of the California Public Resources Code established the California Register of Historical Resources (CRHR) for use by state and local agencies, private groups, and citizens to identify, evaluate, register, and protect California's significant historical resources. The CRHR is modeled after the NRHP and the criteria are similar to those of the federal law but is intended to provide registration for resources significant at the statewide and local levels of significance. The CRHR program automatically includes any California historical resource listed, or formally designated as eligible for listing, on the NRHP. SHPO maintains the CRHR, which may also include properties designated under local ordinance or identified through local historical resources surveys that meet CRHR eligibility criteria.

#### California Public Resources Code 5024.5

Public Resources Code 5024.5 states: "(a) No state agency shall alter the original or significant historical features or fabric, or transfer, relocate, or demolish historical resources on the [agency's] master list..." This law also obligates State agencies to adopt prudent and feasible measures that will eliminate or mitigate any potential adverse effects a proposed project may have upon a listed historical resource. Authority for determining compliance for PRC 5024.5 rests with the State Historic Preservation Officer (SHPO). CDPR has a Memorandum of Understanding (MOU) with the SHPO for

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ensuring compliance with the Public Resources Code Section 5024.5review process. The MOU requires direct consultation with the SHPO if any action would result in a substantial adverse impact to a historic property under the purview of CDPR.

# **City of San Diego**

#### City of San Diego Historical Resources Board

The Historical Resources Board is established by the City Council <del>as an advisory board</del> to identify, designate and preserve the historical resources of the City; to review and make a recommendation to the appropriate decision making authority on applications for permits and other matters relating to the demolition, destruction, substantial alteration, removal or relocation of designated historical resources; to establish criteria and provide for a Historical Resources Inventory of properties within the boundaries of the City; and to recommend to the City Council and Planning Commission procedures to facilitate the use of the Historical Resources Inventory results in the City's planning process in accordance with Section 111.0206 of the Land Development Code.

# 4.4.3 Impact Analysis

#### A. Basis for Determining Significance

Pursuant to the Historical Resources section of the City's "Significance Determination Thresholds," a proposed project would have a significant impact on historical resources if any one or more of the following conditions would occur as a result of the project:

- The alteration or destruction of a significant prehistoric or historic archaeological site;
- Any adverse physical or aesthetic effects to a significant prehistoric or historic building, structure, object, or site;
- Any impact to existing religious or sacred uses within the potential impact area; or
- The disturbance of any human remains, including those interred outside of formal cemeteries.

In evaluating whether impacts to a particular building, structure, object, or site is significant, the City of San Diego uses criteria from the National Register of Historic Places (federal), the State of California CEQA Guidelines, the City of San Diego General Plan, the City of San Diego Historical Resources Register, and the regulatory setting noted above, as stated in the City's "Significance Determination Thresholds" the City of San Diego has established the following criteria to be used in the determination of significance under CEQA:

#### Significant Resource Types

An archeological site must consist of at least three associated artifacts/ecofacts (within a 40 square meter area) or a single feature. Archeological sites containing only a surface component are generally considered not significant, unless demonstrated otherwise. (Testing is required to

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document the absence of subsurface deposit.) Such site types may include isolated finds, bedrock milling stations, sparse lithic scatters, and shellfish processing stations. All other archeological sites are considered potentially significant. The determination of significance is based on a number of factors specific to a particular site, including site size, type and integrity; presence or absence of a subsurface deposit, soil stratigraphy, features, diagnostics, and datable material; artifact and ecofact density; assemblage complexity; cultural affiliation' association with an important person or event; and ethnic importance.

The determination of significance for historic buildings, structures, objects and landscapes is based on age, location, context, association with an important person or event, uniqueness, and integrity.

A site will be considered to possess ethnic significance if it is associated with a burial or cemetery; religious, social or traditional activities of a discrete ethnic population; an important person or event as defined by a discrete ethnic population; or the belief system of a discrete ethnic population.

#### Non-Significant Resource Types

Isolates consisting of less than three artifacts/ecofacts within a 40 square meter area. Sparse Lithic Scatters are identified and evaluated based on criteria from the California Office of Historic Preservation's (OHP) "California Archaeological Resource Identification and Data Acquisition Program; Sparse Lithic Scatters" (February 1998). Isolated Bedrock Milling Stations are defined as having no associated site within a 40-meter radius and lacking a subsurface component. Shellfish Processing Sites are defined as containing a minimal amount of lithics (i.e. less than five or six) and no subsurface deposit.<sup>1</sup>

Historic buildings, structures, objects and landscapes generally are not significant if they are less than 45 years old. A non-significant building or structure located within an historic district is by definition not significant.

Resources found to be non-significant as the result of a survey and assessment will require no further work beyond documentation of the resources (including site records) and inclusion in the survey and assessment report.

<sup>&</sup>lt;sup>1</sup> If it can be determined by the Principal Investigator that the minimal amount of materials from different classes of lithics on-site represents a significant resource based on their potential to address important research questions, then the resource would no longer fall under the category "non-significant resource type."

# *Issue 1: Would the proposal result in the adverse alteration of a prehistoric or historic archaeological site?*

#### DISCUSSION OF PROJECT IMPACTS (ISSUE 1)

Cultural resources have been recorded within one mile of the Candlelight site. As is typical of Otay Mesa, most of the prehistoric sites are characterized as lithic scatters, varying from two artifacts to a moderately dense scatter of lithic artifacts. The Area of Potential Effect (APE) for the proposed project was determined by Brian F. Smith and Assoc (BFSA) to be approximately 49 acres (which includes 5.0 off-site acres with common ownership, but not-a-part of this application/site). As part of the BFSA investigation, an updated archaeological records search for the project was conducted at the South Coastal Information Center (SCIC) at San Diego State University. The 2010 records search showed that 17 new sites have been recorded within one mile of the Candlelight project since the 2005 Smith and Meier survey. These are listed in Appendix F of this EIR (Table 1), MSA, Inc. (MSA) located sites in 1980 and 1990. They mapped and collected all surface artifacts and reported on all surface and subsurface finds. The Candlelight survey by BFSA relocated all previously mapped on-site finds from the MSA survey and this information is listed in Appendix F of this EIR.

A list of updated studies conducted in the area of the Candlelight project is presented in Table 2 of the Cultural Resource report, which is provided as Appendix F in the Technical Appendices to this EIR.

The archaeological program employed by BFSA consisted of an updated pedestrian survey of the entire 49-acre APE. The survey generally consisted of north-south parallel transects spaced at five to ten meter intervals. All of the previously investigated sites (SDI-86-40, -8641, -8642, -8643, -8645, -9541, -10,552, -10,523) within the APE were revisited to update any potential changes to the sites. Using Trimble GEOXT handheld GPS units, all sites were relocated and their current status was assessed. Review of the previous work conducted by BFSA (Smith and Meier 2004, 2005) in comparison to the present status of all sites within the APE revealed that no changes have occurred to sites since the 2004 (Smith and Meier) and 2005 (Smith and Meier) studies. For the current updated survey, no additional sites were identified within the APE.

In addition to the pedestrian survey done by BFSA, a literature review and record search update was completed at the South Coastal Information Center (SCIC), San Diego State University (SDSU), and from the research library at BFSA.

The analysis of previous studies for the project (Smith and Meier 2004, 2005), the updated pedestrian survey and records search by (BFSA), and impacts in addition to archaeological information recovered during this study demonstrated that the project area does not contain any significant cultural resources as defined by CEQA (Section 15064.5) and the City of San Diego Guidelines. Nor do any of the sites within the APE quality as eligible for listing in the National Register of Historic Places.

#### SIGNIFICANCE OF IMPACTS (ISSUE 1)

The analysis of previous impacts and archaeological information recovered during the current investigation demonstrate that the project area does not contain any significant prehistoric or historic resources as defined by CEQA (Section 15064.5) and the City of San Diego criteria.

However, while survey of the property identified only widely dispersed scatters of artifacts, surface visibility was less than 100% in many areas of the project site. Therefore, the potential does exist for buried or masked elements of more focused prehistoric activity, which is regarded as a potentially significant impact. Mitigation in the form of archaeological monitoring during grading and excavation activities would be required. In the event that archaeological artifacts and/or features are identified during monitoring, then construction activities would be temporarily halted until an evaluation is conducted to determine the significance of the resource.

#### MITIGATION MEASURES (ISSUE 1)

In order to reduce the potential for significant adverse effects on a previously unidentified archaeological resource during project grading, the following mitigation measure shall be incorporated into the proposed project:

#### PRIOR TO PERMIT ISSUANCE

- **4.4-1** Prior to the issuance of any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits or Notice to Proceed for Subdivisions, but prior to the first pre-construction meeting, whichever is applicable, the following shall occur:
  - A. Entitlements Plan Check
    - 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
    - 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.

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.

2. Prior to the start of work, the applicant must obtain approval from MMC for any personnel changes associated with the monitoring program.

#### PRIOR TO START OF CONSTRUCTION

- **4.4-2** Prior to the start of construction activities, including, but not limited to, demolition, grading, excavation, and/or trenching, the following shall occur:
  - A. Verification of Records Search
    - 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 Coast 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 Pre-Construction (Precon) Meetings
    - Prior to beginning any work that requires monitoring, the Applicant shall arrange a Precon Meeting that shall include the PI, Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The qualified Archaeologist shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the Archaeological Monitoring program with the Construction Manager and/or Grading Contractor.
      - a. If the PI is unable to attend the Precon Meeting, the Applicant shall schedule a focused Precon Meeting with MMC, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.
      - 2. Identify Areas to be Monitored
        - a. Prior to the start of any work that requires monitoring, the PI shall submit an Archaeological Monitoring Exhibit (AME) 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.

#### **DURING CONSTRUCTION**

4.4-3

During construction activities, including, but not limited to, demolition, grading, excavation, and/or trenching, the following shall occur:

- A. Monitor Shall be Present During Grading/Excavation/Trenching. In addition, a Native American Monitor Shall be present, specifically a Native American (Kumeyaay) monitor shall participate in the monitoring program for the project.
  - The Archaeological monitor and Native American (Kumeyaay) monitor shall be present full time during grading/excavation/ trenching activities which could result in impacts to archaeological resources as identified on the AME. The Construction Manager is responsible for notifying the RE, PI, and MMC of changes to any construction activities such as in the case of potential safety concerns within the area being monitored. In certain circumstances OSHA safety requirements may necessitate modification of the AME.
  - 2. The Archaeological monitor and Native American (Kumeyaay) monitor shall determine the extent of their presence during soil disturbing and grading/excavation/trenching activities based on the AME and provide that information to the PI and MMC. If prehistoric resources are encountered during the Native American consultant/monitor's absence, work shall stop and the Discovery Notification Process detailed in Section III.B-C and IV.A-D shall commence.
  - 3. The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a

field condition such as modern disturbance post-dating the previous grading/trenching activities, presence of fossil formations, or when native soils are encountered may reduce or increase the potential for resources to be present.

- The archaeological and Native American consultant/monitor shall document field activity via the Consultant Site Visit Record (CSVR). The CSVR's shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (Notification of Monitoring Completion), and in the case of ANY discoveries. The RE shall forward copies to MMC.
- B. Discovery Notification Process
  - In the event of a discovery, the Archaeological Monitor and/or Native American (Kumeyaay) monitor shall direct the contractor to temporarily divert trenching activities in the area of discovery and immediately notify the RE or BI, as appropriate.
  - 2. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery.
  - 3. The PI shall immediately notify MMC by phone of the discovery, and shall also submit written documentation to MMC within 24 hours by fax or email with photos of the resource in context, if possible.
  - 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 representative from the Native American (Kumeyaay) tribe, 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 (ADRP) 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. Any Native American

cultural material shall be curated with the Barona Band of Mission Indians.

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.

#### **DISCOVERY OF HUMAN REMAINS**

- **4.4-4** If human remains are discovered, work shall halt in that area and no soil shall be exported off-site until a determination can be made regarding the provenance of the human remains; and the following procedures set forth in the California Public Resources Code (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
    - 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 provenience of the remains.
    - 2. The Medical Examiner, in consultation with the PI, shall determine the need for a field examination to determine the provenience.
    - 3. If a field examination is not warranted, the Medical Examiner shall 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, then the following shall occur:
    - The Medical Examiner shall notify the Native American Heritage Commission (NAHC) and the Native American (Kumeyaay) monitor within 24 hours. By law, **only** the Medical Examiner can make this call.
    - 2. NAHC will immediately identify the person or persons determined to be the Most Likely Descendent (MLD) and provide contact information.
    - 3. The MLD will contact the PI within 24 hours or sooner after the Medical Examiner has completed coordination, to begin the consultation process

in accordance with CEQA Section 15064.5(e), the California Public Resources and Health & Safety Codes.

- 4. The MLD will have 48 hours to make recommendations to the property owner or representative, for the treatment or disposition with proper dignity, of the human remains and associated grave goods.
- 5. Disposition of Native American Human Remains will be determined between the MLD and the PI, and, if:
  - a. The NAHC is unable to identify the MLD, OR the MLD failed to make a recommendation within 48 hours after being notified by the Commission; OR;
  - b. The landowner or authorized representative rejects the recommendation of the MLD and mediation in accordance with PRC 5097.94 (k) by the NAHC fails to provide measures acceptable to the landowner, THEN,
  - c. In order to protect these sites, the Landowner shall do one or more of the following:

(1)Record the site with the NAHC;(2)Record an open space or conservation easement on the site;(3)Record a document with the County.

- d. Upon the discovery of multiple Native American human remains during a ground disturbing land development activity, the landowner may agree that additional conferral with descendants is necessary to consider culturally appropriate treatment of multiple Native American human remains. Culturally appropriate treatment of such a discovery may be ascertained from review of the site utilizing cultural and archaeological standards. Where the parties are unable to agree on the appropriate treatment measures the human remains and items associated and buried with Native American human remains shall be reinterred with appropriate dignity, pursuant to Section 5.c., above.
- D. If Human Remains are **NOT** Native American
  - 1. The PI shall contact the Medical Examiner and notify them of the historic era context of the burial.
  - 2. The Medical Examiner will determine the appropriate course of action with the PI and City staff (PRC 5097.98).
  - 3. If the remains are of historic origin, they shall be appropriately removed and conveyed to the San Diego Museum of Man for analysis. The decision for internment of the human remains shall be made in consultation with MMC, EAS, the applicant/landowner, any known descendant group, and the San Diego Museum of Man.

#### NIGHT AND/OR WEEKEND WORK

- **4.4-5** A. If night and/or weekend work is included in the contract
  - 1. When night and/or weekend work is included in the contract package, the extent and timing shall be presented and discussed at the Precon meeting.
  - 2. The following procedures shall be followed.
    - a. No Discoveries

In the event that no discoveries were encountered during night and/or weekend work, the PI shall record the information on the CSVR and submit to MMC via fax by 8AM 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.
- 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 8AM of the next business day to report and discuss the findings as indicated in Section III-B, unless other specific arrangements have been made.
- **4.4-6** A. 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.
  - B. All other procedures described above shall apply, as appropriate.

In the event that night work becomes necessary during the course of construction activities, then the following shall occur:

- A. The Construction Manager shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin.
- B. The RE, or BI, as appropriate, shall notify MMC immediately.
- C. All other procedures described in Mitigation Measure 4.4-5 shall apply, as appropriate.

#### Post Construction

- **4.4-7** Following completion of construction activities, the following shall occur: 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

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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)
  - 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.

#### SIGNIFICANCE AFTER MITIGATION (ISSUE 1)

With the implementation of Mitigation Measures 4.4-1 through 4.4-7, the potential for adverse effects on a previously unidentified archaeological resource would be reduced to below a level of significance.

# Issue 2: Would project implementation result in any impact to existing religious or sacred uses within the potential impact area?

# DISCUSSION OF PROJECT IMPACTS (ISSUE 2)

Field and record surveys conducted by BFSA in 2004 and 2010 did not identify evidence of any religious or sacred uses or sites within the project's proposed impact area. In response to the Notice Of Preparation for the project, the Viejas Band of Kumeyaay Indian indicated that there are sacred sites in the vicinity and asked that any sacred sites be avoided through the implementation of adequate buffer zones (letter dated November 25, 2013 in Appendix A). A site visit occurred August 21, 2014, with the Viejas Tribal consultant, a representative of the City of San Diego and BFSA present. Subsequently, the Viejas Tribal Government requested the presence of a Viejas Cultural monitor during any ground disturbance and that that any cultural resources found as part of monitoring be curated by the Barona Band of Mission Indians (Appendix O, letter dated September 10, 2014). Consistent with City of San Diego practice, the mitigation specifies the requirement for a Native American (Kumeyaay). Additionally, this letter requested that any cultural resources collected should be curated at Barona Band of Mission Indians. (Appendix O).

#### SIGNIFICANCE OF IMPACTS (ISSUE 2)

No significant sites were identified in the cultural survey by BFSA. Significant impacts to religious or sacred uses could occur with implementation of the proposed project, if unknown or buried artifacts are discovered/unearthed during grading.

#### MITIGATION MEASURES (ISSUE 2)

Mitigation measures 4.4-1 and 4.4-3 (listed above) would be implemented to address significant impacts.

#### SIGNIFICANCE AFTER MITIGATION (ISSUE 2)

With implementation of the mitigation measures, significant impacts would be reduced to below a level of significance.

# Issue 3: Would project implementation result in the disturbance of any human remains, including those interred outside of formal cemeteries?

#### DISCUSSION OF PROJECT IMPACTS (ISSUE 3)

Field and record surveys conducted by BFSA in 2004 did not identify the presence of any human remains, including those interred outside of formal cemeteries. Nonetheless, the potential exists that human remains may be uncovered during grading and excavation activities.

#### SIGNIFICANCE OF IMPACTS (ISSUE 3)

The potential for uncovering human remains during project grading and excavation activities is regarded as a potentially significant impact for which mitigation would be required.

#### MITIGATION MEASURES (ISSUE 3)

In order to reduce potential impacts associated with the potential for uncovering human remains during project grading and excavation activities to below a level of significance, Mitigation Measures 4.4-1 through 4.4-7 are required.

#### SIGNIFICANCE AFTER MITIGATION (ISSUE 3)

With implementation of Mitigation Measures 4.4-1 through 4.4-7, potential impacts associated with the uncovering of human remains would be reduced to below a level of significance.

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# 4.5 PALEONTOLOGICAL RESOURCES

The information provided in the following section is based on a paleontological resources investigation conducted by Brian F. Smith and Associates (BFSA). The paleontological resources report is entitled, *Paleontological Resource and Monitoring Assessment, Candlelight Villas, Phase I (East Village), Otay Mesa Community Plan Area* (December 15, 2004 and updated March 6, 2012), and is included in the Technical Appendices to this EIR under Section G.

# 4.5.1 Existing Conditions

A paleontological resources investigation was conducted by BFSA. Based on a review of published geologic reports and maps, it was determined that the project area is underlain by three geologic formations: the lower Pleistocene (+/- 1 million years old) Lindavista Formation (QI); the middle to upper Pliocene (+/- 4 to +/- 2 million years old) San Diego Formation (Tsdss); and the upper Oligocene (+/- 29 million year old) Otay Formation (To). The San Diego Formation unconformably overlies the Otay Formation, and is in turn overlain by the Lindavista Formation. All three of these geologic formations have been assigned a moderate or high "paleontological resource sensitivity" by Demere and Walsh (County of San Diego 1993). A map of the location of each of these geologic formations on the project site is provided in the paleontological resources report provided in the Technical Appendices to this EIR under Section G.

A collections and records search was performed by BFSA at the San Diego Natural History Museum (SDNHM) which revealed nearly a dozen fossil localities within a mile radius of the project area and even more to the northwest in the same geologic formations.

The following provides a description of the geologic units found on the project site, and their relative likelihood for containing paleontological resources:

- **The Lindavista Formation**. The Lindavista Formation is rarely fossiliferous, and although the only published fauna from the formation is from the Tierrasanta area, many miles to the north of the project site, rock-boring clam burrows, some with internal and external molds, are known from other localities, including from within a few hundred yards of the project site (SDNHM collection records).
- San Diego Formation. Marine sediments of the San Diego Formation are often abundantly fossiliferous, especially in much of the southwestern part of the county where they underlie a thin cover of the Lindavista Formation. These southern exposures of the San Diego Formation have yielded important assemblages of marine invertebrates (mainly mollusks), as well as important vertebrate fossils, such as sharks and rays, bony fish, extinct birds, marine mammals (sea lions and walruses), and terrestrial mammals (e.g. horse, camel, sheep) (SDNHM collection records). Fossil mollusks and other invertebrates have also been recovered from the San Diego Formation to the southwest near the I-805 corridor, near the international border.
- **Otay Formation**. The Otay Formation is variously fossiliferous, and in eastern Chula Vista, for example, has yielded very important assemblages of terrestrial mammals. However, no
fossil localities in the Otay Formation are known from areas near the Candlelight project area (SDNHM collection records).

#### 4.5.2 Impact Analysis

#### A. Basis for Determining Significance

Pursuant to the Historical Resources and Paleontological Resources sections of the City's "Significance Determination Thresholds", a proposed project would have a significant impact on paleontological resources if the following condition would occur as a result of the project:

• The loss of significant paleontological resources.

## Issue 1: Would proposal require over 1,000 cubic yards of excavation in a high resource potential geologic deposit/formation/rock unit?

#### DISCUSSION OF PROJECT IMPACTS (ISSUE 1)

According to the "Paleontological Monitoring Determination Matrix" of the City's "Significance Determination Thresholds," impacts to paleontological resources are measured based on the sensitivity rating of the underlying geologic deposit/formation/rock unit and depth and quantities of proposed grading activities.

Formations are generally rated as having a "high," "moderate," or "zero-low" probability of yielding paleontological resources. As discussed above, the proposed project site is comprised primarily of areas where marine sediments of the San Diego Formation are overlain by a thin layer of the Lindavista Formation. The San Diego Formation is identified as having a high sensitivity relative to paleontological resources, while the Lindavista Formation is rated with a moderate sensitivity.

Table 4.5\_1, *Paleontological Monitoring Determination Matrix*, summarizes the threshold grading depths and quantities for each of the three sensitivity ratings. As shown, paleontological monitoring would be required for the proposed project if project grading exceeds 1,000 cubic feet and a depth exceeding 10 feet because the entire site contains soils of the San Diego formation. It is anticipated that a total of 26,400 cubic yards of cut and fill would be required for project grading, and the maximum depth of cut would exceed 7 feet in depth. There are, however pockets of remedial grading that would require a cut depth in excess of 10 feet. Accordingly, project grading would exceed the values shown in Table 4.5\_1 for formations with Moderate and High sensitivity ratings. Therefore, project implementation has the potential for significant adverse impacts to paleontological resources, and mitigation would be required.

Geological	Potential Fossil Localities	Sensitivity				
Deposit/Formation/		Rating *, **,				
Rock Unit		***				
Alluvium (Qsw, Qal, or	All communities where this unit occurs	Low				
Qls)						
Ardath Shale (Ta)	All communities where this unit occurs	High				
Bay Point/Marine Terrace	All communities where unit occurs	High				
(Qbp) 1						
Cabrillo Formation (Kcs)	All communities where unit occurs	Moderate				
Delmar Formation (Td)	All communities where unit occurs	High				
Friars Formation (Tf)	All communities where unit occurs	High				
Granite/Plutonic (Kg)	All communities where unit occurs	Zero				
Lindavista Formation	A. Mira Mesa/Tierrasanta	A. High				
(Qln, Qlb) 2	B. All other areas	B. Moderate				
Lusardi Formation (Kl)	A. Black Mountain Ranch/Lusardi Canyon	A. High				
	Poway/Rancho Santa Fe	B. Moderate				
	B. All other areas					
Mission Valley Formation	All communities where unit occurs	High				
(Imv)						
Mt. Soledad Formation	A. Rose Canyon	A. High				
(Im, Imss, Imsc)	B. All other areas where this unit occurs	B. Moderate				
Otay Formation (10)	All communities where unit occurs	High				
Point Loma Formation	All communities where unit occurs	High				
(NP) Remerado Conglemerato	A Scripps Panch/Tierrasanta	Lligh				
	R. All other areas	Modorato				
(TP) Pivor (Stroom Torroco	A South Eastern/Challas Vallov/Eairbanks	A Moderate				
Deposits (Ot)	A. South Edstern/Chonas Valley/Fail Danks	A. WOUEFale				
	Nestor/San Ysidro	D. LOW				
	B All other areas					
San Diego Formation	All communities where this unit occurs	High				
(Osd)						
Santiago Peak Volcanics	A. Black Mountain Ranch/La Iolla Valley. Fairbanks	A. Moderate				
(lsp)	Ranch/Mira Mesa/Peñasguitos	B. Zero				
A. Metasedimentary	B. All other areas					
B. Metavolcanic						
Scripps Formation (Tsd)	All communities where this unit occurs	High				
Stadium Conglomerate	All communities where this unit occurs	High				
(Tst)		0				
Sweetwater Formation	All communities where this unit occurs	High				
Sensitivity Rating Gradin	g Thresholds for Required Monitoring					
High = >1000 cubic yards a	nd 10 feet+ deep					
Moderate = >2000 cubic ya	rds and 10 feet+ deep					
Zero-Low = Monitoring Not Required						

#### Table 4.5\_1 PALEONTOLOGICAL MONITORING DETERMINATION MATRIX

Baypoint 1 -- Broadly correlative with Qop 1-8 of Kennedy and Tan (2008) new mapping nomenclature.

Lindavista 2 – Broadly correlative with Qvop 1-13 of Kennedy and Tan (2008) new mapping nomenclature.

Notes: \* Monitoring is always required when grading on a fossil recovery site or near a fossil recovery site in the same geologic deposit/formation/rock unit as the project site as indicated on the Kennedy Maps.

\*\* Monitoring may be required for shallow grading (i.e., <10ft) when a site has previously been graded and/or unweathered geologic deposits/formations/rock units are present at the surface. \*\*\* Monitoring is not required when grading documented or undocumented artificial fill.

#### SIGNIFICANCE OF IMPACTS (ISSUE 1)

The proposed project includes the San Diego and Otay Formations; both have been assigned "high paleontological resource sensitivity". Project grading would be approximately 2,500 cubic yards of cut and would exceed the thresholds shown in Table 4.5\_1 for formations with "High" sensitivity in this area of the City and County; therefore, project implementation has the potential to adversely affect paleontological resources and cause significant impacts.

#### MITIGATION MEASURES (ISSUE 1)

#### PRIOR TO PERMIT ISSUANCE

#### I. Prior to Permit Issuance

- **4.5-1** Prior to the issuance of any construction permits
  - A. Entitlements Plan Check
    - 1. Prior to the 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 Paleontological Monitoring have been noted on the appropriate construction documents.
  - B. Letters of Qualification have been submitted to ADD
    - The applicant shall submit a letter of verification to Mitigation Monitoring Coordination (MMC) identifying the Principal Investigator (PI) for the project and the names of all persons involved in the paleontological monitoring program, as defined in the City of San Diego Paleontological Guidelines.
    - 2. MMC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the paleontological monitoring of the project.
    - 3. Prior to the start of work, the applicant must obtain approval from MMC for any personnel changes associated with the monitoring program.

#### **II. PRIOR TO START OF CONSTRUCTION**

- 4.5-2 Prior to the start of construction activities, including, but not limited to, demolition, grading, excavation, and/or trenching, the following shall occur:A. Verification of Records Search
  - The PI shall provide verification to MMC that a site-specific records search has been completed. Verification includes, but is not limited to a copy of a confirmation letter from San Diego Natural History Museum, other institution or, if the search was in-house, a letter of verification from the PI stating that the search was completed.
  - 2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.
  - B. PI Shall Attend Pre-Construction (Precon) Meetings
    - Prior to beginning any work that requires monitoring, the Applicant shall arrange a Precon Meeting that shall include the PI, Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The qualified paleontologist shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the Paleontological Monitoring program with the Construction Manager and/or Grading Contractor.
      - a. If the PI is unable to attend the Precon Meeting, the Applicant shall schedule a focused Precon Meeting with MMC, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.
    - 2. Identify Areas to be Monitored
      - Prior to the start of any work that requires monitoring, the PI shall submit an Paleontological Monitoring Exhibit (PME) based on the appropriate construction documents (reduced to 11x17) to MMC identifying the areas to be monitored including the delineation of grading/excavation limits. The PME shall be based on the results of a site specific records search as well as information regarding existing known soil conditions (native or formation).
    - 3. When Monitoring Will Occur
      - a. Prior to the start of any work, the PI shall also submit a construction schedule to MMC through the RE indicating when and where monitoring will occur.
      - b. The PI may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification to the monitoring program. This request shall be based on relevant information such as review of final construction documents which indicate conditions such as depth of excavation and/or site graded to bedrock, presence or absence of fossil resources, etc., which may reduce or increase the potential for resources to be present.

#### **III. DURING CONSTRUCTION**

- **4.5-3** During construction activities, including, but not limited to, demolition, grading, excavation, and/or trenching, the following shall occur:
  - A. Monitor Shall be Present During Grading/Excavation/Trenching
    - 1. The monitor shall be present full time during grading/excavation/ trenching activities as identified on the PME that could result in impacts to formations with high and moderate resource sensitivity. The Construction Manager is responsible for notifying the RE, PI, and MMC of changes to any construction activities such as in the case of potential safety concern within the area being monitored. In certain circumstances OSHA safety requirements may necessitate modification of the PME.
    - 2. The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition such as trenching activities that do not encounter formational soils as previously assumed, and/or when unique/unusual fossils are encountered, which may reduce or increase the potential for resources to be present.
    - 3. The monitor shall document field activity via the Consultant Site Visit Record (CSVR). The CSVR's shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (**Notification of Monitoring Completion**), and in the case of ANY discoveries. The RE shall forward copies to MMC.
  - B. Discovery Notification Process
    - 1. In the event of a discovery, the Paleontological Monitor shall direct the contractor to temporarily divert trenching activities in the area of discovery and immediately notify the RE or BI, as appropriate.
    - 2. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery.
    - 3. The PI shall immediately notify MMC by phone of the discovery, and shall also submit written documentation to MMC within 24 hours by fax or email with photos of the resource in context, if possible.
  - C. Determination of Significance
    - 1. The PI shall evaluate the significance of the resource.
      - a. The PI shall immediately notify MMC by phone to discuss significance determination and shall also submit a letter to MMC indicating whether additional mitigation is required. The determination of significant for fossil discoveries shall be at the discretion of the PI.
      - b.lf the resource is significant, the PI shall submit a Paleontological Recovery Program (PRP) and obtain written approval from MMC. Impacts to significant resources must be mitigated before grounddisturbing activities in the area of discovery will be allowed to resume.

- c. If the resource is not significant (e.g., small pieces of broken common shell fragments or other scattered common fossils) the PI shall notify the RE, or BI as appropriate, that a non-significant discovery has been made. The Paleontologist shall continue to monitor the area without notification to MMC unless a significant resource is encountered.
- d. The PI shall submit a letter to MMC indicating that fossil resources will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that no further work is required.

#### IV. NIGHT WORK

**4.5-4** A. If night and/or weekend work is included in the contract

- 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 work, The PI shall record the information on the CSVR and submit to MMC via fax by 8AM the following morning, if possible.
  - b. Discoveries

All discoveries shall be processed and documented using the existing procedures detailed in Mitigation Measures 4.4-3 (Section III -During Construction).

- c. Potentially Significant Discoveries
   If the PI determines that a potentially significant discovery has been made, the procedures detailed under Mitigation Measure 4.4-3 (Section III During Construction) shall be followed.
- d. The PI shall immediately contact MMC, or by 8AM the next business day to report and discuss the findings as indicated in Section III -B of Mitigation Measure 4.4-3 (Discovery Notification Process), unless other specific arrangements have been made.
- B. If night work becomes necessary during the course of construction
  - 1. The Construction manager shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin.
  - 2. The RE, or BI, as appropriate, shall notify MMC immediately.
- C. All other procedures described above shall apply, as appropriate.

#### V. POST CONSTRUCTION

- **4.5-5** Following completion of construction activities, the following shall occur:
  - 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 Paleontological Guidelines

which describes the results, analysis, and conclusions of all phases of the Paleontological Monitoring Program (with appropriate graphics) to MMC for review and approval within 90 days following the completion of monitoring,

- a. For significant paleontological resources encountered during monitoring, the Paleontological Recovery Program shall be included in the Draft Monitoring Report.
- b. The PI shall be responsible for recording sites with the San Diego Natural History Museum (on the appropriate forms) any significant or potentially significant fossil resources encountered during the Paleontological Monitoring Program in accordance with the City's Paleontological Guidelines, and shall submit such forms to the San Diego Natural History Museum with the Final Monitoring Report.
- 2. MMC shall return the Draft Monitoring Report to the PI for revision or, for preparation of the Final Report.
- 3. The PI shall submit revised Draft Monitoring Report to MMC for approval.
- 4. MMC shall provide written verification to the PI of the approved report.
- 5. MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.
- B. Handling of Fossil Remains
  - 1. The PI shall be responsible for ensuring that all fossil remains collected are cleaned and catalogued
  - 2. The PI shall be responsible for ensuring that all fossil remains are analyzed to identify function and chronology as they relate to the geologic history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate.
- C. Curation of fossil remains: Deed of Gift and Acceptance Verification
  - 1. The PI shall be responsible for ensuring that all fossil remains associated with the monitoring for this project are permanently curated with an appropriate institution.
  - 2. The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC.
- D. Final Monitoring Report(s)
  - 1. The PI shall submit two copies of the Final Monitoring Report to MMC (even if negative), within 90 days after notification from MMC that the draft report has been approved.
  - 2. The RE shall, in no case, issue the Notice of Completion until receiving a copy of the approved Final Monitoring Report from MMC which includes the Acceptance Verification from the curation institution.

#### SIGNIFICANCE AFTER MITIGATION (ISSUE 1)

Implementation of Mitigation Measures 4.5-1 through 4.5-5 would ensure that any paleontological resources uncovered during grading activities are appropriately evaluated and, if appropriate, removed and subjected to laboratory procedures in accordance with the City's Paleontological

Resources Guidelines (July 2002). Therefore, potential impacts to paleontological resources would be reduced to below a level of significance.

## Issue 2: Would proposal require over 2,000 cubic yards of excavation in a "moderate" resource potential geologic deposit/formation/rock unit?

#### DISCUSSION OF PROJECT IMPACTS (ISSUE 2)

The proposed project includes the Lindavista Formation; it has been assigned "moderate paleontological resource sensitivity". Project grading would be approximately 2,500 cubic yards of cut and would exceed the thresholds shown in Table 4.5\_1 for formations with "moderate" sensitivity in this area of the City and County; therefore, project implementation has the potential to adversely affect paleontological resources and cause significant impacts.

#### MITIGATION MEASURES, MONITORING AND REPORTING PROGRAM (ISSUE 2)

Mitigation measures 4.5-1 through 4.5-5 (listed above in issue 1) would be required mitigation for the proposed project.

#### SIGNIFICANCE AFTER MITIGATION (ISSUE 2)

Implementation of Mitigation Measures 4.5-1 through 4.5-5 would ensure that any paleontological resources uncovered during grading activities are appropriately evaluated and, if appropriate, removed and subjected to laboratory procedures in accordance with the City's Paleontological Resources Guidelines (July 2002). Therefore, potential impacts to paleontological resources would be reduced to below a level of significance.

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#### 4.6 NOISE

The following acoustical site assessment is based on a technical report titled *Candlelight Properties*, *LLC*, *Acoustical Report*, prepared by Helix Environmental Planning, dated October 19, 2012. For reference purposes, a copy of the report is contained in Technical Appendix K to this EIR.

#### 4.6.1 Existing Conditions

The dominant noise sources at the Project site are traffic on the adjacent Caliente Avenue. All traffic on the section of Caliente Avenue that leads to the proposed project site is currently for San Ysidro High School, as this is the only existing use on this street. An on-site inspection and "one-hour" equivalent traffic noise measurements was taken adjacent Caliente Ave north of the site on Monday, October 15, 2012. The microphone was placed at approximately five feet above the existing Project site grade.

#### Acoustical Definitions

Sound waves are linear mechanical waves. There is a large range of frequencies within which linear waves can be generated, sound waves being confined to the frequency range that can stimulate the auditory organs to the sensation of hearing. For humans this range is from about 20 Hertz (Hz or cycles per second) to about 20,000 Hz.

Noise is generally defined as unwanted or annoying sound that is typically associated with human activity and which interferes with or disrupts normal activities. Although exposure to high noise levels has been demonstrated to cause hearing loss, the principal human response to environmental noise is annoyance. The response of individuals to similar noise events is diverse and influenced by the type of noise, the perceived importance of the noise and its appropriateness in the setting, the time of day, and the sensitivity of the individual hearing the sound. A logarithmic ratio known as the decibel (dB) is commonly employed in addressing sound levels perceptible to the human ear.

A sound level of zero "O" dB is scaled such that it is defined as the threshold of human hearing and would be barely audible to a human of normal hearing under extremely quiet listening conditions. Typically, the quietest environmental conditions yield sound levels of approximately 20 dB. Normal speech has a sound level of approximately 60 dB. Sound levels above 120 dB roughly correspond to the threshold of pain and would be associated with sources such as jet engine noise or pneumatic equipment. The minimum change in sound level that the human ear can detect is approximately 3 dB. A change in sound level of 10 dB is usually perceived by the average person as a doubling of the sound's loudness.

Most of the sounds we hear in the environment do not consist of a single frequency, but rather a broad band of frequencies differing in sound level. The method commonly used to quantify environmental sounds consists of determining all of the frequencies of a sound according to a weighting system which is called "A" weighting. The decibel level measured is called the A- weighted sound level (or dBA).

Most environmental noise includes a conglomeration of sounds from distant sources that create a relatively steady background noise in which no particular source is identifiable. For this type of noise, a single descriptor called the Leq (or equivalent sound level) is used. Leq is the energy- mean A-weighted sound level during a measured time interval. For most acoustical studies, the study interval is generally taken as one-hour and is abbreviated Leq-h; however, other time intervals are utilized depending on the jurisdictional preference.

To describe the time-varying character of environmental noise, the statistical noise descriptors LIO, L50, and L90 are commonly used. They are the noise levels equaled or exceeded during 10 percent, 50 percent, and 90 percent of a stated time. Sound levels associated with the L 10 typically describe transient or short-term events, while levels associated with the L90 describe the steady state (or most prevalent) noise conditions. In addition, it is often desirable to know the acoustic range of the noise source being measured. This is accomplished through the maximum and minimum measured sound level (Lmax and Lmin) indicators. The Lmin value obtained for a particular monitoring location is often called the acoustic floor for that location.

Finally, another sound measure employed by the State of California and the City of San Diego is known as the Community Noise Equivalence Level (CNEL), which is defined as the "A" weighted average sound level for a 24-hour day. It is calculated by adding a 5-decibel penalty to sound levels in the evening (7:00 p.m. to 10:00 p.m.), and a 10-decibel penalty to sound levels in the night (10:00 p.m. to 7:00 a.m.) to compensate for the increased sensitivity to noise during the quieter evening and nighttime hours.

#### **Applicable Significance Criteria**

#### City of San Diego Operational Noise Standards

Property line noise thresholds are established in the City of San Diego Noise Ordinance, Section 59.5.0401. The applicable requirement is a function of the time-of-day and land use zone. Sound levels are measured at the boundary of the property containing the noise source. The property line standard for cases where the zoning differs between land uses is to utilize the arithmetic mean of the two standards. The relevant limits are provided below in Table 4.6\_1, *City of San Diego One-Hour Property Line Standards*.

Receiving Land Use Category	7:00 A.M. to	7:00 P.M. to	10:00 P.M. to
	7:00 P.M.	10:00 P.M.	7:00 A.M.
All R-1	50 dBA	45 dBA	40 dBA
All R-2	55 dBA	50 dBA	45 dBA
R-3, R-4, and all other Residential	60 dBA	55 dBA	50 dBA
(i.e., RM-2-5)*			
All Commercial	65 dBA	60 dBA	55 dBA
Manufacturing	75 dBA	75 dBA	75 dBA

#### Table 4.6\_1 CITY OF SAN DIEGO ONE-HOUR PROPERTY LINE STANDARDS

Source: City of San Diego Noise Ordinance, Section 59.5.4041 Sound Level Limits

The proposed project site is zoned for RM-2-5 (Residential Medium). Thus, for the purposes of analysis as shown above in Table 4.6\_1, the standard would be 60.0 dBA Leq between the hours of 7 a.m. and 7 p.m., 55.0 dBA Leq between the hours of 7 p.m. and 10 p.m., and 50.0 dBA Leq between the hours of 7 p.m. and 10 p.m., and 50.0 dBA Leq between the hours of 10 p.m. and 7 a.m.

#### City of San Diego Construction Noise Impact Thresholds

Construction noise is governed by the City of San Diego Noise Ordinance section 59.5.0404, which requires the following:

- a. "It shall be unlawful for any person, between the hours of 7:00 p.m. of any day and 7:00 a.m. of the following day, or on legal holidays as specified in section 21.04 of the San Diego Municipal Code, with the exception of Columbus Day and Washington's Birthday, or on Sundays, to erect, construct, demolish, excavate for, alter or repair any building or structure in such a manner as to create disturbing, excessive, or offensive noise unless a permit has been applied for ... "
- b. "Except as provided in Subsection C hereof, it shall be unlawful for any person, including the City of San Diego, to conduct any construction activity so as to cause, at or beyond the property lines of any property zoned residential, an average sound level greater than 75 decibels {dBA} during the 12-hour period from 7:00 a.m. to 7:00 p.m."

#### City of San Diego 2008 General Plan Noise Element – Land Use Compatibility Table

The Compatibility Table in the Noise Element of the City of San Diego's General Plan identifies land use compatibility within the City using existing and future CNEL noise levels. See Table 4.6\_5. Based upon these guidelines, residential and other sensitive areas (such as parks and schools) are considered compatible with maximum exterior noise levels of up to 65 dBA CNEL at exterior usable areas.

#### State of California CCR Title 24

The California Code of Regulations (CCR), Title 24, Noise Insulation Standards, states that multifamily dwellings, hotels, and motels located where the CNEL exceeds 60 dBA, must conduct an acoustical analysis showing that the proposed design will limit interior noise to less than 45 dBA CNEL. Interior noise standards are typically applied to sensitive areas within the structure where low noise levels are desirable (such as living rooms, dining rooms, bedrooms, and dens or studies). Worst-case noise levels, either existing or future, must be used for this determination. The City of San Diego has adopted the CCR Title 24 standards and applies them equally to all residential dwellings. Thus, for the purposes of analysis, the applicable noise design threshold is 65 dBA CNEL for exterior usable areas. The applicable interior noise standard is 45 dBA CNEL.

#### Wildlife Habitat Noise Regulations

Construction noise generated by this project is regulated by the United States Fish and Wildlife Service (USFWS) and the California Department of Fish and Game (CDFG) for its effect on certain avian species during their breeding season, including the least Bell's vireo and the coastal California

gnatcatcher. Resource agencies have theorized that elevated noise levels can potentially mask songs of various bird species, which are used to attract mates and defend territories.

The San Diego Association of Governments (SANDAG), in a 1990 study entitled "Comprehensive Species Management Plan for the least Bell's vireo," estimated (theoretically) that {traffic} noise levels above 60 dBA Leq in vireo breeding areas may sufficiently mask the vireo's song and potentially impact this species during their breeding season which occurs from March 1 to September 1. The SANDAG report conclusions were unclear as to the specific time interval of the measurement, but it is typically taken as being one hour.

#### Analysis Methodology

#### Site Monitoring Procedure

A "one-hour" equivalent sound level measurement (LEQ, A-Weighted) was recorded for one location near the Project site. During the on-site noise measurement, start and end times were recorded, vehicle counts were made for cars, medium trucks (double-tires/two axles), and heavy trucks (three or more axles) for the corresponding road segment(s).

The measurement time was long enough for a representative traffic volume to occur and the noise level (LEQ) to stabilize; 15 minutes is usually sufficient for this purpose. The vehicle counts were then converted to one-hour equivalent volumes by applying an appropriate factor. Other field data gathered includes measuring or estimating distances.

#### Equipment

The following equipment was used to measure existing noise levels at the Project site:

- Larson Davis System LxT Integrating Sound Level Meter
- Larson Davis Model CA250 Calibrator
- Windscreen and tripod for the sound level meter
- Digital camera

#### Noise Modeling Software

Modeling of the outdoor noise environment for this report was accomplished using two computer noise models: Computer Aided Noise Abatement version 3.6 (CADNA) and Traffic Noise Model (TNM) version 2.5. CADNA is a model-based computer program developed by *DataKustik* for predicting noise impacts in a wide variety of conditions. CADNA assists in the calculation, presentation, assessment, and mitigation of noise exposure. It allows for the input of project-related information, such as noise source data, barriers, structures, and topography to create a detailed CADNA model, and uses the most up-to-date calculation standards to predict outdoor noise impacts. CADNA traffic noise prediction is based on the data and methodology used in TNM. The TNM was released in February 2004 by the U.S. Department of Transportation. TNM calculates the daytime average Hourly Noise Level (HNL) from three-dimensional model inputs and traffic data. The TNM used in this analysis was developed from Computer Aided Design (CAD) plans provided by the Project

applicant. Input variables included road alignment, elevation, lane configuration, area topography, existing and planned noise control features, projected traffic volumes, estimated truck composition percentages, and vehicle speeds.

The model-calculated one-hour LEQ noise output, with the use of 8 to 10 percent of the average daily traffic occurring during a peak hour, is the equivalent of the CNEL (Caltrans Technical Noise Supplement Nov, 2009). Six to eight percent of the traffic may be converted to CNEL by adding two to the one-hour LEQ.

#### Site Noise Measurements and Comparisons Calculations

Traffic volumes for Caliente Avenue, near San Ysidro High School, were recorded for automobiles, medium-size trucks, and heavy trucks during the measurement period. After a continuous 15-minute sound level measurement, minimal changes in the LEQ were detectable and results were recorded. The measured noise level and related weather conditions are shown in Table 4.6\_2. The traffic counts for the 15-minute measurements and the one-hour equivalent volumes are shown in Table 4.6\_3.

#### Table 4.6\_2 ON-SITE NOISE MEASUREMENT CONDITIONS AND RESULTS

Date	October 15, 2012		
Time	11:15 – 11:30 p.m.		
Conditions	Clear skies, no measurable wind, temperature in		
Conditions	the high 80s with normal humidity		
Measured Noise Level			
Caliente Avenue – Near School	58.9 dBA LEQ		
Caliente Avenue – Near SR-905	61.6 dBA LEQ		
Caliente Avenue – Near Proposed Project	45.5 dBA LEQ		

Source: Helix 2012

#### Table 4.6\_3 TRAFFIC COUNTS DURING NOISE MONITORING

Roadway	Traffic	Autos	MT <sup>1</sup>	HT <sup>2</sup>
	15-minute Count	55	2	1
Callente Avenue – Near School	One-hour Equivalent	220	8	4

<sup>1</sup> Medium Trucks (double-tires/two axles)

<sup>2</sup> Heavy Trucks (three or more axles)

Source: Helix 2012

#### 4.6.2 Impact Analysis

#### **Basis for Determining Significance**

Pursuant to the Noise Section of the City's "Significance Determination Thresholds," a proposed project would have a significant impact on noise if any one or more of the following would occur as a result of the proposed project:

- 1. A significant increase in the existing ambient noise level.
- 2. The exposure of people to noise levels which exceed the City's adopted noise ordinance.
- 3. The exposure of people to current or future transportation noise levels which exceed standards established in the Noise Element of the General Plan (refer to Table 4.6\_4, Traffic Noise Significance Thresholds) and land use compatibility guidelines in the Brown Field Airport Land Use Compatibility Plan.
- 4. Temporary construction noise from the proposed project or permanent noise generators (including roads) which would adversely impact sensitive species (e.g., coastal California gnatcatcher) within the MHPA.
- 5. Cause a land use incompatibility due to noise, as indicated below in Table 4.6\_5, City of San Diego General Plan, Noise Element: Noise Land Use Compatibility Guidelines.

Structure or Proposed Use That Would Be Impacted by Traffic Noise	Interior Space	Exterior Useable Space <sup>a</sup>	General Indication of Potential Significance
Single-Family Detached	45 dB	65 dB	Structure or outdoor usable area <sup>b</sup> is <
Multi-family, schools, libraries, hospitals, day care, hotels, motels, parks, convalescent homes	DSD ensures 45 dB pursuant to Title 24	65 dB	50 feet from the center of the closest (outside) lane on a street with existing or future ADTs > 7500
Offices, Churches, Business, Professional Uses	n/a	70 dB	Structure or outdoor usable area is < 50 feet from the center of the closest lane on a street with existing or future ADTs ≥ 20,000
Commercial, Retail, Industrial, Outdoor Spectator Sports Uses	n/a	75 dB	Structure or outdoor usable area is $\leq$ 50 feet from the center of the closest lane on a street with existing or future ADTs $\geq$ 40,000

#### Table 4.6\_4 TRAFFIC NOISE SIGNIFICANCE THRESHOLDS

Source: Significance Determination Thresholds, Development Services Department, January 2011 Revision

#### Table 4.6\_5 CITY OF SAN DIEGO NOISE LAND USE COMPATIBILITY GUIDELINES

LAND USE				
	60	65	70	75
Open Space and Parks and Recreational				
Community & Neighborhood Parks; Passive Recreation				
Regional Parks; Outdoor Spectator Sports, Golf Courses; Athletic Fields; Outdoor Spectator Sports, Water Recreational Facilities; Horse Stables; Park Maint. Facilities				
Agricultural				
Crop Raising & Farming; Aquaculture, Dairies; Horticulture Nurseries & Greenhouses; Animal Raising, Maintain & Keeping; Commercial Stables				
Residential				
Single Units; Mobile Homes; Senior Housing 45				
Multiple Units; Mixed-Use Commercial/Residential; Live Work; Group Living Accommodations *For uses affected by aircraft noise, refer to Policies NE-D.2. & NE-				
D.S. Institutional				_
Hospitals; Nursing Facilities; Intermediate Care Facilities; Kindergarten through Grade 12 Educational Facilities; Libraries; Museums; Places of Worship; Child Care Facilities 45				
Vocational or Professional Educational Facilities; Higher Education Institution Facilities (Community or Junior Colleges, Colleges, or Universities)				
Cemeteries				
Sales				
Building Supplies/Equipment; Food, Beverages & Groceries; Pets & Pet supplies; Sundries, Pharmaceutical, & Convenience Sales; Wearing Apparel & Accessories				
Commercial Services				
Building Services; Business Support; Eating & Drinking; Financial Institutions; Assembly & Entertainment; Radio & Television Studios; Golf Course Support				
Visitor Accommodations				
Offices				
Business & Professional; Government; Medical, Dental & Health Practitioner; Regional & Corporate Headquarters				
Vehicle and Vehicular Equipment Sales and Services Use				_
Commercial or Personal Vehicle Repair & Maintenance; Commercial or Personal Vehicle Sales & Rentals; Vehicle Equipment & Supplies Sales & Rentals; Vehicle Parking				
Wholesale, Distribution, Storage Use Category				
Equipment & Materials Storage Yards; Moving & Storage Facilities; Warehouse; Wholesale Distribution				

#### Table 4.6\_5 CITY OF SAN DIEGO NOISE LAND USE COMPATIBILITY GUIDELINES (cont.)

LAND USE					
	60	6	57	0 75	
Heavy Manufacturing; Light Manufacturing; Marine Industry; Trucking & Transportation Terminals; Mining & Extractive Industries					
Research & Development					

	Compatible	Indoor uses	Standard construction methods should attenuate exterior noise to an acceptable indoor noise level
Componisio		Outdoor uses	Activities associated with the land use may be carried out.
	Conditionally	Indoor uses	Building structure must attenuate exterior noise to the indoor noise level indicated by the number for occupied areas.
	Compatible	Outdoor uses	Feasible noise mitigation techniques should be analyzed and incorporated to make the outdoor activities acceptable.
		Indoor uses	New construction should not be undertaken
	Incompatible	Outdoor uses	Severe noise interference makes outdoor activities unacceptable

Source: San Diego 2008 General Plan, Noise Element – Land Use Compatibility

#### **Determination of Significance**

## *Issue 1:* Would the proposed project result in a significant increase in the existing ambient noise level?

#### DISCUSSION OF PROJECT IMPACTS (ISSUE 1)

The primary source of long-term noise that would be created as a result of the proposed project would be from project traffic along Caliente Avenue. Table 4.6\_2, On Site Noise (see above) illustrates that the existing noise levels next to the proposed project are 45.5 dBA. Figure 4.6-1, *Noise Contours*, illustrates projected noise levels without buildings. Table 4.6\_6, *2035 Site Roadway Noise*, provides the expected roadway noise levels along Caliente with the buildings with the expected roadway setback.

#### Table 4.6\_6 2035 SITE ROADWAY NOISE

#	Location	CNEL	#	Location	CNEL
W R 01	West of Road	70.9	E R 01	East of Road	70.5
W R 02	West of Road	71.0	E R 02	East of Road	70.3
W R 03	West of Road	70.6	E R 03	East of Road	70.4
W R 04	West of Road	70.8	E R 04	East of Road	70.3
W R 05	West of Road	70.6	E R 05	East of Road	70.2
W R 06	West of Road	70.0	E R 06	East of Road	70.1

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W B 01	West of Buildings	62.8	E B 01	East of Buildings	60.0
W B 02	West of Buildings	48.4	E B 02	East of Buildings	53.5
W B 03	West of Buildings	47.9	E B 03	East of Buildings	56.1
W B 04	West of Buildings	49.0	E B 04	East of Buildings	52.4
W B 05	West of Buildings	48.6	E B 05	East of Buildings	53.1
W B 06	West of Buildings	52.7	E B 06	East of Buildings	59.5

#### Table 4.6\_6 2035 SITE ROADWAY NOISE (cont.)

Noise levels projected within Table 4.6\_6 are obtained from Table 4.6\_7, *Summary of Roadway Segment Level of Service Analysis.* 

#### Table 4.6\_7 SUMMARY OF ROADWAY SEGMENT LEVEL OF SERVICE ANALYSIS

Roadway Segment	Roadway Classification	Existing	Existing Plus Project	Near Term (2014) Baseline	Near Term (2014) Plus Project	Year 2035 Baseline	Year 2035 Plus Project
Otay Mesa Ro	bad						
I-805 to Caliente Ave	6 Lane Prime Arterial	0	0	3,937	3,937	22,174	22,317
Caliente Ave to Heritage Road	6 Lane Prime Arterial	13,967	14,708	18,004	18,745	50,902	51,700
Caliente Aver	านe						
Otay Mesa Rd to SR-905	6 Lane Prime Arterial	17,562	18,474	21,241	22,153	27,051	28,220
SR-905 to Airway Rd	6 Lane Prime Arterial	6,403	8,883	12,155	14,635	22,565	25,073
Airway Rd to Public Street A	6 Lane Major Arterial	4,652	7,502	8,100	10,950	19,592	22,385
Airway Road							
Old Otay Mesa Rd to Caliente Ave	3 Lane Collector	4,989	5,360	6,236	6,607	19,807	20,092
Ocean View H	lills Parkway						
Otay Mesa Rd to Hidden Trails Rd	6 Lane Major Arterial	8,500	8,671	12,911	13,082	23,347	23,575

It can be seen from Table 4.6\_7 that the maximum additional traffic from the Candlelight project is in the Horizon Year 2035 ADT. This represents the worst-case scenario for Caliente Ave. through the project. Thus, although ambient noise volumes at the project site may increase from 45.5 dBA near proposed Caliente Avenue under existing conditions to a high of 71.0 dBA at build-out of the Otay Mesa Community Plan, the project would only be responsible for a portion (13.3%) of this increase.

Other on site noise generation due to the proposed residential development project would be limited to HVAC systems. The HVAC units were found to produce average level events between 48 to 50 dBA at 50 feet from the source, which would be below and at the City of San Diego's threshold for noise levels at the property line. HVAC activity would thus be considered below the threshold of significance.

#### SIGNIFICANCE OF IMPACTS (ISSUE 1)

Although the proposed project would contribute to an increase in the existing ambient noise conditions at the project site from approximately 45 dBA to a maximum of 71.0 dBA, the project would only be responsible for approximately 13.3% of this increase. Moreover, Caliente Avenue, a Community Plan Mobility Element roadway, is the primary source of the anticipated noise increases and would be constructed with or without the proposed project. In addition, although San Ysidro High School is a sensitive receptor, there are no exterior usable space areas for the High School adjacent the roadways. All exterior usable spaces are at distances greater than 250 feet from the roadways and in most cases the existing buildings are situated between the outdoor spaces and the roadways. There are no significant impacts to San Ysidro High School. Therefore, the project's contribution to an increase in ambient noise levels in the project area is less than significant impact.

#### MITIGATION MEASURES (ISSUE 1)

Impacts would not be significant; therefore, mitigation would not be required.

## *Issue 2: Could the proposed project result in the exposure of people to noise levels which exceed the City's adopted noise ordinance?*

#### DISCUSSION OF PROJECT IMPACTS (ISSUE 2)

#### Short-term Noise Impacts

The City of San Diego Municipal Code §59.5.0404(b) generally prohibits, "...any construction activity so as to cause, at or beyond the property lines of any property zoned residential, an average sound level greater than 75 decibels during the 12-hour period from 7:00 a.m. to 7:00 p.m." Currently, only the land to the west of the project site is zoned for residential land uses; however, the land to the west is currently proposed for a rezone to a higher density designation of RM-2-5, and land to the north of the project site easterly of Caliente Avenue also is proposed for a change of zone to the RM-2-5 designation. Accordingly, these properties would meet the criteria of the City's adopted noise ordinance for construction noise. However, it should be noted that residential use on adjacent properties is not anticipated at the time of construction activities for the proposed Southview residential project, located north of the project site and easterly of Caliente Avenue. As a worst-cases assessment of potential impacts, it is assumed that residential uses would be implemented in association with the proposed Southview project at the time of construction activities.

The estimated construction equipment noise emissions are provided below in Tables 4.6\_8, *Predicted Construction Noise Levels-Rough Grading Operations*, through 4.6\_10, *Predicted Construction Noise Levels-Surface Paving Operations*, for the following typical construction phases:

- Rough Grading (i.e., clearing, grubbing, and general pad and road alignment formation). This typically consists of three distinct phases: mobilization, scraper hauls/finishing, and additional site finishing work.
- Underground Utility Construction (i.e., general trench-work, pipe laying with associated base material and cover, and ancillary earthwork required to facilitate placement of water pipe systems, etc.).
- Paving Activities (which would include the movement of any remaining material as well as necessary curb and gutter work, road base material placement and blacktop).

Equipment Type	Qty. Used	Duty Cycle (Hrs./day)	Source Level @ 50 Feet (dBA)	Cumulative Effect @ 50 Feet (dBA LEQ-12H)
Bulldozer	2	8	75	78.0
Loader	2	8	73	76.0
Water Tank Truck	1	8	70	74.8
Scraper	2	8	80	83.0
Worst-Case Aggreg	85.2			
Sum @ Receptor (2	73.4			

#### Table 4.6\_8 PREDICTED CONSTRUCTION NOISE LEVELS—ROUGH GRADING OPERATIONS

Source: EPA PB 206717, Environmental Protection Agency, 12/31/71, "Noise from Construction Equipment and Operations"

#### Table 4.6\_9 PREDICTED CONSTRUCTION NOISE LEVELS—UNDERGROUND UTILITY CONSTRUCTION

Equipment Type	Qty. Used	Duty Cycle (Hrs./day)	Source Level @ 50 Feet (dBA)	Cumulative Effect @ 50 Feet (dBA LEQ-12H)
Bulldozer	3	8	75	78.0
Loader	2	8	70	71.2
Concrete Truck	6	0.5	75	69.0
Dump Truck	5	0.5	75	68.2
Worst-Case Aggrega	79.6			
Sum @ Receptor (2	67.8			

Source: EPA PB 206717, Environmental Protection Agency, 12/31/71, "Noise from Construction Equipment and Operations"

Equipment Type	Qty. Used	Duty Cycle (Hrs./day)	Source Level @ 50 Feet (dBA)	Cumulative Effect @ 50 Feet (dBA LEQ-12H)
Dump/Haul Truck	25	0.5	75	75.2
Paver	1	8	70	68.2
Roller	2	8	75	76.2
Worst-Case Aggrega	79.1			
Sum @ Receptor (2	67.3			

#### Table 4.6\_10 PREDICTED CONSTRUCTION NOISE LEVELS—SURFACE PAVING ACTIVITIES

Source: EPA PB 206717, Environmental Protection Agency, 12/31/71, "Noise from Construction Equipment and Operations"

Construction within the proposed project area would typically occur between the hours of 7 a.m. and 4 p.m. Monday through Friday in accordance with City requirements and would be utilized in an incremental fashion over the course of construction in accordance with future building needs. The nearest sensitive receptor (i.e., San Ysidro High School) would be located over 195 feet distant from any proposed construction activities. The point-source attenuation between this receptor and any construction would be slightly over 11.8 dBA. Given this, no construction noise impacts are expected at nearby schools. Construction noise would be at the worst case during site grading. Assuming the worst case scenario that Southview to the North would be completed and in accordance with Table 4.6\_10 the noise level would be 67.3 dBA. This level is lower than the allowable City's construction ordinance limit of 75 dBA.

#### Long-Term Noise Impacts

The applicable standards from the City of San Diego Noise Ordinance (Municipal Code §59.5.0401) for non-construction noise associated with the proposed project are provided above in Table 4.6\_7. Noise impacts to surrounding properties would be significant if noise levels at the proposed property lines adjacent to residentially zoned lands exceed the values shown in Table 4.6\_5. As discussed previously, land to the west and north of the project site (easterly of Caliente Avenue) would be subject to the limits shown for Multi-family residential, and all other Residential (including RM-2-5) in Table 4.6\_5.

For the existing San Ysidro High School located adjacent to the site, the noise ordinance prohibits the following: "To make noise adjacent to a hospital, school, library, rest home, or long-term medical or mental care facility, which noise unreasonably interferes with the workings of such institutions or which disturbs or unduly annoys occupants in said institutions."

Upon buildout of the proposed project, the primary on-site noise generation is anticipated to be limited to HVAC systems designed for single-family use. The HVAC units were found to produce average level events between 48 to 50 dBA at 50 feet from the source, which would be well below the City of San Diego's threshold for noise levels at the property line (refer to Table 4.6\_4). HVAC activity would thus be considered below the threshold of significance. The proposed HVAC units are not anticipated to unreasonably interfere with the workings of the high school, and would not

disturb or unduly annoy the occupants of the high school. Similarly, the proposed HVAC units are not anticipated to adversely affect future residential uses on adjacent off-site properties.

#### SIGNIFICANCE OF IMPACTS (ISSUE 2)

As indicated above, the project is not anticipated to create noise levels in violation of the City's adopted noise ordinance (Municipal Code §59.5.0101 et. seq.). Therefore, significant impacts would not occur.

#### MITIGATION MEASURES (ISSUE 2)

Significant impacts would not occur; therefore, mitigation would not be required.

#### Issue 3: Would the proposed project result in the exposure of people to current or future transportation noise levels which exceed guidelines established in the General Plan and land use compatibility guidelines in the Brown Field Airport Land Use Compatibility Plan?

#### **DISCUSSION OF PROJECT IMPACTS (ISSUE 3)**

The proposed project site is located within the Airport Land Use Compatibility Plan for Brown Field Municipal Airport. As shown by Figure 4.1-3, Brown Field Airport Influence Area, the proposed project site lies within the Airport Influence Area - Review Area 2 for Brown Field. Implementation of the proposed project would not expose people to existing or future aircraft noise levels that exceed the noise land use compatibility within the General Plan Noise Element or the Airport Land Use Compatibility Plan for Brown Field Municipal Airport. The project site is outside of the 60 decibel (dB) community noise equivalent level (CNEL) noise exposure contours as shown in the Airport Land Use Compatibility Plan for Brown Field Municipal Airport. Therefore, potential impacts resulting from noise generated by airports or aircraft are not anticipated to be significant.

The primary source of future year 2035 transportation noise near the project site would be from vehicular traffic associated with project developments along Caliente Avenue.

#### SIGNIFICANCE OF IMPACTS (ISSUE 3)

Impacts to outdoor usable areas (i.e., recreational/usable open space areas, Receptors 17 through 27 from future transportation noise would not exceed the City's traffic noise threshold, and therefore would require no mitigation. First and second story areas of most proposed multi-family structures having line-of-sight to Caliente Avenue (i.e., Receptors 1 through 16) would exceed the CCR Title 24 noise abatement outdoor threshold of 60 dBA CNEL. To eliminate the potential violation of indoor noise level standards for dwelling units that would have line-of-sight to Caliente Avenue, a requirement for Acoustical Studies and adherence to the acoustical study's recommendations is a requirement of the project.

At the time of application for building permits, an interior noise analysis shall be required for each unit with a direct line-of-sight to Caliente Avenue. The information in the Title 24 analysis shall

include wall heights and lengths, room volumes, window and door tables typical for a building plan, as well as information on any other openings in the building shell. With this specific building plan information, the analysis shall determine the predicted interior noise levels at the planned on-site buildings. If predicted noise levels are found to be in excess of 45 CNEL, the report shall identify architectural materials or techniques which could be included to reduce noise levels to 45 CNEL in habitable rooms. Glazing with Sound Transmission Control (STC) ratings from a STC 22 to STC 60 should be considered. In addition, walls with appropriate STC ratings (34 to60) should also be considered. This interior noise analysis shall identify specific noise attenuation that shall be depicted on the building plans. The interior noise analysis shall demonstrate that incorporation of the proposed noise attenuation measures would attenuate interior noise levels to a level below 45 dBA CNEL. To reduce the impact of outdoor recreation the following mitigation would apply: The future design plans may contain one of the following three conditions. Title 24 exterior-to-interior noise study will be required as part of the final building plan submittal. The Title 24 exterior to interior study is expected to be able to show compliance with the 45 CNEL interior usable space requirements with normal construction techniques. The requirement for the noise analysis is assured by being a requirement of the building permit.

Noise control planning can be included in the design plans as follows:

- If the ground level grassy space between the buildings is required as part of the Project designated exterior use area, the noise may be controlled to less than 65 dBA CNEL with a noise control fence along the outer edge of the area facing the roadway. This noise control fence, if implemented, would need to be a minimum of six feet above the level of the outdoor use area adjacent the fence. The fence would need returns along the north and south end or walkways entering from the street 10-feet in length.
- 2. If the ground level grassy space area does not require noise control but there are ground level decks adjacent the buildings facing the roadways, these ground level decks would require five and a half foot high noise control barriers around the deck space to control roadway noise impacts to less than 65 dBA CNEL. This noise control would only be required if the grassy area does not include noise control.
- 3. If there are second level decks planned as part of the required outdoor usable space they would require noise control in the form of a four and one half foot high noise control barrier around the deck to control noise to less than 65 dBA CNEL.

Noise attenuation barriers would be solid and constructed of masonry, wood, plastic, fiberglass, steel, or a combination of those materials, with no cracks or gaps through or below the wall. Glass or clear plastic may be used on the upper portions of the barriers if it is desirable to preserve a view. Any seams or cracks must be filled or caulked. If wood is used, it can be tongue and groove and must be at least one-inch thick or have a surface density of at least 3.5 pounds per square foot.

The potential for interior noise levels to exceed the General Plan Land Use-Noise Compatibility Guidelines is addressed through the requirement for Acoustical Studies for the proposed residential units facing Caliente Avenue.

#### MITIGATION MEASURES (ISSUE 3)

Significant impacts would not occur; therefore, mitigation would not be required.

## Issue 4: Would the proposed project create temporary construction noise from the proposed project or permanent noise generators (including roads) which would adversely impact sensitive species (e.g., coastal California gnatcatcher) within the MHPA?

#### DISCUSSION OF PROJECT IMPACTS (ISSUE 4)

Potential indirect noise impacts to sensitive wildlife species within the MHPA are addressed in Sections 4.1, *Land Use* and 4.2, *Biology*. As discussed in Section4.1, the only sensitive species identified within adjacent MHPA areas is the coastal California gnatcatcher. In the long term, noise impacts resulting from the proposed project are not anticipated to be significant because of the proposed land use (residential), and the distance between the gnatcatcher habitat and the primary project noise-generating source which is Caliente Avenue Traffic.

#### SIGNIFICANCE OF IMPACTS (ISSUE 4)

Indirect noise impacts to the coastal California gnatcatcher during construction activities are regarded as significant prior to mitigation.

#### MITIGATION MEASURES (ISSUE 4)

**4.6-1** Potential construction noise impacts to the coastal California gnatcatcher were previously addressed in EIR Section 4.2, *Biological Resources*. Mitigation Measure 4.1-1 specifies that if gnatcatchers are present within the MHPA, then construction activities within 500 feet of the MHPA would be restricted between March 1 and August 15 to prevent any potential indirect impacts to breeding individuals of coastal California gnatcatcher. With implementation of this Mitigation Measure, impacts would be reduced to below a level of significance.

#### SIGNIFICANCE AFTER MITIGATION (ISSUE 4)

With implementation of Mitigation Measure specified above, significant indirect noise impacts to sensitive wildlife species within the MHPA would be mitigated to a level below significance.

## Issue 5: Would project implementation cause a land use incompatibility due to noise, as indicated above in Table 4.6\_5, City of San Diego Noise Land Use Compatibility Guidelines?

#### **DISCUSSION OF PROJECT IMPACTS (ISSUE 5)**

Land uses within the project area include an existing high school and proposed (future) multi-family residential land uses. Accordingly, each of these land uses are compatible with a maximum annual community noise equivalent level of 65 dBA. As previously discussed under Issues 1 and 2, above, impacts to outdoor usable areas (i.e., recreational areas) from future transportation noise would not

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exceed the City's traffic noise threshold standard, which is 65 dBA. Furthermore, the primary on-site noise generation is anticipated to be limited to HVAC systems designed for single-family use. The HVAC units were found to produce average level events between 48 to 50 dBA at 50 feet from the source, which would be well below the 65 dBA land use compatibility standard. This is also at or below the 50 dBA standards for night time (10:00 pm to 7:00 am) City regulations per Table 4.6\_1.

#### SIGNIFICANCE OF IMPACTS (ISSUE 5)

The proposed multi-family development would not create noise levels which would be incompatible with the adjacent high school use, nor would the high school create noise levels which would be incompatible with the proposed residential development. Therefore, significant impacts would not occur.

#### MITIGATION MEASURES (ISSUE 5)

Significant impacts would not occur; therefore, mitigation would not be required.

#### 4.7 PUBLIC UTILITIES

#### 4.7.1 Existing Conditions

The following Public Utilities analysis is based on a-technical reports entitled, *Sewer Study Update*, prepared by Schwerin & Associates, dated April 9, 2013, (Appendix J of this EIR), *Waste Management Report*. prepared by Alden Environmental, dated April 2, 2013, (Appendix U of this EIR) and the *OMCP FEIR*, prepared by the City of San Diego, date of final passage, March 25, 2014, Resolution 308809, (incorporated by reference).

#### **Electrical Power and Natural Gas**

Electrical power and natural gas service to the proposed project site would be provided by the San Diego Gas and Electric Company (SDG&E). Forecasting future electric power and natural gas consumption demand is performed on a continual basis by SDG&E. In situations where projects with large power loads are planned, these new large power loads are considered together with other existing or anticipated future loads in the project vicinity, and electrical substations are upgraded or new substations are built if the capacities of existing substations are exceeded. Direct impacts to electrical and natural gas facilities are addressed and mitigated by SDG&E at the time incoming development projects occur.

#### **Communication Systems**

Communications system(s) for telephone, large-scale computer systems, and cable television, would be provided to the proposed project site by <u>SBCAT&T</u>. <u>AT&T</u> (formerly SBC (formerlyand Pacific Bell) is mandated by the State Public Utilities Code to provide telephone service wherever it is requested throughout the State of California. <u>SBCAT&T</u>, therefore, must provide ongoing telephone service and plan for continual extensions of fiber optic lines. Forecasting future service demand is performed by computerized statistical modeling based on land use patterns, zoning, and other growth indicators.

#### Water

#### **Regional Water Supply**

The regional water suppliers serving the City include the Metropolitan Water District (MWD) and the San Diego County Water Authority (SDCWA). MWD is the principal supplier supplying water to many water agencies throughout southern California including the SDCWA. MWD receives its water from the Colorado River via the Colorado River Aqueduct and from northern California via the California Aqueduct, which is part of the State Water Project. The SDCWA sells water to 27 member agencies.

Long-term water supply in southern California continues to be a concern because the region is so heavily dependent on remote water sources. In San Diego County, less than ten percent of water demand is met from local sources.

The SDCWA produced a 2010 Urban Water Management Plan in the year 2011 which predicted water supply and demand through the year 2035. In the year 2010, water demand within the SDCWA service ware was 566,443 AF. Based on population projections of SANDAG's 2035 Cities/County Forecast, SDCWA projects the total demand in 2035 to be 903,213AF (without

conservation). Conservation estimates by 2035 are 117,528. SDCWA has projected that in the year 2035, Baseline demand will be 785,685.

The SDCWA is taking numerous steps to meet future demands and diversify its supplies. Implementation of water conservation measures is one of the most cost-effective ways of reducing demand. SDCWA entered into an agreement with the Imperial Irrigation District (IID) for the longterm transfer of conserved Colorado Water to SDCWA in Oct 2003. Imperial Valley farmers, who voluntarily participate in the program, would conserve Colorado River water, which would then be sold and transferred to the SDCWA. Delivery of 10,000 acre-feet (AF) of conserved water was transferred to SDCWA in 2003. In 2004, 20,000 AF was conserved and delivered to the SDCWA. The quantities would increase annually to 200,000 AF by 2021, and would remain fixed for the duration of the 45-year initial term. SDCWA also will receive 77,700 AF per year of conserved water from projects that would line the All American Canal and Coachella Canal. The project will reduce the loss of water that currently occurs through seepage; the conserved water would go the SDCWA. This would provide the SDCWA with an additional 8.5 MAF of water over the 110-year life of the agreement. Another way SDCWA could increase water supply is by using water produced by a proposed Seawater Desalination Project. The Desalination Project is anticipated to produce 56,000 AF annually of new water supply generated from seawater drawing in by the EnCana Power Station cooling water circulation system from the Pacific Ocean via the Aqua Hacienda Lagoon. The Desalination Project would provide a new source of high quality water that would meet or exceed state and federal standards, which would be conveyed from the plant to the local and regional water distribution systems.

#### Local Water Supply

On January 1, 2002, Senate Bill 610 (SB 610) and Senate Bill 221 (SB 221) took effect. The intent of SB 610 and SB 221 is to improve the link between information on water supply availability and certain land use decisions made by local jurisdictions. SB 610 requires the preparation of a Water Supply Assessment (WSA) Report for projects that proposed to construct 500 or more residential dwelling units (or the equivalent to 500 or more residential dwelling units). SB 221 requires affirmative written verification of sufficient water supply.

Sections 10910 through 10915 of the California Water Code were amended by the enactment of Senate Bill 610 (SB 610) in 2002. SB 610 requires an assessment of whether available water supplies are sufficient to serve the demand generated by a proposed project, as well as the reasonably foreseeable cumulative demand in the region over the next 20 years under average normal year, single dry year and multiple dry year conditions. Under SB 610, water assessments must be furnished to local governments for inclusion in any environmental documentation for certain projects (as defined in Water Code 10912 [a]) subject to CEQA. For the purposes of SB 610, "project" means any of the following:

- 1. A proposed residential development of more than 500 dwelling units.
- 2. A proposed shopping center or business establishment employing more than 1,000 persons or having more than 500,000 sf of floor space.
- 3. A proposed commercial office building employing more than 1,000 persons or having more than 250,000 sf of floor space.

- 4. A proposed hotel or motel, or both, having more than 500 rooms.
- 5. A proposed industrial, manufacturing, or processing plant, or industrial park planned to house more than 1,000 persons, occupying more than 40 acres of land, or having more than 650,000 so of floor area.
- 6. A mixed-use project that includes one or more of the projects specified in this subdivision.
- 7. A project that would demand an amount of water equivalent to, or greater than, the amount of water required by a 500 dwelling unit project.

As this project proposes fewer than 500 dwelling units, a Water Service Availability (WSA) study was not required. It was determined that water was available to all new developments in this area through the dual 16" water lines as long as the new developments are built in conformance with the Otay Mesa Community Plan. As a condition of approval of this development, the dual 16" water mains would be extended within Caliente Ave. to the southerly terminus of the project.

#### Sewer

The proposed project is within the service boundaries of the City of San Diego for sewer services. At present, however, there are no existing sewer facilities within the site. As shown on Figure 4.7-1, *Sewer Drainage Basins,* the proposed project site lies within the Otay Mesa Sewer Basin and ultimately would be served by the City's planned Otay Mesa Trunk Sewer system, as identified in the Otay Mesa Trunk Sewer Master Plan (June 2008). The Otay Mesa Trunk Sewer Master Plan identifies a regional public sewer lift station located to the south of the proposed project site. At the time of EIR preparation (2014), a precise location for this public sewer lift station had not been identified.

Proposed on-site sewer collection would consist of a private 8-inch diameter gravity main in Public Street A and dual 6" force mains. The western portion of the project site would pump via a private lift station in Lot 1 to a sewer man hole and to the proposed 18-inch public gravity sewer main in Caliente Avenue via a 10" public main to be constructed by this project. Sewage generated from other areas of the proposed project would flow by gravity to a private sewer lift station at the eastern boundary of the site (Lot 3) and then to the private gravity mains in Public Street A via dual 6" force mains.

#### Storm water Drainage

There are currently no storm water drainage facilities within the project area, other than those located on the adjacent San Ysidro High School site. All storm water from the Candlelight project will be immediately intercepted with an underground system. Storm waters from the site will be treated using engineered soil and vegetative swales and detained using underground bio-retention and hydromodification vaults. Once storm water is treated and stored, it will then flow to two detention basins on-site where storm water will slowly exit the site into rock rip rap. With the proposed storm water measures in place, storm water volume and flow will not increase due to the proposed project. See the Water Quality Technical Report/Drainage Study (Appendix I).

#### Solid Waste Disposal

The privately operated Otay Landfill currently provides disposal service for most of the waste collected from the Otay area. Solid waste disposal in the project site vicinity is provided by the combined services of the City of San Diego Environmental Services Department (ESD) and private

collectors. Waste disposal services provided by the City are typically limited to certain residential properties on public streets within the City limits pursuant to the People's Ordinance of 1919. All other customers are required to obtain (and fund) service from private hauling companies that are franchised to operate within the City. The Candlelight project will obtain waste disposal services and hauling from a private company. The County Siting element is prepared by the San Diego County Department of Public Works. Otay Landfill is the nearest solid waste facility to the project site, and is located in an area of unincorporated County land approximately 4.5 miles northwest of the project site (wholly within the City of Chula Vista).

#### Local Regulatory Framework

In 1989, Assembly Bill 939 (AB 939), known as the Integrated Waste Management Act, was passed to address the increasing trend in waste stream generation and the corresponding decrease in landfill capacity. AB 939 mandates reductions of waste disposal, with jurisdictions required to meet diversion goals of 25 percent by 1995 and 50 percent by 2000. As a result, the CIWMB was established to oversee the disposal reporting system and facility and program planning was required, with the CIWMB recently replaced by CalRecycle as noted above. AB 939 also established an integrated framework for program implementation, solid waste planning, and solid waste facility and landfill compliance. In 2011 the State chapter new legislation increasing the waste diversion target to 75%. In 2014 the State made further waste requirements for organic waste under AB1826.

In 2014 the City Council adopted a resolution targeting "zero waste" by the year 2040. Some of the municipal code requirements intended to further this goal include the following sections of the Municipal Code target waste reduction:

- Chapter 6, Article 6, Division 6. This section (and related ordinances) requires project applicants to submit a Waste Management Form with the building permit or demolition/ removal permit, to provide a general estimate of total project waste generation, including how much will be recycled. The code requires a minimum diversion rate of 50 percent for building permits or demolition/removal permits issued within 180 calendar days of the effective date of the ordinance. A minimum diversion rate of 75 percent is required for building permits or demolition/removal permits issued more than 180 calendar days after the effective date of the ordinance, however, if a certified recycling facility which accepts mixed construction and demolition debris is operating within 25 miles of the City Administrative Building, or if a mixed construction and demolition debris processing facility is certified at a diversion rate of 75 percent or more.
- Construction and Demolition Debris Ordinance. This ordinance was designed to improve construction and demolition recycling efforts via refundable debris recycling deposits.

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### Sewer Drainage Basins

- Chapter 6, Article 6, Division 7 (Recycling Ordinance). This section requires all single family, multi-family, and commercial uses to participate in a recycling program by separating recyclable materials from other solid waste and depositing the recyclable materials in approved recycling containers.
- Chapter 14, Article 2, Division 8 (Refuse and Recyclable Material Storage Regulations). This section is intended to encourage solid waste recycling through requirements to provide permanent, adequate and convenient space for the storage and collection of refuse and recyclable material. Specific requirements for new non-residential development include the provision at least one exterior refuse and recyclable material storage area per building, with related storage area capacity based on the gross floor area of associated buildings.

The City of San Diego CEQA thresholds specify that projects generating more than 60 tons of waste (typically 40,000 square feet or more of construction) must prepare a waste management plan indicating how solid waste impacts will be mitigated. The Conceptual Waste Management Plan (WMP) is based on a technical report entitled, *Conceptual Waste Management Plan for the Candlelight Project*, prepared by Alden Environmental, Inc., dated April 2, 2013 (Appendix U).

#### Recycling Ordinance (O-19678)

As of February 18, 2008, all residential complexes larger than 100 units are required to provide onsite recycling services, including recycling bins, storage space, and facilities on site, and private haulers (City Municipal Code §66.0701 - §66.00718). The requirements for Apartment and Condominium Complexes set forth in the Recycling Ordinance states that property managers and owners are responsible for providing the following:

Recycling services including:

- Collection of recyclables at least twice a month
- Collection of at least plastic and glass bottles and jars, paper, newspaper, metal containers, and cardboard
- Designated recycling collection areas
- Appropriate recycling containers and signage as specified in the <u>Recycling Container and</u> <u>Signage Guide for City Recycling Ordinance</u> (PDF)

Education including:

- Types of materials accepted in recycling program
- Location of the recycling containers
- Tenant's responsibility to comply with the City's Ordinance (Education must be provided annually to all tenants, upon move-in, and when there are changes to the program.) (City 2008)

#### Solar Energy

The passage of the California Global Warming Solutions Act of 2006 (Assembly Bill 32) and other pivotal legislation and policy in California — such as the establishment of statewide energy efficiency

goals (AB 2021), Low-Income Energy Efficiency statutes, the Governor's Green Building Executive Order, the California Energy Commission Integrated Energy Policy Report (2007), and the CA Public Utilities Commission (CPUC) Strategic Plan (2008) — create an environment where energy efficiency efforts must not only continue to thrive but scale up at unprecedented levels. The four specific programmatic goals, known as the "Big Bold Energy

Efficiency Strategies," established by the CPUC include: 1. All new residential construction in California will be zero net energy by 2020; 2. All new commercial construction in California will be zero net energy by 2030; 3. Heating, Ventilation and Air Conditioning (HVAC) will be transformed to ensure that its energy performance is optimal for California's climate; and 4. All eligible low-income customers will be given the opportunity to participate in the low income energy. The 2003 update of 900-14 requires City projects to achieve the U.S. Green Building Council's LEED silver standard for all new buildings and major renovations over 5,000 square feet.

#### 4.7.2 Impact Analysis

#### A. Basis for Determining Significance

Pursuant to the Public Utilities section of the City's "Significance Determination Thresholds," a proposed project would have a significant impact on Public Utilities if any one or more of the following conditions would occur as a result of the project:

- Result in a need for new systems, or require substantial alterations to existing utilities, the construction of which would create physical impacts? Natural gas, Water, Sewer
- Communication systems or Solid waste disposal
- Result in the use of excessive amounts of fuel or energy (e.g. natural gas)?
- Result in the use of excessive amounts of power?
- Use of excessive amounts of water?
- Landscaping which is predominantly non-drought resistant vegetation?

#### Significance Thresholds

#### 1. Electrical Power and Natural Gas (Energy)

Electrical power and natural gas service is commonly provided by the San Diego Gas and Electric Company (SDG&E) throughout the San Diego metropolitan area. Power and gas requirements for upcoming development projects are handled on a case-by-case basis, and SDG&E consults with developers to incorporate energy saving devices into project design, where feasible.

Forecasting future electric power and natural gas consumption demand is performed on a continual basis by SDG&E. In situations where projects with large power loads are planned, these new large power loads are considered together with other existing or anticipated future loads in the project vicinity, and electrical substations are upgraded or new substations are built if the capacities of

existing substations are exceeded. Direct impacts to electrical and natural gas facilities are addressed and mitigated by SDG&E at the time incoming development projects occur and are not typically evaluated by City staff.

#### 2. Solar Energy

With respect to solar energy, projects that would result in substantial shading of roofs as to preclude future installation of solar systems may be considered to have significant environmental impacts.

#### 3. Communication Systems

Communications system(s) for telephone, large-scale computer systems, and cable television, are serviced by utility providers such as SBC, AT&T, IBM, and other independent cable companies. Communication system needs for incoming projects are serviced by these utility providers on an as-needed basis.

<u>AT&T (formerly SBC (formerlyand</u> Pacific Bell) is mandated by the State Public Utilities Code to provide telephone service wherever it is requested throughout the State of California. <u>SBCAT&T</u>, therefore, must provide ongoing telephone service and plan for continual extensions of fiber optic lines.

#### 4. Solid Waste Generation/Disposal

These thresholds are described below:

#### Direct Impacts

Projects that include the construction, demolition, or renovation of 1,000,000 square feet (sq ft) or more of building space may generate approximately 1,500 tons of waste or more and are considered to have direct impacts on solid waste management. The project is proposing development of three lots with a combined area of 857,000 sq ft. This is below the threshold for direct impacts.

#### Cumulative Impacts

Per the City's thresholds, projects that include construction, demolition, and/or renovation of 40,000 sq ft or more of building space may generate approximately 60 tons of waste or more, and are considered to have cumulative impacts on solid waste facilities. While all projects are required to comply with the City's waste management ordinance, cumulative impacts are mitigated by the implementation of a project-specific Waste Management Plan which reduces solid waste impacts to below a level of significance.

The Candlelight project would exceed the cumulative threshold and therefore a WMP was required. This WMP documents how the project will reduce waste and comply with solid waste and recycling laws and regulations, including the guidelines set forth in *AB 939 and AB 341, City Ordinances O-19420,* 

*O-19694 and O-19678,* and the *City of San Diego's Municipal Code Refuse and Recyclable Materials Storage Regulations*. A Waste Management Plan was prepared for the proposed project. (Appendix U).

# Issue 1: Would the proposed project result in a need for new or substantial alterations to existing utilities, the construction of which would create physical impacts (natural gas, water, reclaimed water, sewer, storm water drainage, and/or solid waste disposal, or communication systems)?

#### DISCUSSION OF PROJECT IMPACTS (ISSUE 1)

#### 1. ELECTRICAL POWER AND NATURAL GAS

Electrical and natural gas services are currently available to the San Ysidro High School located adjacent to the proposed project site. Extension of these services into the project site is anticipated to occur within the right-of-way of Caliente Avenue. Extension of these utilities into the proposed project site is not anticipated to result in a need for new or substantial alterations to existing utilities which would create a physical impact to the environment, other than those that are already addressed throughout this EIR. Therefore, a significant impact associated with electrical power and natural gas would not occur.

#### 2. <u>Water</u>

Public water facilities necessary to provide service to the proposed project currently exist within the Caliente Avenue right-of-way adjacent to the project site. As part of the proposed project, two 16-inch water main extensions would be provided within the proposed extension of Caliente Avenue through the project site, which is consistent with the approved South San Diego/Otay Mesa Water Master Plan. Impacts associated with the extension of this water main are the same as for the extension of Caliente Avenue, and these impacts are addressed throughout this EIR.

In accordance with SB 221, the project applicant has requested and received written authorization from the Public Utilities Department (PUD) that adequate water supplies exist to serve the proposed project. A Will-Serve letter was provided on August 16, 2005 from Chris Gascon stating that sufficient water resources are available to serve the proposed project (see Appendix M to this EIR).

As noted above, only projects that propose more than 500 residential dwelling units are subject to the requirements of SB 610. Because the project proposes only 475 residential dwelling units, a Water Supply Assessment is not required.

Additionally, the project is consistent with the Otay Mesa Community Plan. It was disclosed in the OMCP FEIR that build-out of the OMCP would have no significant impacts on water supplies.

Implementation of the proposed project would not result in a need for new or substantial alterations to water facilities, or require substantial alterations to existing water facilities, which would create physical impact to the environment.

#### 3. <u>Sewer</u>

A sewer study has been prepared for the proposed project by PBS&J and is entitled, "Candlelight Villas East Sewer Study" (August 24, 2006). This study was updated by Schwerin and Associates (August, 2013). A copy of these reports is provided in the Technical Appendices to this EIR under Section J.

Table 4.7\_1, *Proposed Sewer Generation*, summarizes maximum future estimated flows through the proposed project site. As shown below in Table 4.7\_1, the proposed on-site sewer system has been designed to accommodate. As shown, the average daily flow from the proposed project is estimated to be approximately 114,000 gallons per day (gpd).

DEVELOPMENT	Land Use	GROSS Acreage	Net Acreage	Dwelling Units	EDU	POPULATION	SEWAGE GENERATION (GPD)
Candlelight	Multi- Family	44.19	23.74	475	374	1,425	114,000*
				TOTAL:	802	3732	114,000

#### Table 4.7\_1 PROPOSED SEWER GENERATION

\* Based on 80 gpd per <u>http://www.sandiego.gov/mwwd/pdf/sewerdesign.pdf</u>, using population of 3 per household per sewer design standards.

As noted above, sufficient facilities exist or are planned in the project area to serve the proposed development without the need for the construction of new or improved facilities. Therefore, the provision of sewer facilities to the proposed project site would not require new or expanded facilities, not already planned for and analyzed as part of the OMCP FEIR, that would lead to a physical impact to the environment, and impacts associated with the proposed sewer facilities would therefore not be significant. Additionally, the OMCP FEIR concluded that the OMCP implementation would not cause a significant impact to City's sewer facilities.

#### 4. <u>STORM WATER DRAINAGE</u>

Construction of the proposed storm water drainage facilities would not result in significant impacts to the environment that have not already been addressed by this EIR. In all cases, impacts associated with grading for these detention basins have been reduced to below a level of significance.

#### 5. SOLID WASTE MANAGEMENT

As previously noted a WMP has been prepared to address cumulative project impacts on landfill capacity and solid waste services. Per the proposed project's Waste Management Plan, the project will have a target diversion rate of 100% of material during the grading phase (balanced cut and fill) and 92% of waste generated during the construction - building phase. Overall the project has a construction waste diversion goal of 92%. The project will also divert waste generated during the
occupancy phase to the extent practicable in accordance with AB 939, AB 341, and City policies regarding waste reduction, recycling, and product procurement.

Compliance with the Waste Management Plan is assured by conditions of project approval. Impacts therefore, would be reduced to below a level of significance.

#### 6. <u>COMMUNICATION SYSTEMS</u>

Communications system(s) for telephone, large-scale computer systems, and cable television, would be provided to the proposed project site by <u>SBCAT&T</u>. Forecasting future service demand is performed by <u>SBCAT&T</u> using computerized statistical modeling based on land use patterns, zoning, and other growth indicators. Therefore, since the proposed project is consistent with the community plan's land use plan designations for the site, it can be reasonably assumed that <u>SBC's-AT&T's</u> plans for the project vicinity assume that the project site would be developed with residential units similar to those proposed. Furthermore, communication systems services are already provided to the adjacent San Ysidro High School. Thus, the extension of communication systems into the proposed project site is not anticipated to result in a need for new or substantial alterations to existing utilities which would create a physical impact to the environment. Additionally, the OMCP DEIR has determined that implementation of the OMCP would not cause significant impacts to City communication systems. Therefore, a significant impact associated with communications systems would not occur.

#### SIGNIFICANCE OF IMPACTS (ISSUE 1)

As discussed above, the construction of utilities necessary to serve the proposed project would not result in any physical impact to the environment that is not already addressed by this DEIR in the Land Use section (4.1) and the Biology Section (4.2). Therefore, significant impacts associated with public utilities would not occur. However, in order to preclude impacts to the solid waste facilities, the proposed project would be required to comply with project specific waste management plan.

# MITIGATION MEASURES (ISSUE 1)

No impacts would result, and therefore mitigation measures are not required.

# Issue 2: Would the proposed project result in the use of excessive amounts of water?

#### DISCUSSION OF PROJECT IMPACTS (ISSUE 2)

The proposed project consists of a multi-family development and ancillary recreation and open space uses. The proposed project would create a demand for 98 million gallons of water per year, which is similar to that of other multi-family residential developments within the region. Therefore, the project would not result in the excessive use of water.

#### SIGNIFICANCE OF IMPACTS (ISSUE 2)

No significant impact would occur.

#### MITIGATION MEASURES (ISSUE 2)

Significant impacts would not occur; therefore, mitigation would not be required.

# *Issue 3: Would the proposal result in landscaping which is predominantly non-drought resistant vegetation?*

#### DISCUSSION OF PROJECT IMPACTS (ISSUE 3)

As part of the project's Planned Development Permit (PDP), landscaping guidelines have been prepared. The Landscape design guidelines include a plant palette which specifies the types and general location of acceptable plant species throughout the development. This plant palette strongly encourages the use of drought-resistant vegetation, and the vast majority of plant species identified are resistant or tolerant to drought conditions. The use of non-drought tolerant species would be limited to areas where such plants are appropriate, such as community entry and recreation areas.

Therefore, because the proposed landscaping is predominantly comprised of drought resistant vegetation, significant impacts would not occur.

#### MITIGATION MEASURES (ISSUE 3)

Significant impacts would not occur; therefore, mitigation would not be required.

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# 4.8 AIR QUALITY

The following air quality assessment is based on a technical report entitled, *Air Quality Conformity Assessment – Candlelight Phase I Residential Development*, prepared by Investigative Science and Engineering (herein, ISE), dated March 20, 2006. For reference purposes, a copy of this technical report is contained within the Technical Appendices of this EIR under Section B.

# 4.8.1 Existing Conditions

## Air Quality Background

Air quality is defined by ambient air concentrations of specific pollutants determined by the Environmental Protection Agency (EPA) to be of concern with respect to the health and welfare of the public. The EPA is responsible for enforcing the Federal Clean Air Act (CAA) of 1970 and its 1977 and 1990 Amendments. The CAA required the EPA to establish National Ambient Air Quality Standards (NAAQS) for the protection of human health and the public welfare for seven criteria pollutants and several additional pollutants of concern. The subject pollutants which are monitored by the EPA, are Carbon Monoxide (CO), Sulfur Dioxide (SO<sub>2</sub>), Nitrogen Dioxide (NO<sub>2</sub>), respirable 10-micron particulate matter (PM<sub>10</sub>), sulfates, lead, Hydrogen Sulfide (H<sub>2</sub>S), Volatile Organic Compounds (e.g., vinyl chloride), and visibility reducing particles.

## Air Quality Standards

Table 4.8\_1, *National and State Ambient Air Quality Standards*, summarizes the various standards enforced by the state and federal governments to protect the health and welfare of the public.

Pollutant	Averaging	California S	tandards <sup>1</sup>	Fee	deral Standa	irds
	Time	Concentration	Method	Primary	Secondary	Method
Ozone (O <sub>3</sub> )	1 hour	0.09 ppm	Ultraviolet		Same as	Ultraviolet
		(180 µg/m³)	photometry		Primary	Photometry
	8 hour	0.07 ppm		0.075 ppm		
		(137 µg/m <sup>3</sup> )		(147 µg/m <sup>3</sup> )		
Respirable	24 HOUR	50 µg/m³	Gravi-	150µg/m <sup>3</sup>	Same as	Inertial
Particulate	Annual	20µg/m³	metric or	-	Primary	Separation
Matter	Arithmetic		Beta		Standard	and
(PM <sub>10</sub> )	mean		Attenuation			Gravimetric
						Analysis
Fine	24 HOUR	No Separate St	ate Standard	35 µg/m³	Same as	Inertial
Particulate	Annual	12 µg/m <sup>3</sup>		µg/m³	primary	Separation
Matter	Arithmetic				standard	and
(PM <sub>2.5</sub> )	mean					Gravimetric
	mean					Analysis

 Table 4.8\_1
 NATIONAL AND STATE AMBIENT AIR QUALITY STANDARDS

Pollutant	Averaging	California S	tandards <sup>1</sup>	Fee	deral Standa	ards
	Time	Concentration	Method	Primary	Secondary	Method
Carbon Monoxide	1 Hour	20 ppm 23 mg/m <sup>3</sup>	Non- dispersive	35 ppm (40 mg/ m <sup>3</sup> )	-	Non- dispersive
(CO)	8 Hour	9 ppm 10mg/m <sup>3</sup>	Infrared Photometry	9 ppm 10 mg/m <sup>3</sup> )	-	Infrared Photometry
	8 Hour (Lake Tahoe)	6 ppm 7 mg/m <sup>3</sup>		-	-	
Nitrogen Dioxide	1 Hour	.18 ppm (339 µg/m <sup>3</sup> )	Gas Phase Chemi-	100 ppb (188 µg/m³)	-	Gas Phase Chemi-
(NO <sub>2</sub> )	Annual Arithmetic Mean	.030 ppm (655 μg/m³)	lumines- cence	53 ppm (100 μg/m³)	Same as Primary Standard	lumines- cence
Sulfur Dioxide	1 Hour	.25 ppm (57 μg/m <sup>3</sup> )		75 ppb (196 µg/m³)	-	
(SO <sub>2</sub> )	3 Hour	-	Ultraviolet Fluor-	-	.5 ppm (1300 μg/m³)	Ultraviolet Fluor- escense
	24 Hour	.04 ppm (105 μg/m³)	escense	0.14 ppm (for certain areas) <sup>3</sup>	-	Spectro- photometry (Para
	Annual Arithmetic Mean	-		0.030 ppm (for certain areas) <sup>3</sup>	-	
Lead	30 Day Average	1.5 µg/m³	Atomic Absorption	-	-	High Volume
	Calendar Quarter	-		1.5 μg/m3 (for certain areas)	Same as Primary Standard	Sampler and Atomic Absorption
	Rolling 3- Month avg	-		0.15 µg/m3		
Visibility Reducing Particles	8 Hour		Beta Attenuation and Trans- mittance	No I	-ederal Stand	dards
Sulfates	24 Hour	25 µg/m³	lon Chroma- tography			
Hydrogen Sulfide	1 Hour	.03 ppm (42 μg/m <sup>3</sup> )	Ultraviolet Fluor- escence			
Vinyl Chloride	24 Hour	.01 ppm (26 µg/m <sup>3</sup> )	Gas Chroma- tography			

Table 4.8_1	NATIONAL AND	<b>STATE AMBIENT</b>	<b>AIR QUALITY ST</b>	ANDARDS (cont.)
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Table and applicable footnotes can be found in Appendix B of this EIR.

### **Applicable Air Quality Plans**

The SDAPCD and the San Diego Association of Governments (SANDAG) are responsible for developing and implementing the clean air plan for attainment and maintenance of the ambient air quality standards in the SDAB. The San Diego County Regional Air Quality Strategy (RAQS) was initially adopted in 1991, and is updated on a triennial basis. The RAQS was updated in 1995, 1998, 2001, 2004, and most recently in 2009 (SDAPCD 2009). The RAQS outlines SDAPCD's plans and control measures designed to attain the state air quality standards for O<sub>3</sub>. The SDAPCD has also developed the air basin's input to the State Implementation Plan (SIP), which is required under the Federal Clean Air Act for areas that are out of attainment of air quality standards. The State Implementation Plan (SIP), approved by the EPA in 1996, includes the SD plans and control measures for attaining the O<sub>3</sub> NAAQS. The SIP is also updated on a triennial basis.

The RAQS relies on information from the CARB and SANDAG, including mobile and area source emissions, as well as information regarding projected growth in the County, to project future emissions and then determine from that the strategies necessary for the reduction of emissions through regulatory controls. The SIP relies on the same information from SANDAG to develop emission inventories and emission reduction strategies that are included in the attainment demonstration for the air basin. The SIP also includes rules and regulations that have been adopted by the SDAPCD to control emissions from stationary sources. These SIP-approved rules may be used as a guideline to determine whether a project's emissions would have the potential to conflict with the SIP and thereby hinder attainment of the NAAQS for  $O_3$ .

#### Existing Air Quality Levels

The project site is located in the southern portion of the San Diego Air Basin (SDAB). The SDAB is in attainment or unclassified for the federal one-hour ozone (O3) standard and is designated in non-attainment for the federal eight-hour standard. Additionally, the basin is designated as being in federal attainment for NO<sub>2</sub>, SO<sub>2</sub>, lead, and CO and is currently unclassified for PM<sub>10</sub>. The basin is also in attainment for all state-classified pollutants with the exception of O<sub>3</sub> and PM<sub>10</sub>.

The SDAPCD operates a network of ambient air monitoring stations throughout San Diego County. The purpose of the monitoring stations is to measure ambient concentrations of the pollutants and determine whether the ambient air quality meets the CAAQS and the NAAQS. The nearest ambient monitoring stations to the project site are the Otay Mesa-Paseo International station, which is located approximately 6 miles east of the project site near the Otay Mesa border crossing. Ambient concentrations of pollutants between 2011 and 2013 are presented in Table 4.8\_2, *Ambient Background Concentrations Otay Mesa Monitoring Station*. As seen in the table, the 8-hour state ozone standard of 0.070 ppm was exceeded at the Otay Mesa monitoring station once in 2011. The Otay Mesa monitoring station regularly experiences exceedances of the 24-hour and annual CAAQS for PM<sub>10</sub>. The data from the monitoring station indicates that air quality is in attainment of all other standards.

Pollutant	Averaging	Number of	Days Exceediı	Most Stringent Ambient	
Pollutant	Time	2011	2012	2013	Air Quality Standard
Ozone	8 hour	1	0	0	7.0 pphm
(O <sub>3</sub> )	1 hour	1	0	0	9.5 pphm
Carbon	8 hour	NA	NA	NA	9.0 ppm
(CO)	1 hour	NA	NA	NA	20.0 ppm
Nitrogen	Annual	0	0	0	0.030 ppm
(NO <sub>2</sub> )	1 hour	1	0	0	0.100 ppm
Sulfur	24 hour	0	NA	NA	0.04 ppm
Dioxide (SO <sub>2</sub> )	1 hour	0	NA	NA	0.25 ppm
Respirable Particulate	Annual	1	NA	NA	20 µg/m <sup>3</sup>
Matter (PM <sub>10</sub> )	24 hour	1	1	1	50 μg/m³

# Table 4.8\_2 AMBIENT BACKGROUND CONCENTRATIONSOTAY MESA MONITORING STATION

NA - Data not currently available or monitoring was discontinued.

Source: SDAPCD, 2009; Five Year Air Quality Summary, http://www.sdapcd.org/info/reports/5-year-summary.pdf

# 4.8.2 Impact Analysis

#### A. Basis for Determining Significance

The San Diego Air Pollution Control District (SDAPCD) has established screening level thresholds for air quality emissions (Rules 20.1 et seq.). The applicable standards are shown quantitatively in Table 4.8\_3, *Thresholds of Significance for Air Quality Impacts*, below and are enforced by the City of San Diego. No differentiation is made between construction and operational emission thresholds. It should be noted that the State (i.e., SDAPCD) standards are equal or more stringent than the Federal standards. Development of the proposed project is assessed under the stricter SDAPCD guidelines.

Pollutant	Thresholds of Significance (Pounds per Day)	Clean Air Act less than significant Levels (Tons per Year)
Carbon Monoxide (CO)	550	100
Oxides of Sulfur (SOx)	250	40
Volatile Organic Compounds (VOCs)/Reactive Organic Gasses (ROGs)	137(e)	15
Oxides of Nitrogen (NOx)	250	40
Particulate Matter (PM <sub>10</sub> )	100	15

### Table 4.8\_3 THRESHOLDS OF SIGNIFICANCE FOR AIR QUALITY IMPACTS

Source: SDAPCD Rule 1501, 20.2(d)(2), California Environmental Quality Act Significance Determination Thresholds, Development Services Department Jan 2011.

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Pursuant to the Air Quality and Odor Section of the City's "Significance Determination Thresholds," a proposed project would have a significant impact on air quality if any one or more of the following conditions would occur as a result of the project:

#### Would the proposal result in:

- 1. A conflict with or obstruct implementation of the applicable air quality plan?
- 2. A violation of any air quality standard or contribute substantially to an existing or projected air quality violation?
- 3. Exposing sensitive receptors to substantial pollutant concentrations?
- 4. Exceeding 100 pounds per day of Particulate Matter (PM)(dust)?
- 5. Substantial alteration of air movement in the area of the project?

#### B. Determination of Significance

*Issue 1:* Would the proposed project conflict with or obstruct the implementation of the applicable air quality plan?

#### DISCUSSION OF PROJECT IMPACTS (ISSUE 1)

The SDAB is considered to be a basic nonattainment area for the 8-hour NAAQS for ozone and a nonattainment area for the CAAQS for both ozone and PM<sub>10</sub>. Applicable air quality plans for the SDAB include the San Diego County RAQS and SIP. The RAQS outlines the APCD's plans and control measures designed to attain the State air quality standards for ozone. In addition, the APCD relies on the SIP, which includes the APCD's plans and control measures for attaining the ozone NAAQS. These plans develop emission inventories and emission reduction strategies for all stationary emissions sources, including natural sources, required to attain the standards. Mobile sources are regulated by the USEPA and the ARB, and the emissions and reduction strategies related to mobile sources also are considered in the RAQS and SIP.

Consistency with RAQS and SIP is determined based on a project's consistency with the underlying land use and population-based assumptions used to develop the plans. The RAQS and SIP rely on information from CARB and SANDAG, including projected growth in the SDAB; mobile, area, and all other source emissions in order to project future emissions and then determine the strategies necessary for the reduction of emissions through regulatory controls. The CARB mobile source emission projections and SANDAG growth projections are based on population, vehicle trends, and land use plans developed by the cities and by the County. As such, projects that propose development that is consistent with the growth anticipated by the general plan(s) would be consistent with the RAQS and applicable portions of the SIP because associated emissions of criteria

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pollutants in a designated nonattainment area would be accounted for in these air quality plans. Development of the Candlelight project would be consistent with the Otay Mesa Community Plan (OMCP), which allows for Medium Density Residential use (15-29) residential dwelling units per acre [du/ac]). No amendments to the OMCP are proposed. Because the proposed project would be consistent with the SANDAG projection for emissions in the area, it would not cause an obstruction in the implementation of the RAQS.

#### SIGNIFICANCE OF IMPACTS (ISSUE 1)

The proposed project would be consistent with the SANDAG projection for emissions in the area and would not cause an obstruction in the implementation of the RAQS or SIP. Therefore, a less than significant air quality impact is identified.

#### MITIGATION MEASURES (ISSUE 1)

Impacts would not be significant; thus, mitigation measures would not be required.

# Issue 2: Would the proposed project violate any air quality standard, contribute substantially to an existing or projected air quality violation?

#### DISCUSSION OF PROJECT IMPACTS (ISSUE 2)

Potential air quality impacts resulting from project implementation can be divided into two key areas: impacts associated with the construction of the proposed project (short-term impacts), and impacts associated with the operation upon project build-out (long-term impacts). See Appendix B of this EIR for the *Air Quality Conformity Assessment – Candlelight Phase I Residential Development*, upon which the following discussion is based.

#### **Construction Air Quality Modeling Methodology**

Construction vehicle pollutant emission generators would consist primarily of haul truck activities such as earthwork haulage, concrete delivery and other suppliers, graders and pavers, contractor vehicles, and ancillary operating equipment such as diesel-electric generators and lifts. The analysis methodology utilized in the air quality technical report is based upon the South Coast Air Quality Management District (SCAQMD) CEQA Handbook guidelines for construction operations. Construction emissions were based upon the EPA AP-42 Report generation rates identified by SCAQMD for the various classes of diesel construction equipment. The generation rates are identified below in Table 4.8\_4, *Construction Equipment Pollutant Generation Levels by Class*.

Equipment Class	Generation Rates (pounds per horsepower-hour)						
	со	NOx	SOx	PM <sub>10</sub>	ROG		
Track Backhoe	0.0150	0.0220	0.0020	0.0010	0.0030		
Dozer - D8 Cat	0.0150	0.0220	0.0020	0.0010	0.0030		
Hydraulic Crane	0.0090	0.0230	0.0020	0.0015	0.0030		
Loader	0.0150	0.0220	0.0020	0.0010	0.0030		
Side Boom	0.0130	0.0310	0.0020	0.0015	0.0030		
Water Truck	0.0060	0.0210	0.0020	0.0015	0.0020		
Welding Rig	0.0110	0.0180	0.0020	0.0010	0.0020		
Concrete Truck	0.0060	0.0210	0.0020	0.0015	0.0020		
Concrete Pump	0.0110	0.0180	0.0020	0.0010	0.0020		
Dump/Haul Trucks	0.0060	0.0210	0.0020	0.0015	0.0020		
Paver	0.0070	0.0230	0.0020	0.0010	0.0010		
Roller	0.0070	0.0200	0.0020	0.0010	0.0020		
Scraper	0.0110	0.0190	0.0020	0.0015	0.0010		

#### Table 4.8\_4 CONSTRUCTION EQUIPMENT POLLUTANT GENERATION LEVELS BY CLASS

Source: U.S. EPA AP-42 "Compilation of Air Pollutant Emission Factors", 9/85. Ratings shown for full (100%) load factor

#### Motor Vehicle Air Quality Methodology

Motor vehicles emissions associated with the proposed project were calculated by multiplying the appropriate emission factor (in grams per mile) times the estimated trip length and the total number of vehicles. Appropriate conversion factors were then applied to provide aggregate emission units of pounds per day.

For the proposed project, a computer model was run using input conditions specific to the San Diego SDAPCD region to predict vehicle emissions based upon worst-case (winter) year 2004 generation rate based on the scenario examined in the project traffic study. The aggregate emission factors are provided as an attachment to the air quality impact technical report, which is provided in Section B of the Technical Appendices to this EIR.

#### **Construction Air Quality Emission Levels**

The estimated construction equipment exhaust emissions are provided below in Tables 4.8\_5 through 4.8\_7 for the typical construction activities identified at the project site. The construction activities would roughly be divided into the following phases:

- Rough Grading (i.e., clearing, grubbing, and general pad and road alignment formation). This typically consists of three distinct phases: mobilization, scraper hauls/finishing, and additional site finishing work.
- Underground Utility Construction (i.e., general trench-work, pipe laying with associated base material and cover, and ancillary earthwork required to facilitate placement of sewer lift stations, manholes, etc.). This is typically performed as a single phase.

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• Paving Activities (which would include the movement of any remaining material as well as necessary curb and gutter work, road base material placement and blacktop). This is typically performed as a single phase.

Equipment	Qty.	HP	Daily Load	Duty Cycle	Aggre	gate Emi	ssions ir	n Pounds	s / Day
Туре	Used		Factor (%)	(Hrs./day)	со	NOx	SOx	<b>PM</b> <sub>10</sub>	ROG
Dozer - D8 Cat	2	400	50	8	48.00	70.40	6.40	3.20	9.60
Loader	2	150	45	8	16.20	23.76	2.16	1.08	3.24
Water Truck	3	200	50	8	14.40	50.40	4.80	3.60	4.80
Scraper	2	300	35	8	18.48	31.92	3.36	2.52	1.68
				Total (∑):	97.10	176.50	16.70	10.40	19.30
Significance Threshold (SDAPCD)			550.00	250.00	250.00	100.00	137		
Exceed the Threshold?				No	No	No	No	No	

#### Table 4.8\_5 PREDICTED CONSTRUCTION EMISSIONS - ROUGH GRADING OPERATIONS

Source: Investigative Science and Engineering (2006).

#### Table 4.8\_6 PREDICTED CONSTRUCTION EMISSIONS - UNDERGROUND UTILITY CONSTRUCTION

Equipment	Qty.	НР	Daily Load Duty Cycle		Aggre	gate Em	issions ir	n Pounds	/ Day
Туре	Used		Factor (%)	(Hrs./day)	СО	NOx	SOx	<b>PM</b> <sub>10</sub>	ROG
Track Backhoe	3	150	50	8	27.00	39.60	3.60	1.80	5.40
Loader	2	150	45	8	16.20	23.76	2.16	1.08	3.24
Concrete Truck	6	250	25	0.5	1.13	3.94	0.38	0.28	0.38
Dump/Haul Trucks	5	300	45	0.5	2.03	7.09	0.68	0.51	0.68
				Total (∑):	46.40	74.40	6.80	3.70	9.70
Significance Threshold (SDAPCD)			550.00	250.00	250.00	100.00	137		
Exceed the Threshold?				No	No	No	No	No	

Source: Investigative Science and Engineering (2006).

Qty. HP		Daily Load Duty Cycle		Aggregate Emissions in Pounds / Day					
Equipment Type	Used		Factor (%)	(Hrs. / day)	СО	NOx	SOx	PM <sub>10</sub>	ROG
Dump/Haul Trucks	25	300	45	0.5	10.13	35.44	3.38	2.53	3.38
Paver	1	150	35	8	2.94	9.66	0.84	0.42	0.42
Roller	2	150	35	8	5.88	16.80	1.68	0.84	1.68
				Total (∑):	18.90	61.90	5.90	3.80	5.50
Significance Threshold (SDAPCD)				550.00	250.00	250.00	100.00	137.00	
Exceed the Threshold?					No	No	No	No	No

## Table 4.8\_7 PREDICTED CONSTRUCTION EMISSIONS – SURFACE PAVING ACTIVITIES

Source: Investigative Science and Engineering (2006).

Tables 4.8\_5 through 4.8\_7 compare the anticipated construction equipment exhaust emissions to the standards of the SDAPCD. As shown, all construction equipment exhaust emissions would be below applicable SDAPCD thresholds for each criteria pollutant.

## Vehicular Emission Levels

Motor vehicles are the primary source of long-term emissions associated with the proposed project area. Typically, uses such as the proposed Candlelight residential development do not directly emit significant amount of air pollutants from onsite activities. Rather, vehicular trips to and from these land uses are the primary contributor.

The project is expected to have a total worst-case trip generation level of 4,652 ADT based upon the cumulative trip generation produced by 475 multi-family dwelling units (DU). This number is ascertained from Table 3.3 of the Traffic Study. Currently the site is vacant land has an effective baseline ADT of zero.

As discussed above, the SDAB is presently in non-attainment for the Federal and/or State Ambient Air Quality Standards for O<sub>3</sub> and Particulate Matter Less than 10 Microns (PM<sub>10</sub>). The project would contribute to the existing ozone problem if it would result in a cumulatively considerable net increase of ozone precursors, including oxides of nitrogen (NOx) and Volatile Organic Compounds (VOCs). As shown in Tables 4.8\_4 through Table 4.8\_7, emissions of NOx and VOCs during project construction are anticipated to be far below applicable SDAPCD standards. In addition, the air quality analysis prepared for the project (refer to Appendix B) shows that there is no other evidence that would otherwise lead to a conclusion that the proposed project's contribution to existing air quality violations in San Diego County for ozone and particulate matter would be significant.

#### SIGNIFICANCE OF IMPACTS (ISSUES 2 AND 3)

As demonstrated in the preceding analyses, (see Tables 4.8\_4 through 4.8\_7), the project would not exceed any of the significance thresholds for criteria pollutants. Therefore, impacts associated with the current project would not violate any air quality standard or contribute substantially to an existing or projected air quality violation. Therefore, less than significant air quality impacts would occur during project construction and operation. The project grading would not exceed 100 pounds

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per day of  $PM_{10}$  emissions. Therefore, significant impacts would not occur as a result of project implementation.

## MITIGATION MEASURES (ISSUES2 AND 3)

Impacts would not be significant; thus, mitigation measures would not be required.

# 4.9 GEOLOGY/SOILS

The following impact assessment is based on a technical report entitled, *Geotechnical Investigation, Candlelight Villas – Phase I*, prepared by Geocon Incorporated (herein, Geocon), and dated June 2, 2004 (please refer to EIR Section 3.2.1.F for a discussion of project phasing). An update of this report by Geocon was performed and submitted on February 28, 2012. For reference purposes, a copy of this report is contained in the Technical Appendices to this EIR under Section D. In addition, the following assessment references the *U.S. Department of Agriculture Soil Survey (San Diego Area)*, dated December 1973, for the discussion of the project's anticipated impacts on erosion.

# 4.9.1 Existing Conditions

The proposed project site generally consists of undeveloped land that has been extensively cultivated in the past. The proposed project site is bordered on the north by an existing high school site and a parcel of land for which development applications have previously been submitted to the City of San Diego. The area south of the proposed project site is currently designated for residential and commercial use by the Otay Mesa Community Plan, although this area currently is undeveloped.

Figure 4.9-1, *Site and Area Topography*, depicts the existing topography of the proposed area and project site. Topographically the subject property is characterized by mesa land with nearly flat to gently inclined ground surfaces over most of the site. A canyon drainage borders the eastern margin of the property and two east-west trending berms measuring approximately 10-feet in height and 20-feet in width is located along the north and south of the site's perimeter. The majority of the site generally drains gently south and westward and eventually drains into the Tijuana River in Baja California, Mexico. Ground surfaces over much of the property are smooth and essentially featureless because of cultivation over many years. Elevations on the project site and within the proposed off-site areas range from a high of approximately 534 feet Above Mean Sea Level (AMSL) in the north-central portion of the site where several man-made berms have been created, to a low of approximately 460 feet AMSL in the southeastern corner of the site.

# A. Soil and Geologic Conditions

Two geologic formations and three surficial soil types were encountered during field investigations. Tertiary-age San Diego Formation and the Quaternary-age Terrace Deposits were encountered within the exploratory excavations, underlying the surficial units of undocumented fill, topsoil and alluvium. The formational units and the surficial materials are discussed below in order of increasing age. The approximate lateral extent of the formations and surficial soils are presented on Figure 4.9-2, *Geologic Map*.

# Undocumented Fill (QUDF)

Undocumented fills exist mainly as large berms along the perimeter of the property and within an area at the west end of the property. The fill is estimated to range from

approximately 10 to 15 feet in thickness and generally consists of loose, very porous clayey, sandy soil and may contain some trash and debris. The undocumented fill in its present condition is not suitable for support of structural loading, fill, and/or surface improvements. Undocumented fill within planned areas of grading would require remedial grading. Spreading of the undocumented fill and removal of the unsuitable materials would be required prior to reusing this material as compacted fill.

#### Topsoil (unmapped)

A blanket of topsoil covers the entire site. The thickness of topsoil encountered in the excavations is approximately 2 to 4 feet. The topsoil is characterized as soft to firm and loose, dry to damp, dark brown, sandy clays and clayey sands derived from the underlying formations. The clayey portion of the topsoil typically possesses a "high" expansion potential. Removal and compaction of the topsoil would be necessary in areas to receive fill or structures.

#### Alluvium (QAL)

Alluvium is present within the natural drainage on the eastern and southwestern portion of the site. The maximum thickness of alluvium encountered was approximately 8 feet. These alluvial soils are generally comprised of firm, moist, dark brown sandy clay or clayey sand. The alluvium is compressible in its present condition and will require remedial grading within areas of planned development.

#### Terrace Deposits (QTc and QTG)

Quaternary-aged Terrace Deposits cap almost the entire mesa. These deposits are subdivided on Figure 4.9-2 into two components. The upper Terrace Deposit component consists of a highly expansive clay deposit designated as Qtc. A medium-dense to dense granular conglomeratic component (Qtg) underlies the clay. Each member is described below.

Terrace Deposit clay (Qtc) was encountered across a majority of the site. The thickness of clay encountered in the exploratory excavations ranged between 3 to 9 feet. It primarily consists of stiff, moist, dark brown to olive, silty to sandy clay. The clay typically possesses highly expansive characteristics. The clay will require remedial grading in the form of removal and replacement with "low" expansive materials.

Terrace Deposits gravel (Qtg) is present below the terrace clay and consists of dense to very dense inter-bedded reddish-brown, clayey gravel and gravelly sands. This component can be comprised of massive to horizontal bedding with more or less horizontally-aligned edges of gravel rock fragments and thin cobble layers. Laminated sand layers may also be present. Gravel rock fragments typically consist of rounded to subrounded volcanic, metasedimentary, and granitic rock that varies in size with an estimated maximum diameter of approximately 30 inches. Differences in thickness of this unit are interpreted as ground-surface erosional variations and very irregular, disconformable contact with the underlying Tertiary-age San Diego Formation.

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Excavation of the Terrace Deposit gravel would require moderate to heavy effort with conventional heavy-duty earth-moving equipment. Cobbles and boulders within the deposit generally increase in size with depth. In general, this unit consists of gravelly sand with approximately 30 percent or less cobble. This unit should provide "low" expansive capping material. Oversized boulders may require special handling and placement, as recommended in the geotechnical report contained in the Technical Appendices to this EIR (see Section D). Larger than normal excavators may be required for deeper utility trenches within this unit.

#### San Diego Formation (TsD)

The Tertiary-aged (Pliocene) San Diego Formation was encountered below the Terrace Deposits and is exposed beyond the property boundary. These materials consist of massively bedded, well-sorted, fine-grained sandstones with some scattered cobble and gravel lenses. In general, the sediments of the San Diego Formation exhibit adequate shear strength and "very low" to "low" expansion characteristics.

## B. Geologic Structure

Technical details about the geologic structures observed during field investigations are described in the geotechnical report provided in Appendix D to this EIR. Bedding and formational attitudes observed were mostly horizontal. The conglomeratic portions of the Terrace Deposits gravel are typically massive. Based on the field observations, adverse geologic structures are not anticipated to present a significant hazard to development.

#### C. Groundwater

No groundwater seepage or springs were observed during the field investigations. Each of the geologic units on the site has permeability characteristics that might be susceptible under certain conditions to water seepage. During the rainy season, perched water conditions are likely to develop within the drainage areas and may require special consideration to minimize construction difficulties (i.e., avoidance of grading activities during rain events).

#### D. Geologic Hazards

#### Faulting and Seismicity

According to the *City of San Diego Seismic Safety Study, Geologic Hazards and Faults* (Sheet No. 3, 2008 edition), the proposed project site, is designated within the Geologic Hazard Categories 53 and 27. Category 53 is described as *Other Terrain: Level or sloping terrain, unfavorable geologic structure, low to moderate risk,* and Category 27 is described as *Slide-Prone Formations: Otay, Sweetwater and others.* 

No active, potentially active, or inactive faults are known to exist on the site. Reconnaissance mapping and review of published geologic maps and reports indicate the site is not located

on any known *active* fault tract. Discontinuous fault strands of a *potentially active, inactive, presumed inactive, or activity unknown* are mapped approximately 1,500 feet east of the site (City of San Diego Seismic Safety Study 2008).

Projection of the strikes of these faults does not extend across the proposed project site. The nearest known active faults are the Newport-Inglewood and Rose Canyon Fault system, located approximately 8 miles from the site and are the dominant source of potential ground motion. Earthquakes that might occur on the Rose Canyon Fault Zone or other faults within the southern California and northern Baja California area are potential generators of significant ground motion at the site. The estimated deterministic maximum earthquake magnitude and peak ground acceleration for the Newport-Inglewood Fault are 7.5 and 0.33g, respectively. The estimated deterministic maximum earthquake magnitude and peak ground acceleration for the Newport-Inglewood Fault are 7.5 and 0.33g, respectively. The estimated deterministic maximum earthquake magnitude and peak ground acceleration for the Rose Canyon Fault are 6.9 and 0.26g, respectively. Table 4.9\_1, *Deterministic Site Parameters for Selected Active Faults*, lists the estimated maximum earthquake magnitude and peak ground acceleration for these and other faults in relationship to the site location. Table 4.9\_1presents an estimate of the maximum earthquake events and site accelerations for the faults considered most likely to subject the proposed project site to ground shaking.

The site could be subjected to moderate to severe ground shaking in the event of a major earthquake on any of the faults listed in Table 4.9\_1 or other regional active faults in the southern California area. Structures proposed for the site will be constructed in accordance with current UBC seismic codes and local ordinances.

FAULT NAME	DISTANCE FROM SITE (MILES)	MAXIMUM CREDIBLE MAGNITUDE	MAXIMUM CREDIBLE SITE Accelerations (g)
Newport-Inglewood	8	7.5	0.33 g
Rose Canyon	8	6.9	0.26 g
Coronado Bank	15	7.4	0.21 g
Palos Verdes Connected	15	7.7	0.23 g
Elsinore	44	7.9	0.12 g
Earthquake Valley	48	6.8	0.06 g

#### Table 4.9\_1 DETERMINISTIC SITE PARAMETERS FOR SELECTED ACTIVE FAULTS

#### **Liquefaction**

Liquefaction typically occurs when a site is located in a zone with seismic activity, onsite soils lack cohesion, groundwater is encountered within 50 feet of the surface, and soil densities are less than about 70 percent of the maximum dry densities. If all four of these criteria are met, a seismic event could result in a rapid pore water pressure increase from the earthquake-generated ground accelerations. The potential for liquefaction occurring at the site is considered to be "very low" due to the recommended remedial grading, lack of a near-surface permanent groundwater condition, and the dense nature of the formational materials.

#### E. Soil Types and Erosion Susceptibility

#### Soil Types

A survey of soil for the San Diego Area has been published by the United States Department of Agriculture, Soil Conservation Service (1973). The survey includes an analysis of soil associations in the Otay Mesa area, including the project site. Soils are classified according to thickness, layering, type of soils within the layers, and other characteristics. Soils with similar classifications are then grouped into a soil series. The soil series distribution found within the proposed project area is shown on Figure 4.9-2, *Soil Types and Location*. Table 4.9\_2, *Runoff Potential of On-Site Soils*, provides a summary of the various soils located within the project's proposed disturbance area. Provided below is a brief description of the major soil types on the project site.

**Olivenhain Series:** Soils of the Olivenhain Series consist of well-drained, moderately deep to deep cobbly loams that have a very cobbly clay subsoil. These soils formed in old gravelly and cobbly alluvium. These slopes are common on dissected marine terraces and have slopes ranging from 2 to 50 percent. In a typical profile, the surface layer is brown and reddish- brown, medium acid cobbly loam about 10 inches thick. The subsoil is reddish-brown, red, and pink, strongly acid very cobbly clay and clay loam about 32 inches thick. Underlying this is pinkish-whit, strongly acid cobbly loam.

**Stockpen Series:** Soils of the Stockpen Series consist of moderately well drained, moderately deep gravelly clay loams. These soils are on marine terraces and have slopes of 0 to 5 percent. In a representative profile, the surface layer is light-gray, slightly acid gravelly clay loam about 3 inches thick. The subsoil is gray, mildly alkaline and moderately alkaline and calcareous gravelly clay and clay about 31 inches thick. The substratum is olive-gray, moderately alkaline clay.

Soil Type	Мар	Esti	mated A	Acreage	Slope Runoff		Erosion	
	Symbol	On- Site	Off- Site	Total	Percentage	Potential	Susceptibility	
Olivenhain cobbly loam	OhC	21.8	1.0	22.8 (67.3%)	2 to 9%	Slow to Medium	Slight to Moderate	
Olivenhain cobbly loam	OhF	0.5	<0.1	0.5 (1.5%)	30 to 50%	Rapid	High	
Stockpen gravelly clay loam	SuB	10.3	0.3	10.6(31. 3%)	2 to 5%	Slow	Slight	

Table 4.9\_2 RUNOFF POTENTIAL OF ON-SITE SOILS

Source: U.S. Department of Agriculture Soil Survey (San Diego Area), December 1973

#### Erosion Susceptibility

Erosion is the process by which soils are worn and removed by the movement of water or wind. Soils with characteristics such as low permeability and/or low cohesive strength are more susceptible to erosion than those soils having higher permeability and cohesive strength. Additionally, the slope gradient on which a given soil is located also contributes to the soil's resistance to erosive forces. Because water is able to flow faster down steeper gradients, the steeper the slope on which a given soil is located the more readily it will erode. The soils are described in Table 4.9\_2, as having a slow, medium, or rapid runoff potential, which corresponds to a slight, moderate, or high susceptibility to erosion, depending on the characteristics of a given soils type.

# 4.9.2 Impact Analysis

## A. Basis for Determining Significance

Pursuant to the Geologic Conditions Section of the City's "Significance Determination Thresholds," a proposed project would have a significant impact on geology/soils if the proposed project:

- 1. Would expose people or property to geologic hazards such as earthquakes, landslides, mudslides, liquefaction, ground failure, or similar hazards; or
- 2. Would increase the potential for erosion of soils, either on- or off-site.

#### B. Determination of Significance

## Issue 1: Would the proposal be located on a geologic unit or soil that is unstable or that would become unstable as a result of the project, and potentially result in onor off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?

#### DISCUSSION OF PROJECT IMPACTS (ISSUE 1)

#### Landslides and Mudslides

Topographically, the proposed project site is characterized by mesa land with nearly flat to gently inclined ground surface over most of the site. A canyon drainage borders the eastern margin of the property and another canyon at the southern section of proposed Lot 1. An east-west oriented berm exists along the northern boundary of the proposed project site. The proposed grading plan would eliminate the berm along the northern project boundary. In addition, there are no people or structures located in the lower elevations of the canyon drainage along the eastern portion of the site. Therefore, project implementation would not subject people or structures to increased risks associated with landslides or mudslides, and impacts would not be significant.

#### **Ground Failures or Other Geologic Hazards**

According to the project-specific geotechnical evaluation, no soil or geologic conditions present on the project site would preclude the development of the site. However, the potential exists that adverse geologic structures may be uncovered during project grading. Also, some soils on the property may not be suitable for development under existing conditions. Adherence to the grading recommendations provided in the project's geotechnical report would assure that all soils would not pose a potential hazard associated with landslides, lateral spreading, subsidence, liquefaction, or collapse.

Portions of the project site contain surficial soils that contain undocumented fill, alluvium, and/or topsoil, which are not considered suitable for the support of fill or structural loads. In addition, the majority of the site contains highly expansive clays. These clays are not recommended within five feet of finish-grade elevations due to their expansive nature Pursuant to Land Development Code Chapter 12, Article 9, Division 6 (Grading Permits), a grading permit would not be issued by the City of San Diego unless the recommendations of a project-specific geotechnical report are reflected on the grading plans. Accordingly, because the Land Development Code requires compliance with the recommendations of the project's geotechnical report, a significant impact would not occur.

Finally, the risk of liquefaction at the proposed project site is considered to be "very low" due to the remedial required by the project's geotechnical report, lack of a near-surface permanent groundwater condition, and the dense nature of the formational materials.

#### SIGNIFICANCE OF IMPACTS (ISSUE 1)

Implementation of the proposed project would not result in the exposure of people or structures to geologic hazards such as earthquakes, landslides, mudslides, ground failure, liquefaction, or similar hazards, provided that the recommendations in the geotechnical report are followed. Pursuant to Land Development Code Chapter 12, Article 9, Division 6 (Grading Permits), proposed grading permits would be required comply with the recommendations of the project-specific geotechnical report and the City of San Diego Grading Ordinance, including requirements for remedial grading activities. Therefore, significant impacts associated with geologic hazards would not occur.

#### MITIGATION MEASURES (ISSUE 1)

Impacts would not be significant; therefore, mitigation would not be required.

# Issue 2: Would the proposal result in a substantial increase in wind or water erosion of soils, either on or off the site?

#### DISCUSSION OF PROJECT IMPACTS (ISSUE 2)

Development of the proposed project site would include grading or disturbance of approximately 27 acres, including 1.15 acres associated with off-site improvements (refer to

Figure 1-4, *Proposed Impact Areas*). Grading would remove the property's existing vegetative cover and expose the underlying soils, which would increase the rate of runoff and increase erosion susceptibility. As indicated previously in Table 4.9\_2, *Runoff Potential of On-Site Soils*, the vast majority of the area to be impacted by project grading (98.6%) contains soils that are determined by the U.S. Department of Agriculture to exhibit "Slow" or "Slow to Medium" runoff potential, which translates into a "Slight" or "Slight to Moderate" susceptibility to erosion. The remaining 1.5% of the area to be impacted by project grading contains soils which are considered to exhibit rapid runoff potential, which translates into a high susceptibility to erosion. Potential erosion impacts would be greatest in steeper areas and during the first rainy season after grading (before landscaping becomes established). Soils that have high erosion susceptibility, along with fill materials used for development areas, would be subject to potentially significant project-related erosion because of the removal of stabilizing vegetation and exposure of these erodible materials to wind and water.

On June 26, 2013, the San Diego Regional Water Quality Control Board issued a Municipal Storm Water National Pollutant Discharge Elimination System (NPDES) Permit (Municipal Permit- NPDES No. R9-2013-0001) which requires the development and implementation of storm water pollution best management practices (BMPs), both during construction and in projects' permanent design, to reduce pollutants discharged from the project site to the maximum extent practicable. This is in addition to complying with California State storm water requirements. The NPDES also implements a jurisdictional Urban Runoff Management Program. The proposed project would be subject to these BMPs, and a Storm Water Ouality Management Plan Water Quality Technical Report has been prepared for the project in accordance with City requirements (refer to EIR Technical Appendices, Section I). The project-specific Storm Water Ouality Management Plan Water Quality Technical Report requires the construction of two detention basins, three hydromodification areas and several bio-retention facilities which would ensure that peak flows leaving the site are substantially similar to existing conditions, thereby precluding significant erosion from occurring. Compliance with the City's Storm Water Regulations would ensure that water quality impacts are reduced to a level below significance.

The project plans to vegetate all open graded surfaces and therefore, wind erosion would not occur during or after construction of the proposed site.

#### SIGNIFICANCE OF IMPACTS (ISSUE 2)

With implementation of the water quality detention basins, as required by the projectspecific <u>Storm Water Quality Management PlanWater Quality Technical Report</u>, significant impacts would not occur.

#### MITIGATION MEASURES (ISSUE 2)

Adherence to the City of San Diego's requirements for compliance with the NPDES, including the incorporation of BMPs into the development proposal, would assure that erosion impacts resulting from the proposed project would not be significant. No additional mitigation measures would be required.

Issue 3: Would the proposal expose people or property to geologic hazards such as earthquakes, landslides, mudslides, ground failure, or similar hazards?

#### **DISCUSSION OF PROJECT IMPACTS (ISSUE 3)**

The project site is located in a seismically active region of California where the potential for geologic hazards, such as earthquakes and ground failures exist. According to the City of San Diego Seismic Safety Study, the project site is located within Geologic Hazard Category 53, characterized as having level or sloping terrain, unfavorable geologic structure, low to moderate risk. No active, potentially active, or inactive faults are known to exist onsite. A geologic Investigation was performed by Geocon, Inc. on June 2, 2004 with an update letter dated April 15, 2013.

#### Earthquakes

As indicated above in Table 4.9\_1, the maximum credible site acceleration at the proposed project site would be 0.33 g resulting from an earthquake with a maximum credible magnitude of 7.5 originating at the Newport-Inglewood/Rose Canyon fault, located approximately 8 miles from the project site. Although there are no active or potentially active faults located on the proposed project site, a major earthquake at any of the faults listed in Table 4.9\_1 could cause moderate to severe ground shaking at the site. The seismic risk for the proposed project area is not considered to be substantially different than that of other similar properties in the Southern California area, and the geologic investigations conducted for the site conclude that from a geologic standpoint, the property is suitable for development as proposed. Construction of proposed structures in accordance with the California Building Code (CBC) would ensure that potential ground shaking impacts do not result in a significant impact.

#### Landslides and Mudslides

Topographically, the proposed project site is characterized by mesa land with nearly flat to gently inclined ground surface over most of the site. A canyon drainage borders the eastern margin of the property and an east-west oriented berm exists along the northern and southern boundaries of the proposed project site. The proposed grading plan would eliminate the berms along the northern and southern project boundaries. In addition, there are no people or structures located in the lower elevations of the canyon drainage along the eastern portion of the site. Therefore, project implementation would not subject people or structures to increased risks associated with landslides or mudslides, and impacts would not be significant.

#### **Ground Failures or Other Geologic Hazards**

According to the project-specific geotechnical evaluation, no soil or geologic conditions present on the project site would preclude the development of the site. However, the potential exists that adverse geologic structures may be uncovered during project grading,

and this is regarded as a potentially significant impact for which mitigation is required. Also, some soils on the property may not be suitable for development under existing conditions. Adherence to the grading recommendations provided in the project's geotechnical report would assure that all soils would not pose a potential hazard associated with landslides, lateral spreading, subsidence, liquefaction, or collapse.

Portions of the project site contain surficial soils that contain undocumented fill, alluvium, and/or topsoil, which are not considered suitable for the support of fill or structural loads. In addition, the majority of the site contains highly expansive clays. These clays are not recommended within five feet of finish-grade elevations due to their expansive nature. Impacts would be significant unless mitigated as recommended in the geotechnical report. However, pursuant to Land Development Code Chapter 12, Article 9, Division 6 (Grading Permits), a grading permit would not be issued by the City of San Diego unless the recommendations of a project-specific geotechnical report are reflected on the grading plans. Accordingly, because the Land Development Code requires compliance with the recommendations of the project's geotechnical report, a significant impact would not occur.

## SIGNIFICANCE OF IMPACTS (ISSUE 3)

Implementation of the proposed project would not result in the exposure of people or structures to geologic hazards such as earthquakes, landslides, mudslides, ground failure, liquefaction, or similar hazards, provided that the recommendations in the geotechnical report are followed. Pursuant to Land Development Code Chapter 12, Article 9, Division 6 (Grading Permits), proposed grading permits would be required comply with the recommendations of the project-specific geotechnical report and the City of San Diego Grading Ordinance, including requirements for remedial grading activities. Therefore, significant impacts associated with geologic hazards would not occur.

#### MITIGATION MEASURES (ISSUE 3)

Impacts would not be significant; therefore, mitigation would not be required.

# 4.10 HYDROLOGY

The following section is based in part on a technical study entitled <u>PDP Storm Water Quality</u> <u>Management Plan for Candlelight, dated December 4, 2017 by SB&O, Inc., Candlelight Properties</u> <del>Water Quality Technical Report and <u>and the Candlelight</u> Drainage Study, dated August 2013 by Schwerin and Associates, <u>and Addendum #1 to the Drainage Study – Preliminary for Candlelight</u>, <u>dated December 4, 2017 by SB&O, Inc</u>. Copies of these reports are provided in the Technical Appendices of this EIR under Sections H and I of this EIR.</del>

# 4.10.1 Existing Conditions

# **Receiving Waters**

The project site is located in the San Diego Hydrologic Region (SDHR), which drains westerly toward the Pacific Ocean. The SDHR encompasses over three million acres in size and is composed of eleven smaller watersheds. The project site is located in the Tijuana River Watershed, which comprises approximately 1,750 square miles of the SDHR.

## Drainage Patterns

The proposed project site generally drains in a southerly direction. For purposes of discussion, site drainage is divided among three separate subareas, as shown on Figure 4.10-1, *Existing Conditions Hydrology Map.* Subareas 1 and 2 form the western subarea, which encompasses approximately 36.6 acres (including existing offsite inflows) and drains southwesterly into Dillon Canyon. The eastern segment is comprised of Subarea 3 which drains southeasterly into Spring Canyon and encompasses approximately 17.6 acres. Table 4.10\_1, *Summary of Existing Conditions Hydrology*, summarizes the estimated existing discharge quantities for each of the five Subareas depicted on Figure 4.10-1. As shown in Table 4.10\_1, the existing peak estimated discharge volumes into Spring Canyon are estimated to total approximately 12.9 cubic feet per second (cfs), while peak discharges into Dillon Canyon are estimated at approximately 53.1 cfs.

SUBAREA NUMBER <sup>1</sup>	AREA (AC)	Q <sub>100</sub> (CFS) <sup>2</sup>	DISCHARGE LOCATION						
1 (West)	1.5	1.6	Dillon Canyon						
2 (West)	35.1 <sup>3</sup>	51.5	Dillon Canyon						
Subtotal – Dillon Canyon	36.6 ac	53.1 cfs							
3 (East)	17.6	12.9	Spring Canyon						
Subtotal – Spring Canyon	17.6 ac	12.9 cfs							

#### Table 4.10\_1 SUMMARY OF EXISTING HYDROLOGY CONDITIONS

1. Refer to Figure 4.10-1 for the location of each drainage subarea.

2.  $Q_{100}$  (cfs) = estimated cubic feet per second during a 100-year storm event.

3. Inclusive of existing offsite flows.

## Flood Hazards

No portions of the proposed project areas are located within or adjacent to a 100-year floodplain as mapped by the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRM).

# 4.10.2 Impact Analysis

### A. Basis for Determining Significance

Based on the City of San Diego's Significance Determination Thresholds (January 2011), impacts related to hydrology would be significant if the proposed project would result in:

- 1. A substantial increase in impervious surfaces and associated increased runoff?
- 2. Substantial alteration to on-and off-site drainage patterns due to changes in runoff flow rates or volumes?
  - a. If a project would result in increased flooding on-or off-site there may be significant impacts on upstream or downstream properties and to environmental resources.

Significant impacts may result if the project would impose flood hazards on other properties or if the project proposes to develop wholly or partially within the 100-year floodplain identified in the Federal Emergency Management Agency (FEMA) maps. Compliance with Council Policy 600-14 may provide evidence that an impact is not significant or is mitigated. Policy 600-14 prohibits development within areas of special flood hazard except under certain circumstances. The policy requires approval by the floodplain administrator before construction, development or alteration begins within any area of special flood hazard.

b. If a project would result in decreased aquifer recharge there may be significant impacts on hydrologic conditions and well-water supplies because the area available for aquifer recharge is reduced. When a subsurface water source fails to be recharged by rainfall, its volume will be reduced. Reduced groundwater elevation can affect landholders who are dependent on well water, vegetation, and surface water replenishment. In addition, if a project would result in extraction of water from an aquifer, impacts on hydrologic conditions would be significant if there would be a net deficit in the aquifer volume or a reduction in the local groundwater table. Projects which would create over 1.0 acres of impermeable hardscape in areas utilizing well-water and projects which would install groundwater extraction wells may result in significant impacts. Analysts should contact the Regional Water Quality Control Board for guidance in evaluating this type of impact, as the threshold amount of new impermeable surface may vary from case to case. For commercial or multiresidential projects (a single-family residence is excluded) using groundwater as a source of water supply, the project applicant must address potential impacts to the neighboring wetlands or other developments (as applicable) in the area that rely on groundwater to assure that there is a sustainable groundwater supply for the proposed project. Otherwise, a significant and unmitigated impact could occur and an EIR could be required. Alternatively, the project would need to provide for municipal water.

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**Figure 4.10-1** 



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Existing Conditions Hydrology Map

- c. If a project would grade, clear, or grub more than 1.0 acre of land, especially into slopes over a 25% grade, and would drain into a sensitive water body or stream there may be significant impacts on stream hydrology if uncontrolled runoff results in erosion and subsequent sedimentation of downstream water bodies.
- d. If a project would result in modifications to existing drainage patterns there may be significant impacts on environmental resources such as biological communities and archaeological resources.

Projects where drainage patterns are influenced such that existing vegetation would decline because long- or short-term, soil-plant-water relationships would no longer meet habitat requirements. A project would generally have a significant hydrologic impact on biological resources if the project would result in a degradation in the function and value of the existing habitat or if the project would alter the habitat type.

Projects which would result in substantial changes to stream-flow velocities or quantities may result in a significant impact (to be determined on a case by case basis; streambed characteristics will affect determination). Refer to the project's hydrology study, if any, for the analysis of this issue.

There may be significant impacts on downstream properties and/or environmental resources if drainage patterns are changed. Projects which, when identified in a drainage study would cause adverse impacts on downstream properties or environmental resources as a result of a change in the drainage pattern would result in a significant impact.

Refer to the project's <u>SWQMP and Drainage Study</u> for the analysis of this issue.

#### B. Determination of Significance

# Issue 1: Would the proposed project result in an increase in impervious surfaces and associated increase in runoff?

#### DISCUSSION OF PROJECT IMPACTS (ISSUE 1)

The proposed project would significantly increase impervious surfaces which are associated with increases in runoff. Since the proposed project is a multi-family project to meet the housing needs of the community, and the existing site is vacant land, increase of impervious surfaces is unavoidable, which would result in increased runoff flow rates, duration and volume. However, since the aforementioned storm water measures are being taken, the increase in impervious surfaces surfaces will not result in the increase of runoff leaving the site.

#### SIGNIFICANCE OF IMPACTS (ISSUE 1)

The proposed project would result in a significant increase in impervious surfaces but would not significantly increase runoff from the site due to the two water quality measures being proposed: Hydromodification and Detention. With the hydromodification and detention measures that are proposed, the site storm water runoff would be equivalent to pre-construction conditions. Post development runoff would be directed through a series of water quality facilities. Initially, runoff would be intercepted or conveyed to a biofiltration basin to provide treatment of runoff. These facilities have an imported soil media, with a subsurface rock storage layer without an impermeable liner. The facilities would eliminate the runoff volume from small events through the combined processes of evaporation, evapotranspiration and infiltration. The project would also provide Hydromodification Management Plan (HMP) facilities to provide storage and outlet controls that would limit post development runoff durations and frequencies throughout the statistically significant range of flows that could impact the receiving waters (from 10% of the 2-year predevelopment storm, up through the 10-year storm frequency). In addition, the project would be required to attenuate peak flow rates for larger storm flows (2-year through 100-year events). The combined facilities would control the increased runoff volume, duration and frequency to the maximum extent practicable (MEP) standard. See Appendix H for additional details. Storm waters will flow into the hydromodification vaults from the Bioretention areas as shown in Figure 4.10-2, Proposed Drainage Plan. Storm waters will then be stored in multiple connected Hydromodification vaults. Per the SUSMP manual our project will need 26% of the project's impermeable surface area used for hydromodification areas/storage. Hydromodification vaults are four feet deep and our project will have multiple connected storage vaults in addition to the hydromodification vaults under the Bioretention areas. This is in order to meet the 26% square footage recommended in the SUSMP manual. Multiple outlet pipes of varying size/heights will be used in the last vault to allow varying amounts of storm water to exit the hydromodification vault based on storm size.

The purpose of the hydromodification vaults is to store storm water in order to prevent downstream erosion of existing streams and waterways (hydromodification). Waters from a 2 year storm will flow through a very small pipe (1" or less to be determined in the final construction drawings). This pipe will be near the bottom of the end vault (final vault prior to the detention basin) and is sized to allow .1Q2 storm waters into the detention basin. Another outflow pipe will be placed approximately 2 feet from the bottom of the final vault and would be 4-6 inches in diameter (again final details to be addressed in the construction drawings). A large pipe/weir (final size to be determined in the construction drawings) would allow 100-year storm water overflow to exit the vault quickly from near the top of the vault. Waters exit the hydromodification vaults via the previously described pipes/weir based on the storm's intensity and duration. Storm waters convey from the hydromodification vaults to the detention basin via the aforementioned controlled piping.Additionally, the proposed project design used the design table from the SUSMP manual in order to determine and meet the hydromodification volume.

The detention basin stores and slows storm water from the exiting site. The goal of the detention basin is to retain storm waters from various sized storm events and to allow storm waters to exit the site at very controlled rates. A concrete collection structure with various weirs at multiple heights allows storm water to exit the detention basin based on storm water volume and intensity. For example: storm waters from a 100-year storm would fill the detention basin quickly and be allowed to exit the basin very quickly using all of the weirs in the concrete collection structure. A proprietary Excel computer program was used to determine the detention basin sizing, along with orifice sizing in order to handle the various storm events using predicted rainfall, soil type, etc. The computer print outs from this program are attached in the Appendix of the Water Quality Technical Report.

#### Hydromodification

As of January 14, 2011, the City of San Diego has adopted hydromodification control requirements based on the Hydromodification management Plan approved by the Regional Water Quality Control Board, which applies to all priority development projects. These projects are required to ensure that the project meets the following criteria:

- Reduces discharges of pollutant to the City Storm Water conveyance system to maximum extent practicable
- Does not cause or contribute to the violation of water quality standards in the receiving waters
- Manages increase in runoff discharge rates and durations that are likely to cause increased erosion of stream beds and banks, silt pollution generation or other impacts to the beneficial uses and stream habitat due to increased erosive force.

The Candlelight development has elected to choose bio retention facilities over storage and will meet the above stated hydromodification requirements. The location of this development per County mapping illustrates soil type D. For a lower threshold soil type the use of 0.1Q2 is dictated. From the County SUSMP manual and maximum storage depth of 4' with the additional parameters of flat topography and within the Lindbergh rainfall area the volume multiplier V1 is 0.26. The project will use four feet deep vaults for storm water storage, in addition to two detention basins to meet the above hydromodification requirements. For hydromodification details, see the Water Quality Technical Report (Appendix L of this EIR).

#### MITIGATION MEASURES (ISSUE 1)

<u>The proposed project facilities described above would reduce the potential for drainage impacts to</u> <u>less than significance.</u> <u>No impacts would occur, T</u>therefore, mitigation measures would not be required.

## Issue 2: Would the proposed project result insubstantial alteration to on-and off-site drainage patterns due to changes in runoff flow rates or volumes?

#### **DISCUSSION OF PROJECT IMPACTS (ISSUE 2)**

As shown in Figure 4.1210-2, drainage patterns across much of the site would be generally maintained with implementation of the proposed project. Therefore, project implementation would not result in substantial modification of existing drainage patterns.

Several vernal pools would be impacted by the proposed project, as described in EIR Section 4.2. Mitigation for, and restoration for those vernal pools was further described in Section 4.2. However, except for those vernal pools that would be completely eliminated by project grading, the proposed drainage plan would not affect the watersheds of any additional existing vernal pools.

With implementation of the BMPs, bioretention and detention basins recommended in the projectspecific water quality technical report, which would be required as a condition of project approval, project runoff would not result in significant adverse effects on the Tijuana River or Otay River drainage basins.

As stated above, no adverse impacts on downstream properties and environmental resources would occur as a result of increased runoff.

#### SIGNIFICANCE OF IMPACTS (ISSUE 2)

The proposed project would not result in a substantial modification of existing drainage patterns that would lead to a decline in vegetation patterns. Similarly, project drainage would not lead to a substantial change to downstream flows or velocities. Water quality BMPs have been incorporated into the project's design that would prevent water quality impacts to the Tijuana Valley drainage basin, and only trivial changes in drainage flows would occur. Finally, project implementation would not result in increased peak flow rates runoff from the site. Therefore, significant impacts would not occur.

#### MITIGATION MEASURES (ISSUE 2)

Significant impacts would not occur; therefore, mitigation measures would not be required.

### Issue 3: Does the site contain, or come within 100 feet of a natural or manufactured drainage (determine whether it is vegetated with wetland vegetation). Does the site wholly or partially occur within the 100-year flood plain established by the Federal Emergency Management Agency (FEMA) or the Flood Plan Fringe (FPF)/Flood Way (FW) zones.

DISCUSSION OF PROJECT IMPACTS (ISSUE 3)

Table 4.10\_1 addresses the components of drainage flow into Dillon Canyon and Spring Canyon. The attached on site drainage map, Figure 4.10-2 illustrates that waters from Lot 2 and Lot 1 would still discharged into Dillon Canyon. Lot 3 would still discharge into Spring Canyon. Therefore, no alterations to the course of waters occurs.

Portions of the gross-site come within 100 feet of a natural or manufactured drainage. This drainage area is vegetated with wetland vegetation. The drainage is within Lots 4 & 5, which However, Lots 4 and 5 are proposed to be open space and will would not be developed. Lots 4 and 5 are proposed to have a conservation easement over the entire lot area. Lots 4 and 5 are over 100 plus feet from the developable lots. Runoff in these drainages would flow through the site, without impacting potential aquifer recharge.



# CANDLELIGHT EIR

Figure 4.10-2

The Water Quality Technical Report for Candlelight Properties addresses detention facilities, one for the West and one for the East. These detention facilities are designed to handle a range of flow rates ranging from a two year storm event to a 100 year storm event. Within the detention basin are interceptors that insure that flow rates after construction do not exceed flow rates that existed prior to construction for two year storm events through 100 year storm events.

<u>Flows from upstream development and streets All surface flows</u> that enter the <u>developed portion of</u> <u>the</u> project site <u>under existing conditions</u> would be accommodated by <u>basins associated with</u> the proposed project. Because the proposed project <u>drainage system</u> would accommodate these flows, project implementation would not result in an increased risk of flood hazards for properties located upstream.

<u>No</u> portions of the proposed project site are located within a 100-year floodplain as mapped by the Federal Emergency Management Agency (FEMA). Therefore, the proposed project site is not subject to flood hazards.

#### SIGNIFICANCE OF IMPACTS (ISSUE 3)

The proposed project <del>would not impose flood hazards on properties located upstream or downstream,</del> would not cause alterations to the course or flow of floodwaters<del>, and</del> would not be developed within a 100-year floodplain, and would not impact aquifer recharge; therefore, significant impacts would not occur.

With Lots 4 and 5 proposed as open space and the developable Llots not within 100 feet of the drainage area, there would be no significant impacts that would occur to the drainage area.

#### **MITIGATION MEASURES (ISSUE 3)**

Significant impacts would not occur; therefore, mitigation measures would not be required.

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# 4.11 WATER QUALITY

The following section is based in part on a technical study entitled <del>Candlelight Properties</del> <u>Priority Development Project Storm</u> Water Quality <del>Technical Report and Drainage</del> <u>StudyManagement Plan (PDP SWQMP) for Candlelight</u> dated <u>August 2013December 4, 2017</u> by <u>Schwerin and AssociatesSB&O, Inc</u>. A copy of this report is provided in the Technical Appendices to this EIR under Appendix I.

# 4.11.1 Existing Conditions

The project is located in Otay Mesa within the San Diego Hydrologic Region (SDHR), which drains southwesterly toward the Pacific Ocean. The SDHR encompasses over three million acres in size and is composed of eleven smaller watersheds. The project site is located in the Tijuana River Watershed, which comprises approximately 1,750 square miles of the SDHR. Storm water from the site drains to the Tijuana River and then eventually to the Pacific Ocean. The project is currently vacant land. Therefore, water quality is in a natural state. Some illegal dumping has occurred on the site in the past. However, this has been prevented by blocking the entrance to the site with a gate and constructing earth berms, along and with aggressive police interaction.

#### **Beneficial Uses**

Section 303(d) of the federal Clean Water Act (CWA) requires states to periodically prepare a list of all surface waters in the state for which beneficial uses of the water - such as for drinking, recreation, aquatic habitat, and industrial use - are impaired by pollutants. These are water quality limited estuaries, lakes, streams and coastal regions that fall short of state water quality standards, and are not expected to show improvement in the next two years. Receiving waters for the project site include the Tijuana River, <u>the</u> Tijuana River Estuary, and the Pacific Ocean.

<u>The San Diego Basin Plan (2016) identifies the b</u>Beneficial uses of the Tijuana River <u>asinclude:</u> <u>Municipal domestic water supply, agricultural supply, industrial service supply, industrial process supply, freshwater replenishment, non-contact recreation use, biological habitat, warm <del>and cold</del> freshwater habitat, wildlife habitat, and threatened or endangered habitat. Beneficial uses of <u>Tijuana Estuary</u> coastal waters include: <u>recreational uses (contact and non-contact)</u>, commercial or recreational fishing or collection of fish, shellfish or other organisms, <u>Bb</u>iological habitat, estuarine habitat, wildlife habitat, <u>rare, endangered, threatened or sensitive species habitat,</u> marine habitat, migration of aquatic organisms, <u>raguaculture</u>, shellfish harvesting and spawning/reproduction/early development<u>of fish</u>.</u>

#### 303(d) List Status

According to the 2006-2012 State Impaired Water Bodies 303(d) List of Water Quality Limited Segments, the Tijuana River and <u>Tijuana River</u> Estuary, to which the project site drains, <del>is are</del> currently impaired. The pollutants causing the impairment of the downstream segment of the Tijuana River are: <u>Low</u> Dissolved Oxygen, Eutrophic, Indicator Bacteria, Pesticides,
<u>Phosphorus, Sedimentation/Siltation, Selenium,</u> Solids, <u>Surfactants,</u> Synthetic Organics, <u>Total</u> <u>Nitrogen, Toxicity,</u> Trace Elements and Trash.

#### **Environmentally Sensitive Areas**

Pursuant to the City's Storm Water Applicability checklist, the project site currently discharges runoff to a Water Quality Sensitive Area (WQSA). WQSA's include environmentally sensitive areas as defined by the Municipal Storm Water Permit. WQSAs include:

- 303(d) listed (impaired) water bodies
- RARE beneficial use water bodies
- City defined environmentally sensitive areas
- Open space preserve areas, floodways, and/or wetland habitat

WQSA's in the vicinity or downstream of the project site include the Tijuana River, <u>the Tijuana</u> River Estuary, and the Pacific Ocean.

#### **Existing Pollutant Discharge**

There are currently no runoff treatment management practices being employed on-site <u>or</u> <u>immediately downstream of the project</u>. Some upstream or off-site to treatment of runoff from the existing <u>land</u> uses <u>occurs</u> before being discharged into the adjacent canyons and eventually the Tijuana River. Runoff is likely contaminated with pollutants typical <u>orof</u> urban development, including nutrients from fertilizers, from previous farming activities, trash and debris from illegal dumping, viruses from pet waste and pesticides.

# 4.11.2 <u>Regulatory4.11.2 Regulatory Framework</u>

Various projects in the City of San Diego are subject to the erosion control requirements of the City's Grading Ordinance. Project must also comply with the federal and state CWA. Conformance with the Clean Water Act (CWA) is established through compliance with the requirements is NPDES General Permit for the City of San Diego (Municipal Permit <u>MS-4</u>),<del>No.</del> <del>R9-2013-0001.</del>

The NPDES Municipal Permit, issued in 2013 to the City of San Diego by the San Diego <u>Regional Water Quality Control Board (R</u>WQCB) as amended in 2015, requires the development and implementation, to the maximum extent practicable, of storm water pollution best management practices (BMPs), both during the projects construction and in the project's permanent design to reduce discharge of pollutants. <del>To address pollutants that may be generated from new development during and post-construction, the Municipal Permit further requires that the City implement a series of construction and permanent BMPs described in the Model Standard Urban Storm Water Mitigation Plan (SUSMP) which is contained in the City's 2008 Storm Water Standards Manual: A Manual for Construction and Permanent Storm Water Best Management Practices Requirements (Storm Water Standards <u>Manual)City's new 2016 Storm Water Standards BMP Design Manual addresses and provides</u> guidance for complying with, updated on-site post-construction storm water requirements for <u>Standard Projects and Priority Development Projects (PDPs), and provides updated</u></del> procedures for planning, preliminary design, selection, and design of permanent storm water BMPs based on the performance standards of the NPDES Municipal Permit. The City's Storm Water Standards manual provides information to project applicants on how to comply with all the City's construction and post-construction permanent storm water BMP requirements including the SUSMPpermanent site design, source control, storm water treatment, and hydromodification management.

All projects, or phases of projects, are required to implement temporary erosion, sediment, good housekeeping and pollution prevention BMPs to mitigate storm water pollutants during the construction phase. Every project applicant, upon formal project submittal, mustcomplete and submit the Storm Water Requirements Applicability Checklist in order to determine the project's storm water BMPs required during construction and post-construction. For PDPs, such as the proposed project, a PDP Storm Water Quality Management Plan (PDP SWQMP) must be prepared to document that all permanent source control and site design BMPs have been considered for the project and implemented where feasible; documents the planning process and the decisions that led to the selection of structural BMPs; provides the calculations for design of structural BMPs to demonstrate that applicable performance standards are met by the structural BMPs; and identifies operations and maintenance requirements of the selected structural BMPs.

If the project requires treatment control BMPs, per the Storm Water Applicability Checklist, the applicant must submit a water quality technical report consistent with the City's Storm Water Standards. The report must include, but not be limited to, appropriate BMP selection, BMP maintenance schedules, and the responsible party for future maintenance and associated costs. The report must also address water quality by describing the type of pollutants that would be generated during construction and post-construction, as well as identifying pollutants captured and treated by the proposed BMPs.

# 4.11.3 Impact Analysis

# A. Basis for Determining Significance

As stated in the City of San Diego's 2011 Significance Determination Thresholds for water quality, compliance with federal, state, and local water quality standards is assured through project adherence to the City's Storm Water Standards and conditions placed on building permits prior to project approval. Adherence to the City's Storm Water Standards is considered to preclude water quality impacts unless substantial evidence supports a fair argument that a significant impact would occur. Project adherence to the City's Storm water quality would be potentially significant if the proposed project would not adhere to the City's Storm Water Standards. Thresholds also note that compliance with applicable City (and related) Water Quality Standards is assured through permit conditions provided by LDR Engineering. Adherence to the City storm water standards is thus considered adequate to preclude water quality impacts, unless substantial evidence supports a fair argument that a significant impact will occur. Accordingly, conformance with the City's storm water standards is the water quality threshold.

#### B. Determination of Significance

# Issue 1: Would the proposed project proposal result in an increase in pollutant discharge to receiving waters during or following construction? Would the proposal discharge identified pollutants to an already impaired water body?

#### DISCUSSION OF PROJECT IMPACTS (ISSUE 1)

Water quality is affected by sedimentation caused by erosion, runoff carrying contaminants, and direct discharge of pollutants. Land development generally leads to increased opportunity for contaminated runoff that carries oil, heavy metals, pesticides, fertilizers, and other contaminants to enter a watershed.

According to the City of San Diego Storm Water Standards Manual Table 4-1, the proposed project has the potential to create the following pollutants which could have a negative effect on surface or groundwater quality: sediments, nutrients, <u>heavy metals</u>, <u>organic compounds</u>, trash and debris, oxygen demanding substances, oil and grease, bacteria and viruses, and pesticides. <u>Because the project site is tributary to the Tijuana River Valley and Tijuana River Estuary</u>, which are both recognized as an impaired water bodies, there is a potential for <u>discharges to degrade those receiving waters</u>.

To address these potential concerns, the City of San Diego has adopted storm water regulations, which require certain projects to prepare a water quality technical report to ensure the proper location and sizing of Best Management Practices (BMPs) that would preclude significant water quality impacts. Accordingly, a project-specific water quality technical report has been prepared and is provided in the Technical Appendices to this EIR (Appendix I). The water quality technical report (<u>PDP SWQMP</u>) provides specific recommendations for construction and permanent BMPs that would reduce, to the maximum extent practicable, the expected project pollutants, thereby preventing any significant adverse impacts to the beneficial uses of receiving waters. These BMPs are also listed below.

#### Construction BMPs

- All building pads to be <u>stabilized diked and the dikes maintained</u> to prevent water from flowing from the pad until the streets and driveways are paved and water can flow from the pads without causing erosion, or construct drainage facilities that will allow water to drain from the pad without causing erosion.
- 2. Tops of all slopes to be diked or trenched to prevent water from flowing over the crest of the slopes.
- 3. Manufactured slopes and pads shall be rounded vertically and Hhorizontally as appropriate to blend with surrounding topography.
- As <u>manufactured slopes are soon as cuts or embankments are</u> completed, but not later than October 1, all cut and fill slopes <u>they</u> shall be stabilized with a Hydromulch mixture or an equal treatment. Between October 1 and April 15, <u>Aapproved slope</u>

protection measures shall proceed <u>upon completion or inactivity of areas.</u> behind the exposure of cut slopes and/or the creation of embankment slopes.

- 5. During the rainy season the amount of exposed soil allowed at one time shall not exceed that which can be adequately protected by the property owner in the event of a rainstorm. 125% of all supplies needed for BMP measures shall be retained on the job site in a manner that allows full deployment and complete installation in 48 hours or less of a forecast rain.
- 6. Any disturbed area that is not actively graded for 15 days must be <del>fully</del> protected from erosion. All erosion control measures shall remain installed and maintained during any inactive period.
- 7. The property owner is obligated to <u>e</u>insure compliance with all applicable. Stormwater regulations at all times. The BMPs (best management practices) that have been incorporated into this plan the project shall be implemented and maintained. To effectively prevent the potentially negative impacts of this project's construction activities on stormwater quality. The maintenance of the BMPs is the permitee's responsibility, and failure to properly install or maintain the BMP's may result in enforcement action. If installed BMPs fail, they must be repaired or replaced with an acceptable alternate within 24 hours, or as soon as safe to do so.

# Source Control BMPs

- 1) The site will have no maintenance bays.
- 2) There will be no vehicle or equipment washing on site., except perhaps during construction which will flow to the sanitary sewer.
- 3) No outdoor processing areas are proposed.
- 4) No retail or non-retail fueling areas are proposed. If any refueling occurs during construction, it will be kept separate from other areas and drain to the treatment structural BMP area prior to discharging to the storm drain.
- 5) There are no steep hillsides on site, steep hillsides are in the preserve area and not graded.
- 6) Efficient irrigation systems and landscape design will be used to include: rain shutoff, avoiding overspray, avoiding overwatering, use of flow reducers, and avoid drain inlets in lawns.
- 7) Trash storage areas will be designed to reduce pollution contribution by having roofing, gates and berms to prevent liquid from leaving the trash area.
- 8) Outdoor material storage will be designed to reduce pollution contribution, by being covered to prevent storm water from contacting the material and runoff.
- 9) There will be no loading docks on site.
- 10) Integrated pest management will be used, as much natural pest control as possible and resident training will be used.
- 11) Storm water signage will be used and/or stamped on concrete. For example "I live downstream" in English and Spanish.
- 12) Fire system testing will drain to the sanitary sewer not to the street.
- 13) Air conditioning condensate will be directed to landscaping or sanitary sewer systems and not enter the street directly.
- 14) Non-toxic roofing will be used.

- 15) Post construction soil stabilization will be used, for example hydro-seeding all graded areas that are not used right away.
- 16) Pet waste collection, if possible and trash receptacles will be used throughout the site.

#### Treatment-Structural BMPs

The Treatment Structural BMPs for this project are:

- Multiple vegetative swales. These swales will slow water and infiltrate storm water while it is flowing along the swale. The vegetation also acts to clean the storm water as it conveys to the Bio retention areas.
- 2) Several bio<u>filtration\_retention areas basins</u> will be used to filter the storm water from the site. The calculations in the <u>SWQMP\_WQTR/Drainage study(Appendix H)</u> show the <u>surface\_areas</u> needed for th<u>e is size\_project to filter the water using bioretention</u>.

<u>2) </u>3) Storm waters then <u>would go to flows to</u> the <u>subsurface hyrdr</u>omod<u>ification areasand</u> <u>detention facilities</u>. The purpose of the hydromod vaults is to prevent downstream erosion of stream beds.

- 4) Finally two detention basins as shown on the Tentative Map are proposed. The detention basins willdetain storm water and slowly release the storm water as necessary to meet pre-construction storm water levels. which controls the outlet flow rates.
- 543) Theis storm water then discharges from exits the site in the storm drain system with via rock rip rapenergy dissipaters.

The above stated BMPs address water quality leaving the site both before and after construction. Within the water quality technical report are sections requiring onsite drainage waters to flow into bio retention facilities. These bio retention facilities have specially blended soils to filter out various particulates that may exist. These waters then flow into detention facilities discussed earlier.

With project implementation, all flows entering the site would be accommodated by the project and would be treated by the project's proposed treatment facilities (except the pretreated storm water from the high school). Flows leaving the site would discharge directly into Dillon and Spring Canyons. Incorporation of the BMPs required by the project-specific water quality technical report PDP SWQMP would ensure that runoff from the site is treated and that pollutants are substantially removed from the flows prior to discharge from the site during and after construction. Future projects that discharge into the same watershed would be required to implement similar BMPs that also would ensure that significant water quality impacts do not occur.

Therefore, because the proposed project incorporates measures that would ensure water quality impacts do not occur, and because future projects within the watershed would be subjected to similar requirements, a cumulatively significant impact on water quality would be reduced to the maximum extent practicable. These BMPs and water quality measures would also prevent identified pollutants from leaving the site and adding to the already impaired water body.

The proposed project would not result in a cumulatively significant impact on water quality when considered in combination with past, current, and future projects in the affected watersheds. Therefore, cumulatively significant impacts would not occur. Adherence to the above listed BMPs would preclude impacts to any already impaired water bodies.

The proposed project would include water quality measures identified in applicable water quality control programs in addition to the above listed BMPs, Low-Impact Development (LID) and Site Design BMPs would also be integrated into the project. The following LID Integrated Management Practices (IMPs) will be incorporated whenever possible.

#### Low Impact Development

- Optimize the site layout to minimize grading, <u>and natural areas will be conserved</u> where possible.
- Minimize the impervious footprint., permeable pavers will be used when possible.
- Drain rooftops into landscape areas. Detain site waters in bio-retention, hydro mod and detention basins to meet hyrd<u>r</u>omodification, bio-retention and detention requirements<u>.</u>
- Site will design pervious areas to infiltrate runoff and the site will minimize soil compaction and add soil amendments.
- The site does not have channel crossings but will stabilize soil where disturbed with drought tolerant hydroseeding. Waters will be conveyed safely from tops of slopes. Rip rap is planned at storm drain outflows.

# Priority Development Project(PDP) BMPs

Based on the City's Storm Water Requirements Applicability Checklist, the proposed project is a <u>priority projectPDP</u> and would be required to implement additional BMPs to prevent water quality impacts related to the proposed roads, residential driveways, guest parking, and surface parking. The proposed project would incorporate the following design considerations:

- On-site private roads shall drain toward LID features such as landscaped areas, vegetative swales and/or engineered soil areas. All road storm water would be conveyed through treatment controlstructural BMPs prior to discharge from the project site.
- Design new building fire sprinkler systems to discharge to sanitary sewers.

# BMP Maintenance

The project applicant would enter into a Storm Water Management and Discharge Control Maintenance Agreement (SWMDCMA) with the City of San Diego to ensure maintenance of permanent BMPs for the proposed project. An Operation and Maintenance Plan-Schedule would be included in the SWMDCMA. The project applicant would oversee maintenance responsibility for permanent BMPs for the proposed project; the City of San Diego would not be responsible for maintenance of any permanent BMPs. Inspection would proceed weekly, monthly, quarterly, or annually depending on the particular BMP. <u>Attachment 3 to Appendix I</u>

of this EIR <del>includes the WQTR and</del> lists the proposed BMPs which will require permanent maintenance.

The following <u>construction phase</u> maintenance and inspection practices for this development are as follows:

- a) The project owner/construction manager will be the principal responsible party to implement the Best Management Practices for this development during construction, including preparation of a Storm Water Pollution Prevention Plan, and obtaining covering under the State Construction General Permit. All maintenance schedules and records will be turned over to the Homeowners Association (HOA) and or the property management company upon sale or delivery of this project.
- b) The project owner/construction manager will also be responsible to prepare a Best Management Practices maintenance schedule and list of costs.
- c) The project owner/construction manager will also be responsible to select qualified personnel in the implementation<u>, inspection and and</u>-maintenance of <u>SWPPP</u>Best Management Practices.

Records generated for all inspections, maintenance operations, compliance certification, and noncompliance reporting must be retained for a period of at least **three years** after the termination of coverage under the Permit. At such time as a Notice of Intent is filed for the imminent development of Candlelight, the responsible parties and managers will be identified.

Prior to issuance of a construction permit, the current property owner shall enter into a Water Quality Maintenance Agreement with the City of San Diego. This agreement is intended to assure installation, establishment and maintenance of certain water quality related improvements as necessary for the discharge of waters into the City of San Diego storm water system and the adjacent canyon which eventually feed the Tijuana River/Estuary.

The proposed project would incorporate construction of low-impact development design, source control, priority project category, and treatment control BMPs as outlined above.

The proposed project would not result in a cumulatively significant impact on water quality when considering the Construction BMPs, LID, Source control, Treatment StructuralControl BMPs that will be used during and after construction. Therefore, significant impacts would not occur.

# SIGNIFICANCE OF IMPACTS (ISSUE 1)

<u>Implementation of Adherence to</u> the recommendations made in the <u>PDP SWQMP</u>water quality technical report, prepared in accordance with the City's Storm <u>W</u>water <u>Standards</u> <u>Manual and MS-4 Permitregulation</u>, would be required as a condition of approval for the project; therefore, a significant impact to surface or groundwater quality would not occur.

# MITIGATION MEASURES, MONITORING AND REPORTING PROGRAM (ISSUE 1)

Compliance with the City's Storm water regulations and implementation of the above specific BMPs would ensure that significant water quality impacts to surface or groundwater resources do not occur. Therefore, mitigation would not be required.

# Issue 2: What short-term and long-term effects would the project have on local and regional water quality? What types of pre- and post-construction BMPs would be incorporated into the project to preclude impacts to local and regional water quality?

#### DISCUSSION OF PROJECT IMPACTS (ISSUE 2)

Pollutants can enter water ways during pre- and post-construction periods. These pollutants can impair downstream water bodies and cause damage to the ecosystem. <u>Grading</u> <u>operation and construction phase activities have the potential for discharge of sediment and construction pollutants</u>. The requirements of the erosion and sediment control plan and the <u>project SWPPP would minimize the potential for construction discharge</u>. <u>Post-development</u> <u>runoff has the potential for a wide variety of pollutants</u>. Implementation and construction of <u>the BMPs listed in the SWQMP would preclude water quality impacts</u>.

With the BMPs proposed for the project, no short-term or long-term effects would result from the project.

#### SIGNIFICANCE OF IMPACTS (ISSUE 2)

Adherence to the <u>above requirements</u> recommendations made in the water quality technical report, prepared in accordance with the City's Storm water regulation, would be required as a condition of approval for the project. As part of these water regulations the project would implement the above-described construction BMPs, treatment BMPs, Low Impact Development features, and Source Control BMPs.would minimize short term and long term impacts. Therefore, a significant impact to local or regional water quality would not occur.

#### MITIGATION MEASURES (ISSUE 12)

Compliance with the City's Storm water regulations and implementation of the BMPs listed above and in the Water Quality Report (Appendix I of this EIR) would ensure that significant water quality impacts to local and regional water quality would not occur. Therefore,<u>No</u> mitigation would not be<u>is</u> required. This Page Intentionally Left Blank

# 4.12 ENERGY CONSERVATION

Electricity and gas service in the City of San Diego are provided by San Diego Gas and Electric (SDG&E).

# 4.12.1 Existing Conditions

#### Electricity

The project site primarily consists of undeveloped land and agricultural uses. At the time of EIR preparation, public utilities are not present on the project site, but are provided to the San Ysidro High School located adjacent to the site on the north. Each year, SDG&E allocates capital funds for the purpose of converting overhead electric distribution lines. Under the provisions of Rule 20A established by the California Public Utilities Commission, the City may designate major streets for undergrounding the overhead lines. In general, all new commercial, industrial, and residential developments are required to accept underground service.

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

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

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

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

# Natural Gas

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

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

# 4.12.2 Impact Analysis

# A. Basis for Determining Significance

Pursuant to the Public Utilities section of the City's "Significance Determination Thresholds," a proposed project would have a significant impact on energy conservation if any one or more of the following would occur as a result of the project:

• The use of excessive amounts of electricity or fuel and other forms of energy (e.g., natural gas, oil)?

# B. Determination of Significance

Issue 1: Would the construction and operation of the proposal result in the use of excessive amounts of electrical power?

# DISCUSSION OF PROJECT IMPACTS (ISSUE 1)

The proposed project would likely use no electrical power until after the construction is completed. Generators and diesel fuels would be typical during construction. After construction is completed, the proposed project would create a demand for electricity typical of a residential development, and would require the extension of electrical facilities to serve project development. Electrical service would be provided by San Diego Gas and Electric (SDG&E), and electrical service would be extended into the site from existing transmission lines available in the vicinity. Transmission of power into the site would be provided via underground facilities. SDG&E estimates that the average home has an annual consumption of 16.7-kilowatt hours (kWh) per year. Table 4.12\_1, *Estimated Project Electric Demand*, provides an estimate of electrical demand at project buildout based on rates provided by SDG&E. As shown in Table 4.12\_1, buildout of the proposed project is estimated to require approximately 2,901,696 kilowatt hours per year (kWh/yr) of electricity. SDG&E has indicated that the current energy system would be sufficient to service the project.

LAND USE	DEVELOPMENT INTENSITY	TYPICAL DEMAND (KWH/YR) <sup>1</sup>	DEMAND (KWH/YR) <sup>1</sup>			
Residential	475 Dwelling Units	6,096 kWh/yr <sup>2, 3</sup>	2,895,600			

Table 4.12\_1 ESTIMATED PROJECT ELECTRIC DEMAND

1. kWh/yr = kilowatt hour per year

2. Source: SDG&E

3. The utility demand varies depending on building characteristics, such as size, layout, and construction materials.

The project's anticipated energy demand would be similar to the various other multi-family developments within the City of San Diego. Energy usage would be minimized by several energy efficient components. Energy efficient components include the implementation of UIBC requirements for building materials and insulation would be followed for the project in order to reduce the unnecessary loss of energy.

As a standard condition of approval, the project would be required to implement all relevant energy conservation measures as outlined in Title 24 of the California Code of Regulations<u>, as well as the energy savings requirements outlined in the project's Climate Action Plan (CAP) Consistency Checklist (Appendix R)</u>. However, the project applicant is not proposing at this time to exceed the Title 24 requirements as encouraged by Council Policy 900-14.

#### SIGNIFICANCE OF IMPACTS (ISSUE 1)

As indicated above, the proposed project would generate demand for electricity after construction is completed. However, the demand for these would be similar to that of the many other multi-family developments throughout the City of San Diego. Accordingly, project implementation would not result in the use of "excessive" amounts of electrical power, and impacts would thus be less than significant.

#### MITIGATION MEASURES (ISSUE 1)

Impacts would not be significant; therefore, mitigation would not be required.

# Issue 2: Would the proposed project result in excessive amounts of fuel or other forms of energy (e.g., natural gas, oil)?

#### DISCUSSION OF PROJECT IMPACTS (ISSUE 2)

The proposed project would generate a demand for natural gas and would require the extension of natural gas lines into the project site. The primary use of natural gas by the project would be for combustion to produce space heating, water heating, and other miscellaneous heating and air conditioning uses.

Table 4.12\_2, *Estimated Natural Gas Consumption*, provides an estimate of natural gas consumption for the project at project buildout. Rates of consumption were obtained from the Energy Information Administration (EIA), and are expressed in units of cubic feet per year (c.f./yr). As shown in Table 4.12\_2, the project is estimated to consume approximately 37,988,125 cubic feet per year of natural gas at build-out.

Table 4.12_2 ESTIMATED NATURAL	GAS CONSUMPTION
--------------------------------	-----------------

Land Use	Development Intensity	Typical Demand (c.f./yr) <sup>1, 2</sup>	Demand (c.f./yr) <sup>1</sup>
Residential	475 Dwelling Units	79,975 <sup>3</sup>	37,988,125

1. c.f./yr = cubic feet per year

2. The utility demand varies depending on building characteristics, such as size, layout, and construction materials.

3. Source:

http://www.eia.doe.gov/pub/oil\_gas/natural\_gas/data\_publications/natural\_gas\_annual/current/pdf/table\_001.p df

The project would use average amounts of oil and/gasoline for construction equipment during construction. This would be a similar amount as compared to other residential construction projects. The proposed project, once built is not anticipated to generate a significant demand for any other types of energy, such as diesel, gasoline or oil. No adverse effects to non-renewable energy resources are anticipated with development of the site, and the proposed project would not result in the use of excessive amounts of energy.

The project's anticipated energy demand would similar to the various other multi-family developments within the City of San Diego. Energy usage would be minimized by several energy efficient components. Energy efficient components include the implementation of UIBC requirements for building materials and insulation would be followed for the project in order to reduce the unnecessary loss of energy.

As a standard condition of approval, the project would be required to implement all relevant energy conservation measures as outlined in Title 24 of the California Code of Regulations. <u>However, the project applicant is not proposing at this time to exceed the Title 24 requirements as encouraged by Council Policy 900-14.</u>

The proposed project would not result in the need to develop additional sources of energy. Thus, the project would not create a significant impact to energy resources.

#### SIGNIFICANCE OF IMPACTS (ISSUE 2)

As indicated above, the proposed project would generate demand fornatural gas, oil or gasoline. However, the demand for these would be similar to that of the many other multi-family developments throughout the City of San Diego. Accordingly, project implementation would not result in the use of "excessive" amounts of power and gas or other types of fuel, and impacts would thus be less than significant.

# MITIGATION MEASURES (ISSUE 2)

Impacts would not be significant; therefore, mitigation would not be required.

# 4.13 VISUAL QUALITY AND NEIGHBORHOOD CHARACTER/LANDFORM

# 4.13.1 Existing Conditions

The proposed project site encompasses approximately 44 acres in the Otay Mesa community of the City of San Diego, of which approximately 24 acres are proposed for residential development (not including proposed roads and open space areas). Specifically, the project site is located south of Airway Road to the west and east of the proposed extension of Caliente Avenue, which will be constructed through the center of the project site.

The existing site is relatively flat, vacant land, featuring vegetation mainly comprised of non-native grasses and low growing shrubs, intersected by canyon systems on the western and eastern site boundaries. On-site elevations ranging from 532 feet above mean sea level (AMSL) near the northwestern corner of the site to 465 feet AMSL in the southeastern corner of the site. The existing landform of the project site is characterized by former agricultural uses that have been disturbed by unlawful trash dumping, off-road vehicle use, and by people traversing the site illegally. Steps have been taken to curtail illegal site use and illegal access to the site. These steps include working with the Police Department to remove illegal residents south of the project site, installing a gate with a lock at the base of Caliente Avenue and adding three foot tall berms on each side of the dirt road (future Caliente Avenue) to prevent site access while allowing the Border Patrol, San Diego City and the Police Department access to the vacant land south of Candlelight. Additional 10-foot tall berms were installed by the previous owner. All berms on site will be removed when the site is graded in preparation for construction.

Adjacent land uses consist mainly of vacant land planned for residential land use and a High School to the north of the project site, vacant land planned for mixed-use, institutional, and park uses to the south, and open space land to the west and east. There are no nearby public vistas, designated scenic roads, or view sheds that include views of the project site. Because of the significant canyon open space areas to the west and east of the project site, there are very few public roadways near the site.

The site is generally not visible to traffic on any public roadways from the west, east or south. The proposed project will be visible from Caliente Avenue approaching the project site from the north and as Caliente Avenue traverses the project site. Otay Mesa Road and Airway Road are the next nearest public roadway, but no views of the proposed project are possible from that roadway as its elevation is lower than the project site and runs closest to the western portion of the project site, which will be conserved as natural open space. As additional uses develop to the south of the project site, the project will be clearly visible to those uses.

To illustrate the existing visual conditions of the project site, a *Photo Key Map*, as depicted on Figure 4.13-1, and four (4) vantage point photographs of the site are included and described herein. These four vantage locations are depicted on Figure 4.13-2, *Vantage Photos*. These photos provide a visual inventory of the site's visual characteristics as seen from surrounding public viewing areas.

• Vantage Point 1, Figure 4.13-2. Vantage Point 1 is the view from the northwestern corner of the project site looking southeasterly towards the project site. From this location, the San Ysidro High School is clearly visible towards the left of the photo, as is an approximate 6-foot tall

retaining wall that was constructed along the school's southern boundary. The non-native grasslands and disturbed areas that typify the project site are clearly visible throughout this photo. In the distance, several abandoned vehicles are visible on an adjacent property.

- Vantage Point 2, Figure 4.13-2 *Vantage Photos*. Vantage Point 2 is the view from the southwestern corner of the project site looking northeasterly towards the project site. From this location, the San Ysidro High School is clearly visible in the distance, as is the 6-foot retaining wall. In the foreground, the disturbed nature of the site is evident by the lack of vegetation and piles of discarded debris. Further in the distance, the landscape is dominated by non-native grassland. Along the southern boundary of the site, towards the right-hand edge of the photo, an approximate 5-foot tall artificial earthen berm that spans the southern boundary of the proposed project site is visible. In the distance, several abandoned vehicles are visible on an adjacent property.
- Vantage Point 3, Figure 4.13-2. Vantage Point 3 is a view from the northeastern corner of the project site looking southwesterly towards the project site. From this location, an approximate 5-foot berm located along the project's northern boundary is clearly visible. A dirt roadway also is visible running parallel to the berm. Aside from the disturbed areas associated with the dirt road, the predominant vegetation visible from this location consists of non-native grassland.
- Vantage Point 4, Figure 4.13-2. Vantage Point 4 is a view from the southeastern corner of the project site looking northwesterly towards the project site. From this location, the San Ysidro High School is clearly visible in the distance. In the foreground, non-native grassland and a dirt roadway represent the dominant visual feature. Along the left edge of the photo, the 5-foot berm that delineates the project site's southern boundary is clearly visible. Along the horizon, several eucalyptus trees located off-site are visible.

# 4.13.2 Impact Analysis

# A. Basis for Determining Significance

According to the City of San Diego's Thresholds for Significance, a significant visual quality impact may result if the project would create a substantial obstruction of any vista or scenic view from a public viewing area as identified in the community plan.

According to the City of San Diego's Thresholds for Significance, a significant visual quality impact may result if the project would create a negative aesthetic site or project or Incorporate bulk, scale, materials, or style which would be incompatible with surrounding development.

According to the City of San Diego's Thresholds for Significance, a significant visual quality impact may result if the project would cause:

• Substantial alteration to the existing or planned character of the area, such as could occur with the construction of a subdivision in a previously undeveloped area. Note: for substantial alteration to occur, new development would have to be of a size, scale, or design that would markedly contrast with the character of the surrounding area.

# **CANDLELIGHT FINAL ENVIRONMENTAL IMPACT REPORT** Page 4.13-2

# CANDLELIGHT EIR

# **Environmental Impact Report**

**Figure 4.13-1** 





Photo Key Map



③ Northeast corner of project site, looking westerly onsite.

(4) Southeast corner of project site, looking easterly onsite.

# CANDLELIGHT EIR

# Vantage Photos

# **Environmental Impact Report**

# Figure 4.13-2

Photographs taken 04-09-04

# Page 4.13-3

• The loss of any distinctive or landmark tree(s), or stand of mature trees as identified in the community plan. (Normally, the removal of non-native trees within a wetland as part of a restoration project would not be considered significant).

According to the City of San Diego's Thresholds for Significance, a significant visual quality impact may result if the project would cause a substantial change in existing landform.

According to the City of San Diego's Thresholds for Significance, a significant visual quality impact may result if the project would cause substantial light or glare which would adversely affect daytime or nighttime view in the area.

# B. Determination of Significance

Issue 1: Would the project have a substantial adverse effect on a scenic vista, public viewing area as identified in the community plan?

#### DISCUSSION OF PROJECT IMPACTS (ISSUE 1)

There are no designated viewpoints, view corridors, scenic routes, or scenic vistas on site or in the project vicinity. The project is located in an area that consists of a combination of vacant land, San Ysidro High School and residential uses. No substantial scenic resources are located in the immediate vicinity, although Spring and Moody canyons abut the property. An access trail in Lot 3 is proposed which will lead to a trail through the open space in Lot 5 and then connect with the City trail system. Views from the trail will be oriented away from the project site toward the canyon resources that are preserved in the MHPA. The project site is vacant and graded and also does not contain any substantial scenic resources or natural landforms that could be considered important visual resources.

The Otay Mesa Community Plan (OMCP) does not designate any significant public view corridor through the proposed project site. See Figure 4.13-2.

Based on a review of the Caltrans Officially Designated State Scenic Highways and Historic Parkways List, the project site is not located within the vicinity of a state scenic highway (Caltrans 2012). Therefore, the proposed project would not block public views from a designated state scenic highway.

#### SIGNIFICANCE OF IMPACTS (ISSUE 1)

As indicated above, the project does not contain or is not adjacent to viewpoints, view corridors or scenic routes. The project implementation would not result in the obstruction of public views from any designated open space areas, roads, or parks to significant visual landmarks or scenic vistas. Therefore, significant impacts would not occur.

#### MITIGATION MEASURES (ISSUE 1)

Significant impacts would not occur; therefore, mitigation measures would not be required.

# Issue 2: Would the project create a negative aesthetic or bulk, scale, material, or style which would be incompatible with the surrounding development? Or substantially alter the existing or planned character of the area?

#### **DISCUSSION OF PROJECT IMPACTS (ISSUE 2)**

As shown in the vantage photos of the project site (refer to Figure 4.13-2), the majority of the properties adjacent to the proposed project site are undeveloped, with the exception of the San Ysidro High School located along the northwestern boundary of the site. Since the majority of areas adjacent to the site are vacant land, there is no style conflict with the immediately surrounding buildings. Princess Park and California Terraces are .54 and .62 miles north of the project. These two existing projects have a Spanish style which is similar and compatible with the Mediterranean style proposed for the project. The project complies with guidelines in the Urban Design Element of the OMCP as discussed below.

In order to avoid the perception that the proposed project is large in scale, especially since the project is adjacent to natural open space areas, variation of building facades, smaller scale architectural forms, recessed bays, projecting balconies, varied building heights and contrasting colors and private open spaces are incorporated into the Candlelight Development Guidelines. Using these aforementioned architectural features and building design elements, would reduce the potential for the project to result in a visual impact related to an incompatibility with surrounding development.

Pursuant to the Development Guidelines, building orientation would be varied throughout the site. Additionally, a variety of unit types and building configurations are proposed. The project would be designed to create distinctive street scenes that would vary from neighborhood to neighborhood. These design features would help to ensure that the project does not create a monotonous visual environment.

The developed portion of the site will be enhanced visually with the planned landscape design which specifies the use of non-invasive, drought tolerant plants to enhance the project site and neighboring views. The goals of the landscaping can be found in Chapter 5 of the Candlelight Development guidelines, dated September 5, 2013 (Appendix T of this EIR). These guidelines provide details regarding the proposed "concept" landscape design using: unifying themes, unique plantings at key project elements, trees, shrubs, groundcover and bark mulch. Landscaping will be used to screen mechanical equipment and trash enclosures whenever possible. Hardscape materials used for paving, walls, fencing, and other landscape elements shall be consistent with the architectural design or style of the development, which in turn will be used to blend the project with the surrounding neighborhood character.

The landscaping, hardscape and brush management will be in compliance with the City of San Diego landscape requirements. The planting plans, required trees, proposed planting palette and hardscape meet City landscape regulations.

In addition, the project will incorporate landscaping and hardscaping with a unified theme using a variety of plants, shrubs, trees with canopies, mulch and vines. These goals are included in the

Candlelight Development Guidelines (Appendix T of this EIR) and will be implemented in the final landscape design.

Therefore, project implementation would not have a negative effect to the aesthetics or change the overall character of the area.

#### SIGNIFICANCE OF IMPACTS (ISSUE 2)

As indicated above, implementation of the proposed project would not create a negative aesthetic, a serious conflict, or contrast with the surrounding neighborhood character. Implementation of the development guidelines as required by the Planned Development Permit would reduce potential impacts to less than significant.

#### MITIGATION MEASURES (ISSUE 2)

Impacts would be less than significant; therefore, mitigation would not be required.

# Issue 3: Would the project substantial alteration to the existing or planned character of the area, such as could occur with the construction of a subdivision in a previously undeveloped area (i.e., markedly contrast with the character of the surrounding area)?

#### DISCUSSION OF PROJECT IMPACTS (ISSUE 3)

The Candlelight Development Guidelines illustrate three architectural styles to be used in the construction of the proposed Candlelight project. All three of these architectural styles fit the planned character of the nearby existing developments. Princess Park and California Terraces, which are .62 and .54 miles north of the proposed project, respectively, both have a Spanish style architecture. This Spanish style architecture compliments the three styles proposed for the project in the Candlelight Development Guidelines. The proposed Southview Development, which is immediately north of and adjacent to Candlelight, proposes three styles of architectural: Spanish, Craftsman and Bungalow. These styles will also blend in with the Candlelight project. The project has several mature eucalyptus trees planted by the previous owners. These will be removed for development, but are non-native and will be replaced with drought tolerant trees within the project footprint and right of way.

The proposed project represents a continuation of existing development patterns, including the proposed building types, heights, landscape and hardscape concept plans. The proposed project will not be a severe contrast to the neighborhood character. Impacts, therefore, would be less than significant.

The proposed project proposes the removal of a group of mature Eucalyptus trees in the center of the project. These trees are non-native and are not distinctive or landmark trees.

#### MITIGATION MEASURES (ISSUE 3)

Impacts would be less than significant; therefore, mitigation would not be required.

# Issue 4: Would the proposed project result in a substantial change in landform?

#### DISCUSSION OF PROJECT IMPACTS (ISSUE 4)

Pursuant to the City's Significance Determination Thresholds, a significant landform alteration impact would result if the proposed project would alter more than 2,000 cubic yards of earth per graded acre by either excavation or fill, and one or more of the following conditions apply: a) project grading would disturb steep (25 percent gradient or steeper) sensitive slopes in excess of the encroachment allowance of the Environmentally Sensitive Lands regulations and steep hillside guidelines (SDLDC, Section 143.0101); b) the project would create manufactured slopes higher than ten feet or steeper than 2:1 slope gradient; or c) the project would result in a change in elevation of steep natural slopes (25 percent gradient or steeper) from existing grade to proposed grade of more than five feet by either excavation or fill, unless the area over which excavation or fill would exceed five feet is only at isolated points on the site.

The project's proposed grading plan encompasses a total of approximately 26,400 cubic yards of cut and 26,400 cubic yards of fill. The site slopes gently to the south and southeast. It is assumed that the cut will be over half the project (13.17 acres) and the fill will be over half the project. The development and grading area are not near the canyon rims and therefore, will not impact sensitive slopes. Only the three residential lots that will be developed will be graded. A grading plan has not been created, but balanced cut and fill will be used to remove the onsite berms and "level" the site without changing the existing landform. The overall south and southeasterly slope will remain.

Lots 1, 2 and 3 will be graded in their entirety. However, the project has obtained a Biological Opinion that states the proposed project and its grading will not significantly affect vernal pool resources. The majority of these sensitive resources are in Lots 4 and 5 which will not be graded or developed.

All steep slopes and canyon rims are in Lots 4 and 5 and will not be disturbed or altered. There are no on-site steep slopes in Lots 1, 2 or 3.

In summary, the grading plan would not include landform alterations that would rise to the level of significance.

#### SIGNIFICANCE OF IMPACTS (ISSUE 4)

Due to the minimal change in the site's land form, significant impacts would not occur.

#### MITIGATION MEASURES (ISSUE 4)

Significant impacts would not occur; therefore, mitigation would not be required.

# Issue 5: Would the proposed project create substantial light or glare which would adversely affect daytime or nighttime view in the area?

#### DISCUSSION OF PROJECT IMPACTS (ISSUE 5)

For impacts associated with daytime glare to be significant, the City's criteria indicates that more than 50 percent of any single elevation of a building's exterior would have to be built using a material with a light reflectivity greater than 30 percent, and the project would need to be adjacent to a major public roadway or public area. Development Guidelines prepared for the proposed project indicate that the exterior treatment of proposed buildings would be composed primarily of stucco, which does not exhibit a light reflectivity greater than 30 percent.

Implementation of the proposed project would result in the introduction of new sources of nighttime lighting, including lights for residences, parks, and streets. As a standard condition of approval, the project would be required to comply with Section 142.0740, *Outdoor Lighting Regulations*, of the San Diego Land Development Code (SDLDC). Section 142.0740 provides specific standards relating to outdoor lighting, including such requirements as the shielding of lighting to minimize spill light into the night sky or adjacent properties and special shielding for areas located adjacent to sensitive biological resources. Furthermore, Mitigation Measure 4.1-4 requires that all project lighting be directed or shielded to avoid overspill into adjacent MHPA areas. With adherence to the requirements of Section 142.0740 of the SDLDC and with implementation of Mitigation Measure 4.1-4, significant impacts associated with project lighting would not occur.

#### SIGNIFICANCE OF IMPACTS (ISSUE 5)

As indicated above, proposed building materials would not result in the reflection of a significant amount of glare, and adherence to the provisions of Section 142.0740 of the SDLDC would assure that significant lighting impacts do not occur. However, lighting from the site has the potential to spill light onto the adjacent properties, including the adjacent MHPA. Light overspill onto the MHPA could adversely affect sensitive species.

#### **MITIGATION MEASURES (ISSUE 5)**

Significant impacts could occur to sensitive species, if light from the project spilled onto the adjacent MHPA areas; however, mitigation for this impact is addressed in Section 4.1, *Land Use*, of this EIR. Therefore, no significant impact would occur and no mitigation is required.

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# 4.14 GREENHOUSE GAS EMISSIONS

The following Greenhouse Gas Emission analysis is based on a technical report entitled, *Greenhouse Gas Emission Analysis Technical Report*, prepared by HELIX Environmental Planning, Inc. (HELIX, April 2013)and a technical memoClimate Action Plan (CAP) Consistency Checklist prepared for the project by Baranek Consulting Group, Inc. (BCG; March 2018)Scientific Resources Associated (SRA, April2016) (both documents are contained in Appendix R of this EIR).

# 4.14.1 Existing Conditions

# Greenhouse Gas Background

Global climate change refers to changes in average climatic conditions on Earth, as a whole, including temperature, wind patterns, precipitation, and storms. Global temperatures are moderated by naturally occurring atmospheric gases. These gases are commonly referred to as "greenhouse gases" because they function like a greenhouse by letting light in while preventing heat from escaping. Naturally occurring GHGs include water vapor, carbon dioxide (CO2), methane (CH4) and nitrous oxide (N2O). These gases allow solar radiation (sunlight) into Earth's atmosphere, but prevent radiative heat from escaping, thus warming the atmosphere. The natural accumulation of GHGs in the atmosphere has a positive effect on Earth's temperature. Without these natural GHGs, Earth's temperature would be about 61 degrees Fahrenheit (°F) cooler (California Environmental Protection Agency [CalEPA] 2006).

In addition to the naturally occurring gases, human-made compounds act as GHGs; common examples include hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF6). These compounds are the result of a number of activities, including vehicular use, energy consumption/production, manufacturing, and cattle farming. These human-made compounds increase the natural concentration of GHGs in the atmosphere and are believed to result in a phenomenon referred to as "global warming."

# **Greenhouse Gas Regulations**

All levels of government have some responsibility for the protection of air quality, and each level (international, federal, state, and regional/local) has specific responsibilities relating to air quality regulation. GHG emissions and the regulation of GHGs is a relatively new component of air quality. A detailed discussion of the various regulations is provided in Technical Appendix R; a summary of the key relevant regulations and laws related to projects within the city of San Diego is provided below.

# Federal Greenhouse Gas Regulations

# Executive Order 13514

Signed on October 5, 2009, Executive Order (EO) 13514, "Federal Leadership In Environmental, Energy, and Economic Performance," introduced new GHG emissions management and reduction requirements for the federal government.

<u>GHG Emissions Inventory</u> - EO 13514 required agencies to develop an inventory of their Scope 1, Scope 2, and specified Scope 3 GHG emissions for fiscal year (FY) 2010 by January 2011. Each year thereafter, agencies must submit an annual inventory for the preceding fiscal year to the Council on Environmental Quality (CEQ) and the Office of Management and Budget (OMB).

<u>GHG Emission Reductions</u> - EO 13514 required federal agencies to establish the following GHG emissions reduction targets, relative to an FY 2008 baseline for their Scope 1, 2, and 3 GHG emissions:

- FY 2020 reduction target for combined Scope 1 and Scope 2 GHG emissions: EPA submitted its reduction target of 25 percent to CEQ and OMB in January 2010. Read more about EPA's reduction target.
- FY 2020 reduction target for Scope 3 GHG emissions: EPA submitted its reduction target of 8 percent to CEQ and OMB in June 2010.

# Mandatory Reporting Rule of Greenhouse Gases

On January 1, 2010, the EPA, for the first time, started requiring large emitters of heat-trapping emissions to begin collecting GHG data under a new reporting system. This new program covers approximately 85 percent of the nation's GHG emissions and applies to roughly 10,000 facilities. Fossil fuel and industrial GHG suppliers, motor vehicle and engine manufacturers, and facilities that emit 25,000 metric tons or more of CO2 equivalent emissions (CO2e) per year will be required to report GHG emissions data to the EPA annually. This reporting threshold is equivalent to about the annual GHG emissions from 4,600 passenger vehicles. The EPA also requires large vehicle and engine manufacturers outside of the light-duty sector to begin GHG reporting with vehicle/engine model year 2011 and forward.

# Corporate Average Fuel Economy Standards

The federal Corporate Average Fuel Economy (CAFE) standard determines the fuel efficiency of certain vehicle classes in the U.S. In 2007, as part of the Energy and Security Act of 2007, CAFE standards were increased for new light-duty vehicles to 35 miles per gallon (mpg) by 2020. In May 2009, President Obama announced plans to increase CAFE standards to require light-duty vehicles to meet an average fuel economy of 35.5 mpg by 2016.

# California Greenhouse Gas Regulations

Concern about the disproportionately negative impacts that global warming is expected to have on the California environment and economy has led the California State Legislature to pass several climate-change-related bills. These bills are aimed at controlling and reducing the emission of GHGs to slow the effects of global warming. The bills that have the potential to substantially impact the proposed project are discussed in this section. In addition to the bills discussed below, the California Legislature has introduced numerous other bills that range in scope from establishing market-based compliance mechanisms to energy standards for light bulbs. Some have been enacted into law and others are pending.

# California Code of Regulations, Title 24, Part 6

Although not originally intended to reduce GHG emissions, California Code of Regulations Title 24 Part 6: *California's Energy Efficiency Standards for Residential and Nonresidential Buildings* were first established in 1978 in response to a legislative mandate to reduce California's energy consumption. The standards are updated periodically to allow consideration and possible incorporation of new energy efficiency technologies and methods. The GHG emission inventory was based on Title 24 standards as of October 2005; however, Title 24 has been updated as of 2013 and standards were phased in as of January 2010 (California Energy Commission 2013). The latest Title 24 standards are anticipated to increase electrical energy efficiency for multi-family residential development by 23.3 percent and natural gas efficiency by 3.8 percent, thereby reducing GHG emissions from electrical energy use by 23.3 percent and natural gas use by 3.8 percent.

# Executive Order S-3-05

EO S-3-05, signed by Governor Schwarzenegger on June 1, 2005, called for a reduction in GHG emissions to year 1990 levels by year 2020, and for an 80 percent reduction in GHG emissions by year 2050. EO S-3-05 also calls for the CalEPA to prepare biennial science reports on the potential impact of continued global warming on certain sectors of the California economy. The severity of the impacts would depend upon actual future emissions of GHGs and associated warming. Under the report's emissions scenarios, the impacts of global warming in California are anticipated to include, but are not limited to, public health, biology, rising sea levels, hydrology and water quality, and water supply.

# Assembly Bill 32 - Global Warming Solution Act of 2006

The California Global Warming Solutions Act of 2006, widely known as Assembly Bill (AB) 32, requires the California Air Resources Board (CARB) to develop and enforce regulations for the reporting and verification of statewide GHG emissions. CARB is directed to set a GHG emission limit, based on 1990 levels, to be achieved by 2020. The bill sets a timeline for adopting a scoping plan for achieving GHG reductions in a technologically and economically feasible manner. The heart of the bill is the requirement that statewide GHG emissions must be reduced to 1990 levels by 2020. California needs to reduce GHG emissions by approximately 28.3 percent below business-as-usual predictions of year 2020 GHG emissions to achieve this goal. The bill requires the CARB to adopt rules and regulations in an open public process to achieve the maximum technologically feasible and cost-effective GHG reductions.

In March 2011, a San Francisco Superior Court enjoined the implementation of the CARB's Scoping Plan, finding the alternatives analysis and public review process violated both CEQA and CARB's certified regulatory program (*Association of Irritated Residents, et al v. California Air Resources Board*), Case No. CPF-09-509562, March 18, 2011). In response to this litigation, the CARB adopted the new CEQA document (*Final Supplement to the AB32 Scoping Plan Functional Equivalent Document*) on August 24, 2011. CARB staff re-evaluated the baseline in light of the economic downturn and updated the projected 2020 emissions to 545 million metric tons (MMT) CO2e. Two reduction measures (i.e., Pavley and the Renewable Portfolio Standard [RPS]) not previously included in the 2008 Scoping Plan baseline were incorporated into the updated baseline, further reducing the 2020 Statewide emissions projection to 507 MMT CO2e. The updated forecast of 507 MMT CO2e is

referred to as the AB 32 2020 baseline. Reduction of an estimated 80 MMT CO2e are necessary to reduce Statewide emissions to the AB 32 target of 427 MMT CO2e by 2020 (CARB 2011).

The First Update to the <u>Scoping Plan</u> was approved by the Board on May 22, 2014, and builds upon the initial Scoping Plan with new strategies and recommendations. The First Update identifies opportunities to leverage existing and new funds to further drive GHG emission reductions through strategic planning and targeted low carbon investments. The First Update defines ARB's <u>climate</u> <u>change</u> priorities for the next five years, and also sets the groundwork to reach long-term goals set forth in Executive Orders <u>S-3-05</u> and <u>B-16-2012</u>. The Update highlights California's progress toward meeting the "near-term" 2020 GHG emission reduction goals defined in the initial Scoping Plan. It also evaluates how to align the State's "longer-term" GHG reduction strategies with other State policy priorities for water, waste, natural resources, clean energy, transportation, and land use. <u>While the Update discusses setting a mid-term target, the plan does not yet set a quantifiable target</u> <u>toward meeting the 2050 goal. However, ARB is moving forward with a second update to the</u> <u>Scoping Plan to reflect the 2030 target established in Executive Order B-30-15.</u>

# Assembly Bill 1493 – Vehicular Emissions of Greenhouse Gases

In response to the transportation sector accounting for more than half of California's CO2 emissions, AB 1493 (Pavley) was enacted on July 22, 2002. AB 1493 requires the CARB to set GHG emission standards for passenger vehicles, light-duty trucks, and other vehicles determined to be vehicles whose primary use is noncommercial personal transportation in the state manufactured in year 2009 or later. The CARB adopted the standards in September 2004. When fully phased in, the near-term (years 2009 to 2012) standards would result in a reduction of approximately 22 percent in GHG emissions compared to the emissions from the year 2002 fleet, while the midterm (years 2013 to 2016) standards would result in a reduction of approximately 30 percent. To set its own GHG emissions limits on motor vehicles, California had to receive a waiver from the EPA. The EPA approved the waiver in June 2009.

# Executive Order S-01-07

This EO, signed by Governor Schwarzenegger on January 18, 2007, directs that a statewide goal be established to reduce the carbon intensity of California's transportation fuels by at least 10 percent by 2020. It orders that a Low Carbon Fuel Standard (LCFS) for transportation fuels be established for California and directs the CARB to determine whether a LCFS can be adopted as a discrete early action measure pursuant to AB 32. The CARB approved the LCFS as a discrete early action item with a regulation adopted and implemented in April 2010.

# Senate Bill 97 – CEQA: Greenhouse Gas Emissions

In August 2007, Governor Schwarzenegger signed into law SB 97 – *CEQA: Greenhouse Gas Emissions*, stating: "This bill advances a coordinated policy for reducing GHG emissions by directing the Office of Planning and Research (OPR) and the Resources Agency to develop CEQA guidelines on how state and local agencies should analyze and, when necessary, mitigate GHG emissions." The amendments were approved by the Office of Administrative Law (OAL) on February 16, 2010, and became effective on March 18, 2010.

#### Senate Bill 375

SB 375 was signed and passed into law on September 30, 2008. SB 375 enhances the CARB's ability to reach AB 32 goals. Specifically, SB 375 requires the CARB to set regional targets for the purpose of reducing GHG emissions from passenger vehicles for years 2020 and 2035. If regions develop integrated land use, housing, and transportation plans that meet the SB 375 targets, new projects in these regions can be relieved of certain review requirements of CEQA. The CARB released its draft targets on June 30, 2010, and adopted its final targets on September 23, 2010. The San Diego Association of Governments (SANDAG) developed its first Regional Transportation Plan (RTP) subject to the provisions of SB 375, which requires that Municipal Planning Organizations (MPOs) prepare a Sustainability SCS as part of the RTP. The SCS must demonstrate how development patterns and the transportation network, policies, and programs can work together to achieve the GHG emission reduction targets for cars and light trucks that will be established by the CARB, if there is a feasible way to do so. The 2050 RTP was approved by the SANDAG Board of Directors on October 28, 2011.

# California Energy Commission: New Solar Homes Partnership

The New Solar Homes Partnership is a component of the California Solar Initiative and has a goal to produce 400 megawatts of solar electricity on approximately 160,000 homes by year 2017. To qualify for the program, a new home must achieve energy-efficiency levels greater than the requirements of the year 2005 Building Title 24 Standards. The builder can choose to comply with either of two tiers of energy-efficiency measures: Tier I requires a 15 percent reduction from Title 24 Standards; or Tier II, which requires a 35 percent reduction overall and 40 percent reduction in the building's space cooling (air conditioning) energy compared to Title 24 (CEC 2008). In addition, all appliances must have an Energy Star rating, which indicates that the appliance is consistent with the international standard for energy-efficient consumer products.

# Local Policies and Regulations

# United States Mayors Climate Protection Agreement

The City participates in the Cool Cities Program. The Cool Cities Program, in partnership with the International Council on Local Environment Initiatives (ICLEI), adopted a voluntary program that strives to meet sustainable goals by reducing GHGs and increasing energy efficiency. The participating cities make commitments to stop global warming by signing the U.S. Mayors Climate Protection Agreement, and also strive to meet the 2030 Challenge (refer to the *City of San Diego Sustainable Development Programs and Policies* section for a detailed description of this program). The Cool Cities Program also encourages its members to gradually achieve and complete five milestones: (1) establish a Cool Cities campaign, (2) engage the community to participate, (3) sign the United States Mayors Climate Protection Agreement, (4) take initial solution steps (initiation of early implementation actions), and (5) ultimately perform a global warming audit by adopting milestone, "Advanced Smart Energy Solutions." The City is currently at milestone 3.

#### Sustainable Development Programs and Policies

The City has taken a leadership position in fighting against climate change since 2002. The first action taken by the City was the establishment of the Sustainable Community Programs and

indicators, followed by adoption of a comprehensive strategy regarding energy efficiency and GHG reduction. The City adopted a Sustainable Communities Program in year 2002 and, in year 2004, published and adopted numerous sustainable indicators that would measure and ultimately improve the following areas of concern: traffic congestion, beach and bay clean up, sustainable and safe communities, adoption of living wages, pursuit of energy independence, adoption of water conservation measures, energy efficiency, and adoption of species conservation plans. These indicators are being implemented by the Climate Protection Action Plan 2005 described below.

# Climate Protection Action Plan 2005 and Climate Action Plan 2015

The City's first Climate Protection Action Plan was approved in 2005. By adopting a goal of 15% reduction of baseline (1990) levels, the City hoped to reduce its emissions to 13.2 MT of GHG per year by 2010. Measures to reduce emissions included transportation, energy efficiency and renewable energy, waste reduction and recycling, urban heat island policy, and environmentally preferable purchasing for City purchases.

The City adopted its Climate Action Plan (CAP) in December 2015. The CAP serves as mitigation for the City's 2008 General Plan (City of San Diego 2015). The General Plan calls for the City to reduce its carbon footprint through actions including adopting new or amended regulations, programs, and incentives. General Plan Policy CE-A.13 specifically identifies the need for an update of the City's 2005 Climate Protection Action Plan that identifies actions and programs to reduce the GHG emissions of the community-at-large, and City operations. Additionally, with future implementing actions, it is anticipated that the CAP will serve as a "Qualified GHG Reduction Plan" for purposes of tiering under CEQA. The CAP quantifies baseline GHG emissions for 2010; provides emissions for 2020 and 2035; establishes reduction targets for 2020 and 2035; identifies strategies and measures to reduce GHG levels; and provides guidance for monitoring progress on an annual basis. Implementation of the CAP relies on compliance with various policies within the General Plan.

To implement the state's goals of reducing emissions to 15 percent below 2010 levels by 2020, and 51 percent below 2010 levels by 2035, the City would be required to implement strategies that would reduce emissions to approximately 10.6 MMT CO<sub>2</sub>e by 2020 and to 6.4 MMT CO<sub>2</sub>e by 2035 (City 2015). The CAP determined that, with implementation of the measures identified therein, the City would exceed the state's targets for 2020 and 2035. The City adopted its CAP Consistency Checklist in July 2016. The Checklist is part of the CAP and contains measures that are required to be implemented on a project-by-project basis to ensure that the specified emissions targets identified in the CAP are achieved. Implementation of the measures would ensure that new development is consistent with the CAP's assumptions for relevant CAP strategies toward achieving the identified GHG reduction targets.

# General Plan

The General Plan includes several climate change-related policies aimed at reducing GHG emissions from future development and City operations. For example, Conservation Element policy CE-A.2 aims to reduce the City's carbon footprint and to develop and adopt new or amended regulations, programs, and incentives as appropriate to implement the goals and policies set forth related to climate change (City of San Diego 2008). Several of the Conservation Element policies are listed in the City's CAP as one of several methods for reducing city-wide GHG emissions. The Land Use and

Community Planning Element, the Mobility Element, the Urban Design Element, and the Public Facilities, Services and Safety Element also identify GHG reduction and climate change adaptation goals. These elements contain policy language related to sustainable land use patterns, alternative modes of transportation, energy efficiency, water conservation, waste reduction, and greater landfill efficiency. The overall intent of these policies is to support climate protection actions, while retaining flexibility in the design of implementation measures.

# Otay Mesa Community Plan

Policies within the OMCP have been designed to reflect and implement the general GHG reduction recommendations of the General Plan, as well as the strategies of other local plans and state GHG reduction measures. Specifically, the OMCP includes Conservation, Mobility, and Urban Design elements that include several policies aimed at reducing GHG emissions from target emission sources and/or aimed at adapting to climate change. The OMCP policies provide refinement of the General Plan and citywide CPAP policies as specifically applicable to the OMCP area. Many of these policies are also consistent with key state GHG reduction plans, regulations, and recommended mitigation measures.

In general, the OMCP policies correspond to the intent of the GHG reduction measures identified in both the 2010 CAPCOA GHG Mitigation Measures report and the 2008 CARB Scoping Plan. Subsequent projects within the OMCP would achieve further GHG reductions in these emissions sources, as well as in the area source, construction, and solid waste GHG emissions through projectspecific design features, as required in the Mitigation Framework outlined in the OMCP Final EIR (City of San Diego 2014).

According to Measure GHG-1 of the Mitigation Framework in the OMCP Final EIR, future projects implemented in accordance with the OMCP are required to demonstrate their avoidance of significant impacts related to long-term GHG emissions. The Land Use, Mobility, Urban Design, and Conservation elements of the OMCP include specific policies to require dense, compact, and diverse development, encourage highly efficient energy and water conservation design, increase walkability and bicycle and transit accessibility, increase urban forestry practices and community gardens, decrease urban heat islands, and increase climate-sensitive community design. These policies would serve to reduce consumption of fossil-fueled vehicles and energy resulting in a reduction in communitywide GHG emissions relative to BAU.

# **Existing Greenhouse Gas Levels**

# Global, National, State, and Local Levels

The IPCC constructed several emission trajectories of GHGs needed to stabilize global temperatures and climate change impacts. The IPCC concluded that a stabilization of GHGs at 400 to 450 ppm CO2e concentration is required to keep global mean warming below 3.6°F (2 degrees Celsius [C]), which is assumed to be necessary to avoid dangerous climate change (AEP 2007). GHGs have varying Global Warming Potentials (GWPs). The GWP is the potential of a gas or aerosol to trap heat in the atmosphere, and is defined as the "cumulative radiative forcing effect of a gas over a specified time horizon resulting from the emission of a unit mass of gas relative to a reference gas" (EPA 2006). Anthropogenic sources of CO2 include combustion of fossil fuels (coal, oil, natural gas,

gasoline, and wood), respiration, and increases in the surface areas of bodies of water (such as by creating reservoirs). In California, CO2 accounts for approximately 84 percent of statewide GHG emissions, with CH4 accounting for approximately 5.7 percent, and N2O accounting for 6.8 percent (CEC 2006). Other pollutants account for approximately 2.9 percent of GHG emissions in California. The transportation sector is the single largest category of California's GHG emissions, accounting for 41 percent of emissions statewide. As stated, the CARB estimates that the 1990 statewide CO2e emissions level was 427 MMT (CARB 2007a). In 2004, California produced 492 MMT CO2e emissions.

According to the San Diego County GHG Inventory that was prepared by the School of Law Energy Policy Initiative Center (EPIC) at the University of San Diego (USD) in 2008, San Diego County emitted 34 MMT CO2e emissions in 2006. The largest contributor of GHG in San Diego County was the onroad transportation category, which comprised 46 percent of the total amount (16 MMT CO2e emissions). The second highest contributor was the electricity category, which contributed 9 MMT CO2e, or 25 percent of the total. Together, the on-road transportation and electricity categories comprised 71 percent of the total GHG emissions for the County. The remaining amount was contributed by natural gas consumption, civil aviation, industrial processes, off-road equipment, waste, agriculture, rail, water-borne navigation, and other fuels. By 2020, under the Business as Usual (BAU) scenario wherein no decreases in GHG are achieved, regional GHG emissions are expected to be 43 MMT CO2e emissions, a 26 percent increase over 2006 levels and a 48 percent increase over 1990 levels (USD School of Law EPIC 2008).

# 4.14.2 Impact Analysis

# A. Basis for Determining Significance

To date, there have been no local, regional, state, or federal regulations establishing a threshold of significance to determine project-specific impacts of GHG emissions. The CEQA Guidelines allow lead agencies to develop a significance threshold themselves. However, given the small levels of emissions generated by typical development in relationship to the total amount of GHG emissions, emissions from typical development projects would not constitute a significant direct impact. On the other hand, given the magnitude of the impact of GHG emissions on the global climate, GHG emissions from new development could result in significant cumulative impacts with respect to climate change.

According to Appendix G of the State CEQA Guidelines, the following two questions are considered when addressing global climate change impacts of a proposed project. Would the project:

- Generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment; and/or
- Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs.

As discussed in Section 15064.4 of the CEQA Guidelines, the determination of the significance of GHGs emissions calls for a careful judgment by the lead agency, consistent with the provisions in Section 15064. Section 15064.4 further provides that a lead agency should make a good-faith effort, based to the extent possible on scientific and factual data, to describe, calculate or estimate the

amount of GHG emissions resulting from a project. A lead agency shall have discretion to determine, in the context of a particular project, whether to:

- (1) Use a model or methodology to quantify greenhouse gas emissions resulting from a project, and which model or methodology to use. The lead agency has discretion to select the model or methodology it considers most appropriate provided it supports its decision with substantial evidence. The lead agency should explain the limitations of the particular model or methodology selected for use; and/or
- (2) Rely on a qualitative analysis or performance based standards.

Many lead agencies have set a goal to reduce GHG emissions by a certain amount to demonstrateconsistency with AB 32. Different agencies and studies estimate different goals for reduction ofemissions to achieve 1990 levels by 2020, as set forth in AB 32. Some agencies have estimateda reduction of 28 to 29 percent, based on the CARB's analysis that statewide 2020 BAU GHGemissions would be 596 MMT CO2e, with 1990 emissions of 427 MMT CO2e, for a reduction of30 percent (CARB 2007a).

In order to serve as a guide for determining when a project triggers the need for a GHGAnalysis and the potential for significant cumulative impacts, the City uses a screening criterion (City of San Diego 2010). Based on guidance in the California Air Pollution Control OfficersAssociation (CAPCOA) report "CEQA and Climate Change," the City isusing an annual generation rate of 900 MT of CO2e to determine when further GHGanalysis is required, if a project would have the potential to contribute considerably to cumulatively significantGHG impacts, and if mitigation should be applied address cumulative impacts (City of San Diego 2010).

This annual 900 MT emission level is based on the amount of vehicle trips, the typical energy and water use, and other factors associated with projects. According to the CAPCOA report, if an apartment or condominium project has more than 70 residential units, it has the potential to generate approximately 900 MT of GHG on an annual basis.

BecausetheCityhasnotadoptedathresholdthatrequiresagivenlevelofreductionbelowbaselineorBAU,th e analysis presented hereinanalyzestheprojectonthebasisofthe900 metric ton threshold toassesssignificance.

# B. Determination of Significance

- Issue 1: Would the proposal generate greenhouse gas (GHG) emissions, either directly or indirectly, that may have a significant impact on the environment?
- Issue 2: Would the proposed project conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of GHG?

# DISCUSSION OF PROJECT IMPACTS (ISSUES 1 AND 2)

<u>A CAP Consistency Checklist was prepared for the Candlelight Project (BCG 2017) to evaluate the project's consistency with projected GHG emissions in the City. The CAP Consistency Checklist (contained in Appendix R) requires a three-step review of the project's consistency with the GHG</u>

projections and programs outlined in the City's CAP. For each step, an explanation is provided of how the project would implement the requirements described in the checklist to the satisfaction of the Planning Development Services Department.

# Land Use Consistency

The first step in determining CAP consistency is to assess the project's consistency with the growth projections used in the development of the CAP. This allows the City to determine a project's consistency with the land use assumptions used in the CAP.

As discussed in the CAP Consistency Checklist, the project site is designated for Residential land uses in the City's General Plan and the RM-2-5 and RM-1-1 residential zones. The Otay Mesa Community Plan (OMCP) designates the project site for Residential-Medium Density land uses, which allow a density of 15 to 29 residential dwelling units per acre (du/ac). The project proposes 475 units on a 23.74-acre portion of the 44.19-acre project site zoned RM-2-5, with the remaining project site area consisting of open space (17.95 acres) and public roads (2.5 acres). No development is proposed in the RM-1-1 zone. The 475 units proposed on the 23.74-acre portion of the site results in an overall density of 20 du/ac. As demonstrated in the project's CAP Consistency Checklist, the project proposes development which would be consistent with density range in the adopted community plan and implementing zone.

# CAP Strategies Consistency

The second step of conducting a CAP consistency review is to evaluate a project's consistency with the applicable GHG reduction strategies and actions in the CAP. The strategies contained in the CAP address the following topics: (1) Energy and Water Efficient Buildings; (2) Clean and Renewable Energy; and (3) Bicycling, Walking, Transit and Land Use.

# STRATEGY 1: ENERGY AND WATER EFFICIENT BUILDINGS

- <u>Cool/Green Roofs</u> The project would include roofing materials with a minimum 3-year aged solar reflection and thermal emittance or solar reflection index equal to or greater than the values specified in the voluntary measures under the California Green Building Standards Code.</u>
- 2. *Plumbing fixtures and fittings* The project would use low-flow fixtures and appliances that are consistent with the following:
  - Kitchen faucets: maximum flow rate not to exceed 1.5 gallons per minute at 60 pounds per square inch;
  - Standard dishwashers: 4.25 gallons per cycle;
  - Compact dishwashers: 3.5 gallons per cycle; and
  - Clothes washers: water factor of 6 gallons per cubic feet of drum capacity.

# STRATEGY 2: CLEAN AND RENEWABLE ENERGY

<u>3. Clean and Renewable Energy</u> – The project is designed to have an energy budget that shows a <u>15% improvement when compared to Title 24 (2013)</u>, Part 6 Energy Budget for Proposed

# ENVIRONMENTAL ANALYSIS - GREENHOUSE GAS EMISSIONS

<u>Design Building</u>, as calculated by Compliance Software certified by the California Energy <u>Commission</u>.

#### STRATEGY 3: BICYCLE, WALKING, TRANSIT, AND LAND USE

4. Electric Vehicle Charging – A total of 1,171 parking spaces would be required and provided by the project. The project would provide 36 parking spaces, or 3 percent, of the project's total parking with a listed cabinet, box or enclosure connected to a conduit linking the parking spaces with electrical service, in a manner approved by the building and safety official. Of the 36 listed cabinets, boxes, or enclosures provided, a minimum of 18 spaces would have the necessary electric vehicle supply equipment installed to provide active electric vehicle charging stations ready for use by residents.

#### **Conclusion**

As demonstrated in the CAP Consistency Checklist evaluation, implementation of the project design features outlined above related to reducing GHGs, the project would ensure that it would be consistent with the CAP's assumptions and GHG reduction strategies geared toward achieving the identified GHG reduction targets in the CAP.

Potential GHG impacts resulting from project implementation can be divided into two key areas: impacts associated with the construction of the proposed project, and impacts associated with the operation upon project build-out.

Direct emissions sources for the proposed project include the combustion of fuel in construction equipment and vehicles, and operational emissions from the combustion of natural gas. Indirect emissions include the emissions from residents' and patrons' vehicles (both gasoline- and dieselfueled) delivering materials and equipment to a project site; the use of water and electricity; and the collection and disposal of solid waste. All sources of GHG emissions associated with the proposed project are accounted for in the following GHG analysis (as detailed in EIR Technical Appendix R).

In terms of methodology, the GHG emission estimates for the Candlelight project were calculated using the California Emission Estimator Model(CalEEMod), an air quality modeling program that estimates air pollution emissions for various land uses, area sources, construction projects, and project operations. CalEEMod was used to calculate both construction and operational emissions produced by the proposed project.

Construction-related GHG emissions estimates were calculated to evaluate the maximum annual emissions. Emission estimates were based on emission factors, equipment ratings, and load factors from the CARB's OFFROAD Model. In accordance with CARB emissions standards for construction equipment, the analysis assumed that all construction equipment operating on the project site would meet EPA-Certified Tier 2 emissions standards, or Tier 3 off-road emissions standards at minimum. In addition, it also assumed that all construction equipment would be outfitted with best available control technology (BACT) devices certified by the CARB.

OperationalGHG emissions from the proposed project, and its corresponding project design features,were calculated to determine the project's 2020 conditions and the reduction in GHG

emissions attributable to the project features. The applicable standards and regulations that wouldare accounted for in the calculations include Pavley I, LCFS, and the effects on energy emissions due to current energy code enforcements and the RPS (to 33percent).

The following presents the calculated GHG emissions associated with the proposed project.

#### Construction Greenhouse Gas Emissions

The project would emit GHGs during its construction phase from combustion of fossil fuels in construction equipment, worker vehicles, and delivery vehicles accessing the project site. Construction emissions were estimated using CalEEModbased on timing information provided by the project applicant. The proposed project-related construction activities are estimated to generate approximately 2,086 MT of CO2e emissionsper year (refer to Table 2 in EIR Technical Appendix R). For construction emissions, the interim City guidance recommends thatthe emissions be amortized (or annualized) over 30 years and added to operational emissions, as appropriate. Amortized over 30 years, construction equipment would contribute 72MT per year of CO2e emissions to the project's total. These emissions are added to the expected annual operational GHG emissions below.

#### **Operational Greenhouse Gas Emissions**

Operation of the proposed project would result in GHG emissions from vehicular traffic generated by residents, area sources (natural gas appliances, hearth combustion, and landscape maintenance), electrical generation, solid waste generation, and water supply. The estimated project BAU GHG emissions associated with vehicular traffic, area sources, electrical generation, water supply, and solid waste.

The SRA analysis, which updated the operational GHG calculations completed by HELIX, was conducted using the following assumptions with regard to the GHG reductions associated with regulatory programs and the project's design features:

- Useof EnergyStarAppliancesfor each of the residentialunits.
- Useofwater-efficientirrigationsystemsdesignedtouse6.1%lesswaterfor irrigation thanconventionalirrigationsystems.
- Integration oftrafficcalmingmeasureson50%ofthestreetsand50%oftheintersections on site; the measures integrated into the site plan include marked crosswalks, speed tables or raised crosswalks, tight corner radii and planter strips.
- ProhibitGasPoweredLandscapeEquipment.ThismeasurewasaccountedforwithintheCalEEMo dmodelbyassuming100%oflandscapingequipmentwouldbeelectricallypowered.
- Implementationofthe33%RenewablePortfolioStandard,whichresultsina27%reduction in GHGemissionsbased on the SDG&E baseline of 6% renewable.
- ImplementationofthePavleyI,LowCarbonFuelStandard,andAdvancedCleanCarsprograms.PavleyIandtheLowCarbonFuelStandardareincludedinthedefaultemissionfactorswithintheCalEEModmodel.ToaccountfortheAdvancedCleanCarsprogram,emissionfactorsforpassengervehicles werereducedby3% (California Energy Commission 2013).
- Anaveragetriplengthforvehicletripswouldbe5.8miles (basedonSANDAGaverage trip lengths

forthe region).

- Use of allnaturalgas fireplaces.
- ConstructiontoTitle24standardsasof2013, which reduces electricity use from multifamily developments by 23.3% and natural gas use from multi-family developments by 3.8% (California Air Resources Board 2011).
- A reduction of solid wastebya minimum of 50% based on Cityof SanDiegogoals.

The estimated emissions of CO2e would be approximately 3,866MT of CO2e emissions per year withthe regulatory reductions and project's GHG reduction measures due to design features. Table 4.14\_1, *Project LevelOperational GHG Emissions*, summarizes the operational, as well as amortized construction-related, annual emissions associated with the proposed project.

Emission	CO <sub>2</sub> Metric Tons	CH <sub>4</sub> -Metric Tons	N <sub>2</sub> O Metric Tons	CO <sub>2</sub> e Metric	
<b>Sources</b>	<del>Per Year</del>	<del>Per Year</del>	<del>Per Year</del>	<del>Tons Per Year By</del>	
				Source	
AMORTIZED	<del>69.44</del>	<del>0.11</del>	<del>0.00</del>	<del>72</del>	
CONSTRUCTION					
SOURCES					
AREA SOURCES	<del>378</del>	<del>0.0101</del>	<del>0.0069</del>	<del>380</del>	
ENERGY	<del>398</del>	<del>0.8168</del>	<del>0.0251</del>	<del>427</del>	
SOURCES <sup>1</sup>					
MOBILE SOURCES	<del>2,552</del>	<del>0.1023</del>	<del>0.0000</del>	<del>2,555</del>	
SOLID WASTE	<del>22</del>	<del>1.3106</del>	<del>0.0000</del>	<del>59</del>	
SOURCES					
WATER SOURCES	<del>133</del>	<del>0.81175</del>	<del>0.0202</del>	<del>161</del>	
LAND USE	<del>(22)</del>	<del>0.0000</del>	<del>0.0000</del>	<del>(22)</del>	
CHANGE (NET)					
TOTAL METRIC	<del>3,790</del>	4.4 <del>5</del>	<del>0.10</del>	<del>3,866</del>	
TONS BY SOURCE					
GWP FACTOR	4	<del>28</del>	<del>265</del>		
CO <sub>2</sub> eEMISSIONS	<del>3,790</del>	66	<u>9</u>	<del>3,866</del>	
TOTAL FOR ALL	3 866				
SOURCES	<del>3,000</del>				

#### Table 4.14\_1PROJECT-LEVEL OPERATIONAL GHG EMISSIONS (MT Per Year)

Source: *Greenhouse Gas Emission Analysis Technical Report*(HELIX2013), as updated by SRA (2016) contained in Appendix R.

<sup>4</sup> Energy sources include electricity and natural gas.

Because the estimated CO2e emissions associated with the proposed project involves more than 70 residential units and would be above the screening criteria of 900 MT per year, the project would have the potential for cumulatively significant impacts.

#### **Compliance with Applicable Plan, Policy or Regulations**
The regulatory plans and policies discussed in Section 4.14.1 aim to reduce federal, state, and local GHG emissions by primarily targeting the largest emitters of GHGs: the transportation and energy sectors. Plan goals and regulatory standards are thus largely focused on the automobile industry and public utilities. For the transportation sector, the reduction strategy is generally three pronged: to reduce GHG emissions from vehicles by improving engine design; to reduce the carbon content of transportation fuels through research, funding, and incentives to fuel suppliers; and to reduce the miles these vehicles travel through land use change and infrastructure investments.

For the energy sector, the reduction strategies aim to: reduce energy demand; impose emission caps on energy providers; establish minimum building energy and green building standards; transition to renewable non-fossil fuels; incentivize homeowners and builders; fully recover landfill gas for energy; expand research and development; and so forth.

Sustainable design features that would reduce the project's overall demand for energy includes installation of energy- and water-efficient systems, as detailed above. Byimplementing these project design features and by complying with the region's sustainability programs, the project would be consistent with the following policies from the Conservation Element (CE) of the General Plan:

CE-A.5. Employ sustainable or "green" building techniques for the construction and operation of buildings.

CE-A.7. Construct and operate buildings using materials, methods, and mechanical and electrical systems that ensure a healthful indoor air quality. Avoid contamination by carcinogens, volatile organic compounds, fungi, molds, bacteria, and other known toxins.

CE-I.4. Maintain and promote water conservation and waste diversion programs to conserve energy.

Nonetheless, theproject would be only be partially consistent with the goals and strategies of local and state plans, policies, and regulations aimed at reducing GHG emissions from land use and development because it would generate more than 900 MT of GHG emissions annually.

#### SIGNIFICANCE OF IMPACTS (ISSUES 1 AND 2)

The project is consistent with the growth projections used in the development of the CAP; it is consistent with the OMCP land use designation (Residential-Medium Density) and the RM-2-5 implementing zone. In addition, it would implement the standards contained in the GHG reduction strategies outlined in the CAP Consistency Checklist. Therefore, the project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHG. The proposed project would produce 3,866 MT of GHG emissions that would exceed the City's significance threshold of 900 MT per year. Despite the incorporation of state-mandated GHG reduction measures, in combination with energy, water and waste efficiency measures proposed as project design features, project emissions would not be reducedbelow the 900 MT threshold. As such, the project onlybe partially consistent with applicable plans, policies and regulations directed at reducing the emissions of GHG beyond 2020;impacts would be considered cumulatively significant and mitigation would be required.

#### MITIGATION MEASURES (ISSUES 1 AND 2)

#### No significant GHG emissions impacts are identified; no mitigation would be required.

GHG emissions can be reduced on a project-level using a number of mitigation strategies, depending on the source of emissions and the applicant's ability to control that source (CAPCOA 2010). Mitigation of local project emissions focus on addressing the following project elements: building energy use, outdoor water use, indoor water use, municipal solid waste, public area/traffic signal lighting, vegetation, construction equipment, transportation, and on-site energy generation. As noted above, a number of design features that address these sources were taken into account when determining the project's GHG emissions. Nonetheless, additional reduction measures should be implemented, to the extent feasible.

The following measures identified for the Candlelight Project would reduce its contribution to cumulative GHG emissions within the City by an additional 2.7percent, as described below:

- **4.14-1** The project design shall incorporate the use of solar roofs to reduce electricity use by approximately 50percent. The solar roofs shall be incorporated into the final building plans prior to issuance of building permits.
- **4.14-2** The project design shall provide conductive/inductive electric vehicle charging stations and signage prohibiting parking for non-electric vehicles. The charging stations shall be incorporated into the final site plan prior to issuance of grading permits.
- **4.14-3** The project design shallincorporate the following Tier 1 elective measures from the CALGREEN building code into the final building design:
  - A4.106.10 Outdoor lighting systems shall be designed and installed to comply with:
    - 1. The minimum requirement in *California Energy Code* for Lighting Zones 1-4; and
    - $\circ$  2. Backlight, Uplight, and Glare (BUG) ratings as defined in IES TM-15-11; and
    - o 3. Allowable BUG ratings not exceeding those shown in Table A4.106.10.
  - A4.303.1 Kitchen faucets. The maximum flow rate of kitchen faucets shall not exceed 1.5 gallons per minute at 60 pounds per square inch (psi). Kitchen faucets may temporarily increase the flow rate, but not to exceed 2.2 gallons per minute (gpm) at 60 psi and must default to a maximum flow rate of 1.5 gpm.
  - A4.303.3 Dishwashers and clothes washers in residential buildings shall comply with the following:
    - Install at least one qualified ENERGYSTAR appliance with maximum waster use as follows:-
      - Standard Dishwashers 4.25 gallons per cycle.

- Compact Dishwashers 3.5 gallons per cycle.
- Clothes Washers water factor of 6 gallons per cubic feet of drum capacity.
- A4.106.3 Post-construction landscape designs will utilize at least 75 percent native California or drought-tolerant plant and tree species appropriate for the climate zone region.

With the abovethreemeasures in place, an additional 284 MT of CO<sub>2</sub>e reduction would be expected, for a total project-level emissions of 3,582 MT of CO<sub>2</sub>e(SRA 2016). As mitigated, the project would be consistent with Conservation Element policies cited in the City's CAP related to the use of sustainable energy sources, including CE-I.5band CE-I.10. In addition, the project would encourage nonmotorized travel within the community by constructing a portion of the trail system identified in the OMCP. Additional GHG reductions of mobile sources could occur in the future should the transit linealong Caliente Avenue be implemented by MTS as planned in the OMCP; however, the Project Applicant cannot ensure that transit would be extended to the project area.

Despite the implementation of the feasible mitigation measures, in conjunction with regulatory measures and project design features, project-level emissions would continue to exceed 900 MT resulting in a considerable contribution to global climate change impacts that would remain cumulatively significant and unavoidable (SRA 2016).

#### SIGNIFICANCE AFTER MITIGATION (ISSUES 1 AND 2)

Cumulatively significant and unavoidableimpacts would occur Less than significant impacts would occur.

# 5.0 CUMULATIVE IMPACTS

Section 15130 of the State CEQA Guidelines requires that an EIR include a discussion of the potential cumulative impacts of a proposed project when "...the incremental effect is cumulatively considerable..." According to CEQA Guidelines Section 15065(c), the term cumulatively considerable means "...that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects..." Specifically, CEQA Guidelines Section 15055 defines cumulative impacts as follows:

"...two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts.

The individual effects may be changes resulting from a single project or a number of separate projects.

The cumulative impact from several projects is the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonable foreseeable probable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time."

When addressing cumulative impacts, Section 15130(b) of the CEQA Guidelines notes that the elements necessary to provide an adequate discussion of significant cumulative impacts encompass either:

- a) A list of past, present, and probable future projects producing related or cumulative impacts, including, if necessary, those projects outside the control of the agency, or
- b) A summary of projects contained in an adopted general plan or related planning document which has been adopted or certified, which described or evaluated regional or area-wide conditions contributing to the cumulative impact. Any such planning document shall be referenced and made available to the public at a location specified by the lead agency."

This EIR utilizes the "summary of projections," or "plan" approach in the cumulative analysis, in accordance with item b) above.

Section 15130(d) of the State CEQA Guidelines states that "previously approved land use documents such as general plans, specific plans, regional transportation plans, plans for the reduction of GHG emissions, and local coastal plans may be used in cumulative impact analysis." A pertinent discussion of cumulative impacts contained in one or more previously certified EIRs may be incorporated by reference pursuant to the provisions for tiering and Program EIRs. No further cumulative impact analysis is required when a project is consistent with a general, specific, master, or comparable programmatic plan where the lead agency determines that the regional or area-wide cumulative impacts of the proposed project have been adequately addressed, as defined in Section

15152(f), in a certified EIR for that plan. Additionally, if a cumulative impact was adequately addressed in a prior EIR for a community plan, zoning action or general plan, and the project is consistent with that plan or action, then an EIR for such a project should not further analyze cumulative impact (Section 15130 ( e) of the State CEQA Guidelines).

The project site is located in the Otay Mesa Community Plan (OMCP) area for which a Program EIR was certified in March 2014(City, 2014; SCH No. 2004651076). The OMCP Program EIR concluded that buildout of that community plan would result in cumulatively significant and unavoidable impacts to air quality (criteria pollutants, sensitive receptors - stationary sources/collocation); greenhouse gas emissions; noise (traffic, stationary sources and construction); traffic (capacity), and utilities (solid waste).

Since the Candlelight project is consistent with the land use assumptions in the adopted OMCP (as described in Land Use section of this EIR; refer to Section 4.1), the build-out year 2060 cumulative impacts for the project have been taken into consideration in the OMCP EIR. However, this project's EIR includes a 2035 horizon year cumulative analysis for the Transportation/Circulation. The horizon year cumulative analysis represents an interim Year 2035 condition consistent with the build-out assumption of the OMCP based on a 20-year projection of traffic volumes. It should be noted that the build-out year for the Community Plan is assumed to be the year 2060.

# 5.1 DESCRIPTION OF CUMULATIVE SETTING

The cumulative baseline for the proposed project includes a horizon year 2035 scenario consistent with the OMCP area, as represented in the Program EIR for the OMCP, which is incorporated by reference herein.

Provided below is a brief summary of the residential build-out anticipated in the OMCP, of which the Candlelight project is included in the Northwest Area. See Table 5\_1, *Estimated Otay Mesa Residential Summary at Build-out.* 

	SF Units	MF Units	Total Units	Total Population
Northwest Area	2,873	4,775	7,648	27,908
Southwest Village	1,400	4,480	5,880	21,028
Central Village	-	4,960	4,960	17,112
Business Park, REs.	-	286	286	987
TOTAL	4,273	14,501	18,774	67,035

### Table 5\_1 ESTIMATED OTAY MESA RESIDENTIAL SUMMARY TABLE AT BUILD-OUT

Source: Table 2-5 from the OMCP (City 2014)

The Traffic Impact Analysis (TIA), Appendix L of this EIR, identified, eleven (11) projects which were included in the near term (project opening day) cumulative project list due to their current status and proximity to the study area. The eleven cumulative projects included in the TIA and listed below

can reasonably be assumed to be completed prior to the opening day scenario for the Traffic Analysis. The location and additional details of these projects can be found in the TIA (Appendix L). These are briefly listed below in Table 5\_2, *Cumulative Projects List*.

The traffic study also assumed that with the construction of the Southview project, Caliente Avenue will be widened between Airway Road and the northern project boundary (which is the southern Southview project boundary) to a five-lane major facility with three northbound lanes and two southbound lanes. The segment between Airway Road and Otay Mesa Road would be completed as a six-lane Primary Arterial with the completion of the curb work north of Airway Road. Also, as part of the Southview project, the eastern fourth leg of the Airway Road and Caliente Avenue intersection will be constructed. A tentative map for the Southview project was approved by City Council in September 2012 with a subsequent approval of its second phase in 2017. The assumed roadway improvements along Caliente Avenue north of Airway Road and Airway Road east of Caliente Avenue were recently completed by the Southview project and are now in place.

	PROJECT <sup>(a)</sup>	LAND USE	ADT	STATUS <sup>(c)</sup>	CURRENT STATUS
1.	Metro Airpark -Phase I	Airfield Expansion	4,574 ADT	In Review	Approved
2.	Las Casitas	Residential	1,480 ADT	Pending	Approved
3.	Nakano	Park Site / Church	1,020 ADT	Pending	Approved
4.	Playa Del Sol	Residential	9,432 ADT	Approved	Approved
5.	Siempre Viva Industrial Park	Industrial Approved	1,250 ADT	Approved	Approved
6.	South Bay Otay Mesa	Warehouse Approved	1,678 ADT	Approved	Approved
7.	Otay Cross Border Facility	Mixed-Use Approved	13,683 ADT	Approved	Approved
8.	Southview <sup>(b)</sup>	Residential Approved	3,318 ADT	Approved	Under construction
9.	Handler	Mixed – Use Approved	12,631 ADT	Approved	Approved
10.	Sunroad Otay Plaza (Phase I)	Commercial Pending	11,205 ADT	Pending	Withdrawn
			60,271 ADT		

#### Table 5\_2 CUMULATIVE PROJECTS LIST

Source: Kimley-Horn & Assoc., 2013

(a) Approved Traffic Study for the San Diego-Tijuana Cross Border Facility, dated June 28, 2011.

(b) Approved Traffic Study for the Southview project, dated November 15, 2011.

(c) At the time existing intersections and roadway segment counts were conducted in September 2012.

For the cumulative impact analysis presented below, the OMCP Program EIR discussion is first summarized and then followed by a discussion of the project's contribution to the cumulative impacts identified in the OMCP Program EIR. The above-listed projects are taken into consideration under the Transportation/Circulation discussion.

# 5.2 CUMULATIVE EFFECTS IMPACT ANALYSIS

### 5.2.1 Land Use

The OMCP Program EIR concluded that build-out of the OMCP, of which the Candlelight project is a part, would have the potential to contribute to cumulative: 1) increases in density and intensity of uses within the Otay Mesa area, 2) increases in impacts to biological and historic resources which are protected by City environmental policies, and 3) changes to the MHPA resulting from boundary line adjustments (City 2014). The potential land use plan conflicts and land use compatibility issues created by the denser, mixed-use villages in the OMCP would be offset by specific design and planning standards contained in the Santee Investments Precise Plan (Precise Plan). The Precise Plan approved 25 acres of medium density residential development at 30 du/net ac, with a not-to-exceed dwelling unit cap of 591 units. The Candlelight project proposes 475 dwelling units and the Southwind project, the only other planned project under discretionary review in the Precise Plan area, proposes 100 dwelling units. The combined density would be below the 591 dwelling unit limit established in the Precise Plan. Implementation of those policies and compliance with federal, state, and local regulations at the project-level would preclude adverse physical changes to the environment associated with cumulative land use policy or compatibility impacts. With regard to sensitive biological and historic resources, the Mitigation Framework in the OMCP Program EIR includes specific submittal requirements for future projects to require CEQA review. Similar to other projects in the City, all MHPA boundary line adjustments would undergo proper evaluation and discretionary review and concurrence from the Wildlife Agencies in accordance with the MSCP and City Biology Guidelines. For these reasons, implementation of the OMCP, including projects like the Candlelight project, would be consistent with the plan, would not result in cumulatively significant land use impacts.

An extensive analysis of the Candlelight project's consistency with the City's General Plan, the OMCP, the City of San Diego's Zoning Ordinance, Brown Field Airport Land Use Compatibility Plan, and the MSCP Subarea Plan is provided in Section 4.1, *Land Use*, of this EIR. The proposed project would contribute to two of the three land use impacts identified in the OMCP Program EIR: 1) increases in density and intensity of uses within the Otay Mesa area; and 2) increases in impact to biological and historic resources which are protected by environmental policies. However, development of the Candlelight project would add approximately 18.0 acres to the City's MHPA and would not require removals from the MHPA. As concluded in Section 4.1, the proposed project would not substantially conflict with any applicable policy documents and would be compatible with surrounding land uses. Therefore, consistent with the OMCP Program EIR, no cumulative land use impacts would occur upon implementation of the Candlelight project and other future development projects that are consistent with the OMCP.

### 5.2.2 Biological Resources

Development of projects under the OMCP would result in impacts to biological resources protected by the City and other responsible and trustee agencies. Specifically, the OMCP Program EIR concluded that plan implementation would result in the following potentially significant cumulative impacts related to: 1) disturbances of sensitive plant and animal species; 2) interference with nesting, reduction of foraging habitat, and obstruction of wildlife movement as a result of noise, construction activities, habitat loss and/or fragmentation; 3) removals of Tier I, II, IIIA, and IIIB habitats; 4) introduction of land uses adjacent to MHPA leading to issues related to consistency with the Land Use Adjacency Guidelines; 5) potential introduction of invasive species into the MHPA; 6) disturbance of wetlands, vernal pools, and other jurisdictional water resources; and 7) temporary noise impacts to wildlife from construction and permanent noise impacts from the introduction of noise generating land uses adjacent to MHPA.

The OMCP incorporates several policies related to the protection of biological resources, including the City's ESL Regulations, Biology Guidelines and MSCP Subarea Plan Management policies to protect the area's sensitive plants and animals. The Program EIR also included a Mitigation Framework for future development implemented in accordance with the OMCP. For instance, potentially significant direct and indirect impacts to sensitive plant and animal species would be mitigated at the project-level through the implementation site-specific environmental review, analysis of potential impacts to biological resources, and recommendations for mitigation to reduce significant project-level biological resource impacts to below a level of significance. Although each individual future project implemented in accordance with the OMCP would contribute to incremental biological resource impacts, compliance with adopted policies, MSCP Subarea Plan, ESL Regulations, Biology Guidelines and implementation of the MMRP would ensure that impacts from future development would not be cumulatively significant.

The biological resources impacts for the proposed Candlelight project are discussed in Section 4., *Biological Resources*, of this EIR. According to the City Biology Guidelines, direct impacts to vernal pools may be considered cumulatively significant, as would impacts to State or federal listed species not covered by the MSCP, on a case-by-case basis. In general, projects that conform to the MSCP as specified by the City's Subarea Plan and its implementing ordinances are not expected to result in a significant cumulative impact for those biological resources adequately covered by the MSCP, including vegetation communities identified as Tier I through IV. Since the City does not presently have take authorization for the federal listed endangered San Diego fairy shrimp, impacts to the species located in vernal pools must be addressed through a Section 7 Consultation between the Corps and USFWS as part of obtaining project permits.

Implementation of the proposed project would not have a significant impact upon sensitive plant species, but would have the potential to significantly impact sensitive wildlife species (either directly or indirectly), including the San Diego fairy shrimp, Riverside fairy shrimp, burrowing owl, coastal California gnatcatcher, and foraging raptors. Project impacts to the non-covered wildlife species (i.e., fairy shrimp) would be regarded as considerable on a cumulative basis because the loss of individuals would have the potential to degrade the viability of the species. Project impacts to MSCP covered species would not be considered cumulatively considerable. Implementation of the

applicable mitigation measures called for in the City's MSCP Subarea Plan and the USFWS Biological Opinion (BO) issued during the Section 7 Consultation for the project would ensure that these potential cumulatively considerable impacts to all sensitive species are reduced to a level below significance.

Project impacts to non-native grassland and maritime succulent scrub would be considered significant on a project-level and mitigation would be required in accordance with the City's Biology Guidelines. Consistency with the MSCP Subarea Plan and the recommended mitigation measures in this EIR, would ensure that impacts to sensitive habitat are not considered cumulatively considerable.

The proposed project would impact 0.13 acre of vernal pools, 0.02 acre of disturbed wetland, and 0.23 acre of road pools supporting state and federally endangered Riverside fairy shrimp and/or San Diego fairy shrimp and 0.05 acres to non-wetland streambeds. The impacts to 0.36 acre of vernal and road pools are regarded as cumulatively considerable because their loss would impact the Riverside fairy shrimp and/or San Diego fairy shrimp. Additionally, project-related impacts to Corps jurisdictional areas CDFW jurisdictional areas would not be considered considerable because of the "no-net-loss" requirements of the wildlife agencies wherein there would be no loss of wetland resources upon implementation of project mitigation. In addition, the EIR mitigation measures require the applicant to obtain approval from the City and wildlife agencies on the Final Habitat Management Plan and Vernal Pool Restoration Plan prior to any construction permits including clearing, thinning, or brush removal activities or recordation of the final map. As part of the restoration efforts required to compensate for impacts to sensitive wildlife species and jurisdictional areas, the Project Applicant would be required to restore 1.25 acres and preserve/enhance 0.07 acres of vernal pool habitat on site. Other mitigation measures would require the Project Applicant to obtain the necessary permits from the Corps, CDFW, and RWQCB prior to the issuance of construction permits. Any additional measures identified in these permits, once obtained, also must be implemented as part of the proposed project.

With the implementation of the On-site Habitat Management Plan, the On-site Vernal Pool Restoration plan and Mitigation Measures 4.1-1 through 4.1-6 and 4.2-1 through 4.2-12, the project's contribution to cumulatively significant impacts to biological resources would not be considerable.

### 5.2.3 <u>Transportation/Circulation</u>

The Program EIR for the OMCP concluded that in the Horizon Year Plus OMCP condition cumulatively significant impacts would occur to 24 roadway segments; 49 intersections; five SR-905 freeway segments; and five SR-905 freeway ramps. At the program-level, impacts would be reduced through the proposed classifications of roadways and identification of necessary roadway, intersection and freeway improvements. Mitigation or construction of the improvements would be carried out at the project-level via the Public Facilities Financing Plan (PFFP) and future development projects. Funding would be through construction by individual development projects, collection of FBA fees, fair share contributions to be determined at the project-level, and potentially other sources. Nonetheless, buildout (Year 2060) impacts associated with the OMCP implementation would remain significant and unavoidable, despite the implementation of the Mitigation Framework

identified in the Program EIR. As noted above, the following discussion of the project's contribution to these impacts is focused on a 2035 horizon year to address the near-term cumulative conditions.

Transportation/Circulation impacts associated with the implementation of the Candlelight project are discussed in Section 4.3, *Transportation/Circulation*, of this EIR. As detailed in that section, project implementation would result in a significant direct impact at the Otay Mesa Road and Caliente Avenue and Airway Road and Caliente Avenue intersections. Measures that fully mitigate these direct impacts are identified at both locations (Mitigation Measures 4.3-1 and 4.3-2), as described in Section 4.3. The proposed project was found to have a significant cumulative traffic related impact at the following three intersections, one freeway segment, and one freeway ramp meter in the Horizon Year (2035) condition (refer to Tables 4.3\_12, 4.3\_13 and 4.3\_14 for details):

- Otay Mesa Road and Caliente Avenue intersection;
- Caliente Avenue and Public Street A intersection;
- SR-905 Westbound Ramps and Caliente Avenue intersection;
- SR-905 freeway segment between Caliente Avenue and Britannia Boulevard; and
- SR-905 Westbound entrance ramp from Caliente Avenue.

With implementation of Mitigation Measures 4.3-3 and 4.3-5, the cumulatively significant impacts at two intersection locations would be reduced to a level below significance. Specifically, project contributions to cumulatively significant impacts at the intersection of Otay Mesa Road and Caliente Avenue and Caliente Avenue and Public Street A intersection would be mitigated and delay would be decreased to a level below significance relative to the "without project" condition (refer to Table 4.3-3).

The other three impacted locations would require widening of SR-905 freeway mainline or the SR-905 entrance ramp from Caliente Avenue, which is not planned and is therefore not considered feasible mitigation. Therefore, there would be three unmitigated significant cumulative traffic impacts for which the proposed project's contribution would be considerable: the intersection of SR-905 Westbound on-ramps at Caliente Avenue, the freeway segment of SR-905 between Caliente Avenue and Britannia Boulevard, and the SR-905 Westbound entrance ramp from Caliente Avenue. These same locations were identified in the OMCP Program EIR as having cumulatively significant and unmitigated impacts in the Horizon Year Plus OMCP condition.

### 5.2.4 Historical Resources

The OMCP Program EIR concluded that development in accordance with the plan would result in the following potentially significant impacts: 1) the loss of prehistoric and historic cultural resources; 2) disturbance of known religious or sacred resources and those not yet found and formally recorded; and 3) disturbance of any human remains, including those interred outside of formal cemeteries.

The Historic Preservation Element of the OMCP includes specific policies addressing the history and historical resources unique to the Otay Mesa area in order to encourage appreciation of the community's history and culture. The goals, policies, and recommendations enacted by the City,

combined with the federal, state, and local regulations, provide a Mitigation Framework for developing project-level mitigation measures for future discretionary projects. Therefore, the OMCP Program EIR concluded that potential impacts to Historical Resources (Archaeology) would result in a cumulatively significant impact. However, with implementation of the Mitigation Framework detailed in the Program EIR, information associated with these resources from project-level analyses would be collected, catalogued and included in technical reports thereby reducing the cumulative impact to below a level of significance.

For the Candlelight proposed project, three archaeological sites were identified on-site within proposed impact areas and evaluated in accordance with the City of San Diego Historical Resources Guidelines and CEQA (Sections 21083.2 and 15064.5). Based on the results of the testing program, the three recorded sites were determined to be not significant and, therefore, a data recovery program would not be required. However, the potential does exist for buried or masked elements of more focused prehistoric activity, and this is regarded as a potentially significant impact on a project level. Mitigation measures are provided in Section 4.4, *Historical Resources*, of the EIR and require archaeological monitoring during grading and excavation activities. Implementation of the mitigation measures described in Section 4.4 would reduce the project's potential for contributing to cumulatively considerable impacts to archeological resources.

### 5.2.5 Paleontological Resources

The OMCP Program EIR concluded that impacts to paleontological resources from development within the planning area, similar to historical resources, would be cumulatively significant. For each future discretionary project with the potential to disturb resources, the OMCP Program EIR identified site-specific measures detailed in the Mitigation Framework, which would reduce significant project-level paleontological resources impacts to less than significant. The goals, policies and recommendations enacted by the City, state, federal and local regulations provide a project-level mitigation measures for future discretionary projects. However, with the implementation of the Mitigation Framework detailed in the Program EIR, fossils found on project-level analyses would be collected and catalogued and included in technical reports thereby reducing the cumulative impact to below a level of significance.

The Candlelight project site contains areas where marine sediments of the San Diego Formation are overlain by a thin layer of the Lindavista Formation. As noted in Section 4.5, *Paleontological Resources*, of this EIR, the San Diego Formation is identified as having a high sensitivity relative to paleontological resources, while the Lindavista Formation is rated with a moderate sensitivity. For sites that contain geologic formations with a moderate sensitivity, project impacts would be regarded as potentially significant if project grading exceeds 2,000 cubic yards. It is anticipated that a total of 26,400 cubic yards of cut and 26,400 cubic yards of fill would be required for project grading, and the maximum depth of cut would not exceed 10 feet in depth; therefore, the potential exists for the project to contribute to the cumulatively significant impacts to paleontological resources identified in the OMCP Program EIR. Implementation of the mitigation measures described in Section 4.5 would reduce the project's contribution to potential cumulative impacts consistent with the conclusions reached in the OMCP Program EIR.

### 5.2.6 <u>Noise</u>

The OMCP Program EIR concluded that development in accordance with the plan would result in the following potentially significant impacts: 1) a significant increase in the existing ambient noise levels in the vicinity of residences adjacent to I-805, SR-905, SR- 125, Otay Mesa Road, and Airway Road; 2) interior noise levels of existing residences in excess of standards; 3) exposure of people to noise levels from stationary sources, which exceed the City's Noise Abatement and Control Ordinance, where residential is collocated near commercial or industrial land uses; and 4) temporary construction noise from developments or permanent noise generators adversely impacting noise sensitive receptors or sensitive bird species (e.g., coastal California gnatcatcher) within the MHPA.

The Noise Element of the OMCP includes specific goals and policies to guide compatible land uses and the incorporation of noise attenuation measures for new uses. The goals, policies, and recommendations enacted by the City provide a framework for developing project-level mitigation measures for future discretionary projects to protect people living and working in the City from an excessive noise environment. The OMCP Program EIR concluded that despite the implementation of the Mitigation Framework, potential noise could result in cumulatively significant and unmitigated impacts within the planning area.

Upon implementation of the Candlelight project, project-related traffic would cause an incremental increase in area-wide noise levels. Specifically, although ambient noise volumes along Caliente Avenue at the project site may increase from 45.5 dBA under existing conditions to a high of 71.0 dBA at build-out of the OMCP, the project would only be responsible for a portion (13.3 percent) of the future transportation noise increase. Significant impacts to existing sensitive receptors in the project area are not identified in Section 4.6, *Noise*, of this EIR because none exist in the project area. The potential for interior noise levels to exceed the General Plan Land Use – Noise Compatibility Guidelines is addressed through the requirement for Acoustical Studies for the proposed residential units facing Caliente Avenue. No significant impacts would occur.

With regard to stationary noise sources, the project is not proposed adjacent to commercial or industrial uses that would expose future residences to excessive noise and on-site HVAC units would comply with the Noise Ordinance limits. Based on the adjacency of the MHPA to the project impact area, the appropriate habitat (maritime succulent scrub) within the MHPA, and the positive gnatcatcher survey results on-site, there is potential for significant indirect construction noise impacts to breeding gnatcatchers. Implementation Mitigation Measures 4.1-1 through 4.1-6, provided in Section 4.1, *Land Use*, would reduce potential noise impacts to breeding gnatcatchers in the MHPA during construction to a level below significance, thus avoiding a considerable contribution to cumulative noise impacts.

Therefore, with implementation of mitigation measures provided in Sections 4.1 and 4.6, significant impacts associated with noise would be less than significant and the project's incremental contribution to noise within the project area would not be regarded as cumulatively considerable.

### 5.2.7 Public Utilities

Growth associated with build-out of the OMCP area would increase demands of Public Utilities including wastewater, solid waste, water, natural gas, electricity, reclaimed water, stormwater and communications. The OMCP Program EIR has analyzed these demands and determined that build-out of the OMCP area would potentially cause cumulatively significant impacts for only the solid waste management issue of Public Utilities. No cumulatively significant issues were identified for wastewater, water, natural gas, electricity, reclaimed water, stormwater and communications in the OMCP Program EIR.

Build-out of the OMCP area would generate solid waste through both demolition and construction, along with ongoing operations of existing and future land uses within the area. Waste generated from the OMCP area would most likely be disposed of at the Otay Landfill, which has adequate capacity through 2021. Other disposal options include the Sycamore or Miramar landfills. All landfills within the San Diego region are approaching capacity and are due to close within the next three to 20 years. The application of the City's Recycling Ordinance, solid waste storage ordinance and the Construction and Demolition Debris Diversion Deposit Program, along with adherence to the policies in the General Plan and would continue to reduce solid waste generation and increase diversion efforts. However, regulatory compliance alone would only allow for a 40 percent diversion rate during occupancy/use of the project. In order to meet with State-mandated 75 percent diversion requirements, additional measures for waste reduction would need to be identified at the project-level. Because all future projects within the OMCP area may not be required to prepare a Waste Management Plan (WMP) or may not reduce project-level waste management impacts below a level of significance, the OMCP cannot be guaranteed, at the program-level, to meet the 75 percent diversion requirement. Therefore, build-out of the OMCP area has the potential to increase the amount of solid waste, resulting in a cumulatively significant impact relative to solid waste capacity, management and collection.

Implementation of measures identified in the project's Waste Management Plan, provided in Appendix U of this EIR, would mitigate impacts to below a level of significance, thus avoiding a considerable contribution to cumulative solid waste impacts.

# 5.2.8 <u>Air Quality</u>

Per the OMCP Program EIR, air quality in the SDAB has generally improved over recent decades due to improvements in auto emissions and other emissions restrictions and improved technologies. Nonetheless, the SDAB is currently in non-attainment for federal and state ozone standards and state PM<sub>10</sub>, and is unclassifiable for the federal PM<sub>10</sub> standard. Past development has contributed to this condition and future development forecasted for the region would generate increased air pollution emissions associated with construction activities, transportation, and stationary sources, which could exceed regional air quality standards. Construction activities in particular would result in emissions of PM<sub>10</sub>. In addition, the increased volume of traffic generated by new development would increase regional emissions of ozone precursors and localized concentrations of CO<sub>2</sub>. While it is not anticipated that construction activities throughout the area would occur simultaneously, there is no way to determine a precise construction schedule at a program-level or whether construction

activities within the area would occur concurrently with projects in adjacent areas. Because the air basin is in non-attainment for ozone, PM<sub>10</sub>, substantial increases in emissions of this criteria pollutant resulting from future development could pose potential cumulatively considerable and significant air quality effects.

For the Candlelight project, short-term construction activity would not result in exceedances in the significance thresholds of the San Diego Air Pollution Control District (SDAPCD) for CO, NOx, SOx, PM<sub>10</sub>, or ROG, as depicted in Table 4.8-5 through 4.8-7 of Section 4.8, *Air Quality*, of this EIR. Project emissions of CO, NO<sub>x</sub>, and PM<sub>10</sub> during grading and other construction activities would also not approach the SDAPCD significance thresholds. Thus, emissions associated with the construction of the proposed project would not contribute considerably to increases of any criteria pollutant for which the region is in non-attainment.

Similarly, long-term air quality impacts associated with vehicular emission levels are anticipated to be below the significance thresholds of the SDAPCD (refer to Table 4.8-8). As with construction-related emissions, project emissions of CO, NO<sub>x</sub>, and PM<sub>10</sub> would not exceed the SPACD thresholds at build-out. Because the emissions of these pollutants at project build-out would be below the thresholds established by the SDAPCD, the proposed project would not contribute considerably to increases of any criteria pollutant for which the region is considered non-attainment.

The San Diego Regional Air Quality Strategy (RAQS) establishes what could be thought of as an "emissions budget" for the SDAB based on a variety of factors, including planned growth. Since the proposed Candlelight residential development project would be consistent with the proposed SANDAG projections for growth within this area, the project, by default, would satisfy the consistency criterion of the RAQS and would also be consistent with State Implementation Plan (SIP) for the criteria pollutants under examination. Thus, the project's air emissions would not prevent the region from attaining its goals for achieving improved regional air quality.

# 5.2.9 <u>Geology/Soils</u>

The OMCP Program EIR concluded that projected population growth in the county and in the OMCP area would increase the number of people potentially exposed to seismic and geologic hazards, specifically within the western and southern edges of the community plan area, that are identified as moderate to high geotechnical and relative risk area. Erosion rates would be accelerated by earthwork for new construction during build-out of the OMCP. However, such impacts are site-specific and do not compound or increase in combination with projected development elsewhere in the planning area. As discussed in the Program EIR, potential impacts to future development would be addressed through project-level analyses and the application of remedial measures identified in site-specific geotechnical investigations (when applicable), along with the Mitigation Framework specified in the Program EIR. Additionally, adherence to the City's Grading Ordinance and conformance to building construction standards for seismic safety with the California Building Code satisfactory to the City Engineer would assure potential impacts would be less than significant. Therefore, future development implemented in accordance with the OMCP would not result in a cumulatively significant impact.

Implementation of the Candlelight project would not result in or contribute to the exposure of people or structures to geologic hazards such as earthquakes, landslides, mudslides, ground failure, or similar hazards, provided that the recommendations provided in the project-specific geotechnical report are adhered to. Compliance with the Stormwater Regulations and implementation of project specific BMPs would ensure that a substantial increase in wind or water erosion of soils, either on or off the site, would not occur. As a standard condition of approval for future grading permits, project compliance with the project-specific geotechnical report and City of San Diego requirements would be required. Therefore, as a site-specific issue that would not affect surrounding properties or the OMCP as a whole, no significant cumulative geologic conditions impacts would occur as concluded in the OMCP Program EIR.

# 5.2.10 Hydrology/Water Quality

All future development under the OMCP would be required to comply with existing federal, state and local regulations relative to runoff and water quality at the project-level. This would preclude the potential for impacts under the Water Quality Control Plan (WQCP) for the San Diego Basin. Strict adherence to the WQCP, which requires regulatory compliance as noted above, along with General Plan and OMCP policy compliance for reducing storm water runoff, would ensure that potential impacts to downstream resources would be reduced to below a level of significance and no significant cumulative impacts would arise.

# 5.2.11 Energy Conservation

As discussed in the OMCP Program EIR, of which this project is included, the OMCP would not result in a cumulative significant impact to Energy Conservation. The Candlelight project's anticipated electrical and natural gas demand would be similar to the various other multi-family developments within the City of San Diego. As a standard condition of approval, the project would be required to implement all relevant energy conservation measures as outlined in Title 24 of the California Code of Regulations. The proposed project would not generate a significant demand for any other types of energy, such as natural gas or oil. Thus it would not contribute to or cause a cumulatively significant impact.

# 5.2.12 Public Services and Facilities

The OMCP Program EIR states that the anticipated population growth within the Otay Mesa area would increase the demand for fire protection, police protection, schools, parks and recreation, and libraries. This demand, together with the demand from other development in the surrounding area, would result in a need for new or modified facilities. The construction of new or improved public services and facilities infrastructure could result in physical impacts to the environment. The OMCP Program EIR identified that a cumulatively significant impact would be produced during plan build-out relative to public services and facilities. Therefore, impacts associated with the need for new or physically altered public services and facilities would be cumulative in nature. However, the City has planned for facilities that would adequately accommodate the projected growth of the Otay Mesa area. The construction of these facilities would be subject to independent environmental review at the time design plans are available. Consistent with the OMCP Program EIR Mitigation Framework,

site-specific measures would be identified to reduce significant project-level incremental impacts associated with new construction of, or improvements to, public services and facilities infrastructure to less than significant.

The land use intensity proposed by the Candlelight project is consistent with the OMCP in terms of the project size and density anticipated by the OMCP. Details of the impact to Public Services can be found in Section 4.7 of the EIR. All demands for public services and facilities would, however, be consistent with those anticipated in the OMCP Program EIR. Thus the project would not contribute to or cause a cumulatively significant impact related to the provision of public services and facilities.

### 5.2.13 Visual Effects and Neighborhood Character

According to the OMCP Program EIR, plan implementation has the potential to block views of open spaces in the area. To prevent impacts to views of public resources, the plan was designed to include designated view corridors and gateways. Also, the plan includes policies and project design features to implement the proposed view corridors and gateways. With the inclusion of these project design features in future projects, view blockage impacts would be less than significant during plan implementation. The OMCP Program EIR further indicates that the visual character of the plan area would become more urbanized. Changes in visual character resulting from future development within the OMCP area would contribute incrementally to these cumulative changes. The Urban Design Element of the OMCP contains goals and policies to ensure that development within the area would not result in architecture, urban design, landscaping, or landforms that would negatively affect the visual quality of the area or strongly contrast with the surrounding development or natural topography through excessive bulk of buildings, signage, or architectural projections. The design controls placed on subsequent development would ensure that development within Otay Mesa occurs in accordance with the OMCP's goals, policies and design objectives. Therefore, implementation of the OMCP would not result in cumulatively significant impacts to visual character or quality.

Implementation of the proposed Candlelight project would alter the existing character of the area by converting vacant, former agricultural land, to a medium density residential community, as anticipated in the OMCP Program EIR. As described in Section 4.13, *Visual Quality and Neighborhood Character*, of this EIR, the proposed project represents a continuation of existing development patterns, and would implement the project site's underlying residential land use designation, consistent with the OMCP's land use designations and policies to guide future development. The proposed project would implement Development Guidelines to create a cohesively designed project consistent with the OMCP policies regarding the protection of visual character and quality (as discussed in Section 4.1, *Land Use*, of this EIR). Project implementation would not contribute to or cause a cumulatively significant impact on visual quality.

# 5.2.14 Greenhouse Gas Emissions

According to the OMCP Program EIR, the greenhouse gas (GHG) emissions produced during buildout of the plan, when compared to the Business As Usual (BAU) annual emissions, would result in an 11.4 percent reduction in GHG emissions relative to BAU. This reduction would fall short of meeting

the City's goal identified in the OMCP Program EIR to achieve a minimum 28.3 percent reduction in GHG emissions relative to BAU (City 2014). The OMCP's Mobility, Urban Design, and Conservation elements include specific policies aimed at decreasing vehicle use and increasing energy efficiency; however, these policies cannot be quantified in terms of their GHG emissions reductions at the program-level, and the GHG emissions generated from OMCP build-out, in conjunction with other local GHG emissions sources, would be cumulatively significant. While future development implemented in accordance with the OMCP Program EIR would be required to incorporate GHG emission reduction measures, cumulatively significant GHG impacts were identified in the OMCP Program EIR.

Despite the incorporation of state-mandated GHG reduction measures, in combination with energy, water and waste efficiency measures proposed as project design features, project emissions would not be reduced below the 900 MT threshold. As such, the project would only be partially consistent with applicable plans, policies and regulations directed at reducing the emissions of GHG beyond 2020; impacts would be considered cumulatively significant and mitigation would be required. The incorporation of mitigation would further reduce the project's construction to global climate change. As mitigated, the project would be consistent with Conservation Element policies cited in the City's CAP. In addition, the project would encourage non-motorized travel within the community by constructing a portion of the trail system identified in the OMCP. As described in Section 4.14 Greenhouse Gas Emissions, the City adopted the Climate Action Plan (CAP) in December 2015, and in July 2016, the CAP Consistency Checklist to provide a streamlined review process for the analysis of potential GHG impacts from proposed new development. Based on the project's CAP Consistency Checklist, the project proposes a residential land use consistent with the land use assumptions used in the City's CAP (BCG 2018). In addition, the project would implement the standards contained in the GHG reduction strategies outlined in the CAP Consistency Checklist. The proposed project has been found to be consistent with the Checklist. The Candlelight CAP Consistency Checklist will become part of Exhibit A on file with the City as part of the project approvals. Compliance with the Checklist will be assured as a condition of approval of the discretionary permit. Therefore, the project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHG: As demonstrated in Section 4.14, Greenhouse Gas Emissions, of this EIR, the project's contribution to the cumulatively significant GHG impacts identified in the OMCP Program EIR would be considerable and unavoidableless than significant and not considerable.

# 6.0 MANDATORY CEQA TOPICS

# 6.1 EFFECTS FOUND NOT TO BE SIGNIFICANT

Based upon initial environmental review, the City has determined that the project would not have the potential to cause significant impacts associated with the following issue areas, with these topics briefly addressed below.

- Agriculture and Forestry
- Human Health and Safety
- Mineral Resources
- Population and Housing
- Public Services and Facilities

### 6.1.1 Agriculture and Forestry

The City Significance Determination Thresholds (2011) state that a significant impact on agricultural resources may result from a project which involves the conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use. Although historically there has been agricultural use, the proposed project site is not presently being used for agricultural purposes and hasn't been used as such for over 20 years. Additionally, as depicted on Figure 6-1, *Agricultural Resources Map*, the proposed project site does not contain any soils that are classified by the Farmland Mapping and Monitoring Program FMMP as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. Further, the Land Capability Classification of all on-site soils indicates that the site exhibits severe limitations for crop production. Finally, the rating of on-site soils (Storie Index) indicates that the soils are severely limited or not suitable for crop production. Therefore, implementation of the proposed project would not result in the conversion of productive agricultural land to non-agricultural use.

The proposed project site is bordered on the north by an existing high school site and the approved Southview subdivision within the City of San Diego. The proposed project would represent a continuation of this existing and planned development pattern within the community. Furthermore, the area south of the proposed project site is currently designated for residential and commercial use by the Otay Mesa Community Plan OMCP). Implementation of the proposed project would not result in any other changes in the existing environment which due to its location or nature could result in the conversion of surrounding farmland to a non-agricultural use. Therefore, no impacts to agricultural resources would occur.

# 6.1.2 Human Health and Safety

The City Significance Determination Thresholds (2011) require that the environmental review process include steps to disclose and address the safe removal, disposal and/or remediation of hazardous materials in conformance with applicable federal, state and local government standards. The thresholds also require consideration for human health impacts. In addition, brush management is required under the San Diego Municipal Code to reduce fire hazards around occupied structures by providing an effective fire break between all structures and contiguous areas of native or naturalized vegetation. All such issues are discussed herein.

According to the Phase I Environmental Site Assessment (ESA), site reconnaissance of 2004, review of historical information, and research of governmental databases and regulatory information pursuant to Government Code Section 65962.5 were performed for the proposed project site and no Recognized Environmental Conditions (REC) were found. Additionally, this result was confirmed by Alden environmental in July 2012 (see Cortese List Search in Appendix E). The result of both assessments revealed no evidence of any toxic substances on the project site, and no evidence of any off-site contaminated locations that could affect the proposed residential development. Therefore, a significant hazard to the public or the environment related to the existence of hazardous materials on the project site would not occur with implementation of the proposed project.

The proposed use for the project site would be residential development and open space/preserve areas. These uses have little potential for storage of hazardous substances with the exception of household chemicals. Common household chemicals would be of such a low concentration and volume that they would pose no significant impacts to human health and safety. The proposed project would, however, include two private sewer lift stations, which would transport sewage from the project site to the Otay Mesa Trunk Sewer. If the sewer lift stations were not properly maintained, there is a potential for the release of hazardous materials, in the form of a sewage spill into the environment. However, significant impacts associated with the sewer pump stations on-site would be precluded by a requirement to maintain the sewer lift station through a Condition, Covenant and Restriction (CC and R) of the proposed project, and regulatory oversight would be provided by the San Diego Regional Water Quality Control Board (RWQCB).

Brush management is proposed as part of the project as a means to reduce fuel loads and minimize exposure of future residents and residential structures to wildfire. For the Candlelight development, the Fire Chief has agreed to a modified brush management through Alternative Compliance due to the site-specific topographic and brush characteristics which would allow only Zone One brush management on-site. Therefore, no impacts to Health and Safety would occur.

# 6.1.3 Mineral Resources

The City Significance Determination Thresholds (2011) indicate that impacts to mineral resources are considered significant only in areas designated as Mineral Resource Zone (MRZ) 2by the California Geological Survey (CGS, formerly the California Division of Mines and Geology [CDMG], 1996). No associated MRZ designations are identified in the project areas (CGS 1996, City of San Diego 2008b). Accordingly, no significant impacts to mineral resources would result from implementation of the proposed project.

# CANDLELIGHT EIR

# FIGURE 6-1



0 250 500

Environmental Impact Report Agricultural Resources Map

# 6.1.4 Population and Housing

Although the City's CEQA Significance Determination Thresholds do not specifically contain significance thresholds for population and housing, they do address the issue of growth inducement which includes discussion of population growth and new homes. The Growth Inducement section of this EIR addresses whether the proposed project would induce substantial population growth in an area beyond the land use density/intensity envisioned in the community plan or substantially alter the planned location, distribution, density, or growth rate of the population of an area (refer to Section 6.4, *Growth Inducement*).

The project site was zoned for Medium Residential by the Santee Investments Precise Plan in 1993. The project site is also designated as Medium Residential in the OMCP. Therefore, the project proposes multi-family residential development that meets the density designated in both the Precise Plan and OMCP.

The project would not alter the planned location, density or growth rate of the population of the Otay Mesa area, and would meet the zoning, density and housing goals of the community. Therefore, no impacts to population and housing would result from implementation of the proposed project.

### 6.1.5 Public Services and Facilities

The City Significance Determination Thresholds (2011) state that public services and facilities impacts may be significant if the project would: (1) conflict with the Community Planning terms of the number, size, and location of public service facilities; and/or (2) result in direct physical impacts from construction of proposed new public service facilities needed to serve the project. In accordance with Sections 15126.2(a) and 15382 of the State CEQA Guidelines, impacts related to public services are evaluated in light of whether the impact would result in a physical change in the environment. For example, the need to add staff or equipment to meet a future need would only be considered a significant environmental impact if it would precipitate the need to construct a new facility which could result in a physical change in the environment. If the additional staff and equipment can be housed within existing buildings, no physical change would result and no environmental impact would occur. Where additional facilities may be required but the location or extent of such a facility is unknown, Section 15145 of the State CEQA Guidelines states that potential impacts need not be specifically addressed in an EIR if the assumptions needed to analyze potential effects are too speculative.

Although project implementation is expected to generate the need for expanded Public services, no new facilities are anticipated to be required at this time. Any future facilities will be built with the Development Impact Fees (DIF) collected from this and all projects in Otay Mesa. The project site has been designated for residential use since 1981. Project implementation would affect only the timing, and not the need for, new or expanded public facilities. Although the potential exists through the construction of these facilities that significant impacts to the environment may occur, at the time of EIR preparation, the location and extent of these facilities had not been determined, thereby precluding the feasibility of any analysis of impacts. The proposed project is required to pay

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applicable DIF prior to the issuance of building permits. The project does not require an amendment to a Public Facilities Financing Plan (PFFP). Therefore, the project itself would not require the construction of new and expanded public facilities, and would not result in an impact to Public Facilities and Services.

# 6.2 SIGNIFICANT ENVIRONMENTAL EFFECTS WHICH CANNOT BE AVOIDED IF THE PROPOSED PROJECT IS IMPLEMENTED

As described in detail in Sections 4.0 and 5.0 of this EIR, the proposed project is anticipated to result in significant adverse impacts that cannot be mitigated to below a level of significance after implementation of relevant standard conditions of approval, regulations, and mitigation measures. In summary, and as required by CEQA Guidelines §15126.2(b), unavoidable significant impacts which would result from implementation of the proposed project include the following:

#### • <u>Transportation - Cumulative Significant Impact</u>

Based on the current City's guidelines, there would be a significant cumulative project traffic impacts at the State Route 905 (SR-905) freeway between Caliente Avenue and Britannia Boulevard. Additionally, there would also be two additional significant cumulative project traffic impacts to the westbound SR 905 on-ramp and intersection at Caliente Avenue. See Appendix L, *Traffic Impact Analysis*, of this EIR for further details. These significant impacts would occur during the p.m. peak hour under the horizon year scenario. These impacts are considered unmitigated since there are no currently planned or funded projects to expand SR-905 by San Diego Association of Governments (SANDAG) or California Department of Transportation (Caltrans) in the future to which the project could pay a fair share contribution toward the improvements.

#### <u>Greenhouse Gas Emissions – Cumulative Impact</u>

Despite the incorporation of state-mandated GHG reduction measures, in combination with energy, water and waste efficiency measures proposed as project design features, project emissions would not be reduced below the 900 MT threshold. As such, the project would only be partially consistent with applicable plans, policies and regulations directed at reducing the emissions of GHG beyond 2020; impacts would be considered cumulatively significant and mitigation would be required. The incorporation of mitigation would further reduce the project's construction to global climate change. As mitigated, the project would be consistent with Conservation Element policies cited in the City's CAP. In addition, the project would encourage non-motorized travel within the community by constructing a portion of the trail system identified in the OMCP. As demonstrated in Section 4.14, *Greenhouse Gas Emissions*, of this EIR, the project's contribution to the cumulatively significant GHG impacts would be considerable and unavoidable.

# 6.3 SIGNIFICANT, IRREVERSIBLE ENVIRONMENTAL CHANGES WHICH WOULD BE INVOLVED IN THE PROPOSED ACTION SHOULD IT BE IMPLEMENTED

Section 15126(c) of the State CEQA Guidelines requires an evaluation of significant irreversible environmental changes which would occur should the proposed project be implemented. Irreversible environmental changes typically fall into three categories: (1) primary impacts, such as the use of nonrenewable resources (i.e. biological habitat, agricultural land, mineral deposits, water bodies, energy resources and cultural resources); (2) secondary impacts, such as highway improvements which provide access to previously inaccessible areas; and (3) environmental accidents potentially associated with the proposed project.

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

Determining whether the proposed project may result in significant irreversible effects requires a determination of whether key resources would be degraded or destroyed in such a way that there would be little possibility of restoring them. Following is a discussion of potential irreversible changes which would result from the project should it be implemented.

The project would entail the commitment of energy and non-renewable resources, such as energy in the form of electricity, energy derived from fossil fuels, construction materials (i.e. concrete, asphalt, sand and gravel, petrochemicals, steel, and lumber and forest products), potable water, and labor during the construction phases. Use of these resources would have an incremental effect on the regional consumption of these commodities, and therefore result in long-term, irretrievable losses of non-renewable resources such as fuel and energy. An incremental increase in energy demand would also occur during post-construction activities including lighting, heating, and cooling of the proposed structures. However, the impact of increased energy usage is not considered a significant adverse environmental impact.

The project site is currently vacant, graded, and designated for multi-family residential uses, and therefore, contains no agricultural or forestry resources. No significant mineral deposits underlie the site, nor are there any known significant cultural resources present on site. In addition, no water bodies are located on the project site or within the project vicinity.

Natural resources in the form of construction materials and energy resources would be utilized in the construction of the Candlelight project, but their use would not be expected to negatively impact the availability of these resources. Structures that would be built would meet or exceed the energy conservation measures outlined in the Uniform Building Code.

# 6.4 GROWTH INDUCEMENT

Relative to growth inducement and based on the City's CEQA Significance Determination Thresholds, the EIR must analyze the consequences of growth. According to Section 15126.2 (d) of the CEQA Guidelines, *"It must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment."* In general, the analysis must avoid speculation and focus on probable growth patterns or projections. Conclusions must also be presented that determine whether this impact is significant and/or unavoidable, and provide for mitigation or avoidance, as necessary.

Growth inducement is usually associated with those projects that foster economic or population growth, or the construction of additional housing, either directly or indirectly which results in the construction of major and new infrastructure facilities. Also a change in land use policy, or projects that provide economic stimulus such as industrial or commercial uses may induce growth as discussed below.

Accelerated growth may further strain existing community facilities or encourage activities that could significantly affect the surrounding environment.

The project is consistent with the land use designation in the Otay Mesa Community Plan (OMCP). The project's proposed density of 20.0 dwelling units (d.u.) per acre is far below the maximum density (29 d.u./acre) permitted by the OMCP.

As part of the proposed project, a 10-inch private gravity sewer main (northern Caliente Avenue), two 12-inch public force mains (Caliente Avenue), two 6-inch public force mains (Caliente Avenue), an 8-inch public gravity main (Public Street A) and two dual 6-inch private force mains (Lots 1 and 3) would be installed to provide sewer service for the project. In addition two 16-inch water mains would be installed within the right-of-way of Caliente Avenue. Although these new sewer and water facilities would be sized to have a capacity that is greater than is necessary to serve the proposed project, they are part of the planned infrastructure required to implement the adopted land uses in the OMCP.

Indirect growth inducing impacts at the local level result from a demand for additional goods and services associated with the increase in project population. This occurs in suburban or rural environments where population growth results in increased demand for service and commodity markets responding to the new population. As noted, the project is consistent with the adopted community plan which also includes land designated for commercial retail and services uses to serve the residential community. Implementation of the project would not result in indirect growth inducing impacts to the region.

# 7.0 ALTERNATIVES TO THE PROPOSED PROJECT

# 7.1 INTRODUCTION

In considering the appropriateness of a project, CEQA requires that a discussion of alternatives to the proposed project be provided. Section 15126.6(a) of State CEQA Guidelines indicates the scope of alternatives to a proposed project that must be evaluated:

"An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation. An EIR is not required to consider alternatives which are infeasible. The lead agency is responsible for selection of a range of project alternatives for examination and must publicly disclose its reasoning for selecting those alternatives. There is no ironclad rule governing the nature or scope of the alternatives to be discussed other than the rule of reason."

Thus, the following discussion focuses on project alternatives that are capable of eliminating significant environmental impacts or substantially reducing them as compared to the proposed project, even if the alternative would impede the attainment of some project objectives, or would be more costly. In accordance with Section 15126.6(f)(1) of the State CEQA Guidelines, among the factors that may be taken into account when addressing the feasibility of alternatives are: (1) site suitability; (2) economic viability; (3) availability of infrastructure; (4) general plan consistency; (5) other plans or regulatory limitations; (6) jurisdictional boundaries; and (7) whether the proponent can reasonably acquire, control, or otherwise have access to the alternative site.

In accordance with State CEQA Guidelines Section 15126.6(d), this section presents potential alternatives to the project and includes "sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project." An outline of the objectives and potentially significant impacts identified for the proposed project is provided below in Section 7.2, followed by a summary evaluation of alternatives considered but rejected as infeasible in Section 7.3 (per State CEQA Guidelines Section 15126.6[c)]). The summary and evaluation of individual alternatives is provided in Sections 7.4 and 7.5. The identification of the environmentally superior alternative is outlined in Section 7.6. A matrix comparing the alternatives analyzed in detail is provided thereafter.

# 7.2 SUMMARY OF PROJECT OBJECTIVES AND IMPACTS

As required in CEQA Guidelines Section 15126.6(a), in developing the alternatives to be addressed in this section, consideration was given regarding an alternative's ability to meet most of the basic objectives of the project. The Project Objectives are identified in Section 3.0, *Project Description*, of this EIR and include the following:

- Establish a comprehensive development plan for the site which provides an appropriate balance of residential, recreational, and open space land uses.
- Provide a compact neighborhood and appropriate mix of architectural styles and product types.
- Establish a project-wide circulation system that connects to the public streets and roads identified in the adopted Otay Mesa Community Plan-Mobility Element.
- Provide an easement, access path, trail, and trailhead kiosk to connect to the community trail network as identified in the OMCP.
- Protect portions of the site that are included in the Multi-Habitat Planning Areas (MHPA) of the City's Multiple Species Conservation Plan (MSCP), and those areas of the proposed open space/preserve that will be added to the MHPA.
- Implement project related public improvements and infrastructure consistent with the adopted Otay Mesa Community Plan.
- Provide key components of the transportation and utility infrastructure to allow access and development of the properties south of the site.
- Implement the minimum density range as specified in the OMCP to contribute to the production of an adequate housing supply in the southern geographic area of the City.

As discussed in Section 4.0, *Environmental Analysis*, the proposed project is anticipated to result in three significant Transportation/Circulation impacts that cannot be mitigated to below a level of significance after implementation of mitigation measures. Similarly, cumulatively significant and unavoidable Greenhouse Gas Emissions impacts are identified, after the implementation of mitigation measures.

The analysis contained in this EIR concluded that the project could result in potentially significant, direct impacts with respect to Land Use (MSCP), Biological Resources, Transportation/Circulation, Historical Resources, Paleontological Resources, and Noise prior to the implementation of mitigation measures. Transportation/Circulation would result in potentially significant, direct and/or cumulative impacts after the implementation of mitigation measures. Greenhouse Gas Emissions impacts would be cumulatively significant after the implementation of mitigation.

The alternatives analyzed in this section were chosen for their ability to reduce or eliminate the proposed project's significant direct impacts. CEQA also requires that if the environmentally superior alternative is determined to be the No Project Alternative, the EIR must also identify an environmentally superior alternative among the other alternatives, if the analysis indicates that significant impacts can be avoided by one or more alternatives.

# 7.3 ALTERNATIVES CONSIDERED AND REJECTED

In determining an appropriate range of alternatives to be evaluated in the EIR, two possible alternatives were initially considered and, for a variety of reasons, rejected as described below.

# 7.3.1 <u>Alternative Sites</u>

CEQA does not require that analysis of alternative sites always be included in an EIR. In making the decision to include or exclude analysis of an alternative site, the "key" question and first step in analysis is whether any of the significant effects of the project would be avoided or substantially lessened by putting the project in another location. Only locations that would "avoid or substantially lessen any of the significant effects of the project need to be considered for inclusion in the EIR" (CEQA Guidelines §15126.6(f)(2)).

No alternative sites were identified as reasonable alternatives under the provisions of CEQA because the project seeks to implement the adopted land use designations and zoning for this site. The ability of the project applicant to obtain control of another residentially-zoned/designated property with similar access to SR-905 and readiness for development is limited since the circulation network in southwestern Otay Mesa is currently not built out. Also, even if an alternative site were to be identified, the proposed project site would remain zoned for residential use and development of the site as proposed would eventually occur by others, in accordance with the adopted plans and policies.

Therefore, an alternative location was rejected from further consideration because it is impractical and it would not result in a reduction of the potentially significant impacts on-site that would occur with any development proposal.

# 7.3.2 Vernal Pool Avoidance Alternative

The Vernal Pool Avoidance Alternative was intended to eliminate the proposed project impacts to on-site vernal pools, road pools and watersheds. This would reduce the amount of graded area and the amount of residential units developed on site. The Alternative would have provided a total of 234 multi-family dwelling units. All impacts to vernal pools and fairy shrimp within the site would be eliminated. The alternative would include a maximum of 234 multi-family dwelling units on 13.43 acres, approximately 29 acres of open space/preserve, and 3.7 acres of offsite roads. It should be noted that due to the avoidance of on-site vernal pools, Public Street A would need to be constructed entirely off-site on approximately 3.7 acres adjacent to the project site.

The Vernal Pool Avoidance alternative was considered in order to eliminate all impacts to vernal pools, and fairy shrimp which would greatly reduce impacts to sensitive species. There is no location on-site that Caliente Avenue can be built without disturbing fairy shrimp, road pools or watersheds. In order to avoid all vernal pools, road pools and watersheds, Caliente Avenue could not be constructed. In addition, Caliente Avenue's connection to Beyer Boulevard would be infeasible without the extension of Caliente Avenue through the site. Since the Otay Mesa Community Plan Mobility Element has designated Caliente Avenue as a Community Element road, not building

Caliente Avenue would be in conflict with the Otay Mesa Community Plan and greatly limit connectivity in the area.

Since this alternative would not build a circulation element road shown in the Otay Mesa Community Plan, and has the potential to result in additional off-site impacts related to the relocation of Public Street "A" and other public utilities. This alternative was rejected.

# 7.4 ALTERNATIVES UNDER CONSIDERATION

# 7.4.1 <u>Alternative 1 – No Project/No Development</u>

The No Project/No Development Alternative assumes that no development occurs on the proposed project site and no dwelling units would be developed. The designated land use would remain multi-family residential. However, no development would occur and the existing vacant land would remain without development. Figure 7-1, *No Development Alternative*, depicts the land uses on the proposed project site under the No Project/No Development.

### 7.4.2 <u>Alternative 2 – Reduced Project Intensity Alternative</u>

The Reduced Project Intensity Alternative (RPI) would avoid the significant, unmitigated traffic impacts associated with the proposed project by reducing the vehicular trips generated by the project, which would require reducing the total residential dwelling unit count to 171 units for the project. See Appendix V, "Sensitivity Analysis for Transportation Unmitigated Impacts".

Based on a population ratio of 3.67 persons per household for the 92154 zip code (SANDAG 2050-population forecast) this alternative could result in housing for approximately 628 residents. As depicted on Figure 7-2, *Reduced Project Intensity Alternative*, the alternative proposes 171 multi-family dwelling units on 24.26 acres, 17.86 acres of open space, and 2.07 acres for on-site public roadway facilities.

# 7.5 ALTERNATIVES ANALYSIS

The following discussion compares the impacts of each alternative with the impacts of the proposed project, as detailed in Sections 4.0 and 5.0 of this EIR. A conclusion is provided for each impact as to whether the alternative results in one of the following: (1) reduction or elimination of the project impact, (2) a greater impact than the project, (3) the same impact as the project, or (4) a new impact in addition to the proposed project impacts.

# 7.5.1 <u>Alternative 1 – No Project/No Development</u>

Under this alternative, development of the proposed project area would not be proposed. Figure 7-1 depicts the land uses proposed under this alternative. Under this alternative there would be no residential construction or dwelling units built, and the site would remain as vacant land.

# CANDLELIGHT EIR

# Figure 7-1





**No Development Alternative** 

# **REDUCED PROJECT INTENSITY**

# **Environmental Impact Report**



Feet

Figure 7-2

#### A. Land Use

The No Project/No Development would not implement the planned land uses anticipated on site by the General Plan and the Otay Mesa Community Plan (OMCP). As a result, there would be a reduction in the amount of housing stock that ultimately would be provided in the community and region. Further, as noted above, the No Project/No Development would not accommodate timely public street access to properties south of the site. Improvements to the trail connections planned in the OMCP would also not be implemented on-site at this time under the No Project/No Development. Failure to implement the land uses and circulation features of the General Plan and the OMCP could represent a land use policy inconsistency.

Historically, vacant lands in Otay Mesa have been the site of illegal dumping of trash and off-road vehicle use (ORV) (without permission of the owner). Figure 7-1 shows the ORV roads currently crossing the property which could continue in the future under this alternative. As the No Project/No Development assumes the site would remain vacant, the potential for illegal use of the site by off road vehicle use and/or illegal dumping could continue to occur.

Implementation of this alternative would avoid the potential land use and noise incompatibilities with the project, as no new residential units would be constructed that would require future acoustical analysis to address future transportation noise levels.

This alternative would not conflict with the environmental goals of the General Plan or OMCP. Similar to the proposed project this alternative would not result in land uses that are incompatible with the Airport Land Use Compatibility Plan (ALUCP).Both direct and indirect land use effects would be considered less than significant under this alternative.

#### **B.** Biological Resources

The No Project/No Development assumes that the site would remain as vacant land and all existing resources would remain intact as they currently exist. Without the project implementation, no permanent open space preserve would be created and project-associated protection of sensitive biological resources would not be implemented.

This alternative would not impact any vernal pools or sensitive habitat or species. The current vacant land would not be directly disturbed; indirect disturbance due to illegal ORV activity may occur. Therefore, no substantial adverse impact, either directly or through habitat modifications, on any plant or animal species identified as a candidate, sensitive, or special status species would occur. No substantial adverse impact on any Tier I Habitats, Tier II Habitats, Tier IIIA Habitats, or Tier IIIB Habitats as identified in the Biology Guidelines of the Land Development manual, or other sensitive natural community would occur. No substantial adverse impact would occur to wetlands or interference with the nesting/foraging/movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors.

As with the proposed project, there is no conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approved local, regional, or state habitat conservation plan, or within the MSCP plan area would occur under this alternative.

No impacts to biological resources would occur with this alternative.

#### C. Transportation/Circulation

The implementation of the No Project/No Development would eliminate all traffic produced by the proposed project and eliminate all significant traffic impacts.

#### D. Historical Resources

The No Project/No Development would maintain the project site as vacant land, therefore, significant project impacts to historical resources (i.e., unknown archaeological resources) would be eliminated as compared to the proposed project.

#### E. Paleontological Resources

The No Project/No Development would maintain the project site as vacant land and no grading of formational materials would occur, therefore, significant project impacts to paleontological resources would be avoided, as compared to the proposed project.

#### F. Noise

The No Project/No Development proposes no development on the project site, therefore, similar to the project, significant noise impacts related to an increase in ambient noise levels to future residences would not occur.

#### G. Public Utilities

The No Project/No Development would not have any increased demand on existing public utilities. Under this alternative, the construction of new private and public sewer and water mains in Caliente Avenue would not occur without project development.

### H. Air Quality

Under the No Project/No Development, the existing vacant use of the proposed project site would continue into the future. Similar to the project, implementation of the No Project/No Development would not result in impacts to air quality and odor.

#### I. Greenhouse Gas Emissions

The No Development Alternative assumes that the site would remain as vacant land. No construction-phase or operational GHG emissions would occur since no residential development or related traffic would be produced under the No Project/No Development. The No Project/No Development would not conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of GHG emissions. In contrast to the <u>Similar to the</u> proposed project, no <u>significant direct or cumulative</u> GHG impacts would occur under this alternative and the project's cumulatively significant impacts would be avoided.

#### J. Geology/Soils

Under the No Project/No Development, there would be no risk related to hazards associated with geologic conditions because grading and development would not occur on site. Similar to the project, no geological hazards impacts would occur under this alternative.

#### K. Hydrology/Water Quality

Under the No Project/No Development, vacant land would continue to remain in its natural, undeveloped state. Similar to the project, no impacts to water quality would occur.

#### L. Energy Conservation

No new development would be proposed by the No Project/No Development; therefore, there would be no new demands generated for energy resources. Similar to the project, the No Project/No Development would have no impacts on Energy Conservation.

#### M. Visual Quality and Neighborhood Character/Landform

The No Project/No Development would maintain the project site as vacant land, and would thereby have no effect on visual resources or neighborhood character. Similar to the project, this alternative would have no impacts on visual quality and neighborhood character/landform.

#### <u>Conclusion</u>

Implementation of the No Project/No Development would reduce or eliminate all of the project's impacts on the environment to below a level of significance.

Under this alternative, impacts to vernal and road pools and sensitive vernal pool species attributable to the residential development would be completely eliminated. Impacts to biologically-sensitive habitat and species associated with the construction of Caliente Avenue would also be eliminated. Additionally, project-related impacts to Corps jurisdictional areas, CDFW jurisdictional areas and City wetlands would be avoided.

By eliminating development on site, the project's traffic impacts would be avoided by this alternative, including its contributions to cumulatively significant impacts to SR 905, the freeway onramp and its intersection with Caliente Avenue.

In addition, significant project impacts to historical resources, paleontological resources, <u>and</u> noise <del>and GHG</del> would be completely avoided by this alternative.

However, the No Project/No Development would fail to meet all of the project objectives. Furthermore, the No Project/No Development project would not: 1) assist the City in meeting its projected demand for regional housing; 2) implement improvements to Caliente Avenue as identified in the OMCP Mobility Element; or 3) implement public utility improvements necessary for the implementation of planned land uses in the southwestern portion of the OMCP area.

# 7.5.2 <u>Alternative 2 – Reduced Project Intensity</u>

The Reduced Project Intensity (RPI) Alternative assumes that the proposed project site would be developed with 171 multi-family residential units, recreation facilities, and trail connections. 17.86 acres of open space would be provided along the eastern and western boundaries of the site. On the remaining portions of the site and within the same graded area proposed for residential development under the proposed project, a total of 171 multi-family homes would be constructed. (refer to Figure 7-2.) The reduction in residential units, would decrease the number of dwelling units to 171 from 475 of the proposed project. This is a 64% reduction from the proposed project in the number of housing units in order to eliminate all unmitigated traffic impacts. All other project design features would remain the same as proposed.

### A. Land Use

The RPI Alternative proposes to construct a total of 171 multi-family units across 24.26 acres, resulting in a density of 7.05du/ac on the residentially designated portion of the site. The project, therefore, would not meet the minimum density range of 15 du/ac of the OMCP Residential – Medium Density land use designation, and is therefore inconsistent with the OMCP as well as the General Plan Land Use and Housing Element policies regarding the requirement to meet minimum density requirements. This alternative would still have the potential to result in indirect impacts to the MHPA, but similar to the proposed project, it would mitigate the impact to below a level of significance with implementation of the Land Use Adjacency Guidelines.

### **B.** Biological Resources

As with the proposed project, the RPI Alternative would impact the same vernal pools and road pools on-site as the proposed project, which are occupied by fairy shrimp. Potentially significant impacts to the coastal California gnatcatcher, foraging raptors, and sensitive vegetation communities also would occur and sensitive species mitigation measures as required for the proposed project would be required to reduce these impacts to below a level of significance.

### C. Transportation/Circulation and Parking

Due to the reduced project density, the RPI Alternative would result in lower average daily and peak hour traffic volumes which would reduce potential impacts to roadway segments and intersections within the area. The RPI would avoid a cumulatively significant unmitigated impact to traffic in the Horizon Year 2035 scenario (Appendix V – Kimley-Horn, *Sensitivity Analysis for Transportation Unmitigated Impacts*, dated June 25, 2015). The freeway segment analysis (Table 2 (Horizon Year [Year 2035] condition Freeway Segment Analysis Summary) of Appendix V, *Sensitivity Analysis for Transportation Unmitigated Impacts*, dated June 25, 2015 shows that under the Horizon Year 2035 with and without the project condition, LOS F is predicted for the studied freeway segments under the RPI Alternative. However, based on the city of San Diego's criteria, the RPI Alternative would not increase the freeway traffic enough to be considered significant (i.e., less than a considerable contribution). Additionally, Table 3 (Horizon Year Condition Peak-hour Ramp Metering Analysis Summary) of Appendix V, (*Sensitivity Analysis for Transportation Unmitigated Impacts*, dated June 25,

2015), also illustrates that the RPI Alternative would not cause an unmitigated significant traffic impact to the ramp meters or intersection operations of Caliente Avenue and the SR-905 Westbound ramp. Thus, the cumulatively unmitigated significant impacts to transportation/circulation identified for the proposed project would be less than significant with the RPI Alternative.

### D. Historical Resources

Development impacts associated with the RPI would be similar to that of the proposed project. As with the proposed project, the possibility exists that significant historical resources could be uncovered during project grading and the same mitigation measures proposed for the project would be required for this alternative. With the incorporation of mitigation measures, the RPI Alternative's impacts to historical resources would be reduced to below a level of significance, similar to the proposed project.

### E. Paleontological Resources

Development impacts associated with the RPI Alternative would be similar to that of the proposed project. As with the proposed project, the possibility exists that significant paleontological resources could be uncovered during project grading and mitigation measures would be required. With the incorporation of the same mitigation measures as required for the proposed project, the RPI's impacts to paleontological resources would be reduced to below a level of significance, and would be similar to the proposed project.

### F. Noise

The RPI Alternative proposes fewer dwelling units than the proposed project, and potential transportation noise impacts on surrounding roadways would be reduced accordingly. Similar to the project, the RPI Alternative would not result in Noise impacts after mitigation.

### G. Public Utilities

The RPI Alternative proposes fewer dwelling units than the proposed project, and demand for utilities, including natural gas, water, sewer, and solid waste disposal, would be reduced accordingly compared to the proposed project. The project would continue to need two private lift stations in order to pump effluent to Lot 1 and ultimately to the existing sewer manhole in Caliente Avenue. The project would need to implement the water and sewer infrastructure in order to meet future development needs regardless of whether there are fewer dwelling units proposed. The effluent and waste management volume would be decreased. As with the project, impacts would be below the level of significance for public utilities with this alternative.

# H. Air Quality

The RPI Alternative would accommodate a maximum of 171 multi-family units, as compared to the 475 multi-family units proposed by the project. As a result, the project would generate less traffic. Vehicular emission impacts to air quality would be somewhat reduced compared to the proposed project. Impacts during construction would be similar to the proposed project because the daily

construction activities would remain unchanged. As with the proposed project, impacts to air quality would not be significant.

#### I. Greenhouse Gas Emissions

The RPI Alternative would accommodate a maximum of 171 multi-family units, as compared to the 475 multi-family units proposed by the project. As a result, the project this alternative would generate less traffic, and long-term GHG emissions would be reduced compared to the proposed project-but more than the 900 MT threshold (which generally equates to 70 residential units). Less demand for electricity, potable water and solid waste disposal needs would also further reduce GHG emissions produced from the site. Impacts during construction would be similar to the proposed project because the daily construction activities would remain unchanged. As with the proposed project, <u>direct and cumulative</u> impacts to GHG would be <del>cumulatively less than</del> significant<del>and unavoidable</del> under the RPI<u>Alternative</u>.

#### J. Geology/Soils

As with the proposed project, standard conditions of approval would require that the recommendations contained in the project's geotechnical report be reflected on the proposed grading plans, and also would require the RPI Alternative to adhere to City requirements during grading activities. Compliance with the recommendations contained in the geotechnical report would ensure that geologic and soil conditions at the site are conducive to the proposed development. Erosion impacts would be similar to the proposed project, and BMPs would be required in accordance with NPDES permit requirements. Impacts associated with geologic conditions would not be significant, similar to the proposed project.

### K. Hydrology/Water Quality

As with the proposed project, the RPI Alternative would be required to implement construction and post-construction BMPs that ensure that significant drainage and water quality impacts would not occur. In addition, and similar to the proposed project, a hydrology study would be required for the RPI Alternative to demonstrate that the post-development drainage conditions closely approximate the pre-developed conditions. With the incorporation of construction and post-construction BMPs, the RPI Alternative's impacts to water quality, hydrology and drainage would not be regarded as significant, similar to the proposed project.

### L. Energy Conservation

The RPI Alternative proposes a total of 171 multi-family dwelling units, which is 304 units fewer than the 475 multi-family units that would be constructed by the proposed project. Accordingly, the amount of energy resources required to serve the RPI Alternative would be less than those of the proposed project. As with the proposed project, however, energy conservation measures would be required to be incorporated into the project's design pursuant to Title 24 regulations. With implementation of energy conservation measures, impacts to energy conservation would not be significant.
## M. Visual Quality and Neighborhood Character/Landform

The RPI Alternative's visual effects are similar in nature to the proposed project. The project would be required to comply with the Development Guidelines. Similar to the proposed project, impacts to visual quality would not be significant.

## **Conclusion**

Implementation of the RPI Alternative would eliminate cumulatively significant unmitigated transportation/circulation impacts. However, significant but mitigated impacts related to biological resources, historic resources, and paleontological resources would not be avoided. Although the RPI Alternative would eliminate the unmitigated project impacts to transportation, it would not meet all of the project goals and objectives, specifically, "implement the minimum density range as specified in the OMCP to contribute to the production of an adequate housing supply in the southern geographic area of the City".

The minimum density of 15 du/ac as designated in the OMCP would also not be met, creating an inconsistency with the OMCP. Further, it would be inconsistent with General Plan Policy L.U.-C.4., "Ensure efficient use of remaining land available for residential development and redevelopment by requiring that new development meet the density minimums of applicable plan designations." This alternative would propose 7.05 du/ac, where the land use designation requires 15-29 du/ac.

# 7.6 SUMMARY OF ALTERNATIVES TO THE PROPOSED PROJECT

The project alternatives discussed in this section are intended to avoid or reduce one or more of the significant impacts identified for the proposed project below a level of significance. A summary of their key features in provided in Table 7\_1, Alternatives Comparative Land Use Analysis, while a comparison of the impact levels for the various issues is provided in Table 7\_2, Project Alternative Summary of Impacts. Based on that information and the discussions in Section 7.3, the No Project/No Development would be the Environmentally Superior Alternative. Specifically, this alternative should avoid all significant impacts associated with the proposed project. Pursuant to Section 15126(e)(2) of the State CEQA Guidelines, "if the environmentally superior alternative is the 'no project' alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives." Accordingly, in lieu of the No Project/No Development, the Reduced Project Intensity (RPI) Alternative is identified as the Environmentally Superior Alternative. This conclusion is based on the fact that the RPI Alternative, unlike the proposed project, would eliminate cumulatively significant unmitigated transportation/circulation impacts. However, this alternative would not implement the minimum density range as specified in the OMCP and General Plan, and would impede the provision of an adequate housing supply in Otay Mesa. This alternative does not meet that goal. Therefore, this alternative would not meet the goals and objectives of the OMCP and General Plan density goals.

Alternative	Residential Units	Residential Acres	Density (du/ac)	Lot 4/5 open space	Other open space	On-site/off roadways	Total Acres
Proposed	475	23.74 acres	20.008	15.85/	0	2.50/	44.19
Project				2.10	acres	1.15	acres
				acres		acres	
No	N/A	N/A	0	N/A	N/A	N/A	44.19
Develop- ment Alternative							acres
Reduced	171	24.26 acres	7.05	15.76/	0	2.07/	44.19
Project Intensity Alternative				2.10 acres	<u>acres</u>	2.15 <u>acres</u>	<u>acres</u>

## Table 7\_1 ALTERNATIVES COMPARATIVE LAND USE ANALYSIS

## Table 7\_2 PROJECT ALTERNATIVES SUMMARY OF IMPACTS

Environmental Issue	Proposed Project	No Project/No Development Alternative	Reduced Project Intensity Alternative
Land Use	SM	Ν	SM
Biology	SM	-N	SM
Transportation/Circulation	SU	-N	-SM
Historical Resources	SM	-N	SM
Paleontological Resources	SM	-N	SM
Noise	SM	-N	-SM
Public Utilities	LS	-N	LS
Air Quality	LS	-N	LS
Greenhouse Gas Emissions	<u>suls</u>	-N	- <del>SU<u>LS</u></del>
Geology	LS	-N	LS
Hydrology/Water Quality	LS	-N	LS
Energy Conservation	LS	-N	LS
Visual Effects	LS	-N	LS

# **8.0 MITIGATION MONITORING AND REPORTING PROGRAM**

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

This MMRP has been developed in compliance with Section 21081.6 of CEQA and identifies (1) project design features in order to reduce the potential for environmental effects; (2) mitigation measures to be implemented prior to, during, and after construction of The Reserve project; (3) the individual/agency responsible for that implementation; and (4) criteria for completion or monitoring of specific measures.

# 8.1 GENERAL

## Part I - Plan Check Phase (prior to permit issuance)

- Prior to issuance of a Notice To Proceed for a subdivision, or any construction permit, such as Demolition, Grading, or Building, or beginning any construction-related activity on site, the Development Services Department Director's Environmental Designee shall review and approve all Construction Documents (plans, specification, details, etc) to ensure the MMRP requirements are incorporated in 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 documents in the format specified for engineering construction document templates as shown on the City of San Diego's website: <u>http://www.sandiego.gov/development-services-industry/standtemp.shtml</u>
- 4. The **TITLE INDEX SHEET** must also show on which pages the "Environmental/Mitigation Requirements" notes are provided.
- 5. SURETY AND COST RECOVERY The Development Services Director or City Manager may require appropriate surety instruments or bonds from private Permit Holders to ensure the long-term performance or implementation of required mitigation measures or programs. The City is authorized to recover its cost to offset the salary, overhead, and expenses for City personnel and programs to monitor qualifying projects.

## Part II - Post-Plan Check (after permit issuance/prior to start of construction)

 PRE-CONSTRUCTION MEETING IS REQUIRED TEN (10) WORKING DAYS PRIOR TO BEGINNING ANY WORK ON THIS PROJECT. The PERMIT HOLDER/OWNER is responsible to arrange and perform this meeting by contacting the CITY RESIDENT ENGINEER (RE) of the Field Engineering Division and City staff from MITIGATION MONITORING COORDINATION (MMC). Attendees must also include the Permit holder's Representative(s), Job Site Superintendent, and the following consultants: Qualified Biologist, Qualified Paleontologist, Qualified Archaeologist and Native American 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. 40329 and /or Environmental Document 40329/SCH No. 2013101036 shall conform to the mitigation requirements contained in the associated Environmental Document and implemented to the satisfaction of the Development Services Department's Environmental Designee (MMC) and the City Engineer (RE). The requirements may not be reduced or changed but may be annotated (i.e., to explain when and how compliance is being met and location of verifying proof, etc.). Additional clarifying information may also be added to other relevant plan sheets and/or specifications as appropriate (i.e., specific locations, times of monitoring, methodology, etc.).

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

- **3. OTHER AGENCY REQUIREMENTS:** Evidence of compliance with all other agency requirements or permits shall be submitted to the RE and MMC for review and acceptance prior to the beginning of work or within one week of the Permit Holder obtaining documentation of these permits or requirements. Evidence shall include copies of permits, letter 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 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 INSPECITONS:** The Permit Holder/Owner's representative shall submit all required documentation, verification letter, and requests for all associated inspections to the RE and MMC for approval per the following schedule:

Issue Area	Document Submittal	Associated Inspection/Approvals/ Notes	
General	Consultant Qualification letters	Prior to Preconstruction Meeting	
General	Consultant Construction	Prior to or at Preconstruction Meeting	
	Monitoring Exhibits		
Biology	Biologist Limit of Work	Limit of Work	
	Verification		
Biology	Surveys	Presence/ Absence Surveys	
Paleontology	Paleontology Reports	Paleontology Site Observation	
Archaeology	Archaeology Reports	Archaeology Site Observation	
Native American	Native American Report	Native American Site Observation	
Monitor			
Land Use	Land Use Adjacency Issues	Land Use Adjacency Issue Site	
	CSVRs	Observations	
Greenhouse Gas	Residential Building Plans	Prior to Preconstruction Meeting	
Emissions			
Bond Release	Request for Bond Release Letter	Final MMRP Inspections Prior to Bond	
		Release Letter	

# 8.2 SPECIFIC MMRP ISSUE AREA CONDITIONS/REQUIREMENTS

### Land Use (MSCP)

### Land Use Adjacency Guidelines (LUAG)

**4.1-1 I.** Prior to issuance of any construction permit or notice to proceed, DSD/ LDR, and/or MSCP staff shall verify the Applicant has accurately represented the project's design in or on the Construction Documents (CD's/CD's consist of Construction Plan Sets for Private Projects and Contract Specifications for Public Projects) are in conformance with the associated discretionary permit conditions and Exhibit "A", and also the City's Multi-Species Conservation Program (MSCP) Multi-Habitat Planning Area (MHPA) Land Use Adjacency Guidelines. The

applicant shall provide an implementing plan and include references on/in CD's of the following:

**A. Grading/Land Development/MHPA Boundaries -** MHPA boundaries on-site and adjacent properties shall be delineated on the CDs. DSD Planning and/or MSCP staff shall ensure that all grading is included within the development footprint, specifically manufactured slopes, disturbance, and development within or adjacent to the MHPA. For projects within or adjacent to the MHPA, all manufactured slopes associated with site development shall be included within the development footprint.

**B. Drainage -** All new and proposed parking lots and developed areas in and adjacent to the MHPA shall be designed so they do not drain directly into the MHPA. All developed and paved areas must prevent the release of toxins, chemicals, petroleum products, exotic plant materials prior to release by incorporating the use of filtration devices, planted swales and/or planted detention/desiltation basins or other approved permanent methods that are designed to minimize negative impacts, such as excessive water and toxins into the ecosystems of the MHPA.

**C. Toxics/Project Staging Areas/Equipment Storage -** Projects that use chemicals or generate by-products such as pesticides, herbicides, and animal waste, and other substances that are potentially toxic or impactive to native habitats flora/fauna (including water) shall incorporate measures to reduce impacts caused by the application and/or drainage of such materials into the MHPA. No trash, oil, parking, or other construction/development-related material/activities shall be allowed outside any approved construction limits. Where applicable, this requirement shall be incorporated into leases on publicly owned property when applications for renewal occur. Provide a note in/on the CD's that states: "All construction related activity that may have potential for leakage or intrusion shall be monitored by the Qualified Biologist/Owners Representative or Resident Engineer to ensure there is no impact to the MHPA."

**D. Lighting -** Lighting within or adjacent to the MHPA shall be directed away/shielded from the MHPA and be subject to City Outdoor Lighting Regulations per LDC Section 142.0740.

**E. Barriers -** New development within or adjacent to the MHPA shall be required to provide barriers (e.g. non-invasive vegetation; rock/boulders; -foot high, vinyl-coated chain link or equivalent fences/walls; and/or signage) along the MHPA boundaries to direct public access to appropriate locations, reduce domestic animal predation, protect wildlife in the preserve, and provide adequate noise reductions where needed.

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

**G. Brush Management -** New development adjacent to the MHPA shall be set back from the MHPA to provide required Brush Management Zone 1 area on the building pad outside of the MHPA. The project does not propose use of Zone 2 brush management. Brush management zones will not be greater in size than 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 and vegetation clearing shall be prohibited within native coastal sage scrub and chaparral habitats from March 1-August 15 except where the City ADD/MMC has documented the thinning would be consistent the City's MSCP Subarea Plan. Existing and approved projects are subject to current requirements of Municipal Code Section 1420412.

**H. Noise** - Due to the site's location adjacent to or within the MHPA where the Qualified Biologist has identified potential nesting habitat for listed avian species, construction noise that exceeds the maximum levels allowed shall be avoided during the breeding seasons for the following: California Gnatcatcher (3/1-8/15). If construction is proposed during the breeding season for the species, U.S. Fish and Wildlife Service protocol surveys shall be required in order to determine species presence/absence. If protocol surveys are not conducted in suitable habitat during the breeding season for the aforementioned listed species, presence shall be assumed with implementation of noise attenuation and biological monitoring.

When applicable (i.e., habitat is occupied or if presence of the covered species is assumed), adequate noise reduction measures shall be incorporated as follows:

COASTAL CALIFORNIA GNATCHATCHER (Federally Threatened).

1. Prior to the issuance of any grading permit, (prior to the preconstruction meeting), the City Manager (or appointed designee) shall verify that the Multi-Habitat Planning Area (MHPA) boundaries and the following project requirements regarding the coastal California gnatcatcher are shown on the construction plans:

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

A. A qualified biologist (possessing a valid ESA Section 10(a)(1)(A) Recovery Permit) shall survey appropriate habitat (coastal sage scrub) areas within the off-site MHPA that lie within 500 feet of the project footprint and would be subject to construction noise levels exceeding 60 dB(A) hourly average for the presence of the coastal California gnatcatcher. If no appropriate habitat is present then the surveys would not be required. If appropriate habitat is present, surveys for the coastal California gnatcatcher shall be conducted pursuant to the protocol survey guidelines established by the USFWS within the breeding season prior to the commencement of any construction. If gnatcatchers are present within the MHPA, then the following conditions must be met:

- I. Between March 1 and August 15, no clearing, grubbing, or grading of occupied habitat shall be permitted within the MHPA. Areas restricted from such activities shall be staked or fenced under the supervision of a qualified biologist; and
- II. Between March 1 and August 15, no construction activities shall occur within any portion of the site where construction would result in noise exceeding 60 decibels hourly average at the edge of occupied habitat within the MHPA. The analysis shall be prepared by a qualified acoustician possessing a current noise engineer license or registration with monitoring noise level experience with listed animal species. The acoustician shall be approved by the City Manager or appropriate designee two week prior to the commencement of construction activities. Prior to the commencement of construction during the breeding season, areas restricted shall be staked or fenced under the supervision of a qualified biologist; or
- III. At least two weeks prior to the commencement of construction activities, noise attenuation measures, if warranted, shall be implemented under the direction of a qualified acoustician to ensure that construction noise levels would not exceed 60 dB(A) hourly average at the edge of the MHPA habitat occupied by the coastal California gnatcatcher. Concurrently, noise monitoring shall be conducted at the edge of occupied habitat within the MHPA to ensure that noise levels do not exceed 60 dB(A) hourly average. If the noise attenuation techniques are not adequate, construction activities in the area shall cease until adequate attenuation can be achieved as directed by the qualified acoustician or until the end of the breeding season (August 16).

\*Construction noise monitoring shall continue to be monitored at least twice weekly on varying days, or more frequently depending on the construction activity, to verity that noise levels at the edge of occupied habitat are maintained below 60 dBA 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 dBA hourly average or to the ambient noise level if it already exceeds 60 dBA hourly average. Such measures may include, but are not limited to, limitations on the placement of construction equipment and the simultaneous use of equipment.

- B. If coastal California gnatcatchers are not detected during the protocol survey, the qualified biologist shall submit substantial evidence to the City Manager and applicable resource agencies that demonstrates whether or not mitigation measures such as noise walls are necessary between March 1 and August 15 as follows:
  - I. If this evidence indicates the potential is high for coastal California gnatcatcher to be present based on historical records or site conditions, then condition A.III above shall be adhered to as specified above.
  - II. If this evidence concludes that no impact to this species is anticipated, no mitigation measures would be necessary.

## **Biological Resources**

### **Biological Resource Protection During Construction**

### I. Prior to Construction

- A. **Biologist Verification -** The owner/permittee shall provide a letter to the City's Mitigation Monitoring Coordination (MMC) section stating that a Project Biologist (Qualified Biologist) as defined in the City of San Diego's Biological Guidelines (2012), has been retained to implement the project's biological monitoring program. The letter shall include the names and contact information of all persons involved in the biological monitoring of the project.
- B. **Preconstruction Meeting -** The Qualified Biologist shall attend the preconstruction meeting, discuss the project's biological monitoring program, and arrange to perform any follow up mitigation measures and reporting including site-specific monitoring, restoration or revegetation, and additional fauna/flora surveys/salvage.
- C. **Biological Documents -** The Qualified Biologist shall submit all required documentation to MMC verifying that any special mitigation reports including but not limited to, maps, plans, surveys, survey timelines, or buffers are completed or scheduled per City Biology Guidelines, Multiple Species Conservation Program (MSCP), Environmentally Sensitive Lands Ordinance (ESL), project permit conditions; California Environmental Quality Act (CEQA); endangered species acts (ESAs); and/or other local, state or federal requirements.
- D. BCME The Qualified Biologist shall present a Biological Construction Mitigation/Monitoring Exhibit (BCME) which includes the biological documents in C above. In addition, include: restoration/revegetation plans, plant salvage/relocation requirements (e.g., coastal cactus wren plant salvage, burrowing owl exclusions, etc.), avian or other wildlife surveys/survey schedules (including general avian nesting and USFWS protocol), timing of surveys, wetland buffers, avian construction avoidance areas/noise buffers/ barriers, other impact avoidance areas, and any subsequent requirements determined by the Qualified Biologist and the City ADD/MMC. The BCME shall include a site plan, written and graphic depiction of the project's

biological mitigation/monitoring program, and a schedule. The BCME shall be approved by MMC and referenced in the construction documents.

- E. Avian Protection Requirements To avoid any direct impacts to raptors and/or any native/migratory birds, removal of habitat that supports active nests in the proposed area of disturbance should occur outside of the breeding season for these species (February 1 to September 15). If removal of habitat in the proposed area of disturbance must occur during the breeding season, the Qualified Biologist shall conduct a pre-construction survey to determine the presence or absence of nesting birds on the proposed area of disturbance. The pre-construction survey shall be conducted within 10 calendar days prior to the start of construction activities (including removal of vegetation). The applicant shall submit the results of the pre-construction survey to City DSD for review and approval prior to initiating any construction activities. If nesting birds are detected, a letter report or mitigation plan in conformance with the City's Biology Guidelines and applicable State and Federal Law (i.e. appropriate follow up surveys, monitoring schedules, construction and noise barriers/ buffers, etc.) shall be prepared and include proposed measures to be implemented to ensure that take of birds or eggs or disturbance of breeding activities is avoided. The report or mitigation plan shall be submitted to the City 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 or mitigation plan are in place prior to and/or during construction.
- F. **Resource Delineation -** Prior to construction activities, the Qualified Biologist shall supervise the placement of orange construction fencing or equivalent along the limits of disturbance adjacent to sensitive biological habitats and verify compliance with any other project conditions as shown on the BCME. This phase shall include flagging plant specimens and delimiting buffers to protect sensitive biological resources (e.g., habitats/flora & fauna species, including nesting birds) during construction. Appropriate steps/care should be taken to minimize attraction of nest predators to the site.
- G. **Education** Prior to commencement of construction activities, the Qualified Biologist shall meet with the owner/permittee or designee and the construction crew and conduct an onsite educational session regarding the need to avoid impacts outside of the approved construction area and to protect sensitive flora and fauna (e.g., explain the avian and wetland buffers, flag system for removal of invasive species or retention of sensitive plants, and clarify acceptable access routes/methods and staging areas, etc.).

## II. During Construction

A. **Monitoring -** All construction (including access/staging areas) shall be restricted to areas previously identified, proposed for development/staging, or previously disturbed as shown on "Exhibit A" and/or the BCME. The Qualified Biologist shall monitor construction activities as needed to ensure that construction activities do not encroach into biologically sensitive areas, or cause other similar damage, and that the work plan has been amended to accommodate any sensitive species located during the pre-construction surveys. In addition, the Qualified Biologist shall document field activity via the Consultant Site Visit

Record (CSVR). The CSVR shall be e-mailed to MMC on the 1<sup>st</sup> day of monitoring, the 1<sup>st</sup> week of each month, the last day of monitoring, and immediately in the case of any undocumented condition or discovery.

B. Subsequent Resource Identification - The Qualified Biologist shall note/act to prevent any new disturbances to habitat, flora, and/or fauna onsite (e.g., flag plant specimens for avoidance during access, etc). If active nests or other previously unknown sensitive resources are detected, all project activities that directly impact the resource shall be delayed until species specific local, state or federal regulations have been determined and applied by the Qualified Biologist.

#### III. Post Construction Measures

A. In the event that impacts exceed previously allowed amounts, additional impacts shall be mitigated in accordance with City Biology Guidelines, ESL and MSCP, State CEQA, and other applicable local, state and federal law. The Qualified Biologist shall submit a final BCME/report to the satisfaction of the City ADD/MMC within 30 days of construction completion.

#### **USFWS Biological Opinion Measures**

The following mitigation measures are derived from the BO for fairy shrimp and on-site resources.

#### San Diego and Riverside Fairy Shrimp

- **4.2-1** Impacts to listed fairy shrimp shall be mitigated at a 2:1 ratio in conjunction with the vernal pool/road pool mitigation discussed under Issue 3. Restored vernal pool habitat shall support San Diego or Riverside fairy shrimp, as required in the BO. Additionally, the BO requires that fairy shrimp surveys be conducted within 2 years of initiation of project construction activities.
- **4.2-2** The following measures to avoid indirect impacts to vernal pool watersheds and San Diego and Riverside fairy shrimp habitat:
  - a. In order to avoid direct, construction-phase impacts to avoided vernal pool watersheds, the following measures shall be incorporated into the final design plans and construction contract requirements for the proposed project:
    - A 50-foot buffer shall be provided between the brush management area and VP1.
    - Prior to initiation of construction activities, protective fencing (e.g., silt fencing and construction fencing) shall be installed along the interface of development and VP 1 to protect the watershed, Grading adjacent to VP 1 shall be scheduled when VP 1 is dry.
    - A biological monitor shall be on site during construction in this area to ensure that activities stay within approved limits.

- **4.2-3** An HMP (Helix 2008a) for the open space areas within the project site and adjacent Candlelight Villas West project site that incorporates short- and long-term maintenance activities, protective fencing, trash removal, public awareness, erosion control, and exotic pest removal has been prepared. The HMP will be implemented upon successful completion of the vernal pool habitat restoration effort. The following measures shall be completed, in conjunction with the HMP:
  - The applicant shall identify an appropriate habitat manager (i.e., natural lands management organization subject to approval of the City and wildlife agencies) to ensure conservation of biological resources in the on-site open space areas in perpetuity.
  - A Property Analysis Record (PAR) or similar analysis shall be prepared for the on-site biological open space areas and used to estimate initial startup costs and ongoing annual cost of management activities for the HMP. A preliminary PAR is provided in the HMP to help identify long term management costs for the preserve.
  - A financial mechanism (e.g., non-wasting endowment) shall be established to ensure that funding is available and of a sufficient amount. The City reserves the right to review the financing plan to ensure that funding is sufficient to cover City involvement in monitoring the manager or assuming manager's duties in the event of default.
  - The habitat manager shall be responsible for implementing the HMP.
- **4.2-4** The On-site Vernal Pool Restoration Plan (Helix 2008b) shall be initiated prior to issuance of the first grading permit. At a minimum, initiation activities must include fencing of the preserve areas, placement of signage, and initial site preparation (trash and weed removal).

### **Non-Biological Opinion Mitigation Measures**

#### **Drainage/Toxics**

**4.2-5** Prior to issuance of the first grading permit, the applicant shall show on the plans, to the satisfaction of the City Engineer, that all drainage has been either directed away from the MHPA and on-site vernal pool preserve areas, or has been filtered prior to entering MHPA/vernal pool areas through means such as a natural detention basin, grass swale(s), or mechanical trapping device(s) in compliance with the Standard Urban Storm water Management Plan and the Municipal Storm water Permit of the SWRCB and the City.

The use of structural and non-structural Best Management Practices, Best Available Technology, and use of sediment catchment devices downstream of paving activities shall reduce potential impacts associated with construction. The project design shall comply with the Standard Urban Stormwater Management Plan and Municipal Stormwater Permit criteria of the SWRCB and City.

Projects that use chemicals or generate by-products that are potentially toxic or impactive to native habitats/flora/fauna (including water) shall incorporate measures to reduce impacts caused by the application and/or drainage of such materials into the MHPA. No trash, oil, parking, or other construction/development-related material/activities shall be allowed outside any approved construction limits. Provide a note in/on the CD's that states: *"All construction related activity that may have potential for leakage or intrusion shall be monitored by the Qualified Biologist/Owners Representative or Resident Engineer to ensure there is no impact to the MHPA."* 

### **Burrowing Owl Measures**

**4.2-6** The following is species specific mitigation required to meet MSCP Subarea Plan Conditions of Coverage for potential impacts to Western Burrowing Owls (BUOW) and their associated habitat located OUTSIDE the MHPA. Please note BUOW and associated habitat impacts within the MHPA MUST BE AVOIDED.

#### PRECONSTRUCTION SURVEY ELEMENT

#### Prior to Permit or Notice to Proceed Issuance:

- 1. As this project has been determined to be BUOW occupied or to have BUOW occupation potential, the Permit Holder shall submit evidence to the ADD of Entitlements verifying that a Biologist possessing qualifications pursuant "Staff Report on Burrowing Owl Mitigation, State of California Natural Resources Agency Department of Fish and Game. March 7, 2012 (hereafter referred as CDFG 2012, Staff Report), has been retained to implement a burrowing owl construction impact avoidance program.
- 2. The qualified BUOW biologist (or their designated biological representative) shall attend the pre-construction meeting to inform construction personnel about the City's BUOW requirements and subsequent survey schedule.

#### Prior to Start of Construction:

 The Permit Holder and Qualified Biologist must ensure that initial preconstruction/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 project site; regardless of the time of the year. "Site" means the project site and the area within a radius of 450 feet of the project site. The report shall be submitted and approved by the Wildlife Agencies and/or City MSCP staff prior to construction or BUOW eviction(s) and shall include maps of the project site and BUOW locations on aerial photos.

- 2. The pre-construction survey shall follow the methods described in CDFG 2012, Staff Report - Appendix D (*please note, in 2013, CDFG became California Department of Fish and Wildlife or CDFW*).
- 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) Section. If results of the preconstruction surveys have changed and BUOW are present in areas not previously identified, immediate notification to the City and WA's shall be provided prior to ground disturbing activities.

### **During Construction:**

- Best Management Practices shall be employed as BUOWs are known to use open pipes, culverts, excavated holes, and other burrow-like structures at construction sites. Legally permitted active construction projects which are BUOW occupied and have followed all protocol in this mitigation section, or sites within 450 feet of occupied BUOW areas, should undertake measures to discourage BUOWs 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.
- On-going BUOW Detection If BUOWs or active burrows are not detected during the pre-construction surveys, Section "A" below shall be followed. If BUOWs 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 BUOWS TO BE INJURED OR KILLED OUTSIDE OR WITHIN THE MHPA; in addition, IMPACTS TO BUOWS 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 Appendix D protocol 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) If no active burrows are found but BUOWs 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 BUOWs are observed during follow up monitoring to repeatedly (4 or more sightings) use the site for roosting or foraging, the City's Mitigation Monitoring and Coordination (MMC) Section 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 BUOW begins using a burrow on the site at any time after the initial preconstruction 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 Appendix D CDFG 2012, Staff Report 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).*
  - This section (B) applies only to sites (including biologically defined territory) wholly outside of the MHPA – all direct and indirect impacts to BUOWs within the MHPA <u>SHALL</u> be avoided.
  - 2) If one or more BUOWs are using any burrows (including pipes, culverts, debris piles *etc.*) on or within 300 feet of the proposed construction area, the City's MMC Section shall be contacted. The City's MMC Section shall contact the Wildlife Agencies regarding eviction/collapsing burrows and enlist appropriate City biologist for on-going coordination with the Wildlife Agencies and the qualified consulting BUOW biologist. 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 BUOW is using a burrow on site outside the breeding season (i.e. September 1 – January 31), the BUOW may be evicted after the qualified BUOW biologist has determined via fiber optic camera or other appropriate device, that no eggs, young, or adults are in the burrow and written concurrence from the Wildlife Agencies for eviction is obtained prior to implementation.
  - b) **During Breeding Season** If a BUOW is using a burrow on-site during the breeding season (Feb 1-Aug 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 BUOWs can be evicted. Eviction requires written concurrence from the Wildlife Agencies prior to 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 Section 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:

 Details of the all surveys and actions undertaken on-site with respect to BUOWs (i.e., occupation, eviction, locations etc.) shall be reported to the City's MMC Section and the Wildlife Agencies within 21 days post-construction and prior to the release of any grading bonds. This report must include summaries off all previous reports for the site; and maps of the project site and BUOW locations on aerial photos.

## **Outside Agency Permit Assurance Measures**

- **4.2-7** Prior to the issuance of the first grading permit, a note shall be added to the plans which states, "All lighting installed in the vicinity of the MHPA and other open space (including on-site vernal pool preserve areas) shall be directed away or shielded to prevent light overspill. Shielding may consist of installation of fixtures that physically direct light away from the outer edges of the property or by landscaping, berming, or other physical barriers that prevent light overspill. Prior to the issuance of the first building permit, the Building inspector shall ensure that project lighting shall be directed away from adjacent open space (including vernal pool preserve areas) and MHPA areas.". It should be noted that no night time lighting is proposed at this time.
- **4.2-8** Prior to the issuance of the first grading permit, the applicant shall submit a landscape plan consistent with Exhibit "A." The plan shall include only native species adjacent to the MHPA and on-site vernal pool preserve areas, and shall include view fencing surrounding the on-site MHPA and vernal pool preserve areas located at the eastern end of the site.

### <u>Habitat Mitigation</u>

- **4.2-9** Prior to issuance of grading permits, the applicant shall submit documentation to the City of San Diego verifying that the necessary permits required by the Corps, CDFW, and RWQCB have been obtained.
- **4.2-10** Prior to the Permit Issuance

A. Land Development Review (LDR) Plan Check

1. Prior to the 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 following mitigation measures are completed:

(Table 4.2\_8 represents the required-upland habitat mitigation requirements. Note that the amounts shown are based on impacts occurring outside the MHPA, with mitigation occurring within the MHPA).

Direct impacts to maritime succulent scrub and non-native grassland habitats shall be mitigated as described below.

- a. Direct impacts to 0.2 acre of maritime succulent scrub shall be mitigated within the MHPA through on-site preservation at a ratio of 1:1, resulting in a total mitigation requirement of approximately 0.2 acre of Tier I habitat. Between the Eastern and Western Preserve areas the project would preserve approximately 5.7 acre of maritime succulent scrub habitat within the MHPA. A surplus of approximately 5.5 acres of preserved MSS habitat on site will be used as partial mitigation for NNG impacts. In addition, 5.2 acres of maritime succulent scrub shall be restored in the western portion of the site within the on-site vernal pool restoration complex (Helix 2008b), all of which shall be used for mitigation for impacts to non-native grassland.
- b. Direct impacts to 21.2 acres of non-native grassland (non-MHPA) shall be mitigated through habitat preservation and restoration in the on-site Western and Eastern Preserve Areas (to be incorporated into the MHPA). Combined, the preserve areas encompass 17.3 acres of habitat, 0.2 of which would be used for maritime succulent scrub mitigation. The remaining 17.1 acres would be used to mitigate the project's impacts to non-native grassland habitat, all of which would be considered suitable for burrowing owls as foraging and/or nesting habitat. This would result in an approximate mitigation ratio of .8:1, which is higher than the City's .5:1 ratio for non-native grassland habitat impacts. In addition to this preservation, habitat restoration of vernal pool and maritime succulent scrub habitats would occur in both preserve areas. While not a mitigation measure, the restoration effort also would incorporate 6 artificial burrowing owl burrows (4 in the western preserve and 2 in the eastern preserve) to help enable this species become established on the site.
- c. Prior to the 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 applicant has recorded a covenant of easement or a dedication in fee title over the western and eastern preserve areas. The applicant also shall provide funding as specified in the HMP.

#### **Outside Agency Permit Assurance Measures**

- 4.2-11 Prior to the 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 notices to proceed regarding permit requirements of the State Water Regional Board, Army Corps, CSFW, and USFWS (BO) have been received by the City and that the on-site area to mitigate direct impacts to wetland/riparian/waters features has been assured through a County recorded covenant of easement with mitigation/ restoration measures poised to be commenced with permit notice to proceed as described below and as outlined under the following project specific documents: Appendix P -On-site Vernal Pool Restoration Plan (Helix, August 5, 2008 with Alden update July 2, 2013); and Appendix S -USFWS BO (Section 7 Consultation for the Candlelight Villas Project, Corps 404 File No. 200501638-LAM, June 21, 2010). All required mitigation elements of Appendix P, Q and S shall be listed verbatim and reflected in applicable notes and details on the final construction plans to the satisfaction of City MSCP, MMC or Permit Reviewer.
  - a. Mitigation for vernal/road pool impacts shall include (1) preservation of VP 1 and enhancement of its associated watershed located in the Eastern Preserve Area; (2) restoration of vernal pool habitat within the western portion of the site, and preservation of VP 38 through 43 located in the Western Preserve Area. Impacts to disturbed wetland and jurisdictional streambed also will be mitigated through vernal pool preservation and restoration. Combined, the project would be required to restore 1.25 acres and preserve/enhance 0.07 acres of vernal pool habitat on site. An On-site Vernal Pool Restoration Plan has been prepared that describes the proposed vernal pool restoration as well as enhancement of VP 1 (Helix 2008b). All restored pools and enhanced pools will be planted with vernal pool indicator plant species and inoculated with San Diego and/or Riverside fairy shrimp. However, only 0.96 acre of the restored pools will be required to support reproducing fairy shrimp populations (USFWS 2010).
  - b. Indirect impacts to preserved and adjacent vernal pools would be fully mitigated through adherence to the requirements of the HMP. Adherence to the HMP would ensure that indirect impacts due to runoff, construction activities, and/or human or animal intrusion into the area would be mitigated to a level below significance.
  - c. Prior to bond sign-off for the project, evidence of compliance (i.e., certificates of completion) with all USFWS BO, MHP, ACOE and CDFW permits shall be provided to the satisfaction of the City ADD environmental designee.

## Transportation/Circulation

## **Near-term Conditions**

- **4.3-1** Prior to issuance of the first building permit, the Owner/Permitee shall assure by permit and bond the modification of the traffic signal at the intersection of Caliente Avenue and Otay Mesa Road to remove the crosswalk on the south leg of the intersection, stripe a new crosswalk on the west leg of the intersection and modify the signal timing to provide less green time for the eastbound through movement and more green time for the westbound left-turn movement, satisfactory to the City Engineer. This improvement shall be completed and accepted by the City Engineer prior to issuance of any occupancy permit.
- **4.3-2** Prior to issuance of the first building permit, the Owner/Permitee shall assure by permit and bond the installation of a traffic signal at the intersection of Caliente Avenue and Airway Road and stripe the northbound, southbound, and westbound approaches to their ultimate lane configuration satisfactory to the City Engineer. If the ultimate pavement width is not in place to stripe the additional lanes, the Owner/Permitee shall widen the street. This improvement shall be completed and accepted by the City Engineer prior to issuance of any occupancy permit.

## **Horizon Year Conditions**

- **4.3-3** Prior to the issuance of the first building permit, the Owner/Permitee shall provide a 5.23-percent fair-share contribution towards providing an overlap phase for the northbound right-turn movement at the intersection of Otay Mesa Road and Caliente Avenue, satisfactory to the City Engineer.
- **4.3-4** The recommended mitigation measure for the significant cumulative traffic impact at the SR-905 Westbound Ramps and the Caliente Avenue intersection is for the project applicant to pay 7.65-percent fair share contribution towards the construction of an exclusive southbound right-turn lane and striping modifications to Caliente Avenue to provide a second southbound right-turn lane and a second northbound left-turn lane. However, these impact are considered unmitigated since there are not currently planned or funded projects to expand the SR-905/Caliente Avenue interchange.
- **4.3-5** Prior to issuance of the first building permit, the Owner/Permitee, shall assure the installation of a traffic signal at the intersection of Caliente Avenue/Public Street "A", satisfactory to the City Engineer. The signal to be installed when warranted, and potentially can be assured through a bonded Deferred Improvement Agreement, to the satisfaction of the City Engineer.
- **4.3-6** The recommended mitigation measure for the significant cumulative traffic impact on the freeway segment along SR-905 between Caliente Avenue and Britannia Boulevard is for the project applicant to pay fair share contribution

towards widening of SR-905. However, there currently are not any planned or funded projects to expand SR-905. Therefore, the impact at this location would be unmitigated for the Horizon Year scenario.

## **Historical Resources**

#### **Prior to Permit Issuance**

- **4.4-1** Prior to the issuance of any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits or Notice to Proceed for Subdivisions, but prior to the first pre-construction meeting, whichever is applicable, the following shall occur:
  - A. Entitlements Plan Check
    - 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
    - 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.

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.

2. Prior to the start of work, the applicant must obtain approval from MMC for any personnel changes associated with the monitoring program.

### **Prior to Start of Construction**

- **4.4-2** Prior to the start of construction activities, including, but not limited to, demolition, grading, excavation, and/or trenching, the following shall occur:
  - A. Verification of Records Search
    - 3. 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 Coast Information Center, or, if the search was in-house, a letter of verification from the PI stating that the search was completed.

- 4. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.
- 5. The PI may submit a detailed letter to MMC requesting a reduction to the ¼-mile radius.
- B. PI Shall Attend Pre-Construction (Precon) Meetings
  - Prior to beginning any work that requires monitoring, the Applicant shall arrange a Precon Meeting that shall include the PI, Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The qualified Archaeologist shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the Archaeological Monitoring program with the Construction Manager and/or Grading Contractor.
    - a. If the PI is unable to attend the Precon Meeting, the Applicant shall schedule a focused Precon Meeting with MMC, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.
    - 2. Identify Areas to be Monitored
      - a. Prior to the start of any work that requires monitoring, the PI shall submit an Archaeological Monitoring Exhibit (AME) 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.

#### **During Construction**

4.4-3

During construction activities, including, but not limited to, demolition, grading, excavation, and/or trenching, the following shall occur:

- A. Monitor Shall be Present During Grading/ Excavation/Trenching. In addition, a Native American Monitor Shall be present, specifically a Native American (Kumeyaay) monitor shall participate in the monitoring program for the project.
  - The Archaeological monitor and Native American (Kumeyaay) monitor shall be present full time during grading/excavation/ trenching activities which could result in impacts to archaeological resources as identified on the AME. The Construction Manager is responsible for notifying the RE, PI, and MMC of changes to any construction activities such as in the case of potential safety concerns within the area being monitored. In certain circumstances OSHA safety requirements may necessitate modification of the AME.
  - 2. The Archaeological monitor and Native American (Kumeyaay) monitor shall determine the extent of their presence during soil disturbing and grading/excavation/trenching activities based on the AME and provide that information to the PI and MMC. If prehistoric resources are encountered during the Native American consultant/monitor's absence, work shall stop and the Discovery Notification Process detailed in Section III.B-C and IV.A-D shall commence.
  - 3. The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition such as modern disturbance post-dating the previous grading/ trenching activities, presence of fossil formations, or when native soils are encountered 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 CSVR's shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (**Notification of Monitoring Completion**), and in the case of ANY discoveries. The RE shall forward copies to MMC.
- B. Discovery Notification Process
  - In the event of a discovery, the Archaeological Monitor and/or Native American (Kumeyaay) monitor shall direct the contractor to temporarily divert trenching activities in the area of discovery and immediately notify the RE or BI, as appropriate.
  - 2. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery.

- 3. The PI shall immediately notify MMC by phone of the discovery, and shall also submit written documentation to MMC within 24 hours by fax or email with photos of the resource in context, if possible.
- 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 representative from the Native American (Kumeyaay) tribe, 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 (ADRP) 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. Any Native American cultural material shall be curated with the Barona Band of Mission Indians.
    - 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.

## **Discovery of Human Remains**

- **4.4-4** If human remains are discovered, work shall halt in that area and no soil shall be exported off-site until a determination can be made regarding the provenance of the human remains; and the following procedures set forth in the California Public Resources Code (Sec. 5097.98) and State Health and Safety Code (Sec. 7050.5) shall be undertaken:
  - D. 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.

- E. 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 provenience of the remains.
  - 2. The Medical Examiner, in consultation with the PI, shall determine the need for a field examination to determine the provenience.
  - 3. If a field examination is not warranted, the Medical Examiner shall determine with input from the PI, if the remains are or are most likely to be of Native American origin.
- F. If Human Remains **are** determined to be Native American, then the following shall occur:
  - 1. The Medical Examiner shall notify the Native American Heritage Commission (NAHC) and the Native American (Kumeyaay) monitor within 24 hours. By law, **only** the Medical Examiner can make this call.
  - 2. NAHC will immediately identify the person or persons determined to be the Most Likely Descendent (MLD) and provide contact information.
  - 3. The MLD will contact the PI within 24 hours or sooner after the Medical Examiner has completed coordination, to begin the consultation process in accordance with CEQA Section 15064.5(e), the California Public Resources and Health & Safety Codes.
  - 4. The MLD will have 48 hours to make recommendations to the property owner or representative, for the treatment or disposition with proper dignity, of the human remains and associated grave goods.
  - 5. Disposition of Native American Human Remains will be determined between the MLD and the PI, and, if:
    - a. The NAHC is unable to identify the MLD, OR the MLD failed to make a recommendation within 48 hours after being notified by the Commission; OR;
    - b. The landowner or authorized representative rejects the recommendation of the MLD and mediation in accordance with PRC 5097.94 (k) by the NAHC fails to provide measures acceptable to the landowner, THEN,
    - c. In order to protect these sites, the Landowner shall do one or more of the following:
      - (1) Record the site with the NAHC;
      - (2) Record an open space or covenant of easement or a dedication in fee title on the site;
      - (3) Record a document with the County.
    - d. Upon the discovery of multiple Native American human remains during a ground disturbing land development activity, the landowner may agree that additional conferral with descendants is necessary to consider culturally appropriate treatment of multiple

Native American human remains. Culturally appropriate treatment of such a discovery may be ascertained from review of the site utilizing cultural and archaeological standards. Where the parties are unable to agree on the appropriate treatment measures the human remains and items associated and buried with Native American human remains shall be reinterred with appropriate dignity, pursuant to Section 5.c., above.

- G. 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.

#### Night and/or Weekend Work

- **4.4-5** A. If night and/or weekend work is included in the contract
  - 1. When night and/or weekend work is included in the contract package, the extent and timing shall be presented and discussed at the Precon meeting.

2. The following procedures shall be followed.

a. No Discoveries

In the event that no discoveries were encountered during night and/or weekend work, the PI shall record the information on the CSVR and submit to MMC via fax by 8AM 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 8AM of the next business day to report and discuss the findings as indicated in Section III-B, unless other specific arrangements have been made.

# MITIGATION MONITORING AND REPORTING PROGRAM

- **4.4-6**A. 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.
  - B. All other procedures described above shall apply, as appropriate.

In the event that night work becomes necessary during the course of construction activities, then the following shall occur:

- G. The Construction Manager shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin.
- H. The RE, or BI, as appropriate, shall notify MMC immediately.
- I. All other procedures described in Mitigation Measure 4.4-5 shall apply, as appropriate.

#### Post Construction

- **4.4-7** Following completion of construction activities, the following shall occur:
  - A. Preparation and Submittal of Draft Monitoring Report
    - 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.

## Paleontological Resources

- **4.5-1** Prior to the issuance of any construction permits
  - A. Entitlements Plan Check
    - Prior to the 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 Paleontological Monitoring have been noted on the appropriate construction documents.
  - B. Letters of Qualification have been submitted to ADD
    - The applicant shall submit a letter of verification to Mitigation Monitoring Coordination (MMC) identifying the Principal Investigator (PI) for the project and the names of all persons involved in the paleontological monitoring program, as defined in the City of San Diego Paleontological Guidelines.
    - 2. MMC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the paleontological monitoring of the project.
    - 3. Prior to the start of work, the applicant must obtain approval from MMC for any personnel changes associated with the monitoring program.

### **Prior to Start of Construction**

- **4.5-2** Prior to the start of construction activities, including, but not limited to, demolition, grading, excavation, and/or trenching, the following shall occur:
  - A. Verification of Records Search
    - The PI shall provide verification to MMC that a site-specific records search has been completed. Verification includes, but is not limited to a copy of a confirmation letter from San Diego Natural History Museum, other institution or, if the search was in-house, a letter of verification from the PI stating that the search was completed.
    - 2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.
  - B. PI Shall Attend Pre-Construction (Precon) Meetings
    - Prior to beginning any work that requires monitoring, the Applicant shall arrange a Precon Meeting that shall include the PI, Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The qualified paleontologist shall

attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the Paleontological Monitoring program with the Construction Manager and/or Grading Contractor.

- a. If the PI is unable to attend the Precon Meeting, the Applicant shall schedule a focused Precon Meeting with MMC, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.
- 2. Identify Areas to be Monitored
  - a. Prior to the start of any work that requires monitoring, the PI shall submit an Paleontological Monitoring Exhibit (PME) based on the appropriate construction documents (reduced to 11x17) to MMC identifying the areas to be monitored including the delineation of grading/excavation limits.
  - b. The PME shall be based on the results of a site specific records search as well as information regarding existing known soil conditions (native or formation).
- 3. When Monitoring Will Occur
  - a. Prior to the start of any work, the PI shall also submit a construction schedule to MMC through the RE indicating when and where monitoring will occur.
  - b. The PI may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification to the monitoring program. This request shall be based on relevant information such as review of final construction documents which indicate conditions such as depth of excavation and/or site graded to bedrock, presence or absence of fossil resources, etc., which may reduce or increase the potential for resources to be present.

### **During Construction**

- **4.5-3** During construction activities, including, but not limited to, demolition, grading, excavation, and/or trenching, the following shall occur:
  - A. Monitor Shall be Present During Grading/Excavation/Trenching
    - The monitor shall be present full time during grading/excavation/ trenching activities as identified on the PME that could result in impacts to formations with high and moderate resource sensitivity. The Construction Manager is responsible for notifying the RE, PI, and MMC of changes to any construction activities such as in the case of potential safety concern within the area being monitored. In certain circumstances OSHA safety requirements may necessitate modification of the PME.
    - 2. The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition such as trenching activities that do not encounter

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

- 3. The monitor shall document field activity via the Consultant Site Visit Record (CSVR). The CSVR's shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (**Notification of Monitoring Completion**), and in the case of ANY discoveries. The RE shall forward copies to MMC.
- B. Discovery Notification Process
  - 1. In the event of a discovery, the Paleontological Monitor shall direct the contractor to temporarily divert trenching activities in the area of discovery and immediately notify the RE or BI, as appropriate.
  - 2. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery.
  - 3. The PI shall immediately notify MMC by phone of the discovery, and shall also submit written documentation to MMC within 24 hours by fax or email with photos of the resource in context, if possible.
- C. Determination of Significance
  - 1. The PI shall evaluate the significance of the resource. 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. The determination of significant for fossil discoveries shall be at the discretion of the PI.
    - b. If the resource is significant, the PI shall submit a Paleontological Recovery Program (PRP) and obtain written approval from MMC. Impacts to significant resources must be mitigated before ground-disturbing activities in the area of discovery will be allowed to resume.
    - c. If the resource is not significant (e.g. small pieces of broken common shell fragments or other scattered common fossils) the PI shall notify the RE, or BI as appropriate, that a non-significant discovery has been made. The Paleontologist shall continue to monitor the area without notification to MMC unless a significant resource is encountered.
    - d. The PI shall submit a letter to MMC indicating that fossil resources will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that no further work is required.

#### Night Work

- **4.5-4** 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 work, The PI shall record the information on the CSVR and submit to MMC via fax by 8AM the following morning, if possible.

b. Discoveries

All discoveries shall be processed and documented using the existing procedures detailed in Mitigation Measures 4.4-3 (Section III -During Construction).

c. Potentially Significant Discoveries

If the PI determines that a potentially significant discovery has been made, the procedures detailed under Mitigation Measure 4.4-3 (Section III - During Construction) shall be followed.

- d. The PI shall immediately contact MMC, or by 8AM the next business day to report and discuss the findings as indicated in Section III-B of Mitigation Measure 4.4-3 (Discovery Notification Process), unless other specific arrangements have been made.
- B. If night work becomes necessary during the course of construction
  - 1. The Construction manager shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin.
  - 2. The RE, or BI, as appropriate, shall notify MMC immediately.
- C. All other procedures described above shall apply, as appropriate.

#### **Post Construction**

- **4.5-5** Following completion of construction activities, the following shall occur:
  - A. Submittal of Draft Monitoring Report
    - The PI shall submit two copies of the Draft Monitoring Report (even if negative) which describes the results, analysis, and conclusions of all phases of the Paleontological Monitoring Program (with appropriate graphics) to MMC for review and approval within 90 days following the completion of monitoring,

- a. For significant paleontological resources encountered during monitoring, the Paleontological Recovery Program shall be included in the Draft Monitoring Report.
- b. The PI shall be responsible for recording sites with the San Diego Natural History Museum (on the appropriate forms) any significant or potentially significant fossil resources encountered during the Paleontological Monitoring Program in accordance with the City's Paleontological Guidelines, and shall submit such forms to the San Diego Natural History Museum with the Final Monitoring Report.
- 2. MMC shall return the Draft Monitoring Report to the PI for revision or, for preparation of the Final Report.
- 3. The PI shall submit revised Draft Monitoring Report to MMC for approval.
- 4. MMC shall provide written verification to the PI of the approved report.
- 5. MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.
- B. Handling of Fossil Remains
  - 1. The PI shall be responsible for ensuring that all fossil remains collected are cleaned and catalogued
  - 2. The PI shall be responsible for ensuring that all fossil remains are analyzed to identify function and chronology as they relate to the geologic history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate.
- C. Curation of fossil remains: Deed of Gift and Acceptance Verification
  - 1. The PI shall be responsible for ensuring that all fossil remains associated with the monitoring for this project are permanently curated with an appropriate institution.
  - 2. The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC.
- D. Final Monitoring Report(s)

The PI shall submit two copies of the Final Monitoring Report to MMC (even if negative), within 90 days after notification from MMC that the draft report has been approved.

1. The RE shall, in no case, issue the Notice of Completion until receiving a copy of the approved Final Monitoring Report from MMC which includes the Acceptance Verification from the curation institution.

#### **Greenhouse Gas Emissions**

4.14-1	<b>Solar Roofs.</b> The project design shall incorporate the use of solar roofs to				
	reduce electricity use by approximately 25 percent. The solar roofs shall be				
	incorporated into the final building plans prior to issuance of building permits.				
<u> </u>	Electric Vehicle Charging Stations. The project design shall provide				
	conductive/inductive electric vehicle charging stations and signage prohibiting				
	parking for non-electric vehicles.				
4.14.3	<b>CALGREEN Tier 1 Elective Measures.</b> The project design shall incorporate the				
	following Tier 1 elective measures from the CALGREEN building code into the				
	final building design:				
	<ul> <li>A4.106.10 Outdoor lighting systems shall be designed and installed to</li> </ul>				
	comply with:				
	<del>o</del> —1. The minimum requirement in <i>California Energy Code</i> for				
	Lighting Zones 1-4; and				
	<ul> <li>Backlight, Uplight, and Glare (BUG) ratings as defined in IES</li> </ul>				
	<del>1M-15-11; and</del>				
	<ul> <li>Allowable BUG ratings not exceeding those shown in Table</li> </ul>				
	<del>A4.106.10.</del>				
	• 44 303 1 Kitchen faucets. The maximum flow rate of kitchen faucets				
	shall not exceed 1.5 gallons per minute at 60 pounds per square inch (psi)				
	Kitchen faucets may temporarily increase the flow rate, but not to exceed				
	2.2 gallons per minute (gpm) at 60 psi and must default to a maximum flow				
	rate of 1.5 gpm.				
	• A4 202.2 Disburshers and clothes washers in residential buildings				
	A4.303.3 Distiwastiers and clothes wastiers in residential buildings     shall comply with the following:				
	Install at least one qualified ENIERGYSTAR appliance with maximum				
	waster use as follows:				
	- Standard Dishwashers - 4.25 gallons per cycle				
	<ul> <li>Compact Dishwashers – 3.5 gallons per cycle.</li> </ul>				
	Clothes Washers – water factor of 6 gallons per cubic feet of				
	drum capacity.				
	• A4.106.3 Post-construction landscape designs will utilize at least 75				
	percent native California or drought-tolerant plant and tree species				
	appropriate for the climate zone region.				

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# 9.0 REFERENCES/CERTIFICATION PAGE

This document has been completed by the City of San Diego's Environmental Analysis Section under the direction of the Development Services Department Assistant Deputy Director and is based on independent analysis and determinations made pursuant to the San Diego Land Development Code Section 128.0103. The following individuals contributed to the fieldwork and/or preparation of this report. Resumes of EIR and technical appendices preparers are available upon request.

# 9.1 EIR Report Preparation Personnel

### City of San Diego (Lead Agency)

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#### **Schwerin & Associates (EIR Preparation Consultant)**

Walter T. Schwerin, Principal Kathy Corvin, Project Manager

### **CONSULTANTS/EIR TECHNICAL APPENDICES PREPARERS**

<u>Alden Environmental</u> (EIR Technical Appendices: C-Biological Technical Report, E-Cortese List Search (update), P-Onsite Vernal Pool Restoration Plan, Q-Onsite Habitat Restoration Plan, U-Waste Management Report)

Greg Mason, Principal

### Baranek Consulting Group (EIR Reviewer/Coordinator, EIR Technical Appendix R: Climate Action Plan Consistency Checklist)

Kim Baranek, Principal Neil Liddie, Document Production

#### **Geocon (EIR Technical Appendix: D-Geotechnical Investigation Updates)**

Ali Sadr, Engineering Geologist Christian A Liang, Engineer Shawn Weedon, GE John Hoobs, CEG Shane Rodacker, RCE

#### HELIX Environmental Planning, Inc. (EIR Technical Appendices: K-Acoustical Report, **R-Greenhouse Gas**)

Charles Terry, Acoustics & Noise Manager Michael Slavik, Sr. Air Quality Specialist

#### Investigative Science and Engineering (EIR Technical Appendix: B-Air Quality Assessment)

**Rick Tavares, Project Principal** 

#### <u>Kimley-Horn & Associates</u> (EIR Technical Appendix: L-Traffic Impact Analysis)

Leo Espelet, Traffic Engineer

Rodriguez and Associates (EIR Technical Appendix: T-Candlelight Development Guidelines)

Viviana Arellano, Architect Carlos Rodriguez, Principal

Schwerin & Associates (EIR Technical Appendices: H-Tentative Map Drainage Study, I-Water Quality Technical Report, J-Sewer Study Update & and N-Tentative Map, Planned **Development Permit and Site Development Permit)** 

Walter T. Schwerin, Project Civil Engineer Kathy Corvin, Drafter/Assistant

# SB&O, Inc. (EIR Technical Appendices: H-Drainage Study Addendum and I-Priority **Development Project Storm Water Quality Management Plan**

Allen L. Butcher, Civil Engineer

#### Brian F. Smith and Associates (EIR Technical Appendices: F-Cultural Resources & **G-Paleontological Resources Report)**

Brian F. Smith, Principal Investigator, K. Harley Meier, Staff Archaeologist, George L. Kennedy, Senior Paleontologist

### <u>TetraTech EM, Inc.</u> (EIR Technical Appendix: E-Cortese List Search)

Ruth Ann Erro, Environmental Scientist Robert J. Korzekwa, Operations Manager

### Scientific Resources Associated (EIR Technical Appendix: RGreenhouse Gas Emissions)

Valorie Thompson, Principal
# 9.2 WEBSITES CONSULTED

California Department of Conservation; <u>www.consrv.ca.gov/</u>

California Department of Fish and Wildlife; <u>https://www.wildlife.ca.gov</u>

California Native Plant Society; http://www.cnps.org/

California State Water Resources Control Board; <u>http://www.swrcb.ca.gov/</u>

Caltrans Route 905 EIR; http://www.dot.ca.gov/dist11/route905/SR-905.htm

City of Chula Vista General Plan <u>http://www.chulavistaca.gov/city\_services/development\_services/planning\_building/General\_Plan/\_default.asp</u>

City of San Diego; <u>http://www.sandiego.gov/</u>

Energy Information Administration; http://www.eia.doe.gov/

MapQuest; http://www.mapquest.com/

San Diego Air Pollution Control District; <u>http://www.sdapcd.org</u>

San Diego County Water Authority; <u>http://www.sdcwa.org/</u>

San Diego Regional Water Quality Control Board; http://www.swrcb.ca.gov/rwqcb9/

SANDAG; www.sandag.org/

SanGIS; http://www.sangis.org/

Sweetwater Union High School District; http://www.sweetwaterschools.org

United States Census Bureau; <u>http://www.census.gov</u>

United States Environmental Protection Agency; <u>http://www.epa.gov/</u>

United States Fish & Wildlife Service; <u>http://www.fws.gov/</u>

# 9.3 PERSONS CONSULTED/WRITTEN COMMUNICATION

Fire Rescue Department, San Diego City, Written response regarding General Plan Recommended Revisions Candlelight First Screencheck PTS 40329, December 2013.

Galloway, Tait, Plan-Airport Review, email correspondence to Sandra Teasley, January, 2014.

# CANDLELIGHT FINAL ENVIRONMENTAL IMPACT REPORT Page 9-3

- Knotts, Janet. Biologist I, City of San Diego Environmental Services. Written correspondence to Keith Weinberg; January 13, 2005.
- Oates, Samuel L. Fire Marshal, City of San Diego Fire and Hazard Prevention. Written correspondence to Keith Weinberg; January 7, 2005.
- Perez, Alicia. Facilities Coordinator, San Ysidro Elementary School District. Written correspondence to Keith Weinberg; January 6, 2005.
- Summers, Dawn, Lieutenant, Operation Support, San Diego Police Department, Written correspondence to Sandra Teasley, December 13, 2013.
- Tolotta, Mary A. CIP Analyst/Library Department, City of San Diego. Written correspondence to Keith Weinberg; December 23, 2004.
- Wright, Katy. Director of Planning, Sweetwater Union High School District Planning and Construction. Written correspondence to Keith Weinberg; January 7, 2005.

# 9.4 DOCUMENTS INCORPORATED BY REFERENCE

- San Diego, City of. *Otay Mesa Santee Investments Precise Plan Environmental Impact Report (EIR) (SCH No. 88092107*). 1993 (This document is available for review at the City of San Diego Planning Department; 202 C Street, San Diego, CA 92101)
- San Diego, City of. Land Development Code Biology Guidelines. April 2012 (This document is available online on the Development Services websitehttp://www.sandiego.gov/planning/programs/mscp/faq/index.shtml#guidelines) Amended April 23, 2012 by Resolution No. R-307376
- San Diego, City of. *Memorandum from Cecelia Gallardo, UPDATED*-Addressing GHG Emissions From-Projects Subject to CEQA. August 18, 2010
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2013c. On-site Habitat Management Plan, July 2

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# Appendix A

Notice of Preparation (NOP), Oct. 2013, Initial Study, and NOP Comment Letters (Bound with EIR)



THE CITY OF SAN DIEGO

# DEVELOPMENT SERVICES DEPARTMENT Date of Notice: October 10, 2013 PUBLIC NOTICE OF PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT REPORT SAP No.: 24002388

**PUBLIC NOTICE:** The City of San Diego will be the Lead Agency and will prepare a draft Environmental Impact Report in compliance with the California Environmental Quality Act (CEQA). This Notice of Preparation of an Environmental Impact Report was publicly noticed and distributed on October 10, 2013. This notice was published in the SAN DIEGO DAILY TRANSCRIPT and placed on the City of San Diego website at the following location on October 10, 2013, at <u>http://www.sandiego.gov/city-clerk/officialdocs/notices/index.shtml</u> under "California Environmental Quality Act (CEQA) Notices and Documents".

**SCOPING RESPONSE:** Written comments should be sent to Anna L. McPherson, AICP, City of San Diego Development Services Center, 1222 First Avenue, MS 501, San Diego, CA 92101 or emailed to <u>DSDEAS@sandiego.gov</u> referencing the Project Name and Number in the subject line within 30 days of the receipt of this notice. Responsible agencies are requested to indicate their statutory responsibilities in connection with this project when responding. A draft Environmental Impact Report incorporating public input will then be prepared and distributed for public review and comment.

## PROJECT NAME/NO: Candlelight/40329

SCH No.: (pending)

COMMUNITY PLAN AREA: Otay Mesa

# COUNCIL DISTRICT: 8 (Alvarez)

**SUBJECT:** The Candlelight project is located on a 44.19 acre parcel in the Otay Mesa area of San Diego. The project consists of an application for a PLANNED DEVELOPMENT PERMIT (PDP), SITE DEVELOPMENT PERMIT (SDP), and TENTATIVE MAP (TM) to subdivide the property into three multi-family residential lots, 1-3, totaling 26.33 acres, and two open space lots, The two open space lots include: lot 4 which consists of 15.76 acres located at the western boundary of the property, and lot 5 which consists of 2.10 acres located at the eastern boundary of the property. As part of the Project, the applicant will grant conservation easements over both

open space lots in fee title to a California Department of Fish and Wildlife approved agency. Prior to conveyance, the applicant will grant a 10 foot trail easement to the City for maintenance on Lot 5. The Project also includes trail and trail access improvements on lots 3 and 5, including: access path surfacing, bollards, step-over rails, trailhead improvements (kiosk), and fencing, both chain link and peeler log/split rail. All open space improvements are contingent upon approval by the US Fish and Wildlife Service and confirmed by City of San Diego Park and Recreation Department. The Project site is designated multi-family residential with an allowable density of 15- 29 dwelling units per acre and zoned RM-2-5; the project proposes a maximum of 475 multifamily units.

Road access to the site will be provided by extending Caliente Avenue to the South as a 5-lane major and creating Public Street "A" running East and West below Caliente Avenue as a twolane collector. The project also proposes creating a temporary cul-de-sac to the west of Public Street "A" and another offsite cul-de-sac at the East end of Public Street "A." Internal circulation will be provided by private driveways throughout the project.

**PROJECT LOCATION:** The project site is located in the City's Otay Mesa community 1.1 miles east of Interstate 805 and 1.4 miles north of the U.S./Mexico border. The project site occupies a portion of Section 31 within Township 18 South, Range 1 West of the U.S. Geological Survey 7.5-minute Imperial Beach quadrangle map. Approximately 2.5 acres of the project site occurs within the City's Multi-Habitat Planning Area (MHPA). The project site is also located within the Brown Field: Airport Land Use Compatibility Overlay Zone, Airport Influence Area, and the FAA Part 77 Noticing Area.

The project site consists of a mesa top previously used for agriculture. The site is currently undeveloped and supports native and non-native habitats. On-site elevations range from approximately 430 feet to 545 feet above mean sea level. San Ysidro High School bounds the project site northwest of Caliente Avenue, while undeveloped land bounds the project site northeast of Caliente Avenue. In addition, undeveloped land bounds the project site on the south, east, and west. The site is accessed on the northern border via Caliente Avenue.

**APPLICANT:** Candlelight Properties, LLC, 814 Morena Blvd., Suite 101 San Diego, CA 92110

**RECOMMENDED FINDING:** Pursuant to Section 15060(d) of the CEQA Guidelines, it appears that the proposed project could potentially result in significant environmental impacts in the following areas: Land Use, Transportation/Circulation/Parking, Noise, Air Quality, Greenhouse Gas Emissions, Historic Resources - Archaeology, Paleontological Resources, Biological Resources, Visual Quality/Neighborhood Character, Cumulative Effects, and Growth Inducement

**AVAILABILITY IN ALTERNATIVE FORMAT:** To request this Notice in an alternative format, call the Development Services Department at (619) 446-5460 immediately to ensure

availability. This information is also available in alternative formats for persons with disabilities. To request this Notice in an alternative format, call (619) 446-5446 or (800) 735-2929 (TEXT TELEPHONE).

**ADDITIONAL INFORMATION:** For information on environmental review and/or information regarding this project, contact Anna McPherson at (619) 446-5276. Supporting documents may be reviewed, or purchased for the cost of reproduction, at the Fifth floor of the Development Services Department. For information regarding public meetings/hearings on this project, contact Sandra Teasley, Project Manager, at (619) 446-5271. This notice was published in the SAN DIEGO DAILY TRANSCRIPT, placed on the City of San Diego website <a href="http://sandiego.gov/city-clerk/officialdocs/notices/">http://sandiego.gov/city-clerk/officialdocs/notices/</a> and distributed on October 10, 2013.

Cathy Winterrowd, Interim Deputy Director Development Services Department

#### **DISTRIBUTION:** Attached

ATTACHMENTS: Figure 1. Project Regional Location Map Figure 2a. Site Plan – Eastern Portion Figure 2b. Site Plan – Western Portion Scoping Letter

#### **DISTRIBUTION:**

#### **Federal Government**

U.S. Environmental Protection Agency
Border Patrol
U.S. Fish & Wildlife Service
U.S. Army Corps of Engineers
State of California
Department of Transportation, District 11
California Department of Fish & Wildlife
California Integrated Waste Management Board
Department of Toxic Substance Control
California Regional Water Quality Control Board: Region 9
State Clearinghouse
Air Resources Board
California Transportation Commission
Office of Planning and Research
California Highway Patrol

#### **County of San Diego**

Department of Planning and Land Use/Environmental Planning Section

#### **City of San Diego**

Mayor's Office Councilmember Lightner, District 1 Councilmember Falconer, District 2 Councilmember Gloria, District 3 Councilmember Cole, District 4 Councilmember Kersey, District 5 Councilmember Zapf, District 5 Councilmember Sherman, District 7 Councilmember Alavarez, District 8 Councilmember Emerald, District 9 City Attorney's Office

#### **Development Services Department**

Tom Tomlinson, Interim Director Cathy Winterrowd, Interim Deputy Director Sandra Teasley, Development Project Manager Jim Lundquist, Transportation Review Thomas Bui, Engineering Review. Patrick Thomas, Geology Review Gary Geiler, Land Development Review

#### **Planning and Neighborhood Restoration Department**

Bill Fulton, Director Nancy Bragado, Interim Deputy Director Theresa Millette, Community Planner Jeanne Krosch, MSCP Howard Greenstein, Park Planning

#### Park and Recreation Department

Chris Zirkle, Deputy Director – Open Space Division Betsy Miller, Biologist

#### **Public Utilities Department**

Water Review Wastewater Review

#### **Fire and Life Safety Services**

#### **Environmental Services Department**

# Library Department - Government Documents

Central Library San Ysidro Branch Library Otay Mesa- Nestor Branch Library

#### Other Interested Agencies, Organizations, and Individuals

San Ysidro School District Sierra Club, San Diego Chapter City of Chula Vista SANDAG Metro Transit Syst San Diego Gas and Electric Otay Mesa Planning Committee Otay Mesa Nestor Community Planning Group San Ysidro Planning and Development Group Theresa Acero Wetland Advisory Board San Diego Audubon Society Mr. Jim Peugh

California Native Plant Society

Endangered Habitats League

Chapparal Conservancy

Neighborhood Canyon Creek & Park Groups

San Diego Baykeeper

Ellen Bauder

Vernal Pool Society (185)

San Diego County Archeological Society

Carmen Lucas

South Coastal Information Center

San Diego Historical Society

San Diego Archaeological Center

Save Our Heritage Organisation

Ron Christman

Clint Linton

San Diego County Archaeological Society, Inc.

Kumeyaay Cultural Repatriation Committee

Native American Distribution (Public Notice & Location Map Only)

Native American Heritage Commission

Clem Abrams - Applicant

Walter Schwerin, Schwerin and Associates

Greg Mason, Alden Environmental, Inc.

# CANDLELIGHT PROJECT /PTS 40329



# CANDLELIGHT PROJECT /PTS 40329





CANDLELIGHT PROJECT /PTS 40329



THE CITY OF SAN DIEGO

October 9, 2013

Mr. Walter Schwerin Schwerin and Associates 814 Morena Blvd., Suite 101 San Diego, CA 92110

# SUBJECT: SCOPE OF WORK FOR A DRAFT ENVIRONMENTAL IMPACT REPORT (EIR) FOR THE CANDLELIGHT PROJECT (Project No. 40329) SCH No. Pending.

Dear Mr. Schwerin:

Pursuant to Section 15060(d) of the California Environmental Quality Act (CEQA), the Environmental Analysis Section (EAS) of the City of San Diego Development Services Department has determined that the proposed project may have significant effects on the environment, and the preparation of an Environmental Impact Report (EIR) is required. Staff has determined that a project EIR is the appropriate environmental document for the Candlelight project.

The purpose of this letter is to identify the issues to be specifically addressed in the EIR. The EIR shall be prepared in accordance with the City's "Technical Report and Environmental Impact Report Guidelines," dated September 2002 and updated December 2005. A copy of the current guidelines is attached. The project issues to be discussed in the EIR are outlined below. A Notice of Preparation (NOP) will be distributed to the Responsible Agencies and others who may have an interest in the project as required by CEQA Section 21083.9(a)(2).

Please note, changes or additions to this scope of work may be required as a result of input received in response to the Notice of Preparation. Any such changes shall be disclosed within the EIR.

#### **Project Description:**

The project consists of an application for a PLANNED DEVELOPMENT PERMIT (PDP), SITE DEVELOPMENT PERMIT (SDP), and TENTATIVE MAP (TM) to subdivide the property into three multi-family residential lots, 1-3, totaling 26.33 acres, and two open space lots (Figures 2a and 2b). The project is designated multi-family residential. The zoning is RM-2-5 with an allowable density of 29 dwelling units per acre in both the adopted Otay Mesa Community Plan and the proposed comprehensive update to the community plan; the project proposes a maximum

of 475 multifamily units. The Project is also located within the Brown Field: Airport Land Use Compatibility Overlay Zone, Airport Influence Area, and FAA Part 77 Noticing Area.

The two open space lots include: lot 4 which consists of 15.76 acres located at the western boundary of the property, and lot 5 which consists of 2.10 acres located at the eastern boundary of the property. Additionally, the project would construct various associated site improvements (e.g. hardscape and landscaping). As part of the Project, the applicant will grant conservation easements over both open space lots in fee title to a California Department of Fish and Wildlife approved agency. Prior to conveyance, the applicant will grant a 10 foot trail easement to the City for maintenance on Lot 5. The Project also includes trail and trail access improvements on lots 3 and 5, including: access path surfacing, bollards, step-over rails, trailhead improvements (kiosk), and fencing, both chain link and peeler log/split rail. All open space improvements are contingent upon approval by the US Fish and Wildlife Service and confirmed by City of San Diego Park and Recreation Department.

The approximately 44.9-acre project site is located in the City's Otay Mesa Community Plan area, 1.1 miles east of Interstate 805 and 1.4 miles north of the U.S./Mexico border (Figure 1). The project site occupies a portion of Section 31 within Township 18 South, Range 1 West of the U.S. Geological Survey 7.5-minute Imperial Beach quadrangle map. Approximately 2.5 acres of the project site occurs within the City's Multi-Habitat Planning Area.

The project site consists of a mesa top previously used for agriculture. The site is currently undeveloped and supports native and non-native habitats. On-site elevations range from approximately 430 feet to 545 feet above mean sea level. Soils on site consist of Olivenhain cobbly loam and Stockpen gravelly clay loam (Bowman 1973). Historic aerial photographs of the site dating back to 1928 were collected and analyzed to determine the previous land uses on site. The vast majority of the property has been actively farmed since at least 1955; as a result, Lots 1 to 3 have been repeatedly disced and tilled. Earthen berms have been constructed along the site property boundaries in all directions to restrict access and illegal dumping. Based on the historic aerial photograph analysis, it appears that the berms were constructed sometime between 1995 and 1997. Construction of the berms resulted in lower areas or depressions near their bases. Clay soils present in those depressions are somewhat impervious, and standing water is present following winter and spring rains for periods of weeks.

San Ysidro High School bounds the project site northwest of Caliente Avenue, while undeveloped land bounds the project site northeast of Caliente Avenue. In addition, undeveloped land bounds the project site on the south, east, and west. The site is accessed on the northern border via Caliente Avenue.

Road access to the site will be provided by extending Caliente Avenue to the South as a 5 lane major and creating Public Street "A" running East and West below Caliente Avenue as a two lane collector. The project also proposes creating a temporary cul-de-sac to the west of Public Street "A" and another offsite cul-de-sac at the East end of Public Street "A." Internal circulation will be provided by private driveways throughout the project.

#### **EIR Requirements:**

The EIR serves to inform governmental agencies and the public of a project's environmental impacts. Emphasis in the EIR must be on identifying feasible solutions to environmental impacts. The objective is not to simply describe and document an impact but to actively create and suggest mitigation measures or project alternatives to substantially reduce the significant adverse environmental impacts. The adequacy of the EIR will depend greatly on the thoroughness of this effort.

The EIR must be written in an objective, clear, and concise manner, in plain language. The use of graphics is encouraged to replace extensive word descriptions and to assist in clarification. Conclusions must be supported with quantitative, as well as qualitative, information, to the extent feasible.

Prior to the distribution of the draft EIR for public review, Conclusions, which are attached at the front of the draft EIR, will also need to be prepared. The Conclusions cannot be prepared until an approved draft has been submitted and accepted by the City. The EIR shall include a title page that includes the Project Tracking System (PTS) number (40329) and the date of publication. The entire environmental document must be left justified and shall include a table of contents and an executive summary of all of the following sections. Please refer to the "Environmental Impact Report Guidelines," updated December 2005, for additional details regarding the required information.

#### I. INTRODUCTION

The EIR shall introduce the project with a brief discussion on the intended use and purpose of the EIR. This discussion shall focus on the type of analysis that the EIR is providing and provide an explanation of why it is necessary to implement the project. This section shall describe and/or incorporate by reference any previously certified environmental documents that cover the project site including any EIRs. This section shall briefly describe areas where the proposed project is in compliance or non-compliance with assumptions and mitigation contained in these previously certified documents. Additionally, this section shall provide a brief description of any other local, state and federal agencies that may be involved in the project review and/or any grant approvals.

#### II. ENVIRONMENTAL SETTING

The EIR shall describe the precise location of the project and present it on a detailed topographic map and regional map. This section shall also include a map of the specific proposal and discuss the existing conditions on the project site and in the project area. In addition, the section shall provide a local and regional description of the environmental setting of the project, as well as the zoning and land use

designations of the site and its contiguous properties, area topography, drainage characteristics, and vegetation. It shall include any applicable land use plans such as the City's MSCP/MHPA and other applicable open space preserves or overlay zones that affect the project site, such as the City of San Diego General Plan. The section shall include a listing of any open space easements or building restricted easements that exist on the property. A description of other utilities that may be present on or in close proximity to the site and their maintenance accesses shall also be discussed. This section shall include a brief description of the location of the closest police and fire stations along with their response times.

#### III. PROJECT DESCRIPTION

The EIR shall include a detailed discussion of the goals and objectives of the proposed project, in terms of public benefit (increase in housing supply, employment centers, etc.). Project objectives will be critical in determining the appropriate alternatives for the project, which would avoid or substantially reduce potentially significant impacts. As stated in CEQA Section 15124 (b), "A clearly written statement of objectives will help the lead agency develop a reasonable range of alternatives to evaluate in the EIR and will aid the decision makers in preparing findings or a statement of overriding consideration, if necessary. The statement of objectives should include the underlying purpose of the project." This section shall describe all discretionary actions needed to implement the project (e.g. Planned Development Permit, Tentative Map, etc.) including all permits required from federal, state, and local agencies. The description of the project shall include all major project features, including density, grading (cut and fill), relocation of existing facilities, land use, retaining walls, landscaping, drainage design, improvement plans, including any off-site improvements, vehicular access points and parking areas associated with the project. The project description shall describe any off-site activities necessary to construct the proposed project. The EIR shall include sufficient graphics and tables to provide a complete description of all major project features. Project phasing also should be described in this section. This discussion shall address the whole of the proposed project

## IV. HISTORY OF PROJECT CHANGES

This section of the EIR shall outline the history of the project and any physical changes that have been made to the proposed project in response to environmental concerns identified during the City's review of the project.

## V. ENVIRONMENTAL ISSUES

The potential for significant environmental impacts must be thoroughly analyzed and mitigation measures identified that would avoid or substantially lessen any significant impacts. Since the City of San Diego is the Lead Agency for this project, the EIR must represent the independent analyses of the Environmental Analysis Section

(EAS). Therefore, all impact analysis must be based on the City's "Significance Determination Thresholds" dated January 2011. Below are key environmental issue areas that have been identified for this project, within which the issue statements must be addressed individually. Discussion of each issue statement shall include an explanation of the existing project site conditions, impact analysis, significance determination, and appropriate mitigation. The impact analysis shall address potential direct, indirect, and cumulative impacts that could be created through implementation of the proposed project and its alternatives.

#### Land Use

- Issue 1: Would the proposal result in a conflict with the environmental goals, objectives, or recommendations of the General/Community Plan in which it is located?
- Issue 2: Would the proposal result in the exposure of people to noise levels which exceed the City's Noise Ordinance or are incompatible with the Noise Compatibility Guidelines (Table NE-3) in the Noise Element of the General Plan?
- Issue 3: Would the proposal require a deviation or variance, and the deviation or variance would in turn result in a physical impact on the environment?
- Issue 4: Would the proposal conflict with the provisions of the City's MSCP Subarea Plan or other approved local, regional, or state habitat conservation plan?
- Issue 5: Would the proposal result in land uses which are not compatible with an adopted Airport Land Use Compatibility Plan (ALUCP), including aircraft noise levels as defined by the plan?

This section shall provide a discussion of all applicable land use plans to establish a context in which the project is being proposed. Specifically, it shall discuss how the project implements or fails to implement the goals, objectives, and recommendations of the General Plan, Otay Mesa Community Plan (including the draft Otay Mesa Community Plan Update). Ultimately, this section shall identify any inconsistencies between the project as proposed and any adopted land use plan and whether the identified inconsistency would result in a secondary physical environmental impact.

The project site is located within close proximity to two airports: Tijuana International Airport (TIJ) to the south in Mexico, and Brown Field, a general aviation airport operated by the City of San Diego to the north. The EIR shall

evaluate the compatibility of proposed uses with these two airports and adopted plans associated with each airport.

Portions of the site are located within the Multi-Habitat Planning Area of the Multiple Species Conservation Program (MSCP), therefore land use conflicts with the MSCP Subarea Plan may occur.

The EIR shall evaluate the project' conformance with the final MSCP Plan (August 1998) and the City's MSCP Subarea Plan (March 2007), with specific attention to the Land Use Adjacency Guidelines (Section 1.4.3) in terms of land use, drainage, toxic substances in runoff, lighting, noise, invasive plant species and brush management requirements for the portions of the proposed development that would lie adjacent to the MHPA. A description of measures proposed to reduce any identified MHPA edge effects should be included within this section as well.

The section shall provide a listing of all requested deviation(s)/variance(s). For each requested deviation or variance, provide analysis on whether the requested action would then result in a physical impact on the environment.

The section shall provide a discussion/analysis on the surrounding community and whether the project would be compatible with and integrate with the existing community.

#### Transportation/Circulation/Parking

- Issue 1: Would the proposal result in an increase in project traffic which is substantial in relation to the existing traffic load and capacity of the street system?
- Issue 2: Would the proposal result in traffic generation in excess of specific community plan allocations?
- Issue 3: Would the proposal result in the addition of a substantial amount of traffic to a congested freeway segment, interchange or ramp?
- Issue 4: Would the proposal result in a substantial impact upon existing or planned transportation systems
- Issue 5: Would the proposed project increase traffic hazards for motor vehicles, bicyclists, or pedestrians due to a proposed non-standard design feature (e.g., poor sight distance or driveway onto an accessrestricted roadway)?

A traffic study would be required to analyze and estimate the expected trips the proposed project would create at build-out and document any impacts on

intersections, roadways, and freeways. The traffic report would form the basis of the impact analysis for this section of the EIR. The study shall evaluate the traffic volumes and levels of service on circulation element roadways. The traffic study and EIR shall include descriptions and applicable graphics of the conditions during the near term and at project build-out. The cumulative analysis shall incorporate any past, present and reasonably foreseeable future developments in the community that may impact or contribute to local and regional street and circulation systems. This section of the EIR shall also describe any required modifications and/or improvements to the existing circulation system, including City streets, intersections, freeways, and interchanges. If the project would result in the construction of a roadway which is inconsistent with the General Plan and/or community plan, the impact would be significant if the proposed roadway would not properly align with other existing or planned roadways. The section shall provide a discussion to the extent this may be triggered.

If the project would result in a significant increase in trips, the study and EIR shall describe what measures would be required to mitigate significant traffic circulation impacts. The section shall describe the adequacy of the parking provided and the walkability, pedestrian, and bicycle connectivity within the project and off-site areas.

#### <u>Air Quality</u>

- Issue 1: Would the proposal conflict with or obstruct the implementation of the applicable air quality plan?
- Issue 2: Would the proposal result in a violation of any air quality standard or contribute substantially to an existing or projected air quality violation?
- Issue 3: Would the proposal exceed 100 pounds per day of particulate Matter (PM) (dust)?

The EIR shall describe the region's climate and the San Diego Air Basin's current attainment levels for state and federal ambient air quality standards. An air quality analysis shall be prepared and included in the appendix to the EIR.

The air quality analysis shall focus on the project's potential air quality impacts and how this would hinder or help the San Diego Air Basin meet the regional air quality strategies. The discussion shall include potential impacts that would occur during the demolition and construction phases of the specific projects that are being proposed at this time, and the operational impacts of the proposed project, assuming maximum build-out. An analysis of potential stationary and non-stationary air emission sources related to the construction and operation associated with the proposed project and vehicle emission sources should be provided.

The section shall also include a discussion of any short-term, long-term and cumulative impacts the project may have on regional air quality, including construction and transportation-related sources of air pollution.

**Biological Resources** 

- Issue 1: Would the proposal result in substantial adverse impact, either directly or through habitat modifications, to any species identified as a candidate, sensitive, or special status species in the MSCP or other local or regional plans, policies or regulations, or by the California Department of Fish and Wildlife (CDFW) or U.S. Fish and Wildlife Services (USFWS)?
- Issue 2: Would proposal result in a substantial adverse impact on any Tier I Habitats, Tier II Habitats, Tier IIIA Habitats or Tier IIIB Habitats as identified in the Biology Guidelines of the Land Development Code or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFW or USFWS?
- Issue 3: Would the proposal result in a substantial adverse impact on wetlands (including, but not limited to, marsh, vernal pool, riparian, etc.) through direct removal, filling, hydrological interruption, or other means?
- Issue 4: Would the proposal interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, including linkages identified in the MSCP, or impede the use of native wildlife nursery sites?
- Issue 5: Would the proposal conflict with the provisions of an adopted Habitat Conservation Plan (HCP), Natural Conservation Community Plan (NCCP), or other approved local, regional, or state habitat conservation plan, either within the MSCP plan area or in the surrounding region?
- Issue 6: Would the proposal introduce a land use within an area adjacent to the MHPA that would result in adverse edge effects?
- Issue 7: Would the proposal result in the introduction of invasive species of plants into a natural open space area?

Impacts to biological resources are assessed by City staff through the CEQA review process, and through review of the project's consistency with the Environmentally Sensitive Lands (ESL) regulations, the Biology Guidelines (July 2002) and with the City's MSCP Subarea Plan. Before a determination of the significance of an impact can be made, the presence and nature of the biological resources must be established.

The project site supports sensitive biological resources, including listed species. The MHPA also occurs on, and adjacent to the site. The proposed project will impact sensitive biological resources and has the potential to result in direct and/or cumulative impacts to adjacent biological resources in the MHPA. Therefore, a biological technical report must be prepared for this project to the satisfaction of the City.

The biological technical report must incorporate the results of required focused field surveys and identify all impacts to biological resources.

The EIR shall present mitigation measures that are required to reduce impacts. Discuss if those measures will mitigate impacts to below a level of significance. If the project results in biological impacts, which cannot be mitigated to below a level of significance, the Alternatives section of the EIR should include a project alternative that will avoid or further reduce biology impacts.

Evidence must be provided that all required agency (USFWS, CDFW) permits and authorizations have been acquired for impacts to sensitive biological resources not covered by the MSCP.

#### Energy

Issue 1: Would the construction and operation of the proposal result in the use of excessive amounts of electrical power?

# Issue 2: Would the proposal result in the use of excessive amounts of fuel or other forms of energy (including natural gas, oil, etc.)?

Appendix F of the State CEQA Guidelines requires that potentially significant energy implications of a project shall be considered in an EIR to the extent relevant and applicable to the project. Particular emphasis on avoiding or reducing inefficient, wasteful, and unnecessary consumption of energy should be included in this section. The EIR section shall address the estimated energy use for the project and assess whether the project would generate a demand for energy (electricity and/or natural gas) that would exceed the planned capacity of the energy suppliers. A description of any energy and/or water saving project features should also be included in this section. (Cross-reference with GHG Emissions discussion section as appropriate.) Describe any proposed measures included as part of the project or required as mitigation measures directed at conserving energy and reducing energy consumption. Ensure this section addresses all issues described within Appendix F of the CEQA Guidelines.

#### Geology/Soils

- Issue 1: Would the proposal be located on a geologic unit or soil that is unstable or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?
- Issue 2: Would the proposal result in a substantial increase in wind or water erosion of soils, either on or off the site?
- Issue 3: Would the proposal expose people or property to geologic hazards such as earthquakes, landslides, mudslides, ground failure, or similar hazards?

The project site is located in a seismically active region of California where the potential for geologic hazards, such as earthquakes and ground failures exist. According to the City of San Diego Seismic Safety Study, the project site is located within Geologic Hazard Category 53, characterized as having level or sloping terrain, unfavorable geologic structure, low to moderate risk. No active, potentially active, or inactive faults are known to exist onsite. A Geologic Investigation is required for the proposed project and the EIR should include a discussion of the information, conclusions and any mitigation measures, if required.

The section shall describe the geologic and subsurface conditions in the project area. It shall describe the general setting in terms of existing topography, geology (surface and subsurface), tectonics and soil types. It shall assess possible impacts to the project from geologic hazards and unfavorable soil conditions. The constraints discussion shall include issues such as the potential for liquefaction, slope instability, and other hazards. Any secondary impacts due to soils/geology mitigation (e.g., excavation of unsuitable soil) shall also be addressed. Additionally, the sections shall provide mitigation, as appropriate, that would reduce the potential for future adverse impacts resulting from on-site soils and geologic hazards.

#### Greenhouse Gas Emissions

Issue 1: Would the proposal generate greenhouse gas (GHG) emissions, either directly or indirectly, that may have a significant impact on the environment?

# Issue 2: Would the proposal conflict with any applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of GHGs?

This section shall present an overview of GHG emissions, including the most recent information regarding the current understanding of the mechanisms behind current conditions and trends, and the broad environmental issues related to global climate change. A discussion of current legislation, plans, policies, and programs pertinent to global climate change shall also be included. The EIR shall provide details of the project's sustainable features such as pedestrian access and orientation, sustainable design and building features, and others that meet criteria outlined in the Conservation Element of the General Plan.

The EIR shall address the project's contribution to GHG emissions. A quantitative analysis addressing the project-generated GHG emissions, as applicable, shall be provided in a GHG emission study summarized in the EIR.

Based on the scope of the project, GHG emissions resulting from both construction activities related to the project and on-going operation of the project must be analyzed. The analysis should include, but is not limited to, the five primary sources of GHG emissions: vehicular traffic, generation of electricity, natural gas consumption/combustion, solid waste generation, and water usage. If the proposed project would result in significant GHG emissions, project features, designs and measures should be identified and incorporated into the project to reduce GHG emissions.

#### Historical Resources

Issue 1: Would the proposal result in the adverse alteration of a prehistoric or historic archeological site?

# Issue 2: Would the proposal result in any impact to existing religious or sacred uses within the potential impact area or result in the disturbance of any human remains, including those interred outside of formal cemeteries?

No buildings or structures currently occupy the project site. Impacts to the built environment will be discussed in Section X of the EIR. An archaeological survey is required for the proposed project. The report shall include the results of the initial archaeological site survey and literature review. Appropriate graphics, including a map of the Area of Potential Affect (APE), shall be provided. Additional field surveys, as appropriate, shall be completed to address the potential direct, indirect, and cumulative impacts of all project components. Any newly discovered sites shall be recorded at the South Coastal Information Center at San Diego State University. For sites that are expected to be impacted with project implementation, a testing program shall be conducted to determine site significance in accordance with CEQA and the City's criteria pursuant to the Historical Resources Regulations and Guidelines.

The EIR shall discuss the results of the archaeological survey and testing program that was prepared for the project. The potential for ground disturbing activities to impact archaeological resources shall be determined.

The report shall be included as an appendix; the records search results should be provided under separate cover as a confidential appendix. The EIR shall summarize the results of the report and discuss the need for a research design and a data recovery program to mitigate impacts to sites that are determined to be significant and that would be directly impacted with project implementation.

#### Hydrology

- Issue 1: Would the proposal result in an increase in impervious surfaces and associated runoff?
- Issue 2: Would the proposal result in a substantial alteration to on and off-site drainage patterns due to changes in runoff flow rates or volumes?
- Issue 3: Would the proposal develop wholly or partially within the 100-year floodplain identified in the FEMA maps or impose flood hazards on other properties.

Increases in impervious surfaces could potentially result in significant erosion and subsequent sedimentation downstream. A hydrology study is required to address these issues. The study shall pay particular attention to addressing anticipated changes to existing drainage patterns and runoff volumes affecting adjacent properties.

The Hydrology section should include changes in impervious surfaces and the resulting changes in drainage patterns and their affect on exiting wetlands. A project would generally have a significant impact on biological resources if the project would result in degradation in the function and value of habitat of if the project would alter the habitat type. The Hydrology section doesn't need to include biological mitigation measures, but does need to analyze the linkage between drainage patterns and existing wetlands.

#### <u>Noise</u>

# Issue 1: Would the proposal result in or create a significant increase in the existing ambient noise level?

# Issue 2: Would the proposal cause exposure of people to future transportation noise levels which exceed standards established in the General Plan?

An acoustical analysis, prepared in accordance with the City's Acoustical Report Guidelines, is required to determine if any impacts would occur due to project implementation. The technical report should also discuss any potential for the generation of noise that may affect sensitive biological resources or adjacent properties. In addition, the analysis should describe any potential onsite noise impacts to the sensitive receptors. If significant noise impacts are identified, the report shall include mitigation measures that would mitigate the impacts to below a level of significance.

The analysis in this section of the EIR shall summarize the findings of the acoustical analysis and also provide a discussion on typical sources of noise, measurements of noise, etc., to provide context for the findings of the acoustical analysis. The EIR shall further discuss potential exterior and interior noise impacts as a result of the proposed land uses and estimated traffic volumes on adjacent streets.

#### Paleontological Resources

## Issue 1: Would the proposal require over 1,000 cubic yards of excavation in a high resource potential geologic deposit/formation/rock unit, or over 2,000 cubic yards of excavation in a moderate resource potential geologic deposit/formation/rock unit?

This section of the EIR shall provide a brief introduction to paleontological resources. The project lies on a coastal mesa capped by the Lindavista Formation, a unit of Pleistocene marine and terrace deposits, which is underlain by the Otay Formation. Due to the amount of grading the project proposes and using the City of San Diego's Paleontological Guidelines, discuss the potential for project grading activities to impact fossil resources and identify any proposed mitigation measures for any significant impact. Grading in areas of a moderate to high rating would require paleontological monitoring during grading activities.

#### Public Utilities

Issue 1: Would the proposal result in the need for new systems, or require substantial alterations to existing utilities, the construction of which would create physical impacts (Natural Gas, Water, Sewer, Solid Waste Disposal, Communication Systems)?

## Issue 2: Would the proposal result in the use of excessive amounts of water?

# Issue 3: Would the proposal result in landscaping which is predominantly non-drought resistant vegetation?

The proposed project would increase the demand on essential public utilities (electrical, natural gas, solar energy, solid waste generation/disposal, water and sewer) and may require new or expanded infrastructure. This section of the EIR shall analyze the demand and supply relationships of various public utilities and discuss how the project would comply with local, state and federal regulations for each public utility and identify any conflicts with existing and planned infrastructure.

Specifically, the EIR should include a Waste Management Plan that must be approved by the City's Environmental Services Department that would address Solid Waste disposal impacts (construction and operational). The EIR shall discuss how this project would contribute cumulatively to the region's solid waste facility capacity and summarize the findings of the Waste Management Plan.

Sewer and/or water pipeline studies shall be performed to determine if appropriate sewer/water facilities are available to serve the development. The analysis and conclusions of the studies shall be included in the EIR.

#### Visual Quality/Neighborhood Character/ Landform Alteration

- Issue 1: Would the proposal result in a substantial obstruction of any vista or scenic view from a public viewing area as identified in the community plan?
- Issue 2: Would the proposal result in a negative aesthetic site or project?
- Issue 3: Would the proposal result in bulk, scale, materials, or style which would be incompatible with surrounding development?
- Issue 4: Would the proposed project cause a substantial alteration to the existing or planned character of the area?
- Issue 5: Would the proposal result in a substantial change in the existing landform?
- Issue 6: Would the proposal result in substantial light or glare which would adversely affect daytime or nighttime views in the area?

The EIR shall include an analysis of potential impacts to the community character as a result of the proposed development. The EIR shall include a discussion analyzing

whether any views to open space would be impacted. Relevant graphics and photo simulations shall be included as appropriate. Identify designated views in close proximity to the proposed site. This section shall analyze whether or not the project would impact any designated view corridors.

Overall, the analysis shall place an emphasis on how project development will appear to viewers from adjacent streets and from public viewing areas from various vantage points within and around the project site.

The EIR shall include an evaluation of the impacts on the natural landforms within the project boundary due to the proposed grading and include the grading quantities (cut and fill) as well as the height of proposed manufactured slopes. In accordance with the City of San Diego's Significance Determination Thresholds, the proposed project may potentially create significant visual impacts in relation to landform alterations. The guidelines include the following in determining landform visual impact: Alteration of more than 2,000 cubic-yards of earth per graded acre; creating manufactured slopes higher than ten feet of steeper than 2:1 (50 percent); or changing the elevation of steep natural slopes (25 percent gradient or steeper) from existing grade to a proposed grade of more than 5 feet by either excavation or fill.

A description of all proposed structures shall also be included within this section of the EIR in terms of their building mass, bulk, height and architectural style. This section shall also include an analysis with respect to lighting and glare.

#### Water Quality

- Issue 1: Would the proposal result in an increase in pollutant discharge to receiving waters during or following construction? Would the proposal discharge identified pollutants to an already impaired water body?
- Issue 2: What short-term and long-term effects would the proposal have on local and regional water quality? What types of pre and postconstruction Best Management Practices (BMPs) would be incorporated into the proposal to preclude impacts to local and regional water quality?

A Water Quality Technical Report (WQTR) is required for this project. The report along with the EIR shall discuss how the proposed project could affect water quality within the project area and downstream. This section shall also include the findings and conclusions of the report. This section shall also include examples of BMPs and outline programs that can be used during and post-construction and discuss the project's compliance with the City's Storm Water Standards.

# VI. SIGNIFICANT ENVIRONMENTAL EFFECTS WHICH CANNOT BE AVOIDED IF THE PROPOSED PROJECT IS IMPLEMENTED

This section shall describe any significant unavoidable impacts of the project, including those significant impacts that can be mitigated but not reduced to below a level of significance. Provide mitigation measures where appropriate; including triggers, details, responsible entities, and a monitoring and report schedule. Include a sentence on the significance of each impact area discussed, with effect of the proposed mitigation if appropriate. Do not include analysis in this sentence.

#### VII. SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL CHANGES

In accordance with CEQA Section 15126.2(c), the EIR shall include a discussion of any significant irreversible environmental changes which would be caused by the proposed action should it be implemented. This section shall address the use of nonrenewable resources during the construction and life of the project. See CEQA Section 15127 for limitation on the requirements for this discussion.

#### VIII. GROWTH INDUCEMENT

The EIR shall address the potential for growth inducement through implementation of the project. The EIR shall discuss the ways in which the project 1) is directly and indirectly growth inducing (i.e. fostering economic or population growth by land use changes, construction of additional housing, etc.) and 2) if the subsequent consequences (i.e. impacts to existing infrastructure, requirement of new facilities, roadways, etc.) of the growth inducing project would create a significant and/or unavoidable impact, and provide for mitigation or avoidance. Accelerated growth could further strain existing community facilities or encourage activities that could significantly affect the environment. This section need not conclude that growthinducing impacts if any are significant unless the project would induce substantial growth or concentration of population.

## IX. CUMULATIVE IMPACTS

In accordance with CEQA Section 15130, potential cumulative impacts shall be discussed in a separate section of the EIR. This section shall include all existing and pending development proposals, including those undergoing review with the Development Services Department. The discussion shall address the potential cumulative effects related to each environmental resources area that should be discussed in the EIR as outlined above.

The EIR shall summarize the overall short-term and long-term impacts this project could have in relation to other planned and proposed projects. When this project is considered with other past, present and reasonably foreseeable probable future projects within close proximity, would the proposed project result in significant environmental changes that are individually limited but cumulatively considerable? If incremental impacts do not rise to the level of cumulatively significant the Draft EIR shall make a statement to that extent.

#### X. EFFECTS FOUND NOT TO BE SIGNIFICANT

A separate section of the EIR shall include a brief discussion of why certain areas were not considered to be potentially significant and were therefore not included in the EIR. For the Candlelight Project, these include agricultural and forestry resources, historical resources (built environment), health and safety, mineral resources, public services and facilities, and population/housing. If issues related to these areas or other potentially significant issue areas arise during the detailed environmental investigation of the project, consultation with EAS is recommended to determine if subsequent issue area discussions need to be added to the EIR. Additionally, as supplementary information is submitted (such as with the technical reports), the EIR may need to be expanded to include these or other additional use areas.

#### XI. ALTERNATIVES

The EIR shall place major attention on reasonable alternatives that avoid or reduce the project's significant environmental impacts while still achieving the stated project objectives. Therefore, a discussion of the project's objectives should be included in this section. The alternatives should be identified and discussed in detail and should address all significant impacts. Refer to Section 15364 of the CEQA Guidelines for the CEQA definition of "feasible."

This section should provide a meaningful evaluation, analysis, and comparison of alternatives' impacts to those of the proposed project (matrix format recommended). These alternatives should be identified and discussed in detail and should address all significant impacts. The alternatives analysis should be conducted with sufficient graphics, narrative and detail to clearly assess the relative level of impacts and feasibility. Issues to consider when assessing "feasibility" are site suitability, economic viability, availability of infrastructure, general plan consistency, other regulatory limitations, jurisdictional boundaries and the applicant's control over alternative sites (own, ability to purchase, etc.).

Preceding the detailed alternatives analysis, provide a section entitled "Alternatives Considered but Rejected." This section should include a discussion of preliminary alternatives that were considered but not analyzed in detail. The reasons for rejection must be explained in detail and demonstrate to the public the analytical route followed in rejecting certain alternatives. At a minimum, the following alternatives should be considered: No Project and Reduced Density/Intensity.

If, through the environmental analysis, other alternatives become apparent that would mitigate potential impacts, these should be discussed with EAS staff prior to including them in the Draft EIR. It is important to emphasize that the alternatives section of the EIR should constitute a major part of the report. The timely processing of the environmental review will likely be dependent on the thoroughness of effort exhibited in the alternative analysis.

## XII. MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)

Mitigation measures should be clearly identified and discussed and their effectiveness assessed in each issue section of the EIR. A Mitigation, Monitoring, and Reporting Program (MMRP) for each issue area with significant impacts is mandatory and projected effectiveness must be assessed (i.e., all or some CEQA impacts would be reduced to below a level of significance, etc.). At a minimum, the MMRP should identify: 1) the department responsible for the monitoring; 2) the monitoring and reporting schedule; and 3) the completion requirements. In addition, mitigation measures and the monitoring and reporting program for each impact should also be contained (verbatim) to be included within the EIR in a separate section and a duplicate separate copy (Word version) must also be provided to EAS.

#### XIII. <u>REFERENCES</u>

Material must be reasonably accessible. Use the most up-to-date possible and reference source documents

#### XIV. INDIVIDUALS AND AGENCIES CONSULTED

List those consulted in preparation of the EIR. Seek out parties who would normally be expected to be a responsible agency or an interest in the project.

#### XV. <u>CERTIFICATION PAGE</u>

Include City and Consulting staff members, titles, and affiliations.

#### XVI. APPENDICES

Include the EIR Notice of Preparation (NOP), Scoping Meeting Notice, and comments on the NOP and Scoping Meeting (Scoping Meeting verbal transcript). Include all accepted technical studies.

#### **Conclusion:**

If other potentially significant issue areas arise during detailed environmental investigation of the project, consultation with this division is required to determine if these other areas need to be addressed in the EIR. Should the project description be revised, an additional scope of work may be required. Furthermore, as the project design progresses and supplementary information becomes available, the EIR may need to be expanded to include additional issue areas.

It is important to note that timely processing of your project will be contingent in large part on your selection of a well-qualified consultant. Prior to starting work on the EIR, a meeting between the consultant and EAS will be required to discuss and clarify the scope of work. Until the screencheck for the draft EIR is submitted, which addresses all of the above issues, the environmental processing timeline will be held in abeyance. Should you have any questions, please contact the environmental analyst, Anna McPherson at (619) 446-5276.

Sincerely,

Cathy Winterrowd Interim Deputy Director Development Services Department

cc:

Sandra Teasley, Development Project Manager EAS Project File



Edmund G. Brown Jr. Governor

# STATE OF CALIFORNIA Governor's Office of Planning and Research State Clearinghouse and Planning Unit



**Notice of Preparation** 

October 10, 2013

To: Reviewing Agencies

Re: Candlelight SCH# 2013101036

Attached for your review and comment is the Notice of Preparation (NOP) for the Candlelight draft Environmental Impact Report (EIR).

Responsible agencies must transmit their comments on the scope and content of the NOP, focusing on specific information related to their own statutory responsibility, within 30 days of receipt of the NOP from the Lead Agency. This is a courtesy notice provided by the State Clearinghouse with a reminder for you to comment in a timely manner. We encourage other agencies to also respond to this notice and express their concerns early in the environmental review process.

Please direct your comments to:

Anna L. McPherson City of San Diego 1222 First Avenue, MS-501 San Diego, CA 92101

with a copy to the State Clearinghouse in the Office of Planning and Research. Please refer to the SCH number noted above in all correspondence concerning this project.

If you have any questions about the environmental document review process, please call the State Clearinghouse at (916) 445-0613.

Sincerely,

magan Scott Morgan

Director, State Clearinghouse

Attachments cc: Lead Agency

1400 TENTH STREET P.O. BOX 3044 SACRAMENTO, CALIFORNIA 95812-3044 TEL (916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov
# Document Details Report State Clearinghouse Data Base

SCH# Project Title Lead Agency	<b>2013101036</b> Candlelight San Diego, City of		
Туре	NOP Notice of Preparation		
Description	The Candlelight project is located on a 44.19 acre parcel in the Otay Mesa area of San Diego. The project consists of an application for a Planned Development Permit (PDP), Site Development Permit (SDP), and Tentative Map (TM) to subdivide the property into three multi-family residential lots, 1-3, totaling 26.33 acres, and two open space lots. The two open space lots include: lot 4 which consists of 15.76 acres located at the western boundary of the property. As part of the Project, the applicant will grant conservation easements over both open space lots in fee title to a CDFW approved agency. Prior to conveyance, the applicant will grant a 10 foot trail easement to the City for maintenance on Lot 5. The Project also includes trail and trail access improvements on lots 3 and 5.		
Lead Agence	cy Contact		
Name	Anna L. McPherson		
Agency	City of San Diego		
Phone	619 446 5276 . Fax		
email			
Address	1222 First Avenue, MS-501		
City	San Diego State CA Zip 92101		
Project Loca	ation		
County	San Diego		
City	San Diego		
Region			
Cross Streets	5213 Otay Mesa Road		
Lat / Long	32 33 59.7 N/TT/ T 14.75 W		
Township	18S Range 1W Section 31 Base		
Proximity to	,.		
Highways	SR-905		
Airports	Brown Field		
Railways			
Waterways			
Schools	San Ysidro HS		
Land Use	Vacant / Multifamily Residential / RM-2-5		
Project Issues	Aesthetic/Visual; Air Quality; Archaeologic-Historic; Biological Resources; Drainage/Absorption; Geologic/Seismic; Noise; Public Services; Recreation/Parks; Solid Waste; Traffic/Circulation; Vegetation; Wetland/Riparian; Growth Inducing; Landuse; Cumulative Effects; Other Issues		
Reviewing Agencies	Resources Agency; Department of Parks and Recreation; Department of Water Resources; Department of Fish and Wildlife, Region 5; Native American Heritage Commission; Caltrans, Division of Aeronautics; California Highway Patrol; Caltrans, District 11; Air Resources Board; Air Resources Board, Transportation Projects; Regional Water Quality Control Board, Region 9		

 Date Received
 10/10/2013
 Start of Review
 10/10/2013
 End of Review
 11/08/2013

	Print Form				
	20131040				
Notice of Completion & Environmental	Document Transmittal				
Mail to: State Clearinghouse, P.O. Box 3044, Sacrament For Hand Delivery/Street Address: 1400 Tenth Street, S	o, CA 95812-3044 (916) 445-0613 acramento, CA 95814				
Project Title: Candlelight					
Lead Agency: City of San Diego - Development Services Department Contact Person: Anna L. McPherson AICP					
Mailing Address: 1222 First Avenue, MS 501	Phone: (619) 446-5276				
City: San Diego	Zip: 92101 County: San Diego				
Project Location: County:San Diego	City/Nearest Community: San Diego/Otay Mesa				
Cross Streets: 5213 Otay Mesa Road Zip Code: 92154					
Longitude/Latitude (degrees, minutes and seconds): <u>32</u> ° <u>3</u>	<u>3 '59.7 "N/ 117 °01 '14.75</u> " W Total Acres: 44.19				
Assessor's Parcel No.:645-080-1300	Section: 31 Twp.: 18S Range: 1W Base: IB				
Airports: Brown Field	Railways: Schools: San Ysidro High School				
Document Type:         CEQA:       NOP       Draft EIR         Early Cons       Supplement/Subsequent         Neg Dec       (Prior SCH No.)         Mit Neg Dec       Other:	EIR (NEPA: Dirac Other: Dirac Document Dirac EIS Other: Ot				
Local Action Type: General Plan Update Specific Plan ST General Plan Amendment Master Plan General Plan Element Planned Unit Develop Community Plan Site Plan	ATE C Rezone HOUSE Annexation Prézone CUSE Redevelopment ment Use Permit Coastal Permit X Land Division (Subdivision, etc.) Other:				
Development Type:         X Residential: Units         Office:       Sq.ft.         Acres       Employee         Commercial:Sq.ft.       Acres         Industrial:       Sq.ft.         Educational:       Recreational:         Water Facilities:Type       MGD	s Transportation: Type s Mining: Mineral s Power: Type MW Waste Treatment: Type MGD Hazardous Waste: Type Other:				
Project Issues Discussed in Document:					
<ul> <li>Aesthetic/Visual</li> <li>Agricultural Land</li> <li>Flood Plain/Flooding</li> <li>Air Quality</li> <li>Forest Land/Fire Hazar</li> <li>Archeological/Historical</li> <li>Biological Resources</li> <li>Minerals</li> <li>Coastal Zone</li> <li>Drainage/Absorption</li> <li>Economic/Jobs</li> <li>Forest Land/Fire Hazar</li> <li>Population/Housing Bazer</li> <li>Public Services/Facilities</li> </ul>	X       Recreation/Parks       X       Vegetation         Schools/Universities       Water Quality         d       Septic Systems       Water Supply/Groundwater         Sewer Capacity       X       Wetland/Riparian         Soil Erosion/Compaction/Grading       X       Growth Inducement         X       Solid Waste       X       Land Use         lance       Toxic/Hazardous       X       Cumulative Effects         es       X       Traffic/Circulation       X       Other: GHG Emissions				
Present Land Use/Zoning/General Plan Designation:					
Project Description: (please use a separate page if n See attached.T	ecessary)				

Note: The State Clearinghouse will assign identification numbers for all new projects. If a SCH number already exists for a project (e.g. Notice of Preparation or previous draft document) please fill in.

# **Reviewing Agencies Checklist**

Lead Agencies may recommend State Clearinghouse distribution by marking agencies below with and "X". If you have already sent your document to the agency please denote that with an "S".

Air Resources Board	Office of Historic Preservation			
Boating & Waterways, Department of	Office of Public School Construction			
California Emergency Management Agency	Parks & Recreation, Department of			
California Highway Patrol	Pesticide Regulation, Department of			
Caltrans District #11	Public Utilities Commission			
Caltrans Division of Aeronautics	Regional WQCB # 9			
Caltrans Planning	Resources Agency			
Central Valley Flood Protection Board	Resources Recycling and Recovery, Department of			
Coachella Valley Mtns. Conservancy	S.F. Bay Conservation & Development Comm.			
Coastal Commission	San Gabriel & Lower L.A. Rivers & Mtns. Conservancy			
Colorado River Board	San Joaquin River Conservancy			
Conservation, Department of	Santa Monica Mtns. Conservancy			
Corrections, Department of	State Lands Commission			
Delta Protection Commission	SWRCB: Clean Water Grants			
Education, Department of	SWRCB: Water Quality			
Energy Commission	SWRCB: Water Rights			
Fish & Game Region # 5	Tahoe Regional Planning Agency			
Food & Agriculture, Department of	Toxic Substances Control, Department of			
Forestry and Fire Protection, Department of	Water Resources, Department of			
General Services, Department of				
Health Services, Department of	Other:			
Housing & Community Development	Other:			
Native American Heritage Commission				
Local Public Review Period (to be filled in by lead agency	)			
	Ending Date			
Lead Agency (Complete if applicable):				
Consulting Firm:	Applicant: Schwerin and Associates			
Address:	Address: 814 Morena Boulevard, #101			
City/State/Zip:	City/State/Zip: San Diego, CA 92110			
Contact:	Phone: (619) 220-4969			
Phone:				
<i>A</i>				
Signature of Load Agenery Representatives (MAUDI) NIMINOL Deve Oct. 9, 2013				
Signature of Lead Agency Representative:/ V V V (	Date:			

Authority cited: Section 21083, Public Resources Code. Reference: Section 21161, Public Resources Code.

# **Candlelight Project Description**

The Candlelight project is located on a 44.19 acre parcel in the Otay Mesa area of San Diego. The project consists of an application for a PLANNED DEVELOPMENT PERMIT (PDP), SITE DEVELOPMENT PERMIT (SDP), and TENTATIVE MAP (TM) to subdivide the property into three multi-family residential lots, 1-3, totaling 26.33 acres, and two open space lots, The two open space lots include: lot 4 which consists of 15.76 acres located at the western boundary of the property, and lot 5 which consists of 2.10 acres located at the eastern boundary of the property. As part of the Project, the applicant will grant conservation easements over both open space lots in fee title to a California Department of Fish and Wildlife approved agency. Prior to conveyance, the applicant will grant a 10 foot trail easement to the City for maintenance on Lot 5. The Project also includes trail and trail access improvements on lots 3 and 5.

# **NOP Distribution List**

#### Lesources Agency

ii. **Resources Agency** Nadell Gayou Dept. of Boating & Waterways Nicole Wong California Coastal Commission Elizabeth A. Fuchs Colorado River Board Tamya Trujillo Dept. of Conservation Elizabeth Carpenter California Energy Commission Eric Knight Cal Fire Dan Foster **Central Valley Flood Protection Board** James Herota Office of Historic

Preservation Ron Parsons

2

Dept of Parks & Recreation Environmental Stewardship Section California Department of Resources, Recycling & Recovery Sue O'Leary S.F. Bay Conservation &

Dev't. Comm. Steve McAdam

Dept. of Water Resources Resources Agency Nadell Gayou

#### ish and Game

Depart. of Fish & Wildlife Scott Flint Environmental Services Division Fish & Wildlife Region 1 Donald Koch Fish & Wildlife Region 1E Laurie Harnsberger

Fish & Wildlife Region 2 Jeff Drongesen

Fish & Wildlife Region 3 Charles Armor

Fish & Wildlife Region 4 Julie Vance

**Fish & Wildlife Region 5** Leslie Newton-Reed Habitat Conservation Program

**Gabrina Gatchel** Habitat Conservation Program

**Fish & Wildlife** Region 6 I/M Heidi Sickler Inyo/Mono, Habitat Conservation Program

Dept. of Fish & Wildlife M George Isaac Marine Region

#### Other Departments

**Food & Agriculture** Sandra Schubert Dept. of Food and Agriculture

Depart. of General Services

Public School Construction
Dept. of General Services

Anna Garbeff Environmental Services Section

Dept. of Public Health Jeffery Worth Dept. of Health/Drinking Water

Delta Stewardship Council Kevan Samsam

#### Independent Commissions, Boards

Delta Protection Commission Michael Machado

Cal EMA (Emergency Management Agency) Dennis Castrillo

# County: SAN Dieno

Native American Heritage Comm. Debbie Treadway

Public Utilities Commission Leo Wong

Santa Monica Bay Restoration Guangyu Wang

State Lands Commission Jennifer Deleong

Tahoe Regional Planning Agency (TRPA) Cherry Jacques

#### Business, Trans & Housing

Caltrans - Division of Aeronautics Philip Crimmins

Caltrans - Planning Terri Pencovic

California Highway Patrol Suzann Ikeuchi Office of Special Projects

Housing & Community Development CEQA Coordinator Housing Policy Division

#### Dept. of Transportation

Caltrans, District 1 Rex Jackman

Caltrans, District 2 Marcelino Gonzalez

Caltrans, District 3 Gary Arnold

Caltrans, District 4 Erik Alm

Caltrans, District 5 David Murray

Caltrans, District 6 Michael Navarro

Caltrans, District 7 Dianna Watson Caltrans, District 8 Dan Kopulsky

Gayle Rosander

Caltrans, District 10 Tom Dumas

Caltrans, District 11 Jacob Armstrong

Caltrans, District 12 Maureen El Harake

#### Cal EPA

Air Resources Board

All Projects CEQA Coordinator

> Transportation Projects Jon Taylor

Industrial Projects Mike Tollstrup

State Water Resources Control Board Regional Programs Unit Division of Financial Assistance

State Water Resources Control Board Student Intern, 401 Water Quality Certification Unit Division of Water Quality

State Water Resouces Control Board Phil Crader Division of Water Rights

Dept. of Toxic Substances Control CEQA Tracking Center

Department of Pesticide Regulation CEQA Coordinator

# scн# 2013101036

Regional Water Quality Control Board (RWQCB)

> Cathleen Hudson North Coast Region (1)

Environmental Document Coordinator San Francisco Bay Region (2)

Central Coast Region (3)

RWQCB 4 Teresa Rodgers Los Angeles Region (4)

RWQCB 5S Central Valley Region (5)

RWQCB 5F Central Valley Region (5) Fresno Branch Office

Central Valley Region (5) Redding Branch Office

Lahontan Region (6)

RWQCB 6V Lahontan Region (6) Victorville Branch Office

Colorado River Basin Region (7)

Santa Ana Region (8)

San Diego Region (9)

Other \_\_\_\_\_

Conservancy

Last Updated 9 /24/2013



P.O Box 908 Alpine, CA 91903 #1 Viejas Grade Road Alpine, CA 91901

> Phone: 619445.3810 Fax: 619445.5337 viejas.com

November 25, 2013

Anna L. McPherson

San Diego Development Services Center, 1222 First Avenue, MS 501, San Diego, CA 92101

Re: Candlelight/40329, Otay Mesa San Diego, California.

Dear Ms. McPherson

In reviewing the above referenced project the Viejas Band of Kumeyaay Indians ("Viejas") would like to comment at this time. Our records show that the Villages of Apusquel, Jaurial, Alysuhui, Uutai, Janat are in this project area. The project area contains many sacred sites to the Kumeyaay people. We request that these sacred sites be avoided with adequate buffer zones.

Additionally, Viejas is requesting the following:

- A site visit
- Advance notice of any plans on mitigation measures
- Active participation in the development of said mitigation measures
- All NEPA/CEQA/ NAGPA laws be followed
- Viejas Qualified cultural monitors are on site at all time
- Give frequent up-dates to the tribes and final report on findings
- Immediately contact Viejas on any changes or inadvertent discoveries.

Thank you for your collaboration and support in preserving our Tribal cultural resources. I look forward to hearing from you.

Sincerely, VIEJAS, BAND OF KUMEYAAY INDIANS

P

Frank Brown Tribal Historic Preservation Officer

STATE OF CALIFORNIA

Edmund G. Brown, Jr.Governor

NATIVE AMERICAN HERITAGE COMMISSION 1550 Harbor Boulevard, Suite 100 West Sacramento, CA 95691 (916) 373-3715 Fax (916) 373-5471 Web Site www.nahc.ca.gov Ds\_nahc@pacbell.net e-mail: ds\_nahc@pacbell.net



October 18, 2013

Ms. Anna McPherson, AICP, Environmental Planner

**City of San Diego Development Services Department** 

1222 First Avenue, MS 501 San Diego, 92101

RE: SCH#2013191036 CEQA Notice of Preparation (NOP); draft Environmental Impact Report (DEIR) for the **"Candlight Project; (Residential)**" located Otay Mesa area; San Diego County, California

Dear Ms. McPherson:

The Native American Heritage Commission (NAHC) has reviewed the Court decision (170 Cal App 3<sup>rd</sup> 604), the court held that the NAHC has jurisdiction and special expertise, as a state agency, over affected Native American resources impacted by proposed projects, including archaeological places of religious significance to Native Americans, and to Native American burial sites.

The California Environmental Quality Act (CEQA) states that any project which includes archeological resources, is a significant effect requiring the preparation of an EIR (CEQA guidelines 15064.5(b). To adequately comply with this provision and mitigate project-related impacts on archaeological resources, the Commission recommends the following actions be required:

Contact the appropriate Information Center for a record search to determine :If a part or all of the area of project effect (APE) has been previously surveyed for cultural places(s), The NAHC recommends that known traditional cultural resources recorded on or adjacent to the APE be listed in the draft Environmental Impact Report (DEIR).

If an additional archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey. We suggest that this be coordinated with the NAHC, if possible. The final report containing site forms, site significance, and mitigation measurers should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for pubic disclosure pursuant to California Government Code Section 6254.10.

A list of appropriate Native American Contacts for consultation concerning the project site has been provided and is attached to this letter to determine if the proposed active might impinge on any cultural resources. Lack of surface evidence of archeological resources does not preclude their subsurface existence.

Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, pursuant to California Health & Safety Code Section 7050.5 and California Environmental Quality Act (CEQA) §15064.5(f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities. Also, California Public Resources Code Section 21083.2 require documentation and analysis of archaeological items that meet the standard in Section 15064.5 (a)(b)(f). Lead agencies should include in their mitigation plan provisions for the analysis and disposition of recovered artifacts, in consultation with culturally affiliated Native Americans. Lead agencies should include provisions for discovery of Native American human remains in their mitigation plan. Health and Safety Code §7050.5, CEQA §15064.5(e), and Public Resources Code §5097.98 mandates the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery.

Sinderely. Dave Singlet Program Analyst

CC: State Clearinghouse

Attachment: Native American Contacts list

Barona Group of the Capitan Grande Clifford LaChappa, Chairperson 1095 Barona Road Diegueno , CA 92040 Lakeside sue@barona-nsn.gov (619) 443-6612 619-443-0681

La Posta Band of Mission Indians Gwendolyn Parada, Chairperson PO Box 1120 Diegueno/Kumeyaay Boulevard , CA 91905 gparada@lapostacasino.

(619) 478-2113 619-478-2125

Manzanita Band of Kumeyaay Nation Leroy J. Elliott, Chairperson PO Box 1302 Diegueno/Kumeyaay Boulevard , CA 91905 libirdsinger@aol.com (619) 766-4930

(619) 766-4957 Fax

San Pasqual Band of Mission Indians Allen E. Lawson, Chairperson PO Box 365 Diegueno Valley Center, CA 92082 allenl@sanpasqualband.com (760) 749-3200 (760) 749-3876 Fax

# Native American Contacts San Diego County October 18, 2013

Sycuan Band of the Kumeyaay Nation Daniel Tucker, Chairperson 5459 Sycuan Road Diegueno/Kumeyaay El Cajon , CA 92019 ssilva@sycuan-nsn.gov 619 445-2613 619 445-1927 Fax

Viejas Band of Kumeyaay Indians Anthony R. Pico, Chairperson **PO Box 908** Diegueno/Kumeyaay , CA 91903 Alpine jhagen@viejas-nsn.gov (619) 445-3810 (619) 445-5337 Fax

Kumeyaay Cultural Historic Committee Ron Christman 56 Viejas Grade Road Alpine , CA 92001 (619) 445-0385

Diegueno/Kumeyaay

Campo Band of Mission Indians Ralph Goff, Chairperson 36190 Church Road, Suite 1 Diegueno/Kumeyaay Campo , CA 91906 chairgoff@aol.com (619) 478-9046 (619) 478-5818 Fax

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

his list s only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2013101036; CEQA Notice of Preparation (NOP); draft Environmental Impact Report (DEIR) for the Candlelight Project; located in the Otay Mesa Community of the City of San Diego; San Diego County, California.

# Native American Contacts San Diego County October 18, 2013

Jamul Indian Village Raymond Hunter, Chairperson P.O. Box 612 Diegueno/Kumeyaay Jamul , CA 91935 jamulrez@sctdv.net (619) 669-4785 (619) 669-48178 - Fax

Mesa Grande Band of Mission Indians Mark Romero, Chairperson P.O Box 270 Diegueno Santa Ysabel, CA 92070 mesagrandeband@msn.com (760) 782-3818 (760) 782-9092 Fax

Kwaaymii Laguna Band of Mission Indians Carmen Lucas P.O. Box 775 Diegueno -Pine Valley , CA 91962 (619) 709-4207

Inaja Band of Mission Indians Rebecca Osuna, Chairman 2005 S. Escondido Blvd. Diegueno Escondido , CA 92025 (760) 737-7628 (760) 747-8568 Fax Kumeyaay Cultural Repatriation Committee Steve Banegas, Spokesperson 1095 Barona Road Diegueno/Kumeyaay Lakeside , CA 92040 sbenegas50@gmail.com (619) 742-5587 (619) 443-0681 FAX

Viejas Band of Kumeyaay Indians ATTN: Julie Hagen, cultural Resources P.O. Box 908 Diegueno/Kumeyaay Alpine , CA 91903 jhagen@viejas-nsn.gov (619) 445-3810 (619) 445-5337

San Pasqual Band of Indians Kristie Orosco, Environmental Coordinator P.O. Box 365 Diegueno Valley Center, CA 92082 (760) 749-3200 council@sanpasqualtribe.org (760) 749-3876 Fax

Ewiiaapaayp Tribal Office Will Micklin, Executive Director 4054 Willows Road Diegueno/Kumeyaay Alpine , CA <sup>91901</sup> wmicklin@leaningrock.net (619) 445-6315 - voice (619) 445-9126 - fax

This list is current only as of the date of this document.

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# Native American Contacts San Diego County October 18, 2013

Ipay Nation of Santa Ysabel Clint Linton, Director of Cultural Resources P.O. Box 507 Diegueno/Kumeyaay Santa Ysabel, CA 92070 cjlinton73@aol.com (760) 803-5694 cjlinton73@aol.com

Kumeyaay Diegueno Land Conservancy Mr. Kim Bactad, Executive Director 2 Kwaaypaay Court Diegueno/Kumeyaay El Cajon CA 91919 (619) 445-0238 - FAX (619) 659-1008 - Office kimbactad@gmail.com

Inter-Tribal Cultural Resource Protection Council Frank Brown, Coordinator; Viejas THPO 240 Brown Road Diegueno/Kumeyaay Alpine , CA 91901 frbrown@viejas-nsn.gov

(619) 884-6437

Kumeyaay Cultural Repatriation Committee Bernice Paipa, Vice Spokesperson 1095 Barona Road Diegueno/Kumeyaay Lakeside , CA 92040 (619) 478-2113 (KCRC is a Coalituon of 12 Kumeyaay Governments) bp@lapostatribe.com

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

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# San Diego County Archaeological Society, Inc.

Environmental Review Committee

17 October 2013

To:

Ms. Anna L. McPherson Development Services Department City of San Diego 1222 First Avenue, Mail Station 501 San Diego, California 92101

Subject:

Notice of Preparation of a Draft Environmental Impact Report Candlelight Project No. 40329

# Dear Ms. McPherson:

Thank you for the Notice of Preparation for the subject project, received by this Society this week.

We are pleased to note the inclusion of historical resources in the list of subject areas to be addressed in the DEIR, and look forward to reviewing it during the upcoming public comment period. To that end, please include us in the distribution of the DEIR, and also provide us with a copy of the cultural resources technical report(s).

SDCAS appreciates being included in the City's environmental review process for this project.

Sincerely,

James W. Royle, Jr., Chairserson

Environmental Review Committee

cc: SDCAS President File



State of California – Natural Resources Agency DEPARTMENT OF FISH AND WILDLIFE South Coast Region 3883 Ruffin Road San Diego, CA 92123 (858) 467-4201 www.wildlife.ca.gov EDMUND G. BROWN JR., Governor CHARLTON H. BONHAM, Director



October 21, 2013

Ms. Anna McPherson City of San Diego Development Services Department 1222 First Avenue, MS 501 San Diego, California 92101

### Subject: Comments on the Notice of Preparation of a Draft Environmental Impact Report for the Candlelight Project (SCH No. 2013101036), City of San Diego, California

Dear Ms. McPherson:

The California Department of Fish and Wildlife (Department) has reviewed the abovereferenced Notice of Preparation (NOP) of a draft Environmental Impact Report (EIR) for the Candlelight Project in the City of San Diego (City), California. The City has an approved Subarea Plan (SAP) under the Natural Community Conservation Planning program. The EIR for the proposed project must ensure and verify that all requirements and conditions of the SAP are met. The EIR should also address biological issues that are not addressed in the SAP, such as specific impacts to, and mitigation requirements for, wetlands or sensitive species and habitats that are not covered by the SAP.

The proposed project involves development of a maximum of 475 multifamily units on 26.33 acres located directly south of Caliente Avenue and San Ysidro High School within the Otay Mesa Community. Two open space lots would also be created as part of the proposed project, totaling 17.86 acres and including 2.5 acres within the City's Multi-Habitat Planning Area (MHPA).

Issue areas in the EIR that may be influenced by the SAP include Land Use, Landform Alteration/Visual Quality, Traffic/Circulation, Biological Resources, Drainage/Urban Runoff/Water Quality, Noise, and Cumulative Effects. In addition, the Department recommends that the environmental document should describe why the proposed project, irrespective of other alternatives to the project, is consistent with the goals and requirements of the SAP.

#### **Specific Comments**

1. Although previously used for agriculture, the project site could potentially support burrowing owl (*Athene cunicularia*) depending on the presence of suitable burrows and burrow surrogates. The Department recommends that a qualified biologist assess the project site (including a 500 ft. buffer) to determine if focused surveys for burrowing owl are appropriate. If the site is determined to be occupied by burrowing owl, as an MSCP condition of coverage, any impacted individuals must be relocated out of the impact area using passive or active methodologies approved by the Wildlife Agencies (jointly, the Department and the U.S. Fish and Wildlife Service). Mitigation for impacts to occupied habitat (at the SAP specified ratio) must be met through the conservation of occupied burrowing owl habitat or conservation of lands appropriate for restoration, management and enhancement of burrowing owl nesting and foraging requirements. We also recommend that the City meet with the Wildlife Agencies

Ms. Anna McPherson City of San Diego October 21, 2013 Page 2 of 2

to develop an acceptable and effective burrowing owl mitigation plan prior to finalizing the draft EIR. If burrowing owls are detected within 500 ft. of the project site, indirect effects must also be mitigated by maintaining an appropriate buffer around any occupied burrows.

2. We recommend that the draft EIR include an analysis of the proposed project's consistency with the City's draft Vernal Pool Habitat Conservation Plan (HCP) and/or any applicable project-specific discussions with the Wildlife Agencies concerning on-site conservation and mitigation requirements for vernal pools and associated sensitive species.

Thank you for the opportunity to comment on the above referenced NOP. Please contact Kyle Dutro at (858) 467-4267 or kyle.dutro@wildlife.ca.gov if you would like to discuss this response to the NOP.

Sincerely, Gail K. Sevrens

Gail K. Sevrens Environmental Program Manager South Coast Region

ec: Kyle Dutro, CDFW, San Diego

DEPARTMENT OF TRANSPORTATION DISTRICT 11 PLANNING DIVISION 4050 TAYLOR STREET, M.S. 240 SAN DIEGO, CA 92110 PHONE (619) 688-6960 FAX (619) 688-4299 TTY 711



Be energy efficient!

October 23, 2013

11-SD-905 PM 7.0 Candlelight/40329

Ms. Anna L. McPherson City of San Diego Department of Planning and Land Use 1222 First Avenue, MS-501 San Diego, CA 92101

Dear Ms. McPherson:

The California Department of Transportation (Caltrans) has reviewed the Notice of Preparation (NOP) for the proposed Candlelight/40329 project located near State Route 905 (SR-905). Caltrans has the following comments:

Please provide Caltrans with a copy of the Traffic Impact Study (TIS) for review. It is recommended when Caltrans facilities are part of the study area, and in particular when the traffic analysis identifies impacts on state facilities, that Caltrans review and provide comments on the traffic analysis prior to the public review period of the Environmental Impact Report (EIR).

The (TIS) should use as a guideline the *Caltrans Guide for the Preparation of Traffic Impact Studies*. Minimum contents of the traffic impact study are listed in Appendix "A" of the TIS guide. <u>www.dot.ca.gov/hq/tpp/offices/ocp/igr ceqa files/tisguide.pdf</u>

The Level of Service (LOS) for operating State highway facilities is based upon Measures of Effectiveness (MOE) identified in the Highway Capacity Manual (HCM). Caltrans endeavors to maintain a target LOS at the transition between LOS "C" and LOS "D" on State highway facilities; however, Caltrans acknowledges that this may not always be feasible and recommends that the lead agency consult with Caltrans to determine the appropriate target LOS. If an existing State highway facility is operating at less than this target LOS, the existing MOE should be maintained. In general, the region-wide goal for an acceptable LOS on all freeways, roadway segments, and intersections is "D". For undeveloped or not densely developed locations, the goal may be to achieve LOS "C".

All State-owned signalized intersections affected by this project should be analyzed using the intersecting lane vehicle (ILV) procedure from the Caltrans Highway Design Manual, Topic 406, page 400-21.

Ms. Anna L. McPherson October 23, 2013 Page 2

The geographic area examined in the traffic study should include as a minimum all regionally significant arterial system segments and intersections, including State highway facilities where the project will add over 100 peak hour trips. State highway facilities that are experiencing noticeable delays should be analyzed in the scope of the traffic study for projects that add 50 to 100 peak hour trips.

A focused analysis may be required for project trips assigned to a State highway facility that is experiencing significant delay, such as where traffic queues exceed ramp storage capacities. A focused analysis may also be necessary if there is an increased risk of a potential traffic accident.

All freeway entrance and exit ramps where a proposed project will add a significant number of peak-hour trips that may cause any traffic queues to exceed storage capacities should be analyzed. If ramp metering is to occur, a ramp queue analysis for all nearby Caltrans metered on-ramps is required to identify the delay to motorists using the on-ramps and the storage necessary to accommodate the queuing. The effects of ramp metering should be analyzed in the traffic study. For metered freeway ramps, LOS does not apply. However, ramp meter delays above 15 minutes are considered excessive.

The data used in the TIS should not be more than 2 years old.

Caltrans endeavors that any direct and cumulative impacts to the State Highway System be eliminated or reduced to a level of insignificance pursuant to the California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA) standards.

Mitigation measures to State facilities should be included in TIS. Mitigation identified in the traffic study, subsequent environmental documents, and mitigation monitoring reports, should be coordinated with Caltrans to identify and implement the appropriate mitigation. This includes the actual implementation and collection of any "fair share" monies, as well as the appropriate timing of the mitigation. Mitigation improvements should be compatible with Caltrans concepts.

Mitigation measures for proposed intersection modifications are subject to the Caltrans Intersection Control Evaluation (ICE) policy (Traffic Operation Policy Directive 13-02). Alternative intersection design(s) will need to be considered in accordance with the ICE policy; therefore, please refer to the policy for more information and requirements.

http://www.dot.ca.gov/hq/traffops/signtech/signdel/policy/13-02.pdf

The lead agency should monitor impacts to insure that roadway segments and intersections remain at an acceptable LOS. Should the LOS reach unacceptable levels, the lead agency should delay the issuance of building permits for any project until the appropriate impact mitigation is implemented.

Mitigation conditioned as part of a local agency's development approval for improvements to State facilities can be implemented either through a Cooperative Agreement between Caltrans and the lead agency, or by the project proponent entering into an agreement directly with Caltrans for the mitigation. When that occurs, Caltrans will negotiate and execute a Traffic Mitigation Agreement.

"Caltrans improves mobility across California"

Ms. Anna L. McPherson October 23, 2013 Page 3

If you have any questions, or require further information, please contact Roger Sanchez, at (619) 688-6494.

Sincerely,

JACOB M. ARMSTRONG, Chief Development Review Branch