THE CITY OF SAN DIEGO

MITIGATED NEGATIVE DECLARATION

Project No. 513356
SCH No. 2018021075

SUBJECT: LIGHTHOUSE RIDGE - VESTING TENTATIVE MAP (VTM), PLANNED DEVELOPMENT PERMIT, (PDP), and SITE DEVELOPMENT PERMIT (SDP) for the subdivision of a vacant 4.74-acre site into 10 residential lots ~~one~~ two HOA lots and one open space lot. The project would develop 10 single family residences varying in size from 3,756 to 4,517 square feet (including garages). The project site is located on Lighthouse Way, north of White Emerald Drive and east of Winstanley Way, in the Single Family (SF1 & SF1A) and Open Space (OS) zones of the Carmel Valley Planned District, within the Carmel Valley Community Plan Area within Council District 1 of the City of San Diego. The proposed extension of Lighthouse Way will be a private street. **LEGAL DESCRIPTION:** The north 217.8 feet of the west 1000.000 feet of the east half of the northeast quarter of section 17, township 14 south, range 3 west San Bernardino Meridian in the City of San Diego, County of San Diego, State of California, according to United States Government Survey.

Update 7/17/2018:

Minor revisions have been made to the draft Mitigated Negative Declaration (MND). Added language would appear in a ~~strikeout~~ and underlined format. The MND has been revised to reflect that a planned development permit ("PDP") is one of the discretionary approvals that will be required to implement the Project and clarifying language has been added to the biology section. The clarifying language and addition of the PDP will not result in any changes to the environmental impacts associated with the project or project mitigation measures. As such, no recirculation of the MND is required. In accordance with the California Environmental Quality Act, Section 15073.5 (c)(4), the addition of new information that clarifies, amplifies, or makes insignificant modification does not require recirculation as there are no new impacts and no new mitigation identified. An environmental document need only be recirculated when there is identification of new significant environmental impact or the addition of a new mitigation measure required to avoid a significant environmental impact. In addition minor revisions included clarification of the project description and minor corrections to Biological Resources.

I. PROJECT DESCRIPTION:

See attached Initial Study.

II. ENVIRONMENTAL SETTING:

See attached Initial Study.

III. DETERMINATION:

The City of San Diego conducted an Initial Study which determined that the proposed project could have a significant environmental effect in the following areas(s): **Biological Resources, Cultural Resources (Archaeology), Cultural Resources (Paleontology), and Tribal Cultural Resources.** Subsequent revisions in the project proposal create the specific mitigation identified in Section V of this Mitigated Negative Declaration. The project as revised now avoids or mitigates the potentially significant environmental effects previously identified, and the preparation of an Environmental Impact Report will not be required.

IV. DOCUMENTATION:

The attached Initial Study documents the reasons to support the above Determination.

V. MITIGATION, MONITORING AND REPORTING PROGRAM:

A. GENERAL REQUIREMENTS – PART I
Plan Check Phase (prior to permit issuance)

1. Prior to the issuance of a Notice To Proceed (NTP) for a subdivision, or any construction permits, such as Demolition, Grading or Building, or beginning any construction related activity on-site, the Development Services Department (DSD) Director's Environmental Designee (ED) shall review and approve all Construction Documents (CD), (plans, specification, details, etc.) to ensure the MMRP requirements are incorporated into the design.

2. In addition, the ED shall verify that the MMRP Conditions/Notes that apply ONLY to the construction phases of this project are included VERBATIM, under the heading, "**ENVIRONMENTAL/MITIGATION REQUIREMENTS.**"

3. These notes must be shown within the first three (3) sheets of the construction documents in the format specified for engineering construction document templates as shown on the City website:

http://www.sandiego.gov/development-services/industry/standtemp.shtml

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.

B. GENERAL REQUIREMENTS – PART II

Post Plan Check (After permit issuance/Prior to start of construction)

1. PRE CONSTRUCTION MEETING IS REQUIRED TEN (10) WORKING DAYS PRIOR TO BEGINNING ANY WORK ON THIS PROJECT. The PERMIT HOLDER/OWNER is responsible 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 Archaeologist, Native American Monitor, Qualified Paleontologist, Qualified Biologist

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) #513356 and /or Environmental Document # 513356, shall conform to the mitigation requirements contained in the associated Environmental Document and implemented to the satisfaction of the DSD'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 field 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 those permits or requirements. Evidence shall include copies of permits, letters of resolution or other documentation issued by the responsible agency.

None required

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 INSPECTIONS:

The Permit Holder/Owner's representative shall submit all required documentation, verification letters, and requests for all associated inspections to the RE and MMC for approval per the following schedule:

DOCUMENT SUBMITTAL/INSPECTION CHECKLIST		
Issue Area	Document Submittal	Associated Inspection/Approvals/Notes
General	Consultant Qualification Letters	Prior to Preconstruction Meeting
General	Consultant Construction Monitoring Exhibits	Prior to Preconstruction Meeting
Cultural Resources (Archaeology)	Monitoring Report(s)	Archaeological/Historic Site Observation
Cultural Resources (Paleontology)	Monitoring Report(s)	Paleontological Site Observation
Biological Resources	Biological Construction Mitigation/Monitoring Exhibit (BCME)	Approval by MMC
Biological Resources	Avian Protection – Pre-Construction survey	Within 10 Calendar Days prior to the start of construction activities (including removal of vegetation)
Biological Resources	Resource Delineation	Prior to Construction Activities
Biological Resources	Education	Prior to commencement of Construction Activities
Biological Resources	Consultant Site Visit Record (CSVR)	Monitoring During Construction
Biological Resources	Final BCME/Report	Within 30 days of Construction Completion
Bond Release	Request for Bond Release Letter	Final MMRP Inspections Prior to Bond Release Letter

C. SPECIFIC MMRP ISSUE AREA CONDITIONS/REQUIREMENTS

BIOLOGICAL RESOURCES

Prior to the issuance of a Notice to Proceed (NTP) or any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits the ADD environmental designee of the City's LDR Division shall incorporate the following mitigation measures into the project design and include them verbatim on all appropriate construction documents.

BIO-1 – COMPENSATORY MITIGATION

The project applicant shall provide payment into the City of San Diego Habitat Acquisition Fun (HAF) at a 1:1 mitigation ration for impacts to 0.7 acre of Tier II habitat and at a 0.5:1 mitigation ration for impacts to 0.1 acre of Tier IIIA habitat, for a total of 0.75 acre of HAF credit.

BIO- 2 - BIOLOGICAL RESOURCE PROTECTION DURING CONSTRUCTION

Prior to the issuance of any grading permit, the City Manager (or appointed designee) shall verify that the following project requirements are shown on the construction plans:

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, MSCP, ESL Ordinance, project permit conditions, CEQA, endangered species acts, and/or other local, state, or federal requirements.

D. **Biological Construction Mitigation/Monitoring Exhibit** – The Qualified Biologist shall present a Biological Construction Mitigation/Monitoring Exhibit (BCME), which includes the biological documents in C above. In addition, it includes: 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. **Coastal California Gnatcatcher Protection Requirement** – 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:

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

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

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

At least two weeks prior to the commencement of construction activities, under the direction of a qualified acoustician, noise attenuation measures (e.g., berms, walls) shall be implemented to ensure that noise levels resulting from construction activities will not exceed 60 dB(A) hourly average at the edge of habitat occupied by the coastal California gnatcatcher. Concurrent with the commencement of construction activities and the construction of necessary noise attenuation facilities, noise monitoring* shall be conducted at the edge of the occupied habitat area to ensure that noise levels do not exceed 60 dB(A) hourly average. If the noise attenuation techniques implemented

are determined to be inadequate by the qualified acoustician or biologist, then the associated construction activities shall cease until such time that adequate noise attenuation is achieved or until the end of the breeding season (September 16).

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

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:

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

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

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 and 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 on-site 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 first day of monitoring, the first 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 on site (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.

ARCHAEOLOGICAL MONITORING PROGRAM and TRIBAL CULTURAL RESOURCES MITIGATION

I. Prior to Permit Issuance

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

B. Letters of Qualification have been submitted to ADD
   1. The applicant shall submit a letter of verification to Mitigation Monitoring Coordination (MMC) identifying the Principal Investigator (PI) for the project and the names of all persons involved in the archaeological monitoring program, as defined in the City of San Diego Historical Resources Guidelines (HRG). If applicable, individuals involved in the archaeological monitoring program must have completed the 40-hour HAZWOPER training with certification documentation.
   2. MMC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the archaeological monitoring of the project meet the qualifications established in the HRG.
   3. Prior to the start of work, the applicant must obtain written approval from MMC for any personnel changes associated with the monitoring program.

II. Prior to Start of Construction

A. Verification of Records Search
   1. The PI shall provide verification to MMC that a site specific records search (0.25-mile radius) has been completed. Verification includes but is not limited to, a copy of a confirmation letter from South Coastal Information Center, or if the search was in-house, a letter of verification from the PI stating that the search was completed.
   2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.
   3. The PI may submit a detailed letter to MMC requesting a reduction to the 0.25-mile radius.

B. PI Shall Attend Pre-Construction Meetings
   1. Prior to beginning any work that requires monitoring; the Applicant shall arrange a Pre-Construction Meeting that shall include the PI; Native American consultant/monitor (where Native American resources may be impacted); Construction Manager (CM) and/or Grading Contractor; Resident Engineer (RE); Building Inspector (BI), if appropriate; and MMC. The qualified Archaeologist and Native American Monitor shall attend any grading/excavation related Pre-Construction Meeting 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 Pre-Construction Meeting, the Applicant shall schedule a focused Pre-Construction Meeting with MMC, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.
   2. Identify Areas to be Monitored

      a. Prior to the start of any work that requires monitoring, the PI shall submit an Archaeological Monitoring Exhibit (AME) (with verification that the AME has been reviewed and approved by the Native American consultant/monitor when Native American resources may be impacted) based on the appropriate construction documents (reduced to 11x17) to MMC identifying the areas to be monitored including the delineation of grading/excavation limits.
      b. The AME shall be based on the results of a site specific records search as well as information regarding existing known soil conditions (native or formation).
   3. When Monitoring Will Occur
      a. Prior to the start of any work, the PI shall also submit a construction schedule to MMC through the RE indicating when and where monitoring will occur.
      b. The PI may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification to the monitoring program. This request shall be based on relevant information, such as review of final construction documents that indicate site conditions such as depth of excavation and/or site graded to bedrock, which may reduce or increase the potential for resources to be present.

III. During Construction

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

1. The Archaeological Monitor shall be present full-time during all soil-disturbing and grading/excavation/trenching activities that 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 a potential safety concern within the area being monitored. In certain circumstances, OSHA safety requirements may necessitate modification of the AME.**
2. The Native American consultant/monitor shall determine the extent of their presence during soil disturbing and grading/excavation/trenching activities based on the AME and provide that information to the PI and MMC. If prehistoric resources are encountered during the Native American consultant/monitor's absence, work shall stop and the Discovery Notification Process detailed in Sections III.B–C and IV.A–D shall commence.
3. The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition such as modern disturbance post-dating the previous grading/trenching activities, presence of fossil formations, or when native soils are encountered that may reduce or increase the potential for resources to be present.
4. The archaeological and Native American consultant/monitor shall document field activity via the Consultant Site Visit Record (CSVR). The CSVRs shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (**Notification of Monitoring Completion**), and in the case of ANY discoveries. The RE shall forward copies to MMC.

B. Discovery Notification Process
   1. In the event of a discovery, the Archaeological Monitor shall direct the contractor to temporarily divert all soil disturbing activities, including but not limited to digging, trenching, excavating or grading activities in the area of discovery and in the area reasonably suspected to overlay adjacent resources and immediately notify the RE or BI, as appropriate.
   2. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery.
   3. The PI shall immediately notify MMC by phone of the discovery, and shall also submit written documentation to MMC within 24 hours by fax or email with photos of the resource in context, if possible.
   4. No soil shall be exported off site until a determination can be made regarding the significance of the resource specifically if Native American resources are encountered.

C. Determination of Significance
   1. The PI and Native American consultant/monitor, where Native American resources are discovered, shall evaluate the significance of the resource. If human remains are involved, the PI and Native American consultant/monitor shall follow protocol in this section.
      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) that has been reviewed by the Native American consultant/monitor, and obtain written approval from MMC. Impacts to significant resources must be mitigated before ground disturbing activities in the area of discovery will be allowed to resume. **Note: If a unique archaeological site is also**

an historical resource as defined in CEQA, then the limits on the amount(s) that a project applicant may be required to pay to cover mitigation costs as indicated in CEQA Section 21083.2 shall not apply.

c. If the resource is not significant, the PI shall submit a letter to MMC indicating that artifacts will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that that no further work is required.

IV. **Discovery of Human Remains**

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

A. Notification
   1. The Archaeological Monitor shall notify the RE or BI, as appropriate, the MMC, and the PI, if the Monitor is not qualified as a PI. MMC will notify the appropriate Senior Planner in the Environmental Analysis Section (EAS) of the Development Services Department to assist with the discovery notification process.
   2. The PI shall notify the Medical Examiner after consultation with the RE, either in person or via telephone.

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

C. If Human Remains are determined to be Native American
   1. The Medical Examiner will notify the Native American Heritage Commission (NAHC) within 24 hours. By law, **ONLY** the Medical Examiner can make this call.
   2. NAHC will immediately identify the person or persons determined to be the Most Likely Descendent (MLD) and provide contact information.
   3. The MLD will contact the PI within 24 hours or sooner after the Medical Examiner has completed coordination to begin the consultation process in accordance with CEQA Section 15064.5(e), the California Public Resources, and Health and 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).

D. If Human Remains are **NOT** Native American
   1. The PI shall contact the Medical Examiner and notify them of the historic era context of the burial.
   2. The Medical Examiner will determine the appropriate course of action with the PI and City staff (PRC 5097.98).
   3. If the remains are of historic origin, they shall be appropriately removed and conveyed to the San Diego Museum of Man for analysis. The decision for internment of the human remains shall be made in consultation with MMC, EAS, the applicant/ landowner, any known descendant group, and the San Diego Museum of Man.

V. Night and/or Weekend Work

A. If night and/or weekend work is included in the contract, the following will occur:
   1. When night and/or weekend work is included in the contract package, the extent and timing shall be presented and discussed at the pre-construction meeting.
   2. The following procedures shall be followed:
      a. No Discoveries
         In the event that no discoveries were encountered during night and/or weekend work, the PI shall record the information on the CSVR and submit to MMC via fax by 8 a.m. of the next business day.
      b. Discoveries
         All discoveries shall be processed and documented using the existing procedures detailed in Sections III, During Construction, and IV, Discovery of Human Remains. Discovery of human remains shall always be treated as a significant discovery.
      c. Potentially Significant Discoveries
         If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section III, During Construction, and IV, Discovery of Human Remains, shall be followed.
      d. The PI shall immediately contact MMC, or by 8 a.m. of the next business day to report and discuss the findings as indicated in Section III-B, unless other specific arrangements have been made.

B. If night and/or weekend work becomes necessary during the course of construction:
   1. The Construction Manager shall notify the RE or BI, as appropriate, a minimum of 24 hours before the work is to begin.

2. The RE, or BI, as appropriate, shall notify MMC immediately.

C. All other procedures described previously shall apply, as appropriate.

VI. Post Construction

A. Preparation and Submittal of Draft Monitoring Report

1. The PI shall submit two copies of the Draft Monitoring Report (even if negative), prepared in accordance with the Historical Resources Guidelines (Appendix C/D) that 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(5), Discovery of Human Remains.

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 MONITORING PROGRAM

I. Prior to Permit Issuance

A. Entitlements Plan Check
   1. Prior to issuance of any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits or a Notice to Proceed for Subdivisions, but prior to the first preconstruction meeting, whichever is applicable, the Assistant Deputy Director (ADD) Environmental designee shall verify that the requirements for Paleontological Monitoring have been noted on the appropriate construction documents.

B. Letters of Qualification have been submitted to ADD
   1. The applicant shall submit a letter of verification to Mitigation Monitoring Coordination (MMC) identifying the Principal Investigator (PI) for the project and the names of all persons involved in the paleontological monitoring program, as defined in the City of San Diego Paleontology Guidelines.
   2. MMC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the paleontological monitoring of the project.
   3. Prior to the start of work, the applicant shall obtain approval from MMC for any personnel changes associated with the monitoring program.

II. Prior to Start of Construction

A. Verification of Records Search
   1. The PI shall provide verification to MMC that a site specific records search has been completed. Verification includes, but is not limited to a copy of a confirmation letter from San Diego Natural History Museum, other institution or, if the search was in-house, a letter of verification from the PI stating that the search was completed.
   2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.

B. PI Shall Attend Precon Meetings
   1. Prior to beginning any work that requires monitoring; the Applicant shall arrange a Precon Meeting that shall include the PI, Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The qualified paleontologist shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the Paleontological Monitoring program with the Construction Manager and/or Grading Contractor.

a. If the PI is unable to attend the Precon Meeting, the Applicant shall schedule a focused Precon Meeting with MMC, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.

2. Identify Areas to be Monitored

Prior to the start of any work that requires monitoring, the PI shall submit a Paleontological Monitoring Exhibit (PME) based on the appropriate construction documents (reduced to 11x17) to MMC identifying the areas to be monitored including the delineation of grading/excavation limits. The PME shall be based on the results of a site specific records search as well as information regarding existing known soil conditions (native or formation).

3. When Monitoring Will Occur
   a. Prior to the start of any work, the PI shall also submit a construction schedule to MMC through the RE indicating when and where monitoring will occur.
   b. The PI may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification to the monitoring program. This request shall be based on relevant information such as review of final construction documents which indicate conditions such as depth of excavation and/or site graded to bedrock, presence or absence of fossil resources, etc., which may reduce or increase the potential for resources to be present.

III. During Construction

A. Monitor Shall be Present During Grading/Excavation/Trenching
   1. The monitor shall be present full-time during grading/excavation/trenching activities as identified on the PME that could result in impacts to formations with high and moderate resource sensitivity. **The Construction Manager is responsible for notifying the RE, PI, and MMC of changes to any construction activities such as in the case of a potential safety concern within the area being monitored. In certain circumstances OSHA safety requirements may necessitate modification of the PME.**
   2. The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition such as trenching activities that do not encounter formational soils as previously assumed, and/or when unique/unusual fossils are encountered, which may reduce or increase the potential for resources to be present.
   3. The monitor shall document field activity via the 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 significance for fossil discoveries shall be at the discretion of the PI.
    b. If the resource is significant, the PI shall submit a Paleontological Recovery Program (PRP) and obtain written approval from MMC. Impacts to significant resources must be mitigated before ground disturbing activities in the area of discovery will be allowed to resume.
    c. If resource is not significant (e.g., small pieces of broken common shell fragments or other scattered common fossils) the PI shall notify the RE, or BI as appropriate, that a non-significant discovery has been made. The Paleontologist shall continue to monitor the area without notification to MMC unless a significant resource is encountered.
    d. The PI shall submit a letter to MMC indicating that fossil resources will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that no further work is required.

IV. Night and/or Weekend Work

A. If night and/or weekend work is included in the contract
    1. When night and/or weekend work is included in the contract package, the extent and timing shall be presented and discussed at the precon meeting.
    2. The following procedures shall be followed.
        a. No Discoveries
        In the event that no discoveries were encountered during night and/or weekend work, The PI shall record the information on the CSVR and submit to MMC via fax by 8AM on the next business day.
        b. Discoveries
        All discoveries shall be processed and documented using the existing procedures detailed in Sections III - During Construction.
        c. Potentially Significant Discoveries
        If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section III - During Construction shall be followed.
        d. The PI shall immediately contact MMC, or by 8AM on the next business day to report and discuss the findings as indicated in Section III-B, unless other specific arrangements have been made.

B. If night work becomes necessary during the course of construction
    1. The Construction Manager shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin.
    2. The RE, or BI, as appropriate, shall notify MMC immediately.

C. All other procedures described above shall apply, as appropriate.

V. Post Construction

A. Preparation and Submittal of Draft Monitoring Report
    1. The PI shall submit two copies of the Draft Monitoring Report (even if negative), prepared in accordance with the Paleontological Guidelines which describes the results, analysis, and conclusions of all phases of the Paleontological Monitoring Program (with appropriate graphics) to MMC for review and approval within 90 days following the completion of monitoring,

a. For significant paleontological resources encountered during monitoring, the Paleontological Recovery Program shall be included in the Draft Monitoring Report.
b. Recording Sites with the San Diego Natural History Museum
The PI shall be responsible for recording (on the appropriate forms) any significant or potentially significant fossil resources encountered during the Paleontological Monitoring Program in accordance with the City's Paleontological Guidelines, and submittal of such forms to the San Diego Natural History Museum with the Final Monitoring Report.

2. MMC shall return the Draft Monitoring Report to the PI for revision or, for preparation of the Final Report.
3. The PI shall submit revised Draft Monitoring Report to MMC for approval.
4. MMC shall provide written verification to the PI of the approved report.
5. MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.

B. Handling of Fossil Remains
1. The PI shall be responsible for ensuring that all fossil remains collected are cleaned and catalogued.
2. The PI shall be responsible for ensuring that all fossil remains are analyzed to identify function and chronology as they relate to the geologic history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate

C. Curation of fossil remains: Deed of Gift and Acceptance Verification
1. The PI shall be responsible for ensuring that all fossil remains associated with the monitoring for this project are permanently curated with an appropriate institution.
2. The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC.

D. Final Monitoring Report(s)
1. The PI shall submit two copies of the Final Monitoring Report to MMC (even if negative), within 90 days after notification from MMC that the draft report has been approved.
2. The RE shall, in no case, issue the Notice of Completion until receiving a copy of the approved Final Monitoring Report from MMC which includes the Acceptance Verification from the curation institution.

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

VI. PUBLIC REVIEW DISTRIBUTION:

Draft copies or notice of this Mitigated Negative Declaration were distributed to:

FEDERAL GOVERNMENT
Environmental Protection Agency (19)
Fish & Wildlife Service (23)
U.S. Army Corps of Engineers (26)

STATE OF CALIFORNIA
Caltrans District 11 (31)
California Department of Fish and Wildlife (32)
State Clearinghouse (46)

CITY OF SAN DIEGO
Development Project Manager: Glenn Gargas
Councilmember Barbra Bry, Councilmember District 1
EAS – Courtney Holowach
EAS – Jeff Szymanski
Plan-Long Range Planning – Naomi Siodmok
LDR Planning – Phil Lizzi
LDR Engineering – Jack Canning
Water and Sewer – Mahmood Keshavarzi
MMC – Sam Johnson
LDR-Landscaping – Daniel Neri
LDR Geology - Jacobe Wasburn
ESD- Lisa Wood
Plan MSCP – Kristy Forburger
Fire-Plan – Brenda Sylvester
Facilities Financing (93B)
Water Review (86A)
San Diego Central Library (81A)
Carmel Valley Branch Library (81F)

OTHER ORGANIZATIONS AND INTERESTED PARTIES
Historical Resources Board (87)
Regional Water Quality Control Board, Region 4 (44)
Carmen Lucas (206)
South Coastal Information Center (210)
San Diego Archaeological Center (212)
San Diego Natural History Museum (213)
Save Our Heritage Organization (214)
Ron Christman (215)
Clint Linton (215B)
Frank Brown, Inter-Tribal Cultural Resources Council (216)
Campo Band of Mission Indians (217)
San Diego County Archaeological Society, Inc. (218)
Native American Heritage Commission (222)
Kumeyaay Cultural Heritage Preservation (223)
Kumeyaay Cultural Repatriation Committee (225)
Native American Distribution – Public Notice Map Only (225A-S)
Sierra Club (165)
San Diego Audubon Society (167)
Mr. Jim Peugh (167A)
California Native Plant Society (170)

Endangered Habitats League (182A)
San Diego History Center (211)
Carmel Valley Community Planning Board (350)
Friends of Los Penasquitos Canyon Preserve (357)
San Diego Tracking Team (187)
Citizens Coordinate for Century 3 (189)
Rancho Santa Ana Botanic Garden at Clairemont (161)
McCracken & Waggener Trust (Interested Party)
Sager Family (Interested Party)
Jose A. Lau (Interested Party)
Brent Keller (Interested Party)
Evelyn F. Heidelberg (Interested Party)
Hatencia Mammen (Interested Party)
Elaine Gasser (Interested Party)
Patrick Lanoiselee (Interested Party)
Felix Tinkov (Interested Party)

VII. 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.

Copies of the draft Mitigated Negative Declaration, the Mitigation, Monitoring and Reporting Program and any Initial Study material are available in the office of the Entitlements Division for review, or for purchase at the cost of reproduction.

Jeff Szymanski
Senior Planner
Development Services Department

February 28, 2018
Date of Draft Report

July 17, 2018
Date of Final Report

Analyst: Courtney Holowach

Attachments: Initial Study Checklist
Figure 1 – Location Map
Figure 2 – Site Plan

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

March 27, 2018

Ms. Courtney Holowach, Environmental Planner
City of San Diego Development Services Department
1222 First Avenue, MS 501
San Diego, CA 92101
DSDEAS@sandiego.gov

Subject: Comments on the Initial Study and Draft Mitigated Negative Declaration for the Lighthouse Ridge project, State Clearinghouse Number 2018021075, Project No. 513356

Dear Ms. Holowach:

The California Department of Fish and Wildlife (Department) has reviewed the above-referenced Initial Study (IS) and Mitigated Negative Declaration (MND) for the Lighthouse Ridge project (proposed project) dated February 28, 2018. The following statements and comments have been prepared pursuant to the Department's authority as Trustee Agency with jurisdiction over natural resources affected by the project (California Environmental Quality Act, [CEQA] Guidelines § 15386) and pursuant to our authority as a Responsible Agency under CEQA Guidelines section 15381 over those aspects of the proposed project that come under the purview of the California Endangered Species Act (CESA; Fish and Game Code [FGC] § 2050 et seq.) and FGC section 1600 et seq. The Department also administers the Natural Community Conservation Planning (NCCP) program. The City of San Diego (City) participates in the NCCP program by implementing its approved Multiple Species Conservation Program (MSCP) Subarea Plan (SAP).

The proposed project includes a Vesting Tentative Map, Planned Development Permit, and Site Development Permit to subdivide a vacant 4.74-acre site into ten residential lots, one Home Owner's Association lot, conservation of one 1.8-acre open space lot, and payment into the City's Habitat Acquisition Fund to acquire 0.7 acre of Tier II and 0.05 acre of Tier IIA habitat. The project would be located on Lighthouse Way, north of White Emerald Drive and east of Winstanley Way, in the single family and open space zones of the Carmel Valley Planned District, within the Carmel Valley Community Plan Area, City of San Diego. The project is located within the City's MSCP. The City's SAP's Multi-Habitat Planning Area (MHPA, or preserve) is not found on site but is directly to the northeast of the project site.

A-1

1) The MND should include a specific mitigation, monitoring, and reporting (MMRP) requirement to record a covenant of easement over 1.8 acres of habitat on the eastern portion of assessor's parcel number (APN) 304-080-0100 as stated in the IS (pp. 31 and 33). Absent an MMRP measure, there is no record that the requirement to record the covenant of easement is memorialized. Please provide additional discussion on the process the City has to ensure the covenant of easement is recorded and where this information is reflected in the CEQA process. We appreciate additional guidance

A-1 The Covenant of Easement was not identified as a mitigation requirement as part of the CEQA review; but, was deemed necessary to comply with the Environmentally Sensitive Lands regulations of the City of San Diego Municipal Code as described in section 143.0152. The Covenant of Easement will be assured through the following permit condition:

"Prior to recordation of the final map, the Owner/Permitee shall execute and record a Covenant of Easement which ensures preservation of the Environmentally Sensitive Lands that are outside the allowable development area as shown on Exhibit "A" for sensitive biological resources, in accordance with San Diego Municipal Code Section 143.0141, satisfactory to the Development Services Department."

The project applicant will be the grantor and the City will be the grantee. The U.S. Fish and Wildlife Service and the California Department of Fish and Wildlife will be named as third party beneficiaries in accordance with section 143.0152. Long-term management will be provided by the homeowner's association (HOA) and will be limited to typical landowner stewardship including reporting unauthorized access or use of the open space. Active biological monitoring and management is not proposed because the on-site open space is only an avoidance area and is not being used to mitigate habitat impacts of the project. The covenant of easement will specify that the easement area shall be left in a natural state.

A-1 cont. regarding how to verify that the covenant of easement will be recorded and having those obligations reflected in the CEQA documents. Additionally, information on long-term management, grantor, grantee, third party beneficiaries, and the activities allowed in the easement area should also be included.

A-2 2) The IS states that the proposed project "…would provide a minimum 125-foot buffer between the wetlands and the edge of the nearest residential pad…" (p. 31). This condition should be carried forward as a specific measure in the MMRP. However, because landscaping and accessory structures can affect ESL regulated by the City, the minimum buffer distance should be established from the edge of disturbance or property line.

A-3 3) Our review of the California Conservation Easement Database (2016) records indicate that the proposed project abuts MHPA to the northeast and a conservation easement to the south. The MND does not identify the conservation easement to the south, which is associated with APNs 304-610-1100, 304-610-1200, 304-610-1300, 304-610-1400, 304-610-1500, 304-610-1600 and similarly conserved lands associated with APN numbers 304-610-2600 and 304-610-2800. The MND should verify the status of these parcels and associated easements through official City and County records and update the surrounding land uses as appropriate. According to the IS, "[t]he site is surrounded by existing urban development and therefore has low long-term conservation value" (p. 30). This statement is inaccurate as the project abuts MHPA and appears to abut other conserved lands (see above); the collection of these properties add functional value to, and buffers a larger block of, MHPA. Accordingly, public access to the on-site preservation proposed by the MND (1.8 acres of habitat protected by a covenant of easement) should not be permitted. A block wall along the backyards of the proposed project would prevent unauthorized ingress and egress of the covenant of easement and adjoining MHPA. Once recorded, the City of San Diego's MSCP Annual Report should report the proposed project's covenant of easement.

A-4 4) The on-site habitat preservation associated with the proposed project includes 0.27 acre of southern willow scrub, 0.07 acre of mule fat scrub, and approximately 1.3 acres of sensitive Tier II and IIIA upland habitats in a narrow finger of Gonzalez Canyon. Given the narrow corridor and sensitive habitat types, passive recreational use including trails are not appropriate. Furthermore, the Carmel Valley Precise Plan—Neighborhood 4a Precise Plan identifies areas for passive recreation elsewhere in the community (Figure 6—Land Use Plan). We recommend that the City identify under the conditions of the planned development permit, site development permit, and within the covenant of easement that no trails are to be established pursuant to City ESL Guidelines Section 143.0141(a)(3). The ESL Guidelines section 143.0414(a)(3) states, in relevant part, "[s]ensitive biological resources… acquired as off-site mitigation as a condition of permit issuance are to be left in a natural state and used only for those passive activities allowed as a condition of permit approval".

A-5 5) Based on the information provided in the Revised Biological Resources Letter Report we consider the proposed project site occupied by California gnatcatcher (gnatcatcher; *Polioptila californica californica).* Gnatcatcher is reported present by the IS (p. 29) and in the Revised Biological Resources Letter Report but is subsequently reported as "not

A-2 The distance between different elements of the project is part of the project design and does not have to be listed as a mitigation measure. The City's Biology Guidelines state, "Examples of functional buffers include areas of native or non-invasive landscaping, rock/boulder barriers, berms, walls, walls, fencing, and similar measures that reduce indirect impacts on the wetland." The buffer for this project appropriately includes a slope that will be landscaped with native and non-invasive species and maintained by the HOA as a common lot. No accessory structures or invasive landscaping will be allowed within the buffer zone.

A-3 The statement on page 30 of the IS has been revised to say, "The site is largely surrounded by existing urban development and therefore has low long-term conservation value." As detailed in the BTR, the site is isolated because it is surrounded by development on three sides, except for a narrow strip of open space on the southeast side of the site. The site does not abut MHPA; it is separated from MHPA by approximately 30 feet at the closest point, the northeast corner. Although the on-site open space has a tenuous connection to conserved open space lands in Gonzalez Canyon and further north to the San Dieguito River valley, the connection is narrow and the site is located at the very upper end of the canyon with no connectivity to the southwest.

Note that some of the neighbors have gates that are used to access the site, which has caused disturbance within the open space. This is part of the existing condition, and the proposed covenant of easement should help to reduce these unauthorized intrusions. Public access to the 1.8-acre open space is not proposed, and block and glass walls are proposed in back of the proposed homes, as suggested. The City will track and report the covenant of easement according to MSCP requirements.

A-4 The City concurs with this comment. No trails are proposed as part of the project, nor is any passive recreation proposed as a condition of permit approval.

A-5 cont.

detected onsite" by the IS (p. 31). Please revise the text for consistency. Any sensitive species detected through established protocol or incidentally should be reported as being present on the project site. Where the gnatcatcher or other sensitive species observation is presumed to be a non-breeding observation, the biological report and CEQA document should explain the rationale used to draw that conclusion (e.g., timing of the year, lack of suitable habitat, proximity to other known locations, etc.). City Biology Guidelines state "[s]urveys, [for state or federally listed sensitive or SAP-covered species] should be done at the appropriate time of year to detect presence/absence of the species". Reporting all on-site species observations as being present minimizes the potential for confusion.

A-6

6) Figure 7 in the Revised Biological Resources Letter Report shows a proposed brow ditch and proposed streambed creation. However, the project description does not include a proposed brow ditch, streambed creation, nor does it include an analysis of the resulting hydrology changes to habitat both onsite and in the downstream conserved area. The MND should be revised to incorporate these features into the project description and an analysis of their effects should be included in the MND.

A-7

7) We recommend that the impacts to California adolphia *(Adolphia californica*, a California Rare Plant Rank 2B.1) be avoided. It appears that there may be opportunities for avoiding impacts to California adolphia by reconfiguring the detention basin.

A-8

8) The Department has regulatory authority over activities in streams and/or lakes that will divert or obstruct the natural flow, or change the bed, channel, or bank (which may include associated riparian resources) of any river, stream, or lake or use material from a river, stream, or lake. For any such activities, the project applicant (or "entity") must provide written notification to the Department pursuant to section 1600 et seq. of the Fish and Game Code. Based on this notification and other information, the Department determines whether a Lake and Streambed Alteration Agreement (LSA) with the applicant is required prior to conducting the proposed activities. The Department's issuance of a LSA for a project that is subject to CEQA will require CEQA compliance actions by the Department as a Responsible Agency. The Department as a Responsible Agency under CEQA may consider the City's Mitigated Negative Declaration for the project. To minimize additional requirements by the Department pursuant to section 1600 et seq. and/or under CEQA, the MND should fully identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring, and reporting commitments for issuance of the LSA.[1]

[1] A notification package for a LSA may be obtained by accessing the Department's web site at www.wildlife.ca.gov/habcon/1600.

A-5 The IS was revised to state, "The federally listed threatened coastal California gnatcatcher was not detected to be breeding on site during the protocol gnatcatcher survey; however, this species could still potentially use the coastal sage scrub habitat present in the adjacent nearby MHPA lands." As stated in the BTR, "The species was incidentally identified by call during the least Bell's vireo surveys conducted on July 19 and July 29, in baccharis scrub proposed for preservation in the eastern-central portion of the site. The potential for breeding on site is low because the habitat is likely too patchy and disturbed for this species, and the sage scrub is mostly dominated by lemonade berry and laurel sumac. California sagebrush, California buckwheat, and black sage are very limited on site. The site is considered unoccupied by breeding gnatcatchers based on the negative protocol survey; however, gnatcatchers appear to be using the project site for foraging." The timing of the gnatcatcher observation in late July, when no gnatcatchers had been observed during multiple surveys conducted in April, May, June, and early July, indicates that the gnatcatcher identified during the vireo survey was likely a young individual dispersing through the area. Nevertheless, the mitigation measures for the project include coastal California gnatcatcher protection requirements in mitigation measure BIO-2.I.E, in case of future gnatcatcher occurrence on site.

A-6 Section IV.c of the Initial Study was revised to include the following text: "Although jurisdictional wetlands have been avoided, the project would impact 0.01 acre of non-wetland waters of the U.S. and 0.02 acre of CDFW non-vegetated streambed. These impacts will require a Streambed Alteration Agreement from CDFW, a Section 404 permit from the USACE, and a Section 401 Certification from the RWQCB. The project proposes to create a stream channel on site to meet anticipated RWQCB mitigation requirements. The final details of mitigation for jurisdictional impacts will be determined in consultation with the regulatory agencies as part of regulatory permitting."

The proposed brow ditch and streambed were described in the BTR and analyzed in the project's Storm Water Quality Management Plan, which was reviewed and approved by City Engineering staff. The project was reviewed for all applicable water quality standards and water discharge requirements.

We appreciate the opportunity to comment on the IS/MND for the Lighthouse Ridge Project. The Department requests an opportunity to review and comment on any response that the City has to our comments and to receive notification of the forthcoming hearing date for the project (CEQA Guidelines; §15073(e)). Questions regarding this letter and further coordination on these issues should be directed to Eric Weiss at (858) 467-4289) or Eric.Weiss@wildlife.ca.gov.

Sincerely,

Gail K. Sevrens
Environmental Program Manager
South Coast Region

ec: State Clearinghouse, Sacramento
David Zoutendyk, U.S. Fish and Wildlife Service, Carlsbad

References

California Conservation Easement Database. 2016. http://www.calands.org/cced.

City of San Diego. October 26, 1987. North City West Development Unit-Four A Precise Plan. https://www.sandiego.gov/sites/default/files/north_city_west_dev_unit_4a_precise_plan.pdf.

City of San Diego. March 1997. Multiple Species Conservation Program, City of San Diego Subarea Plan. City of San Diego Community and Economic Development Department.

City of San Diego. Amend. April 23, 2012. San Diego Municipal Code, Land Development Code, Biology Guidelines.

A-7 The configuration of the detention basin was carefully planned and designed in coordination with City staff to address multiple requirements. The impact to California adolphia is considered less than significant because the species occurs within preserved lands nearby, and impacts to limited individual plants will not have a substantial adverse impact on the species. Therefore, redesigning the detention basin is not required.

A-8 The applicant acknowledges that notification pursuant to section 1600 of the Fish and Game Code is required for this project. Section IV.c of the Initial Study was revised to identify potential impacts to CDFW-jurisdictional streambed, as specified in the response to comment A-6.

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VIA EMAIL

March 28, 2018

City of San Diego
Attn: Courtney Holowach, Environmental Planner
Development Services Center
1222 First Avenue, MS 501, San Diego, CA 92101
DSDEAS@sandiego.gov

Re: Review of the Proposed Lighthouse Ridge Development (Project No. 513356) Mitigated Negative Declaration

Dear Ms. Holowach:

This law firm represents Mr. Jose Lau and Mrs. Arlene Yang, property owners neighboring the proposed Lighthouse Ridge residential project (the "Project") located at the end of Lighthouse Way, in the North City West Unit 4A ("NCW 4A") Precise Planning Area of the Carmel Valley Community. Our clients hereby provide their comments with regard to the scope of the Project and the deficiencies found in the mitigated negative declaration ("MND") under the California Environmental Quality Act ("CEQA")[1]. The Project, as designed, is likely to result in substantial, unmmitigated environmental impacts primarily through the unlawful development of designated open space without first undergoing a rezoning process and precise, community and general plan amendments. Development Services staff has ministerially approved a patently illegal rezone of protected canyon lands without the benefit of the Council's review resulting in a serious abuse of discretion nearly doubling the Project's developable area. The development application must be adjusted substantively through the removal of the four easternmost proposed units to limit environmental impacts sufficiently to sustain the MND. Alternatively, the Project must secure the entitlements necessary to encroach into these protected areas and conditioned to mitigate the environmental impacts arising therefrom, inclusive of the preparation of an Environmental Impact Report ("EIR").

B-1

B-2

[1] CEQA is found at Public Resources Code sections 21000 et. seq.; and the CEQA Guidelines are found at California Code of Regulations, Title 14, Division 6, Chapter 3, sections 15000-15387.

B-1 The Lighthouse Ridge project proposes to develop an existing vacant 4.76-acre property. The development is located within Neighborhood 4a of the Carmel Valley Community Planning Subarea Plan. The Carmel Valley Planned District designates the project area as Single-Family-1 on the western portion of the property, approximately 2.13 acres and open space on the eastern portion of the property, approximately 1.86 acres. 10 single- family units are being proposed within the area designated for residential development as allowed per the CVPD-SF1 and CVPD-OS zoning designation and the Carmel Valley Community Plan land use designation.

The project requires the processing of Vesting Tentative Map in accordance with LDC, Section 125.0401. Pursuant to CVPD, 153.0201(b)(6), the Planning Commission shall take action on all tentative subdivisions within the Carmel Valley Planned District. A Site Development Permit (SDP), LDC Section 143.0110 with is required for a subdivision on a site that contains ESL. Pursuant to CVPD, 153.0201, a development plan approval is required and shall be processed as a Site Development Permit. The Project will require the processing of a Planned Development Permit (PDP) for two deviations: to create buildable lots without frontage on a dedicated public right-of-way and to create residential lots which take access from a private drive. Per LDC section 112.0103, this project shall be consolidated at the highest decision level established by the required discretionary permits for this project. The project is compatible with the area designated for residential development by the General Plan and Community Plan, and is consistent with the existing underlying zone and surrounding land uses.

Per the San Diego Municipal Code Section 131.0103 (b)(5) "where there is an obvious mistake [on the Official Zoning Maps] that can be corrected by reference to documents on file or by reference to the legislative record, the City Manager may identify the zone boundary". An official zoning challenge was filed by applicant on April 5, 2017. The City of San Diego's Planning Department and Development Services Department reviewed the applicable documents including the written ordinance, C-sheet and the associated community plan information to determine that in fact an error had occurred and the zoning designation line needed to be corrected to accurately reflect the correct boundaries on the official zoning map. None of the associated documents that were reviewed contained specific details as to where the zoning line should be drawn. In fact, the Precise Plan clearly recognizes the conceptual nature of the various boundaries.

INTRODUCTION

B-3 The 4.74 acre Project proposes to generate 10 single family homes, 6 of which lie within a residential zone, CVPD-SF1, with the remaining 4 units located in an open space zone, CVPD-OS. The owners of the property, have a long history of uncorrected Code Enforcement citations for unlawful grading on the subject site – namely, illegally dumping of construction debris and fill along the eastern slope of the property, filling in a canyon known to contain native, sensitive habitat and found within an area rife with cultural artifacts. The property owners have previously attempted to develop this land on several occasions, each time having been rebuffed due to the sensitive nature of the site, their desire to overdevelop the land and their unwillingness to comply with the the City's demands for Code Enforcement compliance. The City has repeatedly demanded remediation of the illegal fill operations on the site, inclusive of excavation of the debris but only after a complete cultural survey of the premises, followed by revegetation of the slopes with native species. The property owners have, on at least one occasion, had consultants prepare an analysis dictating the scope of the remediation work to be performed but do not appear to have followed through in either securing the necessary permits or performing the work itself, as the site remains in a poor state.

B-4

B-5

B-6 Rather than commit to the lawful demands of the City, the applicant now wishes to bypass these Code Enforcement violations by literally paving over them, after filling an additional 50+ feet of dirt into the open space designated canyon on the site. Through a bogus and unprecedented process referred to as a "Official Zoning Map Challenge," the applicant has secured a wholly illegal rezoning of a significant portion of the premises through a facially invalid ministerial process, bypassing public notice and hearings, environmental analysis and the Council's discretionary authority. With this approval now in hand, the applicant seeks only discretionary approval for a vesting tentative map, a planned development permit and a site development permit to complete its entitlement process.

B-7 Our review of the draft MND has revealed numerous CEQA inadequacies including a failure to properly inform the public and City decisionmakers about the unmitigated environmental impacts of the Project. In effect, the MND misrepresents the proposed development rendering the conclusions dubious and unreliable.

B-8 There is substantial evidence in the record that the Project has the potential to create significant impacts which have neither been mitigated to insignificant levels nor studied sufficiently to determine what and whether mitigation measures may be necessary. The Project fails to request or analyze the appropriate entitlements and approvals procedurally necessary for the development as it is currently designed – namely, a General Plan Amendment, a Community Plan Amendment, a Precise Plan Amendment and a rezone, all of which require City Council

On October 26, 2017 it was determined that the zoning information transferred from the C-sheet to the official zoning map contained an obvious error that extended an open space designation onto areas designated for residential development including the parcel now being proposed at Lighthouse Ridge. Given the obvious error, the zoning challenge was approved to make the area consistent with the Official Zoning Map and the Carmel Valley Neighborhood Composite Plan Land Use since the existing open space and very low density residential boundaries differed on the two maps. No rezone is required because designated open space is not being impacted by the proposed development.

B-2 The City of San Diego has prepared a Draft Mitigated Negative Declaration and Initial Study. CEQA Section 15070 states that a public agency shall prepare or have prepared a proposed negative declaration or mitigated negative declaration when "the initial study identifies potentially significant effects but there is not substantial evidence, in light of the whole record before the agency, that the project as revised may have a significant effect on the environment." CEQA Section 15384 defines "substantial evidence" as enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion even though other conclusions might also be reached. The Environmental Analysis Section (EAS) of the City of San Diego has reviewed the project and has prepared the Initial Study for the proposed project. Through this review EAS determined that significant impact associated with the project was to Biological Resources, Cultural Resources (Paleontology), Cultural Resources (Archaeology), and Tribal Cultural Resources. However, appropriate mitigation was included in the Mitigation Monitoring Reporting Program (MMRP) that would reduce the significant impact to below a level of significance. All other issue areas were determined not to have a significant impact. See also response B-1.

approval. Due to the deficiencies noted in the MND, the City is required, by law, to prepare an EIR for the Project or outright reject the development proposal altogether.

LEGAL STANDARD FOR THE PREPARATION OF A MITIGATED NEGATIVE DECLARATION

The four basic purposes of CEQA are to:

(1) Inform governmental decision-makers and the public about the potential, significant environmental effects of proposed activities.

(2) Identify the ways that environmental damage can be avoided or significantly reduced.

(3) Prevent significant, avoidable damage to the environment by requiring changes in projects through the use of alternatives or mitigation measures when the governmental agency finds the changes to be feasible.

(4) Disclose to the public the reasons why a governmental agency approved the project in the manner the agency chose if significant environmental effects are involved.

(*CEQA Guidelines §15002.*)

A mitigated negative declaration may only be prepared by a public agency when the initial study identifies potentially significant effects, but:

(1) Revisions in the project plans or proposals made by or agreed to by the applicant before a proposed mitigated negative declaration and initial study are released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur, and

(2) There is no substantial evidence, in light of the whole record before the agency, that the project as revised may have a significant effect on the environment.

(*CEQA Guidelines section 15070.*)

Court decisions interpreting CEQA have further refined these basic rules into what is known as the fair argument standard, which obliges the preparation of an EIR where substantial evidence in the record supports a fair argument that the project *may* cause a significant impact. (*Stanislaus Audubon Society, Inc. v. County of Stanislaus* (1995) 33 Cal.App.4th 144, 150-151.) In other words, the administrative record need not establish conclusively that a significant impact *will*

B-3 The Lighthouse Ridge project proposes to develop an existing 4.76-acre property that is currently vacant. The development is located within Neighborhood 4a of the Carmel Valley Community Planning Subarea Plan and will accommodate 10 single-family residential units. The Carmel Valley Planned District designates the project area as SF1 (Single Family) on the western portion of the property, approximately 2.86 acres and open space on the eastern portion of the property, approximately 1.86 acres. The units are being proposed within the area designated for development as allowed per the CVPD-SF1 and CVPD-OS zoning designation and the Carmel Valley Community Plan land use designation.

B-4 Comment noted. With respect to "a long history of Code Enforcement Violations," research shows that there were four Letters of Permission to Grade issued on the subject property. The first occurred in May 1985, the second in June 1988, and a third in November 1988. Those three letters were granted to North City West N4A Unit 4, for the homes on Chelterham Terrace, Penfield Pt, Gunston Court, Flaxton Terrace, Wellworth Point., and Winstanley Way. The fourth letter was granted in September 1994 for the homes in the Del Mar Summit project. Therefore, there has been a significant amount of past grading and construction activity on the subject property and prior to this ownership having rights to the site. It became obvious that the surrounding developments as well is the Lighthouse Way parcel were previously disturbed and each surrounding lot was cut and filled according to the Neighborhood 4-A Precise Plan. The Precise Plan Unit Design Approach discusses maximizing ridge views through terracing and illustrates all the cut and fill areas. As shown on in this plan, there is a portion of the subject property identified as a fill area. The Precise Plan permits the area to be filled for terracing the landform. Additionally, the applicant has conducted a cultural resources survey of the subject property and necessary measures will be taken during the project's grading operation to identify and deal with any artifacts that may be found. Furthermore, the project will have a Pre-excavation agreement with the local Native American tribe and paleontological monitoring during grading. Finally, project will be responsible for revegetation and restoration with native plant species identified during the biological survey of the subject property. Furthermore, past Code Enforcement issues are not a CEQA related issue and the appropriate environmental baseline conditions were evaluated at the time of CEQA analysis.

occur; it need only provide support for arguments that such an impact *might* occur in order to compel the preparation of an EIR.

The fair argument standard is defined as a low threshold to overcome in forcing the preparation of an EIR. (*Citizens Action to Serve All Students v. Thronley* (1990) 222 Cal.App.3d 748, 754. See also *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d, 310.) This low threshold is necessary because a negative declaration represents the termination of the environmental review process, whereas an EIR is necessary to resolve any uncertainty created by conflicting facts and assertions. An EIR operates to replace tentative opinion and speculation with factual evidence derived through stringent technical study. (*Citizens of Lake Murray Area Assn. v. City Council* (1982) 129 Cal.App.3d 436, 400. See also *No Oil, Inc. v. City of Los Angeles* (1975) 13 Cal.3d 68, 75.)

When determining whether a fair argument has been made by the petitioning parties, courts treat the issue as one of law, not fact. The courts have determined that "[u]nder this standard, deference to the agency's determination is not appropriate and its decision not to require an EIR can be upheld only when there is no credible evidence to the contrary. (*Sierra Club v. County of Sonoma* (1992) 6 Cal.App.4th 1307, 1317-1318.)

It does not matter whether the agency can point to contrary evidence in the record that might support a "no significant impact" finding. This interpretative rule was stated in *San Bernardino Valley Audubon Society, Inc. v. Metropolitan Water Dist.* (1999) 71 Cal.App.4th 382, 389:

> Under this fair argument test, the agency must prepare an EIR whenever substantial evidence in the record supports a fair argument that a proposed project may have a significant effect on the environment. If such evidence is found, it cannot be overcome by substantial evidence to the contrary.

The lead agency cannot avoid the effect of the fair argument standard by failing to investigate or develop evidence of potential project impacts. As was explained by *Sundstrom, supra,* at 202 Cal.App.3d at 311, "CEQA places the burden of environmental investigation on government rather than the public." Moreover, the *Sundstrom* court said an agency "should not be allowed to hide behind its own failure to gather relevant data." (*Id.*) The court then added:

> If the local agency has failed to study an area of possible environmental impact, a fair argument may be based on the limited facts in the record. Deficiencies in the record may actually enlarge the scope of the fair argument by lending a logical plausibility to a wider range of inferences.

B-5 This comment does not specifically address the adequacy of the CEQA analysis. Please see response B-4 regarding previous alleged code enforcement violations.

B-6 No rezone is required because designated open space is not being impacted by the proposed development footprint. The Official Zoning Map was corrected per San Diego Municipal Code Section 131.0103 (b)(5). Please see response B-1 and response B-4.

B-7 Comment noted. The Environmental Analysis Section (EAS) of the City of San Diego has reviewed the project and has prepared the Initial Study for the proposed project. The entirety of the project was considered in the Initial Study analysis. Through this review EAS determined that significant impacts associated with the project would occur to Biological Resources, Cultural Resources (Paleontology), Cultural Resources (Archaeology), and Tribal Cultural Resources. However, appropriate mitigation was included in the Mitigation Monitoring Reporting Program (MMRP) that would reduce these significant impacts to below a level of significance. All other issue areas were determined not to have a significant impact.

B-8 Comment noted. Please see response B-2 and B-7.

With these basic legal parameters in mind, we now turn to the various procedural and substantive deficiencies of the instant MND.

THE MITIGATED NEGATIVE DECLARATION VIOLATES FUNDAMENTAL REQUIREMENTS OF CEQA

The Mitigated Negative Declaration Fails to Accurately Describe the Project

CEQA demands an accurate review of a development to afford affected stakeholders, the public at large, and decisionmakers the opportunity to balance the proposal's benefit against its environmental cost, consider mitigation measures, and assess the advantage of terminating the proposal. (*County of Inyo v. City of Los Angeles (1977) 71 CA3d 185, 192.*) For CEQA purposes, a "project" is defined as comprising "the whole of an action" that has the potential to result in a direct, or reasonably foreseeable indirect, physical change to the environment. (CEQA Guidelines §15378(a).). The subject MND fails to account for this by avoiding any discussion of the Development Services staff's unilateral decision to afford the Project a ministerial approval to rezone a significant portion of the site's open space as residential land through a sham process referred to as an "Official Zoning Map Challenge." B-9

This "process" was performed with no notice of its undertaking, nor of its result, and without any public hearing or possibility of appeal. Having no template to work from, the Development Services Department merely took the applicant's self-serving determination that the City's Official Zoning Map was inaccurate based on little more than aerial photography, a consultant's opinion and a site visit to conclude that a ministerial decision could be made behind closed doors to rezone over one acre of dedicated open space into residential land. This act was nothing less than a blatant violation of state law, which specifically provides that only an agency's legislative body (i.e. the City Council) can alter property zoning. (Gov. Code §65010(b); §65850 *et seq.*) On its face, any ministerial act to rezone a property is an illegitimate abuse of discretion since no such authority exists within the City staff.[2] (*Arnel Development Co. v. City of Costa Mesa* (1980) 28 Cal.3d 511, 516, providing that "Numerous California cases have settled that the enactment of a measure which zones or rezones property is a legislative act.") B-10

Even if the City staff the authority to rezone the property (and this is dubious, at best), the so-called "Official Zoning Map Challenge" process followed in this instance fails to comport with the requirements of the San Diego Municipal Code ("SDMC"). SDMC section 131.0103(b)(5) provides that the City may rezone a portion of a property:

[2] For a more in-depth discussion of this topic, we direct your attention to Exhibit A, a letter this firm sent to the Development Services Department on or about December 8, 2017 detailing the illegality of the staff's action to approve the applicant's Official Zoning Map Challenge.

B-9 Comment noted. Please see response B-2 and B-7.

B-10 Comment noted. Please see response B-1.

… (b) *Where uncertainty exists* with respect to the boundaries of zones shown on the Official Zoning Maps the following rules shall apply:

…(5) Where there is an *obvious mistake* that can be corrected *by reference to documents on file or by reference to the legislative record*, the City Manager may identify the zone boundary.

In the instant case, the City staff made the determination that a rezone of the subject site was required where:

(a) There was *no uncertainty* with respect to the property's zone boundaries (though, admittedly, the applicant, desirous of expanding the scope of its development claimed uncertainty by generating its own maps and analysis as justification.). Rather, the boundaries of the immediately surrounding subdivisions clearly match the residential-open space interface found in City's Official Zoning Map as it existed before the Development Services Department unilaterally revised it. We do not believe the uncertainty mentioned in the SDMC refers to an applicant's desire to expand its ability to develop land legislatively deemed to be open space;

(b) There was *no obvious mistake* with respect to the property's zone boundaries as the NCW 4A Precise Plan, the Carmel Valley Community Plan, the General Plan, and the Official Zoning Map (prior to the City staff's unlawful action to change it) all comport with one another in their depiction of the residential-open space boundary on the subject site, well west of the area the Development Services Department ultimately determined to be correct; and

(c) There was *no reference to documents on file or to the legislative record* in the City staff's revision of Official Zoning Map (rather, staff relied on a site visit and maps drawn up by the applicant. In fact, when this firm presented the Development Services Department with legislative records reflecting the City Council's approval of subdivisions abutting the Project, this patently clear, legislatively-derived substantial evidence was rejected out of hand without any reasonable basis).

Plainly, City staff could not lawfully approve the applicant's Official Zoning Map Challenge in compliance with the requirements of the SDMC based upon the evidence that was presented.[3]

[3] For further reference on this topic, see Exhibit A and Exhibit B, a letter sent to Development Services on or about January 17, 2018 detailing the numerous examples of records on file with the City which clearly dictate that the Official Zoning Map had correctly shown the residential-open space interface prior to staff's approval of the applicant's Official Zoning Map Challenge.

B-11

Notwithstanding the illegality of the City's staff approval of the Project applicant's Official Zoning Map Challenge, resulting in nearly double the developable area on the site, the City compounds this error by failing to acknowledge this covert act in any manner within the MND. Rather than provide a description of the process, why the decision was made, how the determination affects the scope of the development or the significant environmental impacts likely to arise from the determination, the MND is wholly silent on the topic – such that no mitigation measures were analyzed, suggested or imposed arising from this action. Doing so (or more accurately, failing to do so), the City has unlawfully bypassed procedural and substantive requirements under CEQA intended to inform observers of the Project's potential impacts and mitigation measures which might result in reducing the harm of those impacts. An accurate description of a project is an indispensable prerequisite to an informative and legally sufficient CEQA review document. (CEQA Guidelines §15124; see also *County of Inyo v City of Los Angeles* (1977) 71 Cal.App.3d 185, 192). Without an accurate description on which to base the analysis, CEQA's objective of furthering public disclosure and informed environmental decision making would be stymied. A project description that omits or misinforms the reader regarding integral components of a project may result in a failure to disclose all of the impacts of a project. (*Santiago County Water Dist. v County of Orange* (1981) 118 Cal.App.3d 818, 829).

B-12

The MND also ingeniously misinforms the public and decisionmakers in its description of the development by stating that "The project is surrounded by similar residential development to the north, south, west and to the east." (MND, p.20.) While this is arguably true, it would be more accurate to state that the Project is *immediately* surrounded by similar residential development only to the south, and is otherwise *immediately* bound by open space to the west, east, north and southeast." If this Project is approved as designed, it will result in the formation of a virtual island of residential development encroaching into, and surrounded by, what will be the narrow remaining slivers of designated open space instead of a a protected (by open space designation) canyon. One need only take a cursory look at the final page of the MND to note that the subject property is bound on nearly all sides by green space and proposes to insert its four (4) most easterly residential units well into the canyon. (*See* MND, p. 61; *see also* the first two figures found in Appendix A to the Preliminary Drainage Study (October 11, 2017) found at pp. 17-18 of the MND Appendices, reflecting that the Project proposes 40% of its development beyond the steep slopes of the premises starting approximately at the 310 foot contour line shown therein.) This blatant disregard for an candidly depicting the scope of the Project flies in the face of CEQA's requirement for an accurate, stable project description, resulting a fatal flaw requiring recirculation of the MND.

Failure to Properly Analyze the Project's Plan Inconsistencies

B-13

The MND fails to acknowledge or address the Project's inconsistency with the General Plan, and applicable Community Plan and Precise Plan. Each of these plans graphically depict the easterly portion of the proposed development (comprising approximately 4 of the 10 homes sought

B-11 Comment noted. Please see response B-1.

B-12 The City concurs that an accurate project description is critical to the analysis of environmental impacts. The definition of a project includes all future lead agency decisions that are subject to CEQA. Actions that occurred prior to the project application are not part of the definition of project subject to analysis. Pursuant to CEQA Guidelines Section 15125, the baseline for the evaluation of environmental impacts is the condition at the time the environmental analysis is commenced. In this case, the Official Zoning Map Challenge had been completed prior to the commencement of environmental analysis, and therefore, forms the baseline for analysis, rather than a part of the proposed project. Please see response B-1, B-2 and B-7.

B-13 Comment noted. Please see response B-1, B-2 and B-7.

for the Project) lies within designated open space – such that the residential development of these sites is impermissible without first securing a General Plan Amendment, a Community Plan Amendment and a Precise Plan Amendment. (SDMC §122.0102.)

CEQA requires an environmental analysis provide discussion of a project's inconsistencies with applicable plans. (CEQA Guidelines §15125(d).) The purpose of the required analysis is to identify inconsistencies that the lead agency should address by modifying the proposal or seeking amendments to the respective plan(s). (*Orinda Ass'n v Board of Supervisors* (1986) 182 Cal.App.3d 1145, 1169.

While a project's inconsistency with an applicable plan does not necessarily mean it will result in a significant environmental impact, in this case there is little doubt that residential development in a canyon designated as open space will, in fact, result in significant environmental impacts – especially in light of the MND's own observations of the native habitat that exists along the easterly reach of the site. (*Joshua Tree Downtown Bus. Alliance v County of San Bernardino* (2016) 1 Cal.App.5th 677, 695.) The MND acknowledges the site is directly adjacent to the City's Multiple Habitat Preserve Area ("MHPA") and is inherently environmentally sensitive land by virtue of this adjacency.[4] (MND, p. 20.) Yet, residential development is being proposed specifically within areas recognized by the City to be illegally disturbed native habitat (as well undisturbed lands) – see the next section for a more detailed discussion of this. The MND's failure to discuss the significance of this patently obvious significant impact to the environment in violation of CEQA is another fatal flaw requiring the preparation of an EIR.

B-14

Failure to Provide an Accurate Baseline

The environmental setting of the development site, as it exists when the MND is being prepared, should be treated as the baseline for gauging the changes to the environment that will be caused by a project and whether these changes will result in significant impacts. (*CEQA Guidelines §§15125(a), 15126.2(a).*; see also *Save Our Peninsula Comm. V. Monterey County Bd. of Supervisors* (2001) 87 Cal.App.4th 99, 125.) This must include the existing environmental conditions in the vicinity of the proposed project. (*CEQA Guidelines* §15125.) These baseline features represent the fundamental purpose of an MND – namely, that the MND "must delineate environmental conditions prevailing absent the project, defining a 'baseline' against which predicted effects can be described and quantified." (*Neighbors for Smart Rail v Exposition Metro Line Constr. Auth.* (2013) 57 Cal.4th 439, 447.)

Existing environmental violations must be disclosed and the impacts of development which would further exacerbate those violations must be analyzed accordingly. (*California Bldg. Indus.*

B-15

[4] In truth, the eastern portion of the Project site, inclusive of a proposed area of residential development, appears to not be adjacent to the MHPA, but rather within it. (See City of San Diego MSCP Subarea Plan (March 1997), pp. 21-27 & Fig. 13.)

B-14 The project is compatible with the area designated for residential development by the General Plan and Community Plan, and is consistent with the existing underlying zone and surrounding land uses. The Lighthouse Ridge project proposes to develop an existing 4.76-acre property that is currently vacant. The development is located within Neighborhood 4a of the Carmel Valley Community Planning Subarea Plan and will accommodate 10 single-family residential units. The Carmel Valley Planned District designates the project area as SF-1 on the western portion of the property, approximately 2.13 acres and open space on the eastern portion of the property, approximately 1.86 acres. Units are being proposed within the area designated for residential development as allowed per the CVPD-SF1 and CVPD-OS zoning designation and the Carmel Valley Community Plan land use designation. In addition, please see response B-1, B-2 and B-7.

B-15 The project's biological consultant conducted a biological survey for the subject site which was reviewed by EAS for conformance with the City's Biological Guidelines. CEQA Section 15125 states that environmental conditions should be evaluated "as they exist at the time…the environmental analysis is commenced." The analysis is based upon conditions at the time of the project's application, per CEQA 15125. Furthermore, the draft MND was distributed for review to the Fish and Wildlife Service and the California Department of Fish and Wildlife. Comments received from this agency are included in this document along with the City's response. All impacts to biological resources have been mitigated to below a level of significance.

B-16 *Ass'n v Bay Area Air Quality Mgmt. Dist.* (2015) 62 Cal.4th 369.) Past illegal activities on a premises must be discussed and weighed in determining whether a project will result in greater impacts to an already damaged property. (*Riverwatch v County of San Diego* (1999) 76 Cal.App4th 1428, 1451.)

B-17 In the instant situation, the MND fails to mention that the Project site has been the subject of code enforcement violations dating back over 30 years. The City had, up until recently, deemed the property to have been subject to multiple instances of illegal grading, and demanded that the property owner remove illegal fill from its steep, environmentally sensitive slopes and remediate the native vegetation thereon.[5] It appears that the property owner never complied with these demands.[6] The only thing that appears to have changed in that time is the City's willingness to overlook these violations of designated open space canyon lands.

B-18 This is vitally important information that the public and decisionmakers should have in reviewing this Project because it directly bears upon the scope of the mitigation measures required. For example, the Project has been conditioned to provide payment into the City of San Diego Habitat Acquisition Fund (HAF) at a 1:1 mitigation ratio for impacts to 0.7 acre of Tier II habitat and at a 0.5:1 mitigation ration for impacts to 0.1 acre of Tier IIIA habitat, for a total of 0.75 acre of HAF credit. Yet, this does not account for all of the disturbed slopes which the City previously required the landowner to revegetate with native plant species. In effect, by approving the Project, with the proposed level of HAF funding, the City rewards the property owner for disobeying multiple notices of Code Enforcement violations resulting in the destruction of environmentally sensitive habitat without appropriate mitigation.

The MND also provides that while the environmentally sensitive coastal California gnatcatcher has been seen on the premises, there is little potential for nesting of the species to

[5] We attach, as Exhibit C, a 1989 memorandum reflecting just one of the many instances in which the City determined the subject site was illegally graded and required immediate remediation. Of note, the memorandum specifically provides that before any further grading may occur on the site, including remediation of the slope, an archaeological survey must be prepared. Yet no such survey has been performed. Rather, the MND appendix offers a cursory analysis based on paper records and a superficial visual observation of the illegal fill, rather than the native slope beneath, to determine whether any cultural resources exist. Considering the multiple instances of illegal fill the City has documented on the site, the MND's survey is deficient for its purpose to determine whether there are, or may be, cultural resources found below thousands of cubic yards of dirt which the applicant proposes to excavate and remove offsite.
Notwithstanding this, the analysis admits that there is potential for cultural resources on the property given the extent of native people's habitations in the vicinity and proceeds to suggest that mitigation measures may be developed after such resources are discovered, in violation of CEQA's prohibition against deferral of mitigation. (*CEQA Guidelines §15126.4(a)(1)(B)*.)

[6] We note here that the City also appears to be in violation of the California Public Records Act regarding this matter. We direct the City's attention to pp. 1-2 of Exhibit D, a letter sent by our client, Mr. Lau, to Development Services on or about November 14, 2017, wherein a request was made, though never fulfilled or even acknowledged, for all City records relating to remediation of the grading violations on the subject site.

B-16 Comment Noted. Please see response B-12.

B-17 Comment Noted. Please see response B-4.

B-18 Comment Noted. Please see response B-4.

occur thereon due to lack of habitat. Again, the property owner's choice to destroy native habitat, and not obey direct City orders for remediation, is being rewarded by finding that no suitable nesting habitat now exists such that no mitigation is required of the proposed development.

B-19 These failures to define an accurate baseline and ignore obvious site conditions known to the City by omission are flaws which are fatal to the defensibility of the MND. The appropriate corrective action the City must take in this instance is to prepare an EIR, define the baseline, and require appropriate mitigation measures be conditioned on the Project to reduce potentially significant impacts to an insignificant level.

Failure to Accurately Assess Project Impacts

In addition to the Project's potentially significant impacts on the environment described throughout this comment letter, certain of the assessments in the MND deserve particularized attention for their brazen misrepresentation of the facts.

B-20 The MND's Initial Study ("IS") inaccurately provides that the Project will not result in significant aesthetic impacts in direct violation of the plain language of the assessment found at IS §1(c). The City finds that there is "No Impact" notwithstanding the fact that the Project will be built upon a "canyon edge" or "hilltop" and "would strongly contrast with the surrounding development or natural topography through excessive height" by filling in the slope by approximately 50 feet or more along the eastern end of the site. This is in direct contradiction of the assessment criteria for this impact category.

B-21 The IS also inaccurately states that the Project will result in no fire hazards because there are "no wildlands located adjacent to the site or within the adjacent neighborhood. Therefore, it would not be possible to cause wildland fires directly." (MND, p.39.) This is patently false as the project description provided within the MND makes clear that the Project is directly adjacent to (or, more accurately, within) the MHPA, sits in substantive part within a natural canyon, and is surrounded on several sides by open space. This impact category should be labeled as a potentially significant impact to the environment.

These are fatal flaws to the MND requiring mitigation measures or the preparation of an EIR to reflect why mitigation is not feasible.

THE MITIGATED NEGATIVE DECLARATION FAILS TO PROVIDE THE APPROPRIATE LEVEL OF ENVIRONMENTAL REVIEW FOR THE PROJECT

B-22 A mitigated negative declaration can only be prepared where the lead agency determines that a proposed project will not have a significant effect on the environment and, therefore does not require preparation of an EIR. (*Public Resources Code section 21064; CEQA Guidelines section*

B-19 The project's biological consultant conducted a biological survey for the subject site which was reviewed by EAS for conformance with the City's Biological Guidelines. CEQA Section 15125 states that environmental conditions should be evaluated "as they exist at the time….the environmental analysis is commenced." The analysis is based upon conditions at the time of the project's application, per CEQA 15125.

B-20 As previously discussed, CEQA Section 15125 provides guidance in establishing the baseline for a project. Specifically, the baseline must be established as "environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published, or id no notice of preparation is published, at the time the environmental analysis is commenced." The City used this guidance in establishing the baseline for analysis. The court has opined that prior illegal activity by an applicant that affects physical conditions to the project site is not relevant to determining the CEQA existing conditions baseline. The lead agency is not required to turn back the clock and analyze impacts compared to the conditions that existed prior to any unlawful activity (*Riverwatch v. County of San Diego (1999) 76 Cal.App.4th 1428*).

B-21 Comment noted. Clarification to Pg. 39 of the Initial Study has been added.

B-22 Comment noted. The project is compatible with the area designated for residential development by the General Plan and Community Plan, and is consistent with the existing underlying zone and surrounding land uses.

15371.) A lead agency may not willfully fail to effect a proper forecast of a project's impacts to evade the preparation of an EIR. (*Sundstrom, supra,* at 202 Cal.App.3d at 311.)

If an agency fails to adopt mitigation measures or cannot mitigate a project's significant effects, it must prepare an EIR, which is adequate and objective. (*CEQA Guidelines section 15087(e).*) CEQA Guidelines Section 15002(g) defines a significant effect on the environment as "a substantial adverse change" in the conditions which exist in the area affected by the proposed project.

B-23 Given the strong evidence of unmitigated potentially significant impacts arising from an accurate understanding of the Project's scope, and the failure to properly mitigate the known, as well as the unanalyzed impacts of the Project, it is incumbent upon the City to prepare an EIR. Failure to do so will result in a Project which will be indefensible under the fair argument standard should the matter need to be litigated. This will unnecessarily result in expense for all parties involved, including San Diego taxpayers. We strongly advise against this.

Thank you for your consideration of these comments.

Sincerely,

Felix M. Tinkov, Esq.

cc: Clients

B-23 This comment summarizes the issues that have already been discussed throughout the letter which staff has responded to above. No additional responses are required.

Exhibit A

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Felix Tinkov
Partner

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VIA EMAIL & FIRST-CLASS MAIL

December 8, 2017

Robert A. Vacchi
Development Services Director
City of San Diego
1222 First Avenue, 4th Floor, MS 501
San Diego, CA 92101

RE: Lighthouse Ridge Official Zoning Map Challenge (Project No. 513356)

Dear Bob:

This firm has been retained to represent Mr. Jose Lau and his wife, Mrs. Arlene Yang, owners of the property at 5163 Chelterham Terrace in the Carmel Valley Community. We have been informed that City of San Diego ("City") Development Services staff have considered and approved an Official Zoning Map Challenge ("Challenge") posed in favor of an adjoining property commonly known as the Lighthouse Ridge Development ("Project") at the end of Lighthouse Way. It appears that the Challenge requests a ministerial determination to rezone a portion of the Project from an open space designation ("CVPD-OS") to single-family residential ("CVPD-SF1"). Having reviewed the Challenge and the City's staff's correspondence with our clients, and their neighbors, we have determined that the City's process for rezoning a portion of the Project to be unlawful on its face and, notwithstanding the illegitimacy of the process utilization, the determination itself is flawed, based upon the evidence at hand.

Rezoning Of Property Is A Solely Legislative Act

We understand that the Challenge was reviewed pursuant to the San Diego Municipal Code ("SDMC") §131.0103, which provides that the City's Official Zoning Map ("OZM") is the "authority for identifying the boundary of any application of a base zone" pursuant to the City Council's approval of zoning or rezoning applications. SDMC §131.0103(b)(1-4) provide a series of rules dictating how staff are to interpret the OZM where uncertainty exists. In the instant matter, it appears that SDMC §131.0103(b)(5) is being employed by City staff to purportedly correct "an obvious mistake… by reference to documents on file or by reference to the legislative record…."

This action rezoning a portion of the Project site from CVPD-OS to CVPD-SF1, as well the City Manager's right to make such a determination, runs counter to well-established law in the State of California. *Any* effort to rezone property, or to amend a zoning ordinance, is solely within the province of the jurisdiction's legislative body – in other words, rezoning property is not an administrative matter which can be determined by City staff. (Cal. Land Use Practice (Cont.Ed.Bar. 2017) §§4.31-4.34.)

"Numerous California cases have settled that the enactment of a measure which zones or rezones property is a legislative act." (*Arnel Development Co. v. City of Costa Mesa* (1980) 28 Cal.3d 511, 516 [citing *Associated Home Builders etc. Inc. v. City of Livermore* (1976) 18 Cal.3d 582; *San Diego Bldg. Contractors Assn. v. City Council* (1974) 13 Cal.3d 205; *Bayless v. Limber* (1972) 26 Cal.App.3d 463; *Johnston v. City of Claremont* (1958) 49 Cal.2d 826; *Dwyer v. City Council* (1927) 200 Cal. 505; *Lockard v. City of Los Angeles* (1949) 33 Cal.2d 453; *Toso v. City of Santa Barbara* (1980) 101 Cal.App.3d 934; *Ensign Bickford Realty Corp. v. City Council* (1977) 68 Cal.App.3d 467; *Hilton v. Bd. of Supervisors* (1970) 7 Cal.App.3d 708].) Because zoning is a legislative act, regulated through Government Code §65850 *et seq*., it follows that "[t]he amendment of the legislative act is itself a legislative act." (*Johnston v. City of Claremont, supra,* 49 Cal.2d at 835.) Any effort to circumvent the local legislative body's authority in this regard is void *ab initio* since it fails to afford proper notice and a public hearing to determine the validity of the proposed rezone effort. (Gov. Code §65010(b).)

The aforementioned decision by the City's staff in response to the Challenge also runs counter to the City's past practice as evidenced by the February 22, 2006 staff report (Report No. 06-020). In that report, the Council adopted the OZM, and staff brought forth a series of zoning challenges, similar to the Challenge in this instance, upon which the Council made a final determination in a public forum. (Gov. Code §65804, 65851.) This was, and of course still is, the appropriate methodology for rezoning property and should have been employed in determining the outcome of the instant Challenge. Barring this, changes to the OZM would be made without notice to the public, would not afford an opportunity to present countervailing evidence without extraordinary vigilance, and would fail to provide an opportunity for legal challenge as required pursuant to Government Code §65860(b).

In light of these facts, and legal precedent, we demand that the City staff revisit the Challenge and either deny it outright, or include the request for rezoning a portion of the Project into the discretionary determination required by overall development package, inclusive of a complete California Environmental Quality Act ("CEQA") analysis – which, coincidentally, appears to have been improperly circumvented in coming to a discretionary determination concluding that the Project site zoning should be amended. Further, we strongly suggest the City Attorney be informed of this correspondence and the underlying invalidity of SDMC §131.0103(b)(5) as it is currently interpreted by City staff, so as to expeditiously revise and correct the process in accordance with State law.

The Weight Of The Evidence Points To The Propriety Of The Existing Zoning Designation

The Challenge, dated June 19, 2017, provides eight attachments which purport to show that the easterly portion of the Project should not have been deemed open space as reflected in the OZM. Through "aerial images and a site visit on June 8, 2017, [the applicant] determined that the land use map boundary was most accurate." (Challenge at p. 2.) Neither aerial images nor site visits are a viable basis upon which to make a zoning determination, and we request that you provide legal precedent that supports the City's process for such determination. Were one to take SDMC §131.0103(b)(5) at face value, the language quite clearly contradicts the use of anything other than "documents on file" or a "legislative record" in making such a zoning determination. Yet, amongst the many attachments provided with the Challenge, glaringly missing were meaningful copies of relevant documents, including close-up images of the General Plan's Land Use & Community Planning Element Figure LU-2 (the Land Use and Street System Map), Recreation Element Figure RE-1 (the Community Plan Designated Open Space and Park Map), or the Carmel Valley Community Plan Land Use Map, all of which have been attached as Exhibit 1-3, respectively, to this correspondence. These exhibits, along with Exhibit 4, a close-up of the relevant portion of the OZM, reflect that the various elements of the General Plan reasonably closely parallel the Community Plan and the OZM, but for a failure to include only the northerly half of the "Sundowner Estates" subdivision located along White Emerald Drive as open space.[1,2] Given this overwhelming evidence of consistency between the General and Community Plans and the OZM, the City staff cannot faithfully determine that an "obvious mistake" has been made in the OZM which favors the diminishment of the open space in the community. Rather, it seems more likely that the Project's open space designation should cover the five most easterly proposed lots and approximately one-half of the easterly portion of the proposed road as would arise from a logical extension of the non-buildable easement area reflected in the "Del Mar Summit" map.

In 1971, the State of California adopted a series of legislative provisions requiring subdivisions and zoning ordinances to be consistent with a jurisdiction's general plan. (*DeVita v County of Napa* (1995) 9 Cal.4th 763, 773.) Cities were required to adopt general plans, with certain mandatory elements such as housing, land use and open space, elevating their status to that of a municipality's "'constitution' for future development," located at the top of the "hierarchy of local government law regulating land use." (*Lesher Communications, Inc. v. City of Walnut Creek*

[1] In fact, a review of the Sundowner Estates Final Map (No. 14419) at Sheet 3 of 4, attached as Exhibit 5, shows that as a condition of the development, open space easements were granted to the City of San Diego over the northerly (approximately) half of each of the subject lots, in line with their actual development approvals in 2002.

[2] A review of the Del Mar Summit subdivision, Map 13005, immediately west of the Sundowner Estates subdivision, shows that the actual open space area boundary is, in fact, west of the boundary shown within the Project site in the Challenge, and therefore more impactful to the Project than relayed by the applicant. One need only review the "building restricted easement" shown in Lots 4 and 8 of that Del Mar Summit development, mimicking the curvature of the OZM, General Plan and Community Plan boundary reflecting the area's open space delineation. For your reference, the pertinent page of the Del Mar Summit map is provided as Exhibit 6.

(1990) 52 Cal.3d 531, 540; *Neighborhood Action Group v. County of Calaveras* (1984) 156 Cal.App.3d 1176, 1183.) Once adopted, a general plan may only be amended by a legislative body. (Gov. Code, §65358(a).)

A community plan is deemed to be a part of a general plan adopted to cover a specific geographic area within the general plan area, that includes or references each of the mandatory general plan elements, and that contains specific development measures and policies. (Pub. Res. Code § 21083.3(e).) As such, community plans are afforded the same deference as general plans in the land use regulatory hierarchy.

Through a general or community plan's land use element, land use designations are conclusively established. (Gov. Code §65300.) Any subordinate land use regulation must be consistent with the general plan or it is "invalid at the time it is passed." (*Lesher Communications, supra,* 52 Cal.3d at 544. Yet, in this instance, the City staff has accepted nothing more than a series of aerial images and a site visit - by or with the Project applicant - to conclude that there is sufficient authority to determine an "obvious mistake" was made with regard to a substantial portion of the Project's land designation. This is wholly contrary to the established law requiring consistency between the general/community plan and the zoning map. Moreover, the decision does not adhere to the requirements of SDMC §131.0103(b)(5) since it offers no reference to documents on file nor the legislative record which support rezoning the open space to a single family residential designation.

We note that the Challenge attaches the North City West Planned District Development Unit 4-A C-Sheet ("#C-698.3") and Ordinance O-17245, but makes little effort to substantiate how these documents represent an "obvious mistake" in the OZM. In fact, C-Sheet C-698.3 reflects the general shape and location of the open space shown in the OZM, and shows no evidence to fulfill the "obvious mistake" standard necessary to comply with SDMC §131.0103(b)(5).

Moreover, O-17245 and C-698.3 were approved in 1989 and do not reflect the later approved Del Mar Summit and Sundowner Estates subdivisions which show the subject open space area in more meaningful detail. Similarly, the General Plan's Land Use & Community Planning and Recreation Elements were developed over 25 years after these materials and reflect a description of the open space on the Project site in alignment with the OZM.

We must, again, demand that the City overturn its approval of the revised OZM, and (1) revert to its prior configuration or (2) correct the portion of the OZM reflective of the northerly portion of the Sundowner Estates, the northeasterly portion of the Del Mar Summit subdivision and the easterly half of the proposed Project site to reflect the true open space area as depicted in the attached exhibits. Failure to do so puts the City at unnecessary risk for litigation in this matter, and affords no substantive rights to the Project applicant which could not be garnered through the

standard Subdivision Map Act and CEQA process should it wish to rezone the Project site as requested in the Challenge.

Sincerely,

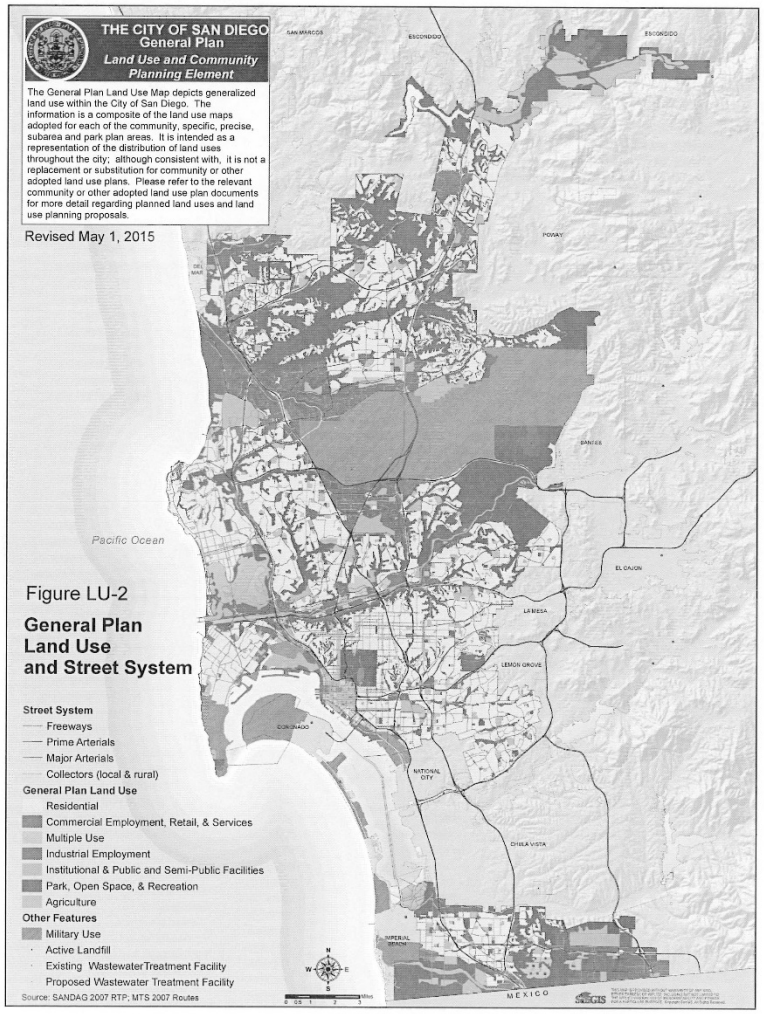
Felix Tinkov
LOUNSBERY FERGUSON ALTONA & PEAK, LLP

cc: Councilmember Barbara Bry
City Attorney Mara Elliott

LOUNSBERY FERGUSON ALTONA & PEAK LLP

Exhibit 1

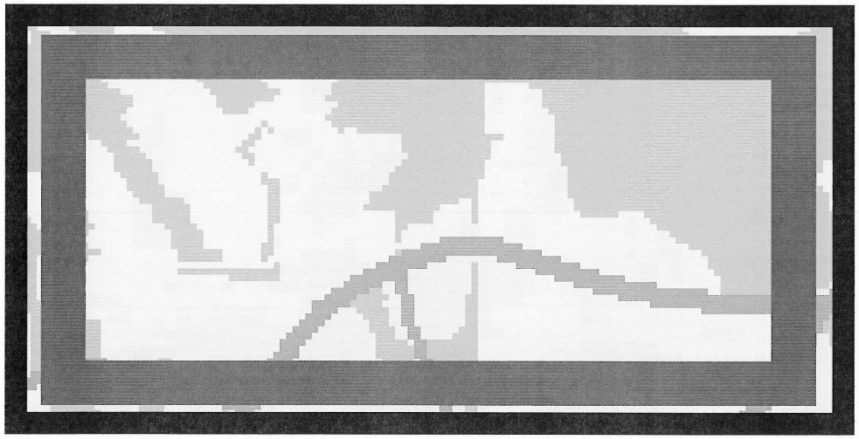
Land Use Element Fig. LU-2 Close Up & Complete Image To Follow

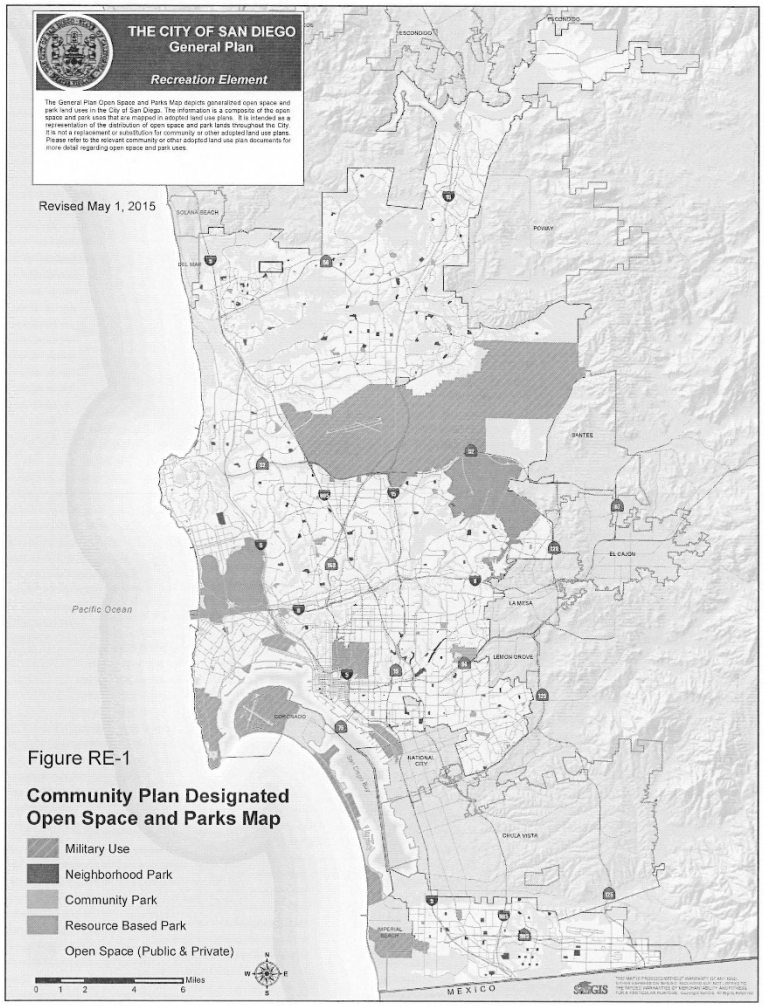

THE CITY OF SAN DIEGO
General Plan
Land Use and Community Planning Element
The General Plan Land Use Map depicts generalized land use within the City of San Diego. The information is a composite of the land use maps adopted for each of the community, specific, precise, subarea and park plan areas. It is intended as a representation of the distribution of land uses throughout the city; although consistent with, it is not a replacement or substitution for community or other adopted land use plans. Please refer to the relevant community or other adopted land use plan documents for more detail regarding planned land uses and land use planning proposals.
Revised May 1, 2015
Pacific Ocean
Figure LU-2
General Plan Land Use and Street System
Street System
Freeways
Prime Arterials
Major Arterials
Collectors (local & rural)
General Plan Land Use
Residential
Commercial Employment, Retail, & Services
Multiple Use
Industrial Employment
Institutional & Public and Semi-Public Facilities
Park, Open Space, & Recreation
Agriculture
Other Features
Military Use
Active Landfill
Existing Wastewater Treatment Facility
Proposed Wastewater Treatment Facility
Source: SANDAG 2007 RTP; MTS 2007 Routes
SAN MARCOS
ESCONDIDO
POWAY
SANTEE
EL CAJON
LA MESA
LEMON GROVE
CORONADO
NATIONAL CITY
CHULA VISTA
IMPERIAL BEACH
MEXICO

LOUNSBERY FERGUSON ALTONA & PEAK LLP

Exhibit 2

Recreation Element Fig. RE-1 Close Up & Complete Image To Follow

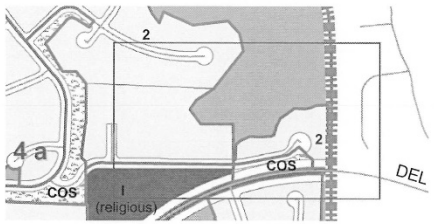



THE CITY OF SAN DIEGO
General Plan
Recreation Element
The General Plan Open Space and Parks Map depicts generalized open space and park land uses in the City of San Diego. The information is a composite of the open space and park uses that are mapped in adopted land use plans. It is intended as a representation of the distribution of open space and park lands throughout the City. It is not a replacement or substitution for community or other adopted land use plans. Please refer to the relevant community or other adopted land use plan documents for more detail regarding open space and park uses.
Revised May 1, 2015
ESCONDIDO
POWAY
SANTEE
EL CAJON
LA MESA
LEMON GROVE
CORONADO
NATIONAL CITY
CHULA VISTA
IMPERIAL BEACH
SOLANA BEACH
Pacific Ocean
MEXICO
Figure RE-1
Community Plan Designated Open Space and Parks Map
Military Use
Neighborhood Park
Community Park
Resource Based Park
Open Space (Public & Private)
Miles
0 1 2 4 6
N
W E
S

LOUNSBERY FERGUSON ALTONA & PEAK LLP

Exhibit 3

Carmel Valley Neighborhoods Composite Land Use Plan Close Up & Complete Image To Follow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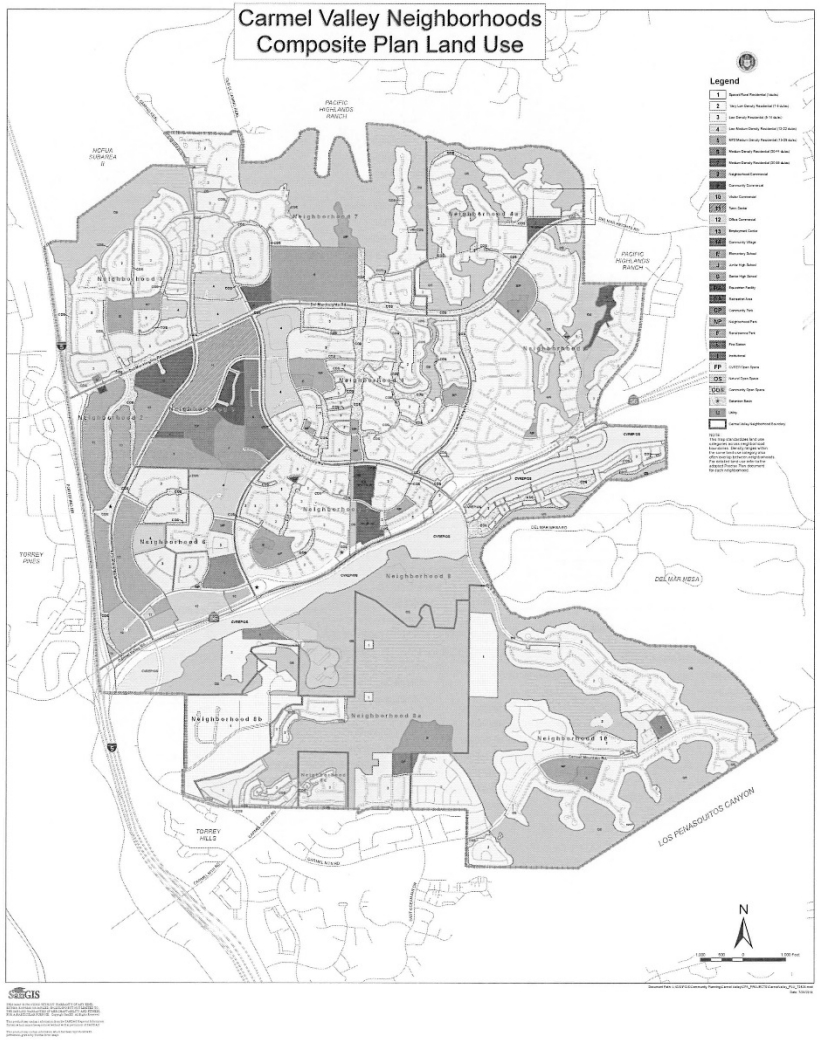
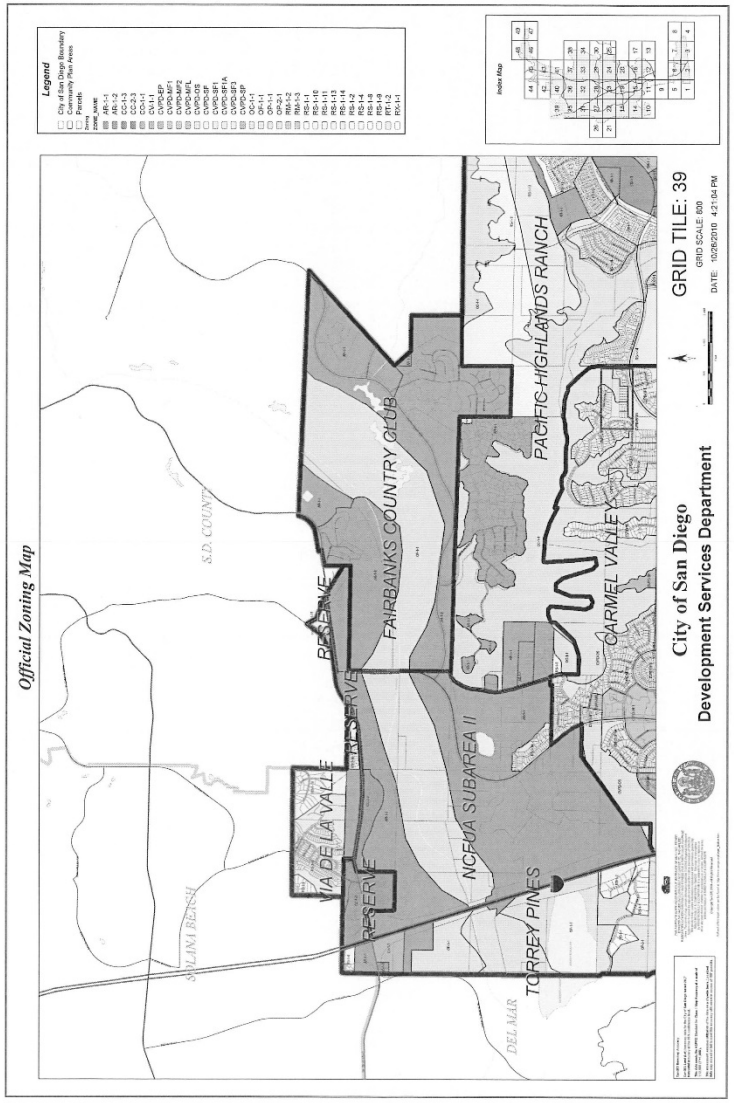

Carmel Valley Neighborhoods
Composite Plan Land Use
Legend
PACIFIC HIGHLANDS RANCH
NORTH TORREY PINES
TORREY PINES
DEL MAR MESA
LOS PENASQUITOS CANYON
Neighborhood 1
Neighborhood 2
Neighborhood 3
Neighborhood 4
Neighborhood 5
Neighborhood 7
Neighborhood 8
Neighborhood 8a
Neighborhood 8b
Neighborhood 10
N

LOUNSBERY FERGUSON ALTONA & PEAK LLP

Exhibit 4

Official Zoning Map Grid 39 Close Up & Complete Image To Follow


CHELTERHAM TR
WHITE EMERALD DR


Official Zoning Map
Legend
City of San Diego Boundary
Community Plan Areas
Parcels
Zones
AR-1-1
AR-1-2
CC-1-3
CC-4-3
CO-1-1
CV-1-1
CVPD-EP
CVPD-MF1
CVPD-MF2
CVPD-MF3
CVPD-OS
CVPD-SF
CVPD-SF1A
CVPD-SF1B
CVPD-SP
OC-1-1
OP-1-1
OR-1-1
OP-2-1
RM-2-5
RMX-1-3
RS-1-1
RS-1-10
RS-1-11
RS-1-13
RS-1-14
RS-1-2
RS-1-4
RS-1-8
RS-1-9
RT-1-3
RX-1-1
Index Map
S.D. COUNTY
SOLANA BEACH
DEL MAR
VIA DELA VALLE RESERVE
RESERVE
FAIRBANKS COUNTRY CLUB
NORTH SUBAREA II
TORREY PINES
CARMEL VALLEY
PACIFIC HIGHLANDS RANCH
City of San Diego
Development Services Department
GRID TILE: 39
GRID SCALE: 600
DATE: 10/26/2010 4:21:04 PM

LOUNSBERY FERGUSON ALTONA & PEAK LLP

Exhibit 5

Sundowner Estate Final Map (Map No. 14419)

MAP NO. 14419

SHEET 1 OF 4 SHEETS

SUNDOWNER ESTATES

WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF OR ARE INTERESTED IN THE LAND EMBRACED WITHIN THE SUBDIVISION TO BE KNOWN AS SUNDOWNER ESTATES AND WE HEREBY CONSENT TO THE PREPARATION AND RECORDATION OF THIS MAP, CONSISTING OF 4 SHEETS AND DESCRIBED IN THE CAPTION THEREOF.

WE HEREBY GRANT AND RELINQUISH TO THE CITY OF SAN DIEGO, A MUNICIPAL CORPORATION, ANY AND ALL RIGHTS TO CONSTRUCT, ERECT OR MAINTAIN ANY STRUCTURE; TO CONSTRUCT, ERECT OR MAINTAIN FENCES; TO REMOVE LIVE TREES AND SHRUBS; TO CHANGE THE GRADE; OR TO OTHERWISE CHANGE THE OPEN SPACE CHARACTER OF THE LAND, UNLESS APPROVED BY THE CITY, OVER, UPON OR ACROSS ALL THOSE PORTIONS OF LOTS 1, 2, 3, 4, 5, & 6, AS SHOWN ON THIS MAP WITHIN THIS SUBDIVISION AND DESIGNATED "OPEN SPACE EASEMENT GRANTED HEREON," RESERVING TO THE OWNER OF THE FEE UNDERLYING HEREIN GRANTED THE RIGHT TO GRANT EASEMENTS TO ANY PUBLIC UTILITY COMPANY FOR DISTRIBUTION FACILITIES PROVIDED THE SAME ARE INSTALLED UNDERGROUND; AND THE RIGHT TO MAINTAIN FIRE-BREAKS, TRIM OR REMOVE BRUSH AND OTHERWISE PERFORM PREVENTIVE MEASURE REQUIRED BY THE FIRE DEPARTMENT TO PROTECT STRUCTURES AND OTHER IMPROVEMENTS FROM POTENTIAL FIRES. RESPONSIBILITY FOR MAINTENANCE OF SAID LANDS SHALL REMAIN WITH THE OWNER OF THE FEE TITLE OF SAID LAND AND NOTHING CONTAINED HEREIN SHALL BE CONSTRUED TO ASSIGN ANY MAINTENANCE RESPONSIBILITY TO THE CITY OF SAN DIEGO, NOR SHALL ANYTHING CONTAINED HEREIN BE CONSTRUED TO CONFER ANY RIGHTS TO THE GENERAL PUBLIC.

DENIS H. LOUGEAY AND DENRUTH C LOUGEAY, HUSBAND AND WIFE AS CO-TRUSTEES UNDER THE LOUGEAY FAMILY TRUST DATED DECEMBER 18,1995 AS TO AN UNDIVIDED 1/2 INTEREST; JEAN S. LOUGEAY, TRUSTEE UNDER DECLARATION OF TRUST DATED JUNE 5, 1971, AS TO AN UNDIVIDED 1/4 INTEREST; AND JEAN S. LOUGEAY, SUCCESSOR TRUSTEE UNDER DECLARATION OF TRUST DATED JUNE 5, 1971 AS TO AN UNDIVIDED 1/4 INTEREST.

DENIS H. LOUGEAY   DENRUTH C. LOUGEAY

JEAN S. LOUGEAY, TRUSTEE

THE SIGNATURE OF THE FOLLOWING HAS BEEN OMITTED UNDER THE PROVISION OF SECTION 66436, SUBSECTION (a)(3)(A)(I) OF THE SUBDIVISION MAP ACT. THEIR INTEREST IS SUCH THAT IT CANNOT RIPEN INTO FEE TITLE AND SAID SIGNATURE IS REQUIRED BY THE GOVERNING BODY:

THE CITY OF SAN DIEGO, A MUNICIPAL CORPORATION, HOLDER OF EASEMENTS RECORDED NOVEMBER 5, 1997 AS FILE NO. 1997-0558194 AND NOVEMBER 6, 1997 AS FILE NO. 1997-0561698, ALL OF OFFICIAL RECORDS.

STATE OF CALIFORNIA
COUNTY OF SAN DIEGO
ON 3/1/02, BEFORE ME, ARTHUR P. ARGUELLE, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED DENIS H. LOUGEAY AND DENRUTH C. LOUGEAY PERSONALLY KNOWN TO ME ✓ PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE ___ TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXCUTED THE SAME IN HIS AUTHORIZED CAPACITY AND THAT BY HIS SIGNATURE ON THE INSTRUMENT, THE PERSONS OR THE ENTITY UPON BEHALF OF WHICH THE PERSON ACTED, EXECUTED THE INSTRUMENT.
WITNESS MY HAND
NAME ______
PRINT NAME ARTHUR P ARGUELLE
PRINCIPAL PLACE OF BUSINESS IS IN San Diego COUNTY.
MY COMMISSION EXPIRES ON ______

COOPER ENGINEERING ASSOCIATES

BEING A SUBDIVISION OF THAT PORTION OF THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 17, TOWNSHIP 14 SOUTH, RANGE 3 WEST, SAN BERNARDINO MERIDIAN, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO UNITED STATES GOVERNMENT SURVEY APPROVED MAY 20, 1884, TOGETHER WITH A PORTION OF WHITE EMERALD DRIVE AS DEDICATED TO PUBLIC USE.

EXCEPTING THEREFROM THE WESTERLY 400.00 FEET THEREOF, ALSO EXCEPTING THAT PORTION, IF ANY, LYING SOUTHERLY OF THE CENTER LINE OF THE EXISTING OIL SURFACE ROAD EXTENDING IN AN EASTERLY AND WESTERLY DIRECTION ACROSS THE EAST HALF OF THE NORTHEAST QUARTER OF SAID SECTION 17, BEING THE EASTERLY PROLONGATION OF COUNTY ROAD A-39 AS, SAID ROAD EXISTED ON APRIL 30, 1957.

SUBDIVISION GUARANTEE PREPARED BY FIRST AMERICAN TITLE INSURANCE COMPANY ORDER NO. 1247838-15.

THIS IS A MAP OF A PLANNED DISTRICT DEVELOPMENT PROJECT AS DEFINED IN THE SAN DIEGO MUNICIPAL CODE.

I, CITY CLERK OF THE CITY OF SAN DIEGO, CALIFORNIA, HEREBY CERTIFY THAT, THE CITY ENGINEER HAS APPROVED THIS SUBDIVISION MAP. I ALSO CERTIFY THAT PROPER PUBLIC NOTICE HAS BEEN GIVEN OF THAT APPROVAL ON MAY 20, 2002 AND THAT THE LEGAL APPEAL PERIOD HAS EXPIRED.

IN WITNESS WHEREOF THESE PRESENTS, I HEREBY EXECUTE AND ATTEST BY SEAL THIS 25 DAY OF July, 2002.

CHARLES G. ABDELNOUR
CITY CLERK
BY: ______
SIGNATURE:

STATE OF ~~CALIFORNIA~~ ILLINOIS
COUNTY OF ~~SAN DIEGO~~ ST. CLAIR
ON APRIL 15, 2002, BEFORE ME, DIANA L. YARBER, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED JEAN S. LOUGEAY PERSONALLY KNOWN TO ME ✓ PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE ___ TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXCUTED THE SAME IN HIS AUTHORIZED CAPACITY AND THAT BY HIS SIGNATURE ON THE INSTRUMENT, THE PERSONS OR THE ENTITY UPON BEHALF OF WHICH THE PERSON ACTED, EXECUTED THE INSTRUMENT.
WITNESS MY HAND
NAME ______
PRINT NAME DIANA L. YARBER
PRINCIPAL PLACE OF BUSINESS IS IN ST CLAIR COUNTY.
MY COMMISSION EXPIRES ON NOV 5, 2003

I, I. ALLAN COOPER, A REGISTERED CIVIL ENGINEER OF THE STATE OF CALIFORNIA, HEREBY CERTIFY THAT THE SURVEY OF THIS SUBDIVISION WAS MADE BY ME, OR UNDER MY DIRECTION, BETWEEN NOVEMBER 1, 2000 AND NOVEMBER 17, 2000, AND THAT THE SURVEY IS COMPLETE AS SHOWN; THAT ALL STAKES MONUMENTS AND MARKS SET, TOGETHER WITH THOSE FOUND, ARE OF THE CHARACTER INDICATED AND OCCUPY THE POSITIONS SHOWN THEREON. I WILL SET ALL OTHER MONUMENTS OF CHARACTER, AND AT POSITIONS INDICATED BY THE LEGEND IN THIS MAP WITHIN THIRTY (30) DAYS AFTER THE COMPLETION OF THE REQUIRED IMPROVEMENTS AND ALL SUCH MONUMENTS ARE OR WILL BE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED. (SEE LEGEND SHEET No. 2).

I. ALLAN COOPER, R.C.E. 16685
MY REGISTRATION EXPIRES 06/30/03
DATED: 12-18-01

I, HEREBY STATE THAT THIS MAP WAS EXAMINED BY ME OR UNDER MY DIRECT SUPERVISION; THAT IT SUBSTANTIALLY CONFORMS TO THE TENTATIVE MAP, IF ANY, AND ANY APPROVED ALTERATIONS THEREOF; THAT IT COMPLIES WITH THE SUBDIVISION MAP ACT AND ANY LOCAL ORDINANCES APPLICABLE AT THE TIME OF APPROVAL OF THE TENTATIVE MAP AND THAT IT IS TECHNICALLY CORRECT.

I ALSO CERTIFY THAT THERE ARE NO UNPAID BONDS ISSUED UNDER THE STREET IMPROVEMENT ACTS OF THE STATE OF CALIFORNIA AGAINST THIS SUBDIVISION. I ACCEPT THOSE ITEMS LISTED IN THE CERTIFICATE SIGNED BY THE OWNERS UNDER THE CONDITIONS EXPRESSED THEREIN.

FRANK BELOCK, JR., CITY ENGINEER
BY: ______
LEROY C. HENNES, DEPUTY
LS 4804
DATED: 7/22/02

I, CLERK OF THE BOARD OF SUPERVISORS, HEREBY CERTIFY, THAT THE PROVISIONS OF THE SUBDIVISION MAP ACT (DIV. 2 OF TITLE 7 OF THE GOVERNMENT CODE) REGARDING (A) DEPOSITS FOR TAXES, AND (B) CERTIFICATION OF THE ABSENCE OF LIENS FOR UNPAID STATE, COUNTY, MUNICIPAL OR LOCAL TAXES OR SPECIAL ASSESSMENTS COLLECTED AS TAXES, EXCEPT THOSE NOT YET PAYABLE, HAVE BEEN COMPLIED WITH.

THOMAS J. PASTUSZKA
CLERK OF THE BOARD
OF SUPERVISORS
BY: Sara Burt
DEPUTY
DATED: 7/30/02

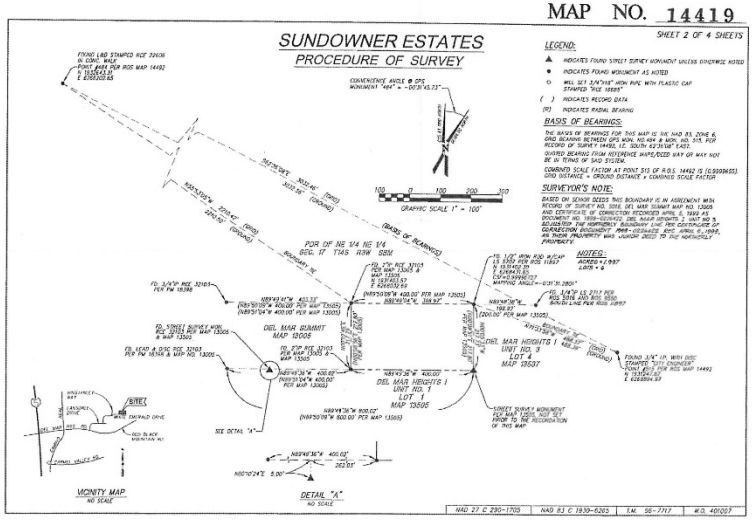
FILE NO. 2002-0637998

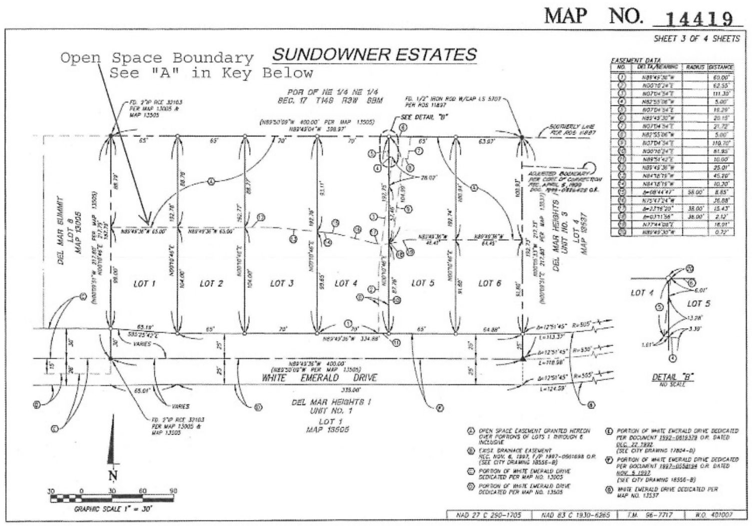
I, COUNTY RECORDER OF THE COUNTY OF SAN DIEGO, CALIFORNIA, HEREBY CERTIFY THAT I HAVE ACCEPTED FOR RECORDATION THIS MAP FILED AT THE REQUEST OF I. ALLAN COOPER, THIS 30th DAY OF July, 2002, AT 1:55 O'CLOCK P.M.

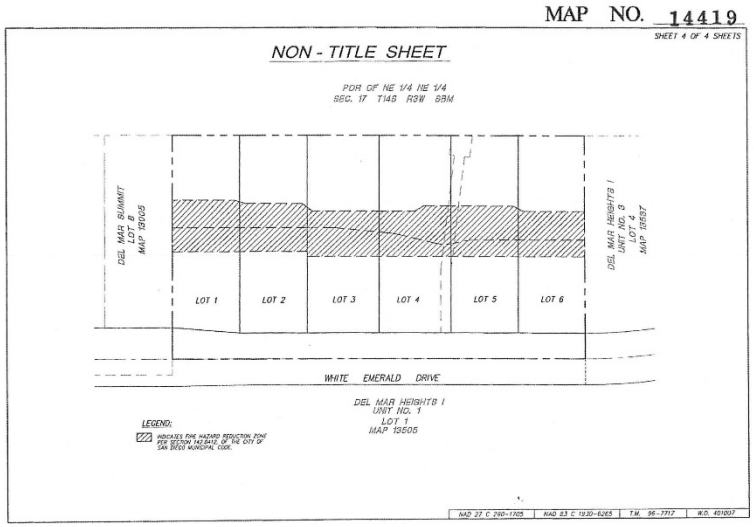
GREGORY J. SMITH
COUNTY RECORDER
BY: ______
DEPUTY

FEE: $ 14.00

NAD 27 C 290-1705	NAD 83 C 1930-6265	T.M. 96-7717	W.O. 401007


MAP NO. 14419
SHEET 2 OF 4 SHEETS
SUNDOWNER ESTATES
PROCEDURE OF SURVEY
LEGEND:
BASIS OF BEARINGS:
SURVEYOR'S NOTE:
NOTES:
POB OF NE 1/4 NE 1/4
SEC. 17 T14S R3W SBM
DIEL MAR SUMMIT
MAP 13505
DIEL MAR HEIGHTS I
UNIT NO. 3
LOT 4
MAP 13507
DIEL MAR HEIGHTS I
UNIT NO. 1
LOT 1
MAP 13505
SITE
VICINITY MAP
NO SCALE
DETAIL "A"
NO SCALE
GRAPHIC SCALE 1" = 100'
NAD 27 C 290-1705
NAD 83 C 1939-6205
T.M. 58-7717
W.O. 401007


MAP NO. 14419
SHEET 3 OF 4 SHEETS
Open Space Boundary
See "A" in Key Below
SUNDOWNER ESTATES
LOT 1
LOT 2
LOT 3
LOT 4
LOT 5
LOT 6
WHITE EMERALD DRIVE
GRAPHIC SCALE 1" = 30'
DETAIL "B"


MAP NO. 14419
SHEET 4 OF 4 SHEETS
NON - TITLE SHEET
POR OF NE 1/4 NE 1/4
SEC. 17 T14S R3W SBM
DEL MAR SUMMIT
LOT 8
MAP 13005
LOT 1
LOT 2
LOT 3
LOT 4
LOT 5
LOT 6
DEL MAR HEIGHTS I
UNIT NO. 8
LOT 4
MAP 13857
WHITE EMERALD DRIVE
DEL MAR HEIGHTS I
UNIT NO. 1
LOT 1
MAP 13506
LEGEND:
INDICATES FIRE HAZARD REDUCTION ZONE PER SECTION 142.0412 OF THE CITY OF SAN DIEGO MUNICIPAL CODE.
NAD 27 C 290-1705
NAD 83 C 1930-6265
T.M. 96-7717
W.O. 401007

LOUNSBERY FERGUSON ALTONA & PEAK LLP

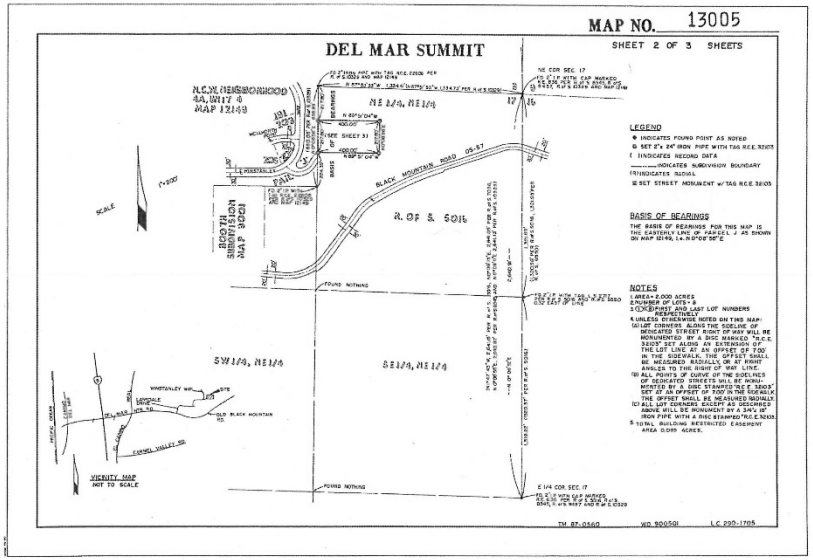
Exhibit 6

Del Mar Summit Final Map (Map No. 13005)

MAP NO. 13005

DEL MAR SUMMIT

SHEET 1 OF 3 SHEETS


MAP NO. 13005
DEL MAR SUMMIT
SHEET 2 OF 3 SHEETS
N.C.W. HEISSONROOD
44, N17 E
MAP 12149
NE 1/4, NE 1/4
BLACK MOUNTAIN ROAD
R. OF S. 5015
SOUTH SUBDIVISION MAP 9201
SW 1/4, NE 1/4
SE 1/4, NE 1/4
VICINITY MAP
NOT TO SCALE
LEGEND
BASIS OF BEARINGS
NOTES
E 1/4 COR. SEC. 17
TM 87-0560
WO 900501
LC 290-1705

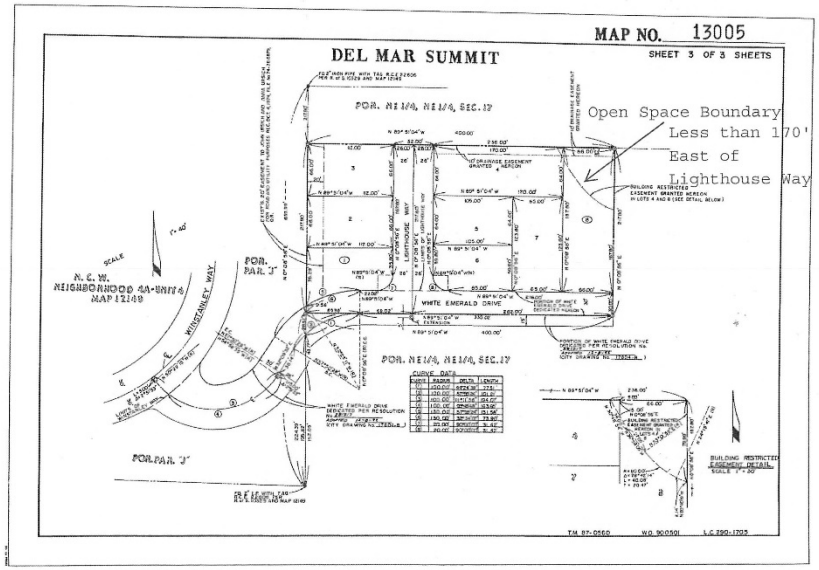

MAP NO. 13005
DEL MAR SUMMIT
SHEET 3 OF 3 SHEETS
POR. NE1/4, NE1/4, SEC. 17
Open Space Boundary
Less than 170'
East of
Lighthouse Way
N. C. W.
NEIGHBORHOOD 6A-UNIT 4
MAP 12149
WHITE EMERALD DRIVE
POR. PAR. J
POR. NE1/4, NE1/4, SEC. 17
POR. PAR. J
CURVE DATA
BUILDING RESTRICTED
EASEMENT DETAIL
SCALE 1" = 50'
TM 87-0560
WO 900501
L.C 290-1705

Exhibit B

LOUNSBERY FERGUSON
ALTONA & PEAK LLP
ESCONDIDO AND SAN DIEGO

402 W. Broadway, Suite 400
San Diego, CA 92101
Telephone (619) 236-1201
Facsimile (619) 236-0944
www.LFAP.com

SPECIAL COUNSEL
JOHN W. WITT

Felix Tinkov
Partner

Direct: (619) 887-6471
Email: FMT@LFAP.com

January 17, 2018

Robert A. Vacchi
Development Services Director
City of San Diego
1222 First Avenue, 4th Floor, MS 501
San Diego, CA 92101

RE: Lighthouse Ridge Official Zoning Map Challenge Follow Up (Project No. 513356)

Dear Bob,

In follow up to our December 14, 2017 meeting regarding the Official Zoning Map Challenge (the "Challenge") posed on or about June 19, 2017 on behalf of the Lighthouse Ridge development (the "Development"), we have analyzed the public record relating to residential subdivisions within the Carmel Valley NCW Unit 4A area to determine the true extent of the open space boundary in dispute. This letter shall serve to assist in correcting the erroneous position taken by the Development Services Department, wherein an open space designated area was converted to a residential designation in the City's Official Zoning Map through an entirely administrative process. The evidence provided in this correspondence demonstrates that the true boundary of the open space designation requires not only a reversion to the Official Zoning Map's previous open space-residential designation boundary, but rather a further shift of this interface, generally westerly. The consequence of this revised demarcation is a need to revise the Official Zoning Map accordingly, and to require the Development's site plan to reflect significantly less development along the easterly portion of the site.

To begin, we offer a review of the approved tentative map for the Del Mar Summit project (TM 87-0560), located directly south of the proposed Development, attached in Exhibit A. As we discussed in our meeting, the Del Mar Summit project prohibits development across the northeasterly corner of the site by virtue of an open space easement grant (whose boundaries, in turn, precisely coincide with the open space area of the adjacent easterly development known, the Sundowner Estates – more on this below). The attached tentative map specifically shows the open space (labeled "OS") and residential (labeled "SF-1") interface at the 314-foot contour line (we

note, the Del Mar Summit project was required to grant additional open space, beyond the OS designated area). This interface is referenced in the City staff's analysis of the development in reference to this tentative map, and is aligned with the depiction of the open space area reflected in the Unit 4A Precise Plan (the "Plan"), approved by the City Council on October 26, 1987 (https://www.sandiego.gov/sites/default/files/north_city_west_dev_unit_4a_precise_plan.pdf) – not coincidentally, this project and the Plan were approved at nearly the same time, offering further evidence of the accuracy of this analysis of the open space boundary location.

Next, we present the grading and site plan for a project previously proposed at the site of the subject Development, in 1995, as Exhibit B. The boldface dashed line, as shown in the plan's legend, represents the "4-A Precise Plan Development Limits" running approximately along the 300-foot contour line. As this interface is relatively close in its estimation of the open space-residential land interface and is near in time to the 1996 amendment to the Plan (see https://www.sandiego.gov/sites/default/files/4a_precise_plan_amend_1996.pdf - the final iteration of the Plan), it stands to reason that it is accurate in its assessment of the proper location of the developable boundary.

Attached, as Exhibit C, is a map developed by RBR & Associates, Inc., in 1985, labeled "Development Unit 4A In Relation To North City West Community Plan – Figure 14" (taken from the Environmental Impact Report prepared for the Plan's 1987 version, where RBR & Associates was the City's environmental consultant). This figure clearly delineates the westerly reach of the open space designated area paralleling the westerly boundary of the residential lot labeled "5" (our annotation) in the subdivision immediately north of the proposed Development. For comparison, we provide, as Exhibit D, a similarly annotated copy of Sheet 2 of 17 of the Development's September 9, 2016 proposed Site Development Permit and Vesting Tentative Map. In Exhibit D, the westerly boundary of the open space designation runs between the 300-foot contour and 310-foot contour lines, corresponding to Lot #7 of the proposed Development, matching the westerly boundary of the lot labeled "5" (again, our annotation) in the immediately adjacent subdivision to the north.

Finally, we offer a review of the initial study for the Sundowner Estates – the subdivision directly east of the Del Mar Summit Project and south/southeast of the proposed development. Attached, as Exhibit E, is the first page of the initial study, which provides that "[t]he Neighborhood 4A precise plan designates the site for residential development and, along the northern boundary, open space. Surrounding land use designations include open space to the north…." The approved Sundowner Estates Tentative Map (90-0136), attached as Exhibit F, shows the northerly portion of the subdivision to be open space area, in accord with the description in the initial study, and corresponding precisely with the open space area defined in the Del Mar Summit development to the west, as mentioned above.

Given this evidence of the location of the open space-residential boundary in and near to the subject Development site, there can be little doubt that the City's prior determination to increase the residentially designated as requested in the Challenge is wholly without merit. As described in our December 8, 2017 correspondence to you on the topic, the City should not have reached this conclusion given the "obvious mistake" standard required under San Diego Municipal Code §131.0103(b)(5); especially given that all salient evidence found in the Unit 4A Precise Plan, the Plan's EIR, prior efforts to develop the subject site, and the neighboring subdivisions' project documentation points to the contrary.

We, nevertheless, thank the City for giving us this opportunity to review the relevant public record more closely. It is now abundantly clear that the location of the Unit 4A open space designated area, relative to the subject Development site, is considerably larger than previously understood, and extends well to the west of that shown in the Official Zoning Map – directly contradicting the City's determination on the Challenge. This must, pursuant to San Diego Municipal Code §131.0103(b)(5), be corrected.

To that end, please accept this correspondence as a further official zoning map challenge seeking corrective action to reflect the open space-residential interface for the area of the Development site as well as the Del Mar Summit and Sundowner Estates properties. Should you need any additional evidence reflecting the correct location of the open space boundary in this area, we stand ready to provide it (we have held back a number of additional documents demonstrating our position for purposes of efficiency and economy).

We await your determination on our Official Zoning Map challenge.

Sincerely,

Felix Tinkov
LOUNSBERY FERGUSON ALTONA & PEAK, LLP

EXHIBIT A

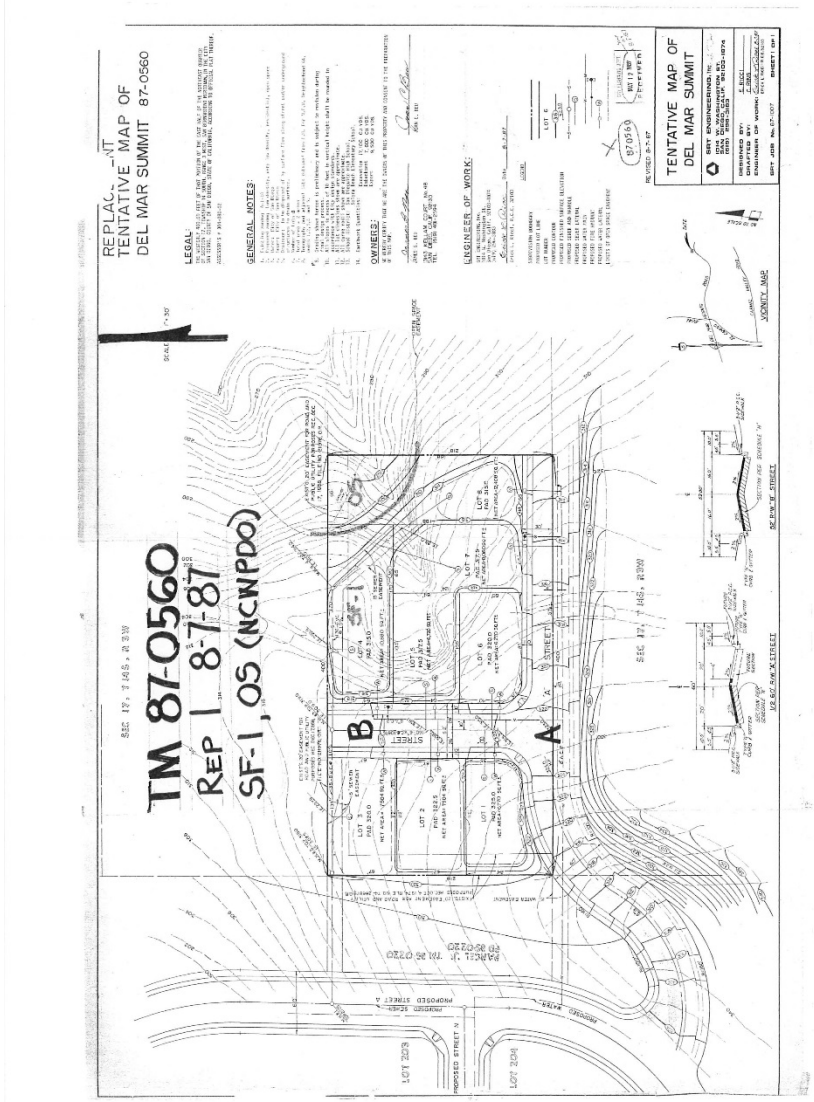

REPLACEMENT
TENTATIVE MAP OF
DEL MAR SUMMIT 87-0560
TM 87-0560
REP 1 8-7-87
SF-1, 05 (NCWPDO)
GENERAL NOTES:
LEGAL:
OWNERS:
ENGINEER OF WORK:
TENTATIVE MAP OF
DEL MAR SUMMIT
VICINITY MAP
SCALE: 1" = 50'
PROPOSED STREET A
PROPOSED STREET N
LOT 208
LOT 204
STREET A
STREET B
SF-1
05

EXHIBIT B

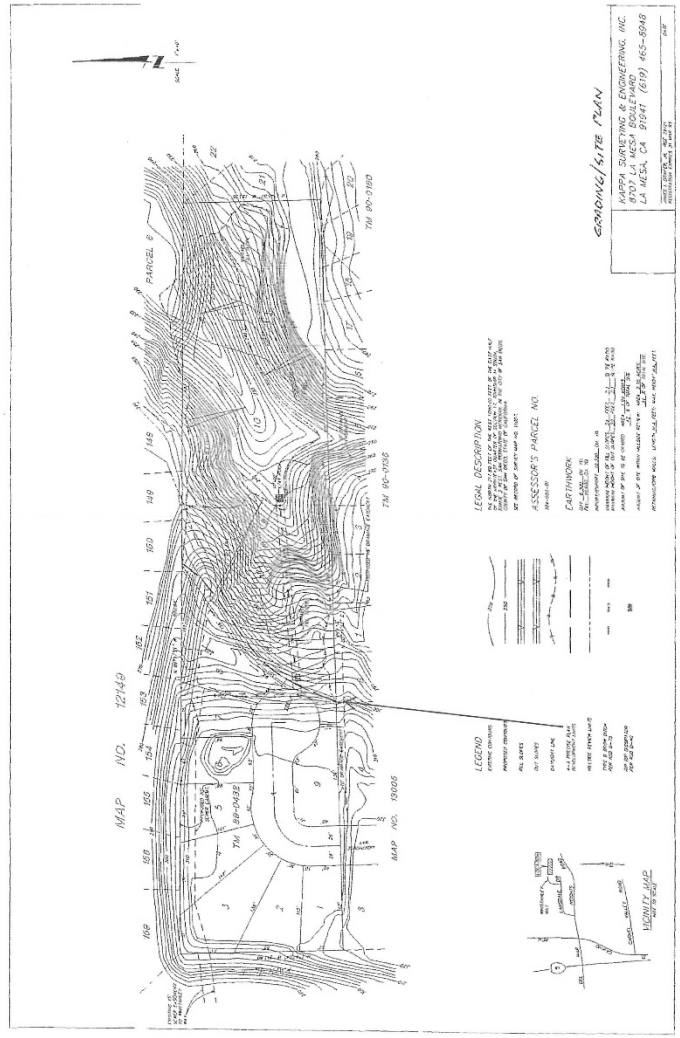
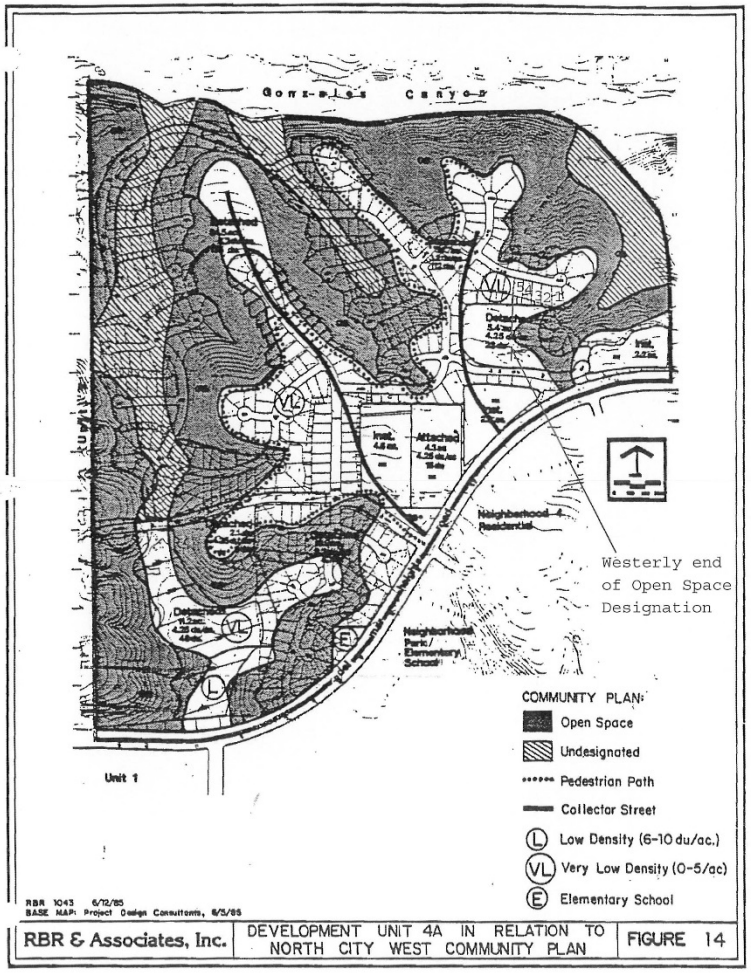

GRADING/SITE PLAN
LEGAL DESCRIPTION
ASSESSOR'S PARCEL NO.
EARTHWORK
LEGEND
VICINITY MAP
MAP NO. 12149
MAP NO. 13005
PARCEL B
TM 90-0192
TM 90-0193
TM 90-0432
MAPPA SURVEYING & ENGINEERING, INC.
8707 LA MESA BOULEVARD
LA MESA, CA 91941 (619) 465-8948

EXHIBIT C


Gonzales Canyon
Unit 1
Westerly end of Open Space Designation
Neighborhood Park/ Elementary School
Neighborhood Residential
COMMUNITY PLAN:
Open Space
Undesignated
Pedestrian Path
Collector Street
(L) Low Density (6-10 du/ac.)
(VL) Very Low Density (0-5/ac)
(E) Elementary School
RBR 1043 6/12/85
BASE MAP: Project Design Consultants, 6/3/85
RBR & Associates, Inc.
DEVELOPMENT UNIT 4A IN RELATION TO NORTH CITY WEST COMMUNITY PLAN
FIGURE 14

-35-

EXHIBIT D

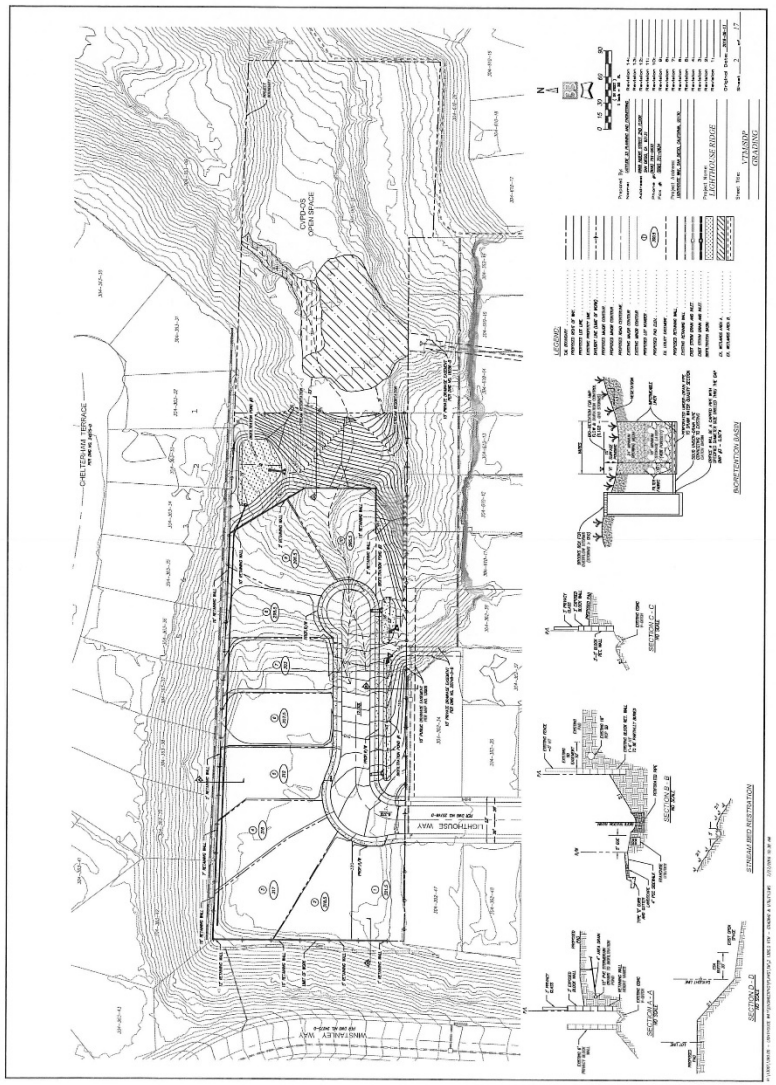

CHELTENHAM TERRACE
OPEN SPACE
LIGHTHOUSE WAY
MINSTARLEY WAY
LEGEND
LIGHTHOUSE BRIDGE
LYTHAM DRAWING
DETENTION BASIN
SECTION A-A
SECTION B-B
SECTION C-C
SECTION D-D
STREAM BED RESTORATION

EXHIBIT E

City of San Diego
Planning Department
DEVELOPMENT AND ENVIRONMENTAL PLANNING DIVISION
202 "C" Street, Mail Station 4C
San Diego, CA 92101
(619) 236-6460

INITIAL STUDY
DEP No. 90-0136

SUBJECT: Lougeay's Sundowner. TENTATIVE MAP (TM), RESOURCE PROTECTION PERMIT (RPO), and CARMEL VALLEY PLANNED DISTRICT DEVELOPMENT PERMIT (DEP No. 90-0136) to subdivide a two acre parcel into six lots and grade 1.3 acres for future construction of six single-family residences. The site is located north of Del Mar Heights Road and east of Winstanley Way in the Carmel Valley Neighborhood 4A (Portion of E1/2 of NE1/4, Section 17, T14S, R3W, SBBM). Applicant: Denis & Denruth Lougeay.

I. PURPOSE AND MAIN FEATURES:

The applicant proposes to subdivide a two acre parcel into six lots and grade approximately 1.3 acres of the site for future construction of six single-family homes. Approximately .63 acres of land along the site's northern boundary would be placed in a negative open space easement (Figure 2).

Access to the site would be provided via a residential road to be constructed as part of two previously approved Tentative Maps; Del Mar Heights I (DEP No. 90-0160) and Del Mar Summit (DEP No. 87-0560). Grading associated with the approved TMs would encroach on to the Lougeay's Sundowner site and represents a constraint to development on the Lougeay property. In order to meet previously approved elevations, the Lougeay's Sundowner project proposes 40 cubic yards (cy) of cut and 20,660 cy of fill over 1.3 acres.

A curvilinear crib wall is proposed along the back of lots 4-6. This wall would reach a maximum height of ten feet and would reduce the area of grading. Landscape plans provide for screening the wall with vegetation. Manufactured slopes would not exceed 50 feet in height with a slope ratio of 2:1.

All manufactured slopes would be landscaped with a variety of plant species. An emphasis was placed on the use of native species including summer-holly, a sensitive species naturally occurring on the site. Low fuel volume plantings would be planted adjacent to the building pads to reduce the fire hazard to future residences, in accordance with the proposed Brush Management Plan.

II. ENVIRONMENTAL SETTING:

The two-acre, rectangular-shaped lot is located north of Del Mar Heights Road and east of Winstanley Way in Carmel Valley Neighborhood 4A. The parcel is zoned SF-1 (low-density, single-family, residential). The Neighborhood 4A precise plan designates the site for residential development and, along the northern boundary, open space. Surrounding land use designations include open space to the north and residential to the south, west, and east. Currently, the site and adjoining properties are vacant; however, tentative maps have been approved for single-family residential development to the east and west. This area is transitioning from vacant land and agricultural uses to residential uses.

III. ENVIRONMENTAL ANALYSIS: See attached Initial Study checklist.

EXHIBIT F

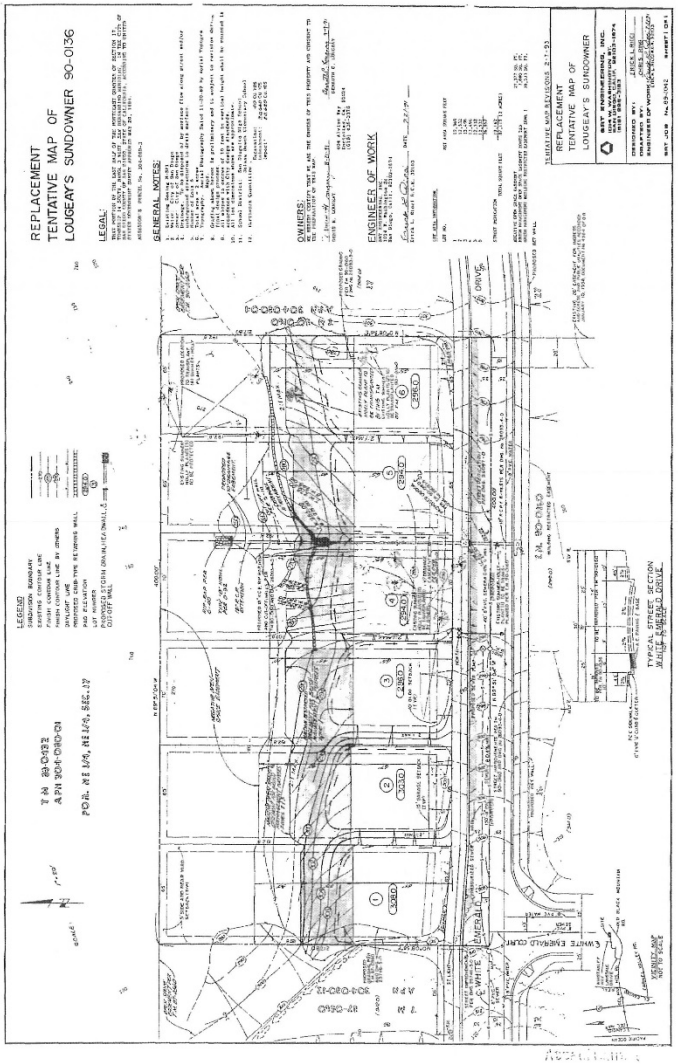

REPLACEMENT
TENTATIVE MAP OF
LOUGEAY'S SUNDOWNER 90-0136
T.M. 90-0133
A.P.N. 304-030-01
P.O.B. NE 1/4, NE 1/4, SEC. 12
LEGAL:
GENERAL NOTES:
OWNERS:
ENGINEER OF WORK
REPLACEMENT
TENTATIVE MAP OF
LOUGEAY'S SUNDOWNER
WEST ENGINEERING, INC.
EMERALD DRIVE
WHITE EMERALD COURT
304-030-12

Exhibit C

CITY of SAN DIEGO
MEMORANDUM

DATE: July 13, 1989

TO: Carl Steffens, Building Inspection Department
Jim McLaughlin, Engineering and Development Department

FROM: Ann Hix, Planning Department, Environmental Quality Division

SUBJECT: GRADING VIOLATION - SANTOS PARCEL (TENTATIVE MAP NO. 89-0432)

The Santos family has been directed to rectify the grading violation for which they have been cited before processing of their tentative map, currently under review by the City (TM No. 89-0432). The subject site is located on the north side of Del Mar Heights Road in North City West Neighborhood 4A.

EQD has the following recommendations regarding enforcement procedures:

1. Do not allow any regrading (restoration) of the site until an archaeological survey has been completed. EQD is requiring the survey prior to processing of the tentative map. An earlier survey revealed a significant archaeological site which was disturbed by the illegal grading. The new survey would attempt to relocate the site.

2. If restorative grading is required, the portion of the site designated as open space in the precise plan should receive top priority. The area should be regraded to its previous contours. The area should be revegetated with native species indigenous to the adjacent open space canyon.

3. Temporary landscaping which would reduce erosion and sedimentation should be planted on all regraded areas. A hydroseed mix of native species should be used. EQD would like to review the seed list before application of the landscaping.

If you have any questions, please contact Miriam Kirshner at 533-3649.

Sincerely,

Ellen Hosley
for Ann B. Hix
Principal Planner

ABH:MK:pjc

cc: Tom Murphy, Planning Department
Jesus E. Santos, Applicant
James I. Draper, Jr., Kappa Engineering

Exhibit D

JOSE A. LAU
5163 CHELTERHAM TERRACE
SAN DIEGO CA 92130
(619) 301 3749
joselaudan@gmail.com

BY U.S. MAIL AND EMAIL
Messrs. Glenn Gargas and Robert Vacchi
Development Services Department
City of San Diego
1222 First Ave
San Diego, CA 92101

November 14, 2017

Dear Sirs:

I refer to the Official Zoning Map Challenge, or Challenge, for the Lighthouse Ridge parcel at the end of Lighthouse Way in Carmel Valley, an unsigned copy of which I attach to this letter as Exhibit A. I understand that you signed the Challenge on the date of the Carmel Valley Community Planning Board meeting held on October 26, 2017. The Challenge approves a change in the open space line clearly delineated in the Official Zoning Map, due to error.

Appeal of Challenge. I understand that you have told my neighbor, Mr. Paul Sager, that the Challenge cannot be appealed. Nonetheless, for the record please accept this letter as notice that I reject your conclusions in the Challenge, and that I wish to appeal it.

Understanding of Challenge Process. I believe it is important for my appeal to understand fully the City Council - approved and statutory basis for requesting an Official Zoning Map Challenge. It is not clear to me what forms or processes are needed to be followed. I would like to receive from your office a statement explaining the process and providing any necessary forms. To that end, I would like to receive from your office a statement detailing the process undertaken by your office and the developer and its representatives, such as Latitude 33, in connection with the granting of the Challenge, including documentary evidence.

1989 Violations Cited by City. Mr. Sager has provided with you a summary of findings regarding the open space in the parcel subject of the Lighthouse Ridge development (Parcel 304-080-0100, or the Lighthouse Parcel). Such findings support that the OS line western boundary on the Lighthouse Parcel has been consistently applied over the years. For reference, I attach Mr. Sager's letter as Exhibit B.

In particular, and in accordance with California's Public Records Act (Gov't. Code. § 6250 *et. seq.*), please provide me with all records pertaining to actions undertaken by the Santos family and/or purported owners or developers of the Lighthouse Parcel (if any), in connection

with remediation of the grading violations allegedly committed by developers of the Lighhouse Parcel. Citation of these violations were apparently directed at the Santos family, and were referred to in the City's memorandum as requiring remediation **"before processing their tentative map** [emphasis added], currently under review by the City (TM No. 89-0432)". The memorandum is included in the last pages of Mr. Sager's letter. Note also the extreme loss of sensitive slopes and biological resources noted in Mr. Sager's letter (Exhibit 8). We urge you to consider whether or not the developer at hand (or its predecessors in interest) have made incursions in the open space, and illegally graded and filled portions of the Lighthouse Parcel, over the years.

In regards to my appeal (or request of reconsideration) of the Challenge, please note:

Chapter 13, Division 1 of the San Diego Municipal Code sets the General Rules of Base Zones. Section 131.0103(a)[1] states: "The Official Zoning Maps are the authority for identifying the boundary of any application of a base zone." There is a provision that permits the City Manager to correct a zoning boundaries under specific and limited circumstances. That section is 131.0103(b) which states:

(b) Where uncertainty exists with respect to the boundaries of zones shown on the Official Zoning Maps the following rules shall apply:

. . .

(5) Where there is an obvious mistake that can be corrected by reference to documents on file or by reference to the legislative record, the City Manager may identify the zone boundary.

The Challenge was granted on the basis of clause (b)(5), mentioned above. On its face, clause (b)(5)'s three requirements are:

(1) Some "uncertainty" must exist. If the map is clear on its face, then you don't look any further to the other provisions of the Code.
(2) The mistake must be "obvious". It cannot be a close call, but must be something that would be apparent to anyone. If it is not obvious, you do not look further to the other provisions of the Code.
(3) The correction must be determined by reference to "documents on file or by reference to the legislative record."

I believe the Challenge was incorrectly granted by the Development Services Department.

[1] "(a) Base zones are represented on the Official Zoning Maps to be prepared by the City. The Official Zoning Maps shall be identified as an exhibit accompanying the ordinance that the City Council approves for any zoning or rezoning action. The Official Zoning Maps are the authority for identifying the boundary of any application of a base zone."

(1) There is no uncertainty. The Zoning Map is clear on its face.[2] Pursuant to Section 131.0103(a) noted above, the Official Zoning Maps are "the authority" for identifying any boundary. Since the Zoning Map trumps the Carmel Valley Neighborhoods Composite Plan Land Use Map, the latter cannot be used to create an ambiguity. The conflict between the Composite Land Use Map and the Zoning Map does not create an uncertainty.

(2) If there is an error in the Zoning Map, it certainly is not "obvious." It is very clear where the open space line lies in the Lighthouse Parcel. Mr. Sager's letter has provided abundant evidence of projects (undertaken by the same developer and/or its predecessors in interest) where the OS line is acknowledged. Other projects (Del Mar Summit and Sundowner Estates – attached hereto as Exhibit C) have also indicated the OS boundary on the southern edge of the Lighthouse Parcel.

It may appear that the Composite Land Use Map has a different location for the open space line on that parcel; however, the line of open space in the Composite Land Use Map for that parcel is **not clear on its face**. Thus, there cannot be an "obvious" mistake in the zoning boundary in the Official Zoning Map, as it pertains to that parcel. (In any case, the Zoning Map should trump the Composite Land Use Map by law.)

(3) The fact that the area had been disturbed is not inconsistent with the idea that the City Council wanted to protect it as open space. Fully developed parks and playgrounds are designated as open space; land does not have to be in a natural and undisturbed state to be zoned as open space. It must simply be undeveloped ("left in a generally natural state"). See Section 131.0112(a)(1).[3] I note that, looking at aerial or Google – Earth maps overtime, it seems that the developers of the homes near the Lighthouse Ridge parcel, and whoever flattened the top of the ridge on the western portion of that parcel, knew the open space line boundary. You will note that the bottom of the manufactured slope on the western portion of the parcel corresponds with the open space line boundary in the Zoning Map. If additional disturbances occurred on other areas in that parcel, such disturbances should not 'move' the open space boundary set in the Zoning Map. In any case, the lands in the open space per the Zoning Map are "in a generally natural state" and should continue being designated as open space. I note further that apparent grading violations have been cited against current holders of the Lighthouse Parcel and/or predecessors in interest, on the record, by the City. Turning the open space into a construction zone will reward such behavior.

(4) We understand that one on-site visit on the Lighthouse Parcel was conducted by the Development Services Department to form your opinion that the boundary on the Zoning Map was in error. A visit on-site by the Development Services Department cannot establish an open space line, and your determination is in direct conflict with the City Council approved North City West Neighborhood 4A Precise Plan and the Zoning Map.

---

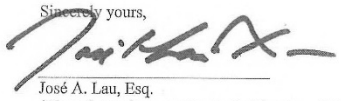
[2] I refer as the Zoning Map to the map approved by city council action in February 2006, as per the SD City website. The website grid 39 map is dated 2010.

[3] "(1) Open Space Use Category. This category includes uses that may occur on land that has been identified for public recreational uses or to be left in a generally natural state."

(5) Finally, we believe that, even assuming an "uncertainty" and "obvious" error exist, which we dispute, Section 131.0103(b)(5) requires that you look at "documents on file" or the "legislative record". These documents and legislative record should be the ones approved or generated by the City Council **in generating the Zoning Map**, not the Composite Land Use Map. The Composite Land Use Map should not be used to correct the Zoning Map. First, as noted above, by Code, the Zoning Map takes precedence over all other maps, including the Composite Land Use Map. You can't turn this on its head and give the Composite Land Use Map precedence over the Zoning Map, or use the Composite Land Use Map to create "ambiguities" or correct "mistakes" in the Zoning Map. Second, you cannot use a document that was not approved by the City Council for the specific Zoning Map in order to overrule an action approved by the City Council for that purpose. In the end, please also note that the City Manager has discretion - the City Manager may identify the zone boundary. I believe this means the change in boundary is not obligatory; rather, it is discretional; and the exercise of such discretion must rest in the City Manager (City of San Diego COO Scott Chadwick), and that the City Council by ordinance has to approve the boundary change.

When I purchased my home in 2012, I specifically reviewed the Zoning Map and relied on the designation, clear and unambiguous, that a majority of the land on the southern portion of my lot (Map 12149, Lot 150), is Open Space. You can understand my interest in this matter. Please note that all rights are reserved. I have copied my attorney, Felix Tinkov of Lounsbery Ferguson Altona & Peak, with this correspondence. Feel free to communicate directly with me with copies to Felix.

Sincerely yours,



José A. Lau, Esq.
**Not admitted to practice in California; admitted to practice in New York*

Cc (email): Councilwoman Barbara Bry
Frisco White, Chairman CVCPG
Patrick Lanoiselee and Elaine Gasser, Neighbors
Paul Sager and Natalie Venezia, Neighbors
Steve McCracken and Sue Waggener, Neighbors
Juleen Ricci, Neighbor

CC: Scott Chadwick, COO, City of San Diego

RINCON BAND OF LUISEÑO INDIANS
Cultural Resources Department
1 W. Tribal Road · Valley Center, California 92082 ·
(760) 297-2330 Fax:(760) 297-2339

March 13, 2018

Courtney Holowach
The City of San Diego
Development Services Center
1222 First Avenue, MS 501
San Diego, CA 92101

Re: Lighthouse Ridge Project No. 513356

Dear Ms. Holowach:

C-1 This letter is written on behalf of the Rincon Band of Luiseño Indians. Thank you for inviting us to submit comments on the Lighthouse Ridge Project No. 513356. Rincon is submitting these comments concerning your projects potential impact on Luiseño cultural resources.

C-2 The Rincon Band has concerns for the impacts to historic and cultural resources and the finding of items of significant cultural value that could be disturbed or destroyed and are considered culturally significant to the Luiseño people. This is to inform you, your identified location is not within the Luiseño Aboriginal Territory. We recommend that you locate a tribe within the project area to receive direction on how to handle any inadvertent findings according to their customs and traditions.

If you would like information on tribes within your project area, please contact the Native American Heritage Commission and they will assist with a referral.

Thank you for the opportunity to protect and preserve our cultural assets.

Sincerely,

Destiny Colocho
Manager
Rincon Cultural Resources Department

C-1 The City of San Diego provides draft environmental documents to Native American Tribes from San Diego County when a cultural resources report has been prepared and/or archaeological monitoring is required.

C-2 The requirement for Native American monitoring is included in Section V. of the Mitigated Negative Declaration, which identifies the applicant to confer with appropriate persons/organizations when inadvertent discoveries occurs during grading activities. In addition, draft copies of the Mitigated Negative Declaration were sent to all Native American groups in San Diego County.

VIEJAS
TRIBAL GOVERNMENT

P.O Box 908
Alpine, CA 91903
#1 Viejas Grade Road
Alpine, CA 91901

Phone: 6194453810
Fax: 6194455337
viejas.com

March 14, 2018

Courtney Holowach
Environmental Planner
City of San Diego Development Services Center
1222 First Avenue, MS 501
San Diego, CA 92101

RE: Lighthouse Ridge Project

Dear Ms. Holowach,

In reviewing the above referenced project the Viejas Band of Kumeyaay Indians ("Viejas") would like to comment at this time.

D-1 The project area may contain many sacred sites to the Kumeyaay people. We request that these sacred sites be avoided with adequate buffer zones.

Additionally, Viejas is requesting, as appropriate, the following:

D-2
- All NEPA/CEQA/NAGPRA laws be followed
- 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. Please call me at 619-659-2312 or Ernest Pingleton at 619-659-2314, or email, rteran@viejas-nsn.gov or epingleton@viejas-nsn.gov, for scheduling. Thank you.

Sincerely,

Ray Teran, Resource Management
VIEJAS BAND OF KUMEYAAY INDIANS

D-1 Comment noted. A record search of the California Historic Resources Information System (CHRIS) digital database was reviewed by qualified archaeological City staff to determine presence or absence of potential resources within the project site. An archaeological survey and evaluation report was also conducted for the project. While no archaeological resources were identified during the survey or the CHRIS search it was noted that ground disturbing activities associated with the project could impact buried archaeological resources. Although no recorded archaeological sites were located within or adjacent to the project site, there is a potential for the project to impact archaeological resources due to the project's proximity to a known archaeological site. Therefore, mitigation measures related to Cultural Resources (Archaeology) and Tribal Cultural Resources are required. The requirement for Native American monitoring is included in Section V of the Mitigated Negative Declaration, which identifies the applicant confer with appropriate person/organizations when inadvertent discoveries occur during grading activities. Furthermore, in accordance with the requirements of Assembly Bill (AB) 52, the City of San Diego sent notification to two Native American Tribes traditionally and culturally affiliated with the project area on September 29, 2017. Both the Iipay Nation of Santa Ysabel and the Jamul Indian Village responded within the 30-day period requesting consultation and additional information. Consultation was conducted and concluded on September 29, 2018. Please see Section XVII of the Initial Study for more detail. It was determined that there are no sites, features, places or cultural landscapes that would be substantially adversely impacted by the proposed project. The Iipay Nation of Santa Ysabel and the Jamul Indian Village both identified no further evaluation was required and concluded consultation. Both the Iipay Nation of Santa Ysabel and the Jamul Indian Village agreed with the City's position that archaeological and Native American monitoring will be included in the Mitigation, Monitoring and Reporting Program (MMRP).

D-2 Comment noted. All applicable legislation and regulation will be adhered to during the construction stages of the proposed project. As noted above, the applicant must provide verification that a qualified archaeologist and/or monitor has been retained to implement the MMRP as identified in Section V of the Initial Study. Furthermore, the City's MMRP requires that a Native American Monitor be present during all ground disturbing activities associated with the project. The Native American Monitor also has specific responsibilities in the event of a discovery, including notifying the appropriate parties, assisting with determining the significance of the discovery, and isolating the discovery site.

From: Steve McCracken <stevemcc13@gmail.com>
Sent: Wednesday, February 28, 2018 6:16 PM
To: DSD EAS
Subject: Lighthouse Ridge/513356 / SCH No. TBD

E-1 I don't understand how there can be no significant effect on the environment when lots 9 and 10 are encroaching on designated open space as established by the Zoning Map. Any removal of designated open space is, by definition, a significant adverse effect on the environment. The staff's secret and incorrect decision to "correct" the Zoning Map is itself resulting in a significant adverse impact on the environment and should therefore be evaluated with a full EIR.

Steve McCracken
5186 Chelterham Terrace
San Diego, CA 92130
--
Steve McCracken

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E-1 Comment noted. Per the San Diego Municipal Code Section 131.0103 (b)(5) "where there is an obvious mistake [on the Official Zoning Maps] that can be corrected by reference to documents on file or by reference to the legislative record, the City Manager may identify the zone boundary". An official zoning challenge was filed by applicant on April 5, 2017. City of San Diego's Planning Department and Development Services Department reviewed the applicable documents including the written ordinance, C-sheet and the associated community plan information to determine that in fact an error had occurred and the zoning designation line needed to be corrected to accurately reflect the correct boundaries on the official zoning map. None of the associated documents that were reviewed contained specific details as to where the zoning line should be drawn. In fact, the Precise Plan clearly recognizes the conceptual nature of the various boundaries.

On October 26, 2017 it was determined that the zoning information transferred from the C-sheet to the official zoning map contained an obvious error that extended an open space designation onto areas designated for residential development including the parcel now being proposed at Lighthouse Ridge. Given the obvious error, the zoning challenge was approved to make the area consistent with the Official Zoning Map and the Carmel Valley Neighborhood Composite Plan Land Use since the existing open space and very low density residential boundaries differed on the two maps. No rezone is required because designated open space is not being impacted by the proposed development.

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INITIAL STUDY CHECKLIST

1. Project title/Project number: Lighthouse Ridge TM PDP SDP / 513356

2. Lead agency name and address: City of San Diego, 1222 First Avenue, MS-501, San Diego, California 92101

3. Contact person and phone number: Courtney Holowach / (619) 446-5187

4. Project location: 13480 Lighthouse Way, San Diego, CA 92130

5. Project Applicant/Sponsor's name and address: Lighthouse TG LLC, 1926 Kellogg Ave, Suite 101, Carlsbad, CA 92008

6. General/Community Plan designation: CVPD-SF1, CVPD-OS

7. Zoning: Single Family (SF1 & SF1A) and Open Space (OS)

8. Description of project (Describe the whole action involved, including but not limited to, later phases of the project, and any secondary, support, or off-site features necessary for its implementation.):

VESTING TENATIVE MAP (VTM), PLANNED DEVELOPMENT PERMIT (PDP), and SITE DEVELOPMENT PERMIT (SDP) for the subdivision of a vacant 4.74-acre site into 10 residential lots, ~~one~~ two HOA lots and one open space lot. The project would develop 10 single family residences varying in size from 3,756 to 4,517 square feet (including garages). The proposed extension of Lighthouse Way will be a street. The project site is located on Lighthouse Way, north of White Emerald Drive and east of Winstanley Way, in the Single Family (SF1 & SF1A) and Open Space (OS) zones of the Carmel Valley Planned District, within the Carmel Valley Community Plan Area within Council District 1 of the City of San Diego.

The project is immediately surrounded by similar residential development on three sides, except for a narrow strip of open space on the southeast side of the site. Open space and the City's Multiple Habitat Preserve (MHPA) is approximately 30 feet ~~directly~~ to the northeast of the project site. Development of the site adjacent to the MHPA and existing sensitive habitat would comply with MHPA Land Use Adjacency Habitat Guidelines which would prohibit invasive non-native plants adjacent to these areas. A landscape plan has been reviewed and approved by the City's Landscaping Planning staff. The plan would include but would not be limited to a combination of street trees (Crape myrtle), ground covers (Coyote Bush) and vines for the screening of walls. Two Biofiltration Ponds would also be incorporated into the landscaped areas and would be visually screened with low fuel vegetation.

Due to the adjacency of the proposed structures to fuel load (vegetation), the project is subject to brush management requirements. Brush management activities can include pruning and thinning of native and naturalized vegetation or revegetation with low fuel volume plantings or a combination of the two. The specific brush management requirements have been incorporated into the approved landscape plan.

The project proposes residences in one of three elevations: Modern Mission, Modern Craftsman, or Modern Prairie. Access to the residences would be taken from an extension of Lighthouse Way into a cul-du-sac that would be built as part of the project along with one streetlight. No additional new infrastructure would be added as a result of the project. The project would connect to existing utilities on Lighthouse Way. In order to develop the property and to construct the residences 2.86 acres of the 4.74 acre site would be graded. Grading amounts would consist of 4,426 cubic yards of excavation and a total of 21,106 cubic yards of fill. 1.86 acres of open space would be located on the eastern end of the project site and constitutes approximately 40 percent of the total parcel.

9. Surrounding land uses and setting:

The 4.74-acre site is located on Lighthouse Way, north of White Emerald Drive and east of Winstanley Way, in the Single Family (SF1 & SF1A) and Open Space (OS) zones of the Carmel Valley Planned District, within the Carmel Valley Community Plan Area within Council District 1 of the City of San Diego. The project is surrounded by similar residential development to the north, south, and west. Open space and the City's Multiple Habitat Preserve is directly to the northeast of the project site.

10. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement):

California Department of Fish and Wildlife, U.S. Army Corps of Engineers, Regional Water Quality Board

11. Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, has consultation begun?

Note: Conducting consultation early in the CEQA process allows tribal governments, lead agencies, and project proponents to discuss the level of environmental review, identify and address potential adverse impacts to tribal cultural resources, and reduce the potential for delay and conflict in the environmental review process. (See Public Resources Code section 21083.3.2.) Information may also be available from the California Native American Heritage Commission's Sacred Lands File per Public Resources Code section 5097.96 and the California Historical Resources Information System administered by the California Office of Historic Preservation. Please also note that Public Resources Code section 21082.3(c) contains provisions specific to confidentiality.

Yes, two Native American Tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code Section 21080.3.1. The City of San Diego sent notification to these two Native American Tribes on Sept. 29, 2017. Both the Iipay Nation of Santa Ysabel and the Jamul Indian Village responded within the 30-day period requesting consultation and additional information. Consultation was conducted and concluded on Sept. 29, 2017. Please see Section XVII of the Initial Study for more information regarding the consultation.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

☐	Aesthetics	☐	Greenhouse Gas Emissions	☐	Population/Housing
☐	Agriculture and Forestry Resources	☐	Hazards & Hazardous Materials	☐	Public Services
☐	Air Quality	☐	Hydrology/Water Quality	☐	Recreation
☒	Biological Resources	☐	Land Use/Planning	☐	Transportation/Traffic
☒	Cultural Resources	☐	Mineral Resources	☒	Tribal Cultural Resources
☐	Geology/Soils	☐	Noise	☐	Utilities/Service System
				☒	Mandatory Findings Significance

DETERMINATION: (To be completed by Lead Agency)

On the basis of this initial evaluation:

☐ The proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☒ Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ The proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ The proposed project MAY have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect (a) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (b) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required.

☐ Although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or (MITIGATED) NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or (MITIGATED) NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

EVALUATION OF ENVIRONMENTAL IMPACTS:

1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact answer should be explained where it is based on project specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis.)

2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from "Earlier Analyses", as described in (5) below, may be cross-referenced).

5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or (mitigated) negative declaration. *Section 15063(c)(3)(D).* In this case, a brief discussion should identify the following:

    a. Earlier Analysis Used. Identify and state where they are available for review.

    b. Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.

    c. Mitigation Measures. For effects that are "Less Than Significant With Mitigation Measures Incorporated", describe the mitigation measures that were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.

9) The explanation of each issue should identify:

    a. The significance criteria or threshold, if any, used to evaluate each question; and

    b. The mitigation measure identified, if any, to reduce the impact to less than significant.

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
I. AESTHETICS – Would the project:				
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☒	☐

The project site is currently undeveloped but is surrounded by residential development and roadways. Open space and the City's MHPA is located directly to the northeast of the project site. Construction of the project would affect the visual environment during excavation, grading, and on-site storage of equipment and materials. Although views may be altered, construction would be short term and temporary. Temporary visual impacts would include views of large construction equipment, storage areas, and any potential signage. All construction equipment would vacate the project site upon completion of the proposed project, thus making any visual obstructions temporary.

City staff reviewed the project for consistency with all applicable zoning regulations and land use plans including Carmel Valley Community Plan. The Carmel Valley Community Plan has not designated a view corridor through the project site or adjacent properties. Development of the proposed project would introduce additional structures that would be permanent. However, because the proposed project site is surrounded by existing residential development, and because the property is not designated as, nor is it in proximity of, a scenic vista, the proposed project would have a less than significant impact and no mitigation is required.

b) Substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒

There are no designated scenic resources such as trees, rock outcroppings or historic buildings within a state scenic highway within the project's boundaries. No impact would result due to implementation of the project.

c) Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☐	☒

According to the City's CEQA Significance Thresholds (Thresholds) projects that severely contrast with the surrounding neighborhood character may result in a significant impact. To meet this significance threshold one or more of the following conditions must apply: the project would have to exceed the allowable height or bulk regulations and the height and bulk of the existing patterns of development in the vicinity of the project by a substantial margin; have an architectural style or use building materials in stark contrast to adjacent development where the adjacent development follows a single or common architectural theme (e.g., Gaslamp Quarter, Old Town); result in the physical loss, isolation or degradation of a community identification symbol or landmark (e.g., a stand of trees, coastal bluff, historic landmark) which is identified in the General Plan, applicable community plan or local coastal program; be located in a highly visible area (e.g., on a canyon edge, hilltop or adjacent to an interstate highway) and would strongly contrast with the surrounding development or natural topography through excessive height, bulk signage or architectural projections; and/or the project would have a cumulative effect by opening up a new area for development or changing the overall character of the area. None of the above conditions apply to the project.

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact

The site is currently undeveloped but surrounded by an existing neighborhood. The project would construct ten new dwelling units. The new dwelling units would be constructed to comply with all height and bulk regulations. The project is consistent with General Design guidelines as outlined in the Carmel Valley Community Plan. Existing homes in the neighborhood do not have a unifying theme of architecture such as the architecture of Old Town. The new dwelling units would not be substantially different in architecture than the current existing homes. The project would not result in the physical loss, isolation or degradation of a community identification symbol or landmark which is identified in the General Plan, applicable community plan or local coastal program. The project site is currently zoned for single family development. The construction of ten new dwelling units would not would not open up a new area for development or change the overall character of the area. The overall character of the area is residential and it would remain residential with construction of this project.

Therefore, since none of the above conditions apply, the project would not substantially degrade the existing visual character or the quality of the site and its surroundings. No impact would result due to implementation of the project.

d) Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?	☐	☐	☐	☒

The project would not be constructed with predominately light reflective material and all lighting would be required to be shaded and adjusted to fall on the project's site as required in the City's municipal code. The project would also be subject to the City's Outdoor Lighting Regulations per Municipal Code Section 142.0740. No impact would result due to implementation of the project.

II. AGRICULTURAL AND FOREST RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. – Would the project:

a) Converts Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒

The project site is classified as Urban and Built-Up land by the Farmland Mapping and Monitoring Program (FMMP). Similarly, the land surrounding the project site is not in agricultural production and is not classified as farmland by the FMMP. Therefore, the proposed project would not convert farmland to non-agricultural uses. No impact would result due to implementation of the project.

b) Conflict with existing zoning for agricultural use, or a Williamson Act Contract?	☐	☐	☐	☒

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact

The project location is not currently zoned for agricultural use. The project is not under a Williamson Act Contract nor are there any other surrounding properties under a Williamson Act Contract. No impact would result due to implementation of the proposed project.

c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 1220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	☐	☐	☐	☒

No land within the Carmel Valley Community Plan is designated as forest land or timberland. Therefore, the project would not conflict with existing zoning forest land. No impact would result due to implementation of the project.

d) Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒

The project site is located within a largely developed area of the City and is not designated as forest land. Therefore, the project would not result in the loss of forest land or convert forest land to non-forest use. No impact would result due to implementation of the project.

e) Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☐	☒

No existing agricultural uses are located in the proximity of the project area that could be affected. Therefore, the project would not convert farmland to non-agricultural uses or forestland to non-forest use. No impact would result due to implementation of the project.

III. AIR QUALITY – Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied on to make the following determinations – Would the project:

a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☐	☒

The San Diego Air Pollution Control District (SDAPCD) and 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 San Diego Air Basin (SDAB). The County Regional Air Quality Strategy (RAQS) was initially adopted in 1991, and is updated on a triennial basis (most recently in 2009). The RAQS outlines the SDAPCD's plans and control measures designed to attain the state air quality standards for ozone (03). The RAQS relies on information from the California Air Resources Board (CARB) and SANDAG, including mobile and area source emissions, as well as information regarding projected growth in San Diego County and the cities in the county, to

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact

project future emissions and then determine the strategies necessary for the reduction of emissions through regulatory controls. CARB mobile source emission projections and SANDAG growth projections are based on population, vehicle trends, and land use plans developed by San Diego County and the cities in the county as part of the development of their general plans.

The RAQS relies on SANDAG growth projections based on population, vehicle trends, and land use plans developed by the cities and by the county as part of the development of their general plans. As such, projects that propose development that is consistent with the growth anticipated by local plans would be consistent with the RAQS. However, if a project proposes development that is greater than that anticipated in the local plan and SANDAG's growth projections, the project might be in conflict with the RAQS and may contribute to a potentially significant cumulative impact on air quality.

The project would develop ten single dwelling units within a developed neighborhood of similar residential uses. The project is consistent with the General Plan, community plan, and the underlying zoning for residential development. Therefore, the project would be consistent at a sub-regional level with the underlying growth forecasts in the RAQS, and would not obstruct implementation of the RAQS. No impact would result due to implementation of the project.

b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	☒	☐

Short-term Emissions (Construction)

Project construction activities would potentially generate combustion emissions from on-site heavy duty construction vehicles and motor vehicles transporting the construction crew and necessary construction materials. Exhaust emissions generated by construction activities would generally result from the use of typical construction equipment that may include excavation equipment, forklift, skip loader, and/or dump truck. Variables that factor into the total construction emissions potentially generated include the level of activity, length of construction period, number of pieces and types of equipment in use, site characteristics, weather conditions, number of construction personnel, and the amount of materials to be transported on or off-site. It is anticipated that construction equipment would be used on-site for four to eight hours a day; however, construction would be short-term and impacts to neighboring uses would be minimal and temporary.

Fugitive dust emissions are generally associated with land clearing and grading operations. Construction operations would include standard measures as required by the City of San Diego grading permit to reduce potential air quality impacts to less than significant. Therefore, impacts associated with fugitive dust are considered less than significant, and would not violate an air quality standard or contribute substantially to an existing or projected air quality violation. Impacts related to short term emissions would be less than significant.

Long-term Emissions (Operational)

Long-term air emission impacts are those associated with stationary sources and mobile sources related to any change caused by a project. The project would produce minimal stationary source emissions. Once construction of the project is complete, long-term air emissions would potentially result from such sources as fireplaces, heating, ventilation, and cooling (HVAC) systems, and other

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact

motorized equipment typically associated with residential uses. The project is compatible with the surrounding development and is permitted by the community plan and zone designation. Based on the residential land use, project emissions over the long-term are not anticipated to violate any air quality standard or contribute substantially to an existing or projected air quality violation. Impacts would be less than significant.

Overall, the project is not expected to generate substantial emissions that would violate any air quality standard or contribute to an existing or projected air quality violation; therefore, impacts would be less than significant.

c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	☐	☐	☒	☐

As described above in response lll (b), construction operations may temporarily increase the emissions of dust and other pollutants. However, construction emissions would be temporary and short-term in duration. Implementation of Best Management Practices (BMP's) would reduce potential impacts related to construction activities to a less than significant level. Therefore, the project would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under applicable federal or state ambient air quality standards. Impacts would be less than significant.

d) Create objectionable odors affecting a substantial number of people?	☐	☐	☒	☐

<u>Short-term (Construction)</u>
Odors would be generated from vehicles and/or equipment exhaust emissions during construction of the project. Odors produced during construction would be attributable to concentrations of unburned hydrocarbons from tailpipes of construction equipment and architectural coatings. Such odors are temporary and generally occur at magnitudes that would not affect a substantial number of people. Therefore, impacts would be less than significant.

<u>Long-term (Operational)</u>
Typical long-term operational characteristics of the project are not associated with the creation of such odors nor anticipated to generate odors affecting a substantial number of people. The project would develop ten new residences. Residential dwelling units, in the long-term operation, are not typically associated with the creation of such odors nor are they anticipated to generate odors affecting a substantial number or people. Therefore, project operations would result in less than significant impacts.

IV. BIOLOGICAL RESOURCES – Would the project:

a) Have substantial adverse effects, either directly or through habitat modifications, on any species identified	☐	☒	☐	☐

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				

The City's Multiple Species Conservation Program (MSCP) Subarea Plan is designed to preserve sensitive habitats, plants, and wildlife that are vital to sustain the unique biodiversity of the San Diego region. The project site is adjacent to a designated MHPA, which is land intended to be preserved to conserve significant biological resources. Construction would be adjacent to the MHPA and therefore must conform to the land use adjacency guidelines for projects near an MHPA. In addition, the project is mapped as having sensitive biological resources. Due to the presence of these resources a Biological Technical Report (BTR) was prepared for the project (Helix Environmental, Inc., Oct. 2017).

According to the approved BTR a total of 10 vegetation communities or land use types occur on the project site: southern willow scrub, mule fat scrub, southern maritime chaparral, Diegan coastal sage scrub (including disturbed), baccharis scrub, coastal sage-chapparal scrub, non-native grassland, eucalyptus woodland, disturbed land, and developed lands. Seven of these are considered sensitive habitats requiring mitigation impacts (southern willow scrub, mule fat scrub, coastal sage-chaparral scrub, and non-native grassland). Five special status species were observed on site in surveys to date: Belding's orange-throated whiptail, yellow-breasted chat, Nuttal's woodpecker, Allen's hummingbird, and coastal California gnatcatcher. See below tables below for existing vegetation communities and habitat impacts.

EXISTING VEGETATION COMMUNITIES/LAND USE TYPES		
MULTIPLE SPECIES CONSERVATION PROGRAM (MSCP) TIER[1]	**VEGETATION COMMUNITY/ LAND USE TYPE**	**ACREAGE**[2]
Wetlands		
--	Southern Willow Scrub	0.27
--	Mule Fat Scrub	0.07
	Wetlands Subtotal	**0.34**
Uplands		
II	Diegan Coastal Sage Scrub (including disturbed)	1.3
II	Baccharis Scrub	0.3
II	Coastal Sage-Chaparral Scrub	0.4
IIIA	Southern Mixed Chaparral	0.1
IIIB	Non-native Grassland	0.2
IV	Eucalyptus Woodland	0.1
IV	Disturbed Land	2.0
IV	Developed Land	<0.1
	Uplands Subtotal	**4.4**
	TOTAL	**4.8**

HABITAT IMPACTS		
VEGETATION COMMUNITY	**TIER**	**IMPACTS (ac)**
Southern Willow Scrub	wetland	0
Mule Fat Scrub		0
Diegan Coastal Sage Scrub (including disturbed)	II	0.5
Baccharis Scrub		0.1
Coastal Sage-Chaparral Scrub		0.1
Southern Mixed Chaparral	IIIA	0.1
Eucalyptus Woodland	IV	0.1
Disturbed Land		2.0
Developed Land		<0.1
	TOTAL	**2.9**

Per the approved BTR, the proposed project's impacts that require mitigation total 0.8 acre (0.7 acre of Tier II and 0.I acre of Tier IIIA). The site is largely surrounded by existing urban development and therefore has low long-term conservation value. As identified in the BTR the project is proposing to provide 0.75 acre of mitigation and would accomplish this through payment into the City's Habitat Acquisition Fund (HAF) (BIO-1). The City uses the HAF to acquire habitat critical for biodiversity preservation and for the success of the MSCP. The HAF is intended for use for the mitigation of impacts to small (generally less than five acres), isolated sites with lower long-term conservation value. Implementation of mitigation measure BIO-1 would reduce the impact to Tier II habitat to a less than significant level.

See table below for impacts and mitigation.

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact

SENSITIVE HABITAT IMPACTS AND MITIGATION				
VEGETATION COMMUNITY	**TIER**	**IMPACTS (ac)**	**MITIGATION RATIO†**	**PROPOSED MITIGATION (ac)**
Diegan Coastal Sage Scrub (including disturbed)	II	0.5	1:1	0.5
Baccharis Scrub		0.1		0.1
Coastal Sage-Chaparral Scrub		0.1		0.1
Southern Mixed Chaparral	IIIA	0.1	0.5:1	0.05
	TOTAL	**0.8**		**0.75**

†Mitigation ratios assume that mitigation occurs off site through the HAF program (inside MHPA).

There is the potential for indirect noise impacts to occur to the coastal California gnatcatcher if construction activities occur during the breeding season. The federally listed threatened coastal California gnatcatcher was not detected on-site during the protocol gnatcatcher survey; however, this species could still potentially use the coastal sage scrub habitat present in the ~~adjacent~~ nearby MHPA lands. Measures such as having a qualified biologist monitoring construction and outlined as BIO-2, will ensure that the project's impacts do not exceed the limits analyzed in the accepted BTR. Furthermore, implementation of a covenant of easement as identified will ensure long-term protection of sensitive habitats on site. Therefore, EAS finds that impacts will be less than significant with mitigation incorporated.

b) Have a substantial adverse effect on any riparian habitat or other community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☒	☐

As previously mentioned a BTR was prepared for the project. Per the accepted BTR, the site supports three potential jurisdictional areas that may be regulated by the USACE, CDFW, RWQCB, and/or City. These areas include southern willow scrub and mule fat scrub habitats occurring in the eastern portion of the site within the canyon bottom, and an ephemeral stream channel in the central portion of the site. The project would not result in direct impacts to federally-, state-, or City-protected wetlands or vernal pools since the impact footprint completely avoids southern willow scrub and mule fat scrub and no vernal pools occur on site. The project would provide a minimum 125-foot buffer between the wetlands and the edge of the nearest residential pad. See table below for jurisdictional waters delineation.

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact

JURISDICTIONAL WATERS		
JURISDICTIONAL AREAS	**ACRES**	**LINEAR FEET**
USACE		
Non-wetland Waters of the U.S.	0.02	659
USACE Total:	**0.02**	**659**
CDFW		
Non-vegetated Streambed	0.02	464
Southern Willow Scrub	0.27	31
Mule Fat Scrub	0.07	164
CDFW Total:	**0.36**	**659**

The project would not result in impacts to federally-, state-, or City-protected wetlands, an adequate buffer would be provided, and no mitigation for wetlands is required. Impacts would remain less than significant.

c) Have a substantial adverse effect on federally protected wetlands as defined by section 404 of the Clean Water Act (including but not limited to marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☒	☐

As previously stated, the project would not result in direct impacts to federally-, state-, or City-protected wetlands or vernal pools since the impact footprint completely avoids southern willow scrub and mule fat scrub and no vernal pools occur on site. The nearest known vernal pool, according to the City's Draft Vernal Pool Habitat Conservation Plan Interactive Map, is located at least 1.5 miles away, south of State Route 56. The project would provide a minimum 125-foot buffer between the wetlands and the edge of the nearest residential pad.

Although jurisdictional wetlands have been avoided, the project would impact 0.01 acre of non-wetland waters of the U.S. and 0.02 acre of CDFW non-vegetated streambed. These impacts will require a Streambed Alteration Agreement from CDFW, a Section 404 permit from the USACE, and a Section 401 Certification from the RWQCB. The project proposes to create a stream channel on site to meet anticipated RWQCB mitigation requirements. The final details of mitigation for jurisdictional impacts will be determined in consultation with the regulatory agencies as part of regulatory permitting.

Therefore, the project would not result in impacts to federally-, state-, or City-protected wetlands, an adequate buffer would be provided, and no mitigation for wetlands is required. Impacts would remain less than significant.

d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or	☐	☐	☒	☐

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
migratory wildlife corridors, or impede the use of native wildlife nursery sites?				

The project site does not occur within any known corridors or linkages. The site is located at the end of a side canyon that connects north to Gonzalez Canyon. Gonzalez Canyon is designated as a MHPA by the City's MSCP and is expected to support east-west wildlife movement through the area. North-south wildlife movement would follow the strip of MHPA designated further to the east, along Carmel Valley Road. The project site itself is surrounded by homes on three sides, and the western portion of the site provides minimal resources or cover for wildlife because of past disturbance. Therefore, no corridor or linkages occur and impacts would less than significant.

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☒	☐

The project would be consistent with all relevant goals and policies of the City's General Plan and of the Carmel Valley Community Plan (CVCP) regarding the preservation and protection of biological resources. Although the project is not within the City's MHPA, the project would be consistent with all relevant goals and policies regarding the preservation and protection of biological resources, as outlined in the City's MSCP. Impacts would remain less than significant.

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?	☐	☐	☒	☐

As stated above, the project would result in potential significant impacts to special status species and significant impacts to Tier II and Tier IIIA habitat. The project is located within the adopted City MSCP Subarea Plan, outside of MHPA. Implementation of mitigation measures BIO-1 and BIO-2 would ensure project consistency with the adopted City MSCP Subarea Plan. In addition, the project would preserve 1.8 acres of habitat on site in a covenant of easement to ensure long term protection. The covenant of easement will included as a permit condition. No other adopted Habitat Conservation Plan, Resource Management Plan, Special Area Management Plan, Watershed Plan, or other regional planning efforts are applicable to the project. Impacts would be less than significant with mitigation incorporated.

V. CULTURAL RESOURCES – Would the project:

a) Cause a substantial adverse change in the significance of an historical resource as defined in §15064.5?	☐	☒	☐	☐

The purpose and intent of the Historical Resources Regulations of the Land Development Code (Chapter 14, Division 3, and Article 2) is to protect, preserve and, where damaged, restore the historical resources of San Diego. The regulations apply to all proposed development within the City of San Diego when historical resources are present on the premises. Before approving discretionary projects, CEQA requires the Lead Agency to identify and examine the significant adverse environmental effects which may result from that project. A project that may cause a substantial

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact

adverse change in the significance of a historical resource may have a significant effect on the environment (sections 15064.5(b) and 21084.1). A substantial adverse change is defined as demolition, destruction, relocation, or alteration activities, which would impair historical significance (sections 15064.5(b)(1)). Any historical resource listed in, or eligible to be listed in the California Register of Historical Resources, including archaeological resources, is considered to be historically or culturally significant.

Archaeological Resources

The project is located in an area known to contain significant historical/archaeological resources. Additionally, the proposed project site is undeveloped. Therefore, the preparation of a cultural resources study was required (HELIX Environmental Planning, November 2016). The study comes to the conclusion that while no prehistoric cultural resources were identified during the survey that due to the presence of recorded cultural resources within a one-mile radius of the project area archaeological and Native American monitoring of all earth-moving activities are required.

Therefore, monitoring would be required for all future actions that would require excavation on the project site. The archaeological monitoring, as discussed in Section V of the MND, will serve as mitigation to reduce potential impacts below a level of CEQA significance.

Built Environment

The City of San Diego reviews projects requiring the demolition of structures 45 years or older for historic significance in compliance with the California Environmental Quality Act (CEQA). CEQA Section 21084.1 states that "A project that may cause a substantial adverse change in the significance of an historical resource is a project that may cause a significant effect on the environment." Historic property (built environment) surveys are required for properties which are 45 years of age or older and which have integrity of setting, location, design, materials, workmanship, feeling, and association.

The proposed project is the development of 10 dwelling units on a currently undeveloped lot. Therefore, no impacts to historical resources built environment will occur.

b)	Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	☐	☒	☐	☐

The project will require the implementation of archaeological monitoring. Please see V.a.

c)	Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☒	☐	☐

The project site is located on the Mission Valley Formation which is considered to have a high sensitivity level for paleontological resources. The City Significance Determination Thresholds state that monitoring is required when a depth of 10 feet and 1,000 cubic yards of excavation would be exceeded when a project is located on a formation that has a high sensitivity rating.

According to the submitted development plans the proposed project will cut to a depth of 14 feet with 5,379 cubic yards excavated. Since the submitted grading quantities exceed the City's CEQA Significance Thresholds this project will require paleontological monitoring during construction activities. Paleontological monitoring will be required to mitigate impacts below a level of CEQA

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact

significance. See Section V of the MND for further details. Impacts will be less than significant with mitigation measures incorporated.

d) Disturb and human remains, including those interred outside of dedicated cemeteries?	☐	☒	☐	☐

Refer to response V(a) above. The archaeological investigation did not identify any cemeteries, either formal or informal. However, because the whole extent of sub surface resources are not known an archaeological and Native American monitor would be required to observe all ground disturbing activities associated with the project. If human remains are discovered during the construction of the project compliance with section IV of the archaeological MMRP would ensure that impacts within this category would be less than significant.

VI. GEOLOGY AND SOILS – Would the project:

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:

i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	☐	☐	☒	☐

The project is not located within an Alquist-Priolo Fault Zone and would utilize proper engineering design and standard construction practices in order to ensure that potential impacts in this category would remain less than significant. Therefore, risks from rupture of a known earthquake fault would not be significant.

ii) Strong seismic ground shaking?	☐	☐	☒	☐

The project site is located within Geologic Hazards Zone 23 and Zone 53 as shown on the City's Seismic Safety Study Geologic Hazards Maps. Zone 23 is characterized as slide-prone formation; Friars; neutral or favorable geologic structure. Zone 53 is characterized as level or sloping terrain, unfavorable geologic structure, low to moderate risk.

The site could be affected by seismic shaking as a result of earthquakes on major local and regional active faults located throughout the southern California area. The applicant submitted a Geologic Investigation (Geotechnical Investigation, Lighthouse Ridge, Lighthouse Way, San Diego, California, prepared by Geocon, Inc., dated February 15, 2017 (their project no. G1996-42-01)). Qualified City staff has reviewed the submitted technical report and deemed that the geotechnical consultant has adequately addressed the soil and geologic conditions potentially affecting the proposed project. Strong seismic ground shaking would be a less than significant impact.

iii) Seismic-related ground failure, including liquefaction?	☐	☐	☐	☒

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact

Liquefaction occurs when loose, unconsolidated, water-laden soils are subject to shaking, causing the soils to lose cohesion. The geotechnical report indicates that the location and geotechnical conditions at the site are not conducive to any of these phenomena. No impact would result due to implementation of the project.

iv) Landslides?	☐	☐	☐	☒

The report did not indicate the presence of landslides on the site or in the immediate vicinity. Furthermore the project site is not mapped in a landslide zone. No impact would result due to implementation of the project.

b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☐	☒

The project includes a landscape plan that has been reviewed and approved by City staff. Implementation of the approved plan would preclude the erosion of any topsoil. In addition, standard construction BMPs would be in place to ensure that the project would not result in a substantial amount of topsoil erosion. No impact would result due to implementation of the project.

c) 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?	☐	☐	☐	☒

Please see Vaii, proper engineering design and utilization of standard construction practices would be verified at the construction permitting stage and would ensure that impacts in this category would not occur. No impact would result due to implementation of the project.

d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	☐	☐	☐	☒

The project is located on huerhuerro loam and terrace escarpments. Neither of which are expansive. No impact would result due to implementation of the project.

e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	☐	☐	☐	☒

The project does not propose the use of septic tanks. As a result, septic tanks or alternative wastewater systems would not be used. Therefore, no impact with regard to the capability of soils to adequately support the use of septic tanks or alternative wastewater disposal systems would result. No impact would result due to implementation of the project.

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
VII. GREENHOUSE GAS EMISSIONS – Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐

On July 12, 2016, the City of San Diego adopted the Climate Action Plan (CAP) Consistency Checklist, which requires all projects subject to discretionary review to demonstrate consistency with the Climate Action Plan. For project-level environmental documents, significance of greenhouse gas emissions is determined through the CAP Consistency Checklist.

The City's Climate Action Plan (CAP) outlines the actions that the City will undertake to achieve its proportional share of State greenhouse gas (GHG) emission reductions. A CAP Consistency Checklist (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 emission targets identified in the CAP are achieved. Projects that are consistent with the CAP as determined through the use of this Checklist may rely on the CAP for the cumulative impacts of GHG emissions.

The project is consistent with the existing General Plan and Community Plan land use and zoning designations. Further based upon review and evaluation of the completed CAP Consistency Check for the project, the project is consistent with the applicable strategies and actions of the CAP.

Therefore, the project is consistent with the assumptions for relevant CAP strategies toward achieving the identified GHG reduction targets, and impacts from greenhouse gas emissions are considered less than significant.

b) Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☒	☐

The project would not conflict with an applicable plan, policy, or regulation adopted for the purposes of reducing the emissions of greenhouse gases. The project is consistent with the existing General Plan and Community Plan land use and zoning designations. Further based upon review and evaluation of the completed CAP Consistency Checklist for the project, the project is consistent with the applicable strategies and actions of the CAP. Therefore, the project is consistent with the assumptions for relevant CAP strategies toward achieving the identified GHG reduction targets. Impacts are considered less than significant.

VIII. HAZARDS AND HAZARDOUS MATERIALS – Would the project:				
a) Create a significant hazard to the public or the environment through routine transport, use, or disposal of hazardous materials?	☐	☐	☐	☒

The project is residential in nature does not propose the use or transport of any hazardous materials beyond those used for everyday household purposes. No impact would result due to implementation of the project.

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact

Construction of the project may require the use of hazardous materials (fuels, lubricants, solvents, etc.), which would require proper storage, handling, use and disposal; however, the project would not routinely transport, use or dispose of hazardous materials. Therefore, the project would not create a significant hazard to the public or environment. No impact would result due to implementation of the project.

b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☐	☒

Please see VIIIa. No impact would result due to implementation of the project.

c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒

Please see VIIIa. No impact would result due to implementation of the project.

d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☒

Staff assessed Geotracker and Envirostor databases, and reviewed the Cortese list.

Geotracker is a database and geographic information system (GIS) that provides online access to environmental data. It tracks regulatory data about leaking underground fuel tanks (LUFT), Department of Defense (DoD), Spills-Leaks-Investigations-Cleanups (SLIC), and Landfill sites.

Envirostor is an online database search and Geographic Information System (GIS) tool for identifying sites that have known contamination or sites for which where may be reasons to investigate further. It also identifies facilities that are authorized to treat, store, dispose or transfer (TSDTF) hazardous waste.

The Cortese List is a Hazardous Waste and Substance Sites (Cortese) List, which is a planning resource use by the State, local agencies, and developers to comply with the California Environmental Quality Act (CEQA) requirements in providing information about the location of hazardous materials release sites. Government Code sections 65962.5 requires the California Environmental Protection Agency to develop, at least annually, an updated Cortese List. The Department of Toxics and Substance Control (DTSC) is responsible for a portion of the information contained in the Cortese List. Other State and local government agencies are required to provide additional hazardous material release information for the Cortese List.

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact

Based on the searches conducted, no contaminated sites are on or adjacent to the project site. Furthermore, the project site was not identified on the DTSC Cortese List. Therefore, the project would not create a significant hazard to the public or the environment. No impact would result due to implementation of the project.

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two mile of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒

The project is not located within the boundaries of an existing airport land use plan or an airport land use plan pending adoption. The project is not located within the flight path of any airport and would not introduce any new features that would create a flight hazard. No impact would result due to implementation of the project.

f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒

This project is located in a developed neighborhood with no private airstrip located in the immediate vicinity. No impact would result due to implementation of the project.

g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒

The project would not alter an emergency response or evacuation plan since the site is currently developed and the project is remodeling an existing dwelling unit. No impact would result due to implementation of the project.

h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☒	☐

~~This project is located in a developed neighborhood with no wildlands located adjacent to the site or within the adjacent neighborhood. Therefore, it would not be possible to cause wildland fires directly. No impact would result due to implementation of the project.~~

Due to the adjacency of the proposed structures to fuel load (vegetation), the project is subject to brush management requirements. Brush management activities can include pruning and thinning of native and naturalized vegetation or revegetation with low fuel volume plantings or a combination

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact

of the two. The specific brush management requirements have been incorporated into the approved landscape plan. With brush management activities impacts will be less than significant.

IX. HYDROLOGY AND WATER QUALITY - Would the project:

a) Violate any water quality standards or waste discharge requirements?	☐	☐	☐	☒

The project was reviewed and approved by City Engineering staff. The project was reviewed for all applicable water quality standards and water discharge requirements. In addition, all runoff would be routed to the existing City of San Diego public conveyance system (curb and gutters). Compliance with the City of San Diego's Storm Water Standards would ensure that water quality impacts would not occur and mitigation is not required. No impact would result due to implementation of the project.

b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	☐	☐	☐	☒

The project would be connected to the public water supply. It would not rely directly on groundwater in the area and would not significantly deplete any resources. No impact would result due to implementation of the project.

c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner, which would result in substantial erosion or siltation on- or off-site?	☐	☐	☐	☒

Proper landscaping would prevent substantial erosion onsite. All runoff would be routed to the existing storm drain system, and would therefore not substantially alter existing drainage patterns. No impact would result due to implementation of the project.

d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on- or off-site?	☐	☐	☐	☒

Please see IX.c., no flooding would occur. No impact would result due to implementation of the project.

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
e) Create or contribute runoff water, which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☐	☒

Based on City of San Diego review, the proposed residence would be adequately served by existing municipal storm water drainage facilities, therefore no impacts would occur. Potential release of sediment or other pollutants into surface water drainages downstream from the site will be precluded by implementation of Best Management Practices (BMPs) required by City of San Diego regulations, in compliance with San Diego Regional Water Quality Control Board requirements to implement the federal Clean Water Act. Therefore, no significant surface water quality impacts are expected to result from the proposed activity. Proper irrigation and landscaping would ensure that runoff would be controlled and unpolluted. No impact would result due to implementation of the project.

f) Otherwise substantially degrade water quality?	☐	☐	☐	☒

See IX. e) No impact would result due to implementation of the project.

g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	☐	☐	☐	☒

The project does not propose construction of any new housing in the 100 year flood hazard area and impacts in this category would not occur. No impact would result due to implementation of the project.

h) Place within a 100-year flood hazard area, structures that would impede or redirect flood flows?	☐	☐	☐	☒

The project does not propose construction of any features that would impede or redirect flows. No impact would result due to implementation of the project.

X. LAND USE AND PLANNING – Would the project:

a) Physically divide an established community?	☐	☐	☐	☒

The project is consistent with the General Plan and CVCP land use designation. The project site is located within a developed residential neighborhood and surrounded by similar residential development. Therefore, the project would not physically divide an established community. No impact would result due to implementation of the project.

b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project	☐	☐	☐	☒

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(including but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				

The 4.74-acre site is located on Lighthouse Way, north of White Emerald Drive and east of Winstanley Way, in the Single Family (SF1 & SF1A) and Open Space (OS) zones of the Carmel Valley Planned District, within the Carmel Valley Community Plan Area within Council District 1 of the City of San Diego. The project requires the processing of Vesting Tentative Map in accordance with LDC, Section 125.0401. Pursuant to CVPD, 153.0201(b)(6), the Planning Commission shall take action on all tentative subdivisions within the Carmel Valley Planned District. A Site Development Permit (SDP), LDC Section 143.0110 with is required for a subdivision on a site that contains ESL. Pursuant to CVPD, 153.0201, a development plan approval is required and shall be processed as a Site Development Permit. Pursuant to LDC Section 126.0602 the Project will require the processing of a Planned Development Permit (PDP) for one deviation: to create buildable lots without frontage on a dedicated public right-of-way. Per LDC section 112.0103, this project shall be consolidated at the highest decision level established by the required discretionary permits for this project. The project is compatible with the area designated for residential development by the General Plan and Community Plan, and is consistent with the existing underlying zone and surrounding land uses.

c)	Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	☒

The proposed project is located adjacent to the City's Multi-Habitat Planning Area (MHPA). The Land Use Adjacency Guidelines provide requirements for land uses adjacent to the habitat preserve in order to minimize indirect impacts to the sensitive resources contained therein. Because of the project's impact area location is adjacent to the MHPA, these guidelines are applicable to the proposed project. Therefore, this project does not conflict with the MSCP Subarea Plan.

The MHPA the following Land Use Adjacency Guidelines will also become conditions of the permit:

MSCP SUBAREA PLAN -LAND USE ADJACENCY GUIDELINES

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 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; rocks/boulders; 6-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 reduction where needed.

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

H. **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. Zone 2 may be located within the MHPA provided the Zone 2 management will be the responsibility of an HOA or other private entity except where narrow wildlife corridors require it to be located outside of the MHPA. 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 consist with the City's MSCP Subarea Plan. Existing and approved projects are subject to current requirements of Municipal Code Section 142.0412.

I. **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.

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact

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:

The proposed project does not have the potential to conflict with any habitat conservation plans. In addition, implementation of the project would be consistent with all biological resources policies outlined in the General Plan, and Carmel Valley Community Plan. Implementation of the proposed project would not conflict with any applicable plans, and no impact would occur.

XI. MINERAL RESOURCES – Would the project:

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒

This project site is located in a developed neighborhood not suitable for mineral extraction and is not identified in the General Plan as a mineral resource locality. Therefore, the project would not result in the loss of availability of a known mineral resource. No impact would result due to implementation of the project.

b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	☒

See XI a. No impact would result due to implementation of the project.

XII. NOISE – Would the project result in:

a) Generation of, noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☒	☐

Construction related noise would result, but would be temporary and is strictly regulated under San Diego Municipal Code Section 59.5.0404, "Noise Abatement and Control" which places limits on the hours of construction operations and standard decibels which cannot be exceeded. Therefore, people would not be exposed to noise levels in excess of those covered by existing noise regulations. Impacts would be less than significant.

b) Generation of, excessive ground borne vibration or ground borne noise levels?	☐	☐	☐	☒

No excessive noise is anticipated as a result of the demolition and new construction. Therefore no ground vibration would result. No impact would result due to implementation of the project.

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☐	☒

See XII the project once complete would not result in any permanent noise increase. No impact would result due to implementation of the project.

d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above existing without the project?	☐	☐	☒	☐

As stated above there would be a temporary increase in noise during construction of the proposed project; however, work would only be allowed between the hours of 7 am and 7 pm in compliance with the City of San Diego's noise ordinance for construction activities. After construction is completed, no substantial increase in noise levels would result from this dwelling unit. Impacts would less than significant.

e) For a project located within an airport land use plan, or, where such a plan has not been adopted, within two miles of a public airport or public use airport would the project expose people residing or working in the area to excessive noise levels?	☐	☐	☐	☒

The project is not located within an airport land use plan or within noise contours. Therefore, residents of the project would not be exposed to excessive noise levels from a public airport. No impact would result due to implementation of the project.

f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒

The project is not located within the vicinity of a private airstrip; therefore, people residing or working in the area of the project would not be exposed to excessive airport noise. No impact would result due to implementation of the project.

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XIII. POPULATION AND HOUSING – Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☐	☒

The project would construct ten new dwelling units. The project would connect to existing infrastructure. The project is not of a large enough scale to induce substantial population growth. No impact would result due to implementation of the project.

b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

No displacement of existing housing would occur as a result of this project. The project would develop a currently undeveloped location. No housing currently exists at the project location therefore construction of replacement housing is not necessary. No impact would result due to implementation of the project.

c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

See XIII. No impact would result due to implementation of the project.

XIV. PUBLIC SERVICES				
a) Would the project result in substantial adverse physical impacts associated with the provisions of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service rations, response times or other performance objectives for any of the public services:				
i) Fire protection	☐	☐	☐	☐

The City of San Diego Fire-Rescue Department (SDFD) encompasses all fire, emergency medical, lifeguard and emergency management services. SDFD serves 331 square miles, including the project site, and serves a population of 1,337,000. SDFD has 801 uniformed fire personnel and 48 fire stations available to service the project site. The closest fire station to the project site is Station 47 (approximately 2 miles east). The project is not large enough in scope to require the construction of new fire protection services.

ii) Police protection	☐	☐	☐	☒

The City of San Diego Police Department (SDPD) would serve the proposed project. The project site is located within the SDPD's Northern Division, which serves a population of 225,234 people and encompasses 41.3 square miles. The proposed project is the development of a ten new residences

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact

but would not require any new or altered police protection services. No impact would result due to implementation of the project.

iii) Schools ☐ ☐ ☐ ☒

The project would not physically alter any schools. Additionally, the project would not induce growth that could increase demand for schools in the area. No impact would result due to implementation of the project.

iv) Parks ☐ ☐ ☐ ☒

The nearest parks to the project site is Ashley Falls Neighborhood Park 0.7 mile to the south. The project would not induce growth that would require substantial alteration to an existing park or the construction of a new park does not have a population-based park requirement. No impact would result due to implementation of the project.

v) Other public facilities ☐ ☐ ☐ ☒

The scope of the project would not substantially increase the demand for electricity, gas, or other public facilities. No impact would result due to implementation of the project.

XV. RECREATION

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? ☐ ☐ ☐ ☒

This project is the construction of a mixed use development and would not require any expansion of existing recreational facilities. There would be no increase in the use of existing facilities in the area including parks or other recreational areas. No impact would result due to implementation of the project.

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment? ☐ ☐ ☐ ☒

The project does not include the construction of recreational facilities nor does it require the construction or expansion of recreational facilities. No impact would result due to implementation of the project.

XVI. TRANSPORTATION/TRAFFIC – Would the project?

a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the ☐ ☐ ☐ ☒

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?				

The project is the addition of ten homes to an already developed neighborhood. The resulting development would not change road patterns or congestion. In addition, the project would not require the redesign of streets, traffic signals, stop signs, striping or any other changes to the existing roadways or existing public transportation routes or types are necessary. No impact would result due to implementation of the project.

b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	☐	☐	☐	☒

See XVI a. No impact would result due to implementation of the project.

c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☐	☒

The project is located in a developed community outside of airport land use plan areas. The project is consistent with height and bulk regulations and is not at the scale which would result in a change in air traffic patterns. No impact would result due to implementation of the project.

d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☐	☒

See XVI a. No impact would result due to implementation of the project.

e) Result in inadequate emergency access?	☐	☐	☐	☒

See XVI a. No impact would result due to implementation of the project.

f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	☐	☐	☐	☒

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact

The project would not alter the existing conditions of the project site or adjacent facilities with regard to alternative transportation. Construction of the project would not result in design measures or circulation features that would conflict with existing policies, plan, or programs supporting alternative transportation. No impact would result due to implementation of the project.

XVII. TRIBAL CULTURAL RESOURCES – Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or	☐	☐	☐	☒

The project site is not listed nor is it eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1 (k). In addition, please see section V(a) above. No impact would result due to implementation of the project.

b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	☐	☒	☐	☐

In accordance with the requirements of Assembly Bill (AB) 52, The City of San Diego sent notification to two Native American Tribes traditionally and culturally affiliated with the project area on Sept. 29, 2017. Both the Iipay Nation of Santa Ysabel and the Jamul Indian Village requested consultation within the 30-days. Consultation took place and was concluded on Sept. 29, 2017 with the Iipay Nation of Santa Ysabel and the Jamul Indian Village. It was determined that there are no sites, features, places or cultural landscapes that would be substantially adversely impacted by the proposed project. The Iipay Nation of Santa Ysabel and the Jamul Indian Village both identified no further evaluation was required and concluded consultation. Archaeological and Native American monitoring will be included in the MMRP.

XVIII. UTILITIES AND SERVICE SYSTEMS – Would the project:

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☒	☐

Implementation of the project would not interrupt existing sewer service to the project site or other surrounding uses. No increase in demand for wastewater disposal or treatment would be created by

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact

the project, as compared to current conditions. The project is not anticipated to generate significant amounts of waste water. Wastewater treatment facilities used by the project would be operated in accordance with the applicable wastewater treatment requirements of the Regional Water Quality Control Board (RWQCB). Additionally, the project site is located in an urbanized and developed area. Adequate services are already available to serve the project and no mitigation measures are required. No impact would result due to implementation of the project.

b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒

This project would not result in an increase in the intensity of the use at the site and the construction of a new water or wastewater treatment facility would not be required. No impact would result due to implementation of the project.

c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒

The project would not exceed the capacity of the existing storm water drainage systems and therefore, would not require construction of new or expansion of existing storm water drainage facilities of which could cause significant environmental effects. The project was reviewed by qualified City staff who determined that the existing facilities are adequately sized to accommodate the proposed development. No impact would result due to implementation of the project.

d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☐	☒

The project does not meet the CEQA significance threshold which would require the preparation of a water supply assessment. The existing project site currently receives water service from the City of San Diego, and adequate services are available to serve the project. No impact would result due to implementation of the project.

e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☐	☒

Construction of the project would not adversely affect existing wastewater treatment services. Adequate services are available to serve the project site without required new or expanded services. No impact would result due to implementation of the project.

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☐	☒

The project would exceed the City's Threshold of construction, demolition, and or renovation of 40,000 square feet of building space thereby requiring a Waste Management Plan to be completed. The Waste Management Plan was prepared and was approved by City of San Diego Environmental Services Staff. All construction waste from the project site would be transported to an appropriate facility, which would have adequate capacity to accept the limited amount of waste that would be generated by the project. Long-term operation of the proposed residential unity is anticipated to generate typical amounts of solid waste associated with residential use. Furthermore, the project would be required to comply with the City's Municipal Code for diversion of both construction waste during the demolition phase and solid waste during the long-term, operational phase. No impact would result due to implementation of the project.

g) Comply with federal, state, and local statutes and regulation related to solid waste?	☐	☐	☐	☒

The project would comply with all Federal, State, and local statutes and regulations related to solid waste. The project would not result in the generation of large amounts of solid waste, nor would it generate or require the transportation of hazardous waste materials. All demolition activities would comply with City of San Diego requirements for diversion of both construction waste during the demolition phase and solid waste during the long-term, operation phase. No impact would result due to implementation of the proposed project.

XIX. MANDATORY FINDINGS OF SIGNIFICANCE – Would the project:

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☒	☐	☐

The proposed project involves the construction of 10 dwelling units. The project site is designated for single family development. The site is surrounded by established residential neighborhoods. This analysis has determined that there is the potential of significant impacts related to Cultural Resources (Archaeology), Cultural Resources (Paleontology), Biological Resources, and Tribal Cultural Resources. As such, mitigation measures included in this document would reduce these potential impacts to a less than significant level as outlined within the Mitigated Negative Declaration.

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Does the project have impacts that are individually limited but cumulatively considerable ("cumulatively considerable" means that the incremental effects of a 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)?	☐	☒	☐	☐

Impacts associated with Biological Resources, Cultural Resources (Archaeology), Cultural Resources (Paleontology), and Tribal Cultural Resources are individually significant and when taken into consideration with other past projects in the vicinity, may contribute to a cumulative impact; specifically with respect to non-renewable resources. However, with implementation of the MMRP, any information associated with these resources would be collected catalogued and included in technical reports available to researchers for use on future projects, thereby reducing the cumulative impact to below a level of significance.

c) Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☒	☐	☐

The City of San Diego conducted an Initial Study which determined that the project could have a significant environmental effect in the following area Biological Resources, Cultural Resources (Archaeology), Cultural Resources (Paleontology), and Tribal Cultural Resources. However, with the implementation of mitigation identified in Section V of this MND the project would not have environmental effects which would cause substantial direct or indirect adverse effects on human beings.

INITIAL STUDY CHECKLIST
REFERENCES

I. Aesthetics / Neighborhood Character

___ City of San Diego General Plan
_X_ Community Plans: Carmel Valley Community Plan

II. Agricultural Resources & Forest Resources

_X_ City of San Diego General Plan
___ U.S. Department of Agriculture, Soil Survey - San Diego Area, California, Part I and II, 1973
___ California Agricultural Land Evaluation and Site Assessment Model (1997)
___ Site Specific Report:

III. Air Quality

___ California Clean Air Act Guidelines (Indirect Source Control Programs) 1990
___ Regional Air Quality Strategies (RAQS) - APCD
___ Site Specific Report:

IV. Biology

_X_ City of San Diego, Multiple Species Conservation Program (MSCP), Subarea Plan, 1997
_X_ City of San Diego, MSCP, "Vegetation Communities with Sensitive Species and Vernal Pools" Maps, 1996
___ City of San Diego, MSCP, "Multiple Habitat Planning Area" maps, 1997
___ Community Plan - Resource Element
___ California Department of Fish and Game, California Natural Diversity Database, "State and Federally-listed Endangered, Threatened, and Rare Plants of California," January 2001
___ California Department of Fish and Game, California Natural Diversity Database, "State and Federally-listed Endangered and Threatened Animals of California, "January 2001
___ City of San Diego Land Development Code Biology Guidelines
___ Site Specific Report: Revised Biological Resources Letter Report for the Lighthouse Ridge Project, October 25, 2017, Helix Environmental Planning

V. Cultural Resources (includes Historical Resources)

___ City of San Diego Historical Resources Guidelines
___ City of San Diego Archaeology Library
___ Historical Resources Board List
___ Community Historical Survey:
___ Site Specific Report: References: Lighthouse Ridge Project, Cultural Resources Survey, November 2016, HELIX Environmental Planning, Inc., November 2016

VI. Geology/Soils

_X_ City of San Diego Seismic Safety Study

___ U.S. Department of Agriculture Soil Survey - San Diego Area, California, Part I and II, December 1973 and Part III, 1975
___ Site Specific Report: Geotechnical Investigation, Lighthouse Ridge, Lighthouse Way, San Diego, California, prepared by Geocon, Inc., dated February 15, 2017 (their project no. G1996-42-01).

VII. Greenhouse Gas Emissions

___ Site Specific Report:

VIII. Hazards and Hazardous Materials

X San Diego County Hazardous Materials Environmental Assessment Listing
___ San Diego County Hazardous Materials Management Division
___ FAA Determination
___ State Assessment and Mitigation, Unauthorized Release Listing, Public Use Authorized
X Airport Land Use Compatibility Plan
___ Site Specific Report:

IX. Hydrology/Water Quality

___ Flood Insurance Rate Map (FIRM)
___ Federal Emergency Management Agency (FEMA), National Flood Insurance Program-Flood Boundary and Floodway Map
___ Clean Water Act Section 303(b) list, http://www.swrcb.ca.gov/tmdl/303d_lists.html
X Site Specific Report:

X. Land Use and Planning

X City of San Diego General Plan
X Community Plan
___ Airport Land Use Compatibility Plan
X City of San Diego Zoning Maps
___ FAA Determination
___ Other Plans:

XI. Mineral Resources

___ California Department of Conservation - Division of Mines and Geology, Mineral Land Classification
___ Division of Mines and Geology, Special Report 153 - Significant Resources Maps
___ Site Specific Report:

XII. Noise

X City of San Diego General Plan
___ Community Plan
___ San Diego International Airport - Lindbergh Field CNEL Maps
___ Brown Field Airport Master Plan CNEL Maps

__X__ Montgomery Field CNEL Maps
___ San Diego Association of Governments - San Diego Regional Average Weekday Traffic Volumes
___ San Diego Metropolitan Area Average Weekday Traffic Volume Maps, SANDAG
___ Site Specific Report:

XIII. Paleontological Resources

__X__ City of San Diego Paleontological Guidelines
___ Deméré, Thomas A., and Stephen L. Walsh, "Paleontological Resources City of San Diego," Department of Paleontology San Diego Natural History Museum, 1996
___ Kennedy, Michael P., and Gary L. Peterson, "Geology of the San Diego Metropolitan Area, California. Del Mar, La Jolla, Point Loma, La Mesa, Poway, and SW 1/4 Escondido 7 1/2 Minute Quadrangles," *California Division of Mines and Geology Bulletin* 200, Sacramento, 1975
___ Kennedy, Michael P., and Siang S. Tan, "Geology of National City, Imperial Beach and Otay Mesa Quadrangles, Southern San Diego Metropolitan Area, California," Map Sheet 29, 1977
___ Site Specific Report:

XIV. Population / Housing

__X__ City of San Diego General Plan
___ Community Plan
___ Series 11/Series 12 Population Forecasts, SANDAG
___ Other:

XV. Public Services

__X__ City of San Diego General Plan
___ Community Plan

XVI. Recreational Resources

___ City of San Diego General Plan
___ Community Plan
__X__ Department of Park and Recreation
___ City of San Diego - San Diego Regional Bicycling Map
___ Additional Resources:

XVII. Transportation / Circulation

__X__ City of San Diego General Plan
___ Community Plan
___ San Diego Metropolitan Area Average Weekday Traffic Volume Maps, SANDAG
___ San Diego Region Weekday Traffic Volumes, SANDAG
___ Site Specific Report:

XVIII. Utilities

___ Site Specific Report:

XIX. Water Conservation

____ Sunset Magazine, *New Western Garden Book*, Rev. ed. Menlo Park, CA: Sunset Magazine

Revised: October 11, 2013

All figures should be placed at the end of the ISMND

Location Map

Lighthouse Ridge/Project No. 513356

City of San Diego – Development Services Department

FIGURE

No. 1

Site Plan

Lighthouse Ridge/Project No. 513356

City of San Diego – Development Services Department

FIGURE

No. 2