

THE CITY OF SAN DIEGO

SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT

> Project No. 319435 SCH No. 97111070

- HERITAGE BLUFFS II: VESTING TENTATIVE MAP, REZONE from AR-1-1 to RM-1-1, RM-1-2, SUBJECT: RX-1-1 and RS-1-14, PLANNED DEVELOPMENT PERMIT, SITE DEVELOPMENT PERMIT, and a MULTI-HABITAT PLANNING AREA BOUNDARY LINE ADJUSTMENT to subdivide and construct 171 single-family units on-site and transfer 35 affordable units to Lot 9 of Map 15919 in the Black Mountain Ranch North Village Town Center. The project would require the transfer of 14 dwelling units to Lots 12, 13, 18, and 19 of Map 15919 in the Black Mountain Ranch North Village Town Center. In total, the project proposes a combined 220 dwelling units, including 35 affordable units, on-site and off-site in conformance with the Black Mountain Ranch Subarea Plan. The project would also construct various site improvements, which include associated public and private streets, hardscape, retaining walls, and landscaping. The169.85-acre site is located south of Bernardo Center Drive/Carmel Valley Road and west of Interstate 15 in the AR-1-1 Zone Black Mountain Ranch Subarea in the northern portion of the City of San Diego. (LEGAL DESCRIPTIONS: Parcel 1: The southeast quarter of the southeast quarter of section 32, Township 13 south, Range 2 west, San Bernardino base and meridian, in City and County San Diego, as Instrument No. 111628. Parcel 2: Lots 1 and 2 and the southeast quarter of the northeast quarter of Section 5, Township 14 south, range 2 west, San Bernardino base and Meridian, in the City and County of San Diego, as Instrument No. 111628). Applicant Bill Dumka, SPIC Del Sur LL c/o Black Mountain Ranch LLC.
- UPDATE: August 11, 2016. Revisions and/or minor corrections have been made to this document, in response to comments submitted, when compared to the draft Supplemental Environmental Impact Report (SEIR). Specifically, since circulation of the draft environmental document for public review, changes have been incorporated into the final SEIR to provide additional project clarification, related to biological resources. These revisions provide additional discussion and information related to thread-leaved brodiaea for both biological resources and as it affects land use consistency.

The standards for recirculation, as defined in CEQA Statutes Section 21092.1 and CEQA Guidelines Section 15088.5, require that if changes may result in new or increased levels of environmental impacts or if "significant new information" is added to the DEIR, the EIR may be required to be recirculated for additional review and comments. In accordance with these Guidelines, the addition of new information that clarifies, amplifies, or makes insignificant modifications does not require recirculation as there are no new impacts and no new mitigation identified. An environmental document need only be recirculated when there is the identification of new significant environmental impacts or the addition of a new mitigation measure required to avoid a significant environmental impact. The modifications within the final environmental document do not affect the analysis or conclusions of the SEIR. All revisions are shown in a strikethrough and/or underline format.

ENVIRONMENTAL DETERMINATION:

Based on the analysis conducted for the project described above, the City of San Diego has prepared the following Supplemental Environmental Impact Report (SEIR) in accordance with the California Environmental Quality Act (CEQA). The analysis conducted identified that the project could result in significant impacts to the following issue area(s): Land Use (MHPA Land Use Adjacency), Biological Resources, Cultural Resources (Historical Resources/Archaeology), Visual Quality (Landform Alteration), Noise (Construction), and Air Quality (Construction).

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

PUBLIC REVIEW DISTRIBUTION:

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

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

STATE OF CALIFORNIA California Department of Fish and Wildlife (32) California Department of Toxic Substances Control (39) California Regional Water Quality Control Board, Region 9 (44) State Clearinghouse (46A) California Department of Transportation (51) California Transportation Commission (51A) California Transportation Commission (51) California Native American Heritage Commission (56)

<u>CITY OF SAN DIEGO</u> Mayor's Office (91) Councilmember Lightner, District 1 (MS 10A)

CITY OF SAN DIEGO - CONTINUED

Councilmember Zapf, District 2 (MS 10A) Councilmember Gloria, District 3 (MS 10A) Councilmember Cole, District 4 (MS 10A) Councilmember Kersey, District 5 (MS 10A) Councilmember Cate, District 6 (MS 10A) Councilmember Sherman, District 7 (MS 10A) Councilmember Alvarez, District 8 (MS 10A) Councilmember Emerald, District 9 (MS 10A) Development Services Department

EAS

Transportation Planning Review Fire Plan Review Engineering Review Geology Landscaping PUD-Water and Sewer Development Project Manager Planning Department MSCP Plan Long Range Planning Park and Recreation Plan Facilities Financing

Plan-Historic

San Diego Fire-Rescue Department (MS 603) San Diego Police Department (MS 776) Transportation Development (78) Development Coordination (78A) Fire and Life Safety Services (79) San Diego Fire – Rescue Department Logistics (80) Library Department (81) Central Library (81A) Carmel Mountain Ranch Branch Library (81E) Historical Resources Board (87) Environmental Services Department (93A) Facilities Financing (MS 93B) City Attorney's Office (93C)

OTHER INTERESTED GROUPS, ORGANIZATIONS, AND INDIVIDUALS Poway Unified School District (124) Rancho Santa Ana Botanic Garden at Claremont (161) Sierra Club (165) San Diego Canyonlands (165A) San Diego Natural History Museum (166) San Diego Audubon (167) Mr. Jim Peugh (167A) California Native Plant Society (170) AECOM Environmental Inc. (178) Citizens Coordinate for Century III (179)

OTHER INTERESTED GROUPS, ORGANIZATIONS, AND INDIVIDUALS - CONTINUED Endangered Habitats League (182A) San Diego Tracking Team (187) Carmen Lucas (206) South Coastal Information Center (210) San Diego Archaeological Center (212) Save Our Heritage Organisation (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) Kumeyaay Cultural Heritage Preservation (223) Kumeyaay Cultural Repatriation Committee (225) Native American Distribution - Public Notice Only (225A-S) Black Mountain Ranch – Subarea I (226C) Rose Duro, Rincon Band of Luiseno Indians Chris Devers, Cultural Clerk, Pauma Band of Luiseno Indians Anne E. DeBevoise, PhD Justine Nielsen, San Diego Land Lawyers, Inc. / Justine@sdlandlaw.com Ken Meddock, 4654 Barranca Parkway, Irvine, CA 92604 William M. Dumka, Black Mountain Ranch LLC, Applicant Marina Wurst, Project Design Consultants, Agent Stephanie Morgan Whitmore, RECON Environmental Mike Ott, San Diego Local Agency Formation Commission Karen Ogawa, Olivenhain Municipal Water District Vincent Whipple, Rincon Band of Luiseno Indians Joe Serrano, San Diego Local Agency Formation Commission Everett DeLano, Delano & Delano

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.

Kerry Santoro Deputy Director Development Services Department

March 22, 2016 Date of Draft Report

August 11 2016 Date of Final Report

Analyst: Shearer-Nguyen

Final EIR Errata

Since its circulation for public review, changes have been incorporated into the Final EIR to provide additional project clarification, specifically related to biological resources. These revisions provide additional discussion and information about the: thread-leaved brodiaea, related both to biological resources and as it affects land use consistency. The project footprint and project description as provided in Chapter 3.0 remain accurate and unedited.

All revisions, both substantive and editorial, are shown in strikeout/underline format throughout the body of the Final EIR. The substantive changes are summarized below:

Land Use

- Section 5.1.4.1(a) has been revised to add a discussion of the project's consistency with Section 1.6.4 of the City's Multiple Species Conservation Program (MSCP) Subarea Plan. Section 5.1.4.2(a) was added to state the determination that impacts related to consistency with the City's Subarea Plan would be less than significant.
- Section 5.1.4.1(c) has been revised to provide additional detail on the project's compatibility with Multi-Habitat Planning Area (MHPA) Adjacency Guidelines related to drainage, lighting, noise, invasive plants, and barriers to access. Mitigation Measure LU-1 was revised to add measures consistent with these details.

Biological Resources

- The introductory paragraph has been clarified to disclose that thread-leaved brodiaea is a state-listed endangered, and federal-listed threatened plant species.
- Section 5.2.3.1(b) has been revised to identify the potential translocation areas for the relocating of the thread-leaved brodiaea currently within the project impact area (see, Final EIR Figure 5.2-3). Text was also added to provide support that the translocation process would be successful.
- Section 8.3.2 has been updated to provide additional detail relating to the thread-leaved brodiaea and to reflect updated significance conclusions related to cumulative impacts to thread-leaved brodiaea.
- Section 10.2.2.3 has been revised to clarify that the Thread-leaved Brodiaea Avoidance Alternative would not include the dedication of an additional 72 acres to the City's MHPA. No changes to the conclusions related to this alternative resulted from this revision.

Appendices

- Six figures contained within Appendix E (Biological Technical Report) have been updated. These figures include the following:
 - Figures 5 and 6 (Proposed Tentative Map, Sheets 1 and 2)
 - Figure 8, Proposed Heritage Brodiaea Preserve and NPG Creation Area
 - Figures 12-14 (Landscape Plan)

Recirculation Determination

The standards for recirculation, as defined in CEQA Statutes Section 21092.1 and CEQA Guidelines Section 15088.5, require that if changes may result in new or increased levels of environmental impacts or if "significant new information" is added to the DEIR, the EIR may be required to be recirculated for additional review and comments.

The Laurel Heights Improvement Assn. v. Regents (1993) 6 Cal 4th 1112 case, known as "Laurel Heights II", provides that new information added to an EIR is not "significant" unless the EIR is changed in a way that deprives the public of meaningful opportunity to comment upon a substantial adverse environmental effect of the project, or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project proponents have declined to implement.

In accordance with these Guidelines, the refinements discussed do not result in the need to recirculate the EIR. The revisions to the Final EIR provide clarification of project impacts and further refine existing mitigation measures, and do not result in any new significant impacts or significant impacts of greater extent; nor does the additional analysis result in any mitigation measures or alternatives for which the City is declining to adopt.

The project analyzed within the DEIR was complete and with sufficient detail to provide adequate review. The refinements are focused on specific design features that were contemplated in the original conceptual site plan project description, and have been further developed to address impacts and community concerns with respect to planning and design review. The new information and refinements are not significant and would not deprive the public of a meaningful opportunity to comment and would not result in increased or new impacts not previously identified. Therefore, recirculation of the DEIR is not required.

HERITAGE BLUFFS II EIR Letters of Comment and Responses

Letters of comment to the Draft EIR were received from the following agencies, organizations, and individuals. Several comment letters received during the Draft EIR public review period contained accepted revisions that resulted in changes to the final EIR text. These changes to the text are indicated by strike-out (deleted) and underline (inserted) markings. The letters of comment and responses follow.

А	State Clearinghouse	RTC-2
В	U.S. Fish and Wildlife Service and California Department of Fish and Wildlife	RTC-4
С	San Diego County Archaeological Society, Inc	RTC-11
D	Rincon Band of Luiseño Indians	RTC-12
Е	San Diego Local Agency Formation Commission	RTC-13
F	Delano & DeLano	RTC-15



	Document Details Report
SCH	Jate Gearinghouse Data Base
Project Titl Lead Agenc	fe Heritage Bluffs II y San Diego, City of
Typ	e SIR Supplemental EIR
Descriptio	Vesting tertiative Map, a Rezone trom AR-1-1 to RX-1-1 and RS-1-14, a Planned Development Permit, as Site Development Permit, and a Multi-Habitat Planning Area Boundary Line Adjustment to subdivide and construct 171 single-family units on site and transfer 35 affordable units to Lot 9 of Map 15919 in the Black Mountain Ranch North Village Town Center. The project would require the transfer of 14 dwelling units to Lots 12, 13, 18, and 19 of Map 15919 in the Black Mountain Ranch North Village Town Center. The project would require the transfer of 14 dwelling units to Lots 12, 13, 18, and 19 of Map 15919 in the Black Mountain Ranch North Village Town Center, in total, the project proposes a combined 2020 dwelling units, including 35 affordable units, on-site and off-site in conformance with the Black Mountain Ranch Subarea Plan. The project would also construct various site improvements, which include associated public and private streets, hardscape, retaining walls, and landscaping. The 1698-Severe site is located south of Bernardo Center Drive/Carmel Valley Road and west of I-15 in the AR-1-1 Zone Black Mountain Ranch Subarea in the northern portion of the City of San Diego.
Lead Ager	ncy Contact
Agency	Elizabeth Shearer-Nguyen City of San Diego
Phone	e 619-446-5369 Fax
Address	Development Services Department
City	2222 First Avenue, MS 501 / San Diego State CA Zip 92101
Project Lo	cation
County	 San Diego San Diego
Region	uan maga
Lat / Long Cross Streets	32.9971° N / 117.1024° W South of Bernardo Center Drive/Carmel Valley Road and west of L15
Parcel No.	outer of bornarios bornarios marcanitor rangy road and real of P10
Township	Range Section Base
Proximity t	to:
Highways Airports	- 1-15/SR-56
Railways	SDNR/Coaster
Waterways Schools	Lusardi creek, unnamed waterways Mt Carmel HS, Rancho
Land Use	Undeveloped/Agricultural Residential (AR-1-1) / Low Density Residential
Project Issues	Air Quality; Archaeologic-Historic; Biological Resources; Noise; Vegetation; Wildlife
Reviewing	Resources Agency; Department of Fish and Wildlife, Region 5; Department of Parks and Recreation;
Agencies	Office of Historic Preservation; Department of Water Resources; Office of Emergency Services,
	California; California Highway Patrol; Caltrans, District 11; Air Resources Board; Regional Water Quality Control Board, Region 9; Native American Heritage Commission: Public Utilities Commission
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Date Received	03/21/2016 Start of Review 03/21/2016 End of Review 05/04/2016
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Ms. Elizabeth Shearer-Nguyen (FWS-SDG-10B0678-16TA0582)

B-2

The project site is located south of Bernardo Center Drive/Carmel Valley Road and west of Interstate 15 within the Black Mountain Ranch (Subarea I) Subarea Plan in the northern portion of the City of San Diego. The City's SAP Multi-Habitat Planning Area (MHPA) is located adjacent to the project site. The City's Black Mountain Open Space Preserve is located to the south of the project site.

The proposed project includes the approval of a vesting tentative map, a rezone, a planned development permit, as its development permit, and an MHPA boundary line adjustment (BLA) to subdivide and construct 171 single-family units on a 169.85-acre site. Site improvements would include the construction of public and private streets, two mini parks, one poeket park, a trail system, hardscape, retaining walls and landscaping. Approximately 45.3 acres of the 169.85-acre site would be developed with residential units with the remaining 119.03 acres preserved as MHPA open space. An additional 7.84 acres off site (consisting of 0.84-acre area located north of the site boundary and 7 acres adjacent to Lusardi Creek) would be dedicated to the MHPA.

According to the DSEIR, biological surveys of the site date back to 2006. Updated focused surveys for coastal California gnateatcher (*Polioptila californica californica*, gnateatcher) and habitat mapping and delineation of jurisdictional waters/wetlands were conducted in 2013. The sensitive wildlife species observed during surveys included gnateatcher and rufous-crowned sparrow (*Aimophila ruficeps*, formerly a California Species of Special Concern).

The sensitive vegetation communities mapped on the project site included 102.45 acres of coastal sage scrub (CSS - Tier II), 34.83 acres of southern mixed chaparral (SMC - Tier IIIA), 31.80 acres of non-native grassland (NNG - Tier IIIB), 0.15 acre of native perennial grassland (NGL - Tier I), 0.03 acre of freshwater marsh, 0.18 acre of mulefat scrub, and 0.41 acre of riparian forest. Project impacts would result in direct loss of 24.29 acres of CSS, 25.71 acres of NNG and 0.15 acre of NGL for a total of 50.15 acres.

The proposed project requires an MHPA BLA that would remove 20.47 acres from the existing MHPA (16.42 acres of CSS and 4.05 acres of NNG, including 1.34 acres on site and 2.71 acres off site) and add 20.5 acres on and off site into the MHPA [12.66 on site (6.58 acres of CSS, 5.87 acres of NNG, 0.18 acre of mulcfat scrub, and 0.03 acre of riparian forest), as well as 0.84 acre of off-site NNG north of the site boundary and approximately 7 acres of off-site NNG adjacent to Lusardi Creek to off-set for the loss of NNG habitat on-site]. Mitigation (at corresponding MSCP tier) includes the owner/permittee conveying the on-site and off-site MHPA to the City through dedication in fee title and restoring 0.75 acre of the non-native grassland on site to native perennial grassland.

An assessment of sensitive plants for the project included focused surveys for federally threatened and State endangered thread-leaved brodiaea (*Brodiaea filifolia*, brodiaea) in May 2011 and 2012, along with supplemental surveys in January and February 2015. The population during 2011 and 2012 surveys was estimated to range from a few to several hundred plants. During the 2015 surveys, approximately 10,423 brodiaea were observed on the project site and the adjacent East Clusters/Parcel 3 site (3,341 on the East Clusters site, 2,982 on Parcel 3 of PM No. 18504, and 4,100 on the project site). The 2015 survey concluded the combined area may support from 95,000 to 185,000 brodiaea. Brodiaea is identified as a narrow endemic in the City's SAP. Because of this population's size, it being the southernmost known population of this species, and it being one of only three populations within the City's SAP, the population of brodiaea in the project area is of local and regional significance. B-2 These paragraphs provide a summary of information provided in the EIR and Biological Technical Report. No further response is required.

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Ms. Elizabeth Shearer-Nguyen (FWS-SDG-10B0678-16TA0582)

In addition to the proposed project, the draft SEIR includes a Thread-leaved Brodiaea Avoidance Alternative (Avoidance Alternative). We appreciate the inclusion of the Avoidance Alternative as discussed in our NOP comment letter and in BLA meetings with the City and project applicant. At the BLA meetings, the Wildlife Agencies worked with the City and project applicant to develop the proposed project to minimize project impacts to brodiaea. In our BLA meetings, we also discussed the need to develop an avoidance alternative to demonstrate consistency with the City's SAP. The Avoidance Alternative in the DSEIR was not provided to the Wildlife Agencies prior to circulating the DSEIR.

Section 1.6.4 of the City's SAP states that narrow endemic species outside the MHPA will be protected through the following measures, as deemed appropriate: 1) avoidance; 2) management; 3) enhancement; and/or 4) transplantation to areas identified for preservation. This section also states that unavoidable impacts associated with reasonable use would need to be minimized and mitigated. Consistent with Section 1.6.4 of the City's SAP, we recommend that the Avoidance Alternative be selected as the proposed project, unless it is demonstrated to preclude reasonable use of the project site.

B-4 We offer the additional recommendations and comments in the Enclosure to assist the City in avoiding, minimizing, and adequately mitigating project-related impacts to biological resources, and to ensure that the project is consistent with all applicable requirements of its SAP. If you have questions or comments regarding this letter, please contact Patrick Gower of the Service at 760-431-9440 or Paul Schlitt of the Department at \$58-637-5510.

Karen A. Goebel Assistant Field Supervisor U.S. Fish and Wildlife Service

Enclosure

B-3

Sincerely,

Gail K. Sevrens Environmental Program Manager California Department of Fish and Wildlife

3

B-3

The proposed project is consistent with the City's MSCP Subarea Plan (SAP) Section 1.6.4. First, as detailed in Chapter 4.0 of the EIR, in January and February 2015 during pre-grading surveys, additional specimens of threadleaved brodiaea were detected within the project area. After consultation with the City and wildlife agencies, the Heritage Bluffs II project was redesigned to preserve additional brodiaea on-site. Public Street J, the main access road was realigned, and lots adjacent to the preserve were shifted such that potential impacts to the brodiaea were reduced to avoid the majority of the population on-site. Alternative brush management also was incorporated into the project design adjacent to open Space Lot Q (preserve).

Second, as detailed in Chapter 3.0 of the EIR, the project proposes to include the 14.1-acre Heritage Brodiaea Preserve (HBP). The HBP is proposed for the conservation, preservation, and enhancement of threadleaved brodiaea and native grassland habitat. The HBP would be dedicated in fee to a conservancy. As part of the responsibilities of management, the biological features within the preserve would be protected and monitored in perpetuity. A draft Habitat Management Plan (HMP) has been prepared that establishes a program of baseline assessments, management, monitoring, and reporting that would help to protect and maintain biological resources. A Project Analysis Record (PAR) would later be prepared to fully document the specific tasks, fees, and contingencies associated with these activities. The Applicant also would establish a nonwasting endowment or similar instrument, such as a Landscape Maintenance District, which is tied to the property, for an amount approved by the wild life based on a PAR or similar cost estimation method to secure the ongoing funding for the perpetual management, maintenance, and monitoring of the biological conservation easement area by an agency, nonprofit organization, or other entity approved by the wildlife agencies.

Third, as detailed in EIR Section 5.2.3.3, the project would be subject to mitigation measure BIO-6. The measure requires that prior to issuance of any construction permit or notice to proceed, preconstruction thread-leaved brodiaea surveys shall be conducted to relocate all previous

B-3

cont. specimens identified in the 2015 survey report. The Applicant shall complete a translocation of all thread-leaved brodiaea located within the area of disturbance as indicated on final grading plans for the project. The translocation shall be completed in accordance with the protocols outlined in Attachment B, Salvage and Translocation Protocols, of the Final Thread-Leaved Brodiaea Habitat Management Plan for the Heritage Brodiaea Preserve (refer to BIO-2). Documentation regarding the translocation, and a memo summarizing the outcome shall be submitted to the City and the wildlife agencies.

Pursuant to CEQA Guidelines Section 15043, "A public agency may approve a project even though the project would cause a significant effect on the environment if the agency makes a fully informed and publicly disclosed decision that:

(a) There is no feasible way to lessen or avoid the significant effect (see Section 15091); and

(b) Specifically identified expected benefits from the project outweigh the policy."

The project includes a managed preserve for the on-going preservation and maintenance of the thread-leaved brodiaea population. Without the managed preserve, the long-term survivorship of the thread-leaved brodiaea population at this site is uncertain, as the Avoidance Alternative would not provide any additional management of the area that supports the population. While the area would fall within the Multi-Habitat Planning Area (MHPA), there are insufficient funds to support the level of management needed to ensure the long-term survivorship of the threadleaved brodiaea. Under the existing and Avoidance Alternative conditions, the thread-leaved brodiaea population is threatened by the proliferation of invasive annual and perennial non- native plant species that over time and without management will out compete the species. This condition is already occurring as known locations of thread-leaved brodiaea individuals are being threatened and affected by the dense stands of artichoke thistle. Thus, the preserve proposed under the project is critical to the survival of the thread-leaved brodiaea population because it provides for the longterm management of the species, both preserved and translocated, by creating a mechanism that ensures the adequate control of invasive nonnative species as well as other habitat enhancements that will benefit the long-term survivorship of the population.

B-3 cont.	The Avoidance Alternative would avoid impacts to thread-leaved brodiaea; thereby, no nexus would exist for the establishment of a managed preserve, as required as mitigation for the project.
B-4	The comment does not raise an environmental issue within the meaning of CEQA. No further response is required.

Enclosure

Comments on the Draft Supplemental Environmental Impact Report for Heritage Bluffs II Project, San Diego County, CA

- B-5 1. Figures 5, 8 and 9 in the BTR showing the development footprint and brodiaca preserve do not match Figures 6, 7, and 9 in the BTR or the figures in the DSEIR. Please clarify which figures are correct and ensure the figures provided in the BTR and the final SEIR are consistent.
- B-6 2. Section 3.4.2.1 b. The DSEIR states, "Approximately 543.3 acres off-site would be dedicated to the MHPA as a condition of the Heritage Bluffs Project...", including approximately 383 acres of land within Black Mountain Ranch presently designated by the SAP as MHPA. The Wildlife Agencies' October 29, 2015, letter (FWS/CDFW-SDG-10B0678-15TA0758) expressed concerns with linking completion of the remaining conservation obligations of the Black Mountain Ranch Habitat Loss Permit (HLP) solely to the Heritage Bluffs II project. A condition of the Black Mountain Ranch HLP required preservation of 1,766 acres of open space area prior to recordation of the final map. As requested in our letter, the City subsequently committed to complete these long-outstanding obligations by the end of 2016 if the Heritage Bluffs II project approval is not completed by then. This commitment should be included in the final SEIR. Additionally, the final SEIR should have one figure that clearly identifies the dedications listed in Section 3.4.2.1 a. and 3.4.2.1 b.
- B-7 3. Sections 5.1.1.3 Land Use Adjacency Guidelines and 5.1.4 Issue 2: MSCP Consistency The land use adjacency guidelines provided in the DSEIR do not correspond to the adjacency guidelines that are provided in pages 38 to 40 of the BTR. The measures specified in the BTR were previously developed during the BLA review. We recommend the discussion on each condition in the final SEIR either include a reference to the specific measure in the BTR or be provided verbatim in the final SEIR. The Mitigation, Monitoring, and Reporting Program (MMRP) language that is provided in Section 5.1.4.3 should also be revised to reflect the specific conditions that would be implemented as a condition of project approval, as opposed to citing measures that are broad in scope. For example, the BTR (under MHPA Adjacency Guidelines heading) includes a condition to "Provide a self-cleaning concrete drainage ditch along the toe of any adjacent graded slope descending to the area supporting thread-leaved Brodiaea to avoid/minimize any additional runoff." We strongly recommend that each of the measures that the Wildlife Agencies required as conditions of the BLA be included in the final MMRP.
- B-8 4. Section 5.1.4 Issue 2: MSCP Consistency The final SEIR should evaluate project consistency with Section 1.6.4 and Appendix A of the City's SAP in regards to impacts to brodiaea.
- B-9 5. Section 5.1.4.1 Impacts a. MHPA Boundary Line Adjustment The final SEIR should have one figure that shows the proposed on-site MHPA BLA overlain on the project impact footprint, vegetation type and location of sensitive resources.
- B-10 6. Section 5.2 Biological Resource Along with citing brodiaea as a narrow endemic plant species, the state endangered and federal threatened listing status should be provided (e.g., citing with Section 2.3.5).

- B-5 There was an inconsistency in the TM displayed on the figures in the BTR and EIR. The figures in the BTR have been be updated to be consistent with latest TM and the EIR.
- B-6 The dedications illustrated on Figures 3-3 and 3-9 are associated with two different subdivision maps. (Figure 3-3 illustrates presently proposed dedications, and Figure 3-9 illustrates dedications under previously approved vesting tentative maps.) Therefore, it is not appropriate for the exhibits to be merged.
- B-7 Section 5.1.4.1.b of the EIR has been revised to include specific measures from the BTR. In addition, the mitigation in Section 5.1.4.3 has been revised to add the conditions stated in Section 5.1.4 pertaining to MHPA LUAG.
- B-8 Section 5.4.1 has been revised to include a statement of how the project is consistent with Section 1.6.4 and Appendix A of the City's SAP in regards to impacts to brodiaea.
- B-9 Figure 3-4 illustrates the boundary line adjustment and Figure 5.2-1 illustrates the existing on-site vegetation communities. No additional figure is required.
- B-10 Section 5.2 revised for clarity: Since the preparation of the 1998 EIR, two new sensitive biological resources were identified on the project site: thread-leaved brodiaea, a state-listed endangered, federal-listed threatened, and narrow endemic plant species, and native perennial grassland, a sensitive vegetation community.

Ms. Elizabeth Shearer-Nguyen (FWS-SDG-FWS-SDG-10B0678-16TA0582) Enclosure Page 2

- B-11
 7. Section 5.2.3.1 Impacts The final SEIR should include the percentage of the counted and estimated brodiaea on the project site that will be avoided/preserved or impacted/translocated. A corresponding figure should be also provided showing the locations of the proposed translocation within the Heritage Brodiaea Preserve in relation to avoided brodiaea and brodiaea that have already been translocated to the preserve by the East Clusters project.
- B-12 8. Section 5.2.3.1 b. The final SEIR should include a discussion on the proposed brodiaea translocation and an analysis that shows that the on-site preserve can support both the avoided brodiaea as well as those transplanted from the East Clusters and Heritage Bluffs project sites.
- B-13 9. As part of the City's effort to conserve brodiaea populations, the City should identify and map suitable habitat and brodiaea occurrences in other City owned or otherwise conserved lands to establish additional preserves consistent with Appendix A of the City's SAP. In addition, these areas could serve as receptor sites for the brodiaea corms being held in storage. The final SEIR should summarize how the brodiaea corms in storage will be used to help conserve populations of brodiaea found within the City's SAP.
- B-14 10. Section 8 Cumulative Impacts While the East Clusters project is listed for consideration, Section 8.3.2 does not evaluate cumulative impacts to brodiaea from this project. Appendix I of the City's Biology Guidelines (City June 2012) states that impacts to covered species would not generally be considered cumulatively significant provided the project is in full compliance with the MSCP and its implementing regulations. However, impacts to brodiaea from the East Clusters project were never evaluated for MSCP compliance because brodiaea was not known to occur on the project site at the time of project approval, which occurred prior to completion of the City's SAP. Because of this and local and regional significance of the brodiaea population in the project area, the final SEIR should include an evaluation of cumulative impacts to brodiaea from the East Clusters project. This evaluation should include the percentage of the total brodiaea population in the project area (i.e., Heritage Bluffs II and East Clusters/Parcel 3) that will be avoided/preserved or impacted/translocated.
- B-15 11. Section 10.2.2.1 Thread-leaved Brodiaea Avoidance Alternative The DSEIR states that this alternative would avoid approximately 99 percent of the thread-leaved brodiaea population on the project site and that "The same lots proposed for preservation on-site under the project would be dedicated to the MIPA under this alternative; however, the Heritage Brodiaea Preserve (HBP) would not be created and endowed for on-going management and preservation of the area." Regardless of that conclusion, Appendix A of the City's SAP states for brodiaea that "This species is on the MSCP list of narrow endemics and therefore participating jurisdictions must specify in their subarea plans additional specific conservation measures for the species if a population is identified in the future." Therefore, if this alternative is chosen the final SEIR should identify the additional specific conservation measures for brodiaea that would be implemented by this alternative to ensure consistency with the City's SAP. These conservation measures should include long-term management and monitoring of the brodiaea preserve, along with a dedicated funding source to help ensure is long-term viability. These measures will also help ensure continued coverage of brodiaea under the City's SAP.

B-11 Total preservation of thread-leaved brodiaea (Heritage Bluffs II and East Clusters project sites) would include 3.87 acres. Approximately 2.43 acres of brodiaea plants would be, or have been, translocated into the preserve. This translates into the preservation in place of approximately 5,651 plant specimens (77%) and the translocation of approximately 1,691 individual plants (23%). Within the Heritage Bluffs II project site, the project would preserve in place 2.02 acres of thread-leaved brodiaea and translocate 2.06 acres of plants. This would result in the preservation in place of approximately 2,798 plant specimens (64%) and the translocation of approximately 1,552 individual plants (36%). The City has no requirement relative to the percentage of narrow endemic specimens that must be preserved in place versus what may be translocated by a project. The City has relied upon the County's Biological Mitigation Ordinance as a guideline for preservation.

Part 2 – A figure has been added to the EIR (Figure 5.2-3) that shows the locations of the proposed translocation areas with the HBP in relation to the avoided brodiaea and previously translocated brodiaea into the future preserve area from East Clusters Unit 3.

- B-12 Section 5.2.3.1b has been revised to include a brief discussion regarding the proposed Heritage Bluffs brodiaea translocation and how the on-site preserve can support both the avoided and proposed transplants from Heritage Bluffs, as well as the recently transplanted brodiaea from the East Clusters Unit 3 (also refer to new Figure 5.2-3 in the Final EIR).
- B-13 Comment noted. Brodiaea filifolia occurs at Black Mountain Open Space Park and is included in the site's Natural Resources Management Plan (NRMP). The City's Park and Recreation Open Space Division has recently received rare plant survey results for the up-coming Lusardi/LaZanja NRMP. As part of the Lusardi/LaZanja NRMP development process, Park and Recreation Open Space Division would verify the rare plant survey findings and include area specific management directives in the NRMP.
- B-14 Chapter 8 of the EIR has been revised to include explicitly the impacts to brodiaea associated with the adjacent East Clusters project. The impacts have been quantified to the extent feasible.
- B-15 Please refer to the response to comment B-3, above. The City has made the findings and recommended approval of the project as proposed.





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E-1	Line Constant of the second se	<text><text><text><text><text><text><text><text><text><text><text><text><text></text></text></text></text></text></text></text></text></text></text></text></text></text>	E-1 Tr CE ar Hu re	e comment does not raise an environmental issue within the meaning of iQA. The comment has been noted and will be included in the Final EIR id administrative record for consideration by the Planning Commission id City Council in their decision whether or not to approve the project. owever, because the comment does not raise an environmental issue with spect to the Draft EIR, no further response is required.

Ms. Shearer-Nguyen Page 2 April 22, 2016

In order for sewer service to be provided to areas other than 4-S Rancho and Rancho Cielo, LAFCO authorization is necessary for the expansion of this latent power. For the development area to obtain sewer service from OMWD, the San Diego LAFCO would need to approve three actions: (1) amendment of the OMWD Sewer Sphere of Influence; (2) expansion of OMWD's latent powers to provide sewer service and (3) annexation of the proposal area to OMWD. After reviewing the proximity of the project site to OMWD's jurisdictional boundary, it was determined that the proposed reorganization is not contiguous to existing OMWD jurisdictional limits and the proposed annexation area is designated as natural open space to be preserved in perpetuity. In accordance to California Water Code Section 71071-71081, annexation of noncontiguous territory is allowed and should be referenced as part of the LAFCO application. In regards to this proposed reorganization, LAFCO would act as a responsible agency in accordance with State CEQA Guidelines.

The DSEIR appears to adequately cover the actions subject to the San Diego LAFCO discretionary authority and we have no further comments. Should you have any questions, or if LAFCO may be of any further assistance, please contact me at (858) 614-7764.

JOE SERRANO Local Governmental Analyst



The comment is introductory and does not raise an environmental issue within the meaning of CEQA. The comment has been noted and will be included in the Final EIR and administrative record for consideration by the Planning Commission and City Council in their decision whether or not to approve the project. However, because the comment does not raise an environmental issue with respect to the Draft EIR, no further response is required.

The transfer of units to the North Village Town Center, has been previously analyzed in the 1998 Program EIR and does not require supplemental analysis under the project's draft EIR.

In July 1998, the City adopted the Black Mountain Ranch (Subarea I) Subarea Plan (Subarea I Subarea Plan) and certified EIR No. 96-7902 (1998 EIR). The Subarea I Subarea Plan analyzed by the 1998 EIR consisted of 5,400 dwelling units, 650,000 square feet of commercial (office retail) and employment use, and 300 hotel rooms. It also allowed for the transfer of development between future development areas and the perimeter properties, as long as the development maximums were not exceeded and the transfer did not result in a change in the designated land use or residential density categories for the sending and receiving area.

The project is located within the area referred to as the "Southeast Perimeter" properties (Parcels A and B) within the Subarea I Subarea Plan and is consistent with the designated land use, density assumptions, and conceptual footprint identified for the Southeast Perimeter properties of the Subarea I Subarea Plan. After initial project review and consideration of comments received in response to the Notice of Preparation (NOP) distributed on February 11, 2015, the City determined that an SEIR was required to update the certified 1998 EIR, pursuant to Public Resources Code Section 21166 and CEQA Guidelines Section 15163.

CEQA allows for a preparation of a SEIR following certification of an environmental impact report (EIR) if any of the conditions described in Section 15162 would require the preparation of a subsequent EIR and only minor additions or changes would be necessary to make the previous EIR adequately apply to the project in the changed situation. (CEQA Guidelines §15163) The City's determinations of significance after an EIR has been certified where the City is merely analyzing a change to a project or further

F-2 approval for a project is not subject to the fair argument standard; cont. rather the more deferential–substantial evidence standard applies (CEQA Guidelines §150649 (e)(7)).

A supplemental EIR is required to evaluate only the changes in the project, changes in circumstances and any new information, but does not need to reconsider impacts that have already been approved as a part of the original CEQA document.(Benton v. Board of Supervisors (1991) 226 CA3d 1467, 1482.) (See also Sierra Club v. City of Orange (2008) 163 CA4th 523,542, the court held that it was appropriate to limit the analysis of traffic impacts to new impacts not previously evaluated.) However the Guidelines themselves require a subsequent EIR only when proposed modifications "will require important revisions of the previous EIR. The transfer of units to the North Village Town Center, is within the development cap and the designated land uses or densities categories specified in the Subarea I Subarea Plan that have already been analyzed in the 1998 Program EIR and do not require supplemental analysis under the Draft EIR.

The Draft EIR serves as supplement to the previously certified 1998 EIR and analyzes the impacts of the project that differ from the impacts analyzed under the 1998 EIR. The Draft EIR also considered the issues discussed in the 1998 EIR and evaluated whether a significant effect was adequately addressed or if there was an effect that was not addressed in the previous report. Tables S-1 and S-2 summarize the significant impacts identified through either the new or previous environmental analysis completed for the project.

In particular, the project proposes to construct 171 single-family units onsite and transfer 35 affordable units to Lot 9 and 14 dwelling units to Lots 12, 13, 18 and 19 of Map 15919 in the Black Mountain Ranch North Village Town Center. This transfer will not result in a change in the designated land use or residential density categories for the sending and receiving areas involved with such transfer. The transfer of density, as permitted by the Subarea I Subarea Plan, was accounted for in the 1998 EIR, which analyzed the impacts of the 5,400 dwelling units of the Subarea I Subarea Plan in the context of the designated land uses and residential density categories described in the Subarea I Subarea Plan. In other words, the transfer of units to the North Village Town Center is within the development cap and the designated land uses or densities specified in the Subarea I Subarea

F-3

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F-2 cont.

with these transfers. The City cites to no prior environmental analysis that discusses the impacts associated with these transfers.

CEQA requires consideration of "[a]ll phases of project planning, implementation, and operation." CEQA Guidelines § 15063(a)(1). It defines a project to be "the <u>whole</u> of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment." CEQA Guidelines § 15378(a) (emphasis added). The City is not free to "segment" the project into smaller, insignificant pieces: "Environmental considerations do not become submerged by chopping a large project into many little ones – which cumulatively may have disastrous consequences." *Bozung v. LAFCO* (1975) 13 Cal.3d 263, 283 – 84.

F-3 II. The DEIR Fails to Adequately Analyze Project Impacts

The DEIR's discussion of noise impacts is insufficient. The DEIR illegally defers analysis of blasting noise impacts, relying upon the future development of a blasting management plan. DEIR at 5.6-8. "Numerous cases illustrate that reliance on tentative plans for future mitigation after completion of the CEQA process significantly undermines CEQA's goals of full disclosure and informed decisionmaking; and consequently, these mitigation plans have been overturned on judicial review as constituting improper deferral of environmental assessment." *Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70, 92 (citations omitted).

Additionally, the DEIR fails to adequately analyze the potential noise impacts from construction and blasting to nearby sensitive animal species, despite acknowledging the proximity of MHPA lands. DEIR at 5.6-8.

F-4 The DEIR's discussion of biological resource impacts is insufficient. The Project would involve the removal of over 16 acres of Tier II CSS habitat, with preservation of less than 7 acres of Tier II CSS habitat and less than 7 acres of Tier IIIB NNG habitat. DEIR at 5.1-10. This is inconsistent with the City's position that requires greater protection of the higher quality Tier II habitat.

F-5 III. The DEIR Improperly Attempts to Rely on Prior Analysis

The DEIR claims the 1998 EIR addressed several environmental impacts associated with the Project. CEQA Section 21166 provides:

When an environmental impact report has been prepared for a project pursuant to this division, no subsequent or supplemental impact report shall be required by the lead agency or by any responsible agency, unless one or more of the following events occurs:

(a) Substantial changes are proposed in the project which will require major revisions of the environmental impact report. cont. Plan that have already been analyzed in the 1998 Program EIR and do not require supplemental analysis.

In response to this comment, Section 5.6.3.1 of the EIR has been revised to clarify the impact and mitigation required. Blasting and construction noise impacts are disclosed in Section 5.6.3.1 of the EIR. Mitigation for potential impacts to sensitive species within the MHPA is recommended in conjunction with the disclosed impacts and is detailed in the EIR, Section 5.1. Likewise, mitigation in the form of a blasting management plan is required in NOS-1.

The blasting management plan is not a subsequent or deferral of analysis; the plan is required prior to the issuance of the first grading plan and the plan would ensure that appropriate blasting parameters are complied with, thereby, precluding the significant vibration impacts identified in the EIR. The blasting management plan shall be prepared by a San Diego County Sheriff-approved blasting contractor, with an estimate of noise and vibration levels at each residence within 1,000 feet of each blasting location and demonstrate how these levels will not exceed 2.0 PPV at the nearest residential structure. Where there could be a potential exceedance of 2.0 PPV[in/sec], the plan shall identify mitigation measures shown to be effective in reducing noise and vibration levels (e.g., alternative equipment or alternative construction procedures), that will be implemented to comply with the OSM standard. The blasting contractor will also be required to monitor compliance and provide notification procedures to ensure steps are taken to keep vibration levels to below allowable limits.

- F-4 The Biological Technical Report prepared for the project has been reviewed and approved by the City of San Diego Development Services Department. The mitigation has found to be in conformance with all applicable City guidelines and regulations.
- F-5 An assessment was made with respect to each subject area of the 1998 EIR to determine if there were any substantial changes in circumstances or whether new information was available that would trigger a need for supplemental review (CEQA Guidelines Section 15162). It was determined that with respect to Traffic/Circulation, and Air Quality the 1998 Program EIR for the Subarea I Subarea Plan did not require supplemental analysis and was not addressed further in the project EIR.

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F-5 cont.

F-8

(b) Substantial changes occur with respect to the circumstances under which the project is being undertaken which will require revisions in the environmental impact report.

(c) New information, which was not known and could not have been known at the time the environmental impact report was certified as complete, becomes available.

Pub. Res. Code § 21166.

The EIR's discussion of traffic and air quality impacts is insufficient. Previously Ms. DeBevoise visited City offices and obtained a copy of a February 26, 2014 Traffic Impact Analysis prepared by Linscott, Law & Greenspan. A copy of a portion of the report is enclosed. It demonstrates that the Project will contribute to significant cumulative impacts at two intersections.

Furthermore, the DEIR claims that the Project will not generate additional impacts beyond those analyzed in the 1998 EIR. DEIR at 9-2. However, the Subarea Plan has been extensively changed since the 1998 approvals. Furthermore, conditions have substantially changed in the project vicinity. And not all of the mitigation required by the 1998 approvals has occurred in the manner required by the 1998 approvals. The 1998 EIR required a series of traffic mitigation measures. But those measures were subsequently amended. *Cf.* 1998 Black Mountain Ranch EIR *with* Black Mountain Ranch Public Facilities Financing Plan and Facilities Benefit Assessment, Fiscal Year 2015.

F-6 The DEIR also fails to analyze the air quality impacts associated with these traffic trips. DEIR at 9-5.

F-7 The EIR's discussion of greenhouse gas emissions impacts is insufficient. The DEIR claims it need not address such emissions because "climate change and GHG do not constitute 'new information." DEIR at 1-5. But this argument is insufficient. As noted, the Project will lead to additional traffic impacts, which will also lead to additional greenhouse gas emissions.

Furthermore, Ms. DeBevoise visited City offices and obtained a copy of a February 26, 2014 Greenhouse Gas Analysis prepared by Urban Crossroads. A copy of a portion of the report is enclosed. It demonstrates that greenhouse gas emissions must be analyzed for the Project.

The failure of the City to include either the February 2014 traffic analysis or the February 2014 greenhouse gas analysis raises serious questions about whether the City's approach to the Project has been taken in good faith. "The EIR is intended to furnish both the road map and the environmental price tag for a project, so that the decision maker and the public both know, before the journey begins, just where the journey will lead, and how much they – and the environment – will have to give up in order to take

cont. As disclosed in Section 9.2 of the of the Draft EIR, the project is consistent with the 1998 Program EIR for the Subarea Plan, in that it does not exceed the number of units identified by the Subarea Plan for the subject parcels within the southeast perimeter properties. The 1998 EIR included a traffic and circulation analysis for buildout of the entire Subarea Plan.

The 1998 EIR identified numerous significant direct and cumulative impacts to the surrounding roadway network in conjunction with buildout of the Subarea Plan and the former North City Future Urbanizing Area (NCFUA), which was later adopted as part of the City's General Plan. The NCFUA comprised about 12,000 acres stretching from I-5 on the west to the Rancho Peñasquitos community on the east and from Los Peñasquitos Canyon at the southernmost edge to the Santa Fe Valley to the north. Therefore the analysis within the 1998 EIR is still relevant for regional cumulative issues such as with respect to traffic and circulation issues.

Mitigation for buildout of the Subarea I Subarea Plan resulted in the development of a Transportation Phasing Plan, which requires facilities be in place based on the total number of Equivalent Dwelling Units (1 Equivalent Dwelling Unit = 1 single-family dwelling or 10 Average Daily Traffic) constructed within the Subarea. The Transportation Phasing Plan is funded through payment of Public Facilities Financing Plan (PFFP) fees at the time of building permit issuance.

The project would be subject to conditions of approval consistent with the Mitigation Monitoring and Report Program (MMRP) for the 1998 EIR. Specifically, prior to the issuance of any building permit, the project would be required to be in conformance with the Black Mountain Ranch Transportation Phasing Plan. Payment of PFFP fees would ensure implementation of the phasing plan. The project would not result in any new significant or substantially increased adverse impacts beyond those previously identified in the EIR.

The 1998 FEIR specifically allowed for revisions in the phasing of the Project's traffic. For example Section 4(B) of the 1998 FEIR on page 122 states that "the improvements and phasing may be modified and different mitigation measures or phasing may be substituted to the satisfaction of the City Engineer, so long as the mitigation measures to be implemented

F-5	

cont. are determined to meet or exceed the level of mitigation provided for in this traffic analysis." Similarly, the Traffic Circulation mitigation measures in the 1998 FEIR, as discussed on page 171 of that document, recognize that different traffic phasing may be substituted in the future, to the satisfaction of the City Engineer. These same provisions are set forth in the approved Development Agreement as well.

F-6 Operational Air Quality impacts associated with buildout of the Subarea Plan were adequately addressed in the 1998 Program EIR. The project is consistent with the designated land use and density assumptions for the Southeast Perimeter properties (Parcels A and B); therefore, no additional analysis is required relative to operational air quality impacts.

F-7 The courts have consistently held that climate change and greenhouse gas (GHG) do not constitute "new information" that require preparation of a supplemental or subsequent EIR under the circumstances. (Citizens Against Airport Pollution v. City of San Jose (2014) 227 Cal.App.4th 788, 806-808; Citizens for Responsible Equitable Environmental Development v. City of San Diego (2011) 196 Cal.App.4th 515, 532.) In Citizens for Responsible Equitable Environmental Development, the court held that the effects of GHG on climate change were known or could have been discovered with the exercise of reasonable diligence when an EIR was certified in the early 1990s and therefore the effects of GHG did not have to be disclosed as "new information" in a supplemental or subsequent EIR. As explained by the court, after a project has been subjected to environmental review, the statutory presumption flips in favor of the developer and against further review. (Id at p. 532.) In other words, the City's determination as to whether new information or substantial changes have occurred with respect to CEQA Guidelines 15162, is subject to the more deferential- substantial evidence standard (CEQA Guidelines §150649 (e)(7)).

The potential environmental impact of GHG emissions has been known since the 1970's and therefore do not constitute "new information." In 1978 Congress enacted the National Climate Program Act, 92 Stat. 601, which required the President to establish a program to assist to understand and respond to natural and man-induced climate processes and their implications. In addition, the United Nations Framework Convention on Climate Change was established in 1992. In 1997, the United States adopted an international treaty among industrialized nations that sets mandatory

cont. limits on greenhouse gas emissions, known as the Kyoto Protocol.

Clearly, information about the potential environmental impact of GHG emissions was known or could have been known with the exercise of reasonable diligence at the time the 1998 EIR was certified and therefore, does not constitute "new information."

Nor has there been a substantial change in circumstances under which the project is undertaken that requires major revisions to the 1998 EIR. Circumstances relating to GHG emissions have not changed substantially since 1998. As described above, before the 1998 EIR was certified, it was already understood that there would be projected increases in GHG emissions and associated climate change risks. Moreover, the projected pace of increased GHG emissions in California has actually slowed since 1990 due to the state's adoption of AB 32, the California Global Warming Solutions Act, and related regulatory efforts to reduce GHG emissions statewide. In fact, according to California Air Resources Board (CARB), a recent inventory of GHG emissions in the state reflects a decrease in GHG emissions over the past decade. (First Update to the Climate Change Scoping Plan dated May 2014, p. 90.) Therefore, GHG does not represent a substantial change in circumstances.

Finally, the comment incorrectly states that the Project will lead to additional traffic impacts, which will also lead to additional greenhouse gas emissions. As disclosed in the Draft EIR, the 1998 EIR identified numerous significant direct and cumulative impacts to the surrounding roadway network in conjunction with buildout of the Subarea Plan. The project is consistent with the designated land use and density assumptions for the Southeast Perimeter properties (Parcels A and B); therefore, the project would not result in any new significant or substantially increased adverse impacts beyond those previously identified in the 1998 EIR. The project would be subject to conditions of approval consistent with the MMRP for the 1998 EIR.

F-8 As detailed in the Chapter 1.0 of the SEIR, the City determined that a SEIR would be required to update the certified 1998 Subarea Plan EIR after the project's initial review was completed and the comments received in response to the Notice of Preparation (NOP) were considered. The technical reports referenced in the comment were prepared prior to the

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F-8 that journey." Natural Resources Defense Council v. City of Los Angeles (2002) 103 Cal. App. 4th 268, 271. The City's failure to even disclose the existence of these reports raises serious questions about whether the City has provided a "reasoned and good faith effort to inform decision makers and the public." Berkeley Keep Jets Over the Bay Comm. v. Board of Port Commissioners (2001) 91 Cal.App.4th 1344, 1367.

The DEIR's discussion of water supply impacts is insufficient. There is an F-9 inadequate showing of water supply for the Project. The California Supreme Court recently identified three "principles for analytical adequacy under CEQA": (1) "CEQA's informational purposes are not satisfied by an EIR that simply ignores or assumes a solution to a problem of supplying water to a proposed land use project"; (2) "an adequate environmental impact analysis for a large project, to be built and occupied over a number of years, cannot be limited to the water supply for the first stage or the first few years"; and (3) "the future water supplies identified and analyzed must bear a likelihood of actually proving available An EIR for a land use project must address the impacts of likely future water sources, and the EIR's discussion must include a reasoned analysis of the circumstances affecting the likelihood of the water's availability." Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova (2007) 40 Cal.4th 412, 430 - 32 (emphasis in original) (citations omitted). The DEIR fails to comply with these mandates. The DEIR mentions the availability of water infrastructure, but there is inadequate discussion of drought or possible shortages F-10 of future water supplies for the Project and the area. DEIR at 9-11-9-12.

The DEIR claims that water and sewer lines would be "extended to the south to the adjacent property." DEIR at 3-27. It also asserts that "internal public streets would be extended south the adjacent property." *Id.* at 3-33. But there is no specific information provided regarding these extensions or how they might lead to future impacts. For example, if the roadway elevation required for the DeBevoise property requires substantial increases in height, what effect that might have on the need for additional fill, extensions of slopes, aesthetic impacts, or other issues are not discussed.

- F-11 The DEIR also fails to discuss how secondary fire access might be achieved to the DeBevoise property.
- F-12 Likewise, the DEIR fails to consider how the Project might prohibit the development of the DeBevoise property in such a manner that it would impede the City's ability to comply with its Housing Element and other land use plans for the subarea. *See* CEQA Guidelines § 15125(d) (requiring EIR to "discuss any inconsistencies between the proposed project and applicable general plans...").

F-13 IV. The DEIR Fails to Provide an Adequate Alternatives Analysis

CEQA requires that an EIR "produce information sufficient to permit a reasonable choice of alternatives so far as environmental aspects are concerned." San Bernardino Valley Audubon Society v. County of San Bernardino (1984) 155 Cal.App.3d

cont. determination that a supplemental CEQA document (SEIR) was required for the project. Because the reports were initiated and submitted to the City prior to the completion of scoping for the Heritage Bluffs II project, they therefore, do not reflect the tiered approach to the analysis. Furthermore, the traffic report was never required, requested or reviewed and approved by the City.

As detailed in Section 9.2 of the SEIR, the 1998 EIR included a traffic and circulation analysis for buildout of the entire Subarea Plan. The project is consistent with the designated land use and density assumptions for the Southeast Perimeter properties (Parcels A and B); therefore, no additional analysis is required relative to traffic and circulation. The 1998 EIR identified numerous significant direct and cumulative impacts to the surrounding roadway network in conjunction with buildout of the Subarea Plan. Consistent with these conclusions, the Heritage Bluffs project would be required to comply with the MMRP for the 1998 EIR. Specifically, prior to the issuance of any building permit, the project would be required to be in conformance with the Black Mountain Ranch Transportation Phasing Plan. Payment of PFFP fees would ensure implementation of the phasing plan. The project would not result in any new significant or substantially increased adverse impacts beyond those previously identified in the EIR.

As disclosed in Chapter 1.0 of the EIR, greenhouse gas (GHG) emissions were not addressed in the 1998 EIR. The issue of GHG is not addressed in this SEIR, as the courts have established that climate change and GHG emissions do not constitute "new information" because the effects of GHG emissions on climate change were known when the EIR was certified in 1998 and therefore do not have to be addressed as "new information" in a SEIR (Citizens Against Airport Pollution v. City of San Jose (2014) 227 Cal.App.4th 788, 806-808).

F-9 Water supply is discussed in Section 9.10 of the Draft EIR. The project is consistent with the designated land use and density assumptions for the Southeast Perimeter properties (Parcels A and B). Water purveyors consider general plans (i.e., community/subarea plan buildout) in water supply planning efforts. Urban Water Management Plan (UWMPs) are required to be updated every five years. The UWMP for the district provides estimates of the water supply and water demand during normal, single-dry, and multiple-dry years. The UWMP shows adequate supplies from both

cont. providers to support buildout under the City's adopted General Plan, which would include buildout of the project. Furthermore, a Water Supply Assessment and Water Supply Verification Report were prepared for the 2009 Subarea Plan Amendment project by the City Water Department (November 2008) in compliance with the requirements of Senate Bill 610 and Senate Bill 221. The water reports identified that the water demand projections for the amendment project were included in the water demand forecasts within the UWMP and other water resource planning documents of the Water Department, the San Diego County Water Authority, and Metropolitan Water District. Water supplies necessary to serve existing demands, projected demands of the Subarea Plan Amendment project, and future water demands within the Water Department's service area, as well as the actions necessary to develop these supplies, have been identified in the water supply planning documents of the Water Department, the San Diego County Water Authority, and the Metropolitan Water District.

The project would implement all water conservation measures identified in the MMRP for the 1998 EIR. Therefore, impacts associated with water supply services would be consistent with the analysis in the 1998 EIR. The project would not result in any new significant or substantially increased adverse impacts beyond those previously identified in the EIR.

- F-10 All impacts associated with features of the project both on- and off-site, as reflected on the vesting tentative map are evaluated in the Draft EIR. Consideration of what development would occur on adjacent parcels in the future would be speculative and is not part of the "project" as defined by CEQA guidelines Section 15378: a "Project" means the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. An activity involving the issuance to a person of a lease, permit, license, certificate, or other entitlement for use by one or more public agencies."
- F-11 The City of San Diego requires that the project demonstrate adequate emergency access for future residents of the project. There is no requirement that the project demonstrate adequate emergency access for adjacent parcels, on which no development is proposed.

The project is consistent with the designated land use, density assumptions, F-12 and conceptual footprint identified for the Southeast Perimeter properties (Parcels A and B) within the Subarea I Subarea Plan that was analyzed under the 1998 EIR. The 1998 EIR previously analyzed whether any conflicts or inconsistencies with the Subarea I Subarea Plan with other applicable plans (e.g. the General Plan) would result in a significant physical impact. The land use analysis in 1998 EIR concluded that the Subarea Plan would be consistent with other adopted plans, and no significant impacts would occur. The comment does not provide adequate explanation of how the project could preclude development on adjacent parcels; no further response can be provided. In any event, the project includes the construction of public road access, water and sewer infrastructure to the adjacent property line to the south, thereby facilitating future development of the adjacent parcels. F-13 The commenter does not provide any assertion as to how and why the project fails to provide an adequate alternatives analysis. CEQA mandates that the alternatives analysis address the significant unmitigated impacts of the project. The thread-leaved Brodiaea Avoidance Alternative would alleviate the significant unmitigated project impacts to Brodiaea filifolia and incrementally reduce other impacts of the project as well. The No Project Alternative has been analyzed as required by the CEQA Guidelines.

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- F-13 738, 750 51. "[T]he discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly." CEQA Guidelines § 15126.6(b). The DEIR fails to provide such an analysis.
- F-14 CEQA contains a "substantive mandate" that agencies refrain from approving a project with significant environmental effects if "there are feasible alternatives or mitigation measures" that can substantially lessen or avoid those effects. *Mountain Lion Foundation v. Fish and Game Comm.* (1997) 16 Cal.4th 105, 134; Pub. Res. Code § 21002. It "requires public agencies to deny approval of a project with significant adverse effects when feasible alternatives or feasible mitigation measures can substantially lessen such effects." *Sierra Club v. Gilroy* (1990) 222 Cal.App.3d 30, 41. Here, the DEIR fails to adopt feasible mitigation and alternatives that can lessen or avoid the significant Project impacts. *City of Marina v. Board of Trustees of the California State Univ.* (2006) 2006 39 Cal.4th 341, 360; *see also* CEQA Guidelines § 15126.6(b). Furthermore, the Project and its objectives are defined too narrowly, thereby resulting in a narrowing of the consideration of alternatives to the Project. *City of Santee v. County of San Diego* (1989) 214 Cal.App.3d 1438, 1455.

V. Conclusion

F-15

The EIR is sufficiently lacking that the only way to fix these issues is to revise it and recirculate an adequate report.

Thank you for your consideration of the above comments. If you have a question or need additional information, please contact me.



Enclosures: portions of the following:

- 1. Traffic Impact Analysis, Heritage Bluffs II (2/26/14)
- 2. Greenhouse Gas Analysis, Heritage Bluffs II (2/26/14)
- 3. Black Mountain Ranch EIR (1998)
- 4. Black Mountain Ranch Public Facilities Financing Plan, Fiscal Year 2015

F-14 The Draft EIR includes both feasible mitigation measures and alternatives to reduce and/or avoid significant impacts of the project. The draft EIR identified only three new impacts requiring additional mitigation, beyond what was previously identified in the 1998 EIR. Mitigation measures for cultural resources and noise would reduce impacts to below a level of significance. Biological mitigation also would reduce impacts to below a level of significance for all issues – except thread-leaved Brodiaea. The thread-leaved Brodiaea Avoidance Alternative would reduce impacts to this species. All previous mitigation identified in the 1998 EIR and applicable to the project would be applied, including payment of PFFP fees.

The project is consistent with the development parameters identified in the 1998 Subarea Plan and PEIR; therefore, the project objectives are constrained by the adopted Plan.

F-15 No new significant impacts have been identified as a result of public review, and therefore, no cause for recirculation exists.

Final Supplemental Environmental Impact Report for the Heritage Bluffs II Project, San Diego, California Project No. 319435 SCH No. 1997111070

August 2016

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LIST OF ABBREVIATED TERMS

ADD	Assistant Deputy Director
Agencies	Wildlife agencies
AME	Archaeological Monitoring Exhibit
APCD	Air Pollution Control District
BAU	Business as Usual
BCME	Biological Construction Mitigation/Monitoring Exhibit
BI	Building Inspector
BLA	Boundary Line Adjustment
BMP	Best Management Practices
BMZ	Brush Management Zone
CAA	Clean Air Act
CAAQA	California Ambient Air Quality Standards
CalEEMod	California Emissions Estimator Model
CARB	California Air Resources Board
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
City	City of San Diego
CM	Construction Manager
CNEL	Community Noise Equivalent Level
СО	Carbon monoxide
COE	covenant of easement
CRHR	California Register of Historic Resources
CSVR	Consultant Site Visit Record
CWA	Clean Water Act
dB	Decibel
dB(A) L _{ea}	A-weighted average sound level
DSD	Development Services Department
EAS	Environmental Analysis Section
EIR	Environmental Impact Report
EPA	Environmental Protection Agency
ESA	Endangered Species Act
ESL	Environmentally Sensitive Lands
FEIR	Final Environmental Impact Report
FHWA	Federal Highway Administration
GHG	Greenhouse gas
HAZWOPER	Hazardous Waste Operations and Emergency Response
HBP	Heritage Brodiaea Preserve
HCP	Habitat Conservation Plan
HMP	Habitat Management Plan
HOA	Homeowners Association
HRG	Historical Resources Guidelines
HRR	Historical Resources Regulations
Hz	Hertz
IS/MND	Initial Study/Mitigated Negative Declaration
ITP	Incidental Take Permit
LAFCO	Local Area Formation Commission
LDC	Land Development Code
L _{eq}	Average-equivalent sound level
m	meter

MBTA	Migratory Bird Treaty Act
MHPA	Multi-Habitat Planning Area
MLD	Most Likely Descendent
MMC	Mitigation Monitoring Coordinator
MMRP	Mitigation Monitoring and Reporting Program
MSCP	Multiple Species Conservation Program
MTCO ₂ E	Metric ton carbon dioxide equivalent
NAAQS	National Ambient Air Quality Standards
NAHC	Native American Heritage Commission
NCCP	Natural Community Conservation Planning
NCFUA	North City Future Urbanizing Area
NO _x	Oxides of nitrogen
NO ₂	Nitrogen dioxide
NOP	Notice of Preparation
NPDES	National Pollutant Discharge Elimination System
O ₃	Ozone
OMWD	Olivenhain Municipal Water District
OSM	Office of Surface Mining Reclamation and Enforcement
PAR	Project Analysis Record
PDP	Planned Development Permit
PFFP	Public Facilities Financing Plan
PI	Principal Investigator
PM _{2.5}	Particulate matter less than 2.5 microns in diameter
PM ₁₀	Particulate matter less than 10 microns in diameter
PPV	peak particle velocity
PRC	Public Resources Code
PRD	Planned Residential Development
RAQS	Regional Air Quality Strategy
RCNM	Roadway Construction Noise Model
RE	Resident Engineer
ROG	Reactive organic gases
RPO	Resource Protection Ordinance
RWQCB	Regional Water Quality Control Board
SANDAG	San Diego Association of Governments
SDAB	San Diego Air Basin
SDAPCD	San Diego County Air Pollution Control District
SDFD	San Diego Fire Department
SDP	Site Development Permit
SDPD	San Diego Police Department
SEIR	Supplemental Environmental Impact Report
SIP	State Implementation Plan
SO _x	Oxides of sulfur
SO ₂	Sulfur dioxide
USACE	U.S. Army Corps of Engineers
USEWS	U.S. Fish and Wildlife Service
VOC	Volatile organic compounds
VIM	Vesting Lentative Map
WMP	Waste Management Plan
WQTR	Water Quality Technical Report

S.0 Executive Summary

S.1 Project Synopsis

This summary provides a brief synopsis of: (1) the proposed Heritage Bluffs II project, (2) the results of the environmental analysis contained within this Supplemental Environmental Impact Report (SEIR), (3) the alternatives to the project that were considered, and (4) the major areas of controversy and issues to be resolved by decision makers. This summary does not contain the extensive background and analysis found in the document. Therefore, the reader should review the entire document to fully understand the project and its environmental consequences.

S.1.1 Project Location and Setting

The undeveloped 169.85-acre project site lies south of Bernardo Center Drive/Carmel Valley Road and west of Interstate 15 in Black Mountain Ranch Subarea in the northern portion of the City of San Diego. The project site lies approximately seven miles inland from the Pacific Ocean.

The project site includes the northern slopes of Black Mountain and a series of small drainages surrounding a gently sloping, disturbed field. The project site is situated in a developing area, which includes primarily residential development and open space. Single-family residential neighborhoods lie north and east of the project site and open space lies to the west and south. Undeveloped land lies to the west and south. A series of dirt roads and trails traverse portions of the site. Native upland and wetland vegetation occurs on-site. Black Mountain Open Space Park lies south of the project site.

S.1.2 Project Description

In July of 1998, the City of San Diego adopted the Black Mountain Ranch (Subarea I) Subarea Plan in the former North City Future Urbanizing Area and certified the Final Environmental Impact Report (Land Development Review No. 96-7902, SCH No. 97111070). The Subarea Plan identified several perimeter properties, which were originally held by 11 different ownerships. The project site is within the area referred to as the "Southeast Perimeter" properties by the Subarea Plan. Because no specific project design was known or proposed at the time the 1998 Subarea Plan Environmental Impact Report (EIR) was certified, the analysis of certain impacts for the site was done at a "program level," with an acknowledgement that future site-specific analysis would be required for areas outside of the Black Mountain Ranch Vesting Tentative Map II project area.

For the project, the following discretionary actions would be considered by the San Diego City Council and are further described below:

- Vesting Tentative Map
- Rezone
- Planned Development Permit
- Site Development Permit
- Open Space Easement Vacation
- Multi-Habitat Planning Area Boundary Line Adjustment

In addition, the Local Area Formation Commission would be required to approve the annexation of the project site into the Olivenhain Municipal Water District for sewer service.

A Vesting Tentative Map is required for the project to subdivide the property into 171 singlefamily lots, three open space lots, and 14 lots maintained by the Homeowners Association, including two pocket parks-and one 1-acre mini-park site. Under the project, the site would be rezoned to RX-1-1 (Residential Small Lot, minimum 4,000-square-foot lots) and RS-1-14 (Residential Single Unit, minimum 5,000-square-foot lots). The project includes a Planned Development Permit for deviations to front yard setback requirements for the RX-1-1 and RS-1-14 zones. Due to impacts to Environmentally Sensitive Lands (ESL; i.e., steep slopes and sensitive biological resources) a Site Development Permit is required for the project. The project also proposes a Multi-Habitat Planning Area (MHPA) boundary line adjustment to preserve thread-leaved brodiaea, avoid impacts to the majority of the non-wetland drainages, maintain a 100-foot-wide setback from the blueline stream, and avoid impacts to the mulefat scrub and freshwater habitats currently outside the MHPA boundary. These features of the project are discussed in greater detail in the Chapter 3.0 of the SEIR.

S.1.3 Project Objectives

In accordance with California Environmental Quality Act (CEQA) Guidelines Section 15124, the following specific goals and objectives support the purpose of the project, assist the Lead Agency in developing a reasonable range of alternatives to be evaluated in this EIR, and ultimately aid decision makers in preparing findings and overriding considerations, if necessary.

- 1. Provide residential development that is consistent with the location and the goals and objectives of the adopted Black Mountain Ranch Subarea Plan.
- 2. Preserve thread-leaved brodiaea within a dedicated preserve, endowed for the ongoing management and maintenance.
- 3. Provide new residential development, which is consistent with existing residential development patterns in the surrounding area.
- 4. Implement "smart growth" principles of development through the provision of new residences within a complete master planned community.

- 5. Implement sustainable development principles through the provision of a community of new residences with many energy-efficient features.
- 6. Provide infrastructure improvements and street improvements consistent with the Subarea Plan and to Parcel C (of the Southeast Perimeter Properties) off-site.

S.2 Summary of Significant Effects and Mitigation Measures that Reduce or Avoid the Significant Effects

Tables S-1 and S-2 at the end of this chapter summarize the significant impacts identified through either the new or previous environmental analysis completed for the project. Table S-1 identifies the new project mitigation measures and Table S-2 identifies the previous mitigation measures from the 1998 EIR that would reduce and/or avoid the environmental effects as feasible, with a conclusion as to whether the impact would be mitigated to below a level of significance. The mitigation measures listed in Table S-1 are also discussed within the relevant topical area in Chapter 5, and both new and previous mitigation measures are included in the Mitigation Monitoring and Reporting Program within Section 11.0 of this SEIR. Further discussion of potential and anticipated environmental impacts is detailed in Chapter 5.0.

S.3 Areas of Controversy

A Notice of Preparation (NOP) was distributed on February 11, 2015, for a 30-day public review and comment period. Public comments were received on the NOP. No controversy exists related to environmental issues. The NOP and comments received in response to the NOP are included in Appendix A.

S.4 Issues to be Resolved by the Decision-Making Body

The issues to be resolved by the decision-making body (in this case the City of San Diego City Council) are whether: (1) the significant impacts associated with the environmental issues of biological resources, cultural resources, and construction noise would be fully mitigated to below a level of significance; (2) to approve any of the alternatives instead of the project; and (3) to make the findings and adopt a Statement of Overriding Considerations for significant unavoidable impacts to sensitive plants (thread-leaved brodiaea) and visual quality/landform alteration.

S.5 **Project Alternatives**

To fully evaluate the environmental effects of the project, CEQA mandates that alternatives to the project be analyzed. Section 15126.6 of the CEQA Guidelines requires the discussion of "a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project" and the evaluation of the comparative merits of the alternatives. The alternatives discussion is intended to "focus on alternatives to the project," even if these alternatives would impede to some degree the attainment of the project objectives. Alternatives may be rejected based on failure to meet most of the basic project objectives or inability to avoid significant environmental effects.

The EIR addresses one alternative in addition to the "no project" alternative, required under CEQA. Alternatives to the project are evaluated in full detail in Chapter 10 of this document.

S.5.1 No Project (No Development) Alternative

The **No Project (No Development) Alternative** would maintain the project site in its current condition and would be generally equivalent to the existing environmental setting.

The No Project (No Development) Alternative would eliminate all of the project's impacts, as no new development would occur. However, the No Project Alternative would not provide any of the project's benefits, including: residential development and affordable housing consistent with the adopted Subarea Plan; restoration of disturbed native perennial grassland habitat; creation of new native perennial grassland habitat; creation of a threadleaved brodiaea preserve and re-routing of the existing social trail away from sensitive thread-leaved brodiaea habitat; and other infrastructure improvements, including planned transportation improvements within the Subarea, which are funded through the payment of Public Facilities Financing Plan (PFFP) fees. These benefits would be foregone under this alternative. Further, while adoption of the No Project (No Development) Alternative would maintain the existing condition of the site and avoid several of the project's significant impacts, none of the project objectives would be attained.

S.5.2 Thread-leaved Brodiaea Avoidance Alternative

The Thread-leaved Brodiaea Avoidance Alternative would reduce impacts to sensitive biological resources, specifically reducing impacts to thread-leaved brodiaea by reducing the grading footprint. The Brodiaea Avoidance Alternative would reconfigure the project footprint to avoid approximately 99 percent of the brodiaea population (on- and off-site). The same lots proposed for preservation on-site under the project would be dedicated to the MHPA under this alternative; however, the Heritage Brodiaea Preserve (HBP) would not be created and endowed for on-going management and preservation of the area. Public

Street J would shift slightly to the northeast under this alternative to reduce impacts to thread-leaved brodiaea. This alternative would replace the single-family residential in the northeastern portion of the project footprint with attached single-family units, thus retaining a total of 171 units on-site. Because of the smaller grading footprint associated with this alternative, the amount of fill needed would be reduced from what is required under the project. Therefore, approximately 100,000 cubic yards of export would be required.

The Thread-leaved Brodiaea Avoidance Alternative would provide fewer of the project's benefits, including the HBP, which, under the project, would be endowed and managed for the on-going preservation of the thread-leaved brodiaea population and maintenance of native grassland habitat. This alternative would also include reduced payment of PFFP fees, which fund planned transportation improvements and other public facilities within the Subarea due to the fact that fees would be based on multi-family units rather than single-family units. While adoption of the Thread-leaved Brodiaea Avoidance Alternative would reduce several of the project's significant impacts, the project's objectives would not be fulfilled to the same extent as under the project.

S.5.3 Environmentally Superior Alternative

The Thread-leaved Brodiaea Avoidance Alternative would be considered the environmentally superior alternative, since it would avoid 99 percent of the project's mitigated impacts to thread-leaved brodiaea and incrementally reduce all of the project's significant impacts (sensitive biological resources, cultural resources, landform alteration, and construction noise) due to its smaller grading footprint. The Thread-leaved Brodiaea Avoidance Alternative would meet most of the project's objectives; however, it would it would not create a preserve for the thread-leaved brodiaea and its habitat, including endowment and management in perpetuity by a conservancy.

S.0 Executive Summary

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			New and/or Previous	
Environmental Issue	Results of Impact Analysis	Mitigation	Mitigation?	Impact Level After Mitigation
LAND USE				
Would the proposal conflict with the provisions of the City's	MHPA Adjacency	MHPA Adjacency	New	Less than significant
Environmental Issue LAND USE Would the proposal conflict with the provisions of the City's MSCP Subarea Plan or other approved local, regional, or state habitat conservation plan?	Results of Impact Analysis MHPA Adjacency Impacts associated with MHPA adjacency are potentially significant and would require mitigation.	 Mitigation MHPA Adjacency LU-1: Prior to issuance of any construction permit or notice to proceed, Development Services Department and/or Multiple Species Conservation Program (MSCP) staff shall verify the Applicant has accurately represented the project's design in or on the Construction Documents (CDs; CDs consist of Construction Plan Sets for Private Projects and Contract Specifications for "ublic Projects) in conformance with the associated discretionary permit conditions and Exhibit "A", and also the City's MSCP Multi-Habitat Planning Area (MHPA) Land Use Adjacency Guidelines. The Applicant shall provide an implementing plan and include references on/in CDs of the following: a. Grading/Land Development/MHPA Boundaries-MHPA boundaries on-site and adjacent properties shall be delineated on the CDs. Development Services Department (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. No grading would occur within the MHPA. The manufactured slopes for the project would be within the development footprint and would not encroach into the MHPA. All developed and paved areas must prevent the release of toxins, chemicals, petroleum products, and 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. Additional measures include the following: 1) Hydroseeding and landscaping of any cut/fill slopes disturbed or built during the construction phase of the project, with appropriate ground cover vegetation,	New and/or Previous Mitigation?	Impact Level After Mitigation Less than significant
		 And Catch basins to relate the face of fulfor from manufactured slopes shall be installed if grading occurs during the wet weather season, November 1 through April 1. 4) Fine particulates in geologic materials used to construct the surficial layers of manufactured slopes shall not be specified unless a suitable alternative is not available. 		
		<u>November 1 through April 1.</u> <u>4) Fine particulates in geologic materials used to construct the surficial layers of manufactured slopes shall not be specified unless a suitable alternative is not available.</u>		
		 5) Temporary sedimentation and desilting basins between graded areas and streams shall be provided during grading. Additional measures recommended by the soils study for thread-leaved brodiaea protection base base included in the prejection Tentative Mary. 		
		Provide a self-cleaning concrete drainage ditch along the toe of any adjacent graded slope descending into the area supporting thread-leaved brodiaea to avoid/minimize any additional runoff. Provide a "toe" drain to intercept subsurface water resulting from irrigation of graded slopes, to avoid/minimize any additional subsurface flow.		

Environmental Issue	Results of Impact Analysis	Mitigation	New and/or Previous	Impact Level After Mitigation
		 C. Toxics/Project Staging Areas/Equipment Storage-Projects that use chemicals or generate by-products such as pesticides, herbicides, and animal waste and other substances that are potentially toxic or impactive to native habitats/flora/fauna (including water) shall incorporate measures to reduce impacts caused by the application and/or drainage of such materials into the MHPA. No trash, oil, parking, or other construction/development-related material/activities shall be allowed outside any approved construction limits. Where applicable, this requirement shall be incorporated into leases on publicly owned property when applications for renewal occur. Provide a note in/on the CDs that states: "All construction related activity that may have potential for leakage or intrusion shall be monitored by the Qualified Biologist/Owner's Representative or Resident Engineer to ensure there is no impact to the MHPA." 	Witigation:	
		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 Land Development Code (LDC) Section 142.0740. <u>All night lighting from residential development adjoining the MHPA shall be set back, directed downward, and shielded from the MHPA in accordance with the MHPA Adjacency Guidelines. The intensity of exterior lighting shall be kept to a minimum (in accordance with accepted safety standards) to promote a rural character and limit impacts to wildlife within the preserve area.</u>		
I		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. <u>Standard construction practices such as orange construction fencing</u> along sensitive habitat and silt fencing along grading areas would be required that would avoid additional indirect impacts to the adjacent habitat. Use of any toxic materials would be restricted by City code.		
		g. Brush Management -New development adjacent to the MHPA shall be set back from the MHPA to provide required Brush Management Zone 1 area on the building pad outside the MHPA. Zone 2 may be located within the MHPA provided the Zone 2 management will be the responsibility of a Homeowners Association or other private entity except where narrow wildlife corridors require it to be located outside 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 to August 15 except where the City Assistant Deputy Director (ADD)/Mitigation Monitoring Coordinator (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.		
		Brush management is required within 100 feet of all habitable structures. Brush management consists of Zone 1 and Zone 2, which are shown on the Brush Management Plans (see Figures 3-13a and 3-13b). Both zones would be outside the MHPA. Vegetation clearing would be done consistent with City standards and would avoid/minimize impacts to covered species to the maximum extent possible.		

			New and/or Previous	
	Results of Impact Analysis	 Mitgation h. Noise-Due to the site's location adjacent to or within the MHPA where the Qualified Biologist has identified potential nesting habitat for listed avian species, construction noise that exceeds the maximum levels allowed shall be avoided during the breeding seasons for the following: California gnatcatcher (3/1-8/15). If construction is proposed during the breeding season for the species, U.S. Fish and Wildlife Service (USFWS) 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. Grading would be prohibited during the gnatcatcher breeding season (March 1 to August 15), unless it can be demonstrated that noise levels in the preserve can be reduced to below 60 dB Leq or existing ambient noise levels. This would require a noise study to first determine ambient levels. With this as a threshold (or using 60 dB if the ambient level is below 60 dB), the study will define measures that would reduce the noise levels within occupied habitat to below this threshold. Prior to construction, an additional survey should also determine if the raptor nest on-site is active and, if so, grading/grubbing should also determine if the master development footprint during raptor breeding season (December 1 to May 31) unless it can be demonstrated that noise levels in the preserve can be reduced to below 60 dB Leq or existing ambient noise levels. The City requires that development inside the MHPA must include various impact avoidance areas depending upon what nesting raptors may occur (e.g., 300 feet from any nesting site of Cooper's hawks, 900 feet from any nesting site of northern harriers, 4,000 feet from any nesting sites of golden eagles, or 300 feet from any occupied burrow of burrowing owls). In order to avoid impacts to	Mitigation?	Impact Level After Mitigation
BIOLOGICAL RESOURCES				
Would the proposal result in a substantial adverse impact on any Tier I, Tier II, Tier IIIA or Tier IIIB habitats as identified in the Biology Guidelines of the Land Development Code or other sensitive natural community identified in local or regional plans, policies, regulations or by the CDFW or USFWS?	a. Vegetation Communities The project would impact 50.15 acres of sensitive upland habitat consisting of native perennial grassland, coastal sage scrub, and non-native grassland. As described in Section 5.1, the project includes an MHPA boundary line adjustment. With the approved MHPA boundary line adjustment, all impacts would occur outside the MHPA. Impacts to sensitive habitats would be significant and require mitigation.	 Sensitive Uplands BIO-1: Prior to the issuance of a Notice to Proceed for a subdivision, or any construction permits, such as Demolition, Grading or Building, or beginning any construction-related activity, project upland impacts shall be mitigated in accordance with the City's LDC Biology Guidelines, as specified in Table 5.2-3, based on all impacts occurring outside the MHPA and all mitigation occurring within the MHPA per the MHPA boundary line adjustment. With approval of the MHPA boundary line adjustment, mitigation for the impacts to sensitive vegetation communities would be achieved through the on-site and off-site preservation of lands outside the development footprint. Mitigation land shall be dedicated to the City of San Diego as part of the MHPA, as described in BIO-3. BIO-2: Prior to issuance of any construction permit or notice to proceed, the final <i>Thread-leaved</i> 	New	Less than significant
		<i>Brodiaea Habitat Management Plan</i> shall be reviewed and approved by the City and wildlife agencies. The Habitat Management Plan (HMP) shall include the creation of 0.15 acre of native perennial grassland as shown on Figure 5.2- <u>43</u> and provide mechanisms for its monitoring and maintenance. The HMP shall also address the native grassland restoration, located within the Heritage Brodiaea Preserve (HBP), which shall be dedicated in fee to a conservancy (an agency, non-profit organization, or other entity approved by the wildlife agencies), as described in BIO-4 .		

Environmental Issue	Results of Impact Analysis	Mitigation
		BIO-3a: Prior to the issuance of any construction permits, the Owner/Permittee shall preserve Lots O and P (on-site) and off-site parcels (as indicated on Sheets 18 and 19 of the Vesting Tentative Map) to the City's MSCP preserve via a covenant of easement or temporary covenant of easement and an Irrevocable Offer of Dedication in fee title to the City.
		BIO-3b: A covenant of easement (COE) shall be placed over ungraded portions of HOA Zone 2 Brush Management Lots and conveyed to the City's MHPA preserve. Parcels, or portions thereof, subject to the COE shall include: on-site Lots A, F, G and J and off-site Parcels A and F.
Would the proposal result in substantial adverse impacts, either directly or through habitat modifications, to any species identified as a candidate, sensitive or special status species in the MSCP or other local or regional plans, policies or regulations, or by the CDFW or USFWS?	b. Sensitive Plants The project has potential to result in direct impacts to thread-leaved brodiaea. Direct impacts to thread-leaved brodiaea would be significant and require mitigation.	BIO-4a: Prior to the issuance of any construction permits, the Owner/Permittee shall dedicate the Heritage Brodiaea Preserve [Lot Q (on-site) and Parcels C and D (off-site)] as indicated on Sheet 19 of the Vesting Tentative Map to a conservancy in fee title. Said offer of fee-title shall be accepted by the Conservancy upon completion of the project grading and construction.
		BIO-4b: A covenant of easement (COE) shall be placed over portions of HOA Zone 2 Brush Management Lots and dedicated to the conservancy. Parcels, or portions thereof, subject to the COE shall include: on-site Lot Q and off-site Parcels C and D.
		BIO-5: Prior to issuance of any construction permit or notice to proceed, the <i>Thread-Leaved Brodiaea Habitat Management Plan for the Heritage Brodiaea Preserve, Heritage Bluffs II and East Clusters Project</i> (HMP) shall be reviewed and approved by the City and wildlife agencies. The purpose of the HMP is to identify specific requirements for the maintenance and monitoring, in perpetuity, of the thread-leaved brodiaea naturally occurring in the HBP, as shown on Figure 3-10. Pursuant to BIO-4a , the HBP shall be dedicated in fee to a conservancy. The HMP shall include following elements:
		 An administrative structure and funding mechanism based upon property analysis record (PAR) or equivalent, which defines responsible parties, designation of a Habitat Manager, easement dedication, and financial responsibilities.
		b. Habitat management criteria, including habitat manager responsibilities, long-term management objectives, prohibited activities, and adaptive management techniques.
		c. Preserve monitoring, including monitoring tasks and reporting requirements
		d. Creation of 0.15 acre of native perennial grassland as shown on Figure 5.2- <u>4</u> 3 and provide mechanisms for its success, monitoring, and maintenance. The HMP shall also address native grassland restoration (minimum of 0.30 acre) located within the HBP.
		BIO-6: Prior to issuance of any construction permit or notice to proceed, preconstruction thread- leaved brodiaea surveys shall be conducted to relocate all previous specimens identified in the 2015 survey report. The Applicant shall complete a translocation of all thread-leaved brodiaea located within the area of disturbance as indicated on final grading plans for the project. The translocation shall be completed in accordance with the protocols outlined in Attachment B, <i>Salvage and Translocation Protocols</i> , of the Final <i>Thread-Leaved Brodiaea Habitat Management Plan for the Heritage Brodiaea Preserve</i> (refer to BIO-2). Documentation regarding the translocation, and a memo summarizing the outcome shall be submitted to the City and the wildlife agencies.

New and/or Previous	
Mitigation?	Impact Level After Mitigation
New	Less than significant
New	Less than significant
New	Significant and unmitigated

			New and/or Previous	
Environmental Issue	Results of Impact Analysis	Mitigation	Mitigation?	Impact Level After Mitigation
	c. Sensitive Wildlife The project has potential to result in direct and indirect impacts to sensitive wildlife. Direct impacts to coastal California gnatcatcher habitat within the MHPA and nesting or migratory birds would be significant and require mitigation. Indirect impacts to coastal California gnatcatcher would also be considered significant and require mitigation.	The project impacts to occupied coastal California gnatcatcher habitat in the MHPA would be mitigated through habitat mitigation described in BIO-1 and BIO-3 .	New	Less than significant
		BIO-7: Biological Resource Protection During Construction		
		I. Prior to Construction		
		A. Biologist Verification—The owner/permittee shall provide a letter to the City's 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 (ESAs); and/or other local, state or federal requirements.		

			New and/or Previous	
Environmental Issue	Results of Impact Analysis	Mitigation	Mitigation?	Impact Level After Mitigation
		D. BCME—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.	New	Less than significant
		E. Avian Protection Requirements—To avoid any direct impacts to raptors and/or any native/migratory birds, removal of habitat that supports active nests in the proposed area of disturbance should occur outside the breeding season for these species (February 1 to September 15). If removal of habitat in the proposed area of disturbance must occur during the breeding season, the Qualified Biologist shall conduct a pre-construction survey to determine the presence or absence of nesting birds on the proposed area of disturbance. The pre-construction survey shall be conducted within 10 calendar days prior to the start of construction activities (including removal of vegetation). The Applicant shall submit the results of the pre-construction survey to City DSD for review and approval prior to initiating any construction activities. If nesting birds are detected, a letter report or mitigation plan in conformance with the City's Biology Guidelines and applicable state and federal law (i.e. appropriate follow-up surveys, monitoring schedules, construction and noise barriers/buffers, etc.) shall be prepared and include proposed measures to be implemented to ensure that take of birds or eggs or disturbance of breeding activities is avoided. The report or mitigation plan shall be submitted to the City's MMC Section and Biologist shall verify and approve that all measures identified in the report or mitigation plan are in place prior to and/or during construction.		
		F. Resource Delineation —Prior to construction activities, the Qualified Biologist shall supervise the placement of orange construction fencing or equivalent along the limits of disturbance adjacent to sensitive biological habitats and verify compliance with any other project conditions as shown on the BCME. This phase shall include flagging plant specimens and delimiting buffers to protect sensitive biological resources (e.g., habitats/flora 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 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.).		

Environmental Issue	Results of Impact Analysis	Mitigation	New and/or Previous Mitigation?	Impact Level After Mitigation
		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, 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.		
		BIO-8: To avoid direct and indirect impacts to nesting coastal California gnatcatcher, no grading should occur within or adjacent to occupied habitat in the MHPA during its breeding season of March 1 through August 15. If this is not feasible, protocol surveys for active nests should be conducted within the coastal sage scrub within the MHPA by a qualified biologist. Three surveys shall be conducted no less than one week apart. Surveys for coastal California gnatcatchers should be conducted pursuant to the recommended protocol survey guidelines as established by the USFWS (1997). Prior to the issuance of any grading permit, the City Manager (or appointed designee) shall verify that the MHPA boundaries and the following project requirements regarding the coastal California gnatcatcher are shown on the construction plans:		
		No clearing, grubbing, grading, or other construction activities shall occur between March 1 and August 15, the breeding season of coastal California gnatcatcher, until the following requirements have been met to the satisfaction of the City Manager:		
		1. A qualified biologist (possessing a valid Endangered Species Act Section 10(a)(1)(A) Recovery Permit) shall survey those habitat areas <u>within the MHPA</u> 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 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 coastal California gnatcatchers are present, then the following conditions must be met:		
		a. Between March 1 and August 15, no clearing, grubbing, or grading of occupied coastal California gnatcatcher habitat shall be permitted. Areas restricted from such activities shall be staked or fenced under the supervision of a qualified biologist; <u>and</u>		

			New and/or Previous	
Environmental Issue	Results of Impact Analysis	Mitigation	Mitigation?	Impact Level After Mitigation
Environmental Issue	Results of Impact Analysis	Mitigationb.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 coastal California 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 shall be staked or fenced under the supervision of a qualified biologist; orc.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	New	Impact Level After Mitigation Less than Significant
		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 inadequate by the qualified acoustician or biologist, then the associated construction activities shall cease until such time that adequate noise attenuation is achieved or until the end of the breeding season (August 16).		
		*Construction noise monitoring shall continue to be monitored at least twice weekly on varying days, or more frequently depending on the construction activity, to verify that noise levels at the edge of occupied habitat are maintained below 60 dB(A) hourly average or to the ambient noise level if it already exceeds 60 dB(A) hourly average. If not, other measures shall be implemented in consultation with the biologist and the 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 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.		
		2. 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 which demonstrates whether or not mitigation measures such as noise walls are necessary between March 1 and August 15 as follows:		
		a. If this evidence indicates the potential is high for coastal California gnatcatcher to be present based on historical records or site conditions, then condition 1.c shall be adhered to as specified above.		
		b. If this evidence concludes that no impacts to this species are anticipated, no mitigation measures would be necessary.		
Would the proposal result in a substantial adverse impact on wetlands (including, but not limited to, marsh, vernal pools, riparian areas, etc.) through direct removal, filling, hydrological interruption, or other means?	d. Jurisdictional Waters Impacts to jurisdictional waters would be significant and require mitigation.	BIO-9: Prior to the issuance of a Notice to Proceed for a subdivision, or any construction permits, such as Demolition, Grading, or Building, or beginning any construction-related activity on-site, notification to the U.S. Army Corps of Engineers (USACE) Section 404 Nationwide Permit Program, a Streambed Alteration Agreement from the California Department of Fish and Wildlife (CDFW), and a 401 Water Quality Certification from the Regional Water Quality Control Board (RWQCB) would be required. To reduce impacts to jurisdictional resources to less than significant, mitigation of 0.14 acre for impacts to USACE, CDFW, and RWOCB jurisdictional non-wetland	New	Less than significant

Environmental Issue	Results of Impact Analysis	Mitigation	New and/or Previous Mitigation?	Impact Level After Mitigation
CULTURAL/HISTORICAL RESOURCES				
Would the proposed project cause an alteration, including the adverse physical or aesthetic effects and/or the destruction of a prehistoric or historic building (including an architecturally significant building), structure, or object or site?	Direct impacts to CA-SDC-11,039 would constitute significant effects under CEQA and City of San Diego Guidelines. Indirect impacts to CA-SDC-11,039 would be precluded through implementation of the City's MHPA Land Use Adjacency Guidelines.	CUL-1: Prior to issuance of the first grading permit for the project, a preservation easement shall be recorded over the portion of the archaeological site in perpetuity. The language of the preservation easement will be agreed upon by City of San Diego staff, the Applicant, and the appropriate representatives of the Kumeyaay community.	New	Less than significant
	In addition to the identified sites, there is a potential for	CUL-2: The following condition of approval shall be placed on the project.	New	Less than significant
	these grading activities. This would constitute a	I. Prior to Permit Issuance		
	potentially significant impact.	A. Entitlements Plan Check		
		 Prior to issuance of any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits or a Notice to Proceed for Subdivisions, but prior to the first preconstruction meeting, whichever is applicable, the ADD Environmental designee shall verify that the requirements for Archaeological Monitoring and Native American monitoring have been noted on the applicable construction documents through the plan check process. B. Letters of Qualification have been submitted to ADD The Applicant shall submit a letter of verification to MMC identifying the Principal Investigator (PI) for the project and the names of all persons involved in the archaeological monitoring program, as defined in the City of San Diego Historical Resources Guidelines (HRG). If applicable, individuals involved in the archaeological monitoring program must have completed the 40-hour HAZWOPER training with certification documentation. 		
		 MMC will provide a letter to the Applicant confirming the qualifications of the PI and all persons involved in the archaeological monitoring of the project meet the qualifications established in the HRG. 		
		3. Prior to the start of work, the Applicant must obtain written approval from MMC for any personnel changes associated with the monitoring program.		
		II. Prior to Start of Construction		
		A. Verification of Records Search		
		1. The PI shall provide verification to MMC that a site specific records search (¼-mile radius) has been completed. Verification includes, but is not limited to a copy of a confirmation letter from South Coastal Information Center, or, if the search was inhouse, a letter of verification from the PI stating that the search was completed.		
		2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.		
		3. The PI may submit a detailed letter to MMC requesting a reduction to the ¼-mile radius.		

			New and/or Previous	
Environmental Issue	Results of Impact Analysis	Mitigation	Mitigation?	Impact Level After Mitigation
		 Prior to beginning any work that requires monitoring; the Applicant shall arrange a Precon Meeting that shall include the PI, Native American consultant/monitor (where Native American resources may be impacted), Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The qualified Archaeologist and Native American Monitor shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the Archaeological Monitoring program with the Construction Manager and/or Grading Contractor. 		
		a. If the PI is unable to attend the Precon Meeting, the Applicant shall schedule a focused Precon Meeting with MMC, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.		
		2. Identify Areas to be Monitored		
		Prior to the start of any work that requires monitoring, the PI shall submit an 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.		
		The AME shall be based on the results of a site specific records search as well as information regarding existing known soil conditions (native or formation).		
		3. When Monitoring Will Occur		
		a. Prior to the start of any work, the PI shall also submit a construction schedule to MMC through the RE indicating when and where monitoring will occur.		
		b. The PI may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification to the monitoring program. This request shall be based on relevant information such as review of final construction documents which indicate site conditions such as depth of excavation and/or site graded to bedrock, etc., which may reduce or increase the potential for resources to be present.		

			New and/or Previous	
Environmental Issue	Results of Impact Analysis	Mitigation	Mitigation?	Impact Level After Mitigation
		A Monitor(s) Shall be Present During Grading/Excavation/Trenching		
		1. The Archaeological Maniter shall be present full time during all soil disturbing and		
		grading/excavation/trenching activities which could result in impacts to archaeological resources as identified on the AME. The CM is responsible for notifying the RE, PI, and MMC of changes to any construction activities such as in the case of a potential safety concern within the area being monitored. In certain circumstances Occupational Safety and Health Administration safety requirements may necessitate modification of the AME.		
		2. The Native American consultant/monitor shall determine the extent of their presence during soil disturbing and grading/excavation/trenching activities based on the AME and provide that information to the PI and MMC. If prehistoric resources are encountered during the Native American consultant/monitor's absence, work shall stop and the Discovery Notification Process detailed in Section III.B–C and IV.A–D shall commence.		
		3. The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition such as modern disturbance post-dating the previous grading/trenching activities, presence of fossil formations, or when native soils are encountered that may reduce or increase the potential for resources to be present.		
		4. The archaeological and Native American consultant/monitor shall document field activity via the Consultant Site Visit Record (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		
		 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. The Monitor shall immediately notify the RI (upless Monitor is the RI) of the 		
		discovery.		

Environmental Issue	Pocults of Impact Applysic	Mitigation	New and/or Previous	Impact Lovel After Mitigation
		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.	WillBatton?	
		 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		
		 The PI and Native American consultant/monitor, where Native American resources are discovered shall evaluate the significance of the resource. If Human Remains are involved, follow protocol in Section IV below. 		
		a. The PI shall immediately notify MMC by phone to discuss significance determination and shall also submit a letter to MMC indicating whether additional mitigation is required.		
		b. If the resource is significant, the PI shall submit an Archaeological Data Recovery Program which has been reviewed by the Native American consultant/monitor, and obtain written approval from MMC. Impacts to significant resources must be mitigated before ground disturbing activities in the area of discovery will be allowed to resume. Note: If a unique archaeological site is also an historical resource as defined in CEQA, then the limits on the amount(s) that a project Applicant may be required to pay to cover mitigation costs as indicated in CEQA Section 21083.2 shall not apply.		
		c. If the resource is not significant, the PI shall submit a letter to MMC indicating that artifacts will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that that no further work is required.		
		IV. Discovery of Human Remains		
		If human remains are discovered, work shall halt in that area and no soil shall be exported off-site until a determination can be made regarding the provenance of the human remains; and the following procedures as set forth in CEQA Section 15064.5(e), the California Public Resources Code (Sec. 5097.98) and State Health and Safety Code (Sec. 7050.5) shall be undertaken:		
		A. Notification		
		 Archaeological Monitor shall notify the RE or BI as appropriate, MMC, and the PI, if the Monitor is not qualified as a PI. MMC will notify the appropriate Senior Planner in the Environmental Analysis Section EAS of the Development Services Department to assist with the discovery notification process. 		
		2. The PI shall notify the Medical Examiner after consultation with the RE, either in person or via telephone.		
		B. Isolate discovery site		
		 Work shall be directed away from the location of the discovery and any nearby area reasonably suspected to overlay adjacent human remains until a determination can be made by the Medical Examiner in consultation with the PI concerning the provenance of the remains. 		

Environmental Issue	Results of Impact Analysis	Mitigation	New and/or Previous Mitigation?	Impact Level After Mitigation
		 The Medical Examiner, in consultation with the PI, will determine the need for a f examination to determine the provenance. 	ld	
		 If a field examination is not warranted, the Medical Examiner will determine v input from the PI, if the remains are or are most likely to be of Native Ameri origin. 	:h גח	
		C. If Human Remains ARE determined to be Native American		
		 The Medical Examiner will notify the Native American Heritage Commission (NA within 24 hours. By law, ONLY the Medical Examiner can make this call. 	C)	
		 NAHC will immediately identify the person or persons determined to be the M Likely Descendent (MLD) and provide contact information. 	st	
		 The MLD will contact the PI within 24 hours or sooner after the Medical Exami has completed coordination, to begin the consultation process in accordance v CEQA Section 15064.5(e), the California Public Resources and Health & Safety Coc 	er th ·s.	
		 The MLD will have 48 hours to make recommendations to the property owner representative, for the treatment or disposition with proper dignity, of the hun remains and associated grave goods. 	วr มา	
		5. Disposition of Native American Human Remains will be determined between MLD and the PI, and, if:	10	
		a. The NAHC is unable to identify the MLD, OR the MLD failed to make recommendation within 48 hours after being notified by the Commission; Ol	a	
		 b. The landowner or authorized representative rejects the recommendation the MLD and mediation in accordance with Public Resources Code (P 5097.94 (k) by the NAHC fails to provide measures acceptable to landowner, THEN, 	of C) ne	
		c. In order to protect these sites, the Landowner shall do one or more of following:	16	
		 Record the site with the NAHC; Record an open space or conservation easement on the site; Record a document with the County. 		
		d. Upon the discovery of multiple Native American human remains during ground disturbing land development activity, the landowner may agree t additional conferral with descendants is necessary to consider cultur appropriate treatment of multiple Native American human remains. Cultur appropriate treatment of such a discovery may be ascertained from review the site utilizing cultural and archaeological standards. Where the parties unable to agree on the appropriate treatment measures the human remaind buried with Native American human remains shall be reinterred v appropriate dignity, pursuant to Section 5.c., above.	a at ly ly of re ns th	

Environmental Issue	Results of Impact Analysis	Mitigation	New and/or Previous Mitigation?	Impact Level After Mitigation
		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.		
		 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, Environmental Analysis Section, 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		
		 When night and/or weekend work is included in the contract package, the extent and timing shall be presented and discussed at the precon meeting. 		
		2. The following procedures shall be followed.		
		a. No Discoveries		
		In the event that no discoveries were encountered during night and/or weekend work, the PI shall record the information on the CSVR and submit to MMC via fax by 8 A.M. of the next business day.		
		b. Discoveries		
		All discoveries shall be processed and documented using the existing procedures detailed in Sections III - During Construction, and IV – Discovery of Human Remains. Discovery of human remains shall always be treated as a significant discovery.		
		c. Potentially Significant Discoveries		
		If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section III - During Construction and IV – Discovery of Human Remains shall be followed.		
		d. The PI shall immediately contact MMC, or by 8 A.M. of the next business day to report and discuss the findings as indicated in Section III-B, unless other specific arrangements have been made.		
		B. If night and/or weekend work becomes necessary during the course of construction		
		1. The Construction Manager shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin.		
		2. The RE, or BI, as appropriate, shall notify MMC immediately.		
		C. All other procedures described above shall apply, as appropriate.		

Environmental Issue	Pocults of Impact Analysis	Mitigation	New and/or Previous	Impact Lovel After Mitigation
LINIOIIIIEIta Issue		VI. Post-construction		
		A. Preparation and Submittal of Draft Monitoring Report		
		 The PI shall submit two copies of the Draft Monitoring Report (even if negative), prepared in accordance with the Historical Resources Guidelines (Appendix C/D), which describes the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program (with appropriate graphics) to MMC for review and approval within 90 days following the completion of monitoring. It should be noted that if the PI is unable to submit the Draft Monitoring Report within the allotted 90-day timeframe resulting from delays with analysis, special study results or other complex issues, a schedule shall be submitted to MMC establishing agreed due dates and the provision for submittal of monthly status reports until this measure can be met. 		
		 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.		
		 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.		
		 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.		

	Depute of lease at Analysia	Mitiantian	New and/or Previous	Inconst Louis After Mitigation
Environmental issue	Results of Impact Analysis	Mitigation C. Curation of artifacts: Accession Agreement and Acceptance Verification	Wiltigation?	Impact Level After Milligation
		 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. 		
		 The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC. 		
		3. When applicable to the situation, the PI shall include written verification from the Native American consultant/monitor indicating that Native American resources were treated in accordance with state law and/or applicable agreements. If the resources were reinterred, verification shall be provided to show what protective measures were taken to ensure no further disturbance occurs in accordance with Section IV – Discovery of Human Remains, Subsection 5.		
		D. Final Monitoring Report(s)		
		 The PI shall submit one copy of the approved Final Monitoring Report to the RE or BI as appropriate, and one copy to MMC (even if negative), within 90 days after notification from MMC that the draft report has been approved. 		
		 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. 		
Would the proposed project result in the disturbance of any human remains, including those interred outside of formal cemeteries?	As discussed for CA-SDI-11,039, where the human remains were located is of cultural importance to the Kumeyaay people. Impacts to human remains would be potentially significant.	Regulations are in place for the recovery of any unknown human remains that may be uncovered during grading of the project site. In addition, mitigation measures CUL-1 and CUL-2 outlined above would be implemented as conditions of the project.	New	Less than significant

			New and/or Previous	
Environmental Issue	Results of Impact Analysis	Mitigation	Mitigation?	Impact Level After Mitigation
Landform Alteration/Visual Quality				
Would the project result in a substantial change in the topography or ground surface relief features?	The project would result in a substantial change in an existing landform. Therefore, impacts would be significant. This impact is consistent with the conclusion in the 1998 EIR.	The project has incorporated design measures to the extent feasible to minimize the visual impacts of landform alteration. The project would preserve approximately 120 acres of habitat, which also comprise the majority of steep slopes on-site, within the MHPA pursuant to BIO-3 . Landscaping and revegetation of manufactured slopes would minimize the visual impact of grading. No further mitigation is available to reduce impacts associated with landform alteration.	New	Significant and unmitigated
Would the project construction (including blasting) result in the exposure of people to noise levels, which exceed the City's adopted noise ordinance?	The following impacts would be potentially significant: 1. Construction noise, including noise from blasting, rock crushing, and off-site truck hauling, may exceed the 60 dB(A) L _{eq} limit at the MHPA habitat surrounding the site during the identified February 1 to September 15 sensitive species breeding season. 2. Blasting vibration impacts at the closest residences may exceed the allowable Office of Surface Mining Reclamation and Enforcement (OSM) specifications.	 Mitigation measures BIO-7 and BIO-8 would reduce potentially significant noise impacts to sensitive species within the MHPA to less than significant NOS-1: Prior to issuance of the first Grading Permit, a blasting management plan shall be submitted for review and approval by the designated Fire Code Official. The blasting management plan shall be prepared by a San Diego County Sheriff-approved blasting contractor, with the appropriate San Diego County Sheriff blasting permits, in compliance with all applicable local, state, and federal permits, licenses, and bonding. The blasting contractor or Applicant must conduct all notifications, inspections, monitoring, and major or minor blasting requirements planning with seismograph reports, as necessary. The blasting management plan shall include the estimated maximum drill noise levels, air blast over-pressure levels, and groundborne vibration levels at each residence within 1,000 feet of the blasting location and demonstrate how these levels will comply with applicable standards. The blasting management plan also shall include a plan for vibration monitoring. The data shall include vibration levels from blasting in excess of 2.0 peak particle veloxity (PPV [in/sec]), the designated monitoring official shall take those steps necessary to ensure that future vibration levels do not exceed such limits, including, but not limited to suspending those further construction activities that would result in excessive vibration levels until either alternative equipment or alternative construction procedures can be used that generate vibration levels that do not exceed 2.0 PPV at the nearest residential structure. Construction activities not associated with vibration generation could continue. 	New	Less than significant

TABLE S-2 SUMMARY OF SIGNIFICANT ENVIRONMENTAL ANALYSIS RESULTS: PREVIOUS IMPACTS REQUIRING NO CHANGE IN ANALYSIS

			New and/or Previous	
Environmental Issue	Results of Impact Analysis	Mitigation	Mitigation?	Impact Level After Mitigation
TRAFFIC				
Would the project result in direct and cumulative traffic impacts on the existing and planned community and regional circulation networks?	The 1998 EIR identified numerous significant direct and cumulative impacts to the surrounding roadway network in conjunction with buildout of the Subarea Plan. The project is consistent with the designated land use and density assumptions for the Southeast Perimeter properties (Parcels A and B); therefore, the project would not result in any new significant or substantially increased adverse impacts beyond those previously identified in the EIR	The project would be subject to conditions of approval consistent with the Mitigation Monitoring and Reporting Program (MMRP) for the 1998 EIR. Specifically, prior to the issuance of any building permit, the project is required to be in conformance with the Black Mountain Ranch Transportation Phasing Plan. Payment of PFFP fees would ensure implementation of the phasing plan.	Previous	Significant and unmitigated
AIR QUALITY				
Would the proposed development affect the ability of the revised Regional Air Quality Strategy to meet the federal clean air standards? More specifically, would the project result in street intersections which would operate without congestion (LOS C or above)? The sective of the traffic and construction of the traffic and tr	 The 1998 EIR incorporated mitigation measures that would reduce fugitive dust impacts from construction activity. Dust control during construction and grading operations would be regulated in accordance with the rules of the San Diego Air Pollution Control District. The following measures would reduce fugitive dust impacts: All unpaved construction areas would be sprinkled with water or other acceptable San Diego County Air Pollution Control District (SDAPCD) dust control agents during dust-generating activities to reduce dust emissions. Additional watering or acceptable Air Pollution Control District dust control agents would be applied during dry weather or windy days until dust emissions are not visible. 	Previous	Construction: Significant and mitigated Direct (operational) impacts: Significant and unmitigated	
		2. Trucks hauling dirt and debris would be covered to reduce windblown dust and spills.		
	3. On dry days, dirt and debris spilled onto paved surfaces would be swept up immediately to reduce resuspension of particulate matter caused by vehicle movement. Approach routes to construction sites would be cleaned daily of construction-related dirt in dry weather.			
		4. On-site stockpiles of excavated material would be covered or watered.		
		To reduce construction-related vehicle emissions, ride share opportunities would be encouraged and construction vehicle access would be limited to roads determined in a temporary traffic construction management plan. In addition, construction staging areas would be as far away from existing or completed residences as possible.		

New and/or Previous Mitigation?	Impact Level After Mitigation
Previous	Significant and unmitigated

TABLE S-2 SUMMARY OF SIGNIFICANT ENVIRONMENTAL ANALYSIS RESULTS: PREVIOUS IMPACTS REQUIRING NO CHANGE IN ANALYSIS (continued)

Environmental Issue	Results of Impact Analysis	Mitigation
NATURAL RESOURCES / AGRICULTURE		
Would implementation of the Plan result in the conversion of agricultural land to non-agricultural use or impairment of existing agricultural productivity?	Agricultural Resources : According to the 1998 EIR, Farmland of Local Importance and grazing lands would be lost with development of the perimeter properties. The cumulative effects of the loss of agricultural land from conversion were considered significant and unmitigated. The project would impact a similar development footprint as identified in the 1998 EIR for parcels A and B of the Southeast Perimeter properties. Conclusions regarding the loss of agricultural resources would be consistent with the previous analysis, and the project would not result in any new significant or substantially increased adverse impacts beyond those previously identified in the EIR.	No mitigation for cumulative impacts was identified.
	Mineral Resources : The 1998 EIR concluded that implementation of future development as proposed in the Subarea Plan would preclude mining of the MRZ-2 aggregate for the foreseeable future, and the cumulative effects of the incremental loss of potential aggregate deposits are considered significant and unmitigated. The project is consistent with the land use and buildout assumptions for the Subarea Plan; therefore, the conclusions regarding the loss of aggregate resources would remain, and the project would not result in any new significant or substantially increased adverse impacts beyond those previously identified in the EIR.	

New and/or Previous Mitigation?	Impact Level After Mitigation
None	Direct: Less than significant Cumulative: Significant and unmitigated

S.0 Executive Summary

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1.0 Introduction

This Supplemental Environmental Impact Report (SEIR) updates the certified (No. 96-7902, adopted in 1998) Black Mountain Ranch (Subarea I) Subarea Plan Environmental Impact Report (1998 EIR) and addresses the potential environmental effects of the proposed Heritage Bluffs II project (project). It has been prepared by the City of San Diego (City) in compliance with the California Environmental Quality Act (CEQA) and Guidelines (Public Resources Code, Section 21000 et seq. and California Code of Regulations, Title 14, Section 15000, et seq.) and in accordance with the City of San Diego's EIR Guidelines (City of San Diego 2005) and Significance Determination Thresholds (City of San Diego 2011).

The project requires approval of a vesting tentative map, a rezone from AR-1-1 to RX-1-1 and RS-1-14, a planned development permit, a site development permit, and a Multi-Habitat Planning Area (MHPA) boundary line adjustment to subdivide and construct 171 single-family residential units. The Black Mountain Ranch Subarea Plan allows 220 dwelling units on-site, including a requirement for 35 affordable units. The project proposes to construct 171 single-family units on-site and transfer 35 affordable units to Lot 9 of Map 15919 in the Black Mountain Ranch North Village Town Center. In addition, the project proposes the transfer of 14 dwelling units to Lots 12, 13, 18 and 19 of Map 15919 in the Black Mountain Ranch North Village Town Center. In total, the project proposes a combined 220 dwelling units, including 35 affordable units, on-site and off-site in conformance with the Black Mountain Ranch Subarea Plan.

Approval of a sewer sphere amendment and reorganization from the Local Agency Formation Commission (LAFCO) also would be required to move the project site from the City of San Diego Public Utilities Department into the Olivenhain Municipal Water District (OMWD) (for sewer service).

Approximately 4<u>9</u>5.3 acres of the 169.85-acre site would be developed with for residential uses, and access roads would be constructed off-site to the north. The remaining approximate 119.03120 acres on-site would be preserved as MHPA open space. An additional 7.84 acres off-site would be dedicated to the MHPA as well, which includes an approximately 0.84-acre area just north of the site boundary and 7 acres adjacent to Lusardi Creek. The project would also include construction of various site improvements, including associated public and private streets, two mini parks, one pocket park, a trail system, hardscape, retaining walls, and landscaping. Native low-fuel volume species would be used to re-vegetate the graded slopes. The treatment for the interior would primarily be parkway street trees and groundcover, ornamental in nature, fire-resistant, and would complement the building architecture.

In addition to the <u>approximately</u> 45.3 acres to be graded on-site, 2.90 acres would be graded for off-site improvements. Grading operations would entail approximately 630,000 cubic yards of cut and 775,000 cubic yards of fill. The maximum height of excavated manufactured slopes would be approximately 69 feet; the maximum height of manufactured fill slopes would be

approximately 62 feet. Excess fill (145,000 cubic yards) would be obtained from the East Clusters project, Unit 3, directly to the northwest of the project site. Up to 3,843 linear feet of retaining and crib walls would be necessary in specific areas. The maximum height of walls would be 8.5 feet. Blasting may be required in conjunction with grading operations for the project in areas of shallow bedrock.

Discretionary actions required to implement the project include:

- Vesting Tentative Map (VTM)
- Easement Vacation
- Rezone
- Planned Development Permit (PDP)
- Site Development Permit (SDP)
- MHPA Boundary Line Adjustment
- Amendment to the OMWD Sewer Sphere of Influence
- A reorganization consisting of annexation to OMWD and a latent powers expansion for sewer service

1.1 SEIR Purpose and Intended Uses

This SEIR is intended to inform decision-makers, public agencies, and the public about the potential significant adverse environmental impacts of the project and provide decision-makers with an understanding of the associated physical and environmental changes prior to taking action on the project. The SEIR includes recommended mitigation measures which, when implemented, would lessen project impacts and provide the City with ways to substantially lessen or avoid significant effects of the project on the environment, whenever feasible. Alternatives to the project are presented to evaluate scenarios that further reduce or avoid significant impacts associated with the project.

1.2 SEIR Legal Authority

1.2.1 Lead Agency

The City of San Diego is the Lead Agency for the project pursuant to Article 4 (Sections 15050 and 15051) of the CEQA Guidelines. The Lead Agency, as defined by CEQA Guidelines Section 15367, is the public agency that has the principal responsibility and authority for carrying out or approving the project. As Lead Agency, the City of San Diego Development Services Department, Environmental Analysis Section conducted a preliminary review of the proposed development and determined that this SEIR was required. The analysis and findings in this document reflect the independent, impartial conclusions of the City.

1.2.2 Responsible and Trustee Agencies

State law requires that all EIRs be reviewed by responsible and trustee agencies. A Responsible Agency, defined pursuant to State CEQA Guidelines Section 15381, includes all public agencies other than the Lead Agency that have discretionary approval power over the project. A Trustee Agency is defined in Section 15386 of the CEQA Guidelines as a state agency having jurisdiction by law over natural resources affected by a project that are held in trust for the people of the state of California.

Implementation of the project would require consultation with the following responsible and trustee agencies, as described below.

United States Army Corps of Engineers (USACE): The USACE has jurisdiction over development in or affecting the navigable waters of the United States (U.S.), pursuant to two federal laws, the Rivers and Harbors Act of 1889 and the Clean Water Act (CWA), as amended. Projects that include potential dredge or fill impacts to waters of the U.S. are subject to Section 404 of the CWA. Aggregate impacts to waters of the U.S. (defined as direct fill or indirect effects of fill) greater than one-half acre require a permit. All permits issued by the USACE are subject to consultation and/or review by the U.S. Fish and Wildlife Service (USFWS) and the Environmental Protection Agency (EPA).

USFWS: Acting under the federal Endangered Species Act (ESA), the USFWS is responsible for ensuring that any action authorized, funded, or carried out by a federal agency (such as the USACE) is not likely to jeopardize the continued existence of listed species or modify their critical habitat. Accordingly, the USFWS would provide input to the USACE as part of the Section 404 process.

Within areas covered by San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan, including the project site, the role of the USFWS is limited with respect to species covered under the Subarea Plan. For species covered by the Subarea Plan, the USFWS has granted take authorization for listed species to the City in accordance with the requirements of the MSCP Implementing Agreement, executed between the City, the USFWS, and the California Department of Fish and Wildlife (CDFW) in 1997.

For projects that are consistent with San Diego's MSCP, the City, therefore, has authority to grant permits for take of covered species and a separate permit is not required from the wildlife agencies. For listed species not included on the MSCP covered species list, the wildlife agencies retain permit authority. In addition, the USFWS along with the CDFW must approve of the MHPA boundary line adjustments associated with each project.

CDFW: The CDFW has jurisdiction over sensitive wildlife that is held in trust for the people of California. The CDFW would be a Trustee Agency for the project, as sensitive wildlife is located on-site and in the project vicinity. The CDFW has the authority to reach an agreement with an agency or private party proposing to alter the bed, banks, or floor of any watercourse/stream,

pursuant to Section 1600 et seq. of the State Fish and Game Code. The CDFW generally evaluates information gathered during preparation of the environmental documentation, and attempts to satisfy their permit concerns in these documents. Along with the USFWS, the CDFW must approve of any MHPA boundary adjustments.

LAFCO: LAFCO would have discretionary approval of: (1) an amendment to the OMWD Sewer Service Sphere of Influence and (2) a reorganization consisting of a latent powers expansion to provide sewer service and annexation to OMWD. The LAFCO Commission would act as a responsible agency in accordance with State CEQA Guidelines.

San Diego County Air Pollution Control District (SDAPCD): The County Board of Supervisors sits as the Board of the SDAPCD, which is an agency that regulates sources of air pollution within the county. This is accomplished through an integrated monitoring, engineering, and compliance operation, the components of which are separate divisions within the SDAPCD and each of them designed to protect the public from the adverse impacts of polluted air. The SDAPCD would be responsible for issuing permits with respect to air emissions for construction and operation of the project.

San Diego Regional Water Quality Control Board (RWQCB): The San Diego Regional Water Quality Control Board, National Pollutant Discharge Elimination System (NPDES) Permit No. CA 0108758, which consists of wastewater discharge requirements, and Section 401 certification would be required for the proposed project.

1.3 SEIR Scope and Content and Format

1.3.1 Type of EIR

This SEIR has been prepared as a Project SEIR, as defined in Section 15163 of the CEQA Guidelines. In accordance with CEQA, this Project SEIR examines the environmental impacts of a specific development project and focuses on the physical changes in the environment that would result from the project, including all phases of planning, construction, and operation.

This SEIR tiers to the certified (No. 96-7902) 1998 EIR. This SEIR considers the issues discussed in the first-tier document and evaluates whether a significant effect has been adequately addressed or if there is an effect that was not addressed in the previous report.

1.3.2 Scope

The scope of analysis for this SEIR was determined by the City of San Diego as a result of initial project review and consideration of comments received in response to the Notice of Preparation (NOP) distributed on February 11, 2015. The City's NOP and associated responses are included in Appendix A of this SEIR.

This SEIR serves as supplement to the previously certified 1998 EIR, as referenced above. All environmental issues analyzed in the 1998 EIR were considered during initial review of the project. The following issues were determined to either: 1) lack a site-specific impact analysis and adequate mitigation for project impacts; or 2) result in new impacts that may be potentially significant and require subsequent analysis and/or mitigation as part of this SEIR:

- Land Use (Land Development Code Deviations, Multiple Species Conservation Program Consistency);
- Biological Resources;
- Cultural Resources;
- Landform Alteration/Visual Quality (landform alteration);
- Noise (construction); and
- Air Quality (construction)

These issues are discussed in detail in Chapter 5.0 of this SEIR. This SEIR provides projectspecific environmental review pursuant to CEQA and the City's Significance Determination Thresholds (2011). The analysis identifies environmental effects specific to the project and appropriate mitigation, when warranted.

Chapter 9.0 of this SEIR, "No Changes in Analysis," contains a summary of the impacts of the project compared with the impacts analyzed in the 1998 EIR. The analysis in this document evaluates the adequacy of the 1998 EIR relative to the approval of the project. The 1998 EIR indicates that significant impacts for the project site would be substantially lessened or avoided if the mitigation measures recommended in the EIR are implemented by future development for various environmental issues, as identified in Table 1-1, below. Greenhouse gas (GHG) emissions were not addressed in the 1998 EIR. The issue of GHG is not addressed in this SEIR as the courts have established that climate change and GHG do not constitute "new information" because the effects of GHG on climate change were known when the EIR was certified in 1998 and therefore do not have to be addressed as "new information" in a SEIR (Citizens Against Airport Pollution v. City of San Jose (2014) 227 Cal.App.4th 788, 806-808). A comparison of the project to the 1998 EIR is provided below in Table 1-1. The project would implement applicable mitigation measures included in the 1998 EIR and/or this SEIR, as indicated in the table.

TABLE 1-1					
IMPACT ASSESSMENT SUMMARY 1998 EIR					

		New or	New		
		Substantially	and/or		
	FEIR/Subarea Plan	Increased	Previous	Resultant Project	
Issue Area	Analysis Conclusion ¹	Impact?	Mitigation)?	Impact after Mitigation?	
A. Land Use					
Plan Consistency	Less than significant	No	No	Less than significant	
LDC Deviations	Potentially ² significant	No	No	Less than significant	
MSCP consistency (MHPA	Potentially significant	Yes	New	Less than significant	
Adjacency)					
B. Traffic	Significant unmitigated	NO	Previous	Significant unmitigated	
C. Biological Resources	Significant unmitigated	Yes	New	Significant unmitigated	
D. Hydrology/Water Quality	Significant mitigated	No	No	Less than significant	
E. Landform Alteration/Visual Quality					
Landform Alteration	Potentially significant	Yes	New	Significant unmitigated	
Visual Character	Significant mitigated	No	No	Less than significant	
Unique geologic feature	Less than significant	No	No	Less than significant	
Landmark Trees	Less than significant	No	No	Less than significant	
F. Cultural Resources	Less than significant	Yes	New	Less than significant	
G. Air Quality					
Direct Impacts (Traffic)	Significant unmitigated	No	No	Significant unmitigated	
Cumulative Impacts	Significant unmitigated	Ves	Previous	Less than significant	
(Construction)	Significant animitigated	103	Trevious		
H. Geology and Soils	Potentially significant	No	No	Less than significant	
I. Natural Resources/	Significant and	No	No	Significant and	
Agriculture	unmitigated			unmitigated	
J. Paleontological	Less than significant	No	No	Less than Significant	
Kesources					
K. NOISE					
Construction		NO	Now	Less than significant	
L Public Englisting and Some		res	New	Less than significant	
L. PUBLIC FACILITIES AND SERVICES					
Schools	mitigated	No	No		
Parks and Recreation	Less than significant	No	No	Less than significant	
Libraries	Less than significant	No	No	Less than significant	
	Police: Less than			Less than significant	
Police and Fire Services	significant	No	No		
	Fire: Potentially	110	110		
	significant				
Water Supply and Service	Significant and	No	No	Less than significant	
Wastowator Conorations		No	No	Loss than significant	
Waste Management	Significant and		110	Less than significant	
Service	mitigated	No	No		
Electrical Utilities	Less than significant	No	No	Less than significant	
M. Water Conservation	Significant and			Less than significant	
	mitigated	No	No	0	
N. Public Safety	Less than significant	No	No	Less than significant	
O. Population	Less than significant	No	No	Less than significant	

¹The analysis applies to the southeast perimeter properties, if applicable; otherwise the conclusion is based on buildout of the overall Subarea Plan.

²"Potentially Significant" refers to impacts for which the 1998 EIR was unable to make a definitive conclusion about the significance of an impact for the perimeter properties due to a lack of site-specific information at the time the Subarea Plan was adopted.

1.3.3 SEIR Analysis Content

This SEIR determines whether implementation of the project would have a significant effect on the environment through analysis of the issues identified during the scoping process (see Section 1.3.2). Pursuant to CEQA Guidelines Section 15126, all phases of the project are considered in this SEIR when evaluating its potential impacts on the environment, including the planning, acquisition, development, and operation phases. Impacts are identified as direct or indirect, short-term or long-term, and assessed on a "plan-to-ground" basis. The "plan-to-ground" analysis addresses the changes or impacts that would result from implementation of the project compared to existing ground conditions.

1.3.4 SEIR Format

1.3.4.1 Organization

The format and order of contents of this SEIR follow the direction of the City's EIR Guidelines. A brief overview of the various chapters of this SEIR is provided below:

Executive Summary. Provides a summary of the SEIR and a brief description of the project, identifies areas of controversy, and includes a summary table identifying significant impacts, mitigation measures (new and from the 1998 EIR), and impact conclusion after mitigation. A summary of the analyzed project alternatives and comparison of the potential impacts of the alternatives with those of the project is also provided.

Chapter 1.0 Introduction. Contains an overview of the purpose and intended uses of the SEIR; identifies the Lead, Responsible, and Trustee Agencies; summarizes the SEIR scope and content; and details the CEQA environmental review process.

Chapter 2.0 Environmental Setting. Provides a description of the project's regional context, location, and existing physical characteristics and land use. Available public infrastructure and services, as well as relationship to relevant plans, are also provided in this chapter.

Chapter 3.0 Project Description. Provides a detailed discussion of the project, including background, objectives, key features, off-site components, and environmental design considerations. A description of the discretionary actions required to implement the project is also included.

Chapter 4.0 History of Project Changes. Provides an outline of the project's history and any changes in project design that have been made in response to environmental concerns raised during the City's review of the project.

1.0 Introduction

Chapter 5.0 Environmental Analysis. Provides a detailed evaluation of potential environmental impacts of the project. In accordance with the City's EIR Guidelines, Chapter 5.0 begins with the issue of land use, followed by the remaining issues included in order of significance. Under each issue area, this chapter includes a description of the existing conditions relevant to each environmental topic including the regulatory framework; presentation of threshold(s) of significance based on the City of San Diego's CEQA Significance Determination Thresholds for the particular issue area under evaluation; identification of an issue statement; an assessment of any impacts associated with implementation of the project; a conclusion as to the significance of any project impacts; and recommendations for mitigation measures and mitigation monitoring and reporting, as appropriate, for each significance of the impact after mitigation is additionally provided.

Chapter 6.0 Significant Unavoidable Environmental Effects/Significant Irreversible Environmental Changes. Discusses the significant unavoidable impacts of the project, including those that can be mitigated but not reduced to below a level of significance. This chapter also describes the potentially significant irreversible changes that may be expected with development of the project and addresses the use of nonrenewable resources during its construction and operational life.

Chapter 7.0 Growth Inducement. Evaluates the potential influence the project may have on economic or population growth within the project area as well as the region, either directly or indirectly.

Chapter 8.0 Cumulative Impacts. Identifies the impacts of the project in combination with other planned and future development in the region.

Chapter 9.0 Subject Areas Requiring No Change in Analysis. The analysis and conclusions reached in a number of the environmental subject areas contained within the 1998 EIR do not require supplemental analysis and are not addressed in detail in Chapter 5 of this SEIR. These issues are briefly summarized in this chapter.

Chapter 10.0 Project Alternatives. Provides a description of two alternatives to the project, including a No Project/No Development Alternative and a Thread-leaved Brodiaea Avoidance Alternative.

Chapter 11.0 Mitigation Monitoring and Reporting Program. Documents all the mitigation measures identified in the 1998 EIR and this SEIR that are required to be implemented as part of the project.

Chapter 12.0 References Cited. Lists all of the reference materials cited in the SEIR.

Chapter 13.0 Individuals and Agencies Consulted. Identifies all of the individuals and agencies contacted during preparation of the SEIR.
Chapter 14.0 Certification. Identifies all of the agencies, organizations, and individuals responsible for the preparation of the SEIR.

1.3.4.2 Technical Appendices

Technical appendices, used as a basis for much of the environmental analysis in the SEIR, have been summarized in the SEIR and are printed under separate cover as part of the SEIR. The technical appendices are available for review at the City of San Diego Development Services Center, 1222 First Avenue, Fifth Floor, San Diego, California 92101.

1.3.4.3 Incorporation by Reference

As permitted by CEQA Guidelines Section 15150, this SEIR incorporates by reference previously certified EIR (No. 96-7902) subsequent addenda and approved plans, which provide supporting documentation used in the analysis for the project. This SEIR also references several technical studies and reports, including the City of San Diego General Plan and EIR (2008) and the Black Mountain Ranch Subarea Plan (2009, as amended). Information from these documents has been briefly summarized in this SEIR, and their relationship to this SEIR described. These documents are included in Chapter 12.0, References Cited, and are hereby incorporated by reference. They are available for review at the City of San Diego Development Services Center, 1222 First Avenue, Fifth Floor, San Diego, California 92101.

1.4 SEIR Process

The SEIR review process occurs in two basic stages. The first stage is the Draft SEIR, which offers the public the opportunity to comment on the document, while the second stage is the Final SEIR, which provides the basis for approving the project.

1.4.1 Draft SEIR

In accordance with Sections 15085 and 15087 (a) (1) of the CEQA Guidelines, upon completion of the Draft SEIR a Notice of Completion is filed with the State Office of Planning and Research, and a notice of availability of the Draft SEIR is issued in a newspaper of general circulation in the area.

The Draft SEIR is distributed for review to the public, and interested and affected agencies for the purpose of providing comments "on the sufficiency of the document in identifying and analyzing the possible impacts on the environment and ways in which the significant effects of the project might be avoided or mitigated" (Section 15204, CEQA Guidelines).

This Draft SEIR and all related technical studies are available for review during the public review period at the offices of the City of San Diego, Development Services Department, Entitlements

Division, located at 1222 First Avenue, Fifth Floor, San Diego, California, 92101. Copies of the Draft SEIR are also available at the following public locations:

Central Library	Carmel Valley Branch Library	Carmel Mountain Ranch Library	
330 Park Boulevard	3919 Townsgate Drive	12095 World Trade Drive	
San Diego, CA 92101	San Diego, CA 92130	San Diego, CA 92128	

The Draft SEIR can be downloaded from the City's website at: http://www.sandiego.gov/cityclerk/officaldocs/notices/indexes.shtml.

Drive

Final SEIR 1.4.2

Following public review of the Draft SEIR, the City will provide written responses to comments per CEQA Guidelines Section 15088 and will consider all comments in making its decision to certify the Final SEIR. Responses to the comments received during public review, a Mitigation Monitoring and Reporting Program (MMRP), and Findings of Fact will be included with the Final SEIR. If no new significant and unmitigated impacts are identified for the project, then the City shall re-adopt the Statement of Overriding Considerations adopted in conjunction with the 1998 EIR.

The culmination of this process is a public hearing where the City Council will determine whether to certify the Final SEIR as being complete and in accordance with CEQA. Pursuant to Section 128.0310(a) of the City of San Diego Land Development Code, the Final SEIR will be available for public review for at least 14 calendar days before the first public hearing or discretionary action on the project.

2.0 Environmental Setting

2.1 Regional Setting

The project site is in the City of San Diego (City), in San Diego County (Figure 2-1), east of Interstate 5, west of Interstate 15, and north of State Route 56. The project site lies approximately seven miles inland from the Pacific Ocean and is approximately 20 miles north of downtown San Diego (Figure 2-2).

The undeveloped 169.85-acre project site is within the Black Mountain Ranch Subarea in the northern portion of the City of San Diego. The Black Mountain Ranch Subarea encompasses 5,098 acres and is generally bounded on the west, north, and east by unincorporated areas of San Diego County. The 4S Ranch and Santa Fe Valley Specific Plan areas form a portion of this county land. On the east, southeast, and south, the Black Mountain Ranch Subarea is bounded by the Rancho Peñasquitos and Rancho Bernardo Community Planning Areas and Subarea IV Torrey Highlands.

2.2 **Project Location**

The project site lies south of Bernardo Center Drive / Carmel Valley Road and west of Interstate 15 within the Black Mountain Ranch Subarea. The project site consists of two parcels (Assessor's Parcel Numbers 312-010-15 and 312-160-02 within Sections 32 and 5 of Township 13 and 14 South, Range 2 West of the U.S. Geological Survey's Poway 7.5-minute topographic map). The legal description for Parcel 1 is: the southeast quarter of the southeast quarter of Section 32, Township 13 south, Range 2 west, San Bernardino base and meridian, in the City and County of San Diego, <u>State of California, except all crude oil, petroleum, gas, brea, asphaltum, and all kindred substances and other minerals under and in said land, as reserved in deed recorded May 30, 1960 as Instrument No. 111628 of official records. The legal description for Parcel 2 is: <u>Government</u> lots 1 and 2 and the southeast quarter of the northeast quarter of Section 5, Township 14 south, Range 2 west, San Bernardino base and meridian, in the City and County of San Diego, <u>State of California, except all crude oil, petroleum, gas, brea, asphaltum, and all kindred substances and other minerals under and in said land, as reserved in deed recorded May 30, 1960 as Instrument No. 111628 of Official records. The legal description for Parcel 2 is: <u>Government lots 1 and 2 and the southeast quarter of the northeast quarter of Section 5</u>, Township 14 south, Range 2 west, San Bernardino base and meridian, in the City and County of San Diego, <u>State of California, except all crude oil, petroleum, gas, brea, asphaltum, and all kindred substances and other minerals under and in said land, as reserved in deed recorded May 30, 1960 as Instrument No. 111628.</u></u></u>









Project Boundary

2.3 Physical Environment

2.3.1 Landform

Topographically, the site is characterized by a broad gently rising canyon that ascends from the north to the south. Moderate to steep slopes surround the project site on the west, east, and south sides. Drainage generally flows north and is collected by northerly and northwesterly trending drainages. The project site includes the northern slopes of Black Mountain and a series of small drainages surrounding a gently sloping, disturbed field. The elevations range from approximately 570 feet above mean sea level at the northeastern corner to approximately 1,180 feet above mean sea level at the southern boundary.

2.3.2 Land Use

As shown in the aerial photograph (Figure 2-3), the project site is located in a developing area, which includes primarily residential development and open space. Single-family residential neighborhoods lie north and east of the project site, and open space lies to the south. Undeveloped land lies to the west. The project site is undeveloped, although a series of dirt roads and trails traverse portions of the site. Native upland and wetland vegetation occurs on-site. Black Mountain Open Space Park lies south of the project site.

The project site is currently zoned as Agricultural – Residential in the Black Mountain Ranch (Subarea I) Subarea Plan (AR-1-1). Approximately 43 acres of the project site has been designated as Low Density Residential and the remainder of the site as part of the City's Multi-Habitat Planning Area (MHPA). MHPA lands are those that have been included within the City's Multiple Species Conservation Program (MSCP) Subarea Plan for habitat conservation. The MHPA boundary surrounds the area to be developed.

2.3.3 Transportation/Circulation

The regional transportation network in the project area consists of State Route 56 to the south, Interstate 15 to the east, and Interstate 5 to the west (Figure 2-4). Access to the project site would be provided by extending access from the proposed development to the north per the East Clusters Vesting Tentative Map (VTM). A second emergency access road/utility easement also would be provided from the East Clusters development. There are no existing or proposed bus stops near the project site.

2.3.4 Historical Resources

Two archaeological sites were identified on the project site: CA-SDC-11,039 (previously recorded) and CA-SDI-18,504. CA-SDI-11,039, a Late Prehistoric site, was recorded in 1988 as a scatter of artifacts, with possible midden and a possible rock feature. As part of the 2007







FIGURE 2-3 Project Location on Aerial Photograph







FIGURE 2-4 Regional Transportation Network survey, a subsurface search was conducted. The testing program documented a rock feature, a hearth feature, and cremated human remains. The remains and associated grave goods were repatriated to the Kumeyaay Cultural Repatriation Committee. Pockets of midden soil were found. Included in the nearly 10,000 artifacts collected at the site were debitage, cores, projectile points and bifaces, flaked stone tools, manos, mutates, hammers, and Tizon Brown Ware sherds.

CA-SDI-18,504 lies entirely within the MHPA and was recorded as a lithic scatter in 2007. The site contains 25 flakes and angular debris on the surface. This small lithic scatter site offers limited research potential. It does not meet the criteria for listing on the California Register of Historical Resources and is not a historical resource under California Environmental Quality Act.

2.3.5 **Biological Resources**

Seven habitats/vegetation associations occur on the project site: coastal sage scrub, southern mixed chaparral, non-native grassland, native perennial grassland, freshwater marsh, mulefat scrub, and riparian forest.

Four sensitive habitats under the City of San Diego's MSCP Subarea Plan (City of San Diego 1997) are present: native perennial grassland (Tier I habitat), coastal sage scrub (Tier II habitat), southern mixed chaparral (Tier IIIA habitat), and nonnative grassland (Tier IIIB habitat). One sensitive plant species (thread-leaved brodiaea), two sensitive animal species (coastal California gnatcatcher and rufous-crowned sparrow) were observed on-site.

2.3.6 Air Quality

The project site is within the San Diego Air Basin (SDAB), as defined by the California Air Resources Board and San Diego Air Pollution Control District. The eastern portion of the SDAB is surrounded by mountains to the north, east, and south. These mountains tend to restrict airflow and concentrate pollutants in the valleys and low-lying areas below.

The SDAB is currently classified as a federal and state nonattainment area for ozone and a state nonattainment area for particulate matter less than 10 microns (PM10), particulate matter less than 2.5 microns (PM2.5), and ozone. Air pollutants transported into the basin from the adjacent South Coast Air Basin contribute to the nonattainment conditions in the SDAB.

2.4 Planning Context

Development projects in the City are generally guided by the City's General Plan, and more specifically by the applicable community plan. In addition, various other City, regional, and

state plans, programs, and ordinances regulate the development of land within San Diego. A brief description of plans relevant to the project is provided below. A detailed evaluation of the project's consistency with relevant plans and ordinances was completed in conjunction with the 1998 Environmental Impact Report. This Supplemental Environmental Impact Report includes a consistency analysis with relevant City ordinances in Chapter 5.1.

City of San Diego General Plan: The City of San Diego General Plan sets forth a comprehensive long-term plan for development within the City. The General Plan incorporates a City of Villages strategy, which redirects development to areas with available urban amenities and includes the following 10 elements: Land Use and Community Planning; Mobility; Urban Design; Economic Prosperity; Public Facilities, Services, and Safety; Recreation; Conservation; Noise; Historic Preservation; and Housing.

Black Mountain Ranch (Subarea I) Subarea Plan: The Black Mountain Ranch Subarea Plan describes land use patterns and policies to guide the long-term use and development of the Black Mountain Ranch Subarea. A Subarea Plan is comparable to a community plan in regards to its content and relationship to the City's General Plan.

Land Development Code (Municipal Code): The City's Municipal Code contains all the adopted ordinances for the City and is divided into 15 chapters. Chapters 11 through 14 are known collectively as the Land Development Code and include applicable development regulations for the Base Zones of a project site as well as supplemental development regulations contained within the applicable Overlay Zones.

Multiple Species Conservation Program: The MSCP is a comprehensive program to preserve a network of habitat and open space in the region. One of the primary objectives of the MSCP is to identify and maintain a preserve system that allows for animals and plants to exist at both the local and regional levels. Approximately 120 acres of the project site is within the MHPA, with the MHPA surrounding the area to be developed.

3.0 **Project Description**

3.1 Relationship to the Black Mountain Ranch (Subarea I) Subarea Plan

In July of 1998, the City of San Diego adopted the Black Mountain Ranch (Subarea I) Subarea Plan in the former North City Future Urbanizing Area (NCFUA) and certified the Final Environmental Impact Report (FEIR; Land Development Review No. 96-7902, SCH No. 97111070). The 1998 Subarea Plan and FEIR included: all of the previously approved Black Mountain Ranch II Vesting Tentative Map (VTM)/Planned Residential Development (DEP No. 95-0173; SCH No. 95041041) project area (3,690 acres; except for 94 acres¹); 893 additional acres within the original Black Mountain Ranch ownership; and 515 acres of other ownership adjoining the Black Mountain Ranch parcels (perimeter properties). The Subarea Plan added 1,408 acres to the original Black Mountain Ranch community. At that time, the additional 1,408-acre area included a northern area comprising a mixed-use Northern Village (467 acres) with industrial, office, employment center, commercial/retail, and high-density residential areas; the finger ridges north of La Jolla Valley; a 300-room resort/hotel; a mixed-use southern village; seven additional residential development clusters; and four groupings of perimeter ownerships.

The Subarea Plan identifies several perimeter properties, which were originally held by 11 different ownerships (Figure 3-1). The Heritage Bluffs project site is within the area referred to as the "Southeast Perimeter" properties by the Subarea Plan. The Southeast Perimeter properties are composed of four parcels (A, B, C, and D). The project site comprises areas "A" and "B" totaling 169.8 acres. The Southeast Perimeter properties are designated by the Subarea Plan to allow for up to 330 residential units within a 66-acre development envelope (up to 5 dwelling units/gross acre). Specifically, parcels A and B are designated for 25 and 195 dwelling units, respectively (Figure 3-2). The anticipated development envelope (graded acreage net of brush management) for parcels and A and B is approximately 45 acres. (The project also includes 3.05 acres of off-site development for the construction of primary and secondary [emergency] access roads.) The 1998 Environmental Impact Report (EIR) provides analysis for the project site, based on these general development parameters, but because no specific project design was known or proposed at the time the 1998 EIR was certified, the analysis of certain impacts for the site was only done at a "program level." The 1998 EIR acknowledges that future site-specific California Environmental Quality Act (CEQA) analysis would be required for areas outside of the Black Mountain Ranch VTM II project area.

¹ Ninety-four acres of dedicated Open Space at the eastern end of the panhandle was accounted for in the Rancho Peñasquitos Community Plan.



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FIGURE 3-1 Black Mountain Ranch Subarea I



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FIGURE 3-2 Black Mountain Ranch Subarea Plan Designations

3.2 **Project Objectives**

In accordance with CEQA Guidelines Section 15124, the following primary objectives support the purpose of the project, assist the Lead Agency in developing a reasonable range of alternatives to be evaluated in this report, and ultimately aid decision-makers in preparing findings and overriding considerations, if necessary. The specific goals and objectives for the project are:

- Provide residential development that is consistent with the location and the goals and objectives of the adopted Black Mountain Ranch Subarea Plan.
- Preserve thread-leaved brodiaea within a dedicated preserve, endowed for the ongoing management and maintenance.
- Provide new residential development, which is consistent with existing residential development patterns in the surrounding area.
- Implement "smart growth" principles of development through the provision of new residences within a complete master planned community.
- Implement sustainable development principles through the provision of a community of new residences with many energy-efficient features.
- Provide infrastructure improvements and street improvements consistent with the Subarea Plan and to Parcel C (of the Southeast Perimeter Properties) off-site.

3.3 Discretionary Actions

Discretionary actions are those actions taken by an agency that call for the exercise of judgment in deciding whether to approve or how to carry out a project. For the project, the following discretionary actions would be considered by the San Diego City Council and are further described below:

- VTM
- Rezone
- Planned Development Permit (PDP)
- Site Development Permit (SDP)
- Open Space Easement Vacation
- Multi-Habitat Planning Area (MHPA) Boundary Line Adjustments

In addition, the Local Agency Formation Commission (LAFCO) would be required to approve: (1) an amendment to the Olivenhain Municipal Water District (OMWD) Sewer Service Sphere

of Influence and (2) a reorganization consisting of an expansion of latent powers for sewer service and the annexation of the project site into the OMWD.

3.3.1 Vesting Tentative Map

A VTM is required for the project to subdivide the property into 171 single-family lots; two open space (MHPA) lots to be dedicated in fee to the City of San Diego; one preserve lot to be dedicated in fee to a management conservancy; and 1<u>4</u>7 lots to be maintained by the Homeowners Association (HOA), including three two on-site park sites and three off-site lots associated with public street J and the emergency access easement. The VTM details the specific grading and necessary infrastructure.

3.3.2 Rezone

The site is currently zoned as AR-1-1 (Agricultural – Residential, minimum 10-acre lots). Under the project, the site would be rezoned to RX-1-1 (Residential Small Lot, minimum 4,000-square-foot lots) and RS-1-14 (Residential Single Unit, minimum 5,000-square-foot lots).

Application of the RX-1-1 and RS1-14 zones would allow the project to include a variety of lot sizes, consistent with nearby residential development.

3.3.3 Planned Development Permit

The project includes a PDP to allow for deviation from the front yard setback requirements of the RX-1-1 and RS-1-14 zones. The deviation would establish an average front yard setback of 15 feet, allowing a variety of front yard setbacks ranging from 10 to 20 feet provided the overall average would be 15 feet. Street-facing garages would have a required setback minimum of 20 feet to minimize the dominance of the garage.

3.3.4 Site Development Permit

Due to impacts to Environmentally Sensitive Lands (ESL; i.e., steep slopes and sensitive biological resources) a SDP is required for the project. Exceptions and deviations may be allowed by the City if certain findings can be made. The project has been designed to minimize impacts to ESL, and includes landform and contour grading; preservation of most sensitive biological resources (including rare plants) in an open space preserve; planting native plant species; incorporating water quality features to reduce stormwater effects downstream, and avoiding impacts to approximately 75 percent of the significant archaeological site, as identified in Section 5.3. However, encroachment into some steep slopes and sensitive biological resources is unavoidable due to the existing site conditions

and the need for erosion control. Encroachment into steep slopes is within the permitted allowances under ESL, and therefore, no deviations are required.

3.3.5 **Open Space Easement Vacation**

An open space easement vacation within Parcel 3 of PM18504 is required to allow the development of the emergency access road from the project site to East Clusters. As a requirement by the City Fire Department and Parks and Recreation Department, the Tentative Map requires dedication of a secondary emergency access easement and the creation of separate parcels for fee ownership and/or maintenance responsibilities. The alignment of the secondary access road was chosen to allow for the preservation of thread-leaved brodiaea and avoidance of a significant archaeological site. The easement vacation is shown on Figure 3-3.

3.3.6 MHPA Boundary Line Adjustments

Adjustments to an MHPA boundary may be made without the need to amend either the Subarea Plan or the Multiple Species Conservation Program (MSCP) in cases where the new MHPA boundary results in an area of equivalent or higher biological value. The determination of the biological value of a proposed boundary change is made by the City of San Diego in accordance with the MSCP Plan, with the concurrence of the resource agencies. After concurrence from the resource agencies is obtained, the MHPA boundary line adjustment must ultimately be approved through a San Diego hearing body such as the City Council. As illustrated in Figure 3-4, the boundary line adjustment would entail the removal of 20.47 acres from the MHPA and the addition of 12.67 acres on-site (currently outside the MHPA) and an additional 7.84 acres off--site. With implementation of the boundary line adjustment, the project would create a preserve for thread-leaved brodiaea; preserve all onsite wetlands; avoid impacts to the majority of the non-wetland drainages; maintain a 100foot-wide setback from the blueline stream; and avoid impacts to the mulefat scrub and freshwater habitats currently outside the MHPA boundary. The project is proposing a compact development footprint to provide greater separation from gnatcatchers using the northern portion of the site and reduce overall edge effects. The MHPA boundary line adjustment proposed in conjunction with the project is detailed in Section 5.1 of this document.

A second boundary line adjustment would be required for the dedication of off-site MHPA, as described below in Section 3.4.2.1.a.



NOTES:

1. THIS PROJECT WILL REQUIRE RECORDATION OF A PARCEL MAP FOR PROPOSED PARCELS A THROUGH F WITHIN PARCEL 3 OF PM 18504

2. PARCELS B AND E WILL BE OWNED AND MAINTAINED BY HOA

3. PARCELS A AND F WILL BE DEEDED IN FEE TO THE CITY

4. PARCELS C AND D WILL BE DEEDED IN FEE TO THE HOA OR A CONSERVANCY

5. THE PARCEL MAP WILL DEDICATE STREET J R.O.W. AND AN EASEMENT FOR UTILITIES AND FIRE ACCESS WITHIN PARCEL E

6. PUBLIC STORM DRAIN WITHIN PARCEL E AND STREET J R.O.W. WILL BE MAINTAINED BY THE CITY OF SAN DIEGO

7. PUBLIC SEWER WITHIN PARCEL E AND STREET J R.O.W. WILL BE OWNED AND MAINTAINED BY THE OLIVENHAIN MUNICIPAL WATER DISTRICT

8. PUBLIC DOMESTIC WATER FACILITIES, WITHIN STREET J R.O.W., WILL BE MAINTAINED BY THE CITY OF SAN DIEGO

9. A 5FT. RECREATIONAL USE EASEMENT SHALL BE DEDICATED WITHIN PARCELS B, E AND WITHIN LOT 'G' OF EAST CLUSTER UNIT 3 SEE SHEET 12 FOR PROPOSED TRAIL LOCATION

10. A PORTION OF THE EXISTING OPEN SPACE EASEMENT (HATCHED AREA) WILL BE VACATED BY SEPARATE B SHEET VACATION



FIGURE 3-3

Vesting Tentative Map Off-site Requirements

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Legend	
 Property Boundary Existing MHPA Boundary Proposed MHPA Boundary Bordiaea Locations CAGN GPS Points Brush Management Zone 2 Covenant of Easement(Impact Neutra + + MHPA Give Area - 13.5 Ac. MHPA Take Area - 20.5 Ac. 	Date: December 1, 2015

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FIGURE 3-4 Proposed MHPA Boundary Line Adjustment THIS PAGE IS INTENTIONALLY BLANK.

3.3.7 LAFCO Actions

Effective January 1, 2001, the Cortese-Knox-Hertzberg Act requires that LAFCO conduct reviews of all municipal services provided in each county. In 2005, the San Diego LAFCO conducted the North Central San Diego County Municipal Service Review, which comprehensively studied existing and future public service conditions and evaluated organizational options to accommodate growth, prevent urban sprawl, and ensure that critical services are provided in an efficient and cost-effective manner. The analysis, which studied the Olivenhain Municipal Water District, the Rancho Santa Fe Community Services District, and the City of San Diego was accompanied by a Sphere of Influence Update.

In May 2005, the San Diego LAFCO adopted the update, which was affirmed in August 2007 and June 2013. Figure 3-5 illustrates the existing Sphere of Influence for the OMWD. A portion of the project site is outside the adopted Sewer Service Sphere of Influence. To obtain sewer service from OMWD, the LAFCO Commission would need to amend the Sewer Service Sphere of Influence to include approximately 128.6 acres (Figure 3-6).

A special district may only provide those activities described in its principal act. Those services are further restricted by LAFCO's responsibility to regulate latent powers (i.e., the services or functions authorized by the principal act, but not currently exercised by the district). Approval of the proposed approximately 169.9-acre reorganization would increase the geographic area for OMWD to exercise latent powers for Sewer Service and annex the same territory to the district (Figure 3-7).

The proposed reorganization is not contiguous to existing OMWD boundaries. The territory between the existing jurisdictional limits and the proposed annexation is designated as natural open space to be preserved in perpetuity. This intervening area would not require service from the district and has not been included in the proposed annexation. Section 71000-73001 of the California Water Code, which is the enabling act for Municipal Water Districts, allows for the annexation of non-contiguous territory.

3.4 Description of Project Components

3.4.1 Residential Development

The project would involve developing 171 single-family residential lots (30.8228.31 acres) and associated public streets (9.8110.06 acres; Figure 3-8). This proposed development would include grading, landscaping, brush management and the installation of all necessary infrastructure (utility lines, storm drains, etc.). The Black Mountain Ranch Subarea Plan allows 220 dwelling units on the site, including a requirement for 35 affordable units. The project proposes to construct 171 single-family units on-site and transfer 35 affordable units to Lot 9 of Map 15919 in the Black Mountain Ranch North Village Town Center. In addition,

the project proposes the transfer of 14 dwelling units to Lots 12, 13, 18 and 19 of Map 15919 in the Black Mountain Ranch North Village Town Center. In total, the project proposes a combined 220 dwelling units, including 35 affordable units, on-site and off-site in conformance with the Black Mountain Ranch Subarea Plan.

Table 3-1 provides a development summary to illustrate how the project would comply with the zoning requirements.

TABLE 3-1 PROJECT DEVELOPMENT SUMMARY

Development		Zone RS-1-14	Zone RX-1-1	
Regulation	Standard	Proposed	Standard	Proposed
Maximum permitted density (DU/lot)	1	1	1	1
Maximum lot area (sf)	5,000	The smallest lot is 6,200	4,000	The smallest lot is 4,664
Minimum lot		The smallest		The smallest
dimensions (ft)		dimensions are:		dimensions are:
Lot width	50	62	35	47
Street frontage	50	62	35	49
Lot width (corner)	55	68	35	50
Lot depth	95	100	50	97
Setback requirements				
Minimum front setback	15	Deviation requested to allow an average of 15 ft; street-facing garages 20 ft	15 ft for at least 25% of the units, 10 ft for at least 25% of the units, and 20 ft for at least 25% of units	Deviation requested to allow an average of 15 ft; street-facing garages 20 ft
Minimum side setback	4	4	3/0 [Section 131.0443(b)(2) applies]	3/0 [Section 131.0443(b)(2) applies]
Minimum street side setback	10	10	3 [§131.0443(b) (2) applies]	3 [§131.0443(b) (2) applies]
Minimum rear setback	10	10	10	10
Maximum structure height	35	35	30	30
Maximum floor area ratio	0.6	0.60	0.70	0.70
Accessory uses and structures	applies	applies	applies	applies
Garage regulations	applies	applies	applies	applies
Building spacing	applies	applies	applies	applies
Architectural projections and encroachments	applies	applies	applies	applies
Roof design variation	_	—	applies	applies
Maximum paving/hardscape	applies	applies		_
Supplemental requirements	[SDMC §131.0464(a) applies]	[SDMC §131.0464(a) applies]	[SDMC §131.0464(b) applies]	[SDMC §131.0464(b) applies]
Bedroom regulation	Single-family dwellings are limited to 6 bedrooms	Single-family dwellings are limited to 6 bedrooms	_	_
Refuse and recyclable material storage	applies	applies	applies	applies

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Map Source: San Diego LAFCO 2015



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FIGURE 3-5 Existing Sphere of Influence - Olivenhain Municipal Water District THIS PAGE IS INTENTIONALLY BLANK.

Map Source: San Diego LAFCO 2015



FIGURE 3-6

Proposed Heritage Bluffs Sewer Service Sphere of Influence Amendment

Map Source: San Diego LAFCO 2015



FIGURE 3-7 Proposed Heritage Bluffs Reorganization



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FIGURE 3-8 Vesting Tentative Map

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3.4.2 **Open Space and Parks/Recreation**

3.4.2.1 Natural Open Space

a. MHPA

The project would preserve <u>approximately</u> <u>119.03120</u> acres of natural open space on-site through dedication to the City's MHPA. The on-site MHPA open space would include preservation of three open space lots (Lots O, P, and Q), which would be dedicated in fee or via conservation easement to the City of San Diego. (Lot Q would be located within the Heritage Brodiaea Preserve, described in greater detail below).

An additional 7.84 acres off-site would be dedicated to the MHPA as well, including an approximately 0.84-acre area located just north of the site boundary and 7 acres adjacent to Lusardi Creek to off-set for the loss of non-native grassland habitat on-site (Figure 3-9).

b. Off-site Dedications

Approximately 543.3 acres off-site would be dedicated to the MHPA as a condition of the Heritage Bluffs project, including:

- Portions of Parcel 3, Parcel Map 18504 (88.3 acres): Parcels A and F² and Parcels D and C would be dedicated to the MHPA, adjacent to East Clusters directly to the north of the project site (refer to Figure 3-3).
- The project also would formally dedicate approximately 383 acres of land within Black Mountain Ranch presently designated by the Subarea Plan as MHPA. This land would be dedicated in fee through a temporary covenant of easement and an Irrevocable Offer of Dedication to the City or via a covenant of easement on private property for preservation within the City's MHPA system (refer to Figure 3-9).
- An additional dedication of approximately 72 acres of land composed primarily of disturbed non-native grassland, with some coastal sage scrub habitat, to the City's MHPA. This acreage was originally designated as amenity open space by the Black Mountain Ranch VTM 95-0173 and was subsequently designated as Resource Open Space by the 2009 Subarea Plan Amendment. The 72 acres are not presently designated as MHPA land, and therefore a boundary line adjustment would be required. The land would be dedicated in fee to the City of San Diego and once

 $^{^2}$ A portion of Parcel F also would be removed from the dedicated MHPA to allow for an emergency access and utility easement (Refer to Sheet 18 of VTM No. 1193244).

accepted would be managed in perpetuity by the City Department of Parks and Recreation as part of the City's MHPA preserve (refer to Figure 3-9).

c. Heritage Brodiaea Preserve and Native Grassland Restoration Area

The proposed Heritage Brodiaea Preserve (HBP) consists of 14.1 acres (portions of Assessor's Parcel Numbers 312-010-15 and 312-160-07) and is generally situated between the East Clusters and Heritage Bluffs development project sites. Lot Q (on-site) and Parcels D and C (off-site) would serve as the HBP, as illustrated on Figure 3-10. The preserve is being proposed for the conservation, preservation, and enhancement of thread-leaved brodiaea and native grassland habitat as part of mitigation for impacts associated with the project. The HBP would

preserve a regionally significant population of thread-leaved brodiaea within a preserve dedicated in fee to a conservancy for that purpose. As part of the responsibilities of management, the biological features within the preserve would be protected and monitored in perpetuity. A draft Habitat Management Plan (HMP) has been prepared that establishes a program of baseline assessments, management, monitoring, and reporting that would help to protect and maintain biological resources. A Project Analysis Record (PAR) would later be prepared to fully document the specific tasks, fees, and contingencies associated with these activities.

The Applicant also would be required to establish a non-wasting endowment or similar instrument, such as a Landscape Maintenance District, which is tied to the property, for an amount approved by the wildlife agencies based on a PAR or similar cost estimation method to secure the ongoing funding for the perpetual management, maintenance, and monitoring of the biological conservation easement area by an agency, non-profit organization, or other entity approved by the wildlife agencies.

Additionally, the project would include restoration of perennial native grassland habitat, a Tier I habitat-type. The restoration would occur within the HBP, immediately adjacent to the proposed development boundary. This restoration plan is designed to expand native habitat by restoring a disturbed non-native plant species-infested area located adjacent to healthy native vegetation. The restoration area would not be graded. The restoration plan, included in the draft HBP HMP proposes the restoration of perennial native grassland within the HBP to meet the mitigation requirements for project impacts.





pen Space Dedi	cations			
	Assessor Parcel Number	Area		Designation
	212 160 12	00.2		For Short 18 for Designation and Parcelization Details
	512-100-12	00.5	acres	See Sheet 18 for Designation and Parcenzation Details
	312-160-09	94.9	acres *	To be dedicated to the City for Open Space per VTM 95-0173
	312-142-07	22.8	acres *	To be dedicated to the City for Open Space per VTM 95-0173
4	267-150-07	2.5	acres *	To be dedicated to the City for Open Space per VTM 95-0173
4	678-230-21	5.4	acres *	To be dedicated to the City for Open Space per VTM 95-0173
4	267-150-30 267-313-08	86.3	acres *	To be dedicated to the City for Open Space per VTM 95-0173
4	678-230-49 678-237-06	153.7	acres *	To be dedicated to the City for Open Space per VTM 95-0173
4	267-270-10	10.1	acres *	To be dedicated to the City for Open Space per VTM 95-0173
4	678-230-19	2.6	acres *	To be dedicated to the City for Open Space per VTM 95-0173
4	678-230-20	4.5	acres *	To be dedicated to the City for Open Space per VTM 95-0173
l Map 21213	Portion of APN 267-150-35	7.0	acres	To be dedicated to the City for addition to MHPA Open Space
l Map 21213	Portion of APN 267-150-35	72.0	acres	To be dedicated to theCity for addition to MHPA Open Space

pproximate area per Assessor's records. All areas are approximate and subject to refinement to reflect current conditions during final mapping.



FIGURE 3-9 Off-site Open Space Dedications THIS PAGE IS INTENTIONALLY BLANK.



FIGURE 3-10 Brodiaea Preserve In order to accomplish adequate mitigation, areas within the HBP richest in native species would be enhanced through restoration techniques, as detailed in the HMP. Specifically, restoration would consist of mechanical removal of noxious invasives, thatch thinning, and removal (as appropriate). Habitat augmentation would be followed by planting with native grassland species salvaged from the development site or from seeds collected from the site, and long-term management and monitoring.

3.4.2.2 Parks/Recreation

A private recreation area/pocket park would be provided within a portion of Lot L (0.6025 acre) and two HOA maintained mini parks would be provided within Lots M and N.

3.4.2.3 Other Open Space

The remaining open space acreage would include 14 lots (A through N), totaling 10.9<u>6</u>4 acres, which would be owned and maintained by the HOA. The remainder of the HOA open space lots would be for brush management.

3.4.3 Grading and Retaining Walls

Implementation of the VTM would result in approximately 630,000 cubic yards of cut (maximum depth of 25 feet) and 775,000 cubic yards of fill (maximum depth of 35 feet) over the approximately 50-acre graded area (including the 3 acres of off-site grading for road construction). Excess-Imported fill (145,000 cubic yards) would be obtained from the East Clusters project, Unit 3, directly to the northeast of the project site. Manufactured slopes in excess of 10 feet in height or 2:1 gradient would be created on the perimeter of the development area boundary and within the development between rear yards. Cut slopes would have a maximum height of 69 feet and 2:1 gradient; and the maximum fill slope height would be 62 feet with a 1.5:1 gradient. All the manufactured slopes would be contoured.

The proposed development has been sited to avoid steep hillsides to the maximum extent possible. Given the biological constraints on the property, minor encroachments into steep slopes would still occur. The encroachment area would constitute 0.6 acre, which is approximately 1.3 percent of the total on-site disturbed area or 0.9 percent of the total steep slopes that occur on the premises. Per Municipal Code Section 143.0142, some encroachment into steep hillsides is permitted to achieve a maximum development area of 25 percent of the premises. The overall development area would be 22.4 percent of the project site when erosion control measures are excluded pursuant to Municipal Code Section 143.0142. Therefore, the project would be within the encroachment allowance as
permitted by the City's ESL ordinance. Grading for the project is illustrated on Figures 3-11a and 3-11b.

Off-site grading would be required for construction of the proposed utility and fire access road (Parcel E) and Public Street J (Parcel B), both of which would connect to the East Clusters project to the north. Blasting may be required in conjunction with grading operations for the project in areas of shallow bedrock.

During project grading, the project would implement standard dust control measures, as specified in the 1998 EIR and as indicated on the final grading plans.

Eighteen retaining walls, with a total length of 3,843 feet would also be used in areas with steep slopes to reduce grading impacts. The retaining walls would have a maximum height of 8.5 feet.

3.4.4 Water, Sewer, and Stormwater Systems

A summary of the proposed water, sewer, and stormwater improvements for the project is provided below.

3.4.4.1 Water

Water service would be provided by the City of San Diego Public Utilities Department. There are no existing water facilities directly adjacent to the project site. Therefore, the project would connect to the existing 920 Zone east of the project site in Bernardo Center Drive at the intersection with Camino Crisalida. Dual 12-inch pipelines would be used to make the connection and would convey water west and south through the adjacent East Clusters project to the project site. Water lines would be extended south to the adjacent property (Parcel C of the Southeast Perimeter properties).

3.4.4.2 Sewer

As described in Section 3.3.6, the San Diego LAFCO would need to approve several discretionary actions for OMWD to provide sewer service. Proposed sewer flows generated by the project would be conveyed to the downstream sewer treatment plant owned and operated by the OMWD. The proposed sewer mains in the project site would be owned and maintained by the OMWD. A series of 8-inch collector lines would connect with the 8-inch sewer mains. The sewer mains would have two points of connection, one in Street J and the other at the connection of the fire and utility access road, within the East Clusters Unit 3 development. Sewer lines would be extended to the south to the adjacent property (Parcel C of the Southeast Perimeter properties).

3.4.5 Stormwater

3.4.5.1 Drainage

New storm drain facilities would be constructed per applicable San Diego standards, as indicated in the Drainage Report (Appendix B-1). The proposed on-site drainage system would include culverts, brow ditches, curbs, gutters, storm drain inlets, and pipes. Storm drain inlets would be constructed to collect runoff from within the developed areas. The storm drain system within the developed portion of the project site would drain into an underground storm drain system, which would tie into the underground storm drain within Street J and the emergency access road to be constructed as part of the East Clusters project. Runoff from both projects would be conveyed to a proposed detention basin to be located at the southwest corner of Winecreek and Carmel Valley roads. Off-site drainage consists of natural canyon areas upstream, downstream, and surrounding the project. All proposed hydromodification facilities and treatment control best management practices (BMPs) for the project would be handled on a regional basis and located within the adjacent East Clusters project.

3.4.5.2 Water Quality

The project would include runoff pollution prevention features to maintain water quality and satisfy treatment control requirements of the Standard Urban Stormwater Mitigation Plan and Regional Water Quality Control Board (RWQCB) requirements (refer to the Water Quality Technical Report, Appendix B-2). Site design and source control features to minimize introduction of pollutants of concern would be included. Impervious areas would be minimized. The project would comply with bacterial Total Maximum Daily Load limits as they are developed by the approving agencies. Source control methods would be implemented in order to limit bacterial discharge. Source control BMPs would include steep hillside landscaping to minimize the need for irrigation.

The project storm water system would comply with the San Diego County Hydrology Manual, the City of San Diego Drainage Design Manual, National Pollutant Discharge Elimination System Municipal Permit, and RWQCB requirements.





FIGURE 3-11a Grading Details



FIGURE 3-11b Grading Details

3.4.6 Access and Circulation

3.4.6.1 Project Access

Primary access to the project site would be provided by extending access from the proposed development to the north per the East Clusters VTM via public Street J, which would traverse the off-site area from the proposed East Clusters development to the project site. A recreational trail easement would be provided, as well as access to a future trail system, which has not been developed nor planned. (Any future trail construction occurring within the MHPA would be subject to future CEQA analysis and permitting by the City.)

3.4.6.2 Vehicular Circulation

Six interior streets (Streets C through G and J) would be constructed within the project site (refer to Figure 3-8). These would be public streets. Street J would provide the main access to the site. The maximum width of the right-of-way (curb-to-curb) would be 60 feet leading into the project site and 56 feet within the project site. Streets C through G would be slightly narrower than Street J and would include a 56-foot right-of-way, 4.5-foot-wide sidewalks on either side, and 32-foot-wide roadways (one 16-foot-wide lane with on-street parallel parking in either direction). Streets D and J would include cul-de-sacs. Streets C through G and J would be public roadways and built to parkways and sidewalk standards specified in the City of San Diego Street Design Manual. Internal circulation would include stop signs at internal intersections. The internal public streets would be extended south to the adjacent property (Parcel C of the Southeast Perimeter properties). This public street system would be maintained by the City of San Diego.

3.4.6.3 Trail System

Two existing Americans with Disabilities Act non-compliant unimproved (social) trails exist within Parcel D to the north of the project footprint. These existing trails are located within the future HBP and would be revegetated as part of the project. The project would re-route these trails within off-site access Parcels B and E. Within Parcel E, the trail would be contiguous with the concrete emergency access road. A connection via trail steps would be provided from the trail within Parcel E to the existing off-site unimproved trail to the west of the project site. From Parcel E, the trail would connect into the East Clusters project to the north. The trail would exit the East Clusters project to the east and continue within Parcel B adjacent to public access Street J. From Parcel B, the trail would connect again to an existing unimproved access trail off-site to the east. The project would not construct any trails outside of the VTM project area or within the MHPA.

3.4.6.4 Emergency Access

Emergency access to the project site would be provided by extending access from the proposed development to the north per the East Clusters VTM within Parcel E. The access road would traverse from the cul-de-sac in public Street D within the project site through the open space, connecting off-site to the proposed East Clusters project.

3.4.7 Landscaping and Brush Management

The landscape plans provide a list of plant materials that would vary with location, orientation, level of refinement, and land use transition and edge conditions. Figures 3-12a and 3-12b illustrate the landscape design. The landscape plan design includes plantings to blend and complement the existing native planting in the project vicinity. Native low-fuel volume species would be used to revegetate the graded slopes. The interior of the project site would feature parkway street trees and groundcover—ornamental in nature and fire resistant. The recreation area would include a mix of low-maintenance ornamental and naturalized material. HOA Lots M and N would be designed as mini parks and would include a lawn area, screening trees and shrubs, and colorful plantings. Transitional edges to open space would have drought-tolerant and ornamental trees, shrubs, and grasses.

A brush management program is proposed to reduce the risk of wildfire while minimizing visual, biological, and erosion impacts to natural areas. Brush management is required along the perimeter of the project site where structures would be adjacent to natural open space. Figures 3-13a and 3-13b depict the proposed brush management program for the project. Consistent with San Diego's adopted brush management guidelines and state requirements, a combination of two brush management zones would be required. Zone 1 is the area adjacent to the structure and must be the least flammable. This zone would consist of hardscape or permanently irrigated vegetation and would be accommodated on the development pads and outside of the MHPA. Zone 2 would consist of the selective thinning and pruning of the native plants. Vegetation thinning and pruning would be conducted consistent with San Diego standards to avoid/minimize impacts to sensitive species to the maximum extent possible. Zone 2 would be placed in an open space easement under a responsible private party such as a HOA. Maintenance of the brush management zones for these areas would be the responsibility of the HOA.





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Landscape Plan



FIGURE 3-13b Brush Management Program



panes, inclusive of a 10' perpendicular return along the adjacent wall faces.



FIGURE 3-13a Brush Management Program



FIGURE 3-13b Brush Management Program

The project proposes alternative brush management compliance in two areas. First, Lots 1, 21, 126, 127, 143, and 144 would have alternative compliance per Land Development Code Section 142.0412, Section I. A radiant heat wall would be provided as shown on the VTM plan set. In addition, the habitable structures would be fire-rated on the side with the radiant heat wall. That is, the north side walls of the structure for Lots 1 and 143, the east side wall of Lot 127, as well as the west side walls of Lots 21, 126 and 144 would have upgraded opening protection of dual glazed/dual tempered panes, including a 10-foot perpendicular return along the adjacent wall faces. Within Lots 1, 21, 126, 127, 143 & 144, Zone 1 would be provided between the non-combustible radiant heat wall and the habitable structure.

Alternative compliance also is proposed for the units abutting Lot Q. An equivalency of full brush management fire protection would be achieved through a combination of upgraded window openings, radiant heat walls, brush management Zone 2 maintenance in Lot C by the HOA and the eradication of noxious invasives within Lot Q of the HBP under the supervision of a qualified habitat manager, as per the Habitat Management Plan (Appendix C; Scheidt 2015) of the HBP.

The VTM/PDP/SDP has been reviewed with the Fire Department for alternative compliance for displacement of the brush management zone 1 (BMZ1) and alternative compliance for the units abutting Lot Q. The potential habitable structures displacing into the BMZ1 would be designed to be in conformance with the building code including rated construction, sealed eves, non-combustible roofing, rated windows, etc. The displacement is allowed through alternative compliance based on the limits of grading permitted for the entire site. The grading limits have been minimized to avoid hillside disturbance while preserving the maximum areas for MHPA lands, and thereby restricting the ability to expand all zone 1 areas beyond these limits.

4.0 History of Project Changes

This section describes the history and background of the project. As described in Section 3.1, the project site is located within what is identified by the Subarea Plan, as the "Southeast Perimeter" property. The Subarea Plan allocates 220 units to the project site. The Heritage Bluffs project was originally submitted to the City by a previous applicant in 2008. An Initial Study/Mitigated Negative Declaration (IS/MND) was released for public review in July 2010. In response to the public review IS/MND, the wildlife agencies asked for the Applicant to conduct a focused survey for thread-leaved brodiaea (*Brodiaea filifolia*), which is state-listed as endangered and federally listed as threatened. The survey identified thread-leaved brodiaea located in middle of the development footprint. Negotiations began with the agencies relative to redesign of the project. To preserve the thread-leaved brodiaea on-site, the primary access road was shifted to the east. Although coastal sage scrub habitat was located on the northeastern knoll, the agencies allowed the Applicant to expand the development footprint onto the knoll in exchange for preservation of the on-site thread-leaved brodiaea. Subsequent to the redesign of the project, the previous applicant did not continue to pursue the project.

The Heritage Bluffs II project was designed to be a similar, albeit slightly differently project from the original. Like Heritage Bluffs, the Heritage Bluffs II project is consistent with the Black Mountain Ranch (Subarea I) Subarea Plan for the site. The Heritage Bluffs II project retained the redesigned footprint developed by the earlier applicant, including the on-site thread-leaved brodiaea preserve. The Heritage Bluffs II project also results in a lesser impact to on-site cultural resources. Through redesign of the project, the Heritage Bluffs II project would result in less than significant impacts to Native American remains through implementation of a conservation easement.

The Heritage Bluffs II project includes only single-family residential development, as the affordable housing component was relocated to the Town Center, closer to services, and the number of proposed on-site units was reduced. Also, the Heritage Bluffs II project includes a second point of access for fire and emergency vehicles, which was not included in the Heritage Bluffs project.

In January and February 2015, during pre-grading surveys, additional specimens of threadleaved brodiaea were detected within the project area. After consultation with the City and wildlife agencies, the Heritage Bluffs II project was redesigned to preserve additional brodiaea on-site. Public Street J, the main access road was realigned, and lots adjacent to the preserve were shifted such that potential impacts to the brodiaea were reduced to avoid the majority of the population on-site. Alternative brush management also was incorporated into the project design adjacent to open Space Lot Q (preserve). In conjunction with the revised site plan, several revised technical reports and/or addendums were prepared: an Addendum to the General Biotechnical Report summarizing the changes to the proposed boundary line adjustment (REC 2015); an Addendum to the Brodiaea Survey Report summarizing the results of the 2015 brodiaea surveys and impacts of the redesigned project (Scheidt 2015); and a revised Habitat Management Plan that addresses both the preservation and maintenance of the brodiaea and native grassland within the dedicated preserve.

In subsequent consultation with the wildlife agencies in September 2015, the Applicant offered the dedication of additional off-site open space within Black Mountain Ranch. As detailed in Chapter 3, Project Description, the Applicant has proposed the preservation of private property with a covenant of easement or temporary covenant of easement with an Irrevocable Offer of Dedication to the City of: approximately 470 acres of land within Black Mountain Ranch (south of the North Village) presently designated by the Subarea Plan as Multi-Habitat Preservation Area (MHPA); and an additional approximately 72 acres of land composed primarily of disturbed non-native grassland, with some coastal sage scrub habitat to be preserved within the City's MHPA. The preservation through covenant of easements or dedication of 470 acres is an advancement of a condition of approval of Vesting Tentative Map (VTM) 95-0173. (VTM-I was conditioned with the on-site preservation of 1,776 acres of public open space, of which of approximately 1,446 acres has already been conserved through dedication or easements.) In addition to the preservation of approximately 470 acres as fulfillment of the conditions of VTM I, the Applicant has proposed to dedicate an additional 72 acres to the City's MHPA, not presently designated as MHPA. The 72 acres are identified as Resource Open Space in the Subarea Plan (2009, as amended). The addition of approximately 72 acres of off-site acreage would require an MHPA boundary line adjustment. The off-site acreage would be dedicated in fee to the City of San Diego, for preservation in perpetuity with the MHPA. Neither off-site area has been identified as compensatory mitigation for impacts associated with the Heritage Bluffs II project.

5.0 Environmental Analysis

All environmental issues analyzed in the 1998 Subarea Plan Environmental Impact Report (EIR) were considered during initial review of the project. Through City review of the project and comments received in response to the Notice of Preparation, the following issues were determined to either: 1) lack a site-specific impact analysis and/or adequate mitigation for project impacts; or 2) result in new impacts that may be potentially significant and require subsequent analysis and/or mitigation as part of this Supplemental Environmental Impact Report (SEIR):

- Land Use (Land Development Code [LDC] Compliance, Multiple Species Conservation Program [MSCP] Consistency);
- Biological Resources;
- Cultural Resources;
- Landform Alteration/Visual Quality (landform alteration);
- Noise (construction); and
- Air Quality (construction)

This chapter analyzes the potentially new environmental impacts that may occur as a result of project implementation. Each section within this chapter includes an environmental issue that has been identified for this project and addresses the issues from the 1998 EIR that require supplemental analysis.

The issue analyses include a summary of existing conditions; the criteria for the determination of impact significance; evaluation of potential project impacts; a list of required mitigation measures if applicable, and conclusion of significance after mitigation for impacts identified as requiring mitigation.

All potential direct and indirect impacts are evaluated in relation to applicable City, state, and federal standards, as reflected in the City's 2011 Significance Determination Thresholds, and include City goals and standards in compliance with the City General Plan (2008).

5.0 Environmental Analysis

5.1 Land Use

The analysis in this section updates the land use analysis in the 1998 EIR, with an emphasis on effects that were not addressed in the previous report. Because no site-specific design was proposed at the time the 1998 EIR was prepared, issues regarding LDC deviations and MSCP consistency could not be analyzed in detail for the perimeter properties, and impacts were assumed to be potentially significant. Therefore, this section provides a site-specific analysis of LDC and MSCP consistency relative to the project. Other issues related to land use were adequately analyzed as part of the 1998 EIR, to which this SEIR is tiered. Those issues are summarized in Chapter 9.0.

5.1.1 Existing Conditions

5.1.1.1 Land Use Context

The project site is undeveloped and located within the Black Mountain Ranch Subarea in the northern portion of the City of San Diego. A broad gently rising canyon that ascends from the north to the south characterizes the project site. A series of dirt roads and trails traverses portions of the site.

The project site is currently zoned as Agricultural – Residential. Approximately 43 acres of the project site have been designated as Low Residential (2–5 dwelling unit/acre) in the Black Mountain Ranch (Subarea I) Subarea Plan and the remainder of the site as Resource Based Open Space. The project site is within the City's MSCP, and portions of the project site are within the Multi-Habitat Planning Area (MHPA). The MHPA boundary surrounds the area to be developed.

5.1.1.2 Surrounding Land Uses

Figure 5.1-1 shows the land uses surrounding the project site. The project site is located in a developing area, which includes primarily residential development and open space. Single-family residential neighborhoods lie north and east of the project site and open space lies to the south. Undeveloped land lies to the west. Black Mountain Open Space Park lies south of the project site.

The Black Mountain Ranch Subarea encompasses 5,098 acres and is generally bounded on the west, north, and east by unincorporated areas of San Diego County. The 4S Ranch and Santa Fe Valley Specific Plan areas form a portion of this county land. On the east, southeast, and south, the Black Mountain Ranch Subarea is bounded by the Rancho Peñasquitos and Rancho Bernardo Community Planning Areas and Subarea IV Torrey Highlands.





- Open Space Parks
- Extensive Agriculture
- Undeveloped

FIGURE 5.1-1 Surrounding Land Use

Transportation, Communications, Utilities

Single Family Residential

Multi-Family Residential

Commercial and Office

Light Industry

5.1.1.3 Regulatory Framework

a. Environmentally Sensitive Land Regulations

On January 1, 2000, Environmentally Sensitive Lands (ESL) Regulations were adopted by the San Diego City Council as a part of the LDC. The purpose of the ESL Regulations is to protect and preserve environmentally sensitive lands and the viability of the species supported by those lands. The regulations are intended to assure that development occurs in a manner that protects the overall quality of the resources and the natural and topographic character of the area. It is further intended that the development regulations for ESL, which include guidelines for biology, flood hazard areas, steep hillsides, and coastal bluffs and beaches, serve as standards for the determination of impacts and mitigation. Within the project site, ESL development regulations apply to sensitive biological resources, such as coastal sage scrub, which are discussed in detail in Section 5.2, Biological Resources, of this SEIR, and steep hillsides.

According to the ESL regulations, development that proposes encroachment into steep hillsides is subject to Municipal Code §143.0142 Development Regulations for Steep Hillsides, and the Steep Hillside Guidelines in the Land Development Manual. Outside of the MHPA, the allowable development area includes all portions of the premises without steep hillsides. The regulations state that steep hillsides shall be preserved in their natural state, except that development is permitted in steep hillsides if necessary to achieve a maximum development area of 25 percent of the premises. Development encroachment into steep hillsides and sensitive biological resources within the MHPA is restricted. Development within the MHPA beyond the allowed 25 percent would require a MHPA boundary line adjustment. A Site Development Permit (SDP) is required for projects proposing to impact any ESL.

b. Historical Resources Regulations

The purpose of the City's Historical Resources Regulations (HRR; Section §143.0201 of the City's LDC) is to protect, preserve and, where damaged, restore the historical resources of San Diego, which include historical buildings, historical structures or historical objects, important archaeological sites, historical districts, historical landscapes, and traditional cultural properties. These regulations are intended to assure that development occurs in a manner that protects the overall quality of historical resources. The City's Historical Resources Regulations require that development affecting designated historical resources or historical districts shall provide full mitigation for the impact to the resource, in accordance with the Historical Resources Guidelines of the Land Development Manual, as a condition of approval. If development cannot to the maximum extent feasible comply with the development regulations for historical resources, then a SDP in accordance with Process Four is required.

c. Multiple Species Conservation Program Subarea Plan

The MSCP is a comprehensive, long-term habitat conservation planning program that covers approximately 900 square miles in southwestern San Diego County under the federal and state

Endangered Species Acts and state Natural Community Conservation Planning (NCCP) Act of 1991. Local jurisdictions, including the City, implement their portions of the regional umbrella MSCP through subarea plans, which describe specific implementing mechanisms. The City's MSCP Subarea Plan was approved in March 1997 and covers approximately 206,000 acres within the City's jurisdictional boundary. The City, U.S. Fish and Wildlife Service (USFWS) and the California Department of Fish and Wildlife have signed an MSCP Implementing Agreement that allows the City to issue incidental take authorizations for "MSCP Covered" species. The MSCP identifies approximately 57,000 acres as MHPA that is considered to be 90 percent conserved in order to adequately preserve habitat for the MSCP covered species.

Approximately 120 acres of the project site is within the northern area of San Diego's MHPA, with the MHPA surrounding the area to be developed. The northern area encompasses a large amount of developed and undeveloped land stretching from the Black Mountain Ranch area south to Lopez Canyon in Los Peñasquitos Canyon Preserve in Mira Mesa, and from the coast to Interstate 15. The majority of the undeveloped private land is disturbed habitat, much of it having been farmed or grazed for decades or longer. This core resource area encompasses one of the few intact natural open space areas in coastal San Diego County that is still linked to larger expanses of habitat to the east. Los Peñasquitos Canyon is a regional corridor linking coastal habitats to inland habitats on Black Mountain and in Poway. Important resources in this area include saltmarsh, coastal sage scrub, and southern maritime chaparral. Willowy monardella, San Diego thornmint, California rufous-crowned sparrows, and California gnatcatchers are a few of the covered species that occur in this area. Figure 3-4 depicts the project site in relation to the MHPA.

The MSCP Subarea Plan northern area has four general guidelines, none of which apply to the project site. Land uses that are considered compatible with the objectives of the MSCP and which are permitted uses in MHPA open space include:

- passive recreation;
- utility lines and roads (must adhere to MHPA construction and maintenance policies);
- limited water facilities and essential public facilities;
- limited low-density residential use;
- brush management zone-2; and
- limited agriculture.

For properties that are entirely within the MHPA, allowable development of up to 25 percent of the site can occur. San Diego's MSCP Subarea Plan states that adjustments to the MHPA boundary line are permitted without the need to amend San Diego's Subarea Plan, as discussed below.

Boundary Line Adjustment

An MHPA boundary line adjustment may be requested by projects to move the MHPA boundary, as long as the adjustment provides an equivalent MHPA. The MHPA boundary line adjustment requires approval from the City and wildlife agencies. For an MHPA boundary line adjustment to be considered, it must meet six functional equivalency criteria to demonstrate the habitat conveyed is of equal or higher value. The comparison of biological value must analyze the following:

- 1. Effects on significantly and sufficiently conserved habitats (i.e., the exchange maintains or improves the conservation, configuration, or status of significantly or sufficiently conserved habitats);
- 2. Effects to covered species (i.e., the exchanges maintains or increases the conservation of covered species
- 3. Effects on habitat linkages and function of preserve areas (i.e., the exchange results in similar or improved management efficiency and/or protection for biological resources);
- 4. Effects on preserve configuration and management (i.e., the exchange results in similar or improved management efficiency and/or protection for biological resources);
- 5. Effects on ecotones or other conditions affecting species diversity (i.e., the exchange maintains topographic or structural diversity and habitat interfaces of the preserve); and/or
- 6. Effects to species of concern not on the covered species list (i.e., the exchange does not significantly increase the likelihood that an uncovered species will meet the criteria for listing under either the federal or state Endangered Species Acts; City of San Diego 1998).

Land Use Adjacency Guidelines

The City's MSCP Subarea Plan provides Land Use Adjacency Guidelines to avoid or reduce significant indirect impacts to MHPAs from adjacent land uses. The Land Use Adjacency Guidelines include drainage, lighting, noise, and slope grading recommendations for adjacent development, as well as recommendations for avoiding or redirecting toxic chemicals (e.g., from landscape or agricultural fertilization) and prohibition of the planting of invasive species.

Section 1.4.3 of San Diego MSCP Subarea Plan presents Land Use Adjacency Guidelines, as summarized below. Section 1.5.2 of the MSCP provides general management recommendations to implement these guidelines, as summarized below.

Drainage. All new and proposed parking lots and developed areas in and adjacent to the MHPA must not drain directly into the MHPA. All developed and paved areas must prevent the release

of toxins, chemicals, petroleum products, exotic plant materials, and other elements that might degrade or harm the natural environment or ecosystem processes within the MHPA.

Toxics. Land uses such as recreation and agriculture that use chemicals or generate byproducts that are potentially toxic or impactive to wildlife, sensitive species, habitat, or water quality, need to incorporate measures to reduce impacts caused by the application and/or drainage of such materials into the MHPA.

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

Noise. Uses in or adjacent to the MHPA should be designed to minimize noise impacts. Excessively noisy uses or activities adjacent to breeding areas must incorporate noise reduction measures and be curtailed during the breeding season of sensitive species.

Barriers. New development adjacent to the MHPA may be required to provide barriers (e.g., non-invasive vegetation, rocks/boulders, fences, walls and/or signage) along the MHPA boundary to direct public access to appropriate locations and reduce domestic animal predation.

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

Brush management. New residential development located adjacent to and topographically above the MHPA (e.g., along canyon edges) must be set back from slope edges to incorporate Zone 1 brush management areas on the development pad and outside of the MHPA. Zone 2 should be placed in an open space easement that identifies a homeowners association or other private party that would be responsible for the ongoing Zone 2 brush management activities. The amount of woody vegetation thinning shall not exceed 50 percent of the vegetation existing when the initial thinning is done. Vegetation thinning shall be done consistent with San Diego standards and shall avoid/minimize impacts to covered species to the maximum extent possible. For all new development, regardless of the ownership, the brush management in the Zone 2 area would be the responsibility of a homeowners association or other private party.

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

5.1.2 Significance Determination Thresholds

Based on San Diego's Significance Determination Thresholds, a significant land use impact would occur if the project would result in:

- A deviation or variance and the deviation or variance would in turn results in a physical impact on the environment.
- A conflict with the provisions of the City's MSCP Subarea Plan or other approved local, regional or state habitat conservation plan.

As stated in the City's Thresholds, project inconsistency or conflict with a plan by itself does not constitute a significant environmental impact. The plan or policy inconsistency would have to result in or relate to a significant environmental impact to be considered significant pursuant to San Diego's guidelines and California Environmental Quality Act.

5.1.3 Issue 1: LDC Deviations

Would the proposal require a deviation or variance and the deviation or variance would in turn results in a physical impact on the environment?

5.1.3.1 Impacts

a. ESL

The project site is subject to the ESL Regulations of the San Diego LDC. For the project site, the ESLs subject to development regulations include sensitive biological resources and steep hillsides.

Sensitive Biological Resources

The project would comply with the ESL development regulations outlined in LDC Section §143.0141 for sensitive biological resources, as detailed below. All development occurring in sensitive biological resources is subject to a site-specific impact analysis conducted by a qualified Biologist, in accordance with the Biology Guidelines in the Land Development Manual. Mitigation may include any of the following, as appropriate to the nature and extent of the impact: (A) Dedication in fee title to the City of San Diego; or (B) Dedication of a covenant of easement in favor of the City of San Diego or (C) monetary payment.

A site-specific impact analysis was prepared for the project, the conclusions of which are detailed in Section 5.2 of this SEIR. Mitigation would be accomplished on-site through: 1) dedication of land in fee to the City for preservation within the MHPA and 2) dedication of land in fee to a conservancy for management of the thread-leaved brodiaea preserve.

1) Grading during wildlife breeding seasons shall be consistent with the requirements of the MSCP Subarea Plan.

As detailed in Section 5.2.3.3, grading would be permitted during the breeding season as subject to certain conditions.

2) Sensitive biological resources that are outside of the allowable development area on a premises, or are 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.

Mitigation for sensitive biological resources would be accomplished through dedication of <u>approximately 120119.03</u> acres of land on-site to the City's MHPA. Land within the MHPA could only be used as prescribed by the City's MSCP Subarea Plan.

3) Inside and adjacent to the MHPA, all development proposals shall be consistent with the MSCP Subarea Plan.

The project would be consistent with MSCP Subarea Plan as detailed under Issue 2 below.

4) Projects Located Outside the MHPA

(B) Encroachment into sensitive biological resources is not limited, except as set forth in section 143.0141 (a)(6)(A) and 143.0141(b).

The project would encroach into sensitive biological resources and mitigation is proposed consistent with the City's Biology Guidelines as detailed in Section 5.2.

5) Narrow Endemic Species: Outside the MHPA, measures for protection of narrow endemic species shall be required such as management enhancement, restoration and/or transplantation.

The only narrow endemic species present on the project site is thread-leaved brodiaea. This species would be protected through the creation of The Heritage Brodiaea Preserve (as described in Chapter 3). ESL wetland regulations would not apply to the project, as no wetland waters would be impacted by the project. In conclusion, the project would comply with all ESL regulations pertaining to sensitive biological resources.

Steep Hillsides

The LDC contains Steep Hillside Guidelines that provide standards and guidelines intended to assist in the interpretation and implementation of the development regulations for steep hillsides contained in Chapter 14, Article 3, Division 1, ESL. The project would encroach into steep hillsides and is therefore subject to the ESL regulations and was evaluated for conformance with the Steep Hillside Guidelines. According to the ESL Regulations, for areas outside of the MHPA, the allowable development area includes all portions of the premises without slopes greater than 25 percent (steep slopes). All graded slopes shall be revegetated in accordance with ESL Regulations. Steep slopes shall be preserved in their natural state, except where development is permitted in steep slopes if necessary to achieve a maximum development area of 25 percent of the premises.

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

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

b. HRR

Due to the designation of CA-SDI-11,039 as a historical resource by the City of San Diego Historical Resources Board, the project would normally be subject to Sections 143.0251, 143.0252, and 143.0253 of the LDC (Historical Resources Regulations). City staff, however, has determined that the project would be exempt (under Section 143.0220) from the requirement to obtain an SDP because the project would result in a minor alternation to the resource, as the significant portions of the site would not be impacted by project grading and would be retained within open space (see Section 5.3, Cultural/Historic Resources, for further discussion).

5.1.3.2 Significance of Impacts

a. ESL

The project would be consistent with the ESL Regulations for sensitive biological resources as described above and would mitigate impacts to biological resources to below a level of significance, as described in Section 5.2, Biological Resources.

As discussed above, the project is within the encroachment allowance as permitted by the City's ESL ordinance and would be consistent with the ESL Regulations regarding encroachment into steep hillsides. Thus, the project does not require the processing of ESL deviation findings as part of the SDP. The project incorporates measures that would reduce impacts associated with grading into steep slopes (i.e., contour grading and use of retaining walls). Therefore, land use impacts would be less than significant.

b. HRR

Because the historically significant portions of the site would be retained within open space and not subject to grading, the project would be exempt under Section 143.0220 of the LDC for an SDP. Impacts would be less than significant.

5.1.3.3 Mitigation, Monitoring, and Reporting

Because impacts would be less than significant, no mitigation is required.

5.1.4 Issue 2: MSCP Consistency

Would the proposal conflict with the provisions of the City's MSCP Subarea Plan or other approved local, regional, or state habitat conservation plan?

5.1.4.1 Impacts

a. City of San Diego MSCP Subarea Plan

The project is consistent with Section 1.6.4 of the City's MSCP Subarea Plan, as it preserves lands dedicated to the MHPA. The MHPA boundary line adjustment proposed as part of the project ensures that the project meets the equivalency standards as they pertain to a no net loss of MHPA habitat area, functions, or values. The project creates an open space area for the preservation of an MSCP covered species (thread-leaved brodiaea) that is consistent with the MSCP Subarea Plan goals. In addition, the project has identified specific conservation measures for the covered and narrow endemic species, thread-leaved brodiaea, as part of the preservation of the species within an open space preserve that identifies and will-provides for the specific long-term-management of the species in perpetuity.

b. MHPA Boundary Line Adjustment

The project would adjust the boundary of the MHPA to outside the developed area and preserve approximately <u>120</u>119 acres of open space within the MHPA (refer to Figure 3-4). The boundary line adjustment would result in the removal of 20.47 acres from the existing MHPA on-site (16.42 acres of coastal sage scrub and 4.05 acres of non-native grassland), and the addition of 20.5 acres on- and off-site into the MHPA. On-site acreage includes 6.58 acres of coastal sage scrub, 5.87 acres of non-native grassland, 0.18 acres of mulefat scrub, and 0.03 acre of freshwater marsh). The off-site acreage includes approximately 0.84-acre north of the site boundary within the existing access encumbrance per the Santa Luz Vesting Tentative Map, as shown on Figure 3-4, and 7 acres off-site, adjacent to Lusardi Creek, would also be conveyed as shown on Figure 3-9, for a total of 13.72 acres. Overall, the proposed land exchange would result in a net surplus of 0.03 acre of MHPA within the project site. The removal of 16.42 acres of Tier II coastal sage scrub would be off-set through the preservation of 6.58 acres of Tier II coastal sage scrub and 6.72 acres of Tier IIIB non-native grassland containing thread-leaved brodiaea. Although nonnative grassland is a lower tier, the conservation of the thread-leaved brodiaea within the nonnative grassland was considered adequate to off-set the loss of coastal sage scrub by wildlife agencies.

The 7.25-acre portion of Parcel 3 of Parcel Map No. 18504 where *Brodiaea filifolia* is proposed to be preserved as a part of the Heritage Brodiaea Preserve is included in the Black Mountain

Ranch Vesting Tentative Map 95-0173 and subject to conservation obligations stated in USFWS/California Department of Fish and Wildlife Interim Loss Permit (1996). However, the portion of Parcel 3 of Parcel Map No. 18504, which will not be developed has not been dedicated to the City or placed in a covenant of easement, and is therefore not considered conserved. To allow this area to be counted as conservation for the Heritage Bluffs II project, the Applicant has agreed to add a portion of Assessor's Parcel Number 267-150-35 adjacent to the Lusardi Creek that totals approximately 72 acres to the MHPA (refer to Figure 3-9) The 7.25-acre portion of Parcel 3 of Parcel Map No. 18504 and approximately 72 acres of Assessor's Parcel Number 267-150-35 would be dedicated to the City or placed in a covenant of easement as a condition of project approval. The 7.25-acre portion of Parcel 3 of Parcel Map No. 18504 would be included in the overall Heritage Brodiaea Preserve and managed, monitored, and funded in perpetuity according to a plan approved by the City and the wildlife agencies. A detailed analysis of the boundary line correction/adjustment is presented in Table 5.1-1, below.

				Net Change in Total Habitat
		MHPA Boundary Line Adjustment		after Boundary
				Line
		Deletion	Addition	Adjustment
Vegetation Community	MSCP Tier	(acres)	(acres)	(acres)
Native perennial grassland		-0.00	+0.00	0.00
Coastal sage scrub		-16.42	+6.58	-9.84
Southern mixed chaparral	IIIA	-0.00	+0.00	0.00
Non-native grassland	IIIB	-4.05	+13.72 ¹	+9.67
Freshwater marsh	n/a	-0.00	+0.00	0.00
Mulefat scrub	n/a	-0.00	+0.18	+0.18
Riparian forest	n/a	-0.00	+0.03	+0.03
TOTAL		20.47	+20.51	+0.3

 TABLE 5.1-1

 COMPARISON OF EXISTING AND ADJUSTED MHPA BOUNDARY

¹Acreage includes: 5.87 acres on-site and approximately 0.84 acre of off-site non-native grassland north of the project boundary within the Santa Luz Vesting Tentative Map and 7 acres of off-site non-native grassland adjacent to Lusardi Creek to be conveyed to the MHPA.

The proposed MHPA boundary line adjustment was conditionally approved by the wildlife agencies and City MSCP on January 16, 2015. Once the boundary line adjustment is completed, no direct impacts or loss of MHPA lands would result from the project. As the project's boundary line adjustment would result in a functionally equivalent MHPA, the boundary line adjustment would have a less than significant impact on the MSCP. Therefore, the project would not be in conflict with an adopted Habitat Conservation Plan, NCCP, or other approved local, regional, or state habitat conservation plan, including the MSCP.

bc. MHPA Adjacency

MHPA surrounds the project's development footprint. As described in the MSCP, when land is developed adjacent to the MHPA, there is a potential for indirect impacts, or edge effects, that

may degrade the habitat value or disrupt animals within the preserve area. These impacts could be short-term, resulting from construction activities, or long-term. Short-term construction impacts could result in disruption of nesting and breeding, and could thus affect the population of sensitive species. Long-term impacts would be associated with drainage, toxins, lighting, noise, invasives, brush management, access to MHPA, and grading/land development. Potential impacts to the adjacent MHPA would include an increase in urban pollutants entering sensitive water bodies, an increase in night lighting, habitat disturbance, removal of plant cover due to hiking, biking, and other human activities, increased presence of toxins, increased presence of non-native and invasive plant species, and pollutants (fugitive dust). Thus, projects adjacent to MHPA areas are subject to the MHPA Land Use Adjacency Guidelines.

As stated in the City of San Diego MSCP Section 1.4.3 Land Use Adjacency Guidelines ([MHPA Land Use Adjacency Guidelines]; 1997), land uses adjacent to the MHPA are to be managed to ensure minimal impacts to the MHPA. The MSCP establishes land use adjacency guidelines to be addressed on a project-by-project basis when land is developed adjacent to the MHPA to minimize impacts resulting from construction or operational activities that may degrade the habitat value or disrupt animals within the preserve area and maintain the function of the MHPA. A detailed description of the project's consistency with the MHPA Land Use Adjacency Guidelines is provided below. Note that the discussion below first reiterates the MSCP MHPA Land Use Adjacency Guideline (*italicized* text) and then analyzes the project's compliance with the guideline.

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 (City of San Diego 2013).

The project has been designed to MHPA adjacency standards and would not drain directly into the MHPA. Storm drain inlets would be constructed to collect runoff from within the developed areas. The storm drain system within the developed portion of the project site would drain into an underground storm drain system that would tie into the proposed underground storm drain within Street J to be constructed as part of the East Clusters project. Runoff from both projects would be conveyed to a proposed bioretention basin to be located at the southwest corner of Winecreek and Carmel Valley roads. All proposed hydromodification facilities and treatment control BMPs for the project would be handled on a regional basis and located within the adjacent East Clusters project. The public storm drain would remain the maintenance responsibility of the City.

Proposed surface runoff from the developed portions of the site would be collected and drained into the Santaluz project to the north via a storm drain pipe in the main access street, where it

would be discharged into a detention basin before being released. The drainage calculations and facilities planned with the development for that project would accommodate the stormwater drainage flows from Heritage Bluffs. In addition, the project will incorporate the following measures:

- Hydroseeding and landscaping of any cut/fill slopes disturbed or built during the construction phase of the project with appropriate ground cover vegetation shall be performed within 30 days of completion of grading activities.
- Areas of native vegetation on adjoining slopes to be avoided during grading activities shall be delineated to minimize disturbance to existing vegetation and slopes.
- Artificial ground cover, hay bales, and catch basins to retard the rate of runoff from manufactured slopes shall be installed if grading occurs during the wet weather season, November 1 through April 1.
- Fine particulates in geologic materials used to construct the surficial layers of manufactured slopes shall not be specified, unless a suitable alternative is not available.
- Temporary sedimentation and desilting basins between graded areas and streams shall be provided during grading.

Additional measures recommended by the soils study for thread-leaved brodiaea protection have been included in the project's Tentative Map:

- Provide a self-cleaning concrete drainage ditch along the toe of any adjacent graded slope descending to the area supporting thread-leaved brodiaea to avoid/minimize any additional runoff.
- Provide a "toe" drain to intercept subsurface water resulting from irrigation of graded slopes to avoid/minimize any additional subsurface flow.

Toxics/ Project Staging Areas/ Equipment Storage

Per the City of San Diego's Land Use Adjacency Guidelines, projects that use chemicals or generate byproducts such as pesticides, herbicides, and animal waste, and other substances that are potentially toxic or impactive to native habitats/flora/fauna (including water) shall incorporate measures to reduce impacts caused by the application and/or drainage of such materials into the MHPA. No trash, oil, parking, or other construction/development-related material/activities shall be allowed outside any approved construction limits. Where applicable, this requirement shall be incorporated into leases on publicly owned property when applications for renewal occur. A note shall be provided on the CDs that states: "All construction related activity that may have potential for leakage or intrusion shall be monitored by the Qualified Biologist/Owners Representative or Resident Engineer to ensure there is no impact to the MHPA" (City of San Diego 2013). The project has been designed to MHPA adjacency standards and would not drain directly into the MHPA; therefore, no toxins from urban runoff would result in impacts to habitat or wildlife. The project would include runoff pollution prevention features to maintain water quality and satisfy treatment control requirements of the Standard Urban Stormwater Mitigation Plan and Regional Water Quality Control Board requirements. Site design and source control features to minimize introduction of pollutants of concern would be included. Impervious areas would be minimized. The project would incorporate measures to reduce impacts caused by the application and/or drainage of chemicals or generate byproducts such as pesticides, herbicides, and animal waste and other substances that are potentially toxic or impactive to native habitats/flora/fauna (including water) into the MHPA. Construction BMPs would be used, thereby ensuring that toxins from construction would not impact the MHPA.

Lighting

Lighting within or adjacent to the MHPA shall be directed away/shielded from the MHPA and be subject to City of San Diego's Outdoor Lighting Regulations per Municipal Code Section 142.0740 (City of San Diego 2013). Per the City of San Diego Municipal Code Section 142.0740, lighting of all developed areas within and adjacent to the MHPA shall be limited to low-level lighting and shielded to minimize the amount of light entering any sensitive biological resource areas (City of San Diego 2014).

All night lighting from residential development adjoining the MHPA shall be set back, directed downward, and shielded from the MHPA in accordance with the MHPA Adjacency Guidelines. The intensity of exterior lighting shall be kept to a minimum (in accordance with accepted safety standards) to promote a rural character and limit impacts to wildlife within the preserve area. Lighting for the project shall be responsive to the species in the area. Understanding that some species rely on darkness for shelter, feeding patterns, migrating, etc., the areas adjacent to any MHPA would be especially sensitive to light exposure in order to retain native characteristics. Only low-level outdoor lighting shall be used adjacent to the MHPA. All outdoor lighting adjacent to the MHPA shall be shielded and adjusted to fall on the same premises where such lights are located, in accordance with the City of San Diego Municipal Code 147.0740. No light spill from outdoor lighting would occur within the MHPA.

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: coastal California gnatcatcher (March 1–August 15). If construction is proposed during the breeding season of these species, USFWS protocol surveys will 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 (City of San Diego 2013).
The project will require grading, which will result in short-term noise impacts. Grading would be prohibited during the gnatcatcher breeding season (March 1 to August 15), unless it can be demonstrated that noise levels in the preserve can be reduced to below 60 average-equivalent decibels (dB L_{eq}) or existing ambient noise levels. This would require a noise study to first determine ambient levels. With this as a threshold (or using 60 dB if the ambient level is below 60 dB), the study will define measures that would reduce the noise levels within occupied habitat to below this threshold.

Prior to construction, an additional survey should also determine if the raptor nest on-site is active and, if so, grading/grubbing should also be avoided along the eastern development footprint during raptor breeding season (December 1 to May 31), unless it can be demonstrated that noise levels in the preserve can be reduced to below 60 dB L_{eq} or existing ambient noise levels. The City requires that development inside the MHPA must include various impact avoidance areas depending upon what nesting raptors may occur (e.g., 300 feet from any nesting site of Cooper's hawks, 900 feet from any nesting site of northern harriers, 4,000 feet from any nesting sites of golden eagles, or 300 feet from any occupied burrow of burrowing owls). In order to avoid impacts to nesting avian species covered by the International Migratory Bird Treaty Act, construction and removal of vegetation shall also be avoided from February 1 to September 15, unless a pre-construction survey is conducted to confirm that no nesting species are present.

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 California gnatcatcher (March 1 through August 15). If construction is proposed during the breeding season for the species, USFWS 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/or biological monitoring.

Brush Management

New development adjacent to the MHPA shall be setback 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 a Homeowner's Association 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 of San Diego's regulations, the amount of woody vegetation clearing shall not exceed 50 percent of the vegetation existing when the initial clearing is done and vegetation clearing shall be prohibited within native coastal sage scrub and chaparral habitats from March 1-August 15 except where the City of San Diego's Assistant Deputy Director/Mitigation Monitoring Coordinator has documented the thinning would be consist with the City of San Diego's MSCP Subarea Plan. Existing and approved projects are subject to current requirements of Municipal Code Section 142.0412 (City of San Diego 2013).

Brush management is required within 100 feet of all habitable structures. Brush management consists of Zone 1 and Zone 2, which are shown on the Brush Management Plans (see Figures 3-13a and 3-13b). Both zones would be outside of the MHPA. Vegetation clearing would be done consistent with City standards and would avoid/minimize impacts to covered species to the maximum extent possible.

Invasives

No invasive plant species shall be planted in or adjacent to the MHPA (City of San Diego 2013).

<u>Standard construction practices such as orange construction fencing along sensitive habitat and</u> <u>silt fencing along grading areas would be required that would avoid additional indirect impacts</u> <u>to the adjacent habitat. Use of any toxic materials would be restricted by City code.</u> The planting palette for the project does not include any invasive plant species adjacent to the MHPA. Additionally, according to City of San Diego standards for brush management, new plantings within Zone 2 would be native.

Grading/ Land Development/ MHPA Boundaries

MHPA boundaries on-site and adjacent properties shall be delineated on the CDs. Development Services Department 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 (City of San Diego 2013).

The overall area of permanent development impact would be 45acres on-site and 2.9 acres offsite, which includes the net grading area, but is exclusive of the brush management zones. The project would adjust the boundary of the MHPA to outside the developed area and preserve approximately <u>120</u> 119 acres of open space within the MHPA.

No grading would occur within the MHPA. The manufactured slopes for the project would be within the development footprint and would not encroach into the MHPA.

Barriers/Access

New development within or adjacent to the MHPA shall be required to provide barriers (e.g., noninvasive 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 (City of San Diego 2013).

The property is designated in the Black Mountain Subarea Plan as one with "limited access" to the preserve area. The MHPA Guidelines require that developments should provide barriers such as fencing to prevent encroachment into the preserve. The project is proposing to

incorporate both a 5-foot-high perimeter wall and tubular fencing to discourage predation by domestic pets and human intrusion. Signs will be placed at periodic intervals stating "Sensitive Biological Habitat – Access Limited." This would also be consistent with the MSCP Subarea Plan (Section 1.5.8, Black Mountain Ranch Priority #7) restricting public and pet access to the MHPA.Off-trail access and use of the MHPA would be deterred through the provision of clearly marked access areas, well-demarcated trails, and posted signage.

5.1.4.2 Significance of Impacts

a. <u>City of San Diego MSCP Subarea Plan</u>

The project would be consistent with the City's Subarea Plan. Impacts would be less than significant.

b. MHPA Boundary Line Adjustment

No direct impacts to habitat within the MHPA would result from the project following the adoption of the proposed MHPA boundary line adjustment. As the project's MHPA boundary line adjustment would result in a functionally equivalent MHPA, the project would have a less than significant impact on the MSCP.

<u>c</u>b. MHPA Adjacency

Impacts associated with MHPA adjacency are potentially significant and would require mitigation.

5.1.4.3 Mitigation, Monitoring, and Reporting

LU-1: MSCP Subarea Plan Land Use Adjacency Guidelines

L Prior to issuance of any construction permit or notice to proceed, Development Services Department (DSD) and/or MSCP staff shall verify the Applicant has accurately represented the project's design in or on the Construction Documents (CDs; CDs consist of Construction Plan Sets for Private Projects and Contract Specifications for Public Projects) in conformance with the associated discretionary permit conditions and Exhibit "A", and also the City's MSCP MHPA Land Use Adjacency Guidelines. The Applicant shall provide an implementing plan and include references on/in CDs 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. <u>No grading would occur within the MHPA</u>. The manufactured slopes for the project would be within the <u>development footprint and would not encroach into the MHPA</u>.

- 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. <u>Additional measures include the following:</u>
 - Hydroseeding and landscaping of any cut/fill slopes disturbed or built during the construction phase of the project, with appropriate ground cover vegetation, shall be performed within 30 days of completion of grading activities.
 - 2) Areas of native vegetation on adjoining slopes to be avoided during grading activities shall be delineated to minimize disturbance to existing vegetation and slopes.
 - 3) <u>Artificial ground cover, hay bales, and catch basins to retard the rate of runoff</u> <u>from manufactured slopes shall be installed if grading occurs during the wet</u> <u>weather season, November 1 through April 1.</u>
 - 4) Fine particulates in geologic materials used to construct the surficial layers of manufactured slopes shall not be specified unless a suitable alternative is not available.
 - 5) <u>Temporary sedimentation and desilting basins between graded areas and</u> <u>streams shall be provided during grading.</u>

Additional measures recommended by the soils study for thread-leaved brodiaea protection have been included in the project's Tentative Map:

- Provide a self-cleaning concrete drainage ditch along the toe of any adjacent graded slope descending into the area supporting thread-leaved brodiaea to avoid/minimize any additional runoff.
- <u>Provide a "toe" drain to intercept subsurface water resulting from irrigation of graded slopes, to avoid/minimize any additional subsurface flow.</u>
- c. **Toxics/Project Staging Areas/Equipment Storage**—Projects that use chemicals or generate by-products such as pesticides, herbicides, and animal waste, and other substances that are potentially toxic or impactive to native habitats/flora/fauna (including water) shall incorporate measures to reduce impacts caused by the application and/or drainage of such materials into the MHPA. No trash, oil, parking, or other construction/development-related material/activities shall be allowed outside any approved construction limits. Where applicable, this requirement shall

be incorporated into leases on publicly owned property when applications for renewal occur. Provide a note in/on the CDs that states: *"All construction related activity that may have potential for leakage or intrusion shall be monitored by the Qualified Biologist/Owners Representative or Resident Engineer to ensure there is no impact to the MHPA."*

- 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. <u>All night lighting from residential development adjoining the MHPA shall be set back, directed downward, and shielded from the MHPA in accordance with the MHPA Adjacency Guidelines. The intensity of exterior lighting shall be kept to a minimum (in accordance with accepted safety standards) to promote a rural character and limit impacts to wildlife within the preserve area.</u>
- 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.

The property is designated in the Black Mountain Subarea Plan as one with "limited access" to the preserve area. The MHPA Guidelines require that developments should provide barriers such as fencing to prevent encroachment into the preserve. The project is proposing to incorporate both a 5-foot-high perimeter wall and tubular fencing to discourage predation by domestic pets and human intrusion. Signs will be placed at periodic intervals stating "Sensitive Biological Habitat – Access Limited." This would also be consistent with the MSCP Subarea Plan (Section 1.5.8, Black Mountain Ranch Priority #7) restricting public and pet access to the MHPA.

f. **Invasives**—No invasive non-native plant species shall be introduced into areas within or adjacent to the MHPA. <u>Standard construction practices such as orange construction fencing along sensitive habitat and silt fencing along grading areas would be required that would avoid additional indirect impacts to the adjacent habitat. Use of any toxic materials would be restricted by City code.</u>

g. Brush Management—New development adjacent to the MHPA shall be set back from the MHPA to provide required Brush Management Zone 1 area on the building pad outside the MHPA. Zone 2 may be located within the MHPA provided the Zone 2 management will be the responsibility of a– Homeowners Association or other private entity except where narrow wildlife corridors require it to be located outside 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 to August 15 except where the City Assistant Deputy Director /Mitigation Monitoring Coordinator 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.

Brush management is required within 100 feet of all habitable structures. Brush management consists of Zone 1 and Zone 2, which are shown on the Brush Management Plans (see Figures 3-13a and 3-13b). Both zones would be outside the MHPA. Vegetation clearing would be done consistent with City standards and would avoid/minimize impacts to covered species to the maximum extent possible.

h. Noise—Due to the site's location adjacent to or within the MHPA where the Qualified Biologist has identified potential nesting habitat for listed avian species, construction noise that exceeds the maximum levels allowed shall be avoided during the breeding seasons for the following: California gnatcatcher(March 1 to August 15). If construction is proposed during the breeding season for the species, USFWS 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.

Grading would be prohibited during the gnatcatcher breeding season (March 1 to August 15), unless it can be demonstrated that noise levels in the preserve can be reduced to below 60 dB L_{eq} or existing ambient noise levels. This would require a noise study to first determine ambient levels. With this as a threshold (or using 60 dB if the ambient level is below 60 dB), the study will define measures that would reduce the noise levels within occupied habitat to below this threshold.

Prior to construction, an additional survey should also determine if the raptor nest on-site is active and, if so, grading/grubbing should also be avoided along the eastern development footprint during raptor breeding season (December 1 to May 31) unless it can be demonstrated that noise levels in the preserve can be reduced to below 60 dB L_{eq} or existing ambient noise levels. The City requires that development inside the MHPA must include various impact avoidance areas depending upon what nesting raptors may occur (e.g., 300 feet from any nesting site of Cooper's hawks, 900 feet from any nesting site of northern harriers, 4,000 feet from any nesting sites of golden eagles, or 300 feet from any occupied burrow of burrowing owls.). In order to avoid impacts to nesting avian species covered by the International Migratory Bird Treaty Act, construction and removal of vegetation shall also be avoided from February 1 to September 15, unless a pre-construction survey is conducted to confirm that no nesting species are present.

5.1.4.4 Significance after Mitigation

With implementation of LU-1, potential indirect impacts to the MHPA would be reduced to below a level of significance.

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5.2 **Biological Resources**

The analysis in this section updates the biological resources analysis in the 1998 Environmental Impact Report (EIR), with an emphasis on effects that were not addressed in the previous report. Since the preparation of the 1998 EIR, two new sensitive biological resources were identified on the project site: thread-leaved brodiaea, a <u>state-listed endangered</u>, <u>federally listed threatened</u>, <u>and</u> narrow endemic plant species, and native perennial grassland, a sensitive vegetation community. Therefore, this section provides a site-specific analysis relative to these and other biological resources with the potential to be impacted by the project.

5.2.1 Existing Conditions

General biological surveys (pursuant to the City's 2012 Biology Guidelines) were conducted in August and September 2013 to assess the current condition of the biological and wetland resources on-site. Focused surveys were conducted in July 2013, for coastal California gnatcatcher and in May 2011 and 2012 for thread-leaved brodiaea to determine presence/absence of those species. A comprehensive wetland delineation of the site was conducted in August 2013. Additional surveys for thread-leaved brodiaea were conducted in January and February 2015, and a letter report summarizing the results of those surveys was prepared (Scheidt, September 2015; Appendix D). In August 2015, the project was redesigned to avoid a previously undiscovered population of thread-leaved brodiaea. The general biological technical report was updated to summarize the changes to the project and the accompanying Multi-Habitat Planning Area (MHPA) Boundary Line Adjustment (BLA) (REC, December 2015; Appendix E). The findings of the Habitat Management Plan (HMP) for the Heritage Brodiaea Preserve (HBP), thread-leaved brodiaea survey report, and the general biological technical report, are summarized below, and the reports are included in Appendices C-E to this Supplemental Environmental Impact Report.

5.2.1.1 Existing Vegetation Communities

A total of seven vegetation/land cover types occur within the project site: coastal sage scrub, southern mixed chaparral, non-native grassland, native perennial grassland, freshwater marsh, mulefat scrub, and riparian forest (Figure 5.2-1). The acreages of vegetation communities on-site are shown in Table 5.2-1 and described below.

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NNG NON NATIVE Grassland - 23.0 AC.	
NPG Native Perennial Grassland15 Ac.	
CX Off-Site Non Native Grassland -2.71 Ac.	
Off-Site Native Perennial Grassland - 124 sf	
Biological Preserve Areas (Exluding BM Zone 2)	
CSS Coastal Sage Scrub - 76.22 Ac.	
FWM Freshwater Marsh03 Ac.	
MFS Mulefat Scrub18 Ac.	
NNG Non Native Grassland - 7.89 Ac.	Date: December 1, 2015
Off-Site Non Native Grassland84 Ac.*	
RF Riparian Forest41 Ac.	
SMC Southern Mixed Chaparral - 34.83 Ac.	

0 Feet 400

FIGURE 5.2-1 Biological Resources THIS PAGE IS INTENTIONALLY BLANK.

		Total	Total
		Acres	Acres
Vegetation Community	Tier	On-Site	Off-site
Native perennial grassland	I	0.15	0.003
Coastal sage scrub	П	102.45	0.00
Southern mixed chaparral	IIIA	34.83	0.00
Non-native grassland	IIIB	31.80	3.89
Freshwater marsh	n/a	0.03	0.00
Mulefat scrub	n/a	0.18	0.00
Riparian forest	n/a	0.41	0.00
TOTAL	-	169.85	3.89

TABLE 5.2-1 EXISTING VEGETATION COMMUNITIES

a. Coastal Sage Scrub

Coastal sage scrub occurs in the northern, eastern, and central portion of the project site. The coastal sage scrub is dominated by coast monkey flower, coastal sagebrush, laurel sumac, and lemonade berry.

b. Southern Mixed Chaparral

Southern mixed chaparral habitat occurs in the southern portion of the site. The southern mixed chaparral is dominated by mission manzanita, chamise, Ramona lilac, and toyon.

c. Non-native Grassland

Non-native grassland occurs in isolated patches in the central and northeastern portion of the project site. The non-native grassland is dominated by thick stands of purple falsebrome and artichoke thistle. Scattered native species such as blue-eyed grass, hedge-nettle, and blue-dicks also occur within the non-native grassland.

d. Native Perennial Grassland

An isolated patch of native perennial grassland occurs in the central portion of the site. The native perennial grassland has similar species composition to the nonnative grassland, but contains a higher prevalence of foothill needlegrass and does not contain artichoke thistle.

e. Freshwater Marsh

Freshwater marsh occurs in a modified drainage in the south–central portion of the project site. The freshwater marsh contains cattail, bulrush, arroyo willow, and black willow.

f. Mulefat Scrub

Mulefat scrub occurs in the south-central portion of the project site adjacent to the freshwater marsh. The mulefat scrub is dominated by mulefat.

g. Riparian Forest

Riparian forest occurs within a drainage in the eastern–central portion of the project site. The riparian forest is dominated by arroyo willow and western sycamore.

5.2.1.2 Other Features

Three drainages with distinct channels exist on-site (Drainages A, B, and C; see Figure 5.2-1). Drainage A is located in the southern and southwestern portions of the project site, and is made up of three tributaries (A-1, A-2, and A-3) and the mainstem. Drainage B runs southeast-to-northwest, crossing the central portion of the site in its northeast corner. Drainage C is a small drainage in the northernmost part of the site, running south-to-north, and exiting along the northern border. Two of these drainages (A and B) exhibit previous disturbance likely from past ranching or farming operations. The drainages are discussed further in Section 5.2.1.3.d.

5.2.1.3 Sensitive Vegetation Communities

Sensitive vegetation communities are those communities that are of highly limited distribution. These communities may also support concentrations of sensitive plant or wildlife species. A total of four habitats within the project site are considered sensitive by the City (City of San Diego 2012). These include four upland habitats: native perennial grassland (Tier I habitat), coastal sage scrub (Tier II habitat), southern mixed chaparral (Tier IIIA habitat), and non-native grassland (Tier IIIB habitat); and three wetland habitats: freshwater marsh, mulefat scrub, and riparian forest. The sensitive vegetation communities present on-site are shown on Figure 5.2-1 and discussed in further detail below.

a. Grassland

The project site supports native perennial grassland and non-native grassland. The grassland vegetation subcommunities are recognized by the City and other regional resource protection agencies as sensitive habitat. Grasslands provide foraging area for many species and are especially valuable for raptors as hunting grounds. Conservation of grasslands is an important planning issue throughout southern California. Native grasslands are identified as a Tier I habitat, a designation for the overall preservation of the rarest and most valuable special status plants and animals. Non-native grasslands are classified as Tier III habitat. Tier III habitat is considered less valuable than native habitat, but still performs many of the same biological functions (City of San Diego 2012).

b. Coastal Sage Scrub

Coastal sage scrub is considered a sensitive habitat by the City and other regional resource protection agencies. This is due to the scarcity of this vegetation community and the number of sensitive species associated with it. Conservation of coastal sage scrub habitats is an important planning issue throughout southern California. This vegetation community is a Tier II habitat (City of San Diego 2012).

c. Southern Mixed Chaparral

Southern mixed chaparral is considered a sensitive habitat by the City and other regional resource protection agencies. This vegetation community is a Tier III habitat (City of San Diego 2012).

d. Jurisdictional Waters and Wetlands

A total of 5,938 linear feet of jurisdictional resources occur within the project site. Of these, 310 linear feet (0.62 acre) are considered jurisdictional wetlands. The jurisdictional wetlands on-site consist of freshwater marsh, mulefat scrub, and riparian forest. The remaining 5,628 linear feet are considered jurisdictional waters and consist of the drainages on-site.

5.2.1.4 Sensitive Plant Species

One sensitive plant species, thread-leaved brodiaea, was detected within the project site (Figure 5.2-2).

Thread-leaved Brodiaea. Thread-leaved brodiaea is a state-listed endangered and federallisted threatened species, and is identified as a narrow endemic species in the Multiple Species Conservation Program (MSCP) Subregional Plan; however, specific conservation measures for this plant were not identified for the City's MSCP Subarea Plan because it was not known to occur in the City at the time the permits were issued by California Department of Fish and Wildlife (CDFW) and U.S. Fish and Wildlife Service (USFWS) (hereafter jointly referred to as the wildlife agencies).

Numerous biological surveys have been conducted on the site dating back to 2006. In 2011, a series of multi-year focused surveys for thread-leaved brodiaea (*Brodiaea filifolia*) was initiated as recommended by the wildlife agencies due to a discovery of this species elsewhere in the broader vicinity. This state-listed endangered and federal-listed threatened species, also considered a narrow endemic, was found on the project site, on Parcel 3 of Parcel Map No. 18504 between the Heritage Bluffs II project site and the East Clusters project area and on the East Clusters site. Qualified biologists completed a directed field survey for thread-leaved brodiaea (Thread-leaved Brodiaea Foliage Survey for East Clusters and Heritage II Project Sites, San Diego; February 27, 2015) on the East Clusters, Heritage Bluffs II project site, and Parcel 3 of Parcel 4 of Parcel 4 of Parcel 4 of Parcel 3 of Parcel 3 of Parcel 3 of Parcel 4 of Parcel 4 of Parcel 4 of Parcel 3 of Parcel 3 of Parcel 4 of Parcel 4 of Parcel 3 of Parcel 3 of Parcel 4 of Parcel 4 of Parcel 3 of Parcel 4 of Parcel 4 of Parcel 3 of Parcel 4 of Parcel 4 of Parcel 3 of Parcel 4 of Parcel 4 of Parcel 4 of Parcel 3 of Parcel 4 of Parcel 4 of Parcel 4 of Parcel 4 of Parcel 3 of Parcel 4 of Parcel 4 of Parcel 4 of Parcel 3 of Parcel 4 of Parce

160-12). All areas supporting suitable grassland and/or deeply fissured clay-soil habitat were carefully searched for foliage characteristic of this species. Thread-leaved brodiaea was subsequently found on the project site, on the East Clusters site, and on Parcel 3 of Parcel Map No. 18504; however, the number of individuals and overall distribution was masked by prevailing drought conditions in the initial focused survey efforts. Following a more normal winter/spring rainy season in 2014–15, surveys conducted in 2015 revealed that the study area supports a low of approximately 95,000 to a high of 185,000 thread-leaved brodiaea individuals. (see Figure 5.2-2).

Approximately 10,423 individual plants were observed and counted during the 2015 survey: 3,341 on the East Clusters site, 2,982 on Parcel 3 of Parcel Map No. 18504, and 4,100 on the project site. Approximately 10,902 plants were excavated and salvaged off-site within the East Clusters project area (under construction at the time of public review of this Supplemental Environmental Impact Report).

This occurrence represents the southernmost known major population of thread-leaved brodiaea and one of only two in the City of San Diego. All of the plants located within the previously entitled East Clusters Unit 3 development were salvaged and translocated (approximately 10,902 plants) into the Parcel 3 (of Parcel Map 18504) portion of the proposed HBP or were placed in reserve nursery storage for future transplant or propagation (refer to the draft Habitat Management Plan, Appendix C).

Sensitive plant species that have potential to occur within the project site are discussed in Attachment 4 of Appendix E. Of these, there is potential for one sensitive plant species, San Diego thornmint, to occur due to the presence of suitable clay soils within the project site.

5.2.1.5 Sensitive Wildlife Species

Two sensitive wildlife species, coastal California gnatcatcher and rufous-crowned sparrow, were detected within the project site (see Figure 5.2-1).

Coastal California gnatcatcher, a federally listed threatened and MSCP covered species, was observed within and adjacent to the coastal sage scrub within the project site.

Rufous-crowned sparrow, a CDFW species of concern and an MSCP covered species, was also observed within the project site.

While not observed on-site, suitable habitat is present for three MSCP covered reptile species: San Diego horned lizard, orange-throated whiptail, and red-diamond rattlesnake. These and other potentially-occurring sensitive animal species are listed in Attachment 5 of Appendix E.



FIGURE 5.2-2 Thread-leaved Brodiaea Locations

5.2.1.6 Wildlife Movement Corridors

Wildlife movement corridors are defined as areas that connect suitable wildlife habitat areas in a region otherwise fragmented by rugged terrain, changes in vegetation, or human disturbance. Natural features such as canyon drainages, ridgelines, or areas with vegetation cover provide corridors for wildlife travel. Wildlife movement corridors are important because they provide access to mates, food, and water; allow the dispersal of individuals away from high-density population areas; and facilitate the exchange of genetic traits between populations (Beier and Loe 1992). Wildlife movement corridors are considered sensitive by the City and resource and conservation agencies.

The project site is located north of Black Mountain Open Space Park and south of Lusardi Creek. The Lusardi Creek Corridor is identified as a regionally significant wildlife corridor in the City's Black Mountain Open Space Park Natural Resource Management Plan, and connects Black Mountain Open Space Park to the San Dieguito River and Lake Hodges. Within the project site, various linkages to Lusardi Creek occur via the smaller drainages that pass through the project site. Although it is reasonable to assume that wildlife movement may occur locally within these drainages, the drainages do not provide a regional throughway for wildlife species and, therefore, the project site does not function as a significant regional corridor.

5.2.1.7 Regulatory Framework

a. Natural Habitat Conservation and Planning

The Natural Community Conservation Planning (NCCP) program was enacted by the State of California in 1991 to provide long-term regional protection of natural vegetation and wildlife diversity while allowing compatible development. The NCCP process was initiated to provide an alternative to single-species conservation efforts (habitat conservation plans). The NCCP is intended to provide a regional approach to the protection of species within a designated natural community. In the City, the MSCP is an outgrowth of this planning.

b. Multiple Species Conservation Program

The MSCP is a comprehensive, long-term habitat conservation planning program that covers approximately 900 square miles in southwestern San Diego County under the federal and state Endangered Species Acts and state NCCP Act of 1991. The planned MSCP regional preserve is targeted at 172,000 acres. Local jurisdictions, including the City, implement their portions of the regional umbrella MSCP through Subarea Plans, which describe specific implementing mechanisms. The City's MSCP Subarea Plan was approved in March 1997. The City's MSCP study area includes 206,124 acres within its municipal boundaries. The City's planned MSCP preserve totals 56,831 acres, with 52,012 acres (90 percent) targeted for preservation. In 2004, the City committed to increasing the conservation target by 715 acres in association with revisions to the City's brush management regulations in response to local fires.

The MSCP Subarea Plan is a plan, which established the process for the issuance of incidental take permits (ITP) for listed species under Section 10(a)(1)(B) of the federal Endangered Species Act (ESA) and Section 2835 under the state ESA. The primary goal of the MSCP Subarea Plan is to conserve viable populations of sensitive species and to conserve regional biodiversity while allowing for reasonable economic growth. In July 1997, the City signed an Implementing Agreement with the USFWS and the CDFW. The Implementing Agreement serves as a binding contract between the City, the USFWS, and the CDFW that identifies the roles and responsibilities of the parties to implement the MSCP and Subarea Plan. The agreement allows the City to issue incidental take authorizations for "MSCP Covered" species. Applicable state and federal permits are still required for wetlands and listed species that are not covered by the MSCP.

"MSCP Covered" refers to species covered by the City's federal ITP issued pursuant to Section 10(a) of the federal ESA (16 United States Code § 1539(a)(2)(A)). Under the federal ESA, an ITP is required when non-federal activities would result in "take" of a threatened or endangered species. A habitat conservation plan (HCP) must accompany an application for a federal ITP. Take authorization for federally listed wildlife species covered in the HCP shall generally be effective upon approval of the HCP.

c. Multi-Habitat Planning Area

One of the primary objectives of the MSCP is to identify and maintain a preserve system which allows for animals and plants to exist at both the local and regional levels. The MSCP has identified large blocks of native habitat having the ability to support a diversity of plant and animal life known as "core biological resource areas." "Linkages" between these core areas provide for wildlife movement. These lands have been determined to provide the necessary habitat quality, quantity, and connectivity to sustain the unique biodiversity of the San Diego region. Input from responsible agencies and other interested participants resulted in creation of the City's MHPA. The MHPA is the area within which the permanent MSCP preserve would be assembled and managed for its biological resources.

In accordance with the MSCP, for parcels located outside the MHPA:

there is no limit on encroachments into sensitive biological resources, with the exception of wetlands and listed non-covered species' habitat [which are regulated by federal and state agencies and narrow endemic species as described below] ...impacts to sensitive biological resources must be assessed, and mitigation, where necessary, must be provided in conformance with Section III of [the City's Biological Guidelines]. (City of San Diego 2012)

To address the integrity of the MHPA, guidelines were developed to manage land uses adjacent to the MHPA. The adjacency guidelines are intended to be addressed on a project-by-project basis either in the planning or management stage. These guidelines address the issues of drainage, toxics, lighting, noise, invasives, brush management, access to MHPA, and grading/land development.

d. Land Development Code/Environmentally Sensitive Lands

On December 9, 1997, the Environmentally Sensitive Lands (ESL) Regulations were adopted by ordinance as a part of the Land Development Code (LDC). The purpose of the ESL Regulations is to protect and preserve environmentally sensitive lands (e.g., sensitive biological resources, steep hillsides, coastal beaches, sensitive coastal bluffs, and special flood hazard areas), along with the viability of the species supported by those lands. The regulations are intended to assure that development occurs in a manner that protects the overall quality of the resources and the natural and topographic character of the area. The ESL defines "sensitive biological resources" as those lands included within the MHPA as identified in the MSCP Subarea Plan, and other lands outside of the MHPA that contain: wetlands; vegetation communities classifiable as Tier I, II, IIIA or IIIB; habitat for rare, endangered or threatened species; or narrow endemic species.

e. Land Development Manual/Biology Guidelines

The Biology Guidelines aid in the implementation and interpretation of ESL Regulations. Also, Section III of these Guidelines (Biological Impact Analysis and Mitigation Procedures) also serves as standards for the determination of impact and mitigation under the California Environmental Quality Act. The guidelines are the baseline biological standards for processing Neighborhood Development Permits, Site Development Permits and Coastal Development Permits issued pursuant to the ESL.

f. California Fish and Game Code and Migratory Bird Treaty Act

Raptors (birds of prey) and active raptor nests, as well as most other bird nests, are protected by the California Fish and Game Code 3503.5, which states that it is "unlawful to take, possess, or destroy any birds of prey or to take, possess, or destroy the nest or eggs of any such bird" unless authorized. In addition, active nests of most bird species are protected during the breeding season under the federal Migratory Bird Treaty Act (MBTA).

5.2.2 Significance Determination Thresholds

Potential impacts to biological resources are assessed through review of the project's consistency with the City's ESL Regulations, Biology Guidelines, and MSCP Subarea Plan. Before a determination of the significance of an impact can be made, the presence and nature of the biological resources must be established. Thus, significance determination, pursuant to the City's Significance Determination Thresholds, proceeds in two steps: (1) determine if significant biological resources are present; and (2) determine the sensitivity of identified biological resources in terms of direct, indirect, and cumulative impacts that would result from project implementation (City of San Diego 2011).

5.2.2.1 Biological Resources Determination

Based on San Diego's Significance Determination Thresholds, existence of any of the following situations associated with the project site may indicate the presence of significant biological resources:

- Lands that have been included in the MHPA as identified in the City's MSCP Subarea Plan (City of San Diego 1997).
- Wetlands (as defined by the Municipal Code, Section 113.0103).
- Lands outside the MHPA that contain Tier I Habitats, Tier II Habitats, Tier IIIA Habitats, or Tier IIIB Habitats as identified in the Biology Guidelines (July 2002 or current edition) of the Land Development manual.
- Lands supporting species or subspecies listed as rare, endangered, or threatened.
- Lands containing habitats with narrow endemic species as listed in the Biology Guidelines of the Land Development Manual.
- Lands containing habitats of covered species as listed in the Biology Guidelines of the Land Development Manual.

5.2.2.2 Direct Impacts

Occurrence of any of the following situations associated with identified biological resources may indicate significant direct biological impacts.

- Any encroachment in the MHPA is considered a significant impact to the preservation goals of the MSCP. Any encroachment into the MHPA (in excess of the allowable encroachment by a project) would require a boundary adjustment, which would include a habitat equivalency assessment to ensure that what would be added to the MHPA is at least equivalent to what would be removed.
- Lands containing Tier I, II, IIIA, and IIIB habitats and all wetlands are considered sensitive and declining habitats. Impacts to these resources may be considered significant.
- Impacts to individual sensitive species, outside of any impacts to habitat, may also be considered significant based upon the rarity and extent of impacts. Impacts to state or federally listed species and all narrow endemics should be considered significant.
- Certain species covered by the MSCP and other species not covered by the MSCP may be considered significant on a case-by-case basis taking into consideration all pertinent information regarding distribution, rarity, and the level of habitat conservation afforded by the MSCP.

5.2.2.3 Indirect Impacts

The Significance Determination Thresholds indicate that depending on the circumstances, indirect effects of a project may be as significant as the direct effects of the project. Indirect effects include, but are not limited to, the following impacts:

- Introduction of urban meso-predators into a biological system
- Introduction of urban runoff into a biological system
- Introduction of invasive exotic plant species into a biological system
- Noise and lighting impacts
- Alteration of a dynamic portion of a system, such as stream flow characteristics or fire cycles
- Loss of a wetland buffer that includes no environmentally sensitive lands.

5.2.3 Issues 1, 2 and 3: Sensitive Biological Resources

Would the proposal result in substantial adverse impacts, either directly or through habitat modifications, to any species identified as a candidate, sensitive or special status species in the MSCP or other local or regional plans, policies or regulations, or by the CDFW or USFWS?

Would the proposal result in a substantial adverse impact on any Tier I, Tier II, Tier IIIA or Tier IIIB habitats as identified in the Biology Guidelines of the Land Development Code or other sensitive natural community identified in local or regional plans, policies, regulations or by the CDFW or USFWS?

Would the proposal result in a substantial adverse impact on wetlands (including, but not limited to, marsh, vernal pools, riparian areas, etc.) through direct removal, filling, hydrological interruption, or other means?

5.2.3.1 Impacts

a. Impacts to Sensitive Vegetation Communities

The project would impact a total of 50.15 acres, which include 2.71 acres of off-site impacts (see Figure 5.2-1). Table 5.2-2 summarizes the impacts to each vegetation community/land cover type through grading and development of the project. Brush Management Zone 2 areas are considered impact neutral (not considered an impact and cannot contribute towards mitigation, and are not included in the total impact areas.

Habitat Type	Tier	On-site Impacts (Inside MHPA) ¹	On-site Impacts (Outside MHPA)	Off-site Impacts (Outside MHPA) ¹	Total Project Impacts
Upland Habitat					
Native perennial grassland	I	-	0.15	0.003	0.15
Coastal sage scrub	П	-	24.29	-	24.29
Southern mixed chaparral	IIIA	-	-	-	-
Nonnative grassland	IIIB	-	23.0	2.71	25.71
TOTAL UPLAND		-	47.44	2.7	50.15
Wetland Habitat					
Freshwater marsh	-	-	-	-	-
Mulefat scrub	-	-	-	-	-
Riparian forest	-	-	-	-	-
TOTAL WETLAND	_	_	_	_	_

TABLE 5.2-2 APPROXIMATE ACREAGE OF VEGETATION IMPACTS

¹ Impacts assume the proposed MHPA boundary line adjustment. With the proposed MHPA boundary line adjustment, all impacts would be outside the MHPA and mitigation would be inside the MHPA.

As previously detailed in Section 5.1, upland communities are divided into four tiers of sensitivity based on rarity and ecological importance by the City (City of San Diego 2012). Tier I is the most sensitive, and Tier IV is not sensitive. Potential impacts to sensitive vegetation communities would include the loss of native perennial grassland (Tier I; 0.15 acre), coastal sage scrub (Tier II; 24.29 acre), and non-native grassland (Tier IIIB; 25.71 acres). Per the City's California Environmental Quality Act (CEQA) thresholds, "direct impacts to perennial native grasslands that are greater than 0.1 acre are significant and cumulatively significant. Direct impacts to this habitat type are mitigated via Tier I per Biology Guidelines. Cumulative impacts may be mitigated only via creation at a 1:1 ratio or greater with the feasibility of creation to be evaluated on a case-by-case basis." Impacts to sensitive vegetation communities (Tier I through Tier IIIB) would be significant.

b. Impacts to Sensitive Plants

Thread-leaved Brodiaea. As discussed above, surveys conducted in 2015 revealed that the study area supports a low of approximately 95,000 to a high of 185,000 thread-leaved brodiaea individuals. The overall number of individual corms is speculative because the majority of the plant exists underground and is not readily observable particularly when in an immature state or hidden within patches of weedy vegetation. A total of 7,082 plants were observed and counted within the project area, 4,100 were counted on-site, and the remainder (2,982) were counted off-site to the north of the project boundary within Parcels C and D. The project would impact 1,691 of the counted specimens (1,552 on-site and 139 off-site in conjunction with the construction of Street J). The project would preserve a total of 5,391 counted specimens in place within the HBP. The remainder (impacted specimens) would be translocated to the HBP.

Thread-leaved brodiaea within the project impact area would be translocated to the HBP by salvaging the corms prior to disturbance. Potential translocation areas would be located in the HBP adjacent to existing preserved thread-leaved brodiaea (Figure 5.2-3). Corm salvage and translocation was successfully conducted as part of the East Clusters Unit 3 project to the north. This translocation effort established 15 transplant plots that now support salvaged thread-leaved brodiaea plants. The 9.5 acres of potential area to receive salvaged corms from the project is more than ample to support the translocation program, as suitable soils are present throughout the HBP at a similar topographic position as the existing thread-leaved brodiaea population.

The project would result in both oOn- and off-site impacts to thread-leaved brodiaea_, which would be significant.

c. Impacts to Sensitive Wildlife

Coastal California Gnatcatcher. The project would result in direct impacts to occupied coastal California gnatcatcher habitat inside and outside of the MHPA. Direct impacts to coastal California gnatcatcher habitat within the MHPA would be significant. Additionally, indirect impacts to coastal California gnatcatcher could result from excessive noise and lighting generated from project construction should grading occur within or adjacent to occupied habitat in the MHPA during the breeding season (March 1–August 15). Indirect impacts to coastal California gnatcatcher would be significant.

Rufous Crowned Sparrow. Direct impacts to rufous crowned sparrow could potentially result from vegetation clearing, grubbing, grading, and construction activities. Any potential impacts to this species are not expected to reduce this species' overall populations below self-sustaining levels; thus, project impacts would be considered less than significant.

Nesting Birds. There is a potential for raptors and other birds to nest in native perennial grassland, coastal sage scrub, and non-native grassland within the project site. Direct impacts to migratory or nesting birds would be significant.

Coast Horned Lizard and Belding's Orange-throated Whiptail. There is a low potential for direct impacts to occur to the coastal horned lizard and Belding's orange-throated whiptail, if present, during grading activities. Although suitable habitat is present, the site is not expected to support a significant population of these species, as they were not observed during surveys of the site. Any potential impacts to these species would not reduce their overall populations below self-sustaining levels; thus, project impacts would be less than significant. Additionally, the project would comply with all area-specific management directives for these species required by the MSCP (City of San Diego 1997).

Image Source: SANDAG (flown November 2014)



FIGURE 5.2-3 Heritage Bluffs II Thread-Leaved Brodiaea Preserve **Red-diamond Rattlesnake.** Although red-diamond rattlesnake was not detected during surveys, direct impacts to red diamond rattlesnake could potentially result from vegetation clearing, grubbing, grading, and construction activities within native perennial grassland, coastal sage scrub, and non-native grassland habitat. However, this species is widespread within suitable habitat throughout the City, and impacts would occur to a relatively small amount of habitat. Therefore, project impacts would not affect the regional long-term survival of this species and would be less than significant.

d. Impacts to Jurisdictional Waters and Wetlands

No impacts to U.S. Army Corps of Engineers (USACE), CDFW, Regional Water Quality Control Board (RWQCB), or City jurisdictional wetlands would result from the project. However, the project would result in disturbance to non-wetland waters (drainages) that are under the jurisdiction of USACE), CDFW, and RWQCB according to Section 404 of the Clean Water Act and Section 1600 of the California Department of Fish and Game Code. These non-wetland waters are not considered jurisdictional by the City. Impacts to 0.05 acre of USACE non-wetland waters of the U.S, 0.07 acre of CDFW streambed, and 0.05 acre RWQCB waters of the State would be significant.

5.2.3.2 Significance of Impacts

a. Vegetation Communities

The project would impact 50.15 acres of sensitive upland habitat consisting of native perennial grassland, coastal sage scrub, and non-native grassland. As described in Section 5.1, the project includes an MHPA boundary line adjustment. With the approved MHPA boundary line adjustment, all impacts would occur outside the MHPA. Impacts to sensitive habitats would be significant and require mitigation.

b. Sensitive Plants

The project has potential to result in direct impacts to thread-leaved brodiaea. Direct impacts to thread-leaved brodiaea would be significant and require mitigation.

c. Sensitive Wildlife

The project has potential to result in direct and indirect impacts to sensitive wildlife. Direct impacts to coastal California gnatcatcher habitat within the MHPA and nesting or migratory birds would be significant and require mitigation. Indirect impacts to coastal California gnatcatcher would also be considered significant and require mitigation. Any potential impacts to rufous-crowned sparrow, coast horned lizard, Belding's orange-throated whiptail, and red diamond rattlesnake would be less than significant.

d. Jurisdictional Waters and Wetlands

No impacts to jurisdictional wetlands are expected to occur. Impacts to non-wetland jurisdictional waters would be significant and require mitigation.

5.2.3.3 Mitigation, Monitoring, and Reporting

a. Vegetation Communities

Sensitive Uplands

BIO-1: Prior to the issuance of a Notice to Proceed for a subdivision, or any construction permits, such as Demolition, Grading or Building, or beginning any construction-related activity, project upland impacts shall be mitigated in accordance with the City's LDC Biology Guidelines, as specified in Table 5.2-3, based on all impacts occurring outside of the MHPA and all mitigation occurring within the MHPA per the MHPA boundary line adjustment.

With approval of the MHPA boundary line adjustment, mitigation for the impacts to sensitive vegetation communities would be achieved through the on-site and off-site preservation of habitat as indicated in Table 5.2-3 below. Mitigation land shall be dedicated to the City of San Diego as part of the MHPA, as described in **BIO-3**.

Vegetation Community	Tier	Existing (On-site)	Total Project Impacts (On-site and Off-site; Outside MHPA) ^{1/2}	Mitigation Ratio (Inside MHPA) ¹	Mitigation Requirement (acres)	Acreage to be Preserved in MHPA Open Space ²
Grassland (Direct Impacts)	I	0.15	0.15	2:1	0.30	0.30 ³
Native Perennial Grassland (Cumulative Impacts)	I	0.15	N/A	1:1	0.15	0.15 ⁴
Coastal Sage Scrub	II	102.45	24.29	1:1	24.29	76.22
Southern Mixed Chaparral	IIIA	34.83	0.00	0.5:1	0.00	34.83
Non-native Grassland	IIIB	31.80	25.71	0.5:1	12.86	15.28 ⁵
TOTAL	-	169.23	50.15	-	37.6	119.03

TABLE 5.2-3 MITIGATION REQUIREMENTS FOR IMPACTS TO SENSITIVE UPLAND VEGETATION COMMUNITIES WITH LOCATION OF PRESERVATION INSIDE MHPA (acres)

¹ With the proposed boundary line adjustment, all impacts would be outside the MHPA, and mitigation would be inside the MHPA.

² Acreage does not include impacts to 1.95 acres of coastal sage scrub or 0.93 acre of non-native grassland occurring within Brush Management Zone 2, which is considered impact neutral and cannot be used as mitigation. This acreage would be placed in a Covenant of Easement and maintained by the Homeowners Association.

³ A 2:1 ratio is required to mitigate for direct impacts to Tier I habitat. A total of 0.30 acre of non-native grassland would be restored to native perennial grassland and preserved in MHPA open space, thus resulting in a no net loss of sensitive habitat. Restoration would be accomplished within the thread-leaved brodiaea preserve and reflected within the Habitat Management Plan and that any additional acreage above the required 2:1 would be integrated within the *thread-leaved brodiaea* effort. Refer to **BIO-2**.

⁴ Creation is required at a 1:1 ratio for cumulative impacts associated with native perennial grassland. Native perennial grassland habitat would be created within roadbed areas devoid of vegetation within the HBP (refer to **BIO-2**).

⁵ Reflects the 7.89 acres to be preserved within the Heritage Bluffs project site (refer to Figure 5.2-1) and the addition of 7.84 acres of off-site non-native grassland to be added to the MHPA (7 acres adjacent to Lusardi Creek and 0.84 acre within Parcel 3 off-site) and accounts for the conversion of 0.45 acre of habitat to be converted to native perennial grassland via restoration and creation.

BIO-2: Prior to issuance of any construction permit or notice to proceed, the final *Thread-Leaved Brodiaea Habitat Management Plan* shall be reviewed and approved by the City and wildlife agencies. The HMP shall include the creation of 0.15 acre of native perennial grassland as shown on Figure 5.2-<u>4</u>³ and provide mechanisms for its monitoring and maintenance. The HMP shall also address the native grassland restoration, located within the HBP, which shall be dedicated in fee to a conservancy (an agency, non-profit organization, or other entity approved by the wildlife agencies), as described in **BIO-4**.

BIO-3a: Prior to the issuance of any construction permits, the Owner/Permittee shall preserve Lots O and P (on-site) and off-site parcels (as indicated on Sheets 18 and 19 of the Vesting Tentative Map) to the City's MSCP preserve via a covenant of easement or temporary covenant of easement and an Irrevocable Offer of Dedication in fee title to the City.

BIO-3b: A covenant of easement (COE) shall be placed over ungraded portions of Homeowners Association (HOA) Zone 2 Brush Management Lots and conveyed to the City's MHPA preserve. Parcels, or portions thereof, subject to the COE shall include: on-site Lots A, F, G and J and offsite Parcels A and F.

b. Sensitive Plants

Thread-leaved Brodiaea

BIO-4a: Prior to the issuance of any construction permits, the Owner/Permittee shall dedicate the Heritage Brodiaea Preserve [Lot Q (on-site) and Parcels C and D (off-site)] as indicated on Sheet 19 of the Vesting Tentative Map to a conservancy in fee title. Said offer of fee-title shall be accepted by the conservancy upon completion of the project grading and construction.

BIO 4b: A COE shall be placed over portions of HOA Zone 2 Brush Management Lots and dedicated to the conservancy. Parcels, or portions thereof, subject to the COE shall include: onsite Lot Q and off-site Parcels C and D.

BIO-5: Prior to issuance of any construction permit or notice to proceed, the *Thread-Leaved Brodiaea Habitat Management Plan for the Heritage Brodiaea Preserve, Heritage Bluffs II and East Clusters Project* (HMP) shall be reviewed and approved by the City and wildlife agencies. The purpose of the HMP is to identify specific requirements for the maintenance and monitoring, in perpetuity, of the thread-leaved brodiaea naturally occurring in the HBP, as shown on Figure 3-10. Pursuant to **BIO-4a**, the HBP shall be dedicated in fee to a conservancy. The HMP shall include following elements:



FIGURE 5.2-4 Native Perennial Grassland Creation Area

- a. An administrative structure and funding mechanism based upon property analysis record (PAR) or equivalent, which defines responsible parties, designation of a Habitat Manager, easement dedication, and financial responsibilities.
- b. Habitat management criteria, including habitat manager responsibilities, long-term management objectives, prohibited activities, and adaptive management techniques.
- c. Preserve monitoring, including monitoring tasks and reporting requirements.
- d. Creation of 0.15 acre of native perennial grassland as shown on Figure 5.2-<u>4</u>3 and provide mechanisms for its success, monitoring, and maintenance. The HMP shall also address native grassland restoration (minimum of 0.30 acre) located within the HBP.

BIO-6: Prior to issuance of any construction permit or notice to proceed, preconstruction thread-leaved brodiaea surveys shall be conducted to relocate all previous specimens identified in the 2015 survey report. The Applicant shall complete a translocation of all thread-leaved brodiaea located within the area of disturbance as indicated on final grading plans for the project. The translocation shall be completed in accordance with the protocols outlined in Attachment B, *Salvage and Translocation Protocols*, of the Final *Thread-Leaved Brodiaea Habitat Management Plan for the Heritage Brodiaea Preserve* (refer to **BIO-2**). Documentation regarding the translocation, and a memo summarizing the outcome shall be submitted to the City and the wildlife agencies.

c. Sensitive Wildlife

The project impacts to occupied coastal California gnatcatcher habitat in the MHPA would be mitigated through habitat mitigation described in **BIO-1** and **BIO-3**.

BIO-7: Biological Resource Protection During Construction

I. Prior to Construction

- A. **Biologist Verification**—The Owner/Permittee shall provide a letter to the City's Mitigation Monitoring Coordination (MMC) section stating that a Project Biologist (Qualified Biologist), as defined in the City of San Diego's Biological Guidelines (2012), has been retained to implement the project's biological monitoring program. The letter shall include the names and contact information of all persons involved in the biological monitoring of the project.
- B. **Preconstruction Meeting**—The Qualified Biologist shall attend the preconstruction meeting, discuss the project's biological monitoring program, and arrange to perform any follow-up mitigation measures and reporting including site-specific monitoring, restoration or revegetation, and additional fauna/flora surveys/salvage.
- C. **Biological Documents**—The Qualified Biologist shall submit all required documentation to MMC verifying that any special mitigation reports including but not

limited to maps, plans, surveys, survey timelines, or buffers are completed or scheduled per City Biology Guidelines, MSCP, ESL Ordinance, project permit conditions; CEQA; endangered species acts (ESAs); and/or other local, state, or federal requirements.

- D. BCME—The Qualified Biologist shall present a Biological Construction Mitigation/Monitoring Exhibit (BCME), which includes the biological documents in C above. In addition, 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. Avian Protection Requirements—To avoid any direct impacts to raptors and/or any native/migratory birds, removal of habitat that supports active nests in the proposed area of disturbance should occur outside the breeding season for these species (February 1 to September 15). If removal of habitat in the proposed area of disturbance must occur during the breeding season, the Qualified Biologist shall conduct a preconstruction survey to determine the presence or absence of nesting birds on the proposed area of disturbance. The pre-construction survey shall be conducted within 10 calendar days prior to the start of construction activities (including removal of vegetation). The Applicant shall submit the results of the pre-construction survey to City DSD for review and approval prior to initiating any construction activities. If nesting birds are detected, a letter report or mitigation plan in conformance with the City's Biology Guidelines and applicable state and federal law (i.e., appropriate follow-up surveys, monitoring schedules, construction and noise barriers/buffers, etc.) shall be prepared and include proposed measures to be implemented to ensure that take of birds or eggs or disturbance of breeding activities is avoided. The report or mitigation plan shall be submitted to the City for review and approval and implemented to the satisfaction of the City. The City's MMC Section and Biologist shall verify and approve that all measures identified in the report or mitigation plan are in place prior to and/or during construction.
- F. **Resource Delineation**—Prior to construction activities, the Qualified Biologist shall supervise the placement of orange construction fencing or equivalent along the limits of disturbance adjacent to sensitive biological habitats and verify compliance with any other project conditions as shown on the BCME. This phase shall include flagging plant specimens and delimiting buffers to protect sensitive biological resources (e.g., habitats/flora 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 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 preconstruction 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 onsite (e.g., flag plant specimens for avoidance during access, etc.). If active nests or other previously unknown sensitive resources are detected, all project activities that directly impact the resource shall be delayed until species-specific local, state, or federal regulations have been determined and applied by the Qualified Biologist.

III. Post Construction Measures

A. In the event that impacts exceed previously allowed amounts, additional impacts shall be mitigated in accordance with City Biology Guidelines, ESL, and MSCP, 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.

BIO-8: To avoid direct and indirect impacts to nesting coastal California gnatcatcher, no grading should occur within or adjacent to occupied habitat in the MHPA during its breeding season of March 1 through August 15. If this is not feasible, protocol surveys for active nests should be conducted within the coastal sage scrub within the MHPA by a qualified biologist. Three surveys shall be conducted no less than one week apart. Surveys for coastal California gnatcatchers should be conducted pursuant to the recommended protocol survey guidelines as established

by the USFWS (1997). Prior to the issuance of any grading permit, the City Manager (or appointed designee) shall verify that the MHPA boundaries and the following project requirements regarding the coastal California gnatcatcher are shown on the construction plans:

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

- A qualified biologist (possessing a valid Endangered Species Act Section 10(a)(1)(A) Recovery Permit) shall survey those habitat areas <u>within the MHPA</u> 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 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 coastal California gnatcatchers are present, then the following conditions must be met:
 - a. Between March 1 and August 15, no clearing, grubbing, or grading of occupied coastal California gnatcatcher habitat shall be permitted. Areas restricted from such activities shall be staked or fenced under the supervision of a qualified biologist; and
 - b. 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 coastal California 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
 - c. 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 inadequate by the qualified acoustician or biologist, then the associated construction activities shall cease until such time that adequate noise attenuation is achieved or until the end of the breeding season (August 16).

*Construction noise monitoring shall continue to be monitored at least twice weekly on varying days, or more frequently depending on the construction activity, to verify that noise levels at the edge of occupied habitat are maintained below 60 dB (A) hourly average or to the ambient noise level if it already exceeds 60 dB (A) hourly average. If not, other measures shall be implemented in consultation with the biologist and the 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.

- 2. 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 which demonstrates whether or not mitigation measures such as noise walls are necessary between March 1 and August 15 as follows:
 - a. If this evidence indicates the potential is high for coastal California gnatcatcher to be present based on historical records or site conditions, then condition 1.c shall be adhered to as specified above.
 - b. If this evidence concludes that no impacts to this species are anticipated, no mitigation measures would be necessary.

d. Jurisdictional Waters

BIO-9: Prior to the issuance of a Notice to Proceed for a subdivision, or any construction permits, such as Demolition, Grading, or Building, or beginning any construction-related activity on-site, notification to the USACE Section 404 Nationwide Permit Program, a Streambed Alteration Agreement from the CDFW, and a 401 Water Quality Certification from the RWQCB would be required. To reduce impacts to jurisdictional resources to less than significant, mitigation of 0.14 acre for impacts to USACE, CDFW, and RWQCB jurisdictional non-wetland waters/streambed would be required.

5.2.3.4 Significance after Mitigation

As described below, implementation of mitigation measures **BIO-1** through **BIO-9** would reduce impacts associated with sensitive vegetation communities, plants, wildlife, and jurisdictional waters.

a. Vegetation Communities

Upland habitat impacts as a result of project development would be fully mitigated through measures **BIO-1** through **BIO-3**. Upland impacts would be mitigated via preservation of habitat at ratios indicated in the LDC Biological Guidelines. The project proposes to provide the required upland mitigation on-site. To ensure proper conveyance to the City and preservation, the land would be dedicated to the City in fee title, with the exception of brush management Zone 2 areas, which would be placed in a Covenant of Easement and retained by the future HOA (see mitigation measure **BIO-3**). With implementation of the proposed mitigation measures, impacts to sensitive vegetation communities would be mitigated to below a level of significance.

b. Sensitive Plants

Direct impacts to thread-leaved brodiaea would be mitigated by measures **BIO-4** through **BIO-6**. However, due to the uncertainty of the success of the translocation, impacts would remain significant and unavoidable.

c. Sensitive Wildlife

Indirect and direct impacts to nesting birds (MBTA, raptors, and coastal California gnatcatcher) would be mitigated to below a level of significance by measures **BIO-7** and **BIO-8**. The project impact to occupied coastal California gnatcatcher habitat in the MHPA would be mitigated to below a level of significance through habitat mitigation, as outlined in measure **BIO-1** and **BIO-3**.

c. Jurisdictional Waters

Mitigation for impacts to jurisdictional non-wetland waters outlined in **BIO-9** would reduce project impacts to below a level of significance. Ultimately, mitigation would be provided in accordance with resource agency permit requirements and jurisdictional impacts would be mitigated to below a level of significance.

5.2.4 Issue 4: Wildlife Movement Corridors

Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, including linkages identified in the MSCP, or impede the use of native wildlife nursery sites?
5.2.4.1 Impacts

As discussed above, the project site does not provide a regional throughway for wildlife species and therefore does not function as a significant regional corridor. The project would not interfere substantially with established native resident or migratory wildlife corridors, including designated linkages identified in the MSCP, or impede the use of native wildlife nurseries. Furthermore, as discussed in Section 5.1, the MHPA boundary line adjustment would result in the preservation of additional drainages off-site that serve as wildlife movement corridors. Therefore, impacts to wildlife movement would be less than significant.

5.2.4.2 Significance of Impacts

Impacts associated with the substantial interference of a wildlife movement corridor would be less than significant.

5.2.4.3 Mitigation, Monitoring, and Reporting

No significant impacts regarding wildlife movement would occur; therefore, no mitigation is required.

5.2.5 Issues 5 and 6: MSCP/MHPA Conflicts

Would the proposal conflict with the provisions of an adopted HCP, NCCP or other approved local, regional, or state habitat conservation plan, either within the MSCP plan area or in the surrounding region?

Would the proposal introduce a land use within an area adjacent to the MHPA that would result in adverse edge effects?

5.2.5.1 Impacts

The project would not be in conflict with an adopted HCP, NCCP, or other approved local, regional, or state habitat conservation plan, including the MSCP. The MHPA has been designed to maximize conservation of sensitive biological resources, including sensitive species. The Land Use Adjacency Guidelines have been developed to avoid indirect impacts, or edge effects, resulting from either construction or operational activities that may degrade the habitat value or disrupt animals within the preserve area when land is developed adjacent to the MHPA.

As described in Section 5.1, no direct impacts or loss of MHPA lands would result from the project once the boundary line adjustment is applied. As the project's boundary line adjustment would result in a functionally equivalent MHPA, the boundary line adjustment would have a less than significant impact on the MSCP. Furthermore, potential indirect impacts to the MHPA as a result of adjacency would be reduced to below a level of significance by project compliance with

the MHPA Land Use Adjacency Guidelines (**LU-1**). Therefore, no significant impacts would result from MHPA adjacency, as discussed in Section 5.1.

5.2.5.2 Significance of Impacts

As described in Section 5.1, no direct or indirect impacts to the MHPA would result from the project following the adoption of the proposed boundary line adjustment. As the project's boundary line adjustment would result in a functionally equivalent MHPA and the project is in compliance with the Land Use Adjacency Guidelines (**LU-1**), the project would have a less than significant impact on the MSCP.

5.2.5.3 Mitigation, Monitoring, and Reporting

As described in Section 5.1, potential indirect impacts to the MHPA would be reduced to below a level of significance by mitigation measure **LU-1**.

5.2.6 Issue 7: Local Policies and Ordinances

Would the project result in a conflict with any local policies or ordinances protecting biological resources?

5.2.6.1 Impacts

As discussed in Land Use Section 5.1.5, LDC Deviations, and 5.1.6, MSCP Consistency, the project would be consistent with the MSCP, ESL regulations, and the City's Biology Guidelines. Therefore, no significant impacts related to conflicts with local policies or ordinances would result from the project.

5.2.6.2 Significance of Impacts

Impacts related to local policies or ordinances would be less than significant.

5.2.6.3 Mitigation, Monitoring, and Reporting

No significant impacts related to local policies or ordinances would occur; therefore, no mitigation is required.

5.2.7 Issue 8: Invasive Species

Would the project result in the introduction of invasive species of plants into a natural open space area?

5.2.7.1 Impacts

Invasive species are aggressive non-native plant species that threaten natural habitats by outcompeting native species and reducing biodiversity. These plants thrive in areas disturbed by activities such as grading, construction, and off-road-vehicle use or fire.

No invasive plant species would be introduced into a natural open space area. The project includes a conceptual landscape plan, which is incorporated into the project design to ensure that indirect effects due to invasive species would not occur. Consistent with the MHPA Land Use Adjacency Guidelines discussed in Section 5.1.41, MSCP Consistency, the planting palette for the project does not include any invasive or non-native plant species adjacent to the MHPA. The plan provides a list of plant materials that would respond to a variety of locations, orientations, levels of refinement, and land use transitions and edge conditions. The conceptual landscape plan was prepared in accordance with established guidelines, and the final plan would be in substantial conformance to the conceptual plan. As such, impacts related to the introduction of invasive plant species would be less than significant.

5.2.7.2 Significance of Impacts

The project would not introduce invasive species into a natural open space area; therefore, impacts would be less than significant.

5.2.7.3 Mitigation, Monitoring, and Reporting

No significant impacts resulting from invasive plants would occur; therefore, no mitigation would be required.

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5.3 Cultural/Historical Resources

The analysis in this section updates the cultural resources analysis in the 1998 Environmental Impact Report (EIR), with an emphasis on effects that were not addressed in the previous report. Since the preparation of the 1998 EIR, two previously unidentified archaeological sites were detected in the project area. Therefore, this section provides a site-specific analysis relative to these sites and other cultural resources with the potential to be impacted by the project.

5.3.1 Existing Conditions

A cultural resources survey of the project site was conducted by Affinis. A report titled Archaeological Resources Survey and Assessment, Heritage Bluffs II (February 2015) summarizing the results of the survey and assessment is included as Appendix F.

5.3.1.1 Regulatory Context

Federal, state, and local criteria are used to evaluate the significance of a prehistoric or historic resource.

a. Federal

Federal criteria are those used to determine eligibility for the National Register of Historic Places. These criteria state that the quality of significance in American history, architecture, archaeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling and association, and:

- A. are associated with events that have made a significant contribution to the broad patterns of our history; or
- B. are associated with the lives of persons significant in our past; or
- C. embody the distinctive characteristics of a type, period, or method of construction; or that represent the work of a master; or that possess high artistic values; or that
- D. have yielded, or may be likely to yield, information important in prehistory or history.

b. California Register of Historical Resources (1992) / CEQA

The California Register of Historic Resources (CRHR) program encourages public recognition and protection of resources of architectural, historical, archaeological, and cultural significance; identifies resources for planning purposes; determines eligibility of state historic grant funding; and provides certain protections under California Environmental Quality Act (CEQA). State criteria are those listed in CEQA and used to determine whether an historic resource qualifies for the CRHR. A resource may be listed in the CRHR if it is significant at the federal, state, or local level under one or more of the four criteria listed below.

- 1. Is associated with events that have made a significant contribution to the broad patterns of local or regional history and cultural heritage of California or the United States.
- 2. Is associated with the lives of persons important to the nation or to California's past.
- 3. Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values.
- 4. Has yielded, or may be likely to yield, information important in prehistory or history of the state or nation.

CEQA was amended in 1998 to define "historical resources" as a resource listed in or determined eligible for listing on the CRHR, a resource included in a local register of historical resources or identified as significant in a historical resource survey that meets certain requirements, and any object, building, structure, site, area, place, record, or manuscript that a Lead Agency determines to be historically significant.

For the purposes of CEQA, a significant historical resource is one that qualifies for the CRHR or is listed in a local historic register or deemed significant in a historical resource survey, as provided under Section 5024.1(g) of the Public Resources Code. A resource that is not listed in or determined to be eligible for listing in the CRHR, not included in a local register of historic resources, or not deemed significant in a historical resource survey may nonetheless be historically significant for purposes of CEQA (Section 15064.5 and CEQA Statutes Section 21083.2).

c. San Diego General Plan (2008)

The San Diego General Plan is the City's blueprint for guiding development and resource protection. The Historic Preservation Element discusses archaeological and historic site preservation in San Diego, including the roles and responsibilities of the Historical Resources Board, the status of cultural resource surveys, the Mills Act, conservation easements, and other public preservation incentives and strategies. The Historic Preservation Element concludes with a discussion of criteria used by the Historical Resources Board to designate landmarks and includes a list of recommended steps to strengthen historic preservation in San Diego.

d. San Diego Historical Resources Regulations

The purpose of the City's Historical Resources Regulations (Section §143.0201 of the City's Land Development Code [LDC]) is to protect, preserve and, where damaged, restore the historical resources of San Diego, which include historical buildings, historical structures or historical objects, important archaeological sites, historical districts, historical landscapes, and traditional cultural properties. These regulations are intended to assure that development occurs in a manner that protects the overall quality of historical resources. The City's Historical Resources Regulations require that development affecting designated historical resources or historical districts shall provide full mitigation for the impact to the resource, in accordance with the Historical Resources Guidelines of the Land Development Manual, as a condition of approval. If development cannot to the maximum extent feasible comply with the development regulations for historical resources, then a Site Development Permit in accordance with Process Four is required.

e. Historical Resources Guidelines

The City's Historical Resources Guidelines amended in April 2001 are designed to implement the Historical Resources Regulations contained in Chapter 14, Division 3, Article 2 of the LDC. If any resources have been recorded on the property, those resources must be evaluated for significance/importance in accordance with criteria listed in the Historical Resources Guidelines. Resources determined to be significant/important must either be avoided or a data recovery program for important archaeological sites must be developed and approved prior to permit issuance in order to assure adequate mitigation for the recovery of cultural and scientific information related to the resource's significance/importance.

To qualify for listing, a property must meet at least one of the following six criteria (Historical Resources Board 2012):

- A. exemplifies or reflects special elements of the City's, a community's, or a neighborhood's historical, archaeological, cultural, social, economic, political, aesthetic, engineering, landscaping, or architectural development;
- B. identified with persons or events significant in local, state, or national history;
- C. embodies distinctive characteristics of a style, type, period, or method of construction, or is a valuable example of the use of indigenous materials or craftsmanship;
- D. is representative of the notable work or a master builder, designer, architect, engineer, landscape architect, interior designer, or craftsman;
- E. is listed or has been determined eligible by the National Park Service for listing on the National Register of Historic Places, or is listed or has been determined eligible

by the State Historical Preservation Office for listing on the State Register of Historical Resources; or

F. is a finite group of resources related to one another in a clearly distinguishable way, or is a geographically definable area or neighborhood containing improvements which have a special character, historical interest, or aesthetic value, or which have one or more architectural periods or styles in the history and development of the City.

The property must also have a defined specific period of significance.

f. Native American Involvement

Native American involvement in the development review process is addressed by several state laws. The most notable of the state laws is Senate Bill 18 which includes detailed requirements for local agencies to consult with identified California Native American Tribes early in the planning and/or development process. The California Native American Graves Protection and Repatriation Act (2001), like the federal act, ensures that Native American human remains and cultural items are treated with respect and dignity during all phases of the archaeological evaluation process in accordance with CEQA and any applicable local regulations.

5.3.1.2 Historic Background

a. Prehistoric Setting

The prehistoric cultural sequence in San Diego County is generally conceived as comprising three basic periods: the Paleoindian, dated between about 11,500 and 8,500 years ago and manifested by the artifacts of the San Dieguito Complex; the Archaic, lasting from about 8,500 to 1,500 years ago (A.D. 500) and manifested by the cobble and core technology of the La Jollan Complex; and the Late Prehistoric, lasting from about 1,500 years ago to historic contact (i.e., A.D. 500 to 1769) and represented by the Cuyamaca Complex. This latest complex is marked by the appearance of ceramics, small arrow points, and cremation burial practices.

The Paleoindian Period in San Diego County is most closely associated with the San Dieguito Complex, as identified by Rogers (1938, 1939, 1945). The San Dieguito assemblage consists of well-made scraper planes, choppers, scraping tools, crescentics, elongated bifacial knives, and leaf-shaped points. The San Dieguito Complex is thought to represent an early emphasis on hunting (Warren et al. 1993:III-33).

The Archaic Period brings an apparent shift toward a more generalized economy and an increased emphasis on seed resources, small game, and shellfish. The local cultural manifestations of the Archaic Period are called the La Jollan Complex along the coast and the Pauma Complex inland. Pauma Complex sites lack the shell that dominates many La Jollan

sites. Along with an economic focus on gathering plant resources, the settlement system appears to have been more sedentary. The La Jollan assemblage is dominated by rough, cobble-based choppers and scrapers, and slab and basin metates. Large side-notched and Elko series projectile points appeared. Large deposits of marine shell at coastal sites argue for the importance of shellfish gathering to the coastal Archaic economy.

Near the coast and in the Peninsular Mountains beginning approximately 1,500 years ago, patterns began to emerge which suggest the ethnohistoric Kumeyaay. This period is characterized by higher population densities and elaborations in social, political, and technological systems. Economic systems diversify and intensify during this period, with the continued elaboration of trade networks, the use of shell-bead currency, and the appearance of more labor-intensive, but effective technological innovations.

The late prehistoric archaeology of the San Diego coast and foothills is characterized by the Cuyamaca Complex. It is primarily known from the work of D. L. True at Cuyamaca Rancho State Park (True 1970). The Cuyamaca Complex is characterized by the presence of steatite arrowshaft straighteners, steatite pendants, steatite comales (heating stones), Tizon Brownware pottery, ceramic figurines reminiscent of Hohokam styles, ceramic "Yuman bow pipes," ceramic rattles, miniature pottery various cobble-based tools (e.g., scrapers, choppers, hammerstones), bone awls, manos and metates, mortars and pestles, and Desert side-notched (more common) and Cottonwood Series projectile points.

The Kumeyaay occupied the southern two-thirds of San Diego County and lived in semisedentary, politically autonomous villages or rancherias. The most basic social and economic unit was the patrilocal extended family. Their economic system consisted of hunting and gathering, with a focus on small game, acorns, grass seeds, and other plant resources. A wide range of tools was made of locally available and imported materials such as obsidian. Ground stone objects of the Kumeyaay included mortars and pestles typically made of locally available, fine-grained granite. The Kumeyaay also made fine baskets that employed either coiled or twined construction. The Kumeyaay also made pottery. Most were a plain brown utility ware called Tizon Brownware, but some were decorated (Meighan 1954; May 1976, 1978).

b. Historic Setting

The beginning of the historic period in the San Diego area is generally given as 1769, when the Royal Presidio and the first Mission San Diego were founded on a hill overlooking Mission Valley. The Spanish Colonial period lasted until 1820 and was characterized by religious and military institutions bringing Spanish culture to the area and attempting to convert the Native American population to Christianity. The Mexican period lasted from 1820 to 1846. Following secularization of the missions in 1834, mission lands were given as large land grants as rewards for service to the Mexican government, resulting in a transition to a more civilian population, with people living on ranchos or in pueblos. The American period began in 1846, and California became a state in 1850.

Metropolitan San Diego began to develop in 1850. The 1880s were a period of alternating boom and bust. The city entered a time of steady growth by the 1890s, leading to the development of subdivisions such as Golden Hill, Sherman Heights, Logan Heights, Banker's Hill, and University Heights. The residential character of downtown San Diego changed in the early twentieth century as streetcars and the introduction of the automobile allowed people to live farther from their downtown jobs. New suburbs were developed in Hillcrest, North Park, Mission Hills, and Normal Heights, as well as Point Loma, Ocean Beach, Pacific Beach, and Mission Beach. San Diego grew significantly after World War II, with new jobs created in the aircraft, shipbuilding, and fishing industries.

Rural areas of San Diego, such as La Jolla Valley, developed small agricultural communities centered on one-room school houses during the late nineteenth and early twentieth centuries. Farmers in these rural communities were instrumental in the development of San Diego County, feeding the growing urban population and providing business for local markets. Rural farm school districts represented the most common type of community in San Diego County from 1870 to 1930 (Van Wormer 1986).

The project site is in an area near the boundary between Kumeyaay and Luiseño territories and is rich in cultural resources. The cultural resources in the vicinity include pictographs in the Rancho Bernardo area; sites of the Early Archaic (La Jolla), Late Prehistoric, and Historic periods in the La Jolla Valley and 4S Ranch areas; the culturally and archaeologically significant Sabre Springs site in the Sabre Springs area; Native American and historic period resources in Los Peñasquitos Canyon; and Early Archaic and Late Prehistoric habitation sites of the Westwood Valley complex northeast of the Heritage Bluffs area on the south side of Lake Hodges.

The project site is less than 500 feet south of the boundary of the historic land grant Rancho San Bernardo, which was used for grazing livestock owned by the Mission San Diego de Alcala. During the 1840s, Joseph F. Snook was granted a major portion of the San Bernardo land grant. Snook, an English sea captain, became a successful rancher-trader and remained so until his death in 1852 (Carrico and Kyle 1987). Later in the nineteenth century, the white settlement of Bernardo was established along the banks of the San Dieguito River. The settlement was inundated by the rising water level following the construction of the dam and the creation of Lake Hodges.

La Jolla Valley, just north of the project site, was first settled by Peter and Francisco Lusardi in the late 1860s (Forstadt et al. 1992:2-5). By the 1890s, Lusardi was recognized as an established community, with a schoolhouse and a post office. The schoolhouse was located a few miles west of the project site.

5.3.1.3 Cultural Resource Investigations

The archaeological studies conducted by Affinis included a field survey and record search to evaluate the presence and significance of cultural resources in the project area.

The records search was conducted for a one-mile radius of the project site and was obtained from the South Coastal Information Center at San Diego State University and the San Diego Museum of Man. The records search identified 64 archaeological sites, 26 of which were destroyed prior to a 1992 testing program to evaluate their significance. The 1992 testing program identified seven sites as significant. A 1993 survey of 514 acres within and adjacent to Black Mountain Ranch, including the current project site, located one previously recorded site—CA-SDI-11,039. No additional sites were discovered as part of the 1993 survey. Approximately 70 archaeological sites have been recorded within the nearby 4S Ranch property, which lies to the north of the project site.

Two archaeological sites were identified during the 2007 field survey of the project site, CA-SDC-11,039 (previously recorded) and CA-SDI-18,504.

CA-SDI-11,039. This Late Prehistoric site was recorded in 1988 as a scatter of artifacts, with possible midden and a possible rock feature. The site record noted that confirmation of the possible rock feature would only be possible through clearing of the natural vegetation which covered the feature. No National Register of Historic Places status was provided on the site record.

As part of the 2007 survey, a subsurface search was conducted by excavating 10 shovel test pits and 12 test units. The site was found to be larger (175 meters [m] by 110 m) than previously recorded (30 m by 30 m). The testing program documented a rock feature, a hearth feature, and cremated human remains. The remains and associated grave goods were repatriated to the Kumeyaay Cultural Repatriation Committee. Pockets of midden soil were found. Included in the nearly 10,000 artifacts collected at the site were debitage, cores, projectile points and bifaces, flaked stone tools, manos, mutates, hammers, and Tizon Brown Ware sherds.

CA-SDC-11,039 is of cultural significance due to the presence of human remains and its overall archaeological significance. This site was designated by the City of San Diego Historical Resources Board as a historical resource under Criterion A for its archaeological and cultural significance and is listed on the City's Register of Historical Resources.

CA-SDI-18,504. This site, which lies entirely within the Multi-Habitat Planning Area (MHPA), was recorded as a lithic scatter in 2007. The site contains 25 flakes and angular debris on the surface. These materials were not collected. Subsurface material recovered from the test unit included 65 items and was the same as the surface material.

This small lithic scatter site offers limited research potential. It does not meet the criteria for listing on the California Register of Historical Resources and is not a historical resource under CEQA.

5.3.2 Significance Determination Thresholds

Based on San Diego's Significance Determination Thresholds, cultural resources significance determination is made by first determining the significance of identified cultural resources and, secondly, determining direct and indirect impacts that would result from project implementation.

Impacts to cultural resources would be significant if the proposed project would result in:

- Alteration, including the adverse physical or aesthetic effects, and/or the destruction of, a prehistoric or historic building (including an architecturally significant building), structure, object, or site.
- Impact to existing religious or sacred uses within the potential impact area.
- Disturbance of any human remains, including those interred outside of formal cemeteries.

5.3.3 Issue 1: Prehistoric/Historic Resources

Would the proposed project cause an alteration, including the adverse physical or aesthetic effects and/or the destruction of a prehistoric or historic building (including an architecturally significant building), structure, or object or site?

5.3.3.1 Impacts

a. CA-SDI-11,039

CA-SDI-11,039 is archaeologically and culturally significant. The site includes cultural features and areas of midden deposit that contain materials possessing information with the potential to address important scientific research questions. Also, human remains were encountered at the site, and it is, therefore, of cultural importance to the Kumeyaay people. CA-SDI-11,039 was designated by the City of San Diego Historical Resources Board on July 23, 2009 as a historical resource under Criterion A for its archaeological and cultural significance. It is listed on the City's Register as HRB #916. Grading, brush management, and other ground-disturbing activities associated with the project could result in direct impacts to the site. Impacts to this site would constitute significant effects under CEQA and City of San Diego Guidelines. There also is the potential for indirect impacts to the site. As described in the City's Significance Determination Thresholds, indirect impacts are often the result of increased public accessibility to resources not otherwise subject to impacts, which may result in an increased potential for vandalism and site destruction. Compliance with the City's MHPA Land Use Adjacency Guidelines would reduce impacts on the sensitive archaeological site in the MHPA by ensuring that barriers such as fencing prevent encroachment into the MHPA preserve. The project is proposing to incorporate a 5-foot-high perimeter wall or tubular fencing to discourage human intrusion. Signs would be posted at intervals stating "Sensitive Biological Habitat – Access Limited." This would serve to keep residents and visitors out of the sensitive archaeological site.

b. CA-SDI-18,504

CA-SDI-18,504 is a relatively small lithic scatter site with limited research potential. It does not meet the criteria for listing on the California Register of Historical Resources and does not meet San Diego or CEQA guidelines for significance. The site is within the MHPA and would remain in open space under the project. Because the site is not a significant cultural resource, no significant impacts would occur.

c. Unknown Resources

Finally, there is the potential for unknown subsurface cultural resources to be uncovered during ground-disturbing activities, which would result in a potentially significant impact.

5.3.3.2 Significance of Impacts

Two archaeological sites have been identified within the project site—CA-SDC-11,039 and CA-SDI-18,504. CA-SDI-18,504 is not a historical resource under CEQA, and impacts to it would not constitute significant effects.

Direct impacts to CA-SDC-11,039 would constitute significant effects under CEQA and City of San Diego Guidelines.

Indirect impacts to CA-SDC-11,039 would be precluded through implementation of the City's MHPA Land Use Adjacency Guidelines, as described in Section 5.1.

In addition to the identified sites, there is a potential for unknown subsurface resources to be uncovered during these grading activities. This would constitute a potentially significant impact.

5.3.3.3 Mitigation, Monitoring, Reporting

The following mitigation measure shall be implemented to assure that no direct impacts occur to CA-SDC-11,039:

CUL-1: Prior to issuance of the first grading permit for the project, a preservation easement shall be recorded over the portion of the archaeological site in perpetuity. The language of the preservation easement shall be agreed upon by City of San Diego staff, the applicant, and the appropriate representatives of the Kumeyaay community.

The following mitigation measure shall be implemented to reduce impacts to unknown or buried cultural resources:

CUL-2:

I. Prior to Permit Issuance

- A. Entitlements Plan Check
 - 1. Prior to issuance of any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits or a Notice to Proceed for Subdivisions, but prior to the first preconstruction meeting, whichever is applicable, the Assistant Deputy Director (ADD) Environmental designee shall verify that the requirements for Archaeological Monitoring and Native American monitoring have been noted on the applicable construction documents through the plan check process.
- B. Letters of Qualification have been submitted to ADD
 - 1. The applicant shall submit a letter of verification to Mitigation Monitoring Coordinator (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 (¼mile 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 ¼mile radius.

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

Prior to the start of any work that requires monitoring, the PI shall submit an 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.

The AME shall be based on the results of a site specific records search as well as information regarding existing known soil conditions (native or formation).

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

III. During Construction

- A. Monitor(s) Shall be Present During Grading/Excavation/Trenching
 - The Archaeological Monitor shall be present full-time during all soil disturbing and grading/excavation/trenching activities which could result in impacts to archaeological resources as identified on the AME. The CM is responsible for notifying the RE, PI, and MMC of changes to any construction activities such as in the case of a potential safety concern within the area being monitored. In certain circumstances Occupational Safety and Health Administration safety requirements may necessitate modification of the AME.
 - 2. The Native American consultant/monitor shall determine the extent of their presence during soil disturbing and grading/excavation/trenching activities based on the AME and provide that information to the PI and MMC. If prehistoric resources are encountered during the Native American consultant/monitor's absence, work shall stop and the Discovery Notification Process detailed in Section III.B–C and IV.A–D shall commence.
 - 3. The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition such as modern disturbance post-dating the previous grading/trenching activities, presence of fossil formations, or when native soils are encountered that may reduce or increase the potential for resources to be present.
 - 4. The archaeological and Native American consultant/monitor shall document field activity via the Consultant Site Visit Record (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, follow protocol in Section IV below.
 - a. The PI shall immediately notify MMC by phone to discuss significance determination and shall also submit a letter to MMC indicating whether additional mitigation is required.
 - b. If the resource is significant, the PI shall submit an Archaeological Data Recovery Program which has been reviewed by the Native American consultant/monitor, and obtain written approval from MMC. Impacts to significant resources must be mitigated before ground disturbing activities in the area of discovery will be allowed to resume. **Note: If a unique archaeological site is also an historical resource as defined in CEQA, then the limits on the amount(s) that a project applicant may be required to pay to cover mitigation costs as indicated in CEQA Section 21083.2 shall not apply.**
 - c. If the resource is not significant, the PI shall submit a letter to MMC indicating that artifacts will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that that no further work is required.

IV. Discovery of Human Remains

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

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

Senior Planner in the Environmental Analysis Section (EAS) of the Development Services Department to assist with the discovery notification process.

- 2. The PI shall notify the Medical Examiner after consultation with the RE, either in person or via telephone.
- B. Isolate discovery site
 - 1. Work shall be directed away from the location of the discovery and any nearby area reasonably suspected to overlay adjacent human remains until a determination can be made by the Medical Examiner in consultation with the PI concerning the provenance of the remains.
 - 2. The Medical Examiner, in consultation with the PI, will determine the need for a field examination to determine the provenance.
 - 3. If a field examination is not warranted, the Medical Examiner will determine with input from the PI, if the remains are or are most likely to be of Native American origin.
- C. If Human Remains **ARE** determined to be Native American
 - 1. The Medical Examiner will notify the Native American Heritage Commission (NAHC) within 24 hours. By law, **ONLY** the Medical Examiner can make this call.
 - 2. NAHC will immediately identify the person or persons determined to be the Most Likely Descendent (MLD) and provide contact information.
 - 3. The MLD will contact the PI within 24 hours or sooner after the Medical Examiner has completed coordination, to begin the consultation process in accordance with CEQA Section 15064.5(e), the California Public Resources and Health & Safety Codes.
 - 4. The MLD will have 48 hours to make recommendations to the property owner or representative, for the treatment or disposition with proper dignity, of the human remains and associated grave goods.
 - 5. Disposition of Native American Human Remains will be determined between the MLD and the PI, and, if:
 - a. The NAHC is unable to identify the MLD, OR the MLD failed to make a recommendation within 48 hours after being notified by the Commission; OR;

- b. The landowner or authorized representative rejects the recommendation of the MLD and mediation in accordance with Public Resources Code (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 buried with Native American human remains shall be reinterred with appropriate dignity, pursuant to Section 5.c., above.
- D. If Human Remains are **NOT** Native American
 - 1. The PI shall contact the Medical Examiner and notify them of the historic era context of the burial.
 - 2. The Medical Examiner will determine the appropriate course of action with the PI and City staff (PRC 5097.98).
 - 3. If the remains are of historic origin, they shall be appropriately removed and conveyed to the San Diego Museum of Man for analysis. The decision for internment of the human remains shall be made in consultation with MMC, EAS, the applicant/landowner, any known descendant group, and the San Diego Museum of Man.

V. Night and/or Weekend Work

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

a. No Discoveries

In the event that no discoveries were encountered during night and/or weekend work, the PI shall record the information on the CSVR and submit to MMC via fax by 8 A.M. of the next business day.

b. Discoveries

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

c. Potentially Significant Discoveries

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

- d. The PI shall immediately contact MMC, or by 8 A.M. of the next business day to report and discuss the findings as indicated in Section III-B, unless other specific arrangements have been made.
- B. If night and/or weekend work becomes necessary during the course of construction
 - 1. The Construction Manager shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin.
 - 2. The RE, or BI, as appropriate, shall notify MMC immediately.
- C. All other procedures described above shall apply, as appropriate.

VI. Post-construction

- A. Preparation and Submittal of Draft Monitoring Report
 - 1. The PI shall submit two copies of the Draft Monitoring Report (even if negative), prepared in accordance with the Historical Resources Guidelines (Appendix C/D), which describes the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program (with appropriate graphics) to MMC for review and approval within 90 days following the completion of monitoring. It should be noted that if the PI is unable to submit the Draft Monitoring Report within the allotted 90-day timeframe resulting from delays with analysis, special study results or other complex issues, a

schedule shall be submitted to MMC establishing agreed due dates and the provision for submittal of monthly status reports until this measure can be met.

- a. For significant archaeological resources encountered during monitoring, the Archaeological Data Recovery Program shall be included in the Draft Monitoring Report.
- b. Recording Sites with State of California Department of Parks and Recreation

The PI shall be responsible for recording (on the appropriate State of California Department of Park and Recreation forms—DPR 523 A/B) any significant or potentially significant resources encountered during the Archaeological Monitoring Program in accordance with the City's Historical Resources Guidelines, and submittal of such forms to the South Coastal Information Center with the Final Monitoring Report.

- 2. MMC shall return the Draft Monitoring Report to the PI for revision or, for preparation of the Final Report.
- 3. The PI shall submit revised Draft Monitoring Report to MMC for approval.
- 4. MMC shall provide written verification to the PI of the approved report.
- 5. MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.
- B. Handling of Artifacts
 - 1. The PI shall be responsible for ensuring that all cultural remains collected are cleaned and catalogued
 - 2. The PI shall be responsible for ensuring that all artifacts are analyzed to identify function and chronology as they relate to the history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate.
 - 3. The cost for curation is the responsibility of the property owner.
- C. Curation of artifacts: Accession Agreement and Acceptance Verification
 - 1. The PI shall be responsible for ensuring that all artifacts associated with the survey, testing and/or data recovery for this project are permanently curated

with an appropriate institution. This shall be completed in consultation with MMC and the Native American representative, as applicable.

- 2. The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC.
- 3. When applicable to the situation, the PI shall include written verification from the Native American consultant/monitor indicating that Native American resources were treated in accordance with state law and/or applicable agreements. If the resources were reinterred, verification shall be provided to show what protective measures were taken to ensure no further disturbance occurs in accordance with Section IV – Discovery of Human Remains, Subsection 5.
- D. Final Monitoring Report(s)
 - 1. The PI shall submit one copy of the approved Final Monitoring Report to the RE or BI as appropriate, and one copy to MMC (even if negative), within 90 days after notification from MMC that the draft report has been approved.
 - 2. The RE shall, in no case, issue the Notice of Completion and/or release of the Performance Bond for grading until receiving a copy of the approved Final Monitoring Report from MMC which includes the Acceptance Verification from the curation institution.

5.3.3.4 Significance after Mitigation

With implementation of **CUL-1**, the significant portion of archaeological site CA-SDI-11,039 would be preserved in open space under a covenant of easement. With the covenant of easement in place, encroachment into the overall site area would be limited to approximately 23 percent (0.839 acre), including all disturbances from brush management and other ground-disturbing activities. There would be no encroachment into the significant portion of the site. The portion of CA-SDI-11,039 that would be subject to direct impacts from the project has no subsurface deposit and is not considered a significant resource. Because there would be no encroachment into the significant portion of the site, no direct impacts would result from project implementation.

Implementation of **CUL-2** would reduce impacts on unknown or buried cultural resources to a level that is less than significant. The potential for significant impacts to unknown subsurface archaeological resources would be fully mitigated by monitoring and, if necessary, resource collection, curation, and documentation.

5.3.4 Issue 2: Religious/Sacred Uses

Would the project result in any impact to existing religious or sacred uses within the potential impact area?

5.3.4.1 Impacts

No known religious or sacred uses were identified within the project site. A Native American monitor was consulted and visited the project area. No existing religious or sacred uses, including religious or sacred lands, were identified by the Native American monitor. The NAHC was consulted in 2007 for a Sacred Lands File search. In their response dated July 19, 2007, the NAHC indicated there were Native American cultural resources identified within the project site; however, no religious or sacred uses were mentioned. The NAHC provided a list of tribes and interested Native Americans to contact.

5.3.4.2 Significance of Impacts

Implementation of the project would not adversely affect any known religious or sacred uses on-site. Therefore, there would be no impacts to existing religious or sacred uses as a result of the project.

5.3.4.3 Mitigation, Monitoring, Reporting

No existing religious or sacred uses were identified on the project site; therefore, no mitigation is required.

5.3.5 Issue 3: Human Remains

Would the proposed project result in the disturbance of any human remains, including those interred outside of formal cemeteries?

5.3.5.1 Impacts

Human remains were encountered at the site during the field survey in conjunction with CA-SDI-11,039. The remains and associated grave goods were repatriated to the Kumeyaay Cultural Repatriation Committee. As described under Issue 1, ground-disturbing activities associated with the project could result in direct impacts to the site.

Additional human remains may exist on-site. In the event of the discovery of human remains during project grading, brush management, or other ground-disturbing activities, work shall halt in that area and the procedures set forth in the California Public Resources Code (Sec. 5097.98) and State Health and Safety Code (Sec. 7050.5) shall be undertaken.

5.3.5.2 Significance of Impacts

As discussed under 5.3.3.1, CA-SDI-11,039, where the human remains were located, is of cultural importance to the Kumeyaay people. Impacts to human remains would be potentially significant.

5.3.5.3 Mitigation, Monitoring, Reporting

As described above, regulations are in place for the recovery of any unknown human remains that may be uncovered during grading of the project site. In addition, mitigation measures **CUL-1 and CUL-2** outlined above would be implemented.

5.3.5.4 Significance after Mitigation

With implementation of mitigation measures **CUL-1** and **CUL-2**, impacts to human remains would be less than significant.

5.4 Landform Alteration/Visual Quality

The analysis in this section updates the landform alteration/visual quality analysis in the 1998 Environmental Impact Report (EIR), with an emphasis on effects that were not addressed in the previous report. Because no site-specific design was proposed at the time the 1998 EIR was prepared, impacts relative to landform alteration could not be analyzed in detail for the perimeter properties, and impacts were considered to be potentially significant. Therefore, this section provides a site-specific analysis of landform alteration impacts relative to the project. Other issues related to visual quality were adequately analyzed as part of the 1998 EIR, to which this Supplemental Environmental Impact Report is tiered. Those issues are summarized in Chapter 9.0.

5.4.1 Existing Topography and Landform

Topographically, the 5,098-acre Black Mountain Ranch Subarea, of which the project site is part, is characterized by a variety of landforms ranging from nearly flat-lying mesas in the north to Lusardi Creek/La Jolla Valley in the center flanked by rugged, steeply sloping hillside terrain dissected by smaller drainages and rolling hills. The more rugged terrain is found in the northwestern portion of the Subarea near Lusardi Creek and in the southeastern portion of the site near Black Mountain. The broad La Jolla Valley area, which crosses the central portion of Black Mountain Ranch North presents a gentler topography. Elevations range from a high of approximately 1,100 feet above mean sea level within the southeastern portion of the site adjacent to Black Mountain Park to 125 feet above mean sea level in the area where the northwesterly boundary crosses the bottom of Lusardi Canyon. While mostly undeveloped, there are areas of existing or planned residential development in the Subarea.

The project site itself is characterized by a broad gently rising canyon that ascends from the north to the south. The project site is primarily located on a gently sloping mesa, with moderate to steep slopes surrounding the site on the west, east, and south sides. Drainage generally flows north and is collected by northerly and northwesterly trending canyons. The project site includes the northern slopes of Black Mountain and a series of small drainages surrounding a flat, disturbed field. Elevations over the project site range from approximately 570 feet above mean sea level at the northeastern corner of the property to approximately 1,180 feet above mean sea level at the southern boundary.

5.4.2 Significance Determination Thresholds

Based on San Diego's Significance Determination Thresholds, a significant visual quality impact would occur if the project would result in:

• Significant alteration of the natural landform.

5.4.3 Issue 1: Landform Alteration

Would the project result in a substantial change in the topography or ground surface relief features?

Pursuant to the City's Significance Determination Thresholds, impacts associated with landform alteration may be significant if the project would:

- a. Alter more than 2,000 cubic yards of earth per graded acre by either excavation or fill, and one or more of the following conditions apply:
 - 1) Project would disturb steep hillsides in excess of the encroachment allowance of the Environmentally Sensitive Lands (ESL) regulations;
 - The project would create manufactured slopes higher than 10 feet or steeper than 2:1 (50 percent) slope gradient;
 - 3) The project would result in a change in elevation of steep hillsides as determined by the San Diego Municipal Code Section 113.0103 from existing grade to proposed grade of more than five feet by either excavation or fill, unless the area over which excavation or fill would exceed five feet is only at isolated points on the site; or
 - 4) The project design includes mass terracing of natural slopes with cut or fill slopes to construct flat-pad structures.
- b. However, the above conditions may not be considered significant if one or more of the following apply:
 - The grading plans clearly demonstrate, with both spot elevations and contours, that the proposed landforms will very closely imitate the existing on-site landform and/or the undisturbed, pre-existing surrounding neighborhood landforms. This may be achieved through naturalized variable slopes.
 - 2) The grading plans clearly demonstrate, with both spot elevations and contours, that the proposed slopes follow the natural existing landform and at no point vary substantially from the natural landform elevations.
 - 3) The proposed excavation or fill is necessary to permit installation of alternative design features such as step-down or detached buildings, non-typical roadway or parking lot designs, and alternative retaining wall designs that reduce the project's overall grading requirements.

5.4.3.1 Impacts

Each of the individual thresholds is addressed below.

a. Would the project alter more than 2,000 cubic yards of earth per graded acre by either excavation or fill?

The grading plan is shown in Figures 3-11a and 3-11b. Grading would occur on 45.28_acres of the 169.85-acre site. An additional 2.9_acres of grading would occur off-site in conjunction with the construction of Street J and the fire access road, resulting in approximately 50 total graded acres. Overall, the project proposes approximately 630,000 cubic yards of cut and 775,000 cubic yards of fill. The project would therefore result in approximately 15,500 cubic yards of earthwork per graded acre. This amount of earthwork would exceed the 2,000 cubic yards of earth graded per acre threshold. Since grading would alter more than 2,000 cubic yards of earth per graded acre by either excavation or fill, the following is an analysis of the additional criteria pursuant to the City's thresholds.

1) Would project grading disturb steep (25 percent gradient or steeper) slopes in excess of the encroachment allowance of the ESL regulations and steep hillside guidelines (LDC, Section 143.0110)?

As described in Land Use Section 5.1.3.1, the project is subject to the ESL regulations of the San Diego Land Development Code, because the project site includes naturally steep hillsides. Per Municipal Code Section 143.0142, some encroachment into steep hillsides is permitted to achieve a maximum development area of 25 percent of the premises. The overall development area would be 22.2 percent of the project site when erosion control measures are excluded, pursuant to 143.0142. Therefore, the project would be within the encroachment allowance as permitted by the City's ESL ordinance.

2) Would the project create manufactured slopes higher than 10 feet or steeper than 2:1 (50 percent) slope gradient?

The project would create manufactured slopes over 10 feet in height (cut slopes up to 69 feet, fill slopes up to 62 feet). Manufactured slopes greater than 10 feet in height would be created on the perimeter of the development area. Manufactured cut slopes would have a gradient of greater than 2:1 (50 percent). Manufactured slopes are shown in Figure 5.4-1. All manufactured slopes on the perimeter of the development would be revegetated with a hydroseed mix of native plant material in order to blend with the adjacent natural hillside, consistent with the City's grading and brush management regulations. Landscaping would help reduce the appearance of manufactured slopes relative to the natural landform.

3) Would the project result in a change in elevation of steep natural slopes from existing grade to proposed grade of more than five feet by either excavation or fill, unless the area over which excavation or fill would exceed five feet is only at isolated points on the site? As illustrated on Figure 5.4-1, the project would result in a change in elevation of steep natural slopes from existing grade to proposed grade of more than five feet by either excavation or fill. The areas where such conditions occur are indicated in pink on the referenced exhibit. As can be seen on the exhibit, the areas where the excavation or fill would occur are concentrated along the perimeter of the development footprint, as the majority of the project footprint is located on a gently sloping mesa top. Some areas of change in natural grade in excess of five feet would occur in between rows of homes and internal streets. These internal manufactured slopes would be relatively minor and would not be visible from any public viewing areas external to the project.

4) Would the project design include mass terracing of natural slopes with cut or fill slopes to construct flat-pad structures?

The project would include terracing of the underlying landform in order to create flat pads for development. While the project site would result in terracing within the development footprint, the project would result in grading of approximately 26 percent of the overall site area, and the majority of steep natural slopes surrounding the development would be retained within Multi-Habitat Planning Area (MHPA) open space.

Conclusion

In conclusion, the proposed volume of earthwork would exceed the City's threshold of 2,000 cubic yards of earth per graded acre. The site contains natural landform features in the form of naturally steep slopes throughout the project site, with the majority of steep slopes located outside of the development footprint. The project would not exceed the encroachment allowance into steep slopes permitted by the ESL regulations, and the majority of steep slopes would be preserved on-site within MHPA open space. Excavation or fill in excess of five feet from existing grade would occur around the perimeter of the development footprint and in between rows of homes. Manufactured slopes would exceed 10 feet in height, and cut slopes would exceed a 2:1 gradient (1.5:1). The project includes substantial landscaping of all manufactured slopes, where feasible. However, one or more of the conditions described above would apply, and the project would result in a substantial change in an existing landform resulting in a potentially significant landform alteration impact. None of the exceptions stated in the City's thresholds would apply.

5.4.3.2 Significance of Impacts

The project would result in a substantial change in an existing landform. Therefore, impacts would be significant. This impact is consistent with the conclusion in the 1998 EIR.



FIGURE 5.4-1 Manufactured Slopes THIS PAGE IS INTENTIONALLY BLANK.

5.4.3.3 Mitigation, Monitoring, and Reporting

The project has incorporated design measures to the extent feasible to minimize the visual impacts of landform alteration. The project would preserve <u>approximately</u> 120 acres of habitat, which also comprise the majority of steep slopes on-site, within the MHPA pursuant to **BIO-3**. Landscaping and revegetation of manufactured slopes would minimize the visual impact of grading. No further mitigation is available to reduce impacts associated with landform alteration.

5.4.3.4 Significance after Mitigation

Even with implementation of **BIO-3** and project design features, impacts associated with landform alteration would remain significant and unmitigated because the project would result in a significant change to the existing on-site landforms.

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5.5 Air Quality

The analysis in this section updates the air quality analysis in the 1998 Environmental Impact Report (EIR), with an emphasis on effects that were not addressed in the previous report. Because no site-specific design was proposed at the time the 1998 EIR was prepared, impacts relative to construction emissions, including blasting impacts, could not be analyzed in detail for the perimeter properties. Cumulative construction-related air quality impacts were considered to be potentially significant. This section provides a site-specific analysis of construction emission air quality impacts relative to the project. A project-specific Air Quality Technical Report was prepared by Urban Crossroads (February 2014; Appendix G-1) and a Supplemental Construction Emissions Technical Analysis was prepared by Urban Crossroads (March 2015; Appendix G-2). The report addresses anticipated construction emissions associated with land preparation activities, including blasting, which was not considered in the 1998 EIR analysis.

Operational air quality impacts were adequately analyzed as part of the 1998 EIR, to which this Supplemental Environmental Impact Report is tiered. Those impacts are summarized in Chapter 9.0.

5.5.1 Existing Conditions

The project site is in the San Diego Air Basin (SDAB), which lies in the southwest corner of California and comprises the entire San Diego region. Population and emissions are concentrated mainly in the western portion of the county. The SDAB covers 4,260 square miles, includes about eight percent of the state's population, and produces about seven percent of the state's criteria pollutant emissions. The City of San Diego covers approximately 330 square miles, or eight percent, of the SDAB.

Air quality in the SDAB is impacted not only by local emissions but also by pollutants transported from other areas, in particular, ozone and ozone precursor emissions transported from the South Coast Air Basin and Mexico. Although the impact of transport is particularly important on days with high ozone concentrations, transported pollutants and emissions cannot be blamed entirely for the ozone problem in the San Diego area. Studies show that emissions from the SDAB are sufficient, on their own, to cause ozone violations.

5.5.1.1 Regulatory Framework

a. Federal Regulations

The U.S. Environmental Protection Agency (U.S. EPA) is responsible for setting and enforcing the National Ambient Air Quality Standards (NAAQS) for ozone (O_3), carbon monoxide (CO), nitrogen oxides (NO_x), sulfur dioxide (SO_2), particulate matter less than 10 microns in

diameter (PM_{10}), and lead. The U.S. EPA has jurisdiction over emissions sources that are under the authority of the federal government including aircraft, locomotives, and emissions sources outside state waters (Outer Continental Shelf). The U.S. EPA also establishes emission standards for vehicles sold in states other than California. Automobiles sold in California must meet the stricter emission requirements of the California Air Resources Board (CARB).

The federal Clean Air Act (CAA) was first enacted in 1955, and has been amended numerous times in subsequent years (1963, 1965, 1967, 1970, 1977, and 1990). The CAA establishes the federal air quality standards, the NAAQS, and specifies future dates for achieving compliance. The CAA also mandates that states submit and implement State Implementation Plans (SIPs) for local areas not meeting these standards. These plans must include pollution control measures that demonstrate how the standards will be met.

The 1990 amendments to the CAA that identify specific emission reduction goals for areas not meeting the NAAQS require a demonstration of reasonable further progress toward attainment and incorporate additional sanctions for failure to attain or to meet interim milestones. The sections of the CAA most directly applicable to the development of the Project site include Title I (Non-Attainment Provisions) and Title II (Mobile Source Provisions). Title I provisions were established with the goal of attaining the NAAQS for the following criteria pollutants O₃, nitrogen dioxide (NO₂), SO₂, PM₁₀, CO, particulate matter less than 2.5 microns in diameter (PM_{2.5}), and lead. The NAAQS were amended in July 1997 to include an additional standard for O₃ and to adopt a NAAQS for PM_{2.5}.

b. California Regulations

The CARB, which became part of the California EPA in 1991, is responsible for ensuring implementation of the California Clean Air Act (Assembly Bill 2595), responding to the federal CAA, and for regulating emissions from consumer products and motor vehicles. The California CAA mandates achievement of the maximum degree of emissions reductions possible from vehicular and other mobile sources in order to attain the state ambient air quality standards by the earliest practical date. The CARB established the California Ambient Air Quality Standards (CAAQS) for all pollutants for which the federal government has NAAQS and, in addition, establishes standards for sulfates, visibility, hydrogen sulfide, and vinyl chloride. However at this time, hydrogen sulfide and vinyl chloride are not measured at any monitoring stations in the SDAB because they are not considered to be a regional air quality problem. Generally, the CAAQS are more stringent than the NAAQS.

Local air quality management districts, such as the San Diego Air Pollution Control District (SDAPCD), regulate air emissions from commercial and light industrial facilities. All air pollution control districts have been formally designated as attainment or nonattainment for each CAAQS.

Serious nonattainment areas are required to prepare air quality management plans that include specified emission reduction strategies in an effort to meet clean air goals. These plans are required to include:

- Application of Best Available Retrofit Control Technology to existing sources;
- Developing control programs for area sources (e.g., architectural coatings and solvents) and indirect sources (e.g. motor vehicle use generated by residential and commercial development);
- A District permitting system designed to allow no net increase in emissions from any new or modified permitted sources of emissions;
- Implementing reasonably available transportation control measures and assuring a substantial reduction in growth rate of vehicle trips and miles traveled;
- Significant use of low emissions vehicles by fleet operators;
- Sufficient control strategies to achieve a five percent or more annual reduction in emissions or 15 percent or more in a period of three years for reactive organic gases (ROG), NO_x, CO and PM₁₀. However, air basins may use alternative emission reduction strategy that achieves a reduction of less than five percent per year under certain circumstances.

c. San Diego Air Pollution Control District

The SDAPCD and the San Diego Association of Governments (SANDAG) are responsible for developing and implementing the clean air plan for attainment and maintenance of the ambient air quality standards in the SDAB. The San Diego County Regional Air Quality Strategy (RAQS) was initially adopted in 1991, and is updated on a triennial basis. The RAQS was updated in 1995, 1998, 2001, 2004 and most recently in 2009. The RAQS outlines the SPAPCD's plans and control measures designed to attain the state air quality standard for O_3 . The SDAPCD has also developed the air basin's input to the SIP, which is required under the federal CAA for areas that are out of attainment of air quality standards. The SIP includes the SPAPCD's plans and control measures for attaining the O_3 NAAQS.

The RAQS relies on information from CARB and SANDAG, including mobile and area source emissions, as well as information regarding projected growth in the County in order to project future emissions and then determine from the results strategies that may be necessary for the reduction of emissions through regulatory controls. The CARB mobile source emission projections and SANDAG growth projections are based on population and vehicle trends and land use plans developed by the cities and by the County as part of the development of the County's General Plan. As such, projects that propose development that is consistent with the growth anticipated by the general plans would be consistent with the RAQS. In the event that a project would propose a development that is less dense than that associated with the General Plan, the project would likewise be consistent with the RAQS. If a project, however, proposes a development that is denser than that assumed in the General Plan and SANDAG's growth projections, the project may be in conflict with the RAQS and SIP, and could therefore result in a significant impact on air quality.

The project is consistent with the Black Mountain Ranch Subarea Plan and would be consistent with the growth, goals, and objectives of the RAQS and SIP.

The SIP relies on the same information from SANDAG to develop emission inventories and emission reduction strategies that are included in the attainment demonstration for the air basin. The SIP also includes rules and regulations that have been adopted by the SDAPCD to control emissions from stationary sources. These SIP-approved rules may be used as a guideline to determine whether a project's emissions would have the potential to conflict with the SIP and subsequently hinder attainment of the NAAQS for O₃.

5.5.1.2 Existing Air Quality

Existing air quality is measured based upon ambient air quality standards. These standards are the levels of air quality that are considered safe, with an adequate margin of safety, to protect the public health and welfare. The NAAQS and CAAQS currently in effect, as well health effects of each pollutant regulated under these standards are shown in Table 5.5-1.

The determination of whether a region's air quality is healthful or unhealthful is determined by comparing contaminant levels in ambient air samples to the state and federal standards presented in Table 5.5-1. The air quality in a region is considered to be in attainment by the state if the measured ambient air pollutant levels for O₃, CO, SO₂, NO₂, PM₁₀, and PM_{2.5} are not equaled or exceeded at any time in any consecutive three-year period; and the federal standards (other than O₃, PM₁₀, PM_{2.5}, and those based on annual averages or arithmetic mean) are not exceeded more than once per year. The O₃ standard is attained when the fourth highest eight-hour concentration in a year, averaged over three years, is equal to or less than the standard. For PM₁₀, the 24-hour standard is attained when 99 percent of the daily concentrations, averaged over three years, are equal to or less than the standard.

a. Local Air Quality

Relative to the project site, the nearest long-term air quality monitoring site for O_3 , is the SDAPCD Del Mar–Winston School monitoring station, approximately 9.71 miles southwest of the project site in Del Mar. Relative to the project site, the nearest long-term air quality monitoring site for CO, NO₂, PM₁₀, and PM_{2.5} is the SDAPCD Escondido–East Valley Parkway monitoring station, approximately 8.86 miles northeast of the project site in Escondido.
TABLE 5.5-1 AMBIENT AIR QUALITY STANDARDS

Dellutert	Averaging Time	California Standards ¹		National Standards ²			
Ponulant		Concentration ³	Method ⁴	Primary ^{3,5}	Secondary ^{3,6}	Method ⁷	
Ozone	1 Hour	0.09 ppm (180 μg/m³)	Ultraviolet	-	Same as	Ultraviolet Photometry	
	8 Hour	0.07 ppm (137 μg/m³)	Photometry	0.075 ppm (147 μg/m³)	Standard		
Respirable	24 Hour	50 µg/m³	Craving string or	150 µg/m³	Como oo	Inertial	
Particulate Matter (PM ₁₀) ⁸	Annual Arithmetic Mean	20 µg/m ³	Beta Attenuation	_	Primary Standard	Separation and Gravimetric Analysis	
Fine Particulate Matter (PM _{2.5}) ⁸	24 Hour	No Separate S	State Standard	35 µg/m³	Same as Primary Standard	Inertial Separation and Gravimetric Analysis	
	Annual Arithmetic Mean	12 µg/m³	Gravimetric or Beta Attenuation	12 µg/m³	15 µg/m³		
	1 Hour	20 ppm (23 mg/m³)		35 ppm (40 mg/m ³)	-		
Carbon Monoxide (CO)	8 Hour	9.0 ppm (10 mg/m ³)	Non-dispersive Infrared	9 ppm (10 mg/m ³)	-	Non-dispersive Infrared	
	8 Hour (Lake Tahoe)	6 ppm (7 mg/m³)	Photometry	-	-	Photometry	
Nitrogen	1 Hour	0.18 ppm (339 μg/m³)	Gas Phase	100 ppb (188 µg/m³)	-	Gas Phase	
Dioxide (NO ₂) ⁹	Annual Arithmetic Mean	0.030 ppm (57 μg/m³)	Chemi- luminescence	0.053 ppm (100 µg/m³)	Same as Primary Standard	Chemi- luminescence	
	1 Hour	0.25 ppm (655 μg/m³)	Ultraviolet Fluorescence	75 ppb (196 μg/m³)	-		
Sulfur	3 Hour	-		-	0.5 ppm (1,300 μg/m³)	Ultraviolet Fluorescence; Spectro photometry (Pararosaniline Mothod)	
Sulfur Dioxide (SO ₂) ¹⁰	24 Hour	0.04 ppm (105 µg/m³)		0.14 ppm (for certain areas) ¹⁰	-		
	Annual Arithmetic Mean	_		0.030 ppm (for certain areas) ¹⁰	_	Method)	
	30 Day Average	1.5 µg/m³		-	-		
Lead ^{11,12}	Calendar Quarter	-	Atomic Absorption	1.5 μg/m ³ (for certain areas) ¹²	Same as	High Volume Sampler and Atomic	
	Rolling 3-Month Average	-		0.15 µg/m³	Standard	Absorption	
Visibility Reducing Particles ¹³	8 Hour	See footnote 13	Beta Attenuation and Transmittance through Filter Tape	No National Standards			
Sulfates	24 Hour	25 µg/m³	lon Chroma- tography				
Hydrogen Sulfide	1 Hour	0.03 ppm (42 μg/m³)	Ultraviolet Fluorescence				
Vinyl Chloride ¹¹	24 Hour	0.01 ppm (26 μg/m³)	Gas Chroma- tography				

See footnotes on next page. SOURCE: State of California 2013

TABLE 5.5-1 AMBIENT AIR QUALITY STANDARDS (continued)

ppm = parts per million; ppb = parts per billion; $\mu g/m^3$ = micrograms per cubic meter; – = not applicable.

¹California standards for ozone, carbon monoxide (except 8-hour Lake Tahoe), sulfur dioxide (1 and 24 hour), nitrogen dioxide, particulate matter (PM₁₀, PM_{2.5}, and visibility reducing particles), are values that are not to be exceeded. All others are not to be equaled or exceeded. California ambient air quality standards are listed in the Table of Standards in Section 70200 of Title 17 of the California Code of Regulations.

²National standards (other than ozone, particulate matter, and those based on annual arithmetic mean) are not to be exceeded more than once a year. The ozone standard is attained when the fourth highest 8-hour concentration measured at each site in a year, averaged over three years, is equal to or less than the standard. For PM₁₀, the 24-hour standard is attained when the expected number of days per calendar year with a 24-hour average concentration above 150 µg/m³ is equal to or less than one. For PM_{2.5}, the 24-hour standard is attained when 98 percent of the daily concentrations, averaged over three years, are equal to or less than the standard. Contact the U.S. EPA for further clarification and current national policies.

³Concentration expressed first in units in which it was promulgated. Equivalent units given in parentheses are based upon a reference temperature of 25°C and a reference pressure of 760 torr. Most measurements of air quality are to be corrected to a reference temperature of 25°C and a reference pressure of 760 torr; ppm in this table refers to ppm by volume, or micromoles of pollutant per mole of gas.

⁴Any equivalent measurement method which can be shown to the satisfaction of the Air Resources Board to give equivalent results at or near the level of the air quality standard may be used.

⁵National Primary Standards: The levels of air quality necessary, with an adequate margin of safety to protect the public health.

⁶National Secondary Standards: The levels of air quality necessary to protect the public welfare from any known or anticipated adverse effects of a pollutant.

⁷Reference method as described by the U.S. EPA. An "equivalent method" of measurement may be used but must have a "consistent relationship to the reference method" and must be approved by the U.S. EPA.

⁸On December 14, 2012, the national annual PM_{2.5} primary standard was lowered from 15 μ g/m³ to 12.0 μ g/m³. The existing national 24-hour PM_{2.5} standards (primary and secondary) were retained at 35 μ g/m³, as was the annual secondary standards of 15 μ g/m³. The existing 24-hour PM₁₀ standards (primary and secondary) of 150 μ g/m³ also were retained. The form of the annual primary and secondary standards is the annual mean, averaged over 3 years.

⁹To attain the 1-hour national standard, the 3-year average of the annual 98th percentile of the 1-hour daily maximum concentrations at each site must not exceed 100 ppb. Note that the national standards are in units of parts per billion (ppb). California standards are in units of parts per million (ppm). To directly compare the national standards to the California standards the units can be converted from ppb to ppm. In this case, the national standard of 100 ppb is identical to 0.100 ppm.

¹⁰On June 2, 2010, a new 1-hour SO₂ standard was established and the existing 24-hour and annual primary standards were revoked. To attain the 1-hour national standard, the 3-year average of the annual 99th percentile of the 1-hour daily maximum concentrations at each site must not exceed 75 ppb. The 1971 SO₂ national standards (24-hour and annual) remain in effect until one year after an area is designated for the 2010 standard, except that in areas designated nonattainment for the 1971 standards, the 1971 standards remain in effect until implementation plans to attain or maintain the 2010 standards are approved.

Note that the 1-hour national standard is in units of parts per billion (ppb). California standards are in units of parts per million (ppm). To directly compare the 1-hour national standard to the California standard the units can be converted to ppm. In this case, the national standard of 75 ppb is identical to 0.075 ppm.

¹¹The ARB has identified lead and vinyl chloride as 'toxic air contaminants' with no threshold level of exposure for adverse health effects determined. These actions allow for the implementation of control measures at levels below the ambient concentrations specified for these pollutants.

¹²The national standard for lead was revised on October 15, 2008 to a rolling 3-month average. The 1978 lead standard (1.5 µg/m³ as a quarterly average) remains in effect until one year after an area is designated for the 2008 standard, except that in areas designated nonattainment for the 1978 standard, the 1978 standard remains in effect until implementation plans to attain or maintain the 2008 standard are approved.

¹³In 1989, the ARB converted both the general statewide 10-mile visibility standard and the Lake Tahoe 30-mile visibility standard to instrumental equivalents, which are "extinction of 0.23 per kilometer" and "extinction of 0.07 per kilometer" for the statewide and Lake Tahoe Air Basin standards, respectively.

The most recent three years of data available is shown in Table 2-3 in Appendix G-1, which identifies the number of days ambient air quality standards were exceeded for the study area, which is considered to be representative of the local air quality at the project site. Additionally, data for SO_2 have been omitted as attainment is regularly met in the SDAB, and few monitoring stations measure SO_2 concentrations.

b. Project Site

The existing site is undeveloped and primarily covered by native and non-native vegetation with an unofficial trail network. Negligible criteria pollutant emissions are generated by the existing site.

5.5.1.3 Pollutants of Concern

Criteria pollutants are pollutants that are regulated through the development of human health based and/or environmentally based criteria for setting permissible levels. Criteria pollutants, their typical sources, and effects are identified below. The health of effects of each of these pollutants is identified in Appendix G-1.

a. Ozone

 O_3 is a highly reactive and unstable gas that is formed when volatile organic compounds (VOC) and NO_X, both byproducts of internal combustion engine exhaust, undergo slow photochemical reactions in the presence of sunlight. O_3 concentrations are generally highest during the summer months when direct sunlight, light wind, and warm temperature conditions are favorable to the formation of this pollutant.

b. Carbon Monoxide

CO is a colorless, odorless gas produced by the incomplete combustion of carbon-containing fuels, such as gasoline or wood. CO concentrations tend to be the highest during the winter morning, when little to no wind and surface-based inversions trap the pollutant at ground levels. Because CO is emitted directly from internal combustion engines, unlike ozone, motor vehicles operating at slow speeds are the primary source of CO in the SDAB. The highest ambient CO concentrations are generally found near congested transportation corridors and intersections.

c. Particulate Matter

 PM_{10} is major air pollutant consisting of tiny solid or liquid particles of soot, dust, smoke, fumes, and aerosols. The size of the particles (10 microns or smaller, about 0.0004 inches or less) allows them to easily enter the lungs where they may be deposited, resulting in adverse health effects. PM_{10} also causes visibility reduction and is a criteria air pollutant.

 $PM_{2.5}$ is a similar air pollutant consisting of tiny solid or liquid particles which are 2.5 microns or smaller (which is often referred to as fine particles). These particles are formed in the atmosphere from primary gaseous emissions that include sulfates formed from SO₂ release from power plants and industrial facilities and nitrates that are formed from NO_x release from power plants, automobiles and other types of combustion sources. The chemical composition of fine particles highly depends on location, time of year, and weather conditions. $PM_{2.5}$ is a criteria air pollutant.

e. Other Criteria Pollutants

SO2: Is a colorless, extremely irritating gas or liquid. It enters the atmosphere as a pollutant mainly as a result of burning high sulfur-content fuel oils and coal and from chemical processes occurring at chemical plants and refineries. When SO2 oxidizes in the atmosphere, it forms sulfates. Collectively, these pollutants are referred to as SOX.

 NO_x : Consists of nitric oxide, NO_2 and nitrous oxide and are formed when nitrogen combines with oxygen. Their lifespan in the atmosphere ranges from one to seven days for nitric oxide and nitrogen dioxide, to 170 years for nitrous oxide. Nitrogen oxides are typically created during combustion processes, and are major contributors to smog formation and acid deposition. NO_2 is a criteria air pollutant, and may result in numerous adverse health effects; it absorbs blue light, resulting in a brownish-red cast to the atmosphere and reduced visibility. Of the seven types of nitrogen oxide compounds, NO_2 is the most abundant in the atmosphere. As ambient concentrations of NO_2 are related to traffic density, commuters in heavy traffic may be exposed to higher concentrations of NO_2 than those indicated by regional monitors.

VOC (Volatile Organic Compounds): Is a hydrocarbon compound (any compound containing various combinations of hydrogen and carbon atoms) that exist in the ambient air. VOC contributes to the formation of smog through atmospheric photochemical reactions and/or may be toxic. Compounds of carbon (also known as organic compounds) have different levels of reactivity; that is, they do not react at the same speed or do not form ozone to the same extent when exposed to photochemical processes. VOC often has an odor, and some examples include gasoline, alcohol, and the solvents used in paints. Exceptions to the VOC designation include: carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate. VOC is a criteria pollutant since it is a precursor to O₃, which is a criteria pollutant. The SDAPCD uses the terms VOC and ROG (see below) interchangeably.

ROG (Reactive Organic Gases): Similar to VOC, ROG is a precursor in forming O_3 and consists of compounds containing methane, ethane, propane, butane, and longer chain hydrocarbons, which are typically the result of some type of combustion/decomposition process. Smog is formed when ROG and nitrogen oxides react in the presence of sunlight. ROG is a criteria pollutant since it is a precursor to O_3 , which is a criteria pollutant. The SDAPCD uses the terms ROG and VOC (see previous) interchangeably.

Lead: Lead is a heavy metal that is highly persistent in the environment. In the past, the primary source of lead in the air was emissions from vehicles burning leaded gasoline. As a result of the removal of lead from gasoline, emissions of lead are largely limited to stationary sources such as lead smelters. It should be noted that the project is not anticipated to generate a quantifiable amount of lead emissions. Lead is a criteria air pollutant.

5.5.2 Significance Determination Thresholds

The City of San Diego has approved thresholds of significance based on Appendix G of the California Environmental Quality Act (CEQA) Guidelines.

Construction Phase Significance Criteria

Based on San Diego's Significance Determination Thresholds, a significant air quality impact would occur if the project would result in:

 Daily construction emissions to exceed construction emissions thresholds for VOC, NO_x, CO, SO_x, PM_{2.5}, PM₁₀.

Significance thresholds for construction activities appear in Table 5.5-2.

	Construction / Operations
Pollutant	(pounds/day)
NO _x	250
VOC ¹	137
PM ₁₀	100
PM _{2.5}	55
SO _x ²	250
CO	550
Lead	3.2

TABLE 5.5-2 MAXIMUM DAILY EMISSIONS REGIONAL THRESHOLDS

¹The SDAPCD does not have a significance threshold for PM_{2.5}. The PM_{2.5} threshold used in this analysis was obtained from the South Coast Air Quality Management District's Methodology to Calculate Particulate Matter (PM) 2.5 and PM 2.5 Significance Thresholds

 2 San Diego Air Basin has been in attainment of SOx standard due to sulfur-free natural gas for electricity generation and lack of heavy industrial/manufacturing uses in the region.

5.5.3 Issues 1 and 2: Pollutant Emissions (Construction)

Would the project violate any air quality standard or contribute substantially to an existing or projected air quality violation?

Would project grading exceed 100 pounds per day of PM₁₀ (dust)?

5.5.3.1 Impacts

Construction-related activities are temporary, short-term sources of air emissions. Construction-related emissions are generally composed of fugitive dust from grading and earthmoving activities; construction equipment exhaust; construction-related trips by workers and material hauling trucks; and construction-related power consumption. Construction-related pollutants result from dust raised during grading, emissions from construction vehicles, and chemicals used during construction. Fugitive dust emissions vary greatly during construction and are dependent on the amount and type of activity, silt content of the soil, and the weather. Vehicles moving over paved and unpaved surfaces, excavation, earth movement, grading, and wind erosion from exposed surfaces are all sources of fugitive dust. Construction operations are subject to the requirements established in Regulation 4, Rules 52, 54, and 55, of the Air Pollution Control District (APCD) rules and regulations.

Heavy-duty construction equipment is usually diesel powered. In general, emissions from diesel-powered equipment contain more NO_x, SO_x, and particulate matter than gasoline-powered engines. However, diesel-powered engines generally produce less CO and less ROG than do gasoline-powered engines. Standard construction equipment includes dozers, rollers, scrapers, dewatering pumps, backhoes, loaders, paving equipment, delivery/haul trucks, jacking equipment, welding machines, pile drivers, etc.

Specifically, construction-related emissions for the project are expected from the following activities:

- Rock Crushing
- Reducing Oversize Material
- Site Preparation
- Blasting
- Drilling
- Import of Crushed Materials
- Grading
- Foundation/Utilities Excavation
- Foundation/Vertical Construction
- Paving
- Painting (Architectural Coatings)
- Construction Workers Commuting

Model Input

Construction activities associated with the project would result in emissions of CO, VOC, NO_x, SO_x, PM₁₀, and PM_{2.5}. Construction emissions were calculated using the latest version of the California Emissions Estimator Model^M (CalEEMod^M) v2013.2.2. Outputs from the model runs for construction activity are provided in Appendix G-2. For our purposes of developing input into the model, certain variables were defined as described below. Assumptions regarding the number of working days for each phase of construction activity are detailed in Table 1 of Appendix G-2, and construction equipment assumptions are provided in Table 2 of Appendix G-2. The duration of construction activity and associated equipment represents a reasonable approximation of the expected construction fleet as required per CEQA Guidelines. Site-specific construction fleet may vary due to specific project needs at the time of construction.

Dust (PM) is typically a major concern during grading activities. Because such emissions are not amenable to collection and discharge through a controlled source, they are called "fugitive emissions." Fugitive dust emissions rates vary as a function of many parameters (soil silt, soil moisture, wind speed, area disturbed, number of vehicles, depth of disturbance or excavation, etc.). The CalEEMod model was utilized to calculate fugitive dust emissions resulting from various construction activities. The project site would require around 145,000 cubic yards of soil import in order to balance. Soil import would commence in June 2015 concurrent with the import of crushed materials phase and would last for a duration of approximately 40 working days.

Construction emissions for construction worker vehicles traveling to and from the project site as well as vendor trips (construction materials delivered to the site) were estimated based on information CalEEMod model defaults.

It is estimated that 15,000 cubic yards per day of unsuitable rock (hard rock) would be blasted on-site for an approximate duration of 5 months or 110 days. An average of 5,000 square feet of surface area for blasting per day is a reasonable working estimate for analytical purposes. Fugitive dust emissions during blasting activities were estimated using the EPA AP-42 emission factor. Detailed blasting calculations are provided in Appendix G-2.

Additionally, fugitive dust emissions also would be generated through the crushing of rock on-site. The EPA's AP-42 compilation of emission factors available in Chapter 11.19.2-2 were used to estimate fugitive dust from rock crushing activities. Additionally, it was estimated that approximately 24,000 tons per day would be processed during crushing activities for an approximate duration of 5 months or 110 working days.

The project is anticipated to have overlapping construction activities. Therefore, overlapping construction activities would affect the maximum peak daily construction emission levels for criteria pollutants. For example, the import of crushed materials phase would overlap with rock crushing, reducing oversize material, blasting, and drilling activities. These overlapping

construction phases would result in the maximum daily construction emissions for the criteria pollutants NO_x , CO, SO_x, PM₁₀, and PM_{2.5}. Additionally, architectural coatings would overlap with foundation/vertical construction and paving resulting in the maximum daily construction emission for VOC.

The following standard fugitive dust control measures required as part of grading are part of the project design and were taken into account for calculating construction emissions:

- 1. All unpaved construction areas shall be sprinkled with water or other acceptable APCD dust control agents at least two times daily and during dust-generating activities to reduce dust emissions. Additional watering or acceptable APCD dust control agents shall be applied during dry weather or windy days until dust emissions are not visible.
- 2. Apply soil stabilizers to inactive areas.
- 3. A 15-mile-per-hour speed limit on unpaved surfaces shall be enforced.
- 4. On dry days, dirt and debris spilled onto paved surfaces shall be swept up immediately to reduce resuspension of particulate matter caused by vehicle movement. Approach routes to construction sites shall be cleaned daily of construction-related dirt in dry weather.
- 5. Disturbed areas shall be hydroseeded, landscaped, or developed as quickly as possible and as directed by San Diego and/or APCD to reduce dust generation.

Model Result

The estimated maximum daily construction emissions are summarized on Table 5.5-3. Detailed construction model outputs are presented in Appendix G-2.

Year	VOC	NOx	CO	SO _x	PM ₁₀	PM _{2.5}
2015	19.14	233.24	173.50	0.43	71.72	19.10
2016	80.00	142.45	91.11	0.16	13.94	8.93
2017	76.26	49.83	68.53	0.13	12.29	4.84
Maximum Daily Emissions	80.00	233.23	173.50	0.43	71.72	19.10
SDAPCD Regional Threshold	137	250	550	250	100	55
Threshold Exceeded?	No	No	No	No	No	No

TABLE 5.5-3 EMISSIONS SUMMARY OF OVERALL CONSTRUCTION

Under the construction scenario, emissions resulting from project construction would not exceed any criteria pollutant thresholds established by the SDAPCD. Therefore, the project

would not violate any air quality standard or contribute substantially to an existing or projected air quality violation. Impacts would be less than significant.

5.5.3.2 Significance of Impacts

Construction related impacts would be temporary in nature and dust control during grading operations would be regulated by the SDAPCD and the regulations of the City of San Diego. As discussed above, construction emissions are projected to be less than the applicable thresholds for all pollutants

5.5.3.3 Mitigation, Monitoring, Reporting

No significant construction-related emissions impacts would occur; therefore, no mitigation is required.

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5.6 Noise

The analysis in this section updates the noise analysis in the 1998 Environmental Impact Report (EIR), with an emphasis on effects that were not addressed in the previous report. Because no site-specific design was proposed at the time the 1998 EIR was prepared, impacts relative to construction noise, including blasting impacts, could not be analyzed in detail for the perimeter properties. Construction-related noise impacts, including impacts to the adjacent Multi-Habitat Planning Area (MHPA) from development of the Southeast Perimeter properties, were considered to be potentially significant. This section provides a site-specific analysis of construction noise impacts relative to the project. Operational noise impacts were adequately analyzed as part of the 1998 EIR, to which this Supplemental Environmental Impact Report (SEIR) is tiered. Those impacts are summarized in Chapter 9.0.

Specifically, this section of the SEIR evaluates noise and vibration impacts from anticipated construction activities, including blasting, associated with the project. A noise study was conducted for the project by Helix Environmental Planning (November 2014) and is included as Appendix H-1 to this SEIR. An Addendum (March 2015) to the November 2014 Report was prepared in order to address potential noise and vibration impacts associated with blasting (Appendix H-2).

5.6.1 Existing Conditions

5.6.1.1 Noise Definitions

Noise level or sound level values presented in the following analysis are expressed in terms of decibels (dB), with A-weighting to approximate the hearing sensitivity of humans. The hourly equivalent sound level ($L_{eq(1)}$) is the average dB(A) sound level over a 1-hour period. The community noise equivalent level (CNEL) is a 24-hour A-weighted average sound level [dB(A) L_{eq}] from midnight to midnight obtained after the addition of 5 dB to sound levels occurring between 7:00 P.M. and 10:00 P.M. and of 10 dB to the sound levels occurring between 10:00 P.M. and 7:00 A.M. Adding 5 dB and 10 dB to the evening and nighttime hours, respectively, accounts for the added sensitivity of humans to noise during these periods. These metrics are used to express noise levels for both measurement and municipal regulations, for land use guidelines, and for enforcement of noise ordinances.

5.6.1.2 Applicable Standards

a. Office of Surface Mining Reclamation and Enforcement

The City does not have specific regulations for controlling all aspects of blasting. As with most jurisdictions in California, the City relies on blasting planning information, which originates with the United States Department of the Interior, Office of Surface Mining Reclamation and

Enforcement (OSM). Guidance is provided by the OSM, including the document, Controlling the Adverse Effects of Blasting, for calculating the scaled distance in blasting. Blast planning maximum allowable vibration and airblast thresholds used in this analysis as established by the OSM are described below.

Airblast

Airblast is regulated by the limits from the Code of Federal Regulations (30 Code of Federal Regulations 816.61-68). The airblast limits at any human-made structure shall not exceed the levels specified in Table 5.6-1.

Lower Frequency Limit of	Maximum Level (in ±3		
Measuring System (in Hz)	dB)		
0.1 Hz or lower	134 peak		
2 Hz or lower	133 peak		
6 Hz or lower	128 peak		
C-weighted	105 dBC		

TABLE 5.6-1: MAXIMUM ALLOWABLE AIRBLAST LIMITS

Abbreviations: Hz = Hertz; dB = decibels; dBC = C-weighted decibels

Vibration

Table 5.6-2 provides the allowable impact limitations for construction blasting vibration to a structure. Allowable impacts are frequency-dependent with lower acceptable limits at lower frequencies, increasing up to a maximum frequency of concern at 100 Hertz (Hz). The allowable limit between the stated frequencies is a linear change as provided in Table 5.6-2.

	Peak Particle
	Velocity
Hz	(in/s)
1	0.11
4	0.75
10	0.75
30	2.00
100	2.00

TABLE 5.6-2: RESIDENTIAL BLASTING VIBRATION LIMITS

b. City of San Diego Municipal Code, Chapter 5, Article 9.5, Division 4, §59.5.0404 – Construction Noise

The City of San Diego regulates noise from construction operations as follows:

- (a) It shall be unlawful for any person, between the hours of 7:00 P.M. of any day and 7:00 A.M. of the following day, or on legal holidays as specified in Section 21.04 of the City of San Diego Municipal Code, with exception of Columbus Day and Washington's Birthday, or on Sundays, to erect, construct, demolish, excavate for, alter or repair any building or structure in such a manner as to create disturbing, excessive or offensive noise unless a permit has been applied for and granted beforehand by the Noise Abatement and Control Administrator. In granting such permit, the Administrator shall consider whether the construction noise in the vicinity of the proposed work site would be less objectionable at night than during the daytime because of different population densities or different neighboring activities; whether obstruction and interference with traffic particularly on streets of major importance, would be less objectionable at night than during the daytime; whether the type of work to be performed emits noise at such a low level as to not cause significant disturbances in the vicinity of the work site; the character and nature of the neighborhood of the proposed work site; whether great economic hardship would occur if the work were spread over a longer time; whether proposed night work is in the general public interest; and he shall prescribe such conditions, working times, types of construction equipment to be used, and permissible noise levels as he deems to be required in the public interest.
- (b) Except as provided in subsection C. hereof, it shall be unlawful for any person, including the City of San Diego, to conduct any construction activity so as to cause, at or beyond the property lines of any property zoned residential, an average sound level greater than 75 decibels during the 12-hour period from 7:00 A.M. to 7:00 P.M.
- (c) The provisions of subsection B. of this section shall not apply to construction equipment used in connection with emergency work, provided the Administrator is notified within 48 hours after commencement of work.

c. MSCP Subarea Plan

The City of San Diego's Multiple Species Conservation Program (MSCP) and MHPA adjacency requirements, as well as associated guidelines produced by the U.S. Fish and Wildlife Service, require that noise be limited to a level not to exceed an hourly limit of 60 dB(A) L_{eq} or the average ambient noise level, whichever is greater, at the edge of MHPA habitat during the, identified sensitive species breeding season of February 1 to September 15.

5.6.1.3 Existing Noise Environment

The dominant noise source at the project site is the vehicular traffic on Carmel Valley Road/Bernardo Center Drive. An on-site inspection and traffic noise measurement were completed in December 2007 and a follow-up visit was made on Thursday, January 16, 2014. While a "one-hour" equivalent measurement is typically made for roadway noise as previously noted, the subject roadway was not complete during either site visit and no measurements were feasible.

5.6.2 Significance Determination Thresholds

Based on San Diego's Significance Determination Thresholds, the project would have a significant noise impact if it would result in:

- Temporary construction noise which exceeds 75 dB(A) L_{eq} at a sensitive receptor. Construction noise levels measured at or beyond the property lines of any property zoned residential shall not exceed an average sound level greater than 75 dB during the 12-hour period from 7:00 A.M. to 7:00 P.M. In addition, construction activity is prohibited between the hours of 7:00 P.M. of any day and 7:00 A.M. of the following day, or on legal holidays as specified in Section 21.04 of the San Diego Municipal Code, with exception of Columbus Day and Washington's Birthday, or on Sundays, that would create disturbing, excessive, or offensive noise unless a permit has been applied for and granted beforehand by the Noise Abatement and Control Administrator, in conformance with San Diego Municipal Code Section 59.5.0404.
- Substantial interference with normal business communication or affecting sensitive receptors, such as day care facilities, a significant noise impact may be identified.

The City also establishes thresholds for noise impacts to sensitive wildlife during their breeding season. These impacts are addressed in Section 5.1.4, MSCP Consistency.

The City of San Diego does not have adopted significance thresholds relative to vibration and airblast; therefore, the analysis provided in the Addendum Report (Appendix H-2) relied upon the guidelines established by OSM, as stated above.

5.6.3 Issue 1: Construction Noise and Vibration

Would the project construction (including blasting) result in the exposure of people to noise levels, which exceed the City's adopted noise ordinance?

Would the project expose persons to or generate excessive ground-borne noise vibration?

5.6.3.1 Impacts

a. Construction Noise

Pursuant to San Diego's Noise Ordinance, temporary construction noise that exceeds 75 dB(A) L_{eq} at a residential property would be considered significant.

Project construction would entail the use of equipment throughout the site for the full term of construction. Construction activities would be roughly divided into five phases. These phases may overlap depending upon location and timing. The phases would include the following:

- Site preparation and rough grading In addition to normal grading activities, the site will require the following specific operations:
 - a. Drilling and blasting
 - b. Reducing oversize materials with a breaker
 - c. Rock crushing
 - d. Importing crushed material from a nearby project site
- 2. Foundation excavation
- 3. Utilities excavation and installation
- 4. Foundation construction
- 5. Vertical construction

Most construction equipment does not operate at full power (maximum noise) for a full hour, but rather is operated intermittently. As a result, the Federal Highway Administration (FHWA) guidelines analyze most equipment at 40 percent hourly operating time, with the FHWA assumption used for all equipment types in the following analysis.

The following assumptions are applicable to the project's planned site preparation and rough grading activities:

- 1. Rock crushing will utilize an electric-powered rock crusher (powered with a trailermounted diesel generator). Other rough grading operations will occur during the rock crushing.
- 2. Three diesel powered rock drills will be used during the preparation for a blast.
- 3. Normal site rough grading will occur in areas other than the blasting but will be continuous during the drilling operations and will only terminate for a brief time (1-hour or less) before and after a blast.
- 4. Blast planning will be based on the following information:

- a. The blast volume will be approximately 12,000 to 15,000 cubic yards and will require
 1 pound of explosive per cubic yard of granite (for a total of 12,000 to 15,000 pounds of explosive).
- b. Water gel will be used for wet holes and ammonium nitrate fuel oil will be used for dry conditions.
- c. Holes will be 3.5 to 4 inches in diameter, drilled to a typical depth of 20 feet.
- d. The blast pattern will be 10 x 10 feet to 12 x 12 feet.
- e. Approximately 200 holes will be drilled per shot.

Rough Grading and Blasting

There are no residential locations within impact planning distance from the project site; therefore, project construction (including blasting) would not result in the exposure of people to noise levels that exceed the City's adopted noise ordinance

As previously noted, however, the project site is surrounded by occupied MHPA habitat, which is subject to an hourly limit of 60 dB(A) L_{eq} or the ambient noise level, whichever is greater, at the edge of habitat during the identified sensitive species breeding season of February 1 to September 15. Rough grading activities are often the loudest noise that occurs during construction of a project. The FHWA Roadway Construction Noise Model (RCNM) Version 1.0 (February 2, 2006) lists the noise level of an excavator, a scraper, and a dozer all as 83 dB(A) L_{eq} at 50 feet. Excavation would occur throughout much of the site. The closest MHPA habitat to the project site is less than 25 feet, with associated noise impacts as high as 87 dB(A) L_{eq} during rough grading. Other potential noise impacts to the MHPA could occur during final site preparation and vertical construction, when a small excavator or backhoe and a loader would be utilized to dig foundations and for utility installation. General carpentry would result in a lower noise impact.

In addition to the standard land preparation activities described above, blasting would be required on portions of the project site. Blasting involves drilling boreholes and placing small amounts of explosives in each hole. Noise from blasting, while loud, is of an extremely short duration. Three rock drills rated at 87.5 dB(A) L_{MAX} for 40 percent utilization would produce up to 88.3 dB(A) L_{eq} if used within an approximate 50-foot distance to MHPA areas. Noise impacts from the drilling for the blasting on-site during rough grading would be potentially significant.

When explosive charges detonate in rock, almost all of the available energy from the explosion is used in breaking and displacing the rock mass. However, some blast energy escapes into the atmosphere as a sequence of airborne sound waves, a phenomenon known as "air blast over-pressure (airblast)." Theses sound waves are very low frequency, below the audible range. Very high air blast over-pressure levels can rattle or in some cases break windows. However, airblast over pressure rarely reaches levels that could cause building damage with modern blasting

practices. Conceptual blasting locations are shown in Figure 5.6-1. Controlling an airblast is dependent on the skill of the blasting supervisor, along with many factors, including but not limited to: the depth of the charge, the type of rock, the amount of fractures in the rock, and the length of correct stemming materials. Due to the nature of blasting, it is difficult to quantify a distance associated with 60 dB(A) L_{eq} ; however, it is conservatively assumed that blasting anywhere within the site may affect sensitive nesting species. Therefore, if blasting occurs during the breeding seasons for coastal California gnatcatcher (February 15 to August 31), a potentially significant impact could occur.

Rock Crushing

Rock crushing of material generated during blasting may occur on-site. A rock crusher generates higher noise levels than typical construction equipment as noise is generated by the breaking of rocks as well as the diesel engine operating the crusher. Because this activity does not move and the material stockpiles can be located in close proximity, the work area can be defined for a rock crushing operation. Rock crushing would typically include the use of a dozer and a loader for loading the rock crusher.

A typical rock crusher and ancillary equipment creates approximately 92 dB(A) L_{eq} at 50 feet; the level may vary by as much as 5 to 10 dB(A) depending on location materials in crusher and type of equipment. The closest that rock crushing would occur is 200 feet (typical minimum drive around clearance distance for a crusher) to the nearest edge of the habitat. That location would result in an 80 dB(A) L_{eq} impact at the habitat and would be considered potentially significant.

Off-site Truck Import of Fill Materials

The RCNM model lists noise levels from a dump truck operating 50 feet away from a receiver at 76.5 dB(A) L_{max} . Based on the dump truck operating at maximum output for 40 percent of the time, which is typical, the resultant noise level would be 72.5 dB(A) L_{eq} at 50 feet. Therefore, noise impacts at the sensitive habitat from truck fill import would be potentially significant.

b. Vibration (Blasting)

Due to the geologic character of the project site, explosive blasting and/or on-site rock breaking is anticipated during site preparation activities for the project. Thus, significant vibrations or groundborne noise impacts may be associated with construction of the project. When explosive charges detonate in rock, almost all of the available energy from the explosion is used in breaking and displacing the rock mass. However, a small portion of the energy is released in the form of vibration waves that radiate away from the charge location. The strength, or amplitude, of the waves reduces as the distance from the charge increases. The rate of amplitude decay depends on local geological conditions but can be estimated with a reasonable degree of consistency, which allows regulatory agencies to control blasting operations by means of relationships between distance and explosive quantity.

The explosive charges used in mining and mass grading are typically wholly contained in the ground. The nearest residential receptor to the blasting activities, a single-family residence, is approximately 650 feet from the nearest potential blasting site. At 650 feet, the allowable maximum charge weight (within an 8-ms delay) is 139.7 pounds of explosive to create vibration impacts less than those stated in Table 5.6-2, above. Based on the blasting estimate that a total weight of 12,000 to 15,000 pounds of explosives would be required and a lack of a specific blasting plan indicating individual charge weights, blasting charge weights could exceed 139.7 pounds. Thus, blasting vibration impacts at the nearest residences may exceed the allowable OSM specifications (2.0 peak particle velocity [PPV]). Therefore, blasting would be a potentially result in a potentially significant groundborne vibration impact at the nearest residences.

5.6.3.2 Significance of Impacts

The following impacts would be potentially significant:

- Construction noise, including noise from blasting, rock crushing, and off-site truck hauling, may exceed the 60 dB(A) L_{eq} limit at the MHPA habitat surrounding the site during the identified February 1 to September 15 sensitive species breeding season.
- 2. Blasting vibration impacts at the closest residences may exceed the allowable OSM specifications.

5.6.3.3 Mitigation, Monitoring, Reporting

a. Construction Noise

Mitigation measures **BIO-7** and **BIO-8**, detailed in Section 5.2.3.3, would reduce potentially significant noise impacts to sensitive species within the MHPA to less than significant

b. Vibration

NOS-1: Prior to issuance of the first grading permit, a blasting management plan shall be submitted for review and approval by the City of San Diego Development Services Department and the City of San Diego Fire Department Fire Prevention Bureau. The blasting management plan shall be prepared by a San Diego County Sheriff-approved blasting contractor, with the appropriate San Diego County Sheriff blasting permits, in compliance with all applicable local, state, and federal permits, licenses, and bonding. The blasting contractor or applicant must conduct all notifications, inspections, monitoring, and major or minor blasting requirements planning with seismograph reports, as necessary.





50' 100' 150' 200' 300' 400 SCALE 1"= 100'



D.

Estimated Areas of Potential Blasting During Site Development if Excavations are Proposed

LEGEND

Qal/Qcolalluvium colluvium
KfgFANGLOMERATE DEPOSITS
JspMETAVOLCANIC ROCK
(Dotted Where Buried)
T-21 APPROX. LOCATION OF EXPLORATORY TRENCH
③APPROX. THICKNESS OF SURFICIAL DEPOSIT REQUIRING REMEDIAL GRADING
AT-20 APPROX. LOCATION OF AIR TRACK BORING
Image: Control Cont
م معنی منابع منابع منابع منابع منا منابع منابع منابع منابع منابع م منابع منابع منابع منابع منابع منابع منابع منابع مناب
S-10APPROX. LOCATION OF SEISMIC TRAVERSE
B. B
2

FIGURE 5.6-1 Geological Map of Blasting Impacts

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The blasting management plan shall include the estimated maximum drill noise levels, air blast over-pressure levels, and groundborne vibration levels at each residence within 1,000 feet of the blasting location and demonstrate how these levels will comply with applicable standards. The blasting management plan also shall include a plan for vibration monitoring. The data shall include vibration level measurements taken during the previous work period at the nearest residential structure. In the event that measured vibration levels exceed allowable limits (vibration levels from blasting in excess of 2.0 PPV[in/sec]), the designated monitoring official shall take those steps necessary to ensure that future vibration levels do not exceed such limits, including, but not limited to suspending those further construction activities that would result in excessive vibration levels until either alternative equipment or alternative construction procedures can be used that generate vibration levels that do not exceed 2.0 PPV at the nearest residential structure. Construction activities not associated with vibration generation could continue.

5.6.3.4 Significance after Mitigation

a. Construction Noise

With implementation of **BIO-7** and **BIO-8**, impacts associated with construction noise would be reduced to less than significant, as detailed in Section 5.2.3.4.

b. Vibration (blasting)

During project grading and blasting operations, potential impacts associated with the exposure of residential land uses to groundborne vibration levels would be significant. A blasting plan will be required that will provide the estimated maximum drill noise levels, air blast over-pressure levels, and groundborne vibration levels at each residence within 1,000 feet of the blasting location and demonstrate how these levels will comply with applicable standards, as well as define a monitoring plan to verify compliance. The vibration monitoring plan would provide for notification procedures to ensure steps are taken to keep vibration levels to below allowable limits. Therefore, it is concluded that with implementation of mitigation measure **NOS-1**, groundborne vibration impacts would be less than significant.

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6.0 Significant Unavoidable Environmental Effects/Irreversible Changes

California Environmental Quality Act (CEQA) Guidelines Section 15126.2 (b) and (c) require that the significant unavoidable impacts of the project, as well as any significant irreversible environmental changes that would result from project implementation, be addressed in the Supplemental Environmental Impact Report (SEIR).

6.1 Significant Environmental Effects which Cannot Be Avoided if the Project Is Implemented

In accordance with CEQA Guidelines Section 15126.2 (b), any significant unavoidable impact of a project, including those impacts that can be mitigated but not reduced to below a level of significance despite the applicant's willingness to implement all feasible mitigation measures, must be identified in the SEIR. The project would result in one new significant unavoidable impact, not previously identified in the 1998 Environmental Impact Report (EIR) – Biological Resources (sensitive plants). Previously identified significant unmitigated impacts associated with buildout of the Subarea (that would not be mitigated to less than significant for the project) include:

- Traffic
- Air Quality (direct and cumulative)
- Natural (Mineral) Resources and Agriculture
- Visual Resources/Landform Alteration

All other significant impacts identified in Chapter 5.0 of this SEIR as resulting from project implementation can be reduced to below a level of significance with the mitigation measures identified in Chapter 5.0 and in the Mitigation Monitoring and Report Program (MMRP), Chapter 11.0.

6.2 Irreversible Environmental Changes which Would Result if the Project Is Implemented

In accordance with CEQA Guidelines Section 15126.2 (c):

Uses of nonrenewable resources during the initial and continued phases of the project may be irreversible since a large commitment of such resources makes

removal or nonuse thereafter unlikely. Primary impacts and, particularly, secondary impacts (such as highway improvements which provide access to a previously inaccessible area) generally commit future generations to similar uses. Also irreversible damage can result from environmental accidents associated with the project. Irretrievable commitments of resources should be evaluated to assure that such current consumption is justified.

The most prominent irreversible environmental change associated with the project would be the conversion of undeveloped land to urbanized uses. The conversion of undeveloped land to urbanized uses would be a permanent change and once construction occurs, reversion of the land to its original condition would be nearly impossible.

Implementation of the project would bring with it other permanent changes that have been recognized in other sections of this SEIR and the 1998 EIR. There would be more traffic, and hence noise, associated with the site; the landform and visual quality of the area would be permanently altered in noticeable ways; and there would be an increased human presence in the area, with a change from vacant land to a developed residential community.

Besides the commitment of land to urban use, implementation of the project would also involve the consumption of natural resources as well as energy derived from non-renewable sources, such as fossil fuels. Non-renewable resources generally include biological habitat, agricultural land, mineral deposits, water bodies, and some energy sources. As disclosed in the 1998 EIR, buildout of the Black Mountain Ranch Community including implementation of the project would result in significant irreversible impacts on agricultural and or mineral resources.

Implementation of the project would also require the irreversible consumption of natural resources and energy. Natural resource consumption would include lumber and other forest products, sand and gravel, asphalt, steel, copper, other metals, and water. Building materials, while perhaps recyclable in part at some long-term future date, would for practical purposes be considered permanently consumed. Energy derived from non-renewable sources, such as fossil fuels, would be consumed during construction and operational lighting, heating, cooling, and transportation uses. To minimize the use of energy, water, and other natural resources, the project would incorporate sustainable building practices into the site, architectural and landscape designs. As described in the 1998 EIR, design considerations aimed at improving energy efficiency, reducing landfill waste, and conserving water (e.g., utilizing recycled water; on-site collection and reuse of construction materials, etc.) have been incorporated into the overall Black Mountain Ranch Community and may serve to reduce irreversible water, energy, and building material consumption associated with construction and occupation of the project.

The project would not introduce any long-term risks to human health or safety. The residential units would be constructed according to all applicable regulations and standards to avoid unnecessary or unusual risks.

7.0 Growth Inducement

California Environmental Quality Act (CEQA) Guidelines Section 15126.2(d) requires that an Environmental Impact Report (EIR):

Discuss the ways in which the proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. Included in this are projects which would remove obstacles to population growth (for example, a major expansion of a waste water treatment plant might, for example, allow for more construction in service areas). Increases in the population might tax existing community services facilities, requiring construction of new facilities that could cause significant environmental effects. Also discuss the characteristic of some projects which may encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively. It must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment.

The City's Significance Determination Thresholds provide further guidance to determine potential significance for growth inducement. Based on the Thresholds, a significant impact could occur if a project would:

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). Accelerated growth may further strain existing community facilities or encourage activities that could significantly affect the surrounding environment.

According to the City's Significance Determination Thresholds, growth inducement "is usually associated with those projects that foster economic or population growth, or the construction of additional housing, either directly or indirectly, which may result in the construction of major and new infrastructure facilities." Growth inducement is generally dependent on the presence or lack of existing utilities and municipal or public services. The provision of such necessities in an unserviced area can induce growth between newly serviced areas and the community from which the facilities are obtained. Also, a change in land use policy or projects that provide economic stimulus, such as industrial or commercial uses, may induce growth." In addition, the Thresholds state that "the analysis must avoid speculation and focus on probable growth patterns or projects" (City of San Diego 2011). In addition, growth inducement can also be defined as growth that makes it more feasible to increase the density of development in surrounding areas.

7.1 **Project Effects on Growth**

Since the adoption of the Subarea Plan in 1998, much development has occurred within and around the Black Mountain Ranch community. Development within the Subarea commenced in 2000, and two communities have since then emerged, the Santaluz community and the Del Sur community. The 3,100-acre Santaluz community occupies the southern portion of the Black Mountain Ranch Subarea and is approximately 90 percent built out. Santaluz is primarily composed of a golf course and low-density residential development. The 1,400-acre Del Sur community occupies the northern portion of Black Mountain Ranch and has approved final maps or construction occurring within approximately 50 percent of the community. Additionally, much development has occurred adjacent to the Subarea. The 4S Ranch community, located within the unincorporated area directly adjacent to the Subarea to the northeast, is almost completely built out. The Rancho Peñasquitos Community Plan area lies to the east of the project site and is also essentially built out.

In conjunction with the Subarea Plan, a Transportation Phasing Plan was adopted to guide implementation of circulation improvements within and surrounding the community. Most of the major circulation improvements called for in the Transportation Phasing Plan have been or are currently being constructed. Also as identified within the 1998 EIR, major regional serving water and electrical utilities are sited within the Subarea. Utility and roadway extensions constructed in conjunction with the proposed Subarea I development plan would extend energy, roads, water, and sewer to the Subarea, but would not facilitate their extension to other sites where they are currently unavailable, and would not contribute to growth inducement.

As detailed in the 1998 EIR, buildout of the community would be required to ensure that other essential services, such as libraries, fire, and police, continue to meet City standards. Future development within the Subarea, along with other cumulative buildout in the area, would create demand for new facilities and levels of service. Since adoption of the Subarea Plan, required new facilities, such as schools, parks, police and fire stations, have been constructed within or adjacent to the Subarea. No additional public services would be needed to serve the project site. In conclusion, the project is consistent with the land use and buildout assumptions for the Subarea Plan. Planned facilities (e.g., roads, utilities) and services (schools, police, fire protection) are in place and are adequate to serve the project. The project would not extend any new roads, utilities, or services beyond those already anticipated to serve the buildout of the Black Mountain Ranch community. Therefore, the project would not be growth-inducing.

8.0 Cumulative Impacts

Section 15130(a) of the California Environmental Quality Act (CEQA) Guidelines requires a discussion of cumulative impacts of a project "when the project's incremental effect is cumulatively considerable." Cumulatively considerable, as defined in Section 15065(a)(3), "means that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects." According to Section 15130(b) of the CEQA Guidelines, the discussion of cumulative effects "need not provide as great detail as is provided for the effects attributable to the project alone. The discussion should be guided by standards of practicality and reasonableness...".

According to Section 15130(b)(1) of the CEQA Guidelines, the discussion of cumulative effects is to be based on either (a) a list of past, present, and probable future projects producing related or cumulative impacts, including, if necessary, those impacts outside the control of the agency, or (b) a summary of projections contained in an adopted plan or related planning document that describes or evaluates conditions contributing to the cumulative effect.

The basis of and geographic area for the analysis of cumulative impacts is dependent on the nature of the issue. For this analysis, the evaluation of potential cumulative impacts is localized (e.g., construction noise, construction emissions, visual quality, and biological and cultural resources); therefore, a list of projects approach was employed.

For the other cumulative impacts, those which are regional in scope (e.g., traffic, air quality [operational emissions]), the analysis was conducted in conjunction with the Subarea Plan (Environmental Impact Report [EIR]). The analysis within the 1998 EIR is still relevant for regional cumulative issues (refer to Section 9.15).

8.1 List of Projects

A total of 5 projects (Figure 8-1) have been identified for consideration in this cumulative effects analysis. All of the cumulative projects are located within the Black Mountain Ranch Subarea.

East Clusters (Unit 2) Enclave at Black Mountain Ranch: The East Clusters Enclave project is located within a portion of the previously defined Unit 2 of the East Clusters Vesting Tentative Map (VTM). The East Clusters Enclave project proposes to resubdivide existing 19 residential lots and one common lot into 27 new residential lots and one common lot within the development footprint approved for Unit 2 within the East Clusters at Black Mountain Ranch project site. The proposed eight-lot increase would be achieved by removing eight

approved lots from within the North Village at Black Mountain Ranch. The project site has been partially mass graded and is currently undeveloped.

East Clusters (Unit 3) at Black Mountain Ranch: The 2001 East Clusters at Black Mountain Ranch project proposed to subdivide a 137.23-acre property for the development of three separate residential areas: Unit I (48 residential lots in three clusters covering 82.7 acres), Unit 2 (28 residential lots in a small 13-acre cluster, and Unit 3 (62 residential lots within a 41.5-acre cluster) for a total of 138 residential dwelling units. Four of the lots in Unit 2 may be developed as 14 multi-family units under an affordable housing program. The new Unit 3 (formerly units 2 and 3) is located directly northwest of the project site. Grading of East Clusters is currently in progress.

Del Sur Court: The Del Sur Court project proposes the construction of 206 senior (agerestricted) units (130 single-family detached and 76 single-family attached) within the site identified in the Subarea Plan (2009, as amended) for an age-restricted Continuing Care Facility. The project site is presently graded.

Del Sur Retail Center: The project proposes to construct 171,437 square feet of retail space within four buildings and two building pads (totaling 8,000 square feet) for future uses within the North Village at Black Mountain Ranch. The project would be composed of a 143,000-square-foot retail store within a single building and other retail commercial uses totaling approximately 28,000 square feet. The 15-gross-acre project site is located at the intersection of Camino del Sur and Paseo del Sur in the CC-3-5 and CC-4-5 zones of the Black Mountain Ranch Subarea. The project is presently under construction.

Camelot/Northeast Perimeter Property: The Camelot project proposes the development of 307 multi-family units. A total of 259 market rate units would be located on-site within the parcel identified by the Subarea Plan as the Northeast Perimeter property. Forty-eight affordable units would be constructed off-site within the North Village at Black Mountain Ranch.



Legend. Residential (see figure 2.4) 1395 ac. Open Space (see figure 3.2) 2710 ac. Golf Course & Club House 320 ac. Employment 30 ac. Village Mixed Use Center 30 ac. Village Green 10 ac. Utilities 25 ac. Neighborhood/ CommunityParks 50 ac. Institutional 125 ac. Elementary School Е Μ Middle School н High School F Fire Station С Church Day Care Center D S Seniors Center R **Recreation Center** Streets 405 ac. TOTAL: 5100 ac.



FIGURE 8-1 Location of Cumulative Projects THIS PAGE IS INTENTIONALLY BLANK.

8.2 Significance Thresholds

Pursuant to the City's significance determination thresholds, in general the following rule of thumb should apply for determining significant cumulative impacts:

- 1. If there are known documented existing significant impacts occurring in a community, additional increments would exacerbate the impact (e.g. an overloaded transportation system).
- 2. If a community plan and/or precise plan identifies cumulative impacts in the communitywide EIR, individual projects which contribute significantly to the communitywide impacts would be considered cumulatively significant.
- 3. A large-scale project (usually regional in nature) for which direct impacts are mitigated by the collective number of individual impacts results in a cumulative impact.

8.3 Cumulative Analysis

8.3.1 Land Use

The cumulative analysis in the 1998 EIR identified potential cumulative land use impacts related to compliance with the Resource Protection Ordinance (RPO; now the Environmentally Sensitive Lands [ESL] Ordinance). The 1998 EIR concluded that future projects may require deviations from the RPO, and thus, cumulative impacts would result from regulatory nonconformance.

As detailed in Section 5.1, the project would be consistent with the City's Land Development Code (LDC) ESL regulations relative to the issues of sensitive biological resources and steep slopes, and no deviations would be required. The project also would be consistent with the City's Historical Resources Regulations, and no impacts to significant cultural resources would result from implementation of the project. No secondary land use impacts would in turn result. Thus, the project's incremental effect would therefore not be cumulatively considerable related to LDC inconsistency.

The project also would be consistent with the City's Multiple Species Conservation Program (MSCP), as the project's Multi-Habitat Planning Area (MHPA) boundary line adjustment would result in less than significant impacts. As detailed in Section 5.1, the project would comply with the City's MHPA adjacency guidelines, as would all other projects within the Subarea located in proximity to the MHPA. Thus, the project's incremental effect would not be cumulatively considerable related to consistency with the MSCP.

8.3.2 Biological Resources

The 1998 EIR identifies a significant cumulative impact associated with the loss of important habitats, including wetlands and non-native grassland. As discussed in Section 5.2, the project would result in potentially significant impacts to sensitive vegetation communities, sensitive species, and non-wetland waters. Implementation of mitigation measures BIO-1 through BIO-9 would reduce impacts associated with sensitive vegetation communities, plants, wildlife, and jurisdictional waters to a level that is less than significant. The mitigation measures identified in Section 5.2 were prepared in accordance with the MSCP and the Biology Guidelines, which are intended to reduce cumulative impacts within the City to below a level of significance. The other cumulative projects would be required to implement similar mitigation in compliance with City and wildlife agency regulations should they have the potential to impact the MHPA, sensitive habitats, nesting raptors, Migratory Bird Treaty Act-protected species, and jurisdictional waters. Therefore, the project's incremental effect would not be cumulatively considerable related to these biological resources. However, due to the uncertainty of the success of the mitigation, direct impacts to a sensitive plant, thread-leaved brodiaea, would remain significant and unavoidable.

Per the City's CEQA thresholds, "direct impacts to perennial native grasslands that are greater than 0.1 acre are significant and cumulatively significant. Direct impacts to this habitat type are mitigated via Tier I per the City's Biology Guidelines. Cumulative impacts may be mitigated only via creation at a 1:1 ratio or greater with the feasibility of creation to be evaluated on a case-by-case basis." Therefore, cumulative impacts to 0.15 acre of native perennial grassland would be mitigated at a 1:1 ratio through the creation of 0.15 acre of native perennial grassland habitat within on-site roadbeds devoid of vegetation to ensure no net loss of habitat. Thus, <u>cumulative impacts</u> to native perennial grassland would be less than significant<u>with mitigation</u>.

The project would preserve approximately 64 percent of the total estimated counted threadleaved brodiaea population found on the combined East Clusters Unit 3 and Heritage Bluffs properties. The estimated impact to 36 percent of the thread-leaved brodiaea population would be subject to a translocation effort to salvage and transplant as many corms as possible. Translocation of thread-leaved brodiaea conducted as part of the East Clusters Unit 3 project resulted in approximately 3,175 individual plants that survived the transplant effort. About 54 percent of these transplanted individuals developed flowers. While the overall translocation effort would provide partial mitigation for the loss of this sensitive plant species for the two projects, a significant unmitigated cumulative impact to thread-leaved brodiaea remains due to the uncertainty of the level of success of this mitigation for the project.

8.3.3 Cultural/Historical Resources

Archaeological resources are important for prehistoric or historic information that may be recovered. The 1998 EIR identifies cumulatively significant impacts to cultural resources. Although the project would avoid impacts to the significant portion of the archaeological site identified on-site, construction of the project has the potential to impact unknown subsurface cultural resources. Implementation of Mitigation Measure CUL-2 outlined in Section 5.3 would reduce potential impacts to unknown archaeological resources to below a level of significance. CUL-1 would ensure that no impacts to human remains occur. Because the project would preserve the significant archeological resources on-site and CUL-1 and CUL-2 would reduce potential impacts to buried resources and human remains, the project's incremental contribution to the cumulative loss of cultural resources identified in the 1998 EIR would be less than significant.

8.3.4 Landform Alteration and Visual Quality

The 1998 EIR identifies cumulative visual impacts associated with both the alteration of existing landforms and visual setting of the area. The EIR concludes that individual and cumulative landform alteration impacts would be limited by future project's compliance with the ESL (formerly RPO) steep hillsides regulations and that implementation of the Subarea Plan Design Guidelines would serve to partially mitigate visual character impacts. The project would result in alteration to natural landforms as described in Section 5.4. The project would not require any deviations from the City's ESL steep slope regulations. The project would comply with ESL and preserve <u>approximately</u> 120 acres of the project site within the City's MHPA. Nonetheless, based on the City's Significance Determination Thresholds, the project would result in a significant impact relative to landform alteration as described in Section 5.4. Therefore, the project's incremental effect would be cumulatively significant related to visual quality.

8.3.5 Air Quality

The 1998 EIR identifies construction-related emissions associated with buildout of the Subarea Plan as a significant cumulative impact. The project air quality analysis completed in Section 5.5 addresses local air quality impacts related to construction activities, including blasting, which was not considered in the previous EIR. Project construction emissions would not exceed the City's thresholds for any criteria pollutant. Thus, the project's incremental increase in construction-related air quality emissions would not be cumulatively considerable.

8.3.6 Noise

The 1998 EIR did not address cumulative impacts relative to construction noise. As presented in Section 5.6, Noise, the project would result in potential new noise associated

with blasting during construction. However, no sensitive receptors (e.g., residential land uses) are located within proximity to the project site, and therefore, impacts to sensitive receptors would be less than significant. The project is adjacent to the MHPA and would be required to comply with standard MHPA adjacency guidelines and mitigation pertaining to construction activity as detailed in Section 5.2. Project construction noise would therefore not combine with other localized sources to result in significant impacts to nesting raptors within the MHPA. Thus, the project's incremental increase in construction-related noise impacts would not be cumulatively considerable.

9.0 Black Mountain Ranch (Subarea I) Subarea Plan EIR Subject Areas Requiring No Change in Analysis

Pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15163, the analysis and conclusions reached in a number of the environmental subject areas contained within the 1998 Black Mountain Ranch (Subarea I) Subarea Plan Environmental Impact Report (EIR) do not require supplemental analysis and are not addressed further in this Supplemental Environmental Impact Report (SEIR). This is because the project would not result in changes affecting the analysis in the 1998 EIR, as there were no substantial changes in circumstances or new information available with respect to each subject area that would trigger a need for supplemental review (CEQA Guidelines Section 15162). These subject areas include:

- Land Use (Plan Consistency; Land Use Conflicts)
- Traffic_/Circulation
- Hydrology and Water Quality
- Visual Quality (Area Character, Unique Features, Landmark Trees)
- Air Quality (Direct Impacts)
- Geology and Soils
- Agricultural Resources / Mineral Resources
- Paleontological Resources
- Noise (Traffic Noise)
- Public Facilities and Services
- Water Conservation/Domestic Water/Wastewater
- Public Safety
- Population
- Cumulative Impacts related to the above issues

Any future environmental review related to these subjects shall be required to refer to the 1998 EIR.

9.1 Land Use (Plan Consistency)

The land use analysis in 1998 EIR concluded that the Subarea Plan would be consistent with other adopted plans, and no significant impacts would occur. The project would be consistent with the designated land use, density assumptions, and conceptual footprint identified for the Southeast Perimeter properties (Parcels A and B); therefore, the project also would be consistent with adopted land use plans. There would be no new significant or

substantially increased adverse impacts beyond those previously identified in the 1998 EIR relative to land use plan consistency.

Because no site-specific design was proposed at the time the 1998 EIR was prepared, issues regarding Land Development Code deviations and Multiple Species Conservation Program (MSCP) consistency could not be analyzed in detail for the perimeter properties, and impacts were assumed to be potentially significant. An analysis of the project's impacts relative to these land use issues is included in Section 5.1 of this SEIR.

9.2 Traffic/Circulation

The 1998 EIR included a traffic and circulation analysis for buildout of the entire Subarea Plan. The EIR identified numerous significant direct and cumulative impacts to the surrounding roadway network in conjunction with buildout of the Subarea Plan. Mitigation for buildout of the Subarea Plan resulted in the development of a Transportation Phasing Plan, which requires facilities be in place based on the total number of Equivalent Dwelling Units (1 Equivalent Dwelling Unit = 1 single-family dwelling or 10 Average Daily Traffic) constructed within the Subarea. The Transportation Phasing Plan is funded through payment of Public Facilities Financing Plan (PFFP) fees at the time of building permit issuance.

The project is consistent with the designated land use and density assumptions for the Southeast Perimeter properties (Parcels A and B); therefore, no additional analysis is required relative to traffic and circulation. The project would be subject to conditions of approval consistent with the Mitigation Monitoring and Report Program (MMRP) for the 1998 EIR. Specifically, prior to the issuance of any building permit, the project would be required to be in conformance with the Black Mountain Ranch Transportation Phasing Plan. Payment of PFFP fees would ensure implementation of the phasing plan. The project would not result in any new significant or substantially increased adverse impacts beyond those previously identified in the EIR.

9.3 Hydrology and Water Quality

a. Hydrology/Drainage

The 1998 EIR did not identify any significant impacts to natural drainage patterns; however, the EIR concluded that buildout of the Subarea would result in an increase in runoff due to the creation of new impervious surfaces. Runoff could result in adverse impacts to the drainage to the west, but impacts could be mitigated through proper design of future development. The MMRP for the EIR specified that detailed drainage design and best management practices (BMPs) would be conditions for any subsequent tentative maps for development within the Southeast Perimeter properties. Consistent with the MMRP, the
project has prepared a site-specific drainage report that provides recommendations for project design, which would alleviate any potential downstream drainage impacts (Project Design Consultants 2014; Appendix B-1).

The project area slopes in the northerly direction and the majority of the project site is situated on a saddle between two natural drainage courses, which convey storm water from upstream areas. Runoff from the project site would be conveyed via a drainage system consisting of culverts, brow ditches, curb, gutter, storm drain inlets, and pipes. The developed portion of the project site would drain into an underground storm drain system and would tie into the proposed underground storm drain within Street J to be built with the East Clusters project (located directly north of the project site and to be developed by the same developer).

The results of the hydrology analysis indicate that off-site flows would increase slightly above existing conditions; however, the drainage report concludes that the proposed condition flow rates would not cause a detrimental effect to the downstream drainage system. For any proposed storm drain discharging to unimproved channels, proposed energy dissipation would minimize erosion potential. Treatment control and hydromodification requirements for this project would be handled on a regional basis with the downstream East Clusters Unit 3 project and sized to accommodate the tributary drainage area. No new significant or substantially increased adverse impacts relative to hydrology would result from implementing the project.

b. Water Quality

The 1998 EIR also concluded that implementation of the Subarea Plan has the potential to significantly impact water quality (both directly and cumulatively) in the San Dieguito River and Lagoon. The EIR MMRP recommends measures to reduce levels of erosion, sedimentation and runoff and requires that the recommended measures or the equivalent thereof would be conditions of future tentative maps for the Southeast Perimeter properties.

Since the certification of the 1998 EIR, the regulatory framework relative to water quality and drainage has changed. The project would be required to comply with new regulatory standards. To ensure that the project would comply with new state and local regulations, an updated water quality technical report was prepared for the project (Project Design Consultants 2015; Appendix B-2).

The project is a Priority Development Project, based on the City's Storm Water Standards. The project would be consistent with the land use for the site as designated by the Subarea Plan. Therefore, pollutants of concern would be the same as those addressed in previous documents. During construction, BMPs such as desilting basins, silt fences, gravel bags, fiber rolls, and other erosion control measures would be employed consistent with the National Pollutant Discharge Elimination System's General Permit for Storm Water Discharges Associated with Construction Activity. In addition to construction BMPs, the project would incorporate treatment control BMPs, along with source control BMPs and Low Impact Development design practices. The water quality treatment measures would meet or exceed those previously identified, and there would be no new significant or substantially increased adverse impacts associated with water quality.

9.4 Visual Quality

Because no site-specific design was proposed for the Southeast Perimeter properties at the time the 1998 EIR was prepared, the EIR concluded that potential landform alteration impacts would be evaluated during subsequent environmental review. Therefore, the analysis of project impacts relative to landform alteration is discussed in Section 5.4 of this SEIR.

The 1998 EIR concluded that impacts to views from Black Mountain Park of future residential development within the Southeast Perimeter properties may be significant. The MMRP indicates that the application of Design Guidelines identified in the Subarea Plan that address residential lot grading, siting of structures, architectural styles, setbacks, exterior use areas, walls and fences, exterior lighting and landscaping, would allow for a consistent community character to be retained and minimize impacts to views. The Subarea Plan states, *"All Perimeter Properties and the BMR North Clusters will be required to adopt the Design Guidelines approved for the BMR VTM/PRD or required to develop independent design guidelines conforming to the Framework Plan, this Subarea I plan and compatible with the BMR VTM/PRD Design Guidelines."* Design Guidelines have been developed for the project and are consistent with the Subarea Plan Design Guidelines. Therefore, conclusions from the 1998 EIR are applicable, and the project would not result in any new significant or substantially increased adverse impacts beyond those previously identified in the EIR relative to visual character.

The 1998 EIR did not identify any significant impacts to unique geologic or topographic features from future development within the Subarea. The EIR analysis stated that the Southeast Perimeter properties would encroach into approximately 9 percent of sensitive on-site slopes. The project would encroach into 22 percent of steep slopes subject to Environmentally Sensitive Lands (ESL; with allowances for erosion control). The encroachment is within the allowable limits of the City's ESL ordinance, as detailed in Section 5.1 of this SEIR. Therefore, new or substantially increased adverse impacts would result, and the conclusions are consistent with those of the 1998 EIR.

The 1998 EIR did not identify the presence of any distinctive or landmark trees within the Subarea. No landmark trees are present on the project site, and no further analysis is required.

9.5 Air Quality

The 1998 EIR identified significant direct and cumulative air quality impacts to regional air quality as a result of vehicle traffic and construction-related activities, respectively. Relative to direct (operational) air quality impacts, the 1998 EIR concluded that buildout of the Subarea would not conform to the Regional Air Quality Strategy, and impacts would be significant and unmitigated. The project is consistent with the land use and buildout assumptions for the Perimeter Properties as described in the 1998 EIR; therefore, the project would not result in any new significant or substantially increased adverse impacts beyond those previously identified in the 1998 EIR.

The EIR incorporated mitigation measures that would reduce fugitive dust impacts from construction activity. Dust control during construction and grading operations would be regulated in accordance with the rules of the San Diego Air Pollution Control District. Incorporation of these mitigation measures would reduce construction-related air quality impacts to below a level of significance. The project would incorporate such mitigation as described in the 1998 EIR. However, in addition to the land development activities described in the 1998 EIR, the project may require blasting in areas of shallow bedrock. Construction-related air quality impacts associated with blasting are discussed in Section 5.5 of the EIR.

9.6 Geology and Soils

The 1998 EIR states that there are no significant soil or geologic conditions observed or known to exist within the Subarea that would preclude implementation of future development. The Southeast Perimeter parcels are generally underlain by Santiago Peak metavolcanics, which exhibit good bearing and stable slope characteristics, although expansive soils may be encountered.

The 1998 EIR concluded that potentially significant geologic conditions exist, which would require mitigation as part of any future tentative maps. GEOCON, Inc. prepared an updated site-specific Geotechnical Report for the development of housing on the project site (January 2015, Appendix I-1). A memo report (December 2015) was also prepared (Appendix I-2) to substantiate the consistency of the EIR with previous environmental documentation. The reports concluded that no soil or geologic conditions exist at the project site that would preclude the proposed development, provided the measures recommended in the report are implemented for design and construction.

Previous mitigation measures from the 1998 Subarea Plan EIR related to geology and soils that apply, addressed by the project's site-specific geotechnical analysis, are listed below. Applicable measures would be conditions of project approval.

1. The presence of landslides, weak claystones, uncompacted fill soils, and potentially compressible colluvial and alluvial deposits require special consideration where development is planned.

No landslides, weak claystones, or uncompacted fill soils were identified on the subject site. Remediation of the colluvium and alluvium is discussed in Section 8.6.4 on page 13 in Appendix I-1.

2. Very heavy ripping may be necessary within areas underlain by the Santiago Peak Volcanics, Lusardi Formation, and gabbro. Deep cuts in the Santiago Peak Volcanics or gabbroic rocks would require blasting. Special handling of the excavated rock and placement of oversized materials would also be anticipated.

The Lusardi formation and gabbroic rock were not encountered during our field investigations for the subject site. See Section 5 and Section 8.6 of Appendix I-1 for discussion and recommendations for rippability/blasting and placement of oversize materials.

3. Highly expansive soils may be encountered with the Delmar, Mission Valley, and Friars formations and some of the topsoils. It is anticipated, however, that there would be sufficient low expansive soils available on the site to mitigate the adverse impact of expansive soils where encountered.

The Delmar, Mission Valley, or Friars formations were not encountered during our field investigations. See Section 8.6.9 on page 14 for recommendations concerning expansive soils in Appendix I-1.

4. Compressible alluvium and colluvium present along canyon alignments and on the lower flanks of the ridges would require at least partial removal and recompaction where settlement sensitive improvements are planned.

Remedial grading of the colluvium and alluvium is discussed in Section 8.6.4 on page 13 in Appendix I-1.

5. Perched groundwater is anticipated to be present within the low-lying alluvial areas. Hence, remedial measures in the form of subdrains would be required where filling of the drainage courses is planned.

See Section 6 – Groundwater/Seepage and Section 8.5 – Subdrains in Appendix I-1 for recommendations concerning groundwater/seepage and subdrains.

The City's Geology Section has reviewed the referenced reports and concluded that the investigations conducted adequately address the geologic conditions potentially affecting the project site. Proper engineering design and utilization of standard construction practices, to be verified at the building permit stage, would ensure that the potential for impacts

associated with geologic hazards would be less than significant with adherence to the design recommendations, which are conditions of approval, and no mitigation measures are deemed necessary. Therefore, based on the results of the Geotechnical Report, there would be no new significant or substantially increased adverse impacts beyond those previously identified in the EIR.

The 1998 EIR also concluded that without erosion control measures, there is a potentially significant increased erosion impact associated with the implementation of the Subarea Plan. These impacts would be mitigated to a level below significance by incorporation of appropriate control measures, as outlined in the 1998 EIR. Erosion control measures, as outlined in the site-specific Water Quality Technical Report and Geotechnical Report would be applied for the project; and therefore, there would be no new significant or substantially increased adverse impacts beyond those previously identified in the EIR.

9.7 Agricultural Resources / Mineral Resources

According to the 1998 EIR, Farmland of Local Importance and grazing lands would be lost with development of the perimeter properties. Specifically, fifteen acres of grazing land and up to 204 acres of Farmland of Local Importance may be lost with the development of the Southeast Perimeter properties. Although portions of the Subarea are in limited current agricultural use, no Prime Farmlands would be removed and the loss of agricultural land is not considered a significant direct impact. The cumulative effects of the loss of agricultural land from conversion are considered significant and unmitigated. The project would impact a similar development footprint as identified in the 1998 EIR for parcels A and B of the Southeast Perimeter properties. Conclusions regarding the loss of agricultural resources would be consistent with the previous analysis, and the project would not result in any new significant or substantially increased adverse impacts beyond those previously identified in the EIR.

The 1998 EIR concluded that implementation of future development as proposed in the Subarea Plan would preclude mining of the MRZ-2 aggregate for the foreseeable future, and the cumulative effects of the incremental loss of potential aggregate deposits are considered significant and unmitigated. The project is consistent with the land use and buildout assumptions for the Subarea Plan; therefore, the conclusions regarding the loss of aggregate resources would remain, and the project would not result in any new significant or substantially increased adverse impacts beyond those previously identified in the 1998 EIR.

9.8 Paleontological Resources

The 1998 EIR states that the Southeast Perimeter properties are located in Santiago Peak metavolcanics formations, which are areas with low paleontological resource sensitivity. The 2007 Geotechnical investigation completed for the property indicates that two formational units were encountered during field investigations: a Cretaceous-age unnamed fanglomerate¹ and the Jurassic-age Santiago Peak Volcanics. The project would impact a similar development footprint as identified in the 1998 EIR for parcels A and B of the Southeast Perimeter properties. Conclusions regarding paleontological resource impacts would be consistent with the previous analysis, and the project would not result in any new significant or substantially increased adverse impacts beyond those previously identified in the EIR.

9.9 Noise

For the Southeastern Perimeter property, the 1998 EIR identified that the 65 Community Noise Equivalent Level (CNEL) contour would be located near the northern property line, around 400 feet from Carmel Valley Road. The 60 CNEL contour would be around 1,000 feet from Carmel Valley Road. The City's exterior noise level standard would therefore not be exceeded on the Southeastern Perimeter property, as all development would be located outside the 60 CNEL contour area. Therefore, interior noise level standards would be met with standard construction techniques in the areas proposed for development. Impacts relative to traffic noise would be less than significant for the subject site. Because the project is consistent with the land use and buildout assumptions and conceptual development footprint identified in the Subarea Plan, noise impacts associated project traffic and noise contours associated with surrounding roadways would be consistent with the analysis in the 1998 EIR. The project would not result in any new significant or substantially increased adverse impacts beyond those previously identified in the EIR relative to operational noise.

The 1998 EIR indicated that potential future construction-related noise impacts to sensitive wildlife within the Multi-Habitat Preservation Area (MHPA) may result from grading and construction in the Southeast Perimeter properties. MHPA adjacency impacts associated with noise are addressed in Section 5.1 of this SEIR. Additionally, blasting may be required during construction activities. Construction noise and vibration impacts require subsequent analysis and are addressed in Section 5.6 of this SEIR.

¹ The Cretaceous-age unnamed fanglomerate has no sensitivity rating pursuant to the City of San Diego 2011 CEQA Significance Thresholds.

9.10 Public Facilities and Services

As required of all development proposals, the project would be required to pay applicable impact fees for public facilities and services prior to the issuance of building permits.

9.10.1 Schools

The 1998 EIR concluded that the additional elementary, middle, and high school students generated by buildout of the Subarea Plan would contribute to the already overcrowded schools and is considered a direct and cumulatively significant impact. The 1998 EIR stated that implementation of the following condition and offers of dedication would reduce direct and cumulative school impacts from Subarea development to below a level of significance:

a) Collection of required fees and setting aside three school sites, and provision of partial acreage for a future high school site.

Mitigation for school impacts would include implementation of a final financing agreement and phasing plan for future development in the Subarea and the Poway Unified School District as identified in the school district's School Facilities Master Plan and Financing Plan for the Black Mountain Ranch Subarea, which may or may not include participation in school facilities financing with other surrounding development projects. The Poway Unified School District proposed establishment of a Mello-Roos community facilities district; however, some other mutually acceptable means could be employed. Proof of a final financing agreement and school site purchase agreement would be required prior to City Council approval of the Subarea Plan.

School impacts would be reduced to below a level of significance by implementing the mitigation measures identified in the 1998 EIR. Because the project is consistent with the land use and buildout assumptions and conceptual development footprint identified in the Subarea Plan, impacts to schools would be consistent with those previously identified, and the project would not result in any new significant or substantially increased adverse impacts beyond those previously identified in the EIR.

9.10.2 Parks and Recreation

The 1998 EIR concluded that the dedication of community and neighborhood park sites totaling 59 acres (both public and private), and the proposed dedication of 2,211 acres of resource and amenity public open space, would provide adequate park and recreation facilities for future needs of the development and nearby communities. No significant impacts were identified. Because the project is consistent with the land use and buildout assumptions identified in the Subarea Plan, impacts to parks and recreational facilities would be consistent with those previously identified, and the project would not result in any

new significant or substantially increased adverse impacts beyond those previously identified in the EIR.

9.10.3 Libraries

The 1998 EIR concluded that the Rancho Peñasquitos, Carmel Mountain Ranch, and Rancho Bernardo libraries would adequately serve the needs of the Black Mountain Ranch Subarea, and usage impacts to these libraries would not be significant. Because the project is consistent with the land use and buildout assumptions identified in the 1998 EIR, impacts to libraries would be consistent with those previously identified, and the project would not result in any new significant or substantially increased adverse impacts beyond those previously identified in the previous EIR.

9.10.4 Police and Fire Services

The 1998 EIR concluded that reasonable police response times to the Subarea for routine and emergency calls-for-service are anticipated; therefore, impacts to police services are considered less than significant. Because the project is consistent with the land use and buildout assumptions and conceptual development footprint identified in the Subarea Plan, impacts associated with police services would be consistent with the analysis in the 1998 EIR.

Relative to Fire Services, the 1998 EIR concluded that City Fire Departments may or may not be able to provide first response to all portions of the Subarea within six minutes. The 1998 EIR incorporated the following mitigation measure:

Service letters from the City of San Diego Fire Department shall be submitted when building permits are applied for. If the Fire Department cannot respond within six minutes, then building plans would include fire sprinkler systems or other measures to the satisfaction of the Fire Department. Similar requirements would apply to all other development proposals in the Subarea.

As a condition of approval, the project would be required to implement mitigation identified in the 1998 EIR MMRP for potential Fire Service response impacts. The project would not result in any new significant or substantially increased adverse impacts beyond those previously identified in the EIR.

Based on updated information for this SEIR, five cumulative projects would add 678 dwelling units and additional retail space to Black Mountain Ranch, along with the project which would add 171 dwelling units. The 2011 City Gate Associates' study, which is the guidance document for San Diego Fire–Rescue Department's future planning, includes a new planned fire station (#48) in this area to serve Black Mountain Ranch.

9.10.5 Water Supply and Service

The 1998 EIR concluded that although buildout of the Subarea Plan would increase water service demand, the increase was not a significant impact with the implementation of conservation measures and recycled water systems. The 1998 EIR included the following mitigation measures, which would be incorporated into future development project design guidelines to address cumulative water usage concerns.

- 1. Limit grading in areas where no construction is proposed; thereby reducing the need for planting and irrigation of graded areas.
- 2. Provide lifts of low-clay content soil in landscaped areas to improve infiltration.
- 3. Reduce runoff potential from landscaped areas by using berming, raised planters, and drip irrigation systems.
- 4. Install soil moisture override systems in all common irrigation areas to avoid sprinkling when the ground is already saturated.
- 5. Identify in the plant materials list in the project design guidelines whether or not plants are native or naturalize easily and incorporate a list of local California sources for native plants.
- 6. Incorporate low-flush toilets, low-flow faucets, and timers on sprinklers (including nighttime watering) into project design.
- 7. Provide information regarding water conservation measures to new residents at the time of lot purchase.

The Development Coordinator would review grading, landscape, and building permits to ensure that the above measures have been noted on plans.

A Water Supply Assessment and Water Supply Verification Report were prepared for the 2009 Subarea Plan Amendment project by the City Water Department (November 2008) in compliance with the requirements of Senate Bill 610 and Senate Bill 221. The water reports identified that the water demand projections for the amendment project were included in the water demand forecasts within the Urban Water Management Plan and other water resource planning documents of the Water Department, the San Diego County Water Authority, and Metropolitan Water District. Water supplies necessary to serve existing demands, projected demands of the Subarea Plan Amendment project, and future water demands within the Water Department's service area, as well as the actions necessary to develop these supplies, have been identified in the water supply planning documents of the Water Department, the San Diego County Water District.

The project is consistent with the land use and buildout assumptions and conceptual development footprint identified in the Subarea Plan and subsequent Subarea Plan Amendment. Additionally the project would implement all water conservation measures identified in the MMRP for the 1998 EIR (see Section 9.11, below). Therefore, impacts associated with water supply services would be consistent with the analysis in the 1998 EIR. The project would not result in any new significant or substantially increased adverse impacts beyond those previously identified in the EIR.

9.10.6 Wastewater Generation

The 1998 EIR indicated that new or expanded on-site sewer facilities may be required for development of the perimeter properties. Mitigation required pursuant to the 1998 EIR included that as a condition of the future maps, future applicants would submit a sewer capacity analysis to the City's Public Utilities Department. If additional capacity is needed, the applicant would provide for the needed improvements to the satisfaction of the Water Department Manager.

Consistent with the 1998 EIR MMRP, a Sewer Report was prepared for the project (PDC, November 2014, Appendix J), which analyzed the proposed design of the sanitary sewer facilities. The report concluded that the sewer discharge from the project would not exceed the hydraulic capacity of the downstream pipe. All facilities would meet the design standards of the Olivenhain Municipal Water District. Therefore, no additional off-site improvements would be required, and there would be no change to the conclusions from the 1998 EIR. The project would not result in any new significant or substantially increased adverse impacts beyond those previously identified in the EIR.

9.10.7 Waste Management Services

The 1998 EIR concluded that buildout of the Subarea Plan would result in the generation of a significant amount of solid waste affecting waste management services, such as landfill disposal, refuse collection, recycling programs, as well as the City's ability to comply with the state waste reduction mandate unless a waste reduction recycling plan is prepared specifying measures that would be incorporated in project design to minimize waste generation and divert waste from disposal. The 1998 EIR included mitigation for solid waste that requires

- 1. Future single-family residential development within the Subarea would comply with the City's recycling program.
- 2. The requirement for recycling bins or containers would be included in the Design Review Guidelines for all projects and the Conditions, Covenants, and Restrictions.

3. Future development will be required to develop a waste reduction/recycling plan addressing both construction phase as well as ongoing project impacts and specifying waste reduction measures that would be incorporated in project design to minimize solid waste impacts.

The project would be required to comply with the City's Recycling Ordinance, and waste would be collected by City haulers. Additionally, the project would comply with Land Development Code Chapter 14, Article 2, Division 8 (Refuse and Recyclable Materials Storage Regulations), as specified in the Design Guidelines. Finally, the project would conform to the approved Black Mountain Ranch Construction Reuse and Recycling Project, approved by the City on October 20, 2005, and the project-specific Waste Management Plan (WMP; RECON 2015, Appendix K). Compliance with City regulations and the approved Waste Management Plans would ensure that no new significant or substantially increased adverse impacts would result relative to solid waste. The project would not result in any new significant or substantially increased adverse impacts Bergel Result in the 1998 EIR.

9.10.8 Electrical Utilities

The 1998 EIR concluded that utilities and infrastructure are available to the subarea and no significant adverse impacts to dry or wet utility systems or service would result from buildout of the community. The project is consistent with the land use assumptions and conceptual footprint identified in the 1998; therefore, impacts to electrical facilities would be consistent with those previously identified, and the project would not result in any new significant or substantially increased adverse impacts beyond those previously identified in the EIR.

9.11 Water Conservation/Domestic Water/Wastewater

The 1998 EIR indicates that buildout of the Subarea would incrementally increase the demand for domestic water service, and the relatively small increase is not considered a significant impact, particularly since recycled water would be used for landscaping irrigation throughout large portions of the Subarea and conservation measures such as low-flow shower heads and toilets would be incorporated into future developments.

Presently, reclaimed water is used everywhere within developed portions of the Subarea, except the East Clusters and other areas along Carmel Valley Road to the east of the Community Park. The project would not be served by reclaimed water because it lacks large common areas necessitating irrigation. Consistent with the conclusions of the 1998 EIR, the project's contribution to the cumulative impact associated with water supplies would be reduced to a nominal level by the mitigation measures outlined in the 1998 EIR MMRP.

9.12 Public Safety

The 1998 EIR concluded that no significant impacts associated with electromagnetic fields are anticipated from development of the Subarea due to restrictions and approval requirements associated with encroachment into San Diego Gas & Electric easements. The project is consistent with the Subarea Plan and would not result in any new significant or substantially increased adverse impacts beyond those previously identified in the 1998 EIR.

9.13 Population

The 1998 EIR concluded that assuming a 25-year buildout, with an annual population increase of 560 people, no significant impacts on the planned growth rate for the region are expected. The Subarea Plan is part of a comprehensive subarea planning program designed to anticipate and resolve indirect impacts caused by increased population. Because the project is consistent with the land use and buildout assumptions of the Subarea Plan, there would be no new significant or substantially increased adverse impacts beyond those previously identified.

9.14 Cumulative Impacts

Below includes a discussion of cumulative impacts for which no change in analysis is required. A detailed discussion of cumulative impacts relative to the project is included in Chapter 8.0 of this SEIR.

9.14.1 Land Use (Plan Consistency; Land Use Conflicts)

The 1998 EIR did not identify any cumulative impacts associated with Plan consistency or land use conflicts. As described above, the project would be consistent with all applicable land use plans, and no new or substantially increased adverse impacts would result. No cumulative land use impacts would occur.

9.14.2 Traffic Circulation

The 1998 EIR identified significant unmitigated cumulative traffic impacts associated with buildout of the former North City Future Urbanizing Area (NCFUA). As described above, all traffic impacts (including cumulative) associated with buildout of the Subarea Plan would be mitigated (although not to less than significant) through implementation of the Transportation Phasing Plan and payment of PFFP fees at building permit. Although the project would contribute to the identified cumulative impacts, it is consistent with the land use assumptions for the site in the Subarea Plan and no new or substantially increased

adverse traffic impacts would result. Cumulative traffic impacts would remain significant and unmitigated.

9.14.3 Hydrology and Water Quality

The 1998 EIR identified potential cumulative impacts associated with increased erosion and the incremental increase in urban runoff and pollutant loading from future development within the NCFUA. As described under 9.3, the project would result in less than significant impacts relative to hydrology and water quality. The project would not result in any new significant or substantially increased adverse cumulative impacts beyond those previously identified in the EIR.

9.14.4 Visual Quality

The 1998 EIR identified cumulative impacts associated with the alteration of existing character and visual quality, which could be partially mitigated by implementation of the Subarea Plan Community Design Guidelines. The project would implement design guidelines that are consistent with the Subarea Plan Community Design Guidelines. However, cumulative impacts relative to visual quality would remain significant.

9.14.5 Air Quality

The 1998 EIR concluded that buildout of the Subarea Plan in conjunction with other development in the NCFUA would result in cumulative short-term construction and long-term vehicular air quality emissions within a nonattainment area. Project construction could overlap with the construction of other projects within the Subarea and surrounding communities in the former NCFUA. The project would implement the fugitive dust control measures as outlined in the MMRP of the previous EIR; however, the potential for cumulative impacts would remain.

Operational air quality impacts are based on traffic resulting from buildout of the Subarea Plan and surrounding communities. The project is consistent with the land use and buildout assumptions for the project site identified in the 1998 EIR. While the project would not exceed buildout projections for the site, it does not incorporate any design features that could be anticipated to significantly reduce operational air quality emissions, and the project would contribute to the cumulatively significant impact.

9.14.6 Geology and Soils

The 1998 EIR did not address cumulative impacts associated with geology and soils. Such impacts are regarded as site-specific and do not compound or increase in combination with projected development elsewhere. No cumulative geology and soils impacts would result from the project in conjunction with other nearby development.

9.14.7 Natural Resources/Agriculture

The 1998 EIR identified removal of farmland and loss of future aggregate mining as significant cumulative impacts. The project would impact a similar development footprint as identified in the 1998 EIR for parcels A and B of the Southeast Perimeter properties. Conclusions regarding the cumulative loss of agricultural and aggregate resources would be consistent with the previous analysis.

9.14.8 Paleontological Resources

Table 6-2 of the 1998 EIR concludes that grading associated with buildout of the Subarea Plan in conjunction with other future development would result in cumulative impacts to paleontological resources. The project site overlays a geologic formation with a low potential for paleontological resources. Therefore, the project's incremental effect would not be cumulatively considerable related to paleontological resources.

9.14.9 Public Facilities and Services

The 1998 EIR states that proposed residential and other uses would increase the demand for public services and facilities in concert with regional development; however, planned facilities within the Subarea, along with those facilities planned in neighboring communities would adequately meet the needs of future residents. The project, which is consistent with the buildout assumptions of the Subarea Plan, would therefore not result in or substantially increase an adverse cumulative impact.

Relative to solid waste, the 1998 EIR concluded that future development would result in cumulative impacts. Projects that do not facilitate waste stream reduction strategies would contribute to the cumulative impact. The project would implement its WMP (Appendix K) and thereby result in a 90 percent reduction in construction waste and a 40 percent standard reduction in occupancy waste. With implementation of the WMP, the project's incremental effect would not be cumulatively considerable related to solid waste.

9.14.10 Water Conservation

The 1998 EIR concludes that significant cumulative impacts would result relative to water conservation. Consistent with the conclusions of the Subarea Plan EIR, the project's contribution to the cumulative impact associated with water supplies would be reduced to a nominal level by the mitigation measures outlined in the 1998 EIR MMRP. These measures are outlined above in Section 9.11.

9.14.11 Population

The 1998 EIR concludes that buildout of the Subarea and surrounding communities would occur over time, and no cumulative impacts associated with population growth would result. Also, the Subarea Plan includes a comprehensive phasing program, further reducing impacts to public services and transportation infrastructure associated with population growth. As described previously, the project is consistent with buildout projections for the Subarea and would contribute to the PFFP for buildout of the Subarea circulation network. Adequate facilities would be available to serve future residents. Therefore, the project's incremental effect would not be cumulatively considerable related to population growth.

9.14.12 Noise

Cumulative impacts relative to traffic noise are addressed above in Section 9.9, as cumulative traffic volumes were used to consider future land use incompatibility impacts.

Cumulative impacts relative to construction noise could result in impacts to the MHPA; these are discussed in Chapter 8.0.

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10.0 Project Alternatives

10.1 Introduction

To fully evaluate the environmental effects of projects, the California Environmental Quality Act (CEQA) mandates that alternatives to the project be analyzed. Section 15126.6 of the CEQA Guidelines requires the discussion of "a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project" and the evaluation of the comparative merits of the alternatives. The alternatives discussion is intended to "focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project," even if these alternatives would impede to some degree the attainment of the project objectives.

As discussed in Chapter 5.0, the project would result in potentially new significant, direct, and/or cumulative environmental impacts to land use, biological resources, cultural resources, visual/aesthetic resources, air quality, and noise beyond those previously identified in the 1998 Environmental Impact Report (EIR). Mitigation measures have been identified that would reduce all *new* direct and cumulative impacts to below a level of significance, with the exception of impacts to sensitive plants and landform alteration/visual quality. In developing the alternatives to be addressed in this section, consideration was given to their ability to meet the basic objectives of the project and eliminate or substantially reduce significant environmental impacts. As identified in Section 3.0, project objectives include the following:

- Provide residential development that is consistent with the location and the goals and objectives of the adopted Black Mountain Ranch Subarea Plan.
- Preserve thread-leaved brodiaea within a dedicated preserve, endowed for the on-going management and maintenance.
- Provide new residential development, which is consistent with existing residential development patterns in the surrounding area.
- Implement "smart growth" principles of development through the provision of new residences within a complete master planned community.
- Implement sustainable development principles through the provision of a community of new residences with many energy efficient features.

• Provide infrastructure improvements and street improvements consistent with the Subarea Plan and to Parcel C (of the Southeast Perimeter Properties) off-site.

The alternatives identified in this section are intended to further reduce or avoid significant environmental effects of the project. This chapter addresses the No Project (No Development) Alternative and the Thread-leaved Brodiaea Avoidance Alternative. Each major issue area included in the impact analysis of this Supplemental Environmental Impact Report (SEIR) has been given consideration in the alternatives analyses, and impacts are summarized in Table 10-1.

As required under Section 15126.6 (e)(2) of the CEQA Guidelines, an EIR must identify the environmentally superior alternative. Pursuant to the CEQA Guidelines, if the No Project Alternative is determined to be the most environmentally superior project, then another alternative among the alternatives evaluated must be identified as the environmentally superior project. Section 10.3 addresses the Environmentally Superior Alternative.

TABLE 10-1 COMPARISON OF PROJECT AND ALTERNATIVES IMPACTS SUMMARY

Environmental Issue Area	Project	No Project (No Development) Alternative	Brodiaea Avoidance Alternative			
Land Use						
LDC Deviations	a. ESL Less than significant b. HRR	Similar	Similar			
MSCP and MHPA Consistency	a. MHPA Boundary Adjustment Less than significant b. MHPA Adjacency Significant and mitigated	Less than	Similar			
	Biological Resources					
Sensitive Biological Resources	 a. Vegetation Communities Significant and mitigated b. Sensitive Plants Significant and unmitigated c. Sensitive Wildlife Significant and mitigated d. Jurisdictional Waters and Wetlands Jurisdictional wetlands: No impact Jurisdictional waters: Significant and mitigated 	Less than	Less than			
Wildlife Corridors	Less than significant	Less than	Similar			
MSCP/MHPA Conflicts	Less than significant	Less than	Similar			
Local Policies and Ordinances	Less than significant	Similar	Similar			
Invasive Species	Less than significant	Less than	Similar			

TABLE 10-1 COMPARISON OF PROJECT AND ALTERNATIVES IMPACTS SUMMARY (continued)

		No Project (No Development)	Brodiaea Avoidance			
Environmental Issue Area	Project	Alternative	Alternative			
Cultural Resources						
Prehistoric/Historic Impacts	 a. CA-SDI-11,039 Less than significant b. CA-SDI-18,504 No impact c. Unknown Resources Significant and mitigated 	Less than	Less than			
Religious/Sacred Uses	No impact	Similar	Similar			
Human Remains	Significant and mitigated	Less than	Less than			
Visual Resources						
Landform Alteration	Significant and unmitigated	Less than	Similar			
Air Quality						
Pollutant Emissions (Construction)	Less than significant	Less than	Similar			
Noise						
Construction Noise	Significant and mitigated	Less than	Less than			

10.2 Alternatives Fully Analyzed

Each of the alternatives described in the section below contains a proportionate amount of detail and has been analyzed in regard to each major issue identified in Chapter 5 of this SEIR (but in lesser detail than the project). A conclusion as to each alternative's impacts level of significance is made, where feasible. Where the magnitude of an alternative's impacts is clearly less than or greater than the impacts of the project, this is stated in the following analysis as well as in Table 10-1. The conclusion for each alternative also provides an overview of how the alternative meets, partially meets, or fails to meet the project objectives.

10.2.1 No Project (No Development) Alternative

The No Project (No Development) Alternative is addressed to compare the environmental effects of the property remaining in its existing state against environmental effects, which would occur if the project is approved. Pursuant to CEQA Guidelines Section 15126.6(e)(3)(B), "If the project is other than a land use or regulatory plan . . . the 'no project' alternative is the circumstance under which the project does not proceed."

10.2.1.1 Description of the No Project (No Development) Alternative

The No Project (No Development) Alternative would maintain the project site in its current condition and would be generally equivalent to the existing environmental setting (see Figure 2-3).

10.2.1.2 Environmental Analysis of the No Project (No Development) Alternative

a. Land Use

Issue 1: LDC Deviations

Because no new development or construction would occur under this alternative, no deviations from the City's Land Development Code (LDC) would be required. Therefore, no secondary land use impacts would occur. The project does not require deviations from the Environmentally Sensitive Lands (ESL) ordinance or the Historic Resource Regulations, and no secondary land use impacts would result. Impacts would therefore be similar under the project and the No Project (No Development) Alternative.

Issue 2: MSCP Consistency

Because no new development or construction would occur under this alternative, no inconsistency with the Multiple Species Conservation Program (MSCP)/Multi-Habitat

Planning Area (MHPA) would occur. Impacts would be less than significant. The project would be required to comply with the City's MHPA Land Use Adjacency Guidelines and would result in less than significant impacts relative to MSCP/MHPA consistency. Therefore, because new development would occur with implementation of the project, impacts would be less under the No Project (No Development) Alternative compared to the project.

b. Biological Resources

Issue 1, 2 and 3: Sensitive Biological Resources

No grading or construction activities would occur under the No Project (No Development) Alternative. Therefore, there would be no removal or disturbance of any on-site vegetation or land coverings. The potentially significant project impacts to biological resources would, therefore, be avoided by this alternative. Impacts would be less than significant and less than the project.

Issue 4: Wildlife Corridors

No wildlife corridors occur within the project footprint. Although the project would not result in direct impacts to wildlife movement, the No Project (No Development) Alternative would leave the project site in its existing undeveloped condition. Therefore, impacts to wildlife corridors would be less than significant and incrementally less than under the project.

Issues 5 and 6: MSCP/MHPA Conflicts

Because no new development or construction would occur under this alternative, no inconsistency with the MSCP/MHPA would occur. Impacts would be less than significant. The project would be required to comply with the City's MHPA Land Use Adjacency Guidelines and would result in less than significant impacts relative to MSCP/MHPA consistency. Therefore, because new development would occur with implementation of the project, impacts would be less under the No Project (No Development) Alternative compared to the project.

Issue 7: Local Policies and Ordinances

Because no new development or construction would occur under this alternative, no deviations from the City's LDC would be required. Therefore, no secondary land use impacts would occur. The project does not require deviations from the ESL ordinance, and no secondary land use impacts would result. Impacts would therefore be similar under the project and the No Project (No Development) Alternative.

Issue 8: Invasive Species

No development would occur under the No Project (No Development) Alternative; therefore, there would be no potential for the introduction of invasive species to the site through

development. The project would implement a plant palette consistent with the City's landscape and MHPA Adjacency Guidelines and impacts would be less than significant. Regardless, because no development would occur under this alternative, impacts would be less than under the project.

c. Cultural/Historical Resources

Issue 1: Prehistoric/Historic Resources

As discussed in Section 5.3, one significant archaeological site was discovered during project surveys. This alternative would not disturb existing ground cover, and no impacts would occur. The significant but mitigated project impact to archaeological resources would be avoided with this alternative.

Issue 2: Religious/Sacred Uses

Because there are no known Native American religious or sacred uses within project site or immediate vicinity, implementation of the project or this alternative would have no impacts to religious and sacred uses. As with the project, impacts would be less than significant for this alternative.

Issue 3: Human Remains

As detailed in Section 5.3, human remains were encountered at the site during the field survey. The project would place a conservation easement over the location where the remains were found, and impacts would be mitigated to less than significant. The No Project (No Development) Alternative would not result in any ground-disturbing activity, and therefore, no impacts would occur under the No Project (No Development) Alternative.

d. Landform Alteration and Visual Quality

Issue 1: Landform Alteration

Because no grading would occur under this alternative, no alterations to landforms would result. The project would result in grading of some steep slopes and create alterations to natural landforms resulting in significant unmitigated impacts. Therefore, under the No Project (No Development) Alternative, impacts would be less than significant and less than under the project.

e. Air Quality

Issues 1 and 2: Pollutant Emissions (Construction)

The No Project (No Development) Alternative would not result in any grading or blasting. Therefore, impacts relative to construction emissions/blasting would be less under this alternative than for the project, for which less than significant impacts would result.

f. Noise

Issue 1: Construction Noise

The No Project (No Development) Alternative would not result in any grading and blasting. Therefore impacts relative to construction noise would be less under this alternative than for the project, for which significant and mitigated impacts would result.

10.2.1.3 Conclusion Regarding the No Project (No Development) Alternative

The No Project (No Development) Alternative would eliminate all of the project's impacts as no new development would occur. However, the No Project (No Development) Alternative would not provide any of the project's benefits, including: residential development and affordable housing, consistent with the adopted Subarea Plan; restoration of disturbed native perennial grassland habitat; creation of new native perennial grassland habitat; maintenance of invasive species; creation of a thread-leaved brodiaea preserve; dedication of additional habitat to the MHPA; re-routing of the existing social trail away from sensitive thread-leaved brodiaea habitat; and other infrastructure improvements, including planned transportation improvements within the Subarea, which are funded through the payment of Public Facilities Financing Plan (PFFP) fees. These benefits would be foregone under this alternative. Further, while adoption of the No Project (No Development) Alternative would maintain the existing condition of the site and avoid several of the project's significant impacts, none of the project objectives would be attained.

10.2.2 Thread-leaved Brodiaea Avoidance Alternative

10.2.2.1 Description of the Thread-leaved Brodiaea Avoidance Alternative

The thread-leaved Brodiaea Avoidance Alternative would reduce impacts to sensitive biological resources, specifically thread-leaved brodiaea. This would be accomplished by reconfiguring the project footprint to avoid approximately 99 percent of the thread-leaved brodiaea population (on- and off-site). The same lots proposed for preservation on-site under the project would be dedicated to the MHPA under this alternative; however, the Heritage Brodiaea Preserve (HBP) would not be created and endowed for on-going management and preservation of the area. Public Street J would shift slightly to the northeast under this alternative to reduce impacts to thread-leaved brodiaea. This alternative would replace the single-family residential in the northeastern portion of the project footprint with attached single-family units, thus retaining a total of 171 units on-site (Figure 10-1). Because of the smaller grading footprint associated with this alternative, the amount of fill needed would be reduced from what is required under the project. Therefore, approximately 100,000 cubic yards of export would be required.

10.2.2.2 Environmental Analysis of the Thread-leaved Brodiaea Avoidance Alternative

a. Land Use

Issue 1: LDC Deviations

The thread-leaved Brodiaea Avoidance Alternative would result in less grading and fewer impacts to biological resources than under the project. No deviations from the City's LDC would however be required for either the Thread-leaved Brodiaea Avoidance Alternative or the project. Impacts would therefore be similar under the project and the Thread-leaved Brodiaea Avoidance Alternative.

Issue 2: MSCP Consistency

The Thread-leaved Brodiaea Avoidance Alternative would result in less grading and a smaller development footprint than the project; however, development would still occur in proximity to the MHPA. Like the project, this alternative would be required to comply with the City's MHPA Land Use Adjacency Guidelines and would result in less than significant impacts relative to MSCP/MHPA consistency. Therefore, impacts would be similar under both the project and Thread-leaved Brodiaea Avoidance Alternative.



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FIGURE 10-1 Brodiaea Avoidance Alternative

b. Biological Resources

Issues 1, 2 and 3: Sensitive Biological Resources

This alternative would result in less impact to native and non-native grassland habitat due to the reduced project footprint. In addition, the Thread-leaved Brodiaea Avoidance Alternative would avoid impacts to approximately 99 percent of the thread-leaved brodiaea identified. A few specimens would continue to be potentially impacted by the construction of Public Street J, which cannot be realigned as to avoid all impacts to thread-leaved brodiaea. Thread-leaved brodiaea potentially impacted by Public Street J would be translocated to within the MHPA, similar to the project. Under this alternative, the majority of the thread-leaved brodiaea would be preserved in place; however, no preserve would be created and endowed for on-going management and preservation of the plant and its habitat. Because no preserve would be created, no restoration and maintenance of grassland habitat would occur. Similar to the project, the potentially significant but mitigated indirect impacts to nesting raptors associated with construction activities would occur under this alternative due to proximity to the MHPA. Overall, impacts to sensitive plants and habitats would be less under this alternative than under the project.

Issue 4: Wildlife Corridors

No wildlife corridors occur within the project footprint. Neither the project, nor the Threadleaved Brodiaea Avoidance Alternative would therefore result in direct impacts to wildlife movement. Impacts to wildlife corridors would be less than significant and similar to the project.

Issues 5 and 6: MSCP/MHPA Conflicts

The Thread-leaved Brodiaea Avoidance Alternative would result in less grading and a smaller development footprint than the project; however, development would still occur in proximity to the MHPA. Like the project, this alternative would be required to comply with the City's MHPA Land Use Adjacency Guidelines and would result in less than significant impacts relative to MSCP/MHPA consistency. Therefore, impacts would be similar under both the project and Thread-leaved Brodiaea Avoidance Alternative.

Issue 7: Local Policies and Ordinances

The Thread-leaved Brodiaea Avoidance Alternative would result in less grading and fewer impacts to biological resources than the project. No deviations from the City's LDC would be required under this alternative or the project. Impacts would therefore be similar under the project and the Thread-leaved Brodiaea Avoidance Alternative.

Issue 8: Invasive Species

Like the project, the Thread-leaved Brodiaea Avoidance Alternative would implement a plant palette consistent with the City's landscape and MHPA Adjacency Guidelines, and impacts would be less than significant, similar to the project.

c. Cultural/Historical Resources

Issue 1: Prehistoric/Historic Resources

Neither the project, nor the Thread-leaved Brodiaea Avoidance Alternative would result in impacts to the significant archaeological resource identified on-site. However, because the Thread-leaved Brodiaea Avoidance Alternative would require less grading than would occur under the project, potential impacts to unknown buried cultural resources would be less than under the project.

Issue 2: Religious/Sacred Uses

Because there are no known Native American religious or sacred uses within the project site or immediate vicinity, implementation of the project or this alternative would have no impacts to religious and sacred uses. As with the project, impacts would be less than significant for this alternative.

Issue 3: Human Remains

As detailed in Section 5.3, human remains were encountered at the site during the field survey. The project would place a conservation easement over the location where the remains were found, and impacts would be mitigated to less than significant. The Thread-leaved Brodiaea Avoidance Alternative would result in less ground-disturbing activity, and therefore, impacts would be less under the Brodiaea Avoidance Alternative than under the project.

d. Landform Alteration and Visual Quality

Issue 1: Landform Alteration

The project would result in the alteration of steep slopes and natural landforms through grading. The Thread-leaved Brodiaea Avoidance Alternative also would result in similar impacts relative to steep slopes; therefore, impacts associated with landform alteration would be similar under the Thread-leaved Brodiaea Avoidance Alternative and the project.

e. Air Quality

Issues 1 and 2: Pollutant Emissions (Construction)

The Thread-leaved Brodiaea Avoidance Alternative would result in less grading and blasting than would occur under the project, due to the reduced project footprint. However, the reduced grading footprint would result in the need for approximately 100,000 cubic yards of export under this alternative. Export material would be hauled from the site. Therefore, impacts relative to construction emissions/blasting would be similar under this alternative and the project.

f. Noise

Issue 1: Construction Noise

The Thread-leaved Brodiaea Avoidance Alternative would require less grading and blasting than would occur under the project, since this alternative would result in a smaller grading footprint. Therefore impacts relative to construction noise would be less under this alternative than for the project.

10.2.2.3 Conclusion Regarding the Thread-leaved Brodiaea Avoidance Alternative

The Thread-leaved Brodiaea Avoidance Alternative would incrementally reduce all of the project's impacts due to the smaller grading footprint. Most significantly, the Thread-leaved Brodiaea Avoidance Alternative would result in substantially fewer impacts to thread-leaved brodiaea.

The Thread-leaved Brodiaea Avoidance Alternative would provide fewer of the project's benefits, including: <u>creation of</u> the HBP, which under the project, would be endowed and managed for the on-going preservation of the thread-leaved brodiaea population and maintenance of native grassland habitat;, <u>dedication of an additional 72 acres to the City's MHPA</u>, and reduced payment of PFFP fees (due to the multi-family in lieu of single-family), which fund planned transportation improvements and other public facilities within the Subarea. Further, while adoption of the Tthread-leaved Brodiaea Avoidance Alternative would reduce several of the project's significant impacts, the project's objectives would not be fulfilled to the same extent as under the project.

10.3 Environmentally Superior Alternative

CEQA Guidelines section 15126.6(e)(2) requires an EIR to identify the environmentally superior alternative. If the No Project Alternative is the environmentally superior alternative, the EIR must identify an environmentally superior alternative from the other alternatives.

The Thread-leaved Brodiaea Avoidance Alternative would be considered the environmentally superior alternative; since it would avoid 99 percent of the projects mitigated impacts to thread-leaved brodiaea and incrementally reduce all of the project's other significant impacts due to its smaller grading footprint (sensitive biological resources, cultural resources, landform alteration, and construction noise).

As described above, the Thread-leaved Brodiaea Avoidance Alternative would meet most the project's objectives; however, it would not create a preserve for the thread-leaved brodiaea and its habitat, including endowment and management in perpetuity by a conservancy.

11.0 Mitigation Monitoring and Reporting Program

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

The Heritage Bluffs II project is described in the Supplemental Environmental Impact Report (SEIR). The SEIR, incorporated herein as referenced, focuses on issues determined to be potentially significant by the City. This SEIR also considers the issues discussed in the firsttier document and evaluates whether a significant effect has been adequately addressed or if there is an effect that was not addressed in the previous report. The issues determined to require subsequent analysis in the SEIR include land use, biological resources, cultural/historical resources, landform alteration/visual guality, air guality, and noise. Chapter 9.0 of the SEIR, Subject Areas Requiring No Changes in Analysis, contains a summary of the impacts of the project compared with the impacts analyzed in the 1998 EIR. The 1998 EIR concluded that the following impacts were significant: land use, traffic, biological resources, hydrology/water quality, landform alteration/visual quality, air quality, geology and soils, natural resources/agriculture, noise, public facilities and services, and water conservation. The 1998 EIR indicates that significant impacts for the project site would be substantially lessened or avoided if the mitigation measures recommended in the EIR were implemented by future development for various environmental issues. Table S-2 identifies the previous mitigation measures from the 1998 EIR, with a conclusion as to whether the impact would be mitigated to below a level of significance.

After analysis, new or substantially increased potentially significant impacts requiring mitigation were identified in the SEIR for land use, biological resources, landform alteration, cultural resources, air quality, and noise. The environmental analysis concluded that all of these significant and potentially significant impacts could be avoided or reduced through implementation of recommended mitigation measures, with the exception of impacts to sensitive plants and landform alteration/visual quality. Mitigation measures that would reduce and/or avoid the environmental effects of the project are carried forward and have been incorporated into this MMRP.

The MMRP is under the jurisdiction of the City and other agencies as specified in Table 11-1 below. The MMRP addresses the impacts identified as significant for the project, as well as those identified as significant in the 1998 EIR. The following is an overview of the MMRP for the project.

Monitoring Activities

Monitoring activities shall be accomplished by individuals identified in the attached MMRP table. While specific qualifications shall be determined by the City, the monitoring team shall possess the following capabilities:

- Interpersonal, decision-making, and management skills with demonstrated experience in working under trying field circumstances;
- Knowledge of and appreciation for the general environmental attributes and special features found in the project area;
- Knowledge of the types of environmental impacts associated with construction of cost-effective mitigation options; and
- Excellent communication skills.

Program Procedures

Prior to any construction activities, a preconstruction meeting is required and shall include all parties involved in the monitoring program to establish the responsibility and authority of the participants. Mitigation measures that need to be defined in greater detail shall be addressed prior to any project plan approvals in follow-up meetings designed to discuss specific monitoring effects.

An effective reporting system shall be established prior to any monitoring efforts. All parties involved shall have a clear understanding of the mitigation measures as adopted and these mitigations shall be distributed to the participants of the monitoring effort. Those that are required to have a complete list of all the mitigation measures adopted by the City shall include the City of San Diego and Mitigation and Monitoring Coordinator (MMC). The MMC shall distribute to each Environmental Specialist and Environmental Monitor a specific list of mitigation measures that pertain to his or her monitoring tasks and the appropriate time frame that these mitigations are anticipated to be implemented.

General Requirements

The following general requirements shall be a part of the proposed project MMRP:

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

- 1. Prior to the issuance of a Notice To Proceed for a subdivision, or any construction permits, such as Demolition, Grading or Building, or beginning any construction related activity on-site, the Development Services Department Director's Environmental Designee shall review and approve all construction documents (CDs; plans, specification, details, etc.) to ensure the MMRP requirements are incorporated into the design.
- In addition, the Environmental Designee shall verify that the MMRP Conditions/Notes that apply ONLY to the construction phases of this project are included VERBATIM, under the heading, "ENVIRONMENTAL/ MITIGATION REQUIREMENTS."
- 3. These notes must be shown within the first three (3) sheets of the construction documents in the format specified for engineering construction document templates as shown on the City website: http://www.sandiego.gov/development-services/industry/standtemp.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: *Biological Monitor, Archaeological/Native American Monitor, and Blasting Monitor.* Note: Failure of all responsible Permit Holder's representatives and consultants to attend shall require an additional meeting with all parties present.

CONTACT INFORMATION:

- a) The PRIMARY POINT OF CONTACT is the **RE** at the **Field Engineering Division – 858-627-3200**
- b) For Clarification of ENVIRONMENTAL REQUIREMENTS, it is also required to call **RE and MMC at 858-627-3360**
- 2. **MMRP COMPLIANCE:** This Project, Project Tracking System (PTS) No. 319435, 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 (e.g., to explain when and how compliance is being met and location of verifying proof). Additional clarifying information may also be added to other relevant plan sheets and/or specifications as appropriate (e.g., specific locations, times of monitoring, methodology)
 - 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.
- 4. **MONITORING EXHIBITS:** All consultants are required to submit, to RE and MMC, a monitoring exhibit on a 11x17-inch reduction of the appropriate construction plan, such as site plan, grading, landscape, etc., marked to clearly show the specific areas including the **LIMIT OF WORK**, scope of that discipline's work, and notes indicating when in the construction schedule that work will be performed. When necessary for clarification, a detailed methodology of how the work will be performed shall be included.

- Note: Surety and Cost Recovery When deemed necessary by the Development Services Director or City Manager, additional surety instruments or bonds from the private Permit Holder may be required to ensure the long-term performance or implementation of required mitigation measures or programs. The City is authorized to recover its cost to offset the salary, overhead, and expenses for City personnel and programs to monitor qualifying projects.
- 5. **OTHER SUBMITTALS AND INSPECTIONS:** The Permit Holder/Owner's representative shall submit all required documentation, verification letters, and requests for all associated inspections to the RE and MMC for approval per the following schedule:

Issue Area	Document Submittal	Associated Inspection/Approvals/Notes	
General	Consultant Qualification Letters	Prior to Preconstruction Meeting	
General	Consultant Construction Monitoring Exhibits	Prior to or at Preconstruction Meeting	
Land Use	Land Use Adjacency Issues CVSRs	Land Use Adjacency Issue Site Observations	
Biology	Biologist Limit of Work Verification	Limit of Work Inspection	
Biology	Biology Monitoring Reports	Biology/Habitat Inspection	
Archaeology	Archaeology Reports	Archaeology/Historic Site Observation	
Noise/Vibration	Blasting Management Plan	Prior to issuance of the first grading permit	
Bond Release	Request for Bond Release Letter	Final MMRP Inspections Prior to Bond Release Letter	

DOCUMENT SUBMITTAL/INSPECTION CHECKLIST

Summary of Project Impacts and Mitigation Measures

The following table summarizes the potentially significant project impacts and lists the associated mitigation measures and the monitoring efforts necessary to ensure that the measures are properly implemented. All the mitigation measures identified in the SEIR are stated herein.

TABLE 11-1 MITIGATION MONITORING AND REPORTING PROGRAM

Potential Significant Impact	Mitigation Measures	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility			
Land Use						
Impacts associated with MHPA adjacency are potentially significant and would require mitigation.	LU-1: Prior to issuance of any construction permit or notice to proceed, Development Services Department and/or Multiple Species Conservation Program (MSCP) staff shall verify that the Applicant has accurately represented the project's design in or on the Construction Documents (CDs), consisting of Construction Plan Sets for Private Projects and Contract Specifications for Public Projects, in conformance with the associated discretionary permit conditions and Exhibit "A" and the City's MSCP Multi-Habitat Planning Area (MHPA) Land Use Adjacency Guidelines. The Applicant shall provide an implementing plan and include references on/in CDs of the following:	Prior to issuance of any construction permit or notice to proceed	City of San Diego			
	 <u>A. Grading/Land Development/MHPA Boundaries.</u> MHPA boundaries on-site and adjacent properties shall be delineated on the CDs. Development Services Department 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. No grading would occur within the MHPA. The manufactured slopes for the project would be within the development footprint and would not 					
	 encroach into the MHPA. 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, and 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. Additional measures include the following: 					
Potential Significant Impact	Mitigation Measures	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility			
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	1) Hydroseeding and landscaping of any cut/fill slopes disturbed or built during the construction phase of the project, with appropriate ground cover vegetation, shall be performed within 30 days of completion of grading activities.					
	 Areas of native vegetation on adjoining slopes to be avoided during grading activities shall be delineated to minimize disturbance to existing vegetation and slopes. 					
	3) Artificial ground cover, hay bales, and catch basins to retard the rate of runoff from manufactured slopes shall be installed if grading occurs during the wet weather season, November 1 through April 1.					
	4) Fine particulates in geologic materials used to construct the surficial layers of manufactured slopes shall not be specified unless a suitable alternative is not available.					
	5) Temporary sedimentation and desilting basins between graded areas and streams shall be provided during grading.					
	Additional measures recommended by the soils study for thread-leaved brodiaea protection have been included in the project's Tentative Map:					
	Provide a self-cleaning concrete drainage ditch along the toe of any adjacent graded slope descending into the area supporting thread- leaved brodiaea to avoid/minimize any additional runoff.					
	 Provide a "toe" drain to intercept subsurface water resulting from irrigation of graded slopes, to avoid/minimize any additional subsurface flow. 					
	c. C. Toxics/Project Staging Areas/Equipment Storage. Projects that use chemicals or generate byproducts 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					

Potential Significant Impact	Mitigation Measures	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
	outside any approved construction limits. Where applicable, this requirement shall be incorporated into leases on publicly owned property when applications for renewal occur. Provide a note in/on the CDs that states: "All construction-related activity that may have potential for leakage or intrusion shall be monitored by the Qualified Biologist/Owners Representative or Resident Engineer to ensure there is no impact to the MHPA."		
	d. 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 Land Development Code (LDC) Section 142.0740. <u>All night</u> lighting from residential development adjoining the MHPA shall be set back, directed downward, and shielded from the MHPA in accordance with the MHPA Adjacency Guidelines. The intensity of exterior lighting shall be kept to a minimum (in accordance with accepted safety standards) to promote a rural character and limit impacts to wildlife within the preserve area.		
	e. 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.		
	The property is designated in the Black Mountain Subarea Plan as one with "limited access" to the preserve area. The MHPA Guidelines require that developments should provide barriers such as fencing to prevent encroachment into the preserve. The project is proposing to incorporate both a 5-foot-high perimeter wall and tubular fencing to discourage predation by domestic pets and human intrusion. Signs will be placed at periodic intervals stating "Sensitive Biological Habitat – Access Limited." This would also be consistent with the MSCP Subarea Plan (Section 1.5.8, Black Mountain Ranch Priority #7) restricting public and pet access to the MHPA.		

Potential Significant Impact	Mitigation Measures	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
Potential Significant Impact	 Mitigation Measures F. Invasives. No invasive non-native plant species shall be introduced into areas within or adjacent to the MHPA. Standard construction practices such as orange construction fencing along sensitive habitat and silt fencing along grading areas would be required that would avoid additional indirect impacts to the adjacent habitat. Use of any toxic materials would be restricted by City code. G. Brush Management. New development adjacent to the MHPA shall be set back from the MHPA to provide required Brush Management Zone 1 area on the building pad outside of the MHPA. Zone 2 may be located within the MHPA provided the Zone 2 management will be the responsibility of a Homeowners Association (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 Assistant Deputy Director/Mitigation Monitoring Coordinator (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. Brush management Plans (see Figures 3-13a and 3-13b). Both zones would be outside the MHPA Vegretation clearing would be consist would be consist or a data of a data and as a provide the MHPA. 	Timeframe of Mitigation	Reporting Responsibility
	consistent with City standards and would avoid/minimize impacts to covered species to the maximum extent possible.		
	h. H. Noise. Due to the site's location adjacent to or within the MHPA where the Qualified Biologist has identified potential nesting habitat for listed avian species, construction noise that exceeds the maximum levels allowed shall be avoided during the breeding seasons for the following: California Gnatcatcher (3/1-8/15). If construction is proposed during the		

Potential Significant Impact	Mitigation Measures	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
	breeding season for the species, U.S. Fish and Wildlife Service protocol surveys shall be required in order to determine species presence/absence. If protocol surveys are not conducted in suitable habitat during the breeding season for the aforementioned listed species, presence shall be assumed with implementation of noise attenuation and biological monitoring.		
	Grading would be prohibited during the gnatcatcher breeding season (March 1 to August 15), unless it can be demonstrated that noise levels in the preserve can be reduced to below 60 dB L _{eq} or existing ambient noise levels. This would require a noise study to first determine ambient levels. With this as a threshold (or using 60 dB if the ambient level is below 60 dB), the study will define measures that would reduce the noise levels within occupied habitat to below this threshold.		
	Prior to construction, an additional survey should also determine if the raptor nest on-site is active and, if so, grading/grubbing should also be avoided along the eastern development footprint during raptor breeding season (December 1 to May 31) unless it can be demonstrated that noise levels in the preserve can be reduced to below 60 dB L _{eq} or existing ambient noise levels. The City requires that development inside the MHPA must include various impact avoidance areas depending upon what nesting raptors may occur (e.g., 300 feet from any nesting site of Cooper's hawks, 900 feet from any nesting site of northern harriers, 4,000 feet from any nesting sites of golden eagles, or 300 feet from any occupied burrow of burrowing owls.). In order to avoid impacts to nesting avian species		
	covered by the International Migratory Bird Treaty Act, construction and removal of vegetation shall also be avoided from February 1 to September 15, unless a pre-construction survey is conducted to confirm that no nesting species are present.		

Potential Significant Impact	Mitigation Measures	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
Biological Resources			
a. Vegetation Communities The project would impact 50.15 acres of sensitive upland habitat consisting of native perennial grassland, coastal sage scrub, and non-native grassland. As described in Section 5.1, the project includes an MHPA boundary line adjustment. With the approved MHPA boundary line adjustment, all impacts would occur outside the MHPA. Impacts to sensitive habitats would be significant and require mitigation.	 BIO-1: Prior to issuance of any construction permits, such as Demolition, Grading or Building, or a notice to proceed or beginning any construction-related activity, project upland impacts shall be mitigated in accordance with the City's LDC Biology Guidelines, as specified in Table 5.2-3, based on all impacts occurring outside the MHPA and all mitigation occurring within the MHPA per the MHPA boundary line adjustment. With approval of the MHPA boundary line adjustment, mitigation for the impacts to sensitive vegetation communities would be achieved through the on-site and off-site preservation of habitat as indicated in Table 5.2-3 outside the development footprint. Mitigation land shall be dedicated to the City of San Diego as part of the MHPA, as described in BIO-3. 	Prior to the issuance of construction permits or notice to proceed	City of San Diego
	BIO-2 : Prior to issuance of any construction permit or notice to proceed, the final <i>Thread-leaved Brodiaea Habitat Management Plan</i> shall be reviewed and approved by the City and wildlife agencies. The Habitat Management Plan (HMP) shall include the creation of 0.15 acre of native perennial grassland as shown on Figure 5.2- <u>43</u> and provide mechanisms for its monitoring and maintenance. The HMP shall also address the native grassland restoration, located within the Heritage Brodiaea Preserve (HBP), which shall be dedicated in fee to a conservancy (an agency, non-profit organization, or other entity approved by the wildlife agencies), as described in BIO-4 .	Prior to the issuance of any construction permit or notice to proceed	City of San Diego
	BIO-3a: Prior to the issuance of any construction permits, the Owner/Permittee shall preserve Lots O and P (on-site) and off-site parcels (as indicated on Sheets 18 and 19 of the Vesting Tentative Map) to the City's MSCP preserve via a covenant of easement or temporary covenant of easement and an Irrevocable Offer of Dedication in fee title to the City.	Prior to the issuance of construction permits	City of San Diego
	BIO-3b: A covenant of easement (COE) shall be placed over ungraded portions of HOA Zone 2 Brush Management Lots and conveyed to the City's MHPA preserve. Parcels, or portions thereof, subject to the COE shall include: on-site Lots A, F, G and J and off-site Parcels A and F.	Prior to the issuance of construction permits	City of San Diego

Potential Significant Impact	Mitigation Measures	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
b. Sensitive Plants The project has potential to result in direct impacts to thread-leaf brodiaea. Direct impacts to thread-leaf brodiaea would be significant and require mitigation.	BIO-4a: Prior to the issuance of any construction permits, the Owner/Permittee shall dedicate the HBP [Lot Q (on-site) and Parcels C and D (off-site)] as indicated on Sheet 19 of the Vesting Tentative Map to a conservancy in fee title. Said offer of fee-title shall be accepted by the Conservancy upon completion of the project grading and construction.	Prior to issuance of any construction permit or notice to proceed	City of San Diego
	BIO-4b: A COE shall be placed over portions of HOA Zone 2 Brush Management Lots and dedicated to the conservancy. Parcels, or portions thereof, subject to the COE shall include: on-site Lot Q and off-site Parcels C and D.	Prior to issuance of any construction permit or notice to proceed	City of San Diego
	 BIO-5: Prior to issuance of any construction permit or notice to proceed, the <i>Thread-Leaved Brodiaea Habitat Management Plan for the Heritage Brodiaea Preserve, Heritage Bluffs II and East Clusters Project</i> (HMP) shall be reviewed and approved by the City and wildlife agencies. The purpose of the HMP is to identify specific requirements for the maintenance and monitoring, in perpetuity, of the thread-leaved brodiaea naturally occurring in the HBP, as shown on Figure 3-10. Pursuant to BIO-4a, the HBP shall be dedicated in fee to a conservancy. The HMP shall include following elements: a. An administrative structure and funding mechanism based upon property analysis record (PAR) or equivalent, which defines responsible parties, designation of a Habitat Manager, easement dedication, and financial responsibilities. b. Habitat management criteria, including habitat manager responsibilities, long-term management objectives, prohibited activities, and adaptive management techniques. c. Preserve monitoring, including monitoring tasks and reporting requirements d. Creation of 0.15 acre of native perennial grassland as shown on Figure 5.2-<u>4</u>3 and provide mechanisms for its success, monitoring, and maintenance. The HMP shall also address native grassland restoration (minimum of 0.30 acre) located within the HBP. 		

Potential Significant Impact	Mitigation Measures	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
	BIO-6: Prior to issuance of any construction permit or notice to proceed, preconstruction thread-leaved brodiaea surveys shall be conducted to relocate all previous specimens identified in the 2015 survey report. The Applicant shall complete a translocation of all thread-leaved brodiaea located within the area of disturbance as indicated on final grading plans for the project. The translocation shall be completed in accordance with the protocols outlined in Attachment B, <i>Salvage and Translocation Protocols</i> , of the Final <i>Thread-Leaved Brodiaea Habitat Management Plan for the Heritage Brodiaea Preserve</i> (refer to BIO-2). Documentation regarding the translocation, and a memo summarizing the outcome shall be submitted to the City and the wildlife agencies.	Prior to the issuance of construction permits or notice to proceed	City of San Diego
c. Sensitive Wildlife The project has potential to result in direct and indirect impacts to sensitive wildlife. Direct impacts to coastal California gnatcatcher habitat within the MHPA and nesting or migratory birds would be significant and require mitigation. Indirect impacts to coastal California gnatcatcher would also be considered significant and require mitigation.	The project impacts to occupied coastal California gnatcatcher habitat in the MHPA shall be mitigated through habitat mitigation described in BIO-1 and BIO-3 .	Prior to the issuance of construction permits or notice to proceed	City of San Diego
	 BIO-7: I. Prior to Construction A. Biologist Verification—The owner/permittee shall provide a letter to the City's 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 	Prior to the commencement of construction activities	City of San Diego
	 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 		

Potential Significant Impact	Mitigation Measures	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
	program, and arrange to perform any follow up mitigation measures and reporting including site-specific monitoring, restoration or revegetation, and additional fauna/flora surveys/salvage.		
	C. Biological Documents —The Qualified Biologist shall submit all required documentation to MMC verifying that any special mitigation reports including but not limited to, maps, plans, surveys, survey timelines, or buffers are completed or scheduled per City Biology Guidelines, Multiple Species Conservation Program (MSCP), Environmentally Sensitive Lands Ordinance (ESL), project permit conditions; California Environmental Quality Act (CEQA); endangered species acts (ESAs); and/or other local, state or federal requirements.		
	D. BCME—The Qualified Biologist shall present a Biological Construction Mitigation/Monitoring Exhibit (BCME) which includes the biological documents in C above. In addition, include: restoration/revegetation plans, plant salvage/relocation requirements (e.g., coastal cactus wren plant salvage, burrowing owl exclusions, etc.), avian or other wildlife surveys/survey schedules (including general avian nesting and U.S. Fish and Wildlife Service [USFWS] protocol), timing of surveys, wetland buffers, avian construction avoidance areas/noise buffers/ barriers, other impact avoidance areas, and any subsequent requirements determined by the Qualified Biologist and the City ADD/MMC. The BCME shall include a site plan, written and graphic depiction of the project's biological mitigation/monitoring program, and a schedule. The BCME shall be approved by MMC and referenced in the construction documents.		
	E. Avian Protection Requirements—To avoid any direct impacts to raptors and/or any native/migratory birds, removal of habitat that supports active nests in the proposed area of disturbance should occur outside of the breeding season for these species (February 1 to September 15). If removal of habitat in the proposed area of disturbance must occur during the breeding season, the Qualified Biologist shall conduct a pre-construction survey to determine the presence or absence of nesting birds on the proposed area of disturbance. The pre-construction survey shall be conducted within 10 calendar days prior to the start of construction activities (including removal of vegetation). The Applicant		

			Monitoring, Enforcement, and
Potential Significant Impact	Mitigation Measures	Timeframe of Mitigation	Reporting Responsibility
	shall submit the results of the pre-construction survey to City Development Services Department (DSD) for review and approval prior to initiating any construction activities. If nesting birds are detected, a letter report or mitigation plan in conformance with the City's Biology Guidelines and applicable state and federal law (i.e. appropriate follow up surveys, monitoring schedules, construction and noise barriers/buffers, etc.) shall be prepared and include proposed measures to be implemented to ensure that take of birds or eggs or disturbance of breeding activities is avoided. The report or mitigation plan shall be submitted to the City for review and approval and implemented to the satisfaction of the City. The City's MMC Section and Biologist shall verify and approve that all measures identified in the report or mitigation plan are in place prior to and/or during construction.		
	F. Resource Delineation —Prior to construction activities, the Qualified Biologist shall supervise the placement of orange construction fencing or equivalent along the limits of disturbance adjacent to sensitive biological habitats and verify compliance with any other project conditions as shown on the BCME. This phase shall include flagging plant specimens and delimiting buffers to protect sensitive biological resources (e.g., habitats/flora & fauna species, including nesting birds) during construction. Appropriate steps/care should be taken to minimize attraction of nest predators to the site.		
	G. Education —Prior to commencement of construction activities, the Qualified Biologist shall meet with the owner/permittee or designee and the construction crew and conduct an 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"		

Potential Significant Impact	Mitigation Measures	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
	and/or the BCME. The Qualified Biologist shall monitor construction activities as needed to ensure that construction activities do not encroach into biologically sensitive areas, or cause other similar damage, and that the work plan has been amended to accommodate any sensitive species located during the pre-construction surveys. In addition, the Qualified Biologist shall document field activity via the Consultant Site Visit Record (CSVR). The CSVR shall be e-mailed to MMC on the 1 st day of monitoring, the 1 st week of each month, the last day of monitoring, and immediately in the case of any undocumented condition or discovery.		
	B. Subsequent Resource Identification —The Qualified Biologist shall note/act to prevent any new disturbances to habitat, flora, and/or fauna onsite (e.g., flag plant specimens for avoidance during access, etc.). If active nests or other previously unknown sensitive resources are detected, all project activities that directly impact the resource shall be delayed until species specific local, state or federal regulations have been determined and applied by the Qualified Biologist.		
	III. Post Construction Measures		
	A. In the event that impacts exceed previously allowed amounts, additional impacts shall be mitigated in accordance with City Biology Guidelines, ESL and MSCP, State CEQA, and other applicable local, state and federal law. The Qualified Biologist shall submit a final BCME/report to the satisfaction of the City ADD/MMC within 30 days of construction completion.		
	BIO-8: To avoid direct and indirect impacts to nesting coastal California gnatcatcher, no grading should occur within or adjacent to occupied habitat in the MHPA during its breeding season of March 1 through August 15. If this is not feasible, protocol surveys for active nests should be conducted within the coastal sage scrub within the MHPA by a qualified biologist. Three surveys shall be conducted no less than one week apart. Surveys for coastal California gnatcatchers should be conducted pursuant to the recommended protocol survey guidelines as established by the USFWS (1997). Prior to the issuance of any grading permit, the City Manager (or appointed designee) shall verify that the MHPA boundaries and the following project requirements regarding the	Prior to the issuance of any construction permits or notice to proceed	City of San Diego

Potential Significant Impact	Mitigation Measures	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
	coastal California gnatcatcher are shown on the construction plans:	0	
	No clearing, grubbing, grading, or other construction activities shall occur between March 1 and August 15, the breeding season of coastal California gnatcatcher, until the following requirements have been met to the satisfaction of the City Manager:		
	 A qualified biologist (possessing a valid Endangered Species Act Section 10(a)(1)(A) Recovery Permit) shall survey those habitat areas within the MHPA that would be subject to construction noise levels exceeding 60 decibels [dB(A)] hourly average for the presence of the coastal California gnatcatcher. Surveys for 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 coastal California gnatcatchers are present, then the following conditions must be met: 		
	a. Between March 1 and August 15, no clearing, grubbing, or grading of occupied coastal California gnatcatcher habitat shall be permitted. Areas restricted from such activities shall be staked or fenced under the supervision of a qualified biologist; <u>and</u>		
	 b. 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 coastal California 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 		

Potential Significant Impact	Mitigation Measures	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
	activities during the breeding season, areas restricted from such activities shall be staked or fenced under the supervision of a qualified biologist; <u>or</u>		
	c. 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 inadequate by the qualified acoustician or biologist, then the associated construction activities shall cease until such time that adequate noise attenuation is achieved or until the end of the breeding season (August 16).		
	*Construction noise monitoring shall continue to be monitored at least twice weekly on varying days, or more frequently depending on the construction activity, to verify that noise levels at the edge of occupied habitat are maintained below 60 dB (A) hourly average or to the ambient noise level if it already exceeds 60 dB (A) hourly average. If not, other measures shall be implemented in consultation with the biologist and the 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.		
	protocol survey, the qualified biologist shall submit substantial		

Potential Significant Impact	Mitigation Measures	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
	 evidence to the City Manager and applicable resource agencies which demonstrates whether or not mitigation measures such as noise walls are necessary between March 1 and August 15 as follows: a. If this evidence indicates the potential is high for coastal California gnatcatcher to be present based on historical resource are divised by the present based on historical california the present ba		
	 b. If this evidence concludes that no impacts to this species are anticipated, no mitigation measures would be necessary. 		
d. Jurisdictional Waters Impacts to jurisdictional waters would be significant and require mitigation.	BIO-9: Prior to the issuance of a Notice to Proceed for a subdivision, or any construction permits, such as Demolition, Grading, or Building, or beginning any construction-related activity on-site, notification to the USACE Section 404 Nationwide Permit Program, a Streambed Alteration Agreement from the CDFW, and a 401 Water Quality Certification from the RWQCB would be required. To reduce impacts to jurisdictional resources to less than significant, mitigation of 0.14 acre for impacts to USACE, CDFW, and RWQCB jurisdictional non-wetland waters/streambed would be required.	Prior to the issuance of a Notice to Proceed for a subdivision, or any construction permits	City of San Diego
Cultural / Historical Resources			
Direct impacts to CA-SDC-11,039 would constitute significant effects under CEQA and City of San Diego Guidelines.	CUL-1: Prior to issuance of the first grading permit for the project, a preservation easement shall be recorded over the portion of the archaeological site in perpetuity. The language of the preservation easement shall be agreed upon by City of San Diego staff, the Applicant, and the appropriate representatives of the Kumeyaay community.	Prior to the issuance of the first grading permits	City of San Diego
In addition to the identified sites, there is a potential for unknown subsurface resources to be uncovered during these grading activities. This would constitute a potentially significant impact.	 CUL-2: The following condition of approval shall be applied to the project: I. Prior to Permit Issuance A. Entitlements Plan Check 1. Prior to issuance of any construction permits, including but not 	Prior to the issuance of any construction permits.	City of San Diego

Potential Significant Impact	Mitigation Measures	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
	limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits or a Notice to Proceed for Subdivisions, but prior to the first preconstruction meeting, whichever is applicable, the Assistant Deputy Director (ADD) Environmental designee shall verify that the requirements for Archaeological Monitoring and Native American monitoring have been noted on the applicable construction documents through the plan check process.		

Potential Significant Impact	Mitigation Measures	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
	B. Letters of Qualification have been submitted to ADD		
	 The Applicant shall submit a letter of verification to MMC identifying the Principal Investigator (PI) for the project and the names of all persons involved in the archaeological monitoring program, as defined in the City of San Diego Historical Resources Guidelines (HRG). If applicable, individuals involved in the archaeological monitoring program must have completed the 40- hour HAZWOPER training with certification documentation. 		
	 MMC will provide a letter to the Applicant confirming the qualifications of the PI and all persons involved in the archaeological monitoring of the project meet the qualifications established in the HRG. 		
	 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	Prior to the commencement of construction activities	City of San Diego
	 The PI shall provide verification to MMC that a site specific records search (¼-mile radius) has been completed. Verification includes, but is not limited to a copy of a confirmation letter from South Coastal Information Center, or, if the search was in- house, a letter of verification from the PI stating that the search was completed. 		
	 The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities. 		
	3. The PI may submit a detailed letter to MMC requesting a reduction to the ¼-mile radius.		

Potential Significant Impact	Mitigation Measures	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
	 B. PI Shall Attend Precon Meetings 1. Prior to beginning any work that requires monitoring; the Applicant shall arrange a Precon Meeting that shall include the PI, Native American consultant/monitor (where Native American resources may be impacted), Construction Manager (CM) and/or Grading Contractor, RE, Building Inspector (BI), if appropriate, and MMC. The qualified Archaeologist and Native American Monitor shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the Archaeological Monitoring program with the Construction 		
	 a. If the PI is unable to attend the Precon Meeting, the Applicant shall schedule a focused Precon Meeting with MMC, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring. 2. Identify Areas to be Monitored 		
	 a. Prior to the start of any work that requires monitoring, the PI shall submit an Archaeological Monitoring Exhibit (AME) (with verification that the AME has been reviewed and approved by the Native American consultant/monitor when Native American resources may be impacted) based on the appropriate construction documents (reduced to 11x17) to MMC identifying the areas to be monitored including the delineation of grading/excavation limits. b. The AME shall be based on the results of a site specific records search as well as information regarding existing 		

Potential Significant Impact	Mitigation Measures	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
	3. When Monitoring Will Occur		
	 a. Prior to the start of any work, the PI shall also submit a construction schedule to MMC through the RE indicating when and where monitoring will occur. 		
	b. The PI may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification to the monitoring program. This request shall be based on relevant information such as review of final construction documents which indicate site conditions such as depth of excavation and/or site graded to bedrock, etc., which may reduce or increase the potential for resources to be present.		
	III. During Construction	During project construction	City of San Diego
	A. Monitor(s) Shall be Present During Grading/ Excavation/ Trenching		
	 The Archaeological Monitor shall be present full-time during all soil disturbing and grading/excavation/trenching activities which could result in impacts to archaeological resources as identified on the AME. The CM is responsible for notifying the RE, PI, and MMC of changes to any construction activities such as in the case of a potential safety concern within the area being monitored. In certain circumstances Occupational Safety and Health Administration (OSHA) safety requirements may necessitate modification of the AME. 		
	 The Native American consultant/monitor shall determine the extent of their presence during soil disturbing and grading/excavation/trenching activities based on the AME and provide that information to the PI and MMC. If prehistoric resources are encountered during the Native American consultant/monitor's absence, work shall stop and the Discovery Notification Process detailed in Section III.B–C and IV.A–D shall commence. 		

Potential Significant Impact	Mitigation Measures	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
	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		
	 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. 		
	 The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery. 		
	 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. 		
	 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. 		

Potential Significant Impact	Mitigation Measures	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
	C. Determination of Significance		
	 The PI and Native American consultant/monitor, where Native American resources are discovered shall evaluate the significance of the resource. If Human Remains are involved, follow protocol in Section IV below. 		
	a. The PI shall immediately notify MMC by phone to discuss significance determination and shall also submit a letter to MMC indicating whether additional mitigation is required.		
	 b. If the resource is significant, the PI shall submit an Archaeological Data Recovery Program (ADRP) which has been reviewed by the Native American consultant/monitor, and obtain written approval from MMC. Impacts to significant resources must be mitigated before ground disturbing activities in the area of discovery will be allowed to resume. Note: If a unique archaeological site is also an historical resource as defined in CEQA, then the limits on the amount(s) that a project applicant may be required to pay to cover mitigation costs as indicated in CEQA Section 21083.2 shall not apply. 		
	c. If the resource is not significant, the PI shall submit a letter to MMC indicating that artifacts will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that no further work is required.		

Potential Significant Impact	Mitigation Measures	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
	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 15064.9(e), the California Public Resources Code (Sec. 5097.98) and State Health and Safety Code (Sec. 7050.5) shall be undertaken:		
	A. Notification		
	 Archaeological Monitor shall notify the RE or BI as appropriate, MMC, and the PI, if the Monitor is not qualified as a PI. MMC will notify the appropriate Senior Planner in the EAS of the Development Services Department to assist with the discovery notification process. 		
	2. The PI shall notify the Medical Examiner after consultation with the RE, either in person or via telephone.		
	B. Isolate discovery site		
	 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.		

Potential Significant Impact	Mitigation Measures	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
	C. If Human Remains ARE determined to be Native American		
	 The Medical Examiner will notify the Native American Heritage Commission (NAHC) within 24 hours. By law, ONLY the Medical Examiner can make this call. 		
	 NAHC will immediately identify the person or persons determined to be the Most Likely Descendent (MLD) and provide contact information. 		
	 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 15064.9(e), the California Public Resources and Health & Safety Codes. 		
	 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. 		
	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, 		

Potential Significant Impact	Mitigation Measures	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
	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 buried with Native American human remains shall be reinterred with appropriate dignity, pursuant to Section 5.c., above.		
	D. If Human Remains are NOT Native American		
	1. The PI shall contact the Medical Examiner and notify them of the historic era context of the burial.		
	2. The Medical Examiner will determine the appropriate course of action with the PI and City staff (PRC 5097.98).		
	3. If the remains are of historic origin, they shall be appropriately removed and conveyed to the San Diego Museum of Man for analysis. The decision for internment of the human remains shall be made in consultation with MMC, EAS, the Applicant/ Landowner, any known descendant group, and the San Diego Museum of Man.		

Potential Significant Impact	Mitigation Measures	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
	V. Night and/or Weekend Work		
	A. If night and/or weekend work is included in the contract		
	 When night and/or weekend work is included in the contract package, the extent and timing shall be presented and discussed at the precon meeting. 		
	2. The following procedures shall be followed.		
	a. No Discoveries		
	In the event that no discoveries were encountered during night 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.		
	 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. 		

Potential Significant Impact	Mitigation Measures	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
	 B. If night and/or weekend work becomes necessary during the course of construction 1. The Construction Manager shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin. 2. The RE, or BI, as appropriate, shall notify MMC immediately. C. All other procedures described above shall apply, as appropriate. 		
	 VI. Post Construction A. Preparation and Submittal of Draft Monitoring Report 1. The PI shall submit two copies of the Draft Monitoring Report (even if negative), prepared in accordance with the Historical Resources Guidelines (Appendix C/D) which describes the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program (with appropriate graphics) to MMC for review and approval within 90 days following the completion of monitoring. It should be noted that if the PI is unable to submit the Draft Monitoring Report within the allotted 90-day timeframe resulting from delays with analysis, special study results or other complex issues, a schedule shall be submitted to MMC establishing agreed due dates and the provision for submittal of monthly status reports until this measure can be met. a. For significant archaeological resources encountered during monitoring, the Archaeological Data Recovery Program shall be included in the Draft Monitoring Report. 	Within 90 days of the completion of monitoring	City of San Diego/ State of California Department of Parks and Recreation (if applicable)

Potential Significant Impact	Mitigation Measures	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
	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)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.		
	MMC shall return the Draft Monitoring Report to the PI for revision or, for preparation of the Final Report.		
	 The PI shall submit revised Draft Monitoring Report to MMC for approval. 		
	 MMC shall provide written verification to the PI of the approved report. 		
	 MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals. 		
	B. Handling of Artifacts		
	 The PI shall be responsible for ensuring that all cultural remains collected are cleaned and catalogued 		
	 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.		

Potential Significant Impact	Mitigation Measures	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
	C. Curation of artifacts: Accession Agreement and Acceptance Verification		
	 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. 		
	 The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC. 		
	3. When applicable to the situation, the PI shall include written verification from the Native American consultant/monitor indicating that Native American resources were treated in accordance with state law and/or applicable agreements. If the resources were reinterred, verification shall be provided to show what protective measures were taken to ensure no further disturbance occurs in accordance with Section IV – Discovery of Human Remains, Subsection 5.		
	D. Final Monitoring Report(s)		
	 The PI shall submit one copy of the approved Final Monitoring Report to the RE or BI as appropriate, and one copy to MMC (even if negative), within 90 days after notification from MMC that the draft report has been approved. 		
	 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. 		

Potential Significant Impact As discussed for CA-SDI-11,039, where the human remains were located is of cultural importance to the Kumeyaay people. Impacts to human remains would be potentially significant.	Mitigation Measures Regulations are in place for the recovery of any unknown human remains that may be uncovered during grading of the project site. In addition, mitigation measures CUL-1 and CUL-2 outlined above would be implemented as conditions of the project.	Timeframe of Mitigation Prior to the start of construction	Monitoring, Enforcement, and Reporting Responsibility City of San Diego
Landform Alteration/Visual Quality	-		
The project would result in a substantial change in an existing landform. Therefore, impacts would be significant.	The project would preserve <u>approximately</u> 120 acres of habitat, which also comprise the majority of steep slopes on-site, within the MHPA pursuant to BIO-3 (see above) .	Prior to the issuance of construction permits	City of San Diego
Noise			
 The following impacts would be potentially significant: 1. Construction noise, including noise from blasting, rock crushing, and off-site truck hauling, may exceed the 60 dB(A) Leq limit at the MHPA habitat surrounding the site during the identified February 1 to September 15 sensitive species breeding season. 2. Blasting vibration impacts at the closest residences may exceed the allowable Office of Surface Mining Reclamation and Enforcement (OSM) specifications. 	Mitigation measures BIO-7 and BIO-8 would reduce potentially significant noise impacts to sensitive species within the MHPA to less than significant NOS-1 : Prior to issuance of the first Grading Permit, a blasting management plan shall be submitted for review and approval by the City of San Diego DSD and the City of San Diego Fire Department Fire Prevention Bureau. The blasting management plan shall be prepared by a San Diego County Sheriff-approved blasting contractor, with the appropriate San Diego County Sheriff blasting permits, in compliance with all applicable local, state, and federal permits, licenses, and bonding. The blasting contractor or Applicant must conduct all notifications, inspections, monitoring, and major or minor blasting requirements planning with seismograph reports, as necessary. The blasting management plan shall include the estimated maximum drill noise levels, air blast over-pressure levels, and groundborne vibration levels at each residence within 1,000 feet of the blasting location and demonstrate how these levels will comply with applicable standards. The blasting management plan also shall include a plan for vibration monitoring. The data shall include vibration level measurements taken during the previous work period at the nearest residential structure. In the event that measured vibration levels exceed allowable limits (vibration levels from blasting in excess of 2.0 PPV[in/sec]), the designated monitoring official shall take those steps	Prior to the issuance of the first grading permit	City of San Diego

Potential Significant Impact	Mitigation Measures	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
	necessary to ensure that future vibration levels do not exceed such limits, including, but not limited to suspending those further construction activities that would result in excessive vibration levels until either alternative equipment or alternative construction procedures can be used that generate vibration levels that do not exceed 2.0 PPV at the nearest residential structure. Construction activities not associated with vibration generation could continue.		

Potential Significant Impact	Mitigation Measures	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
PREVIOUS MITIGATION (1998 EIR)			
Traffic			
The 1998 EIR identified numerous significant direct and cumulative impacts to the surrounding roadway network in conjunction with buildout of the Subarea Plan. The project is consistent with the designated land use and density assumptions for the Southeast Perimeter properties (Parcels A and B); therefore, the project would not result in any new significant or substantially increased adverse impacts beyond those previously identified in the EIR.	The project would be subject to conditions of approval consistent with the Mitigation Monitoring and Reporting Program (MMRP) for the 1998 EIR. Specifically, prior to the issuance of any building permit, the project is required to be in conformance with the Black Mountain Ranch Transportation Phasing Plan. Payment of Public Facilities Financing Plan (PFFP) fees would ensure implementation of the phasing plan.	Prior to the issuance of any building permit	City of San Diego
Air Quality			
The 1998 EIR identified significant direct and cumulative air quality impacts to regional air quality as a result of vehicle traffic and construction-related activities, respectively. Relative to direct (operational) air quality impacts, the EIR concluded that the project would not conform to the Regional Air Quality Strategy (RAQS), and impacts would be significant and unmitigated.	 The 1998 EIR incorporated mitigation measures that would reduce fugitive dust impacts from construction activity. Dust control during construction and grading operations would be regulated in accordance with the rules of the San Diego Air Pollution Control District. The following measures would reduce fugitive dust impacts: 1. All unpaved construction areas would be sprinkled with water or other acceptable San Diego County Air Pollution Control District (SDAPCD) dust control agents during dust-generating activities to reduce dust emissions. Additional watering or acceptable Air Pollution Control District dust control agents would be applied during dry weather or windy days until dust emissions are not visible. 2. Trucks hauling dirt and debris would be covered to reduce windblown dust and spills. 3. On dry days, dirt and debris spilled onto paved surfaces would be swept un immediately to reduce resuspension of particulate matter caused by 	Mitigation in progress (i.e., incorporate as notes on final grading plans)	City of San Diego

Potential Significant Impact	Mitigation Measures	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
	vehicle movement. Approach routes to construction sites would be cleaned daily of construction-related dirt in dry weather.		
	4. On-site stockpiles of excavated material would be covered or watered.		
	To reduce construction-related vehicle emissions, ride share opportunities would be encouraged and construction vehicle access would be limited to roads determined in a temporary traffic construction management plan. In addition, construction staging areas would be as far away from existing or completed residences as possible.		

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13.0 Individuals and Agencies Consulted

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14.0 Certification

This document has been completed by the City of San Diego's Environmental Analysis Section under the direction of the Development Services Department and is based on independent analysis and determinations made pursuant to the San Diego Land Development Code Section 128.0103.

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