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RESOLUTION NUMBER R- 304457

DATE OF FINAL PASSAGE DEC 01 2008

WHEREAS, on August 23, 2006, Melvyn V. Ingalls, Owner/Permittee submitted an application Development Services Department for a Rezone Ordinance No. 314830, Site Development Permit No. 320732, and Vesting Tentative Map No. 314829, for Ocean View Village [Project], Project No. 96580; and

WHEREAS, the matter was set for a public hearing to be conducted by the Council of the City of San Diego; and

WHEREAS, the issue was heard by the City Council on DEC 01 2008; and

WHEREAS, under Charter section 280(a)(2) this resolution/ordinance is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the decision and where the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; and

WHEREAS, the City Council considered the issues discussed in Final Addendum to Environmental Impact Report No. 98-0189; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it is certified that Final Addendum to Environmental Impact Report No. 98-0189, on file in the office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations section 15000 et seq.), that the report reflects the independent judgment of the City of San Diego as Lead Agency and that the information

contained in said report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of a rezone ordinance, site development permit, and vesting tentative map for Ocean View Village project.

BE IT FURTHER RESOLVED, that pursuant to California Public Resources Code section 21081 and California Code of Regulations section 15091, the City Council adopts the findings made with respect to the project, a copy of which is on file in the office of the City Clerk and incorporated herein by reference.

BE IT FURTHER RESOLVED, that pursuant to California Code of Regulations section 15093, the City Council adopts the Statement of Overriding Considerations, a copy of which is on file in the office of the City Clerk and incorporated herein by reference, with respect to the project.

BE IT FURTHER RESOLVED, that pursuant to California Public Resources Code section 21081.6, the City Council adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment, a copy of which is attached hereto, as Exhibit A, and incorporated herein by reference.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By Marianne Greene
Marianne Greene
Deputy City Attorney

MR:als
09/15/08
Or.Dept:DSD
R-2009-315
MMS#6737

EXHIBIT A
MITIGATION MONITORING AND REPORTING PROGRAM
OCEAN VIEW VILLAGE PROJECT NO. 96580
SITE DEVELOPMENT PERMIT NO. 320732, VESTING TENTATIVE
MAP NO. 314829 AND REZONE ORDINANCE NO. 314830

ATTACHMENT(S):

Exhibit A, EIR No. 98-0189 Conclusions

Exhibit A, EIR No. 98-0189 Findings and Statement of Overriding Considerations

Exhibit A, Addendum No. 96580 Mitigation Monitoring and Reporting Program

R-304457



Environmental Impact Report

LDR No. 98-0189
SCH No. 97041060

SUBJECT: Robinhood Ridge Project. The proposed discretionary actions consist of amendments to the Robinhood Ridge Precise Plan (Precise Plan), Otay Mesa Community Plan, and City of San Diego Progress Guide and General Plan, and the rezoning of a portion of the Precise Plan area. Revisions to existing Vesting Tentative Map (VTM)/Planned Residential Development Permit (PRD) No. 86-1014, which covers 204 acres of the proposed 278-acre Precise Plan area, are proposed to be processed administratively through the City's Substantial Conformance Review process, contingent upon the approval of the above discretionary actions. The adopted Precise Plan accommodates the potential development of 1,116 dwelling units, 203 single-family and 913 multi-family. The project would reduce the development potential of the Precise Plan area to approximately 953 dwelling units, 520 single-family and 433 multi-family. The proposed revisions to VTM/PRD No. 86-1014 would reduce the development potential of this 204-acre property from 849 dwelling units, 191 single-family and 658 multi-family, to 698 dwelling units, 520 single-family and 178 multi-family. The primary Precise Plan area roadway connection is proposed to be shifted from Denney Canyon Road (to the west) to Otay Valley Road (to the east). The secondary Precise Plan area roadway connections to the southeast and the northwest would be maintained in the locations specified in the existing Precise Plan. The project proposes to amend the boundaries of the western portion of the Precise Plan area, reducing the plan area from 311 acres to 278. The 33-acre portion of the Precise Plan area that is proposed to be deleted is a part of an unrelated tentative map proposal within the proposed Hidden Trails Precise Plan area (LDR No. 89-0739). The project includes a boundary adjustment to the Multi-Habitat Planning Area of the City of San Diego Multiple Species Conservation Program Subarea Plan. The Precise Plan area is located approximately 1.5 miles east of Interstate 805 and two miles north of the U.S.-Mexico border (Portion of Section 29, T. 18 S., R. 1 W., S.B.B.M). Applicants: City of San Diego; Robinhood Homes, Inc.

UPDATE:

Revisions/additions have been made to the Environmental Impact Report (EIR) subsequent to the distribution of the draft document and the completion of the public review period. The revisions/additions primarily address the following issue areas: biological resources, land use, and public services and facilities. ~~Strikeout~~ and ~~shading~~ have been used to denote deletions and additions to these Conclusions, the EIR, and the Mitigation, Monitoring and Reporting Program.

R 304457

CONCLUSIONS:

This EIR analyzes the environmental impacts of the Robinhood Ridge Project. The proposed discretionary actions, to be considered by the City Council in accordance with "Process Five," consist of amendments to the Robinhood Ridge Precise Plan (Precise Plan) and the Otay Mesa Community Plan and the rezoning of a portion of the Precise Plan area. Revisions to existing Vesting Tentative Map (VTM)/Planned Residential Development Permit (PRD) No. 86-1014, which covers 204 acres of the proposed 278-acre Precise Plan area (referred to herein as "VTM Area"), are proposed to be processed administratively through the City's Substantial Conformance Review process, contingent upon the approval of the above discretionary actions. Potential impacts associated with the proposed development of the VTM Area are addressed at a project level of analysis in this EIR, whereas the planned development of the remaining portions of the Precise Plan area (referred to herein as "Non-VTM Area") are addressed at a programmatic level of analysis.

Implementation of the Mitigation, Monitoring and Reporting Program (attached to this EIR) would reduce the majority of the significant environmental effects of the project to below a level of significance. However, the project would result in significant, unmitigated direct impacts in the areas of ~~land use, landform alteration/visual quality, public services and facilities (fire protection)~~, and biological resources (Non-VTM Area) and significant, unmitigated cumulative impacts with respect to landform alteration/visual quality and water quality. Implementation of the Mitigation, Monitoring and Reporting Program would reduce the following significant impacts to below a level of significance: biological resources (VTM Area), transportation/circulation, noise, land use, geology/soils, paleontological resources, public services and facilities (schools, parks and recreation, ~~and fire protection~~), utilities, hydrology/water quality (direct), and cultural resources.

Multiple Species Conservation Program

The impetus for the proposal is the City of San Diego Multiple Species Conservation Program (MSCP) Subarea Plan (Subarea Plan) and Implementing Agreement, which became effective on July 17, 1997, and which established the Multi-Habitat Planning Area (MHPA). The MHPA is comprised of those lands designated for habitat conservation wherein limited development may occur and is intended to provide the necessary habitat quantity, quality and connectivity to support the future viability of San Diego's unique biodiversity. Under the existing Precise Plan, primary vehicular access would be taken from Dennery Canyon Road to the west, which would cross Dennery Canyon, a significant component of the MHPA. The proposed segment of Dennery Canyon Road immediately west of the Precise Plan area and development in the immediate vicinity have been deleted from the Hidden Trails Precise Plan proposal. The purpose of the project is to bring the Precise Plan and VTM/PRD No. 86-1014 into conformity with the Subarea Plan and to modify the land use and circulation plans to be compatible with other developments in the surrounding area. The project includes a boundary adjustment to the Multi-Habitat Planning Area of the Subarea Plan.

During the preparation of the Subarea Plan, a revised development footprint for the Precise Plan was formulated to eliminate development within the northwest quadrant of the Precise Plan area

R-304457

and to eliminate the roadway connection to the west through Dennery Canyon. This development footprint was based on a roadway connection to Otay Valley Road to serve as the primary vehicular access connection to the Precise Plan area. The adopted MHPA boundaries reflect this development footprint. Subsequent to the adoption of the Subarea Plan and the identification of a significant number of vernal pools within the VTM Area, the subdivider proposed further revisions to the development footprint in order to reduce vernal pool impacts in accordance with the federal Clean Water Act and state and federal Endangered Species Acts. The subdivider worked closely with the City of San Diego, U.S. Fish and Wildlife Service, and U.S. Army Corps of Engineers to formulate a new development footprint to reduce vernal pool impacts and to provide for adequate preservation and enhancement of on-site vernal pools, while maintaining the value and function of the MHPA and the viability of the approved development. The resulting redesign proposes two vernal pool preserves within the VTM Area, one in the southeastern portion where multi-family residential development was formerly proposed and an enlarged preserve in the central portion. To offset the preservation of these lands, development of uplands within the northwest quadrant of the VTM Area, currently within the MHPA, is proposed. Additional minor adjustments to the adopted MHPA boundaries are also proposed.

The proposed boundary adjustment would result in the reduction of the portion of the MHPA within the Precise Plan area by 6.9 acres. However, the net change in the amount of sensitive habitats would be positive. The only sensitive habitat loss that would result from the proposed MHPA boundary adjustment would be 0.1 acre of Diegan coastal sage scrub. The loss of ruderal, disturbed, and developed areas, which are not sensitive habitats, would equal 9.4 acres, which would be partially offset by the 2.5-acre net increase in sensitive habitats. Of the nine coastal California gnatcatcher siting locations within the Precise Plan area, seven are within both the existing and proposed MHPA boundaries. The siting location west of the proposed central vernal pool preserve would be impacted under either scenario. Impacts to the other siting location would result from the realignment of Otay Valley Road and would likely occur under either scenario. A portion of the Otay tarplant (*Hemizonia conjugens*) population observed on-site is within the extreme northwest segment of the VTM Area, within the existing MHPA boundaries. The proposed removal of this area from the MHPA would result in significant impacts to this species, which is an MSCP narrow endemic species and is a State listed as endangered species. Impacts to the population of this species within the VTM Area are proposed to be mitigated by translocation of seeds to the on-site vernal pool preserve areas and other suitable areas within the MHPA and a minimum five-year monitoring program.

Dennery Canyon, immediately west/southwest of proposed VTM Area development, is the primary regional wildlife corridor between the Otay River Valley and Otay Mesa. Data is lacking on the existing wildlife use of this corridor. No deer or mountain lion sign was noted on site; if these larger mammals use the area they are likely quite scarce. This corridor is therefore expected to primarily accommodate small to medium-sized mammals, reptiles, and amphibians; the largest mammal likely being the coyote, which was observed on site. The proposed expansion of the development footprint into the extreme northwest portion of the VTM Area would extend development further into the wildlife corridor. Due to the width of the corridor in this area and the limited extent of the proposed encroachment, the overall impact to the corridor is not considered to be significant; ample area to support wildlife movement would be maintained.

R. 304457

Based on the corridor specific criteria for the MSCP, the proposed MHPA boundaries would be adequate to maintain the value and function of the corridor. The City and the U.S. Fish and Wildlife Service (refer to the correspondence from Gail Kobetich, USFWS, to Tom Story, City of San Diego, in Appendix A of this EIR) have determined that given the rarity of the vernal pools that would be preserved, the net gain of sensitive habitats within the MHPA, and the minimal impacts to the Dennerly Canyon wildlife corridor, the proposed MHPA boundary adjustment would result in the same or higher biological value of the preserve.

SIGNIFICANT UNMITIGATED IMPACTS:

Land Use (Direct)

~~Per the City of San Diego Progress Guide and General Plan (General Plan), the Otay Mesa Community Planning Area is one of the designated Planned Urbanizing Areas of the City. The ability of the Fire Department to provide fire protection according to the established response standards of the City is one of the General Plan criteria for development proposals within Planned Urbanizing Areas. Prior to the construction of the planned roadway connection to the Dennerly Ranch Precise Plan area to the northwest, response times to the majority of the VTM Area would exceed the City Fire Department's six minute response time goal for non-medical emergencies. Although the provision of fire sprinkler systems within VTM Area residences would reduce this significant impact to below a level of significance, this mitigation measure is not acceptable to the subdivider of the VTM Area. Therefore, this inconsistency with the General Plan would constitute a significant, unmitigated land use impact.~~

Landform Alteration/Visual Quality (Direct and Cumulative)

In order to implement the proposed revisions to VTM/PRD No. 86-1014, grading quantities within the 204-acre VTM Area would increase substantially, from 2.1 million cubic yards of cut and 1.7 million cubic yards of fill to approximately 3.5 million cubic yards of cut and 3.5 million cubic yards of fill. The majority of the proposed manufactured slopes would be within designated open space areas and would exceed 70 feet in height, which constitute inconsistencies with the adopted Precise Plan. The grading of the eastern slopes of the site to accommodate the proposed roadway connection to Otay Valley Road and additional grading proposed within canyons and hillsides in the northern portion of the Precise Plan area would result in a landform alteration/visual quality impact that would not result under the adopted Precise Plan and existing VTM/PRD No. 86-1014. Implementation of the Mitigation, Monitoring and Reporting Program would reduce the severity of these significant impacts, but not to below a level of significance.

The continued development of the Otay Mesa area as planned would result in further alterations to natural landforms and loss of native vegetation communities. The sporadically developed Otay Mesa area would be transformed into an intensely developed suburban community and a major regional employment center. Despite the expectation that substantial portions of the major canyons and hillsides in the Otay Mesa area would be preserved in their natural state, the extent of landform alteration that is expected to occur within the Otay Mesa area would constitute a significant landform alteration/visual quality impact. The addition of significant project-related landform alteration/visual quality impacts to this impact would constitute a significant cumulative

R.304457

impact.

Public Services and Facilities: Fire Protection (Direct)

~~As stated in the "Land Use" section above, prior to the construction of the planned roadway connection to the Denney Ranch Precise Plan area to the northwest, response times to the majority of the VTM Area would exceed the City Fire Department's six minute response time goal for non-medical emergencies. Although the provision of fire sprinkler systems within VTM Area residences would reduce this significant impact to below a level of significance, this mitigation measure is not acceptable to the subdivider of the VTM Area. Therefore, this significant public services and facilities impact would remain unmitigated.~~

Biological Resources: Non-VTM Area (Direct)

Anticipated significant, direct impacts that would result from the future development of the Non-VTM Area consist of the loss of approximately 7.4 acres of Diegan coastal sage scrub, 2,087 square feet of vernal pools, and 536 square feet of road pools. These impacts are considered to be significant and unmitigated at a programmatic level of analysis. In conjunction with the environmental review of future development proposals within the Non-VTM Area, surveys will need to be conducted to identify impacts to narrow endemic plant species and non-covered plant and animal species. In the absence of such surveys, potential impacts to narrow endemic and non-covered species within these areas are considered significant and unmitigated. These impacts are considered significant and unmitigated at a programmatic level of analysis and subsequent environmental review in accordance with the provisions of CEQA would be required for future development proposals within this area.

Water Quality (Cumulative)

As stated in the Otay Mesa Community Plan, although impacts associated with siltation and polluted urban runoff from individual projects would typically be at a low level, these impacts would be cumulatively significant. Implementation of the Mitigation, Monitoring and Reporting Program would reduce direct water quality impacts to below a level of significance. However, cumulative water quality impacts would remain significant and unmitigated.

RECOMMENDED MITIGATION OR ALTERNATIVES FOR SIGNIFICANT UNMITIGATED IMPACTS:

Land Use/Public Services and Facilities: Fire Protection

~~Although the following mitigation measure would reduce the significant, unmitigated public services and facilities (fire protection) and land use impacts of the project to below a level of significance, it is not acceptable to the subdivider of the VTM Area:~~

~~"Prior to the issuance of any building permits under VTM/PRD No. 86-1014, the City Manager shall require that all structures be equipped with a residential fire sprinkler system, unless the City Fire Marshal determines that such a system is not required."~~

R 304457

Environmentally Superior Alternative

Each of the four alternatives analyzed in Section IX of this EIR was determined to be environmentally superior to the project. Although the No Project Alternative would avoid the significant impacts of the project in the near-term, it is anticipated that this area would be developed in the long-term in a similar manner to the project. The No Project Alternative is not recommended because it would fail to attain the basic objectives of the project, which are to bring the Robinhood Ridge Precise Plan into conformity with the City's MSCP Subarea Plan and to revise the land use and circulation elements of the Precise Plan to be compatible with other approved and proposed developments in the surrounding area. Based on anticipated reductions in significant environmental effects, new significant effects which might result, feasibility of implementation, and ability to attain the basic objectives of the project, the Reduced Grading Alternative is considered to be the environmentally superior alternative.

Reduced Grading Alternative

The Reduced Grading Alternative considers a development footprint that is consistent with existing MHPA boundaries, avoids development within the two proposed vernal pool preserves, and eliminates the proposed primary access connection to Otay Valley Road to the east. This alternative would delete the 78 single-family residential lots proposed within the extreme northwest portion of the VTM Area, as well as a lesser number of single-family lots within the area immediately surrounding the proposed neighborhood park site. In addition, the proposed primary access connection to Otay Valley Road would be deleted and the proposed future connection to Dennery Road to the northwest would become the primary access point for the Precise Plan area.

The Reduced Grading Alternative would reduce significant biological resources and landform alteration/visual quality impacts, but not to below a level of significance. This alternative would avoid one, and possibly two, traffic-related impacts, but has the potential to result in new impacts that would not occur under the project. In the absence of a traffic impact analysis of this alternative, these new potential impacts are considered to be significant. The significant land use and public services and facilities (fire protection) impacts that would result from the inability of the City Fire Department to meet their response time goal would likely be avoided under this alternative.

Unless mitigation measures or project alternatives are adopted, project approval will require the decision-maker to make Findings, substantiated in the record, which state that: a) individual mitigation measures or project alternatives are infeasible; and b) the overall project is acceptable despite significant impacts because of specific overriding considerations.

R. 304457

MITIGATION, MONITORING AND REPORTING PROGRAM INCORPORATED INTO THE PROJECT:

Biological Resources: VTM Area

To mitigate the loss of 4.55 ~~1.76~~ acres of maritime succulent scrub, ~~91.34~~ ~~95.35~~ acres of Diegan coastal sage scrub, 18.95 acres of non-native grasslands, 404 square feet of vernal pools, and 2,669 square feet of road pools, San Diego fairy shrimp, Riverside fairy shrimp, variegated dudleya, ~~Otay tarplant, decumbent goldenbush~~, and potential impacts to the Quino checkerspot butterfly associated with the proposed development of the VTM Area, the following measures would be implemented: On-site preservation of ~~2.19~~ ~~1.89~~ acres of maritime succulent scrub, ~~49.47~~ ~~45.46~~ acres of Diegan coastal sage scrub, 9.05 acres of non-native grasslands, 404 square feet of vernal pools, and 2,669 square feet of road pools; On-site restoration of 404 square feet of vernal pools and 2,669 square feet of road pools; Off-site preservation of 9.80 acres of Diegan coastal sage scrub; Revegetation of 21.39 acres of manufactured slopes and ~~10.68~~ ~~18.36~~ acres of disturbed areas; Incorporation of dot-seed plantain and owl's clover into the broadcast seed mix used within the on-site vernal pool preserves; and, Relocation of variegated dudleya, ~~Otay tarplant, and decumbent goldenbush~~ individuals within the on-site vernal pool preserves ~~and other suitable portions of the MHPA~~. Mitigation for the potential introduction of invasive plant species into the MHPA would consist of the verifying that no non-native plant species would be planted within Brush Management Zone 2 areas within the MHPA.

Transportation/Circulation

The significant impacts of the project on the Otay Mesa Road/Heritage Road intersection would be mitigated through a fair share contribution from the subdivider of the VTM Area towards an additional southbound left-turn lane. Based on Caltrans' daily and peak hour warrants, it was found that a signal would be warranted at the Robinhood Ridge Drive intersection with Otay Valley Road, constituting a significant impact of the project. This impact would be mitigated through the provision of a traffic signal at this intersection by the subdivider of the VTM Area.

Noise

Potentially significant noise impacts to VTM Area residents from Coors Amphitheater, which is presently under construction within the City of Chula Vista just north of the Precise Plan area, would be mitigated through the provision of mechanical ventilation systems within habitable residential structures to allow for the closure of windows.

Land Use

~~To meet the City Fire Department's response time goals, which is one of the criteria for development proposals within Planned Urbanizing Areas of the City that is identified in the City's Progress Guide and General Plan, and to provide a second emergency vehicle access point for the central and western portions of the Precise Plan area, an emergency access road connection to the Dennery Ranch Precise Plan area circulation system would be constructed by the developer. This emergency access road would be constructed prior to the issuance of the~~

R-304457

Certificate of Occupancy for the 101st single-family dwelling unit within the VTM Area and would follow the alignments of proposed VTM Area streets. If the proposed access road, or an alternative access road acceptable to the City Fire Marshal, cannot be constructed the developer would have the option to sprinker dwellings to City of San Diego Fire Department standards.

The following measures would be implemented to ensure that developments within portions of the VTM Area adjacent to the MHPA would comply with the Land Use Adjacency Guidelines of the City's MSCP Subarea Plan: Restrict clearing, grubbing, and grading activities during the coastal California gnatcatcher breeding season within portions of the MHPA occupied by gnatcatchers and in areas that would result in noise levels exceeding 65 decibels within any portion of the MHPA that is occupied by gnatcatchers; Direct and shield exterior lighting to protect the MHPA and sensitive species from night lighting; and, Install barriers adjacent to the MHPA to direct access to appropriate locations and to reduce domestic animal predation.

Geology/Soils

Prior to the development of the VTM Area, a detailed geologic investigation report would be prepared to the satisfaction of the City Engineer. The report would include a determination of the precise age and location of the on-site fault and an analysis of the adequacy of the proposed fault buffer zone. All recommendations of the report would be required as conditions of grading permits issued within the VTM Area.

Paleontological Resources

Implementation of a paleontological monitoring program would be required to recover any significant paleontological resources that may be encountered during the excavation of portions of the VTM Area which contain known fossil-bearing geologic formations.

Public Services and Facilities: Schools/Parks and Recreation/Fire Protection

Prior to the development of the VTM Area, the developer would be required to enter into agreements with the affected school districts to provide for adequate permanent school facilities to serve the students projected to be generated by proposed developments.

To meet the parks and recreation needs of VTM Area the Precise Plan area, an improved 5.6- a 6.2-acre neighborhood park would be provided by the developer of the VTM Area. The developer would also reserve an additional 1.6 acres of residential land adjacent to the park for possible future expansion in order to meet the projected needs of Non-VTM Area developments. Subject to the terms of a developer agreement to the satisfaction of the City Manager, the reserved residential lots, or a portion thereof, may be released to the developer at a future date for residential development.

To meet the City Fire Department's response time goals and to provide a second emergency vehicle access point for the central and western portions of the Precise Plan area, an emergency access road connection to the Denney Ranch Precise Plan area circulation system

would be constructed by the developer. This emergency access road would be constructed prior to the issuance of the Certificate of Occupancy for the 101st single-family dwelling unit within the VTM Area and would follow the alignments of proposed VTM Area streets. If the proposed access road, or an alternative access road acceptable to the City Fire Marshal, cannot be constructed, the developer would have the option to sprinker dwellings to City of San Diego Fire Department standards.

Utilities

Due to the deficiencies in the existing South San Diego-Otay Mesa System and the current absence of system improvements which are requirements of other approved, but not yet constructed, developments in the area, the preparation of a water study to the satisfaction of the City Engineer and the provision of all water system improvements deemed necessary to meet the needs of proposed VTM Area development would be required.

Likewise, the preparation of a sewer study to the satisfaction of the City Engineer and the provision of all sewer system improvements deemed necessary to meet the needs of proposed VTM Area development would be required.

The quantity of solid waste generated by Precise Plan area development could significantly impact the City's ability to comply with the State's waste stream reduction mandate, unless adequate waste reduction measures are implemented. The preparation and implementation of a Waste Management Plan for proposed VTM Area development would be required.

Hydrology/Water Quality

The preparation of a comprehensive drainage study to the satisfaction of the City Engineer and the provision of all drainage system improvements deemed necessary to adequately accommodate surface runoff flows would be required.

To reduce water quality impacts associated with the proposed VTM Area development, the implementation of appropriate Best Management Practices identified in the Stormwater Pollution Prevention Plan approved by the City Engineer as part of the NPDES permit process would be required.

Cultural Resources

If additional off-site improvements which are not addressed in this EIR are proposed, such as sewer and water facilities, subsequent environmental review, analysis, and documentation, in accordance with the provisions of CEQA, would be required.

R-304457

The above-described Mitigation, Monitoring and Reporting Program will require a deposit of \$7,000 to be collected prior to the recordation of the first final map and/or the issuance of the first grading permit to ensure the successful completion of the monitoring program.

Lawrence C. Monserrate
Lawrence C. Monserrate
Environmental Review Manager
Development Services

April 29, 1998
Date of Draft Report

June 25, 1998
Date of Final Report

Analyst: Hellman

PUBLIC REVIEW:

The following individuals, organizations, and agencies received a copy or notice of the draft EIR and were invited to comment on its adequacy and sufficiency:

Federal Government

Army Corps of Engineers
Department of the Interior, Fish and Wildlife Service
Immigration & Naturalization Service, Border Patrol
Federal Aviation Administration

State of California

Department of Transportation, District 11
Department of Transportation, Division of Aeronautics
Department of Fish and Game
Regional Water Quality Control Board, Region 9
State Clearinghouse

County of San Diego

Supervisor Cox, 1st District
Air Pollution Control District
Department of Planning and Land Use
Department of Environmental Health, Hazardous Materials Management Division

City of San Diego

Councilmember Vargas, District 8
Development Services
Community and Neighborhood Services

R- 304457

Public Works
Park & Recreation Board
Wetlands Advisory Board
Otay Mesa Branch Library

Other Agencies, Organizations and Individuals

San Diego Association of Governments
Metropolitan Transit Development Board
City of Chula Vista, Environmental Review Coordinator
Chula Vista School District
San Ysidro School District
Sweetwater Union High School District
Otay Mesa Planning Committee
Otay Mesa Development Council
Sierra Club, San Diego Chapter
San Diego Audubon Society
California Native Plant Society
Endangered Habitats League
San Diego Natural History Museum
San Diego Gas and Electric Company
The Southwest Center for Biological Diversity
San Diego County Archaeological Society, Inc.
San Diego Museum of Man
Dr. Florence Shippek
San Diego State University, South Coastal Information Center
Save Our Heritage Organisation
Ron Christman
Louie Guassac
Clarence R. Brown, Sr.
California Indian Legal Services
Robinhood Homes, Inc.
Janay Kruger
Ellen Bauder
Kimley-Horn and Associates, Inc.
Pardee Construction Company
San Luis Rey Properties
John Ponder
Project Design Consultants
Kyriakos Attisha
John McGuire
Bill Dendy
Salim Sesi
Najib Sesi

Copies of the draft EIR, the Mitigation, Monitoring and Reporting Program, and any technical appendices may be reviewed in the office of the Land Development Review Division, or purchased for the cost of reproduction.

RESULTS OF PUBLIC REVIEW:

- () No comments were received during the public input period.
- () Comments were received but the comments do not address the accuracy or completeness of the environmental report. No response is necessary and the letters are attached at the end of the EIR.
- (X) Comments addressing the accuracy or completeness of the EIR were received during the public input period. The letters and responses follow.

FINDINGS AND STATEMENT OF OVERRIDING CONSIDERATIONS

The California Environmental Quality Act (CEQA) requires that no public agency shall approve or carry out a project for which an environmental impact report has been completed which identifies one or more significant effects thereof unless such public agency makes one or more of the following findings:

- (1) Changes or alterations have been required in, or incorporated into, such project which mitigate or avoid the significant environmental effects thereof as identified in the completed environmental impact report.
- (2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and such changes have been adopted by such other agency or can and should be adopted by such other agency.
- (3) Specific economic, social or other considerations make infeasible the mitigation measures or project alternatives identified in the environmental impact report.

(Sec. 21081 of the California Environmental Quality Act)

CEQA further requires that, where the decision of the public agency allows the occurrence of significant effects which are identified in the final EIR, but are not at least substantially mitigated, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record (Sec. 15093 of the CEQA Guidelines).

The following Findings and Statement of Overriding Considerations have been submitted by the project applicant as candidate findings to be made by the decision making body. The Environmental Quality Division does not recommend that the discretionary body either adopt or reject these findings. They are attached to allow readers of this report an opportunity to review the applicant's position on this matter.

**Candidate Findings and Statement of Overriding Considerations
for the Environmental Impact Report for
Robinhood Ridge Precise Plan**

**LDR No. 98-0189
SCH No. 97041060**

Findings

The following Candidate Findings are made relative to the conclusions of the Final Environmental Impact Report (Final EIR) for the Robinhood Ridge Precise Plan, LDR No. 98-0189, SCH No. 97041060. The project applicant is Robinhood Homes. The City of San Diego ("City") is the Lead Agency responsible for making the final discretionary decisions with respect to the project.

The discretionary actions addressed in this EIR consist of amendments to the Robinhood Ridge Precise Plan, Otay Mesa Community Plan, and City of San Diego Progress Guide and General Plan, and the rezoning of the 204 -acre portion of the Precise Plan area covered by existing Vesting Tentative Map (VTM/ Planned Residential Development Permit (PRD) No. 86-1014 (referred to herein as "VTM Area"). This EIR also covers proposed revisions to VTM/PRD No. 86-1014, proposed to be processed administratively through the City's Substantial Conformance Review process contingent upon the approval of the above discretionary actions. Potential impacts associated with the proposed development of the VTM Area are addressed at a project level of analysis in this EIR, whereas the planned development of the remaining portions of the Precise Plan area are (referred to herein as "Non-VTM Area") are addressed at a programmatic level of analysis.

The project site is within the Otay Mesa Community Planning Area. The Otay Mesa Community Plan (Community Plan) was originally adopted by the San Diego City Council on April 27, 1981. On June 4, 1991, the Council adopted the Robinhood Ridge Precise Plan (Precise Plan) by Resolution No. R-278053. The Community Plan was amended to reflect the adopted Precise Plan by this same resolution.

This EIR focuses on issues that were determined to be potentially significant, based on the Environmental Initial Study and the responses to the Notice of Preparation (NOP) and Revised NOP. Environmental issues addressed in this EIR consist of: Biological Resources, Transportation/Circulation, Neighborhood Character/Landform Alteration/Visual Quality, Noise, Land Use, Geology/Soils, Paleontological Resources, Public Services and Facilities, Utilities, Hydrology/Water Quality, Human Health/Public Safety, Cultural Resources, and Air Quality. The Final EIR also evaluates cumulative impacts of the project, as well as four alternatives to the project.

The primary land use proposed under the amended Precise Plan remains residential development; however, the emphasis of housing type would shift from primarily multi-family to primarily single-family. The adopted Precise Plan is designated to accommodate a total of 1,116 dwelling units, 203 single-family and 913 multi-family, whereas the proposed amended Precise Plan would accommodate a total of 953 dwelling units, 520 single-family and 433 multi-family. Additional proposed land uses include neighborhood commercial, neighborhood park, industrial, and open space. The 2.0-acre portion of a formerly planned elementary school/park site in the extreme northwest portion of the Precise Plan area is proposed to be eliminated due to the relocation of the school site by the Chula Vista Elementary School District completely within the neighboring Dennery Ranch Precise Plan area. A 6.2 acre neighborhood park is proposed within the north-central portion of the Precise Plan area, while the 0.6 acre and 0.5

R-304457

acre mini-park sites in the existing Precise Plan would be eliminated. Neighborhood commercial uses would be reduced from 3.8 acres to 2.9 acres, while industrial uses would remain at 4.6 acres. The majority of the undeveloped portions of the Precise Plan area would be designated as open space.

The Final EIR concludes that the direct impacts with respect to the following environmental issues can be reduced to less than significant levels if all the mitigation measures recommended in the Final EIR are implemented: biological resources (VTM Area), transportation/circulation, noise, land use, geology/soils, paleontological resources, public services and facilities, utilities, hydrology/water quality, and cultural resources.

The Final EIR concludes that the project would result in significant unmitigated direct impacts in the areas of landform alteration/visual quality and biological resources (Non-VTM Area) and significant, unmitigated cumulative impacts with respect to landform alteration/visual quality and water quality. The following Findings are made pursuant to Section 21081 of the California Environmental Quality Act (CEQA), California Public Resource Code §§ 21000-21177, and the State CEQA Guidelines, Cal.Code of Regulations, Title 14, §§ 15091 and 15093.

A. Section 21081 (a) Findings

Pursuant to Public Resources Code Section 21081 (a), the City, having independently reviewed and considered the information contained in the Final EIR, the appendices, and the record, finds that changes or alterations have been required of, or incorporated into, the proposed project which mitigate, avoid or substantially lessen the significant environmental effects identified in the Final EIR with respect to the following: biological resources, transportation/circulation, land use, neighborhood character/landform alteration/visual quality, geology/soils, noise, hydrology/water quality, public services and facilities, utilities, paleontological resources, and cultural resources.

Implementation of the following recommendations would occur via the imposition of conditions of approval for the project.

1) *Biological Resources*

Impact

The proposed VTM would result in significant direct impacts to 1.76 acres of maritime succulent scrub, 95.35 acres of Diegan coastal sage scrub, 18.95 acres of non-native grassland, 404 square feet of vernal pools, and 2,669 square feet of road pools. The proposal would also result in significant impacts to San Diego fairy shrimp, Riverside fairy shrimp, and potential impacts to Quino checkerspot butterfly

Finding

The above-described impacts are considered to be significant. Adoption of the following mitigation measures would reduce impacts associated with the development of the VTM Area to below a level of significance

Mitigation, Monitoring and Reporting:

1. Prior to the recordation of the first Final Map and/or the issuance of the first grading permit under VTM/PRD No. 86-1014, the City Manager shall verify that the following

R - 304457

requirements have been met:

- a. The subdivider shall dedicate in fee title to the City of San Diego the approximately 92.7-acre portion of the VTM Area that is within the adjusted MHPA boundaries (not to include any required brush management areas), plus an additional 9.8 acres of Tier I-III habitat either elsewhere within the City of San Diego MHPA or immediately north of the subject property within the City of Chula Vista. Where dedication in fee title is not appropriate, the above-described lands or portions thereof may be encumbered by a perpetual conservation easement in a form acceptable to the City Manager.
 - b. The subdivider shall enter into a bonded biological mitigation and monitoring agreement with the City for the revegetation of 21.39 acres of on-site manufactured slopes within the MHPA and for the revegetation of 18.7 acres of disturbed on-site areas within the MHPA; required brush management areas shall not be counted towards these revegetation requirements. The revegetation of these areas with Diegan coastal sage scrub habitat shall be monitored for a period of five years, in accordance with the provisions of a revegetation plan approved by the City Manager. At a minimum, the revegetation plan shall address the following: (1) revegetation sites; (2) site preparation; (3) planting specifications; (4) maintenance; (5) monitoring; and (6) success criteria.
2. Prior to the recordation of the first Final Map and/or the issuance of the first grading permit under VTM/PRD No. 86-1014, the City Manager shall verify that the subdivider has prepared a Vernal Pool Mitigation Plan to the satisfaction of the City, ACOE, and USFWS, has satisfied the applicable pre-grading elements of the Plan, and has obtained a Section 404 Permit from the ACOE, authorizing the destruction of 404 square feet of vernal pools and 2,669 square feet of road pools on the subject property.

The draft Robinhood Ridge Vernal Pool Mitigation Plan, Biological Opinion/Conference for Robinhood Homes Residential Project (No. 97-20133-DAZ), Otay Mesa, City of San Diego, San Diego County, California (1-6-97-F-57), and Update to Robinhood Ridge Biological Technical Report identify the following vernal pool mitigation requirements (see Appendix A of this EIR):

- a. A minimum of 404 square feet of vernal pools and 2,669 square feet of road pools will be preserved and a minimum of 404 square feet of vernal pools and 2,669 square feet of road pools will be restored, along with the preservation of adequate upland watershed. Mitigation will occur within two separate vernal pool preserve areas totaling approximately nine acres within the subject property. The preserve areas will be surrounded by fencing to prevent intrusion. Prior to the grading of the project site, the developer shall execute and record a perpetual conservation easement over the vernal pool preserve areas in a form acceptable to the USFWS for biological conservation purposes in favor of the USFWS, CDFG, or other conservation organization mutually acceptable to the USFWS and ACOE.
- b. Grading activities within the vernal pool preserve areas shall be conducted during the late summer and fall to minimize soil compaction. Grading plans with 0.5-foot contours which specify the areas of existing habitat which are to remain unaffected by restoration activities shall be submitted to the USFWS and ACOE for approval prior to impacts. Avoidance areas shall be clearly delineated on grading plans.

R-304457

Avoidance areas shall be clearly delineated on grading plans. Pools to be avoided should be clearly marked with stakes, flagging, and/or rope or cord to minimize degradation or loss of adjacent habitats during facility construction. Indirect impacts to vernal pools shall be minimized through the construction of curbs along the edge of roads adjacent to the preserve areas to direct runoff away from the vernal pool watersheds. Silt fences shall be erected to prevent siltation of the preserved basins. Grading shall be conducted by a grading contractor with vernal pool restoration experience, under the direction of a qualified biologist with vernal pool restoration experience, using small-tracked dozers with ripping tines and slope boards and rubber-tired loaders. A sheeps-foot shall be used for mound construction. The project biologist must be familiar with vernal pool habitats, have worked locally on vernal pool restoration projects for a minimum of three years, and possess the appropriate federal and state permits.

- c. Any unauthorized loss of vernal pool basin areas will be offset at a 5:1 ratio (3:1 restoration and 2:1 preservation) and will be held to the same standards as the other mitigation efforts.
- d. Vernal pool soil (inoculum) shall be collected when it is dry to avoid damage to fairy shrimp cysts. A hand trowel or similar instrument shall be used to collect the sediment. The trowel shall be used to pry up intact chunks of sediment, rather than loosening the soil by rake and shoveling which can damage cysts. The active transport of propagules from donor sites into the restored pools will be accomplished through stockpiling and redistribution of topsoil containing seeds, spores, bulbs, eggs and other propagules from impacted pools on the subject property. The inoculum shall be stored in individually labeled bags or boxes that are adequately ventilated and kept out of direct sunlight. Soil containing fairy shrimp cysts shall not be introduced into pools that may already have populations of any species of shrimp. The restoration of vernal pool habitat shall require the reintroduction of plants and animals within the preserve areas. This can be accomplished by redistributing topsoil containing seeds, spores, bulbs, eggs, and other propagules from vernal pools to be impacted and by the translocation of the propagules of individual species from off-site habitats. Translocation of listed endangered vernal pool target species from off-site donor areas shall be postponed until an evaluation is made of the initial winter's hydrological and vegetation response. Following the first growing season, the initial monitoring report shall include specific recommendations for translocation from off-site to be approved by the USFWS.
- e. The target vegetation habitat of upland restoration within the preserve areas will be coastal sage scrub. Topsoil from impacted coastal sage scrub on the subject property will be salvaged for use within the preserve areas. In addition, seeds collected from impacted coastal sage scrub on the subject property or from other portions of coastal southern San Diego County will be hand broadcasted and raked into the soil in the preserve areas. To mitigate for potential impacts to the Quino checkerspot butterfly (*Euphydryas editha quino*), dot-seed plantain (*Plantago erecta*) and owl's clover (*Castilleja exserta* ssp. *exserta*), hosts for this species during its larval stage, will be incorporated into the broadcast seed mix.
- f. A five-year monitoring program will be carried out to assess the progress of the restoration efforts and to determine any appropriate remedial measures. Monitoring of the preserve areas will consist of hydrological measurements, complete floral and

R-304457

fauna inventories, quantitative vegetation transects, and photo documentation. Inspections will be conducted monthly during the first year, every other month during the second year, and every three months during the remainder of the monitoring period. Reports will be prepared and submitted to the ACOE and USFWS by September of each year during the five-year monitoring program to ensure adequate time to make any necessary alterations to the preserve area during the dry season.

- g. A five-year maintenance program will be carried out, involving removal of trash, weed control, hydrological/topographical modification, fence repair, and any remedial measures deemed necessary for the success of the mitigation program.

Impact

The project would have a significant direct impact on encumbent goldenbush and the narrow endemics variegated dudleya and Otay tarplant within the VTM Area.

Finding

Adoption of the following mitigation measure would reduce impacts to variegated dudleya, Otay tarplant, and encumbent goldenbush associated with the development of the VTM Area to below a level of significance.

Mitigation, Monitoring and Reporting

1. To mitigate for the loss of variegated dudleya individuals, prior to the recordation of the first Final Map and/or the issuance of the first grading permit under VTM/PRD No. 86-1014, the subdivider shall enter into a bonded biological mitigation and monitoring agreement with the City to ensure the successful implementation of the *Robinhood Ridge Dudleya Relocation Plan*. This plan, contained in Appendix A of this EIR, identifies the following requirements:
 - a. The receptor area to be used for the relocation of variegated dudleya consists of the proposed vernal pool preserve areas within the subject property totaling approximately nine acres.
 - b. Prior to the relocation activities and when the plant is flowering and visible, the exact location of each plant will be marked with ground flags and mapped. All plants identified during the survey will be removed between September 1 and October 1 to coincide with their dormant period. Corms will be dug up and stored in brown paper bags in a cool, dry place for at least four weeks prior to transplantation to allow for calluses to develop on any cut or damaged surfaces.
 - c. The depth and spacing recorded from the original site will be used as a guide for the transplantation of corms within the receptor area. The location of each transplanted dudleya will be marked for future monitoring activities.
 - d. A five-year monitoring program, to be carried out under the direction of the revegetation specialist, will assess the progress of the transplantation effort and ensure the identification of any appropriate remedial measures. In conjunction with the vernal/road pool monitoring program, inspections of the restoration and maintenance efforts will be conducted monthly during the first year, every other month during the second year, and every three months during the remainder of the

monitoring period. Botanical monitoring of the dudleya will occur annually during the five-year monitoring program. Reports will be prepared and submitted to the City by September of each year during the five-year monitoring program to ensure adequate time to make any necessary alterations to the preserve area during the dry season.

- e. A five-year maintenance program involving removal of trash, weed control, fence repair, and any remedial measures deemed necessary for the success for the relocation program will be carried out.
 - f. Success of the dudleya relocation program will be determined by survivorship and will be assessed by the revegetation specialist. Complete, or 100 percent, survivorship is required at the end of the five-year monitoring program. All dead plants must be replaced. Obtaining required replacement stock will be the responsibility of the subdivider.
 - g. The subdivider shall notify the City of completion of the mitigation effort through the submittal of the final monitoring report; to include all monitoring data from the annual monitoring reports and a summary of the overall success of the relocation program. After receipt of the final monitoring report, the City may inspect the mitigation area to determine the success of the program.
2. To mitigate for the loss of Otay tarplant and decumbent goldenbush individuals, prior to the recordation of the first Final Map and/or the issuance of the first grading permit under VTM/PRD No. 86-1014, the subdivider shall enter into a bonded biological mitigation and monitoring agreement with the City to ensure the successful implementation of the following mitigation plan:
- a. The general strategy will be to sow harvested Otay tarplant and decumbent goldenbush seeds into disturbed upland areas primarily within the two vernal pool preserves. This will result in Otay tarplant and decumbent goldenbush being seeded into roads and OHV paths through coastal sage scrub and in areas of disturbed habitat. Ripe Otay tarplant and decumbent goldenbush seeds will be harvested in the summer of 1998. For decumbent goldenbush, a secondary strategy will be to also transplant shrubs of this species into the same areas. Decumbent goldenbush plants will be salvaged in the late fall.
 - b. Site preparation for this planting will be one of two types based on current existing conditions. Areas that currently do not support any vegetation because of compaction by OHV's will be mechanically decompacted and seeded with Otay tarplant, decumbent goldenbush and other coastal sage scrub species. Areas with weed infested soil will have their soil replaced with soil from existing dense patches of Otay tarplant. These areas will also be seeded with Otay tarplant, decumbent goldenbush and other coastal sage scrub species.
 - c. Areas with weed infested soil will be scraped to remove the top eight inches of soil. The upper eight inches of topsoil from impacted tarplant patches will be collected and spread in areas where the weed infested soil was removed. This soil salvage also attempts to salvage the hidden seed bank in the patches of Otay tarplant that are proposed for eradication.
 - d. A five-year maintenance and monitoring program will be conducted to assess the progress of the Otay tarplant and decumbent goldenbush translocation effort and

determine any appropriate remedial measures. Monitoring of the Otay tarplant will take place while it is flowering (May - June) for each of the five years of the monitoring program. Monitoring of the decumbent goldenbush may take place at the same time, but may be monitored at any other appropriate time of year at the discretion of the revegetation specialist.

- e. During each monitoring event the size of individuals, number, distribution and overall health of each observed population will be recorded. A written memorandum will be prepared listing the results of the monitoring event and recommending any necessary remedial measures. At the end of each year an annual report will be prepared and submitted to the City of San Diego.
- f. Success of the mitigation program will be measured by the population size of the target species that are established, and will be assessed by the revegetation specialist. Complete, or 100 percent, replacement is required at the end of the five-year monitoring program. All dead plants must be replaced. For Otay tarplant, the success of the program will take into account normal yearly fluctuations in population sizes of this species by comparing the mitigation site to off site control populations. It may be necessary to extend the five-year monitoring period for Otay tarplant if unfavorable weather conditions limit the detectability of this species (verified in control populations). Obtaining required replacement stock or seed will be the responsibility of the subdivider.
- g. The subdivider shall notify the City of completion of the mitigation effort through the submittal of the final monitoring report, to include all monitoring data from the annual monitoring reports and a summary of the overall success of the relocation program. After receipt of the final monitoring report, the City may inspect the mitigation area to determine the success of the program.

Impact

The proposal could result in the introduction of invasive non-native plant species into the MHPA.

Finding

The introduction of invasive non-native plant species into the MHPA would constitute a significant impact. Adoption of the following mitigation measure would reduce potential invasive species impacts associated with the development of the VTM Area to below a level of significance.

Mitigation, Monitoring and Reporting

Prior to the issuance of any grading permits under VTM/PRD No. 86-1014, the City Manager shall verify that the final brush management plan does not permit any Brush Management Zone 1 areas within the MHPA or the use of any non-native plant species in Brush Management Zone 2 areas within the MHPA.

2) *Transportation/Circulation*

Impact

R-304457

The proposal would result in a significant impact to the Otay Mesa Road/Heritage Road intersection and the Robinhood Ridge Drive intersection with Otay Valley Road.

Finding

The impacts of the project on the Otay Mesa Road/Heritage Road intersection would be reduced to below a level of significance with the implementation of assumed improvements, which are the responsibility of others, and a fair share contribution from the subdivider of VTM/PRD No. 86-1014 towards an additional southbound left turn lane.

Based on Caltrans' daily and peak hour warrants, it was found that a signal would be warranted at the Robinhood Ridge Drive intersection with Otay Valley Road, constituting a significant impact of the project. With the provision of this signal by the subdivider of VTM/PRD No. 86-1014, this impact would be mitigated to below a level of significance.

The specific mitigation measures that reduce impacts to project intersections to below a level of significance are detailed below:

Mitigation, Monitoring and Reporting

1. Prior to the recordation of the Final Map for the last phase of VTM/PRD No. 86-1014, the subdivider shall pay its fair share contribution towards an additional southbound left turn lane at the Otay Mesa Road/Heritage Road intersection, to the satisfaction of the City Engineer.
1. Prior to the recordation of the Final Map for the last phase of VTM/PRD No. 86-1014, the subdivider shall assure the provision of a traffic signal at the Robinhood Ridge Drive intersection with Otay Valley Road, to the satisfaction of the City Engineer.

3) Noise

Impact

Off-site noise sources which may adversely affect proposed Precise Plan area land uses consist of Whitewater Canyon Waterpark and Coors Amphitheater.

Finding

Existing and future off-site noise sources are anticipated to adversely impact Precise Plan area residents. The following mitigation measure will reduce noise impacts to below a level of significance.

Mitigation, Monitoring and Reporting

1. Prior to the issuance of any building permits for habitable residential structures within the area covered by VTM/PRD Permit No. 86-1014, the City Manager shall ensure that such structures will be equipped with mechanical ventilation systems which are sufficient to allow for the closure of all windows.

4) Land Use

Impact

Land Use (Emergency Response Policy)

A significant land use impact would result if the Fire Department is not able to provide fire protection according to the established response standards of the City.

MHPA Land Use Adjacency Guidelines

Drainage/Toxics

Without the provision of adequate facilities to intercept and filter out toxic materials from urban runoff (e.g., detention basins, grass swales, mechanical trapping devices) prior to being discharged into the MHPA, significant impacts to the MHPA could result.

The proposed drainage concept consists of the conveyance of stormwater and runoff from development areas to sedimentation basins at the bottom of adjacent canyons within the MHPA through drainpipes. Water would pass through energy dissipaters (i.e., rip rap) before entering the sedimentation basins. The use of sedimentation basins would significantly reduce the discharge of sediments and pollutants directly into natural drainages within the MHPA.

Lighting

Lighting associated with Precise Plan area development could result in significant impacts to sensitive habitats in the MHPA.

Noise

Clearing, grubbing, and grading activities during the construction phase of the project would generate noise levels that could significantly interfere with the breeding activities of the sensitive coastal California gnatcatcher, which was observed on-site. The threshold for significant noise impacts to gnatcatchers during the breeding season (between March 1 and August 15) is 65 A-weighted decibels (dBA). In the absence of restrictions on the above activities during the gnatcatcher breeding season, a significant impact could result.

Barriers

New development adjacent to the MHPA may be required to provide barriers along the MHPA boundaries to direct public access to appropriate locations and reduce domestic animal predation. In the absence of requirements for appropriate barriers to be erected between Precise Plan area development and adjacent MHPA areas, a significant impact to the MHPA could result.

Brush Management/Invasives

As addressed in the "Biological Resources" section of this EIR, no Brush Management Zone 1 areas are proposed within the MHPA. Brush management Zone 2 areas are proposed within the MHPA, but only native plant species will be permitted and these areas would not be counted as mitigation land.

Grading/Land Development

R- 304457

Grading is proposed for fill slopes supporting residential development and grading for the fire emergency access road that would impact the MHPA. All manufactured slopes within the MHPA would be either used for brush management purposes (Brush Management Zone 2 with native plant species) or would be revegetated as coastal sage scrub habitat, with a five-year monitoring program, and counted as mitigation land. The revegetation of slopes associated with the fire access road would not be counted as mitigation land because this road is located within the ultimate alignment of the Dennery Canyon connection to be built in the future. Mitigation of grading for the fire access road would occur in other areas.

MHPA Guidelines

A general MHPA Guideline for the Otay Mesa and Otay River Valley areas states that vernal pools should be preserved per adopted regulations and that mitigation should occur in accordance with requirements to be determined through the permitting process for individual projects. As described in the "Biological Resources" section of this EIR, mitigation of vernal pool impacts within the VTM Area would be provided in accordance with Section 404 (federal Clean Water Act) Permit requirements as administered by the U.S. Army Corps of Engineers.

Special Conditions of Coverage

Development of the Precise Plan area would result in impacts to variegated dudleya and Hemizonia conjugens. Since these species are narrow endemic plant species under the City's MSCP Subarea Plan and Implementing Agreement, species specific mitigation is required. As outlined in the "Biological Resources" section of this EIR, impacts to these species associated with the development of the VTM Area would be mitigated by transplantation from development areas into the MHPA.

As discussed under "Land Use Adjacency Guidelines" and as mitigated below, construction-related noise impacts to the coastal California gnatcatcher during its breeding season would be regulated. Furthermore, no clearing of habitat within the MHPA occupied by gnatcatchers would be permitted during the breeding season.

As outlined in the "Biological Resources" section of this EIR, impacts to the federally listed as endangered San Diego fairy shrimp and Riverside fairy shrimp associated with the development of the VTM Area would be mitigated through the Section 404 (federal Clean Water Act) Permit requirements as administered by the U.S. Army Corps of Engineers.

Finding

The applicant has agreed to construct a fire access road that would extend from the northwest portion of the project site off site to the northwest to provide an interim fire access road. This road would be constructed to provide emergency access in the event that a planned circulation element road is not available to address emergency access needs. This access road would mitigate fire access issues to below a level of significance. This alternative mitigation measure was proposed after the Draft EIR was out for public review. The fire access road would result in impacts to the MHPA that are addressed in the Final EIR.

With respect to the Land Use Adjacency Guidelines, MHPA Guidelines, and Special Conditions of Coverage, Precise Plan area development would potentially result in significant impacts. Implementation of the following mitigation measures and those outlined under "Biological

R. 304457

Resources and Hydrology/Water Quality" would reduce impacts associated with VTM Area development to below a level of significance.

Mitigation, Monitoring and Reporting

The following conditions shall be met to the satisfaction of the City Fire Marshall:

- a. Prior to the issuance of the Certificate of Occupancy for the 101st single-family dwelling unit under VTM/PRD No. 86-1014, the developer shall construct an emergency access road to the northwesternmost corner of the VTM Area connecting to the adjacent roadway within the Dennery Ranch Precise Plan area. The road shall be 20 feet wide, be constructed as an all-weather surface road of concrete treated base, and shall have a maximum grade of 15 percent. The road shall have one fire access gate installed at each end to limit public access, completed to the standards of the City of San Diego Fire Department for an approved vehicle strobe detector system. All dwellings shall have a paved street to City standards prior to the issuance of Certificate of Occupancy.
 - b. Prior to the issuance of the Certificate of Occupancy for the 339th single-family dwelling unit under VTM/PRD No. 86-1014, the above -described emergency access road shall be covered with asphalt paving from the intersection of Robinhood Ridge Drive and Street "F" to the westernmost point of Unit 3 (approximately 200 feet west of the intersection of Robinhood Ridge Drive and Street "Q")
 - c. Prior to the issuance of the Certificate of Occupancy for the 408th single-family dwelling unit under VTM/PRD No. 86-1014, the remainder of the above-described emergency access road shall be covered with asphalt paving to the northwesternmost corner of the VTM Area.
 - d. If the above-described access road cannot be constructed, an alternative emergency access road may be constructed, contingent upon the approval of the City Fire Marshal and the completion of subsequent environmental review in accordance with the provisions of the California Environmental Quality Act. If a viable emergency access road cannot be constructed, the option to sprinkle VTM Area dwellings to the City of San Diego Fire Department standards will be available to the developer.
2. Prior to the issuance of any grading permit under VTM/PRD No. 86-1014, the City Manager shall verify that the MHPA boundaries are shown on all applicable grading plans and that the following special notes are included on all grading plans:

SPECIAL NOTE: NO CLEARING, GRUBBING, OR GRADING ACTIVITIES SHALL OCCUR BETWEEN MARCH 1 AND AUGUST 15 UNTIL THE FOLLOWING REQUIREMENTS HAVE BEEN MET:

Grading Activities Adjacent to the MHPA

A qualified biologist shall survey those areas within the MHPA that would be subject to construction noise levels exceeding 65 dBA for the presence of the coastal California gnatcatcher. If any gnatcatchers are present, then one of the following conditions shall be met:

R. 304457

- a. No clearing, grubbing, or grading shall occur during the breeding season that would result in noise levels exceeding 65 dBA within portions of the MHPA occupied by gnatcatchers. Prior to the commencement of any of the above activities, areas restricted from such activities shall be staked or fenced under the supervision of a qualified biologist.
- b. Under the direction of a qualified acoustician, noise attenuation measures (e.g., berms, walls) shall be implemented to ensure that noise levels resulting from clearing, grubbing, or grading will not exceed 65 dBA within portions of the MHPA occupied by gnatcatchers. Immediately following the commencement of the above activities, the acoustician shall monitor those portions of the MHPA occupied by gnatcatchers to ensure that noise levels do not and will not exceed 65 dBA. If the techniques implemented are determined to be inadequate, then the above activities shall cease until such time that adequate noise attenuation is achieved.

Grading Activities Within the MHPA

A qualified biologist shall survey those portions of the MHPA approved for clearing, grubbing, or grading for the presence of the coastal California gnatcatcher. None of the above activities shall be conducted between March 1 and August 15 within any portion of the MHPA that is occupied by gnatcatchers.

3. Prior to the issuance of building permits under VTM/PRD No. 86-1014, plans shall be submitted which depict all known public and private exterior light fixtures proposed adjacent to the MHPA for the immediate phase of development that is proposed. The City Manager shall ensure that all exterior lighting would be directed away from the MHPA and, where necessary, adequate shielding would be provided with non-invasive plant materials (preferably native species), berming, and/or other appropriate methods to protect the MHPA and sensitive species from night lighting. To prevent potential impacts associated with exterior lighting that may be installed on private property in the future, the City Manager shall ensure that the above lighting restrictions will be incorporated into CC&Rs in place within those portions of the VTM Area which are adjacent to the MHPA.
4. Prior to the issuance of building permits under VTM/PRD No. 86-1014, plans shall be submitted which depict barriers (e.g., non-invasive vegetation, rocks/boulders, fences, walls, signage) adjacent to the MHPA to direct public access to appropriate locations and reduce domestic animal predation for the immediate phase of development that is proposed as well as a conceptual plan for the remainder of the VTM Area. The City Manager shall ensure that adequate protection of the MHPA would be provided.

5) **Geology/Soils**

Impact

The fault which traverses a portion of the Precise Plan area covered under VTM/PRD No. 86-1014 is thought to be potentially active. However, since the actual age of this fault has not been defined, a fault buffer zone of 100 feet (50 feet on each side of the fault) is considered to be appropriate. Proposed development within the buffer zone consists of a roadway only; the nearest structure (single-family residential) is proposed to be built approximately 50 feet beyond the limits of the buffer zone. Although no significant impacts are anticipated in connection with

R-304457

this fault, the precise age and location of the fault would be required to be determined prior to the development of the site in order to verify the adequacy of the proposed buffer zone.

The ancient landslides and areas underlain by bentonitic clays within the Precise Plan area are subject to slippage and are not suitable for development under present conditions. Construction of Otay Valley Road and the Precise Plan area roadway connection to Otay Valley Road may require extensive remedial grading due to the presence of two large, ancient landslides located on the east-facing slopes of the Precise Plan area.

The surficial soils within the Precise Plan area are not considered suitable for the support of fill or structural loads in their present condition and will require remedial grading measures. Undocumented fill, topsoils, alluvium, colluvium, debris flow materials, and shallow landslide debris are relatively compressible and may result in settlement if subjected to loads, possibly requiring the removal and recompaction of these soils. Expansive and compressible soils exist on the site, requiring remedial measures to reduce the potential for damage to improvements in areas affected by such soils. Bentonitic clays and remolded clay seams would be encountered in some cut slopes, which could represent a potential failure plane. Where bentonite beds are located at shallow depths beneath fill slopes, deeper than normal fill keys or shear keys may be necessary.

Precise Plan area soils are rated as possessing moderate to severe erosion potential. The major factor in rating of these soils is the existing slope. The grain size and lack of cohesiveness of the soil material also contributes to erosion potential. Erosion is apparent on most of the canyon slopes on the site. These conditions have been aggravated by the high level of off-road vehicle activity in the area. During initial land clearing and grading activities, the potential for erosion and downstream sedimentation would be significant. As roadways, buildings, and landscaped areas are developed, the potential for erosion would decrease.

The construction of homes, parking areas, and roads on the site would result in an increase in the volume and rate of runoff. The volume of runoff from the site is not expected to be large enough to cause significant downstream erosion problems, provided adequate erosion control measures are implemented.

Finding

Implementation of the following mitigation measure would reduce potentially significant geologic hazards and soils erosion impacts associated with development under VTM/PRD No. 86-1014 to below a level of significance.

Mitigation, Monitoring and Reporting

1. Prior to the issuance of the first grading permit and/or the recordation of the first Final Map under VTM/PRD No. 86-1014, a detailed geologic investigation report, based on the proposed grading plans, shall be approved by the City Engineer. This report shall include a determination of the precise age and location of the on-site fault identified in *Preliminary Geotechnical Investigation for Robinhood Ridge* (Geocon Incorporated, February 1988) and an analysis of the adequacy of the proposed fault buffer zone. The City Manager shall verify that the geotechnical consultant has reviewed and signed all grading plans, the on-site fault and fault buffer zone are shown on all applicable grading plans, and all recommendations of the approved geologic investigation report are required as conditions of grading permits issued under VTM/PRD No. 86-1014, except

R - 304457

where such recommendations are superceded by report updates approved by the City Engineer.

2. Prior to the issuance of any grading permits under VTM/PRD No. 86-1014, the City Manager shall verify that adequate erosion control measures are required as conditions of the grading permit including, but not limited to, the following:
 - a. Rapid revegetation of all disturbed areas.
 - b. Control of sediment production from grading operations with perimeter berms, jute matting, sandbags, bladed ditches, or other appropriate methods.
 - c. Implementation of all erosion control measures specified in the NPDES Stormwater Pollution Prevention Plan (SWPPP) for the project, as approved by the City Engineer.
 - d. Required drainage facilities, such as storm drains, retention basins, sediment basins, and energy dissipaters, shall be constructed on-site concurrently with grading operations, to the satisfaction of the City Engineer.

6) *Paleontological Resources*

Impact

Proposed grading of the portion of the Precise Plan area covered by Vesting Tentative Map (VTM)/Planned Residential Development Permit (PRD) No. 86-1014 includes 3.5 million cubic yards of excavation, a significant portion of which would occur within geologic formations with known moderate to high paleontological resource potential.

Finding

Implementation of the following mitigation measure would reduce potentially significant impacts to paleontological resources associated with development under VTM/PRD No. 86-1014 to below a level of significance.

Mitigation, Monitoring and Reporting

1. Prior to the issuance of any grading permit under VTM/PRD No. 86-1014, the applicant shall provide a letter of verification to the Environmental Review Manager of Land Development Review (LDR) stating that a qualified paleontologist and/or paleontological monitor has been retained to implement the monitoring program. The requirement for paleontological monitoring shall be noted on the grading plans. ALL PERSONS INVOLVED IN THE PALEONTOLOGICAL MONITORING OF THE PROJECT SHALL BE APPROVED BY LDR PRIOR TO THE START OF CONSTRUCTION.
 - a. The qualified paleontologist shall attend any preconstruction meeting to discuss grading plans with the grading and excavation contractor.
 - b. The paleontologist or paleontological monitor shall be on-site full-time during the initial cutting of previously undisturbed areas. Monitoring may be increased or decreased at the discretion of the qualified paleontologist, in consultation with LDR,

R-304457

and will depend on the rate of excavation, the materials excavated, and the abundance of fossils.

- c. The paleontologist shall have the authority to divert, direct, or temporarily halt construction activities in the area of discovery to allow recovery of fossil remains. THE PALEONTOLOGIST SHALL IMMEDIATELY NOTIFY LDR STAFF OF SUCH FINDING AT THE TIME OF DISCOVERY. LDR shall approve salvaging procedures to be performed before construction activities are allowed to resume.
- d. The qualified paleontologist shall be responsible for the preparation of fossils to a point of identification as defined in the City of San Diego Paleontological Guidelines and for the submittal of a letter of acceptance from a local qualified curation facility. Any discovered fossil sites shall be recorded by the paleontologist at the San Diego Natural History Museum.
- e. Prior to the issuance of any certificate of occupancy, a monitoring results report, with appropriate graphics, summarizing the results, analysis and conclusions of the paleontological monitoring program shall be submitted to LDR for approval.

7) Public Services and Facilities

Impact

Schools

Students generated by Precise Plan area development would significantly impact CVESD and SUHSD facilities on a long-term basis.

Parks and Recreation

The proposal would result in a need for new parks and recreation facilities in order to avoid significant impacts.

Fire

The proposal would result in a significant impact if the Fire Department's six minute response time goal for non-medical emergencies cannot be met.

Finding

Implementation of mitigation measure #1 below would ensure that impacts to school facilities associated with development of the VTM Area would be reduced to below a level of significance. Future development proposals within the remainder of the Precise Plan area would require subsequent environmental review in accordance with CEQA, at which time potential impacts to school facilities would be addressed.

Since the neighborhood park proposed to be provided in conjunction with the development of the VTM Area and the additional acreage to be reserved for future expansion of this facility would be sufficient to serve the projected Precise Plan area population, the proposal would not result in a significant impact to neighborhood park facilities. Since the proposal would result in a reduction in the number of residential dwelling units planned to be developed within the Precise

R-304457

Plan area and would contribute to the funding of future community parks and recreation facilities, no significant impacts to such facilities would result.

The applicant has agreed to construct a fire access road that would extend from the northwest portion of the project site off site to the northwest to provide an interim fire access road. This road would be constructed to provide emergency access in the event that a planned circulation element road is not available to address emergency access needs. This access road would mitigate fire access issues to below a level of significance. This alternative mitigation measure was proposed after the Draft EIR was out for public review. The fire access road would result in impacts to the MHPA that are addressed in the Final EIR.

Mitigation, Monitoring and Reporting

1. Prior to the issuance of any building permits under VTM/PRD No. 86-1014, the applicant shall demonstrate that agreements have been reached with the affected public school districts regarding the provision of adequate public elementary and junior and senior high school facilities.
2. Prior to the recordation of the first Final Map under VTM/PRD No. 86-1014, the subdivider shall enter into a developer agreement acceptable to the City Manager that provides for the grading and deeding of a 6.2-acre neighborhood park facility within the Robinhood Ridge Precise Plan area to the City of San Diego and the complete construction of adjacent public improvements.
3. The following conditions shall be met to the satisfaction of the City Fire Marshall:
 - a. Prior to the issuance of the Certificate of Occupancy for the 101st single-family dwelling unit under VTM/PRD No. 86-1014, the developer shall construct an emergency access road to the northwesternmost corner of the VTM Area connecting to the adjacent roadway within the Denney Ranch Precise Plan area. The road shall be 20 feet wide, be constructed as an all-weather surface road of concrete treated base, and shall have a maximum grade of 15 percent. The road shall have one fire access gate installed at each end to limit public access, completed to the standards of the City of San Diego Fire Department for an approved vehicle strobe detector system. All dwellings shall have a paved street to City standards prior to the issuance of Certificate of Occupancy.
 - b. Prior to the issuance of the Certificate of Occupancy for the 339th single-family dwelling unit under VTM/PRD No. 86-1014, the above -described emergency access road shall be covered with asphalt paving from the intersection of Robinhood Ridge Drive and Street "F" to the westernmost point of Unit 3 (approximately 200 feet west of the intersection of Robinhood Ridge Drive and Street "Q")
 - c. Prior to the issuance of the Certificate of Occupancy for the 408th single-family dwelling unit under VTM/PRD No. 86-1014, the remainder of the above-described emergency access road shall be covered with asphalt paving to the northwesternmost corner of the VTM Area.
 - d. If the above-described access road cannot be constructed, an alternative emergency access road may be constructed, contingent upon the approval of the City Fire Marshal and the completion of subsequent environmental review in accordance with

R. 304457

the provisions of the California Environmental Quality Act. If a viable emergency access road cannot be constructed, the option to sprinkle VTM Area dwellings to the City of San Diego Fire Department standards will be available to the developer.

8) Utilities

Impact

Water

Precise Plan area development would result in increased water consumption. The estimated water demand at buildout of Phase 1 (area covered by existing VTM/PRD No. 86-1014) would be 375,500 gpd.

Due to the deficiencies in the existing South San Diego-Otay Mesa System and the current absence of system improvements which are requirements of other approved, but not yet constructed, developments in the area, the water requirements of the project would constitute a significant impact.

Sewer

Although no upgrades to the existing sewer system are anticipated to be required to serve Precise Plan area development, in the absence of a detailed sewer study sewer service impacts to the Otay Mesa Sewer Master Plan area are considered to be potentially significant.

Solid Waste

The residential component of the project is estimated to generate approximately 1,560 tons of solid waste per year. Regardless of where solid waste generated by Precise Plan area development is disposed of, the quantity of solid waste that is generated could significantly impact the City's ability to comply with the State's waste stream reduction mandate, unless adequate waste reduction measures are implemented.

Finding

Implementation of the following mitigation measures would reduce water, sewer, and solid waste service impacts of the proposal to below a level of significance.

Mitigation, Monitoring and Reporting

1. Prior to the recordation of the first Final Map under VTM/PRD No. 86-1014, the subdivider shall provide water and sewer studies to the satisfaction of the City Engineer. The subdivider shall grant adequate water, sewer, and/or access easements, including vehicular access to each appurtenance, for all public water and sewer facilities that are not located within public rights-of-way, satisfactory to the City Engineer. Prior to the issuance of any building permits under VTM/PRD No. 86-1014, the developer shall assure the provision of those on- and off-site facilities identified in the approved water and sewer studies. Subsequent environmental review per the provisions of CEQA may be required prior to the construction of any required on- and/or off-site improvements not adequately addressed in previously adopted environmental documents.

R-304457

2. Prior to the recordation of the first Final Map under VTM/PRD No. 86-1014, the subdivider shall provide the development's pro rata share of the water plan's interim facilities identified in the findings and conclusions of the accepted South San Diego/Otay Mesa Water Study, satisfactory to the City Engineer.
3. Prior to the issuance of any building permits under VTM/PRD No. 86-1014, the City Engineer shall verify that the water and sewer facilities required to be constructed as conditions of VTM No. 88-0785 (Dennery Ranch Precise Plan area) and VTM No. 86-1032 (California Terraces Precise Plan area) which are required to serve this development have been constructed. If these facilities have not been constructed, they will become off-site improvement requirements of this development and the developer shall assure the provision of these facilities prior to the issuance of any building permits. Subsequent environmental review per the provisions of CEQA may be required prior to the construction of any required on- and/or off-site improvements not adequately addressed in previously adopted environmental documents.
4. Prior to the issuance of any building permits under VTM/PRD No. 86-1014, a Waste Management Plan submitted by the applicant shall be approved by the City Manager. The plan shall address the type and quantity of waste materials expected to enter the waste stream, source separation techniques and on-site storage areas for recyclables in accordance with San Diego Municipal Code Section 101.2001, the method of transport and destination of waste materials, and the implementation of buy-recycled programs when economically feasible.

9) *Hydrology/Water Quality*

Impact

Project implementation would not require significant modifications to the natural drainage system. The majority of the natural drainage system, comprised of Dennery Canyon and several smaller northerly and easterly canyons, would be retained in open space. However, drainage from the site must be properly directed through storm drain facilities to ensure that runoff volumes do not exceed existing levels.

Development of the Precise Plan area would include a street storm drain system which would collect surface water originating in the developed areas and convey the flows to existing natural discharge points located to the west, north and east of the project site. The increase in impermeable areas associated with project development would result in increased rates and volumes of surface runoff. The existing natural canyon drainage system has substantial surplus capacity to convey the surface flows from the proposed development. Siltation/retention basins would be located at edges of the project site at the discharge points of tributary canyons to the Otay River Valley.

Finding

Implementation of the following mitigation measure would ensure that the development of the portion of the Precise Plan area under VTM/PRD No. 86-1014 would not result in any significant hydrology impacts.

Mitigation, Monitoring and Reporting

R-304457

1. Prior to the recordation of the first Final Map and/or the issuance of any grading permits under VTM/PRD No. 86-1014, the subdivider shall prepare a comprehensive drainage study to the satisfaction of the City Engineer, the requirements of which shall be made conditions of project development.

Impact

Short-term water quality impacts could occur during grading and construction activities when cleared and graded areas would be exposed to rain and surface runoff. Improperly controlled runoff could result in erosion and the transport of sediments to the natural drainage system.

Potential long-term water quality impacts are related to the introduction of impervious surfaces and a substantial increase in urban activities within the Precise Plan area. The introduction of impervious surfaces could result in increases in the volume and velocity of stormwater runoff. Runoff from streets, driveways, rooftops, parking lots, and landscaped areas could convey pollutants such as oil and grease, heavy metals, nutrients (e.g., fertilizers), bacteria, pesticides and herbicides, and oxygen demanding substances (e.g., detergents) into the natural drainage system.

Finding

With development of the Precise Plan area, siltation and erosion control facilities would be constructed and maintained to protect downstream properties. These facilities would accommodate the 50-year storm flows (Q_{50}) from the project site and would include an overflow volume which would accommodate up to 100-year storm flows (Q_{100}). Urban pollutants would settle out as the water is retained in these facilities prior to being released downstream. Earthen dams would be required to impound water during the rainy months, and concrete outlets are anticipated to convey flows downstream of the desiltation/retention basins. It is anticipated that these facilities would not impound water for eight to nine months out of the year. All permanent drainage facilities would be designed and built in accordance with the City of San Diego Drainage Design Manual.

- As a condition of VTM/PRD No. 86-1014, the developer of this area would be required to comply with all requirements of State Water Resources Control Board Order No. 92-08-DWQ (NPDES General Permit No. CAS000002), Waste Discharge Requirements for Discharges of Storm Water Runoff Associated with Construction Activity. As specified in the mitigation measure below, all Best Management Practices (BMPs) identified in the Stormwater Pollution Prevention Plan approved by the City Engineer as part of the NPDES permit process will be requirements of development under VTM/PRD No. 86-1014.

Implementation of the following mitigation measure would ensure that significant water quality impacts associated with development under VTM/PRD No. 86-1014 would be reduced to below a level of significance. Future development proposals within the remainder of the Precise Plan area would require subsequent environmental review in accordance with the provisions of CEQA, at which time potential water quality impacts would be addressed.

Mitigation, Monitoring and Reporting

1. Prior to the issuance of any grading permits under VTM/PRD No. 86-1014, the City Manager shall verify that all Best Management Practices (BMPs) identified in the Storm

R-304457

Water Pollution Prevention Plan, approved by the City Engineer as part of the NPDES permit process, are identified on the grading plans as site improvement requirements.

10) Cultural Resources

Impact

No impacts to any significant cultural resources are anticipated as a result of proposed Precise Plan area development at this time. However, if additional off-site improvements, such as sewer and water facilities, which are not addressed in this EIR are proposed, subsequent environmental review in accordance with the provisions of CEQA would be necessary in order to evaluate the potential for impacts to cultural resources.

Finding

The following mitigation measure would ensure that potential impacts associated with additional off-site improvements would be assessed prior to the issuance of grading permits.

Mitigation, Monitoring and Reporting

Prior to the issuance of any grading permits under VTM/PRD No. 86-1014, the City Manager shall determine if the proposed grading would impact any additional off-site lands not addressed in EIR No. 98-0189. If any additional off-site grading would result, then the City Manager shall assess the potential for such grading to result in significant impacts to cultural resources and no grading permit shall be issued until the appropriate level of analysis, and subsequent documentation if necessary, has been completed in accordance with the provisions of CEQA.

B. Section 21081 (b) Findings

The City Council, having reviewed and considered the information contained in the Final EIR for the project and public record, finds there are no changes or alterations to the project which avoid or substantially lessen the significant environmental impacts that are within the responsibility and jurisdiction of another public agency.

C. Section 21081 (c) Findings

The City Council, having reviewed and considered the information contained in the Final EIR for the project and the public record, finds there are specific economic, social, and other considerations which make infeasible additional mitigation measures and project alternatives identified in the EIR. The Final EIR concludes that the project would result in significant unmitigated direct impacts in the areas of landform alteration/visual quality and biological resources (Non-VTM Area) and significant, unmitigated cumulative impacts with respect to landform alteration/visual quality and water quality. The Final EIR also discusses a range of alternatives according to the requirements of the CEQA Guidelines, Section 15126, including No Project, Reduced Grading Alternative, Reduced Development Intensity Alternative, and Revised Access Alternative.

MITIGATION MEASURES

1. Biological Resources: Non-VTM Area (Direct)

Impact

Anticipated significant, direct impacts that would result from the future development of the Non-VTM Area consist of the loss of approximately 7.4 acres of Diegan coastal sage scrub, 2,087 square feet of vernal pools, and 536 square feet of road pools. These impacts are considered to be significant and unmitigated at a programmatic level of analysis. In conjunction with the environmental review of future development proposals within the Non-VTM Area, surveys will need to be conducted to identify impacts to narrow endemic plant species and non-covered plant and animal species. In the absence of such surveys, potential impacts to narrow endemic and non-covered species within these areas are considered significant and unmitigated. These impacts are considered significant and unmitigated at a programmatic level of analysis and subsequent environmental review in accordance with the provisions of CEQA would be required for future development proposals within this area.

Findings

It cannot be assured at the present time that potential impacts to biological resources for projects to be proposed in the future within the non-VTM areas of the Precise Plan area will be mitigated. However, it is reasonable to expect that the City will implement the requirement for future applicants to provide biological studies to identify impacts and mitigation for any narrow endemic plant species and non-covered plant and animal species that are observed. It is further noted that future development of any vernal pool and road pool areas would require federal and City wetland permits.

ALTERNATIVES

R-304457

A. No Project Alternative

Description

The No Project Alternative assumes the continuation of existing conditions, as well as what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans and consistency with available infrastructure and community services.

Impacts

Existing biological resources on the site would be retained, avoiding the significant impacts identified in the "Biological Resources" section of this EIR, except that unauthorized off-road vehicle and transient use of the site would likely continue to degrade the viability and quality of these resources. Likewise, this alternative would avoid all of the additional significant environmental impacts of the project identified in Section IV of the EIR.

Findings

If the project were not approved, the adopted Robinhood Ridge Precise Plan (Precise Plan) would remain in effect as the planning policy document for the project area and the proposed revisions to existing Vesting Tentative Map (VTM)/Planned Residential Development Permit (PRD) No. 86-1014, which covers a 204-acre portion (referred to herein as "VTM Area") of the existing 311-acre Precise Plan area, could not be implemented.

The existing Precise Plan and VTM/PRD No. 86-1014 are not consistent with the adopted City of San Diego Multiple Species Conservation Program (MSCP) Subarea Plan (Subarea Plan). The Subarea Plan states that although the Robinhood Ridge project has a legal right to develop under an existing approved Tentative Map, in the event the approved map expires future development proposals would be required to conform to the Multi-Habitat Planning Area (MHPA) boundaries and associated land use regulations of the Subarea Plan. VTM/PRD No. 86-1014 is set to expire unless development activities commence shortly. If the project were not approved, development of the site would not be possible within the immediate near-term and, therefore, these existing development entitlements would likely expire. The Precise Plan area would remain undeveloped in the immediate near-term, with the exception of the existing automobile wrecking yard in the southeast portion of the site.

However, because the Precise Plan area is designated for the development of urban land uses within the existing Precise Plan, Otay Mesa Community Plan, and City of San Diego Progress Guide and General Plan, and the portion of the site outside the MHPA boundaries is anticipated to be developed under the City's MSCP Subarea Plan, it is highly likely that development entitlements would be granted and this area would be developed in the long-term. The intensity and location of such future development within the Precise Plan area would likely be similar to the project, generally consistent with the existing MHPA boundaries. Therefore, environmental impacts similar to those identified in this EIR would be expected. The environmental impacts associated with any future proposals would be addressed through subsequent environmental review in accordance with the provisions of CEQA.

Although the No Project Alternative would avoid the significant impacts of the project in the near-term, it is anticipated that this area would be developed in the long-term in a similar manner to the project. The No Project Alternative is not recommended because it would fail to

R-304457

attain the basic objectives of the project, which are to bring the Robinhood Ridge Precise Plan into conformity with the City's MSCP Subarea Plan and to revise the land use and circulation elements of the Precise Plan to be compatible with other approved and proposed developments in the surrounding area. The No Project Alternative would also fail to provide benefits of the proposed project, such as much needed housing for the San Diego region, protection and management for vernal pool preserves, increased tax revenues, and new construction related jobs. In addition, this alternative would fail to provide an economically feasible project. If the No Project Alternative were adopted, the purchase agreement between the property owner, Robinhood Homes, and the prospective purchaser and developer, Greystone/Lennar, would be negated. Furthermore, all existing entitlements for the Robinhood Homes property would expire by October 12, 1998, resulting in the loss of all funds expended on securing and revising these entitlements over the past 13 years, during which time Brown Field airport expansion studies and the Multiple Species Conservation Program have delayed the potential development of the site.

B. Reduced Grading Alternative

Description

The Reduced Grading Alternative considers a development footprint that is consistent with existing MHPA boundaries, avoids development within the two proposed vernal pool preserves, and eliminates the proposed primary access connection to Otay Valley Road to the east. This alternative would delete the 78 single-family residential lots proposed within the extreme northwest portion of the VTM Area, as well as a lesser number of single-family lots within the area immediately surrounding the proposed neighborhood park site. In addition, the proposed primary access connection to Otay Valley Road would be deleted and the proposed future connection to Dennerly Road to the northwest would become the primary access point for the Precise Plan area.

Impacts

The Reduced Grading Alternative would reduce significant biological resources and landform alteration/visual quality impacts, but not to below a level of significance. This alternative would avoid one, and possibly two, traffic-related impacts, but has the potential to result in new impacts that would not occur under the project. In the absence of a traffic impact analysis of this alternative, these new potential impacts are considered to be significant. The significant land use and public services and facilities (fire protection) impacts identified in the DEIR that would result from the inability of the City Fire Department to meet their response time goal would likely be avoided under this alternative.

Findings

It is estimated that the proposed project would allow for a profitability rate approximately 1.2 percent above the threshold rate of profitability for Greystone/Lennar (NYSE public corporation), the prospective purchaser and developer of the Robinhood Homes property. In comparison, it is estimated that the Reduced Grading Alternative would allow for a profitability rate approximately 2.4 percent below the threshold rate of profitability for Greystone/Lennar. Furthermore, the profitability of this alternative may be further reduced by the likely need to construct an off-site segment of Dennerly Road in order to provide access to the site from existing public streets. For these reasons, the implementation of this alternative would be economically infeasible. The applicant has submitted a confidential analysis of the economic

R-304457

feasibility of this alternative, which has been reviewed and accepted by the City's Development Services Department. The economic feasibility analysis, which is on file with the City of San Diego, is herein incorporated by reference. In addition, this alternative would result in a reduction of the tax base revenue provided by the proposed project.

This alternative was identified in the Draft EIR, in part, to avoid significant land use and public service impacts associated with emergency access. The fire access impacts have been addressed by inclusion of a mitigation measure as part of the final EIR, so that project alternatives are no longer needed to mitigate this issue.

C. Reduced Development Intensity Alternative

Description

The Reduced Development Intensity Alternative considers the identical development footprint, land uses, and circulation system as the proposed project, but with a 20 percent reduction in the density of residential development. Under this alternative, within the entire Precise Plan area a total of 762 residential dwelling units, 416 single-family and 346 multi-family, would be developed, as opposed to 953 total dwelling units, 520 single-family and 433 multi-family, under the project.

Impacts

A 20 percent reduction in the number of residential dwelling units developed within the Precise Plan area would result in a commensurate reduction in the amount of automobile trips generated by Precise Plan area development. This reduction would not be sufficient to avoid a significant impact to the Robinhood Ridge Drive/Otay Valley Road intersection, although it would be possible to delay the signalization of this intersection to some extent. In the absence of a traffic impact analysis of this alternative, whether or not the significant impact of the project to the Heritage Road/Otay Mesa Road intersection would remain significant is not known.

Significant landform alteration impacts under this alternative would be identical to those that would result from the project. Due to the decrease in residential development intensity, larger single-family lots would be provided, which would provide the developer with greater opportunities to create visual interest throughout the development, which is a desirable effect.

Under this alternative, the number of K-12 students generated by Precise Plan area development would be reduced by 20 percent. However, impacts resulting from Precise Plan area development on the affected school districts would still be significant, requiring mitigation that is acceptable to the districts.

Findings

While this alternative is somewhat environmentally superior to the project, it does not appear to have the potential to provide significant reductions in the significant environmental impacts of the project. It is estimated that the proposed project would allow for a profitability rate approximately 1.2 percent above the threshold rate of profitability for Greystone/Lennar (NYSE public corporation), the prospective purchaser and developer of the Robinhood Homes property. In comparison, it is estimated that the Reduced Development Intensity Alternative would allow for a profitability rate approximately 3.6 percent below the threshold rate of profitability for Greystone/Lennar. For this reason, the implementation of this alternative would be

R-304457

economically infeasible. The applicant has submitted a confidential analysis of the economic feasibility of this alternative, which has been reviewed and accepted by the City's Development Services Department. The economic feasibility analysis, which is on file with the City of San Diego, is herein incorporated by reference. In addition, this alternative would result in a reduction of the tax base revenue provided by the proposed project.

D. Revised Access Alternative

Description

The Revised Access Alternative includes a circulation system that is essentially identical to the Reduced Grading Alternative. The difference between these alternatives is that the development footprint and land uses under the Revised Access Alternative are consistent with the proposed project.

Impacts

Compared to the buildout of the Precise Plan area under the proposed project, the Revised Access Alternative would reduce significant impacts to biological resources and landform alteration/visual quality, but not to below a level of significance. This alternative would avoid one, and possibly two, traffic-related impacts, but has the potential to result in new impacts that would not occur under the project. In the absence of a traffic impact analysis of this alternative, these new potential impacts are considered to be significant. The significant fire protection impact of the project that would result from an inability to meet this response time goal would likely be avoided under this alternative.

Findings

It is estimated that the proposed project would allow for a profitability rate approximately 1.2 percent above the threshold rate of profitability for Greystone/Lennar (NYSE public corporation), the prospective purchaser and developer of the Robinhood Homes property. In comparison, it is estimated that the Reduced Development Intensity Alternative would allow for a profitability rate approximately 0.7 percent below the threshold rate of profitability for Greystone/Lennar. Furthermore, the profitability of this alternative may be further reduced by the likely need to construct an off-site segment of Dennerly Road in order to provide access to the site from existing public streets. For these reasons, the implementation of this alternative would be economically infeasible. The applicant has submitted a confidential analysis of the economic feasibility of this alternative, which has been reviewed and accepted by the City's Development Services Department. The economic feasibility analysis, which is on file with the City of San Diego, is herein incorporated by reference.

Statement of Overriding Considerations Robinhood Ridge Precise Plan

The California Environmental Quality Act and the State CEQA Guidelines (Section 15093) provide:

- (a) CEQA requires the decision-maker to balance the benefits of a proposed project against its unavoidable environmental risks in determining whether to approve the project. If the benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable".
- (b) Where the decision of the public agency allows the occurrence of significant effects which are identified in the final EIR, but are not at least substantially mitigated, the agency shall state in writing the specific reasons to support its action based on the final EIR and or other information in the record.
- (c) If an agency makes a statement of overriding consideration, the statement should be included in the record of the project approval and should be mentioned in the Notice of Determination.

The City Council, pursuant to Section 21081 of the California Public Resources Code and Section 15093 of the State CEQA Guidelines, having balanced the economic, legal, social and other benefits of the project against its unavoidable environmental effects, which remain notwithstanding the mitigation measures described in the Findings, determines that such remaining significant environmental effects are acceptable due to the following considerations:

1. The City of San Diego Multiple Species Conservation Program Subarea Plan (Subarea Plan) has been adopted and its implementation has begun under the authorization of contractual agreements with the U.S. Fish and Wildlife Service and the California Department of Fish and Game. With the adoption of the Subarea Plan and the establishment of the Multi-Habitat Planning Area (MHPA), the ultimate development of the Precise Plan area and surrounding development areas is well defined. For this reason, other approved and proposed developments in the surrounding area have either modified their development plans or are in the process of doing so. This is, therefore, an appropriate time for the Precise Plan to be amended and, likewise, for modifications to the existing Vesting Map/Planned Residential Development Permit No. 86-1014 in conformance with the proposed amendments. The proposed Robinhood Ridge Precise Plan is an amendment to a previously approved document. It is important to note that this proposed project is a voluntary redesign of an approved project. The applicant has redesigned the approved project (VTM 86-1014) to conform with the City of San Diego's adopted MSCP plan.
2. The Robinhood Ridge Precise Plan would contribute toward a number of implementing goals and objectives of the Otay Mesa Community Plan. Approval of the precise plan is an essential element to implementing the community plan. In order to achieve the goals and objectives of the community plan, every precise planning area must be implemented to provide a balanced community. Adoption of the precise plan would facilitate achievement of the housing, open space, circulation, and public services elements of the community plan as follows:

R-304457

- a) The housing element plans to provide a balanced community-housing program. The Robinhood Ridge Precise Plan facilitates implementation of the Otay Mesa Community Plan Housing Element's goals by providing a mixture of single- and multi-family homes.
 - b) Provision of a neighborhood commercial center, as anticipated in the community plan, will achieve the goal of providing a central focal point for the precise plan and will serve the daily needs of the residents.
 - c) Provision of an industrial development, as envisioned in the community plan, will provide employment opportunities, both for those in the precise plan area and for those in the surrounding community.
 - d) A neighborhood park is proposed, consistent with the community plan. Provision of these facilities is essential to achieving a community-wide balance of park facilities to serve the residents.
 - e) An essential component of the Otay Mesa community's Circulation Element is provided by the precise plan's construction of a segment of Otay Valley Road.
 - f) Consistent with the objectives of the Multiple Species Conservation Program, the project will preserve open space habitat for plant and animal species.
3. The Robinhood Ridge Precise Plan will provide for significant community-wide public facilities. As the plan is implemented, additional contributions for community and region serving off-site facilities and infrastructure will be provided. These facilities include:
- a) Construction of two lanes of the Six-Lane Primary Arterial cross-section of a segment of Otay Valley Road.
 - b) Construction of an interconnect with the Otay Water District to provide redundancy to the regional water system.
 - c) Construction of a 6.2-acre neighborhood park.
 - d) Preservation and enhancement of vernal pools on site in accordance with the pending 404 permit.
4. The project will provide a mixture of housing opportunities. The housing element of the community plan and subsequent precise plans are based on the assumption that a mix of densities and housing productions will create housing that is affordable to a wider range of incomes. The Robinhood Ridge Precise Plan implements a balanced community in terms of housing types and economic appeal by providing a mixture of affordable and multi-family dwellings.
5. The approved project design did not preserve a large majority of the vernal or road pools on site. The revised project will add 3,868 square feet of vernal pools and 692 square feet of road pools with the MHPA boundary adjustment. In addition, the proposed boundary adjustment would result in a 2.5-acre net increase in sensitive habitats. Given the rarity of the vernal pools that would be preserved, the net gain of sensitive habitats within the MHPA, and the minimal impacts to the Dennery Canyon wildlife corridor, the proposed adjustment to the MHPA would result in the same or higher biological value of the preserve.

6. Implementation of the Robinhood Ridge Precise Plan would generate new, temporary construction related jobs that would enhance the economic base of the community. New construction jobs would provide a benefit to the community and the region by sustaining the recent upturn of construction employment in the region. These jobs will be available through the buildout of the project. In addition to temporary construction jobs, industrial and commercial development in the precise plan will provide permanent opportunities for those residing in the precise plan area and the community.
7. Recent industrial and commercial development activity within the Otay Mesa Community Planning Area has been high, which has increased the demands for housing in the community. Construction of 953 residential dwelling units will help address the existing jobs/housing imbalance in the community. Increased housing in the community will reduce the regional traffic congestion (and associated air quality and noise impacts) resulting from employees traveling to work in Otay Mesa from outside the community.

For these reasons, on the balance, the City of San Diego finds that the above considerations resulting from the project serve to override and outweigh the project's unavoidable significant environmental effects and thus adverse environments effects are considered acceptable.

EXHIBIT A

MITIGATION MONITORING AND REPORTING PROGRAM

SITE DEVELOPMENT PERMIT NO. 320732, VESTING TENTATIVE MAP NO. 314829 AND REZONE ORDINANCE NO. 314830

PROJECT NO. 96580

This Mitigation Monitoring and Reporting Program is designed to ensure compliance with Public Resources Code Section 21081.6 during implementation of mitigation measures. This program identifies at a minimum: the department responsible for the monitoring, what is to be monitored, how the monitoring shall be accomplished, the monitoring and reporting schedule, and completion requirements. A record of the Mitigation Monitoring and Reporting Program will be maintained at the offices of the Land Development Review Division, 1222 First Avenue, Fifth Floor, San Diego, CA, 92101. All mitigation measures contained in the Environmental Impact Report No. 98-0189 and Addendum to EIR No. 98-0189 shall be made conditions of Site Development Permit No. 320732, Vesting Tentative Map No. 314829 and Rezone Ordinance No. 314830 as may be further described below.

GENERAL

1. Prior to the issuance of a Notice to Proceed (NTP) or any permits, including but not limited to, the first Grading Permit, Demolition Permits and Building Permits, the Assistant Deputy Director (ADD) of the City's Entitlements Division is to verify that the following statement is shown on the grading and/or construction plans as a note under the heading Environmental Requirements: "Ocean View Village project is subject to a Mitigation, Monitoring and Reporting Program (MMRP) and shall conform to the mitigation conditions as contained in the Addendum to EIR No. 98-0189."
2. The owner/permittee shall make arrangements to schedule a pre-construction meeting to ensure implementation of the MMRP. The meeting shall include the Resident Engineer, Biologist, Archaeologist, and the City's Mitigation Monitoring Coordination (MMC) Section.

TRANSPORTATION/CIRCULATION

1. Prior to the issuance of any building permits for the first phase including 107 multi-family residential units, the following roadway improvement should be assured:
 - A. State Route 905 open between Otay Mesa Road and Otay Mesa border crossing, with all interchanges open except the Heritage Road interchange.
2. Prior to the issuance of any building permits for the first phase including 107 multi-family residential units, applicant shall assure by permit and bond the construction of a traffic signal at the intersection of Avenida De Las Vistas/Otay Valley Road, satisfactory to the City Engineer.
3. Prior to the issuance of any building permits for the second phase including 36 multi-family dwelling units and all commercial and industrial buildings, the following roadway improvements should be assured:

- A. The Heritage Road/State Route 905 interchange open.
- B. Otay Valley Road Widened to a six lane prime arterial.
- C. Otay Mesa Road/Heritage Road
 - a. Provide a 12% fair share contribution toward one additional southbound left turn lane.
 - b. Restriping one southbound right turn lane to provide an exclusive through lane.
 - c. One additional northbound through lane.

BIOLOGICAL RESOURCES

Biological Monitor Required

1. Prior to the issuance of any grading permit, the owner/permittee shall provide a letter to the Assistant Deputy Director (ADD) of the City's Entitlements Division verifying that a qualified biologist has been retained to implement the biological resources mitigation program as detailed below (see A through E):
 - A. The qualified biologist (project biologist) shall attend the first preconstruction meeting and discuss the biological resources mitigation program with the Construction Manager, Contractor, Resident Engineer, and Mitigation Monitoring and Coordination (MMC) staff.
 - B. The project biologist shall supervise the placement of orange construction fencing or equivalent along the limits of disturbance within and surrounding sensitive habitats.
 - C. The project biologist shall monitor construction activities as needed to ensure that construction activities do not encroach into biologically sensitive areas beyond the approved limits of disturbance. All construction activities (including staging areas) shall be restricted to the approved development area, as shown on the approved Exhibit A.
 - D. The project biologist shall direct the placement of gravel bags, straw logs, silt fences or equivalent erosion control measures adjacent to all graded areas. The project biologist shall oversee implementation of best management practices (BMPs) as needed to prevent any significant sediment transport.
 - E. No trash, oil, parking, or other construction-related activities shall be allowed outside the established limits of disturbance.

Raptors

1. If the site has a potential to support nests and nesting raptors are present during grading and/or construction activities, compliance with the Migratory Bird Treaty Act/Section 3503 would preclude the potential for direct impacts.

2. If there is a potential for indirect noise impacts to nesting raptors, prior to any grading activities within the development area during the raptor breeding season (February 1 through September 15) the biologist shall ensure that no raptors are nesting. If construction occurs during the raptor breeding season a preconstruction survey would be conducted and no construction would be allowed within 300 to 500 feet of any identified nest(s) until the young fledge. Should the biologist determine that raptors are nesting, an active nest shall not be removed until after the breeding season.

Coastal California Gnatcatcher (Federally Threatened)

1. Prior to the issuance of any grading permit, the Assistant Deputy Director of Development Services (or designated appointee) shall verify that the Multi-Habitat Planning Area (MHPA) boundaries and the following project requirements regarding the Coastal California Gnatcatcher are shown on the construction plans:

A. No clearing, grubbing, grading, or other construction activities shall occur between March 1 and August 15, the breeding season of the Coastal California Gnatcatcher, until the following requirements have been met to the satisfaction of the Assistant Deputy Director of Development Services (or designated appointee).

2. 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 the Coastal California Gnatcatcher shall be conducted pursuant to the protocol survey guidelines established by the US Fish and Wildlife service within the breeding season prior to the commencement of any construction. If gnatcatchers are present, then the following conditions must be met:

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

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 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 Assistant Deputy Director of Development Services (or designated appointee) 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 to be inadequate by the qualified acoustician or biologist, then the associated construction activities shall cease until such time that adequate noise attenuation is achieved or until the end of the breeding season (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 Assistant Deputy Director of Development Services (or designated appointee), 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.*

3. If Coastal California Gnatcatchers are not detected during the protocol survey, the qualified biologist shall submit substantial evidence to the Assistant Deputy Director of Development Services (or designated appointee) and applicable resource agencies which demonstrate 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 2.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.

BIOLOGICAL RESOURCES / LAND USE

1. Prior to the issuance of any grading permits and/or the first pre-construction meeting, the owner/permittee shall submit evidence to the Assistant Deputy Director (ADD) of the City's Entitlements Division (or designated appointee) verifying that a qualified biologist has been retained to review the plans to verify the project has implanted the following mitigation program as related to the Multi-Habitat Planning Area (MHPA) Land Use Adjacency Guidelines as detailed below (see A through F):

- A. Runoff from parking areas and other hardscape will drain away from the MHPA.
- B. Any energy dissipation structures, such as riprap placed at drainage outlets, must conform with City Standards.

- C. All lighting on the site will be directed away from the MHPA, or will be adequately shielded.
- D. Landscaping in area adjacent to the MHPA will not contain invasive exotic plant species. Landscape plans will be reviewed by a qualified biologist.
- E. Uses adjacent to the MHPA should be designed to minimize noise impacts.
- F. Barriers or signs restricting encroachment will be installed to prevent public access into the MHPA.

HISTORICAL / CULTURAL RESOURCES (ARCHAEOLOGY)

1. The following conditions shall be implemented to ensure that no impacts to cultural resources would occur.

I. Prior to Permit Issuance

A. Land Development Review (LDR) Plan Check

1. Prior to Notice to Proceed (NTP) for any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits, 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 appropriate construction documents.

B. Letters of Qualification have been submitted to ADD

1. The applicant shall submit a letter of verification to Mitigation Monitoring Coordination (MMC) identifying the Principal Investigator (PI) for the project and the names of all persons involved in the 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.

3. Prior to the start of work, the applicant must obtain approval from MMC for any personnel changes associated with the monitoring program.

II. Prior to Start of Construction

A. Verification of Records Search

1. The PI shall provide verification to MMC that a site specific records search (1/4 mile radius) has been completed. Verification includes, but is not

limited to a copy of a confirmation letter from South Coast Information Center, or, if the search was in-house, a letter of verification from the PI stating that the search was completed.

2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.

3. The PI may submit a detailed letter to MMC requesting a reduction to the ¼ mile radius.

B. PI Shall Attend Precon Meetings

1. Prior to beginning any work that requires monitoring; the Applicant shall arrange a Precon Meeting that shall include the PI, Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The qualified 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.

C. Identify Areas to be Monitored

1. Prior to the start of any work that requires monitoring, the PI shall submit an Archaeological Monitoring Exhibit (AME) based on the appropriate construction documents (reduced to 11x17) to MMC identifying the areas to be monitored including the delineation of grading/excavation limits.

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

3. When Monitoring Will Occur

a. Prior to the start of any work, the PI shall also submit a construction schedule to MMC through the RE indicating when and where monitoring will occur.

b. The PI may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification to the monitoring program. This request shall be based on relevant information such as review of final construction documents which indicate site conditions such as depth of excavation and/or site graded to bedrock, etc., which may reduce or increase the potential for resources to be present.

III. During Construction

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

1. The Archaeological Monitor shall be present full-time during grading/excavation/trenching activities which could result in impacts to archaeological resources as identified on the AME. The Native American monitor shall determine the extent of their presence during construction related activities based on the AME and provide that information to the PI and MMC. The Construction Manager is responsible for notifying the RE, PI, and MMC of changes to any construction activities.
2. The monitor shall document field activity via the Consultant Site Visit Record (CSV). The CSV's shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (Notification of Monitoring Completion), and in the case of ANY discoveries. The RE shall forward copies to MMC.
3. The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition such as modern disturbance post-dating the previous grading/trenching activities, presence of fossil formations, or when native soils are encountered may reduce or increase the potential for resources to be present.

B. Discovery Notification Process

1. In the event of a discovery, the Archaeological Monitor shall direct the contractor to temporarily divert trenching activities in the area of discovery and immediately notify the RE or BI, as appropriate.
2. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery.
3. The PI shall immediately notify MMC by phone of the discovery, and shall also submit written documentation to MMC within 24 hours by fax or email with photos of the resource in context, if possible.

C. Determination of Significance

1. The PI and Native American monitor shall evaluate the significance of the resource. If Human Remains are involved, follow protocol in Section IV below.
 - a. The PI shall immediately notify MMC by phone to discuss significance determination and shall also submit a letter to MMC indicating whether additional mitigation is required.
 - b. If the resource is significant, the PI shall submit an Archaeological Data Recovery Program (ADRP) and obtain written approval from MMC. Impacts to significant resources must be mitigated before ground disturbing activities in the area of discovery will be allowed to resume.

c. If 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

1. If human remains are discovered, work shall halt in that area and the following procedures as set forth in the California Public Resources Code (Sec. 5097.98) and State Health and Safety Code (Sec. 7050.5) shall be undertaken:

A. Notification

1. Archaeological Monitor shall notify the RE or BI as appropriate, MMC, and the PI, if the Monitor is not qualified as a PI. MMC will notify the appropriate Senior Planner in the Environmental Analysis Section (EAS).

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 provenience of the remains.

2. The Medical Examiner, in consultation with the PI, will determine the need for a field examination to determine the provenience.

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 the California Public Resource 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 shall be determined between the MLD and the PI, 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.

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 Museum of Man for analysis. The decision for internment of the human remains shall be made in consultation with MMC, EAS, the applicant/landowner and the 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 8AM of the next business day.

b. Discoveries

All discoveries shall be processed and documented using the existing procedures detailed in Sections III - During Construction, and IV - Discovery of Human Remains.

c. Potentially Significant Discoveries

If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section III - During Construction shall be followed.

d. The PI shall immediately contact MMC, or by 8AM 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,

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
 - c. 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.

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.

LANDFORM ALTERATION/VISUAL QUALITY

1. Prior to the issuance of any grading permits, the Assistant Deputy Director's (ADD) Environmental Designee (ED) shall ensure that proposed grading would implement the grading guidelines of the Otay Mesa Community Plan and the Robinhood Ridge Precise Plan to the maximum extent feasible, including rounded tops and toes of slopes, contour grading, and blending manufactured slopes with adjacent natural slopes.

HUMAN HEALTH/PUBLIC SAFETY/HAZARDOUS MATERIALS

1. The following measures shall be implemented prior to development of the proposed project to mitigate potential impacts from Hazardous Materials:
 - A. Once construction plans have been established, the permittee shall file an application or reopen Voluntary Assistance Program (VAP) case no. H30802-001 with the County of San Diego Site Assessment and Mitigation (SAM) Program for regulatory oversight to additional site assessment and remediation activities.
 - B. Prior to the issuance any grading permit, the permittee shall provide a letter to the Assistant Deputy Director's (ADD) Environmental Designee (ED) confirming that the permittee has an application open with the County of San Diego VAP.
 - C. At the time that structures are demolished and concrete slabs are removed, the soil containing hydrocarbons shall be excavated and disposed of at an appropriately licensed facility, such as the Otay Landfill, operated by San Diego Landfill Systems. If further remedial actions are required during construction activities, based on site assessment activities performed under the direction of the County of San Diego SAM Program under the VAP or oversight agency, specific measures shall be incorporated and implemented to ensure human health and public safety issues are adequately addressed. Prior to the foundation inspection approval, the SAM Program/VAP to the ADD ED to confirm that the appropriate measures have been implemented to remove contaminated soils.
 - D. Prior to the foundation inspection approval, the permittee shall submit to the ADD ED, a Letter of Concurrence from the County of San Diego SAM Program/VAP confirming that the mitigation measures recommended to excavate and dispose (at an appropriate licensed facility) or flip-flop and thereby capping any soils that may contain reported arsenic concentrations. If further remedial actions are required during construction activities, based on site assessment activities performed under the direction of the County of San Diego SAM Program/VAP or oversight agency, specific measures shall be incorporated and implemented to ensure human health and public safety issues are adequately addressed.

NOISE

1. As required in the Robinhood Ridge Precise Plan FEIR, prior to the issuance of any building permits, a final interior acoustical report shall be prepared in conformance with the City of San Diego's Acoustical Guidelines. The final report shall be subject to the approval of the Assistant Deputy Director (ADD) of the City's Entitlements Division (or designated appointee). If it is determined that the interior noise levels in any of the affected single-family or multi-family buildings exceed city standards, specific mitigation measures to achieve interior noise levels that would not exceed the 45 db(A) CNEL standard shall be included in said report and incorporated into the project to the satisfaction of the Assistant Deputy Director (ADD) of the City's Entitlements Division (or designated appointee).

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