

RESOLUTION NUMBER R- 309871

DATE OF FINAL PASSAGE JUL 21 2015

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO CERTIFYING AN ADDENDUM TO
ENVIRONMENTAL IMPACT REPORT SCH NO. 2004061029,
AND ADOPTING THE MITIGATION, MONITORING, AND
REPORTING PROGRAM FOR CASTLEROCK AMENDMENT
PROJECT NO. 388889.

ITEM # 338
SUB-A
7/21/15

WHEREAS, on October 1, 2014, Pardee Homes, a California Corporation,
Owner/Permittee, submitted an application to Development Services Department for an
Amended Vesting Tentative Map, Public Right-of-way Vacation, Easement Vacation, Planned
Development Permit, Site Development Permit and Multiple Habitat Planning Area Boundary
Line Adjustment for the Castlerock Amendment (Project); and

WHEREAS, on October 1, 2013, the City Council of the City of San Diego adopted
Resolution No. R-308432, certifying Environmental Impact Report SCH No. 2004061029,
adopting the Findings and Statement of Overriding Considerations, and adopting the Mitigation
Monitoring and Reporting Program, a copy of which is on file in the Development Services
Department in accordance with the California Environmental Quality Act of 1970 (CEQA)
(Public Resources Code Section 21000 et seq.), as amended, and the State CEQA Guidelines
thereto (California Code of Regulations, Title 14, Chapter 3, Section 15000 et seq.); and

WHEREAS, State CEQA Guidelines section 15164(a) allows a lead agency to prepare an
addendum to a final Environmental Impact Report if such addendum meets the requirements of
CEQA; and

WHEREAS, under Charter section 280(a)(2) this resolution 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 evidence presented; NOW, THEREFORE,

BE IT RESOLVED, by the City Council of the City of San Diego as follows:

1. That the information contained in the final Environmental Impact Report SCH No. 2004061029 along with the Addendum thereto, including any comments received during the public review process, has been reviewed and considered by this City Council prior to making a decision on the Project.

2. That there are no substantial changes proposed to the Project and no substantial changes with respect to the circumstances under which the Project is to be undertaken that would require major revisions in Environmental Impact Report SCH No. 2004061029 for the Project.

3. That no new information of substantial importance has become available showing that the Project would have any significant effects not discussed previously in the Environmental Impact Report SCH No. 2004061029 or that any significant effects previously examined will be substantially more severe than shown in Environmental Impact Report SCH No. 2004061029.

4. That no new information of substantial importance has become available showing that mitigation measures or alternatives previously found not to be feasible are in fact feasible which would substantially reduce any significant effects, but that the Project proponents decline to adopt, or that there are any considerably different mitigation measures or alternatives not previously considered which would substantially reduce any significant effects, but that the Project proponents decline to adopt.

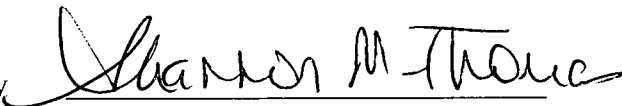
5. That pursuant to State CEQA Guidelines Section 15164, only minor technical changes or additions are necessary, and therefore, the City Council adopts Addendum to

Environmental Impact Report SCH No. 2004061029 with respect to the Project, a copy of which is on file in the office of the Development Services Department.

6. That pursuant to CEQA Section 21081.6, the City adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this City Council in order to mitigate or avoid significant effects on the environment, which is attached hereto as Exhibit A.

7. That Development Services Department is directed to file a Notice of Determination with the Clerk of the Board of Supervisors for the County of San Diego regarding the Project after the final passage of Ordinance No. O- 20556, rezoning the site from the existing RS-1-8 zone into RX-1-1 and OC-1-1 zones.

APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Shannon M. Thomas
Deputy City Attorney

SMT:als
07/09/2015
07/09/2015 Cor. Copy
Or.Dept: DSD
Doc. No.: 1059094_2

ATTACHMENT: Exhibit A, Mitigation Monitoring and Reporting Program

EXHIBIT A**MITIGATION MONITORING AND REPORTING PROGRAM**

Amended Vesting Tentative Map No. 1366479, Public Right-of-way Vacation No. 1487841, Easement Vacation No. 1366480, Planned Development Permit No. 1366476, Site Development Permit No. 1366477 and Multiple Habitat Planning Area Boundary Line Adjustment

CASTLEROCK AMENDMENT - PROJECT NO. 388889

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 Entitlements Division, 1222 First Avenue, Fifth Floor, San Diego, CA, 92101. All mitigation measures contained in the Addendum to Environmental Impact Report SCH No. 2004061029 shall be made conditions of Amended Vesting Tentative Map No. 1366479, Public Right-of-way Vacation No. 1487841, Easement Vacation No. 1366480, Planned Development Permit No. 1366476, Site Development Permit No. 1366477 and Multiple Habitat Planning Area Boundary Line Adjustment as may be further described below.

GENERAL

1. Prior to issuance of any construction permit, including but not limited to, the first grading permit, demolition plans/permits, and building plans/permits, the Assistant Deputy Director (ADD) Environmental Designee of the Entitlements Division shall verify that the appropriate Mitigation Measures regarding Landform Alteration/Visual Quality/Neighborhood Character; Air Quality; Biological Resources; Historical Resources (Archaeological); Human Health/Public Safety/Hazardous Materials; Noise; Paleontological Resources; Traffic/Circulation; and Public Services have been included on the appropriate construction, grading, and/or building plans, included under the heading "Environmental Mitigation Requirements." In addition, the requirements for a Preconstruction Meeting shall be noted on all construction documents.
2. Prior to the commencement of any work, a Preconstruction Meeting (Pre-con) shall be conducted and include the City of San Diego's Mitigation, Monitoring Coordination (MMC) Section, Resident Engineer, Building Inspector, Applicant, and all qualified monitors for the project (biologist, archaeologist, paleontologist, geologist) and other parties of interest.

A. LANDFORM ALTERATION/VISUAL QUALITY/NEIGHBORHOOD CHARACTER

Both the Annexation and No Annexation Scenarios would encroach into 15 percent of the steep slope acreage on-site, which exceeds the encroachment allowance, as no encroachment into steep slopes would be permitted under the ESL. In addition, both the Annexation Scenario and the No Annexation Scenario would result in the construction of retaining walls that exceed the 6-foot height and 50-foot length significance criteria. Under San Diego thresholds, this is considered a significant impact associated with landform alteration.

The No Annexation Scenario would result in additional landform impacts over the Annexation Scenario due to the construction of a 1.76-million-gallon reservoir and the additional manufactured slope needed to accommodate the proposed water and sewer lines.

Landform Alteration

Prior to issuance of grading permits, for both the Annexation and No Annexation scenarios, the project applicant shall implement the following measures to the satisfaction of the City Engineer:

VIS-1: As a condition of the VTM approval and prior to the issuance of a grading permit for both the Annexation and No Annexation Scenarios, the Mayor's designee shall verify that the grading plans provide contour grading of manufactured slopes. Resident Engineers with San Diego's Department of Engineering and Capitol Projects/Field Engineering shall inspect the grading to ensure conformance with approved grading plans. In addition, landscaping techniques using plant material of varying heights in conformance with San Diego's Landscape Regulations and Manual shall be used in conjunction with contour grading to create an undulated slope appearance.

B. AIR QUALITY

To reduce emissions of ROG, low-VOC content architectural coatings must be used. Thus, prior to issuance of grading or building permits, for both the annexation and no annexation scenarios, the project applicant shall implement the following measures to the satisfaction of the City Engineer:

AIR-1: The applicant shall use exterior and interior coatings with a VOC content of 30 grams per liter or less during construction.

C. BIOLOGICAL RESOURCES

Vegetation Communities

Grading for the Annexation Scenario, both on- and off-site would result in potentially significant impacts to sensitive vegetation communities (coastal sage scrub, grasslands, and

jurisdictional waters and wetlands, including vernal pools); sensitive plant species (San Diego barrel cactus, San Diego goldenstar, and variegated dudleya); sensitive wildlife species (California gnatcatcher, San Diego fairy shrimp, birds covered by the MBTA, and raptors).

BIO-1: Prior to the issuance of a Notice to Proceed for a subdivision, or any construction permits, such as Demolition, Grading or Building, or beginning any construction related activity, project upland impacts shall be mitigated in accordance with the San Diego LDC Biology Guidelines. On-site permanent impacts shall be mitigated through dedication of 14.1 acres of Tier I habitat inside the MHPA, 35.1 acres of Tier II or better habitat inside the MHPA, and 24.8 acres of Tier IIIB or better habitat inside the MHPA (refer to Addendum Table 5). Off-site permanent impacts shall be mitigated through dedication of 0.2 acre of Tier I habitat within the MHPA, 0.1 acre of Tier II or better habitat within the MHPA and 0.86 acre of Tier IIIB or better habitat within the MHPA (refer to Addendum Table 7). Mitigation land shall be provided on-site or in the East Elliott area. Mitigation land shall be conveyed to the City, as described in BIO-4.

BIO-2: After landslide remediation testing and design, but prior to issuance of permits to remediate any landslides, a final landslide remediation plan shall be prepared and submitted to the City for approval. This plan shall quantify and address remedial grading impacts to sensitive habitats, if any, in accordance with the San Diego Biology Guidelines and shall require habitat revegetation and remediation of the areas impacted by landslide testing and/or stabilization activities at a 1:1 ratio. Performance criteria for the revegetation area shall include 60 percent of the reference site for shrubs and a 50 percent of the reference site for herbaceous cover, with a 75 percent diversity rate relative to the reference site at the end of the five year maintenance and monitoring period.

Prior to issuance of grading permits, a temporary impact revegetation plan shall be prepared and submitted to the City for approval. This plan shall address the revegetation of all areas temporarily impacted by construction activities within the proposed MHPA, which is estimated to consist of 0.7 acre of Tier I habitat, 1.2 acre of Tier II habitat, and 0.6 acre of Tier III habitat at a 1:1 ratio in accordance with the San Diego Biology Guidelines. Performance criteria for the revegetation area shall include 60 percent of the reference site for shrubs and a 50 percent of the reference site for herbaceous cover, with a 75 percent diversity rate relative to the reference site at the end of the five year maintenance and monitoring period.

BIO-3: Prior to the issuance of a Notice to Proceed for a subdivision, or any construction permits, such as Demolition, Grading or Building, or beginning any construction related activity (except those necessary for geologic testing and/or landslide remediation), the grading plans shall include the following required measures:

Prior to project grading or vegetation clearance activities, the Owner/Permittee shall arrange to schedule a preconstruction meeting to ensure implementation of the MMRP. The meeting shall include the Resident Engineer, Project Biologist, and the

City's MMC Section, in addition to owner/permittee or designee and the construction crew. The project biologist shall conduct an educational session at this meeting regarding the need to avoid impacts outside of the approved development area and to protect sensitive flora and fauna (i.e. explain flag system for removal or retention, limit vegetation removal/demolition areas to fall only outside of sensitive biological areas).

A biological monitor shall be present during any/all construction activities. The project biologist shall supervise the installation of the limit of work fence to protect biological resources and during construction be on-site to prevent any new disturbances to sensitive habitat, plants and animals on-site. Any unforeseen impacts to sensitive biological resources shall be mitigated in accordance with the San Diego LDC and MSCP, to the satisfaction of the City and, as applicable, Resource Agencies. Prior to the release of the construction bond, a final monitoring report shall be submitted to the City.

BIO-4: After all restoration efforts have been signed off and accepted by the City, the on-site MHPA shall be conveyed to the City's MSCP preserve through one of the following:

- a) Dedication. The Owner/Permittee/Applicant shall convey the mitigation area in fee title to the City, or other conservation entities found acceptable by the City, USFWS, or CDFG through an irrevocable offer of dedication via the Final Maps. Conveyance of any land in fee shall require approval from the Park and Recreation Department Open Space Division Deputy Director and shall exclude detention basins or other stormwater control facilities and manufactured slopes (with the exception of those that might be associated with the potential landslide area; San Diego Biology Guidelines 2002).
- b) Covenant of Easement. To the extent consistent with MSCP Implementing Agreement, the Owner/Permittee/Applicant must agree to a covenant of easement for the management of the mitigation area in perpetuity, recorded against the title of the property with the USFWS and the CDFG names as third party beneficiaries. Identification of permissible passive activities and any other conditions of the permit must be incorporated into the covenant. (San Diego Biology Guidelines 2002).
- c) Any other method of transfer permitted by the City's MSCP Subarea Plan or Implementing Agreement. To the extent consistent with MSCP Implementing Agreement and to facilitate MHPA conveyance, any non-fee areas located in the MHPA shall be lotted separately, with a covenant of easement, and be maintained in perpetuity by the Owner/Permittee/Applicant, unless otherwise agreed to by the City. All other on-site areas can be conveyed through any of the above methods.

Sensitive Plants

BIO-5: Prior to the issuance of a Notice to Proceed for a subdivision, or any construction permits, such as Demolition, Grading, or Building, or beginning any construction-related activity on-site, a qualified biologist shall submit final translocation plans for San Diego goldenstar, variegated dudleya and San Diego barrel cactus prepared in accordance with the San Diego Biology Guidelines for approval by the staffs of Environmental Analysis Section (EAS), MSCP, and applicable Resource Agencies. These plans shall provide for the transplantation of San Diego goldenstar from the approximately 771 square-foot (<0.01 acre) area to be impacted by development within the existing MHPA to suitable areas within the proposed MHPA; the relocation of an estimated 1,000 square feet of variegated dudleya within the impact area to suitable areas within the MHPA; and the relocation of 42 individuals of San Diego barrel cacti impacted in the existing MHPA to suitable areas within the proposed MHPA. The translocation plans shall include (but are not limited to) requirements for site preparation, seed and plant collection, planting methods, maintenance and monitoring, and success criteria. Success criteria shall include:

Variegated Dudleya

- 1) The establishment of a self-sustaining population of the translocated species with a minimum survivorship of 80 percent, with 15 percent of the surviving individuals being mature flowering plants in any of the five monitoring years at the translocation site (without supplemental water);
- 2) Less than 10 percent of the translocation and enhancement area shall be covered by exotic weeds at the end of five years; and
- 3) The translocated individuals shall have survived without supplemental watering for at least two years.

San Diego Goldenstar

- 1) The establishment of a self-sustaining population of San Diego goldenstar with a minimum survivorship of 80 percent of translocated individuals;
- 2) Fifteen percent of the surviving individuals will be mature flowering plants in any of the five monitoring years at the translocation site (without supplemental water);
- 3) Prior to the end of the five-year maintenance and monitoring period, the translocated individuals shall have survived without supplemental watering for at least two years; and
- 4) Individuals lost to herbivory or other causes will be replaced with seed grown plants and/or salvaged plants from the impact area outside of the MHPA such that, at the end of five years, 80 percent of the estimated number of individuals present in the impacted area (771 square feet) will be growing at the translocation site.
- 5) The enhancement and restoration of the native grassland habitat at the translocation site. In addition, a 100-foot protective buffer will be maintained (i.e., weeded) around the translocation site.

- 6) A total of 0 percent coverage by Cal-IPC (2006) High, Moderate, and Alert species and no more than 10 percent of the enhancement site will be covered by exotic weeds at the end of five years.

San Diego Barrel Cactus

- 1) The establishment of a self-sustaining population of coast barrel cactus with a minimum 1:1 survivorship for either the 42 translocated individuals salvaged from within the MHPA; and
- 2) Prior to the end of the three-year maintenance and monitoring period, the translocated individuals will have survived without supplemental watering for at least one year.

As plant populations fluctuate from season to season and year to year, a final survey shall be undertaken to identify the individual number or acreage of variegated dudleya, San Diego barrel cacti, and San Diego goldenstar present within the development impact area. Any variegated dudleya plants found in the final survey within the project development impact area, and any San Diego barrel cacti, or San Diego goldenstar (excluding the San Diego goldenstar within the potential landslide remediation area) found within the existing MHPA area to be impacted by the project shall be included in the transplantation effort and the final translocation plans.

San Diego goldenstar impacts from potential landslide remediation shall be addressed in a San Diego Goldenstar Transplantation and Landslide Remediation Plan. After landslide remediation testing but prior to issuance of permits necessary for landslide remediation, a final San Diego Goldenstar Transplantation and Landslide Remediation Plan shall be prepared, if necessary, and approved by San Diego. This plan shall quantify and address remedial grading impacts to San Diego goldenstar in accordance with the San Diego LDC Biology Guidelines. San Diego goldenstar impacted through landslide remediation activities shall be mitigated through preservation within the East Elliott community in the MHPA. Prior to any needed landslide remediation, a San Diego goldenstar survey of the proposed preservation area shall be completed to verify adequate San Diego goldenstar acreage is available for preservation. Preservation land shall be conveyed to San Diego via methods indicated in BIO-4.

Sensitive Wildlife

- BIO-6: Prior to the issuance of a Notice to Proceed for a subdivision, or any construction permits, such as Demolition, Grading or Building, or beginning any construction related activity, the Mayor (or appointed designee) shall verify that the following project requirements regarding the MBTA are shown on the construction plans:

No clearing, grubbing, grading, or other construction activities shall occur between February 15 and August 15, the bird nesting season, unless a qualified biologist monitors vegetation clearing operations to search for and flag active nests so that they can be avoided.

BIO-7: Prior to the issuance of a Notice to Proceed for a subdivision, or any construction permits, such as Demolition, Grading, or Building, or beginning any construction-related activity, the Mayor (or appointed designee) shall verify that the following project requirements regarding raptors are shown on the construction plans:

No clearing, grubbing, grading, or other construction activities shall occur between February 15 and August 15, the raptor nesting season, unless a qualified biologist completes a pre-construction survey to locate active raptor nests (if any). If active raptor nests are present, no grading or removal of habitat shall take place within 300 feet of active nesting sites during the nesting/breeding season (February 15 through August 15).

BIO-8: Prior to the issuance of a Notice to Proceed for a subdivision, or any construction permits, such as Demolition, Grading, or Building, or beginning any construction related activity, the Mayor (or appointed designee) shall verify that the MHPA boundaries and the following project requirements regarding the coastal California gnatcatcher are shown on the construction plans:

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

- A. A qualified biologist (possessing a valid ESA 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 A-weighted decibels [dB(A)] hourly average for the presence of the coastal California gnatcatcher. Surveys for the coastal California gnatcatcher shall be conducted pursuant to the protocol survey guidelines established by the USFWS within the breeding season prior to the commencement of any construction. If gnatcatchers are present, then the following conditions must be met:
 - I. 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
 - II. 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 Mayor 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

- III. 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 Mayor, as necessary, to reduce noise levels to below 60 dB(A) hourly average or to the ambient noise level if it already exceeds 60 dB(A) hourly average. Such measures may include, but are not limited to, limitations on the placement of construction equipment and the simultaneous use of equipment.
- B. If coastal California gnatcatchers are not detected during the protocol survey, the qualified biologist shall submit substantial evidence to the Mayor and applicable Resource Agencies which demonstrates whether or not mitigation measures such as noise walls are necessary between March 1 and August 15 as follows:
- I. If this evidence indicates the potential is high for coastal California gnatcatcher to be present based on historical records or site conditions, then condition A.III shall be adhered to as specified above.
- II. If this evidence concludes that no impacts to this species are anticipated, no mitigation measures would be necessary.

BIO-9: Prior to the issuance of a Notice to Proceed for a subdivision, or any construction permits, such as Demolition, Grading, or Building, or beginning any construction-related activity, the applicant shall provide the City with a copy of any required State or Federal permit necessary for the take of San Diego fairy shrimp.

BIO-10: Prior to the issuance of a Notice to Proceed for a subdivision, or any construction permits, such as Demolition, Grading, or Building, or beginning any construction-related activity, a final restoration and management plan for San Diego fairy shrimp shall be completed, reviewed, and approved by the applicable Resource Agencies. This plan shall address the restoration of a minimum of 1,260 square feet of pools (3:1 mitigation ratio) and enhancement of the existing five pools to be preserved. The restoration plan shall identify collection and restoration methodology and activities, outline a monitoring and maintenance program, and include success criteria that must be met before the restoration program is deemed to be complete. Restoration activities shall include recontouring basins and populating the restored basins with appropriate vernal pool species, including San Diego fairy shrimp, from the impacted pools and/or a source approved by the USFWS. Required maintenance activities (e.g., weeding) shall be identified. BMZ-2 shall not be allowed within the vernal pool preserve area or vernal pool restoration area. The area shall be fenced and monitored for 5 years or until success criteria are met, whichever occurs first. Success criteria include:

- For each of the restored vernal pools, the area of vernal pool vegetation shall be defined for purposes of this section as coincident with the area supporting a combined relative pool species cover of more than 50 percent, measured within 45 days of the disappearance of standing water. In a drought year, this criterion shall be considered to be met if the total relative cover by vernal pool species equals that of the averaged value of control vernal pools having similar hydrological characteristics in that year and if the qualifying area has met this criterion in a previous monitoring year.
- For each of the restored vernal pools, the total absolute vegetative cover in areas of qualified vernal pool vegetation, not including target weed species, shall equal or exceed 50 percent of the averaged value of control vernal pools having similar hydrological characteristics.
- The restored vernal pools shall support reproducing populations of a minimum number of vernal pool plant species equivalent to that supported by the control vernal pools. Equivalence is met if (1) the vernal pool species richness value for the restored vernal pools is equal to or greater than the minimum value found in the control vernal pools and (2) the value of vernal pool species richness in the restored vernal pools is equal to or greater than that of the control vernal pools.
- The restored vernal pools shall support populations of at least two vernal pool indicator species, including San Diego fairy shrimp.
- Within each preserved vernal pool, California Invasive Plant Council List High, Moderate, and Alert species shall not be present. Within each restored

vernal pool, the relative cover of non-native species shall not exceed five percent.

- At the end of the five-year monitoring program, required native grassland upland cover values in the vernal pool restoration area would be 60 percent of the control site for native grass cover and 50 percent of the control site for herbaceous cover.
- The native grassland within the vernal pool restoration area shall be considered to meet the diversity and composition criteria if 75 percent of its upland plant taxa are shared with the control site after the five-year monitoring period.
- Within the native grassland upland habitat in the vernal pool restoration area, the relative cover of all non-native species shall not exceed an absolute value of 10 percent. Within the extended weed control area, no California Invasive Plant Council List High, Moderate, and Alert species shall be present. Prior to the end of the monitoring period, the restored vernal pools shall demonstrate hydrological patterns of duration, periodicity, and depth of inundation which fall within the range of variation observed in the control vernal pools.

Jurisdictional Waters, Wetlands and Vernal Pools

- BIO-11: Prior to the issuance of a Notice to Proceed for a subdivision, or any construction permits, such as Demolition, Grading, or Building, or beginning any construction related activity on-site, the applicant shall obtain all appropriate USACE permit, CDFW Streambed Alteration Agreement, and RWQCB Water Quality Certification. Mitigation shall proceed according to permitting requirements of the applicable Resource Agencies and shall consist of a minimum 2:1 mitigation ratio of preservation/creation/restoration/ enhancement. The wetland mitigation shall include a minimum 1:1 creation component to ensure no net loss of wetlands. As such, mitigation shall include a minimum of 0.13 acre wetland creation, 0.13 acre wetland preservation/ enhancement, and 0.42 acre of non-wetland preservation within the Santee Subarea watershed (see Addendum Table 7). Temporary jurisdictional impacts shall be mitigated at a 1:1 ratio through the restoration of the drainage to the existing hydrologic values (see Addendum Table 8).
- BIO-12: Prior to the issuance of a Notice to Proceed for a subdivision, or any construction permits, such as Demolition, Grading, or Building, or beginning any Construction-related activity on-site, a qualified biologist shall submit a final wetland mitigation plan to the USACE, RWQCB, San Diego (Park and Recreation, EAS, and MSCP), and CDFG for review and approval. This plan shall be prepared in accordance with the San Diego Biology Guidelines and shall include, at minimum, 0.07 acre of wetland creation. The wetland mitigation plan shall include a performance standard of 90 percent native cover and support 80 percent of the target species within the wetland creation area by the end of the 5 year maintenance and monitoring period. A conceptual wetland mitigation plan has been prepared and is included in Appendix B 6. This plan covers the creation of 0.37 acre of riparian scrub on-site (see Figure 4.4-

3), exceeding the wetland creation mitigation component requirement. The project would preserve 0.93 acre of USACE/RWQCB/CDFG jurisdictional habitat, and 0.65 acre of City wetlands on-site, which would exceed the preservation mitigation requirement.

Grading for the **No Annexation Scenario**, both on- and off-site would result in significant impacts to sensitive vegetation communities (coastal sage scrub, grasslands, and jurisdictional waters and wetlands, including vernal pools); sensitive plant species (San Diego barrel cactus, San Diego goldenstar, variegated dudleya, and San Diego ambrosia); sensitive wildlife species (California gnatcatcher, San Diego fairy shrimp, raptors, least Bell's vireo, and southwestern willow flycatcher).

Vegetation Communities

BIO-13: Prior to the issuance of a Notice to Proceed for a subdivision, or any construction permits, such as Demolition, Grading, or Building, or beginning any construction-related activity, project upland impacts shall be mitigated in accordance with the standards identified in the San Diego LDC Biology Guidelines. Mitigation land shall be provided on-site or in the East Elliott area. Mitigation land shall be conveyed to the City, as described in measure BIO-4.

Prior to the conveyance of the MHPA open space to San Diego, a coastal sage scrub restoration plan shall be approved by San Diego and the applicable Resource Agencies. The coastal sage scrub restoration plan shall restore 1.25 acre of coastal sage scrub temporarily impacted by infrastructure improvements along Mast Boulevard to pre-impact conditions or better. The restoration sites must achieve 75 percent native species cover and 95 percent native species composition relative to the reference sites at the end of the five year maintenance and monitoring period. Implementation of the plan shall be completed by a qualified habitat restoration consultant, to be approved by the applicant, applicable Resource Agencies and San Diego.

Mitigation measure BIO-2 identified above shall be implemented by the No Annexation Scenario to reduce potential landslide remediation impacts to sensitive habitat.

To ensure that grading operations do not inadvertently impact sensitive vegetation communities, the applicant shall implement mitigation measure BIO-3 identified above. Mitigation measure BIO-4 indicated above shall be implemented to convey the on-site portions of the MHPA to the City.

Sensitive Plants

BIO-14: Prior to the issuance of a Notice to Proceed for a subdivision, or any construction permits, such as Demolition, Grading, or Building, or beginning any construction-related activity, a qualified biologist shall submit final translocation plans for San Diego goldenstar, variegated dudleya and San Diego barrel cactus to the City

prepared in accordance with the San Diego Biology Guidelines for approval by the staffs of Environmental Analysis Section (EAS) and MSCP. These plans shall provide for the transplantation or preservation of San Diego goldenstar impacted by development within the MHPA at a 1:1 ratio to/within suitable areas within the MHPA; the relocation of variegated dudleya within the impact area to suitable areas to/within the MHPA; and the relocation of San Diego barrel cacti impacted in the MHPA to suitable areas within the MHPA. The translocation plans shall include (but are not limited to) requirements for site preparation, seed and plant collection, planting methods, maintenance and monitoring, and success criteria. Success criteria shall include:

Variegated dudleya

- (1) The establishment of a self-sustaining population of the translocated species with a minimum survivorship of 80 percent, with 20 percent of the surviving individuals being mature flowering plants in any of the five monitoring years at the translocation site (without supplemental water);
- (2) Less than 10 percent of the translocation and enhancement area shall be covered by exotic weeds at the end of five years; and
- (3) The translocated individuals shall have survived without supplemental watering for at least two years.

San Diego goldenstar

- (1) The establishment of a self-sustaining population of San Diego goldenstar with a minimum survivorship of 80 percent of translocated individuals;
- (2) Twenty percent of the surviving individuals will be mature flowering plants in any of the five monitoring years at the translocation site (without supplemental water);
- (3) Prior to the end of the five-year maintenance and monitoring period, the translocated individuals shall have survived without supplemental watering for at least two years; and
- (4) Individuals lost to herbivory or other causes will be replaced with seed grown plants and/or salvaged plants from the impact area outside of the MHPA such that, at the end of five years, 80 percent of the estimated number of individuals present in the impacted area will be growing at the translocation site.
- (5) The enhancement and restoration of approximately 1.0 acre of the native grassland habitat at the translocation site. In addition, a 100-foot protective buffer will be maintained (i.e., weeded) around the translocation site.
- (6) A total of 0 percent coverage by Cal-IPC (2006) High; Moderate, and Alert species and no more than 10 percent of the enhancement site will be covered by exotic weeds at the end of five years.

San Diego barrel cactus

- (1) The establishment of a self-sustaining population of coast barrel cactus with a minimum 1:1 survivorship for either the 41 translocated individuals salvaged from within the MHPA under the Annexation Scenario or the 40

translocated individuals salvaged from within the MHPA under the No Annexation Scenario.

- (2) Prior to the end of the three-year maintenance and monitoring period, the translocated individuals will have survived without supplemental watering for at least one year.

As plant populations fluctuate from season to season and year to year, a final survey shall be undertaken to identify the individual number or acreage of variegated dudleya, San Diego barrel cacti, or San Diego goldenstar present within the development impact area. Any variegated dudleya, San Diego barrel cacti, or San Diego goldenstar plants found in the final survey within the project development impact area (excluding the San Diego golden star within the potential landslide remediation area) shall be included in the transplantation effort and the final translocation plans.

San Diego goldenstar impacts from potential landslide remediation shall be addressed in the San Diego goldenstar transplantation and landslide remediation plan. After landslide remediation testing but prior to issuance of permits necessary for landslide remediation, a San Diego goldenstar transplantation and landslide remediation plan shall be prepared, if necessary, and approved by the City. This plan shall quantify and address remedial grading impacts to San Diego goldenstar in accordance with the San Diego LDC Biology Guidelines. San Diego goldenstar impacted through landslide remediation activities shall be mitigated through preservation within the East Elliott community in the MHPA. Prior to any needed landslide remediation, a San Diego goldenstar survey shall be completed of the proposed preservation area to verify adequate San Diego goldenstar acreage is available for preservation. Preservation land shall be conveyed to the City via methods indicated in measure BIO-4.

- BIO-15: Prior to the issuance of a Notice to Proceed for any construction permits, such as Demolition, Grading, or Building, or beginning any construction-related activity off-site, a USFWS permit shall be obtained and a two-year San Diego ambrosia critical habitat enhancement plan shall be prepared and implemented by a qualified biologist. This plan shall include specific weeding and soil decompaction requirements for project impacts to San Diego ambrosia critical habitat, with the intent to keep the habitat open for potential future San Diego ambrosia establishment. While not anticipated, any San Diego ambrosia located within the temporary impact area shall be flagged by the qualified biologist and avoided, or shall be salvaged and replanted in compliance with the San Diego ambrosia critical habitat enhancement plan. This plan shall be subject to the approval of San Diego and USFWS.

If the off-site improvements are redesigned to avoid impacts to San Diego ambrosia critical habitat and the applicant obtains concurrence from the City and USFWS that the impact would be less than significant, this condition shall be void.

Sensitive Wildlife

Measures BIO-6 to BIO-10 shall be implemented for impacts to nesting birds (including raptors and coastal California gnatcatcher) and San Diego fairy shrimp. The project impact occupied gnatcatcher habitat in the MHPA shall be mitigated through habitat mitigation BIO-13. The No Annexation Scenario shall implement the following mitigation measures BIO-16 and BIO-17 to address off-site utility improvement impacts to least Bell's vireo and southwestern willow flycatcher:

BIO-16: Prior to the issuance of a Notice to Proceed for any construction permits, such as Demolition, Grading, or Building, or beginning any construction-related activity off-site, the MMC (or appointed designee) shall verify that the following project requirements regarding the least Bell's vireo are shown on the off-site utility improvement plans:

No clearing, grubbing, grading, or other construction activities shall occur between March 15 and September 15, the breeding season of the least Bell's vireo, until the following requirements have been met to the satisfaction of the Mayor:

- A. A qualified biologist (possessing a valid ESA Section 10(a)(1)(A) Recovery Permit) shall survey those wetland areas that would be subject to construction noise levels exceeding 60 decibels [dB(a)] hourly average for the presence of least Bell's vireo. Surveys for these species shall be conducted pursuant to the protocol survey guidelines established by the USFWS within the breeding season prior to the commencement of construction. If the least Bell's vireo is present, then the following conditions must be met:
 - I. Between March 15 and September 15, no clearing, grubbing, or grading of occupied least Bell's vireo habitat shall be permitted. Areas restricted from such activities shall be staked or fenced under the supervision of a qualified biologist; and
 - II. Between March 15 and September 15, no construction activities shall occur within any portion of the site where construction activities would result in noise levels exceeding 60 dB(A) hourly average at the edge of occupied least Bell's vireo 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 Mayor at least two weeks prior to the commencement of construction activities. Prior to the commencement of any of construction activities during the breeding season, areas restricted from such activities shall be staked or fenced under the supervision of a qualified biologist; or

- III. At least two weeks prior to the commencement of construction activities, under the direction of a qualified acoustician, noise attenuation measures (e.g., berms, walls) shall be implemented to ensure that noise levels resulting from construction activities will not exceed 60 dB(A) hourly average at the edge of habitat occupied by the least Bell's vireo. Concurrent with the commencement of construction activities and the construction of necessary noise attenuation facilities, noise monitoring* shall be conducted at the edge of the occupied habitat area to ensure that noise levels do not exceed 60 dB(A) hourly average. If the noise attenuation techniques implemented are determined to be inadequate by the qualified acoustician or biologist then the associated construction activities shall cease until such time that adequate noise attenuation is achieved or until the end of the breeding season (September 16).

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

- B. If least Bell's vireo is not detected during the protocol survey, the qualified biologist shall submit substantial evidence to the Mayor and applicable Resource Agencies which demonstrates whether or not mitigation measures such as noise walls are necessary between March 15 and September 15 as follows:
- I. If this evidence indicates the potential is high for least Bell's vireo to be present based on historical records or site conditions, then condition A.III shall be adhered to as specified above.
 - II. If this evidence concludes that no significant impacts to this species are anticipated, no mitigation measures would be necessary.

BIO-17: Prior to the issuance of a Notice to Proceed for any construction permits, such as Demolition, Grading, or Building, or beginning any construction-related activity off-site, the MMC (or appointed designee) shall verify that the following project requirements regarding the southwestern willow flycatcher are shown on the off-site utility improvement plans:

No clearing, grubbing, grading, or other construction activities shall occur between May 1 and August 30, the breeding season of the southwestern willow flycatcher, until the following requirements have been met to the satisfaction of the Mayor:

- A. A qualified biologist (possessing a valid ESA Section 10(a)(1)(A) Recovery Permit) shall survey those wetland areas that would be subject to construction noise levels exceeding 60 decibels [dB(a)] hourly average for the presence of southwestern willow flycatcher. Surveys for these species shall be conducted pursuant to the protocol survey guidelines established by the USFWS within the breeding season prior to the commencement of construction. If the southwestern willow flycatcher is present, then the following conditions must be met:
 - I. Between May 1 and August 30, no clearing, grubbing, or grading of occupied southwestern willow flycatcher habitat shall be permitted. Areas restricted from such activities shall be staked or fenced under the supervision of a qualified biologist; and
 - II. Between May 1 and August 30, 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 southwestern willow flycatcher 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 Mayor at least two weeks prior to the commencement of construction activities. Prior to the commencement of any of construction activities during the breeding season, areas restricted from such activities shall be staked or fenced under the supervision of a qualified biologist; or
 - III. 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 southwestern willow flycatcher. 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 30).

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 Mayor, as necessary, to reduce noise levels to below 60 dB(A) hourly average or to the ambient noise level if it already exceeds 60 dB(A) hourly average. Such measures may include, but are not limited to, limitations on the placement of construction equipment and the simultaneous use of equipment.

- B. If southwestern willow flycatcher is not detected during the protocol survey, the qualified biologist shall submit substantial evidence to the Mayor and applicable Resource Agencies which demonstrates whether or not mitigation measures such as noise walls are necessary between May 1 and August 30 as follows:
- I. If this evidence indicates the potential is high for southwestern willow flycatcher to be present based on historical records or site conditions, then condition A.III shall be adhered to as specified above.
 - II. If this evidence concludes that no significant impacts to this species are anticipated, no mitigation measures would be necessary.

Jurisdictional Waters, Wetlands and Vernal Pools

Mitigation for **No Annexation Scenario** disturbances waters/wetlands that are under the jurisdiction of the USACE, RWQCB, CDFG, and San Diego would entail the following:

- BIO-18: Prior to the issuance of a Notice to Proceed for a subdivision, or any construction permits, such as Demolition, Grading, or Building, or beginning any construction-related activity, the applicant shall obtain the appropriate USACE permit, CDFG Streambed Alteration Agreement, and RWQCB Water Quality Certification. Mitigation shall proceed according to permitting requirements of the applicable Resource Agencies and shall consist of a minimum 2:1 ratio of preservation/creation/restoration/enhancement for permanent impacts. The 2:1 wetland impact ratio shall include a 1:1 creation component to ensure no net loss of wetlands. Mitigation shall be within the Santee Subarea watershed. Temporary jurisdictional impacts shall be mitigated through restoration of the temporarily impacted area to the existing conditions.

BIO-19: Prior to the issuance of a Notice to Proceed for a subdivision, or any construction permits, such as Demolition, Grading, or Building, or beginning any construction-related activity, a qualified biologist shall submit a final wetland mitigation plan to the City (Park and Recreation, EAS, and MSCP), and applicable Resource Agencies for review and approval. This plan shall be prepared in accordance with the San Diego Biology Guidelines and shall address a minimum of 0.09 acre of wetland creation. If the off-site utility improvements cannot be designed to avoid jurisdictional areas adjacent to West Hills Parkway bridge, the wetland mitigation plan shall also address 0.43 acre of off-site restoration within the temporary impact area. If the off-site improvements are redesigned to avoid impacts to jurisdictional wetland habitat and the applicant obtains concurrence from San Diego and applicable Resource Agencies that the impact would be less than significant, this condition would be void.

The wetland mitigation plan shall include a wetland creation area performance standard of 90 percent native cover and 80 percent of the target species supported by the end of the five year maintenance and monitoring period. Also, the wetland mitigation plan shall include the following temporary impact restoration area performance standards: (1) 90 percent of the original cover and species diversity shall be achieved at the end of the five maintenance and monitoring period, and (2) the weed cover of the restored site shall be less than five percent for annual weeds and zero percent for perennial weeds at the end of the five maintenance and monitoring period.

The **Annexation Scenario** would potentially result in significant impacts to the MHPA without the incorporation of mitigation. The proposed BLA associated with the Annexation Scenario would not result in a preserve that is functionally equivalent to the adopted MHPA, as there would be an overall loss of habitat value and covered species. The project would result in a loss of habitat value in the MHPA, as the Annexation BLA would remove coastal sage scrub (Tier II). The project would potentially result in significant impacts to the following covered species through habitat loss or reduction in plant populations: coastal California gnatcatcher, San Diego goldenstar, variegated dudleya, and San Diego barrel cactus.

MHPA Adjustment

To ensure that the proposed BLA would result in a preserve that is functionally equivalent to the adopted MHPA, measures BIO-1, BIO-2, BIO-4, and BIO-5 and the following BIO-20a shall be implemented:

BIO-20a: Prior to the issuance of grading permits, the applicant shall convey 25.72 acres of equivalent habitat located on Assessor's Parcel Number 366-050-30 within the MHPA to the City. Conveyance shall be completed via one of the three options identified in measure BIO-4.

Indirect Effects

In order to ensure consistency with the MSCP Subarea Plan Land Use Adjacency Guidelines, the following measure shall be implemented:

BIO-21:

1. Prior to the issuance of a Notice To Proceed for a subdivision, or any construction permits, such as Demolition, Grading or Building, or beginning any construction related activity on-site, the Assistant Deputy Director (ADD; or designee) shall verify that the project is in compliance with the MSCP Subarea Plan's Land Use Adjacency Requirements and that the following site specific requirements are noted on the grading plans under the heading Environmental Requirements:
 - A. Drainage. Project runoff shall be controlled so that water quality or hydrology impacts to the MHPA do not occur. All drainage from proposed roads and structures associated with the proposed project shall be directed into a storm drain system. Manufactured slope and residential lot runoff in the vicinity of vernal pools shall be controlled to avoid impacts to vernal pools.
 - B. Toxics. The project shall not result in the introduction of toxics into the MHPA.
 - C. Lighting. All lighting associated with the project shall be shielded and directed away from the MHPA.
 - D. Noise. The project shall not increase ambient noise levels in a manner that would result in impacts to biological resources in the MHPA. Excessively noisy uses (i.e. construction) or activities adjacent to breeding areas must incorporate noise reduction measures to reduce noise below 60 dB and/or be curtailed during the general and sensitive bird breeding season (February 1-September 15) per the City and applicable Resource Agency protocol.
 - E. Barriers. Where adjacent to the MHPA, the project shall be required to provide barriers (e.g., non-invasive vegetation, rocks/boulders, fences, walls, and/or signage) along the MHPA boundaries to direct public access to appropriate locations and reduce domestic animal predation. The project shall not obstruct any habitat linkages, including wildlife movement between or within any MHPA. Any barriers to prevent human intrusion shall be designed to allow wildlife to continue to pass through if the existing area provides habitat linkage or significant wildlife movement.
 - F. Invasives. The project landscape plant palette for areas adjacent to the MHPA shall only include only native and low-fuel plant species. Project landscaping shall not include invasive plants adjacent to the MHPA.
 - G. Brush management. No brush management shall occur within the vernal pool preserve. BMZ-1 shall not be allowed within the MHPA. BMZ-2 may be located in the MHPA upon granting of an easement to San Diego (or other acceptable agency). Brush management zones shall not be greater in size than is currently required by San Diego's regulations. The

amount of woody vegetation clearing shall not exceed 50 percent of the vegetation existing when the initial clearing is done. Vegetation clearing shall be done consistent with San Diego standards and shall avoid/minimize impacts to covered species to the maximum extent possible. For all new development, regardless of the ownership, the brush management in the BMZ-2 area shall be the responsibility of a homeowners association or other private party.

Draft Vernal Pool Management Plan

The following measure shall be implemented to ensure that the project and associated vernal pool plans are consistent with the San Diego VPMP.

- BIO-22: In accordance with the San Diego/USFWS Planning Agreement, prior to grading permit issuance, following take authorization from the USFWS, applicant shall submit the project for Substantial Conformance Review (Process 1) to assure the project's final restoration and management plan consistency with the following:
- The then current draft or final Vernal Pool Habitat Conservation Plan;
 - The then current preliminary or final Vernal Pool Preserve Areas;
 - The restoration, management and monitoring plan identified in measure BIO-10 is consistent with the then current draft Vernal Pool Management Plan;
 - The requirement to provide funding in perpetuity for management and monitoring of the vernal pool preserve;
 - The then current proposed or final ESL/wetland amendments; and
 - The required MSCP conservation covenant of easement has been placed over the project's on-site (or any project-related off-site) vernal pool preserve.

The **No Annexation Scenario** would potentially result in several significant impacts to the MHPA without the incorporation of mitigation. The proposed boundary adjustment associated with the No Annexation Scenario would not result in a preserve that is functionally equivalent to the adopted MHPA. The project would significantly impact sensitive habitat within the MHPA. The project would impact covered species located within the MHPA, and impacts to San Diego goldenstar, variegated dudleya, San Diego barrel cactus, and coastal California gnatcatcher would be potentially significant.

Without conditioning the project to be consistent with the Land Use Adjacency Guidelines contained in the San Diego's MSCP Subarea Plan, the operation of the No Annexation Scenario could potentially result in significant indirect impacts to the MHPA. While the project operation is anticipated to have a less than significant indirect impact to the MHPA, mitigation shall be required to ensure compliance with the MHPA adjacency guidelines.

MHPA Adjustment

To ensure that the proposed BLA associated with the No Annexation Scenario would result in a preserve that is functionally equivalent to the adopted MHPA, measures BIO-13, BIO-14, and BIO-15 and the following BIO-20b shall be implemented:

BIO-20b: Prior to the issuance of grading permits, the applicant shall mitigate the boundary line adjustment at a 4 to 1 ratio by conveying equivalent habitat located on Assessor's Parcel Number 366-050-30 or other East Elliott parcel within the MHPA to the City, to the satisfaction of the City and Resource Agencies. Conveyance shall be completed via one of the three options identified in measure BIO-4.

Indirect Effects

Mitigation measure BIO-8 and BIO-21 identified above for the Annexation Scenario shall also apply to the No Annexation Scenario. These measures shall ensure no indirect impacts to the MHPA or coastal California gnatcatcher occur.

Additional mitigation, identified as measures BIO-16 and BIO-17 above, would be required under development of the No Annexation Scenario for potential indirect impacts to least Bell's vireo and southwestern willow flycatcher as a result of off-site improvements to the West Hills Parkway Bridge.

Mitigation measures indicated above would mitigate UXO biological impacts within the development footprint and potential landslide remediation area. UXO clearance impacts outside of the project grading footprint would be mitigated through the following measure.

BIO-23: Prior to issuance of a grading permit, either the applicant shall provide documentation to the City of San Diego that the USACE completed subsurface UXO clearance of the entire site, or a RAWP shall be prepared and implemented in accordance with requirements and procedures of the DTSC and San Diego, in consultation with the USACE.

Prior to project UXO clearance activities, a Draft RAWP shall be prepared by a qualified contractor and approved by San Diego, DTSC, the City and USACE. Implementation of the plan may ultimately be completed by the applicant's qualified consultant or USACE. This plan shall minimize UXO clearance activity impacts to biological resources. The UXO removal plan shall include the following measures:

1. To avoid impacts to nesting birds protected by the MBTA, UXO activities should take place outside of the nesting season (February 15 through August 15). If UXO activities are to take place during the nesting season, a qualified biologist shall be present during vegetation clearing operations to search for and flag active nests so that they can be avoided.
2. Prior to UXO activities, a survey shall be conducted by a qualified biologist to locate active raptor nests (if any). If active raptor nests are present, no UXO activities shall take place within 300 feet of active nesting sites during the nesting/breeding season (February 15 through August 15). The qualified biologist shall flag any active raptor nest located and demarcate the 300-foot buffer area.

3. Prior to UXO activities, a survey shall be conducted by a qualified biologist to confirm the presence or absence of the California gnatcatcher and, if found to be present, to locate active nests (if any). If active nests are present, no UXO activity shall take place within 500 feet of active nesting sites during the nesting/breeding season (February 15 through August 15). The qualified biologist shall flag any active California gnatcatcher nest located and demarcate the 500-foot buffer area. Should active nests be abandoned prior to the end of the expected breeding season, UXO activities may continue.
4. Subsurface UXO clearance and removal activities shall occur prior to the commencement of any other proposed restoration, creation, or translocation activities.
5. A qualified biologist shall attend a pre-UXO clearance meeting with workers. If UXO clearance is to be completed during the bird breeding season, the qualified biologist shall review required nesting avoidance measures. The qualified biologist shall also go over available sensitive habitat (including jurisdictional habitat), plants and wildlife maps, and associated avoidance measures.
6. A biologist shall be present during UXO clearance to direct UXO clearance workers to avoid vegetation and drainage alteration impacts within sensitive habitat and jurisdictional areas. If avoidance is not possible, clearance activities within jurisdictional areas shall be delayed until the jurisdictional agency is consulted and any required jurisdictional permitting is completed. The biological monitor shall submit a final monitoring report that identifies any significant biological impacts and associated mitigation. Mitigation shall be provided in compliance with the City's LCD Biological Guidelines.
7. Should "detonation in place" or any other UXO removal activities result in disturbance to habitat on-site within the proposed open space, restoration shall be completed with in-kind vegetation, or, if in a proposed restoration area, in accordance with the applicable restoration plan (Appendices B-4, B-5, and B-10). If habitat impacted includes San Diego barrel cactus, variegated dudleya, San Diego golden star and/or Robinson's peppergrass, these plant species shall be replaced at a minimum 1:1 ratio.
8. Prior to time the detonation of an UXO is planned, sandbags filled with construction grade sand shall be utilized to tamp the detonation and minimize damage to nearby trees and shrubs. The preparation shall be thoroughly soaked with water and the immediate area watered well to minimize the possibility of secondary fires.

D. HISTORICAL RESOURCES

In order to mitigate the potential for uncovering significant impacts to subsurface archaeological resources, the following conditions of approval shall be placed on the project (applicable to both the Annexation Scenario and No Annexation Scenario).

CUL-1:**I. Prior to Permit Issuance****A. Entitlements Plan Check**

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

B. Letters of Qualification have been submitted to ADD

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

II. Prior to Start of Construction**A. Verification of Records Search**

1. The PI shall provide verification to MMC that a site specific records search (one-quarter mile radius) has been completed. Verification includes, but is not limited to a copy of a confirmation letter from SCIC, 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 one-quarter mile radius.

B. PI Shall Attend Precon Meetings

1. Prior to beginning any work that requires monitoring; the Applicant shall arrange a Precon Meeting that shall include the PI, Native American consultant/monitor (where Native American resources may be impacted), Construction Manager (CM) and/or Grading Contractor, Resident Engineer (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 CM and/or Grading Contractor.
If the PI is unable to attend the Precon Meeting, the Applicant shall schedule a focused Precon Meeting with MMC, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.
2. Identify Areas to be Monitored
 - a. Prior to the start of any work that requires monitoring, the PI shall submit an Archaeological Monitoring Exhibit (AME) (with verification that the AME has been reviewed and approved by the Native American consultant/monitor when Native American resources may be impacted) based on the appropriate construction documents (reduced to 11x17) to MMC identifying the areas to be monitored including the delineation of grading/excavation limits.
 - b. The AME shall be based on the results of a site specific records search as well as information regarding existing known soil conditions (native or formation).
3. When Monitoring Will Occur
 - a. Prior to the start of any work, the PI shall also submit a construction schedule to MMC through the RE indicating when and where monitoring will occur.
 - b. The PI may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification to the monitoring program. This request shall be based on relevant information such as review of final construction documents which

indicate site conditions such as depth of excavation and/or site graded to bedrock, etc., which may reduce or increase the potential for resources to be present.

III. During Construction

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

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

B. Discovery Notification Process

1. In the event of a discovery, the Archaeological Monitor shall direct the contractor to temporarily divert all soil disturbing activities, including but not limited to digging, trenching, excavating or grading activities in the

area of discovery and in the area reasonably suspected to overlay adjacent resources and immediately notify the RE or BI, as appropriate.

2. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery.
3. The PI shall immediately notify MMC by phone of the discovery, and shall also submit written documentation to MMC within 24 hours by fax or email with photos of the resource in context, if possible.
4. No soil shall be exported off-site until a determination can be made regarding the significance of the resource specifically if Native American resources are encountered.

C. Determination of Significance

1. The PI and Native American consultant/monitor, where Native American resources are discovered shall evaluate the significance of the resource. If Human Remains are involved, follow protocol in Section IV below.
 - a. The PI shall immediately notify MMC by phone to discuss significance determination and shall also submit a letter to MMC indicating whether additional mitigation is required.
 - b. If the resource is significant, the PI shall submit an Archaeological Data Recovery Program which has been reviewed by the Native American consultant/monitor, and obtain written approval from MMC. Impacts to significant resources must be mitigated before ground disturbing activities in the area of discovery will be allowed to resume. Note: If a unique archaeological site is also an historical resource as defined in CEQA, then the limits on the amount(s) that a project applicant may be required to pay to cover mitigation costs as indicated in CEQA Section 21083.2 shall not apply.
 - c. If the resource is not significant, the PI shall submit a letter to MMC indicating that artifacts will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that that no further work is required.

IV. Discovery of Human Remains

If human remains are discovered, work shall halt in that area and no soil shall be exported off-site until a determination can be made regarding the provenance of the human remains; and the

following procedures as set forth in CEQA Section 15064.5(e), the California PRC (Sec. 5097.98) and State Health and Safety Code (Sec. 7050.5) shall be undertaken:

A. Notification

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

B. Isolate discovery site

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

C. If Human Remains ARE determined to be Native American

1. The Medical Examiner will notify the Native American Heritage Commission (NAHC) within 24 hours. By law, ONLY the Medical Examiner can make this call.
2. NAHC will immediately identify the person or persons determined to be the Most Likely Descendent (MLD) and provide contact information.
3. The MLD will contact the PI within 24 hours or sooner after the Medical Examiner has completed coordination, to begin the consultation process in accordance with CEQA Section 15064.5(e), the California Public Resources and Health & Safety Codes.
4. The MLD will have 48 hours to make recommendations to the property owner or representative, for the treatment or disposition with proper dignity, of the human remains and associated grave goods.

5. Disposition of Native American Human Remains will be determined between the MLD and the PI, and, if:
- a. The NAHC is unable to identify the MLD, OR the MLD failed to make a recommendation within 48 hours after being notified by the Commission; OR;
 - b. The landowner or authorized representative rejects the recommendation of the MLD and mediation in accordance with PRC 5097.94 (k) by the NAHC fails to provide measures acceptable to the landowner, THEN,
 - c. In order to protect these sites, the Landowner shall do one or more of the following:
 - (1) Record the site with the NAHC;
 - (2) Record an open space or conservation easement on the site;
 - (3) Record a document with the County.
 - d. Upon the discovery of multiple Native American human remains during a ground disturbing land development activity, the landowner may agree that additional conferral with descendants is necessary to consider culturally appropriate treatment of multiple Native American human remains. Culturally appropriate treatment of such a discovery may be ascertained from review of the site utilizing cultural and archaeological standards. Where the parties are unable to agree on the appropriate treatment measures the human remains and items associated and buried with Native American human remains shall be reinterred with appropriate dignity, pursuant to Section 5.c., above.

D. If Human Remains are NOT Native American

1. The PI shall contact the Medical Examiner and notify them of the historic era context of the burial.
2. The Medical Examiner will determine the appropriate course of action with the PI and City staff (PRC 5097.98).
3. If the remains are of historic origin, they shall be appropriately removed and conveyed to the San Diego Museum of Man for analysis. The decision for internment of the human remains shall be made in consultation with MMC, EAS, the applicant/landowner, any known descendant group, and the San Diego Museum of Man.

V. Night and/or Weekend Work

A. If night and/or weekend work is included in the contract

1. When night and/or weekend work is included in the contract package, the extent and timing shall be presented and discussed at the precon meeting.

2. The following procedures shall be followed.

a. No Discoveries

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

b. Discoveries

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

c. Potentially Significant Discoveries

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

d. The PI shall immediately contact MMC, or by 8 a.m. of the next business day to report and discuss the findings as indicated in Section III-B, unless other specific arrangements have been made.

B. If night and/or weekend work becomes necessary during the course of construction

1. The CM 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 HRG (Appendix C/D) which describes the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program (with appropriate graphics) to MMC for review and approval within 90 days following the completion of monitoring. It should be noted that if the PI is unable to submit the Draft Monitoring Report within the allotted 90-day timeframe resulting from delays with analysis, special study results or other complex issues, a schedule shall be submitted to MMC establishing agreed due dates and the provision for submittal of monthly status reports until this measure can be met.
 - a. For significant archaeological resources encountered during monitoring, the Archaeological Data Recovery Program shall be included in the Draft Monitoring Report.
 - b. Recording Sites with State of California Department of Parks and Recreation. The PI shall be responsible for recording (on the appropriate State of California Department of Park and Recreation forms-DPR 523 A/B) any significant or potentially significant resources encountered during the Archaeological Monitoring Program in accordance with the City's HRG, and submittal of such forms to the SCIC with the Final Monitoring Report.
2. MMC shall return the Draft Monitoring Report to the PI for revision or, for preparation of the Final Report.
3. The PI shall submit revised Draft Monitoring Report to MMC for approval.
4. MMC shall provide written verification to the PI of the approved report.
5. MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.

B. Handling of Artifacts

1. The PI shall be responsible for ensuring that all cultural remains collected are cleaned and catalogued
2. The PI shall be responsible for ensuring that all artifacts are analyzed to identify function and chronology as they relate to the history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate.
3. The cost for curation is the responsibility of the property owner.

C. Curation of artifacts: Accession Agreement and Acceptance Verification

1. The PI shall be responsible for ensuring that all artifacts associated with the survey, testing and/or data recovery for this project are permanently curated with an appropriate institution. This shall be completed in consultation with MMC and the Native American representative, as applicable.
2. The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC.
3. When applicable to the situation, the PI shall include written verification from the Native American consultant/monitor indicating that Native American resources were treated in accordance with state law and/or applicable agreements. If the resources were reinterred, verification shall be provided to show what protective measures were taken to ensure no further disturbance occurs in accordance with Section IV – Discovery of Human Remains, Subsection 5.

D. Final Monitoring Report(s)

1. The PI shall submit one copy of the approved Final Monitoring Report to the RE or BI as appropriate, and one copy to MMC (even if negative), within 90 days after notification from MMC that the draft report has been approved.
2. The RE shall, in no case, issue the Notice of Completion and/or release of the Performance Bond for grading until receiving a copy of the approved Final Monitoring Report from MMC which includes the Acceptance Verification from the curation institution.

CUL-2: CA-SDI-10054 shall be tested and indexed in accordance with the San Diego HRGs. The indexing program shall include the following steps which shall be completed prior to issuance of a grading permit:

- A qualified biologist shall be consulted during STP location selection and be present during STPs to ensure significant impacts to sensitive habitats (including jurisdictional habitats), sensitive plants and sensitive wildlife are avoided.
- A qualified UXO consultant shall be present to protect the health and safety of archeological testing, indexing and recovery work.
- Complete two sample units of one square meter in size.
- Prepare a site map with locations of collected items, STPs, sample units, and surface features.

- Complete a report of finding and interpretations using the San Diego Archaeological Resource Management Report format.

These combined efforts would provide sufficient information to establish a general finding with regard to the quantity, quality, and variety of the archaeological materials that are present at this location and allow for the placement of this resource into the developing model of site settlement and chronology for the East Elliott region.

E. HUMAN HEALTH/PUBLIC SAFETY/HAZARDOUS MATERIALS

Under the purview of the USACE, this UXO safety risk would be remediated through proper removal actions. The following standard requirements and procedures shall be implemented prior to the issuance of building or grading permits (For Both Annexation and No Annexation Scenarios) to ensure the proper handling of the removal of UXO to reduce these risks:

HAZ-1: Prior to issuance of a grading permit, either the applicant shall provide documentation to the City of San Diego that the USACE completed subsurface UXO clearance of the entire site, or a RAWP shall be prepared and implemented in accordance with requirements and procedures of the DTSC and San Diego, in consultation with the USACE.

The RAWP, including a Health and Safety Plan, shall be prepared by a qualified contractor prior to grading (phase 1) or occupancy (phase 2) in accordance with requirements and procedures of the DTSC. The RAWP shall thoroughly describe investigations and disposal activities. The draft RAWP shall be reviewed and approved by San Diego and the DTSC, in consultation with the USACE. At a minimum, the RAWP shall include the following performance criteria:

- Prior to initiation of UXO clearance activities, the West Hills High School Principal and Executive Director of Facilities, and adjacent residents shall be notified.
- Implementation of the RAWP shall be performed by a qualified contractor.
- Access into the work sites shall be limited to the contractor personnel specifically authorized to enter the work site.
- Prior to initiation of demolition operations, all nonessential personnel shall be evacuated to a distance outside the fragmentation zone of the UXO to be detonated; radio communication shall be maintained between all concerned parties.
- Detonation activities completed at the site shall occur outside of typical school hours, as feasible, to avoid disruptions to West Hills High.
- The area shall be secured prior to authorizing the detonation of explosive charges. Signs shall be posted announcing blasting danger and guards shall be stationed at all likely pedestrian/recreational user entrances.
- When a detonation-in-place is to occur, contractor personnel shall be posted in a 360-degree radius around the detonation site, at a safe distance.

- No disposal procedures shall be applied until the item has been positively identified. After the inspection has been completed, and providing there are no residual hazards, the UXO Senior Supervisor shall authorize the resumption of site operations. In the event that an UXO cannot be destroyed on-site, or if an unidentified UXO is located, the Safety Representative shall be notified for appropriate assistance.

The RAWP shall detail the environmental investigations and define the procedures for disposing of UXO determined unsafe to move or handle (e.g., detonation-in-place disposal). Also to be included as part of the RAWP is an Explosive Safety Submission report that outlines the safety aspects associated with investigating and removing UXO. The potential for encountering UXO during the removal action poses a risk to on-site workers, nearby populations, and the environment. The Health and Safety Plan is an integral component of the RAWP and shall include safety precautions that all personnel must adhere to during implementation of the work plan. Violation of UXO-related safety precautions shall be grounds of dismissal.

The Health and Safety Plan shall also provide instructions for workers on standard work practices, hazard communication, identification, handling, removal, transportation, and detonation. These precautions may include, but are not limited to, the following:

- Prior to time the detonation of an UXO is planned, sandbags filled with construction grade sand shall be utilized to tamp the detonation and minimize damage to nearby trees and shrubs. The preparation shall be thoroughly soaked with water and the immediate area watered well to minimize the possibility of secondary fires.
- Carry blasting caps in approved containers, and keep them out of the direct rays of the sun.
- Do not use explosives or accessory equipment that are obviously deteriorated or damaged. They may detonate prematurely or fail completely.
- Disposal operations shall not be initiated until at least one-half hour after sunrise and shall be concluded by at least one-half hour prior to sunset.
- Restrict and control access to the disposal site to a minimum of authorized personnel necessary for safe conduct of the disposal operations.
- Do not carry fire- or spark-producing devices into a disposal site except as specifically authorized.
- Sector 4 (which includes the project site) has vegetation comprised primarily of relatively thin vegetation cover, primarily grasslands and mixed chaparral, requiring minimal vegetation trimming in order to accomplish the subsurface investigations. Based on other removal actions in this sector, the procedure for clearance is described below. The project site shall be surveyed and marked out in 100-by-100-square-foot grids.
- A Schonstedt detector shall be used to locate surface and subsurface anomalies.

- Motor vehicles shall be restricted to existing, actively used roads, during normal operations.
- Personnel shall drive as near as practical to the work site and walk into and out of the grid(s).
- In the event of a medical or fire emergency, vehicles shall be utilized wherever necessary.

The project site contains varying terrain, thus different sweep techniques, to include varying sweep line intervals, may be required based on the terrain. If the terrain is too steep to sweep safely, that portion of the grid not swept shall be mapped; and it would become the team leader's responsibility to devise the clearance method(s) suitable to the specific grid to assure complete clearance.

During the removal, all personnel shall receive highly specialized training. Personnel shall be briefed of safety regulations every day. Hazards of unexploded munitions shall be explained at each briefing, including other risks, such as those posed by rattlesnakes and poison oak, etc. Should UXO items be discovered during removal actions, proper procedures (as detailed in the RAWP) shall be followed to ensure safe disposal. For example, a metal containment system may be placed around the item and then detonated by remote control from a safe distance.

All UXO shall undergo an initial assessment to identify the piece of ordnance. No disposal procedures shall be applied until the item has been positively identified. In the event that an UXO cannot be destroyed on-site, or if an unidentified UXO is located, a Safety Representative shall be notified for appropriate assistance in accordance with applicable regulations.

F. NOISE

Noise levels would exceed the City's adopted exterior noise compatibility level of 65 CNEL and interior noise limit of 45 CNEL at the residences adjacent to Mast Boulevard for both the Annexation Scenario and the No Annexation Scenario. This is regarded as a significant direct impact.

NOS-1: Prior to the issuance of any building permits, the applicant shall submit building plans to the satisfaction of the City Engineer, showing 3- to-4-foot-high noise barriers along the southern boundary (see Figure 4.10-3) which shall result in noise levels for ground-floor exterior usable areas below 65 dB(A) CNEL. Noise barrier heights are relative to the pad elevations as illustrated in Figure 4.10-3.

NOS-2: Prior to the issuance of building permits for the residential units abutting Mast Boulevard that have exterior noise levels exceeding 60 CNEL (see Figure 4.10-4), a detailed acoustical analysis shall be required to ensure that interior noise levels would be below the 45 CNEL standard. The analysis shall consider all habitable rooms of the units along the southern pad edges adjacent to Mast Boulevard.

Where exterior noise levels are projected to exceed 60 CNEL for residential units along the southern boundary adjacent to Mast Boulevard (see Figure 4.10-4), windows shall be closed in order to achieve the necessary exterior-to-interior noise reduction (45 dBA CNEL). Consequently, the design for these affected units shall include a ventilation or air conditioning system to provide a habitable interior environment when windows are closed.

- NOS-3:** Prior to the issuance of a building permit for the sewer lift station at the intersection of Street A and the emergency access road, the applicant shall submit building plans to the City Engineer. The lift station shall be designed with noise containment features to be at or below the allowable decibel level at the property line. An acoustical study shall be performed that would confirm engineering and architectural design and materials would reduce noise impacts to below 40 dB(A) L_{eq} at the property line per San Diego Municipal Code 59.5.0401. Based on noise containment features at other sewer lift stations in the San Diego, there is substantial evidence to support that it is feasible to design noise containment systems for sewer lift stations that will achieve the 40 dB(A) L_{eq} performance standard.

G. PALEONTOLOGICAL RESOURCES

- PAL-1:** Both the Annexation Scenario and No Annexation Scenario shall include the following condition to reduce paleontological impact to below a level of significance.

I. Prior to Permit Issuance

A. Entitlements Plan Check

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

B. Letters of Qualification have been submitted to ADD

1. The applicant shall submit a letter of verification to MMC identifying the PI for the project and the names of all persons involved in the paleontological monitoring program, as defined in the San Diego Paleontology Guidelines.
2. MMC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the paleontological monitoring of the project.

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

II. Prior to Start of Construction

A. Verification of Records Search

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

B. PI Shall Attend Precon Meetings

1. Prior to beginning any work that requires monitoring; the Applicant shall arrange a Precon Meeting that shall include the PI, CM and/or Grading Contractor, RE, BI, if appropriate, and MMC. The qualified paleontologist shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the Paleontological Monitoring program with the Construction Manager and/or Grading Contractor.
 - a. If the PI is unable to attend the Precon Meeting, the Applicant shall schedule a focused Precon Meeting with MMC, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.
2. Identify Areas to be Monitored
 - a. Prior to the start of any work that requires monitoring, the PI shall submit a Paleontological Monitoring Exhibit (PME) based on the appropriate construction documents (reduced to 11x17) to MMC identifying the areas to be monitored including the delineation of grading/excavation limits. The PME shall be based on the results of a site specific records search as well as information regarding existing known soil conditions (native or formation).
3. When Monitoring Will Occur
 - a. Prior to the start of any work, the PI shall also submit a construction schedule to MMC through the RE indicating when and where monitoring will occur.

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

III. During Construction

A. Monitor Shall be Present During Grading/Excavation/Trenching

1. The monitor shall be present full-time during grading/excavation/trenching activities as identified on the PME that could result in impacts to formations with high and moderate resource sensitivity. **The Construction Manager is responsible for notifying the RE, PI, and MMC of changes to any construction activities such as in the case of a potential safety concern within the area being monitored. In certain circumstances OSHA safety requirements may necessitate modification of the PME.**
2. The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition such as trenching activities that do not encounter formational soils as previously assumed, and/or when unique/unusual fossils are encountered, which may reduce or increase the potential for resources to be present.
3. The monitor shall document field activity via the 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.

B. Discovery Notification Process

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

C. Determination of Significance

1. The PI shall evaluate the significance of the resource.
 - a. The PI shall immediately notify MMC by phone to discuss significance determination and shall also submit a letter to MMC indicating whether additional mitigation is required. The determination of significance for fossil discoveries shall be at the discretion of the PI.
 - b. If the resource is significant, the PI shall submit a Paleontological Recovery Program (PRP) and obtain written approval from MMC. Impacts to significant resources must be mitigated before ground disturbing activities in the area of discovery will be allowed to resume.
 - c. If resource is not significant (e.g., small pieces of broken common shell fragments or other scattered common fossils) the PI shall notify the RE, or BI as appropriate, that a non-significant discovery has been made. The Paleontologist shall continue to monitor the area without notification to MMC unless a significant resource is encountered.
 - d. The PI shall submit a letter to MMC indicating that fossil resources will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that no further work is required.

IV. Night and/or Weekend Work

- A. If night and/or weekend work is included in the contract
 1. When night and/or weekend work is included in the contract package, the extent and timing shall be presented and discussed at the precon meeting.
 2. The following procedures shall be followed.
 - a. No Discoveries
In the event that no discoveries were encountered during night and/or weekend work, The PI shall record the information on the CSVR and submit to MMC via fax by 8AM on the next business day.
 - b. Discoveries
All discoveries shall be processed and documented using the existing procedures detailed in Sections III - During Construction.
 - c. Potentially Significant Discoveries

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

- d. The PI shall immediately contact MMC, or by 8AM on the next business day to report and discuss the findings as indicated in Section III-B, unless other specific arrangements have been made.

B. If night work becomes necessary during the course of construction

1. The Construction Manager shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin.
2. The RE, or BI, as appropriate, shall notify MMC immediately.

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

V. Post Construction

A. Preparation and Submittal of Draft Monitoring Report

1. The PI shall submit two copies of the Draft Monitoring Report (even if negative), prepared in accordance with the Paleontological Guidelines which describes the results, analysis, and conclusions of all phases of the Paleontological Monitoring Program (with appropriate graphics) to MMC for review and approval within 90 days following the completion of monitoring,
 - a. For significant paleontological resources encountered during monitoring, the PRP shall be included in the Draft Monitoring Report.
 - b. Recording Sites with the San Diego Natural History Museum
The PI shall be responsible for recording (on the appropriate forms) any significant or potentially significant fossil resources encountered during the Paleontological Monitoring Program in accordance with the City's Paleontological Guidelines, and submittal of such forms to the San Diego Natural History Museum with the Final Monitoring Report.
2. MMC shall return the Draft Monitoring Report to the PI for revision or, for preparation of the Final Report.
3. The PI shall submit revised Draft Monitoring Report to MMC for approval.

4. MMC shall provide written verification to the PI of the approved report.
 5. MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.
- B. Handling of Fossil Remains
1. The PI shall be responsible for ensuring that all fossil remains collected are cleaned and catalogued.
 2. The PI shall be responsible for ensuring that all fossil remains are analyzed to identify function and chronology as they relate to the geologic history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate.
- C. Curation of fossil remains: Deed of Gift and Acceptance Verification
1. The PI shall be responsible for ensuring that all fossil remains associated with the monitoring for this project are permanently curated with an appropriate institution.
 2. The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC.
- D. Final Monitoring Report(s)
1. The PI shall submit two copies of the Final Monitoring Report to MMC (even if negative), within 90 days after notification from MMC that the draft report has been approved.
 2. The RE, in no case, shall issue the Notice of Completion until receiving a copy of the approved Final Monitoring Report from MMC, which includes the Acceptance Verification from the curation institution.

H. TRAFFIC/CIRCULATION

Street Segments

According to San Diego and CMP standards, all street segments would operate at an acceptable LOS D or better in the existing, near-term and year 2030 conditions, with and without the project for both scenarios, with one exception. Mast Boulevard, between the SR-52 northbound ramps and West Hills Parkway, would operate at unacceptable levels under all analysis scenarios. Since the addition of project traffic would cause the volume to capacity ratio to increase over San Diego's threshold (refer to EIR Table 4.12-7) in all analysis scenarios (i.e., existing plus project, near-term plus project, and year 2030 plus project), the project would have

a significant direct and cumulative impact to the Mast Boulevard segment, between the SR-52 northbound ramps and West Hills Parkway.

The proposed project shall implement the following mitigation measure to reduce the project's significant impact to Mast Boulevard between the SR-52 northbound ramps and West Hills Parkway:

TRF-1: Prior to the issuance of occupancy permits, the applicant shall widen Mast Boulevard between the SR-52 northbound ramps and West Hills Parkway from four lanes to five and provide a raised median (see Figure 4.12-10). This includes signal modifications at the Mast Boulevard and West Hills Parkway intersection to account for the new lane provided.

Intersections

For both scenarios, all intersections would operate at an acceptable LOS, with the exception of the Mast Boulevard at West Hills Parkway (near-term), Mast Boulevard at West Hills High School (west access; all analysis scenarios), and, Mission Gorge Road at Carlton Hills Boulevard (near-term and year 2030) intersections. The addition of project traffic would cause traffic conditions to exceed of the threshold shown in EIR Table 4.12-7 at the Mast Boulevard at West Hills Parkway (near-term), and Mast Boulevard at West Hills High School (west access; all analysis scenarios). Thus, the project would have a significant direct/cumulative impact to Mast Boulevard at West Hills High School (west access) and a significant direct impact to Mast Boulevard at West Hills Parkway. While the Mission Gorge Road at Carlton Hills Boulevard intersection would operate at unacceptable levels in the near-term and year 2030 conditions, the project impact would not exceed San Diego's threshold (refer to EIR Table 4.12-7) and would be less than significant.

TRF-2: Prior to the issuance of occupancy permits, the Applicant shall install a traffic signal at the West Hills High School (West Access) and Mast Boulevard intersection to the satisfaction of the City Engineer.

To mitigate the traffic impacts at the intersection of Mast Boulevard and West Hills Parkway in the near-term condition (i.e., direct impact) for the Annexation and No Annexation scenarios, TRF-1 shall be implemented.

I. PUBLIC SERVICES

Fire

Fire service for the No Annexation Scenario would be provided by San Diego. The primary fire and emergency medical service to the site would be provided via Station 34. The project would incrementally increase fire and emergency medical service demand by 74 calls in an area that currently does not meet response time requirements and is in need of new facilities and facility expansions (San Diego 2007b). As discussed in EIR Section 4.13.3.1, this is not a

CEQA issue. The obligation to provide adequate fire and emergency medical services is the responsibility of the City, who has addressed this issue through a condition in the project's entitlement approvals that offers six options for demonstrating that the project will meet the City's response time goals. Implementation of any one of these six options would ensure that the project would not be constructed until adequate fire protection services in accordance with the City's response time goals were attained. These conditions of approval are not mitigation measures, but are included herein as SER-1 for tracking purposes. Accordingly, the project's impact on the environment from the potential need to construct a fire station that is too speculative to analyze at this time would not be cumulatively considerable.

SER-1: If the project is not annexed into Santee, then prior to issuance of the first certificates of occupancy for any dwelling units within the project, the applicant shall have demonstrated, to the satisfaction of the San Diego Fire Department or the Director of the Development Services Department that adequate fire protection services and emergency medical services shall be provided to all dwelling units within the project, with reference to the following specific performance criteria:

- I. Provision of fire protection service and emergency medical service within the following response time goals (or provide a level of fire protection and emergency medical service functionally equivalent to that provided by such response times):
 - A. Total response time for deployment and arrival of the first-in engine company for fire suppression incidents should be within 4 minutes 90 percent of the time. Add one minute for turnout time and one minute for dispatch time.
 - B. Total response time for deployment and arrival of the full first alarm assignment for fire suppression incidents should be within 8 minutes 90 percent of the time. Add one minute for turnout time and one minute for dispatch time.
 - C. Total response time for deployment and arrival of the full first responder or higher-level capability at emergency medical incidents should be within 4 minutes 90 percent of the time. Add one minute for turnout time and one minute for dispatch time.
 - D. Total response time for deployment and arrival of a unit with advanced life support capability at emergency medical incidents, where this service is provided by the City, should be within 8 minutes 90 percent of the time. Add one minute for turnout time and one minute for dispatch time.
- II. The above performance criteria may be met using one or more of the following feasible alternatives:
 - A. Enter into an agreement with Fire Department regarding project design or other measures that enhance the level of fire protection and emergency medical service, implementation of any one of which would meet the performance criteria:

1. Installing alarm systems in habitable structures within the project with remote supervision;
 2. Installing fire sprinkler systems in habitable structures within the project;
 3. Providing a mobile Emergency Medical Services and or Fire vehicle and crew within the project; and/or
 4. Payment of an ad hoc fee or development impact fee per dwelling unit for added Fire Department/Emergency Medical Service equipment/ personnel.
- B. Reach agreement with another jurisdiction or governmental entity for provision of fire protection services and emergency medical services within the specified response times (including contribution toward the cost of any required infrastructure/equipment/services through a cost-sharing agreement or otherwise);
- C. Reach agreement between San Diego and another jurisdiction or governmental entity for provision of fire protection services and emergency medical services within the specified response times through automatic and/or mutual aid agreements; and/or
- D. Reach agreement between San Diego and another jurisdiction or governmental entity for provision of services within the specified response times through joint staffing or collocation of fire and emergency medical facilities.
- E. Implement “Fast Response Squads” consisting of two firefighter crewmembers, one of which is a paramedic, to be located in a smaller building such as a converted home or a commercial suite.
- F. Process Public Facilities Financing Plan Amendment(s) to include a new fire station. The new fire station would be located to provide response times that meet City standards and may provide support to the East Elliott, Navajo, and Tierrasanta community planning areas. The size, necessary apparatus, and location of the new fire station shall be approved by the San Diego Fire-Rescue Department and the Development Services Department. CEQA review shall be required prior to a commitment to a site selection for the fire station project. The new fire station or a temporary station that meets response times shall be operational prior to the issuance of building permits for any dwelling units within the project.

The last option would be to construct a new facility. It cannot be determined at this time whether the expansion or construction of a new or temporary fire station would be required. If one is required, impacts associated with its future location, design and necessary apparatus are also too speculative to determine impacts at this time in this EIR. In the event that an expanded or new facility is needed, subsequent CEQA review would be required when the location and scope are known. At this time and at this level of review, there are no direct impacts associated with the construction of a new or expanded fire protection facility.

Therefore, similar to other projects in California where impacts are too speculative to analyze, the City concludes impacts are less than significant.

Library

The nearest San Diego library is the San Carlos Branch; however, the project would be primarily serviced through the Serra Cooperative Library System and the Bookmobile. Projects located on or near the limits of San Diego, such as the proposed project, are served by the Serra Cooperative Library facilities and, in accordance with the San Diego Significance Thresholds (San Diego 2011), project applicants are required to make a fair share contribution to the cooperative's facilities. Accordingly, San Diego exercises its police power to impose an ad hoc fee on the project.

SER-2: If the project is not annexed into Santee, then prior to the issuance of a building permit, the applicant shall pay the ad hoc library fee identified in the East Elliott PFFP per residential building unit to be issued to support the Bookmobile or Serra Cooperative Library System.

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.

Passed by the Council of The City of San Diego on JUL 21 2015, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherri Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage JUL 21 2015.

(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

KEVIN L. FAULCONER
Mayor of The City of San Diego, California.

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

(Seal)

By  Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- 309871