

RESOLUTION NUMBER R- 312591

DATE OF FINAL PASSAGE JUL 29 2019

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO ADOPTING ADDENDUM NO. 555609 TO ENVIRONMENTAL IMPACT REPORT NO. 30330/304032/SCH NO. 2004651076 AND ADOPTING THE MITIGATION, MONITORING, AND REPORTING PROGRAM FOR LUMINA TM - PROJECT NO. 555609.

WHEREAS, the City of San Diego undertook a comprehensive update to the 1981 Otay Mesa Community Plan (Project); and

WHEREAS, on March 25, 2014, the City Council of the City of San Diego adopted Resolution No. 308809, certifying final Environmental Impact Report No. 30330/304032/SCH No. 2004651076, a copy of which is on file in the Office of the City Clerk 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, on June 30, 2017, CR Lumina Group, LLC, submitted an application to the Development Services Department for approval of minor technical changes or additions to the Project; and

WHEREAS, State CEQA Guidelines section 15164(a) allows a lead agency to prepare an Addendum to a final Program 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, a public hearing is required by law implicating due process rights of individuals affected by the decision,

and the Council is required by law to consider evidence at the hearing and to make legal findings based on the 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 No. 30330/304032/SCH No. 2004651076 along with the Addendum thereto, including any comments received during the public review process, has been reviewed and considered by this City Council of the City of San Diego 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 the final Environmental Impact Report 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 final Environmental Impact Report or that any significant effects previously examined will be substantially more severe than shown in the final Environmental Impact Report.

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 of the City of San Diego

adopts Addendum to final Environmental Impact Report No. 30330/304032/SCH No. 2004651076 with respect to the Project, a copy of which is on file in the office of the City Clerk.

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

7. That the City Clerk 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.

APPROVED: MARA W. ELLIOTT, City Attorney

By 

Noah J. Brazier
Deputy City Attorney

NJB:als
07/09/2019
Or.Dept:DSD
Doc. No.: 2040089

Attachment: Exhibit A – Mitigation, Monitoring, and Reporting Program

EXHIBIT A**MITIGATION, MONITORING, AND REPORTING PROGRAM**

TENTATIVE MAP NO. 1972222/PUBLIC RIGHT-OF-WAY VACATION NO. 2103455/
NEIGHBORHOOD DEVELOPMENT PERMIT NO. 2106744 and SITE DEVELOPMENT
PERMIT NO. 2287794

LUMINA TM - PROJECT NO. 555609

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 final Environmental Impact Report No. 30330/304032/SCH No. 2004651076 shall be made conditions of Tentative Map No. 1972222/Public Right-Of-Way Vacation No. 2103455/ Neighborhood Development Permit No. 2106744 and Site Development Permit No. 2287794, as may be further described below.

MITIGATION, MONITORING, AND REPORTING PROGRAM INCORPORATED INTO THE PROJECT

The mitigation measures identified below include all applicable measures applicable to the Lumina Project from the Otay Mesa Community Plan Update EIR (Project No. 555609; SCH No. 2004651076) and any site-specific measures applicable pursuant to the OMCPU EIR Mitigation Frameworks. Section 21081.6 to the State of California PRC requires a Lead or Responsible Agency that approves or carries out a project where an EIR has identified significant environmental effects to adopt a “reporting or monitoring program for adopted or required changes to mitigate or avoid significant environmental effects.” The City of San Diego is the Lead Agency for the Otay Mesa Community Plan Update EIR, and therefore must ensure the enforceability of the MMRP. An EIR and EIR Addendum have been prepared for this project that addresses potential environmental impacts and, where appropriate, recommends measures to mitigate these impacts. As such, an MMRP is required to ensure that adopted mitigation measures are implemented. Therefore, the following general measures are included in this MMRP:

OMCPU EIR Applicable Mitigation Measures**LAND USE**

Mitigation Framework LU-2: All subsequent development projects that are implemented in accordance with the CPU (CVSP) which is adjacent to designated MHPA areas shall comply with the Land Use Adjacency Guidelines of the MSCP in terms of land use, drainage, access, toxic substances in runoff, lighting, noise, invasive plant species, grading, and brush management requirements. Mitigation measures include, but are not limited to: sufficient buffers and design features, barriers (rocks, boulders, signage, fencing, and appropriate vegetation) where necessary, lighting directed away from the MHPA, and berms or walls adjacent to

commercial or industrial areas and any other use that may introduce construction noise or noise from future development that could impact or interfere with wildlife utilization of the MHPA. The project biologist for each proposed project would identify specific mitigation measures needed to reduce impacts to below a level of significance. Subsequent environmental review would be required to determine the significance of impacts from land use adjacency and compliance with the Land Use Adjacency Guidelines of the MSCP. Prior to approval of any subsequent development project in an area adjacent to a designated MHPA, the City shall identify specific conditions of approval in order to avoid or to reduce potential impacts to adjacent the MHPA.

Specific requirements shall include:

- Prior to the issuance of occupancy permits, development areas shall be permanently fenced where development is adjacent to the MHPA to deter the intrusion of people and/or pets into the MHPA open space areas. Signage may be installed as an additional deterrent to human intrusion as required by the City.
- The use of structural and nonstructural BMPs, including sediment catchment devices, shall be required to reduce the potential indirect impacts associated with construction to drainage and water quality. Drainage shall be directed away from the MHPA or, if not possible, must not drain directly into the MHPA. Instead, runoff shall flow into sedimentation basins, grassy swales, or mechanical trapping devices prior to draining into the MHPA. Drainage shall be shown on the site plan and reviewed satisfactory to the City Engineer.
- All outdoor lighting adjacent to open space areas shall be shielded to prevent light overspill off-site. Shielding shall consist of the installation of fixtures that physically direct light away from the outer edges of the road or landscaping, berms, or other barriers at the edge of development that prevent light over-spill.
- The landscape plan for the project shall contain no exotic plant/invasive species and shall include an appropriate mix of native species which shall be used adjacent to the MHPA.
- All manufactured slopes must be included within the development footprint and outside the MHPA.
- All brush management areas shall be shown on the site plan and reviewed and approved by the Environmental Designee. Zone 1 brush management areas shall be included within the development footprint and outside the MHPA. Brush management Zone 2 may be permitted within the MHPA (considered impact neutral) but cannot be used as mitigation. Vegetation clearing shall be done consistent with City standards and shall avoid/minimize impacts to covered species to the maximum extent possible. For all new Development, regardless of the ownership, the brush management in the Zone 2 area shall be the responsibility of a homeowners' association or other private party.

- Access to the MHPA, if any, shall be directed to minimize impacts and shall be shown on the site plan and reviewed and approved by the Environmental Designee.
- Land uses, such as recreation and agriculture, that use chemicals or generate byproducts such as manure, that are potentially toxic or impactive to wildlife, sensitive species, habitat, or water quality need to incorporate measures to reduce impacts caused by the application and/or drainage of such materials into the MHPA. Such measures shall include drainage/detention basins, swales, or holding areas with non-invasive grasses or wetland-type native vegetation to filter out the toxic materials. Regular maintenance should be provided. Where applicable, this requirement shall be incorporated into leases on publicly owned property as leases come up for renewal.

AIR QUALITY/ODOR

Mitigation Framework AQ-1: For projects that would exceed daily construction emissions thresholds established by the City of San Diego, best available control measures/technology shall be incorporated to reduce construction emissions to below daily emission standards established by the City of San Diego. Best available control measures/technology shall include:

- a. Minimizing simultaneous operation of multiple pieces of construction equipment;
- b. Use of more efficient or low pollutant emitting, equipment, e.g. Tier III or IV rated equipment;
- c. Use of alternative fueled construction equipment;
- d. Dust control measures for construction sites to minimize fugitive dust, e.g. watering, soil stabilizers, and speed limits; and
- e. Minimizing idling time by construction vehicles.

Mitigation Framework AQ-2: Development that would significantly impact air quality, either individually or cumulatively, shall receive entitlement only if it is conditioned with all reasonable mitigation to avoid, minimize, or offset the impact. As a part of this process, future projects shall be required to buffer sensitive receptors from air pollution sources through the use of landscaping, open space, and other separation techniques.

Mitigation Framework AQ-3: Prior to the issuance of building permits for any new facility that would have the potential to emit toxic air contaminants, in accordance with AB 2588, an emissions inventory and health risk assessment shall be prepared. If adverse health impacts exceeding public notification levels (cancer risk equal to or greater than 10 in 1,000,000; see Section 5.3.5.1 [b & c]) are identified, the facility shall provide public notice to residents located within the public notification area and submit a risk reduction audit and plan to the APCD that

demonstrates how the facility would reduce health risks to less than significant levels within five years of the date of the plan.

Mitigation Framework AQ-4: Prior to the issuance of building permits for any project containing a facility identified in Table 9, California Air Resources Board Land Use Siting Constraints, or locating air quality sensitive receptors closer than the recommended buffer distances, future projects implemented in accordance with the CPU shall be required to prepare a health risk assessment (HRA) with a Tier I analysis in accordance with APCD HRA Guidelines and the Office of Environmental Health Hazard Assessment (OEHHA) Air Toxics "Hot Spots" Program Risk Assessment Guidelines (APCD, 2015; OEHHA, 2015). All HRAs shall include:

1. the estimated maximum 70-year lifetime cancer risk,
2. the estimated maximum non-cancer chronic health hazard index (HHI), and
3. the estimated maximum non-cancer acute health hazard index (HHI). Risk estimates shall each be made for the off-site point of maximum health impact (PMI), the MEIR, and the MEIW. The location of each of these receptors shall be specified. The lifetime cancer risk, non-cancer chronic and acute health hazard indexes for nearby sensitive receptors shall also be reported. Cancer and non-cancer chronic risk estimates shall be based on inhalation risks. HRAs shall include estimates of population exposure, including cancer burden, as well as cancer and non-cancer chronic and acute risk isopleths (contours). The HRA shall identify best available control technology (BACT) required to reduce risk to less than 10 in 1,000,000.

BIOLOGICAL RESOURCES

Mitigation Framework BIO-1: To reduce potentially significant impacts that would cause a reduction in the number of unique, rare, endangered, sensitive, or fully protected species of plants or animals, if present within the Community Plan Update (CPU; [CVSP]) area, all subsequent projects implemented in accordance with the CPU (CVSP) shall be analyzed in accordance with the CEQA Significance Thresholds, which require that site-specific biological resources surveys be conducted in accordance with City Biology Guidelines (City of San Diego, 2012). The locations of any sensitive plant species, including listed, rare, and narrow endemic species, as well as the potential for occurrence of any listed or rare wildlife species shall be recorded and presented in a biological resources report. Based on available habitat within CPU (CVSP) area, focused presence/absence surveys shall be conducted in accordance with the Biology Guidelines and applicable resource agency survey protocols to determine the potential for impacts resulting from the future projects on these species. Engineering design specifications based on project-level grading and site plans shall be incorporated into the design of future projects to minimize or eliminate direct impacts on sensitive plant and wildlife species consistent with the Federal Endangered Species Act (FESA), MBTA, Bald and Golden Eagle Protection Act, California Endangered Species Act, MSCP Subarea Plan, and Environmentally Sensitive Lands (ESL) Regulations.

In addition to the requirements detailed above, specific measures shall be implemented when the biological survey results in the identification of BUOW on the project site. Future projects shall

be required to conduct a habitat assessment to determine whether or not protocol surveys are needed. Should BUOW habitat or sign be encountered on or within 150 meters of the project site, breeding season surveys shall be conducted. If occupancy is determined, site-specific avoidance and mitigation measures shall be developed in accordance with the protocol established in the Staff Report on Burrowing Owl Mitigation (CDFW, 2012). Measures to avoid and minimize impacts to BUOW shall be included in a Conceptual Burrowing Owl Mitigation Plan which includes take avoidance (preconstruction) surveys, site surveillance, and the use of buffers, screens, or other measures to minimize construction-related impacts.

Mitigation for Impacts to Sensitive Upland Habitats

Future projects implemented in accordance with the CPU (CVSP) resulting in impacts to sensitive upland Tier I, II, IIIA, or IIIB habitats shall implement avoidance and minimization measures consistent with the Biology Guidelines and MSCP Subarea Plan and provide suitable mitigation in accordance with the Biology Guidelines and MSCP Subarea Plan (City of San Diego, 1997, Table 5.47; City of San Diego, 2012). Future project-level grading and site plans shall incorporate project design features to minimize direct impacts on sensitive vegetation communities including but not limited to riparian habitats, wetlands, oak woodlands, coastal sage scrub, and consistent with Federal, State, and City guidelines. Any required mitigation for impacts on sensitive vegetation communities shall be outlined in a conceptual mitigation plan following the outline provided in the Biology Guidelines

Mitigation for impacts to sensitive vegetation communities shall be implemented at the time future development projects are proposed. Project-level analysis shall determine whether the impacts are within or outside of the MHPA. Any MHPA boundary adjustments shall be processed by the individual project applicants through the City and Wildlife Agencies during the early project planning stage.

Mitigation for impacts to sensitive upland habitats shall occur in accordance with the MSCP mitigation ratios as specified within the City's Biology Guidelines (City of San Diego, 2012). These mitigation ratios are based on Tier level of the vegetation community, the location of the impact and the location of the mitigation site(s). If final engineering requirements for Airway Road impact existing conserved lands, an additional 1:1 ratio shall be added to the City required mitigation ratio in order to replace the lands that were previously preserved as open space. Mitigation lands purchased to compensate for impacts to areas within conserved lands shall be located in the Otay Mesa area if feasible.

Mitigation for Short-term Impacts to Sensitive Species from Project Construction. Specific measures necessary for reducing potential construction-related noise impacts to the CAGN, least Bell's vireo, BUOW, and the cactus wren are further detailed in BIO-2 and LU-2.

Mitigation Framework BIO-2: Mitigation for future projects to reduce potentially significant impacts that would interfere with the nesting, foraging, or movement of wildlife species within the CPU (CVSP) area, shall be identified in site-specific biological resources surveys prepared in accordance with the Biology Guidelines as further detailed in BIO-1 during the discretionary review process. The biological resources report shall include results of protocol surveys and recommendations for additional measures to be implemented during construction-related

activities; shall identify the limits of any identified local-scale wildlife corridors or habitat linkages and analyze potential impacts in relation to local fauna, and the effects of conversion of vegetation communities (e.g., non-native grassland to riparian or agricultural to developed land) to minimize direct impacts on sensitive wildlife species and to provide for continued wildlife movement through the corridor.

Measures that shall be incorporated into project-level construction documents to minimize direct impacts on wildlife movement, nesting or foraging activities shall be addressed in the biological resources report and shall include recommendations for preconstruction protocol surveys to be conducted during established breeding seasons, construction noise monitoring and implementation of any species specific mitigation plans (such as a Burrowing Owl Mitigation Plan) in order to comply with the FESA, MBTA, Bald and Golden Eagle Protection Act, California Fish and Game Code, and/or the ESL Regulations.

Mitigation Framework BIO-4: To reduce potential direct impacts to City, state, and federally regulated wetlands, all subsequent projects developed in accordance with the CPU shall be required to comply with USACE Clean Water Act Section 404 requirements and special conditions, CDFW Section 1602 Streambed Alteration Agreement requirements and special conditions, and the City of San Diego ESL Regulations for minimizing impacts to wetlands. Achieving consistency with these regulations for impacts on wetlands and special aquatic sites would reduce potential impacts to regulated wetlands and provide compensatory mitigation (as required) to ensure no net-loss of wetland habitats.

Prior to obtaining discretionary permits for future actions implemented in accordance with the CPU, a site-specific biological resources survey shall be completed in accordance with City of San Diego Biology Guidelines. Any required mitigation for impacts shall be outlined in a conceptual wetland mitigation plan prepared in accordance with the City's Biology Guidelines (2012a). In addition, a preliminary or final jurisdictional wetlands delineation of the project site shall be completed following the methods outlined in the USACE's 1987 Wetlands Delineation Manual and the Regional Supplement to the Corps of Engineers Delineation Manual for the Arid West Region. A determination of the presence/absence and boundaries of any WoUS and WoS shall also be completed following the appropriate USACE guidance documents for determining the OHWM boundaries. The limits of any riparian habitats on-site under the sole jurisdiction of CDFW shall also be delineated, as well as any special aquatic sites (excluding vernal pools) that may not meet federal jurisdictional criteria but are regulated by California Coastal Commission and the RWQCB. Engineering design specifications based on project-level grading and site plans shall be incorporated into the project design to minimize direct impacts to wetlands, jurisdictional waters, riparian habitats, vernal pools, etc. consistent with federal, state, and City guidelines.

Additionally, any impacts to wetlands in the City of San Diego would require a deviation from the ESL wetland regulations. Under the wetland deviation process, development proposals that have wetland impacts shall be considered only pursuant to one of three options; Essential Public Projects, Economic Viability Option, or Biologically Superior Option. ESL Regulations require that impacts to wetland be avoided. Unavoidable impacts to wetlands shall be minimized to the maximum extent practicable and mitigated as follows:

- As part of the project-specific environmental review pursuant to CEQA, all unavoidable wetland impacts shall be analyzed, and mitigation shall be required in accordance with ratios shown in Tables 5.4-8a and b below. Mitigation shall be based on the impacted type of wetland and project design. Mitigation shall prevent any net loss of wetland functions and values of the impacted wetland.
- For the Biologically Superior Option, the project and proposed mitigation shall include avoidance, minimization, and compensatory measures, which would result in a biologically superior net gain in overall function and values of (a) the type of wetland resource being impacted and/or (b) the biological resources to be conserved. The Biologically Superior Option mitigation shall include either (1) standard mitigation per Table 5.4-8a, including wetland creation or restoration of the same type of wetland resource that is being impacted that results in high quality wetlands; and a biologically superior project design whose avoided area(s) (i) is in a configuration or alignment that optimizes the potential long-term biological viability of the on-site sensitive biological resources, and/or (ii) conserves the rarest and highest quality on-site biological resources; or (2) for a project not considered consistent with "1" above, extraordinary mitigation per Table 5.4-b is required.

As part of any future project-specific environmental review pursuant to CEQA, all unavoidable wetlands impacts (both temporary and permanent) shall be analyzed and mitigation required in accordance with Table 3.3-4 of the City Biology Guidelines; mitigation shall be based on the impacted type of wetland habitat. Mitigation shall prevent any net loss of wetland functions and values of the impacted wetland. The following provides operational definitions of the four types of activities that constitute wetland mitigation under the ESL Regulations:

- Wetland creation is an activity that results in the formation of new wetlands in an upland area. An example is excavation of uplands adjacent to existing wetlands and the establishment of native wetland vegetation.
- Wetland restoration is an activity that re-establishes the habitat functions of a former wetland. An example is the excavation of agricultural fill from historic wetlands and the re-establishment of native wetland vegetation.
- Wetland enhancement is an activity that improves the self-sustaining habitat functions of an existing wetland. An example is removal of exotic species from existing riparian habitat.
- Wetland acquisition may be considered in combination with any of the three mitigation activities above.

Wetland enhancement and wetland acquisition focus on the preservation or the improvement of existing wetland habitat and function and do not result in an increase in wetland area; therefore, a net loss of wetland may result. As such, acquisition and/or enhancement of existing wetlands shall be considered as partial mitigation only for any balance of the remaining mitigation

requirement after restoration or creation if wetland acreage is provided at a minimum of a 1:1 ratio.

For permanent wetland impacts that are unavoidable and minimized to the maximum extent feasible, mitigation shall consist of creation of new in-kind habitat to the fullest extent possible and at the appropriate ratios. If on-site mitigation is not feasible, then at least a portion of the mitigation must occur within the same watershed. The City's Biology Guidelines and MSCP Subarea Plan require that impacts on wetlands, including vernal pools, shall be avoided, and that a sufficient wetland buffer shall be maintained, as appropriate, to protect resource functions/values. The project specific biology report shall include an analysis of on-site wetlands (including City, state, and federal jurisdiction analysis) and, if present, include project alternatives that fully/substantially avoid wetland impacts. Detailed evidence supporting why there is no feasible less environmentally damaging location or alternative to avoid any impacts must be provided for City staff review, as well as a mitigation plan that specifically identifies how the project is to compensate for any unavoidable impacts. A conceptual wetland mitigation plan (which includes identification of the mitigation site) shall be approved by City staff prior to the release of the draft environmental document. Avoidance shall be the first requirement; mitigation shall only be used for impacts clearly demonstrated to be unavoidable.

Prior to the commencement of any construction-related activities on-site for projects impacting wetland habitat (including earthwork and fencing) the applicant shall provide evidence of the following to the Assistant Deputy Director (ADD)/Environmental Designee prior to any construction activity:

- Compliance with USACE Section 404 nationwide permit;
- Compliance with the RWQCB Section 401 Water Quality Certification; and
- Compliance with the CDFW Section 1601/1603 Streambed Alteration Agreement.

Vernal Pools and Vernal Pool Species: Impacts to vernal pools shall require assessments of vernal pool flora and fauna, hydrology, habitat function, and restoration potential and protocol fairy shrimp surveys, in addition to the requirements listed above. Impacts to fairy shrimp shall require either a section 10(a)1(A) permit or Section 7 consultation Biological Opinion from USFWS. If the vernal pool HCP is adopted, the City will receive take authorization for the seven vernal pool species.

Mitigation for projects impacting vernal pools shall include salvage of sensitive species from vernal pools to be impacted, introduction of salvaged material into restored vernal pool habitat where appropriate (e.g., same pool series) and maintenance of salvaged material pending successful restoration of the vernal pools. Salvaged material shall not be introduced to existing vernal pools containing the same species outside the vernal pool series absent consultation with and endorsement by vernal pool species experts not associated with the project (e.g., independent expert). The mitigation sites shall include preservation of the entire watershed and a buffer based on functions and values; however, if such an analysis is not conducted, there shall be a default of a 100-foot buffer from the watershed.

HISTORICAL RESOURCES

Mitigation Framework HIST-1: Prior to issuance of any permit for a future development project implemented in accordance with the CPU area that could directly affect an archaeological resource, the City shall require the following steps be taken to determine: (1) the presence of archaeological resources and (2) the appropriate mitigation for any significant resources which may be impacted by a development activity. Sites may include, but are not limited to, residential and commercial properties, privies, trash pits, building foundations, and industrial features representing the contributions of people from diverse socio-economic and ethnic backgrounds. Sites may also include resources associated with prehistoric Native American activities. Determination of the significance of potential impacts shall occur as set forth in OMCPU EIR Subsection 5.5.3.3.a.

INITIAL DETERMINATION

The environmental analyst will determine the likelihood for the project site to contain historical resources by reviewing site photographs and existing historic information (e.g. Archaeological Sensitivity Maps, the Archaeological Map Book, and the City's "Historical Inventory of Important Architects, Structures, and People in San Diego") and conducting a site visit. If there is any evidence that the site contains archaeological resources, then a historic evaluation consistent with the City Guidelines would be required. All individuals conducting any phase of the archaeological evaluation program must meet professional qualifications in accordance with the City Guidelines.

STEP 1:

Based on the results of the Initial Determination, if there is evidence that the site contains historical resources, preparation of a historic evaluation is required. The evaluation report would generally include background research, field survey, archeological testing, and analysis. Before actual field reconnaissance would occur, background research is required which includes a record search at the SCIC at San Diego State University and the San Diego Museum of Man. A review of the Sacred Lands File maintained by the NAHC must also be conducted at this time. Information about existing archaeological collections should also be obtained from the San Diego Archaeology Center and any tribal repositories or museums.

In addition to the record searches mentioned above, background information may include, but is not limited to: examining primary sources of historical information (e.g., deeds and wills), secondary sources (e.g., local histories and genealogies), Sanborn Fire Maps, and historic cartographic and aerial photograph sources; reviewing previous archeological research in similar areas, models that predict site distribution, and archeological, architectural, and historical site inventory files; and conducting informant interviews. The results of the background information would be included in the evaluation report.

Once the background research is complete, a field reconnaissance must be conducted by individuals whose qualifications meet the standards outlined in the City Guidelines. Consultants are encouraged to employ innovative survey techniques when conducting enhanced reconnaissance, including, but not limited to, remote sensing, ground penetrating radar, and other soil resistivity techniques as determined on a case-by-case basis. Native American participation

is required for field surveys when there is likelihood that the project site contains prehistoric archaeological resources or traditional cultural properties. If through background research and field surveys historical resources are identified, then an evaluation of significance must be performed by a qualified archaeologist.

STEP 2:

Once a historical resource has been identified, a significance determination must be made. It should be noted that tribal representatives and/or Native American monitors will be involved in making recommendations regarding the significance of prehistoric archaeological sites during this phase of the process. The testing program may require reevaluation of the proposed project in consultation with the Native American representative which could result in a combination of project redesign to avoid and/or preserve significant resources as well as mitigation in the form of data recovery and monitoring (as recommended by the qualified archaeologist and Native American representative). An archaeological testing program will be required which includes evaluating the horizontal and vertical dimensions of a site, the chronological placement, site function, artifact/ecofact density and variability, presence/absence of subsurface features, and research potential. A thorough discussion of testing methodologies, including surface and subsurface investigations, can be found in the City Guidelines.

The results from the testing program will be evaluated against the Significance Thresholds found in the Guidelines. If significant historical resources are identified within the Area of Potential Effect, the site may be eligible for local designation. At this time, the final testing report must be submitted to Historical Resources Board staff for eligibility determination and possible designation. An agreement on the appropriate form of mitigation is required prior to distribution of a draft environmental document. If no significant resources are found, and site conditions are such that there is no potential for further discoveries, then no further action is required. Resources found to be non-significant as a result of a survey and/or assessment will require no further work beyond documentation of the resources on the appropriate Department of Parks and Recreation (DPR) site forms and inclusion of results in the survey and/or assessment report. If no significant resources are found, but results of the initial evaluation and testing phase indicates there is still a potential for resources to be present in portions of the property that could not be tested, then mitigation monitoring is required.

STEP 3:

Preferred mitigation for historical resources is to avoid the resource through project redesign. If the resource cannot be entirely avoided, all prudent and feasible measures to minimize harm shall be taken. For archaeological resources where preservation is not an option, a Research Design and Data Recovery Program is required, which includes a Collections Management Plan for review and approval. The data recovery program shall be based on a written research design and is subject to the provisions as outlined in CEQA, Section 21083.2. The data recovery program must be reviewed and approved by the City's Environmental Analyst prior to draft CEQA document distribution. Archaeological monitoring may be required during building demolition and/or construction grading when significant resources are known or suspected to be present on a site, but cannot be recovered prior to grading due to obstructions such as, but not limited to, existing development or dense vegetation.

A Native American observer must be retained for all subsurface investigations, including geotechnical testing and other ground-disturbing activities, whenever a Native American Traditional Cultural Property or any archaeological site located on City property or within the Area of Potential Effect of a City project would be impacted. In the event that human remains are encountered during data recovery and/or a monitoring program, the provisions of Public Resources Code Section 5097 must be followed. These provisions are outlined in the Mitigation Monitoring and Reporting Program (MMRP) included in the environmental document. The Native American monitor shall be consulted during the preparation of the written report, at which time they may express concerns about the treatment of sensitive resources. If the Native American community requests participation of an observer for subsurface investigations on private property, the request shall be honored.

STEP 4:

Archaeological Resource Management reports shall be prepared by qualified professionals as determined by the criteria set forth in Appendix B of the Guidelines. The discipline shall be tailored to the resource under evaluation. In cases involving complex resources, such as traditional cultural properties, rural landscape districts, sites involving a combination of prehistoric and historic archaeology, or historic districts, a team of experts will be necessary for a complete evaluation. Specific types of historical resource reports are required to document the methods (see Section III of the Guidelines) used to determine the presence or absence of historical resources; to identify the potential impacts from proposed development and evaluate the significance of any identified historical resources; to document the appropriate curation of archaeological collections (e.g. collected materials and the associated records); in the case of potentially significant impacts to historical resources, to recommend appropriate mitigation measures that would reduce the impacts to below a level of significance; and to document the results of mitigation and monitoring programs, if required (City of San Diego, 2001).

Archaeological Resource Management reports shall be prepared in conformance with the California Office of Historic Preservation "Archaeological Resource Management Reports: Recommended Contents and Format" (see Appendix C of the Guidelines), which will be used by Environmental Analysis Section staff in the review of archaeological resource reports (City of San Diego, 2001). Consultants must ensure that archaeological resource reports are prepared consistent with this checklist. This requirement will standardize the content and format of all archaeological technical reports submitted to the City. A confidential appendix must be submitted (under separate cover) along with historical resources reports for archaeological sites and traditional cultural properties containing the confidential resource maps and records search information gathered during the background study. In addition, a Collections Management Plan shall be prepared for projects which result in a substantial collection of artifacts and must address the management and research goals of the project and the types of materials to be collected and curated based on a sampling strategy that is acceptable to the City. Appendix D (Historical Resources Report Form) may be used when no archaeological resources were identified within the project boundaries (City of San Diego, 2001).

STEP 5:

For Archaeological Resources: All cultural materials, including original maps, field notes, non-burial related artifacts, catalog information, and final reports recovered during public and/or private development projects must be permanently curated with an appropriate institution, one

which has the proper facilities and staffing for insuring research access to the collections consistent with state and federal standards. In the event that a prehistoric and/or historic deposit is encountered during construction monitoring, a Collections Management Plan would be required in accordance with the project MMRP. The disposition of human remains and burial related artifacts that cannot be avoided or are inadvertently discovered is governed by state (i.e., Assembly Bill 2641 and California Native American Graves Protection and Repatriation Act of 2001) and federal (i.e., Native American Graves Protection and Repatriation Act) law, and must be treated in a dignified and culturally appropriate manner with respect for the deceased individual(s) and their descendants. Any human bones and associated grave goods of Native American origin shall be turned over to the appropriate Native American group for repatriation.

Arrangements for long-term curation must be established between the applicant/property owner and the consultant prior to the initiation of the field reconnaissance, and must be included in the archaeological survey, testing, and/or data recovery report submitted to the City for review and approval. Curation must be accomplished in accordance with the California State Historic Resources Commission's Guidelines for the Curation of Archaeological Collection (SHRC, 1993) and, if federal funding is involved, 36 Code of Federal Regulations 79 of the Federal Register. Additional information regarding curation is provided in Section II of the Guidelines.

Mitigation Framework HIST-2: Prior to issuance of any permit for a future development project implemented in accordance with the CPU that would directly or indirectly affect a building/structure in excess of 45 years of age, the City shall determine whether the affected building/structure is historically significant. The evaluation of historic architectural resources shall be based on criteria such as: age, location, context, association with an important person or event, uniqueness, or structural integrity, as indicated in the Guidelines.

Preferred mitigation for historic buildings or structures shall be to avoid the resource through project redesign. If the resource cannot be entirely avoided, all prudent and feasible measures to minimize harm to the resource shall be taken. Depending upon project impacts, measures shall include, but are not limited to:

- a. Preparing a historic resource management plan;
- b. Designing new construction which is compatible in size, scale, materials, color and workmanship to the historic resource (such additions, whether portions of existing buildings or additions to historic districts, shall be clearly distinguishable from historic fabric);
- c. Repairing damage according to the Secretary of the Interior's Standards for Rehabilitation;
- d. Screening incompatible new construction from view through the use of berms, walls, and landscaping in keeping with the historic period and character of the resource;

- e. Shielding historic properties from noise generators through the use of sound walls, double glazing, and air conditioning.

Specific types of historical resource reports, outlined in Section III of the HRG, are required to document the methods to be used to determine the presence or absence of historical resources, to identify potential impacts from a proposed project, and to evaluate the significance of any historical resources identified. If potentially significant impacts to an identified historical resource are identified these reports will also recommend appropriate mitigation to reduce the impacts to below a level of significance. If required, mitigation programs can also be included in the report.

HUMAN HEALTH/PUBLIC SAFETY/HAZARDOUS MATERIALS

Mitigation Framework HAZ-1: Future projects implemented in accordance with the CPU shall be required to incorporate sustainable development and other measures into site plans in accordance with the City's Brush Management Regulations, and Landscape Standards pursuant to GP and CPU policies intended to reduce the risk of wildfires. In addition, all future projects shall be reviewed for compliance with the 2010 California Fire Code, Section 145.07 of the LDC, and Chapter 7 of the California Building Code.

Mitigation Framework HAZ-2: To prevent the development of structures that may pose a hazard to air navigation, the City shall inform project applicants for future development concerning the existence of the Part 77 imaginary surfaces and Terminal Instrument Procedures and FAA requirements. The City shall also inform project applicants when proposed projects meet the Part 77 criteria for notification to the FAA as identified in City of San Diego Development Services Department Information Bulletin 520. The City shall not approve ministerial projects that require FAA notification without a FAA determination of "No Hazard to Air Navigation" for the project. Also, the City shall not recommend approval for discretionary projects that require FAA notification without a FAA determination of "No Hazard to Air Navigation" for the project until the project can fulfill state and ALUC requirements.

Mitigation Framework HAZ-3:

- a. A Phase I Site Assessment shall be completed in accordance with federal, state, and local regulations for any property identified on a list compiled pursuant to Government Code Section 65962.5. The report shall include an existing condition survey, detailed project description, and specific measures proposed to preclude upset conditions (accidents) from occurring. If hazardous materials are identified, a Phase II risk assessment and remediation effort shall be conducted in conformance with federal, state, and local regulations.
- b. The applicant shall retain a qualified environmental engineer to develop a soil and groundwater management plan to address the notification, monitoring, sampling, testing, handling, storage, and disposal of contaminated media or substances (soil, groundwater). The qualified environmental consultant shall monitor excavations and grading activities in accordance with the plan. The groundwater management

and monitoring plans shall be approved by the City prior to development of the site.

- c. The applicant shall submit documentation showing that contaminated soil and/or groundwater on proposed development parcels have been avoided or remediated to meet cleanup requirements established by the local regulatory agencies (RWQCB/DTSC/DEH) based on the future planned land use of the specific area within the boundaries of the site (i.e., commercial, residential), and that the risk to human health of future occupants of these areas therefore has been reduced to below a level of significance.
- d. The applicant shall obtain written authorization from the regulatory agency (RWQCB/DTSC/DEH) confirming the completion of remediation. A copy of the authorization shall be submitted to the City to confirm that all appropriate remediation has been completed and that the proposed development parcel has been cleaned up to the satisfaction of the regulatory agency. In the situation where previous contamination has occurred on a site that has a previously closed case or on a site included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5, the DEH shall be notified of the proposed land use.
- e. All cleanup activities shall be performed in accordance with all applicable federal, state, and local laws and regulations, and required permits shall be secured prior to commencement of construction to the satisfaction of the City and compliance with applicable regulatory agencies such as but not limited to San Diego Municipal Code Section 42.0801, Division 9 and Section 54.0701.

HYDROLOGY AND WATER QUALITY

Mitigation Framework HYD/WQ-1: Prior to approval of development projects implemented under the CPU, the applicant shall demonstrate to the satisfaction of the City Engineer, based on the project application, that future projects are sited and designed to minimize impacts on absorption rates, drainage patterns, and surface runoff rates and floodwaters in accordance with current City and RWQCB regulations identified below. Future design of projects shall incorporate feasible mitigation measures outlined below in accordance with the RWQCB, the City Storm Water Runoff and Drainage Regulations (Chapter 14, Article 2, Division 2 of the LDC), and the LDC, and shall be based on the recommendations of a detailed hydraulic analysis.

- a. San Diego RWQCB
 - Comply with all NPDES permit(s) requirements, including the development of a SWPPP if the disturbed soil area is one acre or more, or a Water Quality Control Plan if less than one acre, in accordance with the City's Storm Water Standards.

- If a future project includes in-water work, it shall require acquiring and adhering to a 404 Permit (from USACE) and a Streambed Alteration Agreement (from CDFW).
- Comply with the San Diego RWQCB water quality objectives and bacteria TMDL.

b. City of San Diego

To prevent flooding, future projects shall be designed to incorporate any applicable measures from the City of San Diego LDC. Flood control measures that shall be incorporated into future projects within a SFHA, or within a 100-year floodway, include but are not limited to the following:

- Prior to issuance of building permits or approval of any project within or in the vicinity of a floodway or SFHA, all proposed development within a SFHA is subject to the following requirements and all other applicable requirements and regulations of FEMA and those provided in Chapter 14, Article 3, Division 1 of the LDC.
- In all floodways, any encroachment, including fill, new construction, significant modifications, and other development, is prohibited unless certification by a registered professional engineer is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge except as allowed under Code of Federal Regulations Title 44, Chapter 1, Part 60.3(c)
- If the engineering analysis shows that development will alter the floodway or floodplain boundaries of the Special Flood Hazard Area, the developer shall obtain a Conditional Letter of Map Revision from FEMA.
- Fill placed in the Special Flood Hazard Area for the purpose of creating a building pad shall be compacted to 95 percent of the maximum density obtainable with the Standard Proctor Test Fill method issued by the American Society for Testing and Materials (ASTM) Granular fill slopes shall have adequate protection for a minimum flood water velocity of five feet per second.
- The applicant shall denote on the improvement plans "Subject to Inundation" all areas lower than the base elevation plus two feet.
- If the structures will be elevated on fill such that the lowest adjacent grade is at or above the base flood elevation, the applicant must obtain a Letter of Map Revision based on Fill (LOMR-F) prior to occupancy of the building. The developer or applicant shall provide all documentation, engineering calculations, and fees required by FEMA to process and approve the LOMR-F.

- In accordance with Chapter 14, Article 3, Division 1 of the LDC channelization or other substantial alteration of rivers or streams shall be limited to essential public service projects, flood control projects, or projects where the primary function is the improvement of fish and wildlife habitat. The channel shall be designed to ensure that the following occur:
 - Stream scour is minimized.
 - Erosion protection is provided.
 - Water flow velocities are maintained as specified by the City Engineer.
 - There are neither significant increases nor contributions to downstream bank erosion and sedimentation of sensitive biological resources; acceptable techniques to control stream sediment include planting riparian vegetation in and near the stream and detention or retention basins.
 - Wildlife habitat and corridors are maintained.
 - Groundwater recharge capability is maintained or improved.

- Within the flood fringe of a SFHA or floodway, permanent structures and fill for permanent structures, roads, and other development are allowed only if the following conditions are met:
 - The development or fill shall not significantly adversely affect existing sensitive biological resources on-site or off site.
 - The development is capable of withstanding flooding and does not require or cause the construction of off-site flood protective works including artificial flood channels, revetments, and levees nor shall it cause adverse impacts related to flooding of properties located upstream or downstream, nor shall it increase or expand a FIRM Zone A.
 - Grading and filling are limited to the minim amount necessary to accommodate the proposed development, harm to the environmental values of the floodplain is minimized including peak flow storage capacity, and wetlands hydrology is maintained.
 - The development neither significantly increases nor contributes to downstream bank erosion and sedimentation nor causes an increase in flood flow velocities or volume.
 - There shall be no significant adverse water quality impacts to downstream wetlands, lagoons, or other sensitive biological resources, and the development is in compliance with the requirements and regulations of the NPDES as implemented by the City of San Diego.

Mitigation Framework HYD/WQ-2: Future projects shall be sited and designed to minimize impacts on receiving waters, in particular the discharge of identified pollutants to an already impaired water body. Prior to approval of any entitlements for any future project, the City shall ensure that any impacts on receiving waters shall be precluded and, if necessary, mitigated in accordance with the requirements of the City's Storm Water Runoff and Drainage Regulations (Chapter 14, Article 2, Division 2 of the LDC) and other appropriate agencies (e.g., RWQCB). To prevent erosion, siltation, and transport of urban pollutants, all future projects shall be

designed to incorporate any applicable storm water improvement, both off- and on-site, in accordance with the City of San Diego Stormwater Standards Manual.

Storm water improvements and water quality protection measures that shall be required of future projects include:

- Increasing onsite filtration;
- Preserving, restoring, or incorporating natural drainage systems into site design;
- Directing concentrated flows away from MHPA and open space areas. If not possible, drainage shall be directed into sediment basins, grassy swales, or mechanical trapping devices prior to draining into the MHPA or open space areas;
- Reducing the amount of impervious surfaces through selection of materials, site planning, and narrowing of street widths where possible;
- Increasing the use of vegetation in drainage design;
- Maintaining landscape design standards that minimize the use of pesticides and herbicides; and
- To the extent feasible, avoiding development of areas particularly susceptible to erosion and sediment loss.

San Diego Regional Water Quality Control Board and Municipal Code Compliance

- The requirements of the RWQCB for storm water quality are addressed by the City in accordance with the City NPDES requirements and the participation in the regional permit with the RWQCB.
- Prior to permit approval, the City shall ensure any impacts on receiving waters are precluded or mitigated in accordance with the City of San Diego Stormwater Regulations.
- In accordance with the City of San Diego Stormwater Standards Manual, development shall be designed to incorporate on-site storm water improvements satisfactory to the City Engineer and shall be based on the adequacy of downstream storm water conveyance.

GEOLOGY AND SOILS

Mitigation Framework GEO-1: Impacts associated with geologic hazards shall be mitigated at the project-level through adherence to the City's Seismic Safety Study and recommendations of a site-specific geotechnical report prepared in accordance with the City's Geotechnical Report Guidelines. Impacts shall also be avoided or reduced through engineering design that meets or

exceeds adherence to the City's Municipal Code and the California Building Code. More specifically, compressible soils impacts shall be mitigated through the removal of undocumented fill, colluvium/topsoil, and alluvium to firm the ground. Future development shall also be required to clean up deleterious material and properly moisture, condition, and compact the soil in order to provide suitable foundation support. Regarding impacts related to expansive soils, future development shall be required to implement typical remediation measures, which shall include placing a minimum 5-foot cap of low expansive (Expansion Index [EI] of 50 or less) over the clays; or design of foundations and surface improvements to account for expansive soil movement.

Mitigation Framework GEO-2: As part of the future development permitting process, the City shall require individual projects to adhere to the Grading Regulation and NPDES permit requirements. All subsequent projects developed in accordance with the CPU shall also adhere to the California Building Code to avoid or reduce geologic hazards to the satisfaction of the City Engineer.

Submittal, review, and approval of site specific geotechnical investigations shall be completed in accordance with the City's Municipal Code requirements. Engineering design specifications based on future project-level grading and site plans shall be incorporated into all future projects implemented in accordance with the CPU to minimize hazards associated with site-level geologic and seismic conditions satisfactory to the City Engineer and shall include the following measures to control erosion during and after grading or construction:

- Desilting basins, improved surface drainage, or planting of ground covers installed early in the improvement process in areas that have been stripped of native vegetation or areas of fill material;
- Short-term measures, such as sandbag placement and temporary detention basins;
- Restrictions on grading during the rainy season (November through March), depending on the size of the grading operation, and on grading in proximity to sensitive wildlife habitat; and
- Immediate post-grading slope revegetation or hydroseeding with erosion-resistant species to ensure coverage of the slopes prior to the next rainy season.

Conformance to mandated City grading requirements shall ensure that future grading and construction operations would avoid significant soil erosion impacts. Furthermore, any development involving clearing, grading, or excavation that causes soil disturbance of one or more acres, or any project involving less than one acre that is part of a larger development plan, shall be subject to NPDES General Construction Storm Water Permit provisions. Additionally, any development of this significant size within the City shall be required to prepare and comply with an approved SWPPP that shall consider the full range of erosion control BMPs such as, but not limited to, including any additional site-specific and seasonal conditions. Project compliance with NPDES requirements would significantly reduce the potential for substantial erosion or topsoil loss to occur in association with new development.

Prior to obtaining grading permits for future actions a site-specific geotechnical investigation shall be completed as necessary in accordance with the City of San Diego Guidelines for Preparing Geotechnical Reports. Engineering design specifications based on project-level grading and site plans shall be incorporated into the project design to minimize hazards associated with site-level geologic and seismic conditions satisfactory to the City Engineer. Measures designed to reduce erosion at the project-level shall include the following:

- Control erosion by minimizing the area of slope disturbance and coordinate the timing of grading, resurfacing, and landscaping where disturbance does occur.
- On sites for industrial activities require reclamation plans that control erosion, where feasible, in accordance with the LDC.
- Control erosion caused by storm runoff and other water sources.
- Preserve as open space those hillsides characterized by steep slopes or geological instability in order to control urban form, insure public safety, provide aesthetic enjoyment, and protect biological resources.
- Replant with native, drought-resistant plants to restore natural appearance and prevent erosion.
- Practice erosion control techniques when grading or preparing building sites.
- Utilize ground cover vegetation when landscaping a development in a drainage area to help control runoff.
- Incorporate sedimentation ponds as part of any flood control or runoff control facility.
- During construction, take measures to control runoff from construction sites. Filter fabric fences, heavy plastic earth covers, gravel berms, or lines of straw bales are a few of the techniques to consider.
- Phase grading so that prompt revegetation or construction can control erosion. Only disturb those areas that will later be resurfaced, landscaped, or built on. Resurface parking lots and roadways as soon as possible, without waiting until completion of construction.
- Promptly revegetate graded slopes with groundcover or a combination of groundcover, shrubs, and trees. Hydroseeding may substitute for container plantings. Groundcovers shall have moderate to high erosion control qualities.
- Where necessary, design drainage facilities to ensure adequate protection for the community while minimizing erosion and other adverse effects of storm runoff to the natural topography and open space areas.

- Ensure that the timing and method of slope preparation protects natural areas from disturbance due to erosion or trampling. The final surface shall be compacted and spillovers into natural areas shall be avoided.
- Plant and maintain natural groundcover on all created slopes.

When required, the geologic technical report shall consist of a preliminary study, a geologic reconnaissance, or an in-depth geologic investigation report that includes field work and analysis. The geologic reconnaissance report and the geologic investigation report shall include all pertinent requirements as established by the Building Official. In addition, the Building Official shall require a geologic reconnaissance report or a geologic investigation report for any site if the Building Official has reason to believe that a geologic hazard may exist at the site. Section 145.1802 of the San Diego Municipal Code discusses in more detail the requirements related to the geotechnical report outlined in the SDSSS (City of San Diego, 2016).

NOISE

Mitigation Framework NOI-1: Prior to the issuance of building permits, site-specific exterior noise analyses that demonstrate that the project would not place residential receptors in locations where the exterior existing or future noise levels would exceed the noise compatibility standards of the City's General Plan shall be required as part of the review of future residential development proposals. Noise reduction measures, including but not limited to building noise barriers, increased building setbacks, speed reductions on surrounding roadways, alternative pavement surfaces, or other relevant noise attenuation measures, may be used to achieve the noise compatibility standards. Exact noise mitigation measures and their effectiveness shall be determined by the site-specific exterior noise analyses.

Mitigation Framework NOI-2: When building plans are available and prior to the issuance of building permits, site specific interior noise analyses demonstrating compliance with the interior noise compatibility standards of the City's General Plan and other applicable regulations shall be prepared for noise sensitive land uses located in areas where the exterior noise levels exceed the noise compatibility standards of the City's General Plan. Noise control measures, including but not limited to increasing roof, wall, window, and door sound attenuation ratings, placing HVAC in noise reducing enclosures, or designing buildings so that no windows face freeways or major roadways may be used to achieve the noise compatibility standards. Exact noise mitigation measures and their effectiveness shall be determined by the site specific exterior noise analyses.

Mitigation Framework NOI-3: Prior to the issuance of a building permit, a site-specific acoustical/noise analysis of any on-site generated noise sources, including generators, mechanical equipment, and trucks, shall be prepared which identifies all noise-generating equipment, predicts noise levels at property lines from all identified equipment, and recommends mitigation to be implemented (e.g., enclosures, barriers, site orientation), to ensure compliance with the City's Noise Abatement and Control Ordinance. Noise reduction measures shall include building noise-attenuating walls, reducing noise at the source by requiring quieter machinery or limiting the hours of operation, or other attenuation measures. Additionally, future projects shall be required to buffer sensitive receptors from noise sources through the use of open space and

other separation techniques as recommended after thorough analysis by a qualified acoustical engineer. Exact noise mitigation measures and their effectiveness shall be determined by the site specific noise analyses.

Mitigation Framework NOI-4: For projects that exceed daily construction noise thresholds established by the City of San Diego, best construction management practices shall be used to reduce construction noise levels to comply with standards established by the Municipal Code in Chapter 5, Article 9.5, Noise Abatement and Control. Project applicant shall prepare and implement a Construction Noise Management Plan. Appropriate management practices shall be determined on a project-by-project basis, and are specific to the location. Control measures shall include:

- a. Minimizing simultaneous operation of multiple construction equipment units;
- b. Locating stationary equipment as far as reasonable from sensitive receptors;
- c. Requiring all internal combustion-engine-driven equipment to be equipped with mufflers that are in good operating condition and appropriate for the equipment; and
- d. Construction of temporary noise barriers around construction sites that block the line-of-sight to surrounding receptors.

PALEONTOLOGICAL RESOURCES

Mitigation Framework PALEO-1: Prior to the approval of development projects implemented in accordance with the CPU, the City shall determine, based on review of the project application submitted under CPIOZ TYPE B and recommendations of a project-level analysis of potential impacts on paleontological resources completed in accordance with the steps presented below. Future projects shall be sited and designed to minimize impacts on paleontological resources in accordance with the City's Paleontological Resources Guidelines and CEQA Significance Thresholds. Monitoring for paleontological resources required during construction activities shall be implemented at the project-level and shall provide mitigation for the loss of important fossil remains with future discretionary projects that are subject to environmental review.

I. Prior to Project Approval

A. The environmental analyst shall complete a project-level analysis of potential impacts on paleontological resources. The analysis shall include a review of the applicable USGS Quad maps to identify the underlying geologic formations, and shall determine if construction of a project would:

- Require over 1,000 cubic yards of excavation and/or a 10-foot, or greater, depth in a high resource potential geologic deposit/formation/rock unit.
- Require over 2,000 cubic yards of excavation and/or a 10-foot, or greater, depth in a moderate resource potential geologic deposit/formation/rock unit.
- Require construction within a known fossil location or fossil recovery site. Resource potential within a formation is based on the Paleontological Monitoring Determination Matrix.

- B. If construction of a project would occur within a formation with a moderate to high resource potential, monitoring during construction would be required.
- Monitoring is always required when grading on a fossil recovery site or a known fossil location.
 - Monitoring may also be needed at shallower depths if fossil resources are present or likely to be present after review of source materials or consultation with an expert in fossil resources (e.g., the San Diego Natural History Museum).
 - Monitoring may be required for shallow grading (<10 feet) when a site has previously been graded and/or unweathered geologic deposits/formations/rock units are present at the surface.
 - Monitoring is not required when grading documented artificial fill. When it has been determined that a future project has the potential to impact a geologic formation with a high or moderate fossil sensitivity rating a Paleontological MMRP shall be implemented during construction grading activities.

TRANSPORTATION/CIRCULATION

Mitigation Framework TRF-1: Intersections shall be improved per the intersection lane designations identified in [OMCPU EIR] Figure 5.12-4.

UTILITIES AND SERVICE SYSTEMS

Mitigation Framework UTIL-1: Pursuant to the City's Significance Determination Thresholds, discretionary projects (including construction, demolition, and /or renovation) that would generate 60 tons or more of solid waste shall be required to prepare a Waste Management Plan (WMP). The WMP shall be prepared by the applicant, conceptually approved by the ESD, and discussed in the environmental document. The WMP shall be implemented by the applicant and address the demolition, construction, and occupancy phases of the project as applicable to include the following:

- a. A timeline for each of the three main phases of the project (demolition, construction, and occupancy).
- b. Tons of waste anticipated to be generated (demolition, construction, and occupancy).
- c. Type of waste to be generated (demolition, construction, and occupancy).
- d. Describe how the project will reduce the generation of C&D debris.
- e. Describe how the C&D materials will be reused on-site.
- f. Include the name and location of recycling, reuse, and landfill facilities where recyclables and waste will be taken if not reused on-site.
- g. Describe how the C&D waste will be source separated if a mixed C&D facility is not used for recycling.
- h. Describe how the waste reduction and recycling goals will be communicated to subcontractors.
- i. Describe how a "buy recycled" program for green construction products, including mulch and compost, will be incorporated into the project.

- j. Describe how the Refuse and Recyclable Materials Storage Regulations (LDC Chapter 14, Article 2 Division 8) will be incorporated into design of building's waste storage area.
- k. Describe how compliance with the Recycling Ordinance (Municipal Code Chapter 6, Article 6, Division 7) will be incorporated in the operational phase.
- l. Describe any International Standards of Operation 1, or other certification, if any.

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 or occupancy and/or final maps to ensure the successful completion of the monitoring program.

GREENHOUSE GAS EMISSIONS

Mitigation Framework GHG-1: Future projects implemented in accordance with the (CVSP) CPU shall be required to demonstrate their avoidance of significant impacts related to long-term GHG emissions. The Mobility, Urban Design, and Conservation elements of the (CVSP) CPU include specific policies to require dense, compact, and diverse development, encourage highly efficient energy and water conservation design, increase walkability and bicycle and transit accessibility, increase urban forestry practices and community gardens, decrease urban heat islands, and increase climate sensitive community design. Future projects implemented in accordance with the (CVSP) CPU shall be required to prepare a project-level CAP Consistency Checklist to demonstrate consistency.

Mitigation Framework GHG-2: Future projects implemented in accordance with the CPU shall be required to demonstrate their avoidance of significant impacts related to long-term operational emissions as identified in mitigation measure GHG-1 in Section 5.18.3.3. The approximate gap of 16.9 to 19.2 percent in meeting the target reductions shall consist of one or a combination of several effective and quantifiable GHG reduction measures that pertain to: building and non-building energy use; indoor and outdoor water use; area sources; solid waste disposal; vegetation/carbon sequestration; construction equipment; and transportation/vehicles. Project-level GHG reduction design features shall demonstrate a reduction in BAU GHG emissions to 28.3 percent or more relative to BAU, and to the extent practicable, shall be required for future development projects implemented in accordance with the CPU.

Project-Specific Mitigation Measures

The following mitigation measures are required at the Project level as part of above-listed OMCPU EIR Mitigation Measures and are not the result of new or increased impacts as compared to the OMCPU EIR. In accordance with the above-listed OMCPU EIR Mitigation Measures, the following site-specific mitigation measures would apply to the Project.

BIOLOGICAL RESOURCES

- MM-1 The Project Applicant shall provide a letter to the City's Mitigation Monitoring Coordination (MMC) Section stating that a Project Biologist (Qualified Biologist), as defined in the City of San Diego's Biological Guidelines (2012), has been retained to implement the Project's biological monitoring program. The letter shall include the

names and contact information of all persons involved in the biological monitoring of the Project.

- MM-2 The Qualified Biologist shall attend a pre-construction meeting, to discuss the Project's biological monitoring program, and arrange to perform any follow up mitigation measures and reporting including site-specific monitoring, restoration or revegetation, and additional fauna/flora surveys/salvage.
- MM-3 The Qualified Biologist shall submit all required documentation to MMC Section verifying that any special mitigation reports including but not limited to, maps, plans, surveys, survey timelines, or buffers are completed or scheduled per City Biology Guidelines, MSCP, ESL Ordinance, Project permit conditions; CEQA; endangered species acts; and/or other local, State or federal requirements.
- MM-4 The Qualified Biologist shall present a Biological Construction Mitigation/Monitoring Exhibit which includes the biological documents in MM-3, above. In addition, the Exhibit shall include: restoration/revegetation plans, plant salvage/relocation requirements, avian or other wildlife surveys/survey schedules (including general avian nesting and USFWS protocol), timing of surveys, wetland buffers, avian construction avoidance areas/noise buffers/ barriers, other impact avoidance areas, and any subsequent requirements determined by the Qualified Biologist and the City Assistant Deputy Director/MMC. The Biological Construction Mitigation/Monitoring Exhibit shall include a site plan, written and graphic depiction of the Project's biological mitigation/monitoring program, and a schedule. The Biological Construction Mitigation/Monitoring Exhibit shall be approved by MMC and referenced in the construction documents.
- MM-5 To avoid any direct impacts to raptors and/or any native/migratory birds (specifically including the southern California rufous crowned sparrow and loggerhead shrike that have moderate potential to occur on site), removal of habitat that supports active nests in the proposed area of disturbance should occur outside of the breeding season for these species (February 1 to September 15). If removal of habitat in the proposed area of disturbance must occur (based on construction timing) during the breeding season, the Qualified Biologist shall conduct a pre-construction survey to determine the presence or absence of nesting birds on the proposed area of disturbance. The pre-construction survey shall be conducted within 10 calendar days prior to the start of construction activities (including removal of vegetation). The applicant shall submit the results of the pre-construction survey to City Development Services Department for review and approval prior to initiating any construction activities. If nesting birds are detected, a letter report or mitigation plan in conformance with the City's Biology Guidelines and applicable State and federal law (i.e., appropriate follow up surveys, monitoring schedules, construction and noise barriers/buffers, etc.) shall be prepared and include proposed measures to be implemented to ensure that take of birds or eggs or disturbance of breeding activities is avoided. The report or mitigation plan shall be submitted to the City Development Services Department for review and approval and implemented to the satisfaction of the City. The City's MMC Section or Resident

Engineer, and Qualified Biologist shall verify and approve that all measures identified in the report or mitigation plan are in place prior to and/or during construction. If nesting birds are not detected during the preconstruction survey, no further mitigation is required.

- MM-6 Prior to construction activities, the Qualified Biologist shall supervise the placement of silt and orange construction fencing or equivalent along the limits of disturbance and verify compliance with any other Project conditions as shown on the Biological Construction Mitigation/Monitoring Exhibit. This phase shall include, as applicable, flagging plant specimens and delimiting buffers to protect sensitive biological resources (e.g., habitats/flora and fauna species, including nesting birds) during construction. Appropriate steps/care should be taken to minimize attraction of nest predators to the Project site.
- MM-7 Prior to commencement of construction activities, the Qualified Biologist shall meet with the owner/permittee or designee and the construction crew and conduct an on-site educational session regarding the need to avoid impacts outside of the approved construction area and to protect sensitive flora and fauna (e.g., explain the avian buffers and clarify acceptable access routes/methods and staging areas, etc.).
- MM-8 All construction (including access/staging areas) shall be restricted to areas previously identified, proposed for development/staging, or previously disturbed as shown on "Exhibit A" of the BTR and/or the Biological Construction Mitigation/Monitoring Exhibit. The Qualified Biologist shall monitor construction activities as needed to ensure that construction activities do not encroach into biologically sensitive areas, or cause other similar damage, and that the work plan has been amended to accommodate any sensitive species located during the preconstruction surveys. In addition, the Qualified Biologist shall document field activity via the Consultant Site Visit Record. The Consultant Site Visit Record shall be e-mailed to Mitigation Monitoring Coordination on the 1st day of monitoring, the 1st week of each month, the last day of monitoring, and immediately in the case of any undocumented condition or discovery. The Qualified Biologist shall monitor, as is feasible, for the presence of sensitive animal species and shall, if practicable, direct or move these animals out of harm's way (i.e., to a location of suitable habitat outside the impact footprint).
- MM-9 The Qualified Biologist shall note/act to prevent any new disturbances to habitat, flora, and/or fauna on site (e.g., flag plant specimens for avoidance during access, etc.). If active nests or other previously unknown sensitive resources are detected, all Project activities that directly impact the resource shall be delayed until species specific local, State or federal regulations have been determined and applied by the Qualified Biologist. In the event that impacts exceed previously allowed amounts, additional impacts shall be mitigated in accordance with City Biology Guidelines, ESL Ordinance and MSCP, CEQA, and other applicable local, State and federal laws. The Qualified Biologist shall submit a final Biological Construction

Mitigation/Monitoring Exhibit /report to the satisfaction of the City Assistant Deputy Director /MMC within 30 days of construction completion.

- MM-10 Prior to the issuance of grading permits, the Project Applicant shall provide evidence to the City's MMC section that impacts to 0.5 acre of Tier I maritime succulent scrub are mitigated through off-site preservation on the Sorenson Mitigation Parcels at a minimum 1:1 ratio; impacts to 3.2 acres of Tier II Diegan coastal sage scrub are mitigated through on- and off-site preservation, with off-site preservation/restoration occurring on the Barton Mitigation Parcels and off-site preservation also occurring on the Sorenson Mitigation Parcels at a minimum of 1:1 ratio; impacts to 0.5 acre of non-native grassland inside the MHPA are mitigated through on-site preservation at a minimum 1:1 ratio with off-site preservation/restoration occurring on the Barton Mitigation Parcels and off-site preservation also occurring on the Sorenson Mitigation Parcels; and impacts to 2.4 acres of non-native grassland outside of the MHPA are mitigated through on- and off-site preservation at a minimum 0.5: 1 ratio. Mitigation shall occur through a combination of on-site preservation and a combination of off-site acquisition and restoration as shown in Addendum **Error! Reference source not found., Error! Reference source not found.** All mitigation shall occur through preservation within the MHPA, or through land added to the MHPA.

Additionally, prior to issuance of grading permits, in accordance with the City's Protection and Notice Element, the Project Applicant shall complete the following for the Mitigation Parcels:

1. Barton Mitigation Parcels: The Project Applicant shall record a temporary Covenant of Easement for restoration activities and an Irrevocable Offer to Dedicate for protection from future development. Following the five-year success period required by the City for restoration, the Barton Mitigation Parcels shall be dedicated to the City in fee title. Long-term management of the parcels shall be the responsibility of, and provided by, the City of San Diego.
2. Sorenson Mitigation Parcels: The Project Applicant shall record an Irrevocable Offer to Dedicate for protection from future development. The Sorenson Mitigation Parcels shall be dedicated to the City in fee title. Long-term management of the parcels shall be the responsibility of, and provided by, the City of San Diego.

- MM-11 Prior to the issuance of a Notice to Proceed (NTP) or any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits the ADD environmental designee of the City's LDR Division shall incorporate the following mitigation measures into the project design and include them verbatim on all appropriate construction documents.

Prior to Permit Issuance

- A. Land Development Review (LDR) Plan Check
1. Prior to NTP or issuance for any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits, whichever is applicable, the ADD environmental designee shall verify that the requirements for the revegetation/restoration plans and specifications, including mitigation of direct impacts to 0.9 acre of Diegan coastal sage scrub have been shown and noted on the appropriate landscape construction documents. The landscape construction documents and specifications must be found to be in conformance with the Figure 3 of the Coastal Sage Scrub Restoration Plan for the Lumina Tentative Map Project prepared by Alden Environmental, Inc., dated November 30, 2018, the requirements of which are summarized below:
- B. Revegetation/Restoration Plan(s) and Specifications
1. Landscape Construction Documents (LCD) shall be prepared on D-sheets and submitted to the City of San Diego Development Services Department, Landscape Architecture Section (LAS) for review and approval. LAS shall consult with Mitigation Monitoring Coordination (MMC) and obtain concurrence prior to approval of LCD. The LCD shall consist of revegetation/restoration, planting, irrigation and erosion control plans; including all required graphics, notes, details, specifications, letters, and reports as outlined below.
 2. Landscape Revegetation/Restoration Planting and Irrigation Plans shall be prepared in accordance with the San Diego Land Development Code (LDC) Chapter 14, Article 2, Division 4, the LDC Landscape Standards submittal requirements, and Attachment "B" (General Outline for Revegetation/Restoration Plans) of the City of San Diego's LDC Biology Guidelines (July 2002). The Principal Qualified Biologist (PQB) shall identify and adequately document all pertinent information concerning the revegetation/restoration goals and requirements, such as but not limited to, plant/seed palettes, timing of installation, plant installation specifications, method of watering, protection of adjacent habitat, erosion and sediment control, performance/success criteria, inspection schedule by City staff, document submittals, reporting schedule, etc. The LCD shall also include comprehensive graphics and notes addressing the ongoing maintenance requirements (after final acceptance by the City).
 3. The Revegetation Installation Contractor (RIC), Revegetation Maintenance Contractor (RMC), Construction Manager (CM) and Grading Contractor (GC), where applicable shall be responsible to insure that for all grading and contouring, clearing and grubbing, installation of plant materials, and any necessary maintenance activities or remedial actions required during installation and the 120 day plant establishment period are

done per approved LCD. The following procedures at a minimum, but not limited to, shall be performed:

- a. The RMC shall be responsible for the maintenance of the upland mitigation area for a minimum period of 120 days. Maintenance visits shall be conducted on a weekly basis throughout the plant establishment period.
 - b. At the end of the 120 day period the PQB shall review the mitigation area to assess the completion of the short-term plant establishment period and submit a report for approval by MMC.
 - c. MMC will provide approval in writing to begin the five year long-term establishment/maintenance and monitoring program.
 - d. Existing indigenous/native species shall not be pruned, thinned or cleared in the revegetation/mitigation area.
 - e. The revegetation site shall not be fertilized.
 - f. The RIC is responsible for reseeding (if applicable) if weeds are not removed, within one week of written recommendation by the PQB.
 - g. Weed control measures shall include the following: (1) hand removal, (2) cutting, with power equipment, and (3) chemical control. Hand removal of weeds is the most desirable method of control and will be used wherever possible.
 - h. Damaged areas shall be repaired immediately by the RIC/RMC. Insect infestations, plant diseases, herbivory, and other pest problems will be closely monitored throughout the five-year maintenance period. Protective mechanisms such as metal wire netting shall be used as necessary. Diseased and infected plants shall be immediately disposed of off-site in a legally-acceptable manner at the discretion of the PQB or Qualified Biological Monitor (QBM) (City approved). Where possible, biological controls will be used instead of pesticides and herbicides.
4. If a Brush Management Program is required the revegetation/restoration plan shall show the dimensions of each brush management zone and notes shall be provided describing the restrictions on planting and maintenance and identify that the area is impact neutral and shall not be used for habitat mitigation/credit purposes.
- C. Letters of Qualification Have Been Submitted to ADD
1. The applicant shall submit, for approval, a letter verifying the qualifications of the biological professional to MMC. This letter shall identify the PQB, Principal Restoration Specialist (PRS), and QBM, where applicable, and the names of all other persons involved in the implementation of the revegetation/restoration plan and biological monitoring program, as they are defined in the City of San Diego

Biological Review References. Resumes and the biology worksheet should be updated annually.

2. MMC will provide a letter to the applicant confirming the qualifications of the PQB/PRS/QBM and all City Approved persons involved in the revegetation/restoration plan and biological monitoring of the project.
3. Prior to the start of work, the applicant must obtain approval from MMC for any personnel changes associated with the revegetation/restoration plan and biological monitoring of the project.
4. PBQ must also submit evidence to MMC that the PQB/QBM has completed Storm Water Pollution Prevention Program (SWPPP) training.

Prior to Start of Construction

A. PQB/PRS Shall Attend Preconstruction (Precon) Meetings

1. Prior to beginning any work that requires monitoring:
 - a. The owner/permittee or their authorized representative shall arrange and perform a Precon Meeting that shall include the PQB or PRS, Construction Manager (CM) and/or Grading Contractor (GC), Landscape Architect (LA), Revegetation Installation Contractor (RIC), Revegetation Maintenance Contractor (RMC), Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC.
 - b. The PQB shall also attend any other grading/excavation related Precon Meetings to make comments and/or suggestions concerning the revegetation/restoration plan(s) and specifications with the RIC, CM and/or GC.
 - c. If the PQB is unable to attend the Precon Meeting, the owner shall schedule a focused Precon Meeting with MMC, PQB/PRS, CM, BI, LA, RIC, RMC, RE and/or BI, if appropriate, prior to the start of any work associated with the revegetation/ restoration phase of the project, including site grading preparation.
2. Where Revegetation/Restoration Work Will Occur
 - a. Prior to the start of any work, the PQB/PRS shall also submit a revegetation/restoration monitoring exhibit (RRME) based on the appropriate reduced LCD (reduced to 11"x 17" format) to MMC, and the RE, identifying the areas to be revegetated/restored including the delineation of the limits of any disturbance/grading and any excavation.
 - b. PQB shall coordinate with the construction superintendent to identify appropriate Best Management Practices (BMP's) on the RRME.

3. When Biological Monitoring Will Occur
 - a. Prior to the start of any work, the PQB/PRS shall also submit a monitoring procedures schedule to MMC and the RE indicating when and where biological monitoring and related activities will occur.

4. PQB Shall Contact MMC to Request Modification
 - a. The PQB may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification to the revegetation/restoration plans and specifications. This request shall be based on relevant information (such as other sensitive species not listed by federal and/or state agencies and/or not covered by the MSCP and to which any impacts may be considered significant under CEQA) which may reduce or increase the potential for biological resources to be present.

During Construction

- A. PQB or QBM Present During Construction/Grading/Planting
 1. The PQB or QBM shall be present full-time during construction activities including but not limited to, site preparation, cleaning, grading, excavation, landscape establishment in association with grading activities which could result in impacts to sensitive biological resources as identified in the LCD and on the RRME. The RIC and/or QBM are responsible for notifying the PQB/PRS of changes to any approved construction plans, procedures, and/or activities. The PQB/PRS is responsible to notify the CM, LA, RE, BI and MMC of the changes.

 2. The PQB or QBM shall document field activity via the Consultant Site Visit Record Forms (CSVSR). The CSVSR's shall be faxed by the CM the first day of monitoring, the last day of monitoring, monthly, and in the event that there is a deviation from conditions identified within the LCD and/or biological monitoring program. The RE shall forward copies to MMC.

 3. The PQB or QBM shall be responsible for maintaining and submitting the CSVSR at the time that CM responsibilities end (i.e., upon the completion of construction activity other than that of associated with biology).

 4. All construction activities (including staging areas) shall be restricted to the development areas as shown on the LCD. The PQB/PRS or QBM staff shall monitor construction activities as needed, with MMC concurrence on method and schedule. This is to ensure that construction activities do not encroach into biologically sensitive areas beyond the limits of disturbance as shown on the approved LCD.

5. The PQB or QBM shall supervise the placement of orange construction fencing or City approved equivalent, along the limits of potential disturbance adjacent to (or at the edge of) the Diegan coastal sage scrub habitat creation area, as shown on the approved LCD.
6. The PBQ shall provide a letter to MMC that limits of potential disturbance has been surveyed, staked and that the construction fencing is installed properly.
7. The PQB or QBM shall oversee implementation of BMP's, such as gravel bags, straw logs, silt fences or equivalent erosion control measures, as needed to ensure prevention of any significant sediment transport. In addition, the PQB/QBM shall be responsible to verify the removal of all temporary construction BMP's upon completion of construction activities. Removal of temporary construction BMP's shall be verified in writing on the final construction phase CSV.
8. PQB shall verify in writing on the CSV's that no trash stockpiling or oil dumping, fueling of equipment, storage of hazardous wastes or construction equipment/material, parking or other construction related activities shall occur adjacent to sensitive habitat. These activities shall occur only within the designated staging area located outside the area defined as biological sensitive area.
9. The long-term establishment inspection and reporting schedule per LCD must all be approved by MMC prior to the issuance of the Notice of Completion (NOC) or any bond release.

B. Disturbance/Discovery Notification Process

1. If unauthorized disturbances occurs or sensitive biological resources are discovered that were not previously identified on the LCD and/or RRME, the PQB or QBM shall direct the contractor to temporarily divert construction in the area of disturbance or discovery and immediately notify the RE or BI, as appropriate.
2. The PQB shall also immediately notify MMC by telephone of the disturbance and report the nature and extent of the disturbance and recommend the method of additional protection, such as fencing and appropriate Best Management Practices (BMP's). After obtaining concurrence with MMC and the RE, PQB and CM shall install the approved protection and agreement on BMP's.
3. The PQB shall also submit written documentation of the disturbance to MMC within 24 hours by fax or email with photos of the resource in context (e.g., show adjacent vegetation).

- C. Determination of Significance
 - 1. The PQB shall evaluate the significance of disturbance and/or discovered biological resource and provide a detailed analysis and recommendation in a letter report with the appropriate photo documentation to MMC to obtain concurrence and formulate a plan of action which can include fines, fees, and supplemental mitigation costs.
 - 2. MMC shall review this letter report and provide the RE with MMC's recommendations and procedures.

Post Construction

- A. Mitigation, Monitoring, and Reporting Period
 - 1. Five-Year Mitigation Establishment/Maintenance Period
 - a. The RMC shall be retained to complete maintenance monitoring activities throughout the five-year mitigation monitoring period.
 - b. Maintenance visits will be conducted twice per month for the first six months, once per month for the remainder of the first year, and quarterly thereafter.
 - c. Maintenance activities will include all items described in the LCD.
 - d. Plant replacement will be conducted as recommended by the PQB (note: plants shall be increased in container size relative to the time of initial installation or establishment or maintenance period may be extended to the satisfaction of MMC).
 - 2. Five-Year Biological Monitoring
 - a. All biological monitoring and reporting shall be conducted by a PQB or QBM, as appropriate, consistent with the LCD.
 - b. Monitoring shall involve both qualitative horticultural monitoring and quantitative monitoring (i.e., performance/success criteria). Horticultural monitoring shall focus on soil conditions (e.g., moisture and fertility), container plant health, seed germination rates, presence of native and non-native (e.g., invasive exotic) species, any significant disease or pest problems, irrigation repair and scheduling, trash removal, illegal trespass, and any erosion problems.
 - c. After plant installation is complete, qualitative monitoring surveys will occur monthly during year one and quarterly during years two through five.
 - d. Upon the completion of the 120-days short-term plant establishment period, quantitative monitoring surveys shall be conducted at 0, 6, 12, 24, 36, 48 and 60 months by the PQB or QBM. The revegetation/restoration effort shall be quantitatively evaluated once per year (in spring) during years three through five, to determine compliance with the performance standards identified

on the LCD. All plant material must have survived without supplemental irrigation for the last two years.

- e. Quantitative monitoring shall include the use of fixed transects and photo points to determine the vegetative cover within the revegetated habitat. Collection of fixed transect data within the revegetation/restoration site shall result in the calculation of percent cover for each plant species present, percent cover of target vegetation, tree height and diameter at breast height (if applicable) and percent cover of non-native/non invasive vegetation. Container plants will also be counted to determine percent survivorship. The data will be used determine attainment of performance/success criteria identified within the LCD.
- f. Biological monitoring requirements may be reduced if, before the end of the fifth year, the revegetation meets the fifth year criteria and the irrigation has been terminated for a period of the last two years.
- g. The PQB or QBM shall oversee implementation of post-construction BMP's, such as gravel bags, straw logs, silt fences or equivalent erosion control measure, as needed to ensure prevention of any significant sediment transport. In addition, the PBQ/QBM shall be responsible to verify the removal of all temporary post-construction BMP's upon completion of construction activities. Removal of temporary post-construction BMPs shall be verified in writing on the final post-construction phase CSV.

C. Submittal of Draft Monitoring Report

- 1. A draft monitoring letter report shall be prepared to document the completion of the 120-day plant establishment period. The report shall include discussion on weed control, horticultural treatments (pruning, mulching, and disease control), erosion control, trash/debris removal, replacement planting/reseeding, site protection/signage, pest management, vandalism, and irrigation maintenance. The revegetation/restoration effort shall be visually assessed at the end of 120-day period to determine mortality of individuals.
- 2. The PQB shall submit two copies of the Draft Monitoring Report which describes the results, analysis, and conclusions of all phases of the Biological Monitoring and Reporting Program (with appropriate graphics) to MMC for review and approval within 30 days following the completion of monitoring. Monitoring reports shall be prepared on an annual basis for a period of five years. Site progress reports shall be prepared by the PQB following each site visit and provided to the owner, RMC and RIC. Site progress reports shall review maintenance activities, qualitative and quantitative (when appropriate) monitoring results including progress of the revegetation relative to the performance/success criteria, and the need for any remedial measures.

3. Draft annual reports (three copies) summarizing the results of each progress report including quantitative monitoring results and photographs taken from permanent viewpoints shall be submitted to MMC for review and approval within 30 days following the completion of monitoring.
4. MMC shall return the Draft Monitoring Report to the PQB for revision or, for preparation of each report.
5. The PQB shall submit revised Monitoring Report to MMC (with a copy to RE) for approval within 30 days.
6. MC will provide written acceptance of the PQB and RE of the approved report.

D. Final Monitoring Reports(s)

1. PQB shall prepare a Final Monitoring upon achievement of the fifth year performance/success criteria and completion of the five year maintenance period.
 - a. This report may occur before the end of the fifth year if the revegetation meets the fifth year performance /success criteria and the irrigation has been terminated for a period of the last two years.
 - b. The Final Monitoring report shall be submitted to MMC for evaluation of the success of the mitigation effort and final acceptance. A request for a pre-final inspection shall be submitted at this time, MMC will schedule after review of report.
 - c. If at the end of the five years any of the revegetated area fails to meet the project's final success standards, the applicant must consult with MMC. This consultation shall take place to determine whether the revegetation effort is acceptable. The applicant understands that failure of any significant portion of the revegetation/restoration area may result in a requirement to replace or renegotiate that portion of the site and/or extend the monitoring and establishment/maintenance period until all success standards are met.

MM-12 Prior to the issuance of a grading permit, the Project Applicant shall submit evidence to the Assistant Deputy Director of Entitlements verifying that a Biologist possessing qualifications pursuant "Staff Report on Burrowing Owl Mitigation, State of California Natural Resources Agency Department of Fish and Game. March 7, 2012 (hereafter referred as CDFG 2012, Staff Report), has been retained to implement a BUOW construction impact avoidance program and conduct a BUOW pre-construction survey, detailed below.

- Construction Impact Avoidance Program: The Qualified BUOW Biologist (or their designated biological representative) shall attend the pre-construction

meeting to inform construction personnel about the City's BUOW requirements and subsequent survey schedule.

- Pre-Construction Survey: The Project Applicant and the Qualified BUOW Biologist shall ensure that the initial preconstruction/ take avoidance surveys of the Project "site" are completed between 14 and 30 days before initial construction activities, including brushing, clearing, grubbing, or grading regardless of the time of the year. "Site" means the Project site and the area within a radius of 450 feet of the Project site. The report shall be submitted and approved by the Wildlife Agencies (WAs) and/or City MSCP staff prior to construction or BUOW eviction(s) and shall include maps of the Project site and BUOW locations on aerial photos. The pre-construction survey shall follow the methods described in CDFG 2012, Staff Report, Appendix D (*note: in 2013, CDFG became California Department of Fish and Wildlife*). 24 hours prior to commencement of ground disturbing activities, the Qualified Biologist shall verify results of pre-construction/take avoidance surveys. Verification shall be provided to the City's MMC Section. If results of the pre-construction surveys have changed and BUOW are present in areas not previously identified, immediate notification to the City and WAs shall be provided prior to ground disturbing activities.

If BUOWs or active burrows are not detected during the pre-construction surveys, Section "A" below shall be followed. If BUOWs or burrows are detected during the pre-construction surveys, Section "B" shall be followed. Neither the MSCP subarea plan nor this mitigation section allows for any BUOWs to be injured or killed outside or within the MHPA; in addition, impacts to BUOWs within the MHPA must be avoided.

- A. Post Survey Follow-Up if BUOW and/or Signs of Active Natural or Artificial Burrows Are Not Detected During the Initial Pre-Construction Survey: Monitoring the site for new burrows is required using Appendix D protocol for the period following the initial pre-construction survey until construction is scheduled to be complete and is complete (NOTE - Using a projected completion date [that is amended if needed] will allow development of a monitoring schedule which adheres to the required number of surveys in the detection protocol)
 - (1) If no active burrows are found but BUOWs are observed to occasionally (1-3 sightings) use the site for roosting or foraging, they should be allowed to do so with no changes in the construction or construction schedule.
 - (2) If no active burrows are found but BUOWs are observed during follow-up monitoring to repeatedly (4 or more sightings) use the site for roosting or foraging, the City's MMC Section shall be notified, and any portion of the site where owls have been observed and that has not been graded or otherwise disturbed shall be avoided until further notice.

- (3) If a BUOW begins using a burrow on the site at any time after the initial preconstruction survey, procedures described in Section B must be followed.
 - (4) Any actions other than these require the approval of the City and the WAs.
- B. Post Survey Follow-Up if BUOWs and/or Active Natural or Artificial Burrows are detected during the Initial Pre-Construction Survey: Monitoring the site for new burrows is required using the Appendix D CDFG 2012 Staff Report for the period following the initial pre-construction survey until construction is scheduled to be complete and is complete (NOTE - Using a projected completion date [that is amended if needed] will allow development of a monitoring schedule which adheres to the required number of surveys in the detection protocol).
 - (1) This section (B) applies only to sites (including biologically defined territory) wholly outside of the MHPA – all direct and indirect impacts to BUOWs within the MHPA SHALL be avoided.
 - (2) If one or more BUOWs are using any burrows (including pipes, culverts, debris piles etc.) on or within 300 feet of the proposed construction area, the City's MMC Section shall be contacted. The City's MMC Section shall contact the Was regarding eviction/collapsing burrows and shall enlist appropriate City biologist for on-going coordination with the WAs and the Qualified BUOW Biologist. No construction shall occur within 300 feet of an active burrow without written concurrence from the WAs. This distance may increase or decrease, depending on the burrow's location in relation to the site's topography and other physical and biological characteristics.
 - (a) Outside the Breeding Season - If the BUOW is using a burrow on site outside the breeding season (i.e., September 1 – January 31), the BUOW may be evicted after the qualified BUOW biologist has determined via fiber optic camera or other appropriate device, that no eggs, young, or adults are in the burrow and written concurrence from the WAs for eviction is obtained prior to implementation.
 - (b) During Breeding Season - If a BUOW is using a burrow on site during the breeding season (February 1– August 31), construction shall not occur within 300 feet of the burrow until the young have fledged and are no longer dependent on the burrow, at which time the BUOWs can be evicted. Eviction requires written concurrence from the WAs prior to implementation.
 - (3) Survey Reporting During Construction - Details of construction surveys and evictions (if applicable) carried out shall be immediately (within 5 working days or sooner) reported to the City's MMC Section and the WAs and must be provided in writing (as by e-mail) and acknowledged to have been received by the required agencies and Development Services Department Staff member(s).

Details of the all surveys and actions undertaken on site with respect to BUOWs (i.e., occupation, eviction, locations, etc.) shall be reported to the City's MMC Section and the WAs within 21 days post-construction and prior to the release of any grading bonds. This report must include summaries off all previous reports for the site, maps of the Project site, and BUOW locations on aerial photos.

- MM-13 Best Management Practices shall be employed during grading as BUOWs are known to use open pipes, culverts, excavated holes, and other burrow-like structures at construction sites. Legally permitted active construction projects which are BUOW occupied and have followed all protocol in this mitigation section, or sites within 450 feet of occupied BUOW areas, should undertake measures to discourage BUOWs from re-colonizing previously occupied areas or colonizing new portions of the site. Such measures include, but are not limited to, ensuring that the ends of all pipes and culverts are covered when they are not being worked on, and covering rubble piles, dirt piles, ditches, and berms.
- MM-14 Due to the potential for the northern harrier and BUOW to nest in the MHPA, a 900-foot impact avoidance area shall be maintained for any active northern harrier nest, and a 300-foot impact avoidance area shall be maintained for any active BUOW burrow in the MHPA.
- MM-15 Due to the potential for container stock to be used in on-site habitat restoration to contain Argentine ants, which is a threat to the native ant prey base of the coast horned lizard, all container stock to be used for on-site habitat restoration shall be inspected prior to delivery to the site for the presence of Argentine ants. Only stock that is determined to be free from Argentine ants shall be used. The Project Construction Contractor shall be responsible for monitoring for compliance with this requirement, and shall permit periodic inspection by the City of San Diego at the City's discretion
- MM-16 Prior to issuance of building permits, the City of San Diego MMC Section shall ensure lighting adjacent to the MHPA is directed away/shielded and is consistent with City Outdoor Lighting Regulations per LDC Section 142.0740.
- MM-17 Prior to the issuance of any grading permit the City Manager (or appointed designee) will verify that the MHPA boundaries and the following Project requirements regarding the CAGN are shown on the construction plans:

No clearing, grubbing, grading, or other construction activities will occur within 500 feet of the MHPA between March 1 and August 15 (gnatcatcher breeding season) until the following requirements have been met to the satisfaction of the City Manager:

- A. A qualified biologist (possessing a valid FESA Section 10(a)(1)(A) Recovery Permit) shall survey appropriate habitat (coastal sage scrub) areas within the MHPA that lie within 500 feet of the Project footprint and would be subject to construction noise levels exceeding 60 dB hourly average for the presence of the

gnatcatcher. If no appropriate habitat is present then the surveys will not be required. If appropriate habitat is present, gnatcatcher surveys shall be conducted pursuant to USFWS protocol survey guidelines within the breeding season prior to commencement of any construction. If gnatcatchers are present within the MHPA, the following conditions must be met:

- I. Between March 1 and August 15, no clearing, grubbing, or grading of occupied CAGN habitat will be permitted within the MHPA. Areas restricted from such activities shall be staked or fenced under the supervision of a qualified biologist; and
 - II. Between March 1 and August 15, no construction activities will occur within any portion of the site where construction activities would result in noise levels exceeding 60 dB hourly average at the edge of occupied CAGN habitat within the MHPA. An analysis showing that noise generated by construction activities would not exceed 60 dB hourly average at the edge of occupied habitat must be completed by a qualified acoustician (possessing current noise engineer license or registration with monitoring noise level experience with listed animal species) and approved by the City Manager at least two weeks prior to the commencement of construction activities. Prior to commencement of construction activities during the breeding season, areas restricted from such activities will be staked or fenced under supervision of a qualified biologist; or
 - III. At least two weeks prior to commencement of construction activities and under direction of a qualified acoustician, noise attenuation measures (e.g., berms, walls) will be implemented to ensure that noise levels resulting from construction activities do not exceed 60 dB hourly average at the edge of habitat (within the MHPA) occupied by the CAGN. Concurrent with commencement of construction activities and construction of necessary noise attenuation facilities, noise monitoring* will be conducted at the edge of occupied habitat area within the MHPA to ensure that noise levels do not exceed 60 dB hourly average. If the noise attenuation techniques implemented are determined to be inadequate by the qualified acoustician or biologist, then the associated construction activities will cease until such time that adequate noise attenuation is achieved or until the end of the breeding season (August 16).
- B. If CAGNs are not detected within the MHPA during the protocol survey, the qualified biologist will submit substantial evidence to the City Manager and applicable wildlife agencies which demonstrates whether or not mitigation measures such as noise walls are necessary between March 1 and August 15 as follows:
 - I. If evidence indicates high potential for CAGN presence based on historical records or site conditions, Condition A.III shall be adhered to as specified above.

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

- MM-18 Prior to issuance of building permits, the City of San Diego MMC Section shall ensure that the Project plans includes the installation fencing along the MHPA boundary to protect the MHPA.
- MM-19 Prior to issuance of grading or building permit issuance, the City of San Diego Building Division and/or City Engineer shall ensure that the following notes are included on Project plans. The Project Construction Contractor shall be responsible for monitoring for compliance with this requirement, and shall permit periodic inspection by the City of San Diego at the City's discretion:
- *All construction related activity that may have potential for leakage or intrusion shall be monitored by the Qualified Biologist/Owners Representative or Resident Engineer to ensure there is no impact to the MHPA.*
 - *Vehicles and equipment brought to the site will be washed at an appropriate off-site location/facility prior to entering the site, and no construction activities will be located outside approved construction limits. Furthermore, all construction related debris will be removed off site to an approved disposal facility.*

HISTORICAL RESOURCES

- MM-20 Prior to the issuance of a grading permit, the Project Applicant shall retain a qualified Project Archaeologist to implement a Cultural Resource Monitoring Program. The Project Applicant shall provide written verification in the form of a letter from the Project Archaeologist to the Lead Agency stating that a certified archaeologist has been retained to implement the monitoring program.
- MM-21 Prior to the issuance of a grading permit, the Project Applicant shall enter into a monitoring agreement a Native American monitor during grading activities. The Native American monitor shall work in concert with the archaeological monitor to observe ground disturbances and search for cultural materials.
- MM-22 Prior to the issuance of a grading permit, the Project Applicant or construction contractor shall provide evidence that the certified Archaeologist attended the pre-grading meeting with the contractors to explain and coordinate the requirements of the monitoring program.
- MM-23 During the original cutting of previously undisturbed deposits, the Archaeological Monitor(s) and Native American Monitor shall be on-site, as determined by the Project Archaeologist, to perform periodic inspections of the excavations. The frequency of inspections will depend upon the rate of excavation, the materials excavated, and the presence and abundance of artifacts and features. The Project

Archaeologist shall have the authority to modify the monitoring program if the potential for cultural resources appears to be less than anticipated.

- MM-24 In the event that previously unidentified cultural resources are discovered, the Project Archaeologist shall have the authority to divert or temporarily halt ground disturbance operation in the area of discovery to allow for the evaluation of potentially significant cultural resources. The Archaeologist shall contact the Lead Agency at the time of discovery. The Archaeologist, in consultation with the Lead Agency, shall determine the significance of the discovered resources. The Lead Agency must concur with the evaluation before construction activities will be allowed to resume in the affected area. For significant cultural resources, a Research Design and Data Recovery Program to mitigate impacts shall be prepared by the Project Archaeologist and approved by the Lead Agency before being carried out using professional archaeological methods. If any human bones are discovered, the County Coroner and Lead Agency shall be contacted. In the event that the remains are determined to be of Native American origin, the Most Likely Descendant (MLD), as identified by the NAHC, shall be contacted in order to determine proper treatment and disposition of the remains. Before construction activities are allowed to resume in the affected area, the artifacts shall be recovered and features recorded using professional archaeological methods. The Project Archaeologist shall determine the amount of material to be recovered for an adequate artifact sample for analysis. Isolates and clearly non-significant deposits will be minimally documented in the field so the monitored grading can proceed. Evidence of compliance with this mitigation measure, if a significant archaeological resource is found, shall be provided to the City of San Diego upon the completion of a treatment plan and final report detailing the significance and treatment finding.
- MM-25 If any cultural or historical material is discovered on the property, all cultural material collected during the grading monitoring program shall be processed and curated according to the current professional repository standards. The collections and associated records shall be transferred, including title, to an appropriate curation facility, to be accompanied by payment of the fees necessary for permanent curation.
- MM-26 Prior to grading permit final inspection, in the event any resources are found on-site during construction activities, a report documenting the field and analysis results and interpreting the artifact and research data within the research context shall be completed and submitted to the satisfaction of the Lead Agency. The report will include DPR Primary and Archaeological Site Forms.

GEOLOGY AND SOILS

- MM-27 Prior to final grading permit inspection, City of San Diego staff shall verify that all of the recommendations given Section 4.0 of the Project's May 19, 2017 "Soil Management Plan" by C Young Associates, have been incorporated as part of Project grading activities.

- MM-28 Prior to final grading permit inspection, City of San Diego staff shall verify that all of the recommendations given Section 6.0 of the Project's May 26, 2017 "Geotechnical Review of Tentative Map, Otay Canyon Ranch, Otay Mesa Area, City of San Diego, California" by Advanced Geotechnical Solutions, Inc., are incorporated into the grading plans.
- MM-29 Prior to the issuance of grading permits, the Project Applicant shall provide a Paleontological Mitigation, Monitoring, and Reporting Program (MMRP) in areas of the Project site containing "high paleontological resource sensitivity". The City of San Diego Mitigation Monitoring Coordination (MMC) section of the Development Services Department shall oversee the implementation of the Paleontological MMRP and shall ensure that the requirements of the Paleontological MMRP are included on the Project's grading plans. In the event previously identified paleontological resources are discovered on-site, final signoff by the City of San Diego MMC shall not occur without final approval of the paleontological report and archival conservation of any recovered fossils into a museum or university paleontological collection.

TRANSPORTATION/CIRCULATION

Mitigation for Construction Related Traffic Impacts

- MM-30 Prior to the issuance of the first grading permit or first public improvement affecting Airway Road or Cactus Road, the Owner/Permittee shall prepare and submit for approval for a temporary traffic control plan, satisfactory to the City Engineer. A requirement to comply with temporary traffic control plans approved by the City Engineer shall be noted on all grading plans and also shall be specified in bid documents issued to prospective construction contractors.

Mitigation for Phase 1 (2023) Direct Traffic Impacts

It should be noted that in order to aid the implementation of Project-specific Mitigation Measures MM-31 through MM-56, a condition of approval would be imposed upon future development permits (i.e., the future required NDPs) requiring the preparation of a tracking chart that identifies each development permit that has been approved within the CVSP and the associated ADT to ensure that the required mitigation is implemented before any projected LOS deficiencies.

- MM-31 Prior to the Project's total trip generation of 4,912 ADT, the Owner/Permittee shall widen the eastbound approach (Airway Road) to accommodate dual left-turn lanes and a through lane with a shared right-turn lane, and add a right-turn overlap phase at the southbound approach (Britannia Blvd) at the intersection of Britannia Boulevard at Airway Road, satisfactory to the City Engineer (Intersection #11).
- MM-32 Prior to the Project's total trip generation of 1,493 ADT, the Owner/Permittee shall widen the roadway segment of Britannia Boulevard, between SR-905 EB Ramps and

Airway Road from a 5-Lane Prime Arterial (2 NB & 3 SB) to a 6-Lane Prime Arterial roadway, satisfactory to the City Engineer.

- MM-33 Prior to the Project's total trip generation of 4,310 ADT, the Owner/Permittee shall widen the roadway segment of Airway Road, between Cactus Road and Britannia Boulevard from a 2-Lane Collector to a 4-Lane Collector roadway, satisfactory to the City Engineer.
- MM-34 Prior to the Project's total trip generation of 682 ADT, the Owner/Permittee shall widen the roadway segment of Airway Road, between Britannia Boulevard and 1,600 feet west of La Media Road from a 2-Lane Collector to a 2-Lane Collector with a continuous left-turn lane, satisfactory to the City Engineer.

Mitigation for Full Development (2027) Direct Traffic Impacts

- MM-35 Prior to the Project's total trip generation of 9,026 ADT, the Owner/Permittee shall widen the eastbound approach (Airway Road) of this intersection to accommodate dual left-turn lanes and a through lane with a shared right-turn lane, widen the southbound approach (Britannia Boulevard) to accommodate an exclusive left-turn lane, two through lanes, two exclusive right-turn lanes with right-turn overlap phasing on the westbound approach, and stripe an exclusive left-turn lane at the westbound approach (Airway Road) and add right-turn overlap phasing at the intersection of Britannia Boulevard at Airway Road, satisfactory to the City Engineer (Intersection #11).
- MM-36 Prior to the Project's total trip generation of 11,528 ADT, the Owner/Permittee shall widen the roadway segment of Airway Road, between Cactus Road and Britannia Boulevard from a 4-Lane Collector to a 4-Lane Collector with a continuous left-turn lane, satisfactory to the City Engineer.

Mitigation for Full Development (2027) Cumulative Traffic Impacts

- MM-37 Prior to issuance of the first building permit for the second phase (Full Development) of the proposed development, the Owner/Permittee shall make a 2.23% fair-share monetary contribution to the City of San Diego, with appropriate fee credits, for the following improvements to the intersection of Caliente Avenue at SR-905 EB Ramps (Intersection #2), satisfactory to the City Engineer:
- Widen of the eastbound approach (SR-905 EB Ramps) to accommodate an exclusive left-turn lane, a through lane with a shared right-turn lane, and an exclusive right-turn lane;
 - Restripe the southbound approach (Caliente Avenue) to accommodate dual left-turn lanes and three through lanes; and
 - Widen the northbound approach to accommodate three through lanes and an exclusive right-turn lane.

MM-38 Prior to issuance of the first building permit for the second phase (Full Development) of the proposed development, the Owner/Permittee shall make a 1.40% fair-share monetary contribution to the City of San Diego, with appropriate fee credits, for the following improvements to the intersection of Caliente Avenue at Airway Road (Intersection #3), satisfactory to the City Engineer:

- Widen the eastbound approach (Airway Road) to accommodate dual left-turn lanes, two through lanes, and an exclusive right-turn lane; and
- Widen the northbound approach to accommodate dual left-turn lanes, three through lanes and an exclusive right-turn lane.

MM-39 Prior to issuance of the first building permit for the second phase (Full Development) of the proposed development, the Owner/Permittee shall make a 2.67% fair-share monetary contribution to the City of San Diego, with appropriate fee credits, for the following improvements to the intersection of Innovative Drive at Otay Mesa Road (Intersection #4), satisfactory to the City Engineer:

- Widen the southbound approach to accommodate dual left-turn lanes, a through lane with a shared right-turn lane, and an exclusive right-turn lane.

MM-40 Prior to issuance of the first building permit for the second phase (Full Development) of the proposed development, the Owner/Permittee shall make a 3.27% fair-share monetary contribution to the City of San Diego, with appropriate fee credits; for the following improvements to the intersection of Heritage Road at Otay Mesa Road (Intersection #5), satisfactory to the City Engineer:

- Widen of the southbound approach (Heritage Road) to accommodate dual left-turn lanes, three through lanes and an exclusive right-turn lane;
- Widen the westbound approach to accommodate dual left-turn lanes, three through lanes and dual right-turn lanes; and
- Widen the northbound approach to accommodate dual left-turn lanes, three through lanes and an exclusive right-turn lane.

MM-41 Prior to issuance of the first building permit for the second phase (Full Development) of the proposed development, the Owner/Permittee shall make a 5.62% fair-share monetary contribution to the City of San Diego, with appropriate fee credits, for the following improvements to the intersection of Cactus Road at Otay Mesa Road (Intersection #6), satisfactory to the City Engineer:

- Widen the eastbound approach (Otay Mesa Road) to accommodate an exclusive left-turn lane, three through lanes and dual right-turn lanes; and
- Widen the westbound approach to accommodate dual left-turn lanes, three through lanes and an exclusive right-turn lane.

MM-42 Prior to issuance of the first building permit for the second phase (Full Development) of the proposed development, the Owner/Permittee shall make a 15.61% fair-share

monetary contribution to the City of San Diego, with appropriate fee credits, for the following improvements to the intersection of Cactus Road at Airway Road (Intersection #7), satisfactory to the City Engineer:

- Widen the eastbound approach (Airway Road) to accommodate dual left-turn lanes, three through lanes with a shared right-turn lane, and an exclusive right-turn lane;
- Widen the southbound approach (Cactus Road) to accommodate dual left-turn lanes, two through lanes with a shared right-turn lane and an exclusive right-turn lane;
- Widen the westbound approach to accommodate dual left-turn lanes, three through lanes and dual right-turn lanes; and
- Widen the northbound approach to accommodate dual left-turn lanes, two through lanes and an exclusive right-turn lane.

MM-43 Prior to issuance of the first building permit for the second phase (Full Development) of the proposed development, the Owner/Permittee shall make a 14.21% fair-share monetary contribution to the City of San Diego, with appropriate fee credits, for the following improvements to the intersection of Britannia Boulevard at Otay Mesa Road (Intersection #8), satisfactory to the City Engineer:

- Widen the eastbound approach (Otay Mesa Road) to accommodate an exclusive left-turn lane, three through lanes and an exclusive right-turn lane; and
- Widen the westbound approach to accommodate dual left-turn lanes, three through lanes and an exclusive right-turn lane.

MM-44 Prior to issuance of the first building permit for the second phase (Full Development) of the proposed development, the Owner/Permittee shall make a 18.61% fair-share monetary contribution to the City of San Diego, with appropriate fee credits, for the following improvements to the intersection of Britannia Boulevard at SR-905 WB Ramps (Intersection #9), satisfactory to the City Engineer:

- Restripe the westbound approach to accommodate an exclusive left-turn lane, a shared left-through-right lane, and an exclusive right-turn lane; and
- Widen the southbound approach to accommodate three through lanes with a shared right-turn lane and an exclusive right-turn lane.

MM-45 Prior to issuance of the first building permit for the second phase (Full Development) of the proposed development, the Owner/Permittee shall make a 13.45% fair-share monetary contribution to the City of San Diego, with appropriate fee credits, for the following improvements to the intersection of Britannia at SR-905 EB Ramps (Intersection #10), satisfactory to the City Engineer:

- Widen the northbound approach to accommodate three through lanes and dual right-turn lanes.

MM-46 Prior to issuance of the first building permit for the second phase (Full Development) of the proposed development, the Owner/Permittee shall make a 9.43% fair-share monetary contribution to the City of San Diego, with appropriate fee credits, for the following improvements to the intersection of Britannia Boulevard at Airway Road (Intersection #11), satisfactory to the City Engineer:

- Widen the eastbound approach (Airway Road) to accommodate dual left-turn lanes, three through lanes, and an exclusive right-turn lane;
- Widen the southbound approach (Britannia Blvd) to accommodate dual left-turn lanes, three through lanes and dual right-turn lanes;
- Widen the westbound approach to accommodate dual left-turn lanes, two through lanes and dual right-turn lanes; and
- Widen the northbound approach to accommodate dual left-turn lanes, three through lanes and an exclusive right-turn lane.

MM-47 Prior to issuance of the first building permit for the second phase (Full Development) of the proposed development, the Owner/Permittee shall make a 0.87% fair-share monetary contribution to the City of San Diego, with appropriate fee credits, for the following improvements to the intersection of La Media Road at Otay Mesa Road (Intersection #13), satisfactory to the City Engineer:

- Widen the eastbound approach (Otay Mesa Road) to accommodate dual left-turn lanes, three through lanes, and dual right-turn lanes;
- Widen the southbound approach (La Media Road) to accommodate dual left-turn lanes, two through lanes and dual right-turn lanes;
- Widen the westbound approach to accommodate dual left-turn lanes, three through lanes and dual right-turn lanes; and
- Widen the northbound approach to accommodate dual left-turn lanes, three through lanes and dual right-turn lanes.

MM-48 Prior to issuance of the first building permit for the second phase (Full Development) of the proposed development, the Owner/Permittee shall make a 0.42% fair-share monetary contribution to the City of San Diego, with appropriate fee credits, for the following improvements to the intersection of La Media Road at Airway Road (Intersection #14), satisfactory to the City Engineer:

- Widen the eastbound approach (Airway Road) to accommodate dual left-turn lanes, two through lanes, and an exclusive right-turn lane;
- Widen the southbound approach (La Media Road) to accommodate dual left-turn lanes, three through lanes and dual right-turn lanes;
- Widen the westbound approach to accommodate dual left-turn lanes, two through lanes and dual right-turn lanes; and
- Widen the northbound approach to accommodate dual left-turn lanes, two through lanes and an exclusive right-turn lane.

- MM-49 The Project's fair share of Horizon Year (Buildout of Community Plan) Plus Project impacts to the intersection of Village Way at Airway Road (Intersection #16) is calculated as 9.05%. However, because the intersection is fully within Tentative Map No. 197222, the Owner/Permittee shall signalize the intersection of Village Way at Airway Road (Intersection #16) when warranted, satisfactory to the City Engineer.
- MM-50 The Project's fair share of Horizon Year (Buildout of Community Plan) Plus Project impacts to the intersection of Cactus Road at Street "D" (Intersection #17) is calculated as 5.03%. However, because the Project fronts one of the four corners of the intersection, the Owner/Permittee shall contribute 25% toward future signalization of this intersection, with appropriate credits for traffic signal infrastructure installed by the Owner/Permittee, satisfactory to the City Engineer. Payment shall be made to a Developer Contribution Fund and shall occur prior to issuance of the Project's 1,600th building permit.
- MM-51 The Project's fair share of Horizon Year (Buildout of Community Plan) Plus Project impacts to the intersection of Cactus Road at Central Main Street (Intersection #18) is calculated as 13.72%. However, because the Project fronts one of the four corners of the intersection, the Owner/Permittee shall contribute 25% toward future signalization of this intersection, with appropriate credits for traffic signal infrastructure installed by the Owner/Permittee, satisfactory to the City Engineer. Payment shall be made to a Developer Contribution Fund and shall occur prior to issuance of the Project's 1,600th building permit.
- MM-52 The Project's fair share of Horizon Year (Buildout of Community Plan) Plus Project impacts to the intersection of Cactus Road at Street "C" (Intersection #18) is calculated as 7.62%. However, because the Project fronts one of the four corners of the intersection, the Owner/Permittee shall contribute 25% toward future signalization of this intersection, with appropriate credits for traffic signal infrastructure installed by the Owner/Permittee, satisfactory to the City Engineer. Payment shall be made to a Developer Contribution Fund and shall occur prior to issuance of the Project's 1,600th building permit.
- MM-53 Prior to issuance of the first building permit for the second phase (Full Development) of the proposed development, the Owner/Permittee shall make a 4.68% fair-share monetary contribution to the City of San Diego, with appropriate fee credits, for the following improvements to the intersection of Cactus Road at Siempre Viva Road (Intersection #20), satisfactory to the City Engineer:
- Widen the northbound approach to accommodate an exclusive right-turn lane.
- MM-54 Prior to issuance of the first building permit for the second phase (Full Development) of the proposed development, the Owner/Permittee shall make a 2.50% fair-share monetary contribution to the City of San Diego, with appropriate fee credits, for the following improvements to the intersection of Britannia Boulevard at Siempre Viva Road (Intersection #21), satisfactory to the City Engineer:

- Widen the eastbound approach (Siempre Viva Road) to accommodate dual left-turn lanes, three through lanes, and an exclusive right-turn lane;
- Widen the southbound approach (Britannia Boulevard) to accommodate dual left-turn lanes, two through lanes and dual right-turn lanes;
- Widen the westbound approach to accommodate dual left-turn lanes, three through lanes and dual right-turn lanes; and
- Widen the northbound approach to accommodate dual left-turn lanes, two through lanes and an exclusive right-turn lane.

MM-55 Prior to issuance of the first building permit for the second phase (Full Development) of the proposed development, the Owner/Permittee shall make a 2.36% fair-share monetary contribution to the City of San Diego, with appropriate fee credits, for the following improvements to the intersection of La Media Road at Siempre Viva Road (Intersection #22), satisfactory to the City Engineer:

- Widen the southbound approach (La Media Road) to accommodate dual left-turn lanes, one through lane and dual right-turn lanes; and
- Widen the westbound approach to accommodate three through lanes and dual right-turn lanes.

MM-56 Prior to issuance of the first building permit for the second phase (Full Development) of the proposed development, the Owner/Permittee shall make a 2.07% fair-share monetary contribution to the City of San Diego, with appropriate fee credits, for the following improvements to the intersection of Heritage Road at Datsun Street (Intersection #24), satisfactory to the City Engineer:

- Widen the eastbound approach (Datsun Street) to accommodate dual left-turn lanes, two through lanes and an exclusive right-turn lane;
- Widen the southbound approach (Heritage Road) to accommodate dual left-turn lanes, three through lanes dual right-turn lanes;
- Widen the westbound approach to accommodate dual left-turn lanes, two through lanes and an exclusive right-turn lane; and
- Widen the northbound approach to accommodate dual left-turn lanes, three through lanes and an exclusive right-turn lane.

UTILITIES AND SERVICE SYSTEMS

MM-57 Prior to the issuance of any construction permits, the Solid Waste Coordinator shall ensure ESD's attendance at a pre-construction meeting. The Solid Waste Coordinator shall ensure that (1) the proposed approach to contractor education is approved, (2) the written specifications for base materials, concrete pavers, decomposed granite, and mulch are approved, (3) the C&D Ordinance deposit has been paid, (4) an appropriate diversion rate (from the Waste Management Plan) has been included on all construction permits and documents, including the C&D deposit form, and (5) that the ESD inspector approves the separate waste containers, signage, and hauling contract(s) for the following materials:

- Drywall
- Concrete
- Clean Wood
- Scrap Metal
- Polystyrene
- Roofing
- Cardboard
- Trash

MM-58 The Project shall be designed to achieve 75 percent of construction waste to be diverted and/or recycled. The Project shall implement environmentally sound waste management by salvaging material such as steel, copper, other metals, and equipment; and reusing material such as concrete, steel, and asphalt. To the extent feasible, the Project shall recycle, salvage, and reuse materials and then divert materials to a landfill

MM-59 Prior to the issuance of any building permit, the Assistant Deputy Director Environmental Designee shall verify that all of the requirements of the Refuse and Recyclable Materials Storage Regulations and all of the requirements of the Waste Management Plan are shown and noted on the appropriate construction documents. All requirements, notes, and graphics shall be in substantial conformance with the conditions and exhibits of the associated discretionary approval.

- The construction documents shall include a waste management plan. Notification shall be sent to the following:

MMC Environmental Review Specialist Development Services Department
9601 Ridgehaven Court
Suite 220, MS 1102 B
San Diego, CA 92123
(619) 980-1236

Environmental Services Department (ESD)
9601 Ridgehaven Court
Suite 210, MS 1102 A
San Diego, CA 92123
(858) 573-1236

MM-60 Prior to the issuance of any certificate of occupancy/tentative certificate of occupancy, the Owner/Permittee shall be required to submit written evidence to the Assistant Deputy Director (ADD) of the Entitlements Division that the final Construction Report has been approved by Mitigation Monitoring Coordinator (MMC) and the Environmental Services Department (ESD). The Construction Report will be required to include the following information:

- The actual waste generated and diverted from the Project;
- The waste reduction percentage achieved; and

- How the waste reduction percentage goal was achieved.

MM-61 Prior to the issuance of any certificate of occupancy/tentative certificate of occupancy the Owner/Permittee shall invite a representative of the City's ESD to inspect the following measures as described in this report have been successfully implemented:

- Adequate storage area has been provided as consistent with the City's Storage Ordinance,
- Hauler(s) has been retained to provide recyclable materials collection, and
- Education materials for building tenants/owners have been prepared as required per the City's Recycling Ordinance.

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.

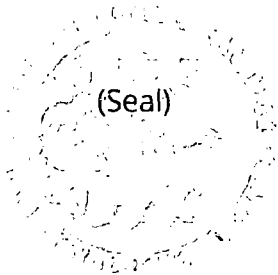
Passed by the Council of The City of San Diego on JUL 29 2019, by the following vote:

Councilmembers:	Yeas	Nays	Not Present	Recused
Barbara Bry	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Ward	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery	<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"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Georgette Gómez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage JUL 29 2019.

(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.

By *Linda Bruin*, Deputy

Office of the City Clerk, San Diego, California
Resolution Number R- 312591