



THE CITY OF SAN DIEGO

ADDENDUM

Project No. PRJ-1063767
Addendum to EIR No. 292065
SCH No. 2014051069

SUBJECT: Romero Subdivision: Coastal Development Permit, Site Development Permit, Planned Development Permit, and Tentative Map to subdivide one parcel to create eight new Lots, including five residential lots (Lots 1-5), each with new, 3-level, single dwelling units with a pool. Two of the lots will not be developed (Lots A and B), and one lot will serve as an access and utilities easement area (Lot C). Lot C will also serve as a private road with access and frontage to all five residential lots on portions of a 22.21-acre site. The project is located in the RS-1-4 Zone and Coastal Overlay (Non-Appealable) Zone within the La Jolla Community Plan area, Council District 1. (LEGAL DESCRIPTION: APN: 352-300-11-00 Parcel 3 of Parcel Map No. 21506, in the City of San Diego, County of San Diego, State of California, according to the map thereof filed in the Office of The County Recorder of San Diego County October 11, 2017, as Instrument No. 2017-7000389 of Official Records)
APPLICANT: Foxhill InvCo One.

I. SUMMARY OF ORIGINAL PROJECT

The Reserve Project was certified by the City Council on January 25, 2016. The approved project subdivided two parcels for future residential development into three separate parcels: Parcel 1 (1.07 acres) was conveyed and merged into the adjacent Foxhill estate property through a Lot Consolidation Map. Parcel 2 (1.68 acres) and Parcel 3 (22.20 acres) each accommodate a single-family estate home, as well as conservation and revegetation of biological habitat. These two parcels (Parcel 2 and Parcel 3) are to be developed pursuant to a set of Design Guidelines. The Design Guidelines provide detailed design criteria relative to site development, as well as architecture and landscape design. The Design Guidelines provide a detailed set of massing, building, landscape, grading, and location standards so that future property owner(s) to secure building permits for home designs that conform to these Design Guidelines. In addition, the project proposed to dedicate approximately 0.14 acres to Romero Drive right-of-way and 0.05 acres to Country Club Drive right-of-way. The project required the approval of a Planned Development Permit due to proposed deviations for the street frontage of Parcel 2 and Parcel 3 from the minimum 65-foot street frontage required by the RS-1-4 zoning regulations.

The overall project site encompassed 25.14 acres and is located at 6850 Country Club Drive, at the eastern terminus of Country Club Drive, and at the southern termini of Romero Drive and Encelia Drive. The General Plan designates the project site for Park, Open Space, and Recreation land use, and the La Jolla Community Plan designates the entire site as Parks, Open Space. The site is zoned RS-1-4 (Residential-Single Unit) with a 10,000-square-foot minimum lot size requirement. The project is located within the Coastal Overlay Zone, Coastal Height Limit Overlay Zone, Sensitive Coastal Overlay Zone, Outdoor Lighting Zones, Parking Impact Overlay Zone, and the La Jolla Community Plan. The project site is transected by the earthquake fault buffer and is located within geologic hazard categories 12, 22, 26, 27, and 53, brush management, and the Very High Fire Hazard Severity Zone (VHFHSZ)

II. SUMMARY OF PROPOSED PROJECT

The current project site is located at 6850 Country Club Dr, San Diego. It is governed by Coastal Development Permit No. 1050394, Site Development Permit No. 1040407, Planned Development Permit No. 1050409, and Tentative Map No. 1050354, Project No. 292065 (MMRP). The project scope involves subdividing one lot into eight lots, including two lots with no development, one lot for access and utility easement, and five residential lots, each with a three-level SDU and accessory improvements. Lot C will function as a private road with access and frontage to all five residential lots. The square footage and floor area ratios (FAR) for each lot are as follows:

- Lot #1 (19,401 SF): Development of 8,493 SF (FAR: 8,493 SF / 19,401 SF = 0.44)
- Lot #2 (32,137 SF): Development of 10,792 SF (FAR: 10,792 SF / 32,137 SF = 0.34)
- Lot #3 (31,144 SF): Development of 13,544 SF (FAR: 13,544 SF / 31,144 SF = 0.43)
- Lot #4 (31,350 SF): Development of 11,603 SF (FAR: 11,603 SF / 31,350 SF = 0.34)
- Lot #5 (32,202 SF): Development of 11,625 SF (FAR: 11,625 SF / 32,202 SF = 0.36)

The square footage and FAR for each lot is consistent with San Diego Municipal Code §131.0446. Each residential lot will be equipped with a new driveway, biofiltration basin, landscaping, swimming pool, foundational retaining walls, and associated site improvements.

The project requires a Coastal Development Permit (CDP) due to its location within the Coastal Overlay Zone, a Site Development Permit (SDP) for the subdivision of premises containing environmentally sensitive lands, a Tentative Map for the proposed subdivision of land, and a Planned Development Permit for one deviation to the required street frontage. Lots 1-5 will front onto the private road (Lot C) but will not have the required street frontage onto a public ROW.

III. ENVIRONMENTAL SETTING

The project site is located on the southwestern slope of Mount Soledad, within the La Jolla Community Planning Area of the City of San Diego (City). More specifically, the project site is located at the southern terminus of Romero Drive and Encelia Drive and the eastern terminus of Country Club Drive. Interstate 5 (I-5) is located approximately 1.2 miles directly to the east, and the Pacific Ocean is approximately 0.9 miles northwest of the project site.

The project address is 6850 Country Club Drive, La Jolla, California, 92037, at the south terminus of Romero Drive. The proposed project is located at APN 352-300-11, southwest of Romero Drive, in

the La Jolla Community Plan Area. Environmentally Sensitive Lands (ESL) surround the 4.20-acre developed parcel. The isolated ESL is bound by residential development and consists primarily of southern maritime chaparral.

The project includes dividing one lot into eight lots. This involves two undeveloped lots, one lot for access and utility easement, and five residential lots. Each residential lot will have a three-level SDU and accessory improvements. Lot C will function as a private road, providing access and frontage to all five residential lots. Furthermore, each residential lot will feature a new driveway, biofiltration basin, landscaping, swimming pool, foundational retaining walls, and associated site improvements.

IV. ENVIRONMENTAL DETERMINATION

The City previously prepared and certified **The Reserve Environmental Impact Report (EIR) No. 292065/SCH No. 2014051069**. Based on all available information in light of the entire record, the analysis in this Addendum, and pursuant to Section 15162 of the State CEQA Guidelines, the City has determined the following:

- There are no substantial changes proposed in the project which will require major revisions of the previous environmental document due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- Substantial changes have not occurred with respect to the circumstances under which the project is undertaken which will require major revisions of the previous environmental document due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- There is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous environmental document was certified as complete or was adopted, shows any of the following:
 - a. The project will have one or more significant effects not discussed in the previous environmental document;
 - b. Significant effects previously examined will be substantially more severe than shown in the previous environmental document;
 - c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
 - d. Mitigation measures or alternatives which are considerably different from

those analyzed in the previous environmental would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Based upon a review of the current project, none of the situations described in Sections 15162 and 15164 of the State CEQA Guidelines apply. No changes in circumstances have occurred, and no new information of substantial importance has manifested, which would result in new significant or substantially increased adverse impacts as a result of the project. Therefore, this Addendum has been prepared in accordance with Section 15164 of the CEQA State Guidelines. Public review of this Addendum is not required per CEQA.

V. IMPACT ANALYSIS

The following includes the project-specific environmental review pursuant to the CEQA. The analysis in this document evaluates the adequacy of the EIR relative to the project and documents that the proposed modifications and/or refinements would not cause new or more severe significant impacts than those identified in the previously certified environmental document.

The Reserve EIR identified the following issue areas to be significant but mitigated to below a level of significance with mitigation: Biological Resources and Paleontological Resources. The following issue areas were determined to be less than significant impacts or no significant impacts: Land Use, Visual Effects and Neighborhood Character, Agricultural and Forestry Resources, Geologic Conditions, Energy, Air Quality/Odor, Greenhouse Gas Emissions, Health and Safety, Historical Resources, Hydrology and Water Quality, Mineral Resources, Noise, Population and Housing, Public Services and Facilities, and Public Utilities, Transportation/Traffic Circulation, and Water Quality.

An overview of the project's impacts in relation to the previously certified Final PEIR is provided in the table below, Impact Assessment Summary. The following analysis indicated there would be no new significant impacts, nor would there be an increase in the severity of impacts resulting from the project. Further, there is no new information in the record or otherwise available indicating that there are substantial changes in circumstances that would require major changes to the Reserve EIR. A comparison of the project's impacts related to those of the Reserve EIR is provided in the table below.

| Impact Assessment Summary | | | | | |
|---|--------------------------------|----------------------------------|----------------|--|--|
| Environmental Issues | The Reserve Final EIR Analysis | The Reserve Final EIR Mitigation | Project | Project Level New Mitigation? | Project Resultant Impact |
| Land Use | Less than Significant | No | No new impacts | No | Less than Significant |
| Transportation | Less than Significant | No | No new impacts | No | Less than Significant |
| Air Quality | Less than Significant | No | No new impacts | No | Less than Significant |
| Noise | Less than Significant | No | No new impacts | No | Less than Significant |
| Biological Resources | Significant, but mitigated | Yes | No new impacts | Yes, consistent with the Reserve FEIR mitigation framework | Mitigated to a level Less than Significant |
| Hydrology and Water Quality | Less than Significant | No | No new impacts | No | Less than Significant |
| Historical Resources | Less than Significant | No | No new impacts | No | Less than Significant |
| Paleontological Resources | Significant but mitigated | Yes | No new impacts | Yes, consistent with the Reserve FEIR mitigation framework | Mitigated to a level Less than Significant |
| Geology and Seismic Hazards | Less than Significant | No | No new impacts | No | Less than Significant |
| Hazardous Materials | Less than Significant | No | No new impacts | No | Less than Significant |
| Greenhouse Gas Emissions | Less than Significant | No | No new impacts | No | Less than Significant |
| Energy | Less than Significant | No | No new impacts | No | Less than Significant |
| Public Services and Facilities | Less than Significant | No | No new impacts | No | Less than Significant |
| Public Utilities | Less than Significant | No | No new impacts | No | Less than Significant |
| Visual Effects and Neighborhood Character | Less than Significant | No | No new impacts | No | Less than Significant |

Paleontological Resources

The Reserve EIR

The City of San Diego's CEQA Significance Determination Thresholds state that grading and/or excavation greater than 1,000 cubic yards and at a depth of 10 feet or greater in highly sensitive formations would require monitoring for paleontological resources. In addition, the City's CEQA Significance Determination Thresholds indicate that if over 2,000 cubic yards of excavation in a moderate resource potential geologic deposit/formation/rock unit occurs, and 10 feet or more of cut occurs, the project would result in significant impacts (City of San Diego 2011). As discussed in Section 5.3, Paleontological Resources of The Reserve EIR there is the potential for paleontological resources to occur on site due to the presence of both moderate and highly sensitive formations on-site. As outlined in mitigation measure **MM-PALEO-1**, preconstruction records searches, on-site monitoring during grading, and submittal of a monitoring results report if required, along with fossil recovery and curation, would be implemented if final grading plans for the project indicate that more than 1,000 cubic yards and 10 feet in depth of excavation would be required, pursuant to the City's CEQA Significance Thresholds. Implementation of a paleontological mitigation program would avoid or reduce project-level impacts to below a level of significance. Other cumulative projects would be regulated by state and local regulations. As such, any significant paleontological resource impacts resulting from the proposed project or other future projects would be mitigated on a project-by-project basis. The proposed project would not contribute to a significant cumulative impact to paleontological resources, and impacts would be to below a level of significance.

The Project

The EIR for the Reserve Project included mitigation measures for paleontological resources. Based upon grading quantities, 4,400 CY to a depth of 20 ft., submitted on the Preliminary Grading Plan, the project would require paleontological monitoring. As such, the Romero Subdivision will comply with the same mitigation measures.

The project would be required to adhere to all relevant regulations and the Reserve EIR mitigation framework, including **MM-PALEO-1**. Based on the foregoing analysis the project would not result in a new significant impact, nor would a substantial increase in the severity of impacts from that described in the FEIR.

Biological Resources

The Reserve EIR

As analyzed in Section 5.2, Biological Resources of the Reserve EIR, the project would have a potentially substantial adverse impact, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in the Multiple Species Conservation Plan (MSCP) or other local or regional plans, policies or regulations, or by the California Department of Fish and Wildlife (CDFW) or U.S. Fish and Wildlife Service (USFWS). As indicated in

Section 5.2.3 of the Reserve EIR, the project would potentially impact 1 Nuttall's scrub oak (*Quercus dumosa*) and 27 San Diego barrel cactus (*Ferocactus viridescens*) individuals. In addition to special-status plant species, the project has the potential to impact four special-status wildlife species including Western bluebird (*Sialia mexicana*), Cooper's hawk (*Accipiter cooperii*), yellow-breasted chat (*Icteria virens*), and coastal California gnatcatcher (*Polioptila californica californica*) if they occur within the patches of habitat that will be impacted by the project. The project would potentially result in a substantial adverse impact on Tier I Habitats, Tier II Habitats, Tier IIIA Habitats, or Tier IIIB Habitats as identified in the Biology Guidelines of the Land Development manual or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFW or USFWS. Impacts to potentially occurring nesting raptors are also potentially significant. The project would result in potentially adverse impact on wetlands (including, but not limited to, marsh, vernal pool, riparian, etc.) through direct removal, filling, hydrological interruption, or other means. Incorporation of mitigation measures **MM-BIO-1** and **MM-BIO-2** would reduce these impacts to below a level of significance. All other impacts to biological resources were found to be less than significant.

Based on evaluation of the site and surrounding area, there were no reasonably foreseeable cumulative projects that would have the potential to affect vegetation communities similar to those affected by the proposed project and therefore could cumulatively contribute to impacts to natural vegetation communities in this region, or to impacts to species that are associated with these habitat types. For this reason, and because the project's direct and indirect impacts were mitigated to below a level of significance, the proposed project would not contribute to a significant cumulative impact to biological resources.

The Project

A Biological Technical Report (BTR) was prepared for the project (Romero Subdivision, Biological Resources Report, Leopold Biological Services, March 2023). Per the BTR parcel is mostly developed land, void of sensitive vegetation communities. The area is mostly landscaped with well-maintained turf, cart paths, and a man-made biofiltration basin built in May 2018. Some sensitive vegetation communities are present within the project boundary; however, planned work is limited to an area that is fully developed and does not have any sensitive vegetation communities present.

The closest wildlife corridor is Rose Canyon Open Space, approximately 1.43 miles east of the BSA. Consequently, terrestrial animals with a north-south or east-west home-range movement will be unlikely to use it.

Romero Subdivision is within the City's Multiple Species Conservation Program (MSCP) and the coastal overlay zone and entirely outside of the Multi-Habitat Planning Area (MHPA). No critical habitat occurs within the Biological Survey Area (BSA). The closest critical habitat is approximately 3.87 miles northeast, adjacent to MCAS Miramar. Consequently, implementation of the proposed project will not impact critical habitat.

Although the parcel does include steep hillsides, none are present in the area of the proposed scope of work. Therefore, no impacts to steep hillsides or slopes will occur due to project implementation.

A jurisdictional ephemeral drainage is present approximately 50 feet east of the driveway, draining southwest to a storm drain inlet at the south ESL boundary. The Corps determined the ephemeral drainage is non-wetland Waters of The US (WoUS) based on the lack of hydrophytic vegetation and hydric soils. The ephemeral drainage does not meet the City's definition of City-jurisdictional "wetlands" as defined in the City's ESL Regulations and Biological Guidelines. Although there is disturbed wetland within the parcel boundaries, the disturbed wetland is a storm water conveyance system, a man-made biofiltration basin. In c. May 2018, the parcel was completely developed with lush turf, cart paths, access gates, French drains, and a private driveway. The storm water conveyance system was installed to drain the developed land. Therefore, no impacts to jurisdictional wetlands will occur due to project implementation.

Five sensitive flora species, Nuttall's scrub oak (CRPR 1B.1), Torrey pine (CRPR 1B.2), coast barrel cactus (CRPR 2B.1), wart-stemmed ceanothus (CRPR 2B.2), and coast desert-thorn (CRPR 4.2), were located and mapped within the BSA during the reconnaissance-level survey in the adjacent ESL. Three additional sensitive plant species occur in the ESL, outside the mapped BSA, decumbent goldenbush (CRPR 1B.2), western dichondra (CRPR 4.2), and ashy spike-moss (CRPR 4.1). Although sensitive flora species occur adjacent to the parcel, the parcel is developed land, void of sensitive flora species. Consequently, no direct impacts to sensitive flora species will occur due to project implementation.

Five sensitive wildlife species were observed in the BSA during the survey: Belding's orange-throated whiptail, San Diego desert woodrat (midden), Cooper's hawk, California gnatcatcher, and western bluebird. Although sensitive wildlife species were observed in the BSA, no suitable habitat occurs within the parcel boundaries. The parcel is developed land, primarily turf and cart paths. Therefore, no direct impacts to sensitive wildlife species will occur due to project implementation. Suitable Cooper's hawk nesting sites lie adjacent to the development area, on the parcel to the west and north. Noise from construction activities have the potential to disrupt nesting activities, resulting in indirect impacts to Cooper's hawk during the breeding season (February 1 through September 15). The project will be required to implement **MM-BIO-1** and **MM-BIO-2** from The Reserve EIR in order to reduce project impacts to below a level of significance.

A brush management plan will be implemented pursuant to San Diego Municipal Code Section 142.0412. The proposed project borders ESL which contains highly flammable, rare vegetation communities. Considering the parcel's size, configuration and constraints, it is infeasible to provide the required 100-foot Brush Management Zones (BMZ) on Lots 1-5. As a result, reduced brush management zone dimensions will apply to all lots with the implementation of alternative compliance measures. The brush management plan will be modified to include design features to compensate for the reduction of BMZ-1 and BMZ-2. Design features include the installation of a 6-foot CMU fence, dual-glazed, dual-tempered pane openings, one-hour fire rating for exterior walls, one-hour minimum fire rating Class-B roof, Type IV heavy timber for exposed exterior walls, permeable, non-combustible exterior walking surface, etc. Design features are coordinated and approved by the Fire Chief. In addition, Lot 1 single-family residence will be located as far west as feasible to accommodate for the reduction of BMZ-1. A Final Brush Management Plan is provided with the site plans.

The project will be required to implement mitigation measures **MM-BIO-1** and **MM-BIO-2** in order to reduce project impacts to below a level of significance. Based on the foregoing analysis and information, there is no evidence that the project would require a major change to the EIR. The project would not result in any new significant impact, nor would a substantial increase in the severity of impacts from that described in the EIR result.

VI. ISSUES NOT ANALYZED IN THE PREVIOUS EIR

CEQA Guidelines, Section 15128, allows environmental issues for which there is no likelihood of a significant impact to not be discussed in detail or analyzed further in the EIR. These environmental issue areas are: Agricultural and Forestry Resources, Mineral Resources, Health and Safety, Population and Housing, Transportation/Traffic Circulation, Energy, Public Utilities, Noise, Air Quality/Odor, and Greenhouse Gas Emission. The certified EIR determined the Romero Subdivision would have less than significant impacts on Paleontological and Biological Resources. Revisions to the project components evaluated under the EIR are proposed with the current project. Through the environmental analysis conducted, the City has determined that the current project, subject of and evaluated under this Addendum, would not have the potential to cause significant impacts to those issue areas beyond those analyzed. While these issues were not analyzed in detail, as outlined in CEQA Section 15128, there is no new information available that would indicate that these issues would result in new significant impacts.

VII. MITIGATION, MONITORING, AND REPORTING PROGRAM (MMRP) INCORPORATED INTO THE PROJECT

The project shall be required to comply with the applicable mitigation measures outlined within the Mitigation Monitoring and Reporting Program (MMRP) of the previously certified Final EIR (No. 292065/SCH No. 2014051069) and those identified with the project-specific technical studies. The following MMRP identifies measures that specifically apply to this project.

GENERAL

Part I – Plan Check Phase (prior to permit issuance)

1. Prior to the issuance of a Notice To Proceed for a subdivision, or any construction permits, such as Demolition, Grading, or Building, or beginning any construction-related activity on site, the Development Services Department Director's Environmental Designee shall review and approve all Construction Documents (plans, specification, details, etc.) to ensure the MMRP requirements are incorporated into the design.
2. In addition, the Environmental Designee shall verify that the MMRP Conditions/Notes that apply ONLY to the construction phases of this project are included VERBATIM, under the heading, "**ENVIRONMENTAL/MITIGATION REQUIREMENTS.**"
3. These notes must be shown within the first three (3) sheets of the construction documents in the format specified for engineering construction document templates as shown on the City of San Diego's website:

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

4. The **TITLE INDEX SHEET** must also show on which pages the "Environmental/ Mitigation Requirements" notes are provided.
5. **SURETY AND COST RECOVERY** – The Development Services Director or City Manager may require appropriate surety instruments or bonds from private Permit Holders to ensure the long-term performance or implementation of required mitigation measures or programs. The City is authorized to recover its cost to offset the salary, overhead, and expenses for City personnel and programs to monitor qualifying projects.

Part II – Post-Plan Check (after permit issuance/prior to start of construction)

1. PRE-CONSTRUCTION MEETING IS REQUIRED TEN (10) WORKING DAYS PRIOR TO BEGINNING ANY WORK ON THIS PROJECT.

The PERMIT

HOLDER/OWNER is responsible to arrange and perform this meeting by contacting the CITY RESIDENT ENGINEER (RE) of the Field Engineering Division and City staff from MITIGATION MONITORING COORDINATION (MMC). Attendees must also include the Permit holder's Representative(s), Job Site Superintendent, and the following consultants: **Qualified Biologist, Qualified Paleontologist.**

NOTE: Failure of all responsible Permit Holder's representatives and consultants to attend shall require an additional meeting with all parties present.

CONTACT INFORMATION:

a. The PRIMARY POINT OF CONTACT is the **RE** at the **Field Engineering Division – 858.627.3200**

b. For Clarification of ENVIRONMENTAL REQUIREMENTS, it is also required to call **RE and MMC** at **858.627.3360**

- 2. MMRP COMPLIANCE:** This Project, PRJ-1063767 and /or Environmental Document 1063767/SCH No. 2014051069 shall conform to the mitigation requirements contained in the associated Environmental Document and implemented to the satisfaction of the Development Services Department's Environmental Designee (MMC) and the City Engineer (RE). The requirements may not be reduced or changed but may be annotated (i.e., to explain when and how compliance is being met and location of verifying proof, etc.). Additional clarifying information may also be added to other relevant plan sheets and/or specifications as appropriate (i.e., specific locations, times of monitoring, methodology, etc.).

NOTE: Permit Holder's Representatives must alert RE and MMC if there are any discrepancies in the plans or notes, or any changes due to field conditions. All conflicts must be approved by RE and MMC BEFORE the work is performed.

- 3. OTHER AGENCY REQUIREMENTS:** Evidence of compliance with all other agency requirements or permits shall be submitted to the RE and MMC for review and acceptance prior to the beginning of

work or within one week of the Permit Holder obtaining documentation of those permits or requirements. Evidence shall include copies of permits, letters of resolution, or other documentation issued by the responsible agency.

4. **NONE REQUIRED**
5. **MONITORING EXHIBITS** All consultants are required to submit to RE and MMC, a monitoring exhibit on a 11x17 reduction of the appropriate construction plan, such as site plan, grading, landscape, etc., marked to clearly show the specific areas including the **LIMIT OF WORK**, scope of that discipline's work, and notes indicating when in the construction schedule that work will be performed. When necessary for clarification, a detailed methodology of how the work will be performed shall be included.
NOTE: Surety and Cost Recovery - When deemed necessary by the Development Services Director or City Manager, additional surety instruments or bonds from the private Permit Holder may be required to ensure the long-term performance or implementation of required mitigation measures or programs. The City is authorized to recover its cost to offset the salary, overhead, and expenses for City personnel and programs to monitor qualifying projects.
6. **OTHER SUBMITTALS AND INSPECTIONS:** The Permit Holder/Owner's representative shall submit all required documentation, verification letters, and requests for all associated inspections to the RE and MMC for approval per the following schedule:

Document Submittal/Inspection Checklist

| Issue Area | Document Submittal | Associated Inspection/Approvals/Notes |
|--------------|---|---|
| General | Consultant Qualification Letters | Prior to Preconstruction Meeting |
| General | Consultant Construction Monitoring Exhibits | Prior to or at Preconstruction Meeting |
| Biology | Biologist Limit of Work Verification | Limit of Work |
| Paleontology | Paleontology Reports | Paleontology Site Observation |
| Bond Release | Request for Bond Release Letter | Final MMRP Inspections Prior to Bond Release Letter |

SPECIFIC MMRP ISSUE AREA CONDITIONS/REQUIREMENTS

Biological Resource Protection During Construction

I. Prior To Construction

- A. **Biologist Verification** - The owner/permittee shall provide a letter to the City's Mitigation Monitoring Coordination (MMC) section stating that a Project Biologist (Qualified Biologist) as defined in the City of San Diego's Biological Guidelines (2012), has been retained to implement the project's biological monitoring program. The letter shall include the names and contact information of all persons involved in the biological monitoring of the project.
- B. **Preconstruction Meeting** - The Qualified Biologist shall attend the preconstruction meeting, discuss the project's biological monitoring program, and arrange to perform any follow up mitigation measures and reporting including site-specific monitoring, restoration or revegetation, and additional fauna/flora surveys/salvage.
- C. **Biological Documents** - The Qualified Biologist shall submit all required documentation to MMC verifying that any special mitigation reports including but not limited to, maps, plans, surveys, survey timelines, or buffers are completed or scheduled per City Biology Guidelines, Multiple Species Conservation Program (MSCP), Environmentally Sensitive Lands Ordinance (ESL), project permit conditions; California Environmental Quality Act (CEQA); endangered species acts (ESAs); and/or other local, state or federal requirements.
- D. **BCME** -The Qualified Biologist shall present a Biological Construction Mitigation/Monitoring Exhibit (BCME) which includes the biological documents in C above. In addition, include: plant salvage/relocation requirements (e.g., coastal cactus wren plant salvage, burrowing owl exclusions, etc.), avian or other wildlife surveys/survey schedules (including general avian nesting and USFWS protocol), timing of surveys, wetland buffers, avian construction avoidance areas/noise buffers/ barriers, other

impact avoidance areas, and any subsequent requirements determined by the Qualified Biologist and the City ADD/MMC. The BCME shall include a site plan, written and graphic depiction of the project's biological mitigation/monitoring program, and a schedule. The BCME shall be approved by MMC and referenced in the construction documents.

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

construction. Appropriate steps/care should be taken to minimize attraction of nest predators to the site.

- G. **Education** –Prior to commencement of construction activities, the Qualified Biologist shall meet with the owner/permittee or designee and the construction crew and conduct an on-site educational session regarding the need to avoid impacts outside of the approved construction area and to protect sensitive flora and fauna (e.g., explain the avian and wetland buffers, flag system for removal of invasive species or retention of sensitive plants, and clarify acceptable access routes/methods and staging areas, etc.).

II. *During Construction*

- A. **Monitoring**- All construction (including access/staging areas) shall be restricted to areas previously identified, proposed for development/staging, or previously disturbed as shown on "Exhibit A" and/or the BCME. The Qualified Biologist shall monitor construction activities as needed to ensure that construction activities do not encroach into biologically sensitive areas, or cause other similar damage, and that the work plan has been amended to accommodate any sensitive species located during the pre-construction surveys. In addition, the Qualified Biologist shall document field activity via the Consultant Site Visit Record (CSV). The CSV shall be e-mailed to MMC 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.
- B. **Subsequent Resource Identification** - The Qualified Biologist shall note/act to prevent any new disturbances to habitat, flora, and/or fauna on site (e.g., flag plant specimens for avoidance during access, etc.). If active nests or other previously unknown sensitive resources are detected, all project activities that directly impact the resource shall be delayed until species specific local, state or federal regulations have been determined and applied by the Qualified Biologist.

III. *Post Construction Measures*

- A. In the event that impacts exceed previously allowed amounts,

additional impacts shall be mitigated in accordance with City Biology Guidelines, ESL and MSCP, State CEQA, and other applicable local, state and federal law. The Qualified Biologist shall submit a final BCME/report to the satisfaction of the City ADD/MMC within 30 days of construction completion.

BIOLOGICAL RESOURCES

Potential impacts to biological resources would be reduced to below a level of significance through implementation of the following mitigation measures:

MM-BIO-1 Covenant of Easement. Prior to the issuance of any construction permits, such as Demolition, Grading, or Building, or beginning any construction-related activity on site, Grantor shall execute this Covenant of Easement in favor of the City of San Diego and record this Covenant of Easement against title to the Property with the San Diego County Recorder. In addition, Grantor shall undertake all reasonable actions to prevent the unlawful entry and trespass by persons whose activities may degrade or harm the environmentally sensitive nature of the Conserved Property. In addition, Grantor shall be responsible for implementing the following management activities in order to maintain ecological functions and services of the native vegetation of the Conserved Property:

The COE shall be managed in perpetuity by the property owners (Grantor) and shall include the following elements in addition to the standard language provided in the City COE template: Prior to the issuance of any construction permits, such as Demolition, Grading, or Building, or beginning any construction-related activity on site, direct impacts to 27 San Diego barrel cactus individuals shall be mitigated through transplantation into the conservation area ("Conserved Property") and preservation of 54 San Diego barrel cactus within the Conserved Property. Impacts to barrel cactus shall be mitigated pursuant to the barrel cactus translocation plan, prepared pursuant to the City of San Diego Biological Guidelines Attachment III, General Outline for Conceptual Revegetation/Restoration Plan, which will ensure the success of the mitigation.

Direct impacts to one Nuttall's scrub oak shall be mitigated through preservation of 48 Nuttall's scrub oak individuals within the Conserved Property. The Conserved Property shall be subject to and governed by the Covenant of Easement (COE) on site. This COE is required as a condition of project approval, and shall be placed on the area to be set aside for conservation (Conserved Property), which is approximately 18.80 acres (refer to Figure 5.2-3). The Conserved Property shall be conserved and maintained by the owners of the individual parcels and is subject to and governed by the COE recorded on the individual parcels.

- The individual property owners or their qualified designee shall be responsible for long-term maintenance and management of the Conserved Property.
- Control weed species on an annual basis, ideally in the spring following germination and seed development of annual weed species. Weeding will be limited to highly invasive species including tree tobacco (*Nicotiana glauca*), eucalyptus trees, pampas grass (*Cortaderia selloana*), and ice plant. Control should occur prior to seed-set to moderate additional infestation. Weed control should focus on hand-pulling when feasible. Mechanical and chemical control may occur as-needed, and should be performed by persons qualified in such methods. Perennial invasive non-natives will likely require repeat follow-up treatments for complete control.
- Removal on an annual basis. If significant trash presence is detected at other times of the year it should be removed as needed. Items to be removed include anthropogenic trash as well as weed slash materials. Collected trash shall be disposed of off-site in an appropriate manner.
- Fencing, where installed at the perimeter of the property, is to be inspected on an annual basis. Repairs and maintenance are to be performed as-needed to maintain the structural integrity and function of the fencing to prevent unauthorized vehicular or pedestrian entry.
- Fencing, where installed at the perimeter of the property, and signage shall be maintained to discourage and prevent public access to the native vegetation communities within the Conserved Property. If trespass occurs in areas where signage is not present,

additional fencing and signage may be added to problem areas.

- The Zone 2 brush management area will be clearly delineated within Conserved Property by using T-posts or single-strand wire fence that allows wildlife freedom of passage but that marks the area of Zone 2 brush management as shown on Exhibit A. The Zone 2 brush management areas have been included in the Conserved Property due to the species that occur in these areas and the contiguity provided by combining both the mitigation area and the Zone 2 brush management areas.
- Anecdotal observations of flora and fauna observed during annual maintenance activities shall be recorded. Species may be recorded by either scientific or common name. The vegetation condition shall also be reviewed and documented and remediating actions taken if the conservation area declines from its current natural condition.
- Prepare and submit an annual letter report to the City of San Diego Mitigation Monitoring Coordination section of the Development Services Department that describes that tasks and condition of the Conserved Property and any recommendations for future action. Fulfill Grantor's obligations not included above (e.g., restoration in the vent of vandalism), Grantor must use a qualified designee. The designee much have the following qualifications:
 - Ability to carry out habitat monitoring or mitigation activities
 - Fiscal stability, including preparation of an operational budget (using an appropriate analysis technique) for the management of the Conserved Property
 - At least one staff member with a biological, ecological, or wildlife management degree, or a Memorandum of Understanding (MOU) with a qualified person with such a degree
 - Experience with habitat resource management in Southern California.

As shown in Table 5.2-2, Parcel 2 will have a COE recorded on approximately 1.05 acres and Parcel 3 will have a COE recorded on approximately 17.75 acres, for a total of approximately 18.80 acres placed under a COE for the entire project. Upon recordation

of the COE, the Grantor shall be responsible for ensuring that the exact mitigation requirements outlined in Table 5.2 -3 for each specific vegetation community are implemented on site within the Conserved Property.

Table 5.2-3 Mitigation Ratios

| Vegetation Community/ Land Cover Type | Mitigation Ratio ^b | Mitigation Required (acres) | Open Space Areas Available for Mitigation (acres) ^c |
|---------------------------------------|-------------------------------|-----------------------------|--|
| Scrub oak chaparral | 2:1 | 0.06 | 11.62 |
| Southern maritime chaparral | 2:1 | 8.04 | |
| Disturbed southern maritime chaparral | 2:1 | 0.68 | |
| <i>Tier I Habitats Subtotal</i> | | <i>8.78</i> | |
| Non-native grassland | 1:1 | 0.16 | 0.15 ^d |
| <i>Tier IIIB Habitats Subtotal</i> | | <i>0.16</i> | |
| Disturbed land | 0:1 | 0.00 | 0.97 |
| Eucalyptus woodland | 0:1 | 0.00 | 0.20 |
| Ice plant | 0:1 | 0.00 | 1.66 |
| Ornamental landscaping | 0:1 | 0.00 | 0.15 |
| Developed land | 0:1 | 0.00 | 0.03 |
| <i>Tier IV Habitats Subtotal</i> | | | <i>0.00</i> |
| Unvegetated stream channel | 2:1 | 0.00 | 0.08 |
| <i>Wetlands Subtotal</i> | | | <i>0.00</i> |

a. Impacts include development area (including temporary impacts) and Brush Management Zone 1 acreage combined.

b. Mitigation ratio is based on all impacts and mitigation occurring on site, outside the MHPA.

- c. Habitat situated within Brush Management Zone 2 is not included in this open space acreage identified for mitigation.
- d. The additional 0.01 acre needed for non-native grassland mitigation is covered by excess Tier I habitat available for mitigation above.

MM-BIO-2 Special-Status Wildlife. To avoid any direct impacts to raptors and/or any native/migratory birds, removal of habitat that supports active nests in the proposed area of disturbance should occur outside of the breeding season for these species (February 1 to September 15). If removal of habitat in the proposed area of disturbance must occur during the breeding season, the Qualified Biologist shall conduct a pre-construction survey to determine the presence or absence of nesting birds on the proposed area of disturbance. The pre-construction (precon) 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 precon 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 and Biologist shall verify and approve that all measures identified in the report or mitigation plan are in place prior to and/or during construction. If nesting birds are not detected during the precon survey, no further mitigation is required.

PALEONTOLOGICAL RESOURCES

Potential impacts to paleontological resources would be reduced to below a level of significance through implementation of the following mitigation measure.

MM PALEO-1

- I. *Prior to Permit Issuance***
 - A. Entitlements Plan Check**
 - 1. Prior to issuance of any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits

or a Notice to Proceed for Subdivisions, but prior to the first preconstruction meeting, whichever is applicable, the Assistant Deputy Director's Environmental Designee shall verify that the requirements for Paleontological Monitoring have been noted on the appropriate construction documents.

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

II. *Prior to Start of Construction*

- A. Verification of Records Search
 - 1. The PI shall provide verification to MMC that a site-specific records search has been completed. Verification includes, but is not limited to, a copy of a confirmation letter from the San Diego Natural History Museum, other institution or, if the search was in-house, a letter of verification from the PI stating that the search was completed.
 - 2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.
- B. PI Shall Attend Precon Meetings
 - 1. Prior to beginning any work that requires monitoring; the applicant shall arrange a pre-construction meeting that shall include the PI, Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The

qualified paleontologist shall attend any grading/excavation-related pre-construction meetings to make comments and/or suggestions concerning the Paleontological Monitoring Program with the CM and/or Grading Contractor.

- a. If the PI is unable to attend the pre-construction meeting, the applicant shall schedule a focused pre-construction meeting with MMC, the PI, RE, CM, or BI, if appropriate, prior to the start of any work that requires monitoring.
2. Identify Areas to Be Monitored
 - a. Prior to the start of any work that requires monitoring, the PI shall submit a Paleontological Monitoring Exhibit based on the appropriate construction documents (reduced to 11×17 inches) to MMC identifying the areas to be monitored including the delineation of grading/excavation limits. The PME shall be based on the results of a site-specific records search as well as information regarding existing known soil conditions (native or formation).
 3. When Monitoring Will Occur
 - a. Prior to the start of any work, the PI shall also submit a construction schedule to MMC through the RE indicating when and where monitoring will occur.
 - b. The PI may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification to the monitoring program. This request shall be based on relevant information such as review of final construction documents, which indicate conditions such as depth of excavation and/or site graded to bedrock, presence or absence of fossil resources, etc., which may reduce or increase the potential for resources to be present.

III. During Construction

- A. Monitor Shall Be Present During
Grading/Excavation/Trenching

1. The monitor shall be present full time during grading/excavation/trenching activities as identified on the Paleontological Monitoring Exhibit that could result in impacts to formations with high and moderate resource sensitivity. **The CM is responsible for notifying the RE, PI, and MMC of changes to any construction activities such as in the case of a potential safety concern within the area being monitored. In certain circumstances, Occupational Safety and Health Administration safety requirements may necessitate modification of the PME.**
 2. The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition such as trenching activities that do not encounter formational soils as previously assumed, and/or when unique/unusual fossils are encountered, which may reduce or increase the potential for resources to be present.
 3. The monitor shall document field activity via the Consultant Site Visit Record (CSVR). The CSVR shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (**Notification of Monitoring Completion**), and in the case of any discoveries. The RE shall forward copies to MMC.
- A. Discovery Notification Process
1. In the event of a discovery, the Paleontological Monitor shall direct the contractor to temporarily divert trenching activities in the area of discovery and immediately notify the RE or BI, as appropriate.
 2. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery.
 3. The PI shall immediately notify MMC by phone of the discovery, and shall also submit written documentation to MMC within 24 hours by fax or email with photos of the resource in context, if possible.
- B. Determination of Significance
1. The PI shall evaluate the significance of the resource.

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

IV. *Night and/or Weekend Work*

- A. If Night and/or Weekend Work Is Included in the Contract
 1. When night and/or weekend work is included in the contract package, the extent and timing shall be presented and discussed at the pre-construction meeting.
 2. The following procedures shall be followed.
 - a. No discoveries

In the event that no discoveries were encountered during night and/or weekend work, the PI shall record the information on the CSV and submit to MMC via fax by 8:00 a.m. on the next business day.

- b. Discoveries

All discoveries shall be processed and documented using the existing procedures detailed in Section III, During Construction.

c. Potentially significant discoveries

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

d. The PI shall immediately contact MMC, or by 8:00 a.m. on the next business day, to report and discuss the findings as indicated in Section IIIB, unless other specific arrangements have been made.

B. If Night Work Becomes Necessary During the Course of Construction

1. The CM shall notify the RE, or Building Inspector, as appropriate, a minimum of 24 hours before the work is to begin.

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

C. All Other Procedures Described above Shall Apply, as Appropriate.

V. Post Construction

A. Preparation and Submittal of Draft Monitoring Report

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

a. For significant paleontological resources encountered during monitoring, the Paleontological Recovery Program shall be included in the Draft Monitoring Report.

b. Recording sites with the San Diego Natural History Museum

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

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

until receiving a copy of the approved Final Monitoring Report from MMC, which includes the Acceptance Verification from the curation institution.

IX. CERTIFICATION

Copies of the addendum, certified EIR, Mitigation Monitoring and Reporting Program, and associated project-specific technical appendices, if any, may be accessed on the City's CEQA webpage at <https://www.sandiego.gov/ceqa/final>.

Courtney Holowach

Courtney Holowach
Senior Planner
Development Services Department

Aug. 20, 2024

Date of Final Report

Analyst: Courtney Holowach

Attachments:

Figure 1: Location Map

Figure 2: Site Plan

The Reserve Environmental Impact Report (EIR) No. 292065/SCH No. 2014051069



