



Land Development
Review Division
(619) 446-5460

FINAL ENVIRONMENTAL IMPACT REPORT

Project No. 292065
I.O. No. 24003147
SCH No. 2014051069

SUBJECT: THE RESERVE: VESTING TENTATIVE PARCEL MAP (VTPM), COASTAL DEVELOPMENT PERMIT (CDP), SITE DEVELOPMENT PERMIT (SDP) FOR ENVIRONMENTALLY SENSITIVE LANDS (ESL) AND STEEP HILLSIDES, AND PLANNED DEVELOPMENT PERMIT (PDP) to allow for future residential development in the La Jolla Community Planning Area, within the City of San Diego (City). The project is described as follows:

The project proposes the subdivision of two parcels for future residential development. The project would subdivide the property into three separate parcels: Parcel 1 (1.07 acres) will be 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) will each accommodate a single-family estate home, as well as conservation and revegetation of biological habitat. These two parcels (Parcel 2 and Parcel 3) would 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 would provide a detailed set of massing, building, landscape, grading, and location standards so that future property owner(s) would be able to secure building permits for home designs that conform to these Design Guidelines. In addition, the project proposes to dedicate approximately 0.14 acre for Romero Drive right-of-way and 0.05 acre for Country Club Drive right-of-way. The project would be subject to 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 feet street frontage required by the RS-1-4 zoning regulations.

The overall project site encompasses 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 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, and the 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) (LEGAL DESCRIPTION: APN 352-300-08-00 and 352-300-09-00).

November 2015 Update

Revisions and clarifications to this document have been made to the mitigation measure for the Covenant of Easement (COE) in Table ES-1 of the Executive Summary, Section 5.2-Biological Resources, and Chapter 10-Mitigation Monitoring and Reporting Program. Furthermore, an updated Biological Survey was completed in April 2015 to confirm that there has been no change to the vegetation mapping and analysis, and the previously prepared Biological Resources Technical Report remains valid, and this survey was included in Section 5.2 of the Biological Resources, and in the appendices. Minor text revisions have been made to the mitigation measure for Special Status Wildlife. A 2012 Cultural Resources Monitoring Report has been included in Section 5.7 of the Historical Resources and in the appendices. In addition, Figure 5.6-1b, La Jolla Community View and View Corridors has been revised when compared to the Draft Environmental Impact Report dated February 9, 2015, to address comments received during the public review, and to correct text, tables and figures throughout the document. These revisions are indicated by ~~strikeout~~ and underline format. In accordance with Section 15088.5 of the California Environmental Quality Act (CEQA), the addition of new information that clarifies, amplifies, or makes insignificant modifications does not require recirculation, as there are no new impacts and no new mitigation identified. Modifications within the environmental document do not affect the environmental analysis of or conclusions reached in the Draft EIR.

CONCLUSIONS:

Based on the analysis conducted for the proposed project, the City has prepared the following Final Environmental Impact Report (FEIR) in accordance with the California Environmental Quality Act (CEQA) to inform the public agency decision-makers and the public of the significant environmental effects that could result if the project is approved and implemented, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project (State CEQA Guidelines Section 15121).

As further described in the attached FEIR, the City has determined that the project would result in less than significant impacts or no significant impacts in the following areas: **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, Public Utilities, Transportation/Traffic Circulation, and Water Quality.**

Mitigation measures are proposed in the FEIR to reduce impacts to below a level of significance in the areas of: **Biological Resources and Paleontological Resources.**

MITIGATION, MONITORING AND REPORTING PROGRAM:

Mitigation measures are identified in specific issue area discussions in Section 5.0 *Environmental Analysis*, of the FEIR to reduce environmental impacts. The mitigation measures are also fully contained in Section 10.0, *Mitigation Monitoring and Reporting Program*, of the EIR.

RECOMMENDED ALTERNATIVES FOR REDUCING SIGNIFICANT MITIGATED IMPACTS:

Based on the requirement that alternatives reduce significant impacts associated with the proposed project, the FEIR considers the following Project Alternatives which are further detailed in the *Executive Summary* and Section 9.0 *Alternatives* of the FEIR:

1. No Project/No Development Alternative
2. Reduced Biological Resource Impacts Alternative
3. Reduced Paleontological Resource Impacts Alternative

COPIES OF THE DEIR:

Copies of the FEIR, the Mitigation Monitoring and Reporting Program, and any technical appendices are available in the office of the Land Development Review Division for review, or for purchase at the cost of reproduction.

RESULTS OF PUBLIC REVIEW:

- () No comments were received during the public input period.
- () Comments were received but did not address the draft Environmental Impact Report finding or the accuracy/completeness of the Initial Study. No response is necessary. The letters are attached.
- (X) Comments addressing the findings of the draft Environmental Impact Report and/or accuracy or completeness of the Initial Study were received during the public input period. The letters and responses follow.


Kerry Santoro
Deputy Director

February 9, 2015
Date of Draft Report

November 2, 2015
Date of Final Report

Analyst: R. Benally

DISTRIBUTION OF FINAL ENVIRONMENTAL IMPACT REPORT:

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

U.S. Government

U.S. Fish and Wildlife Service

State of California

California Coastal Commission
California State Coastal Conservancy
State Clearinghouse
California Department of Fish and Wildlife

City of San Diego

Mayor's Office
Councilmember Lightner, District 1
Councilmember Lorie Zapf, District 2
Councilmember Todd Gloria, District 3
Councilmember Myrtle Cole, District 4
Councilmember Mark Kersey, District 5
Councilmember Chris Cate, District 6
Councilmember Scott Sherman, District 7
Councilmember David Alvarez, District 8
Councilmember Marti Emerald, District 9
Office of the City Attorney
Central Library
La Jolla/Riford Branch Library
Development Services, Director
Development Services, Deputy Director
Development Services, Development Project Manager
Development Services, Senior Environmental Planner
Development Services, LDR-Environmental
Development Services, LDR-Planning
Development Services, LDR-Engineering
Development Services, LDR-Geology
Development Services, LDR-Transportation
Development Services, LDR-Landscaping
Development Services, LDR-Map Check
PUD-Water and Sewer Dev
San Diego Fire-Rescue
Police, Operational Support
Planning Department, MSCP
Planning Department, Long Range Planning
Planning Department, Historic Resources
Planning Department, Park Planning
Planning Department, Facilities Financing

Other Groups, Individuals and/or Interested Parties

Sierra Club
San Diego Audubon Society

Mr. Jim Peugh
California Native Plant Society
Endangered Habitats League
Historical Resources Board
Carmen Lucas
South Coastal Information Center
San Diego County Archaeological Society
Save Our Heritage Organisation
Ron Christman
Clint Linton
Frank Brown-Inter-Tribal Cultural Resources
San Diego County Archaeological Society, Inc.
Kumeyaay Cultural Heritage Preservation
Kumeyaay Cultural Repatriation Committee
Native American Distribution (**Public Notice and Location Map Only**)

Barona Group of The Capitan Grande
Campo Band of Mission Indians
Ewiiapaayp Tribal Office
Inaja Band of Mission Indians
Jamul Indian Village
La Posta Band of Mission Indians
Manzanita Band of Mission Indians
Sycuan Band of The Kumeyaay Nation
Viejas Band of Mission Indians
Mesa Grande Band of Mission Indians
San Pasqual Band of Mission Indians
Ipai Nation of Santa Ysabel
La Jolla Band of Mission Indians
Pala Band of Mission Indians
Pauma Band of Mission Indians
Pechanga Band of Mission Indians
Rincon Band of Luiseno Indians
San Luis Rey Band of Luiseno Indians
Los Coyotes Band of Mission Indians

La Jolla Village News
La Jolla Shores Association
La Jolla Town Council
La Jolla Historical Society
La Jolla Community Planning Association
La Jolla Light
Patricia Miller
Gaston Molina
Tom and Jane Fetter
Ed and Stina Lake
Jay and Mary Hanson
La Jolla Soledad West
Clark Straw
Curt Komen
Curt Komen
Kevin Johnson
Irene Chandler
Louis Levy
Fritz Liebhardt
Lawrence Levy

Colin Seid
Ethna Piazza
John and Penny Coughlin
Aaron Dyer
Carolyn and John Detwiler
Susan Detwiler
Daniel Grunow
John Ponder
Katherine Godfrey, Dudek, (Applicant's consultant)
Shawn Shamlou, Dudek, (Applicant's consultant)
Greg Shannon (Agent for Applicant)
The Copley Trust, Dean Dwyer (Applicant)

LETTERS OF COMMENT AND RESPONSES

This section of the Final EIR (FEIR) presents copies of comments on the Draft EIR (DEIR) received in written form during the public review period, and it provides the City of San Diego’s responses to those comments. Each comment letter is lettered and the issues within each comment letter are bracketed and numbered. Comment letters are followed by responses, which are numbered to correspond with the bracketed comment letters.

The City’s responses to comments on the DEIR represent a good-faith, reasoned effort to address the environmental issues identified by the comments. Under the California Environmental Quality Act (CEQA) Guidelines, the City is not required to respond to all comments on the DEIR, but only those comments that raise environmental issues. See CEQA Guidelines Section 15088, subd. (a). Case law under CEQA recognizes that the City need only provide responses to comments show good faith effort to respond to the points raised in the comments themselves. In the case of specific comments, the City has responded with specific analysis and detail; in the case of a general comment, the reader is referred to a related response to a specific comment, if applicable. The absence of a specific response to every comment does not violate CEQA if the response would merely repeat other responses.

LIST OF AGENCIES AND INDIVIDUALS THAT COMMENTED ON THE DEIR

This section contains all written comments received during the public comment period as well as responses to these comments. Table 1 provides an index to commenters and comment letters.

**Table 1
Commenters and Comment Letters**

Document Letter	Organization/Commenter
Comment Letter A	State of California Governor’s Office of Planning and Research, State Clearinghouse and Planning Unit, Scott Morgan
Comment Letter B	State of California Governor’s Office of Planning and Research, State Clearinghouse and Planning Unit, Scott Morgan
Comment Letter C	US Fish and Wildlife Service and California Department of Fish and Wildlife
Comment Letter D	Viejas Band of Kumeyaay Indians
Comment Letter E	Rincon Band of Luiseño Indians
Comment Letter F	San Diego County Archaeological Society, Inc.
Comment Letter G	Pauma Band of Luiseño Indians
Comment Letter H	John E. Ponder for Sheppard, Mullin, Richter & Hampton LLP
Comment Letter I	Jeanne L. MacKinnon for Kevin K. Johnson, APLC

INTENTIONALLY LEFT BLANK

Comment Letter A



Edmund G. Brown Jr.
Governor

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



Ken Alex
Director

March 27, 2015

Rhonda Benally
City of San Diego
1222 First Avenue, MS-501
San Diego, CA 92101

Subject: The Reserve
SCH#: 2014051069

Dear Rhonda Benally:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. The review period closed on March 25, 2015, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Scott Morgan
Director, State Clearinghouse

1400 TENTH STREET P.O. BOX 3044 SACRAMENTO, CALIFORNIA 95812-3044
TEL: (916) 445-0613 FAX: (916) 323-3018 www.spr.ca.gov

A-1

Comment Letter A

A-1 Comment noted.

Comment Letter B



Edmund G. Brown, Jr.
Governor

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



Ken Alex
Director

March 27, 2015

Rhonda Benally
City of San Diego
1222 First Avenue, MS-501
San Diego, CA 92101

Subject: The Reserve
SCH#: 2014051069

Dear Rhonda Benally:

The enclosed comment (s) on your Draft EIR was (were) received by the State Clearinghouse after the end of the state review period, which closed on March 25, 2015. We are forwarding these comments to you because they provide information or raise issues that should be addressed in your final environmental document.

The California Environmental Quality Act does not require Lead Agencies to respond to late comments. However, we encourage you to incorporate these additional comments into your final environmental document and to consider them prior to taking final action on the proposed project.

Please contact the State Clearinghouse at (916) 445-0613 if you have any questions concerning the environmental review process. If you have a question regarding the above-named project, please refer to the ten-digit State Clearinghouse number (2014051069) when contacting this office.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Enclosures
cc: Resources Agency

1400 TENTH STREET P.O. BOX 3044 SACRAMENTO, CALIFORNIA 95812-3044
TEL (916) 445-0613 FAX (916) 328-3018 www.opr.ca.gov

B-1

Comment Letter B

B-1

This letter, received on March 27, 2015, which states that one comment letter, from Paul Schlitt on behalf of U.S. Fish and Wildlife Service (USFWS) and California Department of Fish and Wildlife (CDFW), was received, on March 26, 2015. A duplicate copy of Paul Schlitt's letter was also provided directly to the City of San Diego and specific responses are outlined in responses C-1 through C-6.

B-2 Comment noted.

Document Details Report
State Clearinghouse Data Base

SCH# 2014051869
Project Title The Reserve
Lead Agency San Diego, City of

Type EIR Draft EIR

Description
The project proposes the subdivision of one parcel (APN 352-300-07-00) for future residential development in the La Jolla Community Planning Area, within the City of San Diego (City). The project would subdivide the property into three separate parcels: Parcel 1 (1.07 acres) will be 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) will each accommodate a single-family estate home, as well as conservation and restoration of biological habitat. These two lots parcels (Parcel 2 and Parcel 3) will be sold to individuals for the construction of custom homes and would be developed pursuant to a set of Design Guidelines. In addition, the project proposes to dedicate approximately 0.14-acre for Romero Drive right-of-way and 0.05 acre for Country Club Drive right of way.

Lead Agency Contact

Name Rhonda Benally
Agency City of San Diego
Phone 619 445 5458 Fax
email
Address 1222 First Avenue, MS-501
City San Diego State CA Zip 92101

Project Location

County San Diego
City San Diego, La Jolla
Region
Lat / Long 32° 56' 13.49" N / 117° 15' 28.37" W
Cross Streets Southern terminus of Romero Dr., and Encelia Dr., and the eastern terminus of Country Club Dr.
Parcel No. 352-300-07-00
Township 15S Range 4W Section 26 Base

Proximity to:

Highways I-5, SR-52
Airports
Railways
Waterways Pacific Ocean
Schools Various
Land Use Various

Project Issues
Air Quality; Archaeologic-Historic; Biological Resources; Coastal Zone; Drainage/Absorption; Flood Plain/Flooding; Forest Land/Fire Hazard; Geologic/Seismic; Minerals; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Schools/Universities; Septic System; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Growth Inducing Landuse; Cumulative Effects

Reviewing Agencies
Resources Agency; California Coastal Commission; Department of Fish and Wildlife, Region 5; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 11; Air Resources Board; Regional Water Quality Control Board, Region 9; Native American Heritage Commission; State Lands Commission; Department of Fish and Wildlife, Marine Region

Date Received 02/08/2015 Start of Review 02/09/2015 End of Review 03/25/2015

Note: Blanks in data fields result from insufficient information provided by lead agency.

B-2

B-3 Refer to responses C-1 through C-6.

LATE
5-25-15
STATE CLE
t

Sheila Brown

From: Schlitt, Paul@Wildlife <Paul.Schlitt@wildlife.ca.gov>
Sent: Thursday, March 26, 2015 6:15 AM
To: DSDEAS@saniego.gov
Cc: Gover, Patrick; OPR State Clearinghouse
Subject: Wildlife Agencies (USFWS/CDFW) Comments for The Reserve Draft Environmental Impact Report (Project Number 292065; SCH#2014051069)

Dear Ms. Benally,

The U.S Fish and Wildlife Service (Service) and the California Department of Fish and Wildlife (Department), collectively referred to as the Wildlife Agencies, have reviewed the Draft Environmental Impact Report (EIR) for The Reserve, dated February 9, 2015. The Wildlife Agencies have identified potential effects of this project on wildlife and sensitive habitats. The project details provided herein are based on the information provided in the DEIR (including the Biological Resources Technical Report for The Reserve Project, prepared by Dudek, dated April 2014) and our knowledge of sensitive and declining vegetation communities in the region, and our participation in the Multiple Species Conservation Program (MSCP) and the City's MSCP Subarea Plan (SAP).

We offer the following comments and recommendations to assist the City of San Diego in avoiding, minimizing, and adequately mitigating project-related impacts to biological resources, and to ensure that the project is consistent with the City's SAP ongoing regional habitat conservation planning efforts.

1. Mitigation Measure BIO-1 (DEIR, Section 10.2.1) references a covenant of easement would be recorded on the 18.80 acre conservation area and would be managed in perpetuity by the property owners or their qualified designee. However, this measure does not provide clear guidance on the qualifications that the property owners or their qualified designee must have with respect to carrying out the long-term maintenance and management of the on-site conserved land or information on the funding type/amount that would be directed towards covering the expense for managing the 18.80 acres of conserved area in perpetuity.

Mitigation Measure-BIO-1 should include an additional requirement in the final EIR that prior to issuance of grading permit (including grubbing or clearing activities) for the project, the property owner shall establish a non-wasting endowment for an amount or approved by the City and Wildlife Agencies based on a Property Analysis Record (PAR) (Center for Natural Lands Management ©1998) or similar cost estimation method to secure the ongoing funding for the perpetual management, maintenance and monitoring of the biological conservation easement area by an agency, non-profit organization, or other entity approved by the City and Wildlife Agencies. The property owner(s) should submit a draft plan including: 1) a description of perpetual management, maintenance and monitoring actions and the PAR or other cost estimation results for the non-wasting endowment; 2) proposed land manager's name, qualifications, business address, and contact information, to the City and Wildlife Agencies for approval at least 30 days prior to initiating project impacts. The property owner(s) will submit the final plan to the City and Wildlife Agencies and a contract with the approved land manager, as well as transfer the funds for the non-wasting endowment to a non-profit conservation entity, within 60 days of receiving approval of the draft plan.

2. According to section 14.1 of the MSCP Implementing Agreement (April 7, 1997) the City of San Diego will continually account, by project and cumulatively, for the amount and location of habitat acreage lost and preserved within the MSCP SAP, including acres conserved within the Multi-Habitat Planning Area (MHPA) and acres committed to land development both within and outside of the MHPA. Please ensure this project (including associated acreage) is accounted for as part of the annual MSCP reporting process.

B-3

We appreciate the opportunity to comment on the DEIR for this project and to assist the City in further minimizing and mitigating project impacts to biological resources. If you have questions or comments pertaining to our recommendations, please contact either Patrick Gower of the Service at 760-431-9440 or patrick_gower@fws.gov, or Paul Schlitt of the Department at 858-637-5510 or paul.schlitt@wildlife.ca.gov

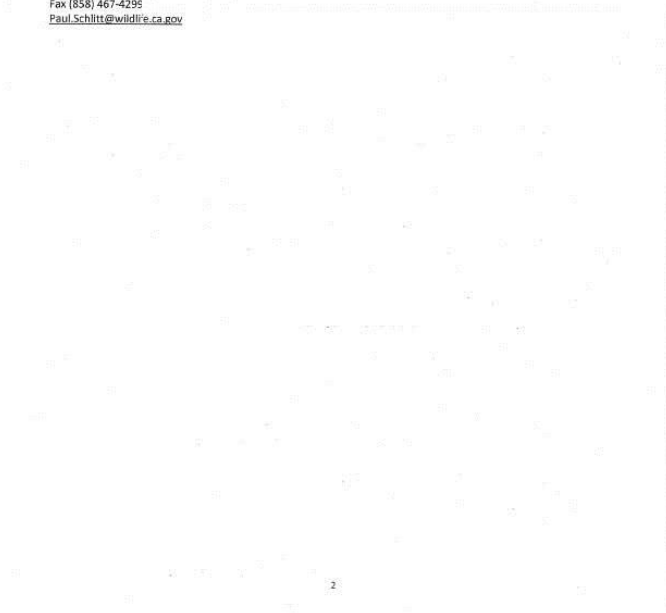
↑ B-3
Cont.

Paul Schlitt
Senior Environmental Scientist (Specialist)
California Department of Fish and Wildlife
South Coast Region, Habitat Conservation Planning
3883 Ruffin Road
San Diego, CA 92123

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MAP 9 6 2015

RING HOUSE

Phone (858) 637-5510
Fax (858) 467-4296
Paul.Schlitt@wildlife.ca.gov



Comment Letter C

Benally, Rhonda

From: Schlitt, Paul@Wildlife [Paul.Schlitt@wildlife.ca.gov]
Sent: Thursday, March 26, 2015 6:15 AM
To: DSD EAS
Cc: Sower, Patrick; stata_clearinghouse@opr.ca.gov
Subject: Wildlife Agencies (USFWS/CDFW) Comments for The Reserve Draft Environmental Impact Report (Project Number 292065; SCH#2014051069)

Dear Ms. Benally,

The U.S Fish and Wildlife Service (Service) and the California Department of Fish and Wildlife (Department), collectively referred to as the Wildlife Agencies, have reviewed the Draft Environmental Impact Report (EIR) for The Reserve, dated February 9, 2015. The Wildlife Agencies have identified potential effects of this project on wildlife and sensitive habitats. The project details provided herein are based on the information provided in the DEIR (including the Biological Resources Technical Report for The Reserve Project, prepared by Dudek, dated April 2014) and our knowledge of sensitive and declining vegetation communities in the region, and our participation in the Multiple Species Conservation Program (MSCP) and the City's MSCP Subarea Plan (SAP).

We offer the following comments and recommendations to assist the City of San Diego in avoiding, minimizing, and adequately mitigating project-related impacts to biological resources, and to ensure that the project is consistent with the City's SAP ongoing regional habitat conservation planning efforts.

1. Mitigation Measure BIO-1 (DEIR, Section 10.2.1) references a covenant of easement would be recorded on the 18.80 acre conservation area and would be managed in perpetuity by the property owners or their qualified designee. However, this measure does not provide clear guidance on the qualifications that the property owners or their qualified designee must have with respect to carrying out the long-term maintenance and management of the on-site conserved land or information on the funding type/amount that would be directed towards covering the expense for managing the 18.80 acres of conserved area in perpetuity.

Mitigation Measure-BIO-1 should include an additional requirement in the final EIR that prior to issuance of grading permit (including grubbing or clearing activities) for the project, the property owner shall establish a non-wasting endowment for an amount approved by the City and Wildlife Agencies based on a Property Analysis Record (PAR) (Center for Natural Lands Management ©1998) or similar cost estimation method to secure the ongoing funding for the perpetual management, maintenance and monitoring of the biological conservation easement area by an agency, non-profit organization, or other entity approved by the City and Wildlife Agencies. The property owner(s) should submit a draft plan including: 1) a description of perpetual management, maintenance and monitoring actions and the PAR or other cost estimation results for the non-wasting endowment; 2) proposed land manager's name, qualifications, business address, and contact information, to the City and Wildlife Agencies for approval at least 60 days prior to initiating project impacts. The property owner(s) will submit the final plan to the City and Wildlife Agencies and a contract with the approved land manager, as well as transfer the funds for the non-wasting endowment to a non-profit conservation entity, within 60 days of receiving approval of the draft plan.

2. According to section 14.1 of the MSCP Implementing Agreement (April 7, 1997) the City of San Diego will continually account, by project and cumulatively, for the amount and location of habitat acreage lost and preserved within the MSCP SAP, including acres conserved within the Multi-Habitat Planning Area (MHPA) and acres committed to land development both within and outside of the MHPA. Please ensure this project (including associated acreage) is accounted for as part of the annual MSCP reporting process.

We appreciate the opportunity to comment on the DEIR for this project and to assist the City in further minimizing and mitigating project impacts to biological resources. If you have questions or comments pertaining to our

Comment Letter C

C-1 Comment noted. Specific responses are provided below in responses C-3 through C-6.

C-2 Comment noted. As outlined in C-1, specific responses are provided below in responses C-3 through C-6.

C-3 The project-specific Covenant of Easement (COE) proposed as a permit condition and a mitigation measure MM-BIO-1 to offset potentially significant impacts to biological resources associated with implementation of the project is outlined in Section 5.2.3 of the FEIR. Mitigation measure MM-BIO-1 defines that “the COE shall be managed in perpetuity by the property owners (Grantor).” In addition, “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.” As identified on page 48 of the City’s 2012 Biology Guidelines and outlined in Section 2(b) of the project-specific COE, included within Appendix C of the FEIR, “the City has the right to enter upon the Property at reasonable times in order to monitor Grantor’s compliance with and to otherwise enforce the terms of this Covenant of Easement.” Hence, if habitat shows signs of degradation, the City can require additional remedial measures. Enforcement is assured by the terms listed

recommendations, please contact either Patrick Gower of the Service at 760-431-9440 or patrick_gower@fws.gov, or Paul Schlitt of the Department at 858-637-5510 or paul.schlitt@wildlife.ca.gov

Paul Schlitt
 Senior Environmental Scientist (Specialist)
 California Department of Fish and Wildlife
 South Coast Region, Habitat Conservation Planning
 3883 Ruffin Road
 San Diego, CA 92123

Phone (858) 637-5510
 Fax (858) 467-4299
Paul.Schlitt@wildlife.ca.gov

↑ C-6
 Cont.

in Section 6.1 of the project-specific COE, and which allows for City inspection.

Section III (B) 3 (b) of the City's 2012 Biology Guidelines identifies that if a conservation easement is not granted, the mitigation program must identify a secure funding source to pay for the management in perpetuity. However, a project-specific COE has been prepared for this project. The COE includes specific implementation measures for preserve management (Sections 3 and 4) and identifies that the Grantor (project applicant) is responsible for all costs associated with carrying out the measures (Sections 6.1 and 8).

The project-specific COE, Appendix C to the FEIR, includes provisions regarding maintenance and management activities, and the qualifications of the designee. These qualifications for a designee include the following:

1. Ability to carry out habitat maintenance or management activities
2. Fiscal stability, including preparation of an operational budget (using an appropriate analysis technique) for the management of the Conserved Property
3. At least one staff member with a biological, ecological, or wildlife management degree, or

	<p>a Memorandum of Understanding (MOU) with a qualified person with such a degree</p> <p>4. Experience with habitat resource management in Southern California.</p> <p>C-4 Refer to response C-3 regarding funding obligations. Within the jurisdiction of the City of San Diego within areas not included in the MHPA, the City's Biological Guidelines do not require that a habitat management plan be prepared or submitted.</p> <p>C-5 Comment noted.</p> <p>C-6 Comment noted.</p>
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Comment Letter D

VIEJAS
TRIBAL GOVERNMENT

PO Box 906
Alpine, CA 91903
#1 Viejas Grade Road
Alpine, CA 91901
Phone: 6194453810
Fax: 6194455337
viejas.com

February 19, 2015

Rhonda Benally
City of San Diego
1222 First Ave., MS 501
San Diego, CA 92101

RE: The Reserve Project # 292065/SCH # 2014051069

Dear Ms. Benally

The Viejas Band of Kumeyaay Indians ("Viejas") has reviewed the proposed project and at this time we have determined that the project site is has cultural significance or ties to Viejas. Viejas Band request that a Kumeyaay Cultural Monitor be on site for all ground disturbing activities and would like to be informed of any new developments such as inadvertent discovery of cultural artifacts, cremation sites, or human remains. Please call Julie Hagen for scheduling if needed at 619-659-2339 or email jhagen@viejas-nsn.gov. Thank you

D-1

Sincerely,

VIEJAS BAND OF KUMEYAAY INDIANS

Comment Letter D

D-1

According to the two cultural resources studies conducted for the project (both included in Appendix F), construction monitoring is not required. This determination is based on the results of the record search, survey, and monitoring during geotechnical testing for the project as described in detail within Section 5.7.3 of the EIR and Appendix F. The 2012 Cultural Resources Monitoring Report prepared by Brian K. Glenn (included in Appendix F of the FEIR) concluded that although historic-era resources were identified during monitoring for geotechnical exploration, and no cultural or tribal resources were encountered that would require monitoring during project implementation. Native American monitoring was provided by Red Tail Monitoring and Research, and they concur with these reports and monitoring conclusions (Appendix F; confidential appendix). In addition, qualified City staff reviewed relevant data, in-house resources, and technical reports associated with this analysis and concur that the potential for encountering archaeological resources during project implementation is low in this area, and no further archaeological mitigation is required.

Comment Letter E

RINCON BAND OF LUISEÑO INDIANS
Culture Committee

1 W. Tribal Road - Valley Center, California 92082 -
(760) 297-2621 or (760) 297-2622 & Fax: (760) 749-8901



February 19, 2015

Rhonda Benally
City of San Diego
Development Services Center
1222 First Avenue, MS 501
San Diego, CA 92101

Re: The Reserve Project No. 292065

Dear Ms. Benally:

This letter is written on behalf of the Rincon Band of Luiseño Indians. Thank you for inviting us to submit comments on The Reserve Project No. 292065. Rincon is submitting these comments concerning your projects potential impact on Luiseño cultural resources.

E-1

The Rincon Band has concerns for the impacts to historic and cultural resources and the finding of items of significant cultural value that could be disturbed or destroyed and are considered culturally significant to the Luiseño people. This is to inform you, your identified location is not within the Luiseño Aboriginal Territory. We recommend that you locate a tribe within the project area to receive direction on how to handle any inadvertent findings according to their customs and traditions.

E-2

If you would like information on tribes within your project area, please contact the Native American Heritage Commission and they will assist with a referral.

E-3

Thank you for the opportunity to protect and preserve our cultural assets.

Sincerely,

Rose Duro
Chairman
Rincon Culture Committee

Bo Mazzetti Tribal Chairman Stephanie Spencer Vice Chairwoman Steve Stallings Council Member Laurie E. Gonzalez Council Member Alfonso Kolb Council Member

Comment Letter E

- E-1** Comment noted.
- E-2** Comment noted. Please refer to response D-1.
- E-3** Comment noted. As disclosed in Section 5.7.2 of the EIR and Appendix F, a Sacred Lands File search was requested from the Native American Heritage Commission in 2011 which identified Kumeyaay tribal groups or individuals with a potential interest in the project area. In addition, over 20 Native American tribal groups or individuals from San Diego County were sent a public notice of the EIR; three of which provided comments during public review.

Comment Letter F



San Diego County Archaeological Society, Inc.

Environmental Review Committee

19 February 2015

To: Ms. Rhonda Benally
Development Services Department
City of San Diego
1222 First Avenue, Mail Station 501
San Diego, California 92101

Subject: Draft Environmental Impact Report
The Reserve
Project No. 292065

Dear Ms. Benally:

I have reviewed the cultural resources aspects of the subject DEIR on behalf of this committee of the San Diego County Archaeological Society.

Based on the information contained in the DEIR and its Appendix F, we agree that no significant impacts to cultural resources are likely to occur. Hence, we also agree that no cultural resources mitigation measures are necessary.

Thank you for including SDCAS in the City's environmental review process for this project.

Sincerely,


James W. Royle, Jr., Chairperson
Environmental Review Committee

cc: Dudek
SDCAS President
File

P.O. Box 81106 San Diego, CA 92138-1106 (858) 538-0935

Comment Letter F

F-1

Comment noted.

F-1

Comment Letter G

Benally, Rhonda

From: Cultural [Cultural@pauma-nsn.gov]
Sent: Tuesday, February 24, 2015 2:30 PM
To: DSD EAS
Cc: Dixon, Patti; Jeremy Zagaralla
Subject: The Reserve, Project No. 292065

The Pauma Band of Luiseno Indians has received the public notice of a Draft Environmental Impact Report for the Reserve Project in La Jolla. Please keep us informed on the EIR process specifically on the cultural studies/surveys so we can determine the possible impacts to possibly unknown sites.

G-1

Thank You,

Chris Devers
Cultural Clerk
Pauma Band of Luiseno Indians

Comment Letter G

G-1

Comment noted. Please refer to response D-1.

Comment Letter H

SheppardMullin

Sheppard Mullin Richter & Hampton LLP
 501 West Broadway, 18th Floor
 San Diego, CA 92101-3598
 619.238.5000 main
 619.234.3815 main fax
 www.sheppardmullin.com

619.338.6646 direct
 jponder@sheppardmullin.com

File Number: 0100-922261

March 23, 2015

Mr. Glen Gargas
 Senior Planner
 City of San Diego
 1222 First Avenue, MS 301
 San Diego, CA 92101-4101

Re: Confirmation of Enforceability of Development Restrictions at "The Reserve"

Dear Mr. Gargas:

This firm represents Colin Seid and Nancy Gold in land use matters related to their residence located at 7141 Encelia Drive, La Jolla, California, 92037. Mr. Seid and Ms. Gold are the property owners adjacent to Copley Press, Inc.'s ("Copley") residential development project known as the "The Reserve" at 7007 County Club Drive, La Jolla, California, 92037 (Project). Through Copley's outreach efforts with its neighbors and after more than 2 years of detailed negotiations, Mr. Seid, Ms. Gold and Copley have reached compromises regarding the Project designs, including the massing, location, height limits, and many other details regarding the construction of the house proposed on Lot 2, that are reflected in the Draft EIR. One compromise that has been further negotiated and agreed to by the parties and is not addressed in the Draft EIR is the use of a landscaping pallet designed to limit trees from exceeding 30 feet in height on Parcel 2. This compromise has recently been included in Project's Design Guidelines, attached hereto as Exhibit A and Exhibit B, stating "Only those trees listed in Figure 4-13 may be planted within the development area of Parcel 2."

Copley has specifically negotiated for Mr. Seid and Ms. Gold's non-opposition to this project based on the compromises detailed above in the Design Guidelines and the Draft EIR. Accordingly, because each of these compromises are material to my client's decision not oppose the Project, and whether or not the project has a significant visual impact and is compatible with the neighborhood character, please confirm that the City has accepted the change to the Design Guidelines and that any deviation from the amended Design Guidelines or the project's massing, location, height limits, etc. described in the Draft EIR would not "substantially conform" to the proposed project under the City's Substantial Conformance Guidelines¹.

¹ <http://www.sandiego.gov/development-services/pdf/industry/infobulletin/ib500.pdf>

H-1
 H-2
 H-3
 H-4

Comment Letter H

- H-1** Comment noted.
- H-2** The applicant has been involved in a coordination process with the adjacent property owners, which has resulted in agreements and the associated project restrictions identified in the Design Guidelines. The Design Guidelines are included as Appendix A of the FEIR.
- H-3** The Design Guidelines in Appendix A of the FEIR have been updated to include a list of allowed trees for the development area, all of which typically mature at a height of 30 feet or less (see Section 4.4.1 and Figure 4-13 in the Design Guidelines). Revisions to the Design Guidelines are for clarification purposes only and do not result in any changes to the conclusions or mitigation measures presented in the EIR.
- H-4** As disclosed in Section 5.6.3 of the EIR, there would be no significant environmental impacts, such as visual impacts or neighborhood character compatibility, with the implementation of the Design Guidelines. The Design Guidelines have been included within Appendix A of the FEIR; it includes the "List of Allowed Tree Species" on Figure 4-13 of the Design Guidelines for Parcel 2.

See Section ES-2 and Section 2 of the Design Guidelines in Appendix A of the FEIR, which confirms that Substantial Conformance Review would be conducted by the City prior to issuance of construction permits for development of future homes within the project site. In addition, Permit Conditions 28 and 43 stipulate a Process Two Substantial Conformance Review prior to submittal for building permits. Plans would be reviewed for substantial conformance with the applicable Design Guidelines, inclusive of the “List of Allowed Tree Species” on Figure 4-13 of the Parcel 2 Design Guidelines, and other requirements of associated discretionary actions, the La Jolla Community Plan, and the Land Development Code.

SheppardMullin

March 23, 2015
Page 2

Please confirm my understanding that under the City's Substantial Conformance Review Guidelines, a formal permit amendment would be required for any of the following:

- 1) The intensification of this residential project because the SCR Guidelines only permit minor decreases in a residential project' density;
- 2) Changes to the site design and landscaping given the Project's proximity to my clients' property and the expectations of the Community Planning Group established through its intense four meeting review of the Project's site design;
- 3) Changes to the Project's architecture that would alter the project's massing, height or location given that the conceptual plans already represent the maximum size compatible with the community character and were necessary to make the neighborhood compatibility findings;
- 4) Any increase in massing, sizing, density, grading or biological impacts given that the compromises established between the Copley's and my client are embraced in the elements described and analyzed in the Draft EIR;
- 5) Any change that would allow the planting of landscape on Parcel 2 that is not included on Figure 4-13 of the Design Guidelines at the time of the permit approval; and
- 6) Any change to the sizing, mass and location of the project not reflected in the Draft EIR given that the Project's permit conditions require compliance with the EIR's Mitigation Monitoring and Reporting Program and that the EIR analyzed the Project at its current height, mass and location, not a larger or taller project or one at a different location on the Project site.

Your confirmation is respectfully requested, in order to assure that compromise remains in effect, is enforceable, and obviates any need to appeal the permit.

Finally, please put me on the City's list for Special Notice for all permit applications, hearings, notices and permit decisions related to the Project.

Sincerely,



John E. Ponder
for SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

SMRH-436782286.4

H-5
H-6
H-7

H-5 As noted in response H-4, any inconsistency with the Design Guidelines as determined by the Development Services Department (DSD) would require a formal permit amendment. Regarding item 6 of the comment letter, Substantial Conformance Review includes consistency with size, mass, and locations of structures, landscaping, and other improvements as set forth in the FEIR, Design Guidelines, permit and Vesting Tentative Map for the project.

H-6 Comment noted. As outlined in responses H-4 and H-5, the project would be reviewed for compliance with the Design Guidelines as part of the Substantial Conformance Review process. As a part of Substantial Conformance Review, submittal for future building permits may also require review under CEQA.

H-7 Mr. Ponder has been included on a list for all permit applications, hearings, notices, and permit decisions related to the project.

<p>EXHIBIT A</p> <p style="text-align: center;">↓_{H-8}</p>	<p>H-8 The Tree List included with this comment is outdated. An updated list correcting typographical errors and duplicative entries has been included as Figure 4-13 in the Design Guidelines for Parcel 2, Appendix A of the FEIR. Revisions made to the Design Guidelines and the FEIR are for clarification purposes only and do not result in any changes to the conclusions presented in the document.</p>
---	---

FIGURE 4-13: LIST OF ALLOWED TREE SPECIES

Botanical Name	Common Name
<i>Acacia baileyana</i>	California Sagebrush
<i>Acacia baileyana</i> 'Purpurea'	Purple Leaf Acacia
<i>Acacia cognata</i>	River Wattle
<i>Acacia cultriformis</i>	Knife Acacia
<i>Acacia farnesiana</i>	Sweet Acacia
<i>Acacia podalyrifolia</i>	Pearl Acacia
<i>Acacia pycnantha</i>	Golden Wattle
<i>Acacia retinodes</i>	Water Wattle
<i>Acaciaornithocarpus wrightii</i>	Paurotis Palm
<i>Acacia pendula</i>	Weeping Acacia
<i>Acacia stanophylla</i>	Shoestring Acacia
<i>Acer palmatum</i>	Japanese Maple
<i>Aesculus californica</i>	California Buckeye
<i>Alnus flexuosa</i>	Peppermint Willow
<i>Arbutus 'Marmorata'</i>	Strawberry Tree
<i>Arbutus unedo</i>	Strawberry Tree
<i>Bauhinia x dikeana</i>	Hong Kong Orchid
<i>Bauhinia recurvata</i>	Ponytail Palm
<i>Betula alba</i>	European White Birch
<i>Bulia capitata</i>	Pindo Palm
<i>Callistemon ciliatus</i>	Lemon Bottle Brush
<i>Callistemon rigidus</i>	Stiff bottlebrush
<i>Cassia leptophylla</i>	Gold Medallion Tree
<i>Cercidium X 'Desert Museum'</i>	Desert Museum Palo Verde
<i>Cercis canadensis</i>	Eastern Redbud
<i>Cercis canadensis 'Forest Pansy'</i>	Forest Pansy Redbud
<i>Cercis occidentalis</i>	Western Redbud
<i>Cercocarpus betuloides</i>	Mountain Ironwood
<i>Chamaerops humilis</i>	Mediterranean Fan Palm
<i>Chilopsis linearis</i>	Desert Willow
<i>Chionanthus retusus</i>	Chinese Fringe Tree
<i>Chitappa laskhentensis</i>	Chitappa Tree
<i>Citrus species</i>	Citrus trees such as lemon, lime, orange, grapefruit, kumquat, etc.

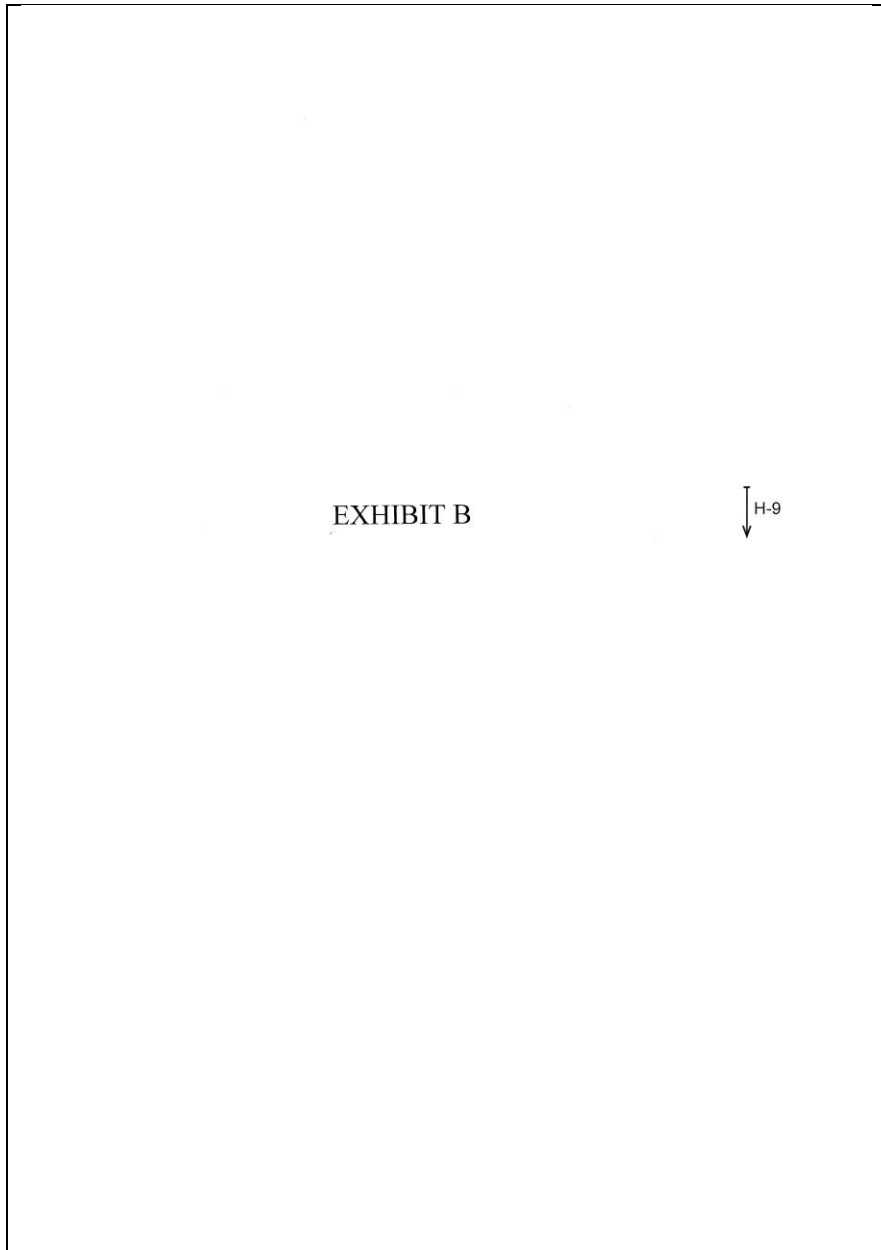
Botanical Name	Common Name
<i>Cordia alliodora</i>	Texas olive
<i>Cordia sebestena</i>	Geiger Tree
<i>Crinodendron patagua</i>	Lily of the Valley Tree
<i>Cupressus forbesi</i>	Tecate Cypress
<i>Dalmanea winteri</i>	Winter's Bark
<i>Dicksonia antarctica</i>	Tasmanian Tree Fern
<i>Diospyros kaki</i>	Japanese Persimmon
<i>Dracaena draco</i>	Dragon Tree
<i>Dypsis decaryi</i>	Triangle Palm
<i>Dypsis lutescens</i>	Golden Cane Palm
<i>Eriobotrya deflexa</i>	Bronze Loquat
<i>Eriobotrya 'Coppertone'</i>	Coppertone Loquat
<i>Erythrina coraloides</i>	Naked Coral Tree
<i>Erythrina crista-galli</i>	Cockspur Coral Tree
<i>Fajou sellowiana</i>	Pinapple Guava
<i>Ficus elastica</i>	Rubber Tree
<i>Ficus rubiginosa</i>	Rusty Leaf Fig
<i>Ficus 'Green Gem'</i>	Indian Laurel Fig
<i>Fraxinus oxycarpa 'Raywood'</i>	Raywood Ash
<i>Cordia alliodora</i>	Texas olive
<i>Cordia sebestena</i>	Geiger Tree
<i>Crinodendron patagua</i>	Lily of the Valley Tree
<i>Cupressus forbesi</i>	Tecate Cypress
<i>Dalmanea winteri</i>	Winter's Bark
<i>Dicksonia antarctica</i>	Tasmanian Tree Fern
<i>Diospyros kaki</i>	Japanese Persimmon
<i>Dracaena draco</i>	Dragon Tree
<i>Dypsis decaryi</i>	Triangle Palm
<i>Dypsis lutescens</i>	Golden Cane Palm
<i>Eriobotrya deflexa</i>	Bronze Loquat
<i>Eriobotrya 'Coppertone'</i>	Coppertone Loquat
<i>Erythrina coraloides</i>	Naked Coral Tree
<i>Erythrina crista-galli</i>	Cockspur Coral Tree
<i>Fajou sellowiana</i>	Pinapple Guava
<i>Ficus elastica</i>	Rubber Tree

Botanical Name	Common Name
<i>Ficus rubiginosa</i>	Rusty Leaf Fig
<i>Ficus 'Green Gem'</i>	Indian Laurel Fig
<i>Fraxinus oxycarpa 'Raywood'</i>	Raywood Ash
<i>Cordia alliodora</i>	Texas olive
<i>Cordia sebestena</i>	Galier Tree
<i>Crinodendron patagiae</i>	Lily of the Valley Tree
<i>Cupressus forbesi</i>	Tecate Cypress
<i>Dalmanea winteri</i>	Winter's Bark
<i>Dicksonia antarctica</i>	Tasmanian Tree Fern
<i>Diospyros kaki</i>	Japanese Persimmon
<i>Draecena draco</i>	Dragon Tree
<i>Dypsis decaryi</i>	Triangle Palm
<i>Dypsis lutescens</i>	Golden Cane Palm
<i>Eriobotrya deflexa</i>	Bronze Loquat
<i>Eriobotrya 'Coppertone'</i>	Coppertone Loquat
<i>Erythrina corallodora</i>	Naked Coral Tree
<i>Erythrina crista-galli</i>	Cockspur Coral Tree
<i>Fajoua sellowiana</i>	Pineapple Guava
<i>Ficus elastica</i>	Rubber Tree
<i>Ficus rubiginosa</i>	Rusty Leaf Fig
<i>Ficus 'Green Gem'</i>	Indian Laurel Fig
<i>Fremontodendron californicum 'California Glory'</i>	California glory fremontia
<i>Fuchsia eucalyptus</i>	Eucalyptus Forrestiana
<i>Gajnera parviflora</i>	Australian Willow
<i>Heteromeles arbutifolia</i>	Toyon
<i>Howea belmoreana</i>	Curly Palm
<i>Ilex 'Wilsonii'</i>	Wilson Holly
<i>Koelreuteria paniculata</i>	Goldenrain Tree
<i>Lagerstroemia speciosa</i>	Crape Myrtle
<i>Leptospermum laevigatum</i>	Australian Tea Tree
<i>Leptospermum scoparium</i>	New Zealand Tea Tree
<i>Luna apiculata</i>	Chilean Luna
<i>Lyonothamnus floribundus</i>	Catalina Ironwood
<i>Magnolia x alba</i>	White Champaca
<i>Magnolia grandiflora 'Little Gem'</i>	Dwarf Southern Magnolia

Botanical Name	Common Name
<i>Magnolia grandiflora</i> 'Saint Mary'	Saint Mary Dwarf Magnolia
<i>Magnolia x soulangeana</i>	Saucer Magnolia
<i>Malus species</i>	Apple
<i>Melaleuca ericifolia</i>	Heath Melaleuca
<i>Melaleuca linariifolia</i>	Flaxleaf Paperbark
<i>Melaleuca nesophila</i>	Pink Melaleuca
<i>Metrosideros excelsa</i>	New Zealand Christmas Tree
<i>Metrosideros kermadecensis</i>	Kermadec Pohutukawa
<i>Massa species</i>	Banana
<i>Myrica californica</i>	Pacific Wax Myrtle
<i>Olea europaea</i>	European Olive
<i>Olea europaea</i> 'Majestic Beauty'	Fruitless Olive
<i>Olea europaea</i> 'Wilsoni'	Fruitless Olive
<i>Parkinsonia aculeata</i>	Jerusalem Thorn
<i>Photinia x fraseri</i>	Photinia
<i>Phoenix roebelenii</i>	Pygmy Date Palm
<i>Phoenix roclinata</i>	Senegal Date Palm
<i>Photinia fraseri</i>	Fraser Photinia
<i>Pinus cembroides</i>	Mexican Pinyon Pine
<i>Pittosporum angustifolium</i>	Willow Pittosporum
<i>Pittosporum crassifolium</i>	Seaside Pittosporum
<i>Podocarpus macrophyllus</i>	Yew Pine
<i>Podocarpus nagi</i>	Broadleaf Podocarpus
<i>Prosopis glandulosa</i>	Mesquite
<i>Prosopis velutina</i>	Arizona Mesquite
<i>Prunus species</i>	Stone fruits such as Peach, Nectarine, Pluots, Apricots, Cherry, etc.
<i>Prunus caroliniana</i> 'Compacta'	Carolina Laurel Cherry
<i>Prunus ilicifolia</i>	Hollyleaf Cherry
<i>Prunus laurocerasus</i>	English Laurel
<i>Punica granatum</i>	Pomegranate
<i>Pyrus kawakamii</i>	Evergreen Pear
<i>Rhaptolepis x Majestic Beauty</i>	Indian Hawthorn
<i>Rhapis excelsa</i>	Lady Palm
<i>Rhus lancea</i>	African Sumac

Botanical Name	Common Name
<i>Salix caprea</i>	French Pussy Willow
<i>Sambucus Mexicana</i>	Elderberry
<i>Sapium sebiferum</i>	Chinese Tallow Tree
<i>Senna surattensis</i>	Glaucous Cassia
<i>Sphaeropteris cooperi</i>	Australian Tree Fern
<i>Stenocarpus spuaetus</i>	Firewheel Tree
<i>Streitzia Nicolai</i>	Giant Bird of Paradise
<i>Syzygium smithii</i>	Lily-Pilly Tree
<i>Tabebuia species</i>	Pink Trumpet Tree
	Tecoma stans
<i>Trachycarpus fortunei</i>	Windmill Palm
<i>Tristania laurina 'Elegant'</i>	Water Gum

H-8
Cont.

<p>EXHIBIT B</p> 	<p>H-9 Comment noted. The Design Guidelines for Parcel 2 in Appendix A of the FEIR have been updated under Section 4.4.1, Planting Materials and Standards, to include text references to the Tree List in Figure 4-13. Revisions made to the Design Guidelines and the FEIR are for clarification purposes only and do not result in any changes to the conclusions presented in the document.</p>
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**The Reserve
Design Guidelines – Parcel 2**

Building-mounted lighting shall be carefully designed to not allow stray light beyond the *development area* of each parcel. Bullet-type spotlights are not generally allowed, and will need specific approval for installation. Motion-activated lights shall be shielded to not shine beyond the *development area* of Parcel 2.

4.4 Planting Design Philosophy

The landscape at The Reserve should be a sensitive marriage of formal and informal arrangements of landscaping materials woven together with the natural topography and vegetation. Homeowners are encouraged to preserve native habitat within portions of the *development area* to help visually blend the landscape-use areas with the open space easement. Planting design shall bridge between the architecture, hardscape features and the existing landscape. Expressions of integration and contrasting juxtaposition of species, colors, seasonality and textures is encouraged. The planting design for Parcel 2 shall emphasize integration with the broader surrounding landscape; however, this limitation is not intended to preclude the installation of exotic, non-native vegetation in the *development area*.

4.4.1 Planting Materials and Standards

Plant installation shall be limited to the development area; see Figure 4-1. No invasive or potentially invasive species may be planted within The Reserve. Prohibited species include those listed under section 1.3-1.03 of the City's Land Development Manual – Landscape Standards and the California Invasive Plant Council's Inventory Database. Plant materials shall generally be drought-resistant or drought-tolerant and adapted to the Southern California climate. Only those trees listed in Figure 4-13 may be planted within the *development area* of Parcel 2. A minimum of 50% of the existing large lemonadeberry within the development limits, as shown on Figure 4-3, must remain in place.

Mulch: All planting areas (excluding turf) shall be covered with two to three inch layer of mulch to prevent erosion, maintain moisture in the soil, and deter the establishment of weeds.

4.4.2 Slopes within the Development Area

Steep slopes are defined as areas that exceed a certain percent slope and are often associated with other environmental features such as rock outcrops, shallow soils, bedrock fractures and groundwater seeps. As sensitive landforms, steep slopes create microclimates that harbor a diversity of organisms and are valuable resources. The natural modification of slopes is a slow process that involves climate, geology, hydrology, vegetation and weathering. Human activity can quicken the process through excavation or building construction within unstable areas without regulation. Within the development area, all slopes 30% or greater are to be preserved in their

H-9
Cont.

Comment Letter I

KEVIN K. JOHNSON, APLC

KEVIN K. JOHNSON
JEANNE L. MCKINNON
HEIDI E. BROWN

A PROFESSIONAL LAW CORPORATION
ATTORNEYS AT LAW
600 WEST BROADWAY, SUITE 325
SAN DIEGO, CALIFORNIA 92101

TELEPHONE (619) 696-6211
FAX (619) 696-7516

March 26, 2015

VIA EMAIL

Rhonda Benally
Environmental Planner
City of San Diego Development Services Center
1222 First Avenue, MS 501
San Diego, CA 92101

Re: **DEIR - The Reserve**
Project No. 292065
SCH No. 2014051069

Dear Ms. Benally:

We represent a group of homeowners in the La Jolla Summit neighborhood adjacent to the proposed Reserve project and submit the following comments on the Draft EIR ("DEIR") prepared in connection with this development proposal.

Failure to Comply With City of San Diego Biology Guidelines

The San Diego Municipal Code Land Development Code Biology Guidelines set forth baseline biological standards for processing Neighborhood Development Permits, Site Development Permits and Coastal Development Permits issued pursuant to the Environmentally Sensitive Lands Regulations (p. 5 Biology Guidelines). The Reserve project is subject to these Guidelines and requires a Coastal Development Permit, Site Development Permit for Environmentally Sensitive Lands and Steep Hillides (DEIR p. ES-1). The project's failure to comply with these Guidelines in the identification and analysis of significant biological impacts renders the DEIR's conclusions regarding biological impacts and mitigation unsupported by substantial evidence.

Relevant portions of the Biology Guidelines are attached hereto as Exhibit A and cited herein. The Guidelines are provided to establish city-wide consistency and equity among projects. Diversion from the Guidelines may have significant effects on successful implementation of the City's Multiple Species Conservation Program ("MSCP") and "thus, a



Comment Letter I

I-1 Comment noted.

I-2 The project's Biological Technical Report was prepared in accordance with the City of San Diego Land Development Code 2012 Biology Guidelines. Also, the project requires a Coastal Development Permit and Site Development Permit, as outlined on page ES-1 of the EIR. An updated biological survey was prepared on May 7, 2015, and the conclusions from this survey were incorporated into the FEIR (refer to Appendix C). As stated therein, "there has been no change to the extent of native habitat since the February 2012 verification of existing conditions, and previous vegetation mapping update for the project's biotechnical report. Therefore, the vegetation mapping and analysis in the biotechnical report remains valid. Additionally, there is no change to the proposed project impacts to native vegetation, and therefore no change to the required mitigation specified in the project's biological technical report." Revisions to the FEIR are for clarification purposes only and do not result in any changes to the conclusions and mitigation presented in the document.

I-3 The Biological Resources Technical Report prepared for the project, included as Appendix C of the EIR, was prepared in compliance with the standards outlined within the City's 2012 Biology Guidelines,

	<p>which adequately cover any survey and impact requirements required by CEQA. It should be noted that biological surveys performed on the project site in preparation of the Biological Resources Technical Report extended approximately 20 hours, and in addition, approximately 100 hours of biological monitoring was performed on the site during geotechnical testing in 2011. As a result, substantial evidence was compiled to confirm the analysis within both the Biological Resources Technical Report and EIR. The BTR was accepted in April 2014. In addition, an updated survey was completed in April 2015 to confirm that the project site conditions remained the same and the analysis and conclusions contained in the BTR are still valid. The biological resources section of the EIR was prepared directly from the conclusions and analysis within the BTR. Additional detail and rationale is provided in responses I-2, and I-4 through I-18.</p> <p>I-4 Comment noted. The project included site-specific surveys and analysis as part of the Biological Resources Technical Report found in Appendix C of the EIR. As a part of the site-specific analysis, mitigation measures were identified in Section 5.2.3 of the EIR that would be implemented to mitigate any potential impacts to sensitive flora and fauna per the MSCP Subarea Plan.</p>
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<p>March 26, 2015</p> <p>possible significant effect on regional biodiversity conservation” (p. 17 Biology Guidelines). Accordingly, the Guidelines require that “any significant proposed deviation... require[s] a site-specific analysis in the Biological Survey Report to identify, what effects, if any, it would have on the regional MSCP.”</p> <p>Biological resources governed by the Guidelines include lands outside the Multiple Habitat Planning Area (“MHPA”) identified in the City’s MSCP Subarea Plan that contain vegetation communities classifiable as Tier I, II, IIIA or IIIB and habitat for rare, endangered or threatened species or narrow endemic species (p. 5 Biology Guidelines). The Reserve project site contains: four special status bird species, California Coastal gnatcatcher, Yellow-breasted chat, Western bluebird and Cooper’s hawk; three special status plant species, San Diego barrel cactus, Nuttall’s scrub oak and Torrey Pines; and Tier I Southern Maritime Chaparral, Tier I Scrub Oak Chaparral and Tier IIIB Non-native Grassland (DEIR pp. 5.2-2-5.2-5, 5.2-8, 9 and Biology Technical Report pp. 25-31).</p> <p>Although the presence of these species and vegetation communities implicates the City’s Biology Guidelines, the DEIR and accompanying Biological Resources Technical Report found at Appendix C of the DEIR fail to comply with the Biology Guidelines in several, material respects which undermine the conclusions reached in the DEIR and require its revision and recirculation.</p> <p><u>Biological Surveys are Outdated, Incomplete and Were Not Performed at Appropriate Time of Year</u></p> <p>The Biology Guidelines provide: “Surveys, for state or federally listed sensitive or MSCP-covered species older than 24 months must be updated, as appropriate, to accurately reflect resources on site. Surveys should be done at the appropriate time of year to detect presence/absence of sensitive species...Biological surveys that are over 24 months would require that the survey and report be updated to reflect the most current conditions affecting the project site” (p. 18 Biology Guidelines).</p> <p>The biological surveys for the Reserve project are outdated and not compliant with the Biology Guidelines. A reconnaissance survey was conducted five years (60 months) ago, during the non-breeding season and well outside the 24 month outside limit permitted by the Guidelines. This is the only survey that included an inventory of plant and animal species. Thereafter, in 2011 or four years ago, and again outside the 24 months permitted by the Guidelines, a focused rare plant survey was conducted. Between August 22 and September 22, 2011, over 24 months ago and outside of the normal nesting period for most birds, biological monitoring and two nesting bird surveys in conjunction with the project’s geotechnical investigation occurred (Appendix C to DEIR pp. 15 and 16).</p> <p>The failure to conduct nesting bird surveys during the appropriate nesting season is a serious omission due to the documented presence of special status California Coastal gnatcatchers and Yellow-breasted chat on the site (Appendix C to DEIR p. 30). The nesting bird surveys were conducted outside of the protocol survey requirements contained in the Biology</p> <p style="text-align: center;">2</p>	<p>I-5 Comment noted.</p> <p>I-6 Comment noted. As outlined in responses I-2 and I-3, the Biological Resources Technical Report prepared for the project, included as Appendix C of the EIR, was prepared in compliance with the standards outlined within the City’s 2012 Biology Guidelines, which adequately cover any survey and impact requirements required by CEQA. The BTR was accepted in April 2014. Revisions are for clarification purposes only and do not result in any changes to the conclusions presented in the document. Pursuant to Section 15088.5 of the CEQA Guidelines, no new significant information has been included, and therefore recirculation of the EIR is not required.</p> <p>I-7 As noted, the City’s 2012 Biology Guidelines require that surveys older than 24 months be updated to accurately reflect resources on site. In April 2015, a biological survey was conducted to review site conditions. The 2015 survey confirmed that there has been no substantial change in site conditions, and an addendum to the Biological Resources Technical Report (Dudek 2015, Appendix C of the FEIR) was prepared to document the conditions. Through confirmation with this 2015 survey, the Biological Resources Technical Report, as presented and summarized as part of the EIR, is accurate. Revisions made to the FEIR are for clarification purposes only</p>
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	<p>and do not result in any changes to the conclusions presented in the document.</p> <p>I-8 Refer to response I-7. All surveys were conducted in accordance with the City’s 2012 Biology Guidelines, which adequately cover survey and impact requirements required by CEQA. Regarding nesting bird surveys, none were performed on site, as these are only required during construction on site. Nesting bird surveys would be conducted prior to any construction activities associated with the project per Mitigation Measure MM-BIO-2, outlined within Section 5.2.3 of the EIR. As outlined in detail within MM-BIO-2, biological surveys for nesting bird species must be conducted within the proposed impact area within 10 calendar days prior to the start of construction activities.</p> <p>I-9 The project site is located outside of the City’s MHPA and is surrounded by development on all sides of the project site. The City does not require protocol California Gnatcatcher surveys to be performed during project review. According to the biological technical report, the project site does not support suitable habitat for the California gnatcatcher or yellow-breasted chat, as disclosed in Section 5.2.3 of the EIR. California gnatcatcher and yellow-breasted chat were observed on the project site. The BTR concluded the site may serve as a stepping stone</p>
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between MHPA patches in the community of La Jolla. Nesting bird surveys are required and, therefore, will be implemented prior to any construction activities per mitigation measure MM-BIO-2, outlined in Section 5.2.3 of the EIR. Regarding western bluebird and yellow-breasted chat, the City's 2012 Biology Guidelines do not require protocol surveys as neither are considered special-status species, are not listed as threatened or endangered by the wildlife agencies, and receive no protections that special-status species require.

Also refer to Response I-3 for additional discussion.

<p>March 26, 2015</p> <p>Guidelines for Gnatcatchers. According to the Guidelines, three protocol level surveys are to be conducted during the breeding season from March 1 to August 15 and each survey is to be conducted a minimum of 7 days apart (p. 89 Biology Guidelines). This did not occur even though Gnatcatchers were found on the project site. This fundamental analytical omission relates to other sensitive bird species on site which were never surveyed during the nesting season. Therefore, conclusions regarding the western bluebird as a non-breeding winter visitor (DEIR p. 5.2-8) and the Yellow-breasted chat as a migrating individual (DEIR p. 5.2-8) cannot be supported by the biologist's observation during the limited site visits which occurred during the non-breeding season. The illogic of such a conclusion is akin to saying if a tree falls in the woods, and the consulting biologist is not present, then the tree not only doesn't make a sound, it never existed.</p> <p>In addition, Appendix II of the Biology Guidelines entitled Guidelines for Conducting Biology Surveys indicates if "sensitive species (e.g. listed threatened or endangered species, candidate species, etc.) are on the site or are likely to be present, Focused Survey Reports will be required" (p. 77 Biology Guidelines). The Guidelines for Conducting Biology Surveys also provide that such focused surveys "should be done at the appropriate time of year to determine presence/absence of sensitive species" and the "emphasis of the survey shall be directed at the search for rare, endangered, threatened, or otherwise sensitive resources" (p. 79 Biology Guidelines).</p> <p>Without appropriate focused, current surveys, plant and animal species on site may have been missed, impacts unanalyzed and mitigation or avoidance alternatives omitted. We are particularly concerned that the surveys failed to detect foxes which are known to inhabit the site, have dens on site and keep the rodent population in check. The Fox Hill Estate (the Copley family estate) is so named because of the presence of foxes yet the DEIR completely missed this species in its surveys.</p> <p><u>Biological Analysis Fails to Adequately Address Indirect Impacts</u></p> <p>The City's Biology Guidelines also indicate "indirect impacts of a project may be as significant as the direct impacts of the project" and include but are not limited to: "i. The introduction of urban meso-predators into a biological system...iii. The introduction of invasive exotic plant species into a biological system; iv. Noise and lighting impacts (note: consider both construction/demolition and operational phases of the project..." (p. 71 Biology Guidelines).</p> <p>The Biological Resources Technical Report at p. 62 states "[i]ndirect impacts to sensitive upland vegetation communities and special-status plants could result primarily from adverse "edge effects" as described above" but this reader could find no reference to or examination of edge effects in the preceding pages of the report.</p> <p>The DEIR contains some discussion of indirect impacts at pp. 5.2-14, 15. Although the DEIR recognizes and discusses indirect impacts of construction, noise, lighting, and human encroachment, it contains no discussion or analysis of mitigation for these impacts except the Covenant of Easement and nesting bird surveys if construction activity is to occur during the</p> <p style="text-align: center;">3</p>	<p>I-10 Comment noted. Please refer to response I-9.</p> <p>Grey fox (<i>Urocyon cinereoargenteus</i>) or red fox (<i>Vulpes vulpes</i>) are typical urban-adapted species are not listed as threatened or endangered species or as special-status species by the USFWS or City MSCP, and therefore, any impacts to these species would not require mitigation, pursuant to the City's Biological Guidelines. In addition, neither of these species were reported on-site during the approximately 120 hours of biological monitoring on site conducted during biological surveys and geotechnical testing. Please refer to Table 5.2-6 of the FEIR for the list of special status wildlife species detected on-site.</p> <p>I-11 Indirect effects are disclosed in Section 5.2.3 of the EIR and Section 5.2.1 of the Biological Resources Technical Report. These sections describe potential edge effects in detail with respect to special status plants and wildlife. In addition, the project-specific Covenant of Easement (COE), included as a part of Appendix C to the FEIR, addresses impacts resulting from potential edge effects, and measures to ensure these edge effects are minimized. In addition, Table 3-2 of the EIR identifies project design features that have been incorporated into the project design to minimize these potential indirect impacts. As discussed within Section 5.2.3 of the EIR, all indirect impacts to biological resources would be avoided</p>
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through prohibition of activities within the Conserved Property covered by the project-specific COE. With the implementation of these features, indirect impacts would be less than significant. Pursuant to Section 4.2.1.3 of the Biological Technical Report for the project, foxes were not observed during field reconnaissance on-site, but a coyote was observed. Therefore, indirect impacts to wildlife would be less than significant. As outlined in the response I-10, because coyote and fox are not listed species, no further analysis is required pursuant to the City's MSCP requirements.

As included within Section 5.2.3 of the FEIR, noise and lighting from the proposed residential estates are anticipated to be similar to that of other adjacent residential areas. In addition, the project would be required to comply with the City's noise ordinance, as identified in Sections 59.5.0401 of the City's Municipal Code. Therefore, indirect impacts to wildlife would be less than significant.

Regarding potential impacts associated with household pets, the project-specific COE in Appendix C to the FEIR indicates that the "Grantor shall be responsible for management activities in order to maintain ecological functions of the native vegetation of the Conserved Property". This would include management to protect the Conserved

Property from potential impacts from urban mesopredators like household pets, as identified in the Biological Resources Technical Report, Appendix C to the FEIR.

<p>March 26, 2015</p> <p>breeding season (DEIR pp. 5.2-15 – 19). Specific analysis of impacts of household pets, such as domestic cats or dogs, on the biological resources on site or specific mitigation measures to prevent predation by such animals is not provided. There is also no analysis of the indirect impacts of this project on the resident predators, coyote and fox, which currently keep the rodent population in check.</p> <p>A related issue is the inadequacy of the proposed biological mitigation measures to actually mitigate biological impacts. The conserved area is marked by a small concrete curb and the plan relies on the good faith of the individual homeowners to protect, maintain and monitor the valuable habitat and resources on site. This is an ill-conceived plan. The site has a long and established history of encroachments by neighboring land owners (DEIR pp. 2-1, 2). The reality is that if someone owns or has access to the land, particularly someone who has invested millions of dollars building an ocean view home, they will feel entitled to make use of it and a small concrete curb will not prevent them from doing so. The Covenant of Easement provides no real, lasting protection for the natural resources on the project site and as such does not mitigate for the significant biological impacts of the project.</p> <p>The mitigation leaves any maintenance or monitoring of the conserved areas in the hands of the individual homeowners, not a neutral, qualified third party organization or someone trained to assess the success and viability of the translocated cacti, the revegetated area or the conserved area as a whole. The project mitigation should be revised to include appropriate monitoring and enforcement by a qualified third party, real impediments to human and domestic pet incursions into the conserved areas and success/performance criteria.</p> <p><u>Connectivity Conclusions are Not Supported by Substantial Evidence</u></p> <p>The Biological Resources Technical Report at p. 62 concludes that the site does not serve as a habitat linkage or wildlife corridor but makes a number of inconsistent statements which undermine this conclusion. The report acknowledges the site is connected to other open space areas. In fact, the La Jolla Community Land Use map found at Figure 5.1-3 in the DEIR shows this site is connected to open space both to the west and east of the site. The adjacent La Jolla Summit neighborhood includes 55 acres of designated natural open space which provides wildlife habitat, natural vegetation and linkages contiguous to the habitat and sensitive vegetation on the project site.</p> <p>The report acknowledges that the site serves as a stopover or resting area for migrating birds and butterflies. It is well known by adjacent homeowners that the site is frequented by migrating monarch butterflies. The DEIR fails to analyze project impacts on this species' migration. The report acknowledges the site could also be used as dispersal habitat and that the Tier I Southern Maritime Chaparral present on site is used by both the Yellow-breasted chat and California gnatcatcher. However, this comment is based on the reporting biologist's observation of the birds during the geotechnical monitoring and does not establish that the site is only being used in this manner. If the biologist had surveyed the site during the breeding season and found no evidence of nesting birds that would be another matter. But the report's conclusion based upon monitoring outside of the breeding season is not supported by any evidence. Likewise, the</p> <p style="text-align: center;">4</p>	<p>I-12 Refer to response C-3. Section 5.2.3 of the FEIR indicates that the demarcation between the Conserved Property and development area is to be through fencing or curbs. The project-specific COE presented in MM-BIO-1 of the EIR, and as provided in Appendix C to the FEIR, also identifies the potential for fencing to delineate the perimeter property line of the Conserved Property. As outlined in Section 2(b) of the COE, included within Appendix C of the FEIR, “the City has the right to enter upon the Property at reasonable times in order to monitor Grantor’s compliance with and to otherwise enforce the terms of this Covenant of Easement.” Hence, if habitat shows signs of degradation with the delineation solely through the use of curbs, the City can require additional remedial measures. In addition, the project-specific COE requires the property owner to restore any degraded area within the Conserved Property at the property owner’s expense. As identified in the project-specific COE, included as Appendix C to the FEIR, the Grantor shall provide an annual report on the conditions of the conserved property to the City.</p> <p>I-13 A wildlife corridor is defined as a linear feature that connects large patches of natural open space and provides avenues for the migration of animals. Wildlife corridors contribute to population viability by assuring continual exchange of genes between</p>
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populations, providing access to adjacent habitat areas for foraging and mating, and providing routes for recolonization of habitat after local extirpation or ecological catastrophes (e.g., fires) (The World Conservation Union 2003).

Habitat linkages are small patches that join larger blocks of habitat and help reduce the adverse effects of habitat fragmentation (The World Conservation Union 2003). Habitat linkages provide a potential route for gene flow and long-term dispersal of plants and animals and may also serve as primary habitat for smaller animals, such as reptiles and amphibians. Habitat linkages may be continuous habitat or discrete habitat islands that function as stepping stones for dispersal. A stepping stone type of habitat linkage consists of patches of habitat within developed landscapes and is suitable for species able to make short movements through disturbed environments. The connectivity is achieved by a sequence of short movements from stepping stone to stepping stone along the length of the linkage. Although these features are similar, the project acts only as a stepping stone type of habitat linkage and not a wildlife corridor. The FEIR was updated to clarify that the project site is a stepping stone and cannot function as a wildlife corridor as it is disconnected from other habitat by surrounding development. This revision made to the FEIR is for

	<p>clarification purposes only and does not result in any changes to the significance conclusions presented in the document.</p> <p>I-14 Refer to response I-13. Although seen on site during biological surveys, monarch butterflies are not known to roost on site or in the region. Additionally, monarch butterflies are not a special-status species, and the City's 2012 Biology Guidelines do not require analysis of impacts to monarch butterflies. As such, the conclusions presented in the EIR are accurate as disclosed.</p> <p>I-15 Refer to response I-9.</p>
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conclusion that suitable nesting habitat is not present on site for either species is not supported by any evidence or explanation. The report cannot draw these conclusions based upon an observation of the species that occurred outside of the species' breeding season.

Likewise, the DEIR fails to fully evaluate the use of this property for habitat and foraging by the Cooper's hawk or the impacts of the project on adjacent breeding areas identified in the report (DEIR p. 5.2-8). Again, this failure relates to inadequate, out of date and ill-timed surveys which did not and could not fully and properly identify all special status and sensitive species, accurately determine how they are using this site, accurately determine project impacts to these species and provide mitigation or avoidance alternatives for these impacts.

Translocation Plans for Barrel Cactus and Revegetation Plans for Tier I Habitat Are Undefined and Fail to Comply With City Revegetation/Restoration Guidelines

Mitigation measure MM-BIO-1 proposes to mitigate direct impacts to San Diego barrel cactus by transplanting 27 cacti to the conservation area. In addition, a project design feature includes the voluntary revegetation of Tier IV habitat and non-native vegetation to higher quality southern maritime chaparral. No specifics for these mitigating actions are provided in the DEIR or accompanying documents and as such the DEIR fails to comply with City revegetation and restoration guidelines. See Biology Guidelines Attachment B which articulates the suggested components for any Revegetation/Restoration Plan and includes discussion of existing conditions, mitigation roles and responsibilities, site preparation, irrigation, plant installation specifications, schedule of activities, remediation measures and, importantly, a maintenance program and biological monitoring including performance/success criteria.

The DEIR fails to include any specifics of the translocation or revegetation plans or success or performance criteria all of which should have properly been part of the public review and comment for this project and are required under CEQA. "Impermissible deferral of mitigation measures occurs when an EIR puts off analysis or orders a report without either setting standards or demonstrating how the impact can be mitigated in the manner described in the EIR." (*Preserve Wild Santee v. City of Santee* (2012) 210 Cal.App.4th 260 quoting *Clover Valley Foundation v. City of Rocklin* (2011) 197 Cal.App.4th 200, 236.)

Most seriously these measures are intended to mitigate for significant project impacts yet they leave any maintenance or monitoring of the conserved areas in the hands of the individual homeowners, not a neutral, qualified third party organization or someone trained to assess the success and viability of the translocated cacti, the revegetated area or the conserved area as a whole. The DEIR should be revised to include the suggested specifics of the translocation and revegetation plans, including appropriate monitoring and success/performance criteria by a qualified third party.

Failure to Support Land Use Consistency Findings With Substantial Evidence

The DEIR's land use consistency discussion repeatedly avoids and defers actual analysis by referring to the Design Guidelines for the project stating although the ultimate building design

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Refer to response I-9. Additionally, Sections 5.2.2.1 and 5.2.3 of the EIR fully disclose and analyze the potential for Cooper's hawk on site, and associated habitat. There is a moderate potential for sensitive raptors (i.e., Cooper's hawk) and other native birds to nest within the ornamental or eucalyptus trees adjacent to the proposed development; if present, these nesting birds may be affected by construction-related noise. With the implementation of MM-BIO-2, as outlined Section 5.2.3 of the FEIR, special-status wildlife surveys would be conducted within 10 days prior to the start of construction to avoid indirect impacts to nesting raptors and/or birds. Also refer to response I-7.

I-17

The significant impact to barrel cactus identified in Section 5.2.3 of the EIR is fully mitigated by the COE as disclosed in MM-BIO-1. As disclosed therein, direct impacts to 27 San Diego barrel cactus individuals shall be mitigated through transplantation into the Conserved Property, and preservation of 54 San Diego barrel cactus within the Conserved Property. Impacts to barrel cactus shall be mitigated pursuant to a 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. This information was

	<p>added to the FEIR to clarify the mitigation of impacts to barrel cactus on-site. Revisions to the FEIR are for clarification purposes only and do not result in any changes to the conclusions or mitigation measures presented in the EIR.</p> <p>As outlined in Section 5.2.3 of the FEIR, potentially significant impacts to biological resources are mitigated through implementation of mitigation measures MM-BIO-1 and MM-BIO-2 on site. In addition to mitigation proposed for the project impacts, voluntary revegetation is proposed for approximately 5.12 acres of Tier IV habitat and non-native vegetation to higher-quality southern maritime chaparral, a Tier 1 habitat. The revegetation is not a mitigation measure, but is voluntarily proposed within the Conserved Property as disclosed in Section 3.4 of the EIR, and again in Table 3-2 as a project design feature. The applicant must submit complete construction documents for the revegetation and hydroseeding of all disturbed land within the Conserved Property, as defined by the Covenant of Easement, in accordance with the City of San Diego Landscape Standards, Stormwater Design Manual, and to the satisfaction of the Development Services Department.</p> <p>I-18 As identified in Section 5.6.3 of the EIR, and as stated in the City’s CEQA Significance Determination Thresholds, views from private</p>
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property are not protected by the City of San Diego. The project site is not visible from designated public view corridors as identified in the La Jolla Community Plan, as shown in Figure 5.6-1b, La Jolla Community Views and View Corridors. As outlined in ES-2 of the EIR, although ultimate project design has not been finalized, the FEIR analyzes the potential for impacts associated project implementation pursuant to the Design Guidelines for each issue area. The Design Guidelines address issues of view protection through the inclusion of policies regarding: building location, massing, architecture and height, grading, location of open space, and landscaping. Future projects are required, as a condition of approval of this project, to comply with the Design Guidelines. Viewshed analysis is based on simulations prepared of the most intensive site uses allowed within the restrictions of the Design Guidelines.

The Design Guidelines for Parcel 2, in Section 4.4.1, page 67, indicate that only those trees outlined in Figure 4-13, List of Allowed Tree Species, may be planted within the development area of Parcel 2. The trees within this list typically mature at a height of approximately 30 feet or less. Refer to responses H-2 and H-3 regarding new clarifications in the Design Guidelines limiting landscaping type.

With respect to view protection, the EIR assesses the highest, most obtrusive structures possible within the Design Guideline limitations. These potential impacts are assessed within the viewshed analysis in Section 5.6.3 of the EIR. Although the project site is not located within an identified view corridor per the La Jolla Community Plan, a viewshed analysis was provided for informational purposes. No significant visual impacts were identified, and no mitigation measures are required.

<p>March 26, 2015</p> <p>has not been finalized, compliance with the Design Guidelines will render the project consistent with various City land use policies, recommendations and goals. For example, in the subject area of view protection, the document repeatedly states: "Although the ultimate design of the residential buildings and landscaping has not yet been finalized, restrictions within the Design Guidelines ensure that all public views surrounding the proposed project would not be significantly impacted" and then indicates that the project would be consistent with the particular view protection goal, policy or recommendation in question (DEIR pp. 5.1-34 -5.1-37).</p> <p>The Design Guidelines however, provide general and broad site design, architectural design, landscape design, and planting design criteria. They neither generally nor specifically address issues of view protection. As such, they cannot and do not provide evidentiary support for the DEIR's land use consistency findings.</p> <p>This reliance on the Design Guidelines makes clear the central problem for this project and the fundamental inadequacy of environmental review to date - the structures and their visual, community character and aesthetic impacts remain undefined and unanalyzed. The DEIR cannot serve its foundational informational purpose to inform the public and the decision-makers of the true impacts of this project because the project specifics have not been adequately defined.</p> <p><u>Failure to Support Aesthetics Impacts Significance Conclusions With Substantial Evidence</u></p> <p>The DEIR artificially circumscribes the range of views protected under CEQA by dismissing scenic vistas from publicly used trails and roads from CEQA protection. The surrounding neighborhoods contain scenic vistas and overlook areas to the ocean and hillsides as well as trails that are enjoyed not only by the many surrounding homeowners but by the public at large when walking, driving or biking along the local roads and trails. Accordingly, the Reserve's significant visual, aesthetic and neighborhood character impacts must be fully analyzed and appropriate alternatives and mitigation measures articulated to assure compliance with CEQA.</p> <p><u>La Jolla Community Plan</u></p> <p>The Natural Resources and Open Space System element of the La Jolla Community Plan ("LJCP") recognizes that "La Jolla is a community of significant visual resources" (p. 41 LJCP) and the plan's goals and policies repeatedly identify the need to protect steep hillsides, habitat linkages and scenic vistas from visual intrusions. "The scenic value and visual quality of ...habitat linkages through steep slopes and canyons shall be protected from developments or improvements that would detract from the scenic quality and value of these resources." (p. 50 LJCP). "Set back large residential structures from the top slope of steep hillsides so that the design and site placement of a proposed project respect the existing natural landform and steep hillside character of the site...The reservation of the natural character of these areas depends upon minimizing visual intrusions." (p. 62 LJCP). "Undertake an environmental analysis for all structures proposed on hillsides containing sensitive biological resources in accordance with the requirements of the California Environmental Quality Act in order to determine the degree to</p> <p style="text-align: center;">6</p>	<p>I-19 As shown in Figures 5.6-1b of the EIR, the project site is not located within a public view corridor identified in the La Jolla Community Plan. Additionally, Section 5.6 of this EIR includes an extensive analysis of the potential impacts to thirteen (13) different area viewpoints, including both public and private views for informational purposes. As identified in the EIR in Section 5.6.1, the City of San Diego, pursuant to the City's CEQA Significance Determination Thresholds (2011), does not protect private views. Therefore, information regarding private views was provided within the EIR section for informational purposes only. So while trails and roads may be "publicly used" as indicated by the commenter, they are located on private land, and considered private, and not subject to CEQA or City of San Diego regulations regarding view protection.</p> <p>I-20 The environmental analysis contained in the EIR does adequately analyze and disclose the proposed project's visual, community character, biological and plan consistency impacts (refer to Section 5.6, 5.2, and 5.1 of the EIR, respectively) based on a worst case scenario for project buildout pursuant to the Design Guidelines. Therefore, analysis was not deferred.</p>
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<p>March 26, 2015</p> <p>which the proposed use will impact these resources.” (p. 61 LJCP).</p> <p>According to the Residential Land Use portion of the LJCP, without qualification or exception, “[a]ll development and redevelopment projects should be subject to the policies and recommendations outlined under the Visual Resources... section[] of the Natural Resources and Open Space System Element.” (p. 85 LJCP).</p> <p>The Residential Land Use portion of the LJCP recognizes as a critical issue “the relationship between the bulk and scale of infill development to existing single dwelling units” stating “[i]n construction of single dwelling unit homes have tended to be larger in size than the traditional development in some neighborhoods.”</p> <p>In turn, the plan’s policies related to Community Character indicate in pertinent part: “In order to promote development compatible with the existing residential scale...the City should apply the development recommendations that are contained in this plan to all properties in La Jolla in order [to] avoid extreme and intrusive changes to the residential scale of La Jolla’s neighborhoods and to promote good design and harmony within the visual relationships and transitions between new and older structures.” (p. 84 LJCP).</p> <p>The Plan recommendations for Community Character also indicate: “In order to maintain and enhance the existing neighborhood character and ambiance, and to promote good design and visual harmony in transitions between new and older structures, preserve the following elements: 1) Bulk and scale-with regard to surrounding structures or land form conditions as viewed from the public right-of-way and from parks and open space...”</p> <p>These plan policies, goals and recommendations are all implicated by the scale of the homes proposed for the Reserve project and the visual, community character, biological and plan consistency impacts must all be appropriately analyzed in the DEIR. As discussed above, by deferring such analysis to future compliance with the project Design Guidelines, which neither generally nor specifically deal with view protection, the DEIR’s findings are unsupported by the evidence.</p> <p><u>CEQA Requirements</u></p> <p>CEQA requires analysis of view impacts which are considered under the umbrella of aesthetic impacts. Pub. Res. Code §21100(d); <i>Quail Botanical Gardens Foundation, Inc. v. City of Encinitas</i> (1994) 29 Cal. App. 4th 1597 (EIR required where project could affect a public park’s unobstructed view of Pacific Ocean). “Any substantial negative effect of a project on view and other features of beauty [can] constitute a significant environmental impact under CEQA.” (<i>Ocean View Estates Homeowners Assn., Inc. v. Montecito Water Dist.</i> (2004) 116 Cal. App. 4th 396, 401 citing <i>Quail Botanical Gardens Foundation, Inc. v. City of Encinitas, supra</i>, 29 Cal.App.4th at p. 1604.)</p> <p>Appendix G of the CEQA Guidelines (the Environmental Checklist Form) prepared in order to determine the proper level of environmental review includes a section entitled</p> <p style="text-align: center;">7</p>	<p>I-21</p> <p>Refer to responses I-18 and I-19. The EIR thoroughly addresses view and aesthetic impacts throughout Section 5.6.3 of the EIR, and the project does not meet the thresholds of significance as defined by the City’s Significance Determination Thresholds (City of San Diego 2011). As identified in responses I-18 and I-19 and in Section 5.6.3, the project site is not visible from designated public view corridors as identified in the La Jolla Community Plan, as shown in Figure 5.6-1b, La Jolla Community Views and View Corridors.</p> <p>Thirteen viewpoints were addressed in the EIR in response to the May 3, 2013, letter provided to the City by Kevin K. Johnson, APLC (as included within Exhibit B of Letter I). As indicated in response I-19, thirteen viewpoints from public roadways, adjacent trails, and private and public vantage points were assessed in detail with respect to the City’s significance thresholds for aesthetic impacts. As disclosed in Section 5.6.1 of the EIR, there are no designated public vantage points or view corridors affecting the site and neither CEQA nor the City of San Diego protects private views, and information regarding private views provided in the EIR is for informational purposes only. As such the EIR sufficiently addresses visual impacts under CEQA.</p>
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Aesthetics which provides in pertinent part: "Would the project: a) Have a substantial adverse effect on a scenic vista?...c) Substantially degrade the existing visual character or quality of the site and its surroundings?"

In the instant case, and in view of the LJCP goals, policies and recommendations, the answer to these questions is yes. Cases discussing the significance of visual impacts mention that the rights of one private landowner cannot prevail over the rights of another private landowner *except in accordance with uniformly applied standards and policies as expressed in a city's general plan, redevelopment plan, local coastal program and zoning ordinances. Mira Mar Mobile Community v. City of Oceanside* (2004) 119 Cal. App. 4th 477 (emphasis added). La Jolla has such standards as expressed in the LJCP and these standards must be considered and enforced in connection with this project.

In short, under CEQA and the LJCP, aesthetic impacts, such as project impacts on public and private views, must be properly and fully studied in the DEIR to assess the project's impacts. *See e.g., Mira Mar Mobile Community v. City of Oceanside* (2004) 119 Cal. App. 4th 477. Due to the undefined nature of the homes which will ultimately be built on Parcels 2 and 3, the report cannot and has not fully and adequately evaluated the significant view impacts of this project. The significance of an environmental impact is "measured in light of the context where it occurs." *Bowman v. City of Berkeley* (2004) 122 Cal. App. 4th 572, 589. In the case of evidence of adverse visual impacts on a public view, trail, scenic vistas or environmentally sensitive areas, all of which are present in this matter, these impacts are regarded as significant. *See e.g., Quail Botanical Gardens Foundation, Inc. v. City of Encinitas* (1994) 29 Cal. App. 4th 1597, 1603-1604; *Bowman v. City of Berkeley* (2004) 122 Cal. App. 4th 572; *Banker's Hill, Hillcrest, Park West Community Preservation Group v. City of San Diego* (2006) 139 Cal. App. 4th 249.

If the project will affect the environment or persons in general, as it will here, these impacts must be analyzed, mitigated for and alternatives promulgated. *See e.g., Ocean View Estates Homeowners Assn., Inc. v. Montecito Water Dist.* (2004) 116 Cal. App. 4th 396, 401 (EIR required where record contained photographic evidence that a large aluminum reservoir cover would be visible from public recreational trails as well as private homes).

As established by the photographic evidence submitted with our letter of May 3, 2013, and attached hereto as Exhibit B, the substantial homes and accessory structures proposed by the Reserve project will be visible from publicly used trails and roads. As stated in the *Ocean View* case, "[t]he evidence here goes beyond a few people expressing concern about the aesthetics of the project" and includes substantial evidence that the homes and other structures will be visible from both public and private view areas as well as a trail frequently used by the public. Under the circumstances, appropriate analysis of impacts should have, but did not, occur and mitigation should be formulated to address these impacts.

Failure to Analyze a Reasonable Range of Alternatives, Including an Alternate Site Design Alternative

The DEIR fails to analyze a reasonable range of alternatives and rejects an alternate site

I-21
Cont.
I-22

I-22

In accordance with CEQA, the EIR clearly identifies and analyzes feasible alternatives pursuant to CEQA Guidelines Section 15126.6. As identified in Section 9.5, the EIR includes a list of alternatives that were considered. This section of the EIR includes alternatives that were considered but rejected because they would not meet most of the project objectives, or would not reduce or avoid the significant impacts of the proposed project. When assessing a reasonable range of feasible alternatives, factors that may be taken into account include site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries, and whether the proponent can reasonably acquire, control, or otherwise have access to alternative sites. As disclosed in Section 9.5 of the EIR, off-site alternatives are not considered feasible as they are not owned by the applicant and would not meet the goals and objectives of the project. Alternative project designs are limited due to the site constraints, such as the sensitive biological habitat and drainage on site, the maximum 25% development limitation, steep slopes, geotechnical constraints, and access.

Pursuant to 15126.6 of the CEQA guidelines, an EIR need not consider every conceivable alternative to a project. Additionally, Section 15126.6(f) of the CEQA Guidelines identifies that alternatives should be

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design alternative because: (1) some previous alternative designs did not offer ocean views or privacy and wouldn't meet one of the project objectives; (2) many alternative house locations would require longer access routes and result in additional impacts; (3) each design drew similar concerns from the neighbors. The reader is then referred to Chapter 4 which discusses the evolution of the project but does not provide any schematics or site plans illustrating the various supposed alternative site designs which were rejected. The failure of a design to meet one of the project objectives does not remove it from consideration under CEQA. In fact, the threshold tests for suitable alternatives is: (1) can it substantially reduce significant project impacts; (2) can it attain most (not all) of the project objectives; (3) is it potentially feasible; and (4) is it reasonable and realistic. CEQA Guideline section 15126.6(c). Alternatives need not implement all project alternatives (*Mira Mar Mobile Community v. City of Oceanside* (2004) 119 Cal.App.4th 477) and the failure to meet one project alternative does not furnish grounds for rejecting it.

Likewise, reference to undefined, unspecified neighbor concerns without more does not provide an adequate explanation for rejection of an alternative. There is also no indication that smaller scale structures were considered for Parcel 3 even though the massive size and scale of this portion of the project were of serious and repeated concern to the surrounding community and have significant aesthetic and community character impacts.

Failure to Accurately Analyze Location of Drainage Subject to ACOE/RWQCB/ CDFW Jurisdiction or Provide Appropriate Buffers

It is commonly known by area residents that the natural water drainage on site flows across the planned development area of Parcel 2. However, the relevant DEIR maps show this drainage as only occurring in the non-developed area (See Figures 5.2-4). The accurate and entire location of this drainage should be analyzed, particularly if upon development of Parcel 2, the diverted water may impact the conserved area or cause erosion impacts to the steep slopes.

Related to this issue is the presence of proposed storm drain outfalls. Water entering storm drains is typically high in pollutants including hydrocarbons and pesticides. The outfalls appear to ultimately drain into the ephemeral drainage subject to ACOE/RWQCB/CDFW jurisdiction and protected by a buffer. The impacts of these outfalls on this drainage should be analyzed and appropriate mitigation identified in the body of the DEIR to prevent pollutants from entering the drainage.

Regarding the reduced buffer for the ephemeral drainage, there is no environmentally legitimate reason for the reduced buffer particularly in relation to the driveway on Parcel 3. In fact, the reduced buffer appears to have simply been approved in order to accommodate the dual driveways on this parcel which appear unnecessary for parcel access and unnecessarily impactful of resources on site.

I-22
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I-23

I-24

I-25

limited to those that would avoid or substantially lessen any of the significant effects of the project. Limiting development on Parcel 3 with respect to the size and scale of the development for aesthetics reasons would not substantially lessen any of the identified significant impacts of the project, since no significant aesthetics impacts were identified in Section 5.6.3 of the EIR. Similarly, alternative site designs would result in greater impacts when compared to the project, as discussed in Section 9.5 of the EIR.

I-23

A jurisdictional wetland delineation was conducted as part of the Biological Resources Technical Report for the project. The drainage identified in this comment is shown in Figure 5.2-4 of the EIR, and described as an unnamed ephemeral hillside drainage on Page 5.2-10. As part of the analysis, it was determined that this drainage does not cross Parcel 2, and Parcel 2 does not support a drainage under jurisdiction of ACOE, CDFW and RWQCB. The accuracy of this delineation process is based on Army Corps of Engineers, Regional Water Quality Control Board, and California Department of Fish and Wildlife Service requirements. As such, the drainage has been adequately assessed in the EIR.

With respect to potential impacts associated with erosion impacts to steep slopes associated with drainage

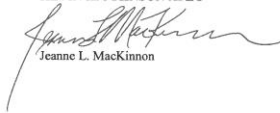
	<p>on site, a Water Quality Technical Report and Drainage Study were prepared for the project. Refer to Appendix E to the EIR and Section 5.4 of the EIR. Table 5.4-1 outlines best management practices that would be implemented to avoid erosion on site and reduce these impacts to less than significant.</p> <p>I-24 Similar to the response I-23, Section 5.4 outlines the conclusions and analysis from the Water Quality Technical Report and Drainage Study. Table 5.4-1 outlines best management practices that would be implemented to avoid potential impacts to water quality on site downstream in the receiving water. As shown in Figure 5.4-5, three bioretention basins are proposed. One temporary basin is also proposed to avoid impacts to water quality or hydromodification during construction. In addition, compliance with all applicable Regional Water Quality Control Board water quality standards will also ensure that no significant impacts occur.</p> <p>I-25 The reduced buffer for the ephemeral drainage was approved in a meeting with CDFW on December 10, 2013. Additionally, as outlined in Section 5.2.3 of the EIR, this reduced buffer would not result in a significant impact to this ephemeral drainage.</p>
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In view of the foregoing identified analytical and informational omissions, the DEIR should be revised and recirculated for public review. At present, it is fundamentally inadequate as an informational document.

I-26

Very truly yours,
KEVIN K. JOHNSON APLC



Jeanne L. MacKinnon

Enc.

I-26

Further explanation provided in responses to comments I-1 through I-25 enforce that the EIR is accurate and recirculation is not required or necessary.

<p>EXHIBIT A</p> <p style="text-align: center;">↓ I-27</p>	<p>I-27 Comment noted.</p>
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San Diego Municipal Code
**Land Development
Code**

Biology Guidelines

Adopted September 28, 1999
Amended June 6, 2000 by Resolution No. R-293254-1
Amended May 19, 2001 by Resolution No. R-294943
Amended April 23, 2012 by Resolution No. R-307376

This information, document, or portions thereof, will be made available in alternative formats upon request.

Land Development Manual – Biology Guidelines

June 2012

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SECTION I

DEFINITIONS

These Guidelines have been formulated by the Development Services Department (DSD) to aid in the implementation and interpretation of the Environmentally Sensitive Lands Regulations (ESL), San Diego Land Development Code (LDC), Chapter 14, Division 1, Section 143.0101 et seq, and the Open Space Residential (OR-1-2) Zone, Chapter 13, Division 2, Section 131.0201 et seq. Section III of the Guidelines (Biological Impact Analysis and Mitigation Procedures) also serve as standards for the determination of impact and mitigation under the California Environmental Quality Act (CEQA) and the Coastal Act.

These Guidelines are the baseline biological standards for processing Neighborhood Development Permits, Site Development Permits and Coastal Development Permits issued pursuant to the ESL. For impacts associated with steep hillsides, please refer to the Steep Hillside Guidelines for the Environmentally Sensitive Lands Regulations.

A. Sensitive Biological Resources

The ESL defines sensitive biological resources as those lands included within the Multiple Habitat Planning Area (MHPA) as identified in the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan (City of San Diego 1995), and other lands outside of the MHPA that contain wetlands; vegetation communities classifiable as Tier I, II, IIIA or IIIB; habitat for rare, endangered or threatened species; or narrow endemic species.

1. The Multi-Habitat Planning Area (MHPA) encompasses those lands that have been included within the preserve for the City of San Diego's MSCP Subarea Plan for habitat conservation. These lands have been determined to provide the necessary habitat quantity, quality and connectivity to support the future viability of San Diego's unique biodiversity and thus are considered to be a Sensitive Biological Resource. The City of San Diego's MHPA contains "hard-lines," with limited development permitted based on the development area allowance of the OR-1-2 zone in order to achieve an overall 90% preservation goal (see Section II.B for discussion of OR-1-2 zone).

The boundaries of the MHPA are depicted on 1"=2000-foot scale maps and in many areas of the City on 1"= 800-foot scale maps.

2. Wetlands support many of the species included in the MSCP (i.e. Covered Species). The definition of wetlands in ESL is intended to differentiate uplands (terrestrial areas) from wetlands, and furthermore to differentiate naturally occurring wetland areas from those created by human activities. Except for areas created for the purposes of wetland habitat or resulting from human actions to create open waters or from the alteration of natural stream courses, it is not the intent of the City to regulate artificially created wetlands in historically non-

wetland areas unless they have been delineated as wetlands by the Army Corps of Engineers, and/or the California Department of Fish and Game. For the purposes of the ESL, artificially created lakes such as Lake Hodges, artificially channeled floodways such as the Carmel Valley Restoration and Enhancement Project (CVREP) and previously dredged tidal areas such as Mission Bay should be considered wetlands under ESL. The following provides guidance for defining wetlands regulated by the City of San Diego under the Land Development Code.

Naturally occurring wetland vegetation communities are typically characteristic of wetland areas. Examples of wetland vegetation communities include saltmarsh, brackish marsh, freshwater marsh, riparian forest, oak riparian forest, riparian woodland, riparian scrub and vernal pools. Common to all wetland vegetation communities is the predominance of hydrophytic plant species (plants adapted for life in anaerobic soils). Many references are available to help identify and classify wetland vegetation communities; Holland (1986), revised Holland (Oberbauer 2005 and 2008), Cowardin et al. (1979), Sawyer and Keeler-Wolf (1996), and Zedler (1987). The U.S. Army Corps of Engineers Wetland Delineation Manual (1987) provides technical information on hydrophytic species.

Problem areas can occur when delineating wetlands due to previous human activities or naturally occurring events. Areas lacking naturally occurring wetland vegetation communities are still considered wetlands if hydric soil or wetland hydrology is present and past human activities have occurred to remove the historic vegetation (e.g., agricultural grading in floodways, dirt roads bisecting vernal pools, channelized streambeds), or catastrophic or recurring natural events preclude the establishment of wetland vegetation (e.g., areas of scour within streambeds, coastal mudflats and salt pannes that are unvegetated due to tidal duration). The U.S. Army Corps of Engineers Wetland Delineation Manual (1987) provides technical information on hydric soils and wetland hydrology.

Seasonal drainage patterns that are sufficient enough to etch the landscape (i.e. ephemeral/intermittent drainages) may not be sufficient enough to support wetland dependent vegetation. These types of drainages would not satisfy the City's wetland definition unless wetland dependent vegetation is either present in the drainage or lacking due to past human activities. Seasonal drainage patterns may constitute "waters of the United States" which are regulated by the Army Corps of Engineers and/or the California Department of Fish and Game.

Areas lacking wetland vegetation communities, hydric soils and wetland hydrology due to non-permitted filling of previously existing wetlands will be considered a wetland under the ESL and regulated accordingly. The removal of the fill and restoration of the wetland may be required as a condition of project approval.

Areas that contain wetland vegetation, soils or hydrology created by human activities in historically non-wetland areas do not qualify as wetlands under this definition unless they have been delineated as wetlands by the Army Corps of Engineers, and/or the California Department of Fish and Game. Artificially created wetlands consist of the following: wetland vegetation growing in brow ditches and similar drainage structures outside of natural drainage courses, wastewater treatment ponds, stock watering, desiltation and retention basins, water ponding on landfill surfaces, road ruts created by vehicles and artificially irrigated areas which would revert to uplands if the irrigation ceased. Areas of historic wetlands can be assessed using historic aerial photographs, existing environmental reports (EIRs, biology surveys, etc.), and other collateral material such as soil surveys.

Some coastal wetlands, vernal pools and riparian areas have been previously mapped. The maps, labeled C-713 and C-740 are available to aid in the identification of wetlands. Additionally, the 1":2000' scale MSCP vegetation maps may also be used as a general reference, as well as the U.S. Fish and Wildlife Service (USFWS) National Wetlands Inventory maps. These maps, available for viewing at the Development Services Department, should not replace site-specific field mapping.

3. Vegetation Communities within the MSCP study area have been divided into four tiers of sensitivity (the first includes the most sensitive, the fourth the least) based on rarity and ecological importance.

Tier I habitats include lands classified as southern foredunes, Torrey pines forest, coastal bluff scrub, maritime succulent scrub, maritime chaparral, native grasslands, and oak woodlands. Tier II includes lands classified as coastal sage scrub and coastal sage scrub/chaparral. Tier IIIA includes lands classified as mixed chaparral and chamise chaparral. Tier IIIB includes lands classified as non-native grassland. Tier IV includes lands classified as disturbed, agriculture, and eucalyptus.

Classifications should use the California Department of Fish and Game (CDFG) listing of community associations (Holland 1986) as a reference for classifying vegetation. The City's MSCP and Biology Guidelines are based on vegetation classification provided in Holland and revised Holland (Oberbauer 2005 and 2008). An alternative mapping methodology that is also acceptable to the City of San Diego is Sawyer and Keeler-Wolf (1995).

4. Listed Species: Habitats supporting plant or animal species which have been listed or proposed for listing by the federal or state government as rare, endangered, or threatened ("listed species") are also considered sensitive biological resources under the ESL. Note: Some listed species are considered adequately conserved under the MSCP (Covered Species). Others are not (Listed Non-covered Species).

5. Narrow Endemic Species: Species adopted by the City Council as narrow endemic species, identified below, are considered sensitive biological resources (Note: Some of these narrow endemic species are also listed species):

Narrow Endemic Species

<i>Acanthomintha ilicifolia</i>	San Diego thormint
<i>Agave shawii</i>	Shaw's agave
<i>Ambrosia pumila</i>	San Diego ambrosia
<i>Aphanisma blitoides</i>	Aphanisma
<i>Astragalus tener</i> var. <i>titi</i>	Coastal dunes milk vetch
<i>Baccharis vanessae</i>	Encinitas baccharis
<i>Dudleya blochmaniae</i> ssp. <i>brevifolia</i>	Short-leaf live-forever
<i>Dudleya variegata</i>	Variegated dudleya
<i>Eryngium arisudatum</i> var. <i>parishii</i>	San Diego button-celery
<i>Hemizonia conjugens</i>	Otay tarplant
<i>Navarretia fossalis</i>	Spreading navarretia
<i>Opuntia parryi</i> var. <i>serpentina</i>	Snake cholla
<i>Orcuttia californica</i>	Orcutt grass
<i>Pogogyne abramisi</i>	San Diego mesa mint
<i>Pogogyne nuduscula</i>	Otay Mesa mint

6. Covered Species are those species included in the Incidental Take Authorization issued to the City by the federal or state government as part of the City's MSCP Subarea Plan. Exceptions to this are the MSCP covered species that are listed wetlands species. The term "non-covered species" is sometimes used to identify species not included in the Incidental Take Authorization. A list of the Covered Species is provided in Appendix A of the Biology Guidelines.

B. Wetland Buffers

A wetland buffer is an area or feature(s) surrounding and identified wetland that helps to protect the functions and values of the adjacent wetland by reducing physical disturbance from noise, activity and domestic animals, and provides a transition zone where one habitat phases into another. The buffer will also protect other functions and values of wetland areas including absorption and slowing of flood waters for flood and erosion control, sediment filtration, water purification, ground water recharge, and the need for upland transitional habitat. Within the Coastal Overlay Zone, uses permitted within wetland buffers are specified in Section 143.0130(e) of ESL.

SECTION II

DEVELOPMENT REGULATIONS

Specific development regulations pertaining to sensitive biological resources exist in the Municipal Code in both the Environmentally Sensitive Lands Regulations (Chapter 14, Division 1, Section 143.0141) and the OR-1-2 Zone (Chapter 13, Division 2, Section 131.0230). The following guidelines are provided to supplement these development regulation requirements.

A. Environmentally Sensitive Lands (ESL) Regulations

1. Wetlands and Listed Species Habitat

a. Permits Required

State and federal laws and regulations regulate adverse impacts to *wetlands* and listed species habitat. State and Federal laws and regulations regulate adverse impacts to wetlands and listed species habitat. The City does not have Incidental Take Authorization for listed wetland species that occur within federal jurisdictional waters. Therefore, projects which would impact wetlands would be required to obtain all applicable federal and state permits prior to the issuance of any grading permits. Applicants will be required to confer with the appropriate federal and state agencies prior to the public hearing for the development and incorporate any federal and state requirements into their project design.

The City will condition discretionary permit(s) and any associated subdivision map(s) it issues to restrict the issuance of any construction permit (including but not limited to, Demolition, Grading or Building) until applicants have obtained all necessary federal and state permits. Prior to the issuance of any construction permit(s), the applicant must provide a copy of the permit, authorization letter or other official mode of communication from the Resource Agencies to the City. Although, City public projects do not need a grading permit, these projects will still be required to obtain all necessary federal and state permits prior to the preconstruction meeting or any clearing or grading of the project site.

b. Impacts to Wetlands and Buffer Limits Outside of the Coastal Overlay Zone

Under the ESL, impacts to wetlands should be avoided. For vernal pools, avoidance of the entire watershed, which includes a buffer based on functions and values is required. Unavoidable impacts should be minimized to the maximum extent practicable. Whether or not an impact is unavoidable will be determined on a case-by-case basis. Examples of unavoidable impacts include those necessary to allow reasonable use of a parcel entirely constrained by wetlands, roads where the only access to the developable portion of the site results in impacts to wetlands, and essential

public facilities (essential roads, sewer, water lines, etc.) where no feasible alternative exists. Unavoidable impacts will need to be mitigated in accordance with Section III.B.1.a of these Guidelines.

A wetland buffer shall be maintained around all wetlands as appropriate to protect the functions and values of the wetland. Section 320.4(b)(2) of the U.S. Army Corps of Engineers General Regulatory Policies (33CFR 320-330) list criteria for consideration when evaluating wetland functions and values. These include wildlife habitat (spawning, nesting, rearing, and foraging), food chain productivity, water quality, ground water recharge, and areas for the protection from storm and floodwaters.

c. Impacts to Wetlands and Buffer Limits Within the Coastal Overlay Zone

Within the Coastal Overlay Zone, both within and outside the MHPA, impacts to wetlands shall be avoided and only those uses identified in Section 143.0130(d) of the ESL shall be permitted which are limited to aquaculture, nature study projects or similar resource dependent uses, wetland restoration projects and incidental public service projects. Such impacts to wetlands shall occur only if they are unavoidable, the least environmentally-damaging feasible alternative, and adequate mitigation is provided.

Wetland buffers should be provided at a minimum 100 feet wide adjacent to all identified wetlands within the Coastal Overlay Zone (Section 143.0141(b)). The width of the buffer may be either increased or decreased as determined on a case-by-case basis, in consultation with the California Department of Fish and Game, the U.S. Fish and Wildlife Service, and the Army Corps of Engineers, taking into consideration the type and size of development, the sensitivity of the wetland resources to detrimental edge effects, natural feature such as topography, the functions and values of the wetland and the need for upland transitional habitat. Examples of functional buffers include areas of native or non-invasive landscaping, rock/boulder barriers, berms, walls, fencing, and similar features that reduce indirect impacts on the wetland. Measures to reduce adverse lighting and noise should also be addressed where appropriate. Section 1.4.3 Land Use Adjacency Guidelines of the City's MSCP Subarea Plan can be used to help determine appropriate measures for wetland buffers. A 100-foot minimum buffer area shall not be reduced when it serves the functions and values of slowing and absorbing flood waters for flood and erosion control, sediment filtration, water purification, and ground water recharge. Deviations from the Environmentally Sensitive Lands Regulations within the Coastal Overlay Zone shall be approved only after the decision maker makes an economically viable use determination and findings pursuant to Section 126.0708(e).

2. Development in the MHPA

For parcels outside of the Coastal Overlay Zone and wholly or partially within the MHPA, development is limited to the development area allowed by the OR-1-2 Zone, as described below (see Section II.B). Zone 2 brush management is considered “impact neutral” and is not considered part of the proposed development area. The development area must be located on the least sensitive portions of the site. The following list, in order of increasing sensitivity, is provided as a guideline for assessing the least sensitive portion of the site. Projects should be designed to avoid impacts to Covered Species where feasible. This list should be used in combination with existing site-specific biological information, such as potential edge-effects from existing and proposed development, preserve configuration, habitat quality, wildlife movement, and topography.

- a. Areas devoid of vegetation, including previously graded areas and agricultural fields.
- b. Areas of non-native vegetation, disturbed habitats, and eucalyptus woodlands.
- c. Areas of chamise or mixed chaparral, and non-native grasslands.
- d. Areas containing coastal scrub communities.
- e. All other upland communities.
- f. Occupied habitat of listed species, narrow endemic species, *Muilla clevelandii* (San Diego goldenstar), non-native grasslands occupied by burrowing owl, and all wetlands.
- g. All areas necessary to maintain the viability of wildlife corridors (e.g., linear areas of the MHPA < 1000' wide).

Within each of the previous categories (a-g above), areas containing steep hillsides will be considered more sensitive than those areas without steep hillsides.

Proposed development must be sited on the least sensitive areas and may ~~only~~ encroach into more sensitive areas only to achieve the allowable development area. Within the Coastal Overlay Zone, specific discretionary encroachment limitations into steep hillsides containing sensitive biological resources are established in Section 143.0142(a)(4) of the ESL which shall supersede the allowable development area permitted pursuant to the OR-1-2 zone.

In addition to the previous siting requirements, any development inside the MHPA which identifies the occurrence of the following species must include an impact avoidance area as follows:

- 300 feet from any nesting site of Cooper’s hawk (*Accipiter cooperii*).
- 1,500 feet from known locations of the southern pond turtle (*Clemmys marmorata pallida*).
- 900 feet from any nesting sites of northern harriers (*Aquila chrysaetos*).
- 4,000 feet from any nesting sites of golden eagles (*Speotyto cunicularia hypugaea*).
- 300 feet from any occupied burrow of burrowing owls (*Speotyto cunicularia hypugaea*).

These conditions are requirements of the Incidental Take Authorization in order to consider these species adequately conserved.

3. Development Outside of the MHPA

For parcels outside of the Coastal Overlay Zone and the MHPA, there is no limit on encroachments into sensitive biological resources, with the exception of wetlands and listed non-covered species habitat (which are regulated by federal and state agencies and narrow endemic species as described below). However, impacts to sensitive biological resources must be assessed, and mitigation, where necessary, must be provided in conformance with Section III of these Guidelines. Within the Coastal Overlay Zone, specific encroachment limitations into steep hillsides containing sensitive biological resources, and permitted uses within wetlands are established in Section 143.0142(a) and Section 143.0130(d) respectively, which, in case of conflict, shall supersede other regulations of ESL. [Note: Encroachment into areas outside of the MHPA that are designated and zoned as open space would be limited to the encroachment allowed by the underlying zone].

Outside the MHPA, projects must incorporate additional measures for the protection of as identified in Appendix A of the MSCP Subarea Plan. These measures can include management (e.g., fencing, signage), enhancements (e.g., removal of exotic species), restoration (e.g., expansion of existing populations) and/or translocation into areas of protected open space. For burrowing owls, impacts must be avoided to the maximum extent practicable. Mitigation for impacts to occupied burrowing owl habitat must be through the conservation of occupied burrowing owl habitat or conservation of lands appropriate for restoration, management and enhancement of burrowing owl nesting and foraging requirements. The appropriate measure(s) should be determined on a case-by-case basis, depending on the autecology of the species and the size, type and location of the proposed development.

4. Restrictions on Grading

All clearing, grubbing or grading (inside and outside the MHPA) will be restricted during the breeding season where development may impact the following species:

- Western snowy plover (March 1 – September 15)
- Southwestern flycatcher (May 1 – August 30)
- Least tern (April 1 – September 15)
- Cactus wren (February 15 – August 15)
- Least Bell’s vireo (March 15 – September 15)
- Tri-colored black bird (March 1 – August 1)
- California gnatcatcher (March 1 – August 15 inside MHPA only.
(No restrictions outside MHPA)
- Burrowing Owl (February 1 to August 31)

B. Open Space Residential Zone (OR-1-2)

The OR-1-2 Zone provides for low-density residential, agricultural and passive open space uses. Every parcel zoned OR-1-2 has a development area as follows:

1. Development Area

The allowable development area of a site (premise) within the OR-1-2 zone includes all portions of the site, both developed and undeveloped, that occur outside of the MHPA. If this area is less than 25% of the total size of the site, then the development area would also include the amount of encroachment into the MHPA necessary to achieve development on 25% of the site (see Figure 1). The location of any allowable development into the MHPA would be determined by the ESL, as outlined above (Section II.A.2). No encroachment into the MHPA beyond the development area is allowed. All areas outside of the development area (remainder area) would be left in a natural undeveloped condition, except for those passive uses permitted by the OR-1-2 zone. At the time of development, a covenant may be recorded or conservation easement granted on property not dedicated to the City (see Section III.B.2).

Premises less than four acres in size that are partially or wholly in the MHPA would be allowed a development area of one acre in areas where the MHPA is of at least 1000 feet in width. The measurement of the MHPA width should be as follows: a straight line drawn through any portion of the premises should be a minimum of 1000 feet from the edges of the MHPA.

Up to an additional 5% development area inside the MHPA is permitted in order to accommodate essential public facilities, as identified in an adopted Land Use Plan (e.g., Community Plan, Specific Plan). Essential public facilities include identified circulation element roads, major water and sewer lines, publicly owned schools, parks, libraries, and police and fire facilities. Roads, water and sewer

lines that service a proposed project, and are not identified on the existing Land Use Plan, previously adopted by City Council, do not qualify for the additional 5% development area. The additional 5% development area will require mitigation pursuant to Section III.

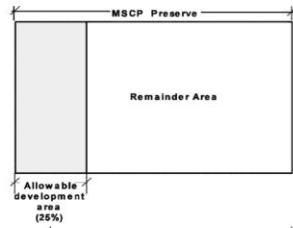
All areas of grading, including cut and fill slopes (even if proposed for revegetation), Zone 1 of brush management, and any temporary staging areas should be considered part of the development area. Zone 2 of brush management may occur outside of the development area. Temporary disruptions of habitat and temporary staging areas that do not alter landform and that will be revegetated are generally not considered to be permanent habitat loss. Staff will work with the applicant to ensure that appropriate revegetation and restoration will be completed as part of the development process.

2. Development Area within the Coastal Overlay Zone.

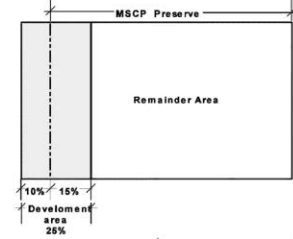
There are specific and discretionary encroachment limitations into steep hillsides containing sensitive biological resources established in Section 143.0142(a)(4) of the ESL. These restrictions are designed to assure that development onto steep hillsides containing sensitive biological resources is minimized. Additionally, development within wetlands shall be avoided to the maximum extent possible. In the event impacts to wetlands are unavoidable, only uses identified in Section 143.0130(d), which include aquaculture, wetlands-related scientific research and education uses, wetland restoration projects and incidental public service projects shall be permitted within wetlands. These uses are permitted only where it has been demonstrated that there is no less environmentally damaging feasible alternative and mitigation has been provided. In case of conflict with the OR-1-2 Zone and/or other regulations, these regulations shall supercede and apply.

[Note: The Development Regulations of the OR-1-2 Zone apply to all property within the MHPA. In some cases, parcels may be zoned other than OR-1-2, but would still be subject to the OR-1-2 development area regulations pursuant to the ESL (Sec. 143.0141(d))

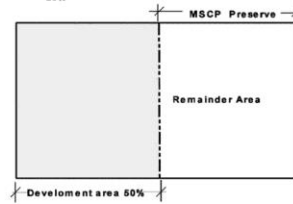
FIGURE 1
OR-1-2 ZONE DEVELOPMENT AREA
(OUTSIDE THE COASTAL OVERLAY ZONE) EXAMPLES



EXAMPLE 1:
Parcels wholly within the MSCP Preserve
 • Development area : 25%
 • Encroachment into MSCP Preserve: 25%



EXAMPLE 2:
Parcels straddling the MSCP Preserve
(less than 25% outside Preserve)
 • Development area : 25%
 • Encroachment into MSCP Preserve: 15%



EXAMPLE 3:
Parcels straddling the MSCP Preserve
(more than 25% outside Preserve)
 • Development area : 50%
 • Encroachment into MSCP Preserve: 0%

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SECTION III

BIOLOGICAL IMPACT ANALYSIS AND MITIGATION PROCEDURES

Mitigation is the process of reducing significant impacts to below a level of significance. The process of identifying biological mitigation under the ESL and CEQA consists of two parts;

- The identification of significant biological impacts, and
- The identification of the corresponding mitigation requirements to reduce the impacts to below a level of significance.

The following procedures are to be used for identifying and mitigating impacts to sensitive biological resources.

These Guidelines are provided to establish city-wide consistency and equity among projects. Diversion from these Guidelines may have significant effects on the successful implementation of the MSCP, and thus a possible significant effect on regional biodiversity conservation. Therefore, any significant proposed deviation would require a site-specific analysis in the Biological Survey Report to identify what effects, if any, it would have on the regional MSCP. The City Manager or designee will be the final authority to determine the adequacy of any mitigation that is recommended to the City decision-maker.

A. Identification of Impacts

1. Biological Survey Report

A biological survey report is required for all proposed development projects which are subject to ESL, and/or where the CEQA review has determined that there may be a significant impact on other biological resources considered sensitive under CEQA. Table 1 outlines the survey requirements for various biological resources inside and outside the MHPA. The Biological Survey Report must identify and map biological resources present on the site, including any portions of the site identified as part of the MHPA and any species considered sensitive pursuant to CEQA (see Table 1 – Summary of Biological Survey Requirements) and in accordance with the Guidelines for Conducting Biological Surveys (Appendix II). Each vegetation community type should be categorized into either wetlands or one of four upland Habitat Tiers. City staff will confirm the adequacy of all maps during the CEQA environmental review process.

The location and extent of each resource must be clearly identified on a map of an appropriate scale (same scale as development drawings), on which the acreage of each vegetation community must be provided. Individual sensitive species must be depicted on the map and territories identified where they have been determined. It is expected that the mapping scale will vary with size and type of project proposed.

The minimum mapping units should be clearly identified in the text of the report, and should be based on the mapping scale and the vegetation community. A minimum mapping unit for uplands of approximately ¼ acres is generally considered acceptable for the 1"=200' scale.

Surveys, for state or federally listed sensitive or MSCP-covered species older than 24 months must be updated, as appropriate, to accurately reflect resources on site. Surveys should be done at the appropriate time of year to detect presence/absence of sensitive species. If surveys are not done at the appropriate time of year, and the potential for occurrence is moderate to high (based on historical knowledge, site records, determination by the biologist, etc.), then it will be concluded that their presence exists on the property. In cases where there is a low potential to impact sensitive species, justification should be provided in order to determine whether additional focused surveys are warranted. Biological surveys that are over 24-months would require that the survey and report be updated to reflect the most current conditions affecting the project site. The U.S. Fish and Wildlife Service and the California Department of Fish and Game (e.g., Wildlife Agencies) may require updated survey data during their review of projects.

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TABLE 1
SUMMARY OF BIOLOGICAL SURVEY REQUIREMENTS

RESOURCE	SURVEY REQUIREMENTS	
	Inside MHPA	Outside MHPA
Vegetation		
Uplands	Confirm/Revise MSCP mapping.	Confirm/Revise MSCP mapping.
Wetlands	Delineate wetlands per City definition	Delineate wetlands per City definition
Covered spp.¹		
Listed spp (e.g. gnatcatcher)	Focused survey per protocol	Per MSCP conditions of coverage ²
Narrow endemic (e.g. S.D. Thornmint)	Focused survey per protocol	Focused survey per protocol
Other (e.g. SD horned lizard, burrowing owl)	Survey as necessary to comply with requirements as outlined in Section II.A.2 of these Guidelines.	Per MSCP conditions of coverage ²
Non-Covered spp.¹		
Listed spp (e.g. pacific pocket mouse)	Focused survey per protocol	Focused survey per protocol
"Other Sensitive Species" ³ (e.g. little mouse tails)	Case-by-case determination depending on the spp.	Case-by-case determination depending on the spp.

Notes:

1. Based upon the MSCP mapping, site specific surveys, the NDDDB records, previous EIRs and biological surveys and/or discussion with the Wildlife Agencies, the potential for listed species, narrow endemic and CEQA sensitive species will be determined. Where there is a reasonable likelihood that one of these species exists, surveys will follow the above requirements.
2. Survey as necessary to conform to Appendix A of the City of San Diego MSCP Subarea Plan (March 1997).
3. "Other Sensitive Species". Those other species that are 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.

2. Impact Analysis.

The Biological Survey Report must identify all potential impacts from the development (both on-site impacts and off-site impacts such as roads, and water and sewer lines) to sensitive biological resources and to other significant biological resources as determined by the CEQA process (i.e., sensitive, non-covered species). The report should evaluate the significance of these impacts. Impact assessments need to include analysis of direct impacts (i.e., grading, Zone 1 brush management), indirect impacts (i.e., noise, lighting) and cumulative impacts. The Development Services Department CEQA Significance Determination Thresholds (City of San Diego) should be used as a reference. Mitigation for direct impacts will be determined in accordance with these Guidelines. Cumulative impacts for Covered Species should be addressed under the MSCP Subarea Plan and discussed and referenced accordingly. Zone 2 brush management is considered impact neutral (not considered an impact and not considered acceptable as a mitigation area). Indirect impacts to covered species could be mitigated by conformance to Section 1.4.3, Land Use Adjacency Guidelines, and implementing Section 1.5, Preserve Management Recommendations of the City's MSCP Subarea Plan.

The proposed project must be superimposed onto a map with the biological resources. The area covered by each biological resource, including the boundaries of the MHPA, if applicable, and the proposed area of impact to each resource by the proposed development must be presented in both a graphic and tabular form in the Biological Survey Report.

i. Within the Coastal Overlay Zone - Application of Economically Viable Use Determination

Any applicant that requests a deviation from the Environmentally Sensitive Lands Regulations based on the contention that the uses permitted by the regulations will not provide an economically viable use of the property shall apply for an economic viability determination in conjunction with the Coastal Development Permit application. The application for an economic viability determination shall include the entirety of all parcels that are geographically contiguous and held by the applicant in common ownership at the time of the application. Before any application for a Coastal Development Permit and Economic Viability Determination is accepted for processing, the applicant shall provide the following information:

- a. The date the applicant purchased or otherwise acquired the property and from whom it was acquired.
- b. The purchase price and the documentary transfer tax paid by the applicant for the property.

- c. The fair market value of the property at the time the applicant acquired it, describing the basis upon which the fair market value is derived, including any appraisals done at the time.
- d. The general plan, zoning or similar land use designations applicable to the property at the time the applicant acquired it, as well as any changes to these designations that occurred after the acquisition.
- e. Any development restrictions or other restrictions on use, other than government regulatory restrictions described (4) above, that applied to the property at the time the applicant acquired it, or which have been imposed after acquisition.
- f. Any change in the size of the property since the time the applicant acquired it, including a discussion of the nature of the change, the circumstances, and the relevant dates.
- g. A discussion of whether the applicant has sold, leased, or donated a portion of or interest in the property since the time of purchase indicating the relevant dates, sales prices, rents, and nature of the portion or interests in the property that were sold or leased.
- h. Any title reports, litigation guarantees or similar documents in connection with all or a portion of the property of which the applicant is aware.
- i. Any offers to buy all or a portion of the property which the applicant solicited or received, including the approximate date of the offer and offered price.
- j. The applicant's costs associated with the ownership of the property annualized to the extent feasible, for each of the years the applicant has owned the property, including property taxes, property assessments, debt service costs (such as mortgage and interest costs) and operation and management costs.
- k. Apart from any rent received from the leasing of all or a portion of the property, any income generated by the use of all or a portion of the property over years of ownership of the property. If there is any such income to report, it should be listed on an annualized basis along with a description of the uses that generate or have generated such income.
- l. Topographic, vegetative, hydrologic and soils information prepared by a qualified professional, which identifies the extent of the wetlands on the property.
- m. An analysis of alternatives to the proposed project and an assessment of how the proposed project is the least environmentally damaging alternative. The analysis of alternatives shall include an assessment of how the proposed

project will impact all adjacent wetlands and environmentally sensitive habitat areas including those within the overall development plan area.

ii. Outside the Coastal Overlay Zone

Impacts to wetland habitat require a deviation from the wetland regulations as outlined in Section IV outside of the Coastal Overlay Zone. Wetland impacts may be considered only pursuant to one of the three following options:

A. Essential Public Projects (EPP) Option

Deviations from wetland requirements in ESL will be considered under the EPP Option when a proposed project(s) meets all the following criteria.

The project must be an EPP (i.e., circulation element road, trunk sewer, water main) that will service the community at large and not just a single development project or property. The project must meet the definition of an EPP as identified in Section IV and must be essential in both location and need. If the City has options on the location of an EPP, the City should not knowingly acquire property for an EPP which would impact wetlands.

The proposed project and all biological alternatives, both practicable and impracticable shall be fully described and analyzed in an appropriate CEQA document. Alternatives to the proposed project shall be comprehensively included in the CEQA document (e.g., Mitigated Negative Declaration) and/or the biological technical report for the CEQA document. Alternatives must include the following: 1) a no project alternative; 2) a wetlands avoidance alternative, including an analysis of alternative sites irrespective of ownership; and 3) an appropriate range of substantive wetland impact minimization alternatives. Public review of the environmental document must occur pursuant to the provisions of CEQA. Projects proposing to utilize this deviation section of the ESL after initial CEQA public review must include the new information and recirculate the CEQA document.

The potential impacts to wetland resources shall be minimized to the maximum extent practicable and the project shall be the least environmentally damaging practicable biological alternative considering all the technical constraints of the project (e.g., roadway geometry, slope stability, geotechnical hazards, etc). Recognizing the wetland resources involved, minimization to the maximum extent practicable may include, but is not limited to, adequate buffers and/or designs that maintain full hydrologic function and wildlife movement (e.g., pipeline tunneling, bridging, Arizona crossings, arch culverts). The project applicant will solicit input from the U.S. Fish and Wildlife Service and the California Department of Fish and Game (e.g., Wildlife Agencies) prior to the first public hearing.

All impacts shall be mitigated according to the requirements of Table 2a and the project shall not have a significant adverse impact to the MSCP.

B. Economic Viability Option

Deviation from the Wetland regulations in ESL will be considered under the Economic Viability Option when a proposed project meets all of the following three criteria. However, nothing in these Guidelines shall be interpreted to alter proscribed uses that were part of an applicant's title to begin with.

1. Applicant shall disclose and provide all information for the City to determine whether the deviation is necessary to achieve an economically viable use of the property, including all of the following required information:
 - a. A range of biological alternatives that include the no project alternative, a wetlands avoidance alternative, and alternative(s) that show substantive minimization of impacts to wetlands.
 - b. The date the *applicant* purchased or otherwise acquired the property and from whom.
 - c. The purchase price and the documentary transfer tax paid by the *applicant* for the property. The *applicant* must provide for an appraisal to establish whether the purchase price was appropriate given market value at the time of purchase. The appraisal shall be prepared by an outside appraiser with recent experience in the type of appraisal being requested, and supervised by the City of San Diego Real Estate Assets Department. The *applicant* will deposit monies into a special fund established by the City to hire, supervise and pay for the appraisal and associated City staff costs. The City will use a revolving list of qualified outside appraisers to prepare appraisals. All appraisals must be prepared by an appraiser licensed in the State of California and be in compliance with current Uniform Standards of Professional Appraisal Practice. All appraisers considered for selection will be required to fully disclose their employment history prior to selection. Any communication between the *applicant* and the appraiser shall occur only in the presence, which includes conference calls, of designated City staff. City staff shall respond to all third party requests within 30 calendar days. For the purposes of this section, *applicant* shall include the *applicant's* employees and shall not include the *applicant's* consultants, design professionals, contractors, and subcontractors. Comparable land values used for this purpose should have similar restrictions, to the maximum extent possible, to those on the property as identified in 1(d) below.

The final complete appraisal shall be available to the City decision-maker and interested public prior to the discretionary hearing. An appraisal summary statement shall be provided to the City decision-maker for the discretionary hearing.

- d. The general plan, zoning, or similar land use designations applicable to the property at the time the *applicant* acquired it, as well as any changes to these designations that occurred after acquisition.
- e. Any development restrictions or other restrictions on use, other than government regulatory restrictions described in (d) above, that applied to the property at the time the *applicant* acquired it, or which have been imposed after acquisition.
- f. Any change in the size of the property since the time the *applicant* acquired it, including a discussion of the nature of the change, the circumstances and the relevant dates.
- g. A discussion of whether the *applicant* has sold, leased, or donated a portion of or interest in, the property since the time of purchase indicating the relevant dates, sales prices, rents, and nature of the portion or interests in the property that were sold or leased.
- h. Any title reports, litigation guarantees or similar documents in connection with all or a portion of the property.
- i. Any offers to buy all or a portion of the property which the *applicant* solicited or received, including the approximate date of the offer and offered price.
- j. The *applicant's* costs associated with the ownership of the property, annualized to the extent feasible, for each of the years the *applicant* has owned the property, including property taxes, property assessments, debt service costs (such as mortgage and interest costs), and operation and management costs.
- k. Any rent received from the leasing of all or a portion of the property and any income generated by the use of all or a portion of the property over years of ownership of the property. If there is any such income to report, it should be listed on an annualized basis along with a description of the uses that generate or has generated such income.
- l. Topographic, vegetative, hydrologic and soils information prepared by a qualified professional, which identifies the extent of the wetlands on the property.

- m. As required per CEQA and/or the 404 b(1) guidelines under the Clean Water Act, an analysis of the economic viability of each of the alternatives required by Section III A.2., and an assessment of the economic viability of the project compared to the alternatives which takes into account all project costs, including mitigation for direct, indirect, and cumulative wetland impacts. The analysis of alternatives shall include an assessment of how each alternative will impact all wetlands and environmentally sensitive lands adjacent to and within the overall project plan area.
- 2. The economic information shall be reviewed by City staff and outside economic consultant, and the City Council shall consider findings that all economically viable use of a property will be removed with strict application of the ESL.

The application for an economic viability determination shall be reviewed by City Staff, in consultation with a professional outside economic consultant. The economic consultant will provide an opinion to the City on whether any of the CEQA and/or 404 b(1) alternatives that avoid and minimize wetland impacts provide economically viable use of the subject property. The City Real Estate Asset Department will select a qualified outside economic consultant to develop an economic viability analysis. Any communication between the *applicant* and the economic consultant shall occur only in the presence, which includes conference calls, of designated City staff. The *applicant* will deposit monies into a special fund established by the City to hire, supervise and pay for the economic viability analysis and associated City staff costs. All consultants considered for selection will be required to fully disclose their employment history. The economic viability analysis must include an analysis of the project's cost burden (including all mitigation costs associated with the project), a residual land value analysis, market absorption and fiscal impacts analysis. City Manager or designee recommendations to the decision maker shall discuss the economic viability information and professional opinion of the economic consultant, and reflect the independent judgment of the City Manager or designee.

Pursuant to the Public Records Act (California Government Code section 6250, *et seq.*), the full economic viability findings analysis, including the supplemental findings for ESL deviations, City Manager or designee recommendations, and the economic consultant's professional opinion, including documentation provided by the economic consultant that reveals all calculations and variable assumptions contained therein, and that is not proprietary ("trade secret") shall be available to the City decision-maker and interested public prior to the discretionary hearing. A summary report of the economic viability findings, City Manager or designee recommendations, and professional opinion of the economic consultant

shall be provided to the City decision-maker for the discretionary hearings showing that the proposed project has avoided, minimized and mitigated to the maximum extent practicable, given the economic viability of the project.

3. The project mitigation must conform to Table 2a. While it is not the intent of the wetland deviation process to be used to reduce or eliminate mitigation as required by the City's Biology Guidelines, any project that proposes less than full mitigation compliance under this option must include supporting information as part of the economic viability determination and receive written concurrence from the Wildlife Agencies prior to distribution of the projects draft CEQA document. For projects providing full mitigation the project applicant will solicit input from the Wildlife Agencies prior to the first public hearing.

C. Biologically Superior Option

Deviations from the Wetland regulations in ESL will be considered under the biologically superior option when a project meets all the following four criteria.

1. The proposed project, a no project alternative, a wetlands avoidance alternative, and a biologically superior alternative shall be fully described and analyzed in an appropriate CEQA document. The CEQA document must fully analyze and describe the rationale for why the biologically superior option (this could be the proposed project) would result in the conservation of a biologically superior resource compared to strict compliance with the provisions of the ESL. Public review of the environmental document must occur pursuant to the provisions of CEQA. Projects proposing to utilize this option after initial CEQA public review must include the new information and recirculate the CEQA document.
2. The wetland resources being impacted by the project shall be limited to wetlands of low biological quality. The assessment of low biological quality will be specific to the resource type impacted (e.g., vernal pools, non-tidal-salt marsh, riparian, and unvegetated channels), and shall include consideration of the factors identified in I and II below:
 - I. Criteria to determine biological quality of all wetland types include, but are not limited to, the following:
 - a. use of the wetland by federal and/or state endangered, threatened, sensitive, rare and/or other indigenous species;
 - b. diversity of native flora and fauna present (characterizations of flora and fauna must be accomplished during the proper season,

and surveys must be done at the most appropriate time to characterize the resident and migratory species);

- c. enhancement or restoration potential;
 - d. habitat function/ecological role of the wetland in the surrounding landscape, considering
 - the current functioning of the wetland in relation to historical functioning of the system; and,
 - rarity of the wetland community in light of the historic loss and remaining resource;
 - e. connectivity to other wetland or upland systems (including use as a stopover or stepping stone by mobile species), considering
 - proximity of the wetland resource to larger natural open spaces, and
 - long-term viability of resource, if avoided and managed;
 - f. hydrologic function, considering
 - whether the volume and retention time of water within the wetland is sufficient to aid in water quality improvements, and
 - whether there is significant flood control value or velocity reduction function; and,
 - whether there is an opportunity to restore the hydrologic functions;
 - g. status of watershed considering whether the watershed is partially developed, irrevocably altered, or inadequate to supply water for wetland viability; and
 - h. source and quality of water, considering
 - whether the urban runoff is from a partially developed watershed;
 - whether the water source is in part or exclusively from human-caused runoff which could be eliminated by diversion; and,
 - whether there is an opportunity to restore the water quality or flood control value.
- II. Additional habitat-specific factors, requirements, and/or examples (by habitat type) to determine biological quality include the following:

Vernal Pools

- a. Characterizations of vernal pool flora and fauna must be accomplished during the proper seasons. Surveys must be done between December and May to ensure adequate characterization of

the vernal pools. Adequate surveys should be done to determine ponding and vernal pool flora and fauna. Surveys for fairy shrimp must be done in accordance with current U.S. Fish and Wildlife Service fairy shrimp survey protocol.

- b. Timing of the first rainfall and subsequent filling of the pools should be determined during the evaluation process. Rainfall and ponding should be monitored throughout the wet season.

Endangered, threatened, and sensitive species to consider include: *Brodiaea orcuttii* (when within vernal pools and/or their watershed), *Downingia cuspidata*, *Eryngium aristulatum* ssp. *parishii*, *Myosurus minimus* var. *apus*, *Navaretia fossalis*, *Orcuttia californica*, *Pogogyne abramsii*, *Pogogyne nudiuscula*, *Streptocephalus woottoni*, and *Branchinecta sandiegonensis* (when within vernal pools).

- c. Determination of habitat function can include an assessment of number of pools with a cumulatively small amount of habitat (pool surface area) relative to other nearby vernal pool complexes (i.e., an isolated complex with two small pools would be considered lower quality than a complex adjacent to the MHPA with ten pools).
- d. Restoration potential should include an analysis of compaction of watershed, presence of historic pools, and status of hardpan or clay substrate.

Salt Marsh, Salt Panne, and Mudflats

- a. Wetlands with either surface or sub-surface tidal influence (e.g., coastal salt marsh, salt panne and mudflats) will never be considered low quality and are excluded from the deviation process for a biologically superior option. A deviation for a biologically superior option must not be granted for tidally influenced wetlands.
- b. Water and soil salinity testing should be conducted in areas of questionable tidal influence. Evaluations of tidal influence must include the highest spring and lowest neap tides.
- c. Low feasibility for restoration of tidal influence should be determined based on distance from existing tidal influence (e.g., > 1/4 mile).

- d. Determine whether there is little or no function as coastal salt marsh, salt panne, or mudflat habitat, including habitat for migratory birds.

Freshwater, Riparian, or Brackish Wetlands

- a. Tidally influenced brackish wetlands will never be considered low quality and are excluded from the deviation process for a biologically superior option.
- b. Hydrologic evaluations of the effects of any impacts on the upstream and downstream biota and flooding must be conducted as part of the review process.

Wetland quality shall be thoroughly analyzed in the project's biological technical report using the criteria listed above and based on best available scientific information. Wetland quality determinations shall be a discretionary action made on a case-by-case basis, with not all low-quality criteria required to make a low quality determination. Alternatively, the presence of any factor to any significant amount or degree may preclude a determination of low quality. All criteria shall be carefully considered when making a wetland quality determination. The City will seek input and concurrence from the Wildlife Agencies on this determination, and will use the input to develop the biologically superior option (this could be the proposed project) described and analyzed in the CEQA document.

During the CEQA process, the City's Wetlands Advisory Board shall review information provided by the applicant and provide an opinion to City staff and the City Manager on whether a wetland is of low quality. The opinion of the Wetlands Advisory Board shall be included in the City Manager report to the City decision maker; however, the project process should not be delayed if the Wetlands Advisory Board does not provide a response or cannot provide a response due to lack of quorum.

- 3. The project and proposed mitigation shall conform to the requirements for this option as detailed in Section III B.
- 4. The Wildlife Agencies have concurred with the biologically superior project design and analyses. The concurrence shall be in writing and be provided prior to or during the public review of the CEQA document in which the biologically superior project design has been fully described and analyzed. Lack of unequivocal response during the CEQA public review period is deemed to be concurrence.

B. Identification of the Mitigation Program

The Biological Survey Report will include a program which identifies a plan of action to reduce significant impacts to below a level of significance. The Mitigation Program will consist of three required elements: 1) Mitigation Element, 2) Protection and Notice Element, and 3) Management Element. Each element is further described below. This mitigation program must be incorporated in the permit conditions and/or subdivision map, the construction specifications for public projects, and shown on the construction plans as appropriate.

The Biological Survey Report must also provide evidence that the nature and extent of the mitigation proposed is reasonably related (nexus) and proportional to the adverse biological impacts of the proposed development.

1. Mitigation Element

Mitigation must be determined on a case-by-case basis. Mitigation refers to actions to help sustain the viability and persistence of biological resources, as exemplified below. Mitigation will consist of actions that either compensate for impacts by replacing or providing substitute habitats, or rectify the impact by restoring the affected habitats. The requirements of the mitigation will be based on the type and location of the impacted habitat, and additionally for uplands, on the location of the mitigation site. The Mitigation Element will consist of a discussion of the amount (e.g., quantity) and the type (e.g., method) of mitigation.

The following guidelines are provided to achieve consistency and equity among projects. Mitigation for specific projects may differ depending on site-specific conditions as supported by the project-level analysis.

a. Mitigation for Wetlands Impacts

ESL requires that impacts to wetlands be avoided. Unavoidable impacts should be minimized to the maximum extent practicable, and mitigated as follows:

As part of the project-specific environmental review pursuant to CEQA, all unavoidable wetlands impacts (both temporary and permanent) will need to be analyzed and mitigation will be required in accordance with Table 2a and/or Table 2b; mitigation should be based on the impacted type of wetland habitat and project design. Mitigation should 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; and the Biologically superior mitigation shall include either:

- (1) Standard mitigation per Table 2a 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 (see Figure 2 for an example); or
- (2) For a project not consistent with 1. Above, extraordinary mitigation per Table 2b is required.

Examples of increased function and value include, but are not limited to, an increase in the availability of habitat for native fauna, an increase in native flora diversity, a decrease in invasive species, an increase in ground water recharge, water quality improvements and sedimentation deposition rates. Success criteria using the best currently available information for the particular mitigation habitat shall be required as part of the restoration or creation plan.

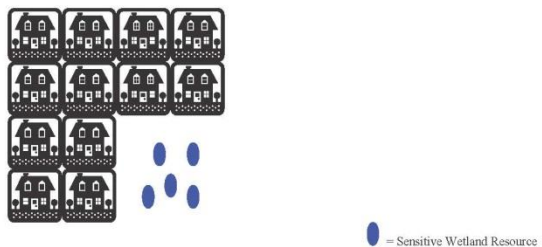
Additional Requirements for Vernal Pool Mitigation:

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 vernal 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.

FIGURE 2
EXAMPLE OF BIOLOGICAL SUPERIOR PROJECT DESIGN

Project Design A has a lower level of edge, the avoided sensitive resource is less fragmented, and the potential for long-term biological viability of the sensitive resource is higher relative to the Project Design B. For projects designed in accordance with Project Design A, use Mitigation Table 2a. For all other project designs, Mitigation Table 2b should be used.

Project Design A – Biologically Superior Project Design



Project Design B – Not a biologically superior project design

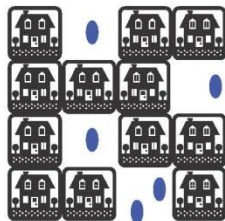


TABLE 2A
WETLAND MITIGATION RATIOS
INCLUDING BIOLOGICALLY SUPERIOR DESIGN

HABITAT TYPE	MITIGATION RATIO
Coastal Wetlands:	
- Salt marsh	4:1
- Salt panne	4:1
Riparian Habitats:	
- Oak riparian forest	3:1
- Riparian forest or woodland	3:1
- Riparian scrub	2:1
- Riparian scrub in the Coastal Overlay Zone	3:1
Freshwater Marsh	2:1
Freshwater Marsh in the Coastal Overlay Zone	4:1
Natural Flood Channel	2:1
Disturbed Wetland	2:1
Vernal Pools	2:1 to 4:1
Marine Habitats	2:1
eelgrass Beds	2:1

Notes:

Any impacts to wetlands must be mitigated "in-kind" and achieve a "no-net loss" of wetland function and values except as provided for in Section 3B (Economic Viability Option). Mitigation for vernal pools can range from 2:1 when no listed species are present, up to 4:1 when listed species with very limited distributions (e.g., *Pogogyne abramsii*) are present.

TABLE 2B
WETLAND MITIGATION RATIOS
FOR A BIOLOGICALLY SUPERIOR PROJECT
OUTSIDE OF THE COASTAL ZONE

HABITAT TYPE	MITIGATION RATIO
Coastal Wetlands (salt marsh, salt panne)	8:1
Riparian Forest or Woodland (oak, sycamore, or willow)	6:1
Riparian Scrub	4:1
Freshwater Marsh	4:1
*Natural Flood Channel (NFC)	4:1
*Disturbed Wetlands	4:1
Vernal Pools	4:1 to 8:1

Notes:
Mitigation must be provided within or adjacent to the MHPA.

Any impacts to wetlands must be mitigated "in-kind" and achieve a "no-net loss" of wetland functions and values. Mitigation for vernal pools can range from 4:1 when no listed species are present, and up to 8:1 when listed species with very limited distributions (e.g. *Pogogyne abramisi*) are present.

* Preference for these habitats is out-of-kind mitigation with better habitat. In-kind (e.g., NFC for NFC) could be considered where it would clearly benefit sensitive species and results in a biologically superior alternative.

The following list provides operational definitions of the four types of activities that constitute wetland mitigation under ESL:

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 may 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. In addition, unavoidable impacts to wetlands located within the Coastal Overlay Zone shall be mitigated on-site, if feasible. If on-site mitigation is not feasible, then mitigation shall occur within the same watershed. All mitigation for unavoidable wetland impacts within the Coastal Overlay Zone shall occur within the Coastal Overlay Zone.

For example, satisfaction of the mitigation requirement may be considered for a 3:1 mitigation ratio, with two parts consisting of acquisition and/or enhancement of existing acres, and one part restoration or creation.

Restoration of illegally filled historic wetland areas will not be considered for mitigation, and may result in code enforcement actions and/or may require restoration as a condition of project approval. All restoration proposals should evaluate the reason for the historic wetland loss (e.g., placement of fill, changes in upstream or groundwater hydrology), the approximate date of the loss, and to the maximum extent possible, provide a determination as to whether the historic loss was legally conducted based upon the regulatory requirements at the time of the loss and the property ownership at the time of the loss.

The wetland mitigation ratios, set forth in Tables 2a and 2b, in combination with the requirements for no-net-loss of functions and values and in-kind mitigation, are adequate to achieve the conservation goals of the City's MSCP Subarea Plan for wetland habitats and the Covered Species which utilize those habitats.

Wetland mitigation required as part of any federal (404) or state (1601/1603) wetland permit will supersede and will not be in addition to any mitigation identified in the CEQA document for those wetland areas covered under any federal or state wetland permit. Wetland habitat outside the jurisdiction of the federal and state permits will be mitigated in accordance with the CEQA document for those wetland areas covered under any federal or state wetland permit. Wetland habitat outside the jurisdiction of the federal and state permits will be mitigated in accordance with the CEQA document.

b. Mitigation for Upland Impacts

The City of San Diego has developed a MSCP Subarea Plan which identifies the conservation and management of a City-wide system of interconnected open space. The habitat based level of protection afforded by the implementation of the MHPA is intended to meet the mitigation obligations of Covered Species and most likely the majority of species determined to be sensitive pursuant to the CEQA review process. The City has adopted a policy that development should be conserved. While this would result in the depletion (net loss) of the existing inventory of sensitive biological resources, the successful implementation of the MSCP would retain the long-term viability, and avoid further extirpation of many of San Diego's sensitive species. Therefore, for upland habitats, measures that contribute towards overall implementation of the MSCP may be considered as mitigation, even when a net loss of the existing inventory of sensitive biological resources occurs. These methods, described below, allow for greater flexibility in mitigation methodology, including off-site acquisition, on-site preservation, habitat restoration and in limited cases, monetary compensation.

1. Upland Impacts Within the MHPA (Outside the Coastal Overlay Zone)

Where the MHPA covers more than 75% of a premise, development will be limited to that amount necessary to achieve a development area of 25% of the premise, based upon the development area regulations of the OR-1-2 Zone (see Section II.B.1). No mitigation will be required for the direct impacts to uplands associated with this development area.

City linear utility projects (i.e., sewer and water pipelines) are exempt from the development area limitation but need to mitigate all direct impacts in accordance with Table 3. Likewise, all projects processed through a deviation would need to provide mitigation in accordance with Table 3 for impacts beyond the allowable development area of the OR-1-2 Zone.

2. Upland Impacts Outside of the MHPA (Outside the Coastal Overlay Zone)

Where the MHPA covers less than 75% of a premises, no development will be allowed within the MHPA. Upland mitigation, based upon the ratios set forth in Table 3, will be required for all significant biological impacts. These ratios are based upon the rarity of the upland resources as characterized by one of four Habitat Tiers. Due to the critical nature and high biological value of the MHPA, mitigation should be directed to the MHPA. Thus, a lower mitigation ratio may be applied for projects that propose to mitigate inside of the MHPA. Lands outside the MHPA containing narrow endemic species will be treated as if the land was inside the MHPA for purposes of mitigation.

The mitigation requirement would be evaluated against any portion of the premise within the MHPA that is left undeveloped as a condition of the permit. If the portion of the premise containing the MHPA is equal to or greater than the mitigation requirement, then no further mitigation would be required. Any

acreage of the mitigation requirement not satisfied on-site will be required to be mitigated off-site.

Thus, by way of example, if a project is impacting 60 acres of coastal sage scrub (Tier II) outside of the MHPA and preserving 40 acres of viable habitat on-site within the MHPA, then the remaining uncompensated acreage is 20 acres [60 ac – (1:1 x 40 ac) = 20 ac]. This would require the preservation of 20 acres (20 x 1:1) of mitigation within the MHPA, or 30 acres (20 x 1.5:1) outside (see Figure 3).

Mitigation located inside the MHPA for all Tier I impacts must be in-tier, but may be out-of-kind. For impacts to Tier II, IIIA or IIIB habitats (excluding occupied burrowing owl habitat), the mitigation could (1) include any Tier I, II, IIIA or IIIB habitats (out-of-kind) within the MHPA, or (2) occur outside of the MHPA within the affected habitat type (in-kind). Mitigation for impacts to occupied burrowing owl habitat (at the subarea plan specified ratio/ Table 3 of the Biology Guidelines) must be through the conservation of occupied burrowing owl habitat or conservation of lands appropriate for restoration, management and enhancement of burrowing owl nesting and foraging requirements.

Any outstanding mitigation may be satisfied by one, or a combination, of the following methods, or other methods determined on a case-by-case basis to reduce impacts to below a level-of-significance. *In all cases, mitigation sites must have long-term viability.* Viability will be assessed by the connectivity of the site to larger planned open space, surrounding land uses, and sensitivity of the MHPA resources to environmental change.

TABLE 3
UPLAND MITIGATION RATIOS¹

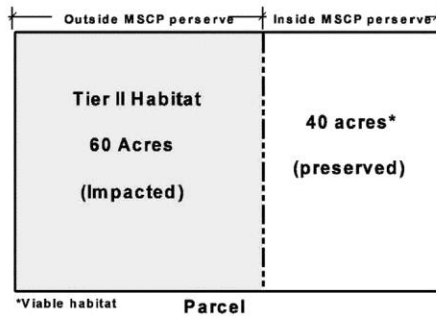
TIER	HABITAT TYPE	MITIGATION RATIOS			
TIER I ² (rare uplands)	Southern Foredunes Torrey Pines Forest Coastal Bluff Scrub Maritime Succulent Scrub Maritime Chaparral Scrub Oak Chaparral Native Grassland Oak Woodlands	Location of Preservation			
			Inside	Outside	
TIER II ³ (uncommon uplands)	Coastal Sage Scrub (CSS) CSS/Chaparral	Location of Preservation			
			Inside	Outside	
TIER IIIA ³ (common uplands)	Mixed Chaparral Chamise Chaparral	Location of Preservation			
			Inside	Outside	
TIER IIIB ³ (common uplands)	Non-Native Grasslands ⁴	Location of Preservation			
			Inside	Outside	
TIER IV (other uplands)	Disturbed Land Agriculture Eucalyptus Woodland Ornamental Plantings	Location of Preservation			
			Inside	Outside	

NOTES:

1. No mitigation would be required for impacts within the base development area (25%) occurring inside the MHPA. Mitigation for any impacts from development in excess of the 25% base development area for community plan public facilities or for projects processed through the deviation process would be required at the indicated ratios.
2. For all Tier I impacts, the mitigation could (1) occur within the MHPA portion of Tier I (in Tier) or (2) occur outside of the MHPA within the affected habitat type (in-kind).
3. For impacts to Tier II, III A and III B habitats, the mitigation could (1) occur within the MHPA portion of Tiers I – III (out-of-kind) or (2) occur outside of the MHPA within the affected habitat type (in-kind).
4. Mitigation for impacts to occupied burrowing owl habitat (at the subarea plan specified ratio) must be through the conservation of occupied burrowing owl habitat or conservation of lands appropriate for restoration, management, and enhancement of burrowing owl nesting and foraging requirements.

In general, areas within the MHPA are considered to have long-term viability. Areas outside of the MHPA proposed for mitigation may require additional biological studies to support the determination of long-term viability.

FIGURE 3
MITIGATION EXAMPLE



MITIGATION:

1. On-site preservation: $[60 \text{ acres} - (40 \text{ acres} \times 1:1)] = 20 \text{ acres } 20 \text{ acres uncompensated}$
2. Off-site preservation: $(20 \text{ acres} \times 1:1) = 20 \text{ acres Inside MSCP Preserve}$
or
 $(20 \text{ acres} \times 1.5:1) = 30 \text{ acres Outside MSCP Preserve}$

3. Upland Impacts Within the Coastal Overlay Zone

Within the Coastal Overlay Zone, encroachment into steep hillsides containing sensitive biological resources shall be avoided to the maximum extent possible, and permitted only when in conformance with the encroachment limitations set forth in Section 143.0142(a)(4). Mitigation for permitted impacts shall be required pursuant to Section III.B.1.b(1) and (2) above.

c. Mitigation Methods

- (1) Off-site Acquisition: The purchase or dedication of land with equal or greater habitat value can be considered as a method of mitigation. Impacts within the City of San Diego must be mitigated within the City of San Diego’s jurisdiction (per SDMC, Section 111.0104), preferably in the MHPA.

Mitigation Banks” are privately or publicly held lands that sell mitigation credits instead of fee title for habitat areas on which a conservation easement has been placed. Under this method, a large site can be acquired over time by multiple projects requiring small mitigation needs. Purchase of areas of “credits” from an established bank can be acceptable, as long as the required acreage is subtracted from the remaining credits in the bank and is not available for future projects. All banks must have provisions approved for long-term management, can be part of a regional habitat preserve system, and upon request can provide an updated record of the areas (credits) purchased from the bank and those that are remaining.

New mitigation banks must be established pursuant to the “Official Policy on Conservation Banks” (California Resource Agencies 1995) and the “Supplemental Policy Regarding Conservation Banks within the NCCP Area of Southern California” (USFWS 1996). In general, the purchase of credits from mitigation banks located outside of the City of San Diego’s jurisdiction will not be allowed.

- (2) On-Site Preservation: The following provides guidance for evaluating the acceptability of on-site preservation as mitigation with respect to the long-term viability of the site:

- (a) Inside MHPA: For premises that straddle the MHPA, the on-site preservation of lands inside the MHPA, outside of brush management zones, are considered to have long-term viability due to their connectivity to larger planned open space and their contribution toward regional biodiversity preservation. Areas containing brush management Zone 2 will be considered impact neutral (not considered an impact and not considered acceptable as a mitigation area); see Figure 3. Lands inside the MHPA, outside of brush management zones, will be considered acceptable as mitigation and no additional studies to support this determination will be

required. [Note: Lands outside the MHPA containing narrow endemic species would be considered acceptable as mitigation and would be treated as if the land was inside the MHPA for purposes of mitigation].

(b) **Outside MHPA:** The on-site preservation of lands outside the MHPA may be considered acceptable as mitigation provided they have long-term biological value. Long-term biological value should be assessed in terms of connectivity to larger areas of planned open space, and any potential current or future indirect impacts associated with the urban interface. As indicated above, areas containing brush management Zone 2 will be considered “impact neutral” (not considered an impact and not considered as acceptable as a mitigation area).

(i) **Connectivity:** Isolated habitat patches have been shown to lack the diversity and resilience of connected systems (Noss 1983, Soule et al. 1988, Temple 1983, Wright and Hubbell 1983). In most cases, the species first to extirpate (disappear) from these isolated areas are rare species that do not adapt well to human influenced environments. Unfortunately, these species are those targeted for conservation by the MSCP.

Areas preserved on-site, but outside of the MHPA, will generally be considered to be acceptable as mitigation only if connected to the MHPA. As a general guideline, areas completely surrounded by development and areas connected by native vegetation of less than 400 feet wide for greater than 500 feet long will be considered isolated, and will not count as mitigation (see Figure 54).

Site-specific studies with field observations which incorporate the best available scientific information and methods would be necessary to provide a basis for any modification to these standards at the project level. Other factors such as topography (steep slopes), major road systems or other large public facility and habitat patch size will also be considered in assessing potential isolation of a site.

Isolated areas may, on a case-by-case basis, be considered for use as mitigation where it can be reasonably demonstrated that the resource can persist in isolation (e.g., narrow endemic species or unique habitats such as vernal pools) or act as “stepping stones” for wildlife movement between portions of the MHPA.

(ii) **Urban Interface:** The interface (edge) between native plant communities and human-modified areas are considered to be adverse to many native species. Many wildlife species decrease along the edge of habitat due to detrimental conditions, such as increased parasitism (by species such as the brown-headed cowbird), increased nest predation (by species such as jays,

raccoons, opossums, and domestic cats and dogs), and increased competition for nesting areas (by starlings and other non-native exotic species) (Brettingham and Temple 1983, Gates and Gysel 1978, Noss 1993, Temple 1987). Invasion by exotic plants (such as escaped ornamental landscaping) and off-road vehicles also increases along habitat edges (Noss 1983, Alberts et al 1993, Sauvajot and Buechner 1993, Scott 1993). Other factors such as increased noise and night-time lighting may also contribute to the adverse conditions. These conditions are collectively called “edge effects.”

Few studies have attempted to quantify the distance of edge effects. The MSCP Plan indicated that edge conditions range from 200 to 600 feet depending on adjacent land uses. A 1994 article on avian nest success indicates that the most conclusive studies suggest that edge effects are most predominantly documented within fifty meters of an edge (Patron 1994).

FIGURE 4
URBAN INTERFACE

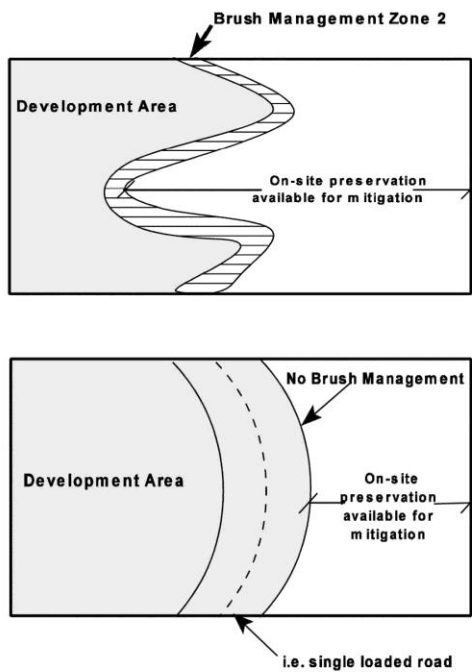
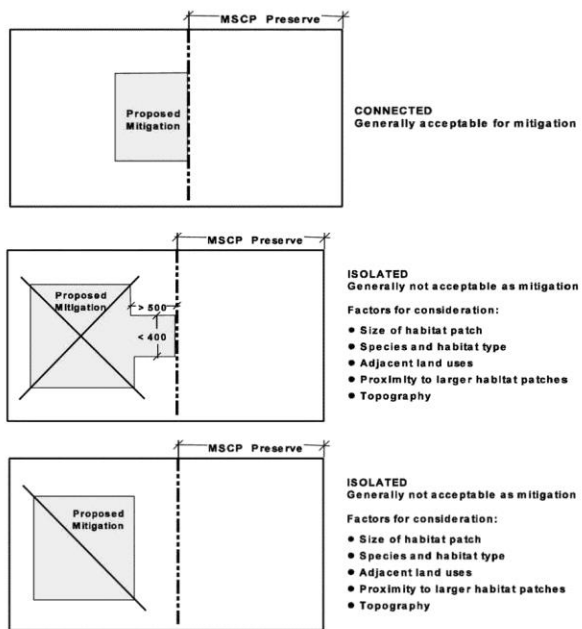


FIGURE 5
DETERMINATION OF CONNECTIVITY



(3) Habitat Restoration: The restoration of degraded habitat may be considered as mitigation. Habitat restoration may include creation of habitat that was previously converted by human activities, and/or the enhancement of existing degraded habitat, where the proposed enhancement increases the habitat quality and biological function of the site.

Decompaction and revegetation of existing roads and trails, removal of exotic invasive species in conjunction with the establishment of native species, and the conversion of agricultural and disturbed lands back to native habitat are examples of acceptable restoration efforts. The removal of trash from a site does not constitute restoration in and of itself but may be a component of the restoration. Any area that will continue to be subjected to periodic clearing (e.g. pipeline maintenance) would not be considered as mitigation. Areas proposed for restoration must contain the appropriate site conditions (e.g. hydrology, slope aspect, soils) for the proposed habitat.

All restoration will be required to have a restoration plan that outlines specific species for planting/hydroseeding, timing, irrigation and grading requirements, if any, a long-term maintenance, monitoring and reporting program, and criteria for success, as well as contingency measures in case of failure (see Attachment B). It is expected that monitoring of the restoration would be no less than five years, but could be completed earlier if the five year success criteria were met.

The restoration plan will establish appropriate monitoring and reporting periods. In general it is expected that quarterly reports will be prepared by the applicant's consultant for the first year and annual reports thereafter to document the status of the restoration effort until deemed complete by the City Manager or designee. These reports will identify any necessary remedial measures to be implemented by the applicant upon approval by the City.

A surety bond is required to assure implementation of all restoration efforts. The surety bond can be structured to return certain portions of the bond after demonstrating the successful completion of major restoration milestones (e.g. meeting the success criteria for year three).

The restoration plan should clearly identify the milestones. Further details on CEQA mitigation monitoring can be obtained from the City of San Diego Mitigation, Monitoring and Reporting Program.

(4) Monetary Compensation: In some cases, developments with small impacts may compensate by payment into a fund used to acquire, maintain and administer the preservation of sensitive biological resources. This fund is intended to be used only for the mitigation of impacts to small, isolated sites with lower long-term conservation value. For purposes of this fund, small is generally considered less than 5 acres, but could, in some cases, be considered up to 10 acres.

Mitigation monies will be deposited in the City of San Diego's Habitat Acquisition Fund (Fund #10571), as established by City Council Resolution R-275129, adopted on February 12, 1990.

Monetary compensation must also include an amount equal to ten percent of the total administrative costs.

Administration of the fund is the responsibility of the City of San Diego's Development Services Department, with cooperation from other City departments including: Park and Recreation (for maintenance), Auditor (for accounting), and Real Estate Assets (for estimates of land cost). Staff costs will not be charged to the fund except to cover appraisal and administrative expenses (from the 10% administrative fee).

The process for utilizing this type of mitigation is as follows:

Staff members from the Development Services Department will request from the Real Estate Assets Department an estimate of average land costs of the focused acquisition area closest to the project site. Focused acquisition areas have been identified by the MSCP as large areas of habitat critical for biodiversity preservation and the success of the MSCP (e.g., Carmel Mountain, Del Mar Mesa, East Elliott, Western Otay Mesa). The Real Estate Assets Department will base the estimate on previous appraisals and comparable land costs of lands within the focused acquisition area. The applicant will be required to contribute the estimated average per acre land cost multiplied by the mitigation ratio plus the additional amount for administration.

A two million dollar "cap" has been placed on the amount of money that may accumulate in the Habitat Acquisition Fund. The purpose of this cap is to insure that funds are spent in a timely manner. After the cap has been reached, no other funds may be accepted until the money is expended.

d. Species Specific Mitigation: In general, it is accepted that securing comparable habitat at the required ratio will mitigate for the direct impact to most sensitive species. While this is true for species with wide geographic distributions and/or large territory sizes, species with very limited geographic ranges (narrow endemic species) would require additional efforts designed to protect these species. A list of narrow endemic species is provided on Section I of these Guidelines.

The specific actions necessary to protect narrow endemics must be determined on a case-by-case basis. Transplantation and/or soil salvage are examples of acceptable mitigation methods for some of these species. Fencing, signage and management are other examples of mitigation. The Mitigation Program in the Biological Program in the Biological Survey Report should identify all specific actions related to the mitigation of these narrow endemic species, in addition to any other requirements necessary for the mitigation of their habitats.

In addition to the protection of narrow endemics required by the MSCP, certain species are only considered adequately conserved as part of the MSCP (e.g., Covered Species) only if translocation/restoration of the species is provided at the project-level (see Table 3-5 of MSCP Plan and Section 1.3 of the City's Subarea Plan). These species are *Ceanothus verrucosus* (coast white lilac, aka, wart-stemmed ceanothus), *Opuntia parryi* var. *serpentine* (snake cholla), *Speotyto cunicularia hypugaea* (burrowing owl). This also applies to the restoration/transplantation of any impacted habitat of the *Camylorhynchus brunneicapillus* (coastal cactus wren). The first two of these species are plants and may be transplanted, or incorporated into any revegetation plan proposed for the site.

Restoration of impacted coastal cactus wren habitat shall include salvage and transplantation of *Cylindropuntia californica* var. *californica* (Snake cholla), *Cylindropuntia prolifera* (Coast cholla), *Dudleya* spp. (Live-forevers), *Ferocactus viridescens* (Barrel cactus), *Mammillaria dioica* (Fish-hook cactus), *Opuntia littoralis* (Coastal prickly pear), *Opuntia oricola* (Chaparral prickly pear), *Yucca whipplei* (Our Lord's candle), *Yucca schidigera* (Mojave yucca) to an on-site or off-site restoration site or a receiver site approved by the City.

Within the MHPA, impacts to burrowing owls must be avoided; outside the MHPA, any impacted individuals must be relocated out of the impact area using passive or active methodologies approved by the Wildlife Agencies.

Species specific analysis for sensitive species not covered by the MSCP may be required as part of the CEQA process. It is expected that the majority of CEQA sensitive species not covered by the MSCP will be adequately mitigated through the habitat based mitigation described in Section III of these Guidelines. A rare circumstance may arise, however, when mitigation actions specific to a particular species may be required. The project-level biological survey report will justify why such actions are necessary in light of the habitat level protection provided by the MSCP.

2. Protection and Noise Element

The Mitigation Program must provide assurances that areas offered for mitigation or remainder areas in the OR-1-2 Zone not developed, but indirectly impacted by the proposed development will be adequately protected from future development. Additionally, adequate notice must be recorded against the title of the property to

memorialize the status of mitigation and remainder areas. The Protection Element will identify the specific actions incorporated into the project to protect any areas offered as mitigation. The following methods are considered to adequately protect mitigation and remainder areas:

a. Dedication

Dedication in fee title to the City is the preferred method of protecting mitigation areas. It is the City's policy to accept lands being offered for dedication unless certain circumstances prohibit the acceptance, such as the presence of hazardous materials, title problems, unpaid taxes or unacceptable encumbrances including liens. The City Manager or designee must recommend, and the City Council must accept, all proposed dedications on a case-by-case basis. Dedication of mitigation sites to other conservation entities, such as the U.S. Fish and Wildlife Service, Nature Conservancy, Trust for Public Lands, may also be permissible, if acceptable to the City Manager or designee.

b. Covenant of Easement

In lieu of dedication in fee title, or granting of a conservation easement, where a project has utilized all of its development area potential as allowed under the OR-1-2 Zone, then as a condition of permit approval, a covenant of easement would be required to be recorded against the title of the property for the remainder area, with the U.S. Fish and Wildlife Service and the California Department of Fish and Game named as third party beneficiaries. A covenant of easement is a legally binding promise made by the property owner with respect to future use of the land. Identification of those permissible passive activities and other conditions of the permit would be incorporated into the covenant. The covenant would be recorded against the title of the property and would run with the land. The applicant will allow the City limited right of entry to the remainder area to monitor the applicant's management of the area.

3. Management Element

Mitigation Program must provide assurances that the mitigation or remainder areas in the OR-1-2 Zone will be adequately managed and monitored in a manner consistent with Section 1.5, Preserve Management of the City's MSCP Subarea Plan. The Mitigation Program should identify how the objectives of the City's MSCP Preserve Management recommendations will be met for the area, as well as provide any additional management recommendations resulting from site-specific information (area specific management directives). The plan must also identify the responsible entity and funding source for the long-term maintenance and management.

a. Management by the City

In general, the entity that holds the fee title or is granted a conservation easement will be responsible for the management of the mitigation area. If the City of San Diego is the responsible party, then upon acceptance of the property, the area will be managed in accordance with the MSCP Framework Management Plan as modified by the area specific management directives. The project applicant would not be responsible for future monitoring reports or maintenance activities.

For all wetland mitigation sites, funding must be provided to cover the costs of their in-perpetuity management and monitoring. Funding may be provided by a variety of means including, but not limited to, the establishment of an endowment or Community Facilities District. The amount of funding shall be calculated through the use of a Property Analysis Record (PAR) or other similar method and shall be approved by the Park and Recreation Department prior to acceptance of the land. In no case will the City be required to accept any brush management functions that are made a condition of a discretionary project. It is expected that a homeowners association or similar group will be established for any brush management responsibilities.

b. Private Party Management

If the City does not hold fee title, or a covenant of easement is not granted, then the project applicant must provide for the management of the mitigation area. The Mitigation Program must include documentation on how the project would implement the objectives of the MSCP Preserve Management and the area specific management directives. The Mitigation Program must identify the responsible entity for long-term maintenance and management, the requirements for future management and monitoring reports, and a secure funding source to pay for the management in perpetuity.

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SECTION IV
FINDINGS/DEVIATIONS

A. ESL Permit Findings

Development on a site containing sensitive biological resources requires the approval of a Neighborhood Development Permit or Site Development Permit, unless exempted-pursuant to LDC Section 143.0110(c). The required findings for a Neighborhood Development Permit or Site Development Permit are listed in C Section 126.0504 (a). In addition to the general findings for a Neighborhood Development Permit or Site Development Permit, approval of a development on a site containing sensitive biological resources requires that an additional set of six supplemental findings, as listed in C Section 126.0504 (b), be made. They are as follows:

§ 126.0504(b) Supplemental Findings Environmentally Sensitive Lands

1. *The site is physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to environmentally sensitive lands;*
2. *The proposed development will minimize the alteration of natural landforms and will not result in undue risk from geologic and erosional forces, flood hazards, and fire hazards;*

[This finding is primarily applicable to sites that contain steep hillsides; refer to Steep Hillside Guidelines]

3. *The proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands;*
4. *The proposed development will be consistent with the City of San Diego MSCP Subarea Plan.*
5. *The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply.*

[This finding is applicable if the site contains sensitive coastal bluffs or coastal beaches; drainage from the site should not significantly impact these environmentally sensitive lands]

6. *The nature and extent of mitigation required as a condition of the permit is reasonably related to and calculated to alleviate negative impacts created by the proposed development.*

ESL Wetland Deviations Outside of the Coastal Overlay Zone

Impacts to wetland habitat require a deviation from ESL. Outside of the Coastal Overlay Zone, requests to deviate from the wetland regulations may be considered only if the proposed *development* falls within one of the three options as defined by LDC Section 143.0510 (d). The code section is as follows:

§143.0510 (d) Deviations from Environmentally Sensitive Lands Regulations

(d) Deviations to the wetland regulations of this division for *development* located outside of the Coastal Overlay Zone shall not be granted unless the *development* qualifies to be processed as one of the three options set forth in the following regulations and in accordance with the Biology Guidelines in the Land Development Manual:

(1) Essential Public Projects Option

(A) A deviation may only be requested for an Essential Public Project where no feasible alternative exists that would avoid impacts to wetlands.

(B) For the purpose of this section, Essential Public Projects shall include:

(i) Any public project identified in an adopted *land use plan* or implementing document and identified on the Essential Public Projects List adopted by Resolution No.[insert No.] as Appendix III to the Biology Guidelines; or

(ii) Linear infrastructure, including but not limited to major roads and *land use plan* circulation element roads and facilities including bike lanes, water and sewer pipelines including appurtenances, and stormwater conveyance systems including appurtenances; or

(iii) Maintenance of existing public infrastructure; or

(iv) State and federally mandated projects.

(2) Economic Viability Option

A deviation may be requested to preserve economically viable use of a property that would otherwise be deprived by a strict application of the regulations. Such a deviation

shall be the minimum necessary to achieve economically viable use of the property and shall avoid wetland resources to the maximum extent practicable.

(3) Biologically Superior Option

(A) A deviation may be requested to achieve a superior biological result which would provide a net increase in quality and viability (functions and value), relative to existing conditions or the project originally proposed by the applicant, and long term biological benefit.

(B) Wetland resources that would be impacted by the project shall be demonstrated to be of low biological quality.

Additionally, when a deviation from the wetland regulations in ESL is requested pursuant to LDC Section 143.0510 (d), LDC Section 126.0504 (c) specifies that two additional supplemental findings be made. They are as follows:

§126.054(c) Supplemental Findings – Environmentally Lands Deviations

1. *There are no feasible measures that can further minimize the potential adverse effects on environmentally sensitive lands.*
2. *The proposed deviation is the minimum necessary to afford relief from special circumstance or conditions applicable to the land and not of the applicant's making.*

B. Deviations from Within the Coastal Overlay Zone

Pursuant to LDC Section 126.0708 (b) deviations from ESL require a Coastal Development Permit in addition to a Site Development Permit even if the proposed *development* is exempt per LDC Section 126.0704. Also pursuant to LDC Section 126.0708 (b), deviations from ESL require that five supplemental *findings* be made. They are as follows:

§126.0708 (b) – Supplemental Findings – Environmentally Sensitive Lands Within the Coastal Overlay Zone

When a deviation is requested from the Environmentally Sensitive Lands Regulations because the applicant contends that application of the regulations would result in denial of all economically viable use, the Coastal Development Permit shall include a determination of economically viable use:

A Coastal Development Permit, or a Site Development Permit in the Coastal Overlay Zone, required in accordance with Section 143.0110 because of potential impacts to *environmentally sensitive lands* where a deviation is requested in accordance with

Section 143.0150 may be approved or conditionally approved only if the decision maker makes the following supplemental *findings* in addition to the *findings* in Section 126.0708 (a) and the supplemental *findings* in Section 126.0504 (b).

The decision maker shall hold a public hearing on any application on a Coastal Development Permit that includes a deviation from Environmentally Sensitive Lands Regulations in the Coastal Overlay Zone.

Such a hearing shall address the economically viable use determination. Prior to approving a Coastal Development Permit for development within the Coastal Overlay Zone that requires a deviation from the Environmentally Sensitive Lands Regulations, the decision maker shall make all of the following *findings*:

- i. *Based on the economic information provided by the applicant, as well as any other relevant evidence, each use provided for in the Environmentally Sensitive Lands Regulations would not provide any economically viable use of the applicant's property; and*
- ii. *Application of the Environmentally Sensitive Lands Regulations would interfere with the applicant's reasonable investment-backed expectations; and*
- iii. *The use proposed by the applicant is consistent with the applicable zoning; and*
- iv. *The use and project design, siting, and size are the minimum necessary to provide the applicant with an economically viable use of the premises; and*
- v. *The project is the least environmentally damaging alternative and is consistent with all provisions of the certified Local Coastal Program with the exception of the provision for which the deviation is requested.*

The *findings* adopted by the decision making authority shall identify the evidence supporting the *findings*.

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ATTACHMENT A

Flora and Fauna Covered by the Multiple Species Conservation Program

Scientific Name	Common Name	Designation (FS/CNPS/RED)
FLORA:		
<i>Acanthomintha ilicifolia</i>	San Diego thorgmint	PE/SE/1B/232
<i>Agave shawii</i>	Shaw's agave	--/2/333
<i>Ambrosia pumila</i>	San Diego ambrosia	--/1B/322
<i>Aphanisma blitoides</i>	Aphanisma	--/S2/3/222
<i>Arctostaphylos glandulosa</i> var. <i>Crassifolia</i>	Del Mar manzanita	FE/--1B/332
<i>Arctostaphylos otayensis</i>	Otay manzanita	--/1B/323
<i>Astragalus tener</i> var. <i>titi</i>	Coastal dunes milk vetch	F1/SE/1B/333
<i>Baccharis vanessae</i>	Encinitas coyote brush	FE/SE/1B/333
<i>Berberis nevini</i>	Nevin's barberry	F1/SE/1B/333
<i>Brodiaea filifolia</i>	Thread-leaved brodiaea	PT/SE/1B/333
<i>Brodiaea oreuttii</i>	Oreutt's brodiaea	--/1B/132
<i>Calamagrostis koelerioides</i>	Dense reed grass	F3C/--4/122
<i>Calochortus dunnii</i>	Dunn's mariposa lily	--/SR/1B/222
<i>Caulanthus stenocarpus</i>	Slender-pod jewel flower	--/SR/--/
<i>Ceanothus cyaneus</i>	Lakeside ceanothus	--/1B/322
<i>Ceanothus verrucosus</i>	Wart-stemmed ceanothus/coast white lilac	--/2/121
<i>Cordylanthus maritimus</i> ssp. <i>maritimus</i>	Salt marsh bird's beak	FE/SE/1B/222
<i>Cordylanthus oreuttianus</i>	Oreutt's bird's beak	--/2/331
<i>Corethrogyre filaginifolia</i> var. <i>limifolia</i>	Del Mar sand aster	--/1B/323
<i>Cupressus forbesii</i>	Tecate cypress	--/1B/322
<i>Deinandra (Hemizonia) conjugens</i>	Otay tarplant	PE/SE/1B/322
<i>Dudleya blochmaniae</i> ssp. <i>brevifolia</i>	Short-leaved live-forever	--/SE/1B/333
<i>Dudleya variegata</i>	Variegated dudleya	--/4/122
<i>Dudleya viscida</i>	Sticky dudleya	F1/--1B/323
<i>Ericameria palmeri</i> ssp. <i>palmeri</i>	Palmer's ericameria	--/2/221
<i>Erysimum ammophilum</i>	Coast wallflower	--/4/123
<i>Brygium aristulatum</i> ssp. <i>parishii</i>	San Diego button-celery	FE/SE/1B/232
<i>Ferocactus viridescens</i>	San Diego barrel cactus	--/2/131
<i>Lepechinia cariophylla</i>	Heart-leaved pitcher sage	--/1B/322
<i>Lepechinia ganderi</i>	Gander's pitcher sage	--/1B/312
<i>Lotus nuttallianus</i>	Nuttall's lotus	--/1B/332
<i>Monardella hypoleuca</i> ssp. <i>lanata</i>	Felt-leaved monardella	--/1B/223

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<i>Monardella linoidea</i> ssp. <i>viminea</i>	Willowy monardella	PE/SE/1B/232
<i>Mulla clevelandii</i>	San Diego goldenstar	--/1B/222
<i>Navarretia fossalis</i>	Spreading navarretia	--/1B/232
<i>Nolina interrata</i>	Dehesa bear-grass	F1/SE/1B/332
<i>Opuntia parryi</i> var. <i>Serpentina</i>	Snake cholla	--/1B/332
<i>Oreocytus californica</i>	California Oreocyt grass	FE/SE/1B/332
<i>Pogogyne abramsii</i>	San Diego Mesa mint	FE/SE/1B/233
<i>Pogogyne nudiuscula</i>	Otay Mesa mint	FE/SE/1B/332
<i>Pinus torreyana</i> ssp. <i>torreyana</i>	Torrey pine (native populations)	--/1B/323
<i>Rosa minutifolia</i>	Small-leaved rose	--/SE/2/331
<i>Satureja chandleri</i>	San Miguel savory	F3C/4/122
<i>Senecio ganderi</i>	Gander's butterweed	--/SR/1B/232
<i>Solanum tenuilobatum</i>	Narrow-leaved nightshade	--/1B/232
<i>Tetracoccus dioicus</i>	Parry's tetracoccus	--/1B/322
FAUNA:		
<i>Panoquina errans</i>	Saltmarsh/wandering skipper	--/1B/232
<i>Callophrys (Mitoura) thornei</i>	Thorne's hairstreak	--/S2
<i>Branchinecta sandiegoensis</i>	San Diego fairy shrimp	FE/1B/232
<i>Streptocephalus woottoni</i>	Riverside fairy shrimp	FE/1B/232
<i>Bufo microscaphus</i> ssp. <i>californicus</i>	Arroyo southwestern toad	FE/SSC
<i>Rana aurora</i> ssp. <i>draytoni</i>	California red-legged frog	FT/SSC
<i>Clemmys marmorata</i> ssp. <i>pallida</i>	Southwestern pond turtle	--/SSC
<i>Cnemidophorus hyperythrus</i> ssp. <i>beldingi</i>	Orange-throated whiptail	--/SSC
<i>Phrynosoma coronatum</i> ssp. <i>blainvillei</i>	San Diego horned lizard	--/SSC
<i>Accipiter cooperii</i>	Cooper's hawk	--/SSC
<i>Agelaius tricolor</i>	Tri-colored blackbird	--/SSC
<i>Aquila chrysaetos</i>	Golden eagle	--/SSC
<i>Aimophila ruficeps</i> ssp. <i>canescens</i>	Southern California rufous crowned sparrow	--/1B/232
<i>Branta canadensis</i> ssp. <i>moffitti</i>	Canada goose	--/1B/232
<i>Buteo swainsoni</i>	Swainson's hawk	--/CT
<i>Buteo regalis</i>	Ferruginous hawk	--/SSC
<i>Campylorhynchus brunneicapillus</i> ssp. <i>Cousei</i>	Coastal cactus wren	--/SSC
<i>Charadrius alexandrinus</i> ssp. <i>nivosus</i>	Western snowy plover	FT/SSC
<i>Charadrius montanus</i>	Mountain plover	--/SSC
<i>Circus cyaneus</i>	Northern harrier	--/SSC
<i>Egretta rufescens</i>	Reddish egret	--/1B/232
<i>Empidonax traillii</i> ssp. <i>extimus</i>	SW. Willow flycatcher	FE/SE
<i>Falco peregrinus anatum</i>	American peregrine falcon	--/ST
<i>Haliaeetus leucocephalus</i>	Bald eagle	FE/SE
<i>Numenius americanus</i>	Long-billed curlew	F3C/SSC

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<i>Passerculus sandwichensis ssp. belding</i>	Belding's savannah sparrow	--/SE
<i>Passerculus sandwichensis</i>	Large-billed savannah sparrow	--/SSC
<i>Pelecanus occidentalis ssp. californicus</i>	California brown pelican	FE/SE
<i>Plegadis chihi</i>	White-faced ibis	--/SSC
<i>Poliophtila californica ssp. californica</i>	California gnatcatcher	FT/SSC
<i>Rallus longirostris ssp. levipes</i>	Light-footed clapper rail	FE/SE
<i>Sialia mexicana</i>	Western bluebird	--/--
<i>Speotyto (Athene) cunicularia ssp. hypugaea</i>	Western burrowing owl	--/SSC
<i>Sterna elegans</i>	Elegant tern	--/SSC
<i>Sterna antillarum ssp. browni</i>	California least tern	FE/SE
<i>Vireo bellii ssp. pusillus</i>	Least Bell's vireo	FE/SE
<i>Taxidea taxus</i>	American badger	--/SSC
<i>Felis concolor</i>	Mountain lion	--/--
<i>Odocoileus hemionus fuliginata</i>	Southern mule deer	--/--

Federal Listing
 State of California Listing
 CNPS – California's Native Plant Society List
 RED – CNPS's Rarity, Endangerment and Distribution Code

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ATTACHMENT B

General Outline for Revegetation / Restoration Plans

The following outline is intended to provide guidance in the preparation and review of conceptual revegetation/ restoration plans. This outline is not intended as an exhaustive list of all design elements to consider when planning a revegetation effort. Consideration must also be given to the City's Land Development Code Landscape regulations (Chapter 14, Article 2, Division 4) and Landscape Standards when preparing conceptual revegetation plans and detailed revegetation construction drawings.

Introduction

- Background – Purpose
- Project location(s) with maps (regional, vicinity, site plan)
- Restoration goals and objectives/Mitigation requirements

Existing Conditions

- Environmental setting of impacted areas – vegetation & wildlife affected, functions and values, impact acreages, reference sites for development of revegetation specifications (can be in intro)
- Environmental setting of revegetation areas – land ownership, existing land uses
- Revegetation site characteristics: description/evaluation of topography, vegetation, soils, hydrology/drainage, access, site constraints (figures/maps)
- Regulatory requirements

Mitigation Roles & Responsibilities

- Financially responsible party – Performance bonds
- Revegetation team: Applicant, Landscape Architect, Revegetation Installation Contractor, Revegetation Maintenance Contractor (if different), Project Biologist, Nursery (seed/plant procurement)

Site Preparation

- Site and resource protection – staking/flagging/fencing of sensitive habitat areas/limits of work
- Weed eradication
- Topsoil/plant salvage (if needed)
- Clearing/grubbing
- Grading/recontouring

Irrigation

- Water source and supply
- Temporary or permanent installation
- Manual or automatic

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Plant Installation Specifications

- Species composition lists – container plants/seed mixes/quantities and sizes
- Planting arrangement/design (include conceptual planting plan)
- Planting procedure – interim storage methods, seed application methods, cuttings, special handling
- Timing of plant installation
- Irrigation requirements – frequency and duration

Maintenance Program

120-Day Plant Establishment Period (PEP)

- Weed Control
- Horticultural treatments (pruning, mulching, disease control)
- Erosion control
- Trash & debris removal
- Replacement planting and reseeding
- Site protection and signage
- Pest management
- Vandalism
- Irrigation maintenance

Five-Year Maintenance Period for Each Year Following the 120-Day PEP

- See 120-day plant establishment items above

Biological Monitoring

- Reference sites for development of performance criteria
- Monitoring procedures – qualitative (photo documentation) and quantitative (vegetation sampling methods)
- Monitoring frequency
 1. 120-Day Plant Establishment – Does revegetation meet intended design requirement?
 2. 5-Year monitoring requirement – or until 5th year performance/success criteria met.
- Performance/success criteria including diversity and coverage requirements
- Reporting program

Schedule of Activities

Remediation Measures

Completion of Mitigation Notification

Literature/Reference Citations

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APPENDIX I
Development Services Department
Significance Determination Thresholds Under CEQA
Biological Resources

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BIOLOGICAL RESOURCES

INTRODUCTION

The California Environmental Quality Act (CEQA) Guidelines define "significant effect on the environment" as a "substantial or potentially substantial adverse change in the environment". The CEQA Guidelines (Appendix G) further indicate that there may be a significant effect on biological resources if the project will:

- A. Substantially affect an endangered, rare, or threatened species of animal or plant or the habitat of the species;
- B. Interfere substantially with the movement of any resident or migratory fish or wildlife species; or
- C. Substantially diminish habitat for fish, wildlife, or plants.

Impacts to biological resources are evaluated by City staff through the CEQA review process, the Environmentally Sensitive Lands Regulations and Biology Guidelines, and through the review of the project's consistency with the City's Multiple Species Conservation Program (MSCP) Subarea Plan. Before a determination of the significance of an impact can be made, the presence and nature of the biological resources must be established. If biological resources may be present, a survey should be conducted pursuant to the City of San Diego's Biology Guidelines (Appendix II, Guidelines for Conducting Biological Surveys).

Sensitive biological resources are defined by the City of San Diego Municipal Code as:

- Lands that have been included in the Multi-Habitat Planning Area (MHPA) as identified in the City of San Diego Multiple Species Conservation Program (MSCP) Subarea Plan (City of San Diego, 1997);
- Wetlands (as defined by the Municipal Code, Section 113.0103);
- Lands outside the MHPA that contain Tier I Habitats, Tier II Habitats, Tier IIIA Habitats, or Tier IIIB Habitats as identified in the Biology Guidelines of the Land Development manual.
- Lands supporting species or subspecies listed as rare, endangered, or threatened;
- Lands containing habitats with narrow endemic species as listed in the Biology Guidelines of the Land Development manual; and
- Lands containing habitats of Covered Species as listed in the Biology Guidelines of the Land Development manual.

For projects within the City of San Diego or carried out by the City of San Diego which may affect sensitive biological resources, potential impacts to such sensitive biological resources must be evaluated using the following criteria and information.

INITIAL STUDY CHECKLIST QUESTIONS

The following are from the City’s Initial Study Checklist and provides guidance to determine potential significance to Biological Resources:

Would the proposal result in:

1. A substantial adverse impact, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in the MSCP or other local or regional plans, policies or regulations, or by the California Department of Fish and Game (CDFG) or U.S. Fish and Wildlife Service (USFWS)?
2. A substantial adverse impact on any 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 CDFG or USFWS?
3. A substantial adverse impact on wetlands (including, but not limited to, marsh, vernal pool, riparian, etc.) through direct removal, filling, hydrological interruption, or other means?
4. Interfering substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, including linkages identified in the MSCP Plan, or impede the use of native wildlife nursery sites?
5. A conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approved local, regional, or state habitat conservation plan, either within the MSCP plan area or in the surrounding region?
6. Introducing land use within an area adjacent to the MHPA that would result in adverse edge effects?
7. A conflict with any local policies or ordinances protecting biological resources?
8. An introduction of invasive species of plants into a natural open space area?

SIGNIFICANCE THRESHOLDS

Impacts to biological resources are assessed by City staff through the CEQA review process, and through review of the project’s consistency with the Environmentally Sensitive Lands (ESL) regulations, the current version of the Biology Guidelines, and with the City’s MSCP Subarea Plan. Before a determination of the significance of an impact can be made, the presence and nature of the biological resources must be established.

The following two steps summarize the procedure for collecting the necessary information.

STEP 1:

Determine the extent of biological resources and values present on the site. The analyst needs to visit the site and review existing biological information (e.g. MSCP vegetation maps). If there is any evidence that the site supports or recently supported biological resources, significant biological resources (see clarification in Step 2), a survey or letter report is necessary.

A factor in making this determination is whether or not the site has been illegally graded or grubbed. In some cases it is appropriate to consider the biological values on the site before a disturbance such as grading or fire. In general, if the site has been legally graded or grubbed and/or is characterized by ruderal species, is not included in the City’s MHPA, and does not support wetlands or Tier I, II or III habitat, it probably does not support significant biological resources.

Note: The presence of trash and debris on a site does not indicate a lack of biological habitat. In addition, lack of vegetation due to fire, clearing of vegetation for brush management (Zone 2 is impact neutral), unauthorized off-road vehicle use or other uses also does not preclude the presence of potential habitat.

An affirmative answer to any of the following questions indicates that significant biological resources MAY be present:

- a. The site has been identified as part of the MHPA by the City’s MSCP Subarea Plan.
- b. The site supports or could support (e.g. in different seasons/rainfall conditions, etc.) Tier I, II, or IIIA & B vegetation communities (such as grassland, chaparral, coastal sage scrub, etc.). The CEQA determination of significant impacts may be based on what was on the site (e.g. if illegal grading or vegetation removal occurred, etc.), as appropriate.
- c. The site contains, or comes within 100 feet of a natural or manufactured drainage (determine whether it is vegetated with wetland vegetation). The site occurs within the 100-year flood plain established by the Federal Emergency Management Agency (FEMA) or the Flood Plain (FP)/ Flood Way (FW) zones.
- d. The site does not support a vegetation community identified in Tables 2a, 2b or 3 (Tier I, II, IIIA or IIIB) of the Biology Guidelines; however, wildlife species listed as threatened

or endangered or other protected species may use the site (e.g. California least terns on dredge spoil, wildlife using agricultural land as a wildlife corridor, etc.).

STEP 2:

Based on Step 1, if significant biological resources are present, then a survey to determine the nature and extent of the biological resources on the site is warranted (See Guidelines for Conducting Biology Surveys). The survey should identify which biological resources are present on the site and its immediately surrounding area, and the number and extent of each type. As appropriate and when relevant to the biological resources found on site, the survey should also discuss the nature and quality of the biological resources in the immediate vicinity of the project site.

The significance and/or sensitivity of the resource can be determined at this stage; however, a resource may be more vulnerable to some kinds of development than to others. Sensitivity and/or significance of impacts are, therefore, more appropriately considered in the context of the proposed project, as discussed below. Direct impacts to wetland habitat would require a deviation from the wetland regulation requirements as outlined in Section IV.B. of the Biology Guidelines, the Environmentally Sensitive Lands Regulation (Section 126.0504 and 143.0101) and would be considered only under one of the three deviation/mitigation options described in Section III of the Biology Guidelines. The criteria for determining which option could be utilized must be incorporated into the biological technical report prepared for the project.

Biology Significance Determination

1. Direct Impacts

The direct, indirect and cumulative impacts of a project must be analyzed for significance. The first step in making the determination is to identify the nature of the impact, and the extent, and degree of direct impacts to biological resources. A direct impact is a physical change in the environment which is caused by and immediately related to the project. An example of a direct physical change in the environment is the removal of vegetation due to brushing, grubbing, grading, trenching, and excavating.

In order to determine the extent of impacts, the acreage of each habitat type to be lost should be quantified. If an upland, categorize the land into one of the four Tier categories (I-IV), which are listed on Table 3 of the Biology Guidelines. If a natural wetland, categorize as indicated on Tables 2a and/or 2b of the Biology Guidelines. In addition, the boundaries of the MHPA should be determined and any proposed encroachment should be quantified. Where possible, the extent or number of individuals of sensitive, threatened, rare, or endangered species to be taken or harassed should also be quantified. In order to determine the degree of the impact, fragmentation of habitat, loss of foraging area for sensitive species, and other factors should be considered.

The City's permit to 'take' Covered Species under the MSCP is based on the concept that 90% of lands within the MHPA will be preserved. Any encroachment into the MHPA (in excess of the allowable encroachment by a project) would be considered significant and require a boundary line adjustment which would include a habitat equivalency assessment to ensure that what will be added to the MHPA is at least equivalent to what would be removed.

In addition, lands containing Tier I, II, IIIa and IIIb [(see Table 3 of City's Biology Guidelines) and all wetlands [see Tables 2a and/or 2b of City's Biology Guidelines] are considered sensitive and declining habitats. As such, impacts to these resources may be considered significant. Lands designated as Tier IV are not considered to have significant habitat value and impacts would not be considered significant.

Impacts to individual sensitive species, outside of any impacts to habitat, may also be considered significant based upon the rarity and extent of impacts. Impacts to state or federally listed species and all narrow endemics [see the City's Biology Guidelines] should be considered significant. Certain species covered by the MSCP [see Section 1 of the Biology Guidelines] and other species not covered by the MSCP, may be considered significant on a case-by-case basis taking into consideration all pertinent information regarding distribution, rarity, and the level of habitat conservation afforded by the MSCP.

Notes:

- (a) Total upland impacts (Tiers I- IIIb) less than 0.1 acre are not considered significant and do not require mitigation. See Section 3 (Cumulative Impacts) relative to native grasslands.
- (b) Impacts to non-native grasslands totaling less than 1.0 acres which are completely surrounded by existing urban developments are not considered significant and do not require mitigation. Examples may include urban infill lots.
- (c) Total wetland impacts less than 0.01 acre are not considered significant and do not require mitigation. THIS DOES NOT APPLY TO VERNAL POOLS or wetlands within the Coastal Zone.
- (d) Brush management Zone 2 thinning activities, while having the potential to adversely affect biological resources, are not considered potentially significant inside the MHPA or, to the extent that non-covered species are not impacted, outside the MHPA, because of the implementation of the MSCP. Brush management Zone 2 thinning outside the MHPA which affects non-covered species is potentially significant. Brush management not conducted in accordance with brush management regulations, regardless of where it is located, is also potentially significant.
- (d) Mitigation is not required for impacts to non-native grassland habitat when impacted for the purpose of wetland or other native habitat creation.
- (e) Habitat mitigation is not required for impacts to manufactured slopes or areas that have been planted with native species for the purpose of erosion control. For example, in order

to qualify for this exception, substantiation of previous permits and mitigation must be provided. Noise mitigation, however may be required for significant noise impacts to certain avian species during their breeding season depending upon the location of the slope (such as adjacent to an MHPA) and what birds may be present in the area such as the California gnatcatcher, least Bell's vireo, southern willow flycatcher, least tern, cactus wren, tricolored blackbird, western snowy plover, or burrowing owl. If these avian species (except for the California gnatcatcher) are present, then mitigation will be required if construction or operational noise levels would exceed 60 db(A), or the existing ambient noise level if already above 60dB(A) during the breeding season. For California gnatcatcher habitat within the MHPA and occupied, construction or operational noise levels exceeding 60 dB(A) (or exceeding the existing ambient noise level if already above 60 dB(A)) during the breeding season is considered significant. There are no restrictions for the gnatcatcher **outside** the MHPA anytime of the year.

In addition, inside the MHPA, impact avoidance areas are required for Cooper's hawk, northern harrier, golden eagle, burrowing owl, and southwestern pond turtle. See Biology Guidelines, Section II, A. 2 & 4, and Section 9.12 of the Implementing Agreement.

- (f) Removal/control of non-native plants is not considered to constitute a significant habitat impact for which compensatory habitat acquisition, preservation, or creation for the area impacted is required. Mitigation for indirect impacts such as erosion control or off-site infestation by non-native species may be needed.

2. Indirect Impacts

CEQA Guidelines §15064(d) provides the following guidance regarding identification of direct versus indirect impacts:

In evaluating the significance of the environmental effect of a project, the Lead Agency shall consider direct physical changes in the environment which may be caused by the project and reasonably foreseeable indirect physical changes in the environment which may be caused by the project.

- a. An indirect impact is a physical change in the environment which is not immediately related to the project, but which is caused indirectly by the project. If a direct impact in turn causes another physical change in the environment, then the secondary changes is an indirect impact. For example, the dust from heavy equipment that would result from grading for a sewage treatment plant could settle on nearby vegetation and interfere with photosynthetic processes; and the construction equipment noise levels could interrupt reproductive behavior within adjacent sensitive avian breeding habitats during the breeding season.
- b. An indirect physical change is to be considered only if that change is a reasonably foreseeable impact which may be caused by the project. A change which is speculative or unlikely to occur is not reasonably foreseeable.

Depending on the circumstances, indirect impacts of a project may be as significant as the direct impacts of the project. In general, however, indirect impacts are easier to mitigate than direct ones. Some impacts may be considered indirect impacts in some circumstances and direct impacts under other circumstances. Indirect impacts include but are not limited to, the following impacts:

- i. The introduction of urban meso-predators into a biological system;
- ii. The introduction of urban runoff into a biological system;
- iii. The introduction of invasive exotic plant species into a biological system;
- iv. Noise and lighting impacts (note: consider both construction/demolition and operational phases of the project);
- v. Alteration of a dynamic portion of a system, such as stream flow characteristics or fire cycles; and,
- vi. Loss of a wetland buffer that includes no environmentally sensitive lands.

3. Cumulative Impacts

The MSCP was designed to compensate for the regional loss of biological resources throughout the region. Projects that conform with the MSCP as specified by the Subarea Plan, and implementing ordinances, (i.e. Biology Guidelines and ESL Regulations) are not expected to result in a significant cumulative impact for those biological resources adequately covered by the MSCP. These resources include the vegetation communities identified as Tier I through IV (see City’s Biology Guidelines, and the MSCP Covered Species list (see Appendix A of the City of San Diego’s MSCP Subarea Plan).

All direct impacts to vernal pools are significant and cumulatively significant. Impacts to vernal pools may be mitigated in accordance with the criteria in the Biology Guidelines.

Direct impacts to perennial native grasslands that are greater than 0.1 acre are significant and cumulatively significant. Direct impacts to this habitat type are mitigated via Tier I per Biology Guidelines. Cumulative impacts may be mitigated only via creation at a 1:1 ratio or greater with the feasibility of creation to be evaluated on a case-by-case basis.

Impacts to species covered by the MSCP (see Appendix A of MSCP Subarea Plan) would not generally be considered cumulatively significant, provided the project is in full compliance with the MSCP and its implementing regulations. Impacts to state- or federally-listed species not covered by the MSCP may be considered cumulatively significant. Each situation will be evaluated on a case-by-case basis.

It is expected that many other sensitive species not analyzed for coverage under the MSCP will be adequately conserved through the MSCP's habitat-based mitigation plan. A rare circumstance may arise, however, where impacts to a particular species may still result in a cumulatively significant impact. The project-level biological survey report would identify those species and describe why a cumulative impact still exists in light of the habitat level of protection provided by the MSCP. Depending on the size of the impact, the salt marsh daisy (*Lasthenia glabrata* ssp. *coilteri*) found in salt pannes) and the little mouse tail (*Myosurus minimus*) found in vernal pools would be examples of non-covered species that might be considered rare enough to conclude cumulatively significant impacts.

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APPENDIX II
Guidelines for Conducting
Biology Surveys

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I. GOALS OF THE BIOLOGY SURVEY GUIDELINES

These guidelines are intended to prescribe the content of biology survey reports and will be used in the analysis and preparation of environmental documents. The Biological Survey Guidelines shall be used as part of the environmental review process to meet the requirements of the California Environmental Quality Act (CEQA), the Multiple Species Conservation Program (MSCP), and the City's Environmentally Sensitive Lands (ESL) Regulations.

The intent of the biology survey is to identify biological resources on the project site, determine impacts, and recommend suitable mitigation measures. Mitigation and monitoring requirements pursuant to the City's Biology Guidelines (revised March 2009) and CEQA shall ensure preservation of the native species and sensitive biological resources of San Diego.

II. PREPARER'S QUALIFICATIONS AND CERTIFICATIONS

Persons preparing or responsible for biological technical reports should have the following minimum qualifications: a Bachelor's degree in Biology or a closely related field with appropriate areas of study to understand San Diego's local floral and faunal relationships; sufficient local field experience in identification of flora or fauna, particularly rare, endangered, and status and trends, experience in habitat evaluation and in quantifying environmental impacts, and familiarity with suitable mitigation methods including revegetation design and implementation. With regard to focused surveys, the principal or other member of the survey team must meet regulatory agency protocol qualifications and possess or obtain appropriate permits, prior to conducting the survey, where necessary.

III. TYPES OF SURVEY REPORTS

No two project sites are identical in terms of the biological resources present, the degree of disturbance, the proximity to developed areas, and the type of project proposed. For these reasons, three types of biological surveys are suggested. These types are the "General", the "Letter" and the "Focused" surveys. All conditions of the City's Biological Guidelines (revised March 2009), herein after called the "Biology Guidelines") must be met. For example, Table 1 of the Biology Guidelines will aid in determining the need for focused surveys. In most cases, a General Survey Report will be required or a previous basic report may need to be updated. Letter Survey Reports may (with complete flora and fauna lists) be acceptable for a small disturbed site or where previous reports are applicable. If sensitive species (e.g., listed threatened or endangered species, candidate species, etc.) are on the site or are likely to be present, Focused Survey Reports will be required. Focused Survey Reports shall follow any required state or federal agency protocols where appropriate. Biologists conducting surveys are responsible for contacting federal and state and local agencies, and acquiring protocol survey guidelines.

NOTES:

1. Protocol surveys shall be performed by a biologist who possesses current survey permit(s) for certain species, as required by state or federal regulatory agencies, or by the City of San Diego.
2. Biology Survey Reports for emergency public works projects or code violation enforcement cases shall include relevant information as appropriate. In other words, "before-impact" surveys may not be possible, but prior conditions shall be reconstructed to the greatest extent feasible.

A. GENERAL SURVEY REPORT

Projects involving or permitting modification of land in a natural or near natural state, and all areas containing sensitive habitats or sensitive habitats present.

1. Time in the field shall be proportional to the size of the project site and biological heterogeneity and the significance of sensitive habitats present.
2. Completeness of the biological inventory will be based on a "diminishing returns" criterion. In other words, the level of effort should be based on significance of resources present.
3. Data collected should be quantified where appropriate to indicate the extent of resources on the project site.
4. It is highly recommended that field surveys be performed when the majority of critical resources can be best evaluated. Some survey times are mandated per protocol established by state and federal agencies for certain species (e.g., Quino checkerspot butterfly). See Attachment I.
5. The most recent generally accepted nomenclature shall be used to indicate plant and animal names to avoid confusion (see Attachment IV, or more recent literature).
6. Surveys shall include information on the presence or absence of Narrow Endemic Species (Section I - Biology Guidelines) likely to be present. If not present, a statement explaining the theoretical physical/biological basis for the lack of expected species shall be included.
7. Conditions of MSCP coverage shall be addressed for covered species (listed in Appendix A "Species Evaluated for Coverage Under the MSCP" of the MSCP Subarea Plan) found on or adjacent to the site.

8. Vernal Pools: If this habitat is suspected, a focused survey shall be required to determine presence/absence of vernal pools. Focused surveys for vernal pools shall occur during the winter months when the pools are typically inundated. Historical photos and additional research may be necessary on a case-by-case basis. The entire vernal pool watershed shall be surveyed and mapped (Attachment II). Fairy shrimp surveys will be required per U.S. Fish & Wildlife Service Vernal Pool Guidelines.

9. Other procedures, as listed below in C., Focused Survey Report and in the Biology Guidelines.

B. LETTER SURVEY REPORT

A Letter Survey Report may be acceptable (at the discretion of the City Manager or his/her designee) for projects with:

1. Recent adequate General Survey Report
2. Projects involving minimal habitat alteration.
3. Highly disturbed areas, including but not limited to, agricultural areas presently or recently under cultivation. Additional information may be required based upon the results of the Letter Survey Report.
4. Very small sites, especially when they are isolated by development or when there are only temporary impacts.

C. FOCUSED SURVEY REPORT

1. Focused surveys shall be performed in conformance with Table 1 of the Biology Guidelines. Surveys should be done at the appropriate time of year to determine presence/absence of sensitive species. If surveys are not done at the appropriate time of year, and the potential for occurrence is moderate to high (based on historical knowledge, site records, determination by the biologist, etc.), then it will be concluded that their presence exists on the property. The emphasis of the survey shall be directed at a search for rare, endangered, threatened, or otherwise sensitive resources. See Section V.H. Vernal Pools, for vernal pool survey requirements.
2. When appropriate, the methodology for the focused survey(s) and report(s) shall be obtained from the appropriate regulating agencies (e.g., protocols for state listed species would be obtained from the California Department of Fish and Game and federal species would be obtained from U.S. Fish and Wildlife Service). Depending on the species, one or more focused surveys may be required. In some instances, protocol survey guidelines may not be available. It

is the responsibility of the consulting biologist to assure all required protocols are followed. See Attachment I (Sample Protocol Survey Requirements) for examples of typical protocol survey requirements.

3. A statement explaining the theoretical physical/biological basis for any lack of expected species shall be included.

IV. SUBMISSION REQUIREMENTS AND REPORTING FORM AND CONTENT

The survey reports shall contain the elements listed below and be presented in the following format. For the Letter Survey Reports, the format can be presented in correspondence form, but pertinent items such as brief methodology, species list, vegetation map, impact analysis, and mitigation measures shall be addressed.

A minimum of three draft and final reports/letters shall be submitted to Development Services for distribution. The total number of final copies will vary depending on the extent of distribution associated with CEQA public review.

A. TITLE PAGE

1. Report title (type of study, project name, city, state)
2. Development Services Department (DSD) project number(s)
3. Party for whom report prepared (e.g., contracting or responsible party, such as agency, developer or lead agency under CEQA)
4. Party preparing report (example: Biologist or consulting firm preparing report name, address, telephone number)
5. Investigators (include titles)
6. Date (month, year)
7. Signature block of the principal investigators

B. TABLE OF CONTENTS

1. Major report sections, subheadings, and appendices with page numbers
2. Figures/graphics/maps with page numbers
3. Tables with page numbers

C. MANAGEMENT SUMMARY/ABSTRACT

Briefly state the purpose, results of the survey, sensitive species present, and the impacts anticipated with any feasible measures to reduce or eliminate likely impacts. State whether or not the project site is entirely within, partially within, adjacent to, or outside the Multi-Habitat Planning Area (MHPA) of the City's MSCP.

TABLE 1
SUMMARY OF BIOLOGICAL SURVEY REQUIREMENTS

RESOURCE	SURVEY REQUIREMENTS	
	Inside MHPA	Outside MHPA
Vegetation		
Uplands	Confirm/Revise MSCP mapping	Confirm/Revise MSCP mapping
Wetlands	Delineate wetlands per City definition	Delineate wetlands per City definition
Covered spp ¹		
Listed spp (e.g., CA Gnatcatcher)	Focused survey per protocol.	Per MSCP conditions of coverage ¹
Narrow endemic (e.g. S.D. Thornmint)	Focused survey per protocol	Focused survey per protocol
Other (e.g., S.D. Horned lizard)	Survey as necessary to comply with siting requirements as outlined in Section II.A.2 of these Guidelines	Per MSCP conditions of coverage ²
Non-covered spp ¹		
Listed spp (e.g., pacific pocket mouse)	Focused survey per protocol	Focused survey per protocol
"Other Sensitive Species" ³ⁿ	Case-by-case determination depending on the spp.	Case-by-case determination depending on the spp.

Notes:

¹ Based upon the MSCP mapping, site specific surveys, the NDDDB records, previous EIRs and biological surveys, and/or discussion with the , the potential for listed species, narrow endemics and CEQA sensitive species will be determined. Where there is a reasonable likelihood that one of these species exists, surveys will follow the above requirements.

² Survey as necessary to conform to Appendix A of the City of San Diego MSCP Subarea Plan (March 1997).

³ⁿ "Other Sensitive Species" Those other species that are 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.

D. INTRODUCTION

1. Purpose of study (relevant federal, state, and local laws), if applicable, reference any previous studies.
2. Location map of the project shown on 800-foot scale City Engineering base map with survey boundaries.
3. Project description, all areas of impacts, and construction staging areas.
4. Project schedule, including phasing and duration.

E. METHODS AND SURVEY LIMITATIONS

Discuss survey methodology including rationale for the use of the given survey method. Include dates, times, personnel (with qualifications), weather conditions during the survey; limitations for the survey (e.g., portions of the property indirectly surveyed or seasonal variability); and a map showing the location of transects, sample points and the areas actually visited, as appropriate. Surveys for state or federally listed sensitive or MSCP-covered species older than 24 months must be updated, as appropriate, to accurately reflect resources on site. Surveys should be done at the appropriate time of year to detect presence/absence of sensitive species. If surveys are not done at the appropriate time of year, and the potential for occurrence is moderate to high (based on historical knowledge, site records, determination by the biologist, etc.), then it will be concluded that their presence exists on the property. Biological surveys that are over 24-months would require that the survey and report be updated to reflect the most current conditions affecting the project site. The U.S. Fish and Wildlife Service and the California Department of Fish and Game (e.g., Wildlife Agencies) may require updated survey data during their review of projects.

NOTE: Protocol survey requirements/protocol guidelines are subject to change by the regulatory agencies and methods must be valid at the time of the survey.

V. SURVEY RESULTS

A. Physical Characteristics

Briefly describe the physical characteristics of the property from a biological perspective: include existing land use, slope/aspect (exposure).

Topographical characteristics, water resources, soil and rock types, rock out-crops, and adjacent land uses.

Include a brief discussion of habitats present. Discuss any wetlands, water bodies, watersheds or stream beds on the project site which would be modified and subject to the California Fish and Game (CDFG) Code, Section 1600-1603, the U.S. Army Corps of Engineers (ACOE) Section 404 of the Clean Water Act, or the City's Environmentally Sensitive Lands regulations. Describe existing conditions,

sensitive lands per MSCP, and any critical habitats of endangered species as determined by the. A discussion of wetland jurisdiction/definition for the ACOE, CDFE, and the City of San Diego shall be required, including a discussion of existing and proposed wetland buffers as accepted by the regulatory agencies.

B. Biological Resources

1. Botanical Resources – Flora

Describe the existing vegetation communities as well as disturbed areas, and list the dominant (indicator) species of each vegetation community type. Identify, if possible, the nature of any disturbance, e.g., grading, active agriculture, fire, etc. Each vegetation community should be categorized into either wetland(s) and/or type of upland(s) as shown in the Tables found in Section III of the Biology Guidelines. Include a vegetation map (at least one copy submitted must be on a project plan map) overlain by the development proposed. The amount of each vegetation community or habitat type present on the property should be indicated in acres, hectares, or square feet, as appropriate. Quantify transect data when appropriate. Indicate locations of sensitive plants as points or polygons as appropriate. Include a complete listing (in an appendix) of all plant species observed, including scientific and common names. Indicate ~~in~~ the community or habitat each species was found in and which species are not native to the area.

2. Zoological Resources – Fauna

Provide a list of all vertebrate species observed or detected in an appendix. Both common and scientific names should be used. "Regional Lists" are not acceptable. Listing of particular expected species may be appropriate, but should be justified (migratory, estivating, nocturnal species, etc.).

Include the method used to identify the species (e.g., direct sighting, scat, or calls) in the text or lists. Indicate the number and location of individuals detected or estimated. Note indications of breeding activity (i.e., nests, dens) on the property. Occurrence of the species should be related to the vegetative community or wildlife habitat types on the property when possible. Relative amounts of each wildlife habitat type should be indicated (may be same as plant communities).

Discuss invertebrates in special situations (i.e., rare, threatened or endangered butterfly species, fairy shrimp, unusual species concentrations, or pest species).

If a species is reported which is considered rare or unusual in occurrence in the region, verify its identification with a photographed or a written species diagnostic description in the appendix or use the form provided as Attachment III.

Indicate locations of (on at least one copy of a project map) and discuss areas exhibiting concentrations or a higher diversity of wildlife or wildlife signs, and discuss possible reasons for these activities (e.g., amphibian breeding areas, deer feeding, raptor hunting areas, etc.). Such areas may reflect physical attributes of the property such as dunes, rock out-crops, streams, ponds, stands of trees, etc., which should be mapped.

C. Rare, Threatened, Endangered, Endemic and/or Sensitive Species or MSCP-Covered Species.

The report shall contain a separate discussion of any sensitive species occurring on or using areas directly or indirectly affected by the project that are recognized by a governmental agency, conservation or scientific group, or the investigator(s) as being depleted, potentially depleted, declining, rare, critical, endemic, endangered, or threatened, and/or any species nominated on a state or federal rate, endangered or threatened species list.

The survey report shall contain a theoretical discussion and/or list of rare, endangered, and threatened species and habitats likely to occur on site or nearby. Species discussed shall be based on sources listed in the paragraph above or more recent data. Discuss the suitability of the habitat on the property for each such species and the probability of the property being utilized by them, particularly if the survey was done when the species would not be identifiable. Discuss the known growth requirements of said species, including required soil types, exposure, elevation, availability of water, etc., as well as when the species is identifiable. Confirm the identification of rare, endemic, endangered, or threatened species, by a species-diagnostic photograph or by a written description. A California Natural Diversity Database, "California Native Species Field Survey Form" (Attachment V) should be completed where a species has not been reported before, or as deemed appropriate.

D. Maps

All maps submitted with the biology survey report must be of sufficient scale to show the location of the identified resources and their relationship to the project (See Attachment II). Elevations/topography, north direction, and scale, must be indicated on all maps. The map should identify biological resources (plants and animals) present on site, including any portions of the site identified as part of or adjacent to the MSCP's MHPA and any other 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. In addition, at least one copy of a full scale project map (Tentative Map, Tentative Parcel Map, Site Plan, etc.) must be submitted, showing the resources identified including blue line streams and other wetland features sourced from a U.S.G.S topographical map, and project

characteristics including lot lines, roads, grading, open space easements, off-site improvements, etc. To summarize, the following maps are required:

1. A copy of the project map or site plan, etc., with sensitive species/habitats plotted thereon (see interactive mapping feature on the following website: www.sangis.org);
2. A copy of the project map or site plan with the MHPA boundaries shown thereon; and
3. A copy of the project map or site plan showing project impacts in relationship to biological resources.

NOTE: All information can be put on one map if it can be clearly depicted. If information is depicted on separate maps, all maps must be presented at the same scale.

VI. PROJECT IMPACT ANALYSIS

Identify all potential impacts of the project (on-site and off-site impacts such as roads, staging areas, and water and sewer lines) to sensitive biological resources and to other significant biological resources as determined by the CEQA process (i.e., sensitive, non-covered species). The report should evaluate the significance, and quantify/qualify impacts. Impact assessments need to include analysis of direct impacts (e.g., grading, Zone 1 brush management), indirect (e.g., lighting, noise, edge effects, sediment loading, etc.) and cumulative impacts, if appropriate. The City of San Diego's Significance Determination Thresholds under CEQA (Biological Resources) should be used as a reference. The proposed area of impact to each resource by the project must be presented in both a graphic and tabular form. In addition, this section shall contain a discussion of the following:

- A. An evaluation of the physical or biological features used by flora and fauna on the property and their relative importance.
- B. An evaluation of the physical and biological relationship of the property to surrounding or contiguous habitats and relationships to the MHPA. Discuss, if the proposed project will disrupt the integrity or continuity of an important habitat (i.e., disruption of a wildlife corridor and/or an extensive riparian woodland, etc.).
- C. Indicate the percentage (or acreage) of plant communities and habitats to be removed or modified in tabular form by the proposed development or reasonably anticipated to be removed. Discuss likely subsequent impacts for phased and staged development, even if they are not a part of the project.
- D. A determination of significance must be done per the City of San Diego's Significance Determination Thresholds under CEQA (Biological Resources).

- E. Quantify the anticipated loss of sensitive plant and animal habitat, populations, or individuals. Define, where possible, the local and regional significance of this loss.
- F. Discuss and evaluate indirect impacts anticipated on and off the site from project implementation.
- G. Discuss the following consistency issues with the MSCP (discuss how the project will provide for the long-term viability of wildlife and sensitive habitats):
 1. Whether or not the project lies within or adjacent to the MHPA (see interactive mapping features on the following web site: www.sangis.org).
 2. Describe any relevant MHPA Guidelines (map notes).
 3. Assess compliance with the planning policies and guidelines (is the project an allowed use within the MHPA?).
 4. Address, if applicable, the land use adjacency guidelines (as shown on Page 48, the MSCP Subarea Plan).
 5. Identify any appropriate management issues per Section 1.5, MSCP Subarea Plan.
 6. Assess whether any special conditions of coverage apply to the species affected by the project (per Covered Species list, Appendix A, MSCP Subarea Plan).
 7. Discuss any boundary adjustments to the MHPA. If proposed, evaluate for functional equivalency per Sections 1.1.1 and 5.4.2 of the MSCP Subarea Plan.
 8. Discuss whether or not the project is located on the least sensitive portion of the site (Sections II and III - Biology Guidelines).
- H. Vernal Pools (see also Attachment II, Map Submissions and Methodology)

A focused survey evaluating the quantity and quality of vernal pool(s) and watershed must be provided. Substantial evidence must be presented that demonstrates: 1) presence/absence of the pools; 2) what measures are being taken to avoid the pools and 3) if unavoidable provide substantiation as to why the impacts cannot be avoided and what measures are being used to minimize impacts (Section III - Biology Guidelines).
- I. Cumulative Impacts

Projects that conform to the MSCP would not result in significant cumulative impacts. However, a rare circumstance could occur where impacts to a particular

species not covered by the MSCP (e.g., little mouseltail, salt marsh daisy) may still result in a cumulative/significant impact. In this case, the report would identify those species and describe why a cumulative impact still exists regardless of the habitat level protection provided by the MSCP.

VII. MITIGATION AND MONITORING REQUIREMENTS

This program will consist of three elements: 1) Mitigation Element, 2) Protection and Notice Element, and 3) Management Element (Section III, Biological Impact Analysis and Mitigation Procedures). For instances where revegetation or restoration is proposed, a revegetation/restoration plan shall be prepared in accordance with Attachment III, General Outline for Conceptual Revegetation/Restoration Plans.

Notes:

1. Restoration of vernal pools in historically non-vernal pool areas is not acceptable.
2. All wetland impacts must have an identified wetlands mitigation site and an accompanying conceptual revegetation plan.
3. One component of the wetland mitigation effort (at a minimum 1:1 ratio) must consist of wetland creation or wetland restoration. The remaining balance of the mitigation may occur as wetland enhancement.

VII. ACKNOWLEDGMENTS AND BIBLIOGRAPHY

A. Acknowledgments

Staff from the following City Departments assisted in the preparation of these survey guidelines:

Development Services Department – MSCP
Development Services Department – Environmental Analysis Section
Development Services Department – Mitigation Monitoring Coordination

B. Bibliographical References

The following documents were used in the preparation of these Survey Guidelines:

1. City of San Diego Land Development - Biology Guidelines. Revised June 2012.
2. City of San Diego Multiple Species Conservation Program (MSCP) Subarea Plan², March 1997.
3. Significance Determination Thresholds under CEQA – Biological Resources

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IX. DEFINITIONS – Alphabetical Order

ACOE	Army Corps of Engineers
CDFG	California Department of Fish and Game
CEQA	California Environmental Quality Act
EIR	Environmental Impact Report
ESL	Environmentally Sensitive Lands Regulations, Land Development Code
GIS	Geographic Information System
LDR	Land Development Review
MMRP	Mitigation Monitoring Reporting Program
MHPA	Multiple Habitat Planning Area (90% Preserve Area of the MSCP)
MSCP	Multiple Species Conservation Program
NAD	North American Datum
Regulating Agencies	Those Governmental agencies with discretionary power to issue permits (e.g., U.S. Army Corps of Engineers, California Department of Fish and Game, City of San Diego Development Services Department)
RUIS	Regional Urban Information System – now known as SANGIS – San Diego GIS
SANDAG	San Diego Association of Governments
SANGIS	San Diego Geographic Information System
USFW	United States Fish & Wildlife Service
www.sangis.org	City of San Diego's web site which includes the MHPA mapping

ATTACHMENT I

SAMPLE PROTOCOL SURVEY REQUIREMENTS

The following sample protocol survey requirements are representative of the typical sensitive species found within the City of San Diego. These focused survey protocols are consistent with the current regulations of the U.S. Fish and Wildlife Service (USFWS) and the California Department of Fish and Game (CDFG). Please note that these requirements are subject to change as the status of a given species changes, as new information is discovered for a given species, and as jurisdictions of the USFWS and CDFG dictate through their individual regulations. All surveys must be conducted by individuals possessing appropriate permits through the USFWS and CDFG.

NOTE: Extreme weather conditions can cause variations in the breeding season of individual species. In such instances, additional coordination with the USFWS and CDFG may be required.

1. Coastal California Gnatcatcher (*Polyptila californica*)

Breeding Season	March 1 to August 15
Minimum Number of Surveys Required	3
Minimum Number of Days between Surveys	7

2. Least Bell's Vireo (*Vireo bellii pusillus*)

Breeding Season	March 15 to September 15
Minimum Number of Surveys Required	8
Minimum Number of Days between Surveys	10

3. Southwestern Willow Flycatcher (*Empidonax traillii extimus*)

Breeding Season	May 1 to September 1
Minimum Number of Surveys Required	5
Minimum Number of Days between Surveys	5

One survey must occur between May 15 and May 31. One survey must occur between June 1 and June 21. Three surveys must occur between June 22 and July 17.

4. Southwestern Arroyo Toad (*Bufo microscaphus californicus*)

Breeding Season	March 15 to July 1
Minimum Number of Surveys Required	6
Minimum Number of Days between Surveys	7

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5. Quino Checkerspot Butterfly (*Euphydryas editha quino*)

Breeding Season	Generally late February to early March
Minimum Number of Surveys Required	5
Minimum Number of Days between Surveys	7

See also Staff Memo dated 22 February 1999 regarding Quino survey areas

6. Fairy Shrimp (*Branchiopods*)

Minimum Number of Surveys Required: 2 full wet season surveys within a five-year period; or two consecutive seasons of one full wet season survey and one dry season survey (or vice-versa).

Wet season surveys – Once inundated, pools/swales shall be adequately sampled once every two weeks, beginning no later than two weeks after their initial inundation and continuing until they are no longer inundated, or until they have experienced 120 days of continuous inundation. In cases where the pools/swales dry and then refill in the same wet season, sampling shall be reinitiated within eight days of refilling every time they meet the 3 cm of standing water criteria and shall continue until they have experienced 120 days of continuous inundation, or until they are no longer inundated.

7. Burrowing Owl (*Speotyto cunicularia*)

Breeding Season:	February 1 to August 31
Minimum Number of Surveys Required	4
Minimum Number of Days between Surveys	1 (24 hours)

Survey protocol for this species is recommended by the CDFG. The following references should be utilized:

1. California Department of Fish and Game (DFG), 2009-2010. Guidance for Burrowing Owl Conservation. Habitat Conservation Branch, Wildlife Branch, bay Delta Region. Sacramento, California.
2. DFG, 1995. Department's Staff Report on Burrowing Owl Mitigation. Refer to <http://www.dfg.ca.org/wildlife/species/docs/burowlmit.pdf>.
3. California Burrowing Owl Consortium's Survey Protocol and Mitigation Guidelines, 1993, 1997. Refer to <http://www.dfg.ca.org/wildlife/species/docs/boconsortium.pdf>.

Surveys may also be conducted outside the breeding season for winter residents (non-breeding owls). Positive results (e.g., sightings) outside of the breeding season would be adequate to determine presence, but may be inadequate for mitigation planning because the number of owls and their distribution pattern may change between winter and nesting seasons.

ATTACHMENT II

MAP SUBMISSIONS AND METHODOLOGY

Vegetation Community Subassociations

The mapping of vegetation should be based on the most current source information for San Diego County. The City's MSCP and Biology Guidelines are based on vegetation classifications provided in R.F. Holland system of natural communities as described in Preliminary Descriptions of the Terrestrial Natural Communities of California, California Department of Fish and Game, Non-Game Heritage Program, Sacramento, 1986 (and as modified for San Diego County SANDAG 1992), and revised Holland (Oberbauer 2005 and 2008). These systems will provide the names and descriptions of the basic plant community associations. An alternative mapping methodology that is also available to the City of San Diego is Sawyer and Keeler-Wolfe (1995). These documents are available in the office of the Environmental Analysis Section, Entitlements Division, Development Services Department, City of San Diego. If additional mapping categories are used, a cross-reference table should be provided to clearly show how these "new" categories fit into the Holland System. In most cases, an aerial photograph at 1"=200" scale should be used to aid in the delineation of vegetation boundaries.

Where applicable to enhance the clarity of field data, subassociations should be mapped. For example, where a coastal sage scrub community is dominated by *Adolphia californica* rather than the more typical coastal sagebrush, the community should be identified as *Adolphia californica*-dominated coastal sage scrub. The study report should describe the subassociations in terms of the dominant elements and distinguishing characteristics.

All vegetation should be considered potential habitat whether it is disturbed or not, and/or if it supports a cover of approximately 30% of native vegetation. This is applicable to fallow agricultural fields as well (no time frame is necessary as long as at least 30% cover is demonstrated). However, other factors may be present to preclude viable habitat as described below.

The use of the modifier "disturbed" should be limited to human-induced disturbance such as agriculture, prior grading activities, or permanent damage from continuous off road vehicle use. The probable cause of the disturbance should be noted. The modifier is not applicable to burned areas. Canopy cover varies by vegetation type. Therefore the percent canopy cover which represents a disturbed condition will vary according to vegetation type. The use of the term "disturbed" is within the discretion of the principal investigator, biologist, and/or City staff, and should be applied to provide a true and accurate representation of field conditions.

A. Problem Mapping Areas

The following descriptions are given as guidelines for distinguishing difficult habitats in the field. If a habitat fits one of the descriptions below, but there is scientific information to classify the habitat otherwise, please submit that information in the biology report.

1. Non-Native Annual Grasslands vs. Other Disturbed Areas (Ruderal, Agricultural/Fallow):

Non-native annual grasslands (NNGL) contain annual grass species (Poaceae family) including, but not limited to, bromes (*Bromus* spp.), wildoat (*Avena* spp.), ryegrass (*Lolium* spp.) and fescues (*Valpia* spp.). Typically, NNGL includes at least 50% cover of the entire herbaceous layer attributable to annual non-native grass species, although other plant species (native or non-native) may be intermixed. Other common plant species found in NNGL include filaree (*Erodium* spp.), California poppy (*Eschscholzia californica*), tecolote (*Centaurea melitensis*), mustards (*Brassica* spp.), artichoke thistle (*Cynara cardunculus*), sweet fennel (*Foeniculum vulgare*), and others.

Other Disturbed Areas include lands commonly defined as Ruderal Habitat or Agricultural/Fallow. Ruderal habitat typically develops on sites with heavily compacted soils following intense levels of disturbance such as grading. Agricultural/fallow lands include areas of active agricultural cultivation (e.g., nurseries, orchards, field crops) and fallow areas which have been disturbed in the recent past by cultivation or agricultural activity. These types of disturbed areas should not be confused with areas that are degraded, yet still retain sufficient vegetation community (e.g., "disturbed" coastal sage scrub does not meet the definition of disturbed under this definition). Disturbed areas are usually associated with prior development (e.g., previous grading) or agricultural use. These areas can consist of bare ground, or when vegetated, are dominated by at least 50 percent cover of invasive broad-leaved non-native plant species including, but are not limited to, horseweed, (*Coryza* spp.), garland chrysanthemum (*Chrysanthemum coronarium*), pineapple weed (*Chamomilla suaveolens*), sow-thistle (*Sonchus* spp.), Russian thistle (*Salsola tragus*), mustards, knotweed (*Polygonum* spp.), bur-clover (*Medicago polymorpha*), fennel and others. Minor amounts of other species including non-native annual grasses can also be present.

To distinguish between NNGL and other disturbed areas, the relative percent cover of the herbaceous species should be used as a diagnostic tool. Within the area in question, the percent cover and relative percent cover of all herbaceous species should be assessed. The cumulative total of each species should be determined and ranked in descending order of abundance (see example below). The vegetation community should be determined based upon the total cumulative relative percent cover of non-native grasses (Poaceae family). If native habitats have been ruled out and if the majority (50 percent or greater) of the observed species are introduced members of the Poaceae family, then the area should be characterized as non-native annual grassland. Otherwise, consideration should be given to identified types of disturbed areas.

Vegetative cover is usually determined by visual estimate. For example, if three out of four dominant plant species observed are non-native annual grasses, the area in question should be considered a non-native annual grassland.

In more controversial cases, vegetative cover should be determined by standard vegetative sampling protocol such as the line transect or point intercept transect methods, as shown by the following example:

Example: (Point intercept Transect; Site determined to be NNGL)

Species	Absolute % Cover	Relative % Cover	Total Relative % Cover of Dominant Poaceae Species (P)
<i>Avena barbata</i> (P)	30	19.4	51.7%
<i>Bromus hordeaceus</i> (P)	30	19.4	
<i>Lolium perenne</i> (P)	20	12.9	
<i>Brassica nigra</i>	25	16.1	Total Relative % Cover of Other
<i>Chrysanthemum</i> sp.	40	25.8	Dominant Herbaceous Spp.
<i>Salsola tragus</i>	10	(6.4)*	41.9%
Bare Ground	20	**	
Total	175%	100%	

(P) Species within Poaceae (grass) family

* For pragmatic purposes, dominant species (those that consist of greater than 20% herbaceous percent cover) should be used to determine the classification of an area. Therefore, in the above example, *Salsola tragus* should not be considered when calculating the relative percent cover.

**Re-estimate of % cover on-site eliminating bare ground. Sites that contain more than 75% bare ground may be categorized as disturbed if there is evidence of historic soil disturbance (e.g., grading, agriculture, disking, compaction). This does not include naturally occurring open areas such as natural outcroppings, cryptogamic crusts, vernal pools, ephemeral areas, etc

2. Southern Maritime Chaparral vs. Southern Mixed Chaparral:

Distinguishing between Southern Maritime and Southern Mixed Chaparral can be difficult, especially in areas where the habitat may be transitional between the two. Please keep in mind when identifying these habitats, especially on smaller parcels, that it may be necessary to assess the adjacent, associated habitats, not just what occurs on site. If access to adjacent areas cannot be obtained, any data available such as historic records or aerial photos should be used in making your determination. Southern Maritime Chaparral is a rare vegetation community associated with the fog belt along the coastal areas and could extend inland to areas such as, but not limited to.

The following characteristics and plant species are considered indicators of Southern Maritime Chaparral within the City of San Diego: occurrence on sandstone soils; occurrence within the coastal fog belt; Del Mar manzanita (*Arctostaphylos glandulosa* ssp. *Crassifolia*), wart-stemmed Ceanothus/coast white lilac (*Ceanothus verrucosus*), Orcutt's spineflower (*Chorizanthe orcuttiana*), sea-dahlia (*Coreopsis maritima*), California aster (*Corethrogyne filaginifolia*), summer holly (*Comarostaphylis diversifolia*), short-leaved dudleya (*Dudleya blochmaniae* ssp. *brevifolia*), Torrey pine (*Pinus torreyana*), Nuttall's scrub oak (*Quercus dumosa*), and Encinitas baccharis (*Baccharis vanessae*).

The above plant species do not need to be dominant, only present, to be considered as an indicator of Southern Maritime Chaparral.

Southern Mixed Chaparral is a more common inland vegetation community. Typical plant species include chamise (*Adenostoma asciculatum*), Ceanothus species (excluding wart stemmed Ceanothus/coast white lilac [*Ceanothus verrucosus*]), Manzanita species (excluding Del Mar manzanita [*Arctostaphylos glandulosa crassifolia*]), and scrub oaks (*Quercus berberifolia* or excluding *Quercus dumosa*). If any single species dominates more than 50% of the cover, then the habitat is not a mixed habitat and should be designated according to that dominant species present (e.g. chamise chaparral).

3. Vernal Pools vs. Road Ruts

Vernal Pools are seasonally flooded depressions that support a distinctive living community which is adapted to extreme variability in hydrologic conditions (seasonally very dry and very wet conditions). Vernal pools are usually associated with mima-mounds, occurring on mesas, especially where the hardpan or bedrock is underlain by clay soils (Zedler, 1987). Due to these soil conditions, vernal pools hold water after rain storms.

Under U.S. Army Corps regulations, for a seasonally flooded depression to be considered a vernal pool, it must have at least one vernal pool indicator species. The City of San Diego will consider similar factors.

Depressions which are man-made, such as tire tracks or road ruts, may still be considered vernal pools if they contain at least one indicator plant species. A list of these indicator species has been compiled by the U.S. Army Corps of Engineers (Special Public Notice, Regional General Conditions to the Nationwide Permits, Nov. 25, 1997), and this list should be used as a guideline to distinguish vernal pools from other seasonal depressions. Many of these species are endemic to vernal pools and are covered by the MSCP and/or are listed by federal and/or state agencies.

Road ruts and other seasonal depressions which are not vernal pools may contain wildlife associated with vernal pools, such as San Diego or Riverside fairy shrimp, but will not contain vernal pool plant indicator species. Seasonal depressions not containing indicator plant species are usually not considered vernal pools by the City of San Diego. Careful

consideration should be given to road ruts or other seasonal depressions adjacent to vernal pool complexes. These depressions are likely to contain vernal pool plant indicator species and should be examined thoroughly (e.g., multiple surveys) before they are dismissed as not being vernal pools.

B. Biological Resource Map Submittal Requirements

The minimum mapping unit should be based on the project scale and type of vegetation/resources being mapped. However, splits of vegetation community subassociations, as described above should be made if they are accurately labeled and described. The maps should contain all the necessary biological information on the same sheet as long as it is clearly readable. If there is too much information to make a single legible map, acetate overlays may be used. A reduced version of the map must be included in the report at either 8 ½ x 11 or 11 x 17 size depending on the project features. Maps should be dated and at the original scale (not photo-reproduced), and must contain the following features:

- Location Map (800 Engineering scale) w/survey boundaries (Elevations/topography, north direction, and scale)
- Full scale project map (TM) w/MHPA boundaries (D-sheet size)
- Limits of Grading
- Limits of Disturbance
- Vegetation Map overlain by the development proposal
- Vegetation map (with ESL delineated) showing habitat, area(s) of impact with habitat and plant species
- Multi-Habitat Planning Area (MHPA) delineated / MHPA Map (SANGIS) and any other species to which any impacts may be considered significant under CEQA.
- Brush Management Zones delineated
- Full scale project map (TM) w/MHPA boundaries
- Limits of Grading
- Limits of Disturbance

C. Vernal Pool Requirements

Show all vernal pools on the full scale biological resource map. In addition, provide another map of appropriate scale (such as a minimum of 1" = 40') that depicts the microtopography, limits and/or boundaries of the basins and watersheds. This map must be delineated using standard survey techniques or GPS. Identification of the presence/absence of vernal pool plant and animal species, shall be done, where appropriate, utilizing the U.S. Fish and Wildlife Service's Vernal Pool Guidelines. Techniques include, but are not limited to, cyst sampling in dry pools, presence/absence of mima-mound topography, and/or historical indicators.

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D. Optional Maps (SANGIS/digitally compatible submittals)

A. Digital information should be provided on a Compact Disc (CD) in a GIS (geographic information systems) compatible format. The geographic coordinate system used by the City is the NAD 1983 StatePlane California Zone VI (feet). The information provided must be consistent with this coordinate system. Acceptable formats include:

- ESRI Shapefile
- ESRI Geodatabase (file or personal)
- ESRI Coverage (.e00 interchange file)
- CADD.dwg or .dxf.
- Other formats may be acceptable upon approval from the City

ATTACHMENT III

GENERAL OUTLINE FOR
CONCEPTUAL REVEGETATION/RESTORATION PLANS

The following outline is intended to provide guidance in the preparation and review of conceptual revegetation/restoration plans. This outline is not intended as an exhaustive list of all design elements to consider when planning a revegetation effort. Consideration must also be given to the City's Land Development Code Landscape regulations (Chapter 14, Article 2, Division 4) and Landscape Standards when preparing conceptual revegetation plans and detailed revegetation construction drawings.

INTRODUCTION

- Background – Purpose
- Project location(s) with maps (regional, vicinity, site plan)
- Restoration goals and objectives/Mitigation requirements

EXISTING CONDITIONS

- Environmental setting of impacted areas – vegetation & wildlife affected, functions and values, impact acreages, reference sites for development of revegetation specifications (can be in intro)
- Environmental setting of revegetation areas – land ownership, existing land uses
- Revegetation site characteristics: description/evaluation of topography, vegetation, soils, hydrology/drainage, access, site constraints (figures/maps)
- Regulatory requirements

MITIGATION ROLES & RESPONSIBILITIES

- Financially responsible party – Performance bonds
- Revegetation team: Applicant, Landscape Architect, Revegetation Installation Contractor, Revegetation Maintenance Contractor (if different), Project Biologist, Nursery (seed/plant procurement)

SITE PREPARATION

- Site and resource protection – staking/flagging/fencing of sensitive habitat areas/limits of work
- Weed eradication
- Topsoil/plant salvage (if needed)
- Clearing/grubbing
- Grading/recontouring
- Irrigation
- Water source and supply
- Temporary or permanent installation
- Manual or automatic
- Plant Installation Specifications
- Species composition lists – container plants/seed mixes/quantities and sizes

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- Planting arrangement/design (include conceptual planting plan)
- Planting procedure – interim storage methods, seed application methods, cuttings, special handling
- Timing of plant installation
- Irrigation requirements – frequency and duration

MAINTENANCE PROGRAM

120-Day Plant Establishment Period (PEP)

- Weed Control
- Horticultural treatments (pruning, mulching, disease control)
- Erosion control
- Trash & debris removal
- Replacement planting and reseeding
- Site protection and signage
- Pest management
- Vandalism
- Irrigation maintenance

Five-Year Maintenance Period for Each Year Following the 120-Day PEP (See 120-day plant establishment items above)

BIOLOGICAL MONITORING

- Reference sites for development of performance criteria
- Monitoring procedures – qualitative (photo documentation) and quantitative (vegetation sampling methods)

- Monitoring frequency
 - 120-Day Plant Establishment – Does revegetation meet intended design requirement?
 - 5-Year monitoring requirement – or until 5th year performance/success criteria met
- Performance success criteria
- Reporting program

SCHEDULE OF ACTIVITIES

REMEDATION MEASURES

COMPLETION OF MITIGATION NOTIFICATION

LITERATURE/REFERENCE CITATIONS

ATTACHMENT IV

SUGGESTED REFERENCES AND NAMING AUTHORITIES

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ATTACHMENT V

California Native Species Field Survey Form

Sample Form follows on next page

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California Native Species Field Survey Form

Mail to: Natural Diversity Database
 California Department of Fish and Game
 1827 13th Street, Suite 202
 Sacramento, CA 95814

For Office Use Only
 Source Code _____ Quad Code _____
 Elm Code _____ Occ. No. _____
 EO Index No. _____ Map Index No. _____

Date of Field Work: _____
month (two) day (two) year (year)

Scientific Name: _____

Common Name: _____

Species Found? <input type="checkbox"/> Yes <input type="checkbox"/> No <small>if not, why?</small> Total No. Individuals _____ Subsequent Visit? <input type="checkbox"/> yes <input type="checkbox"/> no Is this an existing NDOB occurrence? <input type="checkbox"/> no <input type="checkbox"/> unkn Yes, Occ. # _____ Collection? If yes: Number _____ Museum/Herbarium _____ Reporter: _____ Address: _____ Email Address: _____ Phone: () _____	
Plant Information Animal Information	
Phenology: % vegetative _____ % flowering _____ % fruiting _____ # Adults _____ # Juveniles _____ # Unknown _____ <small>yes/no no/yes no/yes no/yes</small>	Age Structure: _____ # Adults _____ # Juveniles _____ # Unknown _____ <small>yes/no no/yes no/yes</small>
Location (PLEASE ALSO ATTACH OR DRAW MAP ON BACK) County: _____ Landowner/Manager: _____ Quad Name: _____ Elevation: _____ T _____ R _____ % of _____ % of Section _____ T _____ R _____ % of _____ % of Section _____ UTM: Zone: _____ (10, 11) Datum: _____ (NAD83, NAD27, WGS84, other) Source: _____ (GPS, map & type, etc.) Point Accuracy: _____ Meters UTM Coordinates: _____ Habitat Description (plant communities, dominants, associates, substrates/soils, aspects/slope) Other rare species? _____ Site Information Overall site quality: <input type="checkbox"/> excellent <input type="checkbox"/> good <input type="checkbox"/> fair <input type="checkbox"/> poor Current / surrounding land use: _____ Visible disturbances / possible threats: _____ Comments: _____	
Determination: (Check one or more, and fill in blanks) <input type="checkbox"/> Keyed (cite reference) _____ <input type="checkbox"/> Compared with specimen housed at: _____ <input type="checkbox"/> Compared with photodrawing in: _____ <input type="checkbox"/> By another person (name): _____ <input type="checkbox"/> Other: _____ Photographs (check one or more) Plant/Animal <input type="checkbox"/> <input type="checkbox"/> Habitat <input type="checkbox"/> <input type="checkbox"/> Diagnostic Feature <input type="checkbox"/> <input type="checkbox"/> May we obtain duplicates at our expense? <input type="checkbox"/> yes <input type="checkbox"/> no	

Land Development Manual – Biology Guidelines

June 2012

APPENDIX III

Essential Public Project List

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Land Development Manual – Biology Guidelines

June 2012

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Essential Public Project List

December 2012

Unknown potential for wetland impacts:

Title	Community & Council District	Site/Project Description
Mission Valley Water Reclamation System - Clean Water Program Modifications to the Sewage System	Mission Valley/CD6	Camino Del Rio North, between I-805 and I-15. Clean Water Program Modifications to the sewage system.
Lake Murray Community Park - Improvements	Navajo/CD7	Construction of parking lots and road expansion to the park. The parking lot will add 200 parking spaces and riparian landscaping/overseeding at San Carlos Point.
Old Mission Dam Preservation Project	Navajo/CD7	Dredging required for restoration of Old Mission Dam site. Dredging project was approved in 2006. LDR #s 92-0322 & 42-0120/SDP 44972. Includes associated mitigation site & future permitting for long-term maintenance.
Pasatiempo Open Space Park	Navajo/CD7	Passive open space park, including picnic facilities. Site contains vernal pools & will be reviewed as part of the vernal pool habitat conservation plan (HCP) process.
Lower Otay Reservoir Emergency Sluice Gates	Otay Mesa/CD8	Provide new sluice gates at an existing check dam to allow for an emergency drawdown.
Elementary School No. 2 - Joint Use Improvements	Pacific Highlands Ranch/CD1	The development of a 5-acre Joint Use facility at Elementary School No. 2.
McConigle Neighborhood Park	Pacific Highlands Ranch/CD1	Development of a 5 useable acre neighborhood park to be located adjacent to a proposed elementary school in the McConigle Park area. Park also includes half-width street improvements for the local roadway.
Penasquitos Village Neighborhood Park	Rancho Penasquitos/CD1	The development of an approximately 5-acre neighborhood park site located along the west side of Carmel Mountain Road, and southwest of Coca Street.
Bayer Park Expansion	San Ysidro/CD8	The development of a 15-acre addition to the 5-acre Bayer Neighborhood Park site.
Fire Station #28	Serra Mesa/CD6	Development of a 16,780 square foot fire station.

Essential Public Project List

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Title	Community & Council District	Site/Project Description
Montgomery Field South Heliport	Serra Mesa/CD6	Development of an FAA-certified landing area for rotor crafts, utilized by the public, public safety, and military entities. Constraints study has been prepared and proposed location would not impact wetland resources.
Serra Mesa Community Park Recreation Building	Serra Mesa/CD6	Development of a new 30,000 sq ft recreation building.
Camp Elliot Elementary School - Joint Use Improvements	Terrasanta/CD7	The development of a 2-acre joint use facility on the future Camp Elliot Elementary School when it is constructed, located adjacent to the Camp Elliot Neighborhood Park.
Camp Elliot Neighborhood Park	Terrasanta/CD7	The development of a 5-acre neighborhood park, located adjacent to Mission Trails Regional Park, and the future Camp Elliot Elementary School.
Kumeyaay Lakes Berm Restoration and Dredging	Terrasanta/CD7	Project provides for the dredging of two lakes & reconstruction of a lake berm within the Kumeyaay Lake system at Mission Trails Regional Park.
Subtotal: 15 projects		

Minor or no anticipated wetland impacts (i.e., graded pad, restoration, wetland buffer requirements, culvert, pedestrian bridge):

Title	Community & Council District	Site/Project Description
North Fire Station - No. 48	Black Mountain Ranch/CD1	Creek located on-site; Project design will include a minimum 75-foot buffer. No impacts to wetland would occur; wetland buffer requirements only.
City Heights Hamilton Elementary School Park - Joint Use	Mid-City/City Heights/CD3	3-acre joint use park at the corner of Olive and 44th.
Eastern Area Kalmia Street Neighborhood Park	Mid-City/Eastern Area/CD4	Development of a 8.2-acre neighborhood Park.
Home Avenue Neighborhood Park	Mid-City/Eastern Area/CD4	Development of a Neighborhood Park at Home Avenue North of Menlo Street. Minor wetland impacts due to installation of a box culvert adjacent to Home Ave. Project includes 1.26 acres of habitat restoration of Auburn Creek & adjacent slopes.

Essential Public Project List

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Title	Community & Council District	Site/Project Description
North Chollas Community Park Improvements	Mid-City/Eastern Area/CD4	Improvements to a 94-acre community park including a comfort station, walkways, trails, and creek enhancement.
Sunshine Berardin Field-Improvements (formerly Mid-City Athletic Area)	Mid-City/CD4	Development of approximately 14.31 acres within the existing park. Amenities include a play area, multi-purpose courts, sports fields, walkways, trails, landscaping, and enhancements to Chollas Creek. Installing a bridge to cross creek/minimal wetland impacts.
McAuliffe (Waterwood) Community Park	Mira Mesa/CD6	Approximately 12 acres are currently under consideration as a mitigation site for Salk Elementary School. Remaining approximate 7.5 acres may be developed but no wetland impacts are anticipated.
Parkdale Site Neighborhood Park	Mira Mesa/CD6	Development of a 5-acre neighborhood park at the south end of Parkdale Avenue. Park amenities include play & turf areas, picnic facilities, landscaping, & a 1,000 sq. ft. interpretative center for an adjoining 7+ acre vernal pool site.
Rattlesnake Canyon Neighborhood Park	Mira Mesa/CD6	The development of a 10-acre neighborhood park, as well as a trail connection to Maddox Neighborhood Park, within Carroll Canyon. Amenities include play areas, turf areas, courts, picnic facilities, and
Fire Station #54	Navajo/CD7	Project would expand the existing fire station, adding dorms and expanding the kitchen.
Dennery Ranch Neighborhood Park #2	Otay Mesa/CD8	The development of a 9-acre neighborhood park. Anticipated that this site will be relocated & no wetland impacts would occur.
Fire Station #6	Otay Mesa/CD8	Relocation to Ocean View Hills & Del Sol Blvd., 12,000 sq ft building. Site is graded, but depending on location of vernal pools on adjacent site, a buffer area may be required on this parcel.
Hidden Trails Neighborhood Park	Otay Mesa/CD8	Development of a 3.7-acre neighborhood park within the Hidden Trails subdivision.
Ocean View Hills Community Park	Otay Mesa/CD8	Development of a 15-acre community park north of SR-905 adjacent to the middle school within the California Terraces Specific Plan.
Otay Mesa Branch Library	Otay Mesa/CD8	Construct a 15,000 sf library on 3-acre site near Ocean View Hills Parkway and Del Sol Blvd.

Essential Public Project List

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Title	Community & Council District	Site/Project Description
Los Altos Neighborhood Park Improvements	Oray Mesa-Neblor/CDB	The development of 10.00 gross/usable 7.5 acres, and will include a new comfort station.
Southwest Neighborhood Park	Oray Mesa-Neblor/CDB	The development of a 11.54 gross/6.92 usable acres, and will include a new comfort station.
Los Penasquitos Ranger Station	Rancho Penasquitos/CD1	The development of a new ranger station to replace an existing temporary facility at the NE corner of Black Mountain Road and Mercy Road. No impacts to wetlands would occur with project, wetland buffer.
Paradise Hills Community Park Phase III	Skyway Paradise Hills/CD4	Improvements to the lower part of Paradise Hills community park.
Chollar Creek South Branch Phase I Implementation	Southeast San Diego/ CD 4&8	The project provides for the development/implementation of the Chollar Creek Enhancement Program which began in the 1970s.
552 Corridor Park Improvements - Phase II	Southeast San Diego/CD8	Development of an approximately 5.8 gross acre, 2.0 useable acre, neighborhood park in the Southcrest Neighborhood. Improvements include picnic shelters, children's play area, hard courts, walkways, fencing, amphitheater, open turf areas, security lighting, and site furnishings. Restoration only; bridge installed with Phase I which has been completed.

Subtotal: 21 projects

Total Projects: 36

Note: Sites/projects have been included if there was a potential for wetlands to occur on-site. Site specific design/analysis has not been conducted to determine if

I-27
Cont.

Essential Public Project List

4

<p>EXHIBIT B</p> <p>I-28</p>	<p>I-28 Comment noted.</p>
------------------------------	-----------------------------------

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May 3, 2013

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Re: The Reserve Project, San Diego, CA Project No. 265712

Gentlemen:

We have been retained by a group of homeowners in the La Jolla Summit neighborhood to comment upon the proposed adjacent Reserve project in La Jolla. We have reviewed the

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Cont.

May 3, 2013

City's files, its various general plan and local plan elements and overlays applicable to the project, and pertinent provisions of the California Environmental Quality Act ("CEQA") and submit the following supplemental concerns and comments regarding the Reserve project as proposed. We previously commented on this project in correspondence dated December 21, 2012 which we have attached for your reference and review.

As a preliminary matter, it is important to recognize that my clients' concerns relate to the impacts of this project on the surrounding community and neighborhoods at large and should not be dismissed or interpreted as the concerns of a few individuals.

The Reserve Project

According to City documents, the project is subject to a number of overlay zones (Coastal, Coastal Height Limit and Sensitive Coastal) and is designated as Park, Open Space and Recreation in the City's General Plan and Parks, Open Space by the La Jolla Community Plan (except for a small portion designated as Very Low Residential). According to the La Jolla Community Plan ("LJCP"), the site is one of a few La Jolla sites containing sensitive Coastal Sage Scrub (p. 48 LJCP). The project will require a Site Development Permit due to the location of environmentally sensitive lands on site as well as potential impacts to steep hillsides. The project proposes two homes completely incompatible with the character of the surrounding neighborhoods: (1) a massive 25,000 square foot main house on one parcel with 5,000 square feet of supplementary use; and (2) an oversized 8,000 square foot home with a 500 square foot supplementary structure on a steep hillside visible from several scenic community viewpoints.

The Surrounding Communities and Relevant Land Use Requirements

The Reserve project is surrounded by established neighborhoods consisting of single family homes. The La Jolla Summit neighborhood is an established neighborhood located along two sides of the east portion of the project site consisting of 142 single family homes ranging in size from approximately 1600 to 3600 square feet. This neighborhood includes 55 acres of designated natural open space which provides wildlife habitat, natural vegetation and linkages contiguous to the habitat and sensitive vegetation on the Reserve site. The project as proposed will impact a minimum of sixty homes in the immediate vicinity and view shed of the project.

The surrounding neighborhoods contain scenic vistas and overlook areas to the ocean and hillsides as well as trails that are enjoyed not only by the many surrounding homeowners but by the public at large when walking, driving or biking along the local roads and trails. Accordingly, the Reserve's significant visual, aesthetic, neighborhood character and biological impacts must be fully analyzed and appropriate alternatives and mitigation measures articulated to assure compliance with CEQA.

La Jolla Community Plan

The Natural Resources and Open Space System element of the La Jolla Community Plan ("LJCP") recognizes that "La Jolla is a community of significant visual resources" (p. 41 LJCP)

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May 3, 2013

and the plan's goals and policies repeatedly identify the need to protect steep hillsides, habitat linkages and scenic vistas from visual intrusions. "The scenic value and visual quality of ...habitat linkages through steep slopes and canyons shall be protected from developments or improvements that would detract from the scenic quality and value of these resources." (p. 50 LJCP). "Set back large residential structures from the top slope of steep hillsides so that the design and site placement of a proposed project respect the existing natural landform and steep hillside character of the site. ...The reservation of the natural character of these areas depends upon minimizing visual intrusions." (p. 62 LJCP). "Undertake an environmental analysis for all structures proposed on hillsides containing sensitive biological resources in accordance with the requirements of the California Environmental Quality Act in order to determine the degree to which the proposed use will impact these resources." (p. 61 LJCP).

According to the Residential Land Use portion of the LJCP, without qualification or exception, "[a]ll development and redevelopment projects should be subject to the policies and recommendations outlined under the Visual Resources... section[] of the Natural Resources and Open Space System Element." (p. 85 LJCP).

The Residential Land Use portion of the LJCP recognizes as a critical issue "the relationship between the bulk and scale of infill development to existing single dwelling units" stating "[n]ew construction of single dwelling unit homes have tended to be larger in size than the traditional development in some neighborhoods."

In turn, the plan's policies related to Community Character indicate in pertinent part: "In order to promote development compatible with the existing residential scale...the City should apply the development recommendations that are contained in this plan to all properties in La Jolla in order [to] avoid extreme and intrusive changes to the residential scale of La Jolla's neighborhoods and to promote good design and harmony within the visual relationships and transitions between new and older structures." (p. 84 LJCP).

The Plan recommendations for Community Character also indicate: "In order to maintain and enhance the existing neighborhood character and ambiance, and to promote good design and visual harmony in transitions between new and older structures, preserve the following elements: 1) Bulk and scale-with regard to surrounding structures or land form conditions as viewed from the public right-of-way and from parks and open space..."

These plan policies, goals and recommendations are all implicated by the scale of the homes proposed for the Reserve project and the visual, community character, biological and plan consistency impacts must all be appropriately analyzed in an EIR under CEQA.

Public Vistas and Trails Impacted by the Reserve Project

Due to their sheer size and bulk, the homes and accessory structures proposed by the Reserve project will significantly impact public and private views in the surrounding community and constitute visual intrusions inconsistent with the LJCP. Attached to this letter are maps identifying specific public viewpoints located on public rights of way which will be directly

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May 3, 2013

impacted by this project as well as photographs documenting the current scenic vistas, views, habitat linkages and steep hillsides enjoyed by the surrounding community and public at large and impacted by the massive homes proposed by the Reserve project.

Caminito Cruzada I – Photos 1 through 8 were taken from the viewpoint indicated on the attached map westward toward the upper portion of the Reserve project. These public views will be impacted by the construction on Lot 2. Photo 2 shows the street and Photo 4 shows the location of the viewpoint which as you can see includes several columns joined by a chain marking and identifying the location of this scenic vista. In fact, the La Jolla Summit Homeowners Association is in the process of evaluating improvements to this viewpoint and the one described below. These viewpoints are considered a valuable asset and benefit to the community as well as the many members of the public who walk, bike, and run through these areas. Impacts of the Reserve project on these public viewpoints must be fully evaluated.

Caminito Cruzada II – Photos 9 through 13 were taken from a second viewpoint on Caminito Cruzada indicated on the attached map westward toward the Reserve project. Again, Photo 9 shows the location of this viewpoint which, like the previous one, is marked and identified with stone columns, a low wall and/or chains. Photos 10-13 show the panoramic, public ocean and hillside views enjoyed at this location. While the trees surrounding the Copley estate are visible, the view is largely uninterrupted.

Paseo Laredo – Photos 14 through 19 were taken from the location indicated on the attached map on Paseo Laredo and in Photo 14. Photos 15 through 17 are steep hillside views below the project site, looking up at the proposed location of Lot 2 where 8,500 square feet of buildings are proposed on these steep hillsides. Note that the open space located in the La Jolla Summit neighborhood to the right of the green chain link fence is contiguous to the habitat on the Reserve property providing habitat linkages which must be analyzed and protected under the LIJCP.

Carrizo Drive – Photos 20 through 25 were taken from the location indicated on the attached map on Carrizo Drive near Country Club Drive looking up at the current open space present on the project site which will be impacted by the project as currently proposed.

Publicly Used Trail – Photos 26 through 36 document a well used public trail adjacent to the Reserve property and impacted by the project. Our clients observe approximately 20 people using this trail daily. Members of the public also use this trail as a viewpoint for annual Fourth of July fireworks displays. Our clients frequently observe members of the public taking photographs from this location. Photo 28 shows the proposed location of the home on Lot 2 which will effectively block any view by the public from this portion of the trail. Views from the location indicated in Photo 29 will likewise be impacted. Photo 34, like the viewpoints on Caminito Cruzada, shows the location of another viewpoint at the end of Caminito Marzella which as you can see includes several columns joined by a chain marking and identifying the location of this scenic vista.

In short, there are documented public vistas, scenic viewpoints and vantage points, and

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May 3, 2013

trails that will be impacted by the Reserve project. As indicated below, CEQA requires analysis of, mitigation for and alternatives for such impacts.

CEQA Analysis

CEQA requires analysis of view impacts which are considered under the umbrella of aesthetic impacts. Pub. Res. Code §21100(d); *Quail Botanical Gardens Foundation, Inc. v. City of Encinitas* (1994) 29 Cal. App. 4th 1597 (EIR required where project could affect a public park's unobstructed view of Pacific Ocean). "Any substantial negative effect of a project on view and other features of beauty [can] constitute a significant environmental impact under CEQA." (*Ocean View Estates Homeowners Assn., Inc. v. Montecito Water Dist.* (2004) 116 Cal. App. 4th 396, 401 citing *Quail Botanical Gardens Foundation, Inc. v. City of Encinitas*, *supra*, 29 Cal.App.4th at p. 1604.)

Appendix G of the CEQA Guidelines (the Environmental Checklist Form) prepared in order to determine the proper level of environmental review includes a section entitled Aesthetics which provides in pertinent part: "Would the project: a) Have a substantial adverse effect on a scenic vista?...c) Substantially degrade the existing visual character or quality of the site and its surroundings?"

In the instant case, and in view of the LJCP goals, policies and recommendations, the answer to these questions is yes. Moreover, the potential harm need not be "dramatic" to give rise to a fair argument for doing an EIR; any "substantial degradation of the existing visual character" is sufficient." *Pocket Protectors v. City of Sacramento* (2004) 124 Cal. App. 4th 903, 938 citing *CEQA Guidelines, appendix G, §1 (c)*.

Cases discussing the significance of visual impacts mention that the rights of one private landowner cannot prevail over the rights of another private landowner *except in accordance with uniformly applied standards and policies as expressed in a city's general plan, redevelopment plan, local coastal program and zoning ordinances.* *Mira Mar Mobile Community v. City of Oceanside* (2004) 119 Cal. App. 4th 477 (emphasis added). La Jolla has such standards as expressed in the LJCP and these standards must be considered and enforced in connection with this project.


In short, under CEQA and the LJCP, aesthetic issues, such as public and private views, must be studied in an EIR to assess the project's impacts. *See e.g., Mira Mar Mobile Community v. City of Oceanside* (2004) 119 Cal. App. 4th 477. The significance of an environmental impact is "measured in light of the context where it occurs." *Bowman v. City of Berkeley* (2004) 122 Cal. App. 4th 572, 589. In the case of evidence of adverse visual impacts on a public view, trail, scenic vistas or environmentally sensitive areas, all of which are present in this matter, these impacts are regarded as significant. *See e.g., Quail Botanical Gardens Foundation, Inc. v. City of Encinitas* (1994) 29 Cal. App. 4th 1597,1603-1604; *Bowman v. City of Berkeley* (2004) 122 Cal. App. 4th 572; *Banker's Hill, Hillcrest, Park West Community Preservation Group v. City of San Diego* (2006) 139 Cal. App. 4th 249.

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May 3, 2013

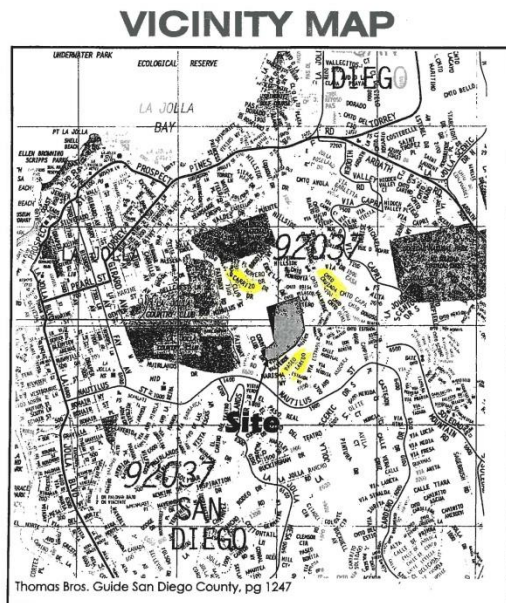
If the project will affect the environment or persons in general, as it will here, these impacts must be analyzed, mitigated for and alternatives promulgated. See e.g., *Ocean View Estates Homeowners Assn., Inc. v. Montecito Water Dist.* (2004) 116 Cal. App. 4th 396, 401 (EIR required where record contained photographic evidence that a large aluminum reservoir cover would be visible from public recreational trails as well as private homes).

As established by the photographic evidence submitted with this letter, the substantial homes and accessory structures proposed by the Reserve project will be visible from both public and private view areas. As stated in the *Ocean View* case, "[t]he evidence here goes beyond a few people expressing concern about the aesthetics of the project" and includes substantial evidence that the homes and other structures will be visible from both public and private view areas as well as a trail frequently used by the public. Under the circumstances, an EIR should be prepared to address these impacts.

Very truly yours,
KEVIN K. JOHNSON APLC

Kevin K. Johnson

Enc.

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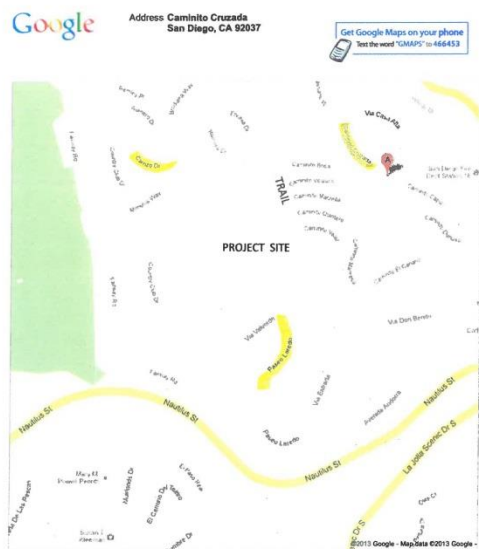


The Reserve
Country Club Drive *Figure No. 1a*

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Caminito Cruzada, San Diego, CA - Google Maps

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- PHOTO LOCATIONS IDENTIFIED
- CAMINITO CRUZADA – Photos 2-13
 - PASEO LAREDO – Photos 14-19
 - CARRIZO DRIVE – Photos 20-25
 - PUBLIC RECREATIONAL TRAIL – Photos 26-36



PHOTO 000001

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PHOTO 000002

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PHOTO 000003

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PHOTO 000005



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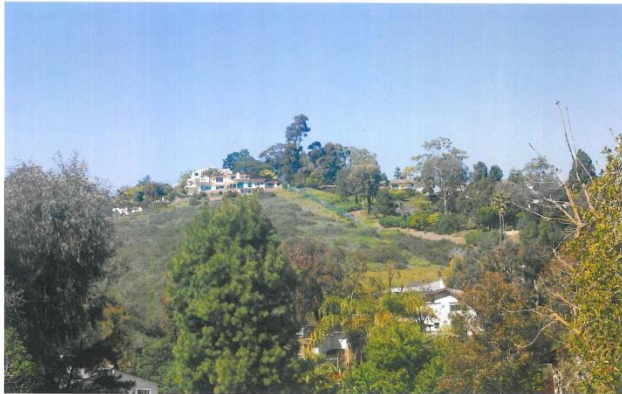


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PHOTO 000031



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PHOTO 000032



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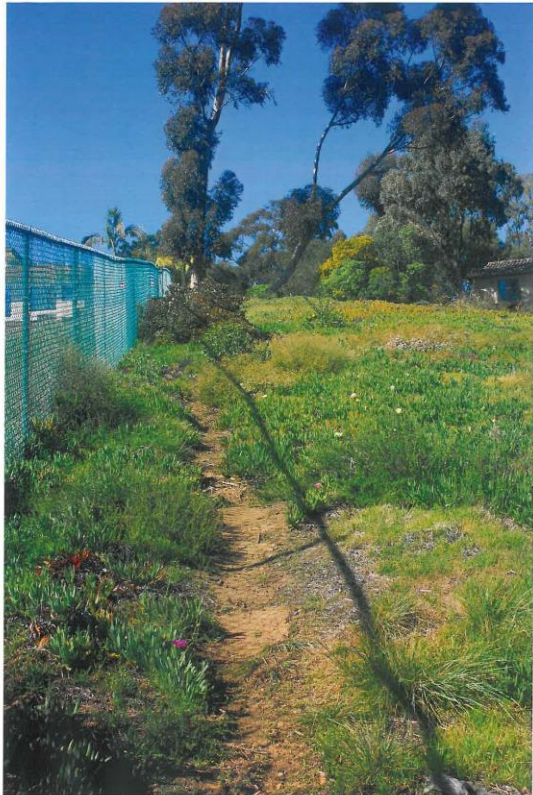


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THE RESERVE

FINAL ENVIRONMENTAL IMPACT REPORT

**City Project No. 292065
SCH No. 2014051069**

Lead Agency:

**The City of San Diego
Development Services Department
Land Development Review Division
1222 First Avenue
San Diego, California 92101**

November 2015

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ACRONYMS AND ABBREVIATIONS

Acronym	Definition
amsl	above mean sea level
ACOE	U.S. Army Corps of Engineers
AMSL	above mean sea level
APCD	Air Pollution Control District
APE	Area of Potential Effect
APN	Assessor's Parcel Number
BMP	best management practice
CCR	California Code of Regulations
CDP	Coastal Development Permit
CEQA	California Environmental Quality Act
CMP	congestion management program
CMU	concrete masonry unit
COE	Covenant of Easement
CWA	Clean Water Act
dba	A-weighted decibels
DIF	development impact fee
EIR	Environmental Impact Report
EPA	U.S. Environmental Protection Agency
ESL	Environmentally Sensitive Lands
FEMA	Federal Emergency Management Agency
FIRM	Flood Insurance Rate Map
HDPE	high-density polyethylene
I-5	Interstate 5
MHPA	Multi-Habitat Planning Area
MMC	Mitigation Monitoring Coordination
MS4	municipal separate storm sewer system
MSCP	Multiple Species Conservation Program
NOP	Notice of Preparation
NPDES	National Pollutant Discharge Elimination System
PI	Principal Investigator
PVC	polyvinyl chloride
RAQS	Regional Air Quality Strategy
RWQCB	Regional Water Quality Control Board
SANDAG	San Diego Association of Governments
SCIC	South Central Information Center
SDG&E	San Diego Gas & Electric
SWPPP	stormwater pollution prevention plan
SWRCB	State Water Resources Control Board
VHFHSZ	very high fire hazard severity zone
WDR	Waste Discharge Requirement

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EXECUTIVE SUMMARY

ES-1 **INTRODUCTION**

This Environmental Impact Report (EIR) has been prepared by the City of San Diego (City) as lead agency pursuant to the California Environmental Quality Act (CEQA) (California Public Resources Code 21000 et seq.) and the CEQA Guidelines (California Code of Regulations, Section 15000 et seq.). This EIR has been prepared to evaluate the environmental impacts associated with implementation of The Reserve project (project).

The Reserve project site is approximately 25.14 acres in size and is located on the southwestern slope of Mount Soledad, within the La Jolla Community in the northern portion of the City of San Diego (see Figure 1-1, Regional Map). Specifically, the project site is located at the southern termini of Romero Drive and Encelia Drive, and the eastern terminus of County Club Drive. The irregular shaped parcel is approximately 1.2 miles west of Interstate 5 (I-5) and approximately 0.9 miles east of the Pacific Ocean (see *Figure 1-2, Vicinity Map*).

The project would require the approval of several discretionary actions: a Vesting Tentative Parcel Map (VTPM), a Coastal Development Permit (CDP), a Site Development Permit (SDP), and Planned Development Permit (PDP), and a Lot Consolidation Map. The VTPM is required to change the configuration of the one existing parcel to create 3 separate lots. The CDP is required because the project is located within the Coastal Overlay Zone. The SDP is required due to the location of Environmentally Sensitive Lands on the project site, as well as potential impact to steep hillsides. A PDP is also required to allow for the project's deviation from the City's RS-1-4 zoning requirement of a minimum street frontage of 65 feet per residence; both Parcel 2 and Parcel 3 provide less than 26 feet each. The Lot Consolidation Map is required to consolidate Parcel 1 of the project site with the adjacent Foxhill estate.

The City would use the EIR and associated supporting documentation in its decision whether to approve the required discretionary permits. Additional agencies, such as the San Diego Regional Water Quality Control Board, could use this EIR and supporting documentation in their decision-making process to issue additional approvals.

ES-2 **PROJECT DESCRIPTION AND BACKGROUND**

The Copley Press Inc. (applicant) proposes the subdivision of two parcels (Assessor's Parcel Numbers 352-300-08-00 and 352-300-09-00) into three parcels for future residential development (see Table 3-1, Site Development Plan Detailed Acreages). The proposed project includes subdivision of these parcels into three separate parcels: Parcel 1 (1.07 acres) will be 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) will each accommodate a single-family estate home, as well as conservation and revegetation of biological habitat. These two lots parcels (Parcel 2 and Parcel 3) will be sold to individuals for the construction of custom homes and would be developed pursuant to a set of Design Guidelines (see Appendix A). The Design Guidelines provide detailed design criteria relative to site development, as well as architecture and landscape design. The goal of the Design Guidelines is to provide a detailed set of massing, building, landscape, grading, and location standards so that the future property owner(s) would be able to secure building permits for home designs that conform to these Design Guidelines. In addition, the project proposes to dedicate approximately 0.14 acre for Romero Drive right-of-way and 0.05 acre for Country Club Drive right-of-way.

Preparation of the project site plan and Design Guidelines involved extensive community outreach by the project applicant. The Design Guidelines are intentionally flexible in architectural style and design of the residential estates, with no specific home design. However, the Design Guidelines do include specifics on a variety of topics including but not limited to location, massing, height, grading, open space, architecture, and landscaping. This EIR analyzes impacts associated with the worst-case development scenario for each issue area. As indicated in the Design Guidelines, building permits for development of future homes within the project site would be reviewed by the City for substantial conformance with the applicable Design Guidelines, the requirements of associated discretionary actions, the La Jolla Community Plan and Local Coastal Land Use Plan, and the City's Land Development Code.

ES-3 IMPACTS DETERMINED TO BE SIGNIFICANT

Table ES-1 provides a summary of significant impacts of the project pursuant to the CEQA Guidelines, Section 15123(b)(1). Impacts associated with biological resources and paleontological resources were identified as significant, but both are mitigated to a level that is considered less than significant.

Table ES-1
Summary of Significant Environmental Impacts

Impact	Mitigation Measures	Level of Significance After Mitigation
<i>Biological Resources</i>		
<p>Impacts to Sensitive Wildlife and Plant Species</p>	<p>MM-BIO-1 Covenant of Easement. Prior to the issuance of a Notice To Proceed for a subdivision, or <u>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:</u></p> <p><u>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 cacti shall be preserved within the Conserved Property conservation area. Impacts to barrel cactus shall be mitigated pursuant to a 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.</u></p> <p>Direct impacts to one Nuttall's scrub oak shall be mitigated through preservation of 48 Nuttall's scrub oak individuals within the Conserved Property conservation area. The Conserved Property conservation area 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 conservation area), which is approximately 18.80 acres (refer to Figure 5.2-3). The Conserved Property conservation area 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.</p>	<p>With the application of mitigation, project impacts related to biological resources would be reduced to below a level of significance.</p>

**Table ES-1
Summary of Significant Environmental Impacts**

Impact	Mitigation Measures	Level of Significance After Mitigation
	<p>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:</p> <p>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, 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 conservation area. 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 open space on the conservation area:</p> <ul style="list-style-type: none"> • The individual property owners or their qualified designee shall be responsible for long-term maintenance and management of the Conserved Property. Identify the responsible entity for long-term maintenance and management of the conservation area. In this instance, the responsible entity is to be the individual home owners or their qualified designee. • 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 (<i>Nicotiana glauca</i>), eucalyptus trees, pampas grass (<i>Cortaderia selloana</i>), 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 of trash is to be performed 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 <u>Conserved</u> 	

**Table ES-1
Summary of Significant Environmental Impacts**

Impact	Mitigation Measures	Level of Significance After Mitigation
	<p><u>Property conservation area</u>. If trespass occurs in areas where signage is not present, additional fencing and signage may be added to problem areas.</p> <ul style="list-style-type: none"> • The <u>Brush Management Zone 2 brush management area</u> will be clearly delineated <u>within from the eConserved Property ation area that constitutes mitigation for the project</u>. <u>Brush Management Zone 2 will be delineated</u> by using T-posts or single-strand wire fence that allows wildlife freedom of passage <u>but that marks the area of Brush Management Zone 2 as shown on Exhibit A Figure 5.2-4. Brush Management The Zone 2 brush management areas</u> <u>has been included in the conservation area</u> <u>Conserved Property</u> due to the species that occur in these areas and the contiguity provided by combining both the mitigation area and the <u>Brush Management Zone 2 brush management areas, in the conservation area</u>. • 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 <u>remediating actions</u> taken if the conservation area declines from its current natural condition. • <u>The Grantor shall p</u>Prepare and submit an annual <u>letter report</u> to the City of San Diego <u>Mitigation Monitoring Coordination section of the Development Services Department</u> that describes the tasks and condition of the <u>Conserved Property conservation area</u> and any recommendations for future action. <p><u>To fulfill any of Grantor's obligations not included above (e.g., restoration in the event of vandalism), Grantor must use a qualified designee. The designee must have the following qualifications:</u></p> <ul style="list-style-type: none"> • <u>Ability to carry out habitat monitoring or mitigation activities</u> • <u>Fiscal stability, including preparation of an operational budget (using an appropriate analysis technique) for the management of the Conserved Property</u> • <u>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</u> • <u>Experience with habitat resource management in Southern California.</u> <p>As shown in Table 5.2-2, Parcel 2 will have a COE recorded on approximately 1.05 acres and</p>	

**Table ES-1
Summary of Significant Environmental Impacts**

Impact	Mitigation Measures	Level of Significance After Mitigation
	<p>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 <u>Conserved Property conservation area</u>.</p> <p>MM-BIO-2 Special-Status Wildlife. <u>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. 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 following shall be noted on the grading plans, if construction activity is to take place in the proposed area of disturbance during the breeding season (i.e., February 1 through September 15), biological surveys pursuant to protocols for nesting bird species must be conducted within the proposed impact area within 10 calendar days prior to the start of construction activities (including removal of vegetation). This survey is necessary to ensure avoidance of impacts to nesting raptors</u></p>	

**Table ES-1
Summary of Significant Environmental Impacts**

Impact	Mitigation Measures	Level of Significance After Mitigation
	<p>and/or birds protected by the federal Migratory Bird Treaty Act. To avoid any direct impacts to raptors and/or any native/migratory birds, removal of habitat that supports active nests in the proposed area of disturbance should occur outside the breeding season for these species.</p> <p>If vegetation removal is not feasible outside the breeding season, any active nests detected shall be flagged and mapped on the construction plans and shall be avoided until the nesting cycle is complete. Pursuant to the City's Biology Guidelines, the applicant shall submit the results of the pre-construction surveys to the 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 (e.g., appropriate follow-up surveys, monitoring schedules, construction and noise barriers/buffers) 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 Mitigation Monitoring Coordination Section or Resident Engineer, 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 pre-construction survey, no further mitigation is required.</p>	
<i>Paleontological Resources</i>		
<p>Grading activities may encounter significant paleontological resources and impacts would be potentially significant.</p>	<p>MM PALEO-1</p> <p>I. Prior to Permit Issuance</p> <p>A. Entitlements Plan Check</p> <p>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.</p> <p>B. Letters of Qualification Have Been Submitted to Assistant Deputy Director</p>	<p>With the application of mitigation, project impacts related to paleontological resources would be reduced to below a level of significance.</p>

**Table ES-1
Summary of Significant Environmental Impacts**

Impact	Mitigation Measures	Level of Significance After Mitigation
	<ol style="list-style-type: none"> 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. <p>II. Prior to Start of Construction</p> <p>A. Verification of Records Search</p> <ol style="list-style-type: none"> 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. <p>B. PI Shall Attend Preconstruction Meetings</p> <ol style="list-style-type: none"> 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 (RE), 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 Construction Manager and/or Grading Contractor. <ol style="list-style-type: none"> 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, 	

**Table ES-1
Summary of Significant Environmental Impacts**

Impact	Mitigation Measures	Level of Significance After Mitigation
	<p>Resident Engineer , Construction Manager, or Building Inspector, if appropriate, prior to the start of any work that requires monitoring.</p> <ol style="list-style-type: none"> 2. Identify Areas to Be Monitored <ol style="list-style-type: none"> 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 Paleontological Monitoring Exhibit 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 <ol style="list-style-type: none"> a. Prior to the start of any work, the PI shall also submit a construction schedule to MMC through the Resident Engineer 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. <p>III. During Construction</p> <ol style="list-style-type: none"> A. Monitor Shall Be Present During Grading/Excavation/Trenching <ol style="list-style-type: none"> 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 Construction Manager is responsible for notifying the Resident Engineer, 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 Paleontological Monitoring Exhibit. 	

**Table ES-1
Summary of Significant Environmental Impacts**

Impact	Mitigation Measures	Level of Significance After Mitigation
	<ol style="list-style-type: none"> 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. The Consultant Site Visit Records shall be faxed by the Construction Manager to the Resident Engineer the first day of monitoring, the last day of monitoring, monthly (Notification of Monitoring Completion), and in the case of any discoveries. The Resident Engineer shall forward copies to MMC. <p>B. Discovery Notification Process</p> <ol style="list-style-type: none"> 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 Resident Engineer or Building Inspector, 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. <p>C. Determination of Significance</p> <ol style="list-style-type: none"> 1. The PI shall evaluate the significance of the resource. <ol style="list-style-type: none"> 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 	

Table ES-1
Summary of Significant Environmental Impacts

Impact	Mitigation Measures	Level of Significance After Mitigation
	<p>Resident Engineer, or Building Inspector 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.</p> <p>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.</p> <p>IV. Night and/or Weekend Work</p> <p>A. If Night and/or Weekend Work Is Included in the Contract</p> <ol style="list-style-type: none"> 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. <ol style="list-style-type: none"> 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 Consultant Site Visit Record 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. <p>B. If Night Work Becomes Necessary During the Course of Construction</p> <ol style="list-style-type: none"> 1. The Construction Manager shall notify the Resident Engineer, or Building 	

**Table ES-1
Summary of Significant Environmental Impacts**

Impact	Mitigation Measures	Level of Significance After Mitigation
	<p>Inspector, as appropriate, a minimum of 24 hours before the work is to begin.</p> <p>2. The Resident Engineer, or Building Inspector, as appropriate, shall notify MMC immediately.</p> <p>C. All Other Procedures Described above Shall Apply, as Appropriate.</p> <p>V. Post Construction</p> <p>A. Preparation and Submittal of Draft Monitoring Report</p> <p>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.</p> <p>a. For significant paleontological resources encountered during monitoring, the Paleontological Recovery Program shall be included in the Draft Monitoring Report.</p> <p>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.</p> <p>2. MMC shall return the Draft Monitoring Report to the PI for revision, or for preparation of the Final Report.</p> <p>3. The PI shall submit revised Draft Monitoring Report to MMC for approval.</p> <p>4. MMC shall provide written verification to the PI of the approved report.</p> <p>5. MMC shall notify the Resident Engineer or Building Inspector, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.</p> <p>B. Handling of Fossil Remains</p> <p>1. The PI shall be responsible for ensuring that all fossil remains collected are</p>	

**Table ES-1
Summary of Significant Environmental Impacts**

Impact	Mitigation Measures	Level of Significance After Mitigation
	<p>cleaned and catalogued.</p> <ol style="list-style-type: none"> 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 <p>C. Curation of Fossil Remains: Deed of Gift and Acceptance Verification</p> <ol style="list-style-type: none"> 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 Resident Engineer or Building Inspector and MMC. <p>D. Final Monitoring Report(s)</p> <ol style="list-style-type: none"> 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 Resident Engineer 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. 	

ES-4 EFFECTS NOT FOUND TO BE SIGNIFICANT

Several environmental topics were not found to be significant through analysis within various section of this EIR, including land use, hydrology/water quality, geologic conditions, visual effects and neighborhood character, historical resources, public services and facilities. Specifically, in Chapter 7, agricultural and forestry resources, mineral resources, health and safety, population and housing, transportation/traffic circulation, energy, public utilities, noise, air quality/odor, and greenhouse gases were not found to be significant.

ES-5 AREAS OF KNOWN CONTROVERSY

A public scoping meeting for the project was held at the La Jolla/Riford Library, 7555 Draper Avenue, at 6 p.m. on Wednesday June 11, 2014. Public commenters at the scoping meeting expressed concerns about impacts related to biological resources on-site. These concerns have been identified as areas of known controversy and are analyzed in this EIR. Appendix B contains the transcript of the scoping meeting and comment letters that were received during the Notice of Preparation (NOP) public scoping period.

ES-6 PROJECT ALTERNATIVES

An analysis of alternatives has been provided in this document to provide decision makers with a reasonable range of possible alternatives to be considered. The discussion in this EIR focuses on three alternatives: the No Project/No Development Alternative, a Reduced Biological Resources Impacts Alternative, and a Reduced Paleontological Resource Impacts Alternative. A matrix displaying the major characteristics and significant environmental effects of each alternative is provided in Table ES-2 to summarize the comparison. This table also indicates whether the alternative would be feasible in terms of meeting the project objectives as defined in Chapter 3.0, Project Description.

Environmentally Superior Alternative

CEQA requires that an environmentally superior alternative, other than the No Project Alternative, be identified in an EIR. As shown in Table ES-2, the project alternatives would reduce or avoid the identified significant impacts.

**Table ES-2
Project Alternatives**

Environmental Issue	Project	No Project/No Build Alternative	Reduced Biological Resource Impacts Alternative	Reduced Paleontological Resource Impacts Alternative
Land Use	Impacts would be less than significant.	No significant impact.	Impacts would be similar to the proposed project.	Impacts would be similar to the proposed project.
Biological Resources	Impacts would be less than significant with mitigation.	No significant impact.	Impacts would be reduced under this alternative.	Impacts would be similar to the proposed project.
Paleontological Resources	Impacts would be less than significant with mitigation.	No significant impact.	Impacts would be similar to the proposed project.	Impacts would be avoided under this alternative.
Hydrology and Water Quality	Impacts would be less than significant.	No significant impact.	Impacts would be similar to the proposed project.	Impacts would be similar to the proposed project.
Geologic Conditions	Impacts would be less than significant.	No significant impact.	Impacts would be similar to the proposed project.	Impacts would be similar to the proposed project.
Visual Effects and Neighborhood Character	Impacts would be less than significant.	No significant impact.	Impacts would be similar to the proposed project.	Impacts would be similar to the proposed project.
Historical Resources	Impacts would be less than significant.	No significant impact.	Impacts would be similar to the proposed project.	Impacts would be similar to the proposed project.
Public Services and Facilities	Impacts would be less than significant.	No significant impact.	Impacts would be similar to the proposed project.	Impacts would be similar to the proposed project.
Transportation/Traffic	No impact.	No impact.	Impacts would be similar to the proposed project.	Impacts would be similar to the proposed project.
Meets Most Project Objectives?	Yes	No	Yes	Yes

As indicated in Table ES-2, no impacts would result with implementation of the No Project/No Development Alternative. The No Project/No Development Alternative would therefore result in the least environmental impacts and would be the environmentally superior alternative. However, Section 15126.6(e)(2) of the CEQA Guidelines states that if the environmentally superior alternative is the No Project Alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives.

The Reduced Biological Resource Impacts Alternative would reduce the project’s identified significant impacts to biological resources. The Reduced Paleontological Resource Impacts Alternative would avoid the project’s identified significant impacts to paleontological resources. Therefore, the Reduced Paleontological Resource Impacts Alternative is the environmentally superior alternative.

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CHAPTER 1 INTRODUCTION

This Environmental Impact Report (EIR) evaluates the potential short-term, long-term, direct, indirect, and cumulative environmental impacts of The Reserve (project). The project is the subdivision of an approximately 25.14-acre property into three separate parcels. Parcel 1 will be conveyed and merged into the adjacent Foxhill estate property through a Lot Consolidation Parcel Map; no new development is proposed on Parcel 1 as part of the project. Parcels 2 and 3 will each accommodate a single-family estate home and accessory structures and uses, as well as conservation and revegetation of biological habitat. The development parameters and design criteria for Parcel 2 and Parcel 3 of the project are governed by the *Design Guidelines: The Reserve–Parcel 2* and *Design Guidelines: The Reserve–Parcel 3* (Design Guidelines), contained in Appendix A. In addition, the project proposes public right-of-way dedications for the extensions of Romero Drive and Country Club Drive.

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 mile northwest of the project site. The specific location of the project site is depicted in Figure 1-1, Regional Map, Figure 1-2, Vicinity Map, and Figure 1-3, Aerial.

The City is the lead agency in preparing this EIR in accordance with the California Environmental Quality Act (CEQA; California Public Resources Code, Section 21000 et seq.) and CEQA Guidelines (14 CCR 15000 et seq.). The applicant, The Copley Press Inc., has submitted an application for discretionary approval that includes a Vesting Tentative Parcel Map No. 1050354, Coastal Development Permit No. 1050394, Site Development Permit No. 1050407, and Planned Development Permit No. 1050409 and Lot Consolidation for Parcel 1. Each of these discretionary actions is discussed in detail in Section 3.3 of this EIR.

This EIR is intended to allow for full disclosure to the decision makers and to the public. It provides relevant information concerning the potential environmental effects associated with the construction and operations of the project.

1.1 CEQA REQUIREMENTS

1.1.1 CEQA COMPLIANCE

CEQA (California Public Resources Code, Section 21000 et seq.) requires the preparation of an EIR for any project that a lead agency determines may have a significant impact on the environment. According to Section 21002.1(a) of the CEQA statutes, “The purpose of an

environmental impact report is to identify the significant effects on the environment of a project, to identify alternatives to the project, and to indicate the manner in which those significant effects can be mitigated or avoided.” CEQA also establishes mechanisms whereby the public and decision makers can be informed about the nature of the project being proposed, and the extent and types of impacts that the project and its feasible alternatives would have on the environment, if they were to be implemented. This EIR has been prepared to comply with all criteria, standards, and procedures of the CEQA Guidelines (14 CCR 15000 et seq.).

This EIR has been prepared pursuant to the City’s CEQA Significance Determination Thresholds (City of San Diego 2011). This document has also been prepared as a project EIR pursuant to Section 15161 of the CEQA Guidelines, focusing on the environmental changes that would result from the development of the proposed project. The proposed Design Guidelines, while allowing for flexibility in ultimate home design, include specifics on a variety of topics including but not limited to location, massing, height, grading, open space, architecture, and landscaping. While the final detailed design of the two residences within the subdivided parcel has not yet been fully determined, the worst-case scenario of environmental impacts associated with planning, construction, and operations is analyzed within this EIR. Once a final design is developed by a future landowner, that applicant would need to undergo Substantial Conformance Review at the City to ensure the design is consistent with the Design Guidelines. Refer to Chapter 3 and Appendices A and B for additional details on the Design Guidelines. This document represents the independent judgment of the City as lead agency.

1.1.2 NOTICE OF PREPARATION AND SCOPING MEETING

The scope of analysis for the EIR was determined by the City in a scoping letter dated May 21, 2014, as well as a result of public responses to the Scoping Letter Notice of Preparation (NOP). In compliance with Section 15082 of the CEQA Guidelines, the City Development Services circulated the NOP and Scoping Letter, dated May 21, 2014, to interested agencies, groups, and individuals. The 30-day public scoping period ended on June 21, 2014. In addition, a public scoping meeting was held on June 11, 2014, from 6 to 8 p.m. at The La Jolla/Riford City of San Diego Branch Library located at 7555 Draper Avenue, La Jolla, California 92037, to gather additional public input. Comments received during the NOP public scoping period and meeting were considered during the preparation of this EIR. The NOP and Scoping Letter comments are included as Appendix B of this EIR. Based on the scope of analysis for this EIR, the following issues were determined to be potentially significant and are therefore addressed in Chapter 5, Environmental Analysis, of this document:

- Land Use
- Biological Resources
- Paleontological Resources
- Hydrology/Water Quality

- Geologic Conditions
- Visual Effects and Neighborhood Character
- Historical Resources
- Public Services and Facilities.

In addition, comment letters received during the NOP public scoping period expressed concern about potential archeological resources on-site, potential fire hazards, and biological impacts on birds and other wildlife on-site. These concerns have been identified as areas of known controversy and are also analyzed in Chapter 5 of this EIR. Additional CEQA-mandated environmental topics are addressed in Chapter 7, Effects Not Found to Be Significant, of this EIR.

1.2 PURPOSE OF THE EIR

This project EIR evaluates the potentially significant environmental effects that would result with implementation of the project. The purpose of an EIR is to disclose the significant environmental effects of the project, alternatives to the project, and possible ways to reduce or avoid potential environmental damage (14 CCR 15002). This EIR will be made available to members of the public and public agencies for review for 45 days to provide comments “on the sufficiency of the document in identifying and analyzing the possible impacts on the environment and ways in which the significant effects of the project might be avoided or mitigated” (14 CCR 15204). The EIR will be available for review at the following locations:

City of San Diego, Development Services Department
1222 First Avenue, Fifth Floor
San Diego, California 92101-4153

City of San Diego, Central Library
330 Park Boulevard
San Diego, California 92101

La Jolla/Riford Library
7555 Draper Avenue
La Jolla, California 92037

City of San Diego Website: <http://www.sandiego.gov/city-clerk/officialdocs/notices/index.shtml>

The Notice of Availability of the EIR was mailed as required by the CEQA Guidelines and the City.

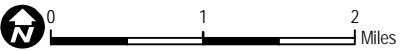
As the lead agency, the City has prepared this document. The decision to approve the project is within the purview of the decision maker. When deciding whether to approve the project, the City will use the information included in this EIR to consider potential impacts on the physical environment associated with the project.

The City will consider written comments received on the EIR in making its decision to approve or deny the project and to certify the EIR in compliance with CEQA. Subsequent to certification of the EIR, agencies with permitting authority over all or portions of the project would use the EIR as the basis for evaluation of environmental effects of the project and approval or denial of applicable permits.

In addition, the San Diego Regional Water Quality Control Board would use the EIR and supporting documentation in its decision whether to issue water quality permits in accordance with the Porter-Cologne Water Quality Control Act. Permits may include a National Pollutant Discharge Elimination System General Permit for Discharges from Construction Activities (Construction General Permit). Additional information regarding City and agency permits and approvals is detailed in Chapter 3 of this EIR.

1.3 EIR FORMAT

An executive summary of this EIR is provided at the beginning of this document. The summary includes the conclusions of the environmental analysis and a comparative summary of the project with the alternatives analyzed in this EIR. Chapter 1, Introduction, introduces the project in light of the required environmental review procedures. Chapter 2, Environmental Setting, describes the project location and physical environmental setting. Chapter 3, Project Description, provides a description of the project, the project's purpose and objectives, required discretionary approvals, and a brief description of project changes in response to environmental issues. Chapter 4, History of Project Changes, contains a discussion of how the project has changed since its inception. Chapter 5 consists of the environmental analysis, which examines the potentially significant environmental issues. Chapter 6, Cumulative Impacts, addresses cumulative impacts, and Chapter 7 addresses Effects Not Found To Be Significant. Chapter 8, Mandatory Discussion Areas, describes significant effects that cannot be avoided, significant irreversible environmental changes, and growth-inducing impacts of the project. Chapter 9, Alternatives, addresses a reasonable range of project alternatives, and Chapter 10, Mitigation Monitoring and Reporting Program, provides mitigation for significant impacts incurred by the project. Chapter 11, References Cited, contains a list of sources cited throughout the EIR organized by section. The remaining EIR sections and appendices are provided as set forth in the Table of Contents.



Regional Map

Environmental Analysis Section Project No. 292065

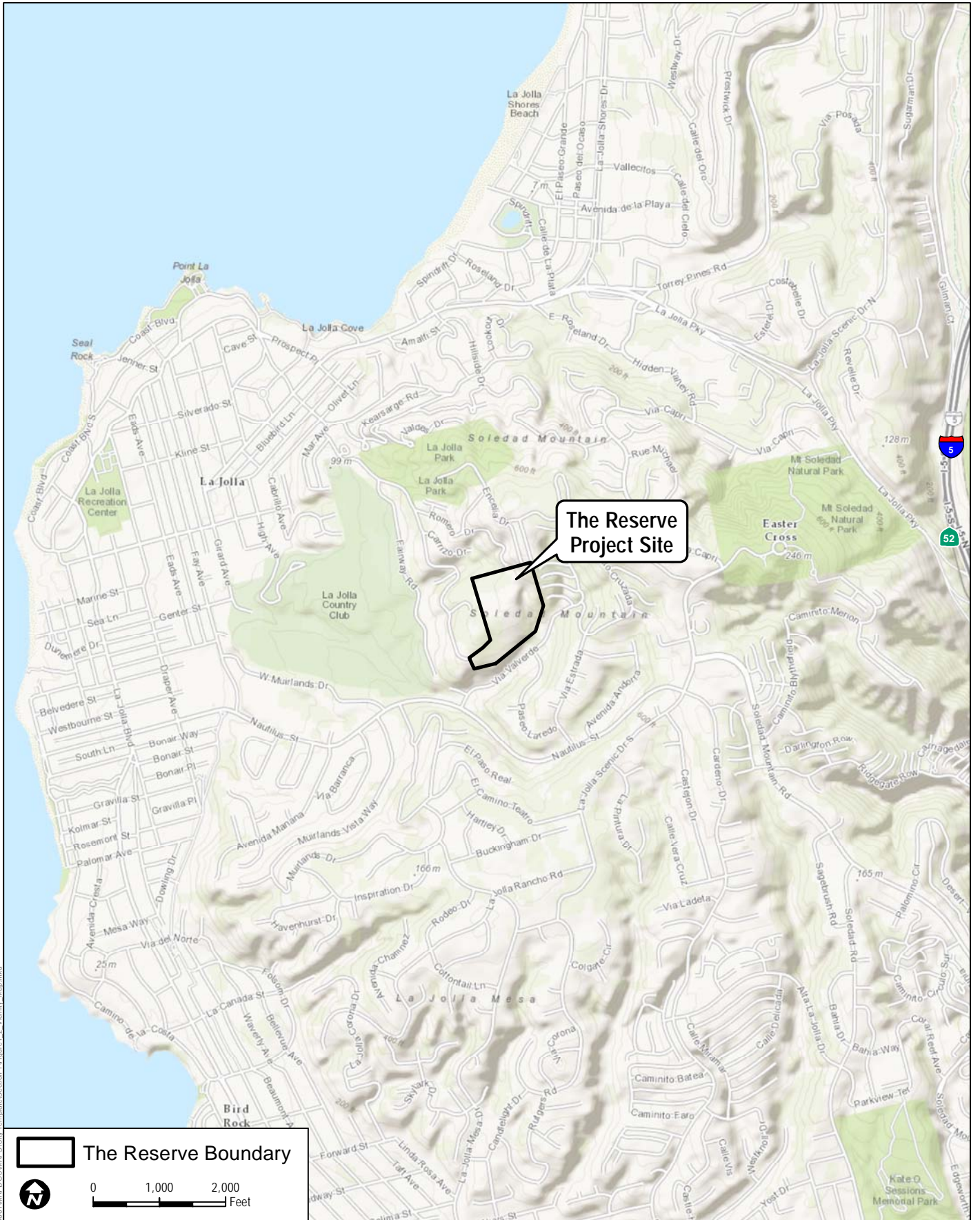
CITY OF SAN DIEGO - DEVELOPMENT SERVICES

The Reserve



FIGURE

1-1

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The Reserve Project Site

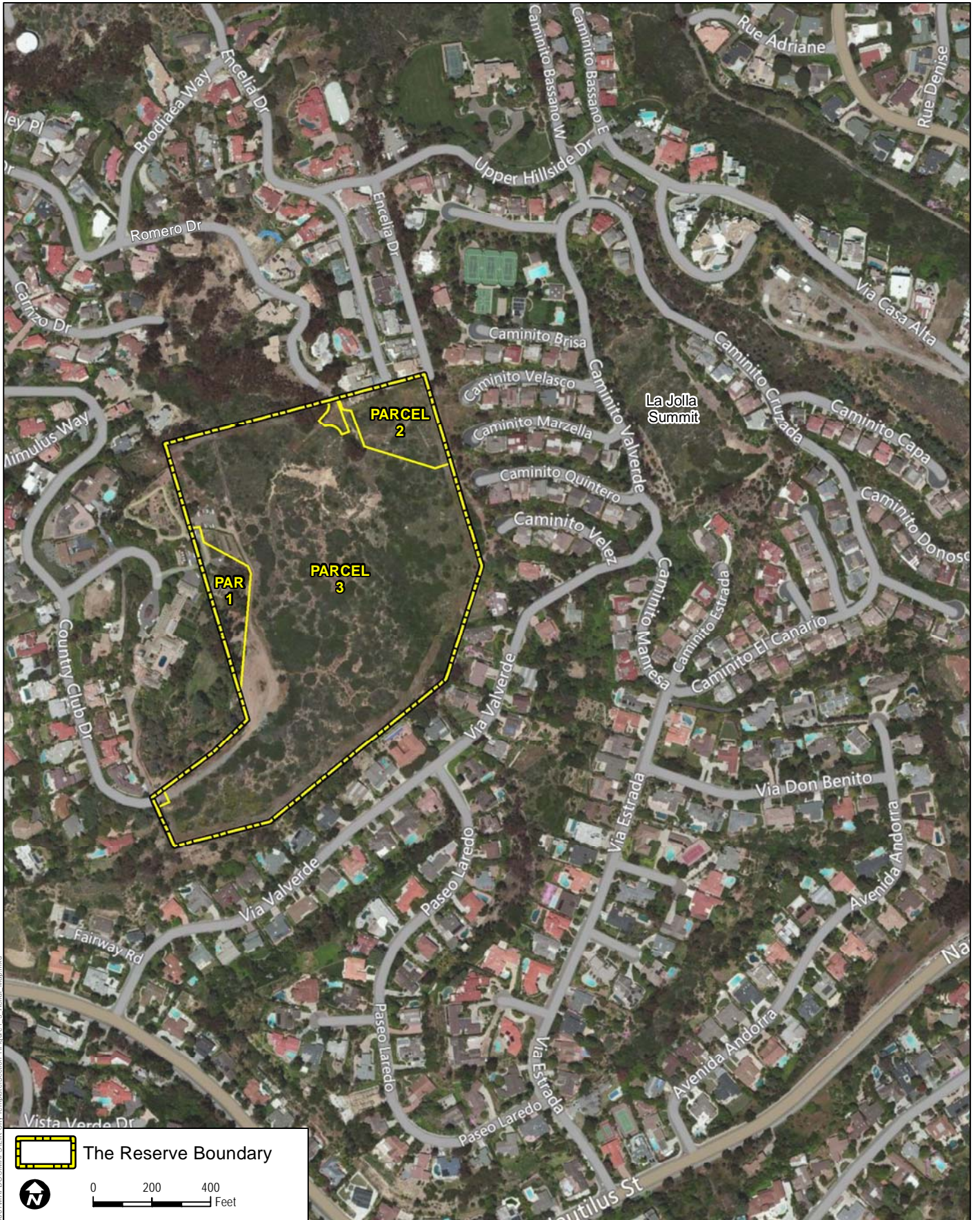
 The Reserve Boundary
 0 1,000 2,000 Feet





The Reserve
Vicinity Map
Environmental Analysis Section Project No. 292065
 CITY OF SAN DIEGO - DEVELOPMENT SERVICES

FIGURE
1-2

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 The Reserve Boundary

 0 200 400 Feet



The Reserve

Aerial Map
Environmental Analysis Section Project No. 292065
 CITY OF SAN DIEGO - DEVELOPMENT SERVICES

FIGURE
1-3

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CHAPTER 2 ENVIRONMENTAL SETTING

This chapter provides a detailed description of the existing site conditions for The Reserve (project) site. This section also outlines the local and regional environmental setting of the project, pursuant to Section 15125 of the California Environmental Quality Act (CEQA) Guidelines (14 CCR 15000 et seq.). Specific details regarding the environmental setting associated with each individual issue are provided at the beginning of each impact area addressed in Chapter 5, Environmental Analysis.

2.1 LOCATION

The project site is located within the northwestern region of the City of San Diego (City), as shown on Figure 1-1, Regional Map, within the La Jolla community. The La Jolla Community Planning Area consists of approximately 5,718 acres, bounded on the north by the University of California San Diego and the University community; on the east by Gilman Drive, the University community, and Interstate 5 (I-5); on the south by the Pacific Beach community; and on the west by the Pacific Ocean (City of San Diego 2004).

The approximately 25.14-acre project site is an irregularly shaped property that wraps around the southeast side of a ridgeline extending to the southwest from the southwestern flank of Mount Soledad. The project site is located at the southern end of Romero and Encelia Drives, and the eastern end of Country Club Drive. I-5 is located approximately 1.2 miles directly to the east, and the Pacific Ocean is approximately 0.9 mile northwest of the project site, as shown in Figure 1-2, Vicinity Map. The project is surrounded on all sides by existing single-family residences; immediately to the west is part of the Foxhill estate residential property.

2.2 PHYSICAL CHARACTERISTICS

2.2.1 EXISTING ON-SITE USES

The Copley Press Inc. has owned the project site since the late 1950s. Landscape, grading, access, parking, and building improvements associated and adjacent to the Foxhill estate are located on the western edge of The Reserve property. These improvements and landscaping currently occupy an approximately 2-acre encroachment onto along the western edge of The Reserve.

In addition to the improvements associated with the Foxhill estate, there are approximately five other areas where neighbors bordering the property have encroached onto the site and constructed landscaping and/or structural improvements. The Copley Press Inc. has granted easements to three of these neighbors: Fetter, Hanson, and Detwiler. The fourth, Kideys encroachment, occurred on approximately 3,400 square feet of The Reserve property without the

required City permits and without the knowledge or consent of the Copley Press Inc. This Kideys encroachment along the northwestern edge of the property included a retaining wall, ornamental landscaping, a patio, and concrete stairs. The Copley Press Inc. has removed this encroachment and regraded the area. As a condition of project approval, this area would be revegetated with southern maritime chaparral species and would become a portion of the area covered by a Covenant of Easement (COE).

The fifth and final encroachment is 3,125 square feet, where the Lakes previously graded and cleared existing vegetation in 2011 with no permits and without the knowledge or consent of The Copley Press Inc. The encroachment includes planted ornamental landscaping and stairs, a 3-foot retaining wall, irrigation, a stone deck, and a sandy hammock area. The Copley Press Inc. has granted a Temporary Maintenance Easement to the Lakes to resolve this dispute. This Temporary Maintenance Easement and Settlement Agreement requires the Lakes to remove the constructed improvements (except for the retaining wall and erosion controls) and non-native vegetation. The Lakes are required to revegetate the slope in accordance with all City regulations.

In addition to these encroachments, the western and northern portions of the property have previously been disturbed by grading starting before 1927. This grading was used to create a network of dirt roads that connected Country Club Drive to Romero Drive and Encelia Drive. A portion of the original connecting road between Country Club and Romero Drives still exists, but is no longer in use. Most of the rest of the unpaved access roads have been overgrown with native vegetation. Approximately 75% of the site is fenced around the perimeter, either by the site's owner or by neighbors whose lots are adjacent to the perimeter of the parcel.

2.2.2 EXISTING PHYSICAL SITE CONDITIONS

Topography on the project site consists of steep to moderately steep slopes with limited areas of flat land, and a single ephemeral drainage feature crossing the eastern portion of the site from north to south. Elevations on site range from approximately 663 feet above mean sea level (amsl) in the northeast to approximately 444 feet amsl in the southwest portion of the property. The project site supports two different soil types: Gaviota fine sandy loam (GaF, 30%–50% slopes) and Olivenhain cobbly loam (OhF 30%–50% slopes). The Gaviota soil series consists of well-drained, shallow, fine sandy loams that formed in material weathered from marine sandstone. The Olivenhain series consists of well-drained, moderately deep to deep cobbly loams that have a very cobbly clay subsoil (Bowman 1973). There also are several areas of undocumented fill material on site dating to the grading for the above-referenced road network prior to 1927. Descriptions of additional on-site features, such as biological, hydrology/water, and geologic resources, are provided in their respective subsections within Chapter 5 of this Environmental Impact Report (EIR).

2.3 SURROUNDING LAND USES

The project site is located in an urban setting and is completely surrounded on all sides by residential development. Single-family homes dominate the general vicinity, as La Jolla is a predominantly residential community (City of San Diego 2014). More specifically, the Foxhill estate borders the site to the west and La Jolla Summit borders the site to the northeast, with other single-family residences bordering the remainder of the site; see Figure 1-3, Aerial. Despite its location in an urbanized community, the site is part of a larger area designated as Open Space that includes existing natural open space on residential properties to the north and south of the site and ornamental open space to the east of the site. The La Jolla Country Club is 0.2 mile directly to the west, La Jolla High School is 0.7 mile to the west, and the Mount Soledad Veterans Memorial / Mount Soledad Natural Park is 0.7 mile east of the project site.

2.4 APPLICABLE LAND USE PLANS

Section 15125(d) of the CEQA Guidelines requires that an EIR include a discussion of the inconsistencies between the project and all applicable general plans, specific plans, and regional plans. The consistency analysis for the project with the applicable plans, policies, and regulations is provided in Section 5.1, Land Use, of this EIR. The following subsections describe the plans, policies, and regulations that are applicable to the proposed project.

2.4.1 GENERAL PLAN

The State of California requires each city to have a general plan to guide the City's future, and mandates that the plan be updated periodically to ensure relevance and utility. The City's General Plan was adopted by the City Council on March 10, 2008. The City's General Plan is a comprehensive, long-term planning document that prescribes overall goals and policies for development within the City. It acknowledges and outlines the critical role of the community planning program as the vehicle to tailor the "City of Villages" strategy for each neighborhood. The General Plan identifies the proposed project site within the La Jolla Community Planning Area. It also outlines the plan amendment process as well as other implantation strategies, and considers the continued growth of the City. The General Plan designates the project site for park, open space, and recreation land use (City of San Diego 2008).

2.4.2 LA JOLLA COMMUNITY PLAN AND LOCAL COASTAL LAND USE PLAN

The La Jolla Community Planning Area consists of approximately 5,718 acres and is located along the western edge of the north coastal region of the City of San Diego. La Jolla is a primarily residential community, defined by its jagged coastline of bluffs and beaches. Adopted in 2003 by the City Council (Resolution R-298578), the Community Plan reflects this unique

character, and provides policy direction for natural resources and open space, transportation, residential, commercial, community facilities, parks and services, and heritage resources (City of San Diego 2004). The project site is designated for Open Space/Park land use. However, within the Natural Resources and Open Space Element, the plan acknowledges that privately owned areas are generally zoned for very low intensity development to provide for reasonable use while conserving portions of the site in open space. The plan promotes residential development that provides open space as a natural setting and development within the Open Space/Park designation is limited to 25% of the overall site. A detailed analysis of the project's consistency in the context of the applicable elements of the City General Plan and the La Jolla Community Plan and Local Coastal Land Use Plan is provided in Section 5.1 of this EIR.

In addition, the La Jolla Community Plan includes a Local Coastal Program Land Use Plan due to La Jolla's location within the Coastal Zone, as defined by the California Coastal Act of 1976. The Local Coastal Program was incorporated within the Community Plan on February 19, 2004, following approval by the City of San Diego Planning Commission through Amendment No. 1-02A. The California Coastal Act has designated La Jolla as a "special community" of regional and statewide significance. This designation is embodied in all land use policies and plan recommendations contained in the Community Plan. The project is situated within a Coastal Overlay Zone, and all the requirements of the Environmentally Sensitive Lands regulations within the Coastal Overlay Zone apply to this project.

2.4.3 ZONING

Pursuant to the City's Official Zoning Map, the proposed project is currently designated as RS-1-4 (Residential—Single Unit), with a 10,000-square-foot minimum lot size requirement. The purpose of the RS zone is to provide flexible development regulations that allow reasonable use of properties while minimizing any adverse impacts to adjacent properties. In addition to the residential base zone RS-1-4, the proposed project site is located within several overlay zones. These overlay zones are applied in conjunction with base zones in order to add regulations that address issues based on the specific project location. The proposed project is located within the Coastal Overlay Zone, Coastal Height Limit Overlay Zone, ~~Sensitive Coastal Overlay Zone, Outdoor Lighting Zones,~~ and Parking Impact Overlay Zone. The proposed project is also located within a Very High Fire Hazard Severity Zone (VHFHSZ). According to the City's official VHFHSZ map, very small portions of the site are within the designated fire zone. If any portion of a lot falls within the VHFHSZ, the entire lot is subject to the VHFHSZ requirements, including Class A roof covering or roof assembly. In addition, the project is located within several geologic hazard categories (GHCs) including 12, 22, 26, 27, and 53 as indicated on the San Diego Seismic Safety Study maps (City of San Diego 2008). Specific details and requirements associated with each of these zoning designations and GHCs are outlined further within Section 5.1 of this EIR.

2.4.4 REGIONAL PLANS

In accordance with Section 15125(d) of the CEQA Guidelines (14 CCR 15000 et seq.), this environmental setting discussion includes statements relative to conformance with applicable regional plans. In addition to the City's General Plan, the following regional plans are assessed for consistency within Section 5.1 of this EIR.

Regional Air Quality Plan

The San Diego Air Pollution Control District (APCD) and San Diego Association of Governments (SANDAG) have jointly developed the San Diego Regional Air Quality Strategy (RAQS) to identify feasible emission control measures to achieve compliance with the state ozone standard. The RAQS addresses volatile organic compounds (VOCs) and oxides of nitrogen (NO_x), which are precursors to the photochemical formation of ozone (O₃). The last RAQS was initially adopted in 1991 and most recently amended in 2004. The San Diego APCD has also developed the San Diego Air Basin's input to the State Implementation Plan, which is required under the federal Clean Air Act for areas that are in nonattainment of air quality standards. The RAQS relies on information from the California Air Resources Board and SANDAG, including mobile area source emissions and information regarding projected growth in the county to project future emissions. The RAQS then determines the strategies necessary for reduction of emissions through regulatory controls. The project would not propose an increase in land use intensity that has not been anticipated in local air quality plans; therefore, the project would be consistent at a regional level with the underlying growth forecasts in the RAQS.

Congestion Management Program

As the transportation planning agency for the San Diego Region, SANDAG is responsible for preparing and coordinating the implementation of a congestion management program (CMP). The CMP guidelines stipulate that any project development generating 2,400 or more average daily trips, or 200 or more peak-hour trips, must be evaluated in accordance with the requirements of the regional CMP. The project would not propose an increase in average daily trips or peak level trips above these requirements for evaluation.

Water Quality Control Plan for the San Diego Basin

The U.S. Environmental Protection Agency has delegated responsibility of portions of the Clean Water Act to the State Water Resources Control Board (SWRCB) and the Regional Water Quality Control Boards (RWQCBs), including water quality control planning and control programs such as the National Pollutant Discharge Elimination System (NPDES) program. The NPDES program is a set of permits designed to implement the portions of the Clean Water Act that apply to various activities that generate pollutants with potential to impact water quality.

The San Diego RWQCB adopted a Water Quality Control Plan for the San Diego Basin (Basin Plan; RWQCB 2011). This Basin Plan sets forth water quality objectives for constituents that could potentially cause an adverse effect or impact on the beneficial uses of water in the region. The plan is designed to protect and enhance the quality of water resources in the San Diego region. The purpose of the plan is to designate beneficial uses of the region's surface waters and groundwater, designate water quality objectives for the reasonable protection of those uses, and establish an implementation plan to achieve the objectives. The Basin Plan incorporates by reference all applicable SWRCB and RWQCB plans and policies.

Projects resulting in discharges, whether to land or water, are subject to Section 13263 of the California Water Code and are required to obtain approval of Waste Discharge Requirements from the RWQCB. During both construction and operation, private and public development projects are required to include stormwater best management practices (BMPs) to reduce pollutants discharged from the project site to the maximum extent practicable. Refer to Section 5.4, Hydrology/Water Quality, for further details and analysis of water quality impacts resulting from the proposed project.

Multiple Species Conservation Program

The San Diego Multiple Species Conservation Program (MSCP) is a long-term regional conservation plan established to protect sensitive species and habitats in San Diego County. Adopted by the City Council in 1997, this plan addresses multiple species habitat needs and the conservation of native vegetation communities for the City of San Diego. The MSCP is divided into subarea plans that are implemented separately from one another. The entire project site is within the City of San Diego Subarea Plan, which encompasses 206,124 acres characterized by urban land use.

The program is implemented through the MSCP Subarea Plan, which includes the Multi-Habitat Planning Area (MHPA). The MHPA was developed by the City in coordination with US Fish and Wildlife Service and the California Department of Fish and Wildlife, and identifies biological core resource areas, and corridors targeted for conservation, in which only limited development may occur. The original MHPA was mapped on a regional scale in 1997, and the more refined La Jolla MHPA is included within the La Jolla Community Plan and Local Coastal Land Use Plan. The project site is not included within the refined La Jolla MHPA (see City of San Diego 2004). Therefore, there are no specific MHPA guidelines for the project area. Further details regarding the biological impacts associated with the City's subarea plan are outlined in detail in Section 5.2 of this EIR.

2.5 EMERGENCY SERVICES

2.5.1 FIRE PROTECTION AND EMERGENCY MEDICAL SERVICES

The project site is located within 1 mile of three separate San Diego Fire Stations: Fire Station 16, approximately 0.3 miles directly east; Fire Station 13, approximately 0.75 miles southwest; and Fire Station 9, approximately 0.9 mile north of the proposed project site. To provide adequate fire protection, the fire department strives to provide a 5-minute response time to areas in need of service and a 10-minute response time for paramedic ambulances throughout the City.

2.5.2 POLICE PROTECTION

The proposed project site would be served by the La Jolla Beat 124 of the Northern Division of San Diego Police Department. The Northern Division serves the neighborhoods of Bay Ho, Bay Park, Clairemont, Mesa East, Clairemont Mesa West, La Jolla, Mission Bay Park, Mission Beach, North Clairemont, Pacific Beach, Torrey Pines, and University City. The main office for this division is located at 4275 Eastgate Mall, with an additional Pacific Beach storefront at 4439 Olney Street. The General Plan identifies the Police Facilities Plan as the resource document for police department standards. The Police Facilities Plan establishes a 7-minute average response time as a department goal.

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CHAPTER 3 PROJECT DESCRIPTION

This chapter describes the objectives of The Reserve project (project) and provides a detailed description of the unique characteristics of the project. The chapter also outlines the discretionary actions required through the environmental review process, as well as providing a brief description of the environmental effects evaluated in Chapters 5–7 of this Environmental Impact Report (EIR).

3.1 PROJECT BACKGROUND AND OBJECTIVES

The Copley Press Inc. (applicant) proposes the subdivision of two parcels (Assessor’s Parcel Numbers 352-300-08-00 and 352-300-09-00) into three parcels for future residential development in the La Jolla Community Planning Area, within the City of San Diego (City) (see Table 3-1). More specifically, the approximately 25.14-acre project site 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 project would subdivide the property into three separate parcels: Parcel 1 (1.07 acres) will be 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) will each accommodate a single-family estate home, as well as conservation and revegetation of biological habitat. These two lots parcels (Parcel 2 and Parcel 3) will be sold to individuals for the construction of custom homes and would be developed pursuant to a set of Design Guidelines (see Appendix A). The Design Guidelines provide detailed design criteria relative to site development, as well as architecture and landscape design. The goal of the Design Guidelines is to provide a detailed set of massing, building, landscape, grading, and location standards so that the future property owner(s) would be able to secure building permits for home designs that conform to these Design Guidelines. In addition, the project proposes to dedicate approximately 0.14 acre for Romero Drive right-of-way and 0.05 acre for Country Club Drive right-of-way. See Figure 3-1, Site Development Plan, and Table 3-1, Site Development Plan Detailed Acreages, for details.

**Table 3-1
Site Development Plan Detailed Acreages**

Description	Parcel Area (acres)	Development Area (acres) ^a	Covenant of Easement Area (acres)	Max Gross Floor Area (square feet) ^b
Parcel 1	1.07	1.07	N/A	N/A
Parcel 2	1.68	0.63	1.05	5,000
Parcel 3	22.20	4.34	17.75	33,000
Romero Drive Public Right-of-Way Dedication	0.14	0.14	N/A	N/A
Country Club Drive Public Dedication ^c	0.05	0.00	N/A	N/A

**Table 3-1
Site Development Plan Detailed Acreages**

Description	Parcel Area (acres)	Development Area (acres) ^a	Covenant of Easement Area (acres)	Max Gross Floor Area (square feet) ^b
Fetter Easement within Parcel 3	N/A	0.05	N/A	N/A
Detwiler Easement within Parcel 3	N/A	0.05	N/A	N/A
Hanson Easement within Parcel 3	N/A	0.00 (11 ft ²)	N/A	N/A
Total Site	25.14	6.28	18.80	38,000

N/A = not applicable

^a For the purposes of this table, development area includes existing developed area and the proposed development area. Note there is no development proposed on Parcel 1.

^b Gross floor area is the City of San Diego definition per City of San Diego Municipal Code.

^c The Country Club extension is not counted as development area for the project because the extension is not part of the private development proposal and is not needed to develop the property.

Preparation of the project site plan and Design Guidelines involved extensive community outreach by the project applicant. The Design Guidelines are intentionally flexible in architectural style and design of the residential estates, with no specific home design. However, the Design Guidelines do include specifics on a variety of topics including but not limited to location, massing, height, grading, open space, architecture, and landscaping. This EIR analyzes impacts associated with the worst-case development scenario for each issue area. As indicated in the Design Guidelines, building permits for development of future homes within the project site would be reviewed by the City for substantial conformance with the applicable Design Guidelines, the requirements of associated discretionary actions (see Section 3.3), the La Jolla Community Plan, and Local Coastal Land Use Plan, and the City’s Land Development Code.

3.1.1 PREVIOUS APPROVALS

The project site is currently largely vacant land except for a few existing accessory buildings, which will be merged into the adjacent Foxhill estate. The western and northern portions of the property have previously been disturbed by grading starting before 1927. This grading was used to create a network of dirt roads that connected Country Club Drive to Romero Drive and Encelia Drive. There was also a bridge structure for the Encelia Drive connection that no longer exists on the property. A portion of the original connecting road between Country Club and Romero Drives still exists, but is no longer in use. These unpaved access roads have been overgrown with native vegetation.

3.1.2 PROJECT OBJECTIVES

The objectives of the project are as follows:

- Create residential development that provides no less than a 25% private development area.
- Create residential estates that maximize the ocean views unique to the project site.
- Maximize privacy for future estate residents by using existing topography to shield distant views into future homes on The Reserve.
- Provide flexibility in architectural and landscape character for future development of the site while ensuring that building massing, height, location, colors, and materials complement the existing natural environment.

3.2 PROJECT CHARACTERISTICS

3.2.1 PROJECT COMPONENTS

As indicated in Section 3.1, the Design Guidelines contain the development parameters and design criteria for Parcel 2 and Parcel 3, and are summarized in this section; further details are included in Appendix A. Landscaping, grading, access, parking, and existing building improvements associated with the adjacent Foxhill estate currently occupy an approximately 2-acre encroachment onto the western edge of The Reserve. Most of these improvements are included within the boundary of Parcel 1, and are included within an easement that was sold to the applicant. This area, Parcel 1, would be converted to fee ownership upon recordation of the Final Vesting Tentative Map. Parcel 1 would then be merged into the Foxhill estate through a Lot Consolidation Map; no new development is proposed for Parcel 1 as a part of this project.

In addition to the existing improvements associated with the Foxhill estate located on the project site, there are five other areas where neighbors bordering the property have encroached onto the site and constructed landscaping and/or structural improvements, as shown on Figure 3-1, Site Development Plan. The applicant has granted easements within Parcel 3 to three of these neighbors, Fetter, Detwiler, and Hansen. The acreages associated with each specific easement are outlined in Table 3-1, Site Development Plan Detailed Acreages. The applicant has removed the fourth encroachment, and regraded this area along the northwestern perimeter of Parcel 3. As a condition of project approval, this area will be revegetated with southern maritime chaparral species and will become a portion of the area covered by a Covenant of Easement (COE). The applicant has granted an Easement Agreement and Settlement Agreement to the Lake residence for the fifth encroachment. This Agreement requires the Lakes to remove the constructed improvements (except for the retaining wall and erosion controls) and non-native vegetation, and to revegetate the slope in accordance with all City regulations. All encroachments either become

permanent easements or will be revegetated, in whole or in part, with the revegetated area being covered by the COE. In addition to the implementation of the COE, a feature of the proposed project is voluntary revegetation of Tier IV habitat and non-native vegetation to higher quality southern maritime chaparral, a Tier 1 habitat. Approximately 2.8 acres of southern maritime chaparral habitat would also be revegetated, on top of preservation associated with the COE.

The design philosophy of the project is to provide flexibility of architectural and landscape character inside a highly defined and controlled development area prescribed for each parcel. The Design Guidelines prepared for development on Parcel 2 and Parcel 3 include restrictions for development to ensure compliance with all applicable regulations. The project's design philosophy also encourages sustainable building principles into building design, where feasible; refer to Section 4.2.8, Sustainability, of the Design Guidelines (Appendix A).

Voluntary Revegetation

The project includes voluntary revegetation of approximately 5.12 acres of land with Tier 1 southern maritime chaparral habitat. This land is currently supporting either non-native or lower tier vegetation and habitat. After the revegetation is completed, all of the site that is not development area or public streets, which is approximately 18.80 acres in size, will be covered in Tier 1 southern maritime chaparral habitat and will be protected by a Covenant of Easement. See also Table 3-2 at the end of this chapter.

Access

Parcel 1

Parcel 1 would be accessed by Country Club Drive via an existing easement through the Foxhill estate.

Parcel 2

Access to Parcel 2 would be provided by Encelia Drive (see Figure 3-2, Parcel 2 Development Area). On Parcel 2, the private driveway would be a maximum width of 26 feet, and paving materials must be permanently set with no gravel or other loose materials.

Parcel 3

Parcel 3, the largest parcel, will be accessed by Romero Drive (see Figure 3-3, Parcel 3 Development Area). This access from Romero Drive may have two separate private driveways leading to the main structure on site. These private driveways are within the vehicular use area, defined within the Design Guidelines as an area within the allowable development area. Private

driveways may include areas for landscaping, bioretention facilities, gates, and a non-habitable gatehouse. The Design Guidelines ensure that vehicular use areas would not exceed an aggregate of 10,000 square feet. In addition to the main access and vehicular use area, there may be an additional restricted maintenance access from Country Club Drive in the southwest corner of the site.

Street Extensions

Both Romero Drive and Country Club Drive will be extended and improved within Parcel 3, as shown in Figure 3-3. The Romero Drive extension will include a turnaround large enough for emergency vehicle access, while Country Club Drive will be an extension to accommodate a public vehicle turnaround area. Once these street improvements on Parcel 3 are complete, both the extension areas of Country Club Drive and Romero Drive will be dedicated to the City. The Country Club extension is not counted as development area for the project because the extension is not part of the private development proposal and is not needed to develop the property. The Country Club extension is solely an accommodation to improve the City's circulation network.

Conserved Property Conservation Area

Approximately 18.80 acres, or approximately 75% of the project site, is proposed to be the Conserved Property conservation area and will be subject to and governed by a COE in favor of the City. At the widest point, the property covered by the COE is approximately one-fifth of a mile, or approximately 1,120 feet. This COE will prohibit development, construction staging, and any other activity within the Conserved Property conservation area. The primary purpose of this COE is to protect sensitive biological resources and maintain the topography of the project site. The COE requires the underlying landowner to maintain and/or restore the area to its natural condition, remove invasive species and trash, and prevent trespass through fencing and other means in order to provide protection for the resources and ensure their long-term viability.

Development Area

The development area is defined within the Design Guidelines as the boundary limits within which development disturbance may occur for construction activity to provide buildings, structures, private driveways, vehicular use areas, hardscape, and landscape planting. No construction activity or interference outside this area is allowed. The total development area for the project is 6.28 acres, which is approximately 25% of the total project area; see Table 3-1, Site Development Plan Detailed Acreages.

Parcel 1

The project does not include any new development or new walls, ~~fences,~~ or gates on Parcel 1. The existing development area on Parcel 1 is 1.07 acres. However, in order to avoid potential encroachments into the COE on the adjacent Parcel 3, fencing is required along the border of Parcel 1 and Parcel 3, completely within the Parcel 1 boundary. Fencing would be subject to the fencing requirements outlined within the Design Guidelines for Parcel 3.

Parcel 2

The development area for Parcel 2 (illustrated on Figure 3-2) is approximately 0.63 acre, or 36% of the total parcel. In addition to a single residential structure no larger than 5,000 square feet, shade structures, arbors, gazebos, swimming pools, patios, and decks are all allowed within the development area; see Appendix A for details.

Parcel 3

The development area for Parcel 3 (illustrated on Figure 3-3) is approximately 4.34 acres, or 20% of the total parcel. In addition to a primary residence no larger than 25,000 square feet, smaller related structures, tennis courts, shade structures, arbors, gazebos, swimming pools, patios, and decks are all allowed within the development area; see Appendix A for details. In addition, there are 0.10 acre of easements within Parcel 3 granted to three neighbors for landscaping, yard, and fencing associated with adjacent properties and 0.14 acre of public dedication for the Romero Drive public right-of-way. The specific location of each of these easements and dedications is shown in Figure 3-1, Site Development Plan.

Buildings and outdoor areas for domestic animals are permitted, as allowed by the City Municipal Code, ~~as of February 2004,~~ and outlined in detail within the Design Guidelines (Appendix A). However, the City's COE template states that the property owner "shall undertake all reasonable actions to prevent the unlawful entry or trespass by persons whose activities may degrade or harm the environmentally sensitive native of the Conserved Property." Therefore, domestic animals allowed within the development and landscaped areas will be restricted from accessing the Conserved Property ~~conservation area~~ covered under the COE on site.

Building Extents

Building extents are defined within the Design Guidelines as the three-dimensional space within which a structure could be located, as established by the maximum allowable building height and building mass. All structures, except retaining walls, fences, gates, and the gatehouse for Parcel 3, would be confined to the building extents. See Appendix A for architectural design criteria.

Parcel 1

The project does not include any new development or new walls, ~~fences,~~ or gates on Parcel 1. However, in order to avoid potential encroachments into the COE on the adjacent Parcel 3, fencing is required along the border of Parcel 1 and Parcel 3, completely within the Parcel 1 boundary. Fencing would be subject to the fencing requirements outlined within the Design Guidelines for Parcel 3.

Parcel 2

The Design Guidelines for Parcel 2 allow for a maximum of 5,000 square feet for all buildings and structures, including an accessory structure of up to 500 square feet; see Figure 3-4, Parcel 2 Building Extents. All buildings and structures would comply with the height and mass limitations as prescribed by the Building Extents depicted in the Design Guidelines; see Appendix A. Parcel 2 building extents are divided into four subareas to reflect the variable height limitations: Subarea A allows a maximum height of 653 feet above mean sea level (amsl); Subarea B allows a maximum height of 658 feet amsl; Subarea C allows a maximum height of 647 feet amsl; Subarea D allows a maximum height of 648 feet amsl; and Subarea E, which is for an optional privacy screen or wall, allows a maximum height of 656 feet amsl. The variable building heights are based on elevation above mean sea level because future grading of the site is not known at this time. These variable height limitations are consistent with the 30-foot height limit pursuant to the City's Coastal Height Limit Overlay Zone, ~~effective January 1, 2000~~. While some architectural projections are allowed to exceed the variable building heights, none may exceed the City's 30-foot height limit; see Section 4.2.4 of the Design Guidelines–Parcel 2 (Appendix A).

Parcel 3

The Design Guidelines for Parcel 3 divide the development area of Parcel 3 into four subareas (Subarea A, Subarea B, Subarea C, and Subarea D) and allow for three types of building zones; see Figure 3-5, Parcel 3 Building Extents. The primary building zone (Subarea A) allows a maximum of 25,000 square feet for the primary use (main house). The secondary building zone (Subarea C) would be limited to 5,000 square feet of supplementary use, such as a guest house. The tertiary building zone (Subarea B and Subarea D) would allow for small-scale habitable or non-habitable structures such as, but not limited to, remote kitchens, sleeping rooms, lounges, library, saunas, massage therapy, water therapy, exercise rooms, garden equipment storage, and/or showers and toilet rooms related to pools or athletic courts. Subarea D only also allows for horse stables, corrals or pastures, allowable uses per SDMC 44.0308. Each structure within the tertiary building zone would be limited to a maximum of 1,000 square feet. A total of three supplementary structures are allowed in each tertiary building zone. Uses allowed within the

tertiary building zone would also be allowed within the secondary building zone. Uses allowed within both the secondary and tertiary building zones would also be allowed within the primary building zone. All buildings and structures within Parcel 3 would adhere to the 30-foot height limitation prescribed by the City's Coastal Height Limit Overlay Zone ~~effective January 1, 2000~~. No architectural projections would exceed the 30-foot height limitation; see Section 4.1.15 of the Design Guidelines: Parcel 3 (Appendix A).

Walls, Fences, and Gates

Barriers are not required as a part of development on the project site, but the Design Guidelines recognize the need for barriers for privacy and security, to demarcate boundaries, to protect the Conserved Property~~conservation area~~, and to retain soil on site. Therefore, the Design Guidelines provide specific restrictions for the size, character, quality, and materials of any new or replacement barriers proposed on site. All walls, fences, and gates must be completely within the development area of each parcel except for allowed fencing along the perimeter of the project site. Existing fences or barriers on site may remain as is.

In addition to the potential fence types and locations outlined below, any fence located adjacent to the Conserved Property~~conservation area~~, which surrounds and encompasses the development area on both Parcel 2 and Parcel 3, must be made of a non-flammable material.

Parcel 1

There project does not include any new development or new walls, ~~fences,~~ or gates on Parcel 1. However, in order to avoid potential encroachments into the COE on the adjacent Parcel 3, fencing would be installed along the border between Parcel 1 and Parcel 3, completely within the Parcel 1 boundary. Fencing would be subject to the fencing requirements outlined within the Design Guidelines for Parcel 3.

Parcel 2

There are three types of walls, fences, and gates allowed on Parcel 2; see Figure 3-6, Parcel 2 Walls, Gates and Fences, and description below. No fences or walls that exceed 3 feet in height above grade are allowed between the house and the eastern and northern property lines of this parcel except for fencing at or adjacent to the driveway.

Type A: This category is limited to fencing types that are open and unobtrusive in order to protect adjacent views, and recede or disappear into the landscape with minimal visual impacts. Type A fences may be constructed of galvanized or black-vinyl-coated chain link with a minimum 3-inch mesh opening; polyvinyl chloride (PVC)-coated wire fabric with a mesh sized

no smaller than 50 by 200 millimeters; or simple vertical metal pickets at 4 inches on center with no detail; or split rail or open wood with posts between 4 and 8 feet on center. These fence types may not exceed 6 feet in height. Type A fences are allowed on the eastern boundary of Parcel 2, as shown on Figure 3-6.

Type B: This category is limited to barriers that match the architectural style and character of the future structures within Parcel 2. This fence type is allowed at the entry to the property and at locations where fencing abuts the public right-of-way, as shown on Figure 3-6. These fence types include natural stone, cast-in-place concrete, stucco, natural stone veneer, Corten or other decorative metal, ornamental steel picket, or ornamental wood. Chain link, PVC, Keystone wall systems, manufactured stone veneer, and concrete masonry unit (CMU) block walls are not allowed as Type B barriers. Whichever material is chosen must match the structures on site, and the maximum height for Type B barriers is 6 feet.

Type C: This category consists of barriers installed at the perimeter property line in areas where privacy and/or security is a concern for residents of the future residence, and where Type A and Type B fence types are not already required. Type C fencing is also allowed within the landscaped yard areas and to define the limits of the development area within the parcel. In defining the development area and the Conserved Property conservation area, a 4-inch-wide curb is recommended in lieu of a fence. Type C fences can be constructed of any materials allowed by the City, except for PVC, Keystone wall systems, manufactured stone veneer, and CMU block walls, and would not exceed 6 feet in height.

Parcel 3

A, B, and C fences as outlined above are also allowed on Parcel 3, with the same restrictions. In addition, Type D fences are allowed on Parcel 3, as described below.

Type D: This category consists of fences ~~that would allow for the movement of animals~~ installed at the northern and southern perimeter property lines that would allow for the movement of animals, as outlined on Figure 3-7, Parcel 3 Walls, Gates and Fences, in areas where animal movement may occur in adjacent non-urbanized open space. These barriers would be split rail or open fencing with posts between 4 feet and 8 feet on center. The maximum height for fencing in this category is 6 feet.

Retaining Walls

Retaining walls are designed to resist the lateral displacement of soil or other materials. Pursuant to the Design Guidelines, retaining walls on site may be any type allowed by the City's Municipal Code, except Keystone wall systems, manufactured stone veneer, and CMU block.

Retaining walls would not exceed 12 feet above grade excluding guard-rail height parapets, and would comply with all fencing and retaining wall regulations of the City's Municipal Code. The length of retaining walls on-site are anticipated to be no longer than approximately 124 feet, and would be 50% visibly screened with plants upon installation, and would be 80% covered by plants on the exposed wall face at maturity. Walls will be constructed of materials, colors, and finishes to match the architectural wall types of the main building structures.

Grading

Grading would be required to generally follow the natural topography of the project site. No grading may occur on slopes greater than 30% within the development area, except as required for brush management purposes. Grading guidelines within the Design Guidelines restrict contour grading to create level outdoor use areas. The maximum contiguous level graded area outside a structure footprint would be 3,500 square feet and 25,000 square feet for Parcels 2 and 3, respectively. It is anticipated that grading would not be balanced on site, and would likely require excess dirt to be exported to an approved site. The export of material to a legal disposal site would be assured by a condition of approval of the permit. No slopes outside of the development area may be modified for any purpose at any time. Prior to any grading activities on site, a grading plan would be prepared by a registered civil engineer and a grading permit would be obtained in conformance with the City's Land Development Code. All grading would follow the recommendations described in the geotechnical report prepared specifically for the project site.

Parking Facilities

The proposed project is for private residential estates. Accordingly, a minimum of two parking spaces will be provided, pursuant to City of San Diego Municipal Code Land Development Code.

Architectural Design

Parcel 1

There project does not include any new development or new walls, fences, or gates on Parcel 1. However, in order to avoid potential encroachments into the COE on the adjacent Parcel 3, fencing is required along the border of Parcel 1 and Parcel 3, completely within the Parcel 1 boundary. Fencing would be subject to the fencing requirements outlined within the Design Guidelines for Parcel 3. ~~In order to avoid potential encroachments into the COE on the adjacent Parcel 3, fencing is required along the border of Parcel 1 and Parcel 3, completely within the Parcel 1 boundary.~~

Parcel 2

Materials to be used in any improvement within Parcel 2 would reflect the landscape, climate, and the earthy materials at the site. Glass and glazing would be large in scale and form a significant part of the exterior composition. Deep overhangs and trellises are encouraged in all areas. Pursuant to the Design Guidelines, potential material options for the exterior façade of the building walls include cast-in-place concrete, stucco, wood trim, brick, and natural stone. Restricted materials, or those that are not consistent with the overall theme of the community include fiberboard, plywood, vinyl or aluminum siding, plastic or fiberglass panels or cement based composite. Walls of the primary residence must be one color, with a complimenting color on accessory structures, using earth tones or light variations. See Section 4.2.5 of the Design Guidelines: Parcel 2 (Appendix A) for further details regarding these building materials and finishes. Roofs would be constructed of nonreflective materials. Metal roof accessories and trim consisting of copper, stainless steel, and zinc may be used on the roof. A vegetated roof would be provided above the proposed garage and any other structure in Subarea A of the building extents (see Figure 3-4). The vegetated roof would include at least 90% vegetation that conforms to the standards of the U.S. Green Building Council for the Leadership in Energy and Environmental Design (LEED) certification process. Vents and penetrations through the roof should be designed or combined to minimize their appearance on the roof to the extent practicable. Antennae, satellite dishes, and other projections greater than 12 inches in height or 4 square feet in total area would not be placed on any roof. Roof Details and Materials are described further in Section 4.2.3 of the Design Guidelines: Parcel 2.

Parcel 3

Similar to Parcel 2, materials to be used in any improvement within Parcel 3 would reflect the landscape, climate, and the earthy materials at the site. Glass and glazing would be large in scale and form a significant part of the exterior composition. Deep overhangs and trellises are encouraged in all areas. Pursuant to the Design Guidelines, potential material options for the exterior façade of the building walls include cast-in-place concrete, stucco, wood trim, brick, and natural stone. Restricted materials, or those that are not consistent with the overall theme of the community include fiberboard, plywood, vinyl or aluminum siding, plastic or fiberglass panels or cement based composite. Walls of the primary residence must be one color, with a complimenting color on accessory structures, using earth tones or light variations. See Section 4.2.6 of the Design Guidelines: Parcel 3 (Appendix A) for further details regarding building materials and finishes.

Pursuant to the Design Guidelines, roof projections and eaves may project in all directions. Trellises that are partially open over decks are encouraged, and may extend beyond the decks and terraces below them.

Roofs would be constructed of non-reflective materials. Metal roof elements and trim consisting of copper, stainless steel, and galvanized steel may be used on any part of the roof. Vents and penetrations through the roof should be designed or combined to minimize their appearance on the roof to the extent practicable. Antennae, satellite dishes, and other projections greater than 12 inches in height or 4 square feet in total area would not be placed on any roof. Drainage and guttering from all roof elements may be led to interior drain piping or exterior leaders that are surface-mounted to the building, provided the composition of the drains is consistent with the design of the exterior elevations: Gutter chain leaders are acceptable if consistent with the design of the exterior elevation. Roof Details and Materials are described further in Section 4.1.14 of the Design Guidelines: Parcel 3.

Landscape Design

Landscaping within the project site should merge formal and informal arrangements of landscaping materials woven together with the natural topography and vegetation. The Design Guidelines encourage conservation of native habitat within portions of the development area to help visually blend the landscape use areas with the Conserved Property conservation area subject to the COE and further ensure the extent and viability of the surrounding Conserved Property conservation area. As defined within the Design Guidelines, the landscaped yard area is the total development area excluding driveways and the building footprint; no planting is allowed outside the development area. Any tree or plant not included on the invasive plant lists (as defined by the City, the County of San Diego, or the California Invasive Plant Council) may be planted within the landscaped yard area. Plant materials are encouraged to be drought-resistant or drought-tolerant and adapted to the Southern California climate.

Parcel 1

There project does not include any new development or new walls, ~~fences,~~ or gates on Parcel 1. In order to avoid potential encroachments into the COE on the adjacent Parcel 3, fencing is required along the border of Parcel 1 and Parcel 3, completely within the Parcel 1 boundary.

Parcel 2

The graded landscaped yard area on Parcel 2 may not exceed 10,000 square feet; the disturbed but ungraded landscaped yard area would not exceed 1,500 square feet. Each graded landscaped yard area would be configured to not exceed 3,500 square feet on any graded pad, and would be interwoven with areas of ungraded and undisturbed landscaped yard area. No trees of any kind are allowed between the eastern and northern property line and the Parcel 2 development area.

Landscaping would be chosen with specific colors and design to be consistent with the existing conditions. All landscaping would be consistent with the architecture to create a physical and visual connection to the buildings and structures located nearby and complement the existing native vegetation and soils of the area and immediate surroundings. Dense landscaping may be used for screening, but no invasive or potentially invasive species may be planted on-site. Prohibited species include those listed under Section 1.3-1.03 of the City's Land Development Manual – Landscape Standards and the California Invasive Plant Council's Inventory Database. Plant materials, standards, and height limitations are described further in Section 4.4.1 of the Design Guidelines: Parcel 2 (Appendix A).

Parcel 3

On Parcel 3, any one continuous graded landscaped yard area may not exceed 25,000 square feet, and any additional graded landscaped yard area would be 10,000 square feet or less. At least 40,000 square feet of ungraded/undisturbed landscaped yard area must be provided and interwoven with other elements of the landscaped yard area, and would be at least 20 feet in width. In addition, a minimum of 90% of the existing large scrub oak (*Quercus berberidifolia*) within the development area must remain in place. Dense landscaping may be used for screening, but no invasive or potentially invasive species may be planted. Prohibited species include those listed under section 1.3-11.03 of the City's Land Development Manual – Landscape Standards and the California Invasive Plant Council's Inventory Database. Plant materials and standards are described further in Section 4.3.1 of the Design Guidelines: Parcel 3 (Appendix A).

Refuse and Recyclable Material Storage

Parcel 1

No new development or landscaping is proposed for Parcel 1. In order to avoid potential encroachments into the COE on the adjacent Parcel 3, fencing would be installed along the border of Parcel 1 and Parcel 3, completely within the Parcel 1 boundary.

Parcel 2 and Parcel 3

Material storage areas located outside the main structure would be concealed within a minimum 6-foot-high solid screening enclosure and the roof element must uniformly screen at least 75% of the storage area. The enclosure must be designed to be architecturally consistent with the primary structure. Dense landscaping may be used for screening, but no invasive or potentially invasive species may be planted. Prohibited species include those listed under section 1.3-11.03 of the City's Land Development Manual – Landscape Standards and the California Invasive Plant Council's Inventory Database. Containers within the material storage area may not exceed the height of the solid screening enclosure.

Solar Panels (Photovoltaic)

For Parcel 2 and Parcel 3, solar panels on grade may be provided anywhere within the graded landscape yard area or ungraded/disturbed landscape yard area, but any area allocated for solar panels would count against the allowable yard areas. Solar panels may also be used as shade elements on trellises/awnings. Solar panels may be installed on the roof of any structure provided they conform to maximum building heights and other Design Guidelines requirements or the City's Coastal Height Limit Overlay Zone, ~~effective January 1, 2000~~, whichever are more stringent. These solar panels may be visible if they are composed with the exterior roofing so that they are seen as a part of the complete design and composition of the buildings. Any solar panels placed on the roof must be parallel to the roof and within the height limitations set forth in the Design Guidelines and outlined above within the Building Extents subheading.

Outdoor Lighting

All exterior lighting would be designed in a manner to retain the darkness of the night sky and to prevent lighting from shining into the ~~Conserved Property conservation area~~. Outdoor lighting would also meet all requirements in City of San Diego Municipal Code ~~\~~, Outdoor Lighting Regulations, ~~effective August 10, 2006~~. All lighting must meet the City standards, including maximum foot-candles. See Appendix A for further details.

3.2.2 CONSTRUCTION

The proposed project includes both general and detailed design guidelines for the construction of the residences and accessory structures. No specific timeline has been outlined for construction or completion of the construction of the residences and accessory structures.

3.2.3 PROJECT DESIGN FEATURES AND CONSTRUCTION MEASURES

The applicant, Copley Press Inc., has incorporated project design features into the project to reduce the potential for environmental effects. The remaining area outside of the designated development area on both Parcel 2 and Parcel 3 on site will be conserved under a project-specific COE. Construction, when applicable, would be performed by qualified contractors, and contract documents, plans, and specifications would incorporate stipulations regarding standard legal requirements and project-specific details as outlined within the Design Guidelines for each parcel. Construction would follow acceptable practices relating to, but not limited to, traffic controls during construction activities, noise, geologic conditions, drainage and water quality improvements, water quality protection and erosion and sedimentation control, and construction-related solid waste controls. As outlined within the Design Guidelines, the project would be designed in accordance with the State of California Building Code and City Municipal Code

requirements. These measures are included in Table 3-2, Summary of Project Design Features and Construction Measures, and are referenced in Chapter 5 of this EIR. These project design features and construction measures will be made conditions of the project to ensure that they are implemented. Several of the project design features outlined in Table 3-2 would be implemented through the Design Guidelines for both Parcel 2 and Parcel 3.

**Table 3-2
Summary of Project Design Features and Construction Measures**

Subject Area	Project Design Feature
Noise	<p><u>Each of these requirements defined in the Design Guidelines for Parcel 2 will be applicable to the entire project site, including Parcel 1, Parcel 2, and Parcel 3. For Parcel 2, the Design Guidelines specify that equipment would be selected and installed in locations to minimize noise generation. Noise associated with construction would not exceed a 1-hour average sound level of 40 A-weighted decibels (dBA) and a maximum level of 65 dBA during operation only on or beyond the boundaries of the property on which the noise is produced.</u></p> <p>Construction would comply with Section 59.5.0404 of the San Diego Municipal Code, which restricts any construction activity with an average sound level greater than 75 dBA within any property zoned residential during the 12-hour period from 7:00 a.m. to 7:00 p.m. The following measures will be considered to achieve this:</p> <ul style="list-style-type: none"> • All construction equipment, fixed or mobile, shall be equipped with properly operating and maintained mufflers. • Construction noise reduction methods, such as shutting off idling equipment, installing temporary acoustic barriers around stationary construction noise sources, maximizing the distance between construction equipment staging areas and occupied residential areas, and use of electric air compressors and similar power tools, rather than diesel equipment, shall be used where feasible. • During construction, stationary construction equipment shall be placed such that emitted noise is directed away from or shielded from sensitive noise receivers. • During construction, stockpiling and vehicle staging areas shall be located as far as practical from noise-sensitive receptors. • The project shall limit grading activities to the hours of 7:00 a.m. to 5:00 p.m. Monday through Friday. <p><u>Each of these requirements defined in the Design Guidelines for Parcel 2 will be applicable to the entire project site, including Parcel 1, Parcel 2, and Parcel 3.</u></p>
Biological Resources	<p>In compliance with the Coastal Overlay Zone requirements, a 100-foot buffer would be implemented surrounding the 0.8 acre of ephemeral drainage on site under the jurisdiction of the U.S. Army Corps of Engineers, California Department of Fish and Wildlife, and Regional Water Quality Control Board. The buffer would be a full 100 feet from the 761-foot-long drainage, except at the upper 150 feet of drainage where it would be approximately 35 feet at the narrowest point. This buffer reduction was approved by the City and the wildlife agencies at a meeting held on December 10, 2013. This narrow point is located on the west side of the drainage, adjacent to the existing driveway, and the northeast corner of the drainage, along Brush Management Zone 2 on Parcel 2 in the northeast corner of the property. In these two areas the buffer will be reduced to approximately 35 feet on the west side of the drainage for approximately the upper 150 feet of the 761-foot-long drainage and reduced to approximately 35 feet on the northeast side of the drainage for approximately the uppermost 20 feet of the drainage.</p>
Biological Resources	<p>All activities within Brush Management Zone 2 will be conducted in accordance with the City of San Diego's Brush Management regulations. In addition, during all vegetation thinning in this zone, the owner of each parcel will ensure that San Diego Barrel Ceactus and Nuttall's scrub oak are not removed or thinned. This selective thinning will avoid all sensitive species within Brush Management Zone 2.</p>
Biological Resources	<p>As a part of implementation of the project, 5.12 acres of Tier IV and other lands will be revegetated <u>restored</u> to southern maritime chaparral. This voluntary revegetation will be in addition to mitigation required for impacts to biological resources due to implementation of the project (refer to Section 5.2 of the EIR).</p>

**Table 3-2
Summary of Project Design Features and Construction Measures**

Subject Area	Project Design Feature																										
Geologic Conditions	<p>Recommendations from the geotechnical report would be adhered to for construction of the project, including the following:</p> <ul style="list-style-type: none"> • All shallow surficial slopewash materials and old fill soils in the development area would be removed and slopes would be recompacted and stabilized prior to construction of residential structures and associated improvements. • Structures on site would be designed in accordance with Section 1613 of the 2010 California Building Code, which incorporates by reference the ASCE 7-05 for seismic design. • Any holes resulting from the removal of root systems or other buried obstructions that extend below the planned grades would be cleared and backfilled with properly compacted fill. • All imported fill soils would be approved by Geotechnical Exploration Inc. prior to use on site. All structural fill would be compacted based on ASTM D1557-09. 																										
Hydrology	<p>Recommendations from the drainage and water quality technical report would be adhered to for construction of the project, including the following:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: center;">Type of BMP</th> <th style="text-align: center;">Design Concept</th> <th style="text-align: center;">Description Applicable to Project</th> <th style="text-align: center;">Caltrans Environmental Handbook Detail</th> </tr> </thead> <tbody> <tr> <td rowspan="6" style="vertical-align: middle; text-align: center;">Construction BMPs</td> <td>Temporary Soil Stabilization</td> <td>Soil stabilizing best management practices (BMPs) designed to mitigate soil erosion during construction activities</td> <td>SS-1 through SS-12</td> </tr> <tr> <td>Temporary Sediment Control</td> <td>Water quality BMPs designed to remove sediment loads from runoff generated within the construction site</td> <td>SC-1 through SC-10</td> </tr> <tr> <td>Wind Erosion Control</td> <td>BMPs designed to minimize soil loss from wind erosion and to reduce air pollution generated from construction activities</td> <td>WE-1</td> </tr> <tr> <td>Tracking Control</td> <td>BMPs for reducing the transport of sediment on tires off, and within, site boundaries.</td> <td>TC-1 through TC-3</td> </tr> <tr> <td>Non-Storm Water Management</td> <td>“Good Housekeeping” BMPs ranging from water conservation to vehicle fueling to concrete curing</td> <td>NS-1 through NS-15</td> </tr> <tr> <td>Waste Management and Materials Pollution Control</td> <td>BMPs designed for storage, use, and disposal of wastes generated on site</td> <td>WM-1 through WM-10</td> </tr> </tbody> </table>				Type of BMP	Design Concept	Description Applicable to Project	Caltrans Environmental Handbook Detail	Construction BMPs	Temporary Soil Stabilization	Soil stabilizing best management practices (BMPs) designed to mitigate soil erosion during construction activities	SS-1 through SS-12	Temporary Sediment Control	Water quality BMPs designed to remove sediment loads from runoff generated within the construction site	SC-1 through SC-10	Wind Erosion Control	BMPs designed to minimize soil loss from wind erosion and to reduce air pollution generated from construction activities	WE-1	Tracking Control	BMPs for reducing the transport of sediment on tires off, and within, site boundaries.	TC-1 through TC-3	Non-Storm Water Management	“Good Housekeeping” BMPs ranging from water conservation to vehicle fueling to concrete curing	NS-1 through NS-15	Waste Management and Materials Pollution Control	BMPs designed for storage, use, and disposal of wastes generated on site	WM-1 through WM-10
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**Table 3-2
Summary of Project Design Features and Construction Measures**

Subject Area	Project Design Feature			
	<u>Type of BMP</u>	<u>Design Concept</u>	<u>Description Applicable to Project</u>	<u>Caltrans Environmental Handbook Detail</u>
Low Impact Development and Site Design BMPs		Optimize Site Layout	Design around/with natural landforms, vegetation and soil	N/A
		Minimize Impervious Footprint	Reduce impermeable surfaces through the use of vegetated roofs and porous pavement	N/A
		Disperse Runoff to Adjacent Landscaping and IMPs	Permeable structures adjacent to impermeable surfaces are recommended to buffer the energy generated by the increased overland flow, reduce peak flow volumes from subject property, and retain water within the soils for landscaping purposes; structures include depressed landscaping areas, vegetated buffers, bioretention areas, and rainwater cisterns	N/A
Source Control BMPs		Steep Hillside Landscaping	Deep-rooted, drought-tolerant, and native plant species are recommended for minimizing erosion on steep hillsides impacted by development	N/A
		Efficient Irrigation System and Landscape Design	Minimize excess watering and reduce pollutant loads from landscape runoff	N/A
		Employ Integrated Pest Management Principles	Employ tactics for reducing the spread of invasive species	N/A
		Storm Water Conveyance System Stamping and Signage	Proposed inlets and catch basins will have stamping/stencil stating that the runoff discharges to the ocean.	N/A
		Fire Sprinkler System Discharges	Operational maintenance and testing of fire sprinklers will be contained and discharged to the sanitary sewer system and/or landscaped areas	N/A
		Air Conditioning Condensate	Air conditioning condensate will be directed to the sanitary sewer system and/or landscaping areas.	N/A
		Non-toxic Roofing Materials	Toxic roofing materials will be avoided.	N/A
Treatment Control BMPs		Flow-Through Planters and Bioretention Facilities	Planters and bioretention facilities can be used as passive methods for treating water flowing from impermeable surfaces	N/A
		Rainwater cisterns	Rainwater harvesting can greatly reduce runoff from the site and is an excellent source for landscape irrigation	N/A

**Table 3-2
Summary of Project Design Features and Construction Measures**

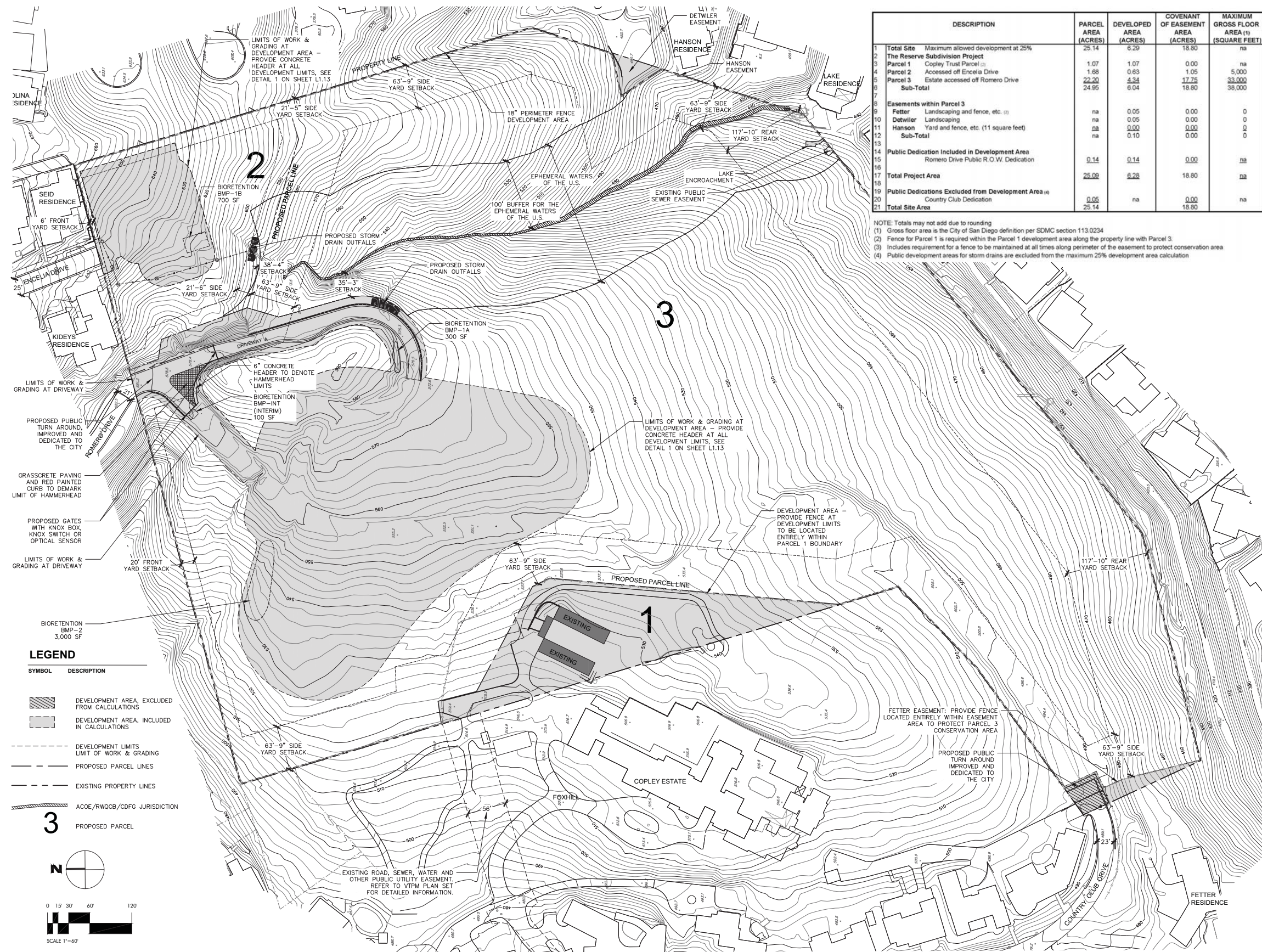
Subject Area	Project Design Feature
Water Quality Protection and Erosion and Sedimentation Control	In compliance with the National Pollution Discharge Elimination System, the applicant would prepare a stormwater pollution prevention plan (SWPPP) that specified BMPs to be implemented during project construction to prevent pollutants from contacting stormwater and to control erosion and sedimentation. The SWPPP would be prepared and submitted to the Regional Water Quality Control Board for review and approval prior to the start of construction.
Water Supply	The project would include the following project design features to reduce water consumption: <ul style="list-style-type: none"> • Stormwater catchment system of cisterns for irrigation reuse • Retaining native non-irrigated vegetation and limiting areas of non-native irrigated landscape areas.
Sustainable Design	The project would comply with the City's General Plan guidelines for sustainable construction, waste management, and conservation of resources and energy. The project would also consider implementing the recommended sustainable, clean, and green building development techniques listed in the Design Guidelines.

N/A = not applicable; BMP = best management practice

3.3 DISCRETIONARY ACTIONS

The required discretionary approvals for the proposed project include a Vested Tentative Parcel Map (VTPM) No. 1050354, Coastal Development Permit (CDP) No. 1050394, Site Development Permit (SDP) No. 1050407, Planned Development Permit (PDP) No. 1050409, and the Lot Consolidation Map of Parcel 1 with the Foxhill estate.

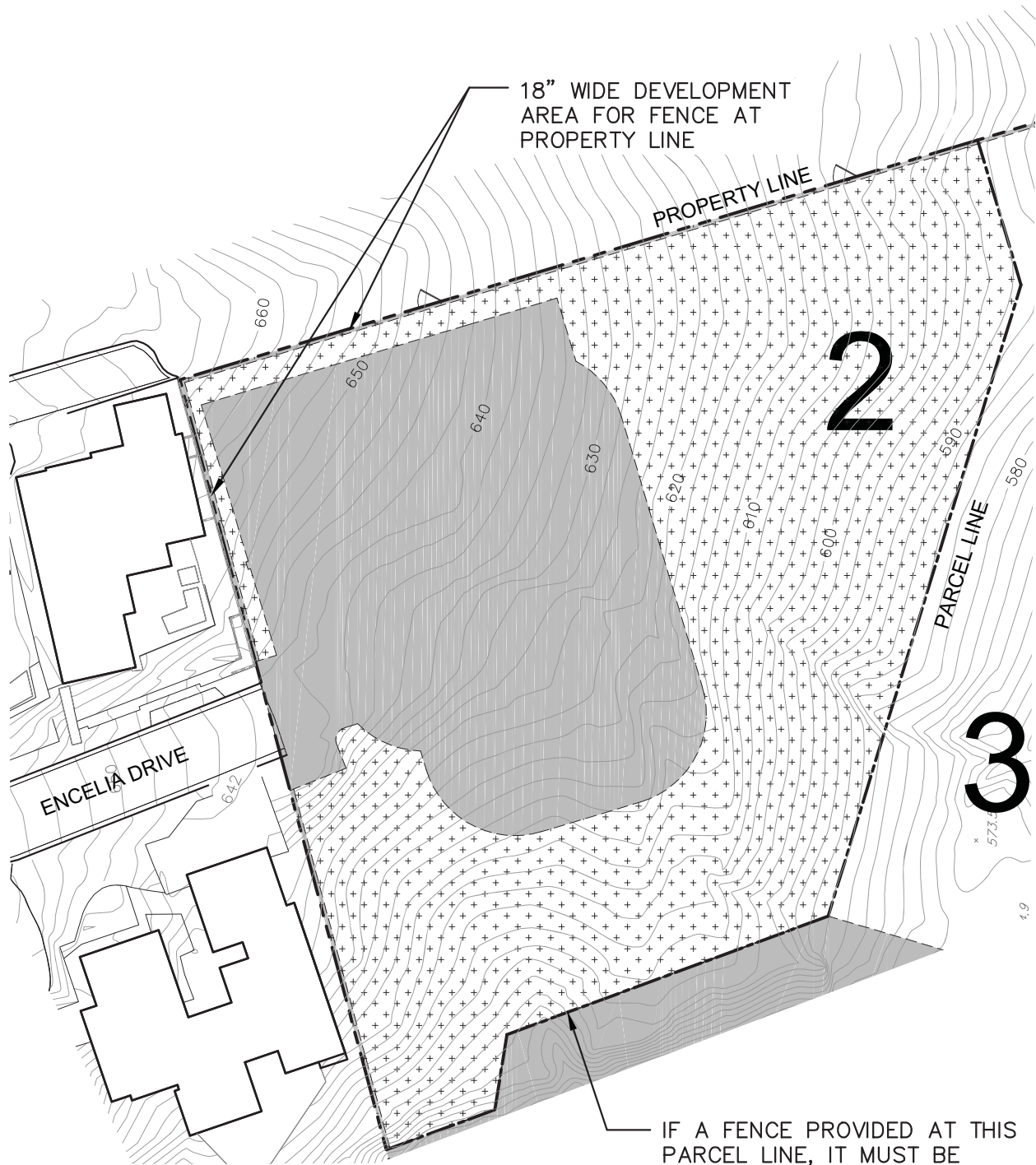
The VTPM is required for subdivision. The CDP is required because the project is located within the Coastal Overlay Zone. The SDP is required due to the location of Environmentally Sensitive Lands on the project site, as well as potential impact to steep hillsides. A PDP is also required to allow for the project's deviation from the City's RS-1-4 zoning requirement of a minimum street frontage of 65 feet per residence; both Parcel 2 and Parcel 3 provide less than 26 feet each. The Lot Consolidation Map is required to consolidate Parcel 1 of the project site with the adjacent Foxhill estate. The City would use the EIR and associated supporting documentation in its decision whether to approve the required discretionary permits. Additional agencies, such as the San Diego Regional Water Quality Control Board, could use this EIR and supporting documentation in their decision-making process to issue additional approvals.



NOTE: Totals may not add due to rounding.
 (1) Gross floor area is the City of San Diego definition per SDMC section 113.0234
 (2) Fence for Parcel 1 is required within the Parcel 1 development area along the property line with Parcel 3.
 (3) Includes requirement for a fence to be maintained at all times along perimeter of the easement to protect conservation area.
 (4) Public development areas for storm drains are excluded from the maximum 25% development area calculation.


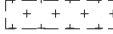




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LEGEND

SYMBOL

SYMBOL	DESCRIPTION
	DEVELOPMENT AREA
	CONSERVATION AREA
	EXISTING PROPERTY LINES
	PROPOSED PARCEL LINES
2	PROPOSED PARCEL

IF A FENCE PROVIDED AT THIS PARCEL LINE, IT MUST BE LOCATED ENTIRELY WITHIN THE PARCEL 3 DEVELOPMENT AREA AND PROVIDED BY THE PARCEL 3 OWNER.



The Reserve

Parcel 2 Development Area

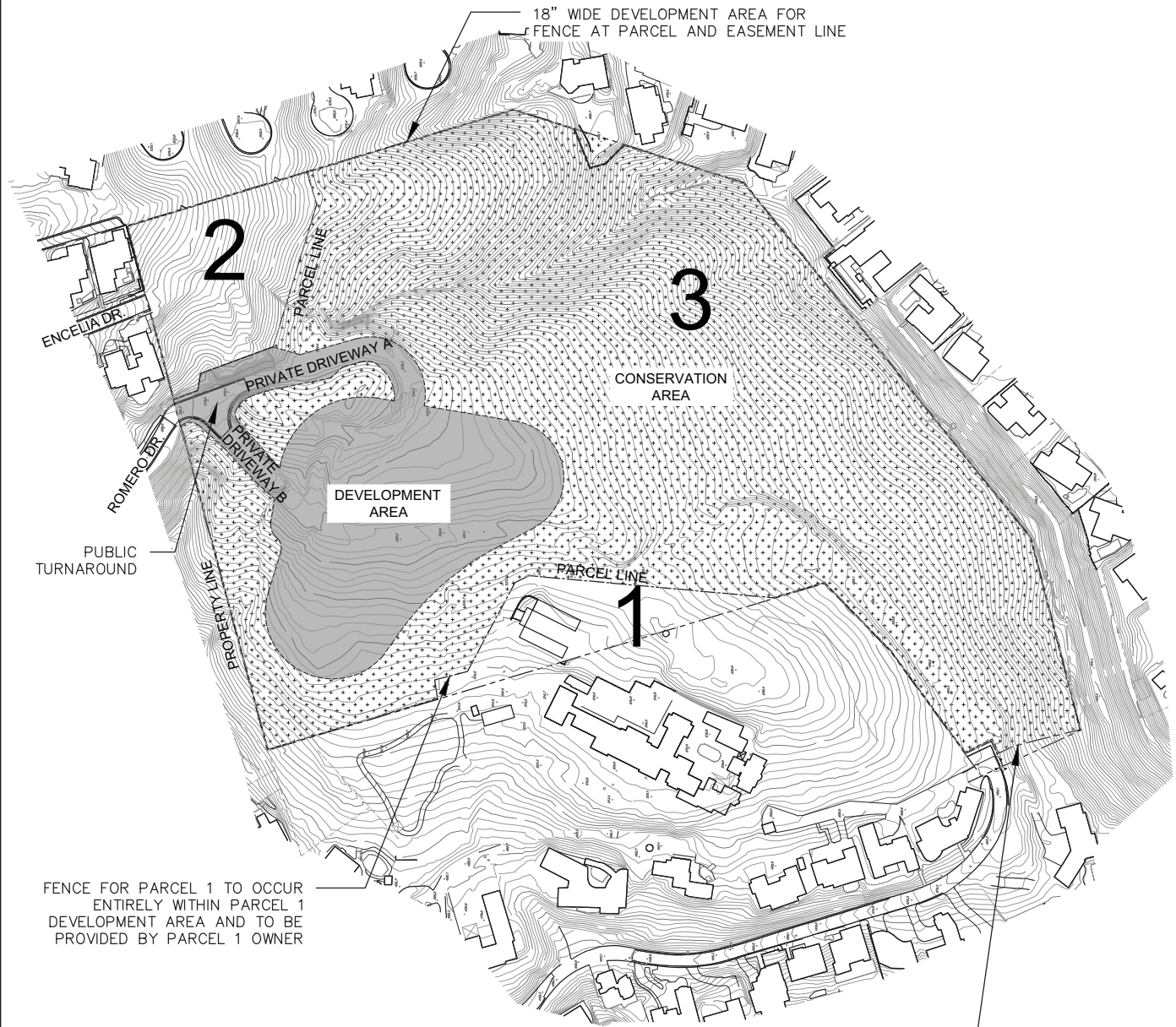
Environmental Analysis Section Project No. 292065

CITY OF SAN DIEGO - DEVELOPMENT SERVICES

FIGURE

3-2

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FENCE FOR PARCEL 1 TO OCCUR ENTIRELY WITHIN PARCEL 1 DEVELOPMENT AREA AND TO BE PROVIDED BY PARCEL 1 OWNER

FENCE FOR NEIGHBOR EASEMENT TO OCCUR ENTIRELY OUTSIDE OF PARCEL 3 AND TO BE PROVIDED BY NEIGHBOR

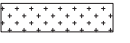
LEGEND

SYMBOL



DESCRIPTION

DEVELOPMENT AREA



CONSERVATION AREA



EXISTING PROPERTY LINES



PROPOSED PARCEL LINES

3

PROPOSED PARCEL



The Reserve

Parcel 3 Development Area

Environmental Analysis Section Project No. 292065

CITY OF SAN DIEGO - DEVELOPMENT SERVICES

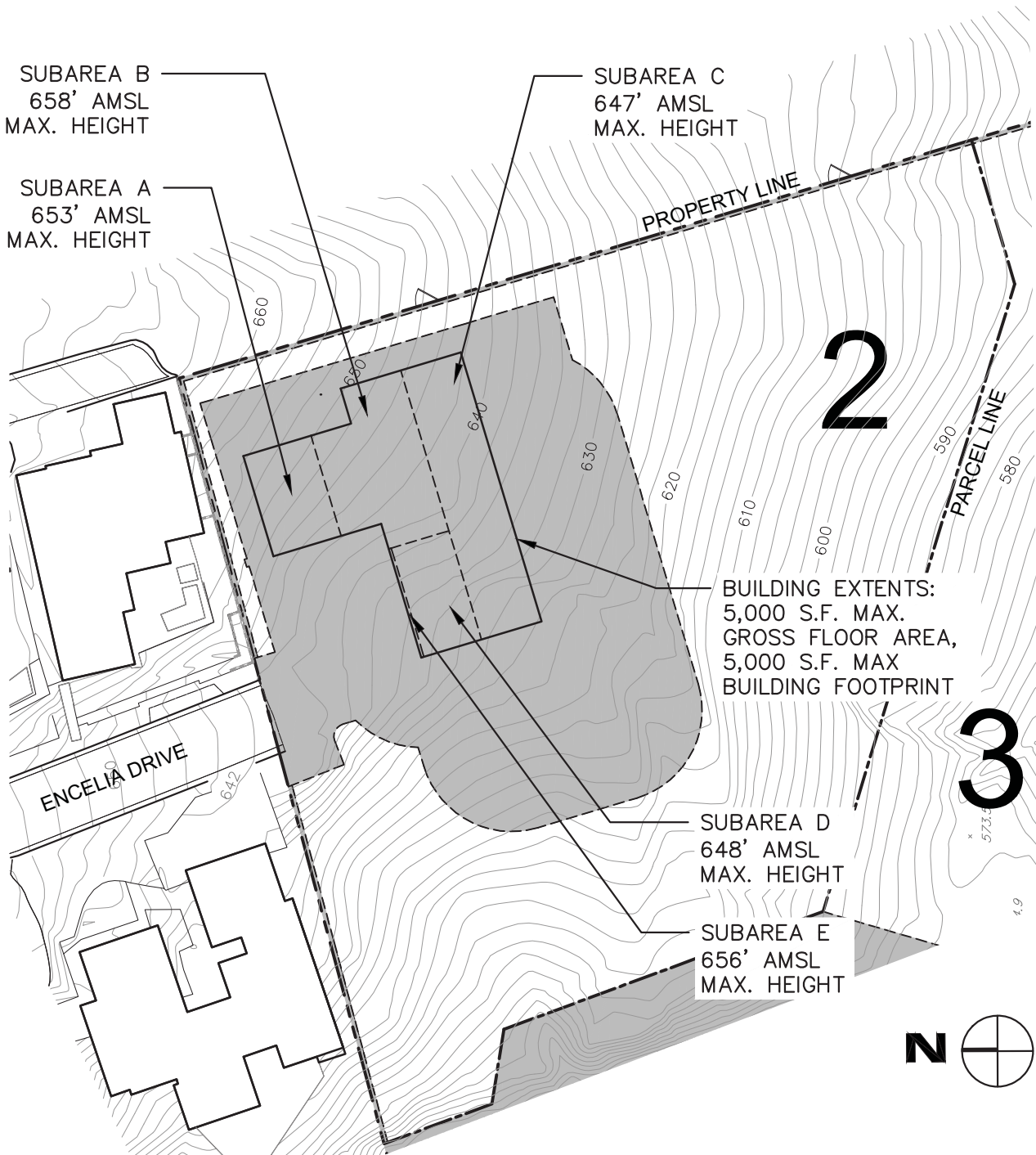
FIGURE
3-3

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SUBAREA B
658' AMSL
MAX. HEIGHT

SUBAREA C
647' AMSL
MAX. HEIGHT

SUBAREA A
653' AMSL
MAX. HEIGHT



BUILDING EXTENTS:
5,000 S.F. MAX.
GROSS FLOOR AREA,
5,000 S.F. MAX
BUILDING FOOTPRINT

SUBAREA D
648' AMSL
MAX. HEIGHT

SUBAREA E
656' AMSL
MAX. HEIGHT

LEGEND

SYMBOL	DESCRIPTION
	DEVELOPMENT AREA
	EXISTING PROPERTY LINES
	PROPOSED PARCEL LINES
	PROPOSED PARCEL

2

NOTES:

1. REFER TO EXHIBIT B FOR LEGAL METES AND BOUNDS DESCRIPTIONS OF BUILDING EXTENTS
2. ALL HEIGHTS SHOWN ARE ABOVE MEAN SEA LEVEL (AMSL)
3. MAXIMUM HEIGHT MAY ONLY BE EXCEEDED PURSUANT TO SECTION 4.2.4



The Reserve

Parcel 2 Building Extents

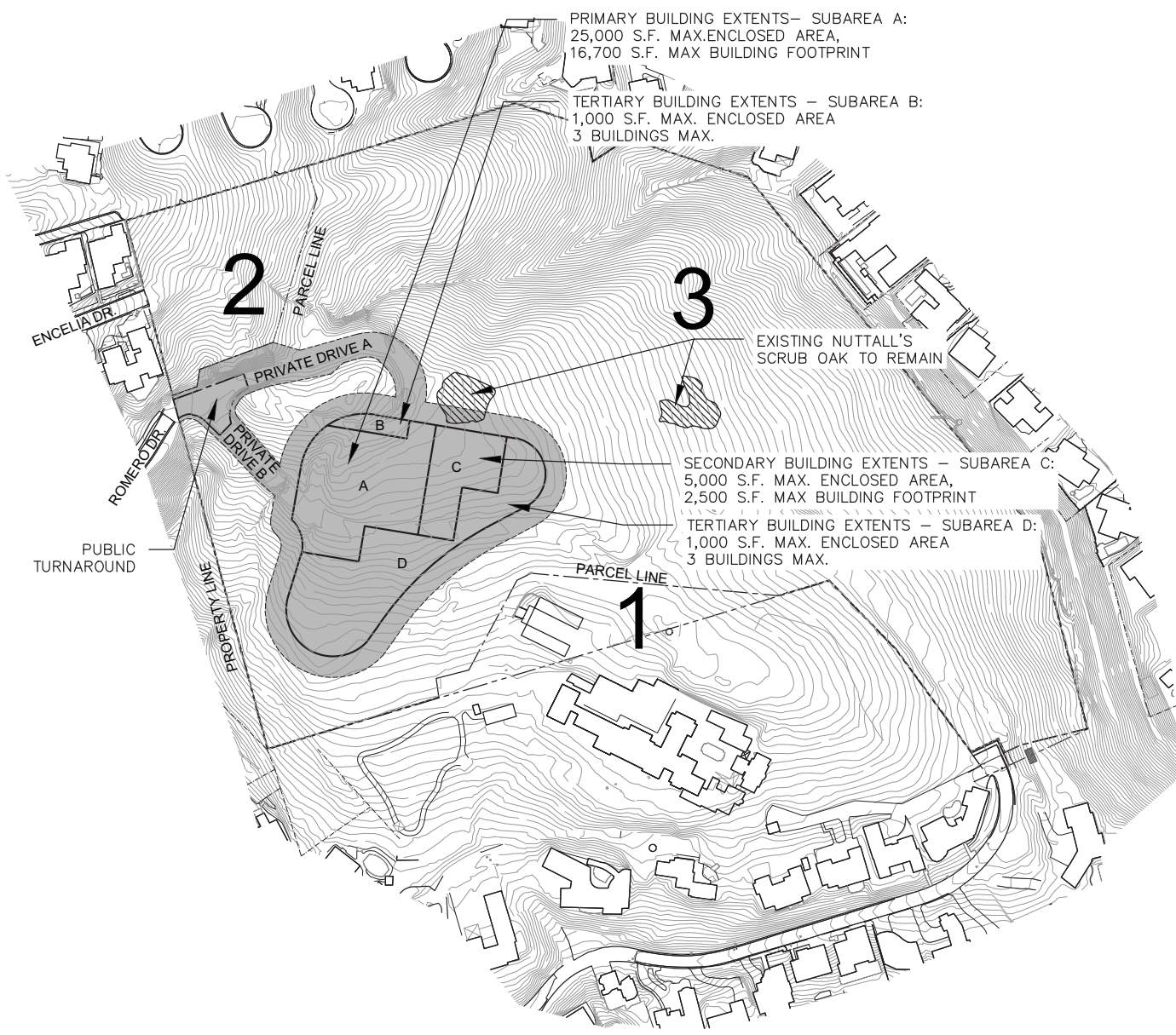
Environmental Analysis Section Project No. 292065

CITY OF SAN DIEGO - DEVELOPMENT SERVICES

FIGURE

3-4

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PRIMARY BUILDING EXTENTS- SUBAREA A:
 25,000 S.F. MAX. ENCLOSED AREA,
 16,700 S.F. MAX BUILDING FOOTPRINT

TERTIARY BUILDING EXTENTS - SUBAREA B:
 1,000 S.F. MAX. ENCLOSED AREA
 3 BUILDINGS MAX.

SECONDARY BUILDING EXTENTS - SUBAREA C:
 5,000 S.F. MAX. ENCLOSED AREA,
 2,500 S.F. MAX BUILDING FOOTPRINT

TERTIARY BUILDING EXTENTS - SUBAREA D:
 1,000 S.F. MAX. ENCLOSED AREA
 3 BUILDINGS MAX.

LEGEND

SYMBOL	DESCRIPTION
	DEVELOPMENT AREA
	EXISTING PROPERTY LINES
	PROPOSED PARCEL LINES
	PROPOSED PARCEL

3



The Reserve

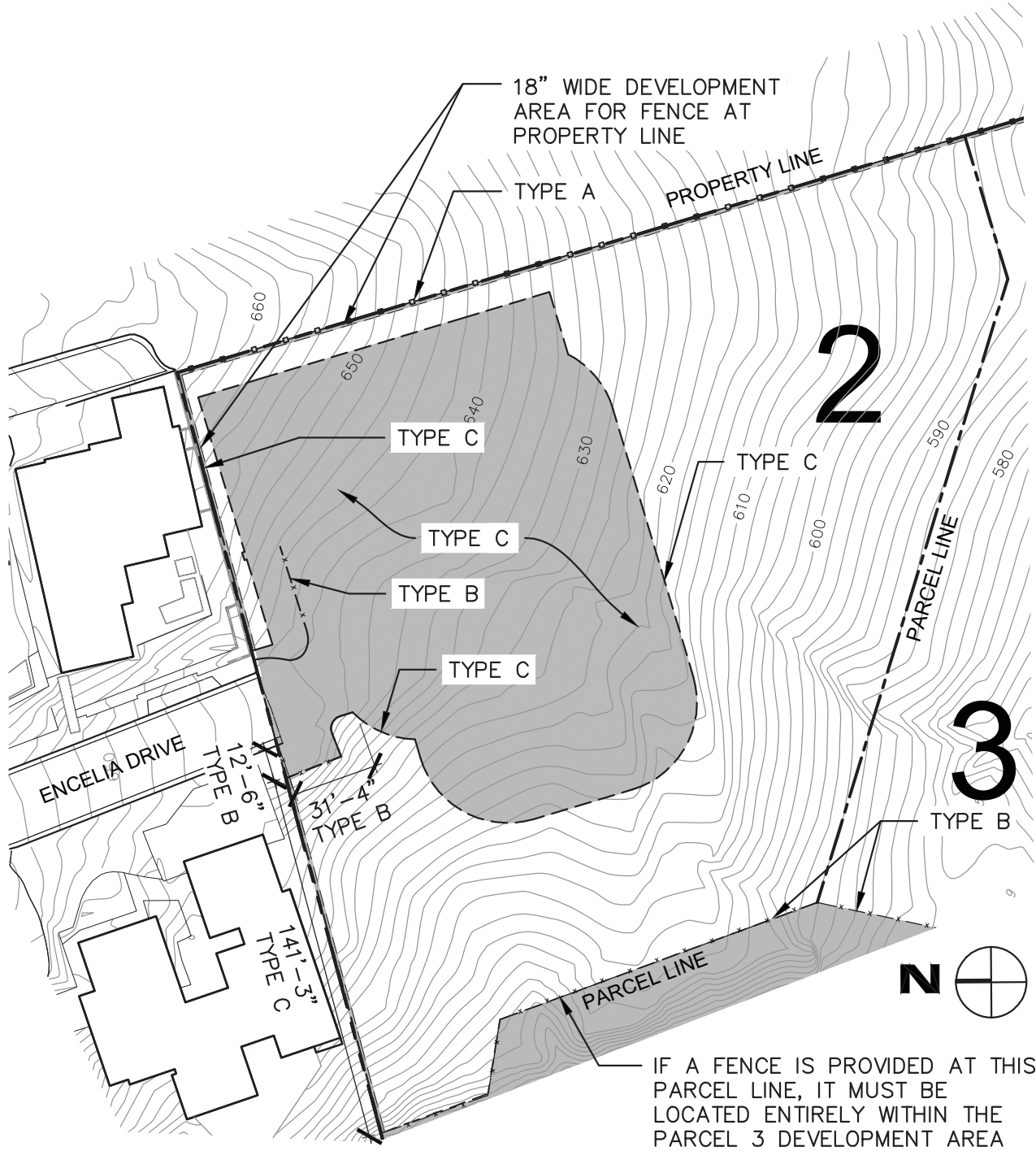
Parcel 3 Building Extents

Environmental Analysis Section Project No. 292065

CITY OF SAN DIEGO - DEVELOPMENT SERVICES

FIGURE
3-5

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LEGEND

SYMBOL	DESCRIPTION
—○—○—○—	TYPE A
—x—x—x—	TYPE B
— — —	TYPE C
■	DEVELOPMENT AREA
2	PROPOSED PARCEL

IF A FENCE IS PROVIDED AT THIS PARCEL LINE, IT MUST BE LOCATED ENTIRELY WITHIN THE PARCEL 3 DEVELOPMENT AREA AND PROVIDED BY THE PARCEL 3 OWNER.

FOOTNOTE: NO FENCES OR WALLS THAT EXCEED THREE FEET IN HEIGHT ABOVE GRADE ARE ALLOWED BETWEEN THE HOUSE AND THE NORTHERN AND EASTERN PROPERTY LINES EXCEPT FOR FENCING AT OR ADJACENT TO THE DRIVEWAY AND FENCING AT THE PROPERTY LINE.



The Reserve

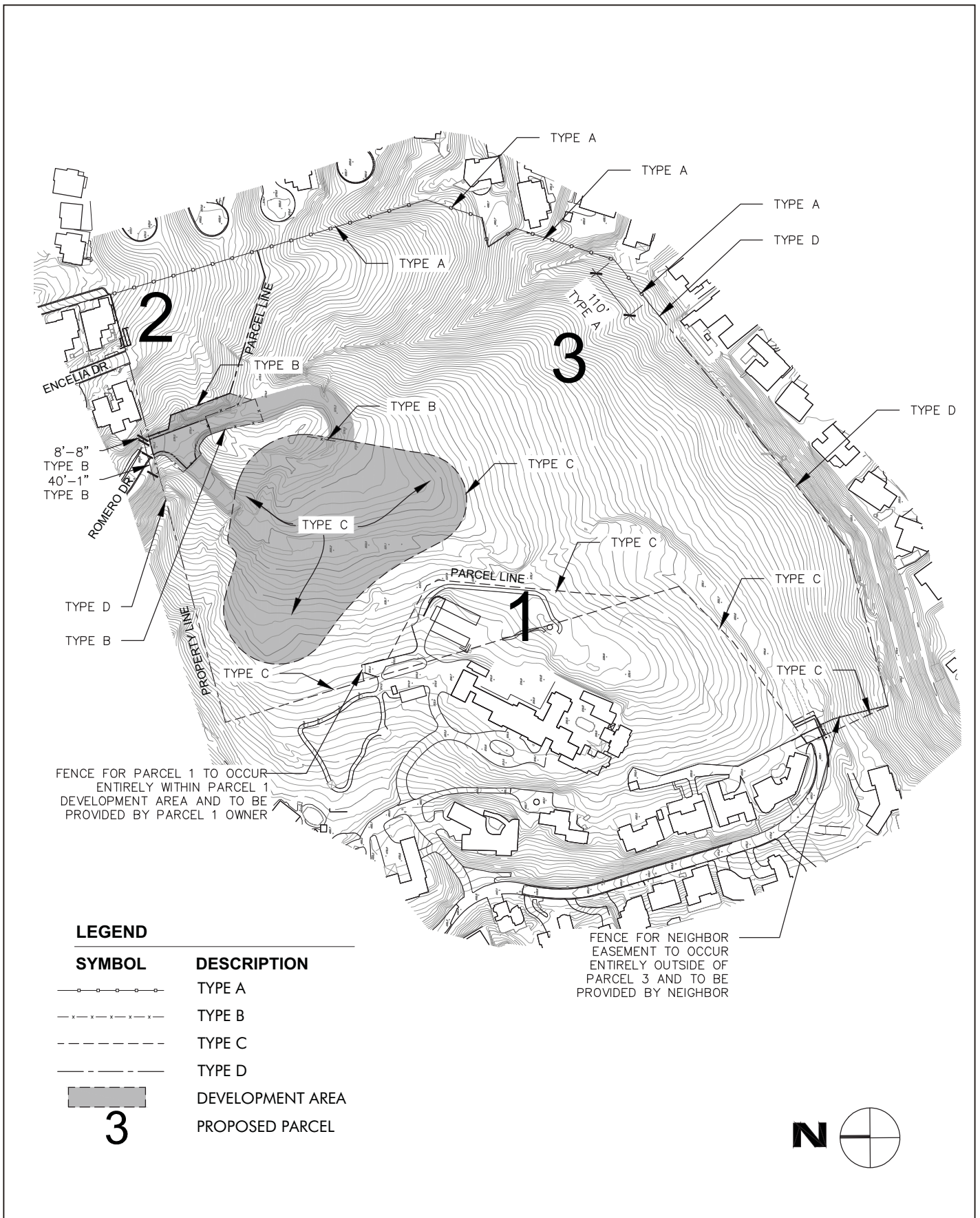
Parcel 2 Walls, Gates and Fences

Environmental Analysis Section Project No. 292065

CITY OF SAN DIEGO - DEVELOPMENT SERVICES

FIGURE
3-6

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LEGEND

SYMBOL	DESCRIPTION
—•—•—•—•—	TYPE A
- - - - -	TYPE B
- · - · - · - · -	TYPE C
—————	TYPE D
3 (shaded area)	DEVELOPMENT AREA
3 (number)	PROPOSED PARCEL

FENCE FOR NEIGHBOR EASEMENT TO OCCUR ENTIRELY OUTSIDE OF PARCEL 3 AND TO BE PROVIDED BY NEIGHBOR

FENCE FOR PARCEL 1 TO OCCUR ENTIRELY WITHIN PARCEL 1 DEVELOPMENT AREA AND TO BE PROVIDED BY PARCEL 1 OWNER



The Reserve

Parcel 3 Walls, Gates and Fences

Environmental Analysis Section Project No. 292065

CITY OF SAN DIEGO - DEVELOPMENT SERVICES

FIGURE
3-7

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CHAPTER 4 HISTORY OF PROJECT CHANGES

The City of San Diego (City) completed a preliminary review of the project on January 17, 2012. The project initially proposed a subdivision of the property into five parcels that would allow for four single-family residences. The following changes were made to the project in accordance with this preliminary review and comments received from neighbors:

- Revised the site plan to subdivide the property into four parcels, with two parcels supporting new single-family home residences, one parcel to remain in the existing condition, and one for open space conservation.
- Ensured that trails and pathways are only located in the maximum 25% allowed development area of each parcel. Removed all existing trails from the open space.
- Designated development area along the property line for a proposed fence. Included this area in the maximum 25% allowed development area of each parcel.
- Included the extension, dedication and construction of the road at the end of Country Club Drive and a turnaround at the end of Romero Drive.
- Located development near the existing roads and perimeter of the site to minimize disturbance to native habitat and Environmentally Sensitive Lands and consolidate open space. Increased the width of contiguous open space.
- Agreed to revegetate existing non-native plant areas not used for development.
- Created Design Guidelines to govern the future development of home sites on two of the parcels. Included a restriction limiting the height of buildings to approximately 22 feet.

The project submitted for the first formal review included the above modifications and four parcels, two with single-family estate residences to be developed pursuant to Design Guidelines, a separate parcel for the existing encroachment by the Copley family, and a fourth parcel that was entirely open space. The City completed the first formal review of the project on November 2012 pursuant to The Reserve Assessment letter, dated November 23, 2012. Based on review comments received from the City, the La Jolla Community Planning Association’s Development Permit Review Committee, and neighbors, the project has been revised in the following manner:

- Deleted the one open space parcel and went to a total of three parcels for the subdivision. All conservation areas (“Conserved Property”) were located within the parcels and proposed to be protected pursuant to a Covenant of Easement (COE).
- Added voluntary revegetation of disturbed Tier IV habitat and non-native vegetation to higher quality Tier I habitat.

- Revised the proposed Conserved Property covered under the COE ~~conservation areas~~ surrounding the two driveways in Parcel 3 and in the northwest corner of Parcel 2 to be more natural, contiguous, and rounded.
- Removed fences that transect the Conserved Property ~~conservation areas~~ and allowed fences only at the edge of development areas or around portions of the perimeter of the project site.
- Removed all the improvements and non-native vegetation within the Kideys' illegal encroachment and constructed new fence on the property line between the Kideys' home and The Reserve property.
- Included a Planned Development Permit request for deviations from the required minimum street frontage for each parcel.
- Included a lot merger request to consolidate Parcel 1, which is composed of the Copley family encroachment, into the Copley family estate, known as the Foxhill estate.
- Included a 2-inch-tall concrete curb aboveground or other similar solid material in the field to serve the purpose of clearly defining the development area and the Conserved Property ~~conservation area~~ in Parcel 2 and Parcel 3.
- Relocated the Parcel 2 development area to the northeastern portion of the site. Lowered the maximum height of the Parcel 2 house by 1.5 feet, depending on location.
- Simplified fencing options and requirements in a comprehensive fencing program contained in the Design Guidelines.
- Reduced the maximum size of the home on Parcel 2 from 7,500 square feet to 5,000 square feet.
- Added restrictions on Parcel 2 vegetation types, height, and placement to the Design Guidelines.
- Added noise reduction requirements for Parcel 2 to the Design Guidelines.
- Added a comprehensive list of acceptable exterior colors and finishes to the Design Guidelines.
- Added a metes and bounds description of the maximum building extents and the Development Area for Parcels 2 and 3 to the Design Guidelines.
- Added two different brush management zones to the Design Guidelines to differentiate between complete vegetation removal adjacent to the development area in the first zone, and a second brush management zone where only selective thinning would occur.

CHAPTER 5 ENVIRONMENTAL ANALYSIS

5.1 LAND USE

5.1.1 INTRODUCTION

The following discussion analyzes the existing conditions associated with land use, planning, and zoning in the vicinity of The Reserve (project). The existing land uses were analyzed based on aerial photography and several site visits. This section also evaluates project-specific impacts resulting from development of the project. In order to analyze consistency with the City of San Diego (City) planning documents and policies, research into each applicable plan and policy was conducted. This research includes a review of all elements in each plan. A consistency analysis was then performed for each relevant policy, and is included in Section 5.1.4 of this Draft Environmental Impact Report (EIR).

In addition to impacts related to the existing and planned land uses analyzed in this section, a number of land-use-related topics are addressed elsewhere in this EIR. Biological resources are discussed in Section 5.2, paleontological resources are discussed in Section 5.3, hydrology and water quality are analyzed in Section 5.4, geologic conditions are discussed in Section 5.5, visual impacts are examined in Section 5.6, historical resources are analyzed in Section 5.7, and public services and facilities are analyzed in Section 5.8.

5.1.2 EXISTING CONDITIONS

On-Site Land Uses

The Copley Press Inc. (applicant) has owned the project site since the late 1950s. The approximately 25.14-acre project site, which includes the existing Foxhill Estate, consists of two irregularly shaped parcels (Assessor's Parcel Number 352-300-08-00 and 352-300-09-00) located at the southern terminus of Romero Drive, Encelia Drive, and Country Club Drive. The only means of vehicular access to the site is through these three streets, as shown on Figure 3-1, Site Development Plan. The project site consists of a steeply to moderately sloping hillside with elevations ranging from approximately 663 feet above mean sea level (amsl) at the northeast corner to approximately 444 feet amsl at the southwest corner. Landscape, grading, access, parking, and building improvements are located on the western edge of the project area, adjacent to the Foxhill estate. These improvements and landscaping currently occupy an approximately 2-acre encroachment along the western edge of the project site.

In addition to the improvements associated with the Foxhill estate located on the proposed project site, there are approximately five other areas where neighbors bordering the property

have encroached onto the site and constructed landscaping and/or structural improvements, as shown in Figure 3-1, Site Development Plan. In order to resolve the encroachment and use issues, the applicant has granted easements within Parcel 3 to three neighbors, Fetter Detwiler, and Hanson, for continued use. These areas have been designated as a part of the Development Area for the project. The applicant has removed the fourth encroachment, the Kideys' encroachment area, along the northwestern perimeter of Parcel 3. As a condition of project approval, these areas would be revegetated with southern maritime chaparral species and become a portion of the area covered under the Covenant of Easement (COE). The applicant has granted an Easement Agreement and Settlement Agreement to the Lake residence for the fifth encroachment. This agreement requires the adjacent neighbor to remove the constructed improvements (except for the retaining wall and erosion controls) and non-native vegetation, and to revegetate the slope in accordance with all applicable City regulations. All encroachments either become permanent easements or will be revegetated, in whole or in part, with the revegetated area covered by the COE.

In addition to these encroachment disturbances, the western and northern portions of the property have previously been disturbed by grading starting before 1927. This grading was used to create a network of dirt roads that connected Country Club Drive to Romero Drive and Encelia Drive. There was also a bridge structure for the Encelia Drive connection that no longer exists on the property. A portion of the original connecting road between Country Club Drive and Romero Drive still exists but is no longer in use. Remaining on-site unpaved access roads have been overgrown with native vegetation. Approximately 75% of the site is fenced around the perimeter, either by the site's owner or by neighbors whose lots are adjacent to the perimeter of the parcel.

Surrounding Land Uses

The project site is located in an urban setting and is completely surrounded on all sides by residential development. Single-family homes dominate the general vicinity, as La Jolla is a predominantly residential community (City of San Diego 2004a). The surrounding residential community is characterized by steep slopes, narrow winding roads without sidewalks, no streetlights, extensive ornamental vegetation, and large, predominantly custom homes with ocean views. Homes adjacent to the site and throughout the Country Club neighborhood frequently exceed 5,000 square feet in size and there is a wide variety of architectural styles, roof types, and exterior materials throughout the neighborhood. The approximately 7-acre Foxhill estate borders the site to the west, with over 25,000 square feet of enclosed space.

The private La Jolla Summit community borders the site to the northeast, with private roads and common areas maintained by the La Jolla Soledad West Homeowner's Association. The private neighborhood has a consistent architectural style and similar exterior materials and roof

treatments throughout the neighborhood (see Figure 1-3, Aerial Map). The neighborhood to the east of the site, which includes portions of both La Jolla Summit and single-family residences on Via Valverde, is accessed off of Nautilus Street. This neighborhood is characterized by extensive mass grading for tract home development under 5,000 square feet. There are steep fingers of ornamental landscaping that separate many of the streets in this neighborhood and areas of native vegetation on the steeper slopes. The La Jolla Country Club is 0.2 mile directly to the west, La Jolla High School is 0.7 mile to the west, and the Mount Soledad Veterans Memorial / Mount Soledad Natural Park is 0.7 mile east of the project site.

Regulatory Framework

City of San Diego General Plan

The State of California requires each city to have a general plan to guide the city's future, and mandates that the plan be updated periodically to ensure relevance and utility. The City's General Plan was adopted by the City Council on March 10, 2008. The City's General Plan is a comprehensive, long-term planning document that prescribes overall goals and policies for development within the City. It acknowledges and outlines the critical role of the community planning program as the vehicle to tailor the "City of Villages" strategy for each neighborhood. The General Plan identifies the proposed project site within Planning Area 19, the La Jolla Community Planning Area. It also outlines the plan amendment process as well as other implantation strategies, and considers the continued growth of the City. The General Plan designates the project site for Park, Open Space, and Recreation land use, as shown in Figure 5.1-1 (City of San Diego 2008). Most of the environmental goals relevant to the project are contained within the General Plan's Land Use and Community Planning, Urban Design, Conservation, and Noise Elements, as presented below.

Land Use and Community Planning Element: The purpose of this element is to guide future growth and development into a sustainable citywide development pattern, while maintaining or enhancing quality of life in our communities. The Land Use and Community Planning Element addresses land use issues that apply to the City as a whole. The community planning program is the mechanism to refine citywide policies, designate land uses, and make additional site-specific recommendations as needed. The Land Use and Community Planning Element establishes the structure to respect the diversity of each community and includes policy direction to govern the preparation of community plans. The element also provides policy direction in areas including zoning and policy consistency, the plan amendment process, coastal planning, airport land use compatibility planning, annexation policies, balanced communities, equitable development, and environmental justice. The ~~La Jolla~~ Community Plan designates the site as Parks, Open Space.

Urban Design Element: “Urban design” describes the physical features that define the character or image of a street, neighborhood, community, or the City as a whole. Urban design provides the visual and sensory relationship between people and the built and natural environment. The built environment includes buildings and streets, while the natural environment includes features such as shorelines, canyons, mesas, and parks as they shape and are incorporated into the urban framework. Citywide urban design recommendations are necessary to ensure that the built environment continues to contribute to the qualities that distinguish the City as a unique living environment.

Conservation Element: The Conservation Element contains policies to guide the conservation of resources that are fundamental components of San Diego’s environment, that help define the City’s identity, and that are relied upon for continued economic prosperity. The purpose of this element is to help the City become an international model of sustainable development and conservation and to provide for the long-term conservation and sustainable management of the rich natural resources that help define the City’s identity, contribute to its economy, and improve its quality of life.

In addition, the Conservation Element highlights the coastal zone boundary within the City of San Diego. The proposed project site falls within the coastal zone, and is therefore governed by the California Coastal Commission through the California Coastal Act of 1976.

Noise Element: The purpose of the noise element is to protect people living and working in the City from excessive noise. The Noise Element provides goals and policies to guide compatible land uses and incorporates noise attenuation measures for new uses to protect people living and working in the City from an excessive noise environment. This purpose becomes more relevant as the City continues to grow with infill and mixed-use development consistent with the Land Use and Community Planning Element.

Relevant goals and policies include the following: protecting and conserving natural landforms, features, and open space; limiting grading and alteration of steep hillsides; contouring landform alterations to blend with natural terrain; providing appropriate defensible space between open space and urban areas through brush management and transitional landscaping; implementing sustainable design and landscaping; maintaining community character; screening development adjacent to natural features; and designing subdivisions to respect existing lot patterns established within neighborhoods.

La Jolla Community Plan and Local Coastal Land Use Plan

The La Jolla Community Planning Area consists of approximately 5,718 acres and is located along the western edge of the north coastal region of the City of San Diego, as shown in Figure

5.1-2. La Jolla is a primarily residential community, defined by its jagged coastline of bluffs and beaches. Adopted in 2002 by the City Council (Resolution R-298578) and subsequently certified by the California Coastal Commission in 2004, the La Jolla Community Plan and Local Coastal Land Use Plan (Community Plan) reflects this unique character and provides policy direction for natural resources and open space, transportation, residential, commercial, community facilities, parks and services, and heritage resources (City of San Diego 2004). The entire project site is designated as Parks, Open Space by the La Jolla Community Plan. The environmental goals relevant to the project are contained within the Community Plan's Natural Resources and Open Space System Element and Residential Land Use Element, as outlined below. Due to the project site's designation for Parks, Open Space land use, the project is subject to restrictions to ensure open space conservation. On a site containing area designated as open space, up to 25% of the premises may be developed subject to specified criteria. For properties like the project site also located in the Coastal Overlay Zone on Environmentally Sensitive Lands (ESL), development is subject to additional encroachment limitations of these applicable regulations. Appendix A contains guidelines to evaluate new development on properties specifically containing steep hillsides, with a number of hillside development guidelines.

In addition, the Community Plan includes a Local Coastal Program Land Use Plan due to La Jolla's location within the coastal zone, as defined by the California Coastal Act of 1976. The Local Coastal Program was incorporated within the Community Plan on February 19, 2004, following approval by the City of San Diego City Council~~Planning Commission~~ through Amendment No. 1-02A.

Natural Resources and Open Space System Element: This element focuses on conservation and protection of the natural amenities of La Jolla, including designated open space, environmentally sensitive resources, and the City's Multi-Habitat Planning Area (MHPA). In addition, this element identifies the importance of maintaining designated public view corridors of these areas as well as enhancing public access to the beach and coastline areas. The majority of the project site is designated for Parks, Open Space land use, while a portion of the site is designated for Very Low Density Residential, with zero to five dwelling units per acre, as shown in Figure 5.1-3. When any portion of a site is designated as open space, it must adhere to the required policies and recommendations related to open space for the property in its entirety. Privately owned open space areas within the La Jolla community are protected with easements to restrict development, and are zoned for very low-intensity residential development (zero to five dwelling units per acre) to provide for reasonable use while conserving portions of the site in open space. The plan promotes residential development that provides open space as a natural setting.

The recommendations within this element call for limiting encroachment of new development in sensitive resource areas by implementing the ESL regulations. The regulations allow for limited development on private properties and require the conservation of sensitive areas, such as steep hillsides and biological resources, which are not approved for development. Properties containing less than 91% steep slopes (slopes greater than or equal to 25%) are allowed to develop a maximum of 25% of the project site. Steep hillsides within the La Jolla Community as outlined within the La Jolla Community Plan are shown in Figure 5.1-4. Steep slopes cover less than 91% of the project site; therefore, 25% of the site can be developed, with 75% required to be conserved in perpetuity as open space. The approximately 6.28-acre development area on site is approximately 25% of the project site, and includes all roads, landscaped areas, buildings, and brush management buffers except for the approximately 0.05-acre extension of Country Club Drive. This 0.05-acre County Club Drive extension is not included within the project's development area because it is solely an accommodation to improve the City's circulation network. The La Jolla Community Plan Open Space System is shown in detail on Figure 5.1-5.

Residential Land Use Element: This element includes policies to promote affordable development, maintain the character of existing residential areas, and promote development of a variety of housing types and styles. This element also recognizes the importance of creating residential development that is compatible with the hillsides, sea, and open space areas that are unique to the La Jolla area. In order to maintain and enhance existing neighborhood character and ambience and provide a harmonious transition between new and existing structures, this element recommends conservation of the following elements: bulk and scale; street landscape; hardscapes; street fixtures; site fixtures; curbs, gutters, and street pavements; and public physical and visual access.

City of San Diego Zoning

Pursuant to the City's Official Zoning Map, the proposed project is currently designated as RS-1-4 (Residential—Single Unit), with a 10,000-square-foot minimum lot size requirement (see Figure 5.1-6). The purpose of the RS zone is to provide flexible development regulations that allow reasonable use of properties while minimizing any adverse impacts to adjacent properties. In addition to the residential base zone RS-1-4, the proposed project site is located within several overlay zones. These overlay zones are applied in conjunction with base zones in order to add regulations that address issues based on the specific project location. The proposed project is located within the Coastal Overlay Zone, Coastal Height Limit Overlay Zone, ~~Sensitive Coastal Overlay Zone~~, and Parking Impact Overlay Zone. The proposed project is also located within a Very High Fire Hazard Severity Zone (VHFHSZ), ~~Outdoor Lighting Zones~~, and Brush Management Zones. According to the City's official VHFHSZ map, very small portions of the project site are within the designated fire zone. If any portion of a lot falls within the VHFHSZ, the

entire lot is subject to additional requirements. In addition, the project site is located in Geologic Hazard Categories (GHCs) 12, 22, 26, 27, and 53 as indicated on the San Diego Seismic Safety Study maps. Specific details and requirements associated with each of these zoning designations and GHCs are outlined further below.

Coastal Overlay Zone

~~Areas within the Coastal Overlay Zone are subject to the ESL regulations, as well as supplemental regulations related to public viewshed and public access corridors. The site is not within the appealable jurisdiction of the Coastal Overlay Zone. City-issued Coastal Development Permits (CDPs) in the non-appealable area of the Coastal Overlay Zone are processed through the City. Once the CDP has been approved by the City, the project may not be appealed to the California Coastal Commission (City of San Diego 2013).~~

The project site is situated within ~~the~~ Coastal Overlay Zone, which is designed to protect and enhance the quality of public access and coastal resources. The zone applies to areas designated on Map No. C-908, filed in the City Clerk's office as Document No. OO-18872. A CDP is required in this area based on regulations within Section 132.0402 of the Municipal Code (City of San Diego 2014a). Within this overlay zone, all brush management within 30 feet of a primary structure shall be subject to the steep hillside regulations for development pursuant to Section 143.0142(a)(4).

All development occurring on steep hillsides within the Coastal Overlay Zone shall comply with the design standards identified in the Steep Hillside Guidelines in the Land Development Code (City of San Diego 2004b) for the type of development proposed, and shall be consistent with all requirements within the hillside development guidelines within the La Jolla Local Coastal Program (City of San Diego 2004a).

The site is not within the appealable jurisdiction of the Coastal Overlay Zone. City-issued Coastal Development Permits (CDPs) in the non-appealable area of the Coastal Overlay Zone are processed through the City. Once the CDP has been approved by the City, the project may not be appealed to the California Coastal Commission (City of San Diego 2013).

Coastal Height Limit Overlay Zone

The project site is located within the Coastal Height Limit Overlay Zone, which provides a supplemental height limit for coastal areas specifically described in Section 132.0505(b) of the City's Municipal Code and shown on Map No. C-380, filed in the office of the City Clerk as Document No. 743737. Restrictions require that no building shall be constructed in excess of 30 feet in height. ~~No additional permit is required due to this designation.~~

Sensitive Coastal Overlay Zone

~~The project site is located within a Sensitive Coastal Overlay Zone. As defined in Sections 132.0601 and 132.0602 of the City's Municipal Code, the purpose of this overlay is to help protect and enhance the quality of sensitive coastal bluffs, coastal beaches, and wetlands. Any development on property wholly or partially within this overlay zone is subject to supplemental development regulations for ESL. As outlined in Section 143.0110 of the Municipal Code, a Site Development Permit and CDP would be required through Process Four (City of San Diego 2014a).~~

Parking Impact Overlay Zone

The project site is located within the Parking Impact Overlay Zone, which identifies areas of high parking demand and requires an increase in off-street parking requirements. The project is not located within a designated campus impact area and does not propose any eating or drinking establishments in a designated beach impact area. No additional permits are required due to this designation; however, two off-street parking spaces are required per dwelling unit, a maximum of 60% of the front yard area shall be paving and hardscape, and the driveway shall be between 12 and 25 feet in width.

Outdoor Lighting Zone

~~On properties which are adjacent to, or contain sensitive biological resources, any exterior lighting should be limited to low-level lights and shielding to minimize the amount of light entering any identified sensitive biological resource area. Outdoor lighting fixtures should be installed in a manner that minimizes negative impacts from light pollution including light trespass, glare, and urban sky glow in order to preserve enjoyment of the night sky and minimize conflict caused by unnecessary illumination.~~

Geologic Hazard Categories and Earthquake Fault Buffer

The project site is located in geologic hazard categories (GHC) 12, 22, 26, 27, and 53 as indicated on the San Diego Seismic Safety Study and Figure 5.5-1. GHC 12 is a fault buffer that encompasses faults that are potentially active, inactive, presumed inactive, or activity unknown. GHC 22 represents a possible or conjectured landslide. GHC 26 and 27 are characterized by slide prone formations. GHC 53 is characterized as “level to sloping terrain, unfavorable geologic structure, and low to moderate risk of geologic hazards.”

The presence of an earthquake fault, landslide area, or the required buffer distance from a fault and any other constraints are determined by the preparation of a geotechnical report. Refer to

Section 5.5 of this EIR for further details regarding the geologic conditions on and surrounding the project site.

Very High Fire Hazard Severity Zone

The project site is located within the Very High Fire Hazard Severity Zone (VHFHSZ). The VHFHSZ evaluates fire hazard, as opposed to fire risk. Fire hazard is based on factors such as fuel (material that can burn), slope, and fire weather. It is also based on the physical conditions that create a likelihood that an area will burn over a period of 30 to 50 years without considering modification such as fuel reduction efforts. Fire risk, on the other hand, considers the potential for damage based on factors such as the ability of a fire to ignite structures, the flammability of construction material, fire department access, and response and site design measures that reduce the risk. Site design measures can be utilized to reduce risk, but they do not significantly change the fire hazard. Measures for reducing risk may include strategically designed defensible space, building design, ignition-resistant building materials, and ignition-resistant construction techniques beyond those typically required by the fire and building codes.

According to the City’s official VHFHSZ map, dated February 24, 2009, very small portions of the site are within the designated fire hazard zone. If any portion of a lot falls within the VHFHSZ, the entire lot is subject to additional requirements. These additional requirements include additional building standards within Chapter 7A of the California Building Code, as adopted and amended by the City. Chapter 14, Article 5, Division 7 of the Municipal Code outlines building standards titled “Additions and Modifications to Chapter 7 of the 2010 California Building Code,” which regulate new construction within the VHFHSZ. These regulations include building envelope safeguards to prevent the intrusion of burning brands and embers into concealed underfloor and attic areas as well as through glazed roof and wall openings for structures located in areas adjacent to flammable vegetation.

California Coastal Act

Sections 30250–30255 of the California Public Resources Code, Division 20 (California Coastal Act), regulate development within the coastal zone boundary. The proposed project would be consistent with these restrictions, due to the project’s proximity to existing developed areas and its consistency with the aesthetic quality of the community character.

Multiple Species Conservation Program

The San Diego Multiple Species Conservation Program (MSCP) is a long-term regional conservation plan established to protect sensitive species and habitats in San Diego County (County). Adopted by the City Council in 1997, this plan addresses multiple species habitat

needs and the conservation of native vegetation communities for the City. The MSCP is divided into subarea plans that are implemented separately from one another. The entire project site is within the City of San Diego MSCP Subarea Plan, which encompasses 206,124 acres characterized by urban land use.

The program is implemented through the MSCP Map, referred to as the MHPA. The City MHPA is a preserve developed by the City that identifies biological core resource areas and corridors targeted for conservation, in which only limited development may occur. The original MHPA was mapped on a regional scale in 1997, and the more refined La Jolla MHPA is included within the La Jolla Community Plan. The project site is not included within or adjacent to the refined La Jolla MHPA (see City of San Diego 2004). Therefore, there are no specific MHPA guidelines for the project area. Further details regarding the biological impacts associated with the City Subarea Plan are outlined in detail within Section 5.2 of this EIR.

Environmentally Sensitive Lands Regulations

The ESL regulations included in Chapter 14, Article 3, Division 1 (Section 143.0100) of the City's Land Development Code (City of San Diego 2014b) are intended to assure that development occurs in a manner that protects the overall quality of natural resources and is consistent with sound resource conservation principles, as well as the rights of private property owners. These regulations and accompanying guidelines for biological resources, steep hillsides, and coastal bluffs and beaches are intended to serve as standards for the determination of impacts and mitigation under the California Environmental Quality Act (CEQA) and California Coastal Act. The project site is subject to ESL regulations due to the presence of sensitive biological resources and steep hillsides. Pursuant to Table 143-01A of the ESL regulations, proposed subdivisions that contain sensitive biological resources and steep hillsides are required to obtain a Site Development Permit and are subject to the following regulations.

General Development Regulations for All Environmentally Sensitive Lands

Development that proposes encroachment into ESL or that does not qualify for an exemption pursuant to Section 143.0110(c) is subject to the following regulations:

- The allowable development area for all proposed subdivisions is based on the existing lot or premises to be subdivided. If no development is proposed on any newly created lot, the future development area of the lot shall be indicated on the required grading plan and included in the maximum allowable development area calculation for the subdivision.
- No building lot shall be created that provides such a small development area that future reasonable development of the lot will require additional encroachment into ESL beyond the maximum allowable development area of the original, unsubdivided premises.

- No temporary disturbance or storage of material or equipment is permitted in ESL, unless the disturbance or storage occurs within an area approved for development by a Site Development Permit or unless it can be demonstrated that the disturbance or storage will not alter the landform or cause permanent habitat loss and the land will be revegetated and restored in accordance with the Biology Guidelines in the Land Development Code (City of San Diego 2014b, Section 143.0140(d)).

Development Regulations for Sensitive Biological Resources

Pursuant to Section 143.0141 of the City of San Diego Municipal Code, development that proposes any encroachment into sensitive biological resources is subject to the following regulations, as well as the Biology Guidelines in the Land Development Code:

- State and federal law precludes adverse impacts to wetlands or listed non-covered species habitat. The applicant shall confer with the U.S. Army Corps of Engineers, U.S. Fish & Wildlife Service and/or California Department of Fish and Game before any public hearing for the development proposal. The applicant shall solicit input from the Resource Agencies on impact avoidance, minimization, mitigation and buffer requirements, including the need for upland transitional habitat. The applicant shall, to the maximum extent feasible, incorporate the Resource Agencies' recommendations prior to the first public hearing. Grading or construction permits shall not be issued for any project that impacts wetlands or listed non-covered species habitat until all necessary federal and state permits have been obtained.
- Outside and inside the MHPA, impacts to wetlands, including vernal pools in naturally occurring complexes, shall be avoided. A wetland buffer shall be maintained around all wetlands as appropriate to protect the functions and values of the wetland. In the Coastal Overlay Zone the applicant shall provide a minimum 100-foot buffer, unless a lesser or greater buffer is warranted as determined through the process described in the City's Municipal Code Section 143.0141(a). Mitigation for impacts associated with a deviation shall achieve the goal of no-net-loss and retain in-kind functions and values.
- All development occurring in sensitive biological resources is subject to a site-specific impact analysis conducted by the City Manager, in accordance with the Biology Guidelines in the Land Development Manual.
- Grading during wildlife breeding seasons shall be consistent with the requirements of the City of San Diego MSCP Subarea Plan.
- Sensitive biological resources that are outside of the allowable development area on a premises, or are acquired as off-site mitigation as a condition of permit issuance, are to be left in a natural state and used only for those passive activities allowed as a condition of permit approval. If the land is not dedicated in fee to the City, identification of

permissible passive activities and any other conditions of the permit shall be incorporated into a Covenant of Easement that shall be recorded against title to the property, in accordance with procedures set forth in Section 143.0152. The U.S. Fish and Wildlife Service and the California Department of Fish and Game are to be named as third party beneficiaries to any Covenant of Easement recorded pursuant to this section (City of San Diego 2014b, Section 143.0141).

Development Regulations for Steep Hillides

- Outside of the MHPA, the allowable development area includes all portions of the premises without steep hillides. Steep hillides shall be maintained in their natural state, except that development is permitted in steep hillides if necessary to achieve a maximum development area of 25% of the premises. However, within the Coastal Overlay Zone, coastal development on steep hillides shall be minimized to the maximum extent possible and permitted only when in conformance with Section 143.0142(a)(4).
- Within the Coastal Overlay Zone, steep hillides shall be maintained in their natural state and coastal development on steep hillides containing sensitive biological resources or mapped as Viewshed or Geologic Hazard on Map C-720 shall avoid encroachment into such steep hillides to the maximum extent possible.
 - When encroachment onto such steep hillides is unavoidable, encroachment shall be minimized; except that encroachment is permitted in such steep hillides to provide for a development area of up to a maximum of 25% of the premises on premises containing less than 91% of such steep hillides. For the purposes of Section 143.0142(a)(4), the development area shall include Zone One brush management pursuant to the Landscape Regulations in Chapter 14, Article 2, Division 4.
 - For the purposes of Section 143.0142, encroachment shall be defined as any area of 25% or greater slope in which the natural landform is altered by grading, is rendered incapable of supporting vegetation due to the displacement required for the building, accessory structures, or paving, or is cleared of vegetation (including Zone One brush management).
 - In the approval of any Coastal Development Permit for a subdivision, and any other division of land, including lot splits, no encroachment into steep hillides containing sensitive biological resources, or mapped as Viewshed or Geologic Hazard on Map C-720 shall be permitted. The decision maker shall require a minimum 30 foot setback for Zone One brush management for coastal development from such steep hillides.
- All development occurring in steep hillides shall comply with the design standards identified in the Steep Hillside Guidelines in the Land Development Manual for the type of development proposed.

- Disturbed portions of the site in 25% (4 horizontal feet to 1 vertical foot) or greater slopes shall be revegetated or restored in accordance with Chapter 14, Article 2, Division 4 (Landscape Regulations).
- Any increase in runoff resulting from the development of the site shall be directed away from any steep hillside areas and either into an existing or newly improved public storm drain system or onto a street developed with a gutter system or public right-of-way designated to carry surface drainage run-off.
- All development on steep hillsides located in La Jolla or La Jolla Shores Community Plan areas, shall, in addition to meeting all other requirements of this section, be found consistent with the Hillside Development Guidelines set forth in the La Jolla – La Jolla Shores Local Coastal Program land use plan (City of San Diego 2014a, Section 143.0142 (h)).

Steep Hillside Guidelines

The steep hillside guidelines are applicable to development proposed on properties containing any portion with a natural gradient of at least 15% and vertical elevation of at least 50 feet. The following highlights the most noteworthy regulations applicable to the project site.

General Regulations for Subdivisions

- When a subdivision is proposed, the allowable development area shall be based on the area of the original unsubdivided premises. All development, including pads, graded areas, streets and driveways shall be located within the allowable development area. The proposed project includes a 6.28-acre development area, and an additional 0.05-acre area outside the designated development area. The Country Club extension is not counted as development area for the project because the extension is not part of the private development proposal and is not needed to develop the property. Any encroachment into steep hillsides that is permitted will be based on the entire premises and not calculated separately for each newly created lot. For lots where development is not proposed at the time of subdivision, the grading plan must indicate the limits of future development of such lots and this future potential development area will be included in the development area calculation for the subdivision.
- Each newly created lot within a subdivision shall include some portion that does not contain steep hillsides that will serve as the location (or future location) of development of the lot. If additional encroachment is desired for development area on an individual lot, development area calculation will be based on the original subdivision and not the individual lot. That is, even if the individual lot has a development area that is less than 25% of the lot area, additional encroachment into steep hillsides on the lot will only be

permitted if the development area of the original subdivision was less than 25% of the area of the original unsubdivided premises.

- Within the Coastal Overlay Zone, no Coastal Development Permit shall be issued for a subdivision that results in a newly created lot that does not contain adequate development area such that no encroachment into steep hillsides is required to accommodate future development (City of San Diego 2004b, Section I(D)(c)).

5.1.3 IMPACTS

Issue 1: Would the proposal require a deviation or variance, and would the deviation or variance in turn result in a physical impact on the environment?

According to the City's CEQA Significance Determination Thresholds (City of San Diego 2011), land use compatibility impacts may be significant if a proposed project would:

- Conflict with an adopted land use designation or intensity and indirect or secondary environmental impacts could occur.

The project is currently zoned Residential Single Unit (RS-1-4) within the City's Municipal Code, requiring a minimum of 10,000-square-foot lots (City of San Diego 2009). The proposed project is consistent with the RS-1-4 zoning and meets the minimum lot size requirement. Parcel 1 (1.07 acres) and would be conveyed and merged into the adjacent Foxhill estate property; Parcel 2 would be 1.68 acres and Parcel 3 would be 22.2 acres. As described in Section 3.3 of the EIR, a Planned Development Permit (PDP) is required to allow for the project's deviation from the City's RS-1-4 zoning requirement of a minimum street frontage of 65 feet per residence; both Parcel 2 and Parcel 3 provide less than 26 feet each.

In addition to the residential base zone RS-1-4, the proposed project site is located within several overlay zones, including the Coastal Overlay Zone, Coastal Height Limit Overlay Zone, ~~Sensitive Coastal Overlay Zone, Outdoor Lighting Zones,~~ and the Parking Impact Overlay Zone. In order to remain in compliance with each of these overlay zones, all structures on site would be less than 30 feet high, and at least two off-street parking spaces will be provided. Due to the project's location, the City's Municipal Code requires a ~~Site Development Permit and Coastal Development Permit~~ for the project, as outlined in detail above. Additionally, the project site requires a Site Development Permit because it is subject to the ESL regulations due to the presence of sensitive biological resources and steep hillsides. Pursuant to Table 143-01A of the ESL regulations, the proposed project would adhere to all additional requirements with respect to sensitive biological resources and steep hillsides, as outlined in further detail in Sections 5.2 and 5.5 of this EIR.

Significance of Impact

The project deviations would not result in a physical impact on the environment. Impacts would be less than significant.

Mitigation, Monitoring, and Reporting

No mitigation measures would be required.

Issue 2: Would the proposal result in a conflict with the environmental goals, objectives, or recommendations of the General/Community plan in which it is located?

According to the City's CEQA Significance Determination Thresholds (City of San Diego 2011), land use compatibility impacts may be significant if a proposed project would:

- Conflict with the environmental goals, objectives, or guidelines of a community or general plan
- Be substantially incompatible with an adopted plan
- Create development or conversion of general plan or community plan designated open space or prime farmland to a more intensive land use
- Conflict with an adopted land use designation or intensity and indirect or secondary environmental impacts could occur.

The project site is designated as park, open space, and recreation in the General Plan. This land use designation focuses on the conservation of land, as well as areas for very low intensity uses that respect the natural environmental characteristics, and are compatible with the open space use. Within the La Jolla Community Plan, the majority of the project site has the parks and open space land use designation, with a portion of the site designated as the very low density residential land use designation that allows up to five dwelling units per acre. Although the majority of the site is designated for open space land use, privately owned open space areas within the La Jolla community are protected with easements to restrict development, and are zoned for very low intensity residential development to provide for reasonable use while conserving portions of the site in open space. This promotes residential development while also conserving open space areas and a natural setting.

The proposed project is consistent with the intent of both the General Plan and La Jolla Community Plan land use designations. The project would allow for the development of two dwelling units and approximately 18.8 acres (or 75% of the site) of open space in a conservation

area (“Conserved Property”), which will be subject to and governed by a COE as described in the Design Guidelines. The COE would ensure that no development, staging, or disturbance would occur in the Conserved Property~~se-conservation areas~~ aside from maintenance activities required by the COE and for brush management zone 2. The Conserved Property~~conservation area~~ and low intensity residential use is compatible with the General Plan and La Jolla Community Plan land use designations.

The project’s consistency with specific goals, policies, and recommendations are provided in the consistency tables located at the end of this section. As shown in detail within these tables, the project would implement many of the goals, policies, guidelines, and recommendations contained within the existing General Plan and La Jolla Community Plan. Some important examples are provided below.

Urban Design Goal: Distinctive Neighborhoods and Residential Design: Architectural design that contributes to the creation and conservation of neighborhood character and vitality.

The proposed project is consistent with the aesthetic of the general vicinity, and provides additional residential buildings and landscaping within an existing residential community. The project would therefore be consistent with this goal.

Policy UD-B.3: Design subdivisions to respect the existing lot pattern established within neighborhoods to maintain community character.

- a. Create lot divisions that respect the existing pattern of development for neighborhood continuity and compatibility.
- b. Design lot divisions to have a portion of each created lot in areas of less than 25% gradient.

The proposed project is consistent with the aesthetic of the surrounding residential community, and the proposed lots would surround existing street structure. The three proposed separate parcels have areas of less than 25% gradient, and the development area located within Parcels 2 and 3 have gradients of less than 25%. The project would be consistent with this policy.

Policy CE-B.2: Apply the appropriate zoning and Environmentally Sensitive Lands regulations to limit development of floodplains, sensitive biological areas, including wetlands, steep hillsides, canyons, and coastal lands.

- a. Limit grading and alterations of steep hillsides, cliffs and shoreline to prevent increased erosion and landform impacts.

The proposed project is consistent with the zoning designation for the project site, or residential–single unit (RS-1-4), which requires a minimum of 10,000-square-foot lots. The smallest lot is Parcel 1, which is 1.07 acres, or approximately 46,609 square feet. Additionally, the three proposed separate parcels have areas of less than 25% gradient, and the development area located within Parcels 2 and 3 have gradients of less than 25%. The project would be consistent with this policy.

Policy CE-B.6: Provide an appropriate defensible space between open space and urban areas through the management of brush, the use of traditional landscaping and the design of structures.

The Design Guidelines require specific brush management zones surrounding the development of both residential buildings and landscaping, consistent with the City of San Diego Brush Management Policy. The proposed project would be consistent with this policy.

Significance of Impact

The project would be consistent with the City’s adopted General Plan and La Jolla Community Plan and Local Coastal Land Use Plan. An analysis was completed to ensure that the project would implement many of the applicable goals, policies, guidelines, and recommendations contained within the existing General Plan and La Jolla Community Plan. This analysis, as provided in the consistency tables at the end of this section, has demonstrated that the project would not result in a significant impact due to an inconsistency or conflict with the General Plan or La Jolla Community Plan.

Mitigation, Monitoring, and Reporting

No mitigation measures would be required.

Issue 3: **Would the proposal conflict with the provisions of the City’s Multiple Species Conservation Program Subarea Plan or other approved local, regional or state habitat conservation plan?**

The project is located outside the City’s MHPA and would not propose development that would be inconsistent with the MSCP or any other adopted environmental plan. The project site is not included within any other approved local, regional, or state habitat conservation plan.

Significance of Impact

The project would not result in a significant impact due to an inconsistency or conflict with the City’s MSCP Subarea Plan or any applicable MHPA Adjacency Guidelines, or conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project.

Mitigation, Monitoring, and Reporting

No mitigation measures would be required.

Issue 4: Would the proposal physically divide an established community?

The project will allow for the development of two residential buildings and landscaping adjacent to a third existing residential estate surrounded by several existing residential neighborhoods. The project area is completely surrounded on all four sides by residential uses. Development of the project would not physically divide an established community. Therefore, impacts would be less than significant.

Significance of Impact

The proposed project will allow for the development of two residential buildings and landscaping within an area dominated by residential use and would not physically divide an established community. Therefore, impacts would be less than significant.

Mitigation, Monitoring, and Reporting

No mitigation measures would be required.

Issue 5: Would the proposal result in land uses which are not compatible with an adopted Airport Land Use Compatibility Plan (ALUCP) including aircraft noise levels as defined by the plan?

The project site is not located within an adopted ALUCP. The closest airport is Marine Corps Air Station Miramar, approximately 6.8 miles northeast of the project site. The closest public airport is Montgomery Field, approximately 7.2 miles southeast of the project site.

Significance of Impact

Due to the location of the project and distance from any regional airport, the project would not create incompatible uses with an ALUCP. Therefore, impacts would be less than significant.

Mitigation, Monitoring, and Reporting

No mitigation measures would be required.

Issue 6: Would the proposal result in the exposure of people to noise levels which exceed the City’s Noise Ordinance or are incompatible with the Noise Compatibility Guidelines (Table NE-3) in the Noise Element of the General Plan?

Construction Noise

Construction of the project would result in temporary increases in ambient noise levels on the project site on an intermittent basis. The noise levels generated by construction equipment would vary greatly depending upon factors such as the distance from the noise source(s) and the receivers, type and specific model of the equipment, the operation being performed and the condition of the equipment. The average sound level of the construction activity also depends upon the amount of time that the equipment operates and the intensity of the construction during the time period. Construction would include the two residences and driveway improvements at Encelia Drive and Romero Drive along the northern perimeter. Driveway improvements may include landscaping, bioretention areas, and gates. On Parcel 3, driveway improvements may also include a non-habitable gatehouse.

The maximum construction noise levels at 50 feet would range from approximately 80 to 89 A-weighted decibels (dBA) for the type of equipment expected to be used for this project. The typical maximum noise levels for various pieces of construction equipment at a distance of 50 feet are depicted in Table 5.1-1. Note that these are maximum noise levels, not the average sound level or 24-hour weighted average (CNEL). The average sound level at construction sites is typically less than the maximum noise level because the equipment operates in alternating cycles of full power and low power. Also, the equipment rotates in various directions (i.e., noisiest side of the equipment to quieter sides of the equipment), and moves around the construction site, especially during clearing, grubbing, and grading activities. Thus, the average noise levels produced are less than the maximum level.

**Table 5.1-1
Construction Equipment Noise Levels**

Equipment	Typical Maximum Noise Level (dBA) 50 Feet from Source
Backhoe	80
Compactor	82
Concrete mixer	85
Concrete pump	82
Dozer	85
Grader	85
Loader	85
Pneumatic tools	85
Scraper	89
Trucks	88

Source: Federal Transit Administration 2006.

It is anticipated that various pieces of equipment would be working over a wide area of the site at any one time. During ground clearing and grading the construction equipment would most likely include scrapers, dozer, trucks, backhoe, and excavator. Assuming three to four pieces of equipment are operating at any one time over a typical 9-hour construction day, the construction equipment would have a noise level of 82 dBA at a distance of 50 feet. At a distance of 120 feet or more from any property line, the construction noise level would comply with the City's construction 12-hour average 75 dBA Noise Ordinance standard (Municipal Code Section 59.5.0404). Generally, equipment is expected to be dispersed around the development areas of each parcel. Therefore, during the ground-clearing and grading phases of the project, the 12-hour average noise level could exceed the City's noise criteria at the adjacent occupied property boundaries. Construction noise would be less during the later phases, such as foundation construction and framing. Consequently, the construction noise level is anticipated to comply with the City's 75 dBA noise criteria during these subsequent phases of construction. Also, construction operations would occur only during permitted hours of operation pursuant to the City's Noise Ordinance.

The following noise-related project design feature and construction measure, as listed in Table 3-2 of this EIR, would be a condition of the project and would ensure the project would not exceed the City's Noise Ordinance noise levels. Construction associated with the development of Parcel 2 and Parcel 3 would comply with Section 59.5.0404 of the San Diego Municipal Code, which restricts any construction activity with an average sound level greater than 75 decibels within any property zoned residential during the 12-hour period from 7 a.m. to 7 p.m. The following features have been included in the project design to achieve this, as shown in Table 3-2 in Section 3.2.3:

- All construction equipment, fixed or mobile, shall be equipped with properly operating and maintained mufflers.
- Construction noise reduction methods, such as shutting off idling equipment, installing temporary acoustic barriers around stationary construction noise sources, maximizing the distance between construction equipment staging areas and occupied residential areas, and use of electric air compressors and similar power tools, rather than diesel equipment, shall be used where feasible.
- During construction, stationary construction equipment shall be placed such that emitted noise is directed away from or shielded from sensitive noise receivers.
- During construction, stockpiling and vehicle staging areas shall be located as far as practical from noise-sensitive receptors.
- The project shall limit grading activities to the hours of 7 a.m. to 5 p.m. Monday through Friday.

No further development is proposed on Parcel 1, and no noise-related impacts would occur in this area during construction. With implementation of these features, construction impacts associated with Parcel 2 and Parcel 3 would remain below a level of significance.

Operation

Once construction is complete and the project is operational, there would be minimal sources of noise such as from vehicles entering or exiting the site and from mechanical equipment, if developed as part of the project pursuant to the Design Guidelines. General community noise and land use compatibility guidelines are set forth in the Noise Element in the General Plan, as shown in Table 5.1-2, Land Use – Noise Compatibility Guidelines. As depicted in Table 5.1-2, the City considers outdoor noise levels of up to 60 dBA CNEL to be acceptable for the outdoor use areas of single-family residential land uses. Interior noise levels are considered compatible up to 45 dBA CNEL.

**Table 5.1-2
Land Use – Noise Compatibility Guidelines**

Land Use Category	Exterior Noise Exposure (dBA CNEL)				
	60	65	70	75	—
<i>Open Space and Parks and Recreational</i>					
Community and Neighborhood Parks; Passive Recreation					
Regional Parks; Outdoor Spectator Sports, Golf Courses; Athletic Fields; Outdoor Spectator Sports, Water Recreational Facilities; Horse Stables; Park Maintenance Facilities					
<i>Agricultural</i>					
Crop Raising and Farming; Aquaculture, Dairies; Horticulture Nurseries and Greenhouses; Animal Raising, Maintenance, and Keeping; Commercial Stables					
<i>Residential</i>					
Single Units; Mobile Homes; Senior Housing		45			
Multiple Units; Mixed-Use Commercial/Residential; Live Work; Group Living Accommodations		45	45*		
<i>Institutional</i>					
Hospitals; Nursing Facilities; Intermediate Care Facilities; Kindergarten through Grade 12 Educational Facilities; Libraries; Museums; Places of Worship; Child Care Facilities		45			
Vocational or Professional Educational Facilities; Higher Education Institution Facilities (Community or Junior Colleges, Colleges, or Universities)		45	45		
Cemeteries					

**Table 5.1-2
Land Use – Noise Compatibility Guidelines**

Land Use Category	Exterior Noise Exposure (dBA CNEL)				
	60	65	70	75	—
<i>Sales</i>					
Building Supplies/Equipment; Food, Beverages, and Groceries; Pets and Pet Supplies; Sundries, Pharmaceutical, and Convenience Sales; Wearing Apparel and Accessories			50	50	
<i>Commercial Services</i>					
Building Services; Business Support; Eating and Drinking; Financial Institutions; Assembly and Entertainment; Radio and Television Studios; Golf Course Support			50	50	
Visitor Accommodations		45	45	45	
<i>Offices</i>					
Business and Professional; Government; Medical, Dental, and Health Practitioner; Regional and Corporate Headquarters			50	50	
<i>Vehicle and Vehicular Equipment Sales and Service Use</i>					
Commercial or Personal Vehicle Repair and Maintenance; Commercial or Personal Vehicle Sales and Rentals; Vehicle Equipment and Supplies Sales and Rentals; Vehicle Parking					
<i>Wholesale, Distribution, Storage Use Category</i>					
Equipment and Materials Storage Yards; Moving and Storage Facilities; Warehouse; Wholesale Distribution					
<i>Industrial</i>					
Heavy Manufacturing; Light Manufacturing; Marine Industry; Trucking and Transportation Terminals; Mining and Extractive Industries					
Research and Development				50	

Source: City of San Diego 2008.

* For uses affected by aircraft noise, refer to Policies NE-D.2 and NE-D.3.

Key to shading:

	Compatible	Indoor Uses	Standard construction methods should attenuate exterior noise to an acceptable indoor noise level.
		Outdoor Uses	Activities associated with the land use may be carried out.
	Conditionally Compatible	Indoor Uses	Building structure must attenuate exterior noise to the indoor noise level indicated by the number for occupied areas.
		Outdoor Uses	Feasible noise mitigation techniques should be analyzed and incorporated to make the outdoor activities acceptable.
	Incompatible	Indoor Uses	New construction should not be undertaken.
		Outdoor Uses	Severe noise interference makes outdoor activities unacceptable.

Since the human ear is not equally sensitive to all sound frequencies within the entire spectrum, noise levels at maximum human sensitivity are factored more heavily into sound descriptions in a process called “A-weighting,” the measurement of which is expressed as dBA. Hourly average noise levels are usually expressed as dBA L_{eq} or the equivalent noise level over that period of

time. Because community receptors are more sensitive to noise intrusion during the evening and at night, state law requires that an artificial dBA increment be added to quiet-time noise levels in a 24-hour noise descriptor called the Community Noise Equivalent Level (CNEL).

The City’s Noise Ordinance (Municipal Code Section 59.5.0404) is a quantitative ordinance to control excessive noise generated in the City. The noise ordinance limits are expressed in terms of a 1-hour average sound level. The allowable noise limits depend on the land use zone, time of day, and duration of the noise, as depicted in Table 5.1-3, City of San Diego Sound Level Limits. As depicted in Table 5.1-3, the Noise Ordinance allows 1-hour average sound levels ranging from 40 to 50 dBA, depending on the time of day.

**Table 5.1-3
City of San Diego Sound Level Limits**

Land Use	Time of Day	One-Hour Average Sound Level (dBA)
Single-family residential	7 a.m. to 7 p.m.	50
	7 p.m. to 10 p.m.	45
	10 p.m. to 7 a.m.	40
Multiple-family residential (up to maximum density of 1/2,000)	7 a.m. to 7 p.m.	55
	7 p.m. to 10 p.m.	50
	10 p.m. to 7 a.m.	45
All other residential	7 a.m. to 7 p.m.	60
	7 p.m. to 10 p.m.	55
	10 p.m. to 7 a.m.	50
Commercial	7 a.m. to 7 p.m.	65
	7 p.m. to 10 p.m.	60
	10 p.m. to 7 a.m.	60
Industrial or agricultural	Anytime	75

Source: City of San Diego Municipal Code, Sections 59.5.0401–59.5.0404.

The following noise-related project design feature and construction measure, as listed in Table 3-2 of this EIR, would be a condition of the project and would ensure that Parcel 2 would not exceed the noise levels of the General Plan or Noise Ordinance:

Pursuant to the Design Guidelines for Parcel 2, mechanical equipment would be selected and installed in locations to minimize noise generation. The noise generated shall not exceed a 1-hour average sound level of 40 dBA on or beyond the boundaries of the property on which the noise is produced.

The residential buildings and associated landscaping on Parcel 3 are set back farther from adjacent residences than the proposed development area on Parcel 2. The project design feature outlined above and in Table 3-2 of this EIR is also applicable to development and operations on Parcel 3. Therefore, project noise levels would remain under General Plan and Noise Ordinance levels.

Significance of Impact

Construction activities would comply with the tenets of the City's Noise Ordinance (Municipal Code Section 59.5.0404); therefore, impacts associated with noise would be less than significant.

Mitigation, Monitoring, and Reporting

No mitigation measures would be required.

5.1.4 PROJECT CONSISTENCY WITH GENERAL AND COMMUNITY PLANS

Tables 5.1-4, Project's Consistency with the City of San Diego's 2008 General Plan, and 5.1-5, Project's Consistency with the City of San Diego La Jolla Community Plan and Local Coastal Land Use Plan, show in detail how the project would implement many of the goals, policies, guidelines, and recommendations in the existing General Plan and La Jolla Community Plan.

**Table 5.1-4
Project’s Consistency with the City of San Diego General Plan**

Goal/Recommendation Number	Goal/Recommendation	Project	Project Consistency/ Inconsistency
<i>Land Use and Community Planning Element</i>			
General Plan Land Use Category Goal	Land use categories and designations that remain consistent with the general plan land use categories as community plans are updated and/or amended.	The project would be consistent with the General Plan land use designation and Community Plan land use designation.	The project would be consistent with this goal.
Policy LU-C.1b	Rely on community plans for site-specific land use density designations and recommendations.	The project is consistent with the land use and zoning density designations within the La Jolla Community Plan.	The project would be consistent with this policy.
Policy LU-C.2a-2	Designate open space and evaluate publicly-owned land for future dedication and privately-owned land for acquisition or protection through easements.	Approximately 18.80 acres will be conserved will be designated open space in perpetuity through a Covenant of Easement.	The project would be consistent with this policy.
Policy LU-C.4	Ensure efficient use of remaining land available for residential development and redevelopment by requiring that new development meet the density minimums of applicable plan designations.	The proposed project meets the density requirements of 10,000-square-foot lots associated with the RS-1-4 zoning designation.	The project would be consistent with this policy.
Policy LU-F.2	Review public and private projects to ensure that they do not adversely affect the general plan and community plans. Evaluate whether proposed projects implement specified land use, density/intensity, design guidelines, and other general plan and community plan policies, including open space preservation, community identity, mobility, and the timing, phasing, and provision of public facilities.	The project is consistent with the City General Plan and the La Jolla Community Plan land use designations.	The project would be consistent with this policy.
<i>Urban Design Element</i>			
Urban Design Goal: Distinctive Neighborhoods and Residential Design	Development that protects and improves upon the desirable features of San Diego’s neighborhoods.	The project proposes residential development that is consistent with the aesthetic of the surrounding residential community. The residential buildings and landscaping on site would be surrounded by conserved open space.	The project would be consistent with this goal.

**Table 5.1-4
Project’s Consistency with the City of San Diego General Plan**

Goal/Recommendation Number	Goal/Recommendation	Project	Project Consistency/ Inconsistency
Urban Design Goal: Distinctive Neighborhoods and Residential Design	Architectural design that contributes to the creation and preservation of neighborhood character and vitality.	Although the ultimate design of the residential buildings and landscaping has not yet been finalized, the options for architectural design would conserve the character of the surrounding neighborhood.	The project would be consistent with this goal.
Urban Design Goal: Distinctive Neighborhoods and Residential Design	Innovative design for a variety of housing types to meet the needs of the population.	Although the ultimate design of the residential buildings and landscaping has not yet been finalized, the Design Guidelines provide a variety of options for innovative design and flexibility.	The project would be consistent with this goal.
Urban Design Goal: Distinctive Neighborhoods and Residential Design	Infill housing, roadways, and new construction that are sensitive to the character and quality of existing neighborhoods.	Although the ultimate design of the residential buildings and landscaping has not yet been finalized, options for development within the Design Guidelines would conserve the residential character of the surrounding neighborhood.	The project would be consistent with this goal.
Policy UD-B.1	Recognize that the quality of a neighborhood is linked to the overall quality of the built environment. Project should not be viewed singularly, but viewed as part of the larger neighborhood or community plan area in which they are located for design continuity and compatibility. Integrate new construction with the existing fabric and scale of development in surrounding neighborhoods. Taller or denser development is not necessarily inconsistent with older, lower-density neighborhoods but must be designed with sensitivity to existing development. For example, new development should not cast shadows or create wind tunnels that will significantly impact existing development and should not restrict vehicular or pedestrian movements from existing development.	The project is consistent with the City General Plan, the La Jolla Community Plan, and the City’s Municipal Code zoning designation. The restrictions within the Design Guidelines take into account these regulations as well as ensuring consistency with the visual aesthetic and the nature of the surrounding neighborhood.	The project would be consistent with this policy.

**Table 5.1-4
Project’s Consistency with the City of San Diego General Plan**

Goal/Recommendation Number	Goal/Recommendation	Project	Project Consistency/ Inconsistency
	<p>Design new construction to respect the pedestrian orientation of neighborhoods.</p> <p>Provide innovative designs for a variety of housing types to meet the needs of the population.</p>		
Policy UD-B.3	<p>Design subdivisions to respect the existing lot pattern established within neighborhoods to maintain community character.</p> <ul style="list-style-type: none"> a. Create lot divisions that respect the existing pattern of development for neighborhood continuity and compatibility. b. Design lot divisions to have a portion of each created lot in areas of less than 25% gradient. 	<p>The project is consistent with the City General Plan, the La Jolla Community Plan, and the City’s Municipal Code zoning designation. Each of the proposed parcels would have a portion less than 25% gradient.</p>	<p>The project would be consistent with this policy.</p>
Policy UD-B.4	<p>Create street frontages with architectural and landscape interest for both pedestrians and neighboring residents.</p> <ul style="list-style-type: none"> a. Locate buildings on the site so that they reinforce street frontages. b. Relate buildings to existing and planned adjacent uses. c. Provide ground level entries and ensure that building entries are prominent and visible. d. Maintain existing setback patterns, except where community plans call for redevelopment to change the existing pattern. e. Locate transparent features such as porches, stoops, balconies, and windows facing the street to promote a sense of community. f. Encourage side- and rear-loaded garages. Where not possible, reduce the prominence of the garage through architectural features and varying planes. g. Minimize the number of curb-cuts along residential streets. 	<p>The driveways leading to the proposed residential buildings and landscaping would tie in with the existing neighborhood street network (Encelia Drive for Parcel 2 and Romero Drive for Parcel 3).</p>	<p>The project would be consistent with this policy.</p>

**Table 5.1-4
Project’s Consistency with the City of San Diego General Plan**

Goal/Recommendation Number	Goal/Recommendation	Project	Project Consistency/ Inconsistency
<i>Conservation Element</i>			
Climate Change and Sustainable Development Goal	To reduce the City's overall carbon dioxide footprint by improving energy efficiency, increasing use of alternative modes of transportation, employing sustainable planning and design techniques, and providing environmentally sound waste management.	Although the ultimate design of the residential buildings and landscaping has not yet been finalized, the Design Guidelines outline a number of different sustainable planning and design techniques.	The project would be consistent with this goal.
Policy CE-A.2	Reduce the City’s carbon footprint. Develop and adopt new or amended regulations, programs, and incentives as appropriate to implement the goals and policies set forth in the General Plan to: <ul style="list-style-type: none"> • Create sustainable and efficient land use patterns to reduce vehicular trips and preserve open space 	Although the ultimate design of the residential buildings and landscaping has not yet been finalized, the Design Guidelines outline a number of different sustainable planning and design techniques to ensure a reduction in energy use on site. In addition, approximately 18.80 acres of the 25.14-acre site would be conserved in perpetuity as open space.	The project would be consistent with this policy.
Policy CE-A.5	Employ sustainable or “green” building techniques for the construction and operation of buildings. <ol style="list-style-type: none"> a. Develop and implement sustainable building standards for new and significant remodels of residential and commercial buildings to maximize energy efficiency and to achieve overall net zero energy consumption by 2020 for new residential buildings. 	Although the ultimate design of the residential buildings and landscaping has not yet been finalized, the Design Guidelines outline a number of different sustainable planning and design techniques to ensure a reduction in energy and water use on site.	The project would be consistent with this policy.
Open Space and Landform Preservation Goal	Preservation and long-term management of the natural landforms and open spaces that help make San Diego unique.	The proposed project includes a Covenant of Easement that will conserve and manage approximately 18.80 acres of the project site as open space in perpetuity.	The project would be consistent with this goal.

**Table 5.1-4
Project’s Consistency with the City of San Diego General Plan**

Goal/Recommendation Number	Goal/Recommendation	Project	Project Consistency/ Inconsistency
Policy CE-B.1	<p>Protect and conserve the landforms, canyon lands, and open spaces that: define the City’s urban form; provide public views/vistas; serve as core biological areas and wildlife linkages; are wetland habitats; provide buffers within and between communities; or provide outdoor recreational opportunities.</p> <ul style="list-style-type: none"> • Support the preservation of rural lands and open spaces throughout the region. • Minimize or avoid impacts to canyons and other Environmentally Sensitive Lands, by relocating sewer infrastructure out of these areas where possible, minimizing construction of new sewer access roads into these areas, and redirecting of sewage discharge away from canyons and other Environmentally Sensitive Lands. • Encourage the removal of invasive plant species and the planting of native plants near open space preserves. • Pursue formal dedication of existing and future open space areas throughout the City, especially in core biological resource areas of the City’s adopted MSCP Subarea Plan. 	The proposed project includes a Covenant of Easement that will conserve approximately 18.80 acres of the project site as open space in perpetuity.	The project would be consistent with this policy.
Policy CE-B.2	<p>Apply the appropriate zoning and Environmentally Sensitive Lands regulations to limit development of floodplains, sensitive biological areas, including wetlands, steep hillsides, canyons, and coastal lands.</p> <ol style="list-style-type: none"> a. Limit grading and alterations of steep hillsides, cliffs and shoreline to prevent increased erosion and landform impacts. 	The project would be consistent with the City’s Municipal Code zoning designation, and follow all Environmentally Sensitive Lands regulations pertaining to the sensitive biological resources and steep hillsides on site.	The project would be consistent with this policy.

**Table 5.1-4
Project’s Consistency with the City of San Diego General Plan**

Goal/Recommendation Number	Goal/Recommendation	Project	Project Consistency/ Inconsistency
Policy CE-B.3	Use natural landforms and features as integrating elements in project design to complement and accentuate the City’s form.	The proposed project includes a Covenant of Easement that will conserve approximately 18.80 acres of the project site as open space in perpetuity. This would protect most of the natural landform on site.	The project would be consistent with this policy.
Policy CE-B.4	Limit and control runoff, sedimentation, and erosion both during and after construction activity.	Best management practices would be implemented on site to ensure the control of runoff, sedimentation, and erosion.	The project would be consistent with this policy.
Policy CE-B.6	Provide an appropriate defensible space between open space and urban areas through the management of brush, the use of traditional landscaping and the design of structures.	The Design Guidelines require specific brush management zones surrounding both of the proposed residential buildings and landscaping, consistent with the City of San Diego Brush Management Policy.	The project would be consistent with this policy.
Policy CE-C.1	Protect, preserve, restore, and enhance important coastal wetlands and habitat for conservation, research, and limited recreational purposes.	The proposed project includes a Covenant of Easement that will conserve approximately 18.80 acres of the project site as open space in perpetuity.	The project would be consistent with this policy.
Policy CE-C.6	Implement watershed management practices designed to reduce runoff and improve the quality of runoff discharged into coastal waters.	The proposed project includes a dedicated storm drain system on site to divert run-on toward an open channel and tie into the existing storm drain system, to ensure that drainage patterns would not be altered on site.	The project would be consistent with this policy.
E. Urban Runoff Management Goals	Protection and restoration of water bodies, including reservoirs, coastal waters, creeks, bays, and wetlands. Preservation of natural attributes of both the floodplain and floodway without endangering life and property.	A Water Quality Technical Report and Drainage Study were prepared to ensure that the proposed project would be consistent with all applicable state and federal regulations.	The project would be consistent with this goal.

**Table 5.1-4
Project’s Consistency with the City of San Diego General Plan**

Goal/Recommendation Number	Goal/Recommendation	Project	Project Consistency/ Inconsistency
Policy CE-E.3	Require contractors to comply with accepted storm water pollution prevention planning practices for all projects. <ul style="list-style-type: none"> a. Minimize the amount of graded land surface exposed to erosion and enforce erosion control ordinances. b. Continue routine inspection practices to check for proper erosion control methods and housekeeping practices during construction. 	A project specific Storm Water Pollution Prevention Plan would be prepared to ensure construction activities would not contribute to erosion or water quality degradation.	The project would be consistent with this policy.
Biological Diversity Goal	Preservation of healthy, biologically diverse regional ecosystems and conservation of endangered, threatened, and key sensitive species and their habitats.	The proposed project includes a Covenant of Easement that will conserve approximately 18.80 acres of the project site as open space in perpetuity.	The project would be consistent with this goal.
Policy CE-G.2	Prioritize, fund, acquire, and manage open spaces that preserve important ecological resources, and provide habitat connectivity.	The proposed project includes a Covenant of Easement that will conserve approximately 18.80 acres of the project site as open space in perpetuity.	The project would be consistent with this policy.
<i>Noise Element</i>			
A. Noise and Land Use Compatibility Goal	Consider existing and future noise levels when making land use planning decisions to minimize people’s exposure to excessive noise.	Quantitative analysis of noise levels associated with construction and operations of the proposed project has been included within this EIR.	The project would be consistent with this goal.
Policy NE-A.1	Separate excessive noise-generating uses from residential and other noise-sensitive land uses with sufficient spatial buffer of less sensitive uses.	Quantitative analysis of noise levels associated with construction and operations of the proposed project has been included within this EIR. All noise-related impacts would be mitigated to less than significant levels.	The project would be consistent with this policy.

**Table 5.1-4
Project’s Consistency with the City of San Diego General Plan**

Goal/Recommendation Number	Goal/Recommendation	Project	Project Consistency/ Inconsistency
Policy NE-A.2	Assure the appropriateness of proposed developments relative to existing and future noise levels by consulting the guidelines for noise-compatible land use to minimize the effects on noise-sensitive land uses.	Quantitative analysis of noise levels associated with construction and operations of the proposed project has been included within this EIR. All noise-related impacts would be mitigated to less than significant levels.	The project would be consistent with this policy.
Policy NE-A.4	Require an acoustical study consistent with acoustical study guidelines (Table NE-4) for proposed developments in areas where the existing or future noise level exceeds or would exceed the “compatible” noise level thresholds as indicated on the land use–noise compatibility guidelines (Table NE-3), so that noise mitigation measures can be included in the project design to meet the noise guidelines.	Quantitative analysis of noise levels associated with construction and operations of the proposed project has been included within this EIR. All noise-related impacts would be mitigated to less than significant levels.	The project would be consistent with this policy.
B. Motor Vehicle Traffic Noise Goal	Create minimal excessive motor vehicle traffic noise on residential and other noise-sensitive land uses.	The project proposes two residential buildings and landscaping, which would have a minimal increase on operational traffic trips on the surrounding residential community. Traffic trips associated with construction would be confined to the limited hours of construction as defined by the City’s Municipal Code, and would not create excessive noise on the sensitive residential land uses surrounding the project site.	The project would be consistent with this goal.
I. Typical Noise Attenuation Methods Goal	Attenuate the effect of noise on future residential and other noise-sensitive land uses by applying feasible noise mitigation measures.	Quantitative analysis of noise levels associated with construction and operations of the proposed project has been included within this EIR. All noise-related impacts would be mitigated to less than significant levels.	The project would be consistent with this goal.

Table 5.1-4
Project’s Consistency with the City of San Diego General Plan

Goal/Recommendation Number	Goal/Recommendation	Project	Project Consistency/ Inconsistency
Policy NE-I.1	Require noise attenuation measures to reduce the noise to an acceptable noise level for proposed developments to ensure an acceptable interior noise level, as appropriate, in accordance with California's noise insulation standards (California Code of Regulations (CCR) Title 24) and airport land use compatibility plans.	Quantitative analysis of noise levels associated with construction and operations of the proposed project has been included within this EIR. All noise-related impacts would be mitigated to less than significant levels. The project is not located within an ALUCP for the MCAS Miramar Airport, the nearest airport to the project site.	The project would be consistent with this policy.
Policy NE-I.2	Apply CCR Title 24 noise attenuation requirements to reduce the noise to an acceptable noise level for proposed single-family homes, mobile homes, senior housing, and all other types of residential uses not addressed by CCR Title 24 to ensure an acceptable interior noise level, as appropriate.	Quantitative analysis of noise levels associated with construction and operations of the proposed project has been included within this EIR. All noise-related impacts would be mitigated to less than significant levels.	The project would be consistent with this policy.

Table 5.1-5
Project’s Consistency with the City of San Diego La Jolla Community Plan

Goal/Recommendation Number	Goal/Recommendation	Project	Project Consistency/ Inconsistency
<i>Natural Resources and Open Space System</i>			
Goal	Preserve the natural amenities of La Jolla such as its open space, hillsides, canyons, bluffs, parks, beaches, tide pools, and coastal waters.	The proposed project includes a Covenant of Easement that will conserve approximately 18.80 acres of the project site as open space in perpetuity.	The project would be consistent with this goal.

**Table 5.1-5
Project’s Consistency with the City of San Diego La Jolla Community Plan**

Goal/Recommendation Number	Goal/Recommendation	Project	Project Consistency/ Inconsistency
Goal	Maintain the identified public views to and from these amenities in order to achieve a beneficial relationship between the natural or unimproved and developed areas of the community.	Although the ultimate design of the residential buildings and landscaping has not yet been finalized, restrictions within the Design Guidelines ensure that all public views surrounding the proposed project would not be significantly impacted.	The project would be consistent with this goal.
Goal	Preserve all designated open space and habitat linkages within La Jolla such as the slopes of Mount Soledad and the sensitive ravines of Pottery Canyon.	The proposed project includes a Covenant of Easement that will conserve approximately 18.80 acres of the project site as open space in perpetuity.	The project would be consistent with this goal.
Goal	Protect the environmentally sensitive resources of La Jolla’s open areas including its coastal bluffs, sensitive steep hillside slopes, canyons, native plant life, and wildlife habitat linkages.	The proposed project includes a Covenant of Easement that will conserve approximately 18.80 acres of the project site as open space in perpetuity.	The project would be consistent with this goal.
Policy 1d	If biological impacts occur within the coastal zone of La Jolla, the mitigation should occur within the coastal zone of La Jolla, and if not, elsewhere within the La Jolla community. Mitigation for biological impacts within La Jolla should only be considered outside of the community if the applicant can demonstrate that there is no feasible way to mitigate within the community.	Potentially significant biological impacts would be mitigated directly on the project site through implementation of a Covenant of Easement. This Covenant of Easement will conserve approximately 18.80 acres of the project site as open space in perpetuity.	The project would be consistent with this policy.
Policy 1e	Mitigation for biological impacts should, if possible, occur within the boundaries of the La Jolla community.	Potentially significant biological impacts would be mitigated directly on the project site through implementation of a Covenant of Easement. This Covenant of Easement will conserve approximately 18.80 acres of the project site as open space in perpetuity.	The project would be consistent with this policy.

**Table 5.1-5
Project’s Consistency with the City of San Diego La Jolla Community Plan**

Goal/Recommendation Number	Goal/Recommendation	Project	Project Consistency/ Inconsistency
Policy 1k	Land designated as open space but disturbed through off-site development, invasive plant species or unpermitted on-site development shall be presumed natural. Such definition of disturbance does not include manufactured slopes.	The proposed project includes a Covenant of Easement that will conserve approximately 18.80 acres of the project site as open space in perpetuity.	The project would be consistent with this policy.
Policy 2a Visual Resources	Public views from identified vantage points, to and from La Jolla’s community landmarks and scenic vistas of the ocean, beach, and bluff areas, hillsides, and canyons shall be retained and enhanced for public use.	Although the ultimate design of the residential buildings and landscaping has not yet been finalized, restrictions within the Design Guidelines ensure that all public views surrounding the proposed project would not be significantly impacted.	The project would be consistent with this policy.
Policy 2c	The scenic value and visual quality of Mount Soledad Park, La Jolla Heights Park, and habitat linkages through steep slopes and canyons shall be protected from developments or improvements that would detract from the scenic quality and value of these resources.	Although the ultimate design of the residential buildings and landscaping has not yet been finalized, restrictions within the Design Guidelines ensure that all public views surrounding the proposed project would not be significantly impacted.	The project would be consistent with this policy.
Recommendation 1a	Limit encroachment of new development in sensitive resource areas by implementing the Environmentally Sensitive Lands regulations of the Land Development Code. These regulations establish encroachment limits for development on sensitive hillsides and biological areas that adequately preserve and protect resources while allowing a limited amount of development on private property and require preservation of sensitive areas no approved for development.	All rules associated with Environmentally Sensitive Lands regulations would be implemented on site.	The project would be consistent with this recommendation.
Recommendation 1d	Implement the City’s MSCP Subarea Plan, which ensures a system of viable habitat linkages between the existing open space areas to the canyons and hillsides throughout La Jolla’s open space system.	Although the ultimate design of the residential buildings and landscaping has not yet been finalized, restrictions within the Design Guidelines ensure that all fences and gates would not restrict biological movement through the project site.	The project would be consistent with this recommendation.

**Table 5.1-5
Project’s Consistency with the City of San Diego La Jolla Community Plan**

Goal/Recommendation Number	Goal/Recommendation	Project	Project Consistency/ Inconsistency
Recommendation 1e	Preserve sensitive resources and open space areas to the maximum extent possible. Allow only limited development in these areas. Rezone open space areas on private property to an Open Space-Residential (OR) zone, so that the open space can be preserved to the appropriate level while allowing limited development of the property. Apply encroachment limitation standards, as shown in Appendix L, of the La Jolla Community Plan, to establish maximum developable area and preserve open space values prior to completion of rezones.	The proposed project includes a Covenant of Easement that will conserve approximately 18.80 acres of the project site as open space in perpetuity.	The project would be consistent with this recommendation.
Recommendation 2b	Screen satellite antennas, air conditioning duct work, and other service equipment from identified public view corridors.	Although the ultimate design of the residential buildings and landscaping has not yet been finalized, restrictions within the Design Guidelines ensure that all public views surrounding the proposed project would not be significantly impacted.	The project would be consistent with this recommendation.
Recommendation 2c	Protect public views to and along the shoreline as well as to all designated open spaces areas and scenic resources from public vantage points as identified in Figure 9 and Appendix G of the La Jolla Community Plan.	Although the ultimate design of the residential buildings and landscaping has not yet been finalized, restrictions within the Design Guidelines ensure that all public views surrounding the proposed project would not be significantly impacted.	The project would be consistent with this recommendation.
Recommendation 2d	Implement the regulation of the building envelope to preserve public views through the height, setback, landscaping, and fence transparency regulation of the Land Development Code that limit the building profile and maximize view opportunities.	Although the ultimate design of the residential buildings and landscaping has not yet been finalized, restrictions within the Design Guidelines ensure that all public views surrounding the proposed project would not be significantly impacted.	The project would be consistent with this recommendation.

**Table 5.1-5
Project’s Consistency with the City of San Diego La Jolla Community Plan**

Goal/Recommendation Number	Goal/Recommendation	Project	Project Consistency/ Inconsistency
Recommendation 2e	Where existing streets serve as public vantage points, set back and terrace development on corner lots and or away from the street in order to preserve and enhance the public view provided from the public vantage point to and along the ocean.	Although the ultimate design of the residential buildings and landscaping has not yet been finalized, restrictions within the Design Guidelines ensure that all public views surrounding the proposed project would not be significantly impacted.	The project would be consistent with this recommendation.
Recommendation 2f	Plant and maintain landscaping or vegetation so that it does not obstruct public view of coastal resources from identified public vantage points.	Although the ultimate design of the residential buildings and associated landscaping has not yet been finalized, restrictions within the Design Guidelines ensure that all public views surrounding the proposed project would not be significantly impacted.	The project would be consistent with this recommendation.
Recommendation 2i	Where new development is proposed adjacent to a park or open space, reduce the perceived bulk and scale of the proposed structure through articulation of the facades facing the park or open space land and by the utilization of façade materials that blend with the landscape.	Although the ultimate design of the residential buildings and landscaping has not yet been finalized, the proposed project includes a Covenant of Easement that will conserve approximately 18.80 acres of the project site as open space in perpetuity.	The project would be consistent with this recommendation.
Recommendation 2j	As viewed from identified scenic overlooks, minimize the impact of bulk and scale, rooflines, and landscaping on the viewshed over the property.	Although the ultimate design of the residential buildings and landscaping has not yet been finalized, restrictions within the Design Guidelines ensure that all public views surrounding the proposed project would not be significantly impacted.	The project would be consistent with this recommendation.

**Table 5.1-5
Project’s Consistency with the City of San Diego La Jolla Community Plan**

Goal/Recommendation Number	Goal/Recommendation	Project	Project Consistency/ Inconsistency
Recommendation 5a	Design structures on slopes to adapt to existing hillside conditions. Avoid the use of standards prepared pads on slopes with grades above 25%. Creative architectural solutions in land preparation and selection of appropriate foundation types are encouraged. These solutions include open foundations, pier supports, split level, cascading level, cascading developments, and similar techniques designed to minimize grading. Keep driveways, parking areas, tennis courts, swimming pools, and other accessory uses to a minimum, and locate them on more level portions of the site in slopes below 25%.	The development areas on both Parcel 2 and Parcel 3 will have slopes less than 25% gradient. In addition, all Environmentally Sensitive Land Use restrictions associated with steep hillsides will be implemented on site.	The project would be consistent with this recommendation.
Recommendation 5b	Undertake an environmental analysis for all structures proposed on hillsides containing sensitive biological resources in accordance with the requirements of the California Environmental Quality Act in order to determine the degree to which the proposed use will impact these resources. Protect environmentally sensitive habitats against disruption of habitat values to the greatest extent possible.	The development areas on both Parcel 2 and Parcel 3 will have slopes less than 25% gradient. In addition, all Environmentally Sensitive Land Use restrictions associated with steep hillsides will be implemented on site. Analysis outlined within Section 5.2 of this EIR outlines the potential impacts associated with hillsides containing sensitive biological resources with respect to CEQA.	The project would be consistent with this recommendation.
Recommendation 5c	Design structures on hillsides with a 25% or greater slope in a manner that does not excessively alter the natural hillside conditions, thereby minimizing the need for cut and fill grading. Land designated for open space but disturbed through off-site development, invasive plant species, or unpermitted onsite development shall be presumed natural. Such definition of disturbance does not include manufactured slopes. Maintain the existing condition of hillsides during construction and restore steep slopes that are disturbed by development or by road construction with native vegetation, where possible. Replant scarred slopes and graded areas with native vegetation. Revegetation should stimulate pre-development conditions whenever possible and utilize species compatible with the native habitat type in order to reclaim the natural habitat.	The development areas on both Parcel 2 and Parcel 3 will have slopes less than 25% gradient. In addition, all Environmentally Sensitive Land Use restrictions associated with steep hillsides will be implemented on site.	The project would be consistent with this recommendation.

**Table 5.1-5
Project’s Consistency with the City of San Diego La Jolla Community Plan**

Goal/Recommendation Number	Goal/Recommendation	Project	Project Consistency/ Inconsistency
Recommendation 5d	Utilize the structural quality of the soil to determine the type of construction proposed on hillsides. The stability of the hillside, both during and after construction, is important to the protection of adjacent properties as well as sensitive slopes and canyons which may surround the site. Retain topsoil which will be reused on the site.	Project-specific geotechnical analysis includes soil characterization and recommendations regarding the stability of the entire project site. Section 5.5 of this EIR outlines the measures implemented. In addition, all Environmentally Sensitive Land Use restrictions associated with steep hillsides will be implemented on site.	The project would be consistent with this recommendation.
Recommendation 5e	Maintain the natural surface drainage system. This includes intermittent streams, creeks, gullies, and rivulets, especially where such drainage ways adjoin or traverse other properties. The way in which changes to the natural land form or its surface coverage affects the natural drainage system must be determined prior to project approval. Sensitive design and the control of runoff will help eliminate problems of erosion, landslides, or damage to plant and animal life.	As outlined within Section 5.4 of this EIR, the project design would maintain the existing drainage system.	The project would be consistent with this recommendation.
Recommendation 5f	Limit the total amount of surface hardscape. The design of such site surfaces as structure foundations, driveways, patios, sidewalks, and roads should support not alter the natural system of drainage.	Hardscape will be limited to the development areas for both parcels. Restrictions on the types of hardscape and appropriate locations are outlined in detail within the Design Guidelines.	The project would be consistent with this recommendation.
Recommendation 5g	Retain existing vegetation and tree patterns where feasible, and incorporate such features into the overall landscaping of the site. Where new landscaping is required, the use of native vegetation and species that require minimal maintenance and watering should be used. Avoid the disturbance of native vegetation and species that require minimal maintenance and watering should be used. Avoid the disturbance of native vegetation and associated habitats of the coastal sage and chaparral communities.	The proposed project includes a Covenant of Easement that will conserve approximately 18.80 acres of the project site as open space in perpetuity. No invasive or potentially invasive species may be planted within The Reserve. Prohibited species include those listed under section 1.3-11.03 of the City’s Land Development Manual – Landscape Standards and the California Invasive Plant Council’s Inventory Database.	The project would be consistent with this recommendation.

**Table 5.1-5
Project’s Consistency with the City of San Diego La Jolla Community Plan**

Goal/Recommendation Number	Goal/Recommendation	Project	Project Consistency/ Inconsistency
Recommendation 5h	Minimize impacts to wildlife habitats, major rock formations, ridge lines, drainage ways, and known archaeological sites by placing structures in a manner that will not overwhelm hillside vegetation to the point where the natural character and form of the hillside is destroyed.	The proposed project includes a Covenant of Easement that will conserve approximately 18.80 acres of the project site as open space in perpetuity. As analyzed in Section 5.7 of this EIR, no impacts to archaeological sites would result.	The project would be consistent with this recommendation.
Recommendation 5i	Design infill development on hillsides in relationship to existing topography and landscape features. Incorporating existing features into project design minimizes environmental destruction and results in development that harmonizes with the natural grade of the site.	The proposed project includes a Covenant of Easement that will conserve approximately 18.80 acres of the project site as open space in perpetuity.	The project would be consistent with this recommendation.
Recommendation 5j	Where the linkage between two areas of designated open space is provided by a slope or slopes of 25% grade or greater, such as the hillsides that lie between Soledad Open Space Park and La Jolla Heights Park, development will be sited in a manner that preserves that linkage.	The proposed project includes a Covenant of Easement that will conserve approximately 18.80 acres of the project site as open space in perpetuity. Although the ultimate design of the residential buildings and landscaping has not yet been finalized, restrictions within the Design Guidelines ensure that all fences and gates would not restrict biological movement through the project site.	The project would be consistent with this recommendation.
Recommendation 5k	Set back large residential structures from the top of slope of steep hillsides so that the design and site placement of a proposed project respect the existing natural landform and steep hillside character of the site. This is especially important for those locations that are visible from natural open space systems, park lands, major coastal access routes and the seashore. The reservation of the natural character of these areas depends upon minimizing visual intrusions.	The development areas on both Parcel 2 and Parcel 3 will have slopes less than 25% gradient. In addition, all Environmentally Sensitive Land Use restrictions associated with steep hillsides will be implemented on site.	The project would be consistent with this recommendation.

**Table 5.1-5
Project’s Consistency with the City of San Diego La Jolla Community Plan**

Goal/Recommendation Number	Goal/Recommendation	Project	Project Consistency/ Inconsistency
Recommendation 5n	Where new development is located on a hillside with street frontage, locate parking on the street side portion of the site. On larger parcels, separate parking from the main structure. The technique will help reduce the amount of grading required on site.	Although the ultimate design of the residential buildings and landscaping has not yet been finalized, restrictions within the Design Guidelines ensure that parking will be limited to the exterior vehicular use areas defined for each parcel.	The project would be consistent with this recommendation.
Recommendation 5p	Wherever possible, cluster structures through Planned Development Permits to preserve the existing topography and conserve natural resources. Clustering permits appropriate densities while maintaining greater open space areas and hillsides. Site and design such structures to avoid adverse impacts to adjacent single dwelling unit residential neighborhoods. This would include use of appropriate setbacks and open space easements.	The proposed project will prepare a Planned Development Permit and be consistent with all applicable regulations. In addition, all Environmentally Sensitive Land Use restrictions associated with steep hillsides will be implemented on site.	The project would be consistent with this recommendation.
Recommendation 5q	Where lot subdivisions are proposed on natural slopes, locate a portion of each created lot in an area of the hillside where the slope is less than 25% and limit structures to this portion.	A portion of each of the proposed parcels includes areas with less than 25% slope gradient. The development area on both Parcel 2 and 3 is located in an area with slopes less than 25%.	The project would be consistent with this recommendation.
Recommendation 5r	Require lot divisions to have a portion of each created lot in areas of less than 25% gradient. The portion of the lot to be in slopes of less than 25% gradient should be large enough to accommodate development consistent with the open space and resource protection policies of this plan, and the Land Development Code; and in areas where there is a floor area ratio, the floor area ratio for the zone in which the property is located. This requirement would not apply to parcels restricted to open space uses, either by dedication or transfer of title to the City of another responsible public agency. In the case of clustered developments obtained through a Planned Development Permit, allow lot divisions provided the development is located in the flattest and or disturbed portions of the site and is designed to harmonize with the natural features of the hillsides.	A portion of each of the proposed parcels includes areas with less than 25% slope gradient. The development area on both Parcel 2 and 3 is located in an area with slopes less than 25%.	The project would be consistent with this recommendation.

**Table 5.1-5
Project’s Consistency with the City of San Diego La Jolla Community Plan**

Goal/Recommendation Number	Goal/Recommendation	Project	Project Consistency/ Inconsistency
Recommendation 5s	<p>Located developments, grading or land alterations (including private access roads) associated with subdivisions or development permits on existing slopes of less than 25% gradient, and harmonize the site design with the natural features of the hillsides. Specific criteria govern the extent of development area and allowable encroachment into steep hillsides in order to preserve, to the maximum extent possible, open space value, natural steep hillsides, sensitive resources and wild life habitat and linkages. When encroachment onto steep hillsides in unavoidable, encroachment is permitted in such steep hillsides to provide for a development area of up to a maximum 25% of the premises on property containing less than 91% of such steep hillsides. On existing legal lots, where 91% of the property or greater is steep hillsides, the maximum allowable development area is 20% of the premises, thereby preserving the remaining portions of the hillside in a natural undisturbed state. However, an additional 5% encroachment may be permitted if necessary to allow economically viable use.</p>	<p>The development areas on both Parcel 2 and Parcel 3 will have slopes less than 25% gradient. In addition, all Environmentally Sensitive Land Use restrictions associated with steep hillsides will be implemented on site.</p>	<p>The project would be consistent with this recommendation.</p>
Recommendation 5t	<p>Preserve steep hillsides in their natural state and minimize encroachments into hillsides to the maximum extent possible to preserve their open space value. On existing legal lots with steep hillsides, encroachment into the steep hillside area should be limited in order to preserve portions of the hillside in a natural, undisturbed state while providing a usable development area. The trimming of vegetation that retains the root stock and is greater than thirty feet from any structure (Zone 2 brush management) as mandated by the City in order to meet Fire Code regulations may be exempted from this encroachment limitation, if habitat quality is maintained.</p>	<p>The Design Guidelines limit the development area to 25% and include grading guidelines that preserve steep hillsides to the maximum extent possible.</p>	<p>The project would be consistent with this recommendation.</p>

**Table 5.1-5
Project’s Consistency with the City of San Diego La Jolla Community Plan**

Goal/Recommendation Number	Goal/Recommendation	Project	Project Consistency/ Inconsistency
Recommendation 5u	For any development requiring a brush management plan, require the brush management plan used to control slope erosion to be performed on private property only, not on City-owned land, in accordance with the landscape regulations and standards.	The Design Guidelines require specific brush management zones surrounding both of the proposed residential buildings and landscaping, consistent with the City of San Diego Brush Management Regulations. The proposed project would be consistent with this policy.	The project would be consistent with this recommendation.
Recommendation 5v	Preserve all steep natural hillsides which remain undeveloped on conditions of permit approval through dedication, a permanent OC (Open Space Conservation) designation, or deed restriction covenant of open space easement, or other means.	The proposed project includes a Covenant of Easement that will conserve approximately 18.80 acres of the project site as open space in perpetuity. In addition, all Environmentally Sensitive Land Use restrictions associated with steep hillsides will be implemented on site.	The project would be consistent with this recommendation.
Recommendation 5w	Where new development is proposed adjacent to a park or open space, reduce the perceived bulk and scale of the proposed structure through articulation of the facades facing the park or open space, and façade materials that blend with the landscape should be employed.	The proposed project includes a Covenant of Easement that will conserve approximately 18.80 acres of the project site as open space in perpetuity. Details within the Design Guidelines ensure that natural colored surfaces and façade materials would be used on all structures, and landscaping within the development area would blend in with the natural vegetation within the Covenant of Easement area.	The project would be consistent with this recommendation.
Recommendation 5x	Create a monitoring program to ensure compliance with this plan’s policies and recommendations related to hillside grading and drainage.	The proposed project includes a Covenant of Easement that will conserve approximately 18.80 acres of the project site as open space in perpetuity. The Covenant of Easement is MM-BIO-1 and will be part of the Mitigation, Monitoring and Reporting program for the project.	The project would be consistent with this recommendation.

**Table 5.1-5
Project’s Consistency with the City of San Diego La Jolla Community Plan**

Goal/Recommendation Number	Goal/Recommendation	Project	Project Consistency/ Inconsistency
Recommendation 5y	Use of invasive plant species shall not be permitted. Where development encroaches into or disturbed naturally-vegetated areas, require use of native plant species appropriate to the habitat type.	Based on the Design Guidelines, no invasive or potentially invasive species may be planted within The Reserve. Prohibited species include those listed under section 1.3-11.03 of the City’s Land Development Manual – Landscape Standards and the California Invasive Plant Council’s Inventory Database. In addition, the project would be in compliance with the City’s brush management requirements.	The project would be consistent with this recommendation.
<i>Residential Land Use Element</i>			
Goal	Provide a high quality residential environment in La Jolla that respects its relationship to the sea, to hillsides and to open space.	The project proposes 6.28 acres of development area on a 25.14-acre lot, providing two residential buildings and landscaping areas while also providing conserved open space area in perpetuity. Both homes would have views of the Pacific Ocean.	The project would be consistent with this goal.
Goal	Promote the development of a variety of housing types and styles in La Jolla.	The Design Guidelines provide for flexibility in design and architecture of the proposed homes while following all applicable regulations and requirements.	The project would be consistent with this goal.
Goal	Maintain the character of La Jolla’s residential areas by ensuring that redevelopment occurs in a manner that protects natural features, preserves existing streetscape themes and allows a harmonious visual relationship to exist between the bulk and scale of new and older structures.	The project proposes 6.28 acres of development area on a 25.14-acre lot, providing two residential buildings and landscaping areas, expanding an existing estate by combining it with existing development on Parcel 1 while also providing conserved open space area in perpetuity to provide a harmonious visual relationship.	The project would be consistent with this goal.

**Table 5.1-5
Project’s Consistency with the City of San Diego La Jolla Community Plan**

Goal/Recommendation Number	Goal/Recommendation	Project	Project Consistency/ Inconsistency
Policy 1	Maintain the existing residential character of La Jolla’s neighborhoods by encouraging buildout of residential areas at the plan density.	The proposed project is consistent with the zoning and land use designation for the proposed project site, and maintains the residential character of the surrounding neighborhood.	The project would be consistent with this policy.
Policy 6a	All development and redevelopment projects should be subject to the policies to and recommendations outlined under the Visual Resources, Coastal Bluffs, and Public and Shoreline Access Sections of the Natural Resources and Open Space System Element.	The project is consistent with the City General Plan, the La Jolla Community Plan, and the City’s Municipal Code zoning designation. In addition, the project would comply with all Environmentally Sensitive Lands regulations with respect to sensitive biological resources and steep hillsides on site.	The project would be consistent with this policy.
Recommendation 1	Ensure that the proposed new development is constructed within the density range identified for the project site on the Residential Densities map. Very Low Density: 0-5 dwelling units per net residential acre (excluding right-of-way and utility easements). This density range is characterized by large single dwelling unit estate homes built on 10,000 to 40,000 square foot parcels with steep slopes and/or open space areas. This type of development is appropriate for the bluff top areas of La Jolla Farms, the Muirlands and portions of the Planned Residential Development areas of La Jolla Alta along Mount Soledad Road. The RS-1-4, RS-1-2, and the RS-1-1 zones implement this designation.	The project is consistent with the City General Plan, the La Jolla Community Plan, and the City’s Municipal Code RS-1-4 zoning designation.	The project would be consistent with this recommendation.
Recommendation 2a	In order to maintain and enhance the existing neighborhood character and ambiance, and to promote good design and visual harmony in the transitions between new and existing structures, preserve the following elements: Bulk and scale, street landscape, hardscapes, street fixtures, site fixtures, curbs, gutters, and street pavements, and public physical and visual access.	Although the ultimate building design has not yet been finalized, restrictions within the Design Guidelines ensure that all impacts to visual aesthetic would be less than significant.	The project would be consistent with this recommendation.

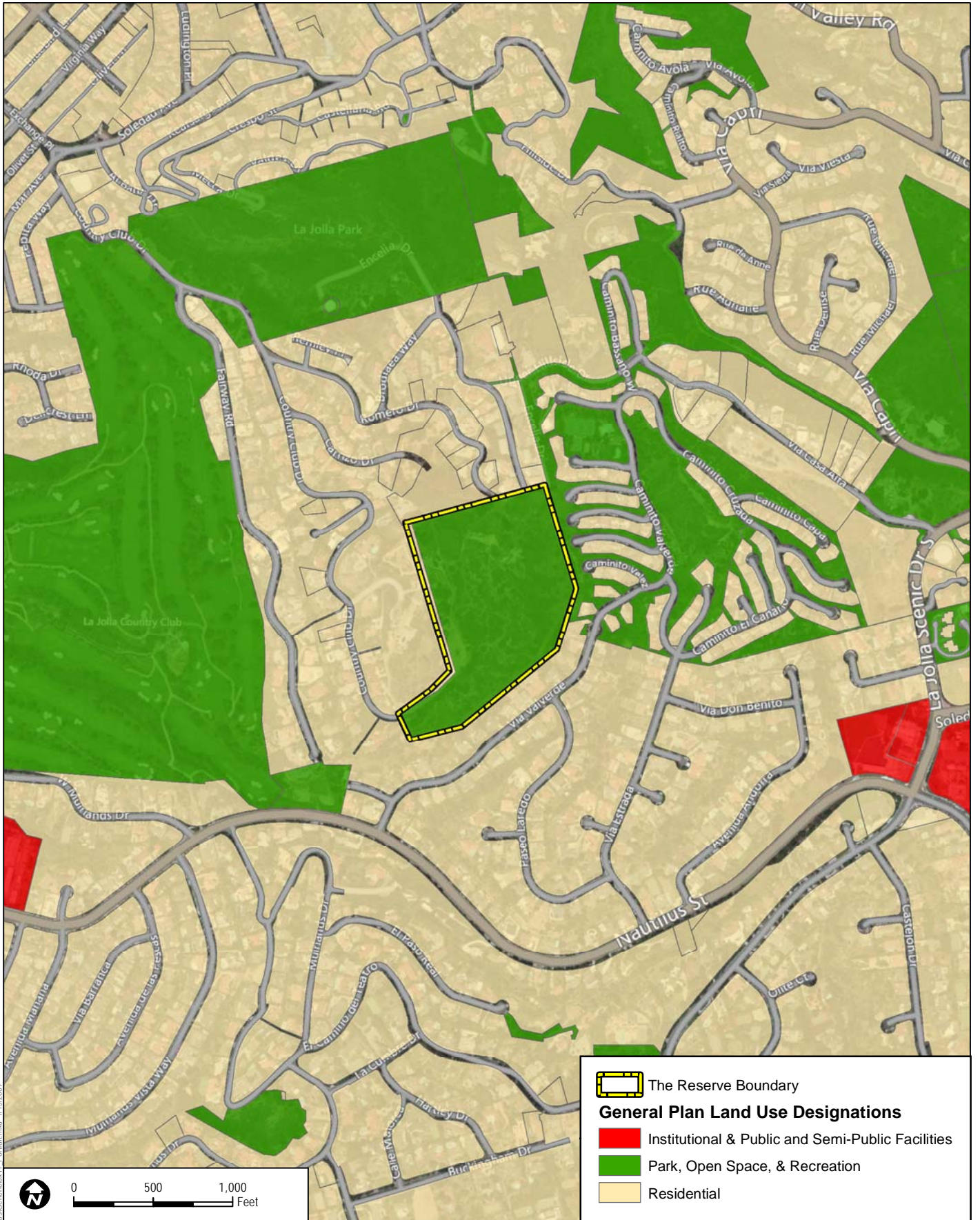
**Table 5.1-5
Project’s Consistency with the City of San Diego La Jolla Community Plan**


Goal/Recommendation Number	Goal/Recommendation	Project	Project Consistency/ Inconsistency
Recommendation 2b	In order to regulate the scale of new development, apply development regulations to all residential properties in La Jolla that proportionally relate the building envelope to the existing lot dimensions. Apply minimum side and rear yard setback requirements that separate structures from adjacent properties in order to prevent a wall effect along the street face as viewed from the public right-of-way. Side yard setbacks should be incrementally increased for wider lots.	The project proposes 6.28 acres of development area on a 25.14-acre lot, providing two residential buildings and landscaping areas while also providing conserved open space area in perpetuity to provide a harmonious visual relationship.	The project would be consistent with this recommendation.
Recommendation 2c	In order to promote transitions in scale between new and older structures, create visual relief through the use of diagonal or off-setting planes, building articulation, roofline treatment, and variations within front yard setback requirements.	Although the ultimate building design has not yet been finalized, restrictions within the Design Guidelines ensure that all impacts to visual aesthetic would be less than significant.	The project would be consistent with this recommendation.
Recommendation 2d	For large lots in single dwelling unit areas, apply development regulations that will limit the perceived bulk and scale differences relative to surrounding lots. Apply a sliding scale for floor area ratios that will decrease building scale as the lot size increases.	The proposed residential buildings and landscaping s would be limited to the development area. The proposed project includes a Covenant of Easement that will conserve approximately 18.80 acres of the project site as open space in perpetuity.	The project would be consistent with this recommendation.
Recommendation 2e	In order to address transitions between the bulk and scale of new and older development in residential areas, maintain the existing 30-foot height limit of single dwelling unit zones and Proposition D. Structures with front and side yard facades that exceed one story should slope or step back additional stories, up to the 30-foot height limit, in order to allow flexibility while maintaining the integrity of the streetscape and providing adequate amounts of light and air.	Although the ultimate building design has not yet been finalized, restrictions within the Design Guidelines ensure that no structures constructed on site will exceed 30 feet in height.	The project would be consistent with this recommendation.
Recommendation 4	Prepare all geological studies in accordance with the City’s Development Services’ Technical Guidelines for Geotechnical Reports which require an evaluation of the site by state certified geologist and engineer to ensure the safety of development on the site.	A geotechnical study was prepared by a professional engineer pursuant to the City’s Development Services Technical Guidelines for Geotechnical Reports.	The project would be consistent with this recommendation.

**Table 5.1-5
Project’s Consistency with the City of San Diego La Jolla Community Plan**




Goal/Recommendation Number	Goal/Recommendation	Project	Project Consistency/ Inconsistency
Recommendation 7a	For all residential projects, consider the structures site design and solar orientation in order to maximize energy efficiency.	Although the ultimate building design has not been finalized, the Design Guidelines allow for a passive solar orientation and recommend the incorporation of photovoltaic systems consisting of solar panels.	The project would be consistent with this recommendation.

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 The Reserve Boundary

General Plan Land Use Designations

-  Institutional & Public and Semi-Public Facilities
-  Park, Open Space, & Recreation
-  Residential

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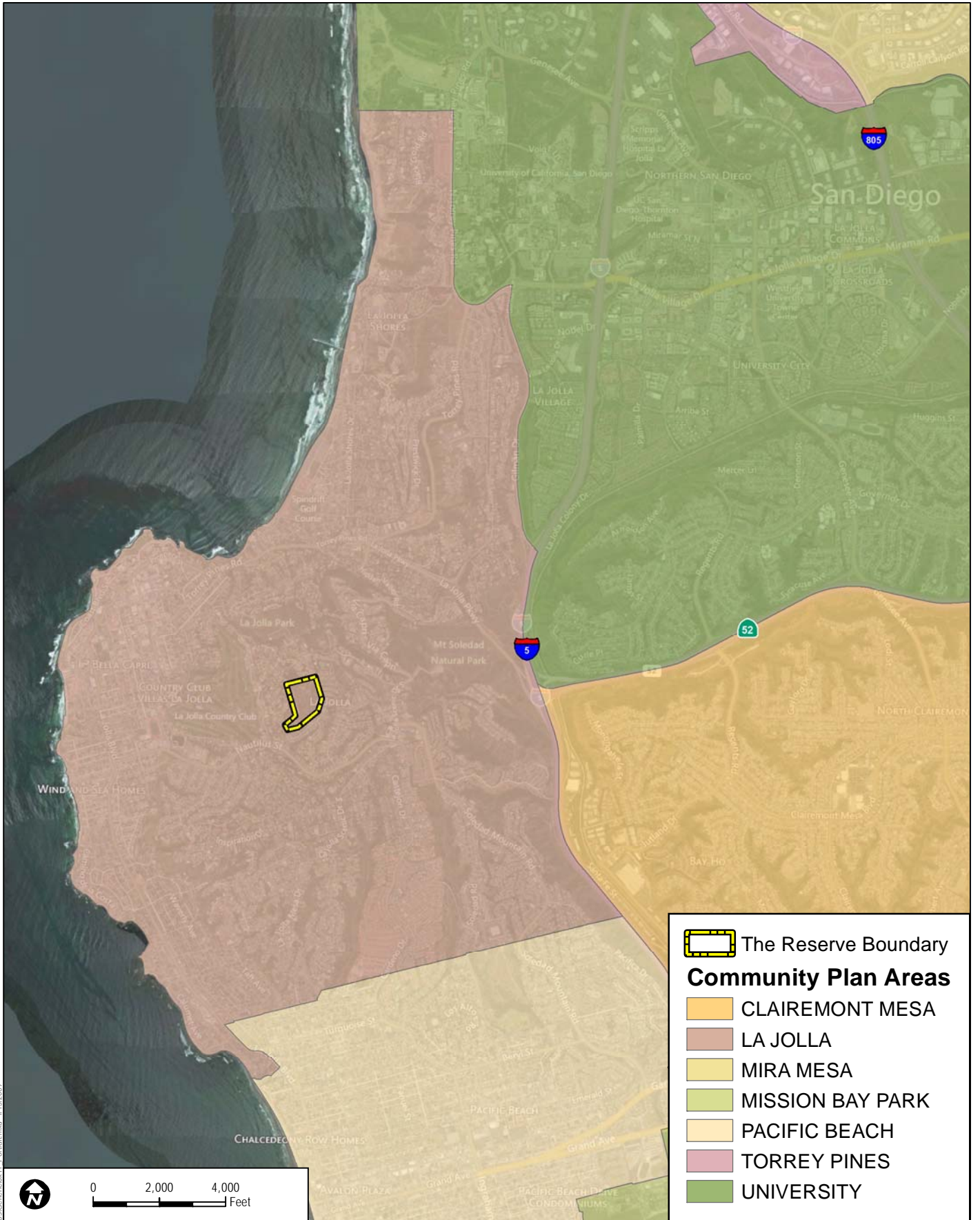
The Reserve

City of San Diego General Plan Land Use Designations
Environmental Analysis Section Project No. 292065

CITY OF SAN DIEGO - DEVELOPMENT SERVICES

FIGURE
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0 2,000 4,000
Feet



The Reserve

City of San Diego Community Plan Areas
Environmental Analysis Section Project No. 292065
 CITY OF SAN DIEGO - DEVELOPMENT SERVICES

FIGURE
5.1-2

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Legend

- Very Low Density Residential (0-5 DU/AC)
- Low Density Residential (5-9 DU/AC)
- Low Medium Residential (9-15 DU/AC)
- Medium Residential (15-30 DU/AC)
- Medium High Residential (30-45 DU/AC)
- Commercial/Mixed Use
- Parks, Open Space
- Schools
- Cultural
- Community Facilities



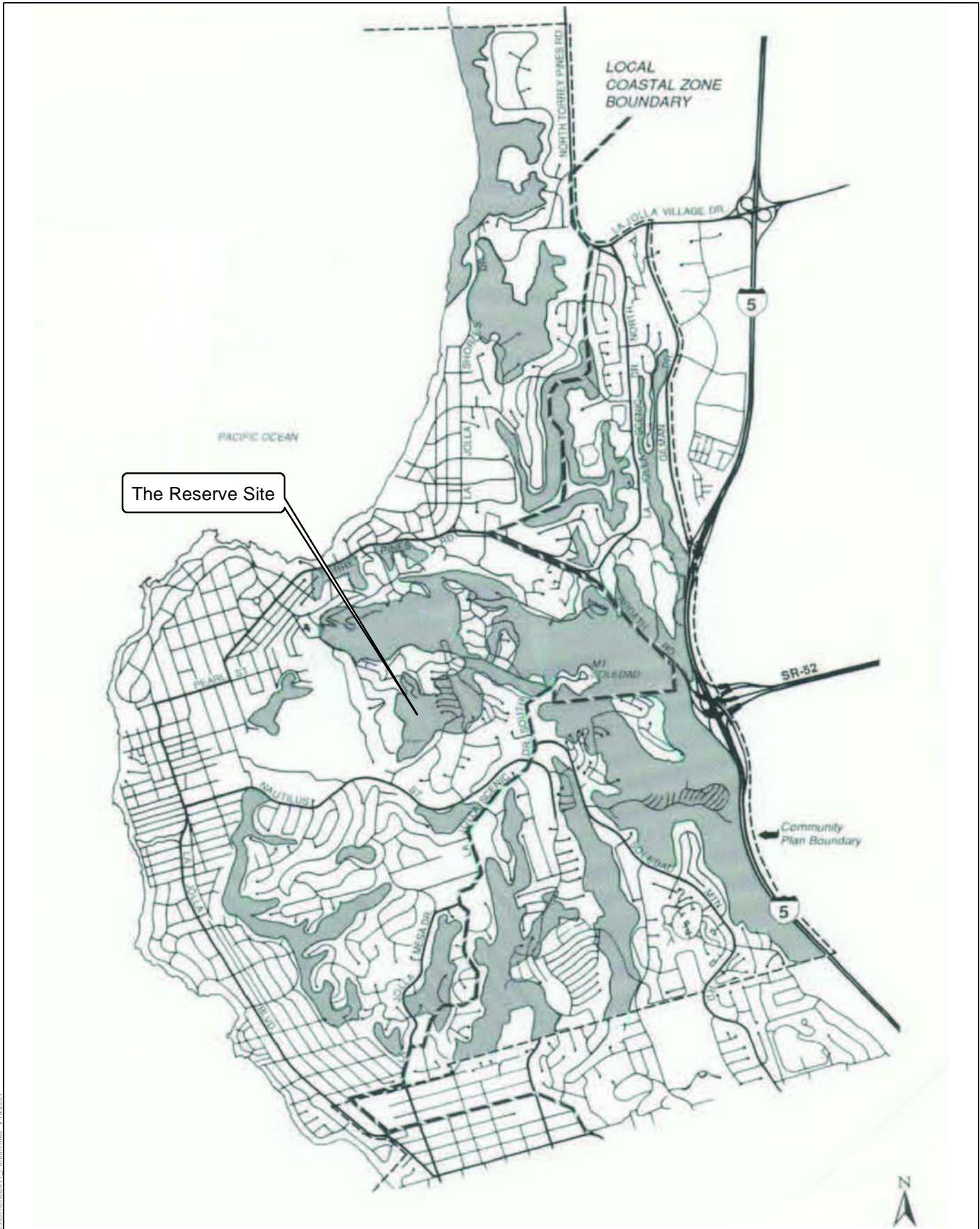
The Reserve Site



The Reserve
La Jolla Community Land Use Map
Environmental Analysis Section Project No. 292065
CITY OF SAN DIEGO - DEVELOPMENT SERVICES

FIGURE
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The Reserve

La Jolla Community Hillshade with 25% Slopes or Greater
Environmental Analysis Section Project No. 292065

CITY OF SAN DIEGO - DEVELOPMENT SERVICES

FIGURE
5.1-4

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LEGEND

Dedicated Open Space/Park
 City-owned property that has been formally dedicated by the City or State for park and/or open space under Charter Section 55 of the San Diego Municipal Code. Protected in perpetuity unless changed by a two-thirds vote of the people.

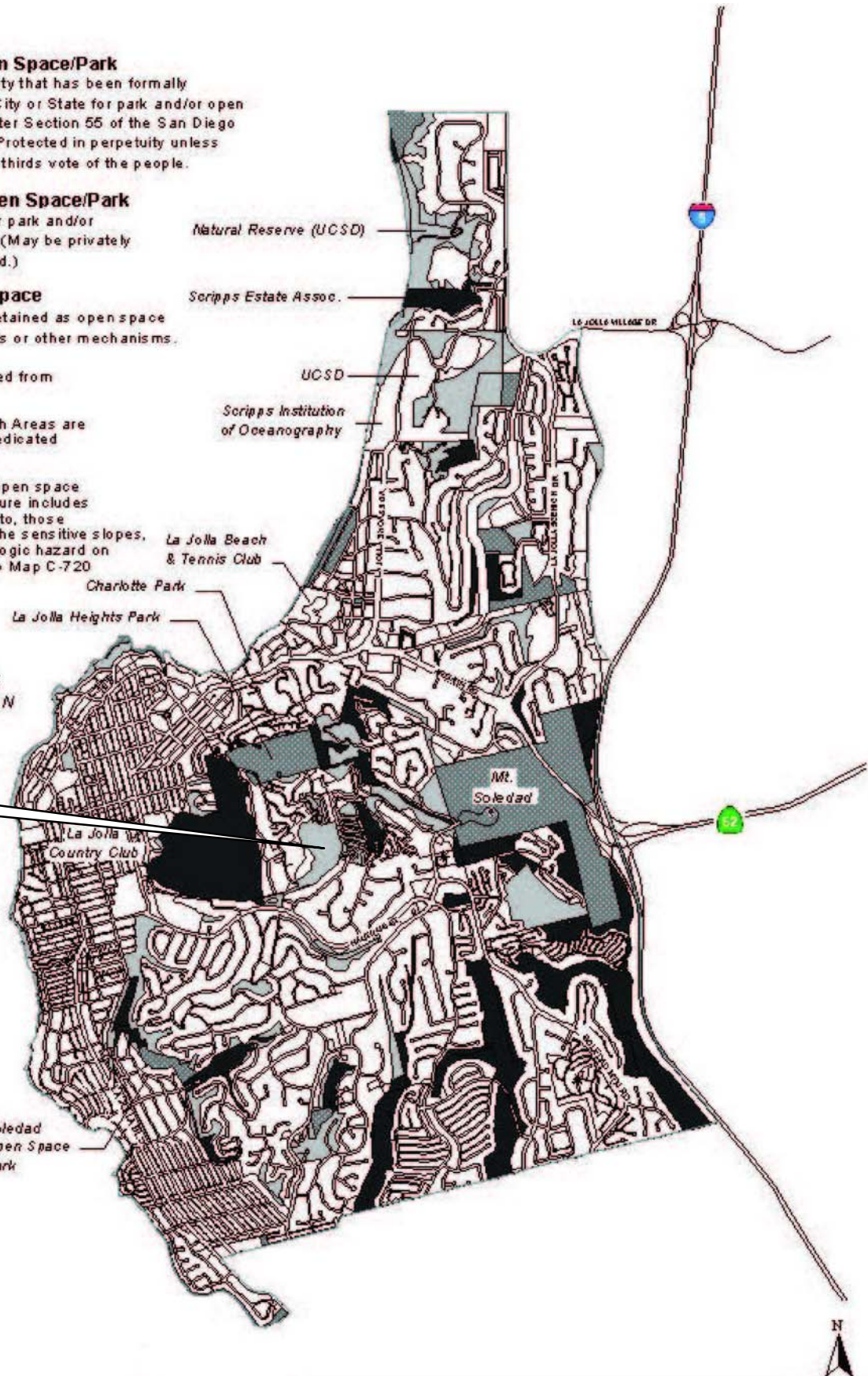
Designated Open Space/Park
 Areas intended for park and/or open space uses. (May be privately or publically owned.)

Private Open Space
 Private property retained as open space through easements or other mechanisms.

* Structures excluded from Open Space

NOTE: In General, Beach Areas are Designated or Dedicated Open Space

NOTE: The designated open space shown on this figure includes but is not limited to, those lands shown as the sensitive slopes, viewshed or geologic hazard on City of San Diego Map C-720

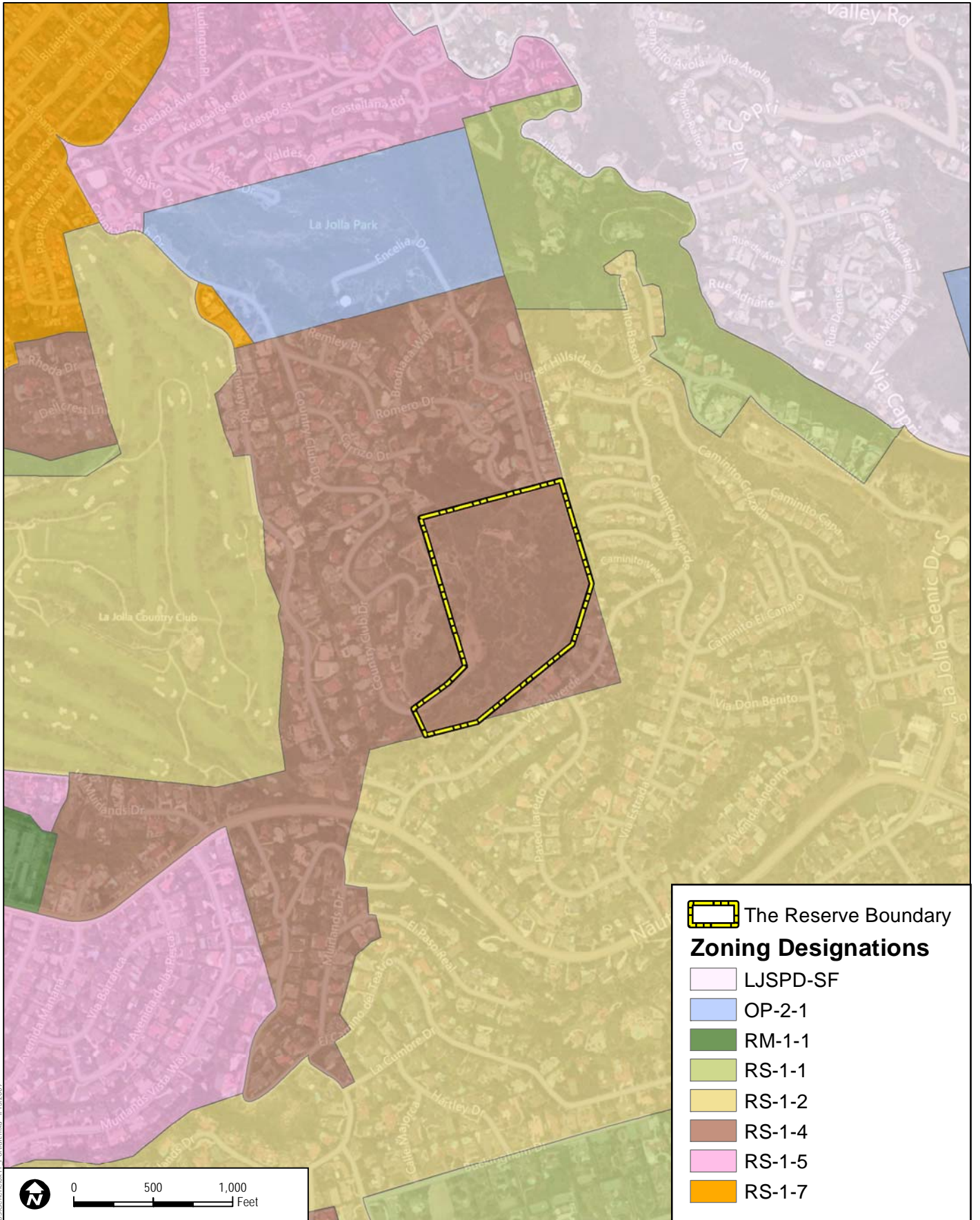


The Reserve Site



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The Reserve

Zoning Designations
 Environmental Analysis Section Project No. 292065
 CITY OF SAN DIEGO - DEVELOPMENT SERVICES

FIGURE
5.1-6

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5.2 BIOLOGICAL RESOURCES

5.2.1 INTRODUCTION

This section provides information about the biological character of the project site, existing vegetation and jurisdictional resources, and results of surveys for plant and animal species recognized as sensitive by local, state, or federal wildlife agencies. The following discussion includes data and analysis from the *Biological Resources Technical Report for the Reserve Project* that was prepared by Dudek in April 2014 (Dudek 2014). The complete report is included as Appendix C of this Environmental Impact Report (EIR). Appendix C also includes the results of an updated biological survey conducted on April 29, 2015 which confirms that there has not been any significant change to the extent of the native habitat since the February 2012 survey and existing conditions.

5.2.2 EXISTING CONDITIONS

A site biological reconnaissance survey, habitat assessment, inventory of plant and animal species, vegetation mapping, and formal jurisdictional wetlands delineation were conducted in 2010 to assess the existing conditions of the project site. A focused rare plant survey was conducted during the spring and summer of 2011 during the appropriate blooming periods for potentially occurring special-status plant species. Geotechnical studies were conducted between August and September 2011 under the authority granted by a 560 permit issued by the City of San Diego (City) and included all required biological monitoring tasks, including contractor education, confirmation of work limits, nesting bird surveys prior to vegetation disturbance, biological monitoring, and related reporting. Vegetation mapping was updated in February 2012 following the non-breeding season removal of a eucalyptus tree (*Eucalyptus* sp.) in the northern portion of the site and to further refine the vegetation mapping to match site-specific topography data. Additionally, an updated biological survey was conducted on April 29, 2015 to document if there were any changes to native habitat that occurred on-site since the previous vegetation mapping and analysis, and verification of the existing conditions. As identified above, the April 2015 survey confirms that there has been no significant change to the vegetation mapping and analysis and the biological technical report remains valid. The results of ~~each of these~~ detailed surveys are outlined within the appropriate subsections below.

Regional Resource Planning Context

The project site lies within the City's Multiple Species Conservation Program (MSCP) boundary and California Coastal Zone boundary; however, it is located outside the City's Multi-Habitat Planning Area (MHPA) conservation area and there are no specific MHPA guidelines for the

project area. The MHPA conservation areas within the vicinity of the project site are shown on Figure 5.2-1, MHPA Boundaries.

The San Diego MSCP is a long-term regional conservation program established to protect sensitive species and habitats in San Diego County. The MSCP is divided into subarea plans that are implemented separately from one another. The entire project site is within the City of San Diego subarea plan. This subarea encompasses 206,124 acres and is generally characterized by urban land use. The City MHPA is a hardline preserve developed by the City in cooperation with the wildlife agencies, property owners, developers, and environmental groups. The MHPA identifies biological core resource areas and corridors targeted for conservation, in which only limited development may occur (City of San Diego 1997).

5.2.2.1 Botany – Plant Communities and Floral Diversity

Based on species composition and general physiognomy, four plant communities (or habitat types) were identified within the project site: scrub oak chaparral, southern maritime chaparral, disturbed southern maritime chaparral, and non-native grassland. In addition, five non-native land covers are located on site: disturbed land, eucalyptus woodland, ice plant, ornamental plantings, and developed land. These habitat types and land covers are described below, their acreages are presented in Table 5.2-1, Vegetation Communities and Land Cover Types, and their locations are shown in Figure 5.2-2, Biological Resources with Development Impacts Map. Table 5.2-1 includes each habitat type and land cover’s tier status according to the City’s Biological Review References (BRR; see Appendix C to this EIR).

**Table 5.2-1
Vegetation Communities and Land Cover Types**

Vegetation Community/Land Cover Type	Tier	Acreage
Scrub oak chaparral	Tier I	0.24
Southern maritime chaparral	Tier I	17.74
Disturbed southern maritime chaparral	Tier I	0.49
Non-native grassland	Tier IIIB	0.58
Disturbed land	Tier IV	1.83
Eucalyptus woodland	Tier IV	0.25
Ice plant	Tier IV	2.24
Ornamental plantings	Tier IV	1.19
Developed land	Tier IV	0.58
Total		25.14

Scrub Oak Chaparral – Tier I

Scrub oak chaparral is composed of a dense, evergreen chaparral up to 20 feet tall, dominated by Nuttall's scrub oak (*Quercus dumosa*) with considerable mountain mahogany (*Cercocarpus betuloides*) (Holland 1986). Scrub oak chaparral was mapped as scattered individuals in the northern portion of the project site and as monotypic stands in two locations in the central portion of the site. Because of their size, the two monotypic stands were mapped separately from the surrounding habitat.

Southern Maritime Chaparral and Disturbed Southern Maritime Chaparral – Tier I

Southern maritime chaparral is composed of low, fairly open chaparral that occurs in weathered sands within the coastal fog belt. Its characteristic species may require fire for continued reproduction (Holland 1986). Typical plant species include chamise (*Adenostoma fasciculatum*), thick-leaved Eastwood's manzanita (*Arctostaphylos crustacea* ssp. *eastwoodiana*), wart-stemmed ceanothus (*Ceanothus verrucosus*), mission manzanita (*Xylococcus bicolor*), Torrey pine (*Pinus torreyana* ssp. *torreyana*), Nuttall's scrub oak (*Quercus dumosa*), laurel sumac (*Malosma laurina*), and San Diego mountain-mahogany (*Cercocarpus minutiflorus*) (Appendix C).

The area mapped as southern maritime chaparral on site is distinguished by the high cover of lemonadeberry (*Rhus integrifolia*) with California buckwheat (*Eriogonum fasciculatum*), toyon (*Heteromeles arbutifolia*), laurel sumac, and chamise. It also supports a diverse composition of species more typical of coastal sage scrub, including coastal sagebrush (*Artemisia californica*), California buckwheat, white sage (*Salvia apiana*), and black sage (*Salvia mellifera*). The site also supports approximately 149 Nuttall's scrub oak, approximately 116 San Diego barrel cactus (*Ferocactus viridescens*), and 3 Torrey pines. The habitat on site does not strictly meet the definition of southern maritime chaparral due to the lack of wart-stemmed ceanothus (*Ceanothus verrucosus*) and thick-leaved Eastwood's manzanita on site (Appendix C). However, the City's Biology Guidelines provide the following description of southern maritime chaparral:

Southern Maritime Chaparral is a rare vegetation community associated with the fog belt along the coastal areas and could extend inland to areas such as, but not limited to, Carlsbad, El Camino Real, and Palomar Road. The following characteristics and plant species are considered indicators of Southern Maritime Chaparral within the City of San Diego: occurrence on sandstone soils; occurrence within the coastal fog belt; Del Mar manzanita (*Arctostaphylos glandulosa* ssp. *crassifolia*), wart-stemmed ceanothus (*Ceanothus verrucosus*), Orcutt's spineflower (*Chorizanthe orcuttiana*), sea-dahlia (*Coreopsis maritima*), California aster (*Lessingia filaginifolia* var. *filaginifolia*), summer holly (*Comarostaphylis diversifolia*), short-leaved dudleya (*Dudleya blochmaniae* ssp.

brevifolia), Torrey pine (*Pinus torreyana*), Nuttall's scrub oak (*Quercus dumosa*), and Encinitas baccharis (*Baccharis vanessae*). The above plant species do not need to be dominant, only present, to be considered as an indicator of Southern Maritime Chaparral (Appendix C).

Additionally, the Biology Guidelines differentiate southern mixed chaparral from southern maritime chaparral, as follows:

Southern Mixed Chaparral is a more common inland vegetation community, typically associated with drier, more drought-tolerant plant species. Typical plant species include chamise (*Adenostoma fasciculatum*), ceanothus (*Ceanothus* spp.), manzanita species including Del Mar manzanita (*Arctostaphylos* spp. or *Xylococcus bicolor*), and scrub oak (*Quercus berberidifolia* or *Quercus dumosa*). If any single species dominates more than 50% of the cover, then the habitat is not a mixed habitat and should be designated according to that dominant species present (i.e., chamise chaparral) (Appendix C).

Although the site lacks wart-stemmed ceanothus and thick-leaved Eastwood's manzanita, and species composition more closely resembles coastal sage scrub than southern maritime chaparral, the City considers the site to be dominated by southern maritime chaparral because it supports sandy soils, is located within the coastal fog belt, and supports Nuttall's scrub oak, San Diego barrel cactus, and Torrey pine (Appendix C). Based on this City direction and the species observed on site, southern maritime chaparral was mapped throughout most of the project site.

Disturbed forms of southern maritime chaparral were mapped in the north-central portions of the site on an old road disturbance area on site since approximately 1927. This area is essentially an extension of Romero Drive into the site. Vegetation in these areas more closely resembles disturbed coastal sage scrub, with a mixture of sparse California buckwheat and bare ground; however, as discussed above, based on City direction, these areas were mapped as disturbed southern maritime chaparral due to the presence of sandy soils, the site location within the coastal fog belt, Nuttall's scrub oak, San Diego barrel cactus, and three widely scattered Torrey pines on site. Southern maritime chaparral is a unique community restricted to Torrey Pines State Reserve and a few scattered nearby localities (Appendix C).

Non-Native Grassland – Tier IIIB

Non-native grasslands are typically characterized by weedy, introduced annuals, primarily grasses, including wild oat (*Avena* spp.), bromes (*Bromus diandrus*, *B. madritensis*, *B. hordeaceus*), black mustard (*Brassica nigra*), filaree (*Iridium botrys* and *Erodium cicutarium*), and Russian-thistle (*Salsola tragus*). This plant community often occurs after disturbance by

maintenance (e.g., mowing, scraping, disking, spraying), grazing, repetitive fire, agriculture, or other mechanical disruption has altered soils and removed native seed sources from areas formerly supporting native vegetation.

Non-native grassland occupies a small portion of the site within the relatively flat area at the northern site boundary, south of the terminus of Romero Drive, and a small area near the northwest corner of the property. The community on site is dominated by wild oat (*Avena barbata*), ripgut brome (*Bromus diandrus*), and annual beard grass (*Polypogon monspeliensis*).

Non-native grasslands may support sensitive plant and animal species and provide valuable foraging habitat for raptors (birds of prey). However, the non-native grassland on site is heavily disturbed, small, and isolated, limiting the potential for rare plants or for use by raptors.

Disturbed Land – Tier IV

Disturbed land refers to areas where mechanical disturbance has resulted in severely limited natural vegetation growth. Disturbed habitat typically includes dirt roads, abandoned pads, maintained ornamental plantings, and other man-made land covers. Disturbed land on site includes dirt roads or pads that support little to no vegetation and highly compacted soils. A previous encroachment along the northern site boundary has been removed since the completion of the 2014 Biological Resources Technical Report. This area was previously mapped as developed area and now consists of disturbed habitat in the form of bare dirt with straw wattles staked for erosion control (Dudek 2015).

Eucalyptus Woodland – Tier IV

Eucalyptus woodland is recognized as a non-native vegetation type that is fairly widespread in Southern California. It typically consists of monotypic stands of introduced Australian eucalyptus trees (*Eucalyptus* spp.). The understory is either depauperate or lacking owing to shade and the possible allelopathic (toxic) properties of the eucalyptus leaf litter. Eucalyptus woodland occurs in two areas along the northern site boundary.

Although eucalyptus woodlands are of limited value to most native plants and animals, they frequently provide nesting and perching sites for some raptors and therefore can be considered sensitive as a resource for those specific species if occupied. No raptor nests were observed within eucalyptus woodland on site during surveys. The breeding season for nesting raptors is defined by the City as February 1 through September 15.

Ice Plant – Tier IV

Ice plant is a distinct community that occurs where ice plant (non-native hottentot fig (*Carpobrotus edulis*)) dominates 100% of the ground cover. The closest category Holland provides is 11000 Non-Native Vegetation (Holland 1986). This land cover is considered an ornamental, non-native, invasive species, and occurs primarily along the southern and eastern site boundaries (Appendix C).

Ornamental Plantings – Tier IV

Ornamental plantings refer to areas where ornamentals and landscaping have been installed. These areas are concentrated around the edge of the project site, primarily associated with the Foxhill estate residential landscaping along the western boundary. The most common ornamental species are planted pines (*Pinus* spp.), eucalyptus, and pepper trees (*Schinus* spp.).

Developed Land – Tier IV

Developed land includes areas where man-made structures have been constructed or placed, or where paved roads are situated. Such places typically support little to no natural vegetation growth and are not considered sensitive. Developed land primarily occurs off-site, in association with the surrounding residential development and paved roads. Developed land was identified within the project boundaries at the terminus of Encelia Drive along the northern project boundary where adjacent residences encroached on site, as well as near the western boundary where structures or paved areas associated with the Foxhill estate encroachment are present. As noted above under Disturbed Land-Tier IV, the previous encroachment along the northern boundary has been removed and presently consists of disturbed habitat in the form of bare dirt with straw wattles staked for erosion control (Dudek 2015).

Floral Diversity

A total of 145 species of vascular plants, 85 native (59%) and 60 non-native (41%), were recorded on the site in 2010 and 2011.

Zoology – Wildlife Diversity

The project site supports a moderate number of common upland wildlife species, but diversity and abundance is limited due to surrounding development, the site character as an urban parcel, and the highly urbanized character of La Jolla. Forty-nine species of wildlife were observed during the surveys.

Birds

Thirty-eight species of birds were observed during surveys and are those commonly found in shrublands in Southern California. Common species observed on site include Anna's hummingbird (*Calypte anna*), California towhee (*Melospiza crissalis*), mourning dove (*Zenaidura macroura*), common raven (*Corvus corax*), western scrub jay (*Aphelocoma californica*), wren (*Chamaea fasciata*), white-throated swift (*Aeronautes saxatalis*), and house finch (*Carpodacus mexicanus*). Additionally, two special-status species, coastal California gnatcatcher (*Poliophtila californica californica*) and yellow-breasted chat (*Icteria virens*), were also observed on site. Cooper's hawk (*Accipiter cooperii*), red-tailed hawk (*Buteo jamaicensis*), and red-shouldered hawk (*Buteo lineatus*) were observed, and other raptors may use the site as foraging or roosting habitat. Raptors could breed in the ornamental plantings and eucalyptus woodland on site.

Reptiles and Amphibians

Three reptile species were observed on site: western fence lizard (*Sceloporus occidentalis*), common side-blotched lizard (*Uta stansburiana*) and San Diego gophersnake (*Pituophis catenifer annectens*). Other common reptiles that may occur on site include southern alligator lizard (*Elgaria multicarinata*) and western rattlesnake (*Crotalus oreganus*). No amphibians were observed during surveys, but the site could support common species such as western toad (*Anaxyrus boreas*) and Baja California treefrog (*Pseudacris hypochondriaca*).

Mammals

Six common species of mammals were recorded on site: brush rabbit (*Sylvilagus bachmani*), common raccoon (*Procyon lotor*), coyote (*Canis latrans*), California ground squirrel (*Spermophilus beecheyi*), Botta's pocket gopher (*Thomomys bottae*), and woodrat (*Neotoma* sp; midden observed). Other mammals adapted to living in areas near human disturbance, such as gray fox (*Urocyon cinereoargenteus*), striped skunk (*Mephitis mephitis*), and Virginia opossum (*Didelphis virginica*), may also occur on the site. Several small rodent species are likely to occur on site, including deermice (*Peromyscus* spp.), western harvest mouse (*Reithrodontomys megalotis*), and pocket mice (*Chaetodipus* spp.). Larger mammal species such as mountain lion (*Puma concolor*), bobcat (*Lynx rufus*), and mule deer (*Odocoileus hemionus*) are not expected to occur on site due to the relatively small size of the property (25.14 acres), the surrounding development, and the highly urbanized character of La Jolla.

Invertebrates

Several ~~Two~~ invertebrates were recorded on site: cabbage white butterfly (*Pieris rapae*), ~~and~~ monarch butterfly (*Danaus plexippus*), checkered white butterfly (*Pontia protodice*) and marine blue

butterfly (*Leptotes marina*). Additionally, several common species of butterflies could occur, such as common white (*Pontia protodice*) and painted lady (*Vanessa cardui*), among others.

Sensitive Biological Resources

The following resources are discussed in this section: (1) plant and animal species present in the project vicinity that are given special recognition by federal, state, or local conservation agencies and organizations owing to declining, limited, or threatened populations, which are the result, in most cases, of habitat reduction; and (2) habitat areas that are unique, are of relatively limited distribution, or are of particular value to wildlife. Sources used for determination of sensitive biological resources are as follows: for both wildlife and plants, Dudek 2014 (see Appendix C).

Special-Status Plant Species

Three special-status plant species were observed on site during 2011 surveys. Approximately 116 individuals of San Diego barrel cactus (rare plant rank 2.1 and MSCP-covered species) were observed throughout site. Approximately 149 individuals of Nuttall's scrub oak (rare plant rank 1B.1) were observed on site within the southern maritime chaparral habitat, primarily in two distinct populations located in the central and northern portions of the site. There are also three Torrey pine trees (rare plant rank 1B.2 and MSCP-covered species) on site in three separate locations on the site (Figure 5.2-2).

Table 5.2-5 (at the end of this section) lists special-status plant species that have a potential to occur on site based on the location of the site and general soils mapping. For each species listed, a determination is made regarding the potential for the species to occur on site, based on the location of the site, habitats present, and the degree of disturbance to the vegetation on the site. Table 5.2-5 also includes the species detections from the 2011 rare plant survey.

Special-Status Wildlife Species

Four special-status wildlife species were detected on site (Figure 5.2-2). Western bluebird (*Sialia mexicana*) was observed perching in the ornamental plantings within the Foxhill estate garden along the western boundary of the project site during the November 22, 2010, survey. The project site is within the winter range for western bluebird; hence, this individual likely represents a non-breeding winter visitor. Western bluebird is an MSCP covered species but it has no state or federal status.

The three additional sensitive species were detected during biological monitoring of geotechnical work that was conducted between August 22, 2011 and September 22, 2011. A Cooper's hawk was observed perching and flying between off-site ornamental perch sites along the southeastern

site boundary. Cooper's hawk is a California Department of Fish and Wildlife (CDFW) watch list and MSCP covered species. Suitable foraging habitat is present on site for Cooper's hawk; however, suitable breeding sites are limited to adjacent off-site ornamental landscape areas supporting large trees, or the large trees within the ornamental garden of the Foxhill estate along the western site boundary.

A yellow-breasted chat was observed foraging on lemonadeberry fruit near the eastern project boundary. Yellow-breasted chat is a California species of special concern. Because there are no suitable wetland habitats on site for yellow-breasted chat breeding activities, and due to observation occurring late in the breeding season (August/September), it is likely that the yellow-breasted chat was migrating from suitable breeding grounds when it was observed on site.

One coastal California gnatcatcher was observed in the southern and eastern portions of the site during biological monitoring of geotechnical activities. The coastal California gnatcatcher is federally listed threatened and a California species of special concern. The gnatcatcher observed on site was a lone male in the process of molting and losing his breeding season black cap feathers. The individual gnatcatcher was observed foraging and calling; however, no other coastal California gnatcatchers or breeding activity was observed on site. The project site does not support coastal sage scrub or riparian habitat, therefore focused surveys for California gnatcatcher (*Polioptila californica californica*) or special-status riparian birds are not required (Dudek 2015).

Table 5.2-6 (at the end of this section) lists special-status animal species detected or that have a potential to occur on site based on the location of the site and general vegetation communities found in the area. For each species listed, a determination is made regarding the potential for the species to occur on site. Where pertinent, a distinction is made between available foraging and breeding habitat on site.

Sensitive Habitats/Regulated Resources

Sensitive habitats are those that are considered to support unique vegetation communities or sensitive plant and/or wildlife species, or that function as corridors for wildlife movement. Unique vegetation communities include habitats that are found only in the San Diego region, that support a local representative of species not generally found in San Diego County, or that are outstanding examples of CDFW sensitive plant communities. Regulated biological resources may or may not be considered sensitive, but are regulated under local, state, and/or federal laws.

Scrub oak chaparral (Tier I), southern maritime chaparral (Tier I), disturbed southern maritime chaparral (Tier I), non-native grassland (Tier IIIB), and the single drainage on site (which is considered a jurisdictional waters of the United States ephemeral drainage), are all sensitive

and/or regulated habitats. Impacts to these resources would require mitigation. Habitats are tiered pursuant to the BRR.

Wildlife Corridors and Habitat Linkages

Wildlife corridors are linear features that connect large patches of natural open space and provide avenues for the migration of animals. Wildlife corridors contribute to population viability by assuring continual exchange of genes between populations, providing access to adjacent habitat areas for foraging and mating, and providing routes for recolonization of habitat after local extirpation or ecological catastrophes (e.g., fires, landslides).

Habitat linkages are small patches of habitat that join larger blocks of habitat and help reduce the adverse effects of habitat fragmentation. Habitat linkages provide a potential route for gene flow and long-term dispersal of plants and animals and may also serve as primary habitat for smaller animals, such as reptiles and amphibians. Habitat linkages may be continuous habitat or discrete habitat islands that function as stepping stones for dispersal.

The project site is surrounded on all sides by residential development. The closest corridor or linkage areas identified by the MSCP include the Scripps Coastal Preserve, approximately 2.4 miles to the north, and San Clemente and Rose Canyons, about 1,500 and 2,800 feet to the east, respectively. The project site has no connectivity to these areas; however, there is connectivity with ornamental open space at the north and northwest corner (a small canyon with eucalyptus trees) of the property, and the hillside and golf course open space located west of the southwest corner of the site. The site does not serve as a major or local wildlife corridor or habitat linkage, linking areas of native open space or MHPA areas, especially for ground-dwelling species that require intact, contiguous habitat for movement. It may serve some function for avian and other aerial species (e.g., butterflies) as a stopover or resting area during migration (e.g., the yellow-breasted chat seen on site). It could also be used by resident avian species as dispersal habitat (e.g., potentially by the coastal California gnatcatcher observed in 2011). The site contains unique Tier 1 southern maritime chaparral habitat, and both the yellow-breasted chat and the coastal California gnatcatcher have been observed late in the breeding season using the site, which may serve as a ~~stepping stone~~ stepping stone between MHPA patches in La Jolla. Suitable nesting habitat is not present on site for either species. Given its location in the context of surrounding development, its importance as migration stopover or dispersal habitat probably is limited compared to other undeveloped areas within the MSCP MHPA.

Jurisdictional Waters and Wetlands

~~Dudek wetland specialist Tricia Wotipka performed a~~ routine wetland delineation within the approximately 25.14-acre project site on November 22, 2010 (Dudek 2014). All areas

identified as being potentially subject to the jurisdiction of the U.S. Army Corps of Engineers (ACOE), Regional Water Quality Control Board (RWQCB), CDFW, City, and California Coastal Commission were field verified and mapped using a 150-scale (1 inch = 150 feet) aerial photograph and topographic base. The wetlands delineation was performed in accordance with the methods prescribed in the ACOE's *Wetland Delineation Manual, Interim Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region* (ACOE 2008) and the U.S. Environmental Protection Agency and ACOE Rapanos Guidance (Appendix C).

One unnamed ephemeral hillside drainage was identified on the project site. The ephemeral hillside drainage is roughly 3 to 6 feet wide, approximately 761 feet long, and originates on a south-facing slope, flowing southeast through dense chaparral and sage scrub habitats before becoming contained in a closed storm drain system at the eastern edge of the site (Figure 5.2-2). The top of the drainage contains a highly eroded slope of undocumented fill that does not support vegetation. This eroded slope rises approximately 30 feet from the drainage bottom to a flat area that was graded prior to 1927 for a dirt road and bridge system that connected Country Club Drive to Romero and Encelia Drives. The top of the undocumented fill slope is approximately 35 feet in horizontal distance from the drainage. It appears that this slope was created prior to 1927 when the dirt roads were graded on the site. This ephemeral drainage is earthen supporting rock and cobble beneath an overstory of dense upland habitat and does not support the hydrophytic vegetation typically suggestive of wetlands. However, a bed and bank with signs of sediment deposition, drift lines, and drainage patterns was identified during the site visit. Thus, the ephemeral drainage is considered a non-wetland water of the United States and as such is under the jurisdiction of the CDFW, pursuant to Section 1602 of the California Fish and Game Code; the ACOE, pursuant to Section 404 of the federal Clean Water Act; and the RWQCB, pursuant to Section 401 of the federal Clean Water Act and the Porter-Cologne Water Quality Control Act. This drainage does not meet the definition of City-jurisdictional wetlands as defined in the City's 2012 updated Biology Guidelines, which state the following:

1. The definition of wetlands in ESL is intended to differentiate uplands (terrestrial areas) from wetlands, and furthermore to differentiate naturally occurring wetland areas from those created by human activities. Except for areas created for the purposes of wetland habitat or resulting from human actions to create open waters or from the alteration of natural stream courses, it is not the intent of the City to regulate artificially created wetlands in historically non-wetland areas unless they have been delineated as wetlands by the Army Corps of Engineers, and/or the California Department of Fish and Game.

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2. Naturally occurring wetland vegetation communities are typically characteristic of wetland areas. Examples of wetland vegetation communities include saltmarsh, brackish marsh, freshwater marsh, riparian forest, oak riparian forest, riparian woodland, riparian scrub and vernal pools. Common to all wetland vegetation communities is the predominance of hydrophytic plant species (plants adapted for life in anaerobic soils). Many references are available to help identify and classify wetland vegetation.
1. 3. Problem areas can occur when delineating wetlands due to previous human activities or naturally occurring events. Areas lacking naturally occurring wetland vegetation communities are still considered wetlands if hydric soil or wetland hydrology is present and past human activities have occurred to remove the historic vegetation (e.g., agricultural grading in floodways, dirt roads bisecting vernal pools, channelized streambeds), or catastrophic or recurring natural events preclude the establishment of wetland vegetation (e.g., areas of scour within streambeds, coastal mudflats and salt pannes that are unvegetated due to tidal duration).
2. 4. Seasonal drainage patterns that are sufficient enough to etch the landscape (i.e., ephemeral/intermittent drainages) may not be sufficient enough to support wetland dependent vegetation. These types of drainages would not satisfy the City’s wetland definition unless wetland dependent vegetation is either present in the drainage or lacking due to past human activities. Seasonal drainage patterns may constitute “waters of the United States” which are regulated by the Army Corps of Engineers and/or the California Department of Fish and Game.
3. 5. Areas mapped as wetlands on Map No. C-713 and C-740 as shown in Chapter 13, Article 2, Division 6 (~~Sensitive Coastal Overlay Zone~~) (City of San Diego 2012).

Based on this regulation and specification, no wetland communities or hydrophytic vegetation were mapped on site. The mapped drainage lacks wetland vegetation communities but not due to human-induced reasons. Map No. C-713 (~~Sensitive Coastal Overlay Zone~~) was reviewed and no wetlands were mapped on site. Hence, no City-jurisdictional wetlands occur on site.

⁺ ~~Prior to an official name change effective January 1, 2013, the California Department of Fish and Wildlife (CDFW) was known as the California Department of Fish and Game (CDFG). In this document, references to guidance or documentation before 2013 will use CDFG; references dated 2013 and later will use CDFW.~~

5.2.3 IMPACTS

Issue 1: Would the proposal result in a substantial adverse impact, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in the MSCP or other local or regional plans, policies or regulations, or by the California Department of Fish and Game (CDFG) or U.S. Fish and Wildlife Service (USFWS)?

As shown in Figure 3-1, Site Development Plan, and Table 5.2-2, Summary of Parcel Areas, approximately 18.80 acres of the 25.14-acre project site are proposed to be in the Conserved Property, a conservation area that will be subject to and governed by a Covenant of Easement (COE); also see Figure 5.2-3, The Reserve Covenant of Easement. The Conserved Property on Parcel 2 will have a conservation area of cover approximately 1.05 acres, and the Conserved Property on Parcel 3 will have a conservation area of cover approximately 17.75 acres. Approximately 0.05 acre is proposed as public dedication right-of-way for Country Club Drive; as indicated in Table 5.2-2, this is located outside the designated development area for the project. The remaining 6.28 acres (or approximately 25%) of the project site are the proposed development area. The development area would allow for the development of two residential estates on Parcel 2 and Parcel 3 pursuant to Design Guidelines, which contain development parameters and design criteria (see Appendix A), and takes into consideration other project components as illustrated in Table 5.2-2.

**Table 5.2-2
Summary of Parcel Areas**

Description	Parcel Area (acres) ^a	Developed Area (acres) ^b	COE Area (acres)
Total site (maximum allowed development at 25%)	25.14	6.29	18.80
<i>The Reserve Subdivision Project</i>			
Parcel 1 (Lot Consolidation Map)	1.07	1.07	0.00
Parcel 2 (accessed from Encelia Drive)	1.68	0.63	1.05
Parcel 3 (accessed from Romero Drive)	22.20	4.34	17.75
<i>Subtotal</i>	24.95	6.04	18.80
<i>Easements within Parcel 3</i>			
Fetter (landscaping, fence, etc.) ^c	N/A	0.05	0.00
Detwiler (landscaping)	N/A	0.05	0.00
Hansen (yard and fence, etc.; 11 square feet)	N/A	0.00	0.00
<i>Subtotal</i>	N/A	0.10	0.00
<i>Public Dedication Included in Development Area</i>			
Romero Drive public ROW designation	0.14	0.14	0.00
Total Project Area	25.09	6.28	18.80

**Table 5.2-2
Summary of Parcel Areas**

Description	Parcel Area (acres) ^a	Developed Area (acres) ^b	COE Area (acres)
<i>Public Dedications Excluded from Development Area^d</i>			
Country Club dedication	0.05	N/A	0.00
Total Site Area	25.14	N/A	18.80

Note: Totals do not add precisely due to rounding.

^a Fence for Parcel 1 is required within the Parcel 1 development area along the property line with Parcel 3.

^b Temporary impacts are not included in this Parcel Summary; however they are included in the impacts and mitigation sections of this report.

^c Includes requirement for a fence to be maintained at all times along perimeter of the easement to protect Parcel 3, on the Conserved Property conservation area.

^d Public development areas for storm drains/energy dissipaters are excluded from the maximum 25% development area calculation.

COE = Covenant of Easement; ROW = right-of-way; N/A = not applicable

Development of the project area pursuant to the Design Guidelines (see Appendix A) has the potential to impact several special-status plant species, including San Diego barrel cactus, Nuttall’s scrub oak, and Torrey pine trees. Although the project has the potential to impact these species, no Torrey pine trees would be impacted by implementation of the project. Approximately 27 San Diego barrel cactus individuals and 1 Nuttall’s scrub oak would be directly impacted. These impacts would be primarily associated with grading of the development area and Brush Management Zone 1, where all vegetation and biological resources would be removed. Ten Nuttall’s scrub oak and 35 San Diego barrel cactus identified on site are situated within Brush Management Zone 2, which would not be impacted by proposed development because vegetation would be selectively thinned but not removed in this area, as defined in Table 3-2, Summary of Project Design Features and Construction Measures. In addition, 54 San Diego barrel cactus individuals identified on site are located within the Conserved Property conservation area and would be protected through implementation of the COE. No Torrey pines would be impacted by the project.

San Diego barrel cactus is a covered species under the City’s MSCP Subarea Plan, while Nuttall’s scrub oak is not covered under the City’s MSCP Subarea Plan, nor is it a narrow endemic. Pursuant to the MSCP, area-specific management directives for San Diego barrel cactus must include measures to protect this species from edge effects and unauthorized collection, and include appropriate fire management/control practices to protect against a frequent fire cycle.

Temporary indirect impacts to special-status plants could result primarily from adverse edge effects. During construction activities, edge effects may include dust, which could disrupt plant vitality in the short term, or construction-related soil erosion and water runoff. The project site is bordered by residential development on all sides within the urban community of La Jolla.

Therefore, edge effects generally would only occur along the development/conservation interface on site. Any temporary indirect impacts resulting from adverse edge effects would be avoided through standard construction best management practices (BMPs), which would be implemented as indicated in Table 3-2, Summary of Project Design Features and Construction Measures. The project design features and construction measures will be made conditions of the project to ensure that they are implemented.

Potential long-term indirect impacts on vegetation and sensitive plant species could include trampling by humans traveling off trail, invasion by exotic plants and animals, exposure to urban pollutants (fertilizers, pesticides, herbicides, and other hazardous materials), soil erosion, hydrological changes (e.g., changes in surface and groundwater level and quality), and encroachment by neighboring properties into the site.

Both temporary and long-term indirect impacts will be avoided through prohibition of activities outside the development area, as outlined in Section 5.2.2; construction of curbs or fences demarking the boundaries between Brush Management Zones 1 and 2, per agreement with the City; fencing the entire perimeter of the site or other means to prevent future human encroachments; and implementation of standard construction BMPs, which would be implemented as indicated in Table 3-2. The project design features and construction measures will be made conditions of the project to ensure that they are implemented.

In addition to special-status plant species, the project has the potential to impact four special-status wildlife species—western bluebird, Cooper’s hawk, yellow-breasted chat, and coastal California gnatcatcher—if they occur within the patches of habitat that will be impacted by the project (Atwood 2001; Eckerle 2001; Unitt 2004). The indirect impacts to special-status plants described above can also affect special-status wildlife. In addition, wildlife may be indirectly affected both temporarily and permanently by noise and lighting, which can disrupt normal activities and subject wildlife to higher predation risks. Also, adverse edge effects can cause degradation of habitat quality through the invasion of pest species. Lighting and noise associated with the residential estates is a potential indirect impact that may disrupt wildlife activity on a long-term basis.

Noise levels from residential activities are highly variable and often intermittent, as are noise levels from common man-made and natural activities in general. Typical noise levels from the proposed residential estates are anticipated to be similar to that of other quiet residential areas (25 to 35 dBA) (Caltrans 2009). Lighting associated with the proposed residences would be required to comply with all City lighting regulations, and is anticipated to be similar to the surrounding adjacent residences. Noise from periodic landscaping activities; heating, ventilation, and air conditioner noise; passenger vehicle start-ups, etc., would result in

intermittent and temporarily elevated noise levels. However, these anticipated noise and lighting levels would be comparable in nature to the surrounding residences. The project would be required to comply with the City's noise ordinance, as identified in Sections 59.5.0401 of the City's Municipal Code.

There is a moderate potential for sensitive raptors (i.e., Cooper's hawk) and other native birds to nest within the ornamental or eucalyptus trees adjacent to the proposed development; if present, these nesting birds may be affected by construction-related noise. Potentially significant direct impacts to raptors and/or any native/migratory birds could occur if removal of habitat that supports active nests in the proposed area of disturbance is performed within the breeding season for these species (February 1 through September 15). Due to the mobility of avian species and the timing of these observations during the winter migration or dispersal seasons, direct impacts are not anticipated to occur to these species as a result of development.

Significance of Impact

The project may have a potentially substantial adverse impact, either directly or through habitat modifications, on species identified as a candidate, sensitive, or special-status species in the MSCP or other local or regional plans, policies, or regulations, or by the CDFW or USFWS. As indicated in Section 5.2.3 under Issue 1, the project may potentially impact 1 Nuttall's scrub oak and 27 San Diego barrel cactus individuals. Potential indirect impacts to special-status plants could include trampling by humans traveling off trail, invasion by exotic plants and animals, exposure to urban pollutants, soil erosion, and hydrological changes. Also, impacts as a result of the proposed thinning of plant species within Brush Management Zone 2 would be less than significant with the implementation of the associated project design feature outlined in Table 3-2, Summary of Project Design Features and Construction Measures.

In addition to special-status plant species, the project has the potential to impact four special-status wildlife species—Western bluebird, Cooper's hawk, yellow-breasted chat, and coastal California gnatcatcher—if they occur within the patches of habitat that may be impacted by the project (Atwood 2001; Eckerle 2001; Unitt 2004). Direct impacts would therefore be significant. Impacts to ~~potentially~~-occurring nesting raptors are also potentially significant. However, no potential impacts are anticipated for Cooper's hawk, as the bird would not be nesting during the mitigation period or winter season, and during the non-breeding season, birds would fly away.

Due to the minimal increase in ambient noise levels and lighting associated with the proposed residences on site, potential indirect impacts to wildlife from noise and lighting would be less than significant, and no mitigation is required.

Mitigation, Monitoring, and Reporting

Based on the potentially significant impacts discussed under Issue 1, the following mitigation measures are proposed to reduce impacts to sensitive wildlife and plant species. Justification for the on-site mitigation is provided in detail in Appendix C, *Biological Resources Technical Report for the Reserve Project*. As identified in the 2015 biological survey update, there has been no change to the proposed project impacts to native vegetation since the preparation of the 2014 Biological Resources Technical Report. Therefore, there is no change to the required mitigation as proposed.

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 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, 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 ~~conservation area~~Conserved Property. Impacts to barrel cactus shall be mitigated pursuant to the a 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~~conservation area. The ~~Conserved Property~~ ~~conservation area~~ 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~~conservation area~~), which is approximately 18.80 acres (refer to Figure 5.2-3). The Conserved Property ~~conservation area~~ 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 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 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, 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 conservation area. In addition, Grantor shall be responsible for implementing the following management activities in order to maintain ecological functions and services of the native vegetation open space on the conservation area:~~

- ~~• The individual property owners or their qualified designee shall be responsible for long-term maintenance and management of the Conserved Property; Identify the responsible entity for long term maintenance and management of the conservation area. In this instance, the responsible entity is to be the individual home owners or their qualified designee.~~
- 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 of trash is to be performed~~ 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 conservation area. If trespass occurs in areas where signage is not present, additional fencing and signage may be added to problem areas.
- The ~~Brush Management Zone 2~~ brush management area will be clearly delineated ~~within from the Conserved Property conservation area that constitutes mitigation for the project.~~ Brush Management Zone 2 will be delineated by using T-posts or single-strand wire fence that allows wildlife freedom of passage but that marks the area of ~~Brush Management Zone 2~~ brush management as shown on ~~Figure 5.2-4~~ Exhibit A. ~~Brush Management~~ The Zone 2 brush management areas ~~has~~ has been included in the ~~Conserved Property conservation area~~ Conserved Property conservation area due to the species that occur in these areas and the contiguity provided by combining both the mitigation area and the ~~Brush Management Zone 2 brush management areas~~ in the Conserved Property conservation area.
- 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.
- ~~The Grantor shall p~~ Prepare and submit an annual letter report to the City of San Diego Mitigation Monitoring Coordination section of the Development Services Department that describes the tasks and condition of the Conserved Property conservation area and any recommendations for future action.

To fulfill any of Grantor's obligations not included above (e.g., restoration in the event of vandalism), Grantor must use a qualified designee. The designee must 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 conservation area.

**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 acreages 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. 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 following shall be noted on the grading plans, if construction activity is to take place in the proposed area of disturbance during the breeding season (i.e., February 1 through September 15), biological surveys pursuant to protocols for nesting bird species must be conducted within the proposed impact area within 10 calendar days prior to the start of construction activities (including removal of vegetation). This survey is necessary to ensure avoidance of impacts to nesting raptors and/or birds protected by the federal Migratory Bird Treaty Act. To avoid any direct impacts to raptors and/or any native/migratory birds, removal of habitat that supports active nests in the proposed area of disturbance should occur outside the breeding season for these species.

~~If vegetation removal is not feasible outside the breeding season, any active nests detected shall be flagged and mapped on the construction plans and shall be~~

~~avoided until the nesting cycle is complete. Pursuant to the City's Biology Guidelines, the applicant shall submit the results of the pre-construction surveys to the 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 (e.g., appropriate follow-up surveys, monitoring schedules, construction and noise barriers/buffers) 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 Mitigation Monitoring Coordination Section or Resident Engineer, 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 pre-construction survey, no further mitigation is required.~~

Issue 2: Would the proposal result in a substantial adverse impact on any 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 CDFG or USFWS?

As shown in Figure 3-1, Site Development Plan, and Table 5.2-2, Summary of Parcel Areas, approximately 18.80 acres of the 25.14-acre project site are proposed to be in thea Conserved Property conservation area that will be subject to and governed by a COE; also see Figure 5.2-3. The Conserved Property on Parcel 2 would cover~~have a conservation area~~ of approximately 1.05 acres and the Conserved Property on Parcel 3 would cover~~have a conservation area~~ of approximately 17.75 acres. Approximately 0.05 acre is proposed as a public dedication right-of-way for Country Club Drive; as indicated in Table 5.2-2, this is located outside the designated development area for the project. In addition to the implementation of the COE, as indicated in Section 3.2.1 and Table 3-2 in Chapter 3, a feature of the proposed project is voluntary revegetation of Tier IV habitat and non-native vegetation to higher quality southern maritime chaparral, a Tier 1 habitat. Approximately 2.8 acres of southern maritime chaparral habitat would also be restored, on top of preservation associated with the COE.

The remaining 6.28 acres (or approximately 25%) of the project site are the proposed development area. The development area would allow for the development of two residential estates on Parcel 2 and Parcel 3 pursuant to Design Guidelines, which contain development parameters and design criteria (see Appendix A), and takes into consideration other project

components as illustrated in Table 5.2-2. Potential impacts to vegetation communities may result from grading and Brush Management Zone 1, where all vegetation and biological resources may be removed. The impact areas associated with these habitat types, as well as the open space available for mitigation of impacts, are outlined in Table 5.2-4.

**Table 5.2-4
Impacts of the Proposed Project on Vegetation Communities and Land Covers**

Vegetation Community/ Land Cover Type	Tier	Total Acreage	Impact Area ^a	Brush Management Zone 1 (Impact)	Brush Management Zone 2 (Impact Neutral Open Space)	Open Space Available for Mitigation
<i>Uplands</i>						
Scrub oak chaparral	Tier I	0.24	0.00	0.03	0.10	0.11
Southern maritime chaparral	Tier I	17.74	2.75	1.27	2.34	11.37
Disturbed southern maritime chaparral	Tier I	0.49	0.32	0.02	0.01	0.14
Non-native grassland	Tier IIIB	0.58	0.16	0.00	0.27	0.15
Disturbed land	Tier IV	1.83	0.14	0.04	0.68	0.97
Eucalyptus woodland	Tier IV	0.25	0.05	0.00	0.00	0.20
Ice plant	Tier IV	2.24	0.38	0.04	0.16	1.66
Ornamental landscaping	Tier IV	1.19	0.94	0.00	0.10	0.15
Developed land	Tier IV	0.58	0.23	0.00	0.32	0.03
<i>Wetlands</i>						
Unvegetated stream channel	Wetlands	0.08 ^b	0.00 ^c	0.00	0.00	0.08 ^b
Total		25.14	4.97	1.41	3.98	14.78

^a Impacts include 0.06 acre of direct temporary impacts.

^b Not included in total acreage at bottom of table since it is already included under vegetation mapping acreage.

^c Zero impacts to the unvegetated drainage are proposed.

Pursuant to the City’s CEQA Significance Thresholds, impacts to scrub oak chaparral and southern maritime chaparral, both Tier 1 vegetation communities, are considered significant. Non-native grassland, a Tier IIIB habitat may also be considered significant (City of San Diego 2011; City of San Diego 2012). Pursuant to the Biology Guidelines, since impacts to these Tier I through Tier IIB vegetation communities would be greater than 0.10 acre, mitigation is required. Impacts to the Tier IV ice plant, ornamental plantings, and developed land cover would not adversely impact any special-status plants, animals, or vegetation communities.

Although eucalyptus woodlands are of limited value to most native plants and animals, they frequently provide nesting and perching sites for some raptors and therefore can be considered sensitive as a resource for specific species if occupied. No raptor nests were

observed within eucalyptus woodland during on-site surveys. Impacts to this Tier IV land cover would not be considered significant; however, impacts to potentially occurring nesting raptors are potentially significant.

There would be no impacts to habitat within Brush Management Zone 2, because vegetation in this area would be selectively thinned but not removed, due to project design features outlined in Table 3-2, Summary of Project Design Features and Construction Measures. Thus, the sum of impact acreages plus the sum of impact acreages resulting from Brush Management Zone 1 include a total of 4.39 acres of Tier I vegetation communities, 0.16 acre of Tier IIIB vegetation communities, and 1.82 acres of Tier IV vegetation communities may be potentially impacted due to implementation of the proposed project. There would be no impact to jurisdictional wetlands on site.

Significance of Impact

The project may potentially result in a substantial adverse impact on 4.39 acres of Tier I Habitats, 0.16 acre of Tier IIIB Habitats, and 1.82 acres of Tier IV Habitat 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. More specifically, impacts to scrub oak chaparral (Tier I), southern maritime chaparral (Tier I), disturbed southern maritime chaparral (Tier I), and non-native grassland (Tier IIIB) are potentially significant. Please note that these acreages include both the Impact Area and Brush Management Zone 1 impacts listed in Table 5.2-4.

Mitigation, Monitoring, and Reporting

As detailed specifically in **MM-BIO-1**, it should be noted that the project proposes mitigation on site through recordation of the COE that would conserve and maintain approximately 18.80 acres. Details regarding the specific timing and implementation requirements of this project-specific COE are outlined in **MM-BIO-1**. In addition, further justification for the on-site mitigation is provided in detail in Appendix C, *Biological Resources Technical Report for the Reserve Project* (Dudek 2014). MM-BIO-1 would also be implemented as a condition of approval of the project.

Issue 3: Would the proposal result in a substantial adverse impact on wetlands (including, but not limited to, marsh, vernal pool, riparian, etc.) through direct removal, filling, hydrological interruption, or other means?

As shown in Figure 3-1, Site Development Plan, and Table 5.2-2, Summary of Parcel Areas, approximately 18.80 acres of the 25.14-acre project site are proposed to be in the Conserved

~~Property, a conservation area that will be~~ subject to and governed by a COE; also see Figure 5.2-3. The Conserved Property within Parcel 2 will cover ~~have a conservation area of~~ approximately 1.05 acres, and the Conserved Property within Parcel 3 will ~~have a conservation~~cover area of approximately 17.75 acres. Approximately 0.05 acre is proposed as public dedication right-of-way for Country Club Drive; as indicated in Table 5.2-2, this is located outside the designated development area for the project. The remaining 6.28 acres (or approximately 25%) of the project site are the proposed development area. The development area would allow for the development of two residential estates on Parcel 2 and Parcel 3 pursuant to Design Guidelines, which contain development parameters and design criteria (see Appendix A), and takes into consideration other project components as illustrated in Table 5.2-2. No wetland communities or hydrophytic vegetation were mapped on site. In addition, Map No. C-713 (Sensitive Coastal Overlay Zone) was reviewed and no wetlands were previously mapped on site. Therefore, no City-jurisdictional wetlands occur on site.

Approximately 0.8 acre of ephemeral drainage under the jurisdiction of the ACOE, CDFW, and RWQCB are located on site, as depicted on Figure 5.2-4. As outlined within Table 3-2, Summary of Project Design Features and Construction Measures, the following measure would be implemented:

In compliance with the ~~e~~Coastal Overlay ~~z~~Zone requirements, a 100-foot buffer would be implemented surrounding this 0.8 acre of ephemeral drainage on site under the jurisdiction of the ACOE, CDFW, and RWQCB. The buffer would be a full 100 feet from the 761-foot-long drainage, except at the upper 150 feet of drainage where it would be approximately 35 feet at the narrowest point. This buffer reduction was approved by the City and the wildlife agencies at a meeting held on December 10, 2013. This narrow point is located on the west side of the drainage, adjacent to the existing driveway, and the northeast corner of the drainage, along Brush Management Zone 2 on Parcel 2 in the northeast corner of the property. In these two areas the buffer will be reduced to approximately 35 feet on the west side of the drainage for approximately the upper 150 feet of the 761-foot-long drainage and reduced to approximately 35 feet on the northeast side of the drainage for approximately the uppermost 20 feet of the drainage.

In addition to the ephemeral drainage buffer zone project design feature, the drainage is also provided protection by the recordation of a Covenant of Easement (**MM-BIO-1**) over the entire buffer area including a total of approximately 18.8 acres of land. At the widest point, the property covered by the Covenant of Easement is approximately one-fifth of a mile, or approximately 1,120 feet, from the jurisdictional waters of the United States to the edge of the property and Covenant of Easement. As a result, the true buffer area for the jurisdictional waters

of the United States is composed of approximately 18 acres. Implementation of this ephemeral drainage buffer zone project design feature detailed within Table 3-2, Summary of Project Design Features and Construction Measures, would ensure that impacts related to the ephemeral drainage under the jurisdiction of the ACOE, CDFW, and RWQCB would remain at a level below significance. Thus, there would be no change in the drainage's functions or services following project construction as proposed.

Potential long-term indirect impacts to unvegetated stream channel could include trampling by humans traveling off trail, invasion by exotic plants and animals, exposure to urban pollutants (fertilizers, pesticides, herbicides, and other hazardous materials), soil erosion, and hydrological changes (e.g., changes to surface and groundwater level and quality). However, the COE requires the underlying landowner to maintain and/or restore the area in its natural condition, remove invasive species and trash, and prevent trespass through fencing or other means in order to provide protection for the resources and ensure their long-term viability.

During construction activities, edge effects may include dust, which could disrupt plant vitality in the short term, or construction-related soil erosion and water runoff. Edge effects generally would only occur along the development/conservation interface on site. There are sensitive habitat and jurisdictional waters of the United States/state located to the east and south of the development. It is assumed, however, that any temporary indirect impacts resulting from adverse edge effects would be avoided through standard construction BMPs, which would be implemented as indicated in Table 3-2, Summary of Project Design Features and Construction Measures. The project design features and construction measures will be made conditions of the project to ensure that they are implemented.

Significance of Impact

The ephemeral drainage buffer zone buffer project design feature as modified and approved, standard construction best management practices, and **MM-BIO-1** would ensure that impacts related to the ephemeral drainage under the jurisdiction of the ACOE, CDFW, and RWQCB would remain at a level below significance. Thus, there would be no change in the drainage's functions or services following project construction as proposed. Impacts would be less than significant.

Mitigation, Monitoring, and Reporting

Through implementation of the ephemeral drainage buffer zone project design feature and implementation of **MM-BIO-1** adjacent to the ephemeral drainage on site, all potentially significant direct and indirect impacts to wetlands or jurisdictional resources would be less than significant.

Issue 4: Would the proposal interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, including linkages identified in the MSCP Plan, or impede the use of native wildlife nursery sites?

As shown in Figure 3-2, Site Development Plan, and Table 5.2-2, Summary of Parcel Areas, approximately 18.80 acres of the 25.14-acre project site are proposed to be in the Conserved Property ~~a conservation area that will be~~ subject to and governed by a COE; also see Figure 5.2-3. The Conserved Property within Parcel 2 will have a conservation area of cover ~~of approximately cover~~ approximately 1.05 acres, and the Conserved Property on Parcel 3 will have a conservation area of approximately cover 17.75 acres. Approximately 0.05 acre is proposed as public dedication right-of-way for Country Club Drive; as indicated in Table 5.2-2, this is located outside the designated development area for the project. The remaining 6.28 acres (or approximately 25%) of the project site are the proposed development area. The development area would allow for the development of two residential estates on Parcel 2 and Parcel 3 pursuant to Design Guidelines, which contain development parameters and design criteria (see Appendix A), and takes into consideration other project components as illustrated in Table 5.2-2.

The site is surrounded by residential development and it does not serve as a habitat linkage or wildlife corridor. The closest corridor or linkage areas identified by the MSCP include the Scripps Coastal Preserve, approximately 2.4 miles to the north, and San Clemente and Rose Canyons, approximately 1,500 and 2,800 feet to the east, respectively, on the eastern side of Interstate 5. The project site has no connectivity to these areas; however, the site can serve as a stepping stone ~~re is connectivity~~ with ornamental open space at the north and northwest corner (a small canyon with eucalyptus trees) of the property, and hillside and golf course open space located west of the southwest corner of the site. The site does not serve as a major or local wildlife corridor or habitat linkage, linking areas of native open space or MHPA, especially for ground-dwelling species that require intact, contiguous habitat for movement. The site would not be fully fenced to allow movement of urbanized wildlife such as coyote, skunk, and opossum.

The project site may serve ~~some stepping-stone~~ stepping stone function for avian and other aerial species (e.g., butterflies) as a stopover or resting area during migration (e.g., the yellow-breasted chat). It could also be used by resident avian species as dispersal habitat (e.g., potentially by the coastal California gnatcatcher observed in 2011). The site contains unique Tier 1 southern maritime chaparral habitat, and both the yellow-breasted chat and the California gnatcatcher have been observed late in the breeding season using the site, which may serve as a ~~stepping stone~~ stepping stone between MHPA patches in La Jolla. Suitable nesting habitat is not present on site for either species. The proposed project does not affect the stepping-stone function of native habitat dominated by southern maritime chaparral on -site. Due to the mobility of avian species and the

~~timing of biological observations on site during the winter migration or dispersal seasons, direct impacts are not anticipated to occur to these species as a result of development. Because~~ Additionally, the site does not serve as a habitat linkage or wildlife corridor, no edge effects to habitat linkages or wildlife corridors would occur with implementation of the proposed project.

Significance of Impact

The proposed project would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, including linkages identified in the MSCP, or impede the use of native wildlife nursery sites. The proposed project would not impact habitat linkages/wildlife corridors because the site does not serve as a habitat linkage or corridor; therefore, no significant impacts would occur.

Mitigation, Monitoring, and Reporting

No mitigation measures are proposed.

Issue 5: Would the proposal conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approved local, regional, or state habitat conservation plan, either within the MSCP plan area or in the surrounding region?

As shown in Figure 3-1, Site Development Plan, and Table 5.2-2, Summary of Parcel Areas, approximately 18.80 acres of the 25.14-acre project site are proposed to be in the Conserved Property ~~a conservation area that will be~~ subject to and governed by a COE; also see Figure 5.2-3. The Conserved Property within Parcel 2 will ~~have a conservation area of~~ cover approximately 1.05 acres and the Conserved Property on Parcel 3 will ~~have a conservation area of~~ cover approximately 17.75 acres. Approximately 0.05 acre is proposed as public dedication right-of-way for Country Club Drive; as indicated in Table 5.2-2, this is located outside the designated development area for the project. The remaining 6.28 acres (or approximately 25%) of the project site are the proposed development area. The development area would allow for the development of two residential estates on Parcel 2 and Parcel 3 pursuant to Design Guidelines, which contain development parameters and design criteria (see Appendix A), and takes into consideration other project components as illustrated in Table 5.2-2.

The project site is located within the MSCP but outside the MHPA. Because all potential development areas are located outside the MHPA, mitigation would be evaluated based on the assumption that direct impacts use the mitigation ratios for areas outside the MHPA. Additionally, due to site topography, MSCP steep-slope regulations apply and allow for

development of 25% of the project site. Development is only proposed on 25% of the project site; therefore, the project would be consistent with the MSCP.

Implementation of the proposed project may incrementally contribute to the cumulative loss of biological resources within the City. The majority of the site is composed of native habitat, which also constitutes the majority of the impacts. However the proposed project is located outside of the MHPA of the City's MSCP Subarea Plan and thus was not envisioned to be a part of the City's regional preserve. The project avoids a large patch of southern maritime chaparral habitat and proposes to designate it as open space.

The project is not within the jurisdiction of any other local, regional, or state conservation plan.

Significance of Impact

Because the project is not within the jurisdiction of any other local, regional, or state conservation plan, it would not result in any significant impacts related to a conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan, either within the MSCP area or in the surrounding region.

Mitigation, Monitoring, and Reporting

Impacts would be less than significant; therefore, no mitigation measures are required.

Issue 6: Would the proposal introduce land use within an area adjacent to the MHPA that would result in adverse edge effects?

As shown in Figure 3-1, Site Development Plan, and Table 5.2-2, Summary of Parcel Areas, approximately 18.80 acres of the 25.14-acre project site are proposed to be in the Conserved Property ~~a conservation area that will be~~ subject to and governed by a COE; also see Figure 5.2-3. The Conserved Property within Parcel 2 will ~~have a conservation area of cover~~ approximately 1.05 acres, and the Conserved Property within Parcel 3 will ~~have a conservation area of cover~~ approximately 17.75 acres. Approximately 0.05 acre is proposed as public dedication right-of-way for Country Club Drive; as indicated in Table 5.2-2, this is located outside the designated private development area for the project. The remaining 6.28 acres (or approximately 25%) of the project site are the proposed development area. The development area would allow for the development of two residential estates on Parcel 2 and Parcel 3 pursuant to Design Guidelines, which contain development parameters and design criteria (see Appendix A), and takes into consideration other project components as illustrated in Table 5.2-2.

The project site is bordered by residential development on all sides within the urban community of La Jolla. Therefore, edge effects generally would only occur along the development/conservation interface on site and with the adjacent existing residential development. It is assumed, however, that any temporary indirect impacts resulting from adverse edge effects would be avoided through standard construction BMPs, which would be implemented as indicated in Table 3-2, Summary of Project Design Features and Construction Measures. The project design features and construction measures will be made conditions of the project to ensure that they are implemented.

Significance of Impact

The project would not introduce land use within an area adjacent to the MHPA that would result in adverse edge effects. Impacts would be less than significant.

Mitigation, Monitoring, and Reporting

No mitigation measures are required.

Issue 7: Would the proposal conflict with any local policies or ordinances protecting biological resources?

As shown in Figure 3-1, Site Development Plan, and Table 5.2-2, Summary of Parcel Areas, approximately 18.80 acres of the 25.14-acre project site are proposed to be in the Conserved Property ~~a conservation area that will be~~ subject to and governed by a COE; also see Figure 5.2-3. The Conserved Property within Parcel 2 will cover ~~have a conservation area of~~ approximately 1.05 acres, and the Conserved Property within Parcel 3 will cover ~~have a conservation area of~~ approximately 17.75 acres. Approximately 0.05 acre is proposed as public dedication right-of-way for Country Club Drive; as indicated in Table 5.2-2, this is located outside the designated private development area for the project. The remaining 6.28 acres (or approximately 25%) of the project site are the proposed development area. The development area would allow for the development of two residential estates on Parcel 2 and Parcel 3 pursuant to Design Guidelines, which contain development parameters and design criteria (see Appendix A), and takes into consideration other project components as illustrated in Table 5.2-2.

Waters of the United States/state, including wetlands, are considered sensitive and regulated by local, state, and federal agencies and direct impacts to these jurisdictional areas are considered significant. Any direct impacts to the on-site drainage, which is considered an ephemeral water of the United States, would require obtaining permits from the wetland resource agencies. This drainage does not meet the definition of City-jurisdictional wetlands.

The project site is located within the MSCP but outside the MHPA. The mitigation associated with potential impacts would comply with the City's Biological Guidelines; therefore, the project would be consistent with the MSCP.

Significance of Impact

The project would not conflict with any local policies or ordinances protecting biological resources.

Mitigation, Monitoring, and Reporting

No mitigation measures are required.

Issue 8: Would the proposal introduce invasive species of plants into a natural open space area?

As shown in Figure 3-1, Site Development Plan, and Table 5.2-2, Summary of Parcel Areas, approximately 18.80 acres of the 25.14-acre project site are proposed to be in the Conserved Property ~~a conservation area~~ that will be subject to and governed by a COE; also see Figure 5.2-3. The Conserved Property within Parcel 2 will cover ~~have a conservation area of~~ approximately 1.05 acres, and the Conserved Property within Parcel 3 will ~~have a conservation area~~ cover ~~of~~ approximately 17.75 acres. Approximately 0.05 acre is proposed as public dedication right-of-way for Country Club Drive; as indicated in Table 5.2-2, this is located outside the designated development area for the project. The remaining 6.28 acres (or approximately 25%) of the project site are the proposed development area. The development area would allow for the development of two residential estates on Parcel 2 and Parcel 3 pursuant to Design Guidelines, which contain development parameters and design criteria (see Appendix A), and takes into consideration other project components as illustrated in Table 5.2-2.

The project would be consistent with local policies or ordinances and other approved local regional or state plans protecting biological resources. However, as indicated in Section 5.2.2, the project site is currently mostly vacant, open space with native, non-native, invasive, and special-status species. The Design Guidelines (Appendix A) state that any tree or plant not included on the invasive plant lists (as defined by the City, County of San Diego or California Invasive Plant Council) may be planted. Therefore, it is not anticipated that invasive plants would be introduced on the site. However, during construction activities and operations associated with the residential estates on site, there is potential for introduction of invasive species of plants into the natural open space areas on site.

Significance of Impact

The proposed project may result in introduction of invasive species of plants into a natural open space area during construction activities. Therefore, impacts would be potentially significant.

Mitigation, Monitoring, and Reporting

The COE proposed for the project, as outlined in detail within **MM-BIO-1**, requires the underlying landowner to maintain the Conserved Property ~~conservation area~~ in its natural condition. This includes the removal of invasive species and trash and prevention of trespassing through fencing and other means in order to provide protection for the resources and ensure their long-term viability. Conservation and management of this area in perpetuity would ensure that the natural habitat would continue to thrive without introduction of invasive species. Therefore, with the implementation of the COE pursuant to **MM-BIO-1**, no significant impacts would occur.

**Table 5.2-5
Special-Status Plant Species Detected or Potentially Occurring on the Project Site**

Scientific Name	Common Name	Status Federal/ State/ NCCP	California Rare Plant Rank	Primary Habitat Associations/ Life Form/ Blooming Period/ Elevation Range	Status on Site or Potential to Occur
<i>*Acanthomintha ilicifolia</i>	San Diego thommint	FT/ SE/ MSCP NE	1B.1	Chaparral, coastal scrub, valley and foothill grassland, vernal pools; clay/ annual herb/ April–June/ 30–3,150 ft amsl.	Low potential to occur on site; suitable vegetation and soils but not observed during rare plant survey.
<i>Adolphia californica</i>	California adolphia	None/ None/ None	2.1	Chaparral, coastal scrub, valley and foothill grassland; clay/ deciduous shrub/ December–May/ 150–2,430 ft amsl.	Low potential to occur. Although there is suitable vegetation and clay subsoil on site, this shrub would have been observed during focused surveys if present.
<i>*Agave shawii</i>	Shaw's agave	None/ None/ MSCP NE	2.1	Coastal bluff scrub, coastal scrub/ leaf succulent/ September–May/ 30–250 ft amsl.	Not expected. Although there is suitable vegetation, the site may be too high in elevation and this conspicuous leaf succulent would have been observed during focused surveys if present.
<i>Ambrosia chenopodiifolia</i>	San Diego bur-sage	None/ None/ None	2.1	Coastal scrub/ shrub/ April–June/ 180–500 ft amsl.	Low potential to occur. Although there is suitable coastal scrub habitat on site, the site may be too high in elevation and this shrub would have been

**Table 5.2-5
Special-Status Plant Species Detected or Potentially Occurring on the Project Site**

Scientific Name	Common Name	Status Federal/ State/ NCCP	California Rare Plant Rank	Primary Habitat Associations/ Life Form/ Blooming Period/ Elevation Range	Status on Site or Potential to Occur
					observed during focused surveys if present.
<i>Ambrosia monogyra</i>	Singlehorl burrobrush	None/ None/ None	2.2	Chaparral, Sonoran desert scrub; sandy/ shrub/ August–November/ 30–1,650 ft amsl.	Low potential to occur. Although there is suitable chaparral habitat on site, this shrub would have been observed during focused surveys if present.
* <i>Ambrosia pumila</i>	Dwarf burr ambrosia (San Diego ambrosia)	FE/ None/ MSCP NE	1B.1	Chaparral, coastal scrub, valley and foothill grassland, vernal pools; often disturbed, sometimes alkaline/ rhizomatous herb/ May–October/ 60–1,360 ft amsl.	Low potential to occur. Although there is suitable vegetation on site, this species was not observed during focused surveys.
* <i>Aphanisma blitoides</i>	Aphanisma	None/ None/ MSCP NE	1B.2	Coastal bluff scrub, coastal dunes, coastal scrub; sandy/ annual herb/ March–June/ <1,000 ft amsl.	Low potential to occur. Although there is suitable vegetation on site and there is fine sandy loam, this species was not observed during focused surveys.
<i>Arctostaphylos glandulosa</i> ssp. <i>crassifolia</i>	Del Mar manzanita	FE/ None/ MSCP	1B.1	Maritime chaparral; sandy/ evergreen shrub/ December–June/ < 1,200 ft amsl.	Low potential to occur. Although there is suitable vegetation and soils, this shrub would have been observed during surveys if present.
<i>Arctostaphylos otayensis</i>	Otay manzanita	None/ None/ MSCP	1B.2	Chaparral, cismontane woodland; metavolcanic/ evergreen shrub/ January–March/ 900–5,600 ft amsl.	Not expected. Not recorded in the vicinity and site is lower than species' recorded elevation range.
<i>Artemisia palmeri</i>	San Diego sagewort	None/ None/ None	4.2	Chaparral, coastal scrub, riparian forest, scrub, and woodland; sandy, mesic/ deciduous shrub/ May–September/ 50–3,000 ft amsl.	Low potential to occur. Suitable vegetation and soils occur on site, but this deciduous shrub would have been observed during surveys if present.
<i>Astragalus deanei</i>	Dean's milk-vetch	None/ None/ None	1B.1	Chaparral, coastal scrub, riparian forest/ perennial herb/ February–May/ 250–2,200 ft amsl.	Low potential to occur. Suitable vegetation on site, but this species was not detected during focused surveys.
* <i>Astragalus tener</i> var. <i>titi</i>	Coastal dunes milk-vetch	FE/ SE/ MSCP NE	1B.1	Coastal bluff scrub, coastal dunes, coastal prairie; mesic,	Not expected. Site is higher than species' recorded

**Table 5.2-5
Special-Status Plant Species Detected or Potentially Occurring on the Project Site**

Scientific Name	Common Name	Status Federal/ State/ NCCP	California Rare Plant Rank	Primary Habitat Associations/ Life Form/ Blooming Period/ Elevation Range	Status on Site or Potential to Occur
				often vernal mesic/ annual herb/ March–May/ < 170 ft amsl.	elevation range and it would have been observed during surveys if present.
<i>Atriplex coulteri</i>	Coulter's saltbush	None/ None/ None	1B.2	Coastal bluff scrub, coastal dunes, coastal scrub, valley and foothill grassland; alkaline or clay/ perennial herb/ March–October/ 10–1,500 ft amsl.	Low potential to occur on site. Although there is suitable vegetation and soils, this species was not observed during focused surveys.
<i>Atriplex pacifica</i>	South coast saltscale	None/ None/ None	1B.2	Coastal bluff scrub, coastal dunes, coastal scrub, playas/ annual herb/ March–October/ < 500 ft amsl.	Low potential to occur on site. Although there is suitable vegetation, this species was not observed during focused surveys.
<i>Atriplex serenana</i> var. <i>davidsonii</i>	Davidson's saltscale	None/ None/ None	1B.2	Coastal bluff scrub, coastal scrub; alkaline/ annual herb/ April–October/ 30–650 ft amsl.	Not expected. Suitable vegetation is present on site, but soils are not alkaline and it would have been observed during surveys if present.
* <i>Baccharis vanessae</i>	Encinitas baccharis	FT/ SE/ MSCP NE	1B.1	Chaparral, cismontane woodland; sandstone/ occurs in southern maritime chaparral in central San Diego County in the vicinity of Encinitas and extends inland 20 mi. where it is associated with dense southern mixed chaparral/ deciduous shrub/ August–November/ 200–2,400 ft amsl.	Low potential to occur. Site is farther south than species' geographic range and the shrub would have been observed during focused surveys if present.
<i>Berberis nevinii</i>	Nevin's barberry	FE/ SE/ MSCP	1B.1	Chaparral, cismontane woodland, coastal scrub, riparian scrub; sandy or gravelly/ shrub/ March–April/ 900–2,700 ft amsl.	Not expected. Although there is suitable vegetation and soils, the site is lower than the species' recorded elevation range and it would have been observed during surveys if present.
<i>Bergerocactus emoryi</i>	Golden-spined cereus	None/ None/ None	2.2	Closed-cone conifer forest, chaparral, coastal scrub; sandy/ shrub/ May–June/ 10–1,300 ft amsl.	Low potential to occur on site although vegetation and soils are appropriate, this shrub would have been observed during surveys if present.

**Table 5.2-5
Special-Status Plant Species Detected or Potentially Occurring on the Project Site**

Scientific Name	Common Name	Status Federal/ State/ NCCP	California Rare Plant Rank	Primary Habitat Associations/ Life Form/ Blooming Period/ Elevation Range	Status on Site or Potential to Occur
<i>Bloomeria</i> (=Muilla) <i>clevelandii</i>	San Diego goldenstar	None/ None/ MSCP	1B.1	Chaparral, coastal scrub, valley and foothill grassland, vernal pools; clay/ bulbiferous herb/ April–May/ 160–1,550 ft amsl.	Low potential to occur. Suitable vegetation and soils are present, but the species was not observed during focused surveys.
<i>Brodiaea filifolia</i>	Thread-leaved brodiaea	FT/ SE/ MSCP	1B.1	Chaparral (openings) cismontane woodland, coastal scrub, playas, valley and foothill grassland, vernal pools; often clay/ bulbiferous herb/ March–June/ 400–2,800 ft amsl.	Low potential to occur. Suitable vegetation and soils are present, but the species was not observed during focused surveys.
<i>Brodiaea orcuttii</i>	Orcutt's brodiaea	None/ None/ MSCP	1B.1	Closed-cone conifer forest, chaparral, cismontane woodland, meadows and seeps, valley and foothill grassland, vernal pools; mesic, clay, sometimes serpentine/ bulbiferous herb/ May–July/ 100–5,550 ft amsl.	Low potential to occur. Suitable vegetation and soils are present, but the species was not observed during focused surveys.
<i>Calitropsis</i> (=Cupressus) <i>forbesii</i>	Tecate cypress	None/ None/ MSCP	1B.1	Closed-cone conifer forest, chaparral/ evergreen tree/ N/A / 800–5,900 ft amsl.	Not expected. Not recorded in vicinity and site is lower than species' recorded elevation range and conspicuous tree would have been observed during surveys if present.
<i>Calochortus dunnii</i>	Dunn's mariposa lily	None/ SR/ MSCP	1B.2	Closed-cone conifer forest, chaparral; gabbroic or metavolcanic/ bulbiferous herb/ April–June/ 1,250–6,000 ft amsl.	Not expected. Not recorded in vicinity and site is lower than species' recorded elevation range and it would have been observed during surveys if present.
<i>Camissonia lewisii</i>	Lewis's evening primrose	None/ None/ None	3	Coastal bluff scrub, cismontane woodland, coastal dunes, coastal scrub, valley and foothill grassland; sandy or clay/ annual herb/ March–May (June)/ <1,000 ft amsl.	Low potential to occur. Suitable vegetation and soils are present, but the species was not observed during focused surveys.
<i>Caulanthus stenocarpus</i>	Slender-pod jewelflower	None/ None/ MSCP	None	Chaparral, coastal sage scrub/ annual herb, fire follower/ annual herb/ April–May	Not expected. Not recorded in vicinity and it would have been observed during surveys if present

**Table 5.2-5
Special-Status Plant Species Detected or Potentially Occurring on the Project Site**

Scientific Name	Common Name	Status Federal/ State/ NCCP	California Rare Plant Rank	Primary Habitat Associations/ Life Form/ Blooming Period/ Elevation Range	Status on Site or Potential to Occur
<i>Ceanothus cyaneus</i>	Lakeside ceanothus	None/ None/ MSCP	1B.2	Closed-cone conifer forest, chaparral/ evergreen shrub/ April–June/ 770–2,500 ft amsl.	Not expected. Site is lower than species' recorded elevation range and shrub would have been observed during surveys if present.
<i>Ceanothus verrucosus</i>	Wart-stemmed ceanothus	None/ None/ MSCP	2.2	Chaparral/ evergreen shrub/ December–May/ <1,250 ft amsl.	Low potential to occur on site. Although there is suitable vegetation, this shrub would have been observed during surveys if present.
<i>Centromadia (=Hemizonia) parryi</i> ssp. <i>australis</i>	Southern tarplant	None/ None/ None	1B.1	Marshes and swamps (margins), valley and foothill grassland (vernally mesic), vernal pools/ annual herb/ May–November/ < 400 ft amsl.	Not expected. No suitable habitat is present on site. Site is slightly above the species' known elevation range and it would have been observed during surveys if present.
<i>Chaenactis glabriuscula</i> var. <i>orcuttiana</i>	Orcutt's pincushion	None/ None/ None	1B.1	Coastal bluff scrub, coastal dunes/ annual herb/ January–August/ 10–330 ft amsl.	Not expected. No suitable habitat is present on site. Site is slightly above the species' known elevation range and it would have been observed during surveys if present.
<i>Chorizanthe orcuttiana</i>	Orcutt's spineflower	FE/ SE	1B.1	Maritime chaparral, closed-cone conifer forest, coastal scrub/ annual herb/ March–May/ < 400 ft amsl.	Low potential to occur on site. Although there is suitable vegetation present, the site is slightly above the species' known elevation range and this species was not observed during focused surveys.
<i>Chorizanthe polygonoides</i> var. <i>longispina</i>	Long-spined spineflower	None/ None/ None	1B.2	Chaparral, coastal scrub, meadows and seeps, valley and foothill grassland; often clay/ annual herb/ April–July/ 100–5,000 ft amsl.	Low potential to occur on site based on lack of suitable clay lens habitat and vernal pools and the species would have been observed during surveys if present.
<i>Clarkia delicata</i>	Delicate clarkia	None/ None/ None	1B.2	Chaparral, cismontane woodland/ annual herb/ April–June/ 770–3,300 ft amsl.	Not expected. Although there is suitable chaparral vegetation on site, the site is lower than the species' recorded elevation range and the species would

**Table 5.2-5
Special-Status Plant Species Detected or Potentially Occurring on the Project Site**

Scientific Name	Common Name	Status Federal/ State/ NCCP	California Rare Plant Rank	Primary Habitat Associations/ Life Form/ Blooming Period/ Elevation Range	Status on Site or Potential to Occur
					have been observed during surveys if present.
<i>Comarostaphylis diversifolia</i> ssp. <i>diversifolia</i>	Summer-holly	None/ None/ None	1B.2	Chaparral, cismontane woodland/ evergreen shrub/ April–June/100–1,800 ft amsl.	Low potential to occur. Although there is suitable chaparral vegetation on site, this shrub would have been observed during surveys if present.
<i>Cordylanthus maritimus</i> ssp. <i>maritimus</i>	Salt marsh bird's-beak	FE/ SE/ MSCP	1B.2	Coastal dunes, coastal saltwater marshes and swamps/ annual herb; hemiparasitic/ May–October/ < 100 ft amsl.	Not expected. No suitable habitat, the site is higher than the species' recorded elevation range and the species would have been observed during surveys if present.
<i>Cordylanthus orcuttianus</i>	Orcutt's bird's-beak	None/ None/ MSCP	2.1	Coastal scrub/ annual herb/ (Mar) April–July (Sept)/ 30–1,150 ft amsl.	Low potential. Although there is suitable vegetation on site, this species was not observed during focused surveys.
<i>Corethrogyne filaginifolia</i> var. <i>incana</i>	San Diego sand aster	None/ None/ None	1B.1	Chaparral, coastal bluff scrub, coastal scrub/ perennial herb/ June–September/ 10–380 ft amsl.	Low potential to occur. Although there is suitable vegetation and soils, the site's elevation may be too high and the variety was not observed during focused surveys.
<i>Corethrogyne filaginifolia</i> var. <i>linifolia</i>	Del Mar Mesa sand aster	None/ None/ MSCP	1B.1	Coastal bluff scrub, maritime chaparral (openings), coastal scrub; sandy/ perennial herb/ May–September/ 10–380 ft amsl.	Low potential to occur. Although there is suitable vegetation and soils, the variety was not observed during focused surveys.
* <i>Deinandra</i> (=Hemizonia) <i>conjugens</i>	Otay tarplant	FT/ SE/ MSCP NE	1B.1	Coastal scrub, valley and foothill grassland; clay/ annual herb/ May–June/ 80–1,000 ft amsl.	Low potential to occur. Although there is suitable vegetation and soils, the variety was not observed during focused surveys.
<i>Dudleya blochmaniae</i> ssp. <i>insularis</i>	Santa Rosa Island dudleya	None/ None/ None	1B.1	Coastal bluff scrub/ perennial herb/ March–April/ 10 ft amsl.	Not expected. No suitable vegetation and site is above species' known elevation range.
* <i>Dudleya brevifolia</i>	Short-leaved live-forever	None/ SE/ MSCP NE	1B.1	Maritime chaparral (openings), coastal scrub,	Low potential to occur on site. Although there is

**Table 5.2-5
Special-Status Plant Species Detected or Potentially Occurring on the Project Site**

Scientific Name	Common Name	Status Federal/ State/ NCCP	California Rare Plant Rank	Primary Habitat Associations/ Life Form/ Blooming Period/ Elevation Range	Status on Site or Potential to Occur
<i>(Dudleya blochmaniae</i> ssp. <i>brevifolia)</i>				Torrey sandstone/ perennial herb/ April/ 100–800 ft amsl.	suitable vegetation and sandstone soils, the soils may not be appropriate (species prefers Carlsbad gravelly loamy sand). Also, this perennial herb was not observed during focused surveys in early May.
* <i>Dudleya variegata</i>	Variegated dudleya	None/ None/ MSCP NE	1B.2	Chaparral, cismontane woodland, coastal scrub, valley and foothill grassland, vernal pools; clay/ perennial herb/ April–June/ < 1,900 ft amsl.	Low potential to occur. Although there is suitable vegetation and soils, the variety was not observed during focused surveys.
<i>Dudleya viscida</i>	Sticky dudleya	None/ None/ MSCP	1B.2	Coastal bluff scrub, chaparral, coastal scrub; gabbroic soils/ rocky/ perennial herb/ May–June/ 30–1,800 ft amsl.	Low potential to occur. Although there is suitable habitat, soils are not appropriate and the species would have been observed during surveys if present.
<i>Ericameria palmeri</i> ssp. <i>palmeri</i>	Palmer's goldenbush	None/ None/ MSCP	2.2	Chaparral, coastal scrub; mesic/ evergreen shrub/ sandy soil (July) September–November/ 100–2,000 ft amsl.	Low potential to occur. Although there is suitable vegetation and soils, this shrub would have been observed during surveys if present.
<i>Eryngium aristulatum</i> var. <i>hooveri</i>	Hoover's button-celery	None/ None/ None/ None	1B.1	Vernal pools/ annual-perennial herb/ July/ 10–150 ft amsl.	Not expected. No suitable vernal pool habitat. Site is higher than species' recorded elevation range.
* <i>Eryngium aristulatum</i> var. <i>parishii</i>	San Diego button-celery	FE/ SE/ MSCP NE	1B.1	Coastal scrub, valley and foothill grassland, vernal pools, mesic/annual-perennial herb/ April–June/ 60–2,000 ft amsl.	Low potential due to lack of suitable vernal pools and the species would have been observed during surveys if present.
<i>Erysimum ammophilum</i>	Sand-loving wallflower	None/ None/ MSCP	1B.2	Maritime chaparral, coastal dunes, coastal scrub; sandy, openings/ perennial herb/ February–June/ <200 ft amsl.	Not expected. Site is higher than species' recorded elevation range and the species would have been observed during surveys if present.
<i>Euphorbia misera</i>	Cliff spurge	None/ None/ None	2.2	Coastal bluff scrub, coastal scrub, Mojavean desert scrub; rocky/ shrub/	Not expected. Although there is suitable vegetation on site, this shrub would

**Table 5.2-5
Special-Status Plant Species Detected or Potentially Occurring on the Project Site**

Scientific Name	Common Name	Status Federal/ State/ NCCP	California Rare Plant Rank	Primary Habitat Associations/ Life Form/ Blooming Period/ Elevation Range	Status on Site or Potential to Occur
				December–August/ 30–1,650 ft amsl.	have been observed during surveys if present.
<i>Ferocactus viridescens</i>	San Diego barrel cactus	None/ None/ MSCP	2.1	Chaparral, coastal scrub, valley and foothill grassland, vernal pools/ perennial stem succulent/ May–June/ < 1,500 ft amsl.	Present. Approximately 116 individuals of this species were observed and mapped, scattered throughout the site.
<i>Frankenia palmeri</i>	Palmer's frankenia	None/ None/ None	2.1	Coastal dunes, coastal saltwater marsh and swamps, playas/ perennial herb/ May–July/ < 30 ft amsl.	Not expected. No suitable habitat present. Site is above species' known elevation range and the species would have been observed during surveys if present.
<i>Fremontodendron mexicanum</i>	Mexican flannelbush	FE/ SR/ None	1B.1	Closed-cone conifer forest, chaparral, cismontane woodland; gabbroic, metavolcanic, or serpentinite/ evergreen shrub/ March–June/ 30–2,400 ft amsl.	Not expected. Although there is suitable vegetation, soils are not appropriate and the species would have been observed during surveys if present.
<i>Geothaollus tuberosus</i>	Campbell's liverwort	None/ None/ None	1B.1	Coastal scrub (mesic), vernal pools; soil/ ephemeral liverwort/ N/A / 30–2,000 ft amsl.	Not expected to occur. No suitable mesic vegetation or vernal pools present on site.
<i>Githopsis diffusa</i> ssp. <i>filicaulis</i>	Mission Canyon bluecup	None/ None/ None	3.1	Chaparral (mesic, disturbed areas)/ annual herb/ April–June/ 1,500–2,300 ft amsl.	Not expected. Site is lower than species' recorded elevation range and the species would have been observed during surveys if present.
<i>Grindelia hirsutula</i> var. <i>hallii</i>	San Diego gumplant	None/ None/ None	1B.2	Chaparral, lower montane conifer forest, meadows and seeps, valley and foothill grassland/ perennial herb/ July–October/ 600–5,700 ft amsl.	Low potential to occur on site. Although this taxon blooms later than focused surveys were conducted, the perennial herb could have been identified to genus at the time of surveys and there were no <i>Grindelia</i> species observed. In addition, this species prefers montane meadows and lower montane coniferous forest, which are not present.

**Table 5.2-5
Special-Status Plant Species Detected or Potentially Occurring on the Project Site**

Scientific Name	Common Name	Status Federal/ State/ NCCP	California Rare Plant Rank	Primary Habitat Associations/ Life Form/ Blooming Period/ Elevation Range	Status on Site or Potential to Occur
<i>Harpagonella palmeri</i>	Palmer's grapplinghook	None/ None/ None	4.2	Chaparral, coastal scrub, valley and foothill grassland; clay/ annual herb/ March–May/ 60–3,100 ft amsl.	Low potential to occur. Although there is suitable vegetation, this species was not observed during focused surveys.
<i>Heterotheca sessiliflora</i> ssp. <i>sessiliflora</i>	Beach goldenaster	None/ None/ None/	1B.1	Coastal dunes, coastal scrub, coastal chaparral/ annual herb/ July–November/ < 35 ft amsl.	Not expected. Site is higher than species' recorded elevation range. <i>Heterotheca</i> found on site was identified as <i>H. grandiflora</i> .
<i>Isocoma menziesii</i> var. <i>decumbens</i>	Decumbent goldenbush	None/ None/ None	1B.2	Chaparral, coastal scrub (sandy, often disturbed areas)/ shrub/ April–November/30–450 ft amsl.	Low potential to occur. Although there is suitable vegetation, this variety was not observed during focused surveys.
<i>Iva hayesiana</i>	San Diego marsh-elder	None/ None/ None	2.2	Marshes and swamps, playas/ perennial herb/ April–November/ 30–1,650 ft amsl.	Not expected. No suitable habitat present and the species would have been observed during surveys if present.
<i>Lasthenia glabrata</i> ssp. <i>coulteri</i>	Coulter's goldfields	None/ None/ None	1B.1	Saltwater marsh and swamps, playas, vernal pools/ annual herb/ February–June/ <4,000 ft amsl.	Not expected. No suitable habitat present and the species would have been observed during surveys if present.
<i>Lepechinia ganderi</i>	Gander's pitcher sage	None/ None/ MSCP	1B.3	Closed-cone conifer forest, chaparral, coastal scrub, valley and foothill grassland; gabbroic or metavolcanic/ shrub/ June–July/ 1,000–3,300 ft amsl.	Not expected. Not recorded in vicinity, site is lower than species' recorded elevation range, and there are no appropriate soils.
<i>Lepidium virginicum</i> var. <i>robinsonii</i>	Robinson's pepper-grass	None/ None/ None	1B.2	Chaparral, coastal scrub/ annual herb/ January–July/ < 2,900 ft amsl.	Low potential to occur. Although there is suitable vegetation, this taxon was not observed during focused surveys.
<i>Leptosyne maritima</i>	Sea dahlia	None/ None/ None	2.2	Coastal bluff scrub, coastal scrub/ perennial herb/ March–May/ 16–492 ft amsl.	Low potential to occur. Although there is suitable vegetation, this species was not observed during focused surveys.

**Table 5.2-5
Special-Status Plant Species Detected or Potentially Occurring on the Project Site**

Scientific Name	Common Name	Status Federal/ State/ NCCP	California Rare Plant Rank	Primary Habitat Associations/ Life Form/ Blooming Period/ Elevation Range	Status on Site or Potential to Occur
<i>Lotus nuttallianus</i>	Nuttall's lotus	None/ None/ MSCP	1B.1	Coastal dunes, coastal scrub; sandy/ annual herb/ March–June/ < 35 ft amsl.	Not expected. Site is higher than species' recorded elevation range and the species would have been observed during surveys if present.
<i>Monardella hypoleuca</i> ssp. <i>Lanata</i>	Felt-leaved monardella	None/ None/ MSCP	1B.2	Chaparral, cismontane woodland/ rhizomatous herb/ June–August/ 1,000–3,600 ft amsl.	Not expected. Not recorded in vicinity. Site is below species' known elevation range.
<i>Monardella viminea</i>	Willow monardella	FE/ SE/ MSCP	1B.1	Chaparral, coastal scrub, riparian forest, woodland, and scrub; alluvial ephemeral washes/ perennial herb/ June–August/ 160–750 ft amsl.	Low potential to occur due to lack of alluvial ephemeral washes. Ephemeral stream channel on site is too narrow to provide suitable wash habitat.
<i>Myosurus minimus</i> ssp. <i>apus</i>	Little mousetail	None/ None/ None	3.1	Vernal pools, valley and foothill grassland; alkaline/ annual herb/ March–June/ 60–2,100 ft amsl.	Low potential due to lack of appropriate vegetation and soils and the species would have been observed during surveys if present.
<i>Nama stenocarpum</i>	Mud nama	None/ None/ None	2.2	Marshes and swamps, lake margins, riverbanks/ annual-perennial herb/ January–July/ 15–1,650 ft amsl.	Low potential to occur due to lack of muddy embankments and the species would have been observed during surveys if present.
* <i>Navarretia fossalis</i>	Spreading navarretia	FT/ None/ MSCP NE	1B.1	Chenopod scrub, shallow freshwater marshes and swamps, playas, vernal pools/ annual herb/ April–June/ 100–4,300 ft amsl.	Low potential due to lack of suitable vernal pool habitat and the species would have been observed during surveys if present.
<i>Navarretia prostrata</i>	Prostrate navarretia	None/ None/	1B.1	Coastal scrub, meadows and seeps, valley and foothill grassland (alkaline), vernal pools; mesic/annual herb/ April–July/ 50–2,300 ft amsl.	Low potential to occur due to lack of mesic habitat and the species would have been observed during surveys if present.
<i>Nemacaulis denudata</i> var. <i>denudata</i>	Coast woolly-heads	None/ None/ None	1B.2	Coastal dunes/ annual herb/ April–September/ < 330 ft amsl.	Not expected. No suitable vegetation on site. Site is above species' known elevation range and the species would have been observed during surveys if present.

**Table 5.2-5
Special-Status Plant Species Detected or Potentially Occurring on the Project Site**

Scientific Name	Common Name	Status Federal/ State/ NCCP	California Rare Plant Rank	Primary Habitat Associations/ Life Form/ Blooming Period/ Elevation Range	Status on Site or Potential to Occur
<i>Nemacaulis denudata</i> var. <i>gracilis</i>	Slender woolly-heads	None/ None/ None	2.2	Coastal dunes, desert dunes, Sonoran desert scrub/ annual herb/ (March) April–May/160–1,300 ft. amsl.	Not expected. No suitable vegetation on site and the species would have been observed during surveys if present.
<i>Nolina interrata</i>	Dehesa nolina	None/ SE/ MSCP	1B.1	Chaparral; gabbroic, metavolcanic or serpentinite/ perennial herb/ June–July/ 600–2,800 ft amsl.	Not expected. Not recorded in vicinity and there are no appropriate soils on site and this conspicuous perennial would have been observed during surveys if present.
* <i>Opuntia californica</i> var. <i>californica</i> (<i>Opuntia parryi</i> var. <i>serpentina</i>)	Snake cholla	None/ None/ MSCP NE	1B.1	Chaparral, coastal scrub/ stem succulent/ April–May/ 100–500 ft amsl.	Low potential to occur on site due to the location of the site outside of the distribution of the plant, which occurs farther south. In addition, this conspicuous stem succulent would have been observed during surveys if present.
* <i>Orcuttia californica</i>	California Orcutt grass	FE/ SE/ MSCP NE	1B.1	Vernal pools/ annual herb/ April–August/ 50–2,200 ft amsl.	Not expected. No vernal pools on site and the species would have been observed during surveys if present.
<i>Orobanche parishii</i> ssp. <i>brachyloba</i>	Short-lobed broom-rape	None/ None/ None	4.2	Coastal bluff scrub, coastal dunes, coastal scrub; sandy/ perennial herb parasitic/ April–October/ <1,000 ft amsl.	Low potential to occur on site. No suitable bluff scrub or dunes, which are preferred habitat. Not observed during focused surveys.
<i>Packera</i> [= <i>Senecio</i>] <i>ganderi</i>	Gander's ragwort	None/ SR/ MSCP	1B.2	Chaparral (burns and gabbroic outcrops)/ perennial herb/ April–June/ 1,300–4,000 ft amsl.	Not expected. Not recorded in vicinity. Site is above species' known elevation range and the species would have been observed during surveys if present.
<i>Phacelia stellaris</i>	Brand's phacelia	FC/ None	1B.1	Coastal dunes, coastal scrub/ annual herb/ March–June/ <1,300 ft amsl.	Low potential to occur. Although appropriate vegetation components occur on site, this species was not observed during focused surveys.

**Table 5.2-5
Special-Status Plant Species Detected or Potentially Occurring on the Project Site**

Scientific Name	Common Name	Status Federal/ State/ NCCP	California Rare Plant Rank	Primary Habitat Associations/ Life Form/ Blooming Period/ Elevation Range	Status on Site or Potential to Occur
<i>Pinus torreyana</i> <i>ssp. torreyana</i>	Torrey pine	None/ None/ MSCP	1B.2	Closed-cone conifer forest, chaparral; sandstone/ evergreen tree/ N/A / 250–550 ft amsl.	Present. Three individual trees observed on site.
* <i>Pogogyne abramsii</i>	San Diego mesa mint	FE/ SE/ MSCP NE	1B.1	Vernal pools/ annual herb/ May–July/ 300–650 ft amsl.	Not expected. No vernal pool habitat on site and the species would have been observed during surveys if present.
* <i>Pogogyne nudiuscula</i>	Otay Mesa mint	FE/ SE/ MSCP NE	1B.1	Vernal pools/ annual herb/ May–July/ 300–620 ft amsl.	Not expected. No vernal pool habitat on site and the species would have been observed during surveys if present.
<i>Quercus dumosa</i>	Nuttall's scrub oak	None/ None/ None	1B.1	Chaparral, coastal scrub, closed-cone coniferous forest; sandy, clay loam/ evergreen shrub/ February–April/ 50–1,300 ft amsl.	Present. Approximately 149 individuals observed and mapped in the central and northwestern portions of the site.
<i>Satureja chandleri</i>	San Miguel savory	None/ None/ MSCP	1B.2	Chaparral, cismontane woodland, coastal scrub, riparian woodland, valley and foothill grassland; rocky, gabbroic or metavolcanic/ shrub/ March–July/ 400–3,550 ft amsl.	Not expected. Although there is suitable vegetation, soils are not appropriate and the species would have been observed during surveys if present.
<i>Senecio aphanactis</i>	Chaparral ragwort	None/ None/ None	2.2	Chaparral, cismontane woodland, coastal scrub; sometimes alkaline/ annual herb/ January–April/ 50–2,630 ft amsl.	Low potential to occur. Although there is suitable habitat, there are no alkaline soils. Although timing of surveys was not ideal for detection of this species, it was not observed during focused surveys in early May.
<i>Sphaerocarpos drewei</i>	Bottle liverwort	None/ None/ None	1B.1	Chaparral, coastal scrub; openings, soil/ ephemeral liverwort/ N/A / 300–1,970 ft amsl.	Low potential to occur. Although there is suitable vegetation, the species was not observed during focused surveys.

**Table 5.2-5
Special-Status Plant Species Detected or Potentially Occurring on the Project Site**

Scientific Name	Common Name	Status Federal/ State/ NCCP	California Rare Plant Rank	Primary Habitat Associations/ Life Form/ Blooming Period/ Elevation Range	Status on Site or Potential to Occur
<i>Stemodia durantifolia</i>	Purple stemodia	None/ None/ None	2.1	Sonoran desert scrub; often mesic, sandy/ perennial herb / January–December/ 600–1,000 ft amsl.	Not expected. No suitable vegetation is present and the species would have been observed during surveys if present.
<i>Stylocline citroleum</i>	Oil neststraw	None/ None/ None	1B.1	Chenopod scrub, coastal scrub, valley and foothill grassland; clay/ annual herb/ March–April/ 165–1,300 ft amsl.	Low potential to occur. Suitable vegetation and soils and timing of surveys was not ideal for detection of this species, however it was not observed during focused surveys in early May. Furthermore, the dated specimen identified from San Diego County may represent a variant of <i>Stylocline gnaphaloides</i> , which shares similarities with the Kern species, <i>Stylocline citroleum</i> . Given that similar oilfield habitat is largely absent in San Diego County, the substantial disjunction is suspect.
<i>Suaeda esteroa</i>	Estuary seablite	None/ None/ None	1B.2	Coastal salt marshes and swamps/ perennial herb/ May–October (Jan)/ < 20 ft amsl.	Not expected. No suitable vegetation, site is higher than species' recorded elevation range, and the species would have been observed during surveys if present.
<i>Tetracoccus dioicus</i>	Parry's tetracoccus	None/ None/ MSCP	1B.2	Chaparral, coastal scrub/ deciduous shrub/ April–May/ 541–3,281 ft amsl.	Low potential to occur. Although there is suitable habitat on site this shrub would have been observed during surveys if present.

Federal Designations

FE Federally listed as endangered
FT Federally listed as threatened

State Designations

SE State-listed as endangered
S State-listed as threatened
SR State rare

MSCP

MSCP Covered species
MSCP NE City of San Diego narrow endemic species

ft amsl = feet above mean sea level; N/A = not applicable

**Table 5.2-6
Special-Status Wildlife Detected or Potentially Occurring on the Project Site**

Scientific Name	Common Name	Status Federal/ State/ MSCPa	Primary Habitat Associations	Status on Site or Potential to Occur
<i>Amphibians</i>				
<i>Anaxyrus [=Bufo] californicus</i>	Arroyo toad	FE/ CSC/ MSCP	Stream channels for breeding (typically 3rd order); adjacent stream terraces and uplands for foraging and wintering	No potential. No suitable habitat is present.
<i>Amphibians</i>				
<i>Rana draytoni</i>	California red-legged frog	FT/ CSC/ MSCP	Lowland streams, wetlands, riparian woodlands, livestock ponds; dense, shrubby or emergent vegetation associated with deep, still or slow-moving water; uses adjacent uplands	No potential. No suitable habitat is present.
<i>Spea [=Scaphiopus] hammondi</i>	Western spadefoot	None/ CSC	Most common in grasslands, coastal sage scrub near rain pools or vernal pools; riparian habitats	Very low potential. Unlikely to occur on site due to lack of rain pools and riparian habitats.
<i>Reptiles</i>				
<i>Actinemys [=Emys, Clemmys] marmorata pallida</i>	Southwestern pond turtle	None/ CSC/ MSCP	Slow-moving permanent or intermittent streams, ponds, small lakes, reservoirs with emergent basking sites; adjacent uplands used during winter	No potential. No suitable habitat is present.
<i>Aspidoscelis hyperythra</i>	Orange-throated whiptail	None/ CSC/ MSCP	Coastal sage scrub, chaparral, grassland, juniper and oak woodland	Low potential due to surrounding urbanization.
<i>Aspidoscelis tigris stejnegeri</i>	Coastal western whiptail	None/ None	Coastal sage scrub, chaparral	Low potential due to surrounding urbanization.
<i>Charina [=Lichanura] trivirgata</i>	Rosy boa	None/ None	Rocky chaparral, coastal sage scrub, oak woodlands, desert and semi-desert scrub	Low potential due to surrounding urbanization.
<i>Crotalus ruber ruber</i>	Northern red-diamond rattlesnake	None/ CSC	Variety of shrub habitats where there is heavy brush, large rocks, or boulders	Low potential due to surrounding urbanization.
<i>Diadophis punctatus similis</i>	San Diego ringneck snake	None/ None	Open, rocky areas in moist habitats near intermittent streams: marsh, riparian woodland, sage scrub	Low potential due to surrounding urbanization and lack of moist habitats and rocky areas on site.
<i>Phrynosoma coronatum (blainvillei population)</i>	Coast (San Diego) horned lizard	None/ CSC/ MSCP	Coastal sage scrub, annual grassland, chaparral, oak and riparian woodland, coniferous forest	Low potential due to surrounding urbanization.

**Table 5.2-6
Special-Status Wildlife Detected or Potentially Occurring on the Project Site**

Scientific Name	Common Name	Status Federal/ State/ MSCP ^a	Primary Habitat Associations	Status on Site or Potential to Occur
<i>Reptiles</i>				
<i>Eumeces skiltonianus interparietalis</i>	Coronado Island skink	None/ CSC	Grassland, woodlands, pine forests, chaparral. Prefers rocky areas near streams with lots of vegetation but is also found away from water.	No potential. No suitable habitat is present.
<i>Salvadora hexalepis virgultea</i>	Coast patch-nosed snake	None/ CSC	Chaparral, washes, sandy flats, rocky areas	Low potential due to surrounding urbanization.
<i>Thamnophis hammondi</i>	Two-striped garter snake	None/ CSC	Streams, creeks, pools, streams with rocky beds, ponds, lakes, vernal pools	Low potential due to surrounding urbanization and lack of aquatic habitat on site.
<i>Thamnophis sirtalis</i> ssp.	South Coast garter snake (Coastal plain from Ventura Co. to San Diego Co., from sea level to about 850 m.)	None/ CSC	Marshes, meadows, sloughs, ponds, slow-moving water courses	Low potential due to surrounding urbanization and lack of aquatic habitat on site.
<i>Birds</i>				
<i>Accipiter cooperii</i> (nesting)	Cooper's hawk	None/ WL/ MSCP	Riparian and oak woodlands, montane canyons	Present. Observed perched in ornamental habitat along the southeastern project boundary. Could potentially breed in large ornamental or eucalyptus trees in area.
<i>Agelaius tricolor</i> (nesting colony)	Tricolored blackbird	BCC/ CSC/ MSCP	Nests near fresh water, emergent wetland with cattails or tules; forages in grasslands, woodland, agriculture	No potential. No suitable habitat is present.
<i>Aimophila ruficeps canescens</i>	Southern California rufous-crowned sparrow	None/ WL/ MSCP	Grass-covered hillsides, coastal sage scrub, chaparral with boulders and outcrops	Moderate potential; limited potential to occur due to surrounding urbanization.
<i>Ammodramus savannarum</i> (nesting)	Grasshopper sparrow	None/ CSC	Open grassland and prairie, especially native grassland with a mix of grasses and forbs	No potential to occur due to surrounding urbanization and very limited grassland area on site.
<i>Artemisiospiza (Amphispiza) belli belli</i> (nesting)	Bell's sparrow	BCC/ WL/ ABC	Coastal sage scrub and dry chaparral along coastal lowlands and inland valleys	Low potential due to surrounding urbanization.
<i>Aquila chrysaetos</i> (nesting and nonbreeding/ wintering)	Golden eagle	BCC/ WL, P/ MSCP	Open country, especially hilly and mountainous regions; grassland, coastal sage scrub, chaparral, oak savannas, open coniferous forest	Low potential. Unlikely to occur, not known from area. May rarely forage over the site but no nesting habitat is present.

**Table 5.2-6
Special-Status Wildlife Detected or Potentially Occurring on the Project Site**

Scientific Name	Common Name	Status Federal/ State/ MSCP ^a	Primary Habitat Associations	Status on Site or Potential to Occur
<i>Birds</i>				
<i>Athene cunicularia</i> (burrow sites and some wintering sites)	Burrowing owl	BCC/ CSC/ MSCP	Grassland, lowland scrub, agriculture, coastal dunes and other artificial open areas	Low potential. No burrows with owl sign were observed during survey visits. Vegetation is generally denser than is preferred by this species.
<i>Branta canadensis</i> <i>ssp. moffitti</i>	Canada goose	None/ None/ MSCP	Various habitats near water; migrates and winters in coastal and freshwater marshes, lakes, rivers, fields, etc; breeds in open or forested areas near lakes, ponds, large streams, and inland and coastal marshes	Low potential due to lack of suitable habitat. Also not recorded in vicinity. May forage on site during migration.
<i>Buteo regalis</i> (Nonbreeding/ wintering)	Ferruginous hawk	BCC/ WL/ MSCP	Open, dry country, grasslands, open fields, agriculture	Low potential to winter. Not recorded in vicinity. Does not nest in the region. May forage on site during winter.
<i>Buteo swainsoni</i> (nesting)	Swainson's hawk	BCC/ ST/ MSCP	Open grassland, shrublands, croplands	No potential for nesting. Not recorded in vicinity. Does not nest in the region. May rarely forage on site during migration.
<i>Campylorhynchus brunneicapillus sandiegensis</i> (San Diego and Orange Counties only)	Coastal cactus wren	BCC/ CSC/ MSCP	Southern cactus scrub, maritime succulent scrub, cactus thickets in coastal sage scrub	Low potential to occur because of small size and limited extent of cactus on site. Would have been observed during surveys, if present.
<i>Charadrius alexandrinus nivosus</i> (nesting)	Western snowy plover (coastal population)	FT, BCC/ CSC/ MSCP	Nests primarily on coastal beaches, in flat open areas, with sandy or saline substrates; less commonly in salt pans, dredged spoil disposal sites, dry salt ponds and levee	No potential due to lack of suitable habitat.
<i>Charadrius montanus</i> (Nonbreeding/ wintering)	Mountain plover	BCC/ CSC/ MSCP	Nests in open, shortgrass prairies or grasslands; winters in shortgrass plains, plowed fields, open sagebrush, and sandy deserts	Low potential. Not known from the region. Does not nest within the region; unlikely to forage on site due to lack of extensive grasslands and dense vegetation.
<i>Circus cyaneus</i> (nesting)	Northern harrier	None/ CSC/ MSCP	Open wetlands (nesting), pasture, old fields, dry uplands, grasslands, rangelands, coastal sage scrub	Low potential to occur due to surrounding urbanization.

**Table 5.2-6
Special-Status Wildlife Detected or Potentially Occurring on the Project Site**

Scientific Name	Common Name	Status Federal/ State/ MSCPa	Primary Habitat Associations	Status on Site or Potential to Occur
<i>Birds</i>				
<i>Dendroica petechia brewsteri</i> (nesting)	Yellow warbler	None/ CSC	Nests in lowland and foothill riparian woodlands dominated by cottonwoods, alders and willows; winters in a variety of habitats	Low potential to nest due to lack of suitable habitat on site. Not expected to occur.
<i>Egretta rufescens</i>	Reddish egret	None/ None/ MSCP	Saltmarsh, mudflats, coastal lagoons	No potential due to lack of suitable habitat. Also, not recorded in vicinity.
<i>Elanus leucurus</i> (nesting)	White-tailed kite	None/ P	Open grasslands, savanna-like habitats, agriculture, wetlands, oak woodlands, riparian	Low potential to nest on site due to surrounding urbanization and lack of open habitat and wetlands on site to support reproduction. Nomadic individuals may occasionally forage on site.
<i>Empidonax traillii extimus</i> (nesting)	Southwestern willow flycatcher	FE/ SE/ MSCP	Riparian woodlands along streams and rivers with mature, dense stands of willows or alders; may nest in thickets dominated by tamarisk	No potential to occur due to lack of suitable habitat on site.
<i>Eremophila alpestris actia</i>	California horned lark	None/ WL	Open habitats, grassland, rangeland, shortgrass prairie, montane meadows, coastal plains, fallow grain fields	Low potential to occur on site due to surrounding urbanization and lack of open habitat on site.
<i>Falco peregrinus anatum</i>	American peregrine falcon	BCC, (FD)/ SE, P/ MSCP	Nests on cliffs, buildings, bridges; forages in wetlands, riparian, meadows, croplands, especially where waterfowl are present	Low potential to occur. No breeding habitat on site. Nearest known location are the ocean cliffs between La Jolla Cove and La Jolla Shores. Not expected to forage on site.
<i>Haliaeetus leucocephalus</i> (nesting and nonbreeding/ wintering)	Bald eagle	(FD)/ SE, P/ MSCP	Seacoasts, rivers, swamps, large lakes; winters at large bodies of water in lowlands and mountains	No potential due to lack of suitable habitat. Also, not recorded in vicinity.
<i>Icteria virens</i> (nesting)	Yellow-breasted chat	None/ CSC	Dense, relatively wide riparian woodlands and thickets of willows, vine tangles and dense brush	One individual observed foraging on site during biological monitoring of geotechnical activities on August 18, 2011. Due to lack of wetland breeding habitat on site and the time of year, this individual was most likely starting migration.

**Table 5.2-6
Special-Status Wildlife Detected or Potentially Occurring on the Project Site**

Scientific Name	Common Name	Status Federal/ State/ MSCPa	Primary Habitat Associations	Status on Site or Potential to Occur
<i>Birds</i>				
<i>Laterallus jamaicensis coturniculus</i>	California black rail	BCC/ ST, P/	Saline, brackish, and fresh emergent wetlands	No potential due to lack of suitable habitat.
<i>Numenius americanus</i> (nesting)	Long-billed curlew	BCC/ WL/ MSCP	Nests in upland shortgrass prairies and wet meadows in northeast California; winters in coastal estuaries, open grasslands and croplands	Does not nest in the region but low potential to forage on site during winter. Also, not recorded in vicinity.
<i>Passerculus sandwichensis beldingi</i>	Belding's savannah sparrow	None/ SE/ MSCP	Saltmarsh, pickleweed	No potential due to lack of suitable habitat.
<i>Passerculus sandwichensis rostratus</i> (nonbreeding/ wintering)	Large-billed savannah sparrow	None/ CSC/ MSCP	Saltmarsh, pickleweed	No potential due to lack of suitable habitat. Also, not recorded in vicinity.
<i>Pelecanus occidentalis californicus</i> (nesting colony and communal roosts)	California brown pelican	FE/ (SD)/ MSCP	Open sea, large water bodies, coastal bays and harbors	No potential due to lack of suitable habitat.
<i>Plegadis chihi</i> (rookery site)	White-faced ibis	SMC/ WL/ MSCP	Nests in marsh; winter foraging in shallow lacustrine waters, muddy ground of wet meadows, marshes, ponds, lakes, rivers, flooded fields and estuaries	No potential due to lack of suitable habitat.
<i>Poliptila californica californica</i>	Coastal California gnatcatcher	FT/ CSC/ MSCP	Coastal sage scrub, coastal sage scrub-chaparral mix, coastal sage scrub-grassland ecotone, riparian in late summer	One individual male was observed on site during August monitoring of geotechnical activities. No breeding activity was observed during monitoring activities in August and no other California gnatcatchers were observed in September or November of 2010.
<i>Rallus longirostris levipes</i>	Light-footed clapper rail	FE/ SE, P/ MSCP	Coastal saltmarsh	No potential due to lack of suitable habitat.

**Table 5.2-6
Special-Status Wildlife Detected or Potentially Occurring on the Project Site**

Scientific Name	Common Name	Status Federal/ State/ MSCPa	Primary Habitat Associations	Status on Site or Potential to Occur
<i>Birds</i>				
<i>Sialia mexicana</i>	Western bluebird	None/ None/ MSCP	Open forests of deciduous, coniferous or mixed trees, savanna, edges of riparian woodland	Detected on site during surveys. Status as breeding individual or migrant is unknown.
<i>Sternula</i> [=Sterna] <i>antillarum browni</i> (nesting colony)	California least tern	FE/ SE, P/ MSCP	Coastal waters, estuaries, large bays and harbors, mudflats; nests on sandy beaches	No potential due to lack of suitable habitat.
<i>Thalasseus</i> [=Sterna] <i>elegans</i> (nesting colony)	Elegant tern	BCC/ WL/ MSCP	Coastal waters, estuaries, large bays and harbors, mudflats	No potential due to lack of suitable habitat. Also, not found in vicinity.
<i>Vireo bellii pusillus</i> (nesting)	Least Bell's vireo	FE, BCC/ SE/ MSCP	Nests in southern willow scrub with dense cover within 1-2 meters of the ground; habitat includes willows, cottonwoods, baccharis, wild blackberry or mesquite on desert areas	No potential to occur due to lack of suitable habitat.
<i>Mammals</i>				
<i>Antrozous pallidus</i>	Pallid bat	None/ CSC/	Rocky outcrops, cliffs, and crevices with access to open habitats for foraging	No roosting habitat, but potential to forage on site.
<i>Chaetodipus californicus femoralis</i>	Dulzura pocket mouse	None/ CSC	Coastal sage scrub, chaparral, riparian-scrub ecotone; more mesic areas	Moderate potential to occur on site.
<i>Chaetodipus fallax fallax</i>	Northwestern San Diego pocket mouse	None/ CSC	Coastal sage scrub, grassland, sage scrub-grassland ecotones, sparse chaparral; rocky substrates, loams and sandy loams	Moderate potential to occur on site.
<i>Choeronycteris mexicana</i>	Mexican long-tongued bat	None/ CSC/	Desert and montane riparian, desert succulent scrub, desert scrub, and pinyon/juniper woodland; roosts in caves, mines, and buildings	Very low potential; no roosting or preferred foraging habitat on site.
<i>Dipodomys stephensi</i>	Stephens' kangaroo rat	FE/ ST	Open habitat, grassland, sparse coastal sage scrub, sandy loam and loamy soils with low clay content; gentle slopes (<30%)	No potential. Project is outside of range of the species.
<i>Euderma maculatum</i>	Spotted bat	None/ CSC/	Arid deserts and grasslands through mixed conifer forests; roosts in cliffs; feeds over water and along washes	Not expected; no roosting or preferred foraging habitat on site and outside species' range.

**Table 5.2-6
Special-Status Wildlife Detected or Potentially Occurring on the Project Site**

Scientific Name	Common Name	Status Federal/ State/ MSCP ^a	Primary Habitat Associations	Status on Site or Potential to Occur
<i>Mammals</i>				
<i>Eumops perotis californicus</i>	Western mastiff bat	None/ CSC/	Roosts in small colonies in cracks and small holes, seeming to prefer man-made structures	No roosting habitat, but potential to forage on site.
<i>Felis concolor</i>	Mountain lion	None/ None/ MSCP	Occupies a wide variety of habitats: swamps, riparian woodlands, broken country with good cover of brush or woodland	No potential to occur on site due to surrounding urbanization. Species has been considered extirpated from area due to dense urbanization.
<i>Lasionycteris noctivagans</i>	Silver-haired bat	None/ None	Coastal and montane forest, roosts in hollow trees, beneath exfoliating bark, abandoned woodpecker holes, and rarely under rocks	No roosting habitat, but potential to forage on site.
<i>Lasiurus blossevillii</i>	Western red bat	None/ CSC/	Roosts in forests and woodlands from sea level up through mixed conifer forests; feeding habitat variable and includes grasslands, shrublands, open woodlands and forests, and croplands; not found in desert areas	No roosting habitat, but potential to forage on site.
<i>Lasiurus cinereus</i>	Hoary bat	None/ None	Prefers open habitats or habitat mosaics with access to trees for cover and open areas or habitat edges for feeding	No roosting habitat, but potential to forage on site.
<i>Lasiurus xanthinus</i>	Western yellow bat	None/ CSC/	Desert and montane riparian, desert succulent scrub, desert scrub, and pinyon/juniper woodland	Very low potential; no roosting or preferred foraging habitat on site.
<i>Lepus californicus bennettii</i>	San Diego black-tailed jackrabbit	None/ CSC	Arid habitats with open ground; grasslands, coastal sage scrub, agriculture, disturbed areas, rangelands	Very low potential. Would have been observed on site during surveys, if present. Surrounding urbanization and small parcel size precludes presence on site.
<i>Myotis ciliolabrum</i>	Western small-footed myotis	None/ None	Caves, old mines, abandoned buildings	No roosting habitat, but potential to forage on site.
<i>Myotis evotis</i>	Long-eared myotis	None/ None	Prefers conifer woodlands and forests; also brush, woodland, and forest habitats below 9,000 ft amsl; roosts in building, crevices, and snags	No roosting habitat, but potential to forage on site.

**Table 5.2-6
Special-Status Wildlife Detected or Potentially Occurring on the Project Site**

Scientific Name	Common Name	Status Federal/ State/ MSCP ^a	Primary Habitat Associations	Status on Site or Potential to Occur
<i>Mammals</i>				
<i>Neotoma lepida intermedia</i>	San Diego desert woodrat	None/ CSC	Coastal sage scrub, chaparral, pinyon/juniper woodland with rock outcrops, cactus thickets, dense undergrowth	Moderate potential to occur on site.
<i>Nyctinomops femorosaccus</i>	Pocketed free-tailed bat	None/ CSC	Rocky desert areas with high cliffs or rock outcrops	Not expected; no roosting or preferred foraging habitat on site and outside species' range.
<i>Nyctinomops macrotis</i>	Big free-tailed bat	None/ CSC	Rugged, rocky canyons	Very low potential; no roosting or preferred foraging habitat on site.
<i>Odocoileus hemionus</i>	Mule deer	None/ None/ MSCP	Coastal sage scrub, chaparral, riparian, woodlands, forest; often browses in open areas adjacent to cover	Not expected to occur on site due to surrounding urbanization. Would have been detected during surveys, if present. Character of site as an urban parcel precludes species presence on site.
<i>Perognathus longimembris pacificus</i>	Pacific pocket mouse	FE/ CSC	Grassland, coastal sage scrub with sandy soils; along immediate coast	Very low potential to occur. Project is far from known populations nearest known extant population on Camp Pendleton; species has been considered extirpated from southern coastal San Diego County due to dense urbanization; vegetation on site is denser than is suitable for the species.
<i>Taxidea taxus</i>	American badger	None/ CSC/ MSCP	Dry, open treeless areas, grasslands, coastal sage scrub	Not expected to occur on site due to surrounding urbanization. Species has been considered extirpated from area due to dense urbanization. Character of site as an urban parcel precludes species presence on site.
<i>Invertebrates</i>				
<i>Branchinecta sandiegonensis</i>	San Diego fairy shrimp	FE/ None/ MSCP	Small, shallow vernal pools, occasionally ditches and road ruts	No potential due to lack of suitable habitat.
<i>Callophrys [=Mitoura] thornei</i>	Thorne's hairstreak butterfly	None/ None/ MSCP	Tecate cypress	No potential due to lack of host plant on site. Not recorded in vicinity.
<i>Cicindela hirticollis gravida</i>	Sandy beach tiger beetle	None/ None	Sandy areas adjacent to non-brackish water along California coast; found in dry sand in upper zone	No potential due to lack of suitable habitat.

**Table 5.2-6
Special-Status Wildlife Detected or Potentially Occurring on the Project Site**

Scientific Name	Common Name	Status Federal/ State/ MSCP ^a	Primary Habitat Associations	Status on Site or Potential to Occur
<i>Cicindela senilis frosti</i>	Senile tiger beetle	None/ None	Salt marshes	No potential due to lack of suitable habitat.
<i>Coelus globosus</i>	Globose dune beetle	None/ None	Coastal dunes	No potential due to lack of suitable habitat.
<i>Danaus plexippus</i>	Monarch butterfly	None/ None	Overwinters in eucalyptus groves	Detected on site during surveys. The eucalyptus grove located at the site's northern boundary could potentially serve as an overwintering site.
<i>Euphydryas editha quino</i>	Quino checkerspot butterfly	FE/ None	Sparsely vegetated hilltops, ridgelines, occasionally rocky outcrops; host plant <i>Plantago erecta</i> and nectar plants must be present	No potential to occur. Project is outside of current USFWS survey area for the species; therefore surveys are not required for this species.
<i>Melitta californica</i>	A melittid bee	None/ None	Found in deserts of SE California, SW Arizona and Baja California (collected from desert apricot); also collected at Torrey Pines, on sea dahlia	No potential due to lack of suitable habitat.
<i>Panoquina errans</i>	Wandering (= saltmarsh) skipper	None/ None/ MSCP	Salt marsh from Los Angeles to Baja, Mexico	No potential due to lack of suitable habitat. Also, not recorded in vicinity.
<i>Streptocephalus woottoni</i>	Riverside fairy shrimp	FE/ None/ MSCP	Deep, long-lived vernal pools, vernal pool-like seasonal ponds, stock ponds; warm water pools that have low to moderate dissolved solids	No potential due to lack of suitable habitat.
<i>Tryonia imitator</i>	Mimic tryonia (=California brackishwater snail)	None/ None	Coastal lagoons, estuaries, and salt marshes	No potential due to lack of suitable habitat.
<i>Fish</i>				
<i>Eucyclogobius newberryi</i>	Tidewater goby	FE/ CSC/	Low-salinity waters in coastal wetlands	No potential due to lack of suitable habitat.
<i>Gila orcuttii</i>	Arroyo chub	None/ CSC	Warm, fluctuating streams with slow-moving or backwater sections of warm to cool streams at depths >40 centimeters; substrates of sand or mud	No potential due to lack of suitable habitat.

^a The federal and state status of species primarily is based on the Special Animals List (CDFG 2009).

Federal Designations

BCC USFWS Birds of Conservation Concern
(FD) Federally delisted; monitored for 5 years

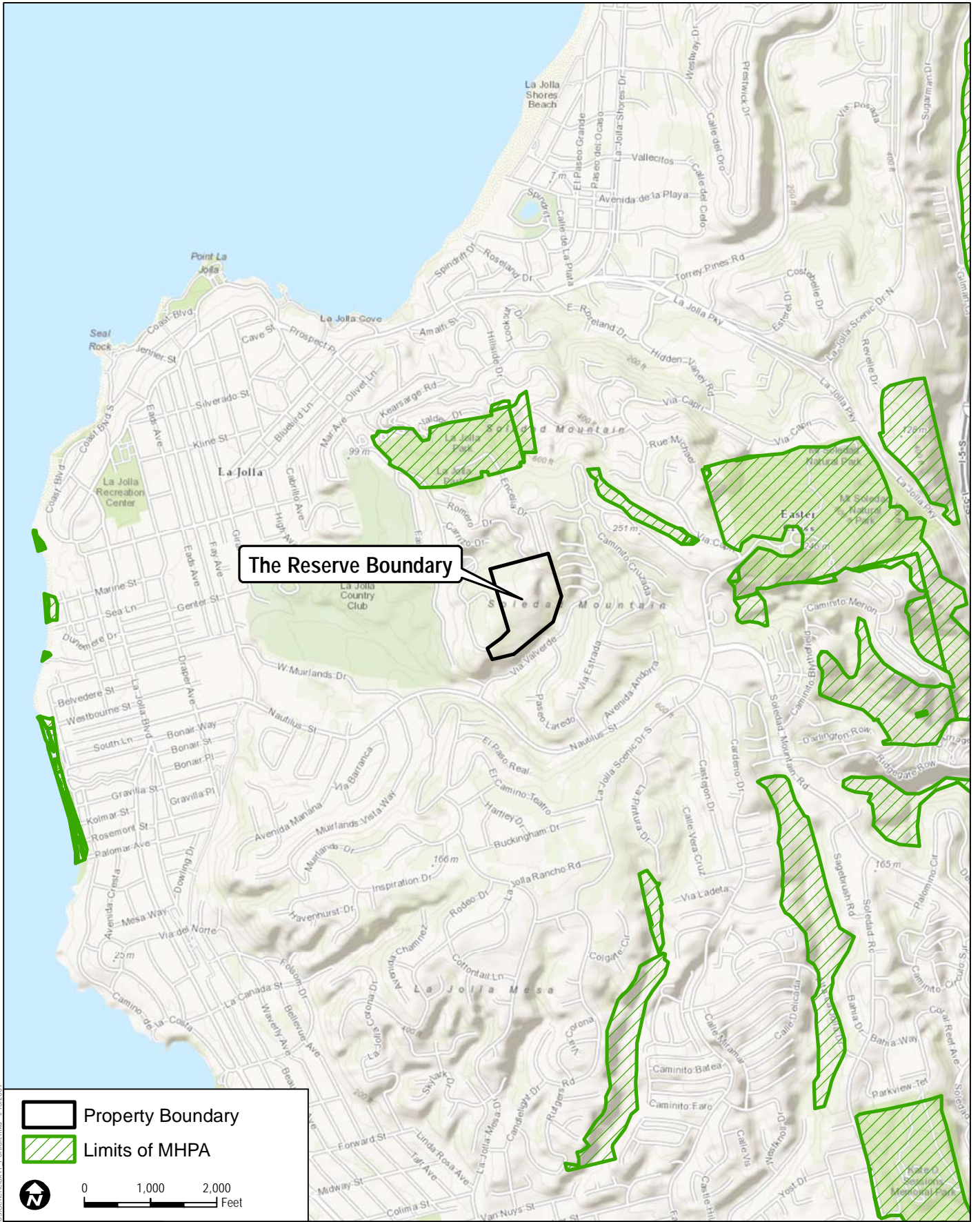
FE Federally listed endangered
FT Federally listed threatened

State Designations



CSC California Species of Special Concern
P CDFW protected and fully protected species
(SD) State delisted
SE State listed endangered
ST State listed threatened
WL CDFW watch list


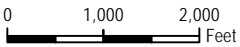
MSCP

MSCP Covered by the Multiple Species Conservation Program
ft amsl = feet above mean sea level; USFWS = U.S. Fish and Wildlife Service



The Reserve Boundary

 Property Boundary
 Limits of MHPA

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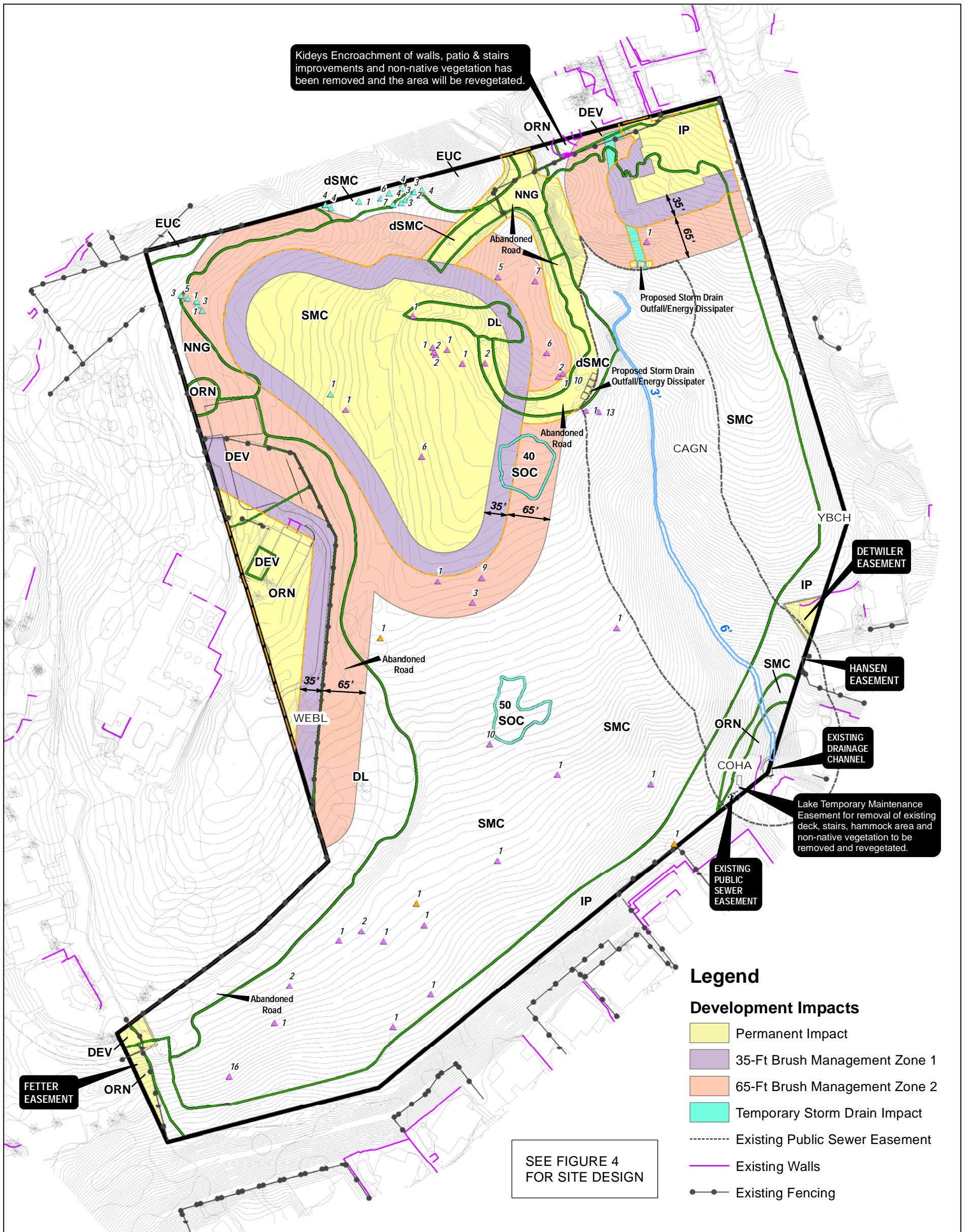


The Reserve

MHPA Boundaries
 Environmental Analysis Section Project No. 292065
 CITY OF SAN DIEGO - DEVELOPMENT SERVICES

FIGURE
5.2-1

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Kideys Encroachment of walls, patio & stairs improvements and non-native vegetation has been removed and the area will be revegetated.

Lake Temporary Maintenance Easement for removal of existing deck, stairs, hammock area and non-native vegetation to be removed and revegetated.

Legend

Development Impacts

- Permanent Impact
- 35-Ft Brush Management Zone 1
- 65-Ft Brush Management Zone 2
- Temporary Storm Drain Impact
- Existing Public Sewer Easement
- Existing Walls
- Existing Fencing

SEE FIGURE 4 FOR SITE DESIGN

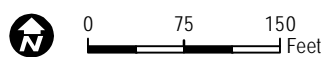
The Reserve Boundary

ACOE/RWQCB/CDFW Jurisdiction

ACOE/RWQCB/CDFW Jurisdiction Buffer

(Note: Number indicates width of ephemeral waters.)

Nuttall's Scrub Oak



Special-Status Plant Species

- Barrel Cactus
- Nuttall's Scrub Oak
- Torrey Pine

(Note: Plant number indicates population at that location.)

Special-Status Wildlife Species

- CAGN California gnatcatcher
- COHA Cooper's hawk
- WEBL Western bluebird
- YBCH Yellow-breasted chat

Vegetation Communities/Landcovers

- DEV, Developed Lands
- DL, Disturbed Lands
- EUC, Eucalyptus Woodland
- IP, Ice Plant
- NNG, Non-Native Grassland
- ORN, Ornamental
- SMC, Southern Maritime Chaparral
- dSMC, Disturbed Southern Maritime Chaparral
- SOC, Scrub Oak Chaparral



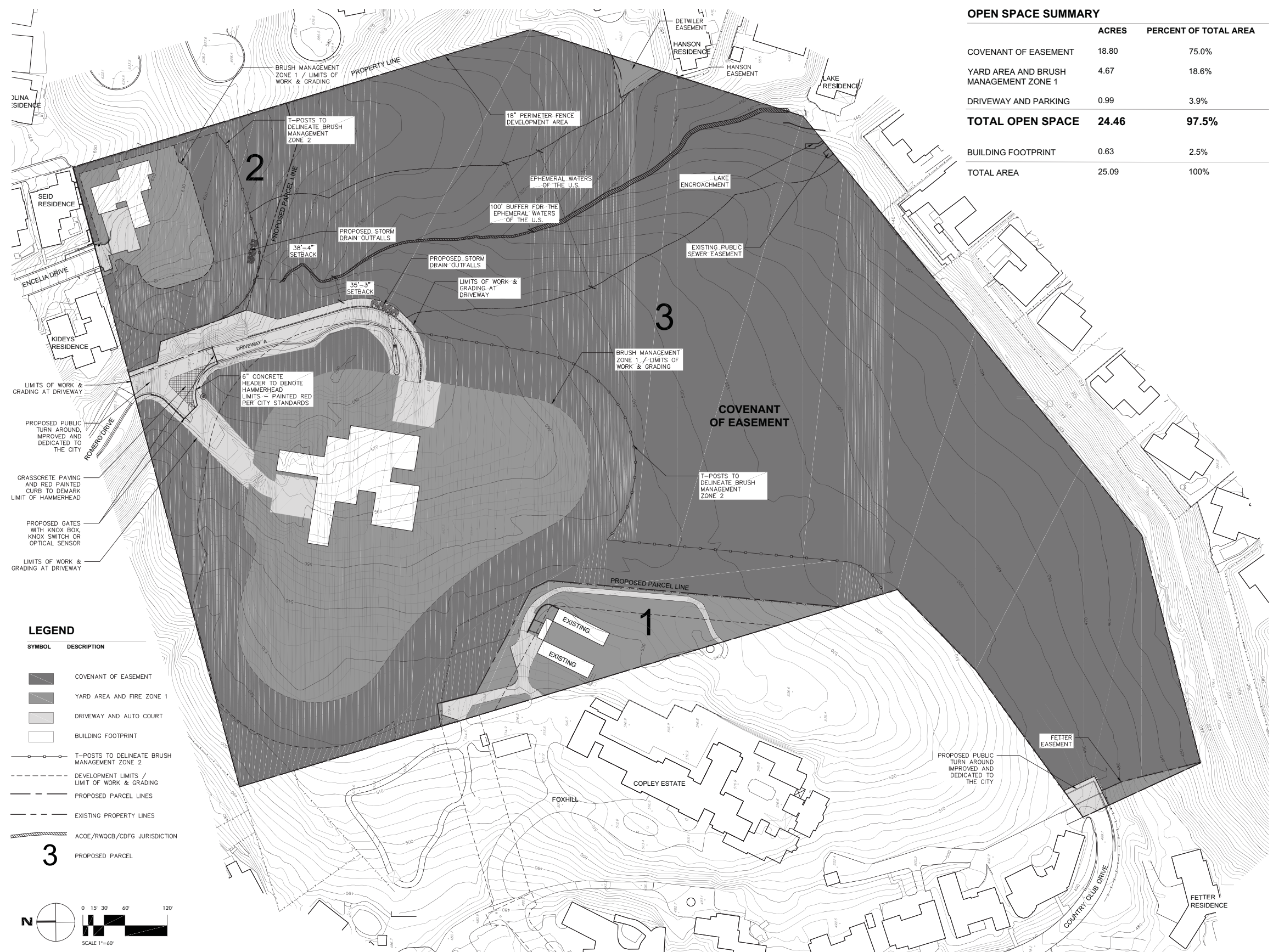
Biological Resources with Development Impacts Map

Environmental Analysis Section Project No. 292065

CITY OF SAN DIEGO - DEVELOPMENT SERVICES

FIGURE 5.2-2

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OPEN SPACE SUMMARY

	ACRES	PERCENT OF TOTAL AREA
COVENANT OF EASEMENT	18.80	75.0%
YARD AREA AND BRUSH MANAGEMENT ZONE 1	4.67	18.6%
DRIVEWAY AND PARKING	0.99	3.9%
TOTAL OPEN SPACE	24.46	97.5%
BUILDING FOOTPRINT	0.63	2.5%
TOTAL AREA	25.09	100%

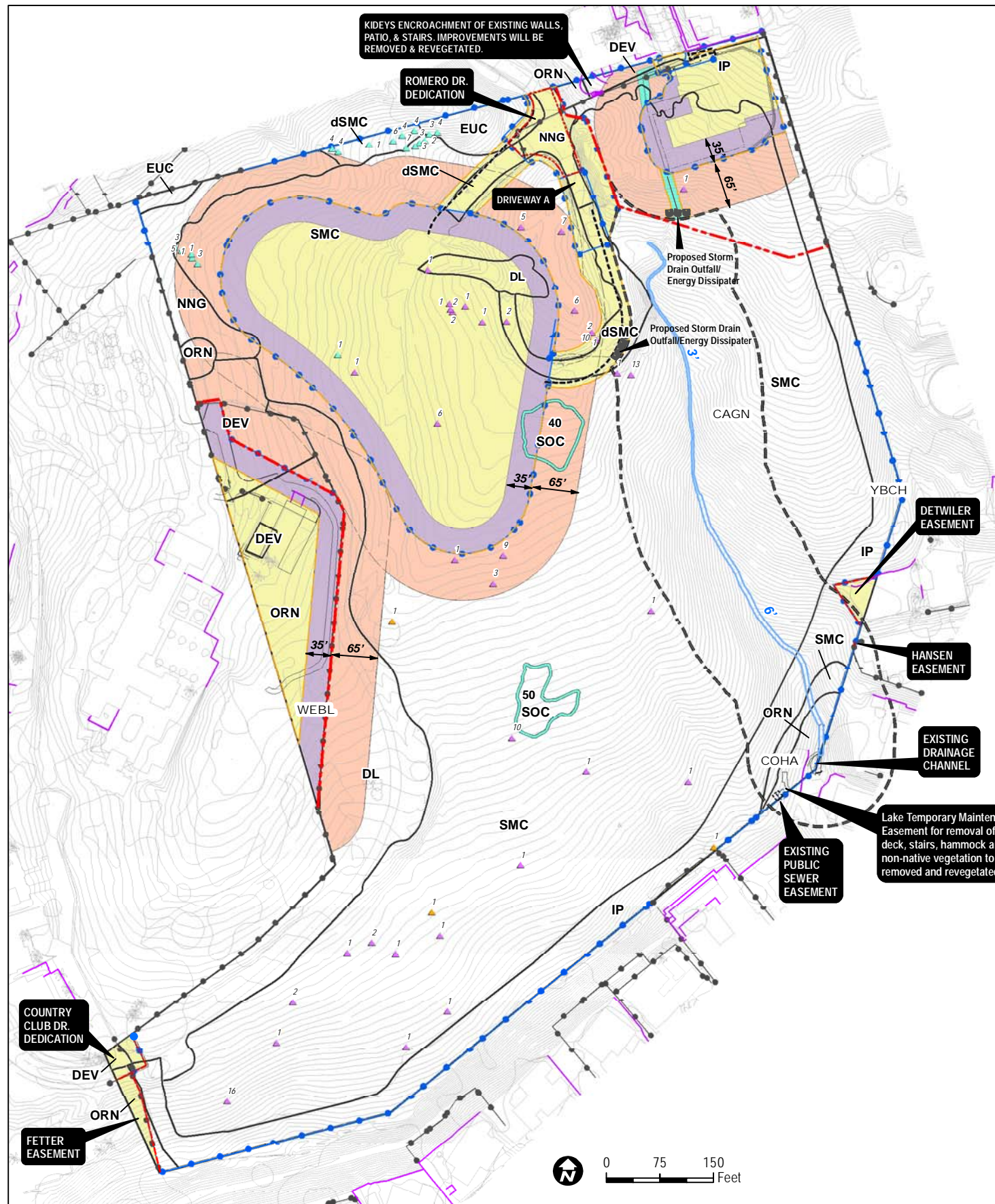
LEGEND

SYMBOL	DESCRIPTION
[Dark Grey Box]	COVENANT OF EASEMENT
[Medium Grey Box]	YARD AREA AND FIRE ZONE 1
[Light Grey Box]	DRIVEWAY AND AUTO COURT
[White Box]	BUILDING FOOTPRINT
[T-Post Symbol]	T-POSTS TO DELINEATE BRUSH MANAGEMENT ZONE 2
[Dashed Line]	DEVELOPMENT LIMITS / LIMIT OF WORK & GRADING
[Dotted Line]	PROPOSED PARCEL LINES
[Solid Line]	EXISTING PROPERTY LINES
[Hatched Line]	ACOE/RWQCB/CDFG JURISDICTION
[Number 3]	PROPOSED PARCEL

0 15 30 60 120
SCALE 1"=60'



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- ACOE/RWQCB/CDFW Jurisdiction
- ACOE/RWQCB/CDFW Jurisdiction Buffer
- (Note: Number indicates width of ephemeral waters.)
- Nuttall's Scrub Oak

- Vegetation Communities/Landcovers**
- DEV, Developed Lands
 - DL, Disturbed Lands
 - EUC, Eucalyptus Woodland
 - IP, Ice Plant
 - NNG, Non-Native Grassland
 - ORN, Ornamental
 - SMC, Southern Maritime Chaparral
 - dSMC, Disturbed Southern Maritime Chaparral
 - SOC, Scrub Oak Chaparral

- Development Impacts**
- Permanent Impact
 - 35-Ft Brush Management Zone 1
 - 65-Ft Brush Management Zone 2
 - Temporary Storm Drain Impact
 - Proposed Property Lines
 - Proposed Easement
 - Proposed Right-of-Way Dedication
 - Existing Public Sewer Easement
 - Proposed Short Retaining Walls
 - Proposed Fencing or Curb per Design Guidelines
 - Existing Fencing
 - Existing Walls

- Special-Status Plant Species**
- ▲ Barrel Cactus
 - ▲ Nuttall's Scrub Oak
 - ▲ Torrey Pine
- (Note: Plant number indicates population at that location.)

- Special-Status Wildlife Species**
- CAGN California gnatcatcher
 - COHA Cooper's hawk
 - WEBL Western bluebird
 - YBCH Yellow-breasted chat

Description	Parcel Area (Acres)*	Developed Area (Acres)**	Covenant of Easement Area (Acres)
Total Site (Maximum allowed development at 25%)	25.14	6.29	18.80
The Reserve Subdivision Project			
Parcel 1 (Copley Trust Parcel) *	1.07	1.07	0.00
Parcel 2 (accessed from Encelia Drive)	1.68	0.63	1.05
Parcel 3 (Estate accessed from Romero Drive)	22.20	4.34	17.75
Subtotal	24.95	6.04	18.80
Easements within Parcel 3			
Fetter (landscaping, fence, etc.)***	N/A	0.05	0.00
Detwiler (landscaping)	N/A	0.05	0.00
Hansen (yard and fence, etc.; 11 square feet)	N/A	0.00	0.00
Subtotal	N/A	0.10	0.00
Public Dedication Included in Development Area			
Romero Drive Public ROW Designation	0.14	0.14	0.00
Total Project Area	25.09	6.28	18.80
Public Dedications Excluded from Development Area****			
Country Club Dedication	0.05	N/A	0.00
Total Site Area	25.14	N/A	18.80

Note: totals do not add precisely due to rounding.

* Fence for Parcel 1 is required within the Parcel 1 development area along the property line with Parcel 3.

** Temporary impacts are not included in this Parcel Summary; however they are included in the impacts and mitigation sections of this report.

*** Includes requirement for a fence to be maintained at all times along perimeter of the easement to protect Parcel 3 conservation area.

**** Public development areas for storm drain outfalls/energy dissipaters are excluded from the maximum 25% development area calculation.



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5.3 PALEONTOLOGICAL RESOURCES

5.3.1 INTRODUCTION

Information in the following discussion includes data from the *Report of Preliminary Geotechnical and Geologic Investigation* that was prepared by Geotechnical Exploration Inc. for The Reserve project (project) on November 16, 2011. The complete report is included within Appendix D of this Environmental Impact Report (EIR). Appendix D also includes a memorandum from Geotechnical Exploration Inc. regarding the proposed project's potential grading and excavation requirements with respect to the City's California Environmental Quality Act (CEQA) Significance Determination Thresholds (City of San Diego 2011).

5.3.2 EXISTING CONDITIONS

Paleontological resources are the remains and/or traces of prehistoric plant and animal life. Fossil remains, such as bones, teeth, shells, and leaves, are found in the geologic deposits within which they were originally buried. For the purposes of this discussion, paleontological resources can be thought of as not only the actual fossil remains, but also the areas and geologic formations likely to contain those fossils.

According to the geotechnical investigation prepared for the project, the project site is underlain by Quaternary Artificial Fill (Qaf), Lindavista Formation (Qln) also referred to as Quaternary Very Old Paralic Deposits (Qvop), Undifferentiated Scripps/Ardath Formation (Tsc/Ta), and Ardath Shale (Ta), as shown in Figure 5.3-1. Pursuant to the City of San Diego's (City's) CEQA Significance thresholds, the Ardath Shale and Scripps Formation both have high resource bearing potential for paleontological resources. However, the Lindavista Formation only has a moderate sensitivity rating, and artificial fill is not expected to include paleontological resources (City of San Diego 2011).

Although the ultimate project grading and design has not yet been finalized, the Vesting Tentative Parcel Map prepared for the project identifies a cut volume of approximately 3,500 cubic yards necessary to implement the development on Parcel 2 and the driveway on Parcel 3. In addition, the depth of cut is anticipated to be at least 10 feet deep on-site. Dependent on the building structure implemented by the future land owners in accordance with the Design Guidelines for both Parcel 2 and Parcel 3, this estimate may be exceeded.

Restrictions within the Design Guidelines (see Appendix A to this EIR) ensure that grading will reflect original natural landforms where reasonably feasible. In addition, as outlined within the Design Guidelines, prior to any grading activities, a grading plan would be prepared by a Registered Civil Engineer and a grading permit would be obtained in conformance with the City's Land

Development Code. The grading plan would refer to the recommendations within the specific geotechnical report prepared for the project and the plans would be reviewed and signed by the Geotechnical Engineer of Record. All grading would follow the recommendations described in the project-specific geotechnical report and would include implementation of related project design features outlined in Table 3-2, Summary of Project Design Features and Construction Measures.

5.3.3 IMPACTS

Issue 1: Would the proposal require over 1,000 cubic yards of excavation with ten feet of depth or more in a high resource potential geologic deposit/formation/rock unit, or over 2,000 cubic yards of excavation with ten feet of depth or more in a moderate resource potential geologic deposit/formation/rock unit?

Construction of the project would include ground-disturbing activities within the two non-contiguous development areas. As indicated in Section 3.1, Project Background and Objectives, no specific home design is available at this time. Therefore, grading plans and quantities are conceptual and do not represent the final grading of the parcels. Grading must conform to the Design Guidelines for Parcel 2 and Parcel 3 (Appendix A), together with the City's other pertinent grading requirements in effect at the time the future homeowner(s) submit their final building plans. The City's CEQA Significance Thresholds identify that a potentially significant impact may occur if grading and/or excavation is greater than 1,000 cubic yards of material and at a depth of 10 feet or greater in highly sensitive formations, and would require monitoring for paleontological resources. Additionally, a potentially significant impact may occur if grading and/or excavation is greater than 2,000 cubic yards at a depth of 10 feet or greater in moderately sensitive formations, and would require monitoring for paleontological resources.

Based on the Paleontological Monitoring Determination Matrix within the City's CEQA Significance Determination Thresholds, the Scripps Formation, Lindavista Formation, and Ardath Shale all have a moderate to high sensitivity rating, or resource bearing potential for paleontological resources. It is possible that construction activities associated with the proposed project would potentially require more than 1,000 cubic yards of excavation. Although the exact amount of excavated material has not yet been quantified, the maximum depth of cut during construction activities would be approximately 20 feet. Although no significant paleontological resources have been found on the project site, ground-disturbing activities have the potential to uncover these resources during construction due to the lack of previous grading on the majority of the project site and the moderate to high potential for on-site soils to contain these resources. Due to the fact that ultimate grading has not yet been finalized, potentially significant impacts to unknown paleontological resources may occur.

Significance of Impact

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 of San Diego’s CEQA Significance Determination Thresholds state that grading/excavation greater than 2,000 cubic yards and at a depth of 10 feet or greater in moderately sensitive formations would require monitoring for paleontological resources. Due to the presence of moderate and highly sensitive formations on-site, if final grading plans indicate that more than 1,000 cubic yards of excavation or 10 feet or more in cut depth would be required, mitigation measure (MM) PALEO-1 shall be implemented as outlined below, and impacts would be reduced to less than significant.

Mitigation, Monitoring, and Reporting

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 Construction Manager 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, Resident Engineer, Construction Manager, or Building Inspector, 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 Paleontological Monitoring Exhibit 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 Resident Engineer 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 Construction Manager is responsible for notifying the Resident Engineer, 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 Paleontological Monitoring Exhibit.
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. The Consultant Site Visit Records shall be faxed by the Construction Manager to the Resident Engineer the first day of monitoring, the last day of monitoring, monthly (Notification of Monitoring Completion), and in the case of any discoveries. The Resident Engineer shall forward copies to MMC.

B. Discovery Notification Process

1. In the event of a discovery, the Paleontological Monitor shall direct the contractor to temporarily divert trenching activities in the area of discovery and immediately notify the Resident Engineer or Building Inspector, as appropriate.
2. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery.

3. The PI shall immediately notify MMC by phone of the discovery, and shall also submit written documentation to MMC within 24 hours by fax or email with photos of the resource in context, if possible.

C. Determination of Significance

1. The PI shall evaluate the significance of the resource.
 - a. The PI shall immediately notify MMC by phone to discuss significance determination and shall also submit a letter to MMC indicating whether additional mitigation is required. The determination of significance for fossil discoveries shall be at the discretion of the PI.
 - b. If the resource is significant, the PI shall submit a Paleontological Recovery Program 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 Resident Engineer, or Building Inspector 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 Consultant Site Visit Record 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 Construction Manager shall notify the Resident Engineer, or Building Inspector, as appropriate, a minimum of 24 hours before the work is to begin.
 - 2. The Resident Engineer, or Building Inspector, 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 Resident Engineer or Building Inspector, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.

B. Handling of Fossil Remains

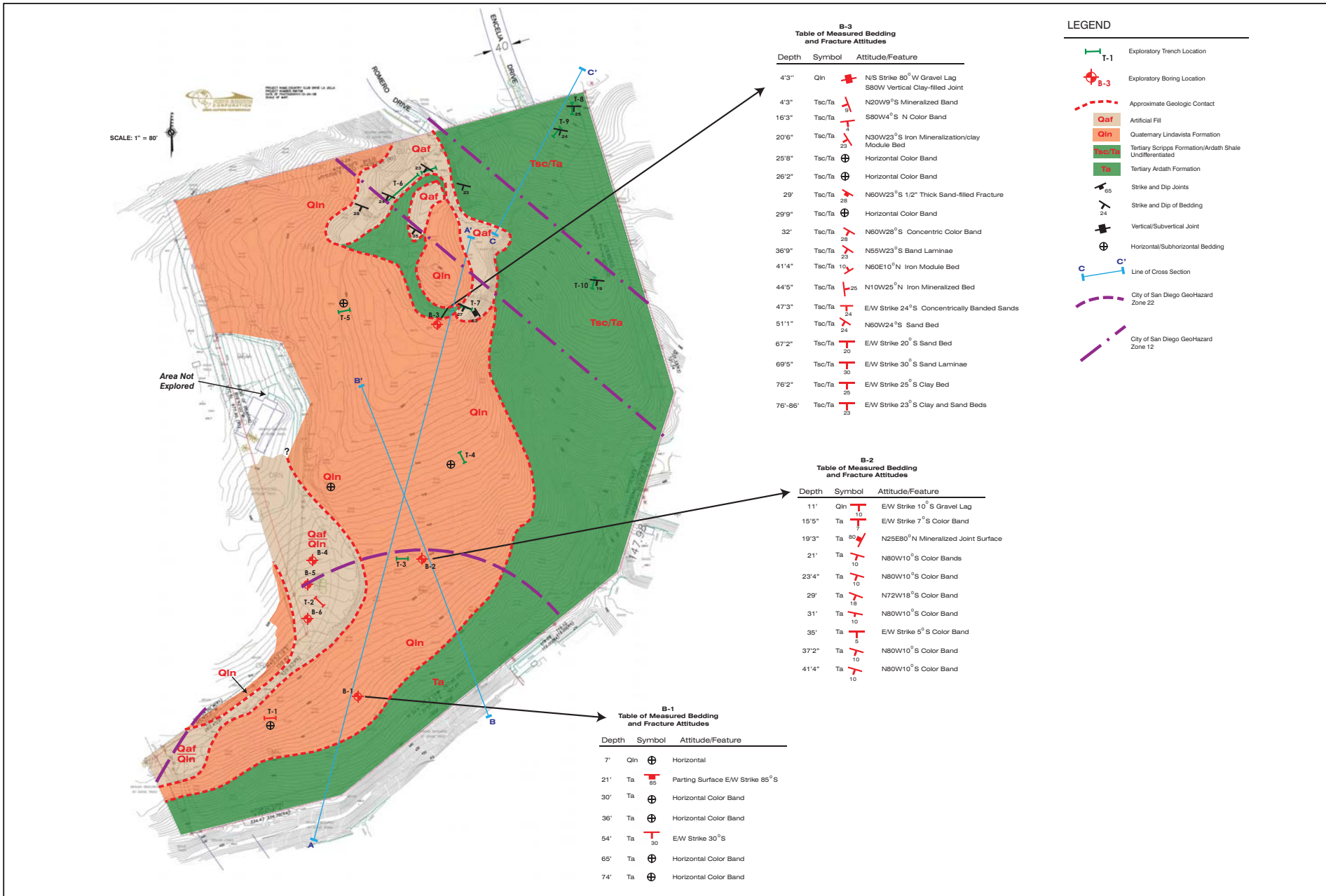
1. The PI shall be responsible for ensuring that all fossil remains collected are cleaned and catalogued.
2. The PI shall be responsible for ensuring that all fossil remains are analyzed to identify function and chronology as they relate to the geologic history of the area; that faunal material is identified 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 Resident Engineer or Building Inspector 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 Resident Engineer 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.



The Reserve

Site Plan and Geologic Map
 Environmental Analysis Section Project No. 292065
 CITY OF SAN DIEGO - DEVELOPMENT SERVICES

FIGURE
5.3-1

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5.4 HYDROLOGY/WATER QUALITY

This section provides a summary of existing water quality conditions, plans, and guidelines regulating water quality, and the project's impacts to regional water resources. Information presented in this section is a summary of the *Water Quality Technical Report and Drainage Study for The Reserve Project City of San Diego, California* (Water Quality Technical Report) prepared by Dudek in November 2013. This report is included within Appendix E of this Environmental Impact Report (EIR).

5.4.1 EXISTING CONDITIONS

Water Resources

Surface Water

The project site is located within the Scripps hydrologic area of the Los Peñasquitos hydrologic unit, as defined by the *Water Quality Control Plan for the San Diego Basin* (Basin Plan; RWQCB 2011) prepared by the San Diego Regional Water Quality Control Board (RWQCB). The project site is less than 0.3% of the approximately 8,500-acre affected watershed, as shown in Figure 5.4-1, Watershed and Sub-Watershed. No surface waters traverse the project site, and the closest major water body to the project site is Rose Creek, which flows approximately 1.5 miles east of the project site, southwest towards Mission Bay and ultimately to the Pacific Ocean. Additional surface waters in the general vicinity of the project within the watershed include Los Peñasquitos Creek and Los Peñasquitos Lagoon.

Two off-site subbasins discharge run-on onto the northeastern corner of the project site, as shown on Figure 5.4-2, On-Site and Off-Site Subbasins. The two subbasins total approximately 5 acres, and contribute run-on through sheet flow and shallow concentrated flow. On site, there are five separate subbasins, also shown in Figure 5.4-2, On-Site and Off-Site Sub-basins; runoff generated from these areas is captured and conveyed by storm drains that discharge into the Pacific Ocean near the intersection of Coast Boulevard, Prospect Street, and Ravina Street. The majority of the water within this Los Peñasquitos hydrologic unit drains to the Los Peñasquitos Lagoon and ultimately to the Pacific Ocean, as shown on Figure 5.4-4, Site Drainage Overview.

Flooding

The Federal Emergency Management Agency (FEMA) provides all floodplain information through the publication of Flood Insurance Rate Maps (FIRMs). The project is not located within a delineated 100- or 500-year floodplain, as outlined on the FEMA FIRMs. On FIRM Panel 1584G, the project site is delineated as Zone X, or an area determined to be outside the 0.2% annual chance floodplain (FEMA 2012).

Groundwater

A groundwater basin is defined as a hydrogeologic unit containing one large aquifer as well as several connected and interrelated aquifers. All major drainage basins in the San Diego region contain groundwater basins. As stated in the Basin Plan, groundwater within these basins is relatively small and shallow, as marine sediments near the coast and granitic rock further inland have low permeability. Only a small portion of the region is underlain by permeable geological formations that can accept, transmit, and yield appreciable quantities of groundwater (RWQCB 2011). Groundwater was not encountered on site during project-specific geotechnical investigations (GEOCON 2011).

Water Quality

Water Quality is affected by sedimentation caused by erosion, runoff carrying contaminants, and other types of point-source and non-point-source pollution. Point-source pollutants include direct discharge of pollutants. Non-point-source pollutants increase as land is developed and impervious surfaces send an increased volume of runoff containing oils, heavy metals, pesticides, fertilizers, and other contaminants into adjacent watersheds.

Stormwater that accumulates on impervious surfaces, such as parking lots, rooftops, and streets, drains directly and indirectly into waters of the United States. The City of San Diego's (City's) stormwater conveyance system is separate from the sanitary sewer system and therefore does not receive any treatment prior to being discharged into streams, bays, and the ocean. The primary pollutants of concern in urban runoff are sediment, nutrients, heavy metals, organic compounds, trash and debris, oils, bacteria, and pesticides. Construction-related pollutants include sediment, concrete, paints, solvents, and hazardous materials associated with operation and maintenance of heavy equipment.

Under Section 303(d) of the Clean Water Act (CWA; 33 U.S.C 1251 et seq.), the State Water Resources Control Board (SWRCB) is required to develop a list of water quality limited segments for jurisdictional waters of the United States. The waters on the list do not meet water quality standards, and therefore the Regional Water Quality Control Board (RWQCB) was required to establish priority rankings and develop action plans called Total Maximum Daily Loads (TMDLs) to improve water quality. The U.S. Environmental Protection Agency (EPA) approved the RWQCB's 303(d) list of water quality limited segments on October 25, 2006. The list includes pollutants causing impairment to receiving waters, or in some cases, the condition leading to the impairment.

Runoff generated from the project site is captured and conveyed by storm drains that discharge into the Pacific Ocean approximately 1.3 miles west, near the intersection of Coast Boulevard, Prospect Street, and Ravina Street. Approximately 0.03 mile of the shoreline in this area is listed on the 303(d) impaired and threatened waters list for total coliform.

In the Basin Plan, beneficial uses are defined as the uses of water necessary for the survival or well-being of humans, plants, and wildlife. Unnamed intermittent coastal streams within the hydrologic area that encompasses the project site have beneficial uses that include contact water recreation, non-contact water recreation, warm freshwater habitat, and wildlife habitat. The groundwater in the Scripps hydrologic subarea has been assigned with no potential beneficial uses, as it has been exempted by the RWQCB from the municipal use designation under the terms and conditions of State Board Resolution No. 88-63, Sources of Drinking Water Policy (RWQCB 2011).

Regulations

Several federal, state, and local regulations govern discharges associated with construction and post-construction stormwater runoff to protect the water quality of receiving waters. The following is a summary of the regulatory framework that has been established to protect water resources.

Federal

Clean Water Act

The CWA was designed to restore and maintain the chemical, physical, and biological integrity of waters of the United States. The CWA also directs individual states to establish water quality standards for all waters of the United States and to review and update such standards every 3 years. Other provisions of the CWA related to basin planning include Section 208, which authorizes the preparation of waste treatment management plans, and Section 319, which mandates specific actions for the control of pollution from nonpoint sources. The EPA has delegated responsibility for implementation of portions of the CWA to the SWRCB and the RWQCBs, including water quality control planning and control programs such as the National Pollutant Discharge Elimination System (NPDES) program. The NPDES program is a set of permits designed to implement the CWA that apply to various activities that generate pollutants with the potential to impact water quality.

Section 303 of the CWA requires states to adopt water quality standards for all surface waters of the United States. Section 304(a) requires the EPA to publish water quality criteria that accurately reflect the latest scientific knowledge on the kind and extent of all effects on health and welfare that may be expected from the presence of pollutants in water. Where multiple uses exist, water quality standards must protect the most sensitive use. Water quality standards are typically numerical, although narrative criteria based on biomonitoring methods may be employed where numerical standards cannot be established or where they are needed to supplement numerical standards. Section 303(c)(2)(b) of the CWA requires states to adopt numerical water quality standards for toxic pollutants for which the EPA has published water quality criteria and that reasonably could be expected to interfere with designated uses of a water body.

NPDES Permit Program–Phase I

In November 1990, under Phase I of the urban runoff management strategy, the EPA published NPDES permit application requirements for municipal, industrial, and construction stormwater discharges. The application requirements for municipalities were directed at municipalities that own and operate separate storm drain systems serving populations of 100,000 or more, or that contribute significant pollutants to waters of the United States, and require such agencies to obtain coverage under municipal stormwater NPDES permits.

Municipalities were required to develop and implement an urban runoff management program to address activities to reduce pollutants in urban runoff and stormwater discharges that were contributing a substantial pollutant load to their systems. Rather than establishing numerical effluent limits, the EPA established narrative effluent limits for urban runoff, including the requirement to implement appropriate best management practices (BMPs).

NPDES Permit Program–Phase II

The Phase II Final Rule, published in the Federal Register on December 8, 1999 (64 FR 68722–68851), requires NPDES permit coverage for stormwater discharges from the following:

- Certain regulated small municipal separate storm sewer systems (MS4s)
- Construction activity disturbing between 1 and 5 acres of land (i.e., small construction activities).

In addition to expanding the NPDES program, the Phase II Final Rule included minor revisions for certain industrial facilities. As with Phase I, the Phase II program requires the development and implementation of stormwater management plans to reduce pollutant discharges.

State

Porter-Cologne Water Quality Control Act

The Porter-Cologne Water Quality Control Act (California Water Code, Division 7, 13000 et seq.) authorizes the SWRCB to adopt, review, and revise policies for all waters of the state (including both surface water and groundwater) and directs the RWQCB to develop regional basin plans. Section 13170 of the California Water Code also authorizes the SWRCB to adopt water quality control plans on its own initiative. The San Diego Basin Plan (RWQCB 2011) is designed to preserve and enhance the quality of water resources in the San Diego region for the benefit of present and future generations. The purpose of the Basin Plan is to designate beneficial uses of the region’s surface water and groundwater, designate water quality

objectives for the reasonable protection of those uses, and establish an implementation plan to achieve the objectives.

All projects resulting in discharges, whether to land or water, are subject to Section 13263 of the California Water Code and are required to obtain approval of Waste Discharge Requirements (WDRs) from the RWQCBs. Land- and groundwater-related WDRs (i.e., non-NPDES WDRs) regulate discharges of process and wash-down wastewater and privately or publicly treated domestic wastewater. WDRs for discharges to surface waters also serve as NPDES permits. These regulations are applicable to the project.

NPDES Permits

In California, the SWRCB and its RWQCBs administer the NPDES permit program. The NPDES permits cover all construction and subsequent drainage improvements that disturb 1 acre or more, industrial activities, and MS4s. Construction and industrial activities are typically regulated under statewide general permits that are issued by the SWRCB. The SWRCB also issued a statewide general small MS4 stormwater NPDES permit for public agencies that fall under the Phase II NPDES regulations.

The NPDES permit system was established in the CWA to regulate both point-source discharges (a municipal or industrial discharge at a specific location or pipe) and non-point-source discharges (diffused runoff of water from adjacent land uses) to surface waters of the United States. For point-source discharges, each NPDES permit contains limits on allowable concentrations and mass emission of pollutants contained in the discharge. For non-point-source discharges, the NPDES program establishes a comprehensive stormwater quality program to manage urban stormwater and minimize pollution of the environment to the maximum extent practicable. The NPDES program consists of characterizing receiving water quality, identifying harmful constituents, targeting potential sources of pollutants, and implementing a comprehensive stormwater management program.

Reducing pollutants in urban stormwater discharge to the maximum extent practicable through the use of structural and nonstructural BMPs is one of the primary objectives of the water quality regulations for MS4s. BMPs typically used to manage runoff water quality include controlling roadway and parking lot contaminants by installing filters with oil and grease absorbents at storm drain inlets, cleaning parking lots on a regular basis, incorporating peak-flow reduction and infiltration features (such as grass swales, infiltration trenches, and grass filter strips) into landscaping, and implementing educational programs.

Local

San Diego Basin Plan

The Basin Plan (RWQCB 2011) sets forth water quality objectives for constituents that could cause an adverse effect or impact on the beneficial uses of water. Specifically, the Basin Plan is designed to accomplish the following:

- Designate beneficial uses for surface water and groundwater.
- Set the narrative and numerical objectives that must be attained or maintained to protect the designated beneficial uses and conform to the state's antidegradation policy.
- Describe implementation programs to protect the beneficial uses of all waters within the region.
- Describe surveillance and monitoring activities to evaluate the effectiveness of the Basin Plan.

The Basin Plan incorporates by reference all applicable SWRCB and RWQCB plans and policies.

Municipal Stormwater Permit

The City and County of San Diego and 37 other cities or jurisdictions in the region were issued an NPDES Municipal Stormwater Permit on May 8, 2013, by the San Diego RWQCB (Order No. R9-2013-0001). The permit requires the development and implementation of BMPs in development planning and construction of private and public development projects. Development projects are also required to include BMPs to reduce pollutant discharges from the project site in the permanent design. BMPs associated with the final design are described in the model standard urban stormwater mitigation plan. In addition, the City's Storm Water Standards, revised January 2012, apply to any project requiring permit approval (City of San Diego 2012).

San Diego Municipal Code, Section 43.0301

The City enacted San Diego Municipal Code, Section 43.0301, Stormwater Management and Discharge Control, in 1993 to make it unlawful for any person to discharge non-stormwater into the City's stormwater conveyance system. In 1999, the City Council changed the policy in directing the City stormwater pollution prevention plan to implement an administrative civil penalty and citation process. The City revised the stormwater ordinance in 2001 to be consistent with the current municipal stormwater permit and moved sections of the ordinance pertaining to development into the land development code (grading and drainage regulations).

San Diego Municipal Code, Section 142.0131

The City's grading ordinance requires grading plans to be designed and performed in conformance with applicable City Council policies and the standards established in the Land Development Code (City of San Diego 2009). The Land Development Code includes requirements for erosion control, drainage, and landscaping.

5.4.2 IMPACTS

Issue 1: Would the proposal result in a substantial increase in impervious surfaces and associated increased runoff?

Issue 2: Would the proposal result in a substantial alteration to on- and off-site drainage patterns due to changes in runoff flow rates or volumes?

According to the City's California Environmental Quality Act (CEQA) Significance Determination Thresholds (City of San Diego 2011), impacts would be considered significant to if the project would:

- Result in increased flooding on or off site
- Result in decreased aquifer recharge (projects creating 1.0 acre of impermeable hardscape in areas utilizing well water and projects which would install groundwater extraction wells)
- Result in modifications to existing drainage patterns
- Grade, clear, or grub more than 1.0 acre of land, especially into slopes over a 25% grade, and would drain into a sensitive water body or streams.

The project would allow for the development of two residential estate lots and associated amenities including driveways, landscaping, and other features; see Section 3.2.1, Project Components, for further details. Approximately 18.80 acres of the 25.14-acre project site are proposed to be in a conservation area that will be subject to and governed by a Covenant of Easement (Conserved Property~~conservation area~~); see Figure 5.2-3, The Reserve Covenant of Easement. Approximately 0.05 acre is proposed as public dedication right-of-way for Country Club Drive; as indicated in Table 5.2-2, Summary of Parcel Areas, this is not included within the designated development area for the project. The remaining 6.28 acres (or approximately 25%) of the project site is the proposed development area. The development area includes landscaped yard areas, some of which may be graded. Parcel 2 would allow for a maximum of 10,000 square feet of graded landscape yard area and 1,500 square feet of ungraded landscape yard area (Appendix A). Parcel 3 would require a minimum of 40,000 square feet of ungraded/undisturbed landscape yard area and would allow a maximum of 35,000 square feet

of graded landscape yard area (Appendix A). It should be noted that approximately 0.10 acre of existing parking lot located along the western edge of the project boundary would be demolished and restored to pervious surface.

The resulting change in peak runoff discharge from pre-development to post-development condition due to the increase in impervious surface would be an approximately 15% increase for the 2-year, 10-year, and 100-year storm events. It is important to note that these increases in runoff from the project site do not consider the proposed on-site recommendations for low impact development, source control, and treatment control BMPs that would be included as a part of the final site design. These BMPs are outlined in Table 5.4-1 (and also listed in Table 3-2 in Section 3.2.3) and would address the Low Impact Development, Source Control, Treatment Control and Hydromodification Management Plan requirements. Numeric sizing of three permanent and one temporary bioretention basin are proposed to ensure hydromodification compliance. In addition to the best management practices outlined below, vegetated roofs, green roofs, and permeable pavements are potential options for low impact development as defined in the Design Guidelines for both Parcel 2 and Parcel 3. Several of the other best management practices outlined in Table 5.4-1 would be implemented through the Design Guidelines for both Parcel 2 and Parcel 3.

**Table 5.4-1
Best Management Practices**

Type of BMP	Design Concept	Project Specific Application	Caltrans Environmental Handbook Detail
Construction BMPs	Temporary Soil Stabilization	Soil stabilizing best management practices (BMPs) designed to mitigate soil erosion during construction activities	SS-1 through SS-12
	Temporary Sediment Control	Water quality BMPs designed to remove sediment loads from runoff generated within the construction site	SC-1 through SC-10
	Wind Erosion Control	BMPs designed to minimize soil loss from wind erosion and to reduce air pollution generated from construction activities	WE-1
	Tracking Control	BMPs for reducing the transport of sediment on tires off, and within, site boundaries.	TC-1 through TC-3
	Non-Storm Water Management	“Good Housekeeping” BMPs ranging from water conservation to vehicle fueling to concrete curing	NS-1 through NS-15
	Waste Management and Materials Pollution Control	BMPs designed for storage, use, and disposal of wastes generated on site	WM-1 through WM-10
Low Impact Development and Site Design BMPs	Optimize Site Layout	Design around/with natural landforms, vegetation and soil	N/A
	Minimize Impervious Footprint	Reduce impermeable surfaces through the use of vegetated roofs and porous pavement	N/A
	Disperse Runoff to	Permeable structures adjacent to impermeable surfaces	N/A

**Table 5.4-1
Best Management Practices**

Type of BMP	Design Concept	Project Specific Application	Caltrans Environmental Handbook Detail
	Adjacent Landscaping and IMPs	are recommended to buffer the energy generated by the increased overland flow, reduce peak flow volumes from subject property, and retain water within the soils for landscaping purposes; structures include depressed landscaping areas, vegetated buffers, bioretention areas, and rainwater cisterns	
	Construction Considerations	Soil compaction will be minimized for landscaped areas of the project site designated for storm water treatment and implement soil amendments.	N/A
	Additional Considerations	Disturbed soils and slopes will be vegetated with drought resistant or drought tolerant vegetation. Permanent channel crossings will be stabilized Runoff will be conveyed safely away from the top of slopes and energy dissipaters will be installed at the outlets of new storm drains that discharge to unlined channels in accordance with the applicable specifications to reduce potential for erosion and minimize impacts to receiving waters.	N/A
Source Control BMPs	Steep Hillside Landscaping	Deep-rooted, drought-tolerant, and native plant species are recommended for minimizing erosion on steep hillsides impacted by development	N/A
	Efficient Irrigation System and Landscape Design	Minimize excess watering and reduce pollutant loads from landscape runoff	N/A
	Employee Integrated Pest Management Principles	Employee tactics for reducing the spread of invasive species	N/A
	Storm Water Conveyance System Stamping and Signage	Proposed inlets and catch basins will have stamping/stencil stating that the runoff discharges to the ocean.	N/A
	Fire Sprinkler System Discharges	Operational maintenance and testing of fire sprinklers will be contained and discharged to the sanitary sewer system and/or landscaped areas.	N/A
	Air Conditioning Condensate	Air conditioning condensate will be directed to the sanitary sewer system and/or landscaping areas.	N/A
	Non-toxic Roofing Materials	All toxic roofing materials will be avoided.	N/A
Treatment Control BMPs	Flow-Through Planters and Bioretention Facilities	Planters and bioretention facilities can be used as passive methods for treating water flowing from impermeable surfaces	N/A
	Rainwater cisterns	Rainwater harvesting can greatly reduce runoff from the site and is an excellent source for landscape irrigation	N/A

In order to calculate the sizing of treatment control BMPs, the project site was divided into seven drainage management areas (DMAs). DMA 1 and DMA 2 were the only DMAs

analyzed for treatment control BMPs due to their susceptibility to hydromodification changes from the increase in tributary area and/or increase in developed condition imperviousness. DMA 1 was further subdivided into DMA 1A and 1B due to the differences in proposed land uses in these areas. DMA 1A represents the paved driveway servicing the main residence and some adjacent landscape area, while DMA 1B represents the proposed residential lot located at the north-east portion of the project site. DMA 2 represents the proposed single residential structure located centrally within the project site. Figure 5.4-5 shows the DMAs for the post-development condition.

As shown in Figure 5.4-5, three bioretention basins are proposed, one within DMA 1A, 1B, and 2 for hydromodification compliance. In addition, one temporary bioretention basin is proposed for the interim condition due to the potential hammerhead paved driveway near the terminus of Romero Drive. The numeric sizing of the proposed retention basins are outlined in Table 5.4-2 below. For further details on the project’s compliance with hydromodification criteria, refer to Appendix E of this EIR.

Final site design features including passive integrated management practices, such as the bioretention facilities in DMAs 1A, 1B, and 2, flow-through planters, and/or rainwater cisterns would be designed to accommodate for runoff leaving the site in accordance with *Standard Urban Stormwater Mitigation Plan (SUSMP) Equation 4-7 (Table 5.4-2)*.

**Table 5.4-2
Area Calculation for Source Treatment BMPs**

DMA Land Cover	Contributing DMA (sq ft)	Surface Runoff Factors	IMP Sizing Factor	Required Area for IMP (sq ft)
Roof/roadway	68,000	1.00	0.04	2,720
Porous pavement	18,000	0.10	0.04	72
Lawn/vegetated roof	19,900	0.10	0.04	80
25% permeable yard	9,300	0.75	0.04	279

DMA = drainage management area; sq ft = square feet; IMP = integrated management practice

BMPs would be implemented on site in accordance with the City’s SUSMP and Storm Water Standards, and would be designed to appropriately accommodate changes in water quality and site runoff conditions. Due to the nature of the flexibility of the final design of residential structures on site, BMP placement and installation methodology would be finalized through final engineering. BMPs would be regularly monitored following installation in accordance with SUSMP guidelines. If any BMP is determined to be underperforming, an assessment will be made for correcting performance deficiencies.

Runoff leaving the site would travel through one of the three permanent bioretention basins and one temporary bioretention basin and enter a storm drain network that discharges to the Pacific Ocean. These bioretention basins would slow runoff leaving the site and entering the storm drain. This existing storm drain has factored in potential residential use of the project site and has the full flow capacity to handle additional runoff projected from the proposed residential land use. Due to the capacity of the receiving storm drain and the proposed bioretention basins on site, the project would not result in an increase in flooding on site or in the surrounding vicinity.

Run-on water to the project site would be at the same levels in both the pre-project and post-project condition. After development of the proposed project, run-on would be diverted toward an existing open channel within the project site through a new dedicated storm drain that would tie into the existing storm drain system. This proposed storm drain would ensure that there would not be a substantial alteration in drainage patterns of water coming onto the site.

Although there are some portions of the project area that have gradients exceeding 25%, these are located within the Conserved Property~~conservation area~~. The development area has an approximate gradient of 16% with west- and south-facing slopes. The eventual outlet for runoff from the project site is at the Pacific Ocean near Coast Boulevard, Prospect Street, and Ravina Street. Approximately 0.03 mile of the shoreline in this area is listed on the 303(d) impaired and threatened waters list for total coliform. Although runoff from the project site would enter this sensitive water body, with implementation of bioretention basins neither grading and construction activities nor permanent activities associated with the residential estates are anticipated to contribute the total coliform levels.

In addition, development of the project would adhere to City's Stormwater Standards as well as the Design Guidelines (Appendix A), which indicate that site drainage within the development area shall be designed to mimic natural condition of pre-development by maintaining sheet flow in undeveloped portions of the project. In disturbed areas, steep slopes should be reinforced with turf reinforcement mats capable of being vegetated, and channels on steep slopes should be armored with an anchored reinforced vegetation system to handle concentrated flows. Energy dissipaters consisting of a riprap apron or functionally similar device or material shall be placed at storm drain outlets.

Therefore, the proposed project is in compliance with the City's Storm Water Standards and impacts are less than significant.

Significance of Impact

The proposed project would not utilize well-water, nor would it incorporate installation of groundwater extraction wells. Through implementation of a new storm drain system to divert run-on, and bioretention basins to control hydromodification, the project would not result in a

change to existing drainage patterns. Construction of the project would introduce impervious surfaces, such as driveways, streets, sidewalks, hardscape, and rooftops. However, the existing storm drain system is capable of conveying the additional flow from the project. Therefore the project would not significantly affect the rate or volume of surface runoff. Therefore, all impacts associated with hydrology and water quality would be less than significant.

Mitigation, Monitoring, and Reporting

No mitigation measures would be required.

Issue 3: Would the proposal develop wholly or partially within the 100-year floodplain identified in the FEMA maps or impose flood hazards on other properties?

According to the City's CEQA Significance Determination Thresholds (City of San Diego 2011), impacts would be considered significant to if the project would:

- Result in increased flooding on or off site.

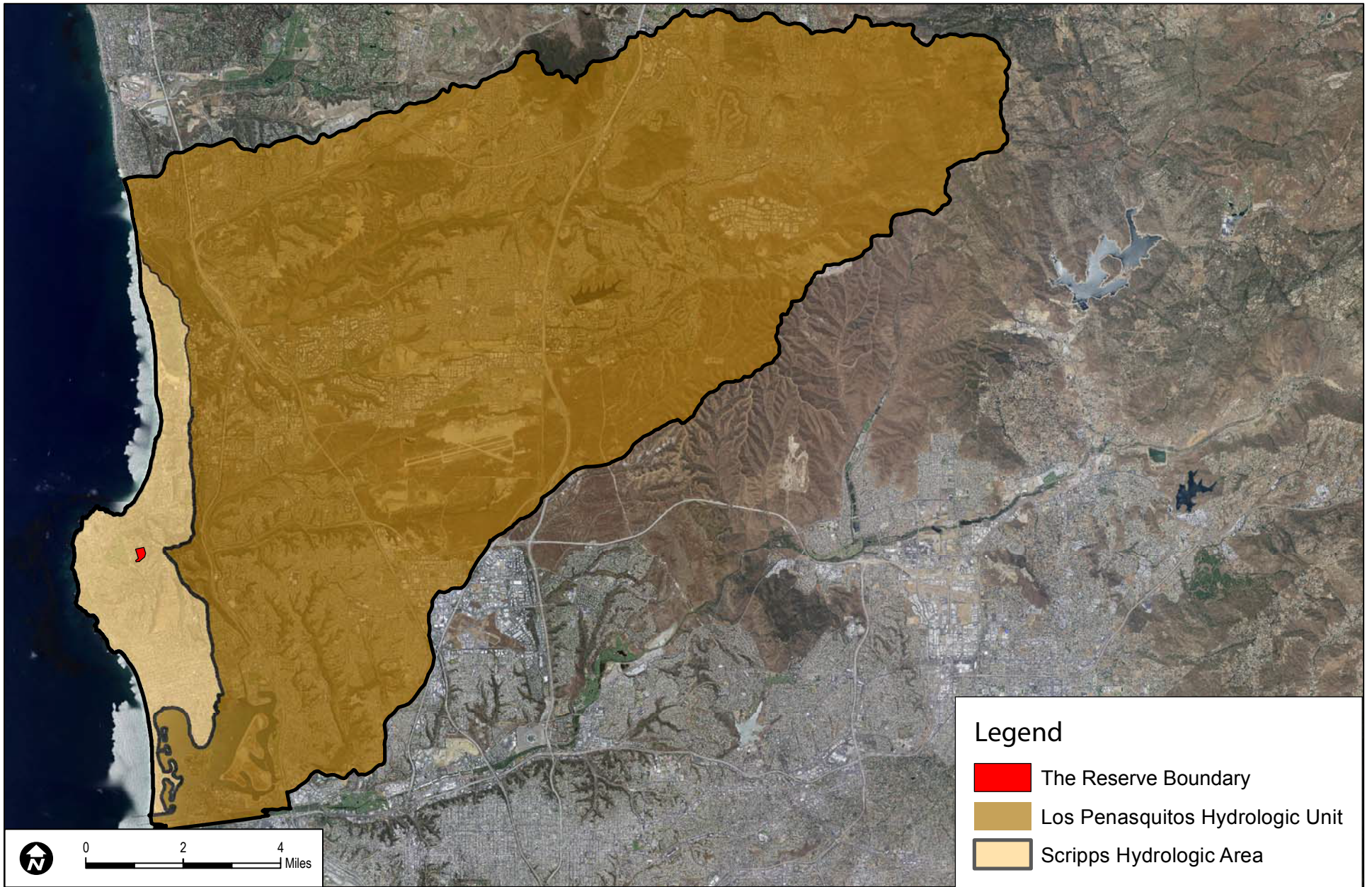
The project is not located within a delineated 100-year floodplain, as outlined on the FEMA FIRMs. On FIRM Panel 1584G, the project site is delineated as Zone X, or an area determined to be outside the 0.2% annual chance floodplain (FEMA 2012). Therefore, the project would not develop wholly or partially within a floodplain, and project implementation would not result in an increase of potential flooding on site.

Significance of Impact

The project site is not located within a 100- or 500-year floodplain identified by FEMA. Therefore, there would be no impacts associated with implementation of the project.

Mitigation, Monitoring, and Reporting

No mitigation measures would be required.



Legend

- The Reserve Boundary
- Los Penasquitos Hydrologic Unit
- Scripps Hydrologic Area

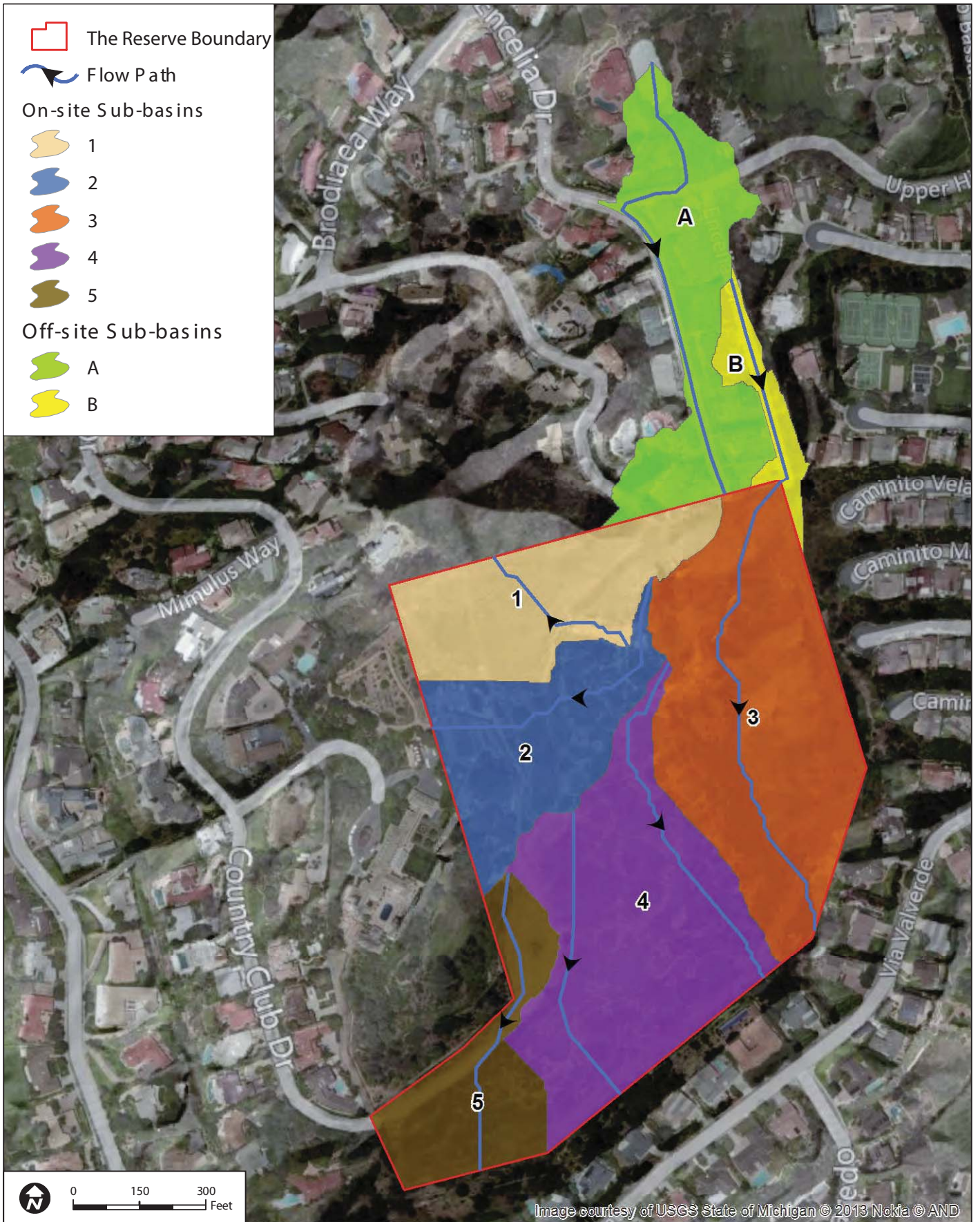
The Reserve



Watershed and Sub-Watershed
 Environmental Analysis Section Project No. 292065
 CITY OF SAN DIEGO - DEVELOPMENT SERVICES

FIGURE
5.4-1

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The Reserve

On-Site and Off-Site Sub-basins

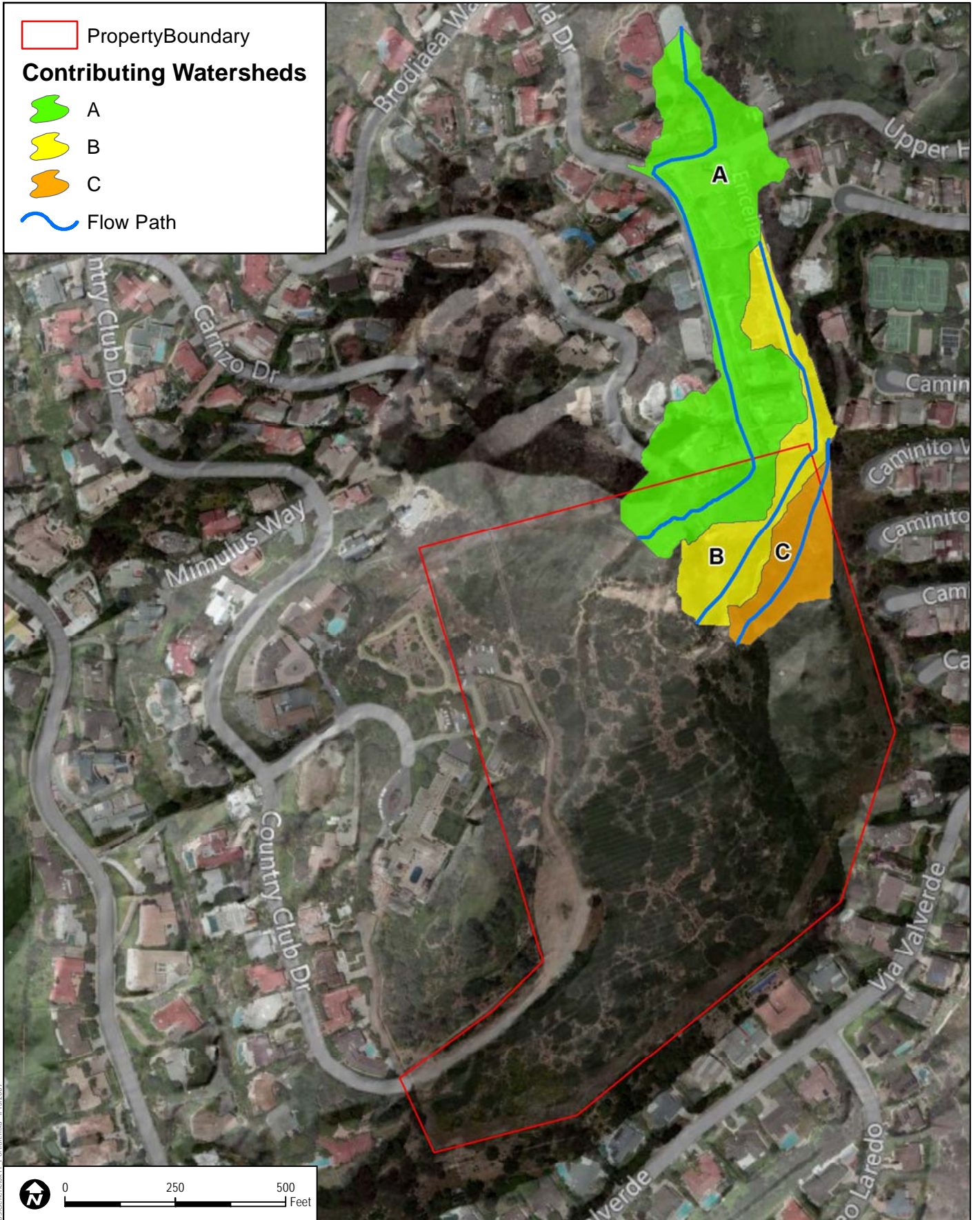
Environmental Analysis Section Project No. 292065

CITY OF SAN DIEGO - DEVELOPMENT SERVICES

**FIGURE
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The Reserve

Contributing Watersheds

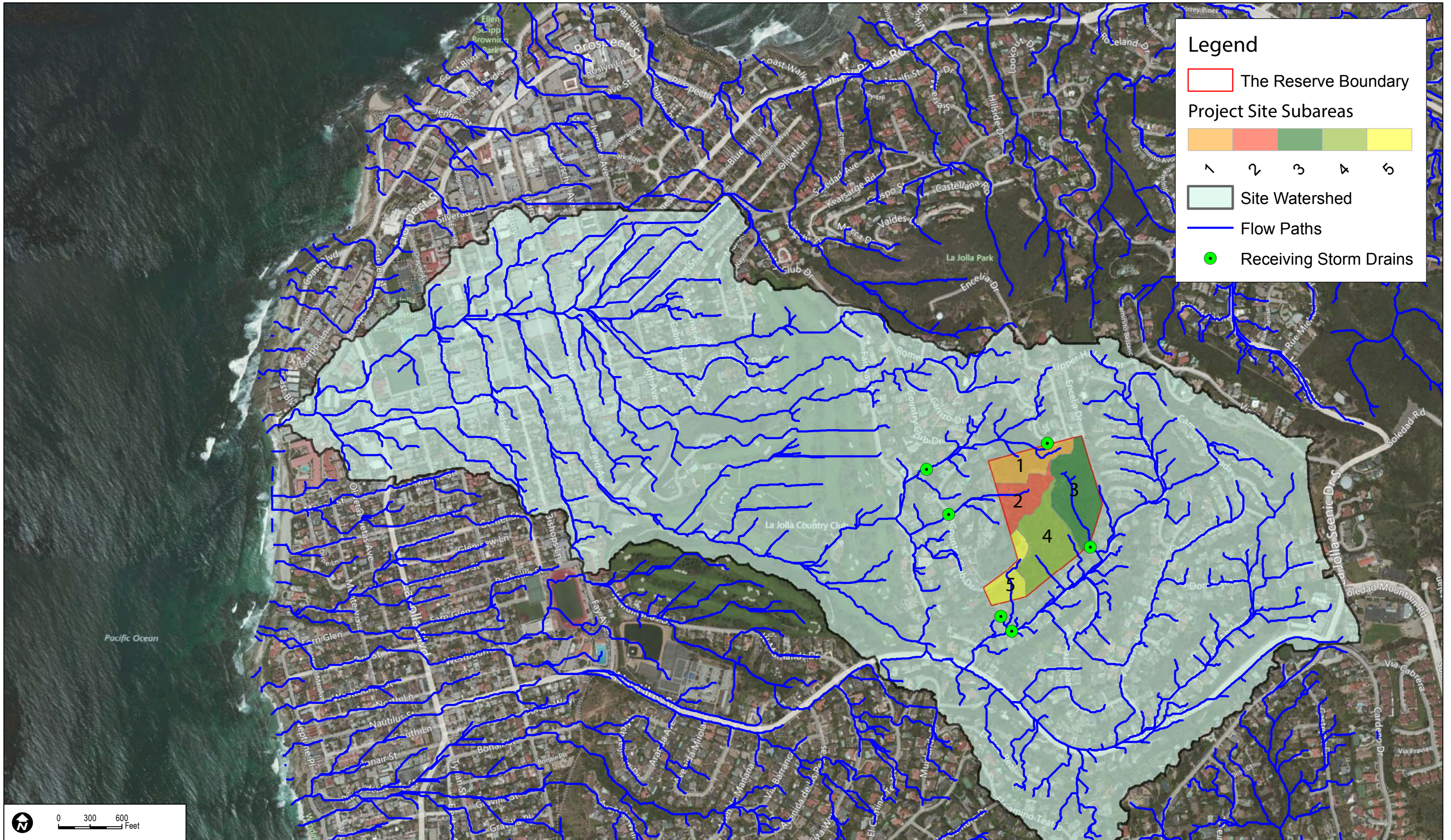
Environmental Analysis Section Project No. 292065

CITY OF SAN DIEGO - DEVELOPMENT SERVICES

FIGURE

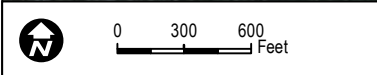
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Legend

- The Reserve Boundary
- Project Site Subareas**
-
- Site Watershed
- Flow Paths
- Receiving Storm Drains

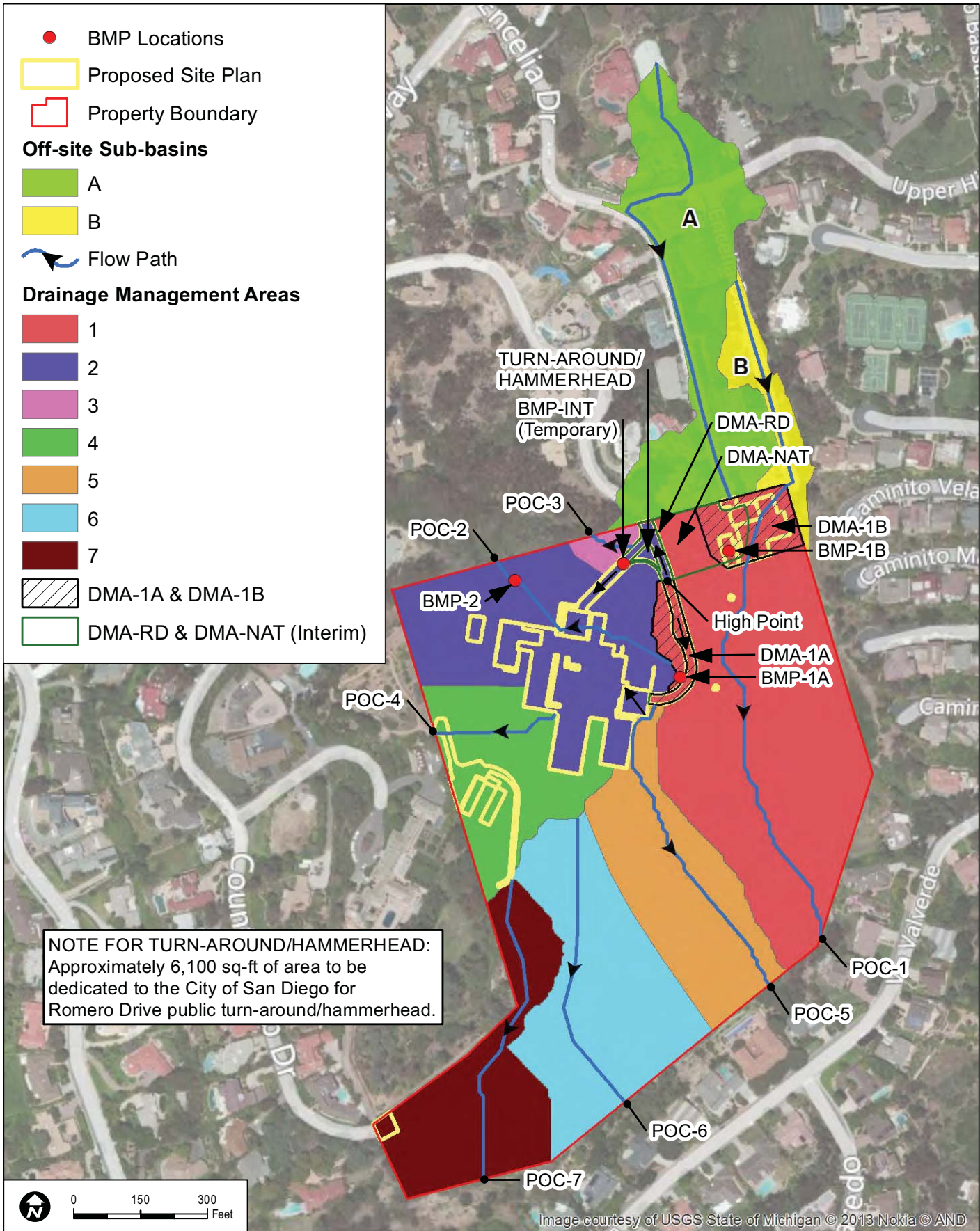


Site Drainage Overview
 Environmental Analysis Section Project No. 292065
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The Reserve

FIGURE
5.4-4

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NOTE FOR TURN-AROUND/HAMMERHEAD:
 Approximately 6,100 sq-ft of area to be dedicated to the City of San Diego for Romero Drive public turn-around/hammerhead.

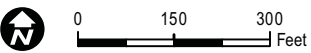


Image courtesy of USGS State of Michigan © 2013 Nokia © AND



The Reserve
Post Development Drainage Management Areas
 Environmental Analysis Section Project No. 292065
 CITY OF SAN DIEGO - DEVELOPMENT SERVICES

FIGURE
5.4-5

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5.5 GEOLOGIC CONDITIONS

5.5.1 INTRODUCTION

The following discussion summarizes the *Report of Preliminary Geotechnical and Geologic Investigation* that was prepared by Geotechnical Exploration Inc. for The Reserve project (project) on November 16, 2011 (Geotechnical Exploration Inc. 2011). The complete report is included within Appendix D of this Environmental Impact Report (EIR).

5.5.2 EXISTING CONDITIONS

Site Description and History

The City of San Diego (City) is a part of a seismically active region of California. It is on the eastern boundary of the Southern California Continental Borderland, part of the Peninsular Ranges Geomorphic Province. This region is a part of a broad tectonic boundary between the North American and Pacific plates. The actual plate boundary is characterized by a complex system of active, major, right-lateral strike-slip faults, trending northwest/southeast. This fault system extends eastward to the San Andreas Fault (approximately 70 miles east of San Diego), and westward to the San Clemente Fault (approximately 50 miles offshore from San Diego) (see Figure 5.5-1).

The approximately 25-acre property is irregularly shaped, and wraps around the southeast side of a ridgeline from the southwestern flank of Mount Soledad. The vacant, undeveloped property consists of a steeply to moderately sloping, southerly descending hillside with elevations ranging from approximately 663 feet above mean sea level (amsl) at the northeast property corner, to 444 feet amsl at the southwest property corner. A north-to-south draining canyon cuts through the easterly portion of the hillside property and discharges to a concrete basin near the midpoint of the southeastern property line. Basin elevations range down to approximately 430 feet amsl. Approximately 4.69 acres on the property have slopes steeper than 25%. These areas are primarily to the northeast, on the east peripheral to the canyon and along the southern property boundary.

A review of historic aerial photography indicates that unpaved roads crossed the property prior to 1927. Vegetation has since grown over these currently inactive roads. The northern portion of the site was previously graded for a historical bridge structure, which was removed sometime before 1970.

Soil and Geologic Conditions

The site is underlain by formational materials of Tertiary Ardath Shale (Ta), undifferentiated Tertiary Scripps/Ardath Shale (Tsc/Ta), and Quaternary Lindavista Formation (Qln), also

referred to as Quaternary Very Old Paralic Deposits (Qvop). These units are mostly covered with a shallow thickness of sandy slopewash soils. In addition, Quaternary Artificial Fill (Qaf) exists on some areas where previous grading and access roads were implemented on site. Exploratory trenches and borings indicate that the sedimentary layering is a part of a broad syncline or monocline with steeper southward dips on the northern portion of the property. No significant fracturing indicative of landsliding or faulting was observed within geotechnical borings, trenches or outcrops on site. No remolded clay gouge or bedding seams characteristic of bedding plane (parallel) landslide slip surfaces were observed within geotechnical borings, trenches, or outcrops (Appendix D).

Slope stability evaluations indicate the hillsides across the property have a factor of safety against deep-seated failure of 1.5 or greater and are suitable for development as a residential project per the City of San Diego Guidelines for Geotechnical Reports (City of San Diego 2011). Additional confirmation slope stability calculations may be needed once the building pads, roads, and permanent cut/fill areas have been strictly defined.

Geologic Units

Lindavista Formation (Qln)/Quaternary Very Old Paralic Deposits (Qvop)

The geotechnical investigation discovered that the Quaternary Lindavista Formation overlies the Tertiary Ardath Shale and Tertiary undifferentiated Scripps/Ardath Shale Formations on site. The Lindavista Formation within the project site includes silty sand, clayey sand, and sandy clay interbeds, in a very dense and stiff condition. The sand portions of the formation have a very low expansion index.

Undifferentiated Tertiary Scripps/Ardath Shale Formations (Tsc/Ta)

The Ardath Shale and Scripps Formations are believed to be intertongued on the northern portion of the site and are characterized as undifferentiated. The basis for this distinction is the sandier nature of the sedimentary layers encountered on site. In addition, the Scripps and Ardath Shale Formations are known to be intergradational. These deposits include firm to hard silty clay, clay, sandy silt, and dense silty sand, and were identified to depths of 86 feet below the surface on site. Clay materials within this formation have the potential to be highly expansive.

Tertiary Ardath Shale Formation (Ta)

The Tertiary Ardath Shale Formation (materials consist primarily of hard silt and clay (mudstone), clayey silts and silty clays (shale) and minor silty sand (sandstone) with minor amounts of gravel. These deposits were noted to depths of 80 feet below the ground surface, and anticipated to be approximately 150 feet thick.

Soil Types

Quaternary Fill

Quaternary Artificial Fill (Qaf) Artificial fill soils were encountered on the site. These fill soils areas are believed to be at least 80 years old and are associated with graded dirt access roadways on site that have grown over with vegetation. This fill consists of sands and silty sands with varying amounts of gravel, cobble, and some debris. Fill soils on site range from 1 foot to 6 feet, in greater thickness in canyons areas and along the old road margins. These soils are not suitable for support of new structures, improvements, or new fill soils.

Quaternary Slopewash (Qsw)

A veneer of slopewash covers most of the site, especially the southern and central portions where the Lindavista Formation exists. The slopewash consists of silty sand and ranges from 2 to 3 feet thick. Near the surface, it is in a dry and loose condition, and is of very low expansivity. This material is not suitable for the support of structures or other improvements, without removal and recompaction.

Geologic Hazards

Suspected geologic hazards on the property are mapped within Categories 12, 22, 26, 27, and 53 on Sheet 29 of the City of San Diego Geologic Hazard Zone maps (City of San Diego 2008a). Category 12 is characterized as an earthquake fault buffer, for the County Club Fault, which is classified as “potentially active, inactive, presumed inactive, or activity unknown” with a low to moderate risk of ground rupture (City of San Diego 2008a, City of San Diego 2008b). The fault, as indicated on Sheet 29, crosses the northeast corner of the project site. The southeastern portion of the property is mapped within Category 22, or a “possible or conjectured” landslide. The northern half of the property is mapped within Category 26, or areas of “potential slope instability” underlain by a “slide-prone formation” and “unfavorable geologic structure.” As outlined above, the Lindavista Formation overlies the Ardath Shale and undifferentiated Ardath Shale/Scripps Formation and has a favorable geologic structure.

Categories 26 and 27 acknowledge that the project site may be located on a slide-prone geologic formation. Category 27 which in this case refers to Ardath Shale, includes a relatively small portion of the property, a moderately sloping natural hillside, at the extreme northeastern corner. Furthermore, the project area is classified within Category 53, with level or sloping terrain, unfavorable geologic structure, and low to moderate risk of geologic hazards.

Geologic exploration of the site, including subsurface exploration with borings and trenches revealed that “possible or conjectured” landslides do not exist on the site. Further, the Country Club fault mapped across the northeastern portion of the site does not exist.

Faulting and Seismicity

In California, major earthquakes can be generally correlated with movement on active faults. As defined by the California Geological Survey, an active fault is one that has had ground displacement within Holocene time, approximately the last 11,000 years. Faults along which major historical earthquakes have occurred (within the last approximately 214 years in California) are also considered active. The California Geologic Survey defines a potentially active fault as one that has had ground surface displacement during Quaternary time before the Holocene, or between 11,000 at 1.6 million years ago.

As indicated on the City of San Diego geologic hazard maps, the property is located in an area mapped as having destabilizing geologic conditions. The Country Club Fault, a part of the Rose Canyon Fault Zone, is shown to cross the site in the northeastern portion of the property, as shown on the California Geological Survey Maps. The Country Club fault is exposed on north facing slopes of Mount Soledad from near Romero Drive to the sea cliffs at La Jolla Cove (Kennedy et. al. 1975). The Category 12 zone is 200 feet wide, with the fault approximately located within the center of the property (see Figures 5.5-2 and 5.5-3).

Trenching excavation across the mapped fault zone revealed no offset in uniformly dipping interbeds of claystones and sandstone of the Scripps Formation. No significant faulting was observed within exploratory trenching nor on outcrop exposures on site (Appendix D). A similar geotechnical investigation performed on Romero Drive, notes indications of the Country Club Fault from outcrop exposures on a property approximately 0.1 mile north of the proposed project site (Southern California Soil & Testing Inc. 2003). No similar features from this finding were encountered on the project site.

Several faults occur within a 100-mile radius of the project site. Two other faults within the Rose Canyon Fault Zone, the Mount Soledad Fault and the Rose Canyon Fault, are both located within 1 mile of the project site. The Rose Canyon Fault is considered to be an active fault by the State of California and capable of causing a 7.2 magnitude earthquake and is considered micro-seismically active, although no significant recent earthquake is known to have occurred on the fault. The Coronado Bank Fault, also considered an active by the State of California, is located approximately 12 miles southwest of the site and is considered capable of generating a 7.6 magnitude earthquake. The Elsinore Fault is an active fault located approximately 38 to 56 miles east and northeast of the project site and is identified as a highly active fault with average movement of approximately 1 centimeter per year. It is

estimated that the Elsinore Fault Zone is capable of generating a magnitude 7.5 earthquake. The San Jacinto Fault is located 60 to 82 miles northeast of the project site, and is estimated capable of a 7.2 magnitude earthquake.

Ground Shaking and Ground Rupture

Ground shaking is the effect responsible for the vast majority of damage associated with an earthquake. These vibrations are due to seismic waves propagating through the earth's crust. All of San Diego County is located within a Seismic Zone 4, which is the highest Seismic Zone value, and is subject to ground shaking (County of San Diego 2007).

Ground displacement is directly related to faulting and earthquake activity. This displacement, or slippage or soil surface rupture, can be in any direction and can range from a fraction of an inch to tens of feet. In the City of San Diego, exposures are generally poor, and most faults are either potentially active or inactive, which makes it difficult to define the traces of potential displacement. However, if ground displacement were to occur locally, it would most likely occur along an existing active fault (City of San Diego 2008c). As shown on Figure 5.5-1, the project site is transected by a fault zone that is potentially active, inactive, potentially inactive, or activity unknown. Through geotechnical investigation, this fault was explored and not found on-site.

Landslides and Slope Stability

Landslides and slope creep are both gravity-driven soil and earth movement hazards. A conjectured landslide is mapped on the southern portion of the property pursuant to the City of San Diego Geologic Hazards Map Sheet 29. This feature is referred to as Zone 22, a possible or conjectured landslide. Within the on-site geotechnical evaluation, this map feature was explored for landsliding through two exploratory borings. No landslides were encountered. The hillside areas of the property have not been significantly affected by earth movement.

In addition, slope stability analysis performed indicated that slopes across the site have factors of safety in excess of 1.5. Areas with existing loose fill soils that are not removed and properly recompacted or resloped to protect from surface erosion may undergo either sliding, shallow slope failures, or mudslides after heavy rainstorm events. Based on site exploration, downhole logging, and geologic traverse performed on the site as outlined within the geotechnical investigation, there are no deep seated ancient landslides or active faults located on the site. Additionally, no landslide deposits, remolded bedding planes, or adverse joint sets were observed.

Bedding

Bedding, or geologic layers, dips within the Ardath Shale and undifferentiated Scripps/Ardath Shale Formations range from horizontal in the southern portion of the property to shallowly dipping 5 degrees (5°) to 10° in the central portion of the property, to moderately dipping 20 to 30 degrees on the northern portion of the property. The bedding forms a broad syncline or monocline that is shallow and dips to the south. The dip directions and syncline/monocline are considered to be stable geologic configurations. Several folds (anticlines and synclines) are mapped crossing Mount Soledad. The folded bedding within the project site is west of the northwest/southeast-trending Mount Soledad Anticline and can be considered a portion of the southwestern limb of this structure. An additional syncline is also plotted to the west and southwest of the site trending northwest–southeast, and a smaller anticline is plotted south of the property. These fold structures have deformed the Tertiary formations on Mount Soledad including those on the project site.

On the northeast corner of the property, the bedding was measured to be parallel to or dipping out of slope to up to 25°. Materials in this area will require buttressing or other types of support if temporary or permanent cut slopes are created as a part of site development in this area. An alternative to buttressing in this area would be to support new residential or road improvements on deepened caissons or piers without creating cut or fill slopes.

Liquefaction and Groundwater

Liquefaction is the process by which soils are transformed into a dense fluid that will flow as a liquid when unconfined. It occurs most commonly in loose, saturated sands, and silts when they are shaken by an earthquake of sufficient magnitude. The liquefaction of saturated sands during earthquakes can result in significant damage to buildings. The liquefaction of saturated sands during earthquakes can result in significant damage to structures. The elevation of the development area of the project site and the lack of a shallow groundwater table preclude risk from liquefaction for the proposed project.

During geotechnical field investigation, groundwater was not encountered on site. However, grading operations may change surface drainage patterns and reduce permeability of soils due to compaction. These modifications may result in appearance of surface or near-surface water where none existed previously. However, damage associated with these changes is anticipated to be localized and cosmetic in nature, if positive drainage is implemented as proposed.

5.5.3 IMPACTS

Issue 1: Would the proposal be located on a geologic unit or soil that is unstable or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?

Issue 2: Would the proposal expose people or structures to geologic hazards such as earthquakes, landslides, mudslides, ground failure, or similar hazards?

The project would allow for the development of two residential estate lots and associated amenities including driveways, landscaping, and other features; see Section 3.2.1, Project Components, for further details. Approximately 18.80 acres of the 25.14-acre project site are proposed to be in a conservation area that will be subject to and governed by a Covenant of Easement (Conserved Property~~conservation area~~); see Figure 5.2-2. Approximately 0.05 acre is proposed as public dedication right-of-way for Country Club Drive; as indicated in Table 3-1, Site Development Plan Detailed Acreages, this is not included within the designated private development area for the project. The remaining 6.28 acres (or approximately 25%) of the project site are the proposed development area. The property is underlain by very competent formational materials and also includes shallow surficial slopewash materials and existing old fill soils not currently suitable for support of residential structures and associated improvements (Appendix D). In order to ensure stability of structures on site, any shallow surficial slopewash materials and old fill soils located in the development area would be removed and recompacted through implementation of the geologic conditions project design feature listed in Table 3-2, Project Design Features and Construction Measures, of Chapter 3. Additionally, as part of the project design feature, all recommendations from the geotechnical report (Appendix D) would be adhered to for construction of the project.

In addition, there are no landslide deposits on site, and slope stability analysis indicates that the slopes on site are stable. As indicated in Appendix D, an ancient landslide does not exist on site and a fault does not exist on site. During construction, once existing uncontrolled fill soils are removed, and slopes are recompacted and stabilized, slopes would remain stable on-site (Geotechnical Exploration Inc. 2011). Therefore, there are no geologic hazards on site that would preclude the residential development of the property as planned (Appendix D).

As discussed in Section 5.4.4, no groundwater has been encountered on site. Therefore, risk of on-site or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse is low (Geotechnical Exploration Inc. 2011). However, it should be noted that seepage is dependent on various factors, such as seasonal precipitation, irrigation, and land use. Seepage conditions may develop where none previously existed. Therefore, the site should be designed with proper subsurface drainage (Appendix D). With implementation of project design features relative to geologic conditions as described in Table 3-2, as well as adherence with the City's Land

Development Manual (specifically Section II, Irrigation Systems) (City of San Diego 2009), and the appropriate engineering design and construction measures to meet California Building Code standards, impacts would remain below a level of significance.

Significance of Impact

The primary geologic hazard at the site is due to the potential effects from ground shaking and development on shallow surficial slopewash materials. Implementation of the project design features listed in Table 3-2 would ensure the risk of potential effects that unstable soils on the site would result in an on-site or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse remains below a level of significance. Implementation of the project design features would also ensure impacts to people or structures, including the risk of life, injury, or death due to local seismic events, would remain below a level of significance.

Mitigation, Monitoring, and Reporting

No significant effects have been identified, and hence no mitigation measures would be required.

Issue 3: Would the proposal result in a substantial increase in wind or water erosion of soils, either on or off site?

Construction activities, such as grading, would expose and disturb soils and therefore increase the potential of soil erosion on the site. Potential erosion impacts during construction activities would be avoided with adherence to the erosion control standards established by the City's grading ordinance and implementation of the project design features listed in Table 3-2 of Chapter 3, as follows:

In compliance with the National Pollution Discharge Elimination System, the applicant would prepare a stormwater pollution prevention plan (SWPPP) that specifies best management practices to be implemented during project construction to prevent pollutants from contacting stormwater and control erosion and sedimentation. The SWPPP would be prepared and submitted to the Regional Water Quality Control Board for review and approval prior to the start of construction.

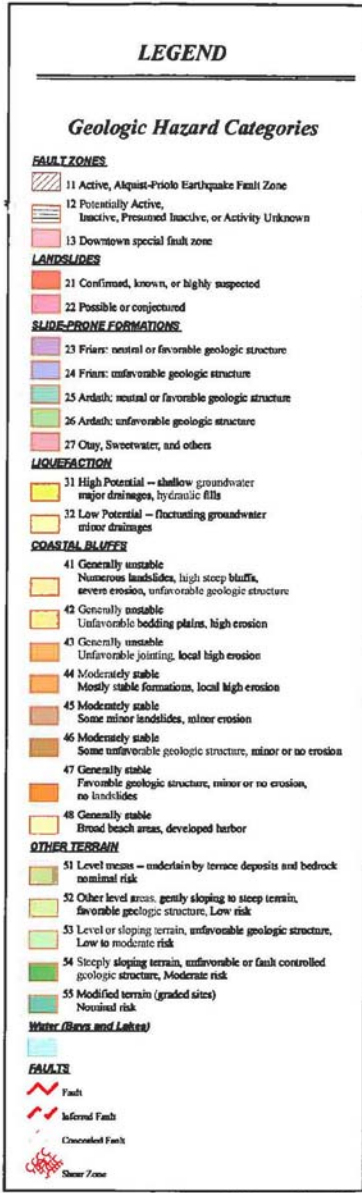
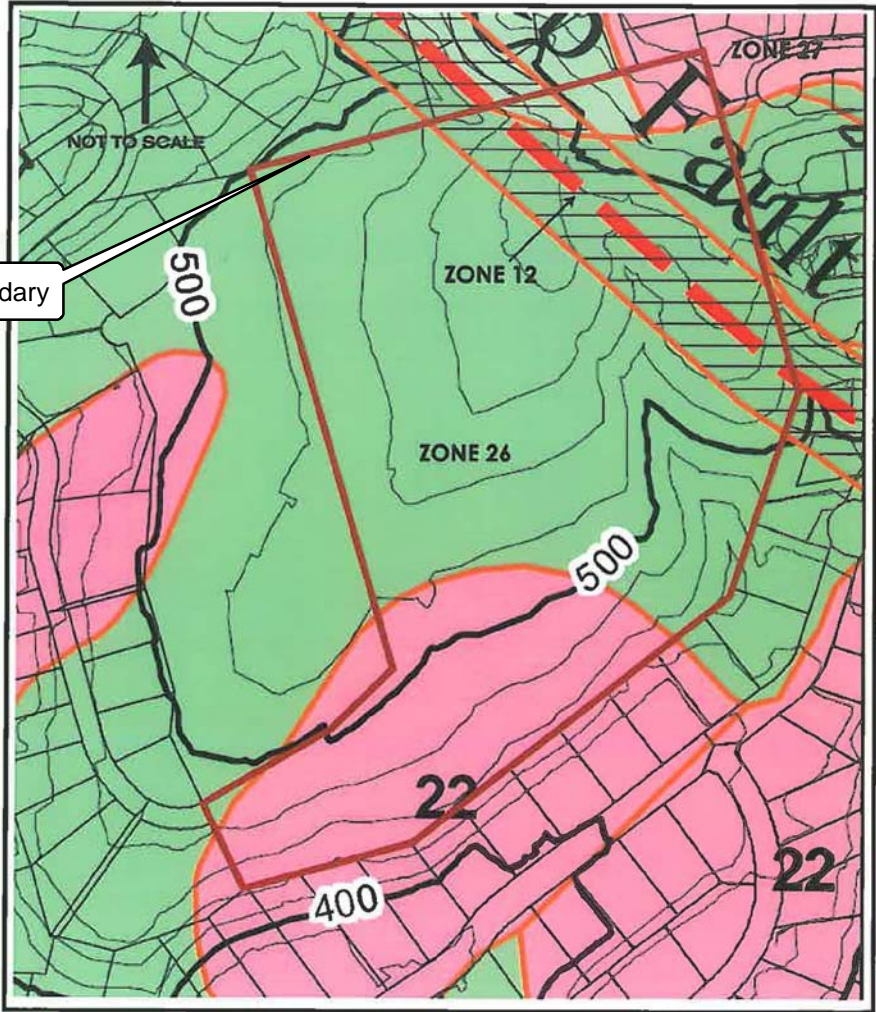
Significance of Impact

Adherence to erosion control standards in the City's grading ordinance and Land Development Manual, as well as best management practices required by the project SWPPP, as described in Table 3-2, would ensure that impacts would remain below a level of significance.

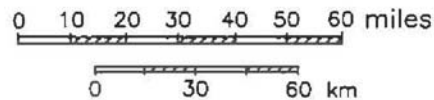
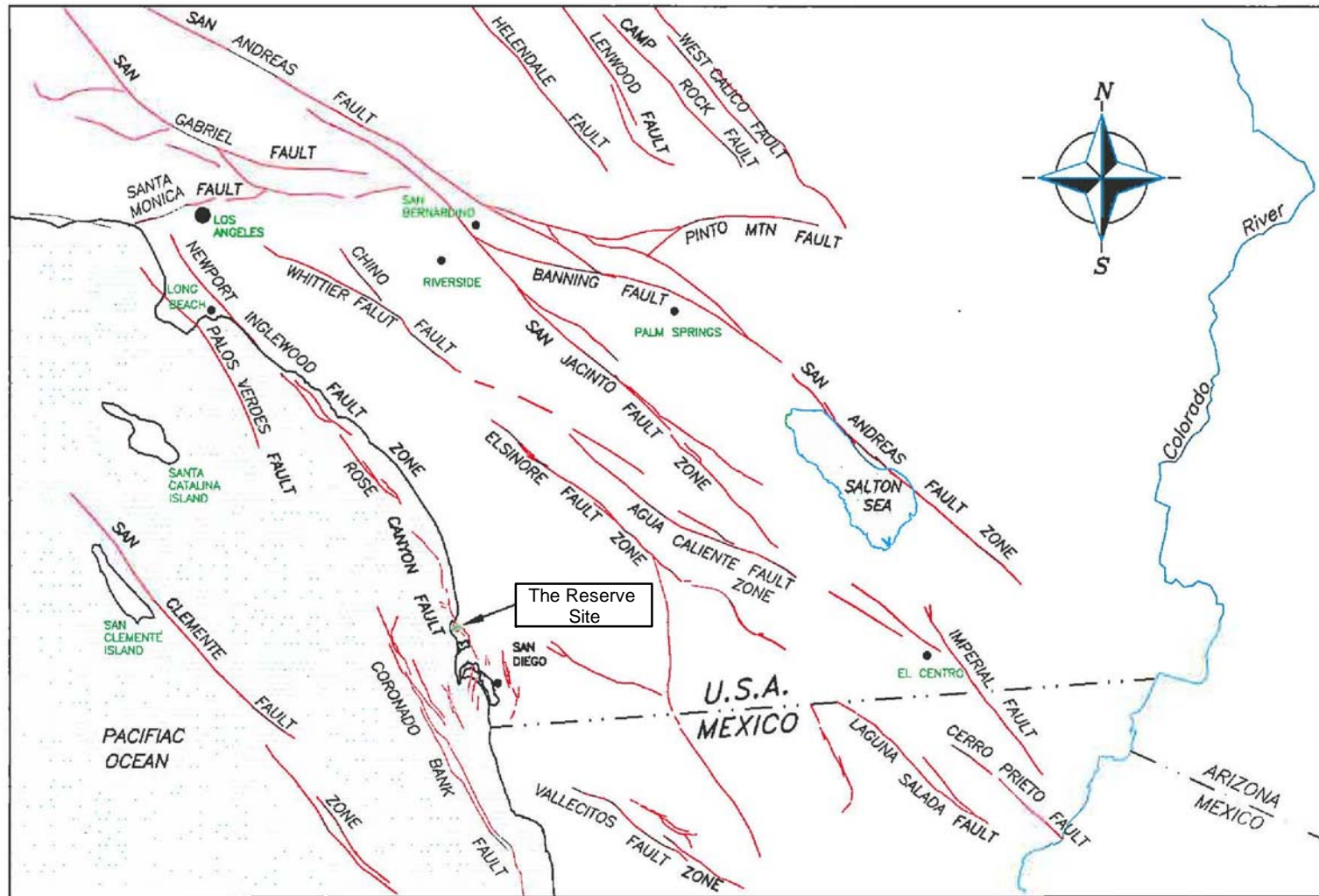
Mitigation, Monitoring, and Reporting

No significant effects have been identified, and hence no mitigation measures would be required.

The Reserve Boundary



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The Reserve



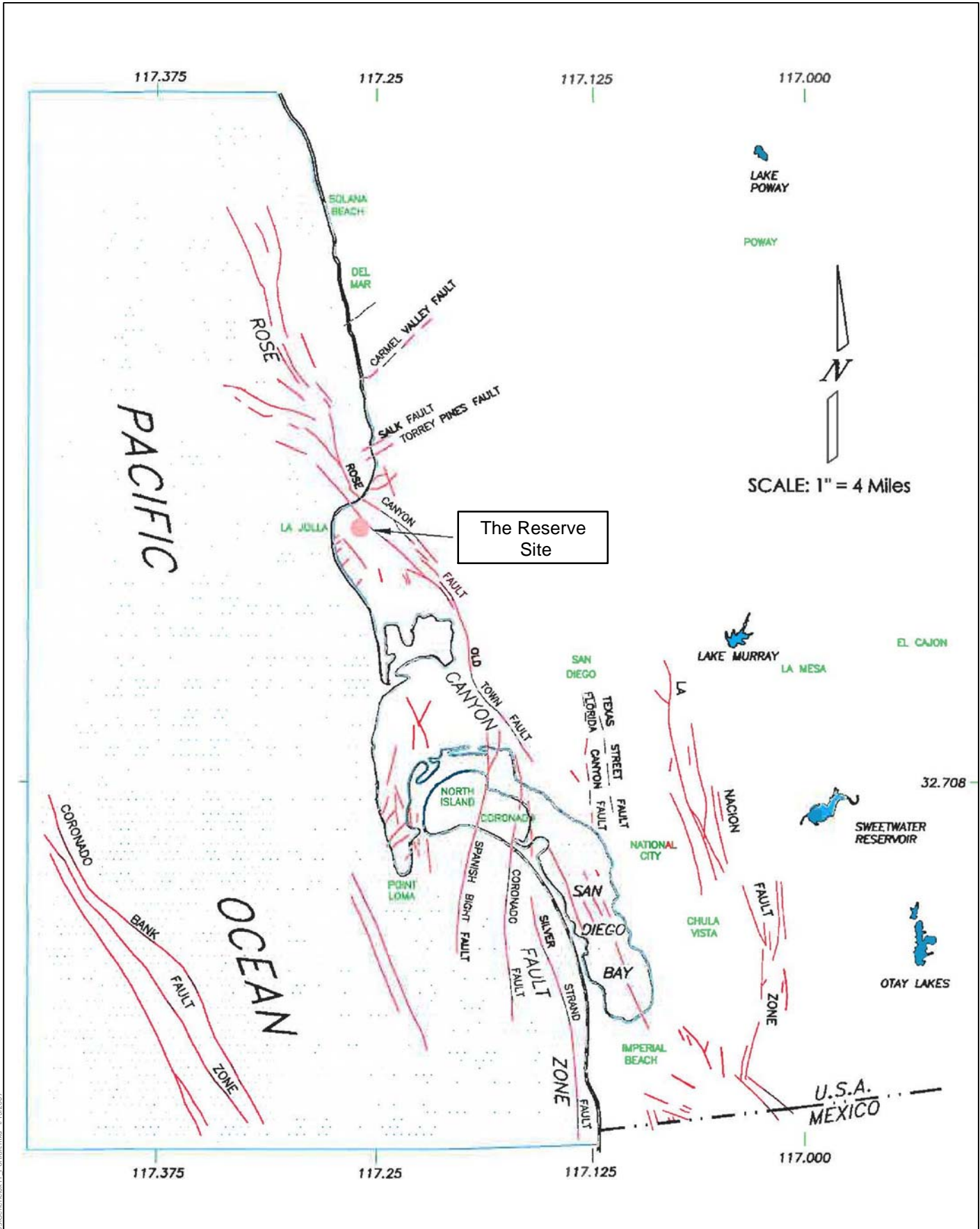
Regional Fault Map

Environmental Analysis Section Project No. 292065

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FIGURE
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Local Fault Map

Environmental Analysis Section Project No. 292065

CITY OF SAN DIEGO - DEVELOPMENT SERVICES

The Reserve

FIGURE

5.5-3

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5.6 VISUAL EFFECTS AND NEIGHBORHOOD CHARACTER

5.6.1 INTRODUCTION

The following discussion analyzes the existing conditions associated with visual effects and neighborhood character in the vicinity of The Reserve project (project). Existing conditions were analyzed based on aerial photography, review of the *Biotechnical Report for Copley Press/The Reserve Project* (provided as Appendix C to this Environmental Impact Report (EIR)), a site and neighborhood visit conducted on April 23, 2014, and visual simulations were prepared by Spurlock Poirier Landscape Architects. This section also evaluates impacts resulting from the development of potential residences subject to the Design Guidelines for Parcel 2 and Parcel 3 (complete documents provided in Appendix A). It should be noted that neither CEQA nor the City of San Diego protects private views. Therefore, information regarding private views has been provided within this section for informational purposes only.

5.6.2 EXISTING CONDITIONS

On-Site Land Use

The approximately 25.14-acre project site consists of two irregularly shaped parcels (Assessor's Parcel Number No. 352-300-08-00 and 352-300-09-00) located at the southern terminus of Romero Drive, Encelia Drive, and Country Club Drive. The project site consists of a steeply to moderately sloping hillside with elevations ranging from approximately 663 feet above mean sea level (amsl) at the northeast corner to approximately 444 feet amsl at the southwest corner. Landscape, grading, access, parking, and building improvements are located on the western edge of The Reserve property, adjacent to the Foxhill estate. These existing improvements and landscaping currently occupy an approximately 2-acre encroachment onto along the western edge of The Reserve.

In addition to the existing Foxhill estate improvements located on the project site, there are approximately five other areas where neighbors bordering the property have encroached onto the site and constructed landscaping and/or structural improvements. These encroachments are discussed in detail in Section 5.1, Land Use. Historical grading to create a network of dirt roads across the property to connect Country Club Drive to Romero Drive and Encelia Drive has created visible disturbance in the western and northern portions of the property. Evidence of this dirt road can be seen in aerial images of the site (see Figure 1-3, Aerial Map); however, most of the unpaved roads are overgrown with native vegetation. Approximately 75% of the site is fenced around the perimeter, either by the site's owner or by neighbors whose lots are adjacent to the perimeter of the parcel.

With the exception of existing encroachments discussed above, the site is vacant and undeveloped. The vast majority of the project site supports southern maritime chaparral vegetation and includes small areas of scrub oak chaparral and disturbed southern maritime chaparral. Disturbed land, ice plant, and ornamental plantings also occur on site and tend to be located along the property boundary.

Off-Site Land Use

The project site is located in an urban setting and is generally surrounded on all sides by residential development. Large single-family homes dominate the general vicinity (La Jolla is a predominantly residential community); however, a small, short, undeveloped canyon generally occurring between the eastern terminus of Carrizo Drive and residences located upslope and along Romero Drive is located immediately north of Parcel 3. The surrounding residential community is characterized by steep slopes, narrow winding roads without sidewalks, no streetlights, extensive ornamental vegetation, and large, predominantly custom homes with ocean views. The Foxhill Estate borders the site to the west and is approximately 7 acres with over 25,000 square feet of enclosed space, most of it in the main home. Homes adjacent to the site and throughout the Country Club neighborhood frequently exceed 5,000 square feet in size and there is a wide variety of architectural styles, roof types, and exterior materials throughout the neighborhood. The La Jolla Summit community borders the site on the northeast, with other single-family tract home residences bordering the site on the southeast along Via Valverde; see Figure 1-3, Aerial Map. The neighborhood to the east of the site, which includes both La Jolla Summit and the single-family residences on Via Valverde, is accessed off of Nautilus Street and there is no access from this area to the site or into the Country Club neighborhood. This neighborhood is characterized by extensive mass grading to create level pads for tract home development with most homes under 5,000 square feet. There are steep fingers of ornamental landscaping that separate many of the streets in this neighborhood and some areas of native vegetation on the steeper slopes. La Jolla Summit is a private community that owns all of the roads and common area within project. La Jolla Summit has a fairly consistent architectural style and similar exterior materials and roof treatments are seen throughout the neighborhood (see Figure 1-3, Aerial Map). Outside the immediate area, the La Jolla Country Club is located 0.2 mile directly to the west of the project site, La Jolla High School is 0.7 mile to the west, and the Mount Soledad Veterans Memorial / Mount Soledad Natural Park is 0.7 mile east of the project site.

Neighborhood Character

The project site is surrounded on all sides by single-family residences within established neighborhoods. The private La Jolla Summit neighborhood is located to the east of the project site and consists of nearly 150 residences (primarily two-story structures) with cohesive architectural

styles. Private yards and common areas tend to be generously landscaped with ornamental and occasionally, native trees and shrubs. Some undeveloped, sloping terrain supporting natural scrub and chaparral vegetation also occurs in the area and functions as natural open space. Private streets within the neighborhood are relatively narrow and while the presence of curbside vegetation is rare, through streets including Caminito Cruzada and Caminito Valverde feature sidewalks and occasionally, low ornamental concrete walls. Residences to the north of the project site on Encelia Drive and Romero Drive (public roads maintained by the City) are large and spacious and the west to east rising terrain allows for generally unimpeded oceans views. A single, unifying architectural theme is not evident in these homes; rather, residential design diversity seems to be emphasized. Properties tend to be heavily landscaped with ornamental trees and shrubs and residential access is provided via narrow roads (i.e., Encelia Drive and Romero Drive) that feature no sidewalks. The residential neighborhood south of the project site along Via Estrada includes one- and two-story residences that typically feature well-manicured lawns and tall trees and low shrub plantings installed for ornamental and privacy purposes. The majority of homes display a ranch-style architecture and design although some variation and diversity is visible. Roads are relatively wide, sidewalks generally extend along one side of roadways but are repeatedly interrupted by driveways and planting areas. Street parking is permitted on Via Estrada and vehicles regularly flank both sides of the road. There is no access to the site from the neighborhoods bordering the east of the site and very little, if any, of the site can be seen from the streets nearest the site on the east.

Light, Glare, and Shading

The project is located in a residential area; however, street lighting is not installed on many of the public and private roads in the immediate vicinity, including, Via Valverde, Country Club Drive, Encelia Drive, and Romero Drive. Street lighting is installed along the streets of the La Jolla Summit neighborhood. As such, nighttime lighting sources generally consist of interior residential lighting and exterior lighting installed for security, decorative or general illumination purposes. Due to sloping topography and the resulting availability of long views to the coast, more distant lighting sources may be visible from the project site and surrounding residential area during nighttime hours. Street lights along Nautilus Street and Torrey Pines Road, stadium style lighting installed at the Coogan Family Aquatics Center, and lighting associated with commercial businesses in the Village of La Jolla may be visible from the project site and nearby residences. Other than reflective building materials such as windows and metallic surfaces, substantial sources of glare do not generally occur in the project area. In addition to a row of tall trees lining the Foxhill estate along the western property boundary near Parcel 1, clusters of eucalyptus trees occur on private property located immediate east of the project site, shading portions of the project site during certain times of the day.

Local Regulations

Height Regulations

City of San Diego Zoning

The proposed project is located within the Coastal Height Limit Overlay Zone, which provides a supplemental height limit for coastal areas specifically described in Section 132.0505(b) of the City's Municipal Code (City of San Diego 2000a). Restrictions require that no building shall be constructed in excess of 30 feet. ~~No additional permit is required due to this designation.~~

Lighting Regulations

Lighting within the City is controlled by the City's Outdoor Lighting Regulations per Section 142.0740 of the City Municipal Code. The City's Outdoor Lighting Regulations are intended to protect surrounding land uses as well as astronomical activities at the Palomar and Mount Laguna observatories from excessive light generated by new development. The applicable Outdoor Lighting Regulations (City of San Diego 20012) require that:

- Outdoor lighting shall minimize impacts from light pollution, including light trespass, glare, and urban sky glow, to conserve enjoyment of the night sky and minimize conflict caused by unnecessary illumination. Regulation of outdoor lighting is also intended to conserve electrical energy.
- Outdoor lighting fixtures that are used to illuminate a premises, architectural feature, or landscape feature on private property shall be directed, shielded, or located in such a manner that the light source is not visible off site to minimize light emission above the horizontal plane and so that light does not fall onto surrounding properties or create glare hazards within public rights-of-way.
- Outdoor lighting in conjunction with commercial and industrial uses that continue to be fully operational after 11 p.m., such as sales, assembly, and repair, may remain lighted after 11 p.m., provided that all lights are shielded, equipped with automatic timing devices, and utilize only the minimum amount of light necessary to conduct such uses.
- Outdoor lighting used for security purposes or to illuminate walkways, roadways, equipment, and parking lots may remain lighted after 11 p.m. where the lighting meets the following criteria:
 - a. Where located within 30 miles of the Palomar Observatory or Mount Laguna Observatory, lighting fixtures below 4,050 lumens are permitted. Lighting fixtures above 4,050 lumens shall be limited to low-pressure sodium or high-pressure sodium

- and equipped with full cut-off optics (fixtures with flat lenses that limit illumination to below the horizontal plane of the fixture or 0% up-light). Where high-pressure sodium lighting fixtures are proposed, a photometric study or lighting-power-density calculation of ground-lighting levels shall be required to demonstrate that a 3-foot-candle or 0.19-watt per square foot average would not be exceeded.
- b. Where located 30 miles or more from the Palomar Observatory or Mount Laguna Observatory, lighting fixtures below 4,050 lumens are permitted. Lighting fixtures above 4,050 lumens shall be limited to low-pressure sodium or high-pressure sodium and equipped with cut-off optics (fixtures that limit illumination to less than 2.5% uplight).

Glare Regulations

Glare within the City is controlled by City Municipal Code Section 142.0730 (Glare Regulations). The City's Glare Regulations (City of San Diego 2000b) include the following:

- A maximum of 50% of the exterior of a building may be comprised of reflective material that has a light-reflectivity factor greater than 30%.

5.6.3 IMPACTS

Issue 1: Would the proposal result in a substantial obstruction of any vista or scenic view from a public viewing area as identified in the community plan?

According to the City's CEQA Significance Determination Thresholds (City of San Diego 2011), projects that block views from open space areas, roads, or parks or to significant visual landmarks or scenic vistas may result in a significant impact. To meet this significance threshold, one or more of the following conditions must apply:

- a. The project would substantially block a view through a designated public view corridor as shown in an adopted community plan, the General Plan, or the Local Coastal Program. Minor view blockages would not be considered to meet this condition. In order to determine whether this condition has been met, consider the level of effort required by the viewer to retain the view.
- b. The project would cause substantial view blockage from a public viewing area of a public resource (such as the ocean) that is considered significant by the applicable community plan. Unless the project is moderate to large in scale, condition "c" would typically have to be met for view blockage to be considered substantial.
- c. The project exceeds the allowed height or bulk regulations, and this excess results in a substantial view blockage from a public viewing area.

According to the La Jolla Community Plan and Local Coastal Land Use Plan (City of San Diego 2004a), panoramic views of the surrounding area are available from Mount Soledad. However, while long, westerly oriented views to the ocean are available from this elevated vantage point, the project site is obscured from view by intervening terrain and vegetation. As such, the proposed development on Parcel 2 and 3 pursuant to the Design Guidelines (Appendix A) would not impact existing views available from Mount Soledad.

Public view corridors are also identified along a series of public roads generally located north of Hillside Drive. These roadways (including but not limited to Hillside Drive, Via Avola, Hidden Valley Road, and Rue Michael) typically offer motorists long and wide (albeit briefly experienced) views to the ocean and lower elevation areas of La Jolla. Due to the presence of intervening vegetation, the project site is not visible from designated public view corridors on public roads located near Hillside Drive. Within the project site, there is no public view corridor toward the ocean identified in the La Jolla Community Plan and Local Coastal Land Use Plan, as shown in Figure 5.6-1a and Figure 5.6-1b, La Jolla Community Views and View Corridors. Additionally, there are no identified public vantage points around the project site. The private viewpoints that are identified within this section are not within the purview of the City of San Diego Land Development Code.

Lastly, the La Jolla Community Plan and Local Coastal Land Use Plan identifies public view corridors and scenic overlooks along coastal areas of the La Jolla, however, the identified view cones and view corridors are oriented to the west towards the ocean. Given the location of the project site, coastal area view corridors and scenic overlook would not be obstruction by future development on Parcel 2 and Parcel 3. Therefore, the project would not substantially block a view through a designated public view corridor as shown in the adopted community plan, the General Plan, or the Local Coastal Program.

The existing terrain and vegetation and the height limitations prescribed by the Design Guidelines (Appendix A), would not substantially block views from public viewing areas to development on Parcel 2 and Parcel 3. View blockage associated with construction of residential buildings and supplementary structures may be experienced at residences within the La Jolla Summit neighborhood located east of the project site. However, this is a private neighborhood development. As stated in the City's CEQA Significance Determination Thresholds views from private property are not protected by CEQA or the City of San Diego. View blockage may also be experienced by viewers on the north-south trail on sloping terrain located immediately east of Parcel 2, however, this trail is located on private property and views from private property are not protected under CEQA. There are no public viewing areas located east or north of the project site that would experience substantial view blockage as a result of future development on Parcel 2 and Parcel 3. In addition, adherence to the building height limitations prescribed by the Design

Guidelines for Parcel 2 and Parcel 3 would ensure compliance with the 30-foot building height limit established by the City’s Coastal Height Limit Overlay Zone. As such, substantial view blockage from a public viewing area of public resource is not anticipated upon implementation of the proposed project.

Significance of Impact

It should be noted that neither CEQA nor the City of San Diego protects private views. Therefore, information regarding private views has been provided within this section for informational purposes only. Since implementation of the proposed project would not substantially block a view through a designated public view corridor and would not cause substantial view blockage from a public viewing area of public resources, impacts to scenic vistas would be below a level of significance.

Mitigation, Monitoring, and Reporting

No significant impacts have been identified, and therefore no mitigation measures would be required.

Issue 2: Would the proposal result in bulk, scale, materials, or style which would be incompatible with surrounding development?

According to the City’s CEQA Significance Determination Thresholds (City of San Diego 2011), visual quality and neighborhood character impacts may be significant if the project would:

- a. Exceed the allowed height or bulk regulations and existing patterns of development in the surrounding area by a significant margin
- b. Have an architectural style or use building materials in stark contrast to adjacent development where the adjacent development follows a single or common architectural theme (e.g., Gaslamp Quarter, Old Town)
- c. The project would result in the physical loss, isolation or degradation of a community identification symbol or landmark (e.g., a stand of trees, coastal bluff, historic landmark) which is identified in the General Plan, applicable community plan or local coastal program
- d. Be located in a highly visible area (e.g., on a canyon edge, hilltop or adjacent to an interstate highway) and strongly contrast with the surrounding development or natural topography through excessive height, bulk, signage, or architectural projections.

Preparation of the project’s Design Guidelines involved extensive community outreach by the project applicant. The Design Guidelines are intentionally flexible in architectural style and design of the residential estates on Parcels 2 and 3, with no specific home design prescribed.

However, the Design Guidelines do include specifics on a variety of topics including but not limited to location, massing, height, grading, open space, architecture, and landscaping. This EIR analyzes impacts associated with the worst-case development scenario for each issue area.

For purposes of analysis in this EIR, the worst-case development scenario from a visual effects and neighborhood character perspective consists of maximum buildout of the Parcel 2 and 3 building extent areas pursuant to the height and bulk limitations prescribed in the Design Guidelines. For example, the visual simulations utilized to assess anticipated visual effects and neighborhood character resulting from implementation of the Design Guidelines and future project development consider the maximum size residences and outdoor features that could be constructed on Parcels 2 and 3, as allowed by the Design Guidelines, to simulate maximum view impacts. The Design Guidelines permit a limited range of warm earth tones and white colors for building exterior walls. Darker earth tone colors have been applied to building wall exteriors in the visual simulations to depict the dark exterior wall color permitted by the Design Guidelines and to represent the maximum degree of potential color contrast with existing development. The installation of native and non-native trees and shrubs in landscape areas located within the Parcel 2 and 3 development areas (as permitted by the Design Guidelines) has also been considered and incorporated into the visual simulations. Please note only those trees outlined within the Design Guidelines may be planted within the development area of Parcel 2. These trees typically mature at a height of approximately 30 feet or less. While the installation of trees is not required by the Design Guidelines and may in fact not be pursued by future residents, the introduction of and maturation of trees on the project site could potentially result in view blockage and as such, represents the worst-case development scenario from a visual perspective. While the visual simulations represent how Parcels 2 and 3 may be developed in the future, the Design Guidelines are flexible. Therefore, in the viewshed analysis below, the building, structures and landscaping appearing in the visual simulations are discussed as is the range of building materials, roofing materials, exterior building walls colors, and plantings permitted by the Design Guidelines.

Architecture, Massing, and Grading

The project would entail limited estate residential development on a primarily vacant 25.14-acre site. The architectural style, bulk, mass, and height prescribed by the Design Guidelines would ensure that futures buildings and structures would be compatible with that of the existing development in the area. As stipulated in the Design Guidelines, no building and structures on Parcels 2 and 3 would be constructed in excess of the 30-foot height limit established by the City's Coastal Height Limit Overlay Zone, within which the project site is located. In addition, buildings and structures on Parcel 2 would be subject to more stringent height limitations based on the relationship between building extent subarea elevations and mean sea level (see Figure 3-4, Parcel 2 Building Extents). Consistent with existing residential development in the area, the

Design Guidelines would permit the construction of buildings and structures limited to two stories in height (i.e., approximately 30 feet high). The Design Guidelines would also allow for flexibility in the roof materials, exterior building wall colors and building materials however, the range of acceptable materials would be compatible with the architectural styles and designs exhibited by residential development in the local area.

As stated in Section 5.6.2, Existing Conditions, the La Jolla Summit neighborhood located east of the project site includes private, primarily two-story residences with a cohesive, unifying architectural style. The residential neighborhood located south of the project site along Via Estrada includes one- and two-story residences primarily constructed in a ranch-style theme and design although some variation and diversity is visible. The homes in the Country Club neighborhood as described in Section 5.6.2, frequently exceed 5,000 square feet in size and display a wide variety of architectural styles, roof types, and exterior material. Lastly, residences to the north on Encelia Drive and Romero Drive are large (typically two stories) and spacious and display a variety of exterior wall colors and building materials.

As discussed in Section 5.5, Geologic Conditions, the vacant, undeveloped project site consists of a steeply to moderately sloping, southerly descending hillside with elevations ranging from approximately 663 feet amsl at the northeast property corner, to 444 feet amsl at the southwest property corner. A north-to-south draining canyon cuts through the easterly portion of the hillside property, which discharges to a concrete basin near the midpoint of the southeastern property line. In addition, a review of historic aerial photography indicates that graded, unpaved roads crossed the property but vegetation has since grown over these currently inactive roads. The northern portion of the site was previously graded for a historical bridge structure that was removed sometime before 1970. Grading on Parcels 2 and 3 would be required to generally follow the natural topography of the project site. No grading may occur on slopes greater than 30% within the development area, except as required for brush management purposes. Grading guidelines within the Design Guidelines restrict contour grading to create level outdoor use areas and the maximum contiguous level graded area outside a structure footprint would be 3,500 square feet and 25,000 square feet for Parcels 2 and 3, respectively. Retaining walls are encouraged to allow development to fit into the terrain rather than flattening the terrain and sitting on it. No slopes outside of the Parcel 2 and 3 development areas would be permitted to be modified for any purpose at any time. Prior to any grading activities on site, a grading plan would be prepared by a registered civil engineer and a grading permit would be obtained in conformance with the City's Land Development Code. Lastly, all grading would follow the recommendations described in the geotechnical report prepared specifically for the project site.

The project would be built consistent with the surrounding area. The architectural design of estate residential buildings and structures would reflect view orientation, openness in design and the expansive nature of the project site. Materials to be used on buildings and structures would reflect the landscape, climate, and the earthy materials at the site and artificial interpretation or replication of a different material in exterior buildings compositions would not be permitted. The Design Guidelines include examples of allowed building and roof materials, paving materials and finishes, building exterior wall color palettes and planting design and site character; see Appendix A. The height and mass of structures would be compatible with existing single-family and estate residential lands uses in the immediate surrounding area and roof treatments would be constructed of nonreflective materials. A limited variety of roofing materials, including but not limited to vegetative or green roof materials, tile, and slate, is permitted for building and structure roofs and would create relatively flat rooflines and projections and would minimize viewshed blockage. In addition, a limited variety of materials is prescribed by the Design Guidelines for the exterior color of building walls, and materials including stucco, wood trim, brick and masonry, and stone are currently displayed by existing residential development in the area. The Design Guidelines also encourage the incorporation of large windows and glass surfaces on building exteriors and a similar design feature is visible on residential structures located north and east of the project site. The Design Guidelines encourage the conservation of native habitat within portions of the Parcel 2 and 3 development areas to visually blend the landscape-use areas with the existing native vegetation.

Viewshed Analysis

Visual simulations were prepared from 13 viewpoints to represent a range of views to and over the project site that occur in the surrounding area. The viewpoints were identified based on input from the local community and visibility from public roads. As shown on Figure 5.6-2, viewpoints are primarily located on private roads within the La Jolla Summit Community but also include locations on public roadways in the surrounding area. More specifically, Viewpoints 1 through 5 and Viewpoints 8 and 9 are located on private roads and Viewpoints 6 and 7 and Viewpoints 10 through 13 are located on public roads. Because of topography, there are no views of the site from public beaches, including Windansea Beach, Marine Street Beach, and La Jolla Shores Beach, or from public gathering/recreation areas such as Mount Soledad Veterans Memorial / Mount Soledad Natural Park or La Jolla Heights Natural Park.

The visual simulation methodology is described below.

Visual Simulation Methodology

Utilizing a topographic survey performed by Photo Geodetic Corporation in October of 2008, existing topography at 1-foot contour intervals and project site features were created in a three-dimensional (3-D) model utilizing Google Sketchup software. Additional surveying for existing tree

locations and heights were performed in May of 2012 and these elements were added to the 3-D model as a point of reference. Surrounding homes within a 300-foot radius of the project property, the Bishop's Tower and the Seville Condominiums were also added to the 3-D model to serve as additional reference points. The 3-D model contained the maximum size residences and outdoor features that could be constructed on Parcels 2 and 3 as allowed by the Design Guidelines to simulate maximum view impacts. Similarly, the view simulations show only flat roofs built to the highest point possible so as to simulate the maximum volume or bulk that a home could be built to under the Design Guidelines. Flat roofs are not required by the Design Guidelines.

Photos for the existing conditions of the project site were taken on April 23, 2014, using a digital single lens reflex camera. The camera was set with a lens focal length of 50mm and using a standard focal length multiplier of 1.6, which assumes a standard width/height image ratio of 3:2 and provides a field of view of 30 for the existing photos. The camera was placed on a tripod at a height of 5 feet above existing grade and the precise Global Positioning System (GPS) locations were captured for each photo location. The GPS coordinates for each photo location were added to the 3-D Sketchup model and the eye height was set at 5 feet with a field of view setting of 30 to precisely match the view of the existing site photo. Still images of Parcel 2 and 3 development from the 3-D model were exported as high-resolution images and then overlaid onto the existing site photo using Photoshop. Additional Southern Maritime Chaparral revegetation and additional site improvements required as a part of the development process and allowed in the Design Guidelines were added to the visual simulations using Photoshop software.

The existing photos and visual simulations, as well as a key map of the visual simulation locations, are illustrated in Figures 5.6-2 through 5.6-15. The existing visual setting and the anticipated change in visual character at each of the viewpoints are discussed below. For each viewpoint, landscaping is shown at approximately 80% maturity.

Viewpoint No. 1 – Private Trail Along Eastern Property Boundary Looking West. This viewpoint shows westerly views from the existing north-south trail adjacent to the project site on the eastern edge. This private trail is owned by La Jolla Soledad West, the homeowner association for the La Jolla Summit neighborhood, and consists of fencing, pampas grass, and chaparral vegetation located on the project site; tall trees lining the Foxhill estate;; and existing structures distinguishable by white, beige, and gray colors. Viewpoint 1 also provides opportunities for long, uninterrupted views to the ocean and views of the La Jolla Country Club golf course.

Future residential development on Parcel 2 and Parcel 3 would be limited to pre-determined building extent areas and buildings/structures would be subject to maximum height

restrictions pursuant to the Design Guidelines (Appendix A). Building extent areas and associated maximum building/structure heights are specified on Figure 3-4, Parcel 2 Building Extents, and Figure 3-5, Parcel 3 Building Extents. Per the Design Guidelines for Parcel 2, the installation of trees would not be allowed between the eastern and northern property lines of the Parcel 2 development area but would be allowed in landscape areas within the development limits. With the exception of native vegetation (installation of native shrubs and trees is encouraged by the Design Guidelines), all landscaping within the Parcel 2 development area would be required to conform to the height limitations specified in the Design Guidelines (Appendix A). The Design Guidelines specify that development on Parcel 2 subarea A (see Figure 3-4) must have a vegetated roof that is planted with native plants to match the surrounding southern maritime chaparral. Lastly, the Design Guidelines require that exterior wall coverings of concrete, stucco, wood trim, brick, masonry and stone and display warm earth tones or white colors on exterior walls. Development consistent with the Design Guidelines for Parcel 2 and Parcel 3 is depicted in Figure 5.6-3.

As shown on Figure 5.6-3, Viewpoint 1, future development on Parcel 2 and 3 would be visible from Viewpoint 1. In addition to building/structure height restrictions that would limit future development on Parcel 2 to approximately 22 feet and a maximum of two stories, the construction of flat rooflines and application of warm earth tones or white colors on exterior walls would be consistent with the height, style, and building materials displayed by existing residential development in the immediate area. Many residences within the area exhibit flat rooflines to maximize viewing opportunities to the ocean and to incorporate terraces, decks and other outdoor gathering spaces. The Design Guidelines permit similar features within the Parcel 2 and 3 building extent areas. Further, existing development in the area has a similar color palette of colors of white, beige, and gray and exterior building treatment range from stucco to wood and stone. As such, implementation of and adherence to the Design Guidelines on future Parcels 2 and 3 would reference and display a similar character as existing residences in the immediate project area.

Lastly, the building height limitations on Parcels 2 and 3 and restrictions on landscaping on Parcel 2 would minimize viewshed blockage. As viewed from Viewpoint 1, implementation of the Design Guidelines would result in the construction of buildings/structures displaying a scale and bulk similar, but significantly shorter than that of existing residential development in the area. Further, the architectural style and building materials permitted by the Design Guidelines would result in a consistent visual pattern between future residential development and existing development. Development on Parcel 3 would be partially screened from view by development on Parcel 2. In order to ensure no impacts to native trees such as California sycamore (*Platanus racemosa*) and Torrey pine (*Pinus torreyana*), these would not be subject to height limitations, and strategic placement of these trees with selective pruning and regular maintenance will

minimize viewshed blockage. Therefore, implementation of the proposed project would not substantially degrade the existing visual character or quality of the site or surroundings.

Viewpoint 1 is located on private property and is thus considered a private view. As stated in the City CEQA Significance Determination Thresholds, views from private property are not protected by CEQA or the City of San Diego.

Viewpoint No. 2a and 2b – Private Trail Along Eastern Property Boundary Looking West.

Westerly views from the existing north–south trail at Viewpoint 2a and 2b (shown in Figure 5.6-4a and Figure 5.6-4b) consist of green chain-link fencing in the immediate foreground and ice plant, and other low ornamental plantings. Viewpoint 2 is located on private property and is thus considered a private view. As stated in the City CEQA Significance Determination Thresholds, views from private property are not protected by CEQA or the City of San Diego.

Viewpoint No. 3 – Private Trail Along Eastern Property Boundary Looking West.

Westerly views from the existing north–south trail at Viewpoint 3 consists of mulch groundcover and a shaded and mounded shrub in the immediate foreground, the diagonal line and hatching exhibited by the fence lining the eastern project boundary, green to gray and rough-textured chaparral vegetation across the project site and limited occurrence of disturbed land. In addition, the tall row of screening trees on the Foxhill estate defines a portion of the western horizon. Limited distant views to the ocean are available above the relatively low form of on-site chaparral vegetation.

Visual change associated with future development within the Parcel 3 development area would be visible from Viewpoint 3. As shown in Figure 5.6-5, Viewpoint 3, supplementary structures within Subareas C and D of the Parcel 3 building extents may be visible, depending on variations of future development. Subareas C and D are intended for development of structures exhibiting a maximum building footprint of between 2,500 and 1,000 square feet and structures would be subject to the 30-foot height limit prescribed in the City’s Coastal Height Limit Overlay Zone. As shown on the Figure 5.6-5, visible development would display a relatively low, two-story, white to earth-tone exterior wall that would be consistent with existing height, architectural styles, and finishes exhibited by residential development in the surrounding area. In addition, development on Subarea C would be partially screened by the large mound of Nuttall’s scrub oak (*Quercus dumosa*) that would remain in place (pursuant to the Design Guidelines) and would be backscreened by the large row of pine and eucalyptus trees on the Foxhill estate property. As such, the apparent scale of development on Subarea C would be reduced and would not be visually prominent as viewed from Viewpoint 3.

Buildings and structures within other permitted development areas on Parcel 3 would be partially screened by the existing knoll and ridgeline located east of the Building Extents area. In addition, the Design Guidelines specify that any planting located adjacent to the

driveways on Parcel 3 consist of native vegetation. As depicted on Figure 5.6-5, the installation of native trees, including Torrey pines and coast live oaks, adjacent to Private Drive A would block views of residential development such that Parcel 3 would exhibit a primarily natural appearance. If trees are not installed along Private Drive A, then the flat rooflines and relatively low form of one- to two-story residential building and supplementary structure development would be partially visible and would exhibit a similar bulk, height, and architectural style as existing residential development in the area. Therefore, implementation of the proposed project would not substantially degrade the existing visual character or quality of the site or surroundings.

Viewpoint 3 is located on private property and is thus considered a private view. As stated in the City CEQA Significance Determination Thresholds, views from private property are not protected by CEQA or the City of San Diego.

Viewpoint No. 4 – Caminito Quintero Looking West. Westerly views from Caminito Quintero (a private street of the La Jolla Summit development) consist of the paved surface and corresponding concrete curb of the roadway, low ornamental plantings, a tall, spreading Jacaranda tree and a low, light gray decorative wall. Sloping, ice plant- and mounded shrub-covered terrain is visible beyond the decorative wall and east of the green diagonal line created by the chain-link fence demarcating the boundary of the project site. Beyond the fence, dense, green and gray chaparral vegetation is visible as is the row of tall pine and eucalyptus trees along the eastern boundary of the Foxhill estate property. Views of the ocean are not currently available from Viewpoint 4 due to the presence of intervening terrain and vegetation.

As shown on Figure 5.6-6, Viewpoint 4, with implementation of the Design Guidelines, future residential development on Parcel 3 may be visible. Per the Design Guidelines, all buildings and structures would comply with the 30-foot height limit prescribed in the City's Coastal Height Limit Overlay Zone. As a result, future buildings and structures on Parcel 3 would generally be screened from view by existing terrain and chaparral vegetation, would be backscreened by tall trees on the Foxhill estate property, and would not be visually prominent from Viewpoint 4. Further, exterior wall colors per the Design Guidelines include earth tones and more specifically, shades of light brown, beige, and gray. As shown on Figure 5.6-6, Viewpoint 4, implementation of the Design Guidelines and use of light brown and beige on exterior walls of buildings would help future residential development to blend in with surrounding vegetation such that resulting color contrasts would be low. Therefore, the height, bulk, scale, and architectural theme permitted by the Design Guidelines would be compatible with surrounding development and the overall character of the area and future residential development would not cause a substantial change in the view available from Viewpoint 4. As such, implementation of the Design Guidelines and future development on Parcel 3 would not substantially degrade the existing visual character or quality of the site or

surroundings. In addition, Viewpoint 4 is located on a private street and is thus considered a private view. As stated in the City's CEQA Significance Determination Thresholds, views from private property are not protected by CEQA or the City of San Diego.

Lastly, the Parcel 3 Design Guidelines limit plant installation to the development area and encourage the use of drought-resistant or drought-tolerant planting materials adapted to the Southern California climate. Also, any plantings located within or adjacent to driveways must consist of native vegetation. The Design Guidelines stipulate a wide range of native understory plantings and also permit the planting of a variety of non-invasive tree species. As such, future development on Parcel 3 may include non-invasive tree species within the development area and only native tree species along Private Driveway A and if planted, newly installed trees would be visible from Viewpoint 4. All understory plantings would likely be screened from view by existing terrain and vegetation. As shown on Figure 5.6-6, Viewpoint 4, newly installed trees (Torrey Pines are depicted) at the southern extent of the Parcel 3 development area would be backscreened by existing tall trees on the Foxhill estate property and as a result, would not screen or substantially degrade existing views from Viewpoint 4. Torrey Pines installed along private driveways would rise above the relatively low form of chaparral vegetation and would be silhouetted against the sky as viewed from Viewpoint 4. While there are no existing tall trees in the private driveway areas, new plantings would display a spread and height similar to that of existing trees currently visible from Viewpoint 4. Therefore, implementation of the Design Guidelines and installation of landscaping on the Parcel 3 development area would be consistent with the overall character of the area. As such, implementation of the proposed project would not substantially degrade the existing visual character or quality of the site or surroundings as viewed from Viewpoint 4.

Viewpoint No. 5 – Caminito Velasco Looking West. Westerly views from Caminito Velasco (a private road) consist of the paved, western terminus of the road and terrain that slopes upward to the west and north. The upward sloping terrain is primarily covered by an expanse of ice plant but is also dotted with ornamental shrubs and three tall eucalyptus trees. The diagonal line displayed by the chain-link fence installed along the eastern project boundary is visible beyond the slope but is intermittently screened by shrubs. Also, the flat roofline and rectangular chimney of existing residential development located north-adjacent to Parcel 2 can be seen from Viewpoint 5. Lastly, due to the screening effect of existing terrain, views to the ocean and to Parcel 3 are not available from Viewpoint 5.

As shown in Figure 5.6-7, Viewpoint 5, implementation of the Design Guidelines and future residential development on the Parcel 2 development area would result in subtle changes to existing views from Viewpoint 5. Due to the screening of the existing upward sloping terrain, the majority of development on the various subareas of Parcel 2 would not be visible and instead,

only rooflines, upper floor windows and the taller architectural projections (i.e., chimneys) of future residential development would be detectable. Pursuant to the Design Guidelines for Parcel 2, future buildings and structures would be no taller than 658 feet amsl. The building depicted in Figure 5.6-7 is approximately 22 feet or two stories tall and adherence to the height and building footprint limitations prescribed by the Design Guidelines would ensure that future development on Parcel 2 displays a height and bulk consistent with that of existing residential development in the immediate area. Also, a flat roof design (photovoltaic panels are permitted but must be installed parallel to the slope of the roof) would be consistent with the flat rooflines displayed by the neighboring home located north of Parcel 2 and visible in Figure 5.6-7. A vegetated roof on the proposed garage or any other structure located within the Subarea A (see Figure 3-4, Parcel 2 Building Extents) would be screened from view by existing terrain. Also, the application of earth-tone colors on exterior building and structure walls would be consistent with the range of exterior wall colors displayed by existing residences in the immediate area.

Future residents may elect to install native trees such as Torrey Pines in the landscape area south of the Subarea C development area. Per the Design Guidelines for Parcel 2, no trees of any kind are allowed between the eastern and northern property lines and the Parcel 2 Development Area. As depicted in Figure 5.6-7, the installation and maturation of native trees south of Subarea C would be visible from Viewpoint 5 and would mimic the form and line displayed by existing shrubs on the foreground slope. Some view blockage of the sky would result; however, newly installed trees would display a similar spreading form, rugged line and green color as existing ornamental plantings and would not substantially degrade the existing view. As such, implementation of the proposed project would not substantially degrade the existing visual character or quality of the site or surroundings as viewed from Viewpoint 5.

Viewpoint 5 is located on a private street and is thus considered a private view. As stated in the City's CEQA Significance Determination Thresholds, views from private property are not protected by CEQA or the City of San Diego.

Viewpoint No. 6 – Encelia Drive Looking Southwest. Southwesterly views from Encelia Drive (a public road) consist of ornamental and native vegetation in the immediate foreground and distant views to the coastline and ocean. From the elevated vantage point of Viewpoint 6, the Parcel 3 development area is located at a lower elevation and Parcel 3 is covered by chaparral vegetation that is occasionally interrupted by lightly colored exposed soils and terrain created by the on-site abandoned road network. The tall row of trees lining the eastern Foxhill estate property boundary is visible to the south as is residential development and a dense expanse of trees located south of Nautilus Street. Coastal residential and commercial development and several fairways of the La Jolla Country Club golf course are also visible from Viewpoint 6.

As shown on Figure 5.6-8, Viewpoint 6, existing ornamental vegetation in the immediate foreground distance would be removed and replaced with southern maritime chaparral understory plantings as part of the revegetation of steep slopes on site. The installation of native shrubs and plantings would extend the habitat within the existing canyon and would create a more consistent visual pattern. Main residential and supplementary structure development on Parcel 3 would be visible however, due to the elevated vantage point available at Viewpoint 6, development would not be visually prominent and would not result in substantial view blockage. Height limitations imposed on the Parcel 3 development area would ensure that future residential and supplementary buildings and structures would display a height and form consistent with that of existing residences in the area. The installation of native tree plantings north of the main residence on Parcel 3 for enhanced privacy would screen potential supplementary structures on Subareas C and D from view and as a result, the bulk of Parcel 3 development would be reduced. From Viewpoint 6, the flat rooflines, application of earth tone (or white/gray) colors on building walls, and incorporation of glass into building exterior as prescribed by the Design Guidelines would be consistent with the architectural style and design themes exhibited by existing residential development located along Encelia Drive and Romero Drive. The installation of turf grass areas within Parcel 3 landscape areas would be permitted by the Design Guidelines and as depicted in Figure 5.6-8, turf grass areas may be installed south of the primary residential building. While the light green color and turf would contrast with the dark green to gray color chaparral vegetation, from Viewpoint 6 turf would exhibit a similar character as distant fairways of the La Jolla Country Club. Further, installation of turf would be relatively limited and is not anticipated to dominate allowable landscape areas on Parcel 3. Therefore, implementation of the proposed project would not substantially degrade the existing visual character or quality of the site or surroundings as viewed from Viewpoint 6.

Viewpoint No. 7 – Romero Drive Looking Southwest. Due to the presence of relatively tall terrain, southwesterly views from the southern terminus of Romero Drive are limited to the foreground viewing distance and consist primarily of disturbed lands covered with low grasses and exposed tan soils. These existing elements are viewed against a backdrop of a wide terrain cut that has been overgrown with non-native vegetation. Native chaparral vegetation is visible east and west of the terrain cut. In addition, staked fiber rolls and orange fencing associated with previous on-site environmental work are visible from Viewpoint 7. The volume of viewers at Viewpoint 7 is anticipated to be low since the viewpoint is situated at the southern terminus of an existing road.

As shown on Figure 5.6-9, Viewpoint 7, Romero Drive would be extended and improved to provide a public vehicle turnaround area. Per the Design Guidelines for Parcel 3, paving within the public turnaround area would consist of any combination of colored concrete, natural stone and porous or non-porous pavers (colored concrete is depicted in Figure 5.6-9) and any plantings

adjacent to the public turnaround must consist of native vegetation. Further, as specified in the Design Guidelines, any native vegetation classified and identified as such in the guide San Diego County Native Plants (Lightner 2011), may be installed within or adjacent to the public turnaround area. As prescribed by the Design Guidelines, fencing installed along the public turnaround area may consist of a variety of materials including natural stone, cast-in-place concrete, stucco, natural stone veneer, corten steel or decorative metal, ornamental steel picket, or ornamental wood (ornamental steel fencing is depicted in Figure 5.6-9). While a variety of materials may be utilized for fencing elements, materials must match the type and character of Parcel 3 structures and features to create a consistent visual pattern. A gatehouse not to exceed 250 square feet would also be installed along Private Drive A and as shown in Figure 5.6-9, this feature would not be visually prominent.

Residential development within the Parcel 3 development area may be visible from Viewpoint 7, however, buildings and structures would be partially screened by existing rising terrain and chaparral vegetation. In addition, the installation of trees and shrubs is permitted within and adjacent to the public turnaround area and private drives and as shown on Figure 5.6-9, the installation of tree species (refer to the Design Guidelines for acceptable tree species) near the public turnaround and Private Drive B would further screen residential development on Parcel 3 from view. Visible development at Viewpoint 7 would largely consist of paving, fencing and plantings adjacent to the public turnaround area. Implementation of the Design Guidelines and installation of prescribed paving, fencing and planting materials would create a visual scene that would be compatible with existing residential development patterns in the area. A variety of fencing materials is currently employed on residential lots in the surrounding area and while public streets maintained by the City of San Diego are composed of asphalt, driveways in the area and in particular, along Romero Drive, consist of stone, colored and non-colored concrete, non-porous pavers. Therefore, implementation of the proposed project would not substantially degrade the existing visual character or quality of the site or surroundings as viewed from Viewpoint 7.

Viewpoint No. 8 – Caminito Cruzada Looking West. Westerly views from the sidewalk adjacent to Caminito Cruzada (a private road) consist of an expanse of visible trees occasionally interrupted by the white and terra cotta color of building exterior and roofs. The tall and spreading form of eucalyptus trees to the west is visually prominent and distant views to the ocean are available. The tall pine and eucalyptus trees lining the eastern boundary of the Foxhill estate is visible but is nearly indistinguishable from other trees located in foreground views. The diagonal line created by the light green color of upward sloping and ice plant-covered terrain is visible in the foreground distance (the slope is located approximately 820 feet to the west of Viewpoint 8) and the Parcel 2 development area is located just beyond the diagonal line. Due to the screening effects of existing terrain and vegetation, the Parcel 3 development area is not visible from Viewpoint 8.

Implementation of the Design Guidelines and future development on Parcel 2 would result in subtle changes to existing views available from Viewpoint 8. Adherence to the building extents maximum height limitations would limit the visibility of buildings and structures on Parcel 2. As shown on Figure 5.6-10, Viewpoint 8, rooflines and architectural projections associated with development on Parcel 2 would rise above the light-green colored diagonal line created by ice-plant-covered sloping terrain located at the western terminus of Caminito Velasco. Incorporation of flat rooflines and white to warm earth-tone colors on building wall exteriors would be consistent with the architectural style and design of residential development in the surrounding area. These features would also assist buildings and structures on Parcel 2 to recede into the landscape setting and not be visually prominent. Future development on Parcel 2 may elect to install vegetated roofs or photovoltaic panels on building and structure roofs. While the installation of these treatments would create different lines and colors than those depicted in Figure 5.6-10, as viewed from Caminito Cruzada rooflines would still display a relatively flat form and line. Lastly, development of Parcel 2 may entail the installation of a limited number of trees south of the main residence. The installation of a single Torrey pine south of the main residence on Parcel 2 is depicted in Figure 5.6-10. Future residents may elect to install more than one native tree species in this location however, in order to maintain available views from the main residence it is anticipated that the installation of a dense cluster of trees in this area would not be desired. The installation of native trees south of the Parcel 2 main residence would create new forms and lines; however, as shown on Figure 5.6-10, trees are commonplace in the existing landscape and contribute positively to the existing character and quality of views available from Viewpoint 8. As such, implementation of the proposed project would not substantially degrade the existing visual character or quality of the site or surroundings as viewed from Viewpoint 8.

Viewpoint 8 is located on a private street and is thus considered a private view. As stated in the City's CEQA Significance Determination Thresholds, views from private property are not protected by CEQA or the City of San Diego.

Viewpoint No. 9 – Caminito Cruzada Looking West. As viewed from the sidewalk adjacent to Caminito Cruzada (a private road), an ornamental wall topped with black metallic post and chain-link adornment is visible in the immediate foreground. Beyond the wall, ornamental shrubs and trees can be seen and viewing opportunities to the chaparral-covered and gradually sloping terrain of the project site (located approximately 0.2 mile to the west) are available. In addition, coastal development to the southwest, the tall grove of screening trees on the Foxhill estate property, distant, limited views of a white, rectangular form of the 13-story luxury residential apartment building located on Genter Street, and the ocean are also visible from Viewpoint 9. Viewpoint 9 is located approximately 800 feet south of Viewpoint 8.

As viewed from Viewpoint 9 (see Figure 5.6-11), visual change associated with implementation of the Design Guidelines and future development on Parcels 2 and 3 would be very subtle. Parcel 2 is largely screened from viewed by existing terrain and large eucalyptus trees and while building and structure articulations may be visible, development would conform to the maximum heights specified in the Design Guidelines. As a result, future development on Parcel 2 would not be visually prominent and would not substantially degrade the character or quality of existing views. Development on Parcel 3 may be more visible than Parcel 2 development; however, due to the elevated vantage point of Viewpoint 9, the scale of the main residence building and supplementary structures would be reduced and development would not be visually prominent. Further, buildings and structures would be partially masked by existing on-site terrain and as stipulated in the Design Guidelines for Parcel 3, native trees and shrubs may be installed along Private Drive A. Installation of trees and shrubs would further screen from view development and disturbance associated with the private driveway. In addition and upon maturation, new plantings on Parcel 3 may screen the limited and distant 13-story residential apartment building and could slightly enhance the quality of the existing view. The visual change associated with future development on Parcel 3 would not be visually prominent and implementation of the Design Guidelines would ensure consistency with the height, architectural style and design of existing residential development in the area. Therefore, implementation of the proposed project would not substantially degrade the existing visual character or quality of the site or surroundings as viewed from Viewpoint 9.

Viewpoint 9 is located on a private street and is thus considered a private view. As stated in the City's CEQA Significance Determination Thresholds views from private property are not protected by CEQA or the City of San Diego.

Viewpoint No. 10 – Paseo Laredo Looking North. Northerly views from Paseo Laredo (a public road) consist of the paved road surface, two-story residences and associated shrub and tree landscaping along Paseo Laredo and Via Valverde (Via Valverde runs perpendicular to Paseo Laredo) and upward-sloping terrain covered by green to gray-colored chaparral vegetation. The sloping, chaparral-covered terrain comprises a large portion of the proposed project site. North of the project site, existing residential development exhibiting light colored exterior building walls and generally flat rooflines are visible. A tall line of eucalyptus trees and the light-green, low form of a slope covered by ice plant is visible to the east of the project site. Portions of both the Parcel 2 and Parcel 3 development areas are visible from Viewpoint 10.

As shown on Figure 5.6-12, Viewpoint 10, implementation of the Design Guidelines and future development on Parcel 2 would be backscreened by existing residences located east and west of Encelia Drive and by tall trees. Adherence to the height limitations, roofline design, building material and exterior wall color options prescribed by the Parcel 2 Design

Guidelines would ensure that future development would display a height, architectural style and design that would be compatible with existing residential development in the landscape. Further, limiting exterior wall colors to white and warm earth-tone colors would reference the existing color palette evident in the landscape and would be consistent with the natural colors exhibited by on-site chaparral vegetation. Also, the use of glass in building exteriors discussed in the Design Guidelines would be consistent with the use of glass on building exteriors displayed by a number of existing residences located atop elevated terrain along Encelia Drive. Future residents would be permitted to install trees within the Parcel 2 and 3 development areas and along private drive and public turnarounds. As shown on Figure 5.6-12, newly installed trees may be located near the northern extent of the project property and as a result, the site would largely retain its existing low form and rough-textured character associated with chaparral vegetation. In addition, from the viewing angle available at Viewpoint 10, newly installed trees would appear as an extension of landscaping associated with existing residential development. Therefore, implementation of the proposed project would not substantially degrade the existing visual character or quality of the site or surroundings as viewed from Viewpoint 10.

Viewpoint No. 11 – Carrizo Drive Looking Southeast. Southeasterly views from Carrizo Drive (a public road) consist of existing single-story residential development and ornamental landscaping (primarily hedges and trees off of Carrizo Drive. In addition, eucalyptus trees are visible to the southeast and east and residential development located on elevated terrain to the east can be seen between gaps in the spreading form of a large *Podocarpus* sp. tree in the immediate foreground and more distant eucalyptus trees. These homes are located off of Romero Drive and Encelia Drive. A portion of the project site and more specifically, a portion of Parcel 3 is visible to the southeast. In addition to gently rising, chaparral-covered terrain, the visible portion of the Parcel 3 development area is marked by a small area of exposed, tan-colored soils associated with an abandoned access road that is no longer in use (most of the road has been overgrown with native vegetation). Parcel 2 is not visible from Viewpoint 11 due to the screening effect of existing vegetation and terrain.

As stated above, portions of the Parcel 3 development area is visible from Viewpoint 11. More specifically, future development in Subareas A, C and D of Parcel 3 may be visible from Viewpoint 11. Tertiary building development on Subarea B of Parcel 3 would likely be screened by primary building development on Subarea A (see Figure 3-5, Parcel 3 Building Extents for subarea locations) and therefore would not be visible from Viewpoint 11. As prescribed in the Design Guidelines for Parcel 3, development on Subarea A is intended for primary use (i.e., the main residence); the maximum building footprint is 16,700 feet and maximum gross floor area is 25,000 square feet. Subarea C is designated for supplementary structures and the maximum building footprint is 2,500 square feet and the maximum gross floor area is 5,000 square feet.

Subarea D is intended for up to three small supplementary structures limited to a footprint of 1,000 square feet and may include a variety of uses including remote kitchens, sleeping rooms, lounges, library, saunas, massage therapy, water therapy, exercise rooms, garden equipment storage, showers and toilet rooms related to pools or athletic courts, and/or horse stables or barns. Lastly, all future buildings and structures within the Parcel 3 development area are subject to the 30-foot height limit prescribed in the City's Coastal Height Limit Overlay Zone and per the Design Guidelines, acceptable exterior wall colors for buildings and structures is limited to shades of light brown, beige, and gray.

As shown of Figure 5.6-13, Viewpoint 11, implementation of the Design Guidelines and future residential development on the Parcel 3 would be visible from Viewpoint 11 and would display a style consistent with that of development located in the area. Similar to existing development to the northeast (i.e., homes located on Romero Drive and Encelia Drive), future residential development on Parcel 3 would likely be oriented towards the west and would incorporate large glass windows on the west-facing building exteriors to maximize viewing opportunities to the ocean. In addition and as shown Figure 5.6-13, open terraces and decks may also be incorporated into the design of the main residence to take advantage of available sweeping views. Implementation of the Design Guidelines would also require that grading on Parcel 3 generally follow the natural topography of the project site and as a result, future residential development would appear to be constructed into the hillside as opposed to on top of the low on-site ridge visible from Viewpoint 11. As a result and with installation and maturation of planned planting areas, primary building development would be backscreened by vegetation and the apparent scale of development would be reduced. Because of the relatively large size of Parcel 3 and its development setbacks, the relatively large home permitted on Parcel 3 appears to be appropriate for the site and its bulk and scale are placed within an appropriate context within the neighborhood.

The light brown/beige exterior wall color applied to the main residence on Parcel 3 (see Figure 5.6-13) would minimize potential color contrast with existing chaparral vegetation and residential development in the area. Further, development of a two-story main residence (maximum height of 30 feet) on Subarea A and smaller, supplementary structures on Subarea D would be consistent with the heights displayed by existing residential development located on Carrizo Drive, Romero Drive and Encelia Drive. Single story structures are anticipated on Subarea D in order to maintain views available from the main residence and associated outdoor terraces and decks on Subarea A. Due to the presence of intervening tall eucalyptus and pine trees, Subarea D structures would be partially to fully screened from view at Viewpoint 11. Lastly, from Viewpoint 11, native tree plantings along Private Driveway A would be visible beyond the main residence and if installed, an orchard on the Subarea D landscape yard area may be partially visible. In addition to lawns, pools, pastures, riding arenas, gardens and outdoor ball fields and courts, an orchard is considered an allowed landscape yard area use pursuant to the

Design Guidelines for Parcel 3. As shown on Figure 5.6-13, orchards and native Torrey Pines would soften the straight and flat rooflines displayed by primary and tertiary buildings and structures and in doing so, would minimize line contrast and assist the development to better blend in with natural features in the existing landscape. As such, implementation of the proposed project would not substantially degrade the existing visual character or quality of the site or surroundings as viewed from Viewpoint 11.

Viewpoint No. 12 – Country Club Drive Looking East. Easterly views from Country Club Drive (a public street) consist of an existing chain-link fence at the eastern terminus of Country Club Drive. The fence demarcates the limits of public access and is flanked by a tall pine tree to the south and ornamental plantings to the north. Beyond the fence, the lightly colored, exposed tan soils of an abandoned road, adjacent disturbed lands, non-native and native vegetation can be seen on the project site. A tall pine tree on the Foxhill estate property blocks views to the northeast; however, residential development and private landscaping associated with the La Jolla Summit neighborhood can be seen on gradually rising terrain to the southeast and east. Lastly, the radio towers, eucalyptus trees, and a limited number of palm trees are located atop the eastern horizon. Development areas on Parcel 2 and Parcel 3 would not be visible from Viewpoint 12 due to easterly orientation of the view and the screening effect of existing trees on the Foxhill estate.

As shown on Figure 5.6-14, Viewpoint 12, Country Club Drive would be extended and improved within Parcel 3 to include a public vehicle turnaround area. Improvements are anticipated to include regrading and repaving of the road to provide a level-driving surface. A new chain-link fence would also be installed around the extent of the improved roadway. Further, the Design Guidelines for Parcel 3 specify that any plantings within or adjacent to the turnaround area must consist of native vegetation. All barren or non-native vegetation areas around the extension of Country Club Drive will be removed and revegetated with southern maritime chaparral habitat. As shown on Figure 5.6-14, non-native plantings on Parcel 3 near the existing chain-link fence and abandoned road would be removed and native shrubs would be installed. Revegetating the surrounding area with native shrubs would reduce existing visual disturbance associated with the abandoned road. Further, removal of non-native vegetation and installation of native plantings near the public turnaround area would visually connect and reinforce the established visual character of the canyon landscape that comprises the majority of Parcel 3. As such, implementation of the proposed project would not substantially degrade the existing visual character or quality of the site or surroundings and would create a beneficial impact on existing visual character and quality.

Viewpoint No. 13 – Marine Street Looking East. Easterly views from Marine Street at Vista Del Mar consist of the flat to gradually rising, wide paved surface of Marine Street, vehicles

parked along the road, and residential development of varying size and architectural styles. Private yard landscaping (primarily ornamental shrubs and trees) is also visible as is relatively distant elevated terrain and faint hillside development. Viewpoint 13 on Marine Street (a public road) is situated at an approximate elevation of 30 feet amsl and views to the project site are fully screened by existing development, terrain and vegetation. Public beach access is provided at the western terminus of Marine Street and the public beach is situated at an elevation of 0 to approximately 15 feet amsl. Therefore, because Marine Street beach is located at a lower elevation than Viewpoint 13 on Marine Street, visibility conditions to the project site from Marine Street beach would not be less visible than from Marine Street as depicted in Figure 5.6-15, Viewpoint 13.

As stated above, existing development and private yard landscaping located alongside Marine Street would fully screen the project site and future residential development on Parcel 2 and Parcel 3 from view. Similarly, the easterly views of beachgoers at Marine Street Beach would be limited in extent due to the presence elevated land located immediately east of the beach and existing development and landscaping. Due to the screening effect of existing terrain, development and vegetation, the project site is not visible from Marine Street Beach and future residential development on Parcel 2 and Parcel 3 would not be visible. As such, the visual change associated with implementation of the proposed project would not substantially degrade the existing visual character or quality of the site or surroundings as viewed from Viewpoint 13.

Significance of Impact

The project would not result in significant adverse impacts related to substantial degradation of the existing visual character or quality of the site or its surroundings. It should be noted that Viewpoints 1 through 5 and Viewpoints 8 and 9 are private views. As stated in the City's CEQA Significance Determination Thresholds, views from private property are not protected by CEQA or the City of San Diego. Therefore, the private views have been provided and analyzed for informational purposes only.

Mitigation, Monitoring, and Reporting

No mitigation measures would be required.

Issue 3: Would the proposal result in substantial light or glare which would adversely affect daytime or nighttime views in the area?

According to the City's CEQA Significance Determination Thresholds, light and glare impacts may be significant if:

- a. The project would be moderate to large in scale, more than 50% of any single elevation of a building's exterior is built with a material with a light reflectivity greater than 30% (see LDC Section 142.07330(a)), and the project is adjacent to a major public roadway or public area.
- b. The project would shed substantial light onto adjacent, light-sensitive property or land use, or would emit a substantial amount of ambient light into the nighttime sky. Uses considered sensitive to nighttime light include, but are not limited to, residential, some commercial and industrial uses, and natural areas.

Lighting

Per the Design Guidelines for Parcels 2 and 3 (Appendix A), all exterior lighting would be designed to conserve the existing dark sky environment and would comply with all applicable requirements of the City of San Diego Outdoor Lighting Regulations (San Diego Municipal Code, Section 142.0740). Compliance with applicable City standards, including maximum lumens and directional and shielding requirements, would ensure that new lighting sources do not trespass onto surrounding properties or unnecessarily illuminate the nighttime sky. Also, due to the presence of sensitive biological resources on Parcel 3, all outdoor lighting would be limited to low-level lamps so as to minimize the amount of lighting entering sensitive resource areas. Landscaping and decorative landscape lighting would be designed and located such that they would be concealed by shrubs or low walls and not visible during daytime hours. Lamp types would comply with the maximum lumen established by the City for outdoor lighting and fixtures would be appropriately directed and shielded. Walkway lighting would also be subject to the maximum lumen, directional and shielding standards established by the City and in accordance with the outdoor lighting regulations, would be turned off between 11 p.m. and 6 a.m. daily. Lastly, building-mounted lighting would be carefully designed to not allow stray light beyond the development area of each parcel. If installed, building-mounted motion-activated lighting would be shielded so as to not shine beyond the development area.

Because all exterior lighting associated with Parcel 2 and Parcel 3 would comply with the applicable requirements of the City of San Diego Outdoor Lighting Regulations, new lighting sources would not adversely affect nighttime view in the areas. Future development on Parcel 2 and Parcel 3 would be subject to compliance with the same City of San Diego outdoor lighting

standards as existing residential development on surrounding lots in the immediate area. While the style and theme of lighting fixtures could deviate from that displayed at residences in the area, compliance with the maximum lumens standards as well with applicable shielding and directional requirements, would create a lighting scenario consistent with and similar to existing conditions in the surrounding area. Therefore, new lighting sources would result in a less than significant impact on views in the area.

Glare

Building Materials

Per the Design Guidelines for Parcel 2 and 3 (Appendix A), building roofs would be constructed of non-reflective materials. Metal roof accessories and trim consisting of copper, stainless steel, and zinc may be used on the roof; however, metal roof assemblies are not consistent with the overall theme and character of the community, and therefore they would not be allowed on future Parcel 2 and 3 development. Similarly, potentially reflective materials, including aluminum or steel siding, are not permitted by the Design Guidelines. Instead, the Design Guidelines prescribe the use of cast-in-place concrete, stucco, wood trim, brick and masonry, or stone for the exterior cover of building walls. These materials would not generate glare during daytime hours. On Parcel 2, a vegetated roof must be provided atop the garage and any other structure constructed or located in the 653 amsl maximum height area (Subarea A – see Figure 3-4). On Parcel 3, vegetated roofs supporting plants from 12 to 36 inches in height (the Design Guidelines stipulate that 70% of the plant mass shall be 12 inches tall) may be constructed atop any building with a flat roof.

Implementation of the Design Guidelines would require that future residential construction on Parcels 2 and 3 utilize non-reflective building materials including cast-place concrete, stucco, wood trim, brick and masonry or stone for the exterior cover of building walls. The use of metal roof accessories and trim would be permitted by the Design Guidelines; however, accessories and trim would not constitute 50% of any elevation of a building constructed on Parcel 2 and 3. In addition, the Design Guidelines encourage the incorporation of large-scale glass and glazing on the exterior composition of buildings and structures. The incorporation of large areas of glass is intended to maximize viewing opportunities to the ocean from development areas on Parcels 2 and 3. While specific window types are not prescribed in the Design Guidelines, future development would be required to comply with the City's Lighting and Glare Regulations that stipulate that windows shall possess less than 30% reflectance. Therefore, the use of buildings materials prescribed in the Design Guidelines for future development on Parcels 2 and 3 would not create a new source of substantial light or glare that would adversely affect daytime or nighttime views in the area.

Photovoltaic Panels

As prescribed by the Design Guidelines for Parcel 2 and Parcel 3, solar panels on grade may be provided anywhere within the graded landscape yard area or ungraded/disturbed landscape yard area. Solar panels may also be used as shade elements on trellises/awnings and may be installed on the roof of any structure provided they conform to maximum building heights and other Design Guideline requirements or the City's Coastal Height Limit Overlay Zone, whichever are more stringent. Due to the availability of elevated vantage points in the area surrounding the project site, solar panels within the Parcel 2 and 3 development areas may be visible if they installed on roof and/or trellis/awning structures. Solar panels installed within landscape areas would likely be screened from off-site viewing locations by buildings, structures and landscaping. While the Design Guidelines stipulate that any solar panels placed on the building and/or structure roofs must be parallel to the roof and within the height limitations set forth in the Design Guidelines and outlined specified for the applicable building extents subarea (see Figures 3-4 and 3-5), glare generated by solar panels may be visible at higher elevation viewing locations located north and east and south. Residential solar panel installation is not anticipated to result in substantial glare that would be received at residences in the immediate area. In addition and as stated previously, views from private property are not protected by CEQA or the City of San Diego and views from public locations such as roads and recreation areas located at an elevation greater than that of the project site are not generally available in the project area. Therefore, the installation of solar panels within the Parcels 2 and 3 development areas would not create a new source of substantial glare that would adversely affect daytime or nighttime views in the area.

Significance of Impact

No significant light or glare impacts would result from the project. Outdoor lighting would be consistent with existing residential lighting sources in local area neighborhoods and would comply with all applicable requirements of the City of San Diego Outdoor Lighting Regulations. The light reflectivity of the glass materials would be less than the threshold of 30% in compliance with the City's Lighting and Glare Regulations. If installed, glare generated by solar panels on Parcels 2 and 3 would not be received by receptors at public viewpoints in the area. Therefore, impacts to the community related to lighting and glare would be less than significant.

Mitigation, Monitoring, and Reporting

No mitigation measures would be required.

Issue 4: Would the proposal result in the creation of a negative aesthetic site or project?

According to the City's CEQA Significance Determination Thresholds, landform alteration impacts may be significant if:

- a. The project would create a disorganized appearance and would substantially conflict with City codes (e.g., a sign plan which proposes extensive signage beyond the City's sign ordinance allowance).
- b. The project significantly conflicts with the height, bulk, or coverage regulations of the zone and does not provide architectural interest (e.g., a tilt-up concrete building with no offsets or varying window treatment).
- c. The project includes crib, retaining or noise walls greater than six feet in height and 50 feet in length with minimal landscape screening or berming where the walls would be visible to the public.
- d. The project is large and would result in an exceeding monotonous visual environment (e.g., a large subdivision in which all the units are virtually identical).
- e. The project includes a shoreline protection device in a scenic, high public use area, unless the adjacent bluff areas are similarly protected.

As demonstrated in the viewshed analysis conducted for implementation of the Design Guidelines, future single-family residential development on Parcels 2 and 3 would be compatible with the height, bulk, architectural styles, and building materials displayed by existing residential development in the area. Future buildings, structures, and landscape areas would be concentrated within identified development areas and as a result, the majority of the Parcel 2 and Parcel 3 land area would remain undeveloped and would display a primarily natural looking appearance. Development would proceed according to Design Guidelines intended to minimize visual contrast and assist with the integration of future development into the existing landscape setting. This includes retaining walls which do not exceed 12 feet above grade, excluding guard-rail height parapets and the length of the retaining walls is currently anticipated to be no greater than 124 feet in length. However, these walls could be updated in final project design, but would remain in compliance with the Design Guidelines and the City's Municipal Code requirements, which restrict retaining walls above 12 feet in height. Although the project includes retaining walls greater than six feet in height and 50 feet in length, these walls would be 50% visibly screened with plantings upon installation, and would be 80% covered by plants on the exposed wall face at maturity. As stated in the Design Guidelines for Parcel 2 and Parcel 3, materials to be used in any improvements would reflect the landscape, climate, and the earthy materials at the site and therefore would minimize potential visual contrast associated with future development.

Significance of Impact

Implementation of the Design Guidelines and future buildings, structures, and landscape areas constructed on Parcels 2 and 3 would not result in the creation of a negative aesthetic at the site or project.

Mitigation, Monitoring, and Reporting

No mitigation measures would be required.

Issue 5: Would the proposal result in a substantial alteration to the existing or planned character of the area, such as could occur with the construction of a subdivision in a previously undeveloped area? Note: for substantial alteration to occur, new development would have to be of a size, scale, or design that would markedly contrast with the character of the surrounding area.

Implementation of the Design Guidelines for Parcels 2 and 3 and future development would entail the construction of residential and supplemental structures displaying heights, architectural styles, and building materials consistent with that exhibited by existing residential development in the immediate surrounding area. As stated in Section 5.6.2, Existing Conditions, the project site is located in an urban setting and is generally surrounded on all sides by residential development. The Design Guidelines prescribe residential development that would be consistent with the existing residential character of the area. In addition, the project results in the development of only 25% of the site, with the remaining area on-site placed under a Covenant of Easement for permanent conservation. While the resulting lot coverage and floor to area ratio of future development on Parcels 2 and 3 would be lower than that of existing development in the surrounding area, consistency in building height, style, and materials would ensure that future development would be consistent with the character of existing residences in the area.

Significance of Impact

Implementation of the Design Guidelines and future development on Parcels 2 and 3 would not result in the substantial alteration to the existing or planned character of the area. Impacts would be less than significant.

Mitigation, Monitoring, and Reporting

No mitigation measures would be required.

Issue 6: Would the proposal result in the loss of any distinctive or landmark tree(s), or stand of mature trees as identified in the community plan? (Normally, the removal of non-native trees within a wetland as part of a restoration project would not be considered significant).

The project site does not currently support distinctive or landmarks trees or stands of mature trees as identified in the community plan and as such, future development on Parcels 2 and 3 would not result in the loss of distinct landmark elements. Large stands of existing native lemonadeberry and Nuttall's scrub oak vegetation on Parcels 2 and 3 would remain preserved on site pursuant to the Design Guidelines and Covenants of Easement.

Significance of Impact

Impacts associated with the loss of distinctive or landmark trees or stands of mature trees to accommodate the proposed project would be less than significant.

Mitigation, Monitoring, and Reporting

No mitigation measures would be required.

Issue 7: Would the proposal result in substantial change in the existing landform?

According to the City's CEQA Significance Determination Thresholds , landform alteration impacts may be significant if the project would alter more than 2,000 cubic yards of earth per graded acre by either excavation or fill, and one or more of the following conditions also is met by the project:

- a. The project would disturb steep hillsides in excess of the encroachment allowances of the Environmentally Sensitive Lands regulations (LDC Chapter 14, Article 3, Division 1)
- b. The project would create manufactured slopes higher than 10 feet or steeper than 2:1 (50%)
- c. The project would result in a change in elevation of steep hillsides as defined by City Municipal Code Section 113.0103 from existing grade to proposed grade of more than 5 feet by either excavation or fill, unless the area over which excavation or fill would exceed 5 feet is only at isolated points on the site (City of San Diego 2004b)
- d. The project design includes mass terracing of natural slopes with cut or fill slopes in order to construct flat-pad structures.

Where these conditions apply, impacts may not be significant if:

- a. The grading plans clearly demonstrate, with both spot elevations and contours, that the proposed landforms would very closely imitate the existing on-site landform and/or the

undisturbed, pre-existing surrounding neighborhood landforms (this may be achieved through naturalized variable slopes)

- b. The grading plans clearly demonstrate, with both spot elevations and contours, that the proposed slopes follow the natural existing landform and at no point vary substantially from the natural landform elevations
- c. The proposed excavation or fill is necessary to permit installation of alternative design features, such as step-down or detached buildings, non-typical roadway or parking lot designs, and alternative retaining wall designs that reduce the project's overall grading requirements.

Grading would be required to generally follow the natural topography of the project site. No grading may occur on slopes greater than 30% within the development area, except as required for brush management purposes. Grading guidelines within the Design Guidelines restrict contour grading to create level outdoor use areas. The maximum contiguous level graded area outside a structure footprint would be 3,500 square feet and 25,000 square feet for Parcels 2 and 3, respectively. It is anticipated that grading would leave a balance of excess dirt, which would be exported for Parcel 2. For Parcel 3, it is anticipated that grading would require minimal import or export of soil. Per the Design Guidelines, no slopes outside the development area may be modified for any purpose at any time. Prior to any grading activities on site, a grading plan would be prepared by a registered civil engineer and a grading permit would be obtained in conformance with the City's Land Development Code. All grading would follow the recommendations described in the geotechnical report prepared specifically for the project site.

Retaining walls would be implemented on both project sites, but do not exceed 12 feet in height and 124 feet in length in the current site design. However, these walls could be updated in final project design, but would remain in compliance with the Design Guidelines, and the City's Municipal Code which restrict retaining walls above 12 feet in height. These walls would be 50% visibly screened with plant upon and installation, and would be 80% covered by plants on the exposed wall face at maturity.

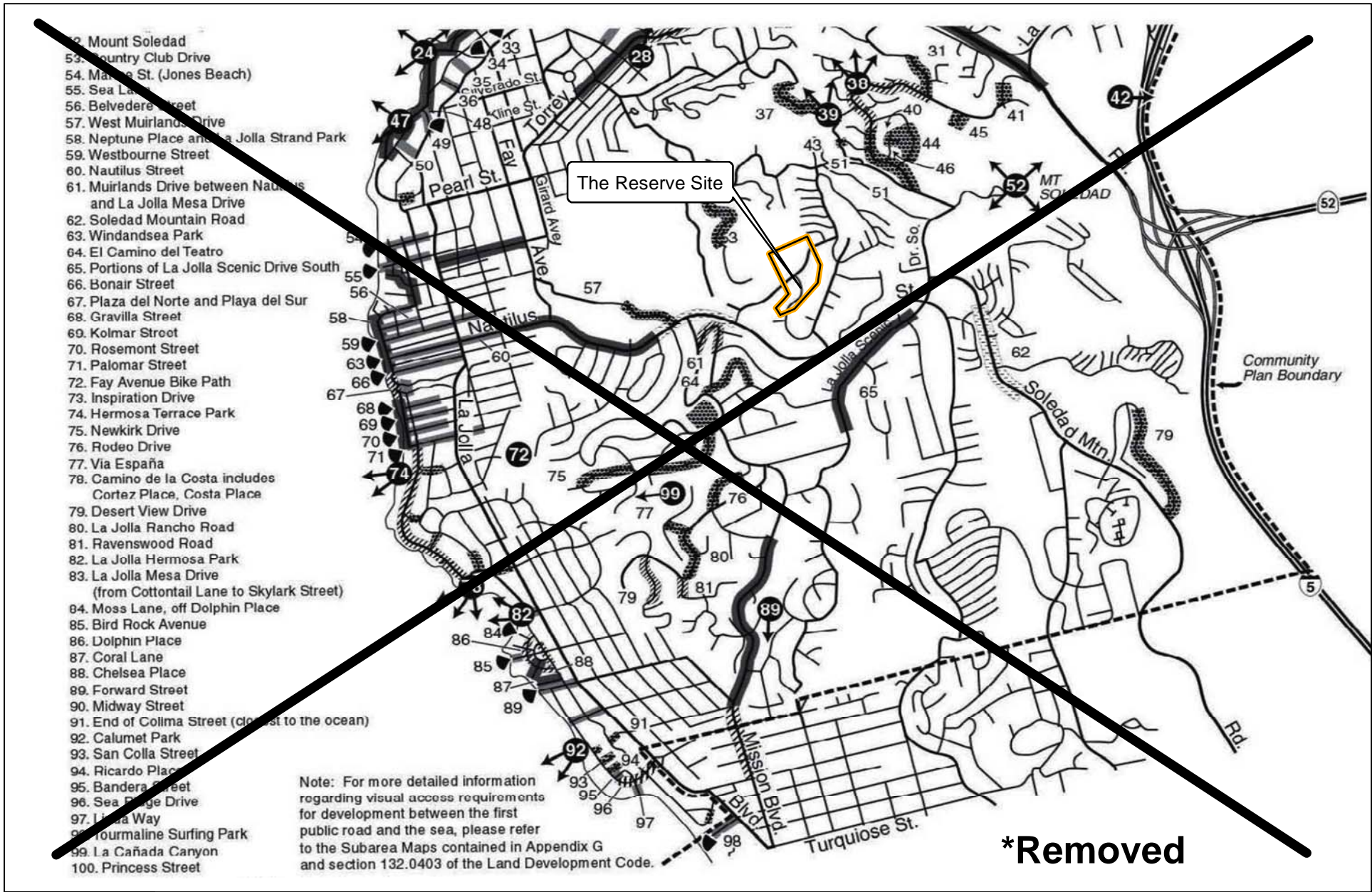
Significance of Impact

Implementation of the grading guidelines specified in the Design Guidelines for Parcels 2 and 3 and compliance with the City's Land Development Code would ensure that impacts associated with substantial changes to existing landforms would be below a level of significance.

Mitigation, Monitoring, and Reporting

No mitigation measures would be required.

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La Jolla Community Views and View Corridors
 Environmental Analysis Section Project No. 292065

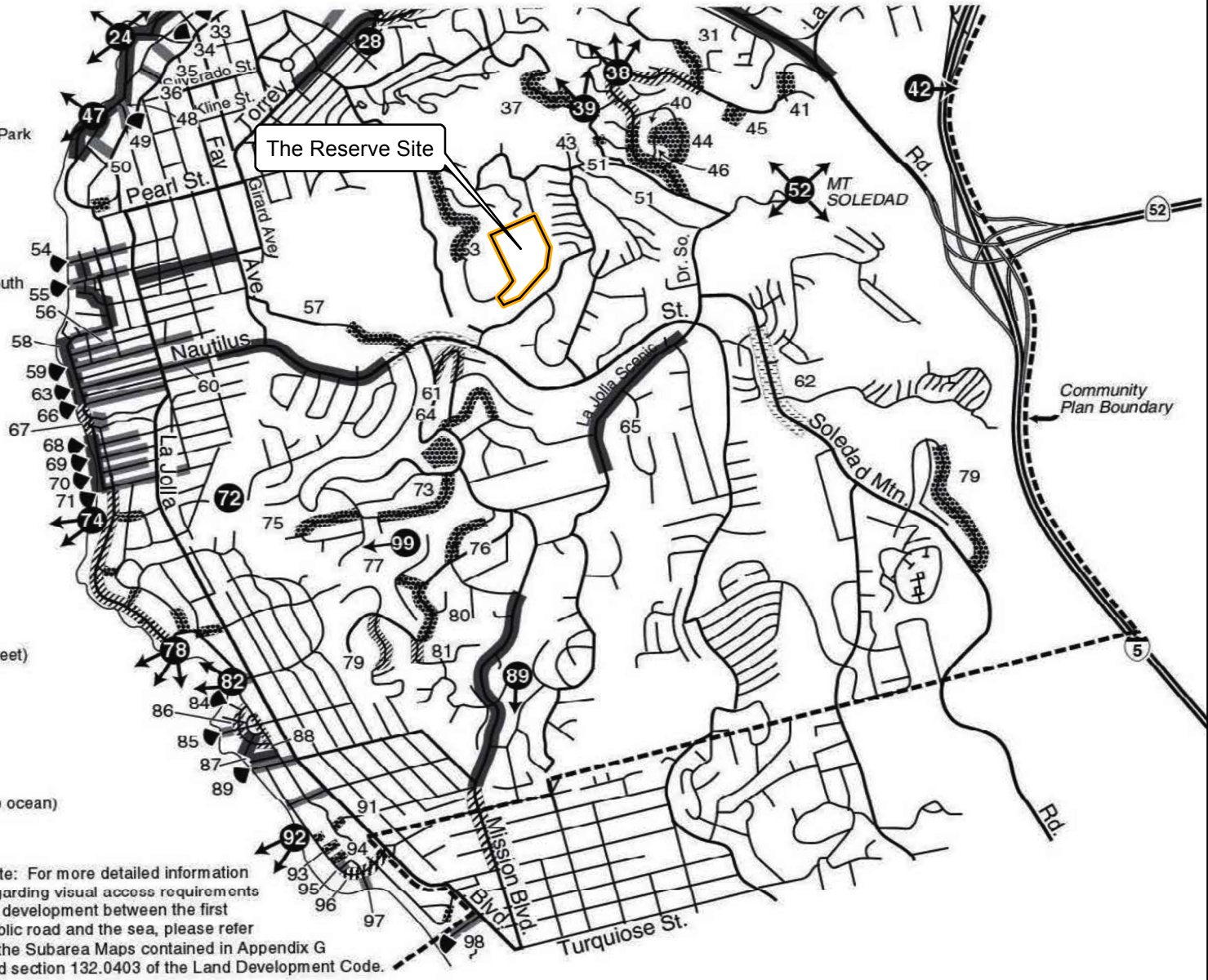
CITY OF SAN DIEGO - DEVELOPMENT SERVICES

The Reserve

FIGURE
 5.6-1a

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- 52. Mount Soledad
- 53. Country Club Drive
- 54. Marine St. (Jones Beach)
- 55. Sea Lane
- 56. Belvedere Street
- 57. West Muirlands Drive
- 58. Neptune Place and La Jolla Strand Park
- 59. Westbourne Street
- 60. Nautilus Street
- 61. Muirlands Drive between Nautilus and La Jolla Mesa Drive
- 62. Soledad Mountain Road
- 63. Windandsea Park
- 64. El Camino del Teatro
- 65. Portions of La Jolla Scenic Drive South
- 66. Bonair Street
- 67. Plaza del Norte and Playa del Sur
- 68. Gravilla Street
- 69. Kolmar Street
- 70. Rosemont Street
- 71. Palomar Street
- 72. Fay Avenue Bike Path
- 73. Inspiration Drive
- 74. Hermosa Terrace Park
- 75. Newkirk Drive
- 76. Rodeo Drive
- 77. Via España
- 78. Camino de la Costa includes Cortez Place, Costa Place
- 79. Desert View Drive
- 80. La Jolla Rancho Road
- 81. Ravenswood Road
- 82. La Jolla Hermosa Park
- 83. La Jolla Mesa Drive (from Cottontail Lane to Skylark Street)
- 84. Moss Lane, off Dolphin Place
- 85. Bird Rock Avenue
- 86. Dolphin Place
- 87. Coral Lane
- 88. Chelsea Place
- 89. Forward Street
- 90. Midway Street
- 91. End of Colima Street (closest to the ocean)
- 92. Calumet Park
- 93. San Colla Street
- 94. Ricardo Place
- 95. Bandera Street
- 96. Sea Ridge Drive
- 97. Linda Way
- 98. Tourmaline Surfing Park
- 99. La Cañada Canyon
- 100. Princess Street



The Reserve

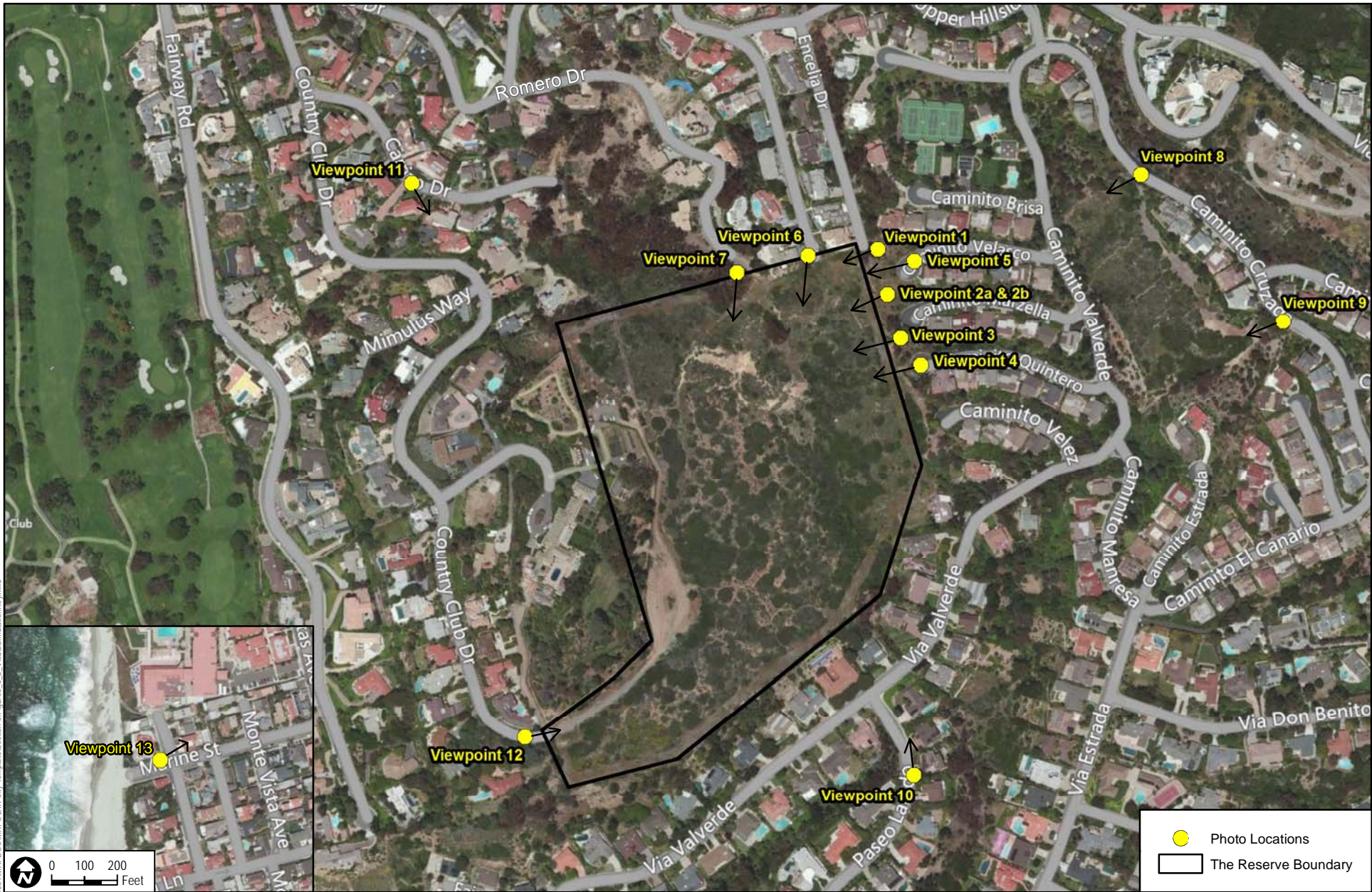
La Jolla Community Views and View Corridors

Environmental Analysis Section Project No. 292065

CITY OF SAN DIEGO - DEVELOPMENT SERVICES

FIGURE
5.6-1b

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- Photo Locations
- The Reserve Boundary

The Reserve

Visual Simulation Key Map
 Environmental Analysis Section Project No. 292065
 CITY OF SAN DIEGO - DEVELOPMENT SERVICES

FIGURE
5.6-2

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Photo 1: Existing Conditions



Photo 2: Implementation of Design Guidelines and Possible Future Development



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Photo 1: Existing Conditions



Photo 2: Implementation of Design Guidelines and Possible Future Development



The Reserve

Viewpoint 2a
Environmental Analysis Section Project No. 292065

CITY OF SAN DIEGO - DEVELOPMENT SERVICES

FIGURE
5.6-4a

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Photo 1: Existing Conditions



Photo 2: Implementation of Design Guidelines and Possible Future Development

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The Reserve

Viewpoint 2b
Environmental Analysis Section Project No. 292065

CITY OF SAN DIEGO - DEVELOPMENT SERVICES

FIGURE
5.6-4b

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Photo 1: Existing Conditions



Photo 2: Implementation of Design Guidelines and Possible Future Development

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The Reserve

Viewpoint 3
Environmental Analysis Section Project No. 292065

CITY OF SAN DIEGO - DEVELOPMENT SERVICES

FIGURE

5.6-5

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Photo 1: Existing Conditions



Photo 2: Implementation of Design Guidelines and Possible Future Development



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Photo 1: Existing Conditions



Photo 2: Implementation of Design Guidelines and Possible Future Development



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Photo 1: Existing Conditions



Photo 2: Implementation of Design Guidelines and Possible Future Development

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The Reserve

Viewpoint 6
Environmental Analysis Section Project No. 292065

CITY OF SAN DIEGO - DEVELOPMENT SERVICES

FIGURE

5.6-8

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Photo 1: Existing Conditions



Photo 2: Implementation of Design Guidelines and Possible Future Development

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The Reserve

Viewpoint 7
Environmental Analysis Section Project No. 292065

CITY OF SAN DIEGO - DEVELOPMENT SERVICES

FIGURE

5.6-9

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Photo 1: Existing Conditions



Photo 2: Implementation of Design Guidelines and Possible Future Development



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Photo 1: Existing Conditions

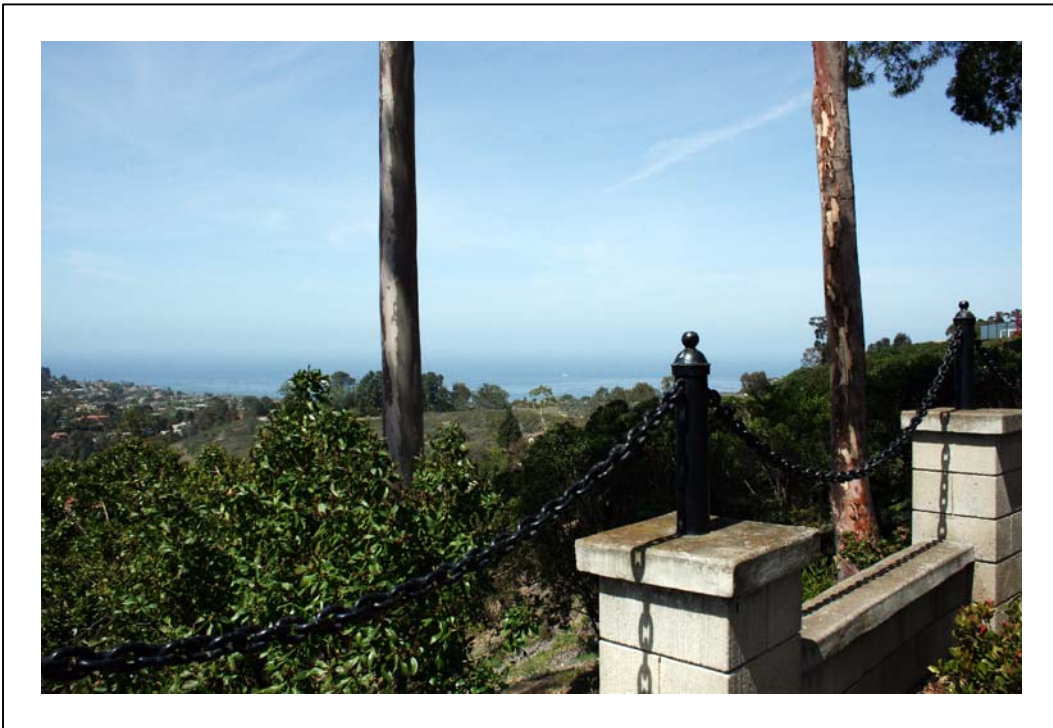


Photo 2: Implementation of Design Guidelines and Possible Future Development



The Reserve

Viewpoint 9
Environmental Analysis Section Project No. 292065

CITY OF SAN DIEGO - DEVELOPMENT SERVICES

FIGURE

5.6-11

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Photo 1: Existing Conditions



Photo 2: Implementation of Design Guidelines and Possible Future Development

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The Reserve

Viewpoint 10
Environmental Analysis Section Project No. 292065

CITY OF SAN DIEGO - DEVELOPMENT SERVICES

FIGURE

5.6-12

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Photo 1: Existing Conditions



Photo 2: Implementation of Design Guidelines and Possible Future Development



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Photo 1: Existing Conditions



Photo 2: Implementation of Design Guidelines and Possible Future Development



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Photo 1: Existing Conditions



Photo 2: Implementation of Design Guidelines and Possible Future Development

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5.7 HISTORICAL RESOURCES

5.7.1 INTRODUCTION

This section provides information about the historical and archeological resources associated with The Reserve Project (project). The following discussion includes data and analysis from the *Archaeological Resources Report* that was prepared by Dudek in April 2014 (Dudek 2014), and the *Cultural Resources Monitoring Report* prepared by Pacific West Archaeology in January 2012 (Pacific West Archaeology 2012). Both ~~The~~ complete reports ~~are~~is included within Appendix F of this Environmental Impact Report (EIR).

5.7.2 EXISTING CONDITIONS

Archaeological Resources

The Area of Potential Effect (APE) includes the approximately 25.14-acre project site (Assessor's Parcel Numbers 352-300-08-00 and 352-300-09-00) 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 project site is located along a marine terrace typical of the Southern California coast. The project area represents a ridgeline and east-facing aspect. The project would subdivide the property into three separate parcels: Parcel 1 (1.07 acres) will be 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) will each accommodate a single-family estate home, as well as conservation and revegetation of biological habitat.

An initial surface survey of all ground surfaces under 25% slope within the project area was conducted on December 1, 2010, by Ken Victorino, RPA. No Native American monitor was present during this initial surface survey. This systematic survey involved walking transects spaced approximately 15-meter (50 feet) apart. Although dense vegetation limited access to some areas within the project site, the overall ground surface quality was considered good to very good. Periodic cut banks and eroded exposures also allowed for examination of subsurface soils. Approximately 15 pieces of weathered shellfish were observed together with a scatter of brick and ceramic tile in an approximately 5-foot-long area in the west-central portion of the project site. Three shovel probes were hand-excavated within this scatter and adjacent areas. The probes were excavated to depths between 5 and 12 inches. All three probes identified soils that were inconsistent with the surrounding native characteristics, indicating that they had been imported. These results indicate that the shell fragments were within the imported sandy soil that had been dumped with the modern refuse of tile and brick, rather than a prehistoric deposit. This area had been previously graded, and landscape refuse had been dumped along this area as well. In addition, the shell fragments do not retain their integrity of location.

No evidence of cultural modification or prehistoric archaeological materials was observed within the project site.

In addition to the field survey, a records search was conducted at the South ~~Central~~ Coastal Information Center (SCIC) at San Diego State University (SDSU) on August 8, 2011 to identify all recorded investigations and archaeological sites within the project area and a surrounding 1-mile radius. SCIC records indicated that no archeological sites have been recorded, and no prior investigations have been undertaken within or immediately adjacent to the proposed project site.

A follow up records search was conducted for the 0.25-mile radius in August 2011. This follow up survey identified 16~~Sixteen~~ cultural resource investigations have been completed within a 1.4-mile radius of the project site, with two recorded archaeological resources ~~recorded~~. The first, approximately 335 meters north of the project site, is a 430-square-foot scatter of prehistoric- and historic-era artifacts with unknown context. The second, approximately 1,265 feet south of the project site, is a broad area of lithic scatters, hearths, and sweatshouses extending over a 4-mile area. Neither of these resources is listed on the National Register of Historic Places, the California Register of Historical Resources, California State Landmarks, California Points of Historic Interest, or the City of San Diego Historic Register.

In addition to the SCIC records search, on March 29, 2011, a search of the Native American Heritage Commission's Sacred Lands File was conducted in order to determine the location of any sacred and/or burial sites within the project site. Based on this additional search, with one response from a Kumeyaay tribal representative, Native American cultural resources were identified within 0.5 mile of the proposed project area.

Built Historic Environment

In addition to the surface survey completed in December 2010, archaeological Due to the presence of identified cultural resources within 0.5 mile of the proposed project area, archaeological and ~~Native American~~ monitoring was performed during geotechnical testing conducted in August 2011. Native American monitoring was provided by Kaja Laustsen of Red Tail Monitoring and Research. During geotechnical testing, archeological and Native American ~~monitor~~ Archaeological monitor Ms. Kaja Laustsen, under the supervision of Mr. Brian K. Glenn RPA, both of Pacific West Archaeology, Inc., uncovered two locations of historic-era cultural resources. Animal bones and debris on site were determined to represent surface scatters not eligible for listing on federal, state, or local registers of historic properties. These represent a surface scatter of historic era materials such as glass bottles and steel cans. The scatter is not of sufficient age or comprised of sufficient information to yield information important to the prehistory or history of the state or nation. Both locations of cultural resources identified were

determined to represent surface scatters not eligible for listing on federal, state, or local registers of historic properties.

Built Historic Environment

An existing home gym/fitness center, and greenhouse structure is located on the western project boundary within proposed Parcel 1. As part of San Diego Municipal Code Section 143.0212, City staff is directed to determine whether a potentially significant historical resource exists on a project site before the issuance of a construction permit for any parcel in the City that contains a structure 45 years old or older. This structure was originally constructed in the early 1960s and was remodeled, with the approval of the City, in 2011 (Project Tracking System No. 259595). The structure was built by the neighboring property owner on an encroachment into the Reserve site, shortly after the construction of the main Foxhill home on the adjacent property. The neighboring Foxhill Estate structures are currently being considered by the City for potential historic significance. However, the proposed Parcel 1 would be transferred to the Foxhill Estate without any new development being proposed on it and without any modifications or alterations to any buildings on either site. Indeed, the purpose and only effect of Parcel 1 are to clarify legal ownership of the encroachment area; the creation of Parcel 1 would not facilitate development on either site. Consequently, there is no possibility of an impact and no need to evaluate the buildings for their potentially historic qualities at this time.

5.7.3 IMPACTS

Issue 1: Would the proposal result in an alteration, including the adverse physical or aesthetic effects and/or the destruction of a prehistoric, or historic building (including an architecturally significant building), structure, or object or site?

No potentially significant prehistoric or historic archaeological resources were identified within the project site during the systematic surface survey, records search, or monitoring of geotechnical testing. Shellfish fragments were identified during this intensive survey, but are not associated with a prehistoric archaeological deposit and do not retain their integrity of location.

As indicated through the records search and intensive pedestrian survey conducted on the project site, there are no prehistoric structures or objects on site. Although prehistoric and historic-era artifacts are located within the general vicinity of the project site, none of these resources are listed on the National Register of Historic Places or the California Register of Historical Resources.

Because there is no development proposed on Parcel 1, there are no modifications or alterations proposed to the buildings located on the project site, and the only effect of Parcel 1 is to clarify

legal ownership, there is no impact of the project on any on-site structures and no requirement to determine if they are historic.

Due to the lack of potentially significant prehistoric resources to be impacted by the Reserve project, and because no impacts to the historic and archaeological resources on site would occur, no significant impacts would result and archaeological monitoring of future ground disturbances associated with project development would be necessary.

Issue 2: Would the proposal result in any impact to existing religious or sacred uses within the potential impact area?

As indicated through the records search and intensive survey implemented on the project site, there are no current or previous religious uses within the potential impact area (Appendix F). There would be no impact to religious or sacred uses within the APE.

Issue 3: Would the proposal result in the disturbance of any human remains, including those interred outside of formal cemeteries?

There is no indication that implementation of the proposed project would disturb any human remains. Neither the initial archaeological survey in 2010 nor the monitoring for geotechnical testing and borings in 2011 resulted in identification of any potentially significant impacts to cultural resources on-site or the discovery or disturbance of any human remains. Due to a lack of potentially significant cultural resources on site, no archaeological monitoring of future ground disturbances associated with project development is considered necessary (Appendix F).

Significance of Impacts

No potentially significant prehistoric or historic archaeological resources would be affected by the Reserve project. Therefore, impacts would be less than significant.

Mitigation, Monitoring, and Reporting

No mitigation measures are proposed.

5.8 PUBLIC SERVICES AND FACILITIES

5.8.1 INTRODUCTION

Public facilities and services are those functions that serve residents on a community-wide basis. These functions include fire and police protection, public parks and recreation facilities, schools, and libraries. The following discussion analyzes the existing conditions associated with public services and facilities in the general vicinity of The Reserve (project) site in the La Jolla Community. This section also includes analysis of project specific impacts to these services and facilities resulting from the development of the project.

5.8.2 EXISTING CONDITIONS

Schools

The project site is in the San Diego Unified School District, with approximately 21 school facilities within a 2-mile radius (SDUSD 2014). Future residents of the two proposed residential homes on site would have a variety of options for schools, but children living in the project's residences would most likely attend La Jolla Elementary School (0.6 mile west), Muirlands Middle School (0.5 mile west), and La Jolla High School (0.7 mile west). In addition to these schools, the district also offers a host of magnet, alternative, charter, and special education programs that would be available to serve the children at the new residences.

Libraries

The project is located within the City of San Diego (City) public library system. The City's General Plan establishes goals and policies for the library system and facilities. Per the General Plan, a library system should contribute to the quality of life through technologically improved services and welcoming environments. Branch libraries should be 15,000 square feet or larger and include features and services that address community-specific needs (City of San Diego 2008). The nearest library to the project site is the La Jolla/Riford Branch Library, located approximately 1 mile west of the project site at 7555 Draper Avenue, San Diego, California. The La Jolla/Riford Branch Library has an interior area of 25,000 square feet and includes a computer lab; laptop desks with power outlets; the Florence Riford Library Center, Joan and Irwin Jacobs Library Annex; the Garth Reading Level; exterior reading patios; a La Jolla history room; study rooms; a magazine reading area; a children and young adults level; and a seminar room for small meetings. The library also has a community room for meetings; civic, cultural, and art events; lectures; and music and dance concerts (Friends of the La Jolla Branch Library 2014).

Parks and Recreation Facilities

The City's General Plan guides development of park and recreation facilities in the project area. The General Plan provides goals and policies for population-based parks and facilities, resource-based parks, and open space lands. The City's park and recreation goals include achieving a sustainable park and recreation system that meets the needs of residents and visitors and an equitable citywide distribution of parks and recreation facilities (City of San Diego 2010).

The General Plan requires a minimum ratio of 2.8 acres per 1,000 residents for neighborhood parks and community parks (City of San Diego 2010). A community park has a 13-acre minimum and serves a population of 25,000, or typically one community plan area, but depending on location may serve multiple community plan areas. A neighborhood park ranges from 3 acres to 13 acres and serves a population of 5,000 within approximately 1 mile. There are 15 population-based parks/joint use leases and 20 resource-based parks and public open spaces within the La Jolla community. La Jolla Natural Park, Mount Soledad Open Space, La Jolla Heights Open Space, and Soledad Natural Park are all located within 1 mile of the project site. La Jolla Recreation Center, located at 615 Prospect Street approximately 1.1 miles west of the project site, contains basketball courts, three large children's play areas, picnic facilities, a community building, meeting rooms, and tennis courts. In addition to the numerous parks and recreation facilities within the La Jolla community, the Pacific Ocean shoreline, including La Jolla Cove/Ellen Browning Scripps Park, Windandsea Park, and Hermosa Terrace Park, is a valuable resource for residents in this community.

Police Services

The project site is located within the service area of the City's Police Department. The project site is located within Beat 124 of the department's Northern Division, which serves a population of 225,234 people and encompasses 41.3 square miles. This division serves the neighborhoods of Bay Ho, Bay Park, Clairemont Mesa East, Clairemont Mesa West, La Jolla, Mission Bay Park, Mission Beach, North Clairemont, Pacific Beach, Torrey Pines, and University City. The Northern Division's storefront is located approximately 3.5 miles northeast of the project site, at 4275 Eastgate Mall. It is open Tuesday through Friday, 8 a.m. to 4 p.m. (closed 11 a.m. to 12 p.m.), and closed Saturday, Sunday, and Monday. In addition to the main storefront, there is a Pacific Beach Storefront, located at 4439 Olney Street, approximately 3 miles south of the project site (San Diego Police Department 2014).

Fire-Rescue Services

The project site is located within the service area of the City's Fire-Rescue Department. The project site is located within 1 mile of three separate fire stations: Fire Station 16, approximately

0.3 mile directly east; Fire Station 13, approximately 0.75 mile southwest; and Fire Station 9, approximately 0.9 mile north of the proposed project site.

The Public Facilities, Services, and Safety Element of the City’s General Plan includes response-time goals for specific response types, including the following: response time for first-in engine company for fire suppression incidents should be within 4 minutes 90% of the time; response time for full first alarm assignment for fire suppression incidents should be within 8 minutes 90% of the time; response time for first responder or higher-level capability at emergency medical incidents and emergency medical services first responders with automatic external defibrillator should be within 4 minutes 90% of the time; and responses for deployment and arrival of a unit with advanced life support capability at emergency medical incidents should be within 8 minutes 90% of the time (City of San Diego 2008).

The proposed project is located within a Very High Fire Hazard Severity Zone. As shown in Figure 5.8-1, only very small portions of the project site are within this designated fire zone. However, if any portion of a lot falls within the Very High Fire Hazard Severity Zone, the entire lot is subject to additional requirements including Chapter 7A of the California Building Code, as adopted and amended by the City, including additional building standards applicable to new construction. The additional building standards in Chapter 14, Article 5, Division 7 of the Municipal Code apply in conjunction with the requirements of Chapter 7A.

Proposed development on Parcel 2 and Parcel 3 and existing development on Parcel 1 would be subject to the guidelines and restrictions of the City’s brush management regulations. The City’s specific brush management requirements are set forth and described in the City of San Diego Municipal Code Section 142.0412 Section III of the Land Development Manual – Landscape Standards, and the Fire-Rescue Department’s Bulletin No. 1: Brush Management Guide. Brush management zones are established to create a “defensible space” between the proposed structures and the surrounding natural areas. Brush management zones for Parcels 1, 2, and 3 are outlined in Figure 5.2-2, Biological Resources with Development Impacts Map.

5.8.3 IMPACTS

Issue 1: Would the proposal have an effect upon, or result in a need for new or modified government services in any of the following areas, fire/life safety protection; police protection; schools; maintenance of public facilities, including roads; parks, or other recreational facilities; and libraries?

According to the City’s California Environmental Quality Act (CEQA) Significance Determination Thresholds (City of San Diego 2011), the impacts analysis is to address the project’s potential to result in physical impacts from the construction or alteration of government

facilities needed to maintain acceptable service ratios, response times, or other performance objectives for public services. The analysis should identify whether the project would result in a conflict with the community plan in terms of the number, size, and location of public service facilities. If a conflict exists, the applicant should determine direct impacts from the construction of new public service facilities needed to serve the project.

The City's CEQA Significance Determination Thresholds also specify the following thresholds that apply to this project (City of San Diego 2011):

- **Police and Fire–Rescue Services:** For police and fire–rescue services, the following should also be considered and referred to the police and/or fire–rescue departments if the project exceeds the threshold of 75 dwelling units or 100,000 square feet of non-residential construction.
 - Is the project located in a brush fire hazard area, hillside, or an area with inadequate fire hydrant services or street access?
 - Does the project involve the use, manufacture, or storage of toxic, readily combustible, or otherwise hazardous materials?
 - Would the project's location provide for adequate San Diego Fire Department access as determined by fire and life safety staff to be in conformance with the California Fire Code and Fire and Hazard Prevention Services Policy A-00-1?
 - Would the project substantially affect police or fire–rescue response times (i.e., increase the existing response times in the project area)?

Schools

Potential impacts to schools serving the project area would be related to the number of students generated by the project. According to the United States Census, the City of San Diego has an average of 2.67 persons per household (U.S. Census Bureau 2014). Therefore, the two residences proposed would potentially create a population increase of 5.34 persons, on average. This potential increase in students would not represent a substantial increase in students at any of the schools listed in this section. In addition to the public schools listed above, the district also offers a host of magnet, alternative, charter, and special education programs that would be available to serve the children at the new residences. Due to the limited number of students generated, the project would not require the construction of new, or the expansion of existing school facilities; therefore, impacts would be less than significant. ~~The project would not impact the San Diego Unified School District's ability to comply with Senate Bill 50, and the project would not be required to pay the school facilities fee; impacts would be less than significant.~~

Libraries

The project is located within the City of San Diego public library system. The local branches are part of the City library system, which allows residents to use any branch or the main library. Therefore, the residents at the new development would be expected to cause an increase in use of library services at the nearby La Jolla/Riford Branch Library, located approximately 1 mile west of the project site at 7555 Draper Avenue. However, local branches are part of the entire City library system and because they may use any branch, residents will often use the library most convenient to them, such as one near their work or school, not necessarily the library located closest to their home. There are 35 libraries within the City limits (City of San Diego 2014).

According to the United States Census, the City has an average of 2.67 persons per household, with a total population of 1,355,896 in 2013 (U.S. Census Bureau 2014). Therefore, the two residences proposed would potentially create a population increase of 5.34 persons, on average. The increase in population associated with the proposed project will have a minimal impact on City library facilities. The project would not require the construction of new, or the expansion of an existing library facility; therefore, impacts would be less than significant.

Parks and Recreational Facilities

The La Jolla Community Plan and Local Coastal Land Use Plan allows for residential development at the project site at the proposed density. ~~Since the development proposed would be within the density threshold, the park portion of the current per-unit Development Impact Fee (DIF) to be paid at the time of the building permit issuance would provide for public facilities required to support the park requirements of community buildout. No additional park fees would be required. The project would not require the construction of a new, or expansion of an existing park and recreational facility. Therefore, impacts would be less than significant.~~

Police Services

As discussed previously, the project site is located within the San Diego Police Department Northern Division. The closest Northern Division police station is located approximately 3.5 miles northeast of the project site, at 4275 Eastgate Mall.

As stated above, the Northern Division serves a population of 225,234 people within a 41.3-square-mile area. The City has an average of 2.67 persons per household (U.S. Census Bureau 2014); therefore, the two residences proposed would potentially create a population increase of 5.34 persons, on average. This represents a population increase of less than 0.1%. In addition, these two new residences would be surrounded by residential development currently served by

the Northern Division. The project would not require the construction of new, or the expansion of existing police facilities. Therefore, impacts would be less than significant.

Fire–Rescue Services

The project site is serviced by the City Fire–Rescue Department, and the project site is located within 1 mile of three separate fire stations: Fire Station 16, approximately 0.3 mile directly east; Fire Station 13, approximately 0.75 mile southwest; and Fire Station 9, approximately 0.9 mile north of the proposed project site. Similarly to the immediate residences in the surrounding vicinity, there is direct fire access to the proposed project site, with a proposed turnaround adequate for fire trucks proposed on Parcel 3. The additional residences proposed as a part of the project are located within a residential neighborhood, surrounded by development in each direction. Additionally, the site is located in an area with adequate access, and the project would not require the construction of a new, or the expansion of an fire department facility or expansion to an existing fire station facility. Therefore, impacts would be less than significant.

Though portions of the project site are located within the City’s official very high fire hazard severity zone (City of San Diego 2009), due to the brush management zones 1 and 2 requirements stipulated in the Land Development Code to be implemented via the Design Guidelines (Appendix A), vegetation in the immediate vicinity of on-site structures would be regularly maintained and serve as a landscaped buffer that would reduce the potential for wildfire along the Conserved Property~~conservation area~~ and the proposed structures.

Brush Management Zone 1 as defined in the City’s Brush Management Regulations is generally composed of a 35-foot-wide zone adjacent to the structure, which would be least flammable, and typically consists of pavement and permanently irrigated ornamental planting, but may also include a small amount of native vegetation. Brush Management Zone 1 would not be allowed on slopes with gradient greater than 25%. This zone would not contain habitable structures, combustible structures that are attached to habitable structures, or other combustible construction that could provide a means for transmitting fire to the habitable structures. Structures such as fences, walls, palapas, play structures, and non-habitable gazebos that are located within Brush Management Zone 1 would consist of non-combustible, 1-hour fire-rated, and/or heavy timber construction. Brush Management Zone 1 is included within the private development footprint, and is not included within the Conserved Property~~conservation area~~.

Brush Management Zone 2 as defined by the City’s Brush Management Regulations is generally composed of a 65-foot-wide buffer between Brush Management Zone 1 and the undisturbed native, naturalized vegetation. Within Brush Management Zone 2, 50% of the plants over 24 inches in height would be reduced to 6 inches in height. Non-native plants would be reduced in height before native plants are reduced in height. All plants remaining after the 50% are reduced

in height would be pruned to reduce fuel loading in accordance with the Land Standards in the City's Land Development Manual. Non-native plants would be pruned before native plants are pruned. Brush Management Zone 2 is located within the Conserved Property~~conservation area~~ covered by the Covenant of Easement. Brush Management Zone 2 would not contain any permanent irrigation. Any split rail or open wood fence located adjacent to the Conserved Property~~conservation area~~ of Brush Management Zone 2 must meet the fire-rating criteria for structures located in Zone 1. Due to the Environmentally Sensitive Lands that occur in these brush management zones, homeowners are restricted from performing brush clearing requirements between March 1 and August 15 of each year.

After construction is complete, development of the site would not involve the use, manufacture, or storage of toxic, readily combustible, or otherwise hazardous materials on site. During construction, any of these materials potentially used on site would be contained through the use of standard construction best management practices, as outlined within Table 3-2, Summary of Project Design Features and Construction Measures.

The project would not exceed the threshold of 75 dwelling units or 100,000 square feet of non-residential construction. The increase of approximately 5.34 persons on the site would not substantially affect fire rescue response times. The project would not involve the use, manufacture, or storage of toxic, readily combustible, or otherwise hazardous materials. The project's location would allow for adequate San Diego Fire Department access, as there are three emergency access points: Encelia Drive and Romero Drive on the northern perimeter of the site, and Country Club Drive in the southwestern corner. Country Club Drive does not provide access to the project site during normal operations, but may be used in the event of an emergency.

Therefore, with the close proximity of three separate fire stations, the minimal increase in population associated with two residential buildings, and required brush management zones pursuant to City requirements and the Design Guidelines (Appendix A), fire protection facility impacts would be less than significant.

5.8.4 SIGNIFICANCE OF IMPACT

Schools

As discussed previously, the project would result in a minimal increase in population. Due to the variety of schools available in the project area and the limited ~~number of~~ population increase anticipated associated with the two proposed residences, the project would not require the construction of new, or the expansion of existing school facilities, and impacts to schools would be less than significant.

Libraries

As discussed previously, the two proposed residences would cause a minimal impact to the La Jolla/Riford Branch Library and the remaining 34 public libraries within the City limits. Due to the limited number of residents within the two proposed residences, the project would not require the construction of new, or the expansion of existing library facilities; therefore, impacts to community libraries would be less than significant.

Parks and Recreation Facilities

The La Jolla Community Plan and Local Coastal Land Use Plan allows for residential development at the project site at the proposed density. The project would not require the construction of new, or the expansion of existing park and recreation facilities. Since the development proposed would be within the density threshold, the park portion of the current per-unit Development Impact Fee (DIF) to be paid at the time of the building permit issuance would provide for public facilities required to support the park requirements of community buildout. No additional park fees would be required. Therefore, impacts would be less than significant.

Police Services

As discussed previously, impacts to police services on a project-specific level would not be considered significant. The addition of two residential dwelling units, or approximately five new residents, represents a population increase of less than 1%. These new residences would be surrounded by previously developed neighborhoods, immediately adjacent to an existing similar residential development, near major roadways and Interstate 5. Given the minimal increase in population and location adjacent to existing adequate roadways and infrastructure, the project's effect on police response times is not considered substantial. The project would not require the construction of new, or the expansion of existing police facilities. The project would not exceed the threshold of 75 dwelling units or 100,000 square feet of non-residential construction. Therefore, impacts to police services would be less than significant.

Fire-Rescue Services

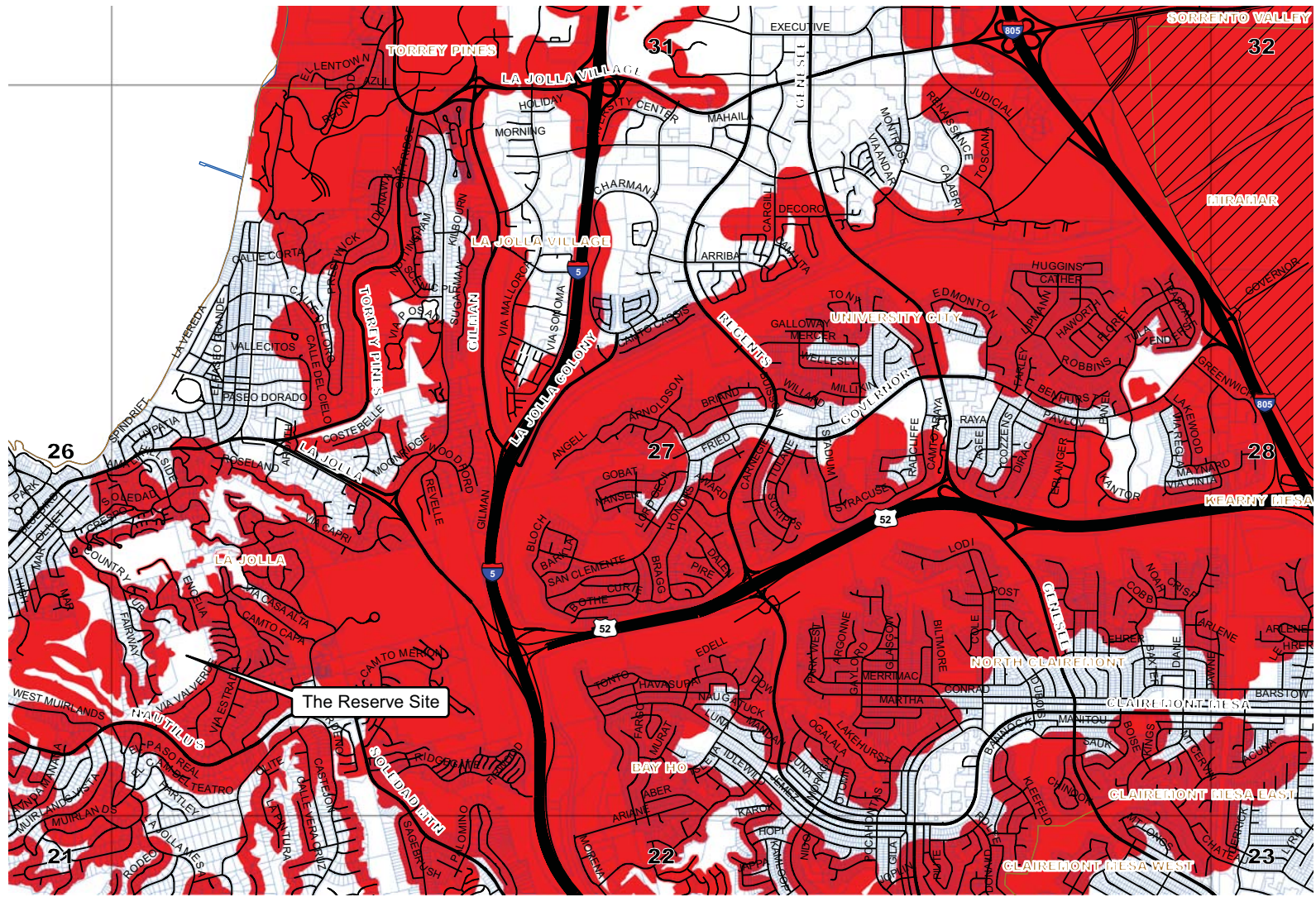
As discussed previously, the project site is located within 1 mile of three separate fire stations: Fire Station 16, approximately 0.3 mile directly east; Fire Station 13, approximately 0.75 mile southwest; and Fire Station 9, approximately 0.9 mile north of the proposed project site. Brush Management Zones 1 and 2 identified on site would be regularly maintained and serve as a buffer that would reduce the potential for wildfire along development area boundaries on site. The project would not exceed the threshold of 75 dwelling units or 100,000 square feet of non-residential

construction. The project would not require the construction of new, or the expansion of existing fire station facilities. Therefore, impacts to fire services would be less than significant.

5.8.5 MITIGATION, MONITORING, AND REPORTING

No significant impacts to public services and facilities would result from the project. Therefore, mitigation would not be required.

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Legend

- Roads
- ▨ Federal Land
- City of San Diego Boundary
- Parcels
- VHFHSZ & 300' Brush Buffer

The Reserve Site



The Reserve

Official Very High Fire Hazard Severity Zone Map

Environmental Analysis Section Project No. 292065

CITY OF SAN DIEGO - DEVELOPMENT SERVICES

FIGURE
5.8-1

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CHAPTER 6 CUMULATIVE IMPACTS

In many cases, the impact of a single project may not be significant, but the cumulative impact may be significant when combined with other projects. Section 15355 of the California Environmental Quality Act (CEQA) Guidelines defines cumulative impacts as “two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts.” CEQA Guidelines Section 15130(b) states that “the discussion [of cumulative impacts] need not provide as great detail as is provided for the effects attributable to the project alone.” Section 15130(b) further states that a cumulative impacts discussion “should be guided by standards of practicality and reasonableness.”

Cumulative impacts can occur from the interactive effects of a single project. For example, the combination of noise and dust generated during construction activities can be additive and can have a greater impact than either noise or dust alone. However, substantial cumulative impacts more often result from the combined effect of past, present, and future projects located in proximity to the project under review. Therefore, it is important for a cumulative impacts analysis to be viewed over time and in conjunction with other related past, present, and reasonably foreseeable future developments, the impacts of which might compound or interrelate with those of the project under review.

CEQA Guidelines Section 15130(b)(1)(A) allows for the preparation of a “list of past, present, and probable future projects” as a viable method of determining cumulative impacts. This discussion utilizes the following approach: generation of an initial list and description of related projects, followed by a discussion of the effects that the project (combined with the list) may have on each environmental category of concern (e.g., traffic and noise). Consistent with CEQA, this discussion is guided by the standards of practicality and reasonableness.

The locations of the cumulative projects are depicted in Figure 6-1, Cumulative Project Locations. A brief description of each cumulative project is presented in Table 6-1, Cumulative Projects; the numbers in the list correspond to the locations shown in Figure 6-1. As shown in Figure 6-1, the cumulative projects are generally located in the areas within and surrounding downtown La Jolla and to the west of the University of California San Diego (UCSD) campus. The larger projects, such as La Jolla Crossroads, Scripps Memorial Hospital, La Jolla Commons, and Monte Verde, are concentrated in the areas west of the UCSD campus. The identified cumulative projects nearest the proposed project site, such as Fienswog Properties, Herschel Residences, and Shultz Residence, are typically smaller in nature and include additions to houses or new individual single-family residences.

**Table 6-1
Cumulative Projects**

No.	Project Title	Project Description	Status
1	Sierra Mar Res.	Addition to a Single Family Residence (SFR)	Active/In progress
2	Fialko Res.	Revegetation/restoration	Active/In progress
3	Henely Res.	Demolition of existing residence, construction of SFR	Active/In progress
4	Viterbi Res.	Previous grading	Active/In progress
5	Fienswog Properties	Demolition of existing residence, construction of three-story SFR	Active/In progress
6	921-933 Coast Boulevard	Demolition of one existing structure, construction of nine unit apartment building	Active/In progress
7	Kaplan-Gaston Res.	Addition to SFR	Active/In progress
8	Qin Addition	Remodel/Addition to SFR	Active/In progress
9	Herschel Residences	Demolition of existing residence, Tentative Map for construction of a two unit condominium	Active/In progress
10	La Jolla Townhomes	Four unit condominium under construction	Active/In progress
11	La Jolla Del Rey TM	Tentative Map for subdivision of a 44.5-acre parcel into 14 lots. Existing senior housing to remain	Active/In progress
12	McClland Res.	Demolition of existing residence, construction of SFR	Active/In progress
13	Neptune Place TM	Tentative map for conversion of 18 residential units under construction to condominiums	Active/In progress
14	Ragen Res.	Demolition of existing SFR, construction of a SFR	Active/In progress
15	Serros Res. Addition	Addition to a SFR	Active/In progress
16	BC Camino (House)	Addition to a SFR	Active/In progress
17	Jack O Lantern Gables East Cliff (Three Townhomes)	Construction of three for rent SFR in existing commercial	Active/In progress
18	Shultz Res. (House)	Demolition of existing SFR, construction of a SFR	Active/In progress
19	Calle De La Garza Remodel (House)	Remodel/addition to SFR	Active/In progress
20	Chestnut Drive Expansion	Construction of 95,609 square feet of commercial space, with two commercial condominium units.	Pending
21	Coast Income Properties	Construction of 100,000 square feet of office space.	Preliminary stages; assembling City documentations
22	Costa Verde North	Conversion of 652 existing residential units into condominiums.	Approved by Planning Commission in June 2008
23	Costa Verde South	Conversion of 614 existing residential units into condominiums.	Approved by Planning Commission in June 2008
24	Eastgate Technology Park	Construction of a new 32-lot, 2,543,655-square-foot industrial/business park.	Near completion; two vacant lots remain
25	La Jolla Canyon (Garden Communities)	Project would build 48 new condos as additional units to an existing 157-unit project.	Entitled; not built
26	Genesee Executive Plaza	Medical Office conversion project.	Completed
27	I-5/La Jolla Village Drive Overcrossing/Interchange	Widen 7,000 feet of roadway, including the overcrossing, and improve other conditions at the interchange.	Completed

**Table 6-1
Cumulative Projects**

No.	Project Title	Project Description	Status
28	I-5/ Genesee Avenue and Sorrento Valley Road Interchange	Replace the Genesee Avenue bridge with a six-lane structure, add a southbound auxiliary lane to I-5 between Genesee and Sorrento Valley Road and construct retaining walls.	Environmental studies/site design to be completed; SANDAG Board approved expenditure from TransNet Fund October 14, 2011
29	La Jolla Centre III	Community plan amendment for a new 15-story commercial office building; approximately 340,000-square feet commercial space.	Approved
30	La Jolla Commons	A new complex of mixed use, consisting of: a 32-story, 156-unit condominium tower; a 32-story, 112-unit/256-room hotel tower; a 13-story, 300,000-square-foot office tower; and a 40,000-square foot research and development facility.	The 30,000-square-foot tower and the 40,000-square-foot research facility were constructed in July 2008; design for second office tower underway
31	La Jolla Crossroads	472 new residential units.	Approved October 2012
32	Mid-coast Light Rail Transit Project	11-mile extension of the San Diego trolley system from the Old Town Transit Center to University City (ending with light rail transit station near UTC along Genesee Avenue).	Supplemental EIR/Subsequent EIR in preparation
33	Monte Verde	560 units approved in one 23-story tower, two 22-story towers, and one 21-story tower	Approved; construction has not begun
34	Nexus University Science Center	191,500 square feet of research and development office.	Under construction
35	Nobel Research Park/ Illumina	Scientific research park master plan. Approximately 766,800 square feet of research and development office space previously constructed. Proposed expansion (phase 3), includes three four-story buildings, a playfield/sports court, 16,000 square feet of amenities, and a parking garage with 2,355 parking spaces as part of the master plan.	Application for one of the three additional buildings submitted to the City January 2012
36	Regents Road Bridge	Bridge crossing over Rose Canyon to connect Regents Road.	Contract approved for design in order to analyze in new project-specific EIR
37	SuperLoop Transit Project Route	High-frequency commuter bus project that would serve the campus and the rest of the University Community, including a stop at UTC (preliminary design and environmental work currently being conducted by SANDAG).	Complete
38	UCSD 2004 Long-Range Development Plan as updated in 2010	Various campus facilities.	Approved

**Table 6-1
Cumulative Projects**

No.	Project Title	Project Description	Status
39	UCSD Hospital East Campus Bed Tower Project	Approximately 200-foot-tall Bed Tower including approximately 470,310 gross square feet of new construction, including up to 245 patient care beds, operating rooms, and associated pre- and post-operation beds; diagnostic and therapeutic services areas; support spaces; patient intake facilities; pharmacy; medical education center; dining facility; and mechanical/ electrical facilities. Project also includes a helistop and freestanding central utility plant.	Approved
40	University City Village	Retirement housing.	Approved in 2000, currently on hold
41	UTC Revitalization (Mall Expansion)	Phased development of up to 69,677 square meters (750,000 square feet) of new retail and entertainment space and 250 residential dwelling units, with the option to build less retail and more residential.	Complete
42	Scripps La Jolla Memorial Hospital	Master Plan with a 25 year timeline for a new hospital, research and graduate medical education facilities, and medical offices.	Estimated completion in 2035

Source: Benally, pers. comm, 2014.

6.1 CUMULATIVE EFFECTS FOUND TO BE SIGNIFICANT

In Chapter 5 of this Environmental Impact Report (EIR), the project’s impacts were analyzed to determine if the project would cause significant impacts in each technical issue area. Where significant impacts were identified, mitigation measures were developed that would reduce impacts to below a level of significance. Based on the analyses contained in Chapter 5 and below in Section 6.2, the project would not result in any cumulative effects found to be significant.

6.2 CUMULATIVE EFFECTS NOT FOUND TO BE SIGNIFICANT

Based on the analyses contained in Chapter 5 of this EIR, the proposed project’s contribution to cumulative land use, biological resources, hydrology and water quality, visual effects and neighborhood character, geology, paleontological resources, and historical impacts would not be cumulatively considerable, as analyzed below.

6.2.1 LAND USE

The project would be consistent with the City’s adopted General Plan and La Jolla Community Plan and Local Coastal Land Use Plan. An analysis found in Section 5.1, Land Use, of this EIR was completed to ensure that the project would implement many of the applicable goals, policies,

guidelines, and recommendations contained within the existing General Plan and La Jolla Community Plan and Local Coastal Land Use Plan. This analysis is provided in Table 5.1-4, Project's Consistency with City of San Diego's 2008 General Plan, and Table 5.1-5, Project's Consistency with the City of San Diego La Jolla Community Plan and Local Coastal Land Use Plan, and has demonstrated that the project would not result in a significant impact due to an inconsistency or conflict with the General Plan or La Jolla Community Plan and Local Coastal Land Use Plan (City of San Diego 2008, 2004). All other projects within the City of San Diego are required to demonstrate consistency with the General Plan, the relevant Community Plan, and any other applicable planning documents. A Planned Development Permit is required to allow for the proposed project's deviation from the City's RS-1-4 zoning requirement of a minimum street frontage of 65 feet per residence. The project's deviations would comply with all overlay zones, and as required a Site Development Permit and Coastal Development Permit would also be obtained. As discussed in Section 5.1, Land Use, the deviation requests would not result in a physical impact on the environment. Therefore, the proposed project would not cumulatively contribute to an impact resulting from a deviation that would cause a physical impact on the environment. The proposed project would not contribute to a significant cumulative land use impact.

6.2.2 BIOLOGICAL RESOURCES

As analyzed in Section 5.2, Biological Resources, 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 this 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** (see Section 5.2) 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 are mitigated to below a level of significance, the proposed project would not contribute to a significant cumulative impact to biological resources.

6.2.3 PALEONTOLOGICAL RESOURCES

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, 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 as a result of 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.

6.2.4 HYDROLOGY AND WATER QUALITY

Construction of the project would introduce impervious surfaces, such as driveways, streets, sidewalks, hardscape, and rooftops. Runoff from the sidewalks and landscaping could carry pollutants such as bacteria, oil and grease, sediment, nutrients, and heavy metals to the City's storm drain system. Implementation of project design features, listed in Table 3-2 of Chapter 3, as well as erosion control and sediment control measures required by City ordinances and

regulations and conditions set forth in the stormwater pollution prevention plan (SWPPP) would reduce sediment and pollutant transport from the site.

The project, in conjunction with other future projects, may potentially affect water quality on a cumulative scale; however, future projects are required to comply with applicable federal, state, and City regulations for stormwater and construction discharges, including the application of best management practices (BMPs), which would reduce cumulative impacts to water quality to a level below significance. The project would implement BMPs and project-specific measures to reduce potential effects. The project would be in compliance with state and City water quality standards. Thus, the project would not combine with existing urban runoff or that of cumulative projects. Compliance with stormwater standards would preclude a cumulatively considerable contribution to downstream water quality.

6.2.5 GEOLOGIC CONDITIONS

Proper engineering design, utilization of standard construction practices, adherence to the erosion control standards established by the City's Grading Ordinance, implementation of BMPs required by the SWPPP, and implementation of the project design features found in Table 3-2 would ensure that the potential for geological impacts resulting from the proposed project would be less than significant. Because impacts resulting from geologic hazards (e.g., liquefaction, expansion potential, lateral spreading) are site specific, they are not cumulative in nature. Other projects would be required to implement erosion BMPs and would also be subject to the City's Grading Ordinance; therefore, the proposed project would not contribute to cumulatively significant geologic impacts.

6.2.6 VISUAL EFFECTS AND NEIGHBORHOOD CHARACTER

Aesthetics and Neighborhood Character

As analyzed in Section 5.6, Visual Effects and Neighborhood Character, the project would not result in significant project-level visual or neighborhood character impacts. The project would be consistent with existing patterns of development, which include single-family residences. Though the project would add height and bulk on site with new structures, cohesive landscaping and architecture pursuant to the Design Guidelines (Appendix A) would make the views consistent with the current and planned development of the area in both scale and aesthetic. The architectural design of estate residential buildings and structures would reflect view orientation, openness in design and the expansive natures of the project site. Materials to be used on buildings and structures would reflect the landscape, climate, and the earthy materials at the site and artificial interpretation or replication of a different material in exterior buildings compositions would not be permitted. The Design Guidelines include examples of allowed

building and roof materials, paving materials and finishes, building exterior wall color palettes and planting design and site character. The height and mass of structures would be compatible with existing single-family and estate residential land uses in the immediate neighborhood and roof treatments would be constructed of nonreflective materials. Additionally, a limited variety of materials, including but not limited to vegetative materials, tile, and slate, is permitted for building and structure roofs.

Implementation of cumulative projects under the current land use zoning and regulation in the area would not change the visual character or quality of the area and would not result in a substantial cumulative degradation in visual quality. While neighborhood character may evolve over time, cumulative impacts as a result of implementation of the proposed project would be less than cumulatively considerable, and hence, less than significant.

Lighting and Glare

Per the Design Guidelines for Parcel 2 and 3 (Appendix A), all exterior lighting would be designed to conserve the existing dark sky environment and would comply with all applicable requirements of the City of San Diego Outdoor Lighting Regulations (San Diego Municipal Code, Section 142.0740). Compliance with applicable City standards, including maximum lumens and directional and shielding requirements would ensure that new lighting sources do not trespass onto surrounding properties or unnecessarily illuminate the nighttime sky. Also, due to the presence of sensitive biological resources on Parcel 3, all outdoor lighting would be limited to low-level lamps so as to minimize the amount of lighting entering sensitive resource areas.

The project site is surrounded by existing residential use and it is not anticipated that any additional cumulative projects would be developed in close proximity to the site that would also contribute to lighting in the area. As such, the project, combined with other reasonably foreseeable projects in the immediate vicinity, would not result in a cumulatively considerable impact relative to light pollution.

Implementation of the Design Guidelines would require that future residential construction on Parcels 2 and 3 utilize non-reflective building materials including cast-in-place concrete, stucco, wood trim, brick and masonry, or stone for the exterior cover of building walls. In addition, the Design Guidelines encourage the incorporation of large-scale glass and glazing on the exterior composition of buildings and structures. The incorporation of large areas of glass is intended to maximize viewing opportunities to the ocean from development areas on Parcels 2 and 3. While specific window types are not prescribed in the Design Guidelines, future development would be required to comply with the City's Lighting and Glare Regulations that stipulate that windows shall possess less than 30% reflectance. Therefore, the use of buildings materials prescribed in the Design Guidelines for future development on Parcels 2 and 3 would

not create a new source of substantial light or glare that would adversely affect daytime or nighttime views in the area. Therefore, when considered cumulatively with other reasonably foreseeable projects in the project vicinity, the proposed project would not result in significant cumulative impacts associated with light and glare in the community.

6.2.7 HISTORICAL RESOURCES

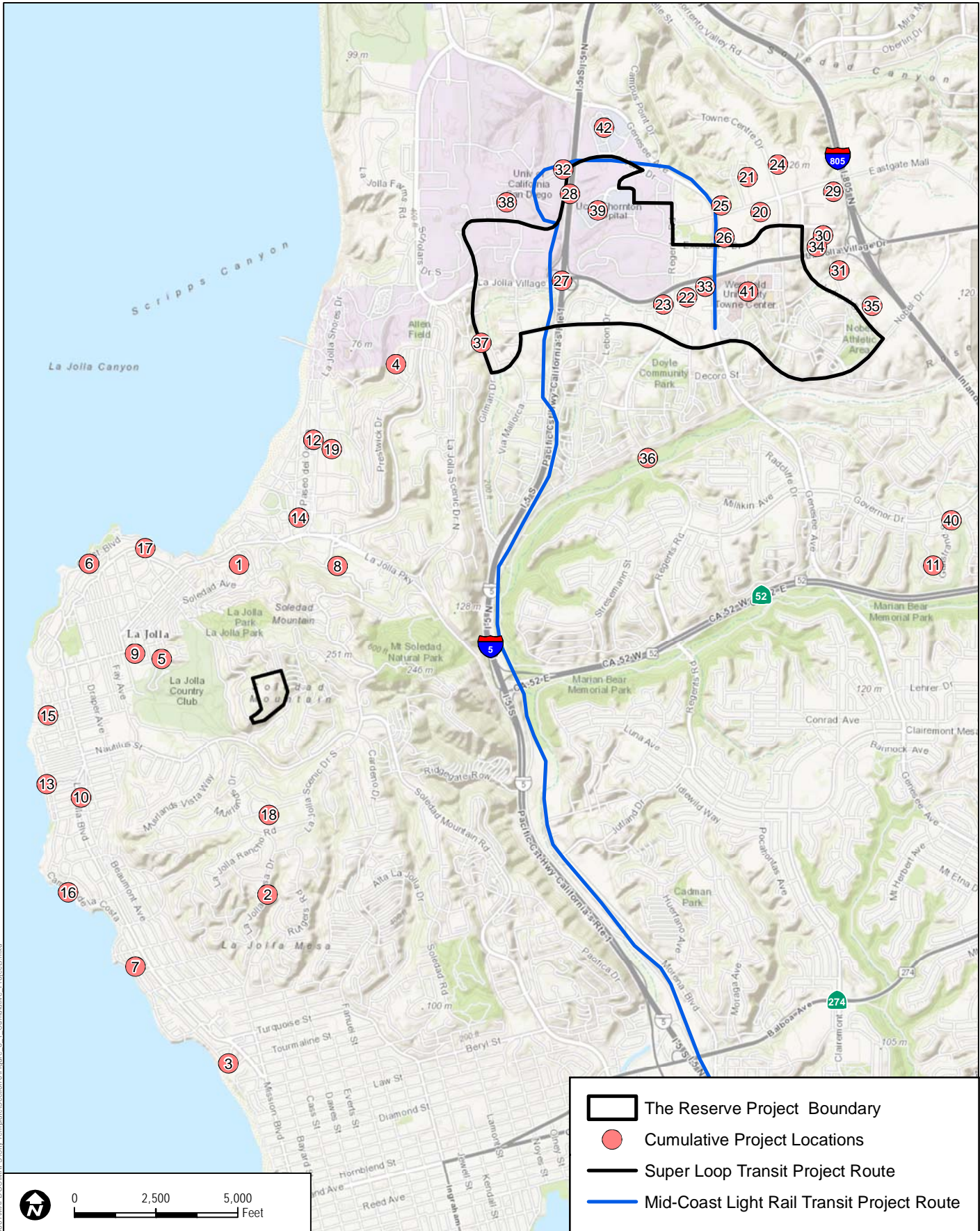
Archaeological Resources

As outlined within Section 5.7.3, the records search and intensive survey prepared for the project indicated there are no current or previous religious uses within the potential impact area. Additionally, there is no indication that implementation of the proposed project would disturb any human remains. This is outlined in detail within the Archeological Resources Report prepared for the project, included as Appendix F of this EIR. Due to a lack of potentially significant cultural resources on site, no adverse impacts would result, and impacts as a result of development of the proposed project are less than significant. The importance of cultural resources comes from the research value and the information that they contain. Therefore, the issue that must be explored in a cumulative analysis is the cumulative loss of that information. Due to the nature of cultural resources, because there are no cultural resources identified on-site or within the potential impact area pursuant to Appendix F, the potential for the proposed project to contribute to a cumulative loss of historical and cultural resources is less than significant. In addition, other cumulative projects would be regulated by state and local regulations and would be required to implement records searches, on-site monitoring, and mitigation on a project-by-project basis, if necessary. Therefore, the proposed project would not contribute to a significant cumulative impact to historic resources, and impacts would be less than significant.

Built Historic Environment

As discussed in Section 5.7, Historical Resources, the buildings located on Parcel 1 of the project site would not be impacted. No other potentially or identified historic or prehistoric resources were identified on the project site. Similar to cultural resources, the importance of historical resources comes from the research value and the information that they contain. Therefore, the issue that must be explored in a cumulative analysis is the cumulative loss of that information. Because the proposed project would not result in any impacts to historic resources, the potential for the proposed project to contribute to a cumulative loss of historical resources is less than significant. In addition, other cumulative projects would be regulated by state and local regulations and would be required to implement records searches, on-site monitoring, and mitigation on a project-by-project basis, if necessary. Therefore, the proposed project would not contribute to a significant cumulative impact to historic resources, and impacts would be less than significant.

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Cumulative Projects

Environmental Analysis Section Project No. 292065

CITY OF SAN DIEGO - DEVELOPMENT SERVICES

The Reserve

-  The Reserve Project Boundary
-  Cumulative Project Locations
-  Super Loop Transit Project Route
-  Mid-Coast Light Rail Transit Project Route

FIGURE
6-1

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CHAPTER 7 EFFECTS NOT FOUND TO BE SIGNIFICANT

Section 15128 of the California Environmental Quality Act (CEQA) Guidelines requires that an Environmental Impact Report (EIR) briefly indicate the reasons that various possible significant effects of a project are determined not to be significant and why each of these effects are not discussed in detail in the EIR. The environmental issues discussed in the following sections are not considered significant, and the reasons for this conclusion are outlined in detail below.

7.1 AGRICULTURAL AND FORESTRY RESOURCES

The western and northern portions of the property have previously been disturbed by grading used to create a network of dirt roads that connected Country Club Drive to Romero Drive and Encelia Drive. A portion of the original connecting road between Country Club and Romero Drives still exists, but is no longer in use. Most of the unpaved access roads have been overgrown with native vegetation. Aerial imagery available for the project site from 1994 onward illustrates that no agricultural resources exist on site currently or for the past 20 years (Google 2014).

As outlined by the California Department of Conservation Farmland Mapping and Monitoring Program, the site is designated “urban and built-up land” and does not contain prime farmland, unique farmland, or farmland of local or statewide importance on site or within the general project vicinity (California Department of Conservation 2008). Due to the lack of farmland on site, the project is not subject to a Williamson Act Contract (California Department of Conservation 2014).

According to the National Resources Conservation Service, soils on the site area mapped as Gaviota fine sandy loam 30% to 50% slopes, Olivenhain cobbly loam 30% to 50% slopes, and Olivenhain cobbly loam 9% to 30% slopes. These soils have a Storie Index Rating of 85, with a fair to poor grade due to the steep nature of the area and the potential for erosion and drainage issues associated with agricultural production (NRCS 2011). In addition to the poor quality of the soil for production, the project site is surrounded by densely populated residential development. Although the site does include biological resources, including trees, the site is not zoned for forest or timberland production, and the proposed project would not result in any impacts to timberland or forestry resources.

Due to the proposed project site’s classification of urban and built-up land through the Farmland Mapping and Monitoring Program, the lack of agricultural and/or forest resources on site currently and within the last 20 years, the surrounding dense residential development, and the lack of soil for potential agricultural or forestry use, no impacts to agricultural and forestry resources would result from implementation of the proposed project.

7.2 MINERAL RESOURCES

The project site is located within Mineral Resource Zone 1 (MRZ-1), where adequate information indicates that no significant mineral deposits are present or where it is determined that little likelihood exists for their presence (City of San Diego 2008). In addition, mineral resource extraction on site would be incompatible with the site's current zoning and adjacent residential land use.

The site is not currently and never has been a part of a mineral extraction operation. Although the site is large enough to allow economically feasible aggregate mining operations, due to the sensitive noise receptors of the surrounding residential development and the lack of mineral resources indicated by the MRZ-1 designation, a mining operation is not anticipated on the project site. Therefore, the proposed project would not result in impacts to mineral resources.

7.3 HEALTH AND SAFETY

Geotechnical analysis of the site included borings, backhoe trenches, and mapping up to depths of 86 feet on site. Throughout this evaluation, no contaminated soils were encountered on site (Geotechnical Exploration, Inc. 2011; Appendix D). In addition, the project has been utilized solely as open space, with the exception of graded roads, encroachment of adjacent properties, and improvements associated with the Foxhill estate. Agricultural production, commerce, and solid waste storage have never taken place on site. Therefore, contaminated soils are not anticipated on site.

Due to the Covenant of Easement (COE) on site, as described in detail in Section 5.2.2 of this EIR, approximately 18.80 acres of the site will be conserved as open space. In order to ensure fire safety for the proposed residences on site, as well as the surrounding residential development, the proposed project would comply with the City of San Diego Brush Management Regulations (City of San Diego 2010a). Brush Management Zones 1 and 2 would be implemented surrounding each residential estate, as identified in Figure 5.2-3. These zones are established to create a defensible space between the proposed structures and the surrounding natural areas on site.

Brush Management Zone 1 is a 35-foot-wide zone surrounding and within the development area, which shall be least flammable, consist of pavement and permanently irrigated ornamental plantings, and not contain slopes with a gradient greater than 25%. This zone shall not contain any habitable structures, structures that are attached to habitable structures, or other combustible construction materials. Brush Management Zone 2, as defined by the City's Brush Management Regulations, is composed of a 65-foot buffer between Brush Management Zone 1 and the undisturbed, native naturalized vegetation on site. Within Brush Management Zone 2, 50% of the

plants over 24 inches in height would be reduced to 6 inches in height. Non-native plants would be reduced first, with native plant reductions implemented only if necessary to meet the 50% minimum requirement. All plants remaining after the 50% reduction in height in this area would be pruned to reduce fuel loading in accordance with the Landscape Standards in the City's Land Development Manual. Brush Management Zone 2 is outside the development area proposed for the project site, and would not contain any permanent irrigation.

Due to the Environmentally Sensitive Lands that occur in the brush management zones, brush clearing would be restricted between March 1 and August 15 of each year. The City's specific brush management requirements for each zone are set forth and described in the San Diego Brush Management Regulations (City of San Diego 2005), Bulletin No. 1 Brush Management Guide (City of San Diego 2010b), and the City of San Diego Municipal Code 142.0412. Through implementation of Brush Management Zones 1 and 2, the proposed project would not create a significant risk of fire hazard.

The proposed project site is surrounded on all four sides by existing residential development. Proposed residential estates on site would not create a significant risk to human health through exposure to disease carrying vectors, sewage spill contamination, proximity to electromagnetic fields, or current or former underground storage tanks or fuel and toxic chemical storage. One unnamed ephemeral hillside drainage is located within the project site, as described in detail in Section 5.2.2 of this EIR. The 3- to 6-foot-wide drainage does not contain standing water, does not meet the City's definition of a jurisdictional wetland, and is ultimately contained in a closed storm drain system at the eastern edge of the site. Therefore, the proposed project is not anticipated to create vector habitat.

The proposed project does not propose the handling, storage, and treatment of hazardous materials during operations. In addition, the project site is not listed on the County of San Diego Geotracker for hazardous materials (California State Water Resources Control Board 2015). Any potentially hazardous materials used during construction would be handled according to any and all applicable local, state, and federal laws and regulations. The site was never used for agricultural purposes, used as a landfill, or previously developed for commercial or industrial uses. Additionally, the site is not located within a Designated Airport Influence Area, within 1,000 feet of a known contamination site, within 2,000 feet of a Superfund site, or within the City of San Diego. Therefore, no impacts associated with health and safety during construction and operations of the proposed project are anticipated.

7.4 POPULATION AND HOUSING

No adverse impacts to population and housing are anticipated. The project proposes two residential estates on approximately 25.14 acres. As outlined in greater detail in Section 5.1,

Land Use, the buildout of the project would be consistent with the La Jolla Community Plan and Local Coastal Land Use Plan's land use and zoning designations for this area. The proposed project site is currently largely vacant, and therefore would not displace any existing housing. Additionally, the project site is surrounded on all sides by residential development, and therefore would not extend any public infrastructure into undeveloped areas.

7.5 TRANSPORTATION/TRAFFIC CIRCULATION

The proposed project includes two residential estate properties within an existing residential area. Traffic increases associated with operations of these properties would be minimal, with an increase in 10 average daily trips per household. Construction-related traffic would cause temporary impacts to the roadway network surrounding the project. These roadways have little circulation and through traffic, as they serve as direct access to adjacent residential homes. Due to the temporary nature of these construction traffic impacts, the limited size of the construction site, and the high level of service on surrounding road networks, these impacts to the surrounding roadways would be less than significant. In addition, the proposed project would comply with all applicable parking requirements. Therefore, there would be no significant impacts associated with transportation, circulation, or parking with the implementation of the proposed project.

7.6 ENERGY

The project site is located within the San Diego Gas & Electric (SDG&E) service area. The project site is located in a developed area with existing energy system infrastructure to serve the project needs. The two residential estates proposed are not anticipated to have substantial electricity or natural gas needs. The project site is located within the coastal area, where temperatures are consistently mild, and would not require substantial heating or cooling.

In addition, the project proposes a number of different sustainable features outlined within the design guidelines to reduce energy use on site. Due to the unique nature of the project, in that ultimate design has not been finalized, many potential options have been outlined within the Design Guidelines to reduce energy use on site. Where feasible, all improvements should be constructed and operated using materials, methods, and mechanical and electrical systems that ensure a healthful indoor air quality and greater energy efficiency. The overall design should use sun-shade patterns, prevailing winds, building orientation, sunscreens, and landscape to minimize the use of mechanical systems for cooling. Water conservation measures such as capturing stormwater for irrigation reuse, reducing large expanses of turf, and using a wide variety of landscaping materials within the development area are recommended.

The project would also comply with the City's General Plan guidelines for sustainable construction, waste management, and conservation of resources and energy. These practices

include the following: plantings and landscaping adjacent to the structures; plants on site should not require excessive water; cool roofing materials, such as reflective low-heat retention tiles and light-colored membranes and coating; photovoltaic systems consisting of solar panels; and Energy Star appliances. Although none of these practices is confirmed due to the flexible nature of the proposed project, any combination of these measures would ensure that energy levels on site would be reduced. These measures would also serve to reduce the amount of electricity need to supply water to the project site. Therefore the project would not result in the use of excessive amount of electrical power and has included sustainable features to reduce energy consumption. The proposed project would not result in the use of excessive amounts of natural gas or petroleum, and impacts would be less than significant.

7.7 PUBLIC UTILITIES

The project would be served by both public and private institutions for necessary services such as water, wastewater, electricity, solid waste disposal, and storm drains. The project site would be served within the 4,100-square-mile SDG&E service area.

Two private 4-inch existing high-density polyethylene (HDPE) sewer force mains are proposed to connect to the existing sewer gravity lines along Romero Drive for Parcel 3 and Encelia Drive for Parcel 2. The future home on Parcel 3 would connect to an existing 12-inch polyvinyl chloride (PVC) water pipeline along Romero Drive that runs into the property line. The future home on Parcel 2 would connect to an existing 6-inch asbestos-cement (AC) water pipeline along Encelia Drive that also runs up to the property line.

San Diego Public Utilities Department would provide wastewater treatment services to the project site. Pursuant to the Design Guidelines for Parcel 2 (see Appendix A), the maximum building area for the project is 5,000 square feet. Pursuant to the Design Guidelines for Parcel 3 (see Appendix A), the maximum building area for the project is 33,000 square feet. In combination of building extents on both parcels, the proposed project would not include more than 1 million square feet of building space, and it is not anticipated that the project would generate more than 1,500 tons of waste. The project would not include construction, demolition, and/or renovation of 40,000 square feet or more of building space, and construction would not generate more than 60 tons of solid waste. Therefore, the project would not have a direct or cumulative impact on solid waste facilities pursuant to City’s CEQA Significance Determination Thresholds (City of San Diego 2011). The City of San Diego Public Utilities Department serves the project site. The project does not propose use of excessive amount of potable water. As defined within the Design Guidelines, the project would utilize sustainable design principles to reduce water usage by reducing large expanses of turf and capturing stormwater for irrigation reuse, would allow a wide range of landscape materials close to building, and would gradually

transition the planting palette to native vegetation. Detailed irrigation guidelines are defined within the Design Guidelines, and include mandatory programmable controllers, flow and rain sensors, and drip irrigation. Drought-tolerant and native landscaping will be implemented in the development area, and no irrigation is proposed for the COE area, or the majority of the project site. Furthermore, the project is not subject to a Water Supply Assessment under Senate Bill 610, since it does not propose 500 or more residential dwelling units.

Runoff generated by on-site Subbasins 3, 4, and 5 flows southerly and enters a storm drain network that discharges into the Pacific Ocean near the intersections of Coast Boulevard, Prospect Street, and Ravina Street. The City's existing drainage design for the receiving storm drain network would be sufficient to handle the post-development runoff generated by the residential land use of the proposed project.

Run on discharging from the off-site subbasins onto the proposed project site is the same for both pre- and post-development conditions. During the post-development condition, run-on will be collected at the northeastern edge of the proposed project site and routed to an existing open channel located within the project site via a new dedicated storm drain proposed as a part of the project.

7.8 NOISE

Construction of the proposed project would result in temporary increases in ambient noise levels on the project site on an intermittent basis. As quantified and discussed in further detail within Section 5.1, Land Use, construction equipment would have a noise level of 82 dBA at a distance of 50 feet. At a distance of 120 feet or more from any property line, the construction noise level would comply with the City's construction 12-hour average 75 dBA Noise Ordinance standard (Municipal Code Section 59.5.0404).

Construction operations would occur only during permitted hours of operation pursuant to the City's Noise Ordinance (Municipal Code Section 59.5.0404) that restricts any construction activity with an average sound level greater than 75 dBA within any property zoned residential during the 12-hour period from 7 a.m. to 7 p.m. In accordance with this restriction, and with implementation of project design features outlined in Table 3-2 in Section 3.2.3 of this EIR, construction-related noise impacts would remain below a level of significance.

Once construction is complete and the project is operational, there would be minimal sources of noise such as from vehicles entering or exiting the site and from mechanical equipment. The City's Noise Ordinance (Municipal Code Section 59.5.0404) is a quantitative ordinance which allows 1-hour average sound levels ranging from 40 to 50 dBA, depending on the time of day. Through implementation of noise related project design features identified in Table 3-2, operational impacts associated with the proposed project would ensure that impacts remain less than significant.

Therefore, construction and operational activities would comply with the tenets of the City's Noise Ordinance (Municipal Code Section 59.5.0404) and impacts associated with noise would be less than significant. No mitigation measures would be required.

7.9 AIR QUALITY/ODOR

The project site is located within the San Diego Air Basin (SDAB) and is subject to the San Diego Air Pollution Control District guidelines and regulations. The 4,260-square-mile SDAB, which encompasses the entire San Diego County, is in an area of high air pollution potential. This is due to climatic factors, with frequent temperature inversions due to warm temperatures over land that meets the cool marine air. The boundary between the two layers of air creates a temperature inversion that traps air pollutants. In addition, winter temperatures in the SDAB also create a similar inversion layer through radiation inversion, which traps air pollutants between cooler temperatures near the ground and warm air above. In addition, atmospheric oscillation results in the offshore transport of air from the Los Angeles region to San Diego County.

An area is designated as in attainment when it is in compliance with the National Ambient Air Quality Standards (NAAQS) and/or California Ambient Air Quality Standards (CAAQS). These standards are set by the U.S. Environmental Protection Agency or the California Air Resources Board (CARB) for the maximum level of a given air pollutant that can exist in the outdoor air without unacceptable effects on human health or the public welfare. The SDAB is currently classified as a federal nonattainment area for ozone (O₃) based on the NAAQS. In addition, under the CAAQS, SDAB is nonattainment area for particulate matter less than 10 microns (PM₁₀), particulate matter less than 2.5 microns (PM_{2.5}), and O₃.

If a project proposes development that is greater than that anticipated in the local plan and SANDAG's growth projections, the project might be in conflict with the Regional Air Quality Strategy (RAQS), and may contribute to a potentially significant cumulative impact on air quality. The project is consistent with the current General Plan and Community Plan land use designations as well as the City of San Diego zoning for the project site (refer to Section 5.1, Land Use); therefore, vehicle trip generation and planned development for the site is considered to be anticipated in the RAQS. Because the proposed land uses and associated vehicle trips have been anticipated in local air quality plans, the proposed project would be considered consistent at a regional level with the underlying growth forecasts in the RAQS. As such, the proposed project would not conflict with the RAQS or contribute to a potentially significant cumulative impact on air quality.

Construction of the proposed project would result in a temporary addition of pollutants to the local airshed caused by soil disturbance, fugitive dust emissions, and combustion pollutants from on-site construction equipment, as well as from off-site trucks hauling construction materials.

Construction emissions can vary substantially from day to day, depending on the level of activity, the specific type of operation and for dust, the prevailing weather conditions. Fugitive dust (PM₁₀ and PM_{2.5}) emissions would primarily result from grading and site preparation activities. Oxides of nitrogen (NO_x) and carbon monoxide (CO) emissions would primarily result from the use of construction equipment and motor vehicles. Construction impacts to air quality would be temporary in nature and controlled through compliance with all appropriate air quality regulations and implementation of BMPs on site.

Vehicular traffic, as described in Section 7.5, would be minimal and would not significantly impact the surrounding air quality. As described above, vehicle trip generation (and thus mobile source emissions) and planned development for the site are considered to be anticipated in the RAQS. Because the proposed land uses and associated vehicle trips have been anticipated in local air quality plans, the proposed project would be considered consistent at a regional level with the underlying growth forecasts in the RAQS.

Stationary emissions during operations including natural gas appliances, landscaping equipment, and wood-burning fireplaces would have the potential to impact air quality. Although the project has variability in design, the Design Guidelines encourage several sustainability measures that may be implemented as part of the proposed project. The sustainability measures outlined in the Design Guidelines include the following: plantings and landscaping adjacent to structures, water-efficient landscaping, cool roofing materials, incorporation of photovoltaic solar panel systems, use of Energy Star appliances, sunshades and sunscreens, integrated pest management techniques, restriction of chlorofluorocarbon-based refrigerants, and landscaping to minimize the use of mechanical systems for cooling. In addition, all improvements should be constructed and operated using materials, methods, and mechanical and electrical systems that ensure a healthful indoor air quality and greater energy efficiency.

Regarding cumulative air quality impacts, the project combined with known and reasonably foreseeable growth in the area could result in cumulatively considerable emissions of nonattainment criteria air pollutants. However, due to the location of the project site, very few additional projects are proposed in the general vicinity (refer to the analysis in Section 6, Cumulative Impacts). The proposed project is not anticipated to result in a cumulatively significant impact related to particulate matter emissions, due to the scale of the project and associated development density on site.

Due to the project location within an existing residential area, project implementation may impact sensitive receptors. “Sensitive receptors” are land uses that are considered more sensitive to changes in air quality than others. These sensitive receptors include but are not limited to schools, residences, playgrounds, childcare facilities, athletic facilities, and long-term healthcare facilities.

The project has the potential to impact sensitive receptors, including the surrounding residential community. The greatest potential for hazardous emissions to sensitive receptors would be diesel particulate emissions from heavy equipment operations during construction. These impacts would be temporary and localized to the site, and therefore would be less than significant.

Objectionable odors may be generated from vehicles and/or equipment exhaust emissions during construction of the project. Odors produced during construction are temporary and generally occur at magnitudes that would not affect a substantial number of people. Therefore, impacts associated with construction odors would be less than significant.

Land uses and industrial operations that are associated with odor complaints include agricultural uses, wastewater treatment plants, food processing plants, chemical plants, composting, refiners, landfills, dairies, and fiberglass molding. The project entails residential uses and would not result in the creation of a land use that is commonly associated with odors. Therefore, project operations would result in less than significant impacts with respect to odor.

7.10 GREENHOUSE GAS EMISSIONS

Climate change refers to any significant change in measures of climate, such as temperature, precipitation, or wind, lasting for an extended period such as decades or longer. Gases that trap heat in the atmosphere and contribute to this effect are referred to as greenhouse gasses (GHGs). The greenhouse effect traps heat in the troposphere through a threefold process as follows: (1) short-wave radiation emitted by the Sun is absorbed by the Earth; (2) the Earth emits a portion of this energy in the form of long-wave radiation; and (3) GHGs in the upper atmosphere absorb this long-wave radiation and emit it into space and back toward the Earth.

This “trapping” of the long-wave (thermal) radiation emitted back toward the Earth is the underlying process of the greenhouse effect. The greenhouse effect is a natural process that contributes to regulating the earth’s temperature. Global climate change concern, however, focus on whether human activities are leading to an enhancement of the greenhouse effect (National Climatic Data Center 2013). According to CARB, some of the potential impacts in California of global warming may include loss in snowpack, sea-level rise, more extreme heat days per year, more high O₃ days, more large forest fires, and more drought years (CARB 2006).

Global climate change is a cumulative impact; a project contributes to this potential impact through its incremental contribution combined with the cumulative increase of all other sources of GHGs. Thus, GHG impacts are recognized as exclusively cumulative impacts; there are no non-cumulative GHG emission impacts from a climate change perspective (CAPCOA 2008). This approach is consistent with that recommended by the California Natural Resource Agency, which noted in its Public Notice for the proposed CEQA

amendments that the evidence before it indicates that in most cases, the impact of GHG emissions should be considered in the context of a cumulative impact, rather than a project-level impact (CNRA 2009a). Similarly, the *Final Statement of Reasons for Regulatory Action* for amendments to the CEQA Guidelines confirms that an EIR or other environmental document must analyze the incremental contribution of a project to GHG levels and determine whether those emissions are cumulatively considerable (CNRA 2009b).

Neither the State of California nor the City of San Diego have established CEQA significance thresholds for GHG emissions. The Governor’s Office of Planning and Research (OPR) advises, “Even in the absence of clearly defined thresholds for GHG emissions, the law requires that such emissions from CEQA projects must be disclosed and mitigated to the extent feasible whenever the lead agency determines that the project contributes to a significant, cumulative climate change impact” (OPR 2008, p. 4). Furthermore, the OPR advisory indicates, “In the absence of regulatory standards for GHG emissions or other scientific data to clearly define what constitutes a ‘significant impact,’ individual lead agencies may undertake a project-by-project analysis, consistent with available guidance and current CEQA practice” (OPR 2008, p. 6).

However, the California Air Pollution Control Officers Association (CAPCOA) published a white paper in January 2008 evaluating and addressing GHG emissions from projects subject to CEQA. The CAPCOA CEQA and Climate Change white paper is intended as a resource and not a guidance document. The objective of the CAPCOA white paper was to set the emission threshold low enough to capture a substantial fraction of future residential and nonresidential development that will be constructed to accommodate future statewide population and job growth, while setting the emission threshold high enough to exclude small development projects that would contribute a relatively small fraction of the cumulative statewide GHG emissions.

GHG emissions from the proposed project would be associated with the construction phase through use of construction equipment and vehicle trips. Due to the relatively short construction time frame and the temporary nature of these impacts, construction GHG emissions would be less than significant. Operational emissions associated with the proposed project would result from vehicular traffic and area sources such as natural gas combustion and landscaping, electric generation, water supply, and solid waste. The proposed project includes a low intensity of use on site and a limited number of vehicle trips associated with two residential estates. Due to the unique nature of the project, in that ultimate design has not been finalized, many potential options have been outlined within the Design Guidelines to reduce potential GHG emissions on site. As described in Section 7.10, these sustainability measures include: landscaping to minimize the use of mechanical systems for cooling, using a wide variety of landscaping materials within the development area; cool roofing materials, such as reflective low-heat retention tiles, and light-colored membranes and coating; photovoltaic systems consisting of

solar panels; and Energy Star appliances. Although none of these practices is confirmed due to the flexible nature of the proposed project, any combination of these measures would ensure that energy levels on site would be minimized.

The City of San Diego's interim guidance relies first on a screening threshold of 900 metric tons CO₂E per year applied to a proposed project, based on the approach outlined in the California Air Pollution Control Officers Association (CAPCOA) report *CEQA & Climate Change* (City of San Diego 2010c; CAPCOA 2008). The CAPCOA report references the 900 metric ton guideline as a conservative threshold for requiring further analysis and mitigation. This emission level is based on the amount of vehicle trips, the typical energy and water use, and other factors associated with projects. CAPCOA identifies project types that are estimated to emit approximately 900 metric tons CO₂E per year. For example, the single-family residential project size that reaches this threshold is 50 units. Projects that meet these criteria are not required by the City to prepare a GHG technical analysis report. Since the project proposes only two dwelling units on-site, this is far below the screening level. Therefore, the proposed project's greenhouse gas emissions would be below 900 MTCO₂E and would not result in a cumulatively considerable impact. Therefore, greenhouse gas emissions impacts would remain below a level of significance.

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CHAPTER 8 MANDATORY DISCUSSION AREAS

This section discusses other issues for which the California Environmental Quality Act (CEQA) requires analysis in addition to the specific issue areas discussed in Chapter 5, Environmental Analysis. These additional issues include (1) significant effects which cannot be avoided; (2) significant irreversible environmental changes which cannot be avoided if the project is implemented; and (3) growth-inducing impacts.

8.1 SIGNIFICANT EFFECTS WHICH CANNOT BE AVOIDED

Section 15126.2 of the CEQA Guidelines requires a discussion of significant environmental effects which cannot be avoided if the project is implemented (14 CCR 15000 et seq.). In Chapter 5 of this Draft Environmental Impact Report (EIR), the project's impacts were analyzed to determine whether the project would cause significant impacts in each technical issue area. Where significant impacts were identified, mitigation measures were developed that would reduce impacts to less than significant. Chapter 6 of this EIR analyzes cumulative effects and determined that the project would not result in any significant cumulative impacts.

Table ES-1 summarizes the project's significant environmental impacts and mitigation measures that would reduce impacts to below a level of significance. Chapter 10 of the EIR is the Mitigation Monitoring and Reporting Program, which lists the project-specific mitigation measures that would reduce impacts to below a level of significance.

8.2 SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL CHANGES WHICH CANNOT BE AVOIDED IF THE PROJECT IS IMPLEMENTED

CEQA Guidelines Section 15126.2(c) requires the evaluation of:

[u]ses of nonrenewable resources during the initial and continued phases of the project [that] may be irreversible since a large commitment of such resources makes removal or non-use thereafter unlikely. Primary impacts and, particularly, secondary impacts (such as a highway improvement which provides access to a previously inaccessible area) generally commit future generations to similar uses. Also irreversible damage can result from environmental accidents associated with the project. Irretrievable commitments of resources should be evaluated to assure that such current consumption is justified (14 CCR 15126.2(c)).

The predominant irreversible environmental change that would occur as a result of project implementation would be the planned commitment of land resources to developed uses. The project would irreversibly alter a portion of the site to accommodate residential and associated

uses for the foreseeable future. This would constitute a permanent change. Once construction occurs, reversal of the land to its original condition is highly unlikely. Other permanent changes would include an increased human presence in the area. Irreversible commitments of energy resources would occur with the project. These resources would include electricity, natural gas, potable water, and building material.

Construction of the development would result in incremental demands on lumber and forest products, sand and gravel, asphalt, petrochemicals, and other materials. Construction would also incrementally reduce existing supplies of fuel oil, natural gas, and gasoline.

8.3 GROWTH-INDUCING IMPACTS

Section 15126.2(d) of the CEQA Guidelines mandates that the growth-inducing impact of a project be discussed. This guideline states that the growth-inducing analysis is intended to address the potential for the project to “foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment,” and to “encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively,” through extension or expansion of existing services, utilities, or infrastructure (14 CCR 15000 et seq.).

Typically, the growth-inducing potential of a project would be considered significant if it stimulates population growth or a population concentration above what is assumed in local and regional land use plans, or in projections made by regional planning authorities, such as the San Diego Association of Governments. Significant growth impacts could also occur if the project provides infrastructure or service capacity to accommodate growth levels beyond those anticipated by local or regional plans and policies. The City’s CEQA Significance Determination Thresholds (City of San Diego 2011) state that a project would have a significant impact related to growth inducement if it would:

1. Induce substantial population growth in an area
2. Substantially alter the planned location, distribution, density, or growth rate of the population of an area
3. Include extensions of roads or other infrastructure not assumed in the community plan or adopted Capital Improvement Project list, when such infrastructure exceeds the needs of the project and could accommodate future development.

Using the City’s CEQA Significance Determination Thresholds for growth inducement, the project would not result in significant impacts. These conclusions are presented below.

Per the CEQA Guidelines Section 15126.2(d), it should be noted that growth-inducing effects are not necessarily beneficial, detrimental, or of little significance to the environment. This issue is presented to provide additional information on ways in which this project could contribute to significant changes in the environment, beyond the direct consequences of implementing the project. The project would allow for the development of two single-family estate residences. As discussed in Section 7.7, Public Services and Utilities, the development would connect to existing utilities located in Romero Drive and Encelia Drive, and no major new infrastructure facilities are required specifically to accommodate the project. No existing capacity deficiencies were identified for water, wastewater, or storm drain facilities that would serve the project. Furthermore, the project would not generate sewage flow or stormwater that would exceed the capacity already planned for the sewer line or storm drain. Therefore, the proposed project would not result in the extension of major infrastructure facilities that would induce population growth.

The project would not displace any housing or people since the site is currently vacant and has never been developed with housing. For these reasons, approval of the proposed project would not result in significant growth-inducing impacts.

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CHAPTER 9 ALTERNATIVES

9.1 INTRODUCTION

The California Environmental Quality Act (CEQA) requires that an Environmental Impact Report (EIR) evaluate a “reasonable” range of alternatives. According to the CEQA Guidelines, an EIR “shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives” (14 CCR 15126.6(a)). Specifically, the CEQA Guidelines require the analysis of the No Project Alternative and alternatives that would be “capable of avoiding or substantially lessening any significant effects of the project” (14 CCR 15126.6(b)). The CEQA Guidelines also require a discussion of why other alternatives were rejected if they were considered in developing the project and still would meet the project objectives. Although an exhaustive analysis is not necessary, an EIR “must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation” (14 CCR 15126.6(a)).

Pursuant to the CEQA Guidelines, a range of alternatives to the project are considered and evaluated in this EIR. These alternatives were developed in the course of project planning, environmental review, public scoping, and public hearings. The discussion in this section provides:

1. A description of alternatives considered
2. An analysis of how many objectives of the project each alternative completes
3. Per CEQA Guidelines, Section 15126.6(d), a comparative analysis of the project and the alternatives under consideration. Per CEQA Guidelines, Section 15126.6(c), the alternatives are chosen by considering whether they can meet the basic project objectives, their feasibility, and their ability to avoid the project’s significant environmental effects.

Factors that may be taken into account when addressing the feasibility of alternatives include site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries, and whether the proponent can reasonably acquire, control, or otherwise have access to alternative sites (14 CCR 15126.6(f)(1)).

A range of alternatives have been considered in an effort to meet most of the basic project objectives. Alternatives that are considered and evaluated in this EIR include:

- Alternative 1 – No Project/No Development Alternative
- Alternative 2 – Reduced Biological Resource Impacts Alternative
- Alternative 3 – Reduced Paleontological Resource Impacts Alternative

The following alternatives have been considered and eliminated from detailed consideration for the reasons identified in detail in Section 9.5.1:

- Off-Site Alternative Location
- Alternative Site Designs.

9.2 PROJECT SUMMARY

The Copley Press Inc. (applicant) proposes the subdivision of two parcels (Assessor's Parcel Number 352-300-08-00 and 352-300-09-00) for future residential development in the La Jolla Community Planning Area, within the City of San Diego (City). More specifically, the approximately 25.14-acre project site 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 project would subdivide the property into three separate parcels: Parcel 1 (1.07 acres) will be 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) will each accommodate a single-family estate home, as well as conservation and restoration of biological habitat. These two lots parcels (Parcel 2 and Parcel 3) will be sold to individuals for the construction of custom homes and would be developed pursuant to a set of Design Guidelines (see Appendix A and Appendix B). The Design Guidelines provide detailed design criteria relative to site development, as well as architecture and landscape design. The goal of the Design Guidelines is to provide a detailed set of massing, building, landscaping, grading, and location standards so that the future property owner(s) would be able to secure building permits for home designs that conform to these Design Guidelines. In addition, the project proposes to dedicate approximately 0.14 acre for Romero Drive right-of-way and 0.05 acre for Country Club Drive right-of-way. See Figure 3-1, Site Development Plan, for details.

As indicated in the Design Guidelines, building permits for development of future homes within the project site would be reviewed by the City for substantial conformance with the applicable Design Guidelines, the requirements of associated discretionary actions (see Section 3.3), the La Jolla Community Plan and Local Coastal Land Use Plan, and the City's Land Development Code.

9.3 PROJECT OBJECTIVES

The CEQA Guidelines require an EIR to include a statement of objectives sought by the project (14 CCR 15124). This disclosure assists in developing the range of project alternatives to be evaluated in the EIR. The project objectives for this project are listed in Section 3.1, Project Background and Objectives, of the EIR and included here as follows:

The objectives of the project are as follows:

- Create residential development that provides no less than a 25% private development area.
- Create residential estates that maximize the ocean views unique to the project site.
- Maximize privacy for future estate residents by using existing topography to shield distant views into future homes on The Reserve.
- Provide flexibility in architectural and landscape character for future development of the site while ensuring that building massing, height, location, colors, and materials complement the existing natural environment.

9.4 SIGNIFICANT IMPACTS

As previously mentioned, an EIR should consider a range of feasible alternatives that would attain most of the project objectives, listed above, while reducing one or more of the significant impacts of the project. As presented in Chapter 5 of this EIR, the proposed project would result in potentially significant impacts to biological and paleontological resources for which mitigation measures have been identified that would reduce potentially significant impacts to less than significant levels. The remaining topics evaluated in Chapters 5 and 6 would not result in significant impacts. Hence, the focus of this alternatives analysis is to identify feasible alternatives which would reduce or avoid the significant biological and/or paleontological resource impacts of the proposed project.

9.5 ALTERNATIVES ELIMINATED FROM DETAILED CONSIDERATION

The CEQA Guidelines specify that an EIR should (1) identify alternatives that were considered by the lead agency but were eliminated from detailed consideration because they were determined to be infeasible during the scoping process and (2) briefly explain the reasons underlying the lead agency’s determination (14 CCR 15126.6(c)). Among the factors that may be used to eliminate alternatives from detailed consideration in an EIR are (1) failure to meet most of the basic project objectives, (2) infeasibility, or (3) inability to avoid significant environmental impacts.

Off-Site Alternative Locations

Off-site alternative locations were considered as part of the alternatives process. The key question and first step in analysis of the off-site location “is whether any of the significant effects of the project would be avoided or substantially lessened by putting the project in another location” (14 CCR 15126.6(f)(2)(A)). Furthermore, the CEQA Guidelines state that “an EIR need not consider an alternative whose effect cannot be reasonably ascertained and whose implementation is remote and speculative” (14 CCR 15126.6(f)(3)).

It should be noted that the availability of an alternative site does not in and of itself reduce potential impacts. It is expected that developing a similar project could result in a similar array of project impacts and could simply transfer this impact potential to areas surrounding the alternate site location. For these reasons, an off-site alternative location would not necessarily be preferred over the proposed project site. To meet the objectives of the project, an off-site alternative location would need to be:

- Sufficiently sized to accommodate residential development
- Located in an area with ocean views and situated to provide a high level of privacy for future project residents
- Located in an area that allows for flexibility of architectural and landscape character
- Located within the La Jolla Community Plan area
- Suitable for implementation of sustainable design principles.

The La Jolla Community is largely built out, and very few similarly sized, undeveloped parcels remain in this area. The applicant does not currently own any similarly sized undeveloped parcels within the La Jolla Community, and the applicant cannot reasonably acquire, control, or otherwise have access to a sufficiently sized alternative site with ocean views, or within the La Jolla Community. Therefore, off-site alternative locations are not considered feasible. As such, off-site alternative locations have been eliminated from detailed consideration in this EIR.

Alternative Site Designs

As introduced in Chapter 4 of this EIR, during the course of project development, the applicant has prepared a number of site designs over the past several years. The project site possesses numerous development constraints, such as a 25% maximum development limitation, steep slopes, sensitive biological habitat including a drainage on site (which is considered a jurisdictional water of the United States ephemeral drainage), geotechnical constraints, and difficult access. The applicant met with surrounding neighbors and the La Jolla Community Planning Association to solicit input on home location and design several times. From February 2011 through submittal of the project application in August 2012 the applicant prepared eight different site plans to reflect the complex opportunities and constraints presented by the City and ESL regulations, site terrain and community interests. These plans ranged from six to two lots and were all tested through an iterative process of evaluating the parcels for their environmental, regulatory, economic and community acceptability. From this process emerged the original project submittal in August of 2012. Some of the previous alternative designs included home locations not offering ocean views or privacy, and hence would not meet the ~~second~~ project objective of creating residential estates that maximize the ocean views unique to the project site.

as listed in Section 9.3. Many of the alternative house locations would also require longer access routes which would result in more ground disturbance and thus, additional biological and paleontological impacts. Thus greater impacts would result when compared to the proposed project. Moreover, each design drew similar concerns from neighbors; no one design, other than perhaps the proposed project, was substantially different from the others with respect to environmental impacts or neighbor concerns. As such, these designs were eliminated from further consideration. Refer to Chapter 4 for additional description of these designs.

9.6 ALTERNATIVES UNDER CONSIDERATION

Pursuant to CEQA Guidelines, Section 15126.6, an analysis of alternatives is presented to provide decision makers with a range of possible alternatives to be considered. The discussion in this EIR focuses on three alternatives: the No Project/No Development Alternative, a Reduced Biological Resource Impacts Alternative, and a Reduced Paleontological Resource Impacts Alternative. These alternatives are directed at reducing or avoiding the significant environmental impacts of the project as disclosed in Chapters 5 and 6 of this EIR. The No Project/No Development Alternative assumes that the project site would not be developed and that the project site would remain in its present condition, consisting of mostly vacant land. The Reduced Biological Resource Impacts Alternative would involve a change in site design and would result in fewer impacts to sensitive biological resources on site. The Reduced Paleontological Resource Impacts Alternative would involve a change in the Parcel 2 Design Guidelines for architectural design and attempts to reduce impacts to sensitive paleontological resources on site.

9.6.1 NO PROJECT/NO DEVELOPMENT ALTERNATIVE

CEQA Guidelines Section 15126.6(e) requires that an EIR evaluate a “no project” alternative. The purpose of describing and analyzing a no project alternative is to allow a lead agency to compare the impacts of approving the project to the impacts of not approving it. Specifically, Section 15126.6(e)(3)(B) requires that “If the project is other than a land use or regulatory plan, for example a development project on identifiable property, the “no “project” alternative is the circumstance under which the project does not proceed. In certain instances, the no project alternative means “no build” wherein the existing environmental setting is maintained.” In other words, the No Project/No Build Alternative assumes that the project site would not be developed and that the project site would remain in its present condition as a mostly vacant single parcel.

Land Use

Under this alternative, the proposed project site’s existing zoning of Residential–Single Unit (RS-1-4) and community plan designation of Parks, Open Space land use would

remain, and the site would remain vacant. Therefore, as with the proposed project, no impacts to land use would result.

Biological Resources

Under this alternative, the project site would remain in the existing condition as mostly vacant open space. Therefore, there would be no impacts to biological resources on site, and fewer potential impacts to jurisdictional waters, tiered habitats as defined in the Biology Guidelines of the Land Development Manual, or species identified as candidate, sensitive, or special-status species in the Multiple Species Conservation Program Subarea Plan or other local or regional plans, policies or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service than the proposed project. In addition, there would not be any revegetation of approximately 5.07 acres of existing non-native vegetation areas on site, nor would there be a Covenant of Easement (COE) recorded on the property to protect the resources in perpetuity.

Paleontological Resources

The No Project/No Development Alternative would not result in any grading or other ground-disturbing activities that have the potential to impact paleontological resources. Therefore, no potential impacts to paleontological resources would result from this alternative.

Hydrology and Water Quality

Under this alternative, the project site would remain in the existing condition as mostly vacant open space. Therefore, no construction or operational impacts to drainage or water quality would result from this alternative.

Geologic Conditions

Under this alternative, the project site would remain undeveloped. Therefore, geologic hazards identified on site would not create any potentially significant impacts, and no impacts associated with geologic conditions would occur.

Visual Effects and Neighborhood Character

Under this alternative, the project site would remain undeveloped. The visual conditions currently present on site would remain the same. Therefore, there would be no visual impacts on or surrounding the site.

Historical Resources

Under this alternative, the project site would remain as open space. No grading or earthmoving activities would occur. Therefore, as with the proposed project, there would be no impacts to historical resources.

Public Services and Facilities

Under this alternative, no impacts to public services and facilities would result, since no increase in population would be triggered.

Project Objectives

The No Project/No Development Alternative would not meet any of the objectives of the project as listed in Section 3.1.2 of this EIR.

Conclusion

The No Project/No Development Alternative would eliminate potentially significant environmental impacts associated with the project relative to biological resources and paleontological resources. However, the No Project/No Development Alternative would not meet any of the objectives of the project as listed in Section 3.1.2 of this EIR.

9.6.2 REDUCED BIOLOGICAL RESOURCE IMPACTS ALTERNATIVE

This alternative was primarily designed in an attempt to reduce or avoid the significant biological resource impacts of the proposed project (refer to Figure 9-1). As shown in Figure 9-1, the design involves the repositioning of the Parcel 3 home toward more disturbed and developed areas of the site which would result in a reduction of impacts to southern maritime chaparral, a Tier 1 habitat. The development area for Parcel 3 would be reduced from 4.34 acres to 3.09 acres. Under this alternative, development is proposed on 4.99 acres, approximately 20% of the project site, rather than 6.28 acres or approximately 25% of the project site. Although the reduced development area would reduce potential impacts to biological resources, this alternative would not include the revegetation of 5.12 acres of Tier IV habitat that has been included as a voluntary action as a part of the proposed project. The COE would be revised to reflect the reduced development area, the changed configuration of the preserve and to note that the voluntary revegetation, included as a project feature, would not occur.

Land Use

Similar to the project, the Reduced Biological Resource Impacts Alternative would be consistent with existing zoning of Residential–Single Unit (RS-1-4) and community plan designation of Parks, Open Space land use. Because this alternative would be the same land use as the proposed project, this alternative would not conflict with the relevant goals and policies of the City’s adopted General Plan and La Jolla Community Plan and Local Coastal Land Use Plan. As with the proposed project, this alternative would not result in a significant land use impact on the environment due to an inconsistency or conflict with an adopted land use designation.

Biological Resources

Under this alternative, impacts to biological resources would be reduced due to the repositioning and reduction of the development footprint for Parcel 3, which would result in a reduction of impacts to southern maritime chaparral, a Tier 1 habitat. The development area for Parcel 3 would be reduced from 4.34 acres to 3.09 acres. Therefore, there would be fewer impacts to biological resources on site, and reduced potential impacts to Tier I habitats as defined in the Biology Guidelines of the Land Development Manual, when compared to the proposed project.

When compared to the proposed project, the Covenant of Easement (COE) area would be increased by 1.34 acres under this alternative (20.14 acres compared to 18.80 acres under the proposed project). This additional acreage includes Southern Maritime Chaparral, a Tier I habitat. Impacts to this Tier I habitat are reduced from 4.39 acres under the proposed project, compared to 3.16 acres under this alternative.

Paleontological Resources

This alternative would result in less grading and other ground-disturbing activities that have the potential to impact paleontological resources, since Parcel 3 would be smaller in size. Grading activities on Parcel 3 would be reduced when compared to the proposed project, and would impact the same three formations as under the proposed project: Lindavista formation (Qln), which has moderate resource potential for paleontological resources, Undifferentiated Scripps/Ardath Formation (Tsc/Ta), which has high resource potential for paleontological resources, and Quaternary Artificial Fill (Qaf), which is not expected to contain paleontological resources. 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. This alternative

would reduce the amount of necessary grading on Parcel 3, since the development area is smaller when compared to the proposed project. However, grading for the reduced development area on Parcel 3 would occur entirely on the Lindavista formation (Qln), and would still result in excavation greater than 2,000 cubic yards and 10 feet in depth. Hence, while less grading would be required, similar to the project, this alternative would result in potentially significant impacts to paleontological resources and would require mitigation.

Hydrology and Water Quality

For this alternative, grading that would be necessary during construction of the site would be reduced compared to the grading described under the proposed project. This alternative would be in compliance with the City's Storm Water Standards for grading and construction activities, and would not significantly affect the rate or volume of surface runoff. Therefore, impacts to hydrology and water quality would be similar to those resulting under the proposed project; that is, less than significant.

Geologic Conditions

For this alternative, grading that would be necessary during construction of the site would be similar to the grading described under the proposed project. Impacts to geologic conditions would be similar to the proposed project.

Visual Effects and Neighborhood Character

Similar to the proposed project, this alternative is not located within an identified or designated view corridor per the La Jolla Community Plan and Local Coastal Land Use Plan (City of San Diego 2004). As with the proposed project, impacts to visual effects would remain at a level below significance with implementation of the architectural and landscape design criteria and recommendations in the Design Guidelines, and hence, impacts would be similar to the proposed project, that is, less than significant.

Historical Resources

As with the proposed project, no historical resources would be impacted under this alternative because no potentially significant prehistoric or archaeological resources are located on Parcels 2 or 3. Parcel 1 would not result in any physical effects with implementation of this alternative, and hence no impacts resulting to existing structures on Parcel 1 would result. Additionally, the records search and survey prepared for the proposed project indicate there are no current or previous religious uses within the potential impact area (Dudek 2014; see Appendix G).

Public Services and Facilities

Impacts to public services and facilities would be similar to those resulting from the proposed project, less than significant. While one additional residence is proposed, impacts to schools, libraries, parks, police, and fire-rescue services would be minimal given the relatively small amount of development proposed adjacent to existing residential development.

Transportation/Traffic Circulation

This alternative would result in the same traffic circulation patterns to those of the proposed project, therefore traffic generation and public safety impacts be identical, that is, less than significant.

Project Objectives

This alternative would not meet the ~~first~~-project objective of creating residential development that provides no less than a 25% private development area. This alternative would meet the rest of the project objectives.

Conclusion

The Reduced Biological Resource Impacts Alternative would reduce the proposed project's significant impacts to biological resources. Similar to the proposed project, impacts would be reduced to a level below significance with mitigation. This alternative would not attain the ~~first~~ project objective of creating residential development that provides no less than a 25% private development area, because less than 25% development area would result. This alternative would meet the remaining project objectives.

9.6.3 REDUCED PALEONTOLOGICAL RESOURCE IMPACTS ALTERNATIVE

This alternative was primarily designed in an attempt to reduce or avoid the significant paleontological resource impacts of the proposed project. The Reduced Paleontological Resource Impacts Alternative would involve a change in the Parcel 2 Design Guidelines for architectural design and attempts to reduce impacts to sensitive paleontological resources on site. As analyzed in Section 5.3.3, for the proposed project, construction activities would potentially require more than 1,000 cubic yards of excavation. Although the exact amount of excavated material has not yet been quantified, the maximum depth of cut during construction activities would be approximately 20 feet. Although no significant paleontological resources have been found on the project site, ground-disturbing activities have the potential to uncover these resources during construction due to the lack of previous grading on the majority of the project site and the moderate to high potential for on-site soils to contain these resources. Due to the fact that ultimate grading has not yet been finalized, potentially significant impacts to unknown paleontological resources may occur.

An alternative that would reduce the amount of cut and fill required for grading, or that would locate proposed development areas outside of sensitive paleontological formations, could in turn reduce impacts to paleontological resources.

According to the City's CEQA Significance Thresholds and soil mapping provided for the project (GEI 2011), of the soils located on the project site, the Ardath Shale (Ta) and Scripps Formation (Tsd) have high resource potential for paleontological resources (refer to Figure 5.3-1 in Section 5.3). Lindavista formation (Qln), also referred to as Quaternary very old paralic deposits (Qvop), is also located on site and has a moderate resource potential for paleontological resources. A smaller portion of the site along the western boundary just south of the existing Foxhill estate is underlain by artificial fill, which has a low resource potential. Thus the large majority of the site is covered by either high or moderate sensitivity paleontological resource formations. Additionally, most of the Ardath Shale and Tertiary Scripps Formation locations are located on slopes over 25%.

To create an alternative that would reduce or avoid paleontological resource impacts, less grading on Parcel 2 could be implemented that would reduce the amount of cut into the existing on site slope. With less grading and excavation, a 2-story residence permitted by the City's Municipal Code could not be hidden by existing topography at this location under this alternative.

Land Use

Similar to the project, the Reduced Paleontological Resource Impacts Alternative would be consistent with existing zoning of Residential–Single Unit (RS-1-4) and community plan land use designation of Parks, Open Space. Because this alternative would be the same type of land use as the proposed project, this alternative would not conflict with the relevant goals and policies of the City's adopted General Plan and La Jolla Community Plan and Local Coastal Land Use Plan. As with the proposed project, this alternative would not result in a significant impact on the environment due to an inconsistency or conflict with an adopted land use designation.

Biological Resources

The same impacts to biological resources resulting from the proposed project would occur under this alternative since the same development areas would be utilized.

Paleontological Resources

The City's CEQA Significance Determination Thresholds states that if over 1,000 cubic yards of excavation and ten feet of depth or more in a high resource potential geologic

deposit/formation/rock unit and/or over 2,000 cubic yards of excavation and ten feet of depth or more in a moderate resource potential geologic deposit/formation/rock unit occurs, the project would result in significant impacts. The proposed project, as analyzed in Section 5.3, would potentially result in more than 1,000 cubic yards of cut and fill at a depth of approximately 20 feet in height in moderate to high resource potential formations, and hence impacts were determined to be significant. To create an alternative that would reduce or avoid these impacts, less grading on Parcel 2 would be implemented to reduce the amount of cut into the existing on site slope. Some degree of cutting would still be necessary (approximately 10 feet deep) given the steep terrain on Parcel 2, where Ardath Shale (Ta) and Scripps Formation (Tsd) occur. Parcel 3 would also still require cutting in the on-site Lindavista formation (Qln), also referred to as Quaternary very old paralic deposits (Qvop).

A geotechnical analysis (Appendix E) was prepared to investigate this possible alternative, and because of several site constraints including steep hillsides, topography, the need for caissons or other support structures, the analysis concludes that any residential development on the entire site would still require at least 10 feet of excavation in moderate or high-resource potential paleontological formations. The analysis concludes that no feasible alternative would avoid this depth of cut (GEI 2014). It is possible, however, that on Parcel 2, a site design could be implemented to reduce the amount of excavation to below 1,000 cubic yards. As such, this alternative would reduce the amount of excavation to below 1,000 cubic yards in high resource potential formations, and hence would not trigger a significant impact per the City's CEQA Significance Determination Thresholds. Impacts would therefore be avoided under this alternative when compared to the proposed project.

Hydrology and Water Quality

For this alternative, grading that would be necessary during construction of the site would be less than the grading described under the proposed project. This alternative would be in compliance with the City's Storm Water Standards for grading and construction activities, and would not significantly affect the rate or volume of surface runoff. Therefore, impacts to hydrology and water quality would be similar to those resulting under the proposed project; that is, less than significant.

Geologic Conditions

For this alternative, grading that would be necessary during construction of the site would be less than the grading described under the proposed project. Potential impacts to geologic conditions would be reduced when compared to the proposed project. As under the proposed project, impacts to geologic conditions would remain less than significant.

Visual Effects and Neighborhood Character

Similar to the proposed project, this alternative is not located within an identified or designated view corridor per the La Jolla Community Plan and Local Coastal Land Use Plan (City of San Diego 2004). As with the proposed project, impacts to visual effects would remain at a level below significance with implementation of the architectural and landscape design criteria and recommendations in the Design Guidelines, and hence, impacts would be similar to the proposed project, less than significant.

Historical Resources

As with the proposed project, no historical resources would be impacted under this alternative because no potentially significant prehistoric or archaeological resources are located on Parcels 2 or 3. No physical effects to existing structures would result under this alternative. Parcel 1 would not result in any physical effects with implementation of this alternative, hence no impacts to existing structures on Parcel 1 would result. The archaeology report prepared for the project and subsequent geotechnical testing indicated that no impacts to archaeological resources would occur (Dudek 2014; also refer to Section 5.7).

Public Services and Facilities

Impacts to public services and facilities would be similar to those resulting from the proposed project, i.e., less than significant. Impacts to schools, libraries, parks, police, and fire–rescue services would be minimal given the relatively small amount of development proposed adjacent to existing residential development.

Transportation/Traffic Circulation

This alternative would result in the same traffic circulation patterns to those of the proposed project, therefore traffic generation and public safety impacts be identical, that is, less than significant.

Project Objectives

This alternative would meet most of the project objectives. It would not meet the ~~third~~ project objective of maximizing privacy for future estate residents, because it would preclude the use of existing topography to shield distant views into future homes on The Reserve. With less grading and excavation, a 2-story residence permitted by the City’s Municipal Code could not be hidden by existing topography at this location under this alternative.

Conclusion

The Reduced Paleontological Resource Impacts Alternative would reduce the proposed project’s significant impacts to paleontological resources. This alternative would attain most of the project objectives.

9.7 SUMMARY MATRIX

Refer to Table 9-1 at the end of this section for a summary of the effects of each alternative on the resource topics listed above.

9.8 ENVIRONMENTALLY SUPERIOR ALTERNATIVE

No impacts would result with implementation of the No Project/No Development Alternative. The No Project/No Development Alternative would therefore result in the least environmental impacts and would be the environmentally superior alternative. However, Section 15126.6(e)(2) of the CEQA Guidelines states that if the environmentally superior alternative is the No Project Alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives.

The Reduced Biological Resource Impacts Alternative would reduce the project’s identified significant impacts to biological resources. The Reduced Paleontological Resource Impacts Alternative would avoid the project’s identified significant impacts to paleontological resources. ~~Therefore~~As summarized in the table below, the Reduced Paleontological Resource Impacts Alternative is the environmentally superior alternative.

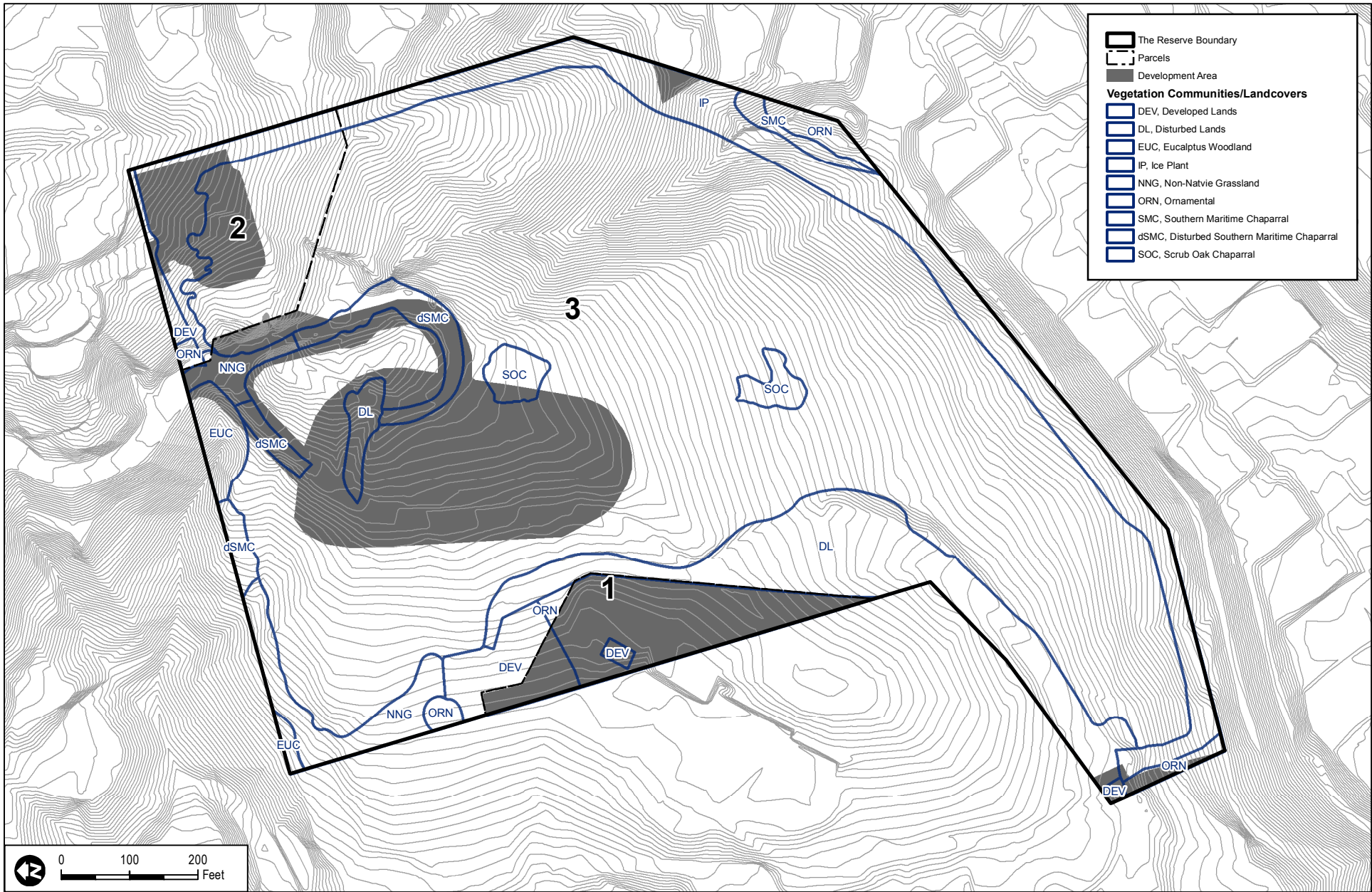
**Table 9-1
Alternatives Summary**

Environmental Issue	Project	No Project/ No Build Alternative	Reduced Biological Resource Impacts Alternative	Reduced Paleontological Resource Impacts Alternative
Land Use	Impacts would be less than significant.	No impact.	Impacts would be similar to the proposed project.	Impacts would be similar to the proposed project.
Biological Resources	Impacts would be less than significant with mitigation.	No impact.	Impacts would be reduced under this alternative.	Impacts would be similar to the proposed project.
Paleontological Resources	Impacts would be less than significant with mitigation.	No impact.	Impacts would be similar to the proposed project.	Impacts would be avoided under this alternative.

**Table 9-1
Alternatives Summary**

Environmental Issue	Project	No Project/ No Build Alternative	Reduced Biological Resource Impacts Alternative	Reduced Paleontological Resource Impacts Alternative
Hydrology/Water Quality	Impacts would be less than significant.	No impact.	Impacts would be similar to the proposed project.	Impacts would be similar to the proposed project.
Geologic Conditions	Impacts would be less than significant.	No impact.	Impacts would be similar to the proposed project.	Impacts would be similar to the proposed project.
Visual Effects and Neighborhood Character	Impacts would be less than significant.	No impact.	Impacts would be similar to the proposed project.	Impacts would be similar to the proposed project.
Historical Resources	Impacts would be less than significant.	No impact.	Impacts would be similar to the proposed project.	Impacts would be similar to the proposed project.
Public Services and Facilities	Impacts would be less than significant.	No impact.	Impacts would be similar to the proposed project.	Impacts would be similar to the proposed project.
Transportation/Traffic Circulation	No impact.	No impact.	Impacts would be similar to the proposed project.	Impacts would be similar to the proposed project.
Meets Most Project Objectives?	Yes	No	Yes	Yes

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The Reserve



Reduced Biological Impacts Alternative
Environmental Analysis Section Project No. 292065

CITY OF SAN DIEGO - DEVELOPMENT SERVICES

FIGURE

9-1

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CHAPTER 10 MITIGATION MONITORING AND REPORTING PROGRAM

The California Environmental Quality Act (CEQA) Section 21081.6 requires that a mitigation monitoring and reporting program (MMRP) be established upon certification of an Environmental Impact Report (EIR). It stipulates that “the public agency shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment. The reporting or monitoring program shall be designed to ensure compliance during project implementation.”

This MMRP has been developed in compliance with Section 21081.6 of CEQA and identifies (1) project design features in order to reduce the potential for environmental effects; (2) mitigation measures to be implemented prior to, during, and after construction of The Reserve project; (3) the individual/agency responsible for that implementation; and (4) criteria for completion or monitoring of the specific measures.

10.1 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, Project Tracking System (PTS) No. 292065 and /or Environmental Document 292065/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.

NONE REQUIRED

4. **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.

5. **OTHER SUBMITTALS AND INSPECTIONS:** The Permit Holder/Owner’s representative shall submit all required documentation, verification letters, and requests for all associated inspections to the RE and MMC for approval per the following schedule:

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

10.2 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: ~~restoration/revegetation plans,~~ plant salvage/relocation requirements (e.g., coastal cactus wren plant salvage, burrowing owl exclusions, etc.), avian or other wildlife surveys/survey schedules (including general avian nesting and USFWS protocol), timing of surveys, wetland buffers, avian construction avoidance areas/noise buffers/ barriers, other impact avoidance areas, and any subsequent requirements determined by the Qualified Biologist and the City ADD/MMC. The BCME shall include a site plan, written and graphic depiction of the project's biological mitigation/monitoring program, and a schedule. The BCME shall be approved by MMC and referenced in the construction documents.
- E. **Avian Protection Requirements** - To avoid any direct impacts to raptors and/or any native/migratory birds, removal of habitat that supports active nests in the proposed area of disturbance should occur outside 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.

10.2.1 **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 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, 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 conservation area. Impacts to barrel cactus shall be mitigated pursuant to the a 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 conservation area. The Conserved Property conservation area 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~~conservation area), which is approximately 18.80 acres (refer to Figure 5.2-3). The ~~Conserved Property~~conservation area 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 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 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, 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 conservation area. In addition, Grantor shall be responsible for implementing the following management activities in order to maintain ecological functions and services of the native vegetation open space on the conservation area:~~

- ~~• The individual property owners or their qualified designee shall be responsible for long-term maintenance and management of the Conserved Property; Identify the responsible entity for long term maintenance and management of the conservation area. In this instance, the responsible entity is to be the individual home owners or their qualified designee.~~
- 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 of trash is to be performed~~ 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~~conservation~~ area. If trespass occurs in areas where signage is not present, additional fencing and signage may be added to problem areas.
- The ~~Brush Management~~ Zone 2 brush management area will be clearly delineated within from the conservation Conserved Property ~~area that constitutes mitigation for the project.~~ Brush Management Zone 2 will be delineated by using T-posts or single-strand wire fence that allows wildlife freedom of passage but that marks the area of ~~Brush Management Zone 2 brush management~~ as shown on Exhibit A ~~Figure 5.2-4.~~ Brush Management ~~The Zone 2 brush management areas~~ has been included in the ~~conservation~~ Conserved Property~~area~~ due to the species that occur in these areas and the contiguity provided by combining both the mitigation area and the ~~Brush Management Zone 2 brush management in the conservation area.~~ 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.
- ~~The Grantor shall p~~Prepare and submit an annual letter report to the City of San Diego Mitigation Monitoring Coordination section of the Development Services Department that describes the tasks and condition of the ~~conservation~~ Conserved Property~~area~~ and any recommendations for future action.

—To fulfill any of Grantor’s obligations not included above (e.g., restoration in the event of vandalism), Grantor must use a qualified designee. The designee must 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 conservation area.

**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>		8.78	
Non-native grassland	1:1	0.16	0.15 ^d
<i>Tier IIIB Habitats Subtotal</i>		0.16	
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>			0.00
Unvegetated stream channel	2:1	0.00	0.08
<i>Wetlands Subtotal</i>			0.00

- ^a Impacts include development area (including temporary impacts) and Brush Management Zone 1 acreages 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. 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 following shall be noted on the grading plans, if construction activity is to take place in the proposed area of disturbance during the breeding season (i.e., February 1 through September 15), biological surveys pursuant to protocols for nesting bird species must be conducted within the proposed impact area within 10 calendar days prior to the start of construction activities (including removal of vegetation). This survey is necessary to ensure avoidance of impacts to nesting raptors and/or birds protected by the federal Migratory Bird Treaty Act. To avoid any direct impacts to raptors and/or any native/migratory birds, removal of habitat that supports active nests in the proposed area of disturbance should occur outside the breeding season for these species.

~~If vegetation removal is not feasible outside the breeding season, any active nests detected shall be flagged and mapped on the construction plans and shall be avoided until the nesting cycle is complete. Pursuant to the City's Biology Guidelines, the applicant shall submit the results of the pre-construction surveys~~

~~to the 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 (e.g., appropriate follow-up surveys, monitoring schedules, construction and noise barriers/buffers) 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 Mitigation Monitoring Coordination 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. If nesting birds are not detected during the pre-construction survey, no further mitigation is required.~~

10.2.2 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 (CSV). The CSV 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.

CHAPTER 11 REFERENCES CITED

CHAPTER 1 – INTRODUCTION

14 CCR 15000–15387 and Appendices A–L. Guidelines for Implementation of the California Environmental Quality Act, as amended.

California Public Resources Code, Sections 21000–21177. California Environmental Quality Act (CEQA), as amended.

City of San Diego. 2011. City of San Diego CEQA Significance Determination Thresholds.

CHAPTER 2 – ENVIRONMENTAL SETTING

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