City of San Diego
Development Services

ENTITLEMENTS DIVISION
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ADDENDUM to an ENVIRONMENTAL IMPACT REPORT

Project No. 142244
Addendum to EIR No. 96-7902
SCH No. 97111070

SUBJECT: **North Village at Black Mountain Ranch—COMMUNITY PLAN AMENDMENT (CPA), VESTING TENTATIVE MAP (VTM), PLANNED DEVELOPMENT PERMIT (PDP), SITE DEVELOPMENT PERMIT (SDP), EASEMENT ABANDONMENT, STREET VACATION, MHPA BOUNDARY LINE ADJUSTMENT and REZONE.** The project includes a total of 1,433 residential units, a mixed-use village core with a 515,000-square-foot employment/office center with 225,000 square-feet of commercial/retail space; a 300-room hotel; 277.5 acres of open space and 5 individual park areas; a middle school site; a transit center; a fire station; and other on- and off-site infrastructure improvements on a 967.5 acre site. The proposed application includes revising the boundary of the previously approved Vesting Tentative Map, Planned Development Permit (VTM/PDP) 40-0528. Applicant: Black Mountain Ranch, LLC.

Revisions to this document have been made when compared to the Draft Addendum Environmental Impact Report (DAEIR). Additional information was added to the document for clarification purposes. The additional language appears in an underlined and ~~strikethrough~~ format. In accordance with the California Environmental Quality Act, Section 15073.5 (c)(4), the addition of new information that clarifies, amplifies, or makes insignificant modification does not require recirculation as there are no new impacts and no new mitigation identified. An environmental document need only be recirculated when there is identification of new significant environmental impact or the addition of a new mitigation measure required to avoid a significant environmental impact.

I. PROJECT DESCRIPTION:

An amendment to the Black Mountain Ranch Subarea Plan is being proposed in order to accommodate changes to the land use plan in the North Village area of Black Mountain Ranch. The application includes a number of proposed discretionary actions. The Subarea Plan Amendment is described below within **Section A**. Other discretionary actions requiring approval include a VTM, PDP, SDP, Easement Abandonment, Street

Vacation, MHPA Boundary Line Adjustment, and Rezone are discussed in **Section B**. Because there is an existing approved VTM for North Village, **Section C** compares the current proposal to the previous approvals within the project area.

A. Subarea Plan Amendment

The project would amend the Black Mountain Ranch Subarea Plan which was originally adopted by the City Council on July 28, 1998 (Figure 1). Development within the Subarea Plan commenced in 2000 and since then, two communities have emerged, the Santaluz community and the Del Sur community. The 3,100 acre Santaluz community occupies the southern portion of the Black Mountain Ranch Subarea Plan area and is approximately 90% built out. Santaluz is primarily comprised of two golf courses and low density residential development. Of the two golf courses within the Santaluz area of the Subarea, only one has been constructed. The Santaluz portion of the Subarea Plan was the subject of Final Environmental Impact Report, DEP 95-0173; SCH No. 95041041 (1995 FEIR), and it was the 1995 FEIR that analyzed the biological impacts of the development of all of Subarea I. The 1,400 acre Del Sur community occupies the northern portion of Black Mountain Ranch and has approved final maps or construction occurring within approximately 50% of the community. The other 50% of the community is the subject of this application. The proposed changes to the Subarea Plan occur primarily within the Del Sur community and within the adjacent yet un-built golf course area within the northern portion of the Santaluz community.

This Subarea Plan Amendment was initiated by the Planning Commission on December 13, 2007 to consider through the planning process the reallocation of land uses, the revision of the circulation system, and an increase to the commercial square footage within the mixed-use urban village. The proposed Subarea Plan Amendment, if approved, would result in no increases of residential units, no reductions in open space, and no significant increases in the total Average Daily Trips (ADT) volume identified for Black Mountain Ranch as part of the original Subarea Plan approval. In addition, there would be no increase in the total area disturbed by grading.

The proposed changes to land use designations and configurations within the undeveloped portions of the Del Sur community within the Black Mountain Ranch Subarea Plan are discussed in greater detail below as follows:

North Village

Mixed Use Core

Figure 2 shows the existing and proposed configuration of land uses within the mixed use core. As shown in Figure 2, the mixed use core has been modified to include: a radial street pattern; a shift of unused commercial square footage approved from within the South Village and relocated to the North Village (described below); a shift of commercial development within the North Village; and the relocation of a resort hotel to the town center. Remaining commercial development approved in the South Village, yet never constructed, would be shifted to the North Village. Commercial development would be relocated within the Mixed Use Core of the North Village. The resort hotel which was previously designated next to the future golf course would be moved into the Village Core of the North Village to add to the mix of uses and to accommodate business and other travelers. The 500 senior residential dwelling units previously proposed within the mixed use core would be reduced within the mixed use core to 200 units.

The remaining 300 senior units would be relocated to the site previously planned for a resort hotel.

Commercial Uses

The Subarea Plan Amendment would not increase the commercial intensity within the Subarea as a whole, but would increase the commercial intensity in the North Village by moving approximately 44,000 square feet of unused square-footage from the South Village to the North Village. Moving the 44,000 square feet of commercial uses to the North Village would increase the commercial square footage within North Village to greater than 100,000 square-feet (75,000 square feet of existing+ 44,000 square foot of proposed= 119,000 square feet). Commercial uses of more than 100,000 square-feet generate less traffic on a square-foot basis than smaller commercial centers due to the type of uses they attract. Thus, although the City's Traffic Generation Rate for the original 75,000 square-foot North Village commercial area was 120 ADT per 1000 square-feet of commercial, the City's Traffic Generation Rate for the proposed 100,000 square-foot commercial center proposed by the project is 70 ADTs per 1,000 square-feet of commercial. This reduction results in a decrease of the total trips generated within the North Village circulation system, and would allow up to 106,000 square feet of additional commercial square footage to be accommodated within the North Village without exceeding the ADT analyzed in the original EIR. The addition of the 150,000 (106,000 square feet + 44,000 square feet) to the North Village would result in a total commercial square footage of 225,000 square feet.

Central Area

Resort Hotel

The 300-room resort hotel that was approved next to the golf course would be re-located to a site within the Mixed Use Core. The former hotel location would be re-designated for residential uses, specifically as a continuing care facility and senior units. The land originally designated for the development of a golf course would be designated as resource open-space as described below.

Residential Care Facility/Senior Units

As described above, 300 of the 500 previously approved senior units within the North Village Core would move to the previously designated resort hotel site. The resort hotel site is approximately 33 acres. The remaining 200 senior units would remain within the mixed-use core of the North Village. Residential senior units or continuing care facilities typically accommodate individuals in the 75-85 year-old range and provide a continuum of care options including independent living, assisted living, skilled nursing, and memory care support. In addition to a continuum of care, these facilities include all the characteristics of a retirement community. On-site accessory activities and facilities are anticipated to accommodate dining, recreation, fitness, spa, beauty salon, arts and crafts, music, convenience market, laundry, health care, and similar services. Transportation service to local destinations such as commercial centers would be provided by van, jitney, bus, or comparable vehicle. Any residential care facility and/or senior units would require the review and approval of a Conditional Use Permit (CUP) prior to the site being developed for these uses. The present application does not include a CUP.

Open Space

The central area of Black Mountain Ranch originally included a golf course to accompany the resort hotel. The area previously approved for the golf course would be graded and improved with drainage features so that the overall development would meet its water quality requirements. The area would then be re-vegetated to prevent erosion, aid in slope stability and improve aesthetics. This open space area would be designated as "Resource Open Space" in the Black Mountain Ranch Subarea Plan, but would not be shown as Multi-Habitat Planning Area (MHPA) open space in the Subarea Plan Amendment.

East Clusters

The final component of the Subarea Plan Amendment application was originally initiated by the San Diego City Council on July 26, 2004 (Resolution R-299493) to accommodate the relocation of a fire station from the North Village to a site in the eastern portion of Black Mountain Ranch. The formerly-initiated Plan Amendment to relocate the fire station is incorporated into this proposed amendment. The proposed relocation of the fire station site within the East Clusters can be seen on Figure 3. An MHPA boundary adjustment would be required for the fire station re-location (Figure 4).

B. Proposed Project and Other Discretionary Actions

The application requires the approval of several additional discretionary actions, including a VTM, PDP, SDP, Rezone, Easement Abandonment Vacation and Street Vacation. The proposed application would add Parcel 4 of Parcel Map 18504 within the previously approved East Clusters development to the revised VTM for use as a fire station site.

It is important to note that the proposed application does not include the following: areas that have already been developed or built-out, areas for which final maps have been recorded; or areas where final maps are pending. The areas within the subdivision boundary of the revised VTM No. 497492 which fall into one of these three categories, and which are not part of the proposed application are discussed in greater detail within Section C in order to provide an overall comparison with the original approvals and the proposed application.

The proposed revised VTM No. 497492 combines two previously approved VTMs within Black Mountain Ranch: the 2001 North Village at Black Mountain Ranch VTM (VTM 40-0528) and the 1995 Black Mountain Ranch VTM (VTM 95-0173). Specifically, the project area shown on the proposed revised VTM No. 497492 includes the area of the 2001 North Village VTM 40-0528 which is 642 acres combined with the north golf course and hotel site, residential care facility, detention facility and brush management lots shown on VTM 95-0173, and the fire station site from Parcel Map 18504. As discussed in Section A above, the original VTM 95-0173 designated two golf courses and a hotel. The southern golf course was constructed as part of the Santaluz development; however, the northern golf course and hotel were never constructed. Therefore, under the revised VTM, the 295-acre golf course and hotel areas would be added to the North Village and the land uses would be re-designated from golf course/hotel to resource open space and residential. The areas within the project boundaries where changes are proposed are shown in Figure 5. It should be noted that the development proposed under the Revised VTM No. 497492 is generally consistent with the 2001 VTM 40-0528 approval and the overall number of dwelling units would not increase.

Rezone

The application also includes rezoning portions of the project site in order to ensure the zoning is consistent with the proposed land uses of the amended Subarea Plan. The proposed rezone also adjusts the existing zone boundaries within Units 10 through 13 to correspond with the revised circulation and lotting, and rezones the previously approved resort hotel site from Commercial Visitor 1-1 to 2-6 Residential Multi-Family. The proposed rezoning is shown on Figure 6.

Grading

While the revised VTM No. 497492 includes an additional 295-acres of land area compared to the 2001 approval, there would be no new grading impacts. The initial limits of grading activity approved with the previous VTM's would not be increased. This is because the 295-acre area to be added to Revised VTM No. 497492 was approved to be graded as part of VTM 95-0173 and all environmental impacts were analyzed as part of the 1998 FEIR. There is no proposed grading that was not previously analyzed in the 1998 FEIR or the 2001 addendum.

The revised VTM No. 497492 shows that 432 acres of the 967.5-acre site would be graded in order to accomplish the proposed development. This grading would require 5,000,000 cubic yards of excavation and embankment and would achieve a balanced earthwork condition within the VTM boundary. No export of earthwork material would occur. Note that these grading numbers do not include the grading that has already been completed or lies within the boundaries of a pending or approved Final Map. Consistent with the 1998 EIR, excavation and embankment slopes are proposed at a maximum of 75 feet and 70 feet, respectively, and would be constructed at a slope ratio of 2:1 or less.

C. Comparison of Existing Approval with the Proposed Project

As discussed in Section B above, the proposed project is a combination of the 2001 for the North Village at Black Mountain Ranch VTM No. 40-0528 and a portion of the 1995 Black Mountain Ranch VTM No. 95-0173. A detailed breakdown of the proposed project compared to what was approved under the 2001 VTM is shown in Table 1 which also illustrates the portions of the 2001 VTM that have been constructed or have pending final maps. These constructed or pending final map areas are not part of the proposed application.

As evidenced by the aerial photograph in Figure 3, approximately 49% of the original North Village has been graded and built or under construction. As previously discussed, the proposed project includes a revised VTM No. 497492 which includes acreage that was previously included within the approved 1995 Black Mountain Ranch VTM. The proposed application would not include any changes to Units 1–9, 14, 15, 17, or 18 as final maps have been recorded or are pending recordation and construction is currently underway. However, the proposed revised VTM No. 497492 does include revisions to Units 10-13, 16, 19, and 20 which includes reconfiguring the lotting and circulation, but does not result in any additional dwelling units.

Table 1
Comparison of Existing and Proposed Development

	2001 North Village VTM 40-0528	Constructed or under Pending or Approved Final Maps	Revised VTM No. 497492 "Proposed Application"
Residential Units	2,783 units	1350 units	1433 units
Single-Family	1,707	1,021	564 units
Multi-Family	1,076	329 units	869 units
Affordable	469 units **	204 units	265 units **
Age-restricted	400 units	none	400 units
Commercial	119,000 Square Feet	None	225,000 Square Feet*
Employment/ Office	515,000 Square Feet	None	515,000 Square Feet
Public Facilities	Elementary school, Middle school site Transit Center Sewer Lift Station Fire Station	Elementary School	Middle School site Sewer Lift Station Fire Station Transit Center
Public Parks / POA Parks & Open Space	69.3. Acres	64. 3 acres	277.5 acres***

*See Section A above for an explanation of the commercial square footage
** Includes 100 units of Affordable housing reserved for Age Restricted. Total Age Restricted is 500 units
***Acreage includes adding the 255.4 acre "north golf course" area from VTM 95-0173 to the proposed project as resource open space.

As shown in Table 1 above, the 2001 VTM included a total of 1,707 single-family and 1,076 multi-family units (2,783 total); a mixed-use core with a 515,000-square-feet employment/office center and 119,000 square-feet of commercial/retail space; 69.3 acres of open space/park areas; an elementary school site; a middle school site; a transit center; a sewer lift station; and other on- and off-site infrastructure on approximately 642 acres. Since the 2001 approval, 1,350 residential units, an elementary school, 64.3 acres of POA open space/parks (Figure 9), and various infrastructure have been constructed. The proposed revised VTM No. 497492 includes the remaining 1,433 residential units; a middle school site; a sewer lift station; ~~a~~ fire station; and transit center sites; 515,000 square feet of employment/office uses; 225,000 square feet of commercial; and 277.5 acres of POA open space/park uses. The 1,433 residential units included as part of the current proposal include 500 ~~400~~ senior units of which 100 are affordable and a total of 265 affordable units. The total number of residential units would not exceed what was approved in 2001 in the original North Village VTM.

II. ENVIRONMENTAL SETTING:

The site is located in the northern portion of Black Mountain Ranch, bisected by Lusardi Creek within Black Mountain Ranch, east of Fairbanks Ranch, west of 4S Ranch, and south of the Santa Fe Valley Specific Plan area within the Subarea I planning area within the City of San Diego.

The Black Mountain Ranch Subarea Plan was originally adopted by the City Council on July 28, 1998 and was last amended in June of 2002. The approximately 5,100-acre Black Mountain Ranch Subarea Plan designates approximately one-third of its acreage for development of residences, schools, commercial, and employment uses. The remaining two-thirds of the Subarea are designated for golf courses, parks, and open space uses.

The North Village is located within the portion of the Black Mountain Ranch Subarea Plan referred to as the Del Sur community. Del Sur is approximately 1,400 acres in size and has recorded final maps or construction occurring on approximately 50 percent of the community. Del Sur is characterized primarily by a large mixed-use village area and residential development that ranges from low- to medium-density. As discussed in the Project Description above, the North Village occupies almost 1,000 acres of the 1,408-acre community that compromises Del Sur and 515 acres of perimeter parcels surrounding the Black Mountain Ranch ownership. The remaining 3,700 acres of the Black Mountain Ranch Subarea are referred to as Santaluz, which is mostly built-out and is characterized primarily by a golf course and low-density residential development. The Santaluz portion of the Subarea was the subject of Final Environmental Impact Report, DEP 95-0173; SCH No. 95041041 (1995 FEIR), which analyzed the biological impacts for all of Subarea I.

III. PROJECT BACKGROUND

The site is located within the North Village portion of the Black Mountain Ranch Subarea. In June 1998, the City of San Diego certified the Final Environmental Impact Report (FEIR) for the Black Mountain Ranch (Subarea I) Subarea Plan in the North City Future Urbanizing Area (NCFUA) (Land Development Review [LDR] No. 96-7902, SCH No. 97111070). The 1998

FEIR encompassed the remaining 1,408 acres of Subarea I in the NCFUA of the City of San Diego. These 1,408 acres comprised 893 acres from the previously approved 3,777-acre Black Mountain Ranch II project (DEP No. 95-0173; SCH No. 95041041) as well as the 515-acre perimeter parcels surrounding the Black Mountain Ranch ownership

In November 2001, an addendum to FEIR 96-7902 was approved which included an amendment to the Subarea I Plan; a third amendment to the Development Agreement; a revision to the approved North Village VTM; a Street Vacation; Rezone; PDP; and SDP. This 2001 Addendum re-defined the North Village portion of Black Mountain Ranch. The North Village, as defined in the 2001 Addendum consisted of 2,783 single- and multi-family residences; a mixed use community core with a 450,000 square-foot employment center and 140,000 square feet of commercial/office space; 15 open space/park areas; sites for elementary, middle, and high schools; a transit center; an SDG&E electrical substation on 642.09 acres, and on-site and off-site utilities and infrastructure improvements.

The currently proposed application is essentially the same project described in the 1998 FEIR and more specifically defined in the 2001 addendum. However, this addendum is intended to allow for further refinement to the 1998 FEIR and the 2001 Addendum, and the proposed changes are listed within the project description above.

IV. ENVIRONMENTAL ANALYSIS:

The following environmental issues were considered during initial review of the proposed project and determined to be potentially significant and required subsequent analysis and or discussion as part of this Addendum: Transportation/Circulation, Biology, Historical Resources (Archaeology), Landform Alteration/Visual Quality, Geology/Soils, Water Quality, Water Supply, Noise, Paleontology, Air Quality, Solid Waste, Human Health and Public Safety, Land Use and Public Services/Utilities.

Transportation/Traffic Circulation

An updated traffic study was prepared by KOA Corporation in June 2008 to evaluate the possible traffic impacts resulting from the proposed modifications to the Black Mountain Ranch–North Village VTM. This study can be reviewed in the offices of the Entitlements Division and is summarized below.

The approved grid street pattern within the urban core area has been re-designed with a radial grid system of streets and pedestrian circulation that emanates from a central focal point. Additionally, due to the additional 44,000 square feet of office space re-allocated from the South Village and the re-located hotel, the North Village trip generation has been increased by approximately 6,300 daily trips from the previously approved project. However, the 2008 KOA traffic study concludes that the Subarea Plan as currently proposed would generate 83,320 ADTs, or 880 ADTs less than the 84,200 ADT expected to be generated by the adopted/approved Subarea Plan in the 1998 FEIR and the 2001 Addendum. Figure 7 shows the approved trip generation versus the new proposed trip generation. The traffic study concluded that all intersections and roadway segments would operate at an acceptable level of service under the proposed North Village revised VTM conditions.

In summary, the 2008 KOA traffic study identifies a total of 83,320 ADTs for the Subarea Plan as currently proposed. This is less than the 84,200 ADT for the adopted/approved Subarea Plan. Thus, impacts to transportation resulting from the proposed project would be consistent with the findings in the Black Mountain Ranch FEIR, and no new mitigation measures are required.

However, because of the redesigned radial grid street system and the additional, re-allocated, commercial density, Intersections 1, 3, 4, 9, 13, 23, and 24 would need to be designed as signalized intersections in order to operate at acceptable LOS and meet all signal ADT planning warrants. Additionally, the proposed signalized intersection of Camino Del Sur and Babcock Street (Intersection 1) would need to be re-designed with dual left-turn lanes in the westbound-to-southbound direction in order to operate at an acceptable LOS. The project would incorporate the signals and left-turn lanes into the design of the project and are conditions of the permit. All other previously identified impacts were ~~would be mitigated by the improvements~~ identified in the previously certified FEIR and no new mitigation would be required.

Biological Resources

An updated biological report was prepared for the proposed project (RECON, August 2008). The revised North Village VTM and proposed Subarea Plan Amendment do not change the project footprint, except at the location of the proposed Fire Station No. 48. The impacts on the proposed fire station site would add an additional 1.77 acres of impact to non-native grassland and 0.33 acre of disturbed habitat to the impact total previously reported for the North Village VTM/PDP. This 2.1 acre of additional impact is off-set by the addition of 2.5 acres of native habitat comprised of 1.7 acres of coastal sage scrub and 0.7 acre of native grassland on the trade parcel to be added to the MHPA in the boundary adjustment (RECON 2007). The incorporation of the 2.5 acre trade parcel (APN 312-010-3100) into the MHPA would serve as mitigation for these additional impacts.

The 1998 FEIR addressed impacts to biological resources, requiring mitigation and a Boundary Line Adjustment. As part of the present project the MHPA boundary would again be adjusted, therefore, the potential impacts associated with the proposed project would be adequately addressed. No new mitigation set forth in the FEIR MMRP is required for the proposed project and the mitigation in the 1998 FEIR would serve to mitigate all direct biological impacts to below a level of significance.

Historical Resources

A cultural resources study, performed on the MHPA trade parcel (proposed fire station location), included both a field survey and an updated records search (RECON, August 2008). The updated records search was conducted for a one-mile radius of the project and was obtained from the South Coastal Information Center (SCIC) at San Diego State University. No new cultural resources sites were shown on the updated records search; the closest recorded historical resource is CA-SDI-18,278, which is an isolated bedrock mortar approximately 1,100 feet to the south.

During the field survey of the MHPA trade parcel, two quartzite flakes were found. Under City of San Diego Historical Resources Guidelines, these two flakes found during the survey would not qualify as a site. Instead they would be classified as isolates and would be considered "Non Significant Resources" The remainder of the area within the revised North Village VTM would have the same grading footprint as the previously approved VTM. The 1998 FEIR found that the VTM would have no impacts on cultural resources within the North Village area. Thus, the proposed project is not anticipated to impact cultural resources.

Landform Alteration/Visual Quality

As described in the Project Description above, portions of the North Village have already been mass graded and built out. The grading footprint is unchanged from the previously approved project; however, some grading would be required as shown on the revised VTM for the Fire Station. The revised VTM shows that 729 acres of the 967.5-acre site (75%) would be graded in order to accomplish the proposed development. Grading would require 6,582,000 cubic yards of cut and 5,702,000 cubic yards of fill, with a maximum cut depth of 50 feet and a maximum fill depth of 80 feet. As noted above, the proposed project now includes a portion of the Santaluz (VTM 95-0173) area. Thus, the export (cut minus fill) soil resulting from the 5 million cubic yards of grading still to be completed, would stay on-site rather than be exported off-site. The "export soil" would be transported to the area previously proposed as a golf course, but which is currently proposed as a hydro-modification area.

Consistent with the 1998 FEIR, cut and fill slopes are proposed at a maximum of 75 feet and 70 feet, respectively, and would be constructed at 2:1 slopes or flatter. Residential development on the "finger ridges" south and southwest of the Urban Core would be visible from the bridge across Camino Del Sur, public trails through the MHPA open space, and the La Jolla Valley Landscape Unit of the San Dieguito Regional Open Space Park. The public trails through the MHPA lie along Lusardi Creek and extend into the canyons that wrap around the "finger ridges" within the North Village. The proposed development would not be otherwise visually prominent from Fairbanks Ranch, 4S Ranch, or Rancho Santa Fe Farms. However, it would be visible from Black Mountain Park, albeit at a distance of approximately 2.5 miles to the south.

As described in the 1998 FEIR and 2001 Addendum, development of the revised North Village VTM would result in direct and incremental cumulative impacts to the overall Subarea I development area. Photo-simulations showed that the grading along the finger ridges would maintain the original shape and form of the ridges. Impacts from grading for Camino Del Sur would still be significant and unmitigated as previously identified. Mitigation measures were adopted for landform alteration and site design such as sensitive grading techniques, architectural treatments, landscaping, site planning for individual lots, border fencing, and lighting controls that would improve visual quality and community character.

Therefore, while significant landform alteration/community character impacts would result, no new impacts are identified that were not included in the 1998 FEIR for the Subarea Plan. Mitigation measures that are listed in Section V below would reduce impacts to landform alteration and visual quality, but not to below a level of significance.

Geology/Soils

The 1998 EIR states that there was no significant soil or geologic conditions which were observed or known to exist within Subarea I which would preclude implementation of the plan. However, potentially significant geologic conditions exist which would require mitigation as part of any future tentative maps. Implementation of the conclusions and recommendations in the geotechnical report would mitigate the potentially significant geological effects of the North Village development to below a level of significance.

In addition, development of the North Village would include measures to reduce the erosion potential by balancing grading within the North Village and maintaining the drainage feature in the southern open space area. These impacts would be mitigated to a level below significance by incorporation of previous mitigation measures.

Water Quality

The 1998 EIR did not identify any significant impacts to natural drainage patterns because the modifications would be primarily due to road crossings. The major natural drainage patterns and flood zones within the North Village would be preserved as open space, minimizing impacts to the natural drainage system. The 1998 EIR also concluded that implementation of the Subarea I Plan had the potential to significantly impact water quality (both directly and cumulatively) in the San Dieguito River and Lagoon. Potential impacts to water quality which occur in conjunction with urban development include increases in the erosion rates and sediment transport to and through streambeds and water quality reductions related to urban development. The implementation of previous mitigation measures and best management practices (BMPs) would reduce levels of erosion, sedimentation, and runoff during construction activities.

A change from the 1998 EIR is the re-designation of the 295-acre golf course location to hydro-modification/open space which commits the site as open space. This would eliminate the water quality concerns arising from traffic, maintenance, water usage, and pesticide/herbicide usage that would have occurred under the previously designated golf course use. After grading the 295-acre area to provide the required drainage characteristics for North Village, the hydro-modification site would be re-vegetated to provide erosion control and bio-filtering of stormwater runoff. This regional storm water management facility would be a master facility designed to address Priority Development Project (Low Impact Development) LID requirements (as feasible and in accordance with the geotechnical investigation), water quality treatment requirements, hydro-modification management requirements, and the Sierra Club Agreement (1999). The facility would provide storm water management prior to discharge into Lusardi Creek. Implementation of the facilities in question, as well as the previously mentioned mitigation measures and BMPs listed in the 1998 EIR would ensure that direct impacts would be less than significant.

Although specific mitigation measures were adopted for BMR, this project would be required to implement BMPs as project features similar to or better than what was previously adopted; therefore, no new mitigation measures are required.

Water Supply

A Water Supply Assessment (WSA) and Water Supply Verification (WSV) Report has been prepared by the City of San Diego Water Department (November 2008) in compliance with the requirements of SB 610 and SB 221. The WSA/WSV Report identifies that the water demand projections for the proposed Project are included in the water demand forecasts within the Urban Water Management Plan (UWMP) and other water resources planning documents of the Water Department, the San Diego County Water Authority (CWA), and Metropolitan Water District (MWD). Water supplies necessary to serve existing demands, projected demands of the Project, and future water demands within the Water Department's service area, as well as the actions necessary to develop these supplies, have been identified in the water supply planning documents of the Water Department, the CWA, and the MWD.

The Project will decrease water use by at least 1.5% over that expected to occur under the existing plan. In addition, its Design Guidelines include numerous water wise features, including waterless urinals, dual flush toilets, on-demand hot water circulation systems and tankless water heaters; a limitation on turf; weather-based irrigation control systems; and a requirement that all future commercial/office buildings be Leadership in Energy and Environmental Design (LEED) rated.

As discussed in the WSA/WSV, California's water supply will require careful management, due in part to global climate change impacts on MWD's water supply, protections for the Bay-Delta endangered species, and drought conditions. Global climate change impacts MWD's water supply by: (1) reducing the average annual snow pack; (2) changing precipitation's timing, intensity, location, amount and variability; (3) long-term changes in watershed vegetation; (4) sea level rise; (5) increased water temperatures; and (6) changes in urban and agricultural water demand.

The State has evaluated the impacts of global climate change on California, but the impacts cannot be meaningfully quantified. Nonetheless, MWD is decreasing the potential impacts through several new policies, including an emphasis on diversification and adaptability of supply sources and on increasing local water supplies through conservation, water reclamation, groundwater recharge and additional reservoir capacity. These measures cannot eliminate the risks created by global climate change but can decrease the adverse impacts on MWD's water supplies.

The amount of water that MWD will be able to supply to Southern California in the near future is unclear in part because of a recent decision of the U. S. District Court (NRDC case) which severely limits the amount of water that can be sent for use in San Diego from the Bay Delta due to pumping impacts to a federal - and state-listed threatened fish species. MWD receives approximately 60% of its water from the Delta. The full extent of the NRDC case's impact on MWD's water supply is uncertain, but MWD has adopted a Delta Action Plan to address water supply risks in the Delta both for the near-, mid-, and long-term, which are further described in the WSA/WSV. Locally, the County Water Authority is minimizing the amount of water purchased from MWD by diversifying its water supply portfolio through the Quantification Settlement Agreement (QSA) and the Imperial Irrigation District (1ID) water conservation and

transfer agreement and by conservation programs, local reservoirs, recycling, and groundwater. As a result of the above activities, the NRDC case is not expected to impact the Project's short-term water supply. Any possible impact would be short-lived in light of the Water Authority's efforts to minimize its reliance on MWD water supplies in favor of increased local water supplies and conservation efforts.

The City has measures to address long-term and short-term water challenges. The region's water supplies remain impacted by dry conditions around California, with reduced storage in key reservoirs and an eight-year drought in the Colorado River basin. The City issued a Declaration of Water Emergency along with a Stage 1 - Water Watch - Voluntary Conservation, and monitors and reports on the status of conservation levels. It recently adopted an ordinance clarifying behavioral restrictions on the use of water where consumer demand reductions are required to meet expected supplies, and those restrictions apply to the Project. For example, if a Level 2 is declared, the Project would be restricted on landscape irrigation. At Level 3, landscape irrigation would be reduced to two assigned days per week June through October and one assigned day November through May and no new potable water service will be provided, nor temporary or permanent meters issued, unless a valid building permit has been issued; the project is necessary to protect the public's health, safety or welfare; for fire hydrant meters, only upon the return of an old fire hydrant meter; or the applicant for a new meter provides an enforceable commitment that the Project's new water demands will be offset prior to the provision of new water meter(s). Level 4 would require stopping all landscape irrigation at the Project, except for hand held watering of trees and shrubs two days a week; the maintenance of landscaping necessary for fire protection and erosion control; and certain other essential irrigation.

The WSA//WSV Report demonstrates there is sufficient water supply to serve the Project's existing and future water demands in normal, dry year, and multiple dry year forecasts, and concludes that the Project's proposed level of water use is within the water demand forecasts in the 2005 UWMP, other water resources planning documents of the Water Department, the CWA, and MWD. The project's approval is consistent with the City's Action Plan For City's Future Water Supply (Council Policy 400-09). Among the water management measure enacted recently by this City Council is an Emergency Water Regulation, which assures that water for the Project will not come at the expense of water to existing users during emergency drought conditions. Specifically, the Project cannot obtain new water meters when the City hits drought response Level 3 unless the Project provides an offset in water demand. Also, through implementation of LEED and other water wise features, the Project represents an advanced green building design and a net reduction in water use from the Project City Council previously approved for this site.

Verification, per SB 221, involves a provision of substantial evidence that adequate water supplies will be available to meet projected demands based on the following: a) written contracts or agreements containing specifications and conditions under which future supply becomes available; b) capital outlay programs for financing delivery systems if needed; c) securing applicable agency permits for construction of infrastructure: and, d) necessary regulatory approvals to convey or deliver water to the subdivision. Substantial evidence verifying local, regional, and state water supplies available for the proposed Project plus existing and projected demands within the San Diego City service area are substantiated within the WSV.

Based on a normal water supply year, the estimated water supply projected in five-year increments for a 20-year projection will meet the estimated water demand of 227,456 acre-feet (AF) in 2005 to 275,925 AF in 2030. Based on dry year forecasts, the estimated water supply will also meet the projected water demand during single- and multiple-dry year scenarios. For a single dry year a projected supply of 295,240 AF (in 2030) within the Water Department service area is available, and for multiple-dry years (2026-2030), a projected supply of 287,119 AF; 289,149 AF; 291,179 AF; 293,210 AF; and 295,240 AF respectively, is available. Thus, per SB 610, the WSA demonstrates that, with implementation of the projects identified in the water supply planning documents, there are sufficient water supplies over a 20-year planning horizon to serve the existing demands, projected demands of the Project, and future water demands. Note that the golf course, parks, and common landscape areas will be served by recycled water and are not included in the potable water demand calculation.

In summary, the findings of the WSA/WSV Report substantiate that there is a sufficient water supply to serve this Project's existing and future water demands within the Water Department's service area in normal, dry year, and multiple dry year forecasts. The WSA/WSV Report concludes that the proposed level of water use at the project site is within the water demand forecasts in the 2005 UWMP, other water resources planning documents of the Water Department, the CWA, and MWD.

Noise

North Village

The 1998 EIR identified future traffic noise levels which may exceed City standards in portions of the North Village. Future traffic noise levels within the North Village are projected to be approximately 74 community noise equivalent level (CNEL). Mitigation for exterior noise generally consists of the use of setbacks or construction of noise walls or berms. Noise sensitive residential areas within the North Village have already been constructed and the required noise walls have been constructed. There are no new significant noise impacts as a result of the proposed project.

Residential Care Facility

The proposed development of a residential care facility within the approximately 33 ~~30.7~~-acre area previously identified as "resort/hotel" represents a change in land use. As such, an updated noise analysis was prepared by RECON (RECON 2008) in order to analyze potential noise impacts to the future care facility resulting from traffic along Camino Del Sur.

The proposed Residential Care Facility would be approximately 15 feet below the grade of Camino Del Sur and approximately 375 feet east of the roadway alignment. In addition, the usable exterior open space associated with the facility has been sited on the east side of the buildings, farthest from the roadway. Future noise contours for Camino Del Sur were calculated using the projected future traffic volume of 16,300 ADT from the traffic analysis prepared for the project and a roadway design speed of 55 mph assuming a traffic mix of 95-percent autos, 3-percent medium trucks, and 2-percent heavy trucks and a traffic distribution of 77 percent of the ADT during the daytime hours, 10 percent during the evening hours, and 13 percent during the nighttime hours.

As discussed above, the proposed location of the Residential Care Facility would be approximately 375 feet east of the roadway alignment. Therefore, the facility would be outside of the 65-CNEL noise contour modeled for Camino Del Sur. Note that the facility would be 15 feet below the grade of Camino Del Sur. In addition, the exterior usable areas would be located on the east side of the buildings shielded from traffic on Camino Del Sur. Thus, noise impacts at the Residential Care Facility would not occur.

The Residential Care Facility is subject to Title 24 of the California Code of Regulations. As required by Title 24, residential structures to be located where the CNEL exceeds 60 decibels (dB) shall require an acoustical analysis showing that the proposed design would limit exterior noise to an interior noise level of 45 dB or less. Exterior noise levels are projected to exceed 60 CNEL. Therefore, at the time that building plans are available, an acoustical analysis shall be required to show that interior noise levels would not exceed 45 CNEL.

Fire Station

In addition to the Residential Care Facility, the project has been modified to include a fire station along Carmel Valley Road. Noise impacts from Fire Station No. 48 being re-located along Carmel Valley Road would be regulated by the City's Noise Ordinance. The proposed fire station would be located on the north side of the road near an existing middle school. Given the intervening distances to existing and planned residential uses along Carmel Valley Road, adverse noise impacts are not anticipated. In addition, emergency vehicle noise, such as fire truck engines using sirens departing for a call are exempt from noise ordinance standards.

Paleontological Resources

As stated in the 1998 EIR, the northern "bow-tie" potion of the North Village would impact areas of moderate to high paleontological sensitivity. Development would occur primarily within the Stadium Conglomerate formation with development in the eastern portion of the site within the Mission Valley and Friars formations. In addition, a portion of the southwest area of the"bow-tie" would occur within the Delmar/Torrey Sandstone Formations. The residential "finger" ridges extending southwesterly from the village core are sited such that they would impact areas of Santiago Peak metavolcanics, which are formations of moderate to high paleontological sensitivity. The proposed location for the 300-unit senior center is sited over formations that are of very low to low resource sensitivity.

The proposed project would not change the overall project grading footprint, thus, there would be no new impacts to paleontological resources. Therefore, as there would be no new significant impacts, pursuant to the 1998 EIR, monitoring would be required during grading which would mitigate project-level impacts to below a level of significance. Paleontological monitoring mitigation measures are listed in Section V below.

Air Quality

The 1998 EIR identified significant direct and indirect air quality impacts to regional air quality as a result of construction-related activities. The EIR incorporated mitigation measures that would reduce fugitive dust impacts. Dust control during construction and grading operations

would be regulated in accordance with the rules of the San Diego Air Pollution Control District. Incorporation of these mitigation measures would reduce construction-related air quality impacts to below a level of significance.

Measures to reduce vehicle miles traveled would be incorporated into the North Village development. At the core of the North Village is a transit center which combines all forms of transit including a shuttle bus planned to connect the Village to park and ride facilities along I-15. The transit center location in the center of the North Village places it in close proximity to high density residential, commercial development, office development, and the employment center. In addition, primary roadways within the North Village would be constructed with bicycle lanes on each side of the street. Appropriate bicycle facilities including bicycle racks and lockers would be required at major activity centers. These measures would reduce the frequency of automobile use, thereby reducing traffic congestion, improve air quality, and facilitate pedestrian and bicycle circulation. Furthermore, a letter report was submitted (Recon 2009) that assessed PM 2.5 emissions and diesel particulate emissions. The report determined that the project would have not significant impacts from construction-related emissions associated with PM 2.5 or diesel particulates.

Green House Gases

The State of California has passed a number of policies and regulations that are either directly or indirectly related to greenhouse gas emissions (GHG). Notably, the California legislature passed AB 32 (Nuñez), the "California Global Warming Solutions Act of 2006," which was signed by the governor on September 27, 2006. It requires the California Air Resources Board (CARB) to adopt rules and regulations that would reduce GHG emissions to 1990 levels by 2020.

There are currently no published thresholds or recommended methodologies for determining the significance of a project's potential contribution to global climate change in documents prepared pursuant to the National Environmental Policy Act (NEPA) or the California Environmental Quality Act (CEQA). Therefore, no uniform accepted approach has been developed for assessing a project's potential impacts relative to global climate change.

Nonetheless, RECON performed emissions calculations to estimate the GHG emissions that would result from the Project and that is attached in the RECON letter report. For the North Village Project, an estimate of total GHG emissions that would be emitted as a result of the Project (primarily, CO_2, CH_4, and N_2O) was made for the five primary sources of GHG emissions associated with the Project: (i) vehicular traffic, (ii) generation of electricity, (iii) natural gas consumption/combustion, (iv) solid waste generation, and (v) water usage. Vehicular emissions are the greatest contributor to GHG emissions, emitting an estimated 51,066.52 metric tons of total CO_2 Equivalent, although such emissions would be reduced by as much as 36 percent from state and federal programs by the year 2020. GHG emissions resulting from electricity generation associated with the Project were estimated at 16,300.96 metric tons total CO_2 Equivalent from electricity usage; 9,771.92 metric tons total CO_2 Equivalent from Natural Gas Usage; and 4,621.31 metric tons total CO_2 Equivalent from Water Usage. The emissions from solid waste likely overestimate the impacts given that they do not take into account the Project's award-winning community construction waste diversion program which already has

diverted more than 90 percent of construction waste generated from the development activities from landfills. Based on typical projects, emissions from solid waste were estimated at 1,736.00 metric tons total CO_2 Equivalent. The total GHG emissions from the Project were estimated to be 83,496.72 metric tons of total CO_2 Equivalent. (RECON Letter, 2009).

These emissions estimates would result if the Project were to operate under "business as usual" conditions. The Project is an award winning sustainable and smart growth community and incorporates many measures that reduce the emissions discussed above. For example, the Project includes photovoltaic systems on a minimum of 20 percent of homes; tankless water heaters with on demand recirculating systems; exceedance of Title 24 requirements for residences; drought-tolerant landscape in common areas, along with turf limitation, weather based irrigation controllers, and reclaimed water; solar water heating systems on all swimming pools; and, in addition to the community welcome center, all future commercial and office buildings will meet LEED Certified standards. In addition, the Project also will reduce VMT and associated fuel consumption and GHG emission due to its configuration as a mixed-use, smart-growth community that includes a full range of employment, commercial, recreational, educational, and residential uses. In addition, the Project includes a transit center and shuttle buses to link the North Village Town Center with the nearby bus rapid transit system on I-15, further reducing VMT and lessening reliance on automobile use.

AB 32 was designed to work in conjunction with CEQA. This bill enacted a time frame for the development and adoption of guidelines which would direct public agencies on how to reduce GHGs to an acceptable level. Currently, these guidelines are in draft form and nothing has been certified or adopted. Because no significance thresholds have yet been established for GHG, no conclusions regarding the significance of impacts associated with GHG emissions from the proposed project can be made.

Solid Waste

Assembly Bill 939 enacted in 1989 required all California cities to divert at least 50 percent of its solid waste from landfill disposal through source reduction, recycling, and composting by 2000. By 2004, the City surpassed the required diversion rate (attaining 52 percent); however, because of continually dwindling landfill space, the State legislature plans to increase the amount that must be diverted from local landfills to as much as 75% (see 2008's Senate Bill 1020). As of 2006, the City has achieved 55 percent diversion. About 1.68 million tons of trash is produced annually in San Diego. At this rate of waste disposal, the City's only landfill, the Miramar Landfill, will be filled to capacity by 2012.

Solid waste was analyzed under the FEIR and at that time solid waste was not determined to be a significant impact. To reduce any potential solid waste impacts, the preparation of a Waste Management Plan would be required. The plan would address demolition, construction and the occupancy phases of the project. Currently the applicant is working with the Environmental Services Department, and as a condition of the permit the Waste Management Plan must be approved. Compliance with this condition would reduce the project's contribution to cumulative waste management impacts to less than considerable. Therefore, no significant impacts are anticipated and mitigation is not required.

Human Health/Public Safety

A 200-foot-wide SDG&E easement with 230-kv and two 69-kv lines bisects in a north/south direction through the approximate middle of the project site. Proposed land uses in the vicinity of the easement include a 400-foot-wide open space corridor, park, and low density residential. No development would take place within the 200-foot-wide easement. No significant impacts are anticipated from development of the North Village due to the restrictions and approval requirements associated with encroachment into SDG&E's easements. No mitigation measures would be necessary.

Land Use

MHPA Adjustment

Approximately 1,915 acres of MHPA occur within the Black Mountain Ranch Vested Tentative Map Open Space system. Currently, 1,190-acres of non-native grassland MHPA are conserved on-site. If the project is approved, the applicant would be required to convey the remaining on-site MHPA to the City's MSCP preserve through either fee title to the City, or a conservation easement or covenant of easement granted in favor of the City and Wildlife Resource Agencies. In addition, the Site Development Permit has been conditioned to ensure compliance with this requirement.

On November 9, 2007, a Multi-Habitat Planning Area (MHPA) Boundary Line Adjustment (BLA) was approved by ~~the~~ City Staff and the Wildlife Resource Agencies. The MHPA BLA would accommodate a future fire station to be located on Parcel 4. This would result in the deletion of 1.77 acres of Tier IIIB non-native grasslands and 0.33 acres of Tier IV disturbed area. Additions to the MHPA would include 0.70 acre of Tier I native grassland, 1.7 acres of Tier II coastal sage scrub, and 0.1 acre of disturbed land. Therefore, the incorporation of the 2.5 acre trade parcel (APN 321-010-3100) into the MHPA would be included in the project proposal. Although a BLA was approved for the proposed future fire station, the project would still be required to adhere to the MHPA Land Use Adjacency Guidelines.

MHPA Adjacency Guidelines

The proposed reconfiguration of the North Village VTM/PDP development area is not within the MHPA, nor does it encompass areas of sensitive hillsides or sensitive habitats or species, with the exception of the proposed location for Fire Station No.48. The site of the proposed fire station is currently within the MHPA, but a boundary adjustment has been approved by the Wildlife Resource Agencies and City Staff, as noted above, and is before the City for approval as part of this project with ~~submitted requesting approval by the City of San Diego and the resource agencies to remove this development area from the MHPA for~~ another parcel to be added to the MHPA nearby (Figure 4).

Land use adjacency guidelines are incorporated into the North Village VTM/PDP Design Guidelines and Black Mountain Ranch Subarea design guidelines, including provisions for noise control, barrier fencing, and plantings for access control, lighting restrictions, drainage and toxics, invasive plant species, brush management, and appropriate landscaping. With the implementation of these MHPA Land Use Adjacency Guidelines, no significant direct or indirect

impacts to the MHPA or covered species would result from development of the revised North Village VTM/PDP.

Public Services

The 1998 EIR identified potentially significant impacts to schools due to overcrowding of those facilities. The EIR identified the payment of school fees, setting aside three school sites, and the provision of partial acreage for a high school site as a condition to mitigate impacts to schools to below a level of significance. Additional mitigation for school impacts would include the implementation of a final financing agreement and phasing plan for future development in the North Village and the Poway Unified School District. As specified in a mitigation agreement between the project applicant and the Poway School District, impacts to school services would be mitigated to below a level of significance.

Utilities and infrastructure are available to the North Village. No new major systems or substantial alterations would be required to serve the North Village development. No significant adverse impacts to dry or wet utility systems or service would result.

V. MITIGATION, MONITORING AND REPORTING PROGRAM:

The Mitigation Monitoring and Reporting Program (MMRP) prepared for the Black Mountain Ranch Subarea I Plan, certified in 1998; and the addendum for the North Village at Black Mountain Ranch Amendment to the Subarea I Plan, certified in 2001, identify mitigation measures and design considerations which are to be applied to the plan area. Based on a review of the project plans, the previous FEIR and subsequent technical study updates, the following MMRP identifies measures which specifically apply to the proposed project.

Landform Alteration/Visual Quality

Prior to issuance of the first grading permit, the final map shall indicate that implementation of grading techniques shall be shown on the tentative map and shall be assured through the approval of the final grading plans. Those slopes which are visible from major roadways and public viewing areas shall vary slope gradient, width and contour edges, and use blending and rounding to blend to natural slopes. The Applicant shall clearly indicate on the grading plans special design requirements (in the form of enhanced landscaping) for slopes that are to be graded. Grading for major slopes shall minimize encroachment into sensitive vegetation. A note shall be included on the grading plans for the tentative and final grading plans for the North Village development indicating that the grading techniques are "Environmental Mitigation Measures" and shall include the following measures:

1. Utilize grading techniques that blend transitional manufactured slopes with the natural slope;

2. Employ blending and rounding techniques where manufactured slopes meet

natural ground;

3. Vary slope gradient and width and contour edges to achieve a more natural appearance to slope banks;

4. Limit the height and gradient of slopes fronting open space to no more than 30 feet in any case.

Prior to the issuance of grading permits, the applicant shall submit the grading and landscape plans to the Assistant Deputy Director (ADD) Environmental Designee to ensure that sensitive grading techniques are being utilized and that manufactured slopes are landscaped in conformance with the conceptual landscape plan. Areas shown as open space shall be flagged in the field and construction crews shall be restricted from these areas. The applicant shall retain a soils engineer to monitor the grading and construction and a landscape architect to monitor revegetation of the project. Landscaping shall be in place along the developed roadways and development areas prior to issuance of building permits for each area. The soils engineer and landscape architect shall submit in writing to the City Engineer and provide certification that the project has complied with the required mitigation measures on the grading plans. Only after the ADD Environmental Designee and City Engineer approve the grading, shall recommendations be made to the City Council for the release of the subdivision bond.

Grading for major roads and other common facilities and areas shall include provisions for erosion control and hydro-seeding. Landscape plantings for native shrubs or exotics as shown on the overall landscape plans shall be shown on the grading plans. The landscape plans shall be implemented in phases consistent with development phases.

Paleontology

I. Prior to Permit Issuance

A. Entitlements Plan Check

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

B. Letters of Qualification have been submitted to ADD

1. The applicant shall submit a letter of verification to 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 San Diego Natural History Museum, other institution or, if the search was in-house, a letter of verification from the PI stating that the search was completed.
2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.

B. PI Shall Attend Precon Meetings

1. Prior to beginning any work that requires monitoring, the Applicant shall arrange a Precon Meeting that shall include the PI, 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 Precon Meetings to make comments and/or suggestions concerning the Paleontological Monitoring program with the Construction Manager and/or Grading Contractor.
   a. If the PI is unable to attend the Precon Meeting, the Applicant shall schedule a focused Precon Meeting with MMC, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.
2. Identify Areas to be Monitored
   Prior to the start of any work that requires monitoring, the PI shall submit a Paleontological Monitoring Exhibit (PME) based on the appropriate construction documents (reduced to 11x17) to MMC identifying the areas to be monitored including the delineation of grading/excavation limits. The PME shall be based on the results of a site specific records search as well as information regarding existing known soil conditions (native or formation).
3. When Monitoring Will Occur
   a. Prior to the start of any work, the PI shall also submit a construction schedule to MMC through the RE indicating when and where monitoring will occur.
   b. The PI may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification to the monitoring program. This request shall be based on relevant information such as review of final construction documents which indicate conditions such as depth of excavation and/or site graded to bedrock, presence or absence of fossil resources, etc., which may reduce or increase the potential for resources to be present.

III. During Construction

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

1. The monitor shall be present full-time during grading/excavation/trenching activities as identified on the PME that could result in impacts to formations with high and moderate resource sensitivity. **The Construction Manager is responsible for notifying the RE, PI, and MMC of changes to any construction activities.**

2. The monitor shall document field activity via the Consultant Site Visit Record (CSVR). The CSVR's shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (**Notification of Monitoring Completion**), and in the case of ANY discoveries. The RE shall forward copies to MMC.
3. The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition such as 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.

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

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

IV. Night and/or Weekend Work

A. If night and/or weekend work is included in the contract
1. When night and/or weekend work is included in the contract package, the extent and timing shall be presented and discussed at the precon meeting.
2. The following procedures shall be followed.
   a. No Discoveries

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

b. Discoveries
All discoveries shall be processed and documented using the existing procedures detailed in Sections III - During Construction.

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

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

B. If night and or weekend work becomes necessary during the course of construction
1. The Construction Manager shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin.
2. The RE, or BI, as appropriate, shall notify MMC immediately.

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

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.

Geology

General Measures

1. The presence of landslides, weak claystones, uncompacted fill soils, and potentially Compressible colluvial and alluvial deposits require special consideration where development is planned. If weak claystones or landslides are present in areas proposed to be graded, stabilization measures in the form of buttresses or stability fills shall be required.

2. Very heavy ripping may be necessary within areas underlain by the Santiago Peak Volcanics, Lusardi Formation, and gabbro. Deep cuts in the Santiago Peak Volcanics or gabbroic rocks would require blasting. Special handling of the excavated rock and placement of oversized materials would also be anticipated.

3. Highly expansive soils may be encountered within the Del Mar, Mission Valley, and Friars formations and some of the topsoils. It is anticipated, however, that there would be sufficient low expansive soils available on the site to mitigate the adverse impact of expensive soils where encountered.

4. Compressible alluvium and colluvium present along canyon alignments and on the lower flanks of the ridges would require at least partial removal and recompaction where settlement sensitive improvements are planned.

5. Perched groundwater is anticipated to be present within the low-lying alluvial areas. Hence, remedial measures in the form of subdrains shall be required where filling of the drainage courses is planned.

Grading

1. For preliminary design purposes, proposed cut and fill slopes shall be planned no steeper than 2:1 (horizontal to vertical). Safe allowable slope heights shall generally be limited by the shear strength characteristics of the particular soil or rock conditions present. Areas where high cut slopes are planned shall be investigated in detail to evaluate the potential impact of the local geology on the stability of the slopes.

2. Due to the increased grading costs associated with rock blasting and handling, that planned excavations and ungrounded utility lines for building pads shall be kept to a minimum within those portions of the site underlain by Santiago Peak Volcanics and/or gabbroic formations.

Drainage and Maintenance

1. Providing and maintaining proper surface drainage is imperative to assure soil stability and reduce erosion. All graded pads would have drainage swales which direct storm or irrigation runoff away from structures or the top of slopes to control drainage facilities.

2. No storm or irrigation water would be allowed to discharge over the top of cut or fill slopes.

Biology

Prior to the issuance of any grading permit the Environmental Designee shall verify that the Multi-Habitat Planning Area (MHPA) boundaries and the following project requirements regarding the coastal California gnatcatcher are shown on the construction plans:

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

2. If there is a potential for indirect noise impacts to nesting raptors, prior to any (insert the specific project activity) within the development area during the raptor breeding season (February 1 through September 15) the biologist shall ensure that no raptors are nesting. If construction occurs during the raptor breeding season a preconstruction survey would be conducted and no construction would be allowed per applicable FESA, CESA and/or MSCP Conditions of Coverage. If no such specific conditions apply, no construction would be allowed within 300 to 500 feet of any identified nest(s) until the young fledge. Should the biologist determine that raptors are nesting, an active nest shall not be removed until after the breeding season.

VI. DETERMINATION:

The City of San Diego previously prepared a Final Environmental Impact Report ~~identified the project described in the subject block of the attached EIR conclusions.~~ and has attached the conclusions of the Final Environmental Impact Report to the Addendum.

Based upon a review of the current project, it has been determined that:

a. There are no new significant environmental impacts not considered in the previous EIR;

b. No substantial changes have occurred with respect to the circumstances under which the project is undertaken; and

c. There is no new information of substantial importance to the project.

Therefore, in accordance with Section 15164 of the State CEQA Guidelines this addendum has been prepared. No public review of this addendum is required per CEQA. However, pursuant to the City of San Diego Municipal Code, a 14-day public review is required because the FEIR being addended was certified more than three years ago.

VII. SIGNIFICANT UNMITIGATED IMPACTS:

There are no new significant impacts identified for the current project. However, the FEIR for the original project identified significant unmitigated impacts relating to land use, traffic, landform alteration/visual quality, and air quality; and cumulative impacts related to land use, traffic, biological resources, hydrology/water quality, landform alteration/visual quality, air quality, and natural resources.

Because there were significant unmitigated impacts associated with the original project approval, the decision maker was required to make specific and substantiated CEQA findings which stated that specific economic, social, or other considerations made the mitigation measures or project alternatives identified in the FEIR infeasible. No new CEQA findings are required with this project. The decision maker also needed to adopt a Statement of Overriding Considerations finding that the significant impacts were acceptable because of specific overriding considerations. Similarly, the decision maker must go on record and identify whether there is substantial evidence supporting a statement of overriding considerations specifically tied to this project. Adoption of a new Statement of Overriding Considerations is thus required.

VI. PUBLIC REVIEW DISTRIBUTION:

Draft copies or notice of this Addendum to Environmental Impact Report No. 96-7902 were distributed to:

Federal Government
- U.S Fish and Wildlife Service (23)
- Marine Corps Air Station Miramar (24)

State Government
- CALTRANS (31)
- California Department of Fish and Game (32A)
- California Air Resources Board (49)

County of San Diego
- Air Pollution Control District (65)
- Department of Public Works (70)
- County Water Authority (73)

Planning and Land Use (68)
County Department of Environmental Health (75)
City of Poway
City of San Diego
Councilmember District 1 (MS 10A)
Councilmember District 5 (MS 10A)
City Attorney (MS 59)
City Planning and Community Investment Department
Tim Nguyen (MS 4A)
Jeff Harkness (MS 5A)
Kristy Forburger (MS 5A)
Development Services Department
Project Manager, John Fisher (MS 301)
Permit Planning, Billy Church (MS 501)
Transportation Development, Jim Lundquist (MS 501)
Geology, Patrick Thomas (MS 401)
Engineering, Don Weston (MS 501)
Fire Life and Safety Department (79)
Environmental Services Department
Lisa Wood (MS 1102A)
Real Estate Assets (85)
Central Library (81A)
Rancho Bernardo Branch Library (81aa)
Rancho Penasquitos Branch Library (81bb)
Other
MTDB (114)
SDG&E (115)
SD Transit (112)
San Diego Association of Government (SANDAG) (108)
San Dieguito River Park Joint Powers Authority (116)
Black Mountain Ranch (226c)
Rancho Santa Fe Association (347)
Friends of Los Penasquitos Canyon Preserve (382)
Los Penasquitos Canyon Preserve (385)
Environmental Law Society (164)
Sierra Club (165A)
San Diego Audubon Society (167)
California Native Plant Society (170)
The Southwest Center for Biological Diversity (176)
Citizens Coordinate for Century III (179)
Endangered Habitat League (182)
Carmen Lucas (206)
Clint Linton (215B)
Dr. Jerry Schaefer (209)
South Coastal Information Center @ San Diego State University (210)
San Diego Archaeological Center (212)

Save Our Heritage Organization (214)
Ron Christman (215)
Louie Guassac (215A)
San Diego County Archaeological Society (218)
Kumeyaay Cultural Repatriation Committee (225)
Native American Distribution (NOTICE ONLY 225A-R)
San Diego Natural History Museum (166)
William Dumka, Black Mountain LLC, Applicant
Dan Mallec, RICK Engineering, Agent
William Diehl Vertical Infill
Chris Miller Project Design Consultants
Richard L. Miller Metro Plan. LLC
Mitchell Berner, Public Solutions

VII. RESULTS OF PUBLIC REVIEW:

( ) No comments were received for the revised draft addendum to the environmental impact report during the public input period.

( ) Comments were received but did not address the draft addendum to the environmental impact report. No response is necessary. The letters are attached.

(X) Comments addressing the findings of the draft addendum to the environmental impact report were received during the public input period. The letters and responses follow.

Copies of the Draft Addendum to the Environmental Impact Report, the previously certified EIR, the previous Mitigation, Monitoring and Reporting Program and any technical appendices may be reviewed in the office of the Entitlements Division, or purchased at the cost of reproduction.

Myra Herrmann, Senior Planner
Development Services Department

February 19, 2009
Date of Draft Report

March 17, 2009
Date of Final Report

Analyst: Jeffrey Szymanski

Attachments:
Figure 1 Black Mountain Ranch Subarea I
Figure 2 North Village at Black Mountain Ranch
Figure 3 Fire Station Location
Figure 4 MHPA Trade Parcel
Figure 5 VTM Proposed Changes
Figure 6 Proposed Rezone
Figure 7 Trip Generation Comparison

Szymanski, Jeffrey

From: Paul Schlitt [PSchlitt@dfg.ca.gov]
Sent: Wednesday, March 11, 2009 8:02 AM
To: Szymanski, Jeffrey
Subject: Project No. 142244; North Village at Black Mountain Ranch

** Reply Requested When Convenient **

Subject: Comments on the Draft Addendum to an Environmental Report for the North Village at Black Mountain Ranch, Project Number(s) 142244,
SCH# 97111070.
Development Services Department Staff: Jeffrey Szymanski, Environmental Planner

Dear Mr. Szymanski,

The California Department of Fish and Game (Department) has reviewed the above-referenced draft Addendum to an Environmental Impact Report
(AEIR) dated February 19, 2009. The comments provided herein are based on information provided in the draft AEIR and associated documents (including the MHPA Boundary Adjustment: East Clusters Black Mountain Ranch, prepared by RECON, dated April 23, 2007), our knowledge of sensitive and declining vegetation communities in the City of San Diego, and our participation in regional conservation planning efforts.

The Department is a Trustee Agency and a Responsible Agency pursuant to the California Environmental Quality Act (CEQA; Sections 15386 and 15381, respectively) and is responsible for ensuring appropriate conservation of the state's biological resources, including rare, threatened, and endangered plant and animal species, pursuant to the California Endangered Species Act (Fish and Game Code Section 2050 et
seq.) and other sections of the Fish and Game Code. The Department also administers the Natural Community Conservation Planning (NCCP) Program.
The City of San Diego (City) participates in the NCCP Program by implementing its approved Multiple Species Conservation Program (MSCP) Subarea Plan.

The Department is generally in agreement with the proposed mitigation measure for the project and analysis provided within the draft AEIR. We have four comments that should be addressed prior to the adoption of the CEQA document.

1. Considering the Multi-Habitat Planning Area (MHPA) boundary would again be adjusted in association with Fire Station No. 48, the AEIR's Mitigation, Monitoring and Reporting Program (MMRP) language should identify the conditions that are required as part of the approval process for that boundary line adjustment. Specifically, providing an appropriate wetland buffer for the tributary to Lusardi Creek and implementing wetland enhancement measures (e.g., invasive species removal and planting of native species accompanied by a maintenance/monitoring program) upon subsequent development of the site.
The site development permit and adopted planning reports should also identify these conditions of approval. Furthermore, the protection and notice element required for the 2.5 acre trade parcel into the MHPA should also be identified in the AEIR.

2. It is unclear whether the re-designation of the prior area for golf course to resource open space would require a rezone since there is no mention of the existing zone designator for this area. We would suggest that the AEIR provide further discussion/clarification as to the existing zone designator for the golf course and whether a new zone designator is proposed with re-designation of golf course to resource open space (including the limitations placed on development within this area).

Response to Comments

CALIFORNIA DEPARTMENT OF FISH AND GAME (3/11/2009)

1. The Multi-Habitat Planning Area (MHPA) boundary line adjustment (BLA), referenced in the comment letter, has been submitted and was approved by City of San Diego Staff and the resource agencies, including the California Department of Fish and Game. The BLA proposes to remove the Fire Station site from the MHPA for a trade parcel to be added to the MHPA nearby (Figure 2; RECON 2007). In approving of the boundary adjustment in 2007, the wildlife agencies determined that the buffer provided was appropriate. If the project would not provide a 100 foot buffer or some other approved wetland buffer than the following conditions would apply: 1. removal of all invaisive plant species within the riparian corridor and buffer. 2. Planting of native species within the buffer, 3. 25 months of monitoring of the revegetated area to ensure success 4. the

3. The AEIR was not specific on the projects consistence with the Black Mountain Ranch Subarea Plan and the MHPA. For example, instead of referencing the broader MHPA adjacency guidelines it would have been beneficial to identify the specific MHPA Land Use adjacency guidelines that pertain to the site as outlined in the Black Mountain Ranch Subarea Plan (pages 48-52). This would include the application of the area specific management directives (pages 52-56) associated with the Black Mountain Ranch Subarea and citing them within the MMRP.

In addition, the environmental document should provide an analysis of how the specific MHPA design guidelines for this area of Black Mountain Ranch are being achieved through the proposed project (see page 48 of the Black Mountain Ranch Subarea Plan). See also comment No. 4 below regarding minimum widths along Lusardi Creek.

4. The Landform Alteration/Visual Quality discussion mentions that the exported soil resulting from the 5 million cubic yards of grading would stay on-site and be transported to the area previously proposed as the golf course. Considering the specific location of grading activity was not discussed in the AEIR it is unclear whether subsequent grading activity would result in indirect impacts to wildlife resources in proximity to environmentally sensitive lands. The Black Mountain Subarea Plan identifies a 400-foot wide riparian corridor associated with Lusardi Creek and design guidelines that should be adhered to.

Given that the AEIR's MMRP includes some avoidance and minimization measures for grading activities in proximity to open space areas, it would also have been beneficial to identify the avoidance/minimization measure for work activities during the avian breeding/nesting bird season (as complying with Section 3503 and 3503.5 of the Fish and Game Code). Therefore, the Department suggests that the City consider incorporate their standard avian avoidance mitigation measure into the AEIR.

We appreciate the opportunity to comment draft AEIR and to assist the City in further minimizing and mitigating project impacts to biological resources. If you should have any questions, please contact the Department.

Paul Schlitt
Staff Environmental Scientist
CA Dept. of Fish and Game
South Coast Region
4949 Viewridge Avenue
San Diego, CA 92123

Phone (858) 637-5510
Fax (858) 467-4299
pschlitt@dfg.ca.gov

proposed wall would be located outside of the wetland buffer. 4. Shield outdoor lighting to prevent direct lighting and reduce incidental lighting of the buffer and the tributary to Lusardi Creek. 5. No best management practices(BMPs) within the buffer. 6. No brush management within the buffer. 7. No active or passive uses within the buffer. 8. Install signage in appropriate locations to discourage people from entering the buffer.

Based on the Biological Letter Report and the findings of the boundary adjustment report (RECON 2007); the net changes to the MHPA result in a functionally equivalent configuration of the MHPA and the proposed adjustment should be found to be in substantial conformance with the previously approved 1995 VTM open space system and current MSCP Subarea Plan.

The Biological Letter Report confirmed that land use adjacency guidelines are incorporated into the Project Design Guidelines and Black Mountain Ranch Subarea design guidelines, including provisions for noise control, barrier fencing, and plantings for access control, lighting restrictions, drainage and toxics, invasives, brush management, and appropriate landscaping. With the implementation of these MHPA adjacency guidelines, no significant impacts to the MHPA or covered species would result from development of the revised North Village VTM/PDP. The incorporation of these existing Design Guidelines and Subarea design guidelines were referenced in the Addendum's Biological Letter Report.

2. All of the MHPA lands within Subarea I are zoned AR1-1, including the parcel at issue, and would continue under that zone. There rezoning the parcel is not required.
3. See Response to Comment 1 regarding the fact that the existing land use adjacency guidelines are incorporated into the Project Design Guidelines and the Black Mountain Ranch Subarea design guidelines and those guidelines continue to apply to the proposed Project. Nothing about those guidelines or directives has changed nor is any amendment or change requested. All applicable mitigation measures called for by the 1998 Final EIR are still applicable and enforceable and the Project remains subject to the Black Mountain Ranch Subarea Plan, including its guidelines and directives. None of the proposed revisions to the project would change the applicability of the specific MHPA design guidelines.

4. The soil to be exported as part of the project is exactly the same as existed in the previously approved project. The same amount of soil is being moved, and the same grading limits remain in place, therefore there is no change resulting from the soil export and no new impact as a result of the Project. In fact, if anything the Project would benefit

the riparian corridor by turning what was designated for golf course use into a hydro modification area that will reduce runoff and sedimentation over that assumed with the previously approved project, and will eliminate the pesticide use that would have been associated with golf course activity, as well as the risk that the golfers would have gone into the buffer area. The 400-foot wide riparian corridor remains, as do the design guidelines and all compliance with them. Nothing about the project changes the corridor or the applicability of the guidelines. The RECON Biological Letter Report concluded that the Project's development, including the change from golf course to hydro modification area, would not adversely affect the functionality or habitat quality of the MHPA, would not impact narrow endemic species, and would not affect the movement of wildlife. No significant adverse impacts to habitats, sensitive species, the movement of wildlife, or the long-term conservation of biological resources would result from development of the re-divided North Village VTM/PDP.

In addition, mitigation for impacts to drainages for the entire Black Mountain Ranch development area, including any within the Project, has been included in the restoration of wetlands and riparian habitat along Lusardi Creek.

5. The Black Mountain Ranch Subarea I development already includes avoidance and minimization measures for grading and includes measures designed to avoid impacts to avian breeding/nesting. The avian avoidance mitigation measures in the 1998 FEIR continue to apply. However, updated avian mitigation measures have been added to the MMRP. Development of the Project would not adversely affect the functionality or habitat quality of the MHPA, would not impact narrow endemic species, and would not affect the movement of wildlife. No significant adverse impacts to habitats, sensitive species, the movement of wildlife, or the long-term conservation of biological resources would result from development of the re-divided North Village VTM/PDP.

San Diego County Archaeological Society, Inc.

Environmental Review Committee

9 March 2009

To: Mr. Jeffrey Szymanski
Development Services Department
City of San Diego
1222 First Avenue, Mail Station 501
San Diego, California 92101

Subject: Draft Addendum to an Environmental Impact Report
North Village at Black Mountain Ranch
Project No. 142244

Dear Mr. Szymanski:

I have reviewed the subject Draft Addendum on behalf of this committee of the San Diego County Archaeological Society.

Based on the information contained in the Draft Addendum and in the letter report from RECON, we have the following comments:

6 1. The Draft Addendum states that the "the closest recorded historical resource is CA-SDI-18,278, which is an isolated bedrock mortar approximately 1,100 feet to the south." However, the RECON letter report discusses site CA-SDI-5103 without clearly indicating whether it is within or adjacent to the project area. Has the collection from the 2002 data recovery at that site been curated? If SDI-5103 is within the project area, the collection from the data recovery at that site must be curated as a condition of approval of the current project.

7 2. We agree with the other conclusions of the RECON letter and the Draft Addendum, including that the two isolates do not require mitigation measures.

Thank you for providing this project's environmental documents to us for review and comment.

Sincerely,

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

cc: RECON
SDCAS President
File

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

SAN DIEGO COUNTY ARCHAEOLOGICAL SOCIETY, INC (3/9/2009)

6. Site CA-SDI-5103 is within or adjacent to the North Village area and, as noted in the comment letter, it was subject to data recovery in 2002. Pursuant to the Mitigation Monitoring and Reporting Program required by the 2001 Addendum for the North Village, all cultural materials and associated records collected during the data recovery program were cleaned, catalogued and permanently curated.
7. Comment noted.

CAMELOT INVESTMENTS (3/10/2009)

March 10, 2009

Mr. Jeffrey Szymanski
Environmental Planner
City of San Diego Development Services Center
1222 First Avenue, MS501
San Diego, Ca 92101

Dear Mr. Szymanski

The purpose of this letter is to formally express our concerns with information contained within the Draft Addendum to an Environmental Impact Report dated February 19, 2009, prepared for a proposed Subarea Plan Amendment for Black Mountain Ranch (Project No. 142244).

Camelot Investments has been the owner of "Area E" within the Black Mountain Ranch Subarea Plan for nearly thirty years. As shown on the attached exhibit, the property consists of two separate legal parcels totaling approximately 67 acres at the easterly terminus of Camino San Bernardo, immediately south of the new PUSD High School site currently under construction. The previously adopted BMR Subarea Plan estimates that approximately 20 acres of our site is considered developable with a maximum of 300 dwelling units and will function as an integral part of the adjacent future urban core. The balance of the property, which is constrained by environmentally sensitive lands, is within the Multi-Habitat Preserve Area.

Our main concerns are (a) access and (b) proposed land use of the BMR owned triangle parcel immediately north and contiguous to our property.

The access issue is in regard to two currently non-existent means of access sufficient to safely and adequately serve the development of 300 dwelling units allocated on this property, as well as the additional units that could be potentially developed on the contiguous 3 acre parcel owned by BMR.

The access issue has been the subject of many previous applications and discussions with the staff at the City of San Diego and most recently the Rancho Penasquitos Planning Board. At the November 5, 2008 meeting, the RPPB (Rancho Penasquitos Planning Board) voted unanimously to recommend to the City of San Diego a positive response regarding the BMR Subarea Plan Amendment with a motion that the City conditions the proposed BMR VTM amendment to provide our property two points of access.

(8) **Our request is the City follows through on the RPPB recommendation and require the applicant (BMR) to provide two means of access to APNs 678-230-04 and 312-141-02 (including one for emergency purposes) through dedication or recorded easement.**

A series of plan changes by Black Mountain Ranch since the original plan approval and the absence of proper city oversight created a circumstance where it is not possible to drive from our property to Camino San Bernardo. The only currently recorded legal access to the our property is from an extension of Black Mountain Road, which is simply not achievable from an engineering perspective, or advisable as it would impact sensitive steep hillsides, wetlands and biological resources protected by the Multiple Habitat Preserve Area. In addition, Old Black Mountain Road is not a part of the approved street system for the subarea and the unimproved right of way is planned to be vacated.

8. Comment noted.

9. Comment noted.

The absence of access to this property has community-wide implications. At stake is the potential loss of over $11 million dollars to construct necessary public facilities as identified and outlined in the BMR Public Facilities Financing Plan. This financial obligation was also recorded upon the title of our property by the City of San Diego.

Our second request is for the applicant (BMR) to remove the proposed Property Owners Association (POA) designation on the approximate 3 acre triangular parcel from the North Village Design Guidelines/North Village at Black Mountain Ranch Vesting Tentative Map 40-0528 dated August 2008 – Revised and Addendum to an Environmental Impact Report.

The terminology of a POA is not currently recognized by the General Plan, Subarea Plan, Land Development Code or any other established city document. This specially creates a classification that could cause confusion or generate conflict with uses allowed by the long-standing adopted zoning. It is unclear what type of uses would be allowed by the POA or the design standards that would guide future development. The proposed change, because of lack of definition, could open the door to a wide-range of potentially incompatible uses. ***Given the land use conflicts, our request would be to delete the POA classification from the North Village Design Guidelines/VTM and permit the previously adopted Subarea Plan and zoning to continue governing the site.*** (Please refer to the North Village Design Guidelines Land Use Master Plan page 11 and the Zoning Plan page 107 and the VTM 40-0528 Revision 19 dated 8/01/2008 sheet 20.)

We thank the City in advance for their consideration of our concerns and look forward to working with the City and our neighbors at Black Mountain Ranch on the future development of our property as original envisioned in the BMR Subarea Plan.

Sincerely,

Osamu Hashizu
Camelot Investments
1381 Warner Ave #C
Tustin, Ca 92780

RANCHO PENASQUITOS PLANNING BOARD (3/10/2009)

RANCHO PEÑASQUITOS

March 10, 2009

Mr. Jeff Szymanski, Environmental Planner
City of San Diego Development Services Center
1222 First Avenue, MS 501
San Diego, CA 92101

Via email jszymanski@sandiego.gov

Subject: Comments on Addendum to EIR (AEIR) No 96-7902; Project No. 142244;
SCH No. 97111070-North Village at Black Mountain Ranch-CPA/VTM/PDP/SDP/Easement abandonment, street vacation, MHPA Boundary line adjustment and rezone.

Dear Mr. Szymanski,
On behalf of the Rancho Penasquitos Planning Board (RPPB) regarding the Black Mountain Ranch Addendum to the Environmental Impact Report (AEIR), we would like to confirm the Boards position in support of the proposed addendum.

Following lengthy discussions of the November 5, 2008 RPPB meeting among the applicant, neighboring properties and the community at large, the following motion was made and approved per the attached meeting minutes, Item 7.f.

(10)

> **Motion:** To approve the BMR North Village Subarea Plan and Amendments with condition of 2 access points for Montecito and the condition that the additional access point be resolved within 6 months from November 5, 2008. M/S/C-Rhodes/Sellers/
> Additional Discussion.
> -Keating wants to be sure that BMR decides the location of the 2nd access point.
> -Kaneyuki inquired how long it would take for Montecito to submit plans/application if access is found today? Wm. Diehl stated they have conceptual architecture done, possibly 30 days or as long as 4 months.
> Sellers called for the **Vote:** 8-0-0-1 Recusal (Becker)

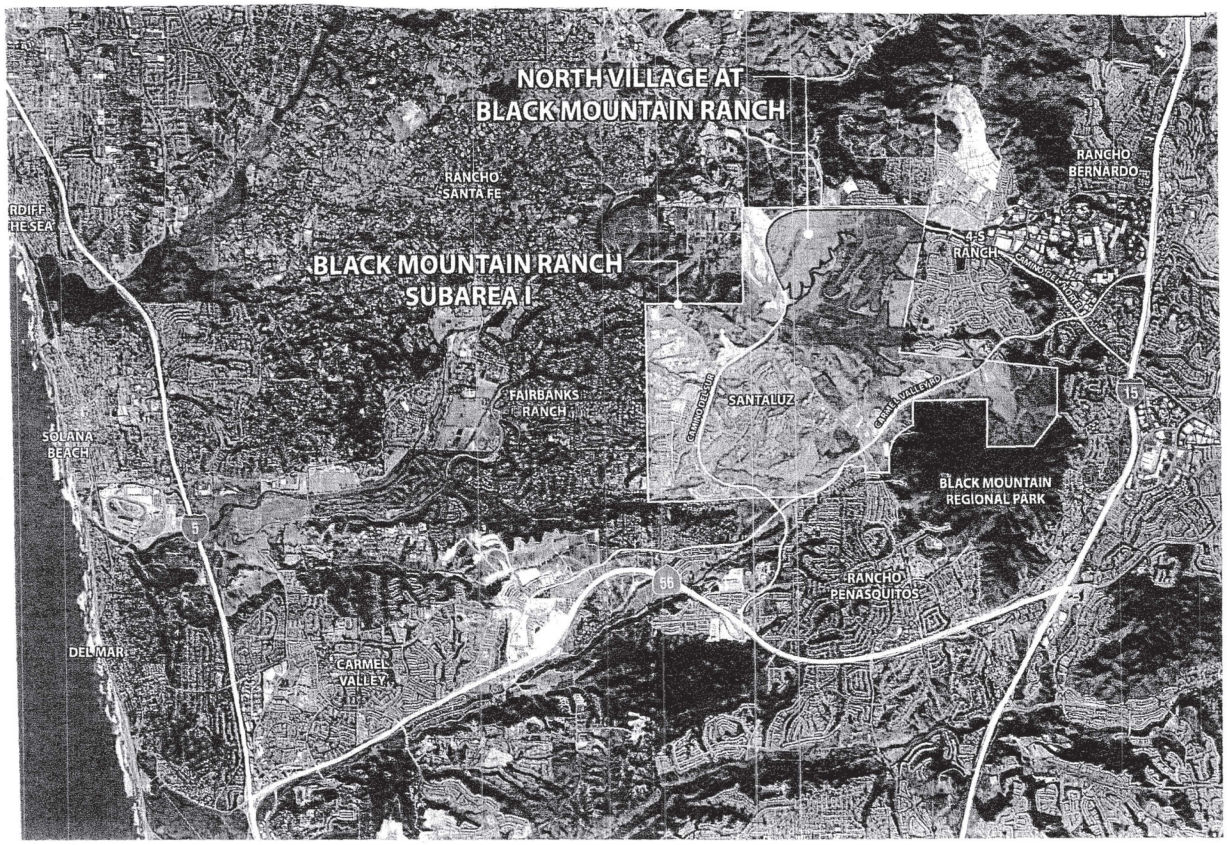
Thank you for incorporating our comments and community concerns regarding the adequacy of the Addendum to the EIR. It is imperative the RPPB motion be apart of the final document to the EIR/Plan update. It validates our environmental planning process and is immensely important to the potential long term impacts that Black Mountain Ranch will have on our community.

Respectfully submitted,

Charles Sellers, CPA
Chair of the Rancho Penasquitos Planning Board

Attachment

10. Comment noted.



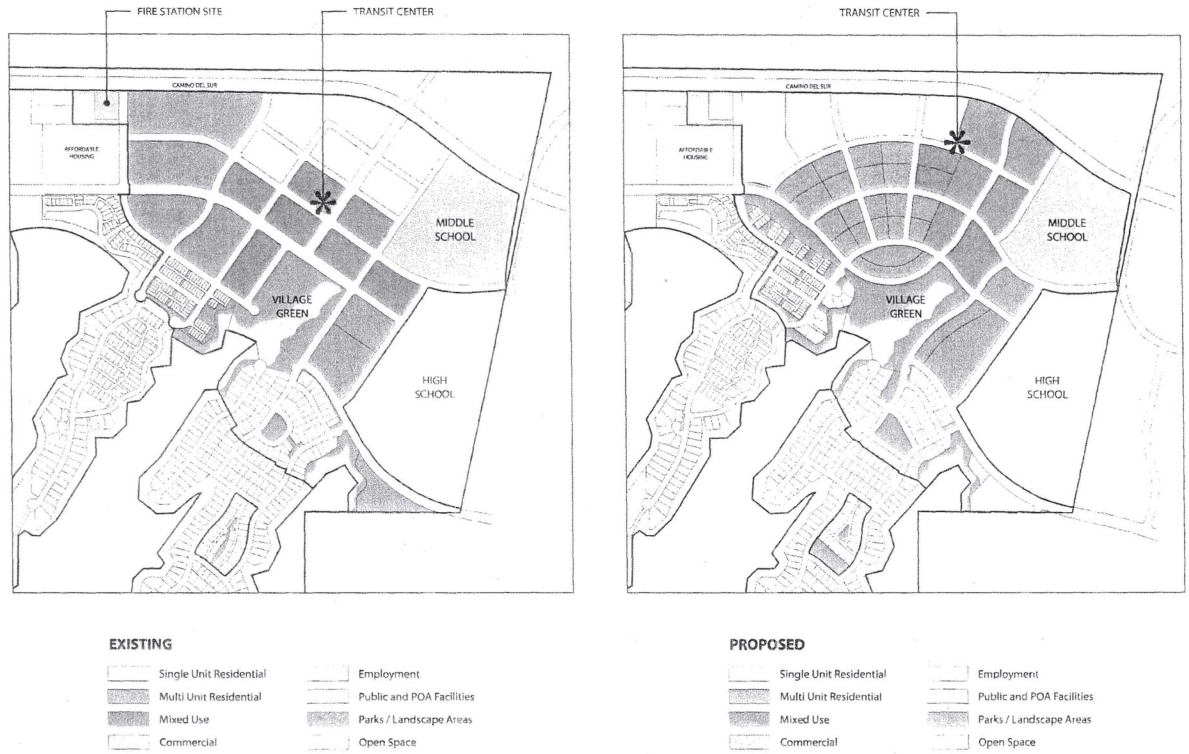
Black Mountain Ranch Subarea I

North Village at Black Mountain Ranch / Project No. 142244

City of San Diego – Development Services Department

FIGURE

No.1

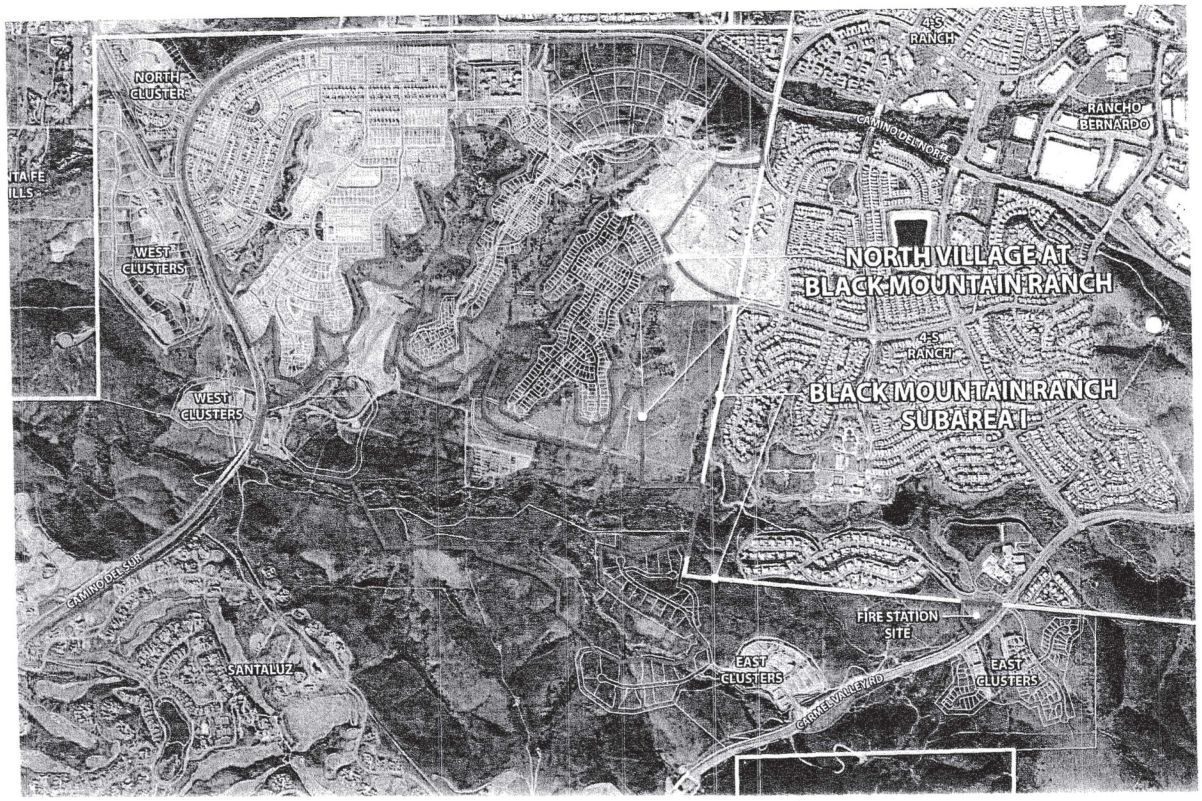


North Village at Black Mountain Ranch

North Village at Black Mountain Ranch / Project No. 142244

City of San Diego – Development Services Department

FIGURE No.2

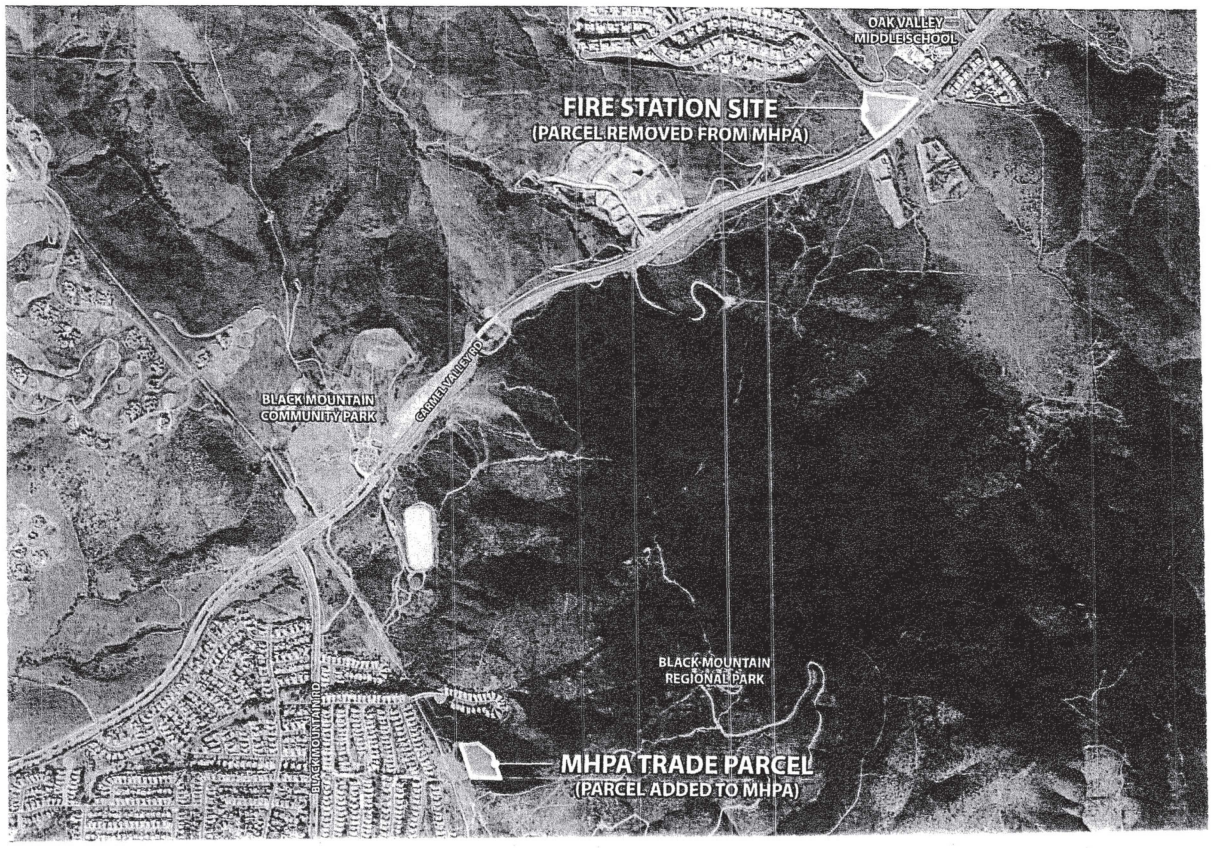


Fire Station Location

North Village at Black Mountain Ranch / Project No. 142244

City of San Diego – Development Services Department

FIGURE No.3

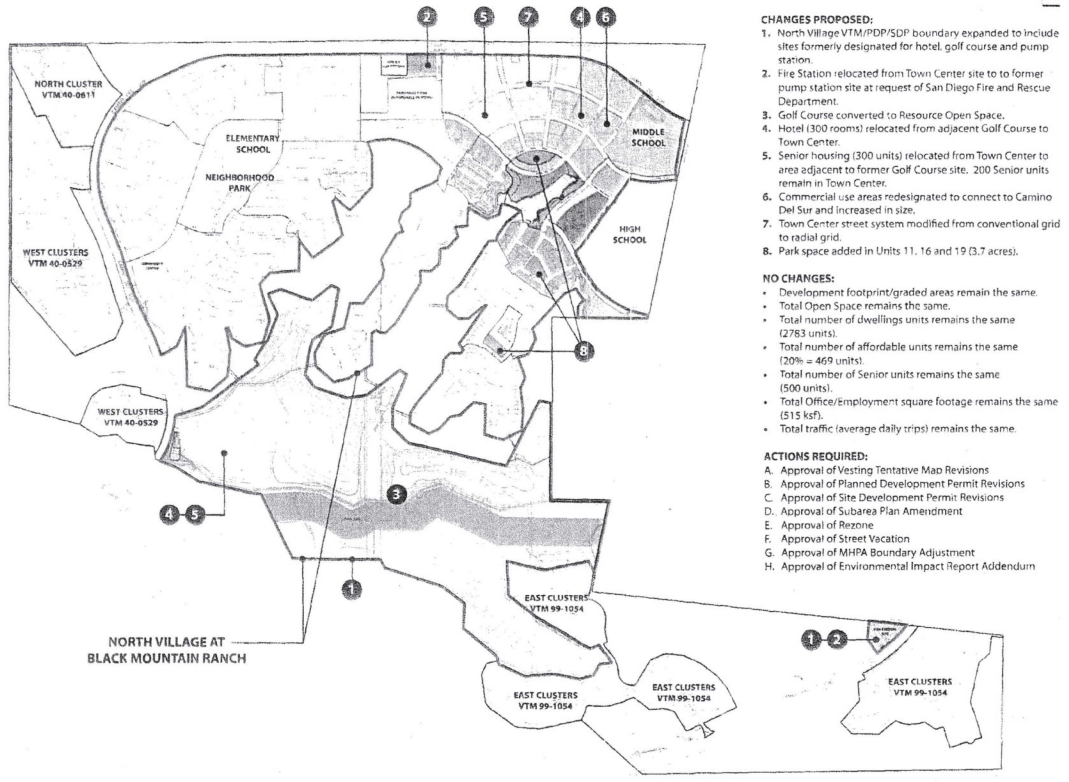


MHPA Trade Parcel

North Village at Black Mountain Ranch / Project No. 142244

City of San Diego – Development Services Department

FIGURE No.4



E

CHANGES PROPOSED:

1. North Village VTM/PDP/SDP boundary expanded to include sites formerly designated for hotel, golf course and pump station.
2. Fire Station relocated from Town Center site to to former pump station site at request of San Diego Fire and Rescue Department.
3. Golf Course converted to Resource Open Space.
4. Hotel (300 rooms) relocated from adjacent Golf Course to Town Center.
5. Senior housing (300 units) relocated from Town Center to area adjacent to former Golf Course site. 200 Senior units remain in Town Center.
6. Commercial use areas redesignated to connect to Camino Del Sur and increased in size.
7. Town Center street system modified from conventional grid to radial grid.
8. Park space added in Units 11, 16 and 19 (3.7 acres).

NO CHANGES:

- Development footprint/graded areas remain the same.
- Total Open Space remains the same.
- Total number of dwellings units remains the same (2783 units).
- Total number of affordable units remains the same (20% = 469 units).
- Total number of Senior units remains the same (500 units).
- Total Office/Employment square footage remains the same (515 ksf).
- Total traffic (average daily trips) remains the same.

ACTIONS REQUIRED:

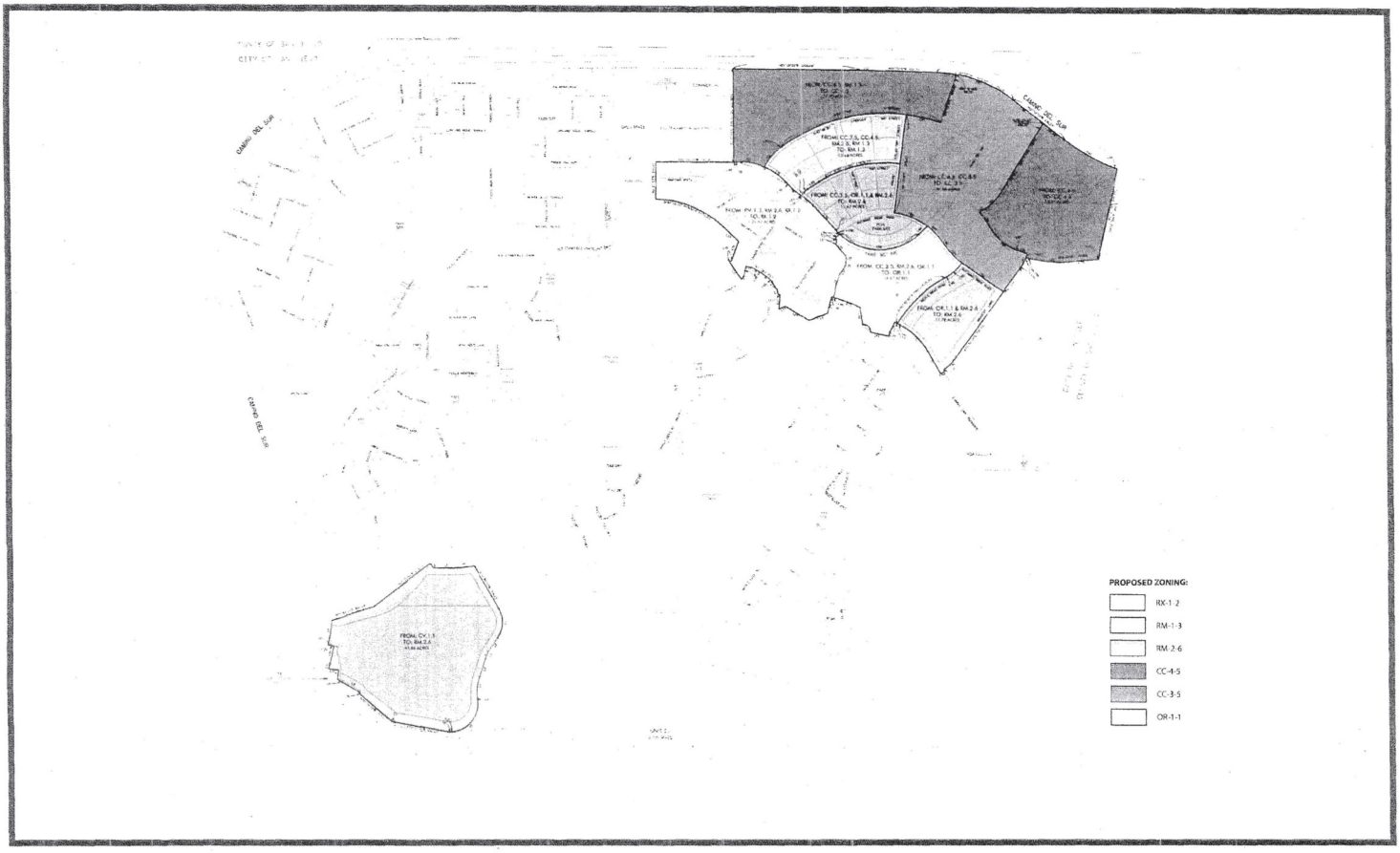
A. Approval of Vesting Tentative Map Revisions
B. Approval of Planned Development Permit Revisions
C. Approval of Site Development Permit Revisions
D. Approval of Subarea Plan Amendment
E. Approval of Rezone
F. Approval of Street Vacation
G. Approval of MHPA Boundary Adjustment
H. Approval of Environmental Impact Report Addendum

VTM Proposed Changes

North Village at Black Mountain Ranch / Project No. 142244

City of San Diego – Development Services Department

FIGURE No.5



Proposed Rezone

North Village at Black Mountain Ranch / Project No. 142244

City of San Diego – Development Services Department

FIGURE No.6

Table I – Trip Generation Comparison (Current versus Proposed)

Black Mountain Ranch Land Uses		Current			Proposed in Amendment		
Land Use	Units	Intensity	Daily Rate	Total Trips	Intensity	Daily Rate	Total Trips
VTM PHASE							
Black Mountain Ranch Land Uses Under VTM 95-0173							
Estate Residential	Dwelling Units	71	12	852	71	12	852
Single Family Residential	Dwelling Units	871	10	8,710	871	10	8,710
Affordable Housing	Dwelling Units	179	8	1,432	179	8	1,432
Middle School	Acres	17	40	680	17	40	680
Elementary School	Acres	10	60	600	10	60	600
Church	Acres (Total)	6	60	360	6	60	360
Golf Courses	Courses (Total)	2	600	1,200	1	600	600
Neighborhood Park	Acres (Total)	10	10	100	10	10	100
Community Park	Acres	30	10	300	30	10	300
Subtotals:	**Dwelling Units:**	**1,121**	**Trips:**	**14,234**	**1,121**	**Trips:**	**13,634**
Black Mountain Ranch Land Uses Under Proposition C 1996 and VTM 99-1161							
Neighborhood Commercial	1,000 Sq. Feet	60	120	7,200	16	120	1,920
Single Family Residential	Dwelling Units	218	10	2,180	218	10	2,180
Multi-Family Residential	Dwelling Units	42	8	336	42	8	336
Subtotals:	**Dwelling Units:**	**260**	**Trips:**	**9,716**	**260**	**Trips:**	**4,436**
Perimeter Ownership Land Uses							
Single Family Residential	Dwelling Units	190	10	1,900	190	10	1,900
Affordable Housing	Dwelling Units	36	7	252	36	7	252
Subtotals:	**Dwelling Units:**	**226**	**Trips:**	**2,152**	**226**	**Trips:**	**2,152**
VTM PHASE TOTALS:	**Dwelling Units:**	**1,607**	**Trips:**	**26,102**	**1,607**	**Trips:**	**20,222**
PHASE I, II & III							
Phase 1, II & III Black Mountain Ranch Ownership Land Uses							
Estate Residential	Dwelling Units	120	12	1,440	120	12	1,440
Single Family Residential	Dwelling Units	1,600	10	16,000	1,600	10	16,000
Multi-Family Residential	Dwelling Units	830	8	6,640	830	8	6,640
Age Restricted Residential	Dwelling Units	500	4	2,000	500	4	2,000
**High School (portion)	Acres	40	50	2,000	40	50	2,000
**Middle School	Acres	30	40	1,200	20	40	800
Elementary School	Acres	10	60	600	10	60	600
**Employment Center	1,000 Sq. Feet	450	16	7,200	450	16	7,200
**Neighborhood / Community Shopping	1,000 Sq. Feet	75	120	9,000	225	70	15,750
**Office	1,000 Sq. Feet	65	20	1,300	65	20	1,300
Hotel (Prop. C - 1996)	Rooms	300	8	2,400	300	8	2,400
**Neighborhood Park	Acres	7	40	280	7	40	280
Subtotals:	**Dwelling Units:**	**3,050**	**Trips:**	**50,060**	**3,050**	**Trips:**	**56,410**
Phase 1, II & III Perimeter Ownership Land Uses							
SW Perimeter- Single Family	Dwelling Units	94	10	940	79	10	790
SW Perimeter- Affordable Housing					15	8	120
SE Perimeter - Single Family	Dwelling Units	349	10	3,490	293	10	2,930
SE Perimeter - Affordable Housing					56	8	448
NE Perimeter- Multi- Family	Dwelling Units	300	8	2,400	252	8	2,016
NE Perimeter - Affordable Housing					48	8	384
Subtotals:	**Dwelling Units:**	**743**	**Trips:**	**6,830**	**743**	**Trips:**	**6,688**
PHASE 1, II & III TOTALS:	**Dwelling Units:**	**3,793**	**Trips:**	**56,890**	**3,793**	**Trips:**	**63,098**
TOTAL DWELLING UNITS		**5,400**			**5,400**		
TOTAL TRIPS BLACK MOUNTAIN RANCH TOTAL AREA			**Trips:**	**82,992***		**Trips:**	**83,320**
TOTAL TRIPS NORTH VILLAGE SUB AREA			**Trips:**	**20,980**		**Trips:**	**27,330**

* Note: Original Subarea Plan EIR, Table 4B-6, shows the total approved trips as 84,206. The difference is mainly due to the deletion of the south High School and other small changes

Trip Generation Comparison

North Village at Black Mountain Ranch / Project No. 142244

City of San Diego – Development Services Department

FIGURE No.7

City of San Diego
Development
Services
Department

Land Development
Review Division
(619) 236-6460

Environmental Impact Report

LDR No. 96-7902
SCH No. 97111070

SUBJECT: **BLACK MOUNTAIN RANCH (SUBAREA I) SUBAREA PLAN in the NORTH CITY FUTURE URBANIZING AREA (NCFUA).** GENERAL PLAN AMENDMENT, NCFUA FRAMEWORK PLAN AMENDMENT, SUBAREA PLAN, and MULTIPLE HABITAT PLANNING AREA (MHPA) BOUNDARY ADJUSTMENT for development of the remaining 1,408 acres of Subarea I in the NCFUA of the City of San Diego. The Subarea Plan would refine the existing NCFUA Framework Plan by proposing siting and land use designations for future commercial, industrial, residential and public facility land uses, and specific locations for roads. The Subarea Plan is a prerequisite for voter consideration of a General Plan phase shift from Future Urbanizing to Planned Urbanizing and no approvals for specific development under the Subarea Plan are being considered at this time. The proposed future development areas under the Subarea Plan would be comprised of the remaining 893 acres from the previously approved 3,777-acre Black Mountain Ranch II Vesting Tentative Map/Planned Residential Development Permit/Resource Protection Ordinance Permit/Development Agreement (DEP No. 95-0173; SCH No. 95041041), and the 515-acre perimeter parcels surrounding the Black Mountain Ranch ownership. The total 1,408-acre project would be divided into discrete units: the northern "bow-tie" area, including a mixed-use northern village with industrial, office, employment center, commercial/retail and high density residential areas (approximately 467 acres); the finger ridges north of La Jolla Valley; a 300-room resort/hotel (26 acres); a mixed-use southern village (60 acres); seven additional residential development clusters (approximately 340 acres) within Black Mountain Ranch; and four groupings of perimeter ownerships (515 acres). Black Mountain Ranch (Subarea I) is located within the NCFUA and is bounded by the approved Subarea IV Fairbanks Highlands Tentative Map (DEP No. 88-1041) to the south; the northerly limits of the Rancho Peñasquitos community and Black Mountain Park to the southeast; the 4S Ranch Specific Plan area, Santa Fe Valley Specific Plan Area and Santa Fe Hill development to the north and northwest; and Fairbanks Ranch and Rancho Santa Fe Farms to the west. The project area includes portions of La Zanja Canyon, La Jolla Valley, Lusardi Creek, the San Dieguito River Valley Regional Open Space Park Focused Planning Area, the unimproved portion of Black Mountain Road, and the Second San Diego Aqueduct (Portions of Sections 4, 5 and 6, Township 14 South, Range 2 West; Portions of Sections 1 and 2, Township 13 South, Range 3 West; Portions of Sections 30, 31, 32

and 33, Township 13 South, Range 2 West; and Portions of Sections 25, 35 and 36, Township 13 South, Range 3 West; Del Mar, Escondido, Poway, Rancho Santa Fe Quadrangles; SBBM). Applicant : Black Mountain Ranch Limited Partnership.

UPDATE:

Subsequent to the release of the Draft TEIR for public review, the applicant has proposed to include the Mitigation Monitoring and Reporting Program (MMRP) in the Subarea Plan as an appendix. The Subarea Plan now contains language ensuring that the MMRP will be implemented (or that additional CEQA review would be required to change it). Therefore, in accordance with Section 21081.6(b) of the CEQA, these impacts are considered to be mitigated for purposes of this level of environmental review.

CONCLUSIONS:

The proposed Black Mountain Ranch Subarea Plan comprises the City of San Diego's statement of policy for growth and development of the Subarea I planning area, one of five subareas designated by the North City Future Urbanizing Area (NCFUA) Framework Plan. The Black Mountain Ranch Subarea Plan proposes a land use plan and an open space system in general compliance with the requirements of the Framework Plan for the NCFUA and the City of San Diego's Multiple Species Conservation Program (MSCP).

This Environmental Impact Report is intended to be used as a first tier document pursuant to CEQA Section 21093. The detailed level of analysis typically associated with second-tier, site-specific developments already has been performed for the majority of Subarea I, and is contained in the 1995 Black Mountain Ranch II VTM/PRD EIR (DEP No. 95-0173; SCH 95041041). Development within Subarea I that is outside of the Black Mountain Ranch II VTM/PRD project boundaries may require additional second-tier analysis pursuant to CEQA Section 21094, once applications for development are submitted. This EIR also incorporates by reference the 1995 Black Mountain Ranch II VTM/PRD EIR. In addition, a Resource Protection Ordinance (RPO) analysis and Council Policy 600-40 development suitability analysis have been prepared for the subarea plan.

Multiple Species Conservation Program (MSCP)

The City of San Diego adopted the MSCP on March 18, 1997. The MSCP is designed to conserve a connected system of biologically viable habitat lands in a manner that maximizes the protection of sensitive species and precludes the need for future listings of species as threatened or endangered. These targeted habitat lands are identified in the City's MSCP Subarea Plan as Multiple Habitat Planning Areas (MHPAs).

Approximately 1,915 acres of Black Mountain Ranch lie within the City of San Diego MHPA Northern Area (1,665 acres of resource open space from previous approvals and 250 acres of resource open space from future development areas and the perimeter properties). In order to implement the proposed subarea plan, some encroachment into the MHPA would be necessary; therefore, an MHPA Boundary Adjustment is proposed by the applicant. This action would amend the City's MHPA to add high quality habitat located in Subarea I of the NCFUA to the preserve system, remove other less sensitive areas within Black Mountain Ranch and confer Third Party Beneficiary Status on the applicant. The proposed adjusted MHPA would be functionally equivalent or superior to

the adopted MHPA. The analysis to support this conclusion is provided in the EIR in the ~~Biological Resources~~ Land Use section.

SIGNIFICANT UNAVOIDABLE IMPACTS:

Land Use (Direct and Cumulative): Implementation of the Black Mountain Ranch Subarea I Plan would ultimately result in significant land use impacts in the form of inconsistencies with the Resource Protection Ordinance's (RPO) development regulations regarding avoidance of wetlands and permitted uses in the floodplain (direct and cumulative). These impacts would be unavoidable.

Traffic Circulation (Direct and Cumulative): Traffic circulation resulting from implementation of the subarea plan would result in significant direct and cumulative traffic impacts to freeway segments, freeway ramps, road segments and intersections within and outside of the subarea. These impacts would be reduced through the transportation phasing plan and mitigation measures detailed in Chapter 4 - Traffic Circulation, but not to below a level of significance.

Biological Resources (Cumulative): Implementation of the subarea plan would result in the loss of wetlands. Mitigation of direct impacts would be achieved through the on-site revegetation of riparian habitat along Lusardi Creek in La Jolla Valley detailed in Chapter 4 - Biological Resources. The subarea plan would also contribute to the incremental loss of wetlands on a regional basis, as this habitat is considered rare and supports sensitive plant and animal species on-site. The loss of wetlands is considered a significant cumulative impact. No mitigation is available to reduce the cumulative impact to below a level of significance.

Implementation of the subarea plan would also result in the loss of Tier II (coastal sage scrub) and Tier III (chaparral and non-native grasslands) habitats. Mitigation of direct impacts would be achieved through the on-site preservation detailed in Chapter 4 - Biological Resources. The subarea plan would also contribute, however, to the incremental loss of non-native grasslands on a regional basis, as this habitat is considered rare in the region and supports sensitive animal species on-site. The loss of non-native grasslands is considered a significant cumulative impact. No mitigation is available to reduce the cumulative impact to below a level of significance.

Hydrology/Water Quality (Cumulative): Implementation of the subarea plan would incrementally add to the amount of impervious surfaces and urban runoff into the San Dieguito River and Lagoon. This incremental impact would be cumulatively significant. This cumulative impact would be partially mitigated by compliance with Best Management Practices for storm water and urban runoff, as detailed in Chapter 4 - Hydrology/Water Quality, but not to below a level of significance.

Landform/Visual Quality (Direct and Cumulative): Implementation of the subarea plan would result in significant direct and cumulative impacts to landform alteration due to the quantity of grading. Incorporation of the sensitive grading techniques and landscaping detailed in Chapter 4 - Landform/Visual Quality would reduce these impacts, but not to below a level of significance. Significant direct and cumulative impacts to visual quality would also result from implementation of the subarea plan, due to the change in visual setting from open expanses and mesas to urban development. Implementation of the mitigation measures for landform alteration detailed in Chapter 4 - Landform/Visual Quality would reduce the direct and cumulative visual quality impacts, but not to below a level of significance.

Air Quality (Direct and Cumulative): Implementation of the subarea plan would result in direct air quality impacts and would contribute to the non-attainment of clean air standards in the San Diego Air Basin due to the increase in emissions from mobile sources on circulation element roadways and Interstate-15. These impacts would constitute a significant direct and cumulative impact. No mitigation is available to reduce these impacts to below a level of significance.

Natural Resources (Cumulative): Implementation of the subarea plan would result in significant cumulative impacts to important agricultural land and the ability to extract mineral resources in the region. These impacts would be unavoidable.

SIGNIFICANT IMPACTS THAT ARE MITIGATED TO BELOW SIGNIFICANCE WITH INCLUSION OF THE MITIGATION MONITORING AND REPORTING PROGRAM IN THE SUBAREA PLAN: ~~LIKELY TO BE MITIGATED WITH FUTURE PROJECT LEVEL REVIEW :~~

The Black Mountain Ranch Subarea Plan is a planning document containing both policy and regulations and is intended to be the City's statement of policy for growth and development of the subarea. The analysis of environmental impacts is consistent with this level of planning. This EIR builds on the previously certified EIR for the Framework Plan and provides the basis for review and analysis of future projects within the subarea. Potentially significant impacts are identified and a framework for future impact analysis and mitigation is provided. Identified mitigation measures would be required of future projects. It is expected that the following significant impacts could be lessened and/or fully mitigated with implementation of the identified mitigation measures.

Transportation/Traffic Circulation (Direct and Cumulative): The Subarea I plan would contribute to significant direct and cumulative impacts to levels of service to freeway segments, freeway ramps, intersections and roadway segments within and outside of the subarea. These impacts would be partially mitigated through the transportation phasing plan and mitigation measures detailed in Chapter 4 - Traffic Circulation.

Biological Resources(Direct and Cumulative): The Subarea I plan would result in direct and cumulative impacts to upland habitats and sensitive species from the development of the perimeter properties. These impacts would include up to 17.0 acres of Tier II habitat (coastal sage scrub), ~~275~~ 190 acres of Tier III habitats (chaparral and non-native grasslands) and a number of sensitive plant and animal species, including San Diego thornmint, California adolphia, San Diego sagewort, Encinitas coyote bush, Orcutt's brodiaea, wart-stemmed ceanothus, Orcutt's spineflower, summer holly, San Diego sand aster, western dichondra, variegated dudleya, coast barrel cactus, Palmer's grapplinghook, San Diego marsh-elder, spiny rush, willowy monardella, San Diego golden star, California adder's-tongue fern, ashy spikemoss, three pairs of coastal California gnatcatchers, orange-throated whiptail lizard, San Diego horned lizard, grasshopper sparrow, southern California Rufous-crowned sparrow, black-shouldered kite, loggerhead shrike, Swainson's hawk, California horned lark, Blue grosbeak, Bell's sage sparrow, and Cooper's hawk. The mitigation of direct and cumulative impacts to upland habitats and sensitive species would be achieved through the on-site preservation detailed in Chapter 4 - Biological Resources. The subarea plan would also contribute, however, to the incremental loss of non-native grasslands on a regional basis, which would remain a significant and unmitigated cumulative impact.

Implementation of the subarea plan would also result in the loss of 1.7 acres of wetlands. Mitigation of direct impacts would be achieved through the on-site revegetation of riparian habitat along Lusardi Creek in La Jolla Valley detailed in

Chapter 4 - Biological Resources. The incremental loss of wetlands on a regional basis, however, would remain a significant and unmitigated cumulative impact.

Hydrology/Water Quality (Direct): Implementation of the subarea plan would result in significant direct impacts to hydrology/water quality from changes to natural drainage patterns, increased runoff due to the development of streets, roads and other impervious surfaces, and the introduction of urban pollutants (non-point source pollution). The mitigation of direct impacts would be achieved through implementation of the mitigation measures detailed in Chapter 4 - Hydrology/Water Quality.

Geology/Soils (Direct): Implementation of the subarea plan would result in significant direct impacts from geologic and soil conditions. These impacts would be mitigated through implementation of the mitigation measures detailed in Chapter 4 - Geology/ Soils as part of any future tentative maps.

Paleontological Resources (Direct): Implementation of the subarea plan would result in the potential loss of significant fossil resources throughout the subarea as a result of future grading. The direct impact to paleontological resources would be mitigated through implementation of a paleontological monitoring program during grading, as detailed in Chapter 4 - Paleontological Resources.

Noise (Direct): Implementation of the subarea plan would result in potential direct noise impacts from future traffic and construction-related noise. Mitigation for noise impacts would be achieved through submittal of project specific noise analyses, construction of noise attenuation barriers and the use of upgraded construction materials, as detailed in Chapter 4 - Noise..

Public Facilities and Services (Direct and Cumulative): Implementation of the subarea plan would result in direct and cumulative school impacts from increased student population in districts where overcrowding already exists. These impacts would be mitigated through implementation of the mitigation measures detailed in Chapter 4 - Public Facilities and Services.

Implementation of the subarea plan could also result in direct impacts on fire service. While both the County and City Fire Department's could provide fire service to the project area, the City Fire Department may not be able to provide a first response within six minutes. This impact would be mitigated through a requirement for indoor fire sprinkler systems as detailed in Chapter 4 - Public Facilities and Services.

ALTERNATIVES FOR SIGNIFICANT UNAVOIDABLE IMPACTS:

Four alternatives were analyzed which would reduce identified impacts on an individual and/or cumulative basis: 1) No Project, 2) Development without a Phase Shift, 3) Reduce Residential and Eliminate Employment Uses in the Northern Village, and 4) Replace Residential Use With a Single-Tenant Employment Use in the Northern Village.

The No Project Alternative would avoid the significant direct and cumulative impacts resulting from implementation of the subarea plan. The No Project Alternative, however, would not meet the objectives of the NCFUA Framework Plan, which assumes development of Black Mountain Ranch in accordance with an adopted Subarea Plan.

The Development Without a Phase Shift Alternative would avoid significant Land Use impacts from inconsistencies with the Interim RPO development regulations, as encroachments into wetlands and floodplain areas would not be necessary with the

reduced development levels and clustering. This alternative would also lessen the significant impacts to biological resources, landform alteration/visual quality, hydrology/water quality, air quality, and natural resources relative to the Subarea Plan due to the reduction in number of dwellings and the reduced area of development. However, the cumulative impacts would still be considered significant. Traffic generation would be reduced relative to the Subarea I plan, however, traffic volumes on many roadway segments outside Subarea I would be increased, as both residents within the Subarea and in adjoining areas would make longer trips for employment commutes and shopping. Therefore, direct and cumulative impacts from traffic would remain significant and unmitigated. In addition, potentially significant land use impacts would result from the Development Without a Phase Shift Alternative due to inconsistency with the goals of the NCFUA Framework Plan, in that significantly reduced employment and services would be provided within the subarea. Nevertheless, this alternative would be considered the environmentally superior alternative.

The Reduce Residential and Eliminate Employment Uses in the Northern Village Alternative would reduce average daily traffic (ADT) by 15,200 for the northen village. However, this alternative would not result in significant improvements to levels of service on area roadways or freeway segments. In addition, this alternative would be inconsistent with the Framework Plan goals for the subarea, in that employment and services opportunities would be significantly reduced within the subarea. This alternative would lessen the cumulative impacts to air quality, due to the reduced traffic volumes, but not to below a level of significance. Impacts to land use, biological resources, landform alteration/visual quality, hydrology/water quality, and natural resources would be the same as for the subarea plan.

The Replace Residential Use With a Single-Tenant Employment Use in the Northern Village Alternative would result in an overall increase of approximately 8,648 ADT relative to the subarea plan. Overall, the change in land use from residential to employment use does not improve levels of service on area roadways, nor were significant differences in forecast freeway segment volumes identified under this alternative. In addition, this alternative would result in increased cumulative impacts to air quality, due to the increased traffic volumes. Impacts to land use, biological resources, landform alteration/visual quality, hydrology/water quality, and natural resources would be the same as for the subarea plan.

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

Lawrence C. Monserrate
Environmental Review Manager
Development Services

April 27, 1998
Date of Draft Report

June 25, 1998
Date of Final Report

Analyst: Herrmann

PUBLIC REVIEW:

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

U.S. Government
U.S. Army Corps of Engineers
U.S. Fish and Wildlife Service
Marine Corps Air Station Miramar
Department of Agriculture

State of California
State Clearinghouse
Department of Fish and Game, Region 5
Office of Historic Preservation
CALTRANS, District 11
Department of Health Services
Resources Agency
Regional Water Quality Control Board, Region 9
Department of Water Resources
California Air Resources Board
Native American Heritage Commission
State Lands Commission
Local Agency Formation Commission (LAFCO)

City of San Diego
Mayor Golding
Councilmember Mathis, District 1
Councilmember Warden, District 5
Community and Economic Development
Development Services
Environmental Services
Fire and Life Safety Services
Metropolitan Wastewater
Park and Recreation
Police
Real Estate Assets
Water
Wetland Advisory Board
Central Library
Carmel Mountain Branch Library
Carmel Valley Branch Library
Mira Mesa Branch Library
Rancho Bernardo Branch Library
Rancho Peñasquitos Branch Library
Scripps Ranch Branch Library

County of San Diego
Agriculture Department
Air Pollution Control District
Department of Planning and Land Use
Department of Environmental Health
Department of Public Works

County Water Authority
County Supervisor, Pam Slater, District 3
Metropolitan Transit Development Board

Native Americans
Viejas Group of Capitan Grande Band of Mission Indians
Barona Group of Capitan Grande Band of Mission Indians
Mesa Grande Band of Mission Indians
Santa Ysabel Band of Diegueño Indians
San Pasqual Band of Mission Indians
Jamul Indian Village
Sycuan Band of Mission Indians
Clarence R. Brown, Sr.
Ron Christman
Louie Guassac
California Indian Legal Services

Others
City of Poway
City of Escondido
Mira Mesa Community Planning Group
Shaw Ridge Homeowner's Association
Arroyo Sorrento Homeowner's Association
Carmel Mountain Conservancy
San Diego Association of Government (SANDAG)
San Diego Transit Corporation
San Diego Gas & Electric Company
San Dieguito River Park Joint Powers Authority
Poway Unified School District
San Diego Unified School District
San Diego Association of Environmental Biologists
Sierra Club
Ellen Bauder
San Diego Natural History Museum
San Diego Audubon Society
Environmental Health Coalition
California Native Plant Society
Stuart Hurlbert
San Diego Regulatory Alert
The SW Center for Biological Diversity
Citizens Coordinate for Century III
Endangered Habitats League
Park and Recreation Board
League of Women Voters
Dr. Florence Shipek
Vonn-Marie May
South Coastal Information Center/San Diego State University
San Diego Historical Society
San Diego Museum of Man
Save Our Heritage Organisation
San Diego County Archaeological Society, Inc.
Los Peñasquitos Canyon Preserve Citizens Advisory Committee
Los Peñasquitos Lagoon Foundation
Los Peñasquitos Canyon Preserve

Rancho Santa Fe Association
Santa Fe Hills Landowners, Inc.
Rancho Del Mar Homeowner's Association
Opal Trueblood
Rancho Bernardo Community Planning Group
Rancho Peñasquitos Planning Board
Friends of Los Peñasquitos Canyon Preserve, Inc.
Friends of San Dieguito River Valley
San Dieguito River Park Citizens Advisory Committee
San Dieguito Planning Group
San Dieguito Lagoon Committee
San Pasqual/Lake Hodges Planning Group
Fairbanks Ranch Association
Carmel Valley Community Planning Board
Dennis Moser, Kelwood Development
Roger Krauel
Ed Jones, Rancho Bernardo Community Planning Group
Joel Fairbanks
Thomas May, Luce Forward Hamilton Scripps
San Diegans for Responsible Freeway Planning
Subarea I Perimeter Property Owners
Black Mountain Ranch Partnership Limited
Rick Engineering
RECON

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

RESULTS OF PUBLIC REVIEW:

( ) No comments were received during the public input period.

( ) Comments were received but the comments do not address the accuracy or completeness of the environmental report. No response is necessary and the letters are attached at the end of the EIR.

(X) Comments addressing the accuracy or completeness of the EIR were received during the public input period. The letters and responses follow.

A:\bmreir.concl.wpd

CANDIDATE
STATEMENT OF OVERRIDING CONSIDERATIONS
BLACK MOUNTAIN RANCH SUBAREA I PLAN – NORTH VILLAGE
(Addendum to EIR No. 96-7902/ SCH No. 97111070) PROJECT NO. 142244

A Final Environmental Impact Report (EIR), for the Black Mountain Ranch (Subarea I) Subarea Plan in the North City Future Urbanizing Area (NCFUA) was prepared in 1998 to evaluate the overall impacts of the Subarea Plan. The North Village at Black Mountain Ranch (Revised VTM No. 497492) is located within the area previously analyzed within the 1998 FEIR. The City of San Diego has prepared an Addendum to the 1998 FEIR to address project-specific impacts associated with the revised VTM No. 497492.

The 1998 FEIR identified significant unmitigated impacts for the areas of land use, traffic circulation, biological resources, hydrology/water quality, landform alteration/visual quality, air quality, noise, public facilities and services, and natural resources/agriculture. Feasible mitigation measures were included; however, the proposed mitigation would not reduce the impacts to below a level of significance for the impact categories described above. The 2008 Addendum to the EIR concluded that there would be no new project-specific impacts that were not previously addressed in the 1998 EIR. Development of the proposed North Village (Revised VTM No. 497492) would result in the same significant unmitigated impacts that were identified in the 1998 EIR; and mitigation measures set forth in the 1998 FEIR would serve to reduce the remaining project impacts to below a level of significance.

As such, the California Environmental Quality Act (CEQA) requires the decision-making agency to again balance, as applicable, the economic, legal, social, technological, or other benefits of the proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of the proposed project again outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable" (CEQA Guidelines Section 15093 [a]). CEQA further requires that, when the lead agency approves a project which will result in the occurrence of significant effects which are identified in the EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record (CEQA Guidelines Section 15093 [b]). This statement does not substitute for, and shall be in addition to, any findings that may be required pursuant to Section 15091 (CEQA Guidelines Section 15093 [c]).

The City of San Diego pursuant to Section 15093 of the State CEQA Guidelines, after balancing the benefits of the proposed North Village VTM project and associated actions against the unavoidable significant impacts, as defined in the Addendum to the Final EIR, hereby determines that all feasible mitigation measures have been imposed to reduce the North Village impacts and the unmitigated impacts are acceptable for the following reasons:

1. Based on the Fiscal Impact Analysis prepared for the City for the Subarea I Plan, the development of the Subarea I Plan will result in an increased generation of surplus revenues to the City of approximately $35,000,000 during the 13-year development period, which represents a $28,000,000 increase over what will be generated as a result of

prior approvals within the Subarea I Plan. After the 13-year development period, the annual surplus revenue generated for the City, exclusive of revenues to be generated by prior approvals within the Subarea I Plan, will equal approximately $2,500,000.

2. The Subarea I Plan provides for an innovative transit program that goes beyond the typical planning focus of master planned communities, which traditionally has been to create a development plan that encourages alternative modes of transportation or accommodates future mass transit. In addition to such typical planning efforts, the Subarea I Plan included an expenditure of $1,500,000 for two transit centers and a van pool/transit bus program that will achieve a reduction in master planned community automobile commuter patterns.

3. Pursuant to SANDAG's "Urban Form" goals and objectives encouraging compact, mixed use, accessible, and walkable neighborhoods; the revised North Village VTM provides a re-designed street system in order to create a definable core within the Village. The new radial grid street system provides view opportunities that lead directly to a public park and open space area, thus creating a focal point for the village and enhancing walkability. In addition, interactivity is encouraged by relocating unused commercial retail square footage from the South Village adjacent to North Village employment center. Concentrating more retail within North Village will provide an opportunity for developing a critical mass of commercial use. By increasing the intensity and diversity of use within a limited physical space, there would be increased pedestrian opportunities. That means that not only are people are encouraged to walk, but the potential for the success of the transit center as well as the hotel, employment, retail, and residential uses in the Village core is further enhanced.

4. In addition to the approximately 1,665 acres of resource open space being preserved or set aside pursuant to prior approvals within the Subarea I Plan; the North Village project will preserve or set aside an additional 255 acres (a 15% increase) of resource open space. The preservation of this resource open space would be accomplished through the re-designation of the 255 acres previously designated for golf course use. The area would be graded and improved with drainage features so that the overall development would meet its water quality requirements. It would then be re-vegetated to prevent erosion, aid in slope stability and improve aesthetics. While this area is not currently proposed to be added to the MSCP, the open space would be re-vegetated with native species and would provide buffering for both the adjacent Lusardi Creek riparian corridor and adjacent MSCP areas to the north and south.

5. The North Village VTM would implement a hydromodification management plan (HMP) in order to meet the more stringent water quality requirements of the SDRWQCB Order No. R9-2007-0001. North Village would incorporate regional storm water management features, including the 255-acre area previously designated for golf course use. These features would provide 25-year peak flow rate and duration control, in addition to providing Priority Development Project LID requirements and water quality treatment.

6. The Subarea I Plan provided for significant community-wide public facilities. The Facilities Phasing and Financing Plan for the Black Mountain Ranch Subarea I Plan

provided for approximately $15,000,000 in contributions toward regional improvements to I-15, SR-56, and the associated on- and off-ramps. This contribution was critically needed in order to help resolve existing and future regional traffic problems. This contribution substantially exceeds Subarea I Plan's fair share allocation of the cost of such regional improvements based on its contribution to overall traffic. As the North Village plan is implemented, it would be responsible for the on-site construction of a significant portion of the public facilities and infrastructure originally required by the Subarea I Plan. These facilities include:

a) Portions of the regional backbone circulation system, including Camino del Sur and Paseo del Sur;

b) A designated site for a public middle school;

c) A sewer lift station;

d) A fire station; and

e) Five parks totaling 19.18 acres

7. The North Village project implements the land use designations of the adopted Framework Plan and provides a mix of land uses that provides housing opportunities, jobs, and public facilities in the North City Future Urbanizing area of the City. The proposed plan also provides employment, commercial, and civic facilities to meet the daily needs of the residents. In addition, the North Village promotes an efficient use of land, in contrast to some suburban communities, which have been designed at two to three dwelling units per gross acre. The increased density allows for development of a more compact community which preserves open space, and promotes the use of mass transit.

8. North Village at Black Mountain Ranch provides a broad range of housing opportunities including both single and multi-family housing, affordable housing, and age restricted housing. The project provides affordable housing consistent with the goals of the NCFUA Framework Plan. Of the 864 affordable housing units the Sub-area Plan requires, 204 units have been constructed and fully occupied to date. The proposed project would implement the remainder of the affordable units required by the Sub-area Plan in the form of 265 affordable units, 100 of which are age-restricted, and 400 additional age-restricted market-rate units. The housing plan for North Village was based on the assumption that a full range of densities and housing products will create a full range of prices for future residents. North Village at Black Mountain Ranch is committed to implementing a balanced community in terms of housing types and economic appeal, by providing housing opportunities for various family sizes.

9. North Village at Black Mountain Ranch will create jobs. The project would generate new temporary construction-related jobs that would enhance the economic base of the region. The proposed project would also generate jobs with respect to the proposed 225,000 square feet of commercial space; 515,000 square feet of employment/retail

space; the middle school; and the fire station as well as from consumer demand for new furniture, services, landscaping, and other new household purchases.

For these reasons, each of which standing alone is sufficient to support the finding, the City Council finds there are planning, social, economic, and other considerations resulting from this project that serve to override and outweigh the project's unavoidable significant environmental effects, and thus, the adverse environmental effects are considered acceptable.