

Appendix E

Mitigation Measures and Project Design Features

Appendix E contains applicable Mitigation Measures from the 1994 EIR, 2000 SEIR, and 2018 SEIR projects. The analysis in the 2003 and 2012 EIR Addenda relied on the mitigation measures in the 1994 EIR and 2000 SEIR; thus, mitigation measures for these documents are not listed separately. None of the language or requirements of the mitigation measures applicable to the Project have changed from the original approved CEQA documents.

Air Quality

1994 EIR

- MM 9A** The County shall require applicants to use several techniques to reduce potentially significant construction emissions.
- MM 9B** Development projects shall provide bicycle facilities to promote use of alternative transportation methods.
- MM 9C** The County shall coordinate with appropriate agencies to implement reduction of vehicle emissions.

2000 SEIR

MM 2.6.4.1 "Construction Mitigation Measures: The County shall require applicants to use combinations of the following techniques to reduce potentially significant construction emissions:

- minimize simultaneous operation of multiple construction equipment units
- minimize the area being graded at any one time (i.e., grade only those areas which will be developed in the immediate future)
- use low pollutant-emitting construction equipment
- use [alternative fueled] or electrical construction equipment, [where economically feasible] use catalytic reduction for gasoline-power equipment
- use injection timing retard for diesel-powered equipment
- water the construction area to minimize fugitive dust halt grading during periods of high wind (>20 mph) stabilize graded areas (pave roads, hydroseed open areas, etc.) as soon as practical
- limit vehicles speeds on unpaved surfaces to 10 mph
- cover trucks hauling dirt for cut and fill operations

The County would place conditions on the grading permits for the project. Those conditions would require implementation of measures similar to those listed above."

MM 2.6.4.2 "Facilities Mitigation Measures: Development projects shall provide facilities, as appropriate, to promote use of alternative transportation methods, such as:

- bicycle storage facilities at industrial and commercial facilities and park-and-ride lots
- shuttle service between business and the transit stop.

Bicycle storage facilities shall be provided on each industrial and commercial lot as specified in the design guidelines for the project. The need for park and ride facilities and/or shuttles and appropriate locations for such facilities shall be coordinated with County Staff, SANDAG and Metropolitan Transit Development Board (MTDB). The party responsible for implementing any identified, off-site park-and-ride lots would provide bike storage facilities and the effected agencies will determine appropriate shuttle stops. Implementation of the project does not foreclose opportunities for transit or shuttle stops to be implemented within public right-of-ways.

Transportation Mitigation Measures: The County shall coordinate with other appropriate agencies (SANDAG, North County Transit District [sic J) to implement the following techniques to further reduce vehicle emissions:

- provide funding support for transit improvements (i.e., bicycle lanes, additional bus service)
- implement transportation control measures (tolls, parking fees, taxation policies, etc.)
- implement commute travel reduction program such as employment rideshare program, transit pass subsidy to employers, flexible work hours, telecommuting programs, etc.
- implement an ordinance to reduce truck deliveries and goods movements
- require clean fuel vehicle fleets
- expand transit services
- retrofit transit buses to clean fuels or electrification

The County has and continues to coordinate programs similar to those listed above. It should be noted that the transit provider is MTDB and not the North County Transit District"

2018 SEIR

M-AQ-1 The Project would reduce construction emissions associated with VOC to the extent feasible by utilizing low-VOC coatings in accordance with APCD Rule 67.0.1 requirements.

Cultural Resources

2018 SEIR

M-CR-1 "To mitigate for direct impacts to subsurface deposits, an archaeological monitoring program will be implemented that consists of the following:

- Pre-Construction: Pre-construction meeting to be attended by the Project Archaeologist and Kumeyaay Native American monitor to explain the monitoring requirements.

- Construction: Monitoring. Both the Project Archaeologist and Kumeyaay Native American monitor are to be onsite during earth disturbing activities. The frequency and location of monitoring of native soils will be determined by the Project Archaeologist in consultation with the Kumeyaay Native American monitor. Both the Project Archaeologist and Kumeyaay Native American monitor will evaluate fill soils to ensure that they are negative for cultural resources. If cultural resources are identified:
 - Both the Project Archaeologist and Kumeyaay Native American monitor have the authority to divert or temporarily halt ground disturbance operations in the area of the discovery. The Project Archaeologist shall contact the County Archaeologist.
 - The Project Archaeologist in consultation with the County Archaeologist and Kumeyaay Native American shall determine the significance of discovered resources.
 - Construction activities will be allowed to resume after the County Archaeologist has concurred with the significance evaluation.
 - Isolates and non-significant deposits shall be minimally documented in the field. Should the isolates and non-significant deposits not be collected by the Project Archaeologist, the Kumeyaay Native American monitor may collect the cultural material for transfer to a Tribal curation facility or repatriation program.
 - If cultural resources are determined to be significant, a Research Design and Data Recovery Program shall be prepared by the Project Archaeologist in consultation with the Kumeyaay Native American monitor and approved by the County Archaeologist. The program shall include reasonable efforts to preserve (avoid) unique cultural resources of Sacred Sites; the capping of identified Sacred Sites or unique cultural resources and placement of development over the cap if avoidance is infeasible; and data recovery for non-unique cultural resources. The preferred option is preservation (avoidance).

Human Remains:

- The Property Owner or their representative shall contact the County Coroner and the PDS Staff Archaeologist. § Upon identification of human remains, no further disturbance shall occur in the area of the find until the County Coroner has made the necessary findings as to origin.

- If the remains are determined to be of Native American origin, the Most Likely Descendant (MLD), as identified by the Native American Heritage Commission (NAHC), shall be contacted by the Property Owner or their representative in order to determine proper treatment and disposition of the remains.
- The immediate vicinity where the Native American human remains are located is not to be damaged or disturbed by further development activity until consultation with the MLD regarding their recommendations as required by Public Resources Code Section 5097.98 has been conducted. § Public Resources Code §5097.98, CEQA §15064.5 and Health & Safety Code §7050.5 shall be followed in the event that human remains are discovered.
- If needed any repatriation will be performed in landscaped areas within the public park or within the parkways along the public streets, within an area and depth that will not be disturbed by future ground disturbance.

Rough Grading:

Upon completion of Rough Grading, a monitoring report shall be prepared identifying whether resources were encountered. A copy of the monitoring report shall be provided to the South Coastal Information Center and any culturally-affiliated tribe who requests a copy.

Final Grading:

A final report shall be prepared substantiating that earth-disturbing activities are completed and whether cultural resources were encountered. A copy of the final report shall be submitted to the South Coastal Information Center and any culturally-affiliated tribe who requests a copy. Disposition of cultural material:

- A final report shall be prepared substantiating that earth-disturbing activities are completed and whether cultural resources were encountered. A copy of the final report shall be submitted to the South Coastal Information Center and any culturally-affiliated tribe who requests a copy.
- The final report shall include evidence that all historic materials have been curated at a San Diego curation facility that meets federal standards per 36 CFR Part 79.
- If requested by the Native American monitor, repatriation of any prehistoric materials, collected by the Native American monitor during construction monitoring will be repatriated to landscaped areas within the public park or within the parkways along the public streets, within an area and depth that will not be disturbed by future ground disturbance after artifact analysis is completed. "

Biological Resources

2018 SEIR

- M-BI-2** The following mitigation measures would be implemented to mitigate Project impacts to San Diego fairy shrimp (BI-2) to below a level of significance:

- M-BI-2a** A pre-construction survey shall be conducted in the Project development area prior to clearing of the development area to determine if San Diego fairy shrimp are present on the Project site.
- M-BI-2b** Creation of wetlands suitable for both San Diego and Riverside species of fairy shrimp would fully mitigate impacts to these species to below a level of significance. The restoration effort would incorporate measures to salvage these species from on-site ponds and relocate them into the created pools within the Open Space Easement (Lot 20 of the proposed Tentative Map). The pools would be monitored for fairy shrimp at intervals specified in the RCP for a five-year period. Quarterly reports would be prepared by the applicant's consultant for the first year and annual reports thereafter. If the success criteria listed in the RCP are not met at the end of a given year, remedial action would be taken, pursuant to the direction and approval from the US Army Corps of Engineers and US Fish and Wildlife Service.
- M-BI-2c** Impacts to San Diego Fairy Shrimp would be mitigated to a level below significant by the creation of habitat and the preservation of the J-22 vernal pool complex as specified in the Fairy Shrimp Translocation and Five Year Monitoring Mitigation Plan (Southwest Biological Services, December 2003) approved by in 2012.
- M-BI-3** The following mitigation measures would mitigate Project impacts to Riverside fairy shrimp (BI-3) to below a level of significance:
- M-BI-3a** A pre-construction survey shall be conducted in the Project development area prior to clearing of the development area to determine if Riverside fairy shrimp are present on the Project site.
- M-BI-3b** Creation of wetlands suitable for both San Diego and Riverside species of fairy shrimp would fully mitigate impacts to these species to below a level of significance. The restoration effort would incorporate measures to salvage these species from on-site ponds and relocate them into the created pools within the open space easement. The pools would be monitored for fairy shrimp at intervals specified in the RCP for a five-year period. Quarterly reports would be prepared by the applicant's consultant for the first year and annual reports thereafter. If the success criteria listed in the RCP are not met at the end of a given year, remedial action would be taken, pursuant to the direction and approval from the US Army Corps of Engineers and US Fish and Wildlife Service.
- M-BI-3c** Impacts to Riverside fairy shrimp, which is assumed present, would be mitigated to a level below significance by the creation of habitat and the preservation of the J-22 vernal pool complex as specified in the Fairy Shrimp Translocation and Five Year Monitoring Mitigation Plan (Southwest Biological Services, December 2003) approved in 2012. As required by the 2003 USFWS Biological Opinion, wet season and dry season Riverside fairy shrimp surveys shall be conducted in 2016-2017. If a protocol survey (2 wet or 1 dry and 1 wet survey) for Riverside fairy shrimp demonstrates that

this species is not present in the agricultural pond, then the success criteria for Riverside fairy shrimp would be dismissed.

- M-BI-5** A pre-construction burrowing owl survey shall be conducted in the Project development area prior to clearing of the development area and a pre-construction burrowing owl survey to be conducted in the Open Space Easement (Lot 20 of the proposed Tentative Map) prior to disturbance within the Open Space Easement (Lot 20 of the proposed Tentative Map) (such as excavation of new vernal pool). A burrowing owl translocation plan shall be developed and approved by the County and Wildlife Agencies, if owls are found during pre-construction surveys.
- M-BI-6** Implementation of mitigation measures M-BI-7 and M-BI-8, below, would reduce impacts to turkey vulture (BI-6) to below a level of significance.
- M-BI-7** Mitigation requirements for northern harrier (BI-7) would be partially met by the preservation of foraging habitat within the Open Space Easement (Lot 20 of the proposed Tentative Map). The enhancement of the habitat within the open space would further reduce impacts to this species. In addition, initial clearing of vegetation shall occur outside the nesting season (mid-April through July). If that is not possible, a raptor nesting survey shall be conducted. If an active nest is found, grading would cease in the immediate vicinity, and the monitoring biologist and County staff would determine and agree to an acceptable buffer between the nest location and grading activities. Table 3.5 in the 1996 MSCP Plan (approved by the County Board of Supervisors on October 27, 1997) states that an acceptable buffer would be 900 feet. Once the nest becomes non-active, grading restrictions shall not longer apply. Mitigation in conformance with the BMO for both on- and offsite habitat preservation (as proposed above in the discussion of sage scrub and grassland habitat mitigation) would fully mitigate for the loss of foraging habitat for this species regionally.
- M-BI-8** Mitigation requirements for the loss of foraging habitat and potential breeding habitat for white-tailed kite (BI-8) would be met by requiring a qualified biologist to monitor the construction area for suitable nesting habitat (e.g., trees) in the vicinity of construction during the breeding season. If white-tailed kite is found nesting on the Project site during pre-construction surveys, CDFW shall be notified. The RCP would require that a 'construction-free zone' be created around any identified nesting sites until fledging has occurred. The biologist would coordinate with County staff during the monitoring efforts to determine the size of any required construction zone. This would mitigate the impacts to a level below significant.
- M-BI-9** Implementation of mitigation measures M-BI-7 and M-BI-8, above, would reduce impacts to loggerhead shrike (BI-9) to below a level of significance.
- M-BI-10** Implementation of mitigation measure M-BI-12, below, would reduce impacts to black-tailed jackrabbit (BI-10) to below a level of significance.
- M-BI-11** Implementation of mitigation measures M-BI-7 and M-BI-8, above, would reduce impacts to raptor foraging habitat (BI-11) to below a level of significance.

M-BI-12 The following mitigation measures fully mitigate indirect Project impacts to preserved land in the Biological Open Space (BI-12) to below a level of significance:

M-BI-12a Human Activities. The adverse effects on vegetation due to the increase in human activity in the area would be reduced by: 1) creating buffer zones adjacent to the open space easements to minimize the effects from noise and lighting; 2) limiting pedestrian and equestrian trails to existing roads or non-sensitive habitats; and 3) discouraging entry into native habitats such as the riparian and vernal pool habitats by installing fencing and barrier plantings and/or signage. In addition, the RCP would require fencing around the entire open space preserve easement to discourage trespassing and illegal dumping.

M-BI-12b Construction Activities. Indirect impacts to habitats may result from construction activities, such as construction of Lone Star Road. To avoid the potential impacts, the limits of the vernal pool habitats shall be surveyed and staked prior to construction. These limits shall be clearly shown on all construction drawings as 'no impact zones.' This area would have temporary fencing prior to construction to prevent vehicular or pedestrian access, equipment storage, storage of spoils materials, and refuse disposal.

M-BI-12c Introduced Species. The use of non-native, invasive plant species would be prohibited in the proposed landscaping palettes (including container stock and hydroseed material) for the streetscapes and commercial/industrial. A qualified biologist or native plant horticulturist shall review and sign all landscaping plans to determine the appropriate species to be used in landscaping, prior to project approval. These measures would reduce the potential impacts to below significant.

M-BI-12d Increased Runoff, Erosion, and Sedimentation. The proposed construction of Lone Star Road would result in the removal of vegetation on hillsides that could result in a temporary increase in runoff into the on-site vernal pools. Increased runoff can, in turn, result in erosion and sedimentation that could adversely affect wetland vegetation or other drainages. Erosion and sedimentation impacts would be mitigated by employing standard erosion control procedures, such as, sandbagging, diversion ditches, and stream bank stabilization. Prior to Site Plan approval for future development projects, a construction erosion control plan would be reviewed and approved by the County. In addition, the project would be required to obtain a National Pollutant Discharge Elimination System (NPDES) Permit for construction activities from the Regional Water Quality Control Board, of which would require an approved Storm Water Pollution Prevention plan. That plan would require the permit applicant to implement measures to prevent contamination of the surrounding drainages during construction. These measures would mitigate the potential for significant impacts to a level below significant.

M-BI-12e Toxic Materials. Spills of toxic materials could occur during both construction and operational phases of the Project. These spills could contaminate drainages and create a significant impact to habitat and water quality. In order to prevent these

impacts, a 'no fueling' zone shall be designated within 25 feet of all drainages during the construction period. In addition, all equipment used near drainages during construction shall be routinely maintained and inspected for leaks. Major leaks shall be repaired immediately. Drip pans and tarps shall be placed under minor leaks. Used drip pans and tarps shall be properly disposed of at the end of each work day. Emergency provisions (e.g. straw bales) shall be placed at all drainage crossings, prior to the onset of construction to deal with unintentional spills. All of these measures would be included in approved Storm Water Pollution Prevention Plan (SWPPP) as a part of the RWQCB-required NPDES permit for construction activities. In addition, all commercial/industrial uses that plan to store materials within the proposed commercial/industrial complex would be required to obtain a NPDES permit for operational activities from RWQCB. That permit would also require a SWPPP for each facility to prevent contamination of nearby drainages. These measures would mitigate the potential for significant impacts to a level below significant.

- M-BI-12f** Habitat Fragmentation. Lone Star Road could potentially result in habitat fragmentation between the vernal pool complex to the north of Lone Star Road and the one vernal pool to the south of Lone Star Road. The southern vernal pool would be managed as a part of the larger vernal pool complex within the Open Space Easement (Lot 20 of the proposed Tentative Map) to the north. Integrated management of the southern pool with the rest of the vernal pool complex would ensure the long term viability of this pool and associated plant populations. The required RCP includes a management program for the vernal pools and would mitigate the potential for impacts to below significant.
- M-BI-12g** Provision should be made to inform the construction contractor(s) (prior to the construction process) about the biological constraints of this project. The contractor(s) would be responsible for impacts to biological sensitivities beyond those identified in this report and that occur as a direct result of construction activities. All sensitive habitat areas or occurrences of sensitive species to be avoided shall be clearly marked on project maps provided to the contractor. These areas shall be designated as "no construction" or "limited construction" zones. These areas would be flagged by the project biologist prior to the onset of construction activities. In some cases, resources may need to be fenced or otherwise protected from direct or indirect impacts.
- M-BI-12h** A contractor education meeting shall be conducted to ensure that contractors and all construction personnel are fully informed of the biological sensitivities associated with this project. This meeting should focus on: 1) the purpose for resource protection; 2) contractor identification of sensitive resource areas in the field (e.g., areas delineated on maps and by flags or fencing); and 3) sensitive construction practices (see nos. 4-9, on Pages 4.3-106 and 4.3-107 of the Specific Plan EIR), and protocol to resolve conflicts that may arise during the construction process. This meeting shall be conducted by a qualified biologist, and shall be a requirement for all construction personnel.
- M-BI-12i** Heavy equipment and construction activities shall be restricted to the development area. Prohibited activities within drainages or other wetland areas (including vernal

pools) include staging areas, equipment access, and disposal or temporary placement of excess fill.

- M-BI-12j** Staging areas are prohibited within sensitive habitat areas or any habitat included in open space. Staging areas shall be delineated on the grading plans and reviewed by a qualified biologist. Likewise, vehicle access shall be prohibited in all open space areas.
- M-BI-12k** Fueling of equipment shall not occur adjacent to drainages. ...[F]ueling zones should be designated on construction maps and shall be situated a minimum distance of 7.6 meters (25 feet) from all drainages the open space limits or near storm drains that may drain into Johnson Canyon
- M-BI-12l** Construction in or adjacent to sensitive areas should be appropriately scheduled to minimize potential impacts to biological resources. All work in or near wetlands or other "waters of the U.S." shall take place during periods of minimum flow (i.e., summer through the first significant rain of fall) to avoid excessive sedimentation and erosion.
- M-BI-12m** The open space limits must be staked and flagged prior to clearing or grubbing. The limits of the open space must be fenced with a chain link fence at least five feet tall prior to clearing or grubbing. The fence location must be approved by County staff or monitoring biologist prior to receipt of grading permit and would be a permanent protection measure.
- M-BI-12n** A Resource Conservation Plan detailing wetland enhancement, preservation, and maintenance, coastal sage scrub habitat preservation, sensitive species salvaging, and transplanting as well as success standards and report requirements must be completed prior to the initiation of construction.
- M-BI-12o** Temporary construction fencing shall be installed.
- M-BI-12p** Installation of a sturdy fence that can prevent cutting fence shall be extended around the entire western, northern, and eastern edges of the northern Open Space Easement (lot 20 of the proposed Tentative Map) due to the ongoing problem of trespassing recreational off-road vehicles (this type of fence would not prevent entry and use by wildlife).
- M-BI-13** Significant impacts to 195.99 acres of non-native grassland (BI-13) would be mitigated at a ratio of 0.5:1, as previously approved in the 2000 SEIR. The required 98.00 acres of non-native grassland mitigation would be provided through preservation of 46.76 acres of non-native grassland and 1.96 acres of native grassland within the Open Space Easement (Lot 20 of the proposed Tentative Map), and purchase of 49.28 acres in an approved offsite mitigation bank. On-site non-native grassland mitigation acreage would be within both the northern Open Space Easement (Lot 20 of the proposed Tentative Map) and the smaller vernal pool Open Space Easement (Lot 20 of the proposed Tentative Map). The northern Open Space Easement (Lot 20 of the proposed Tentative Map) would preserve 46.39 acres of non-native grassland and 1.96

acre of native grassland (totaling 48.35 acre of grassland). The southern vernal pool Open Space Easement (Lot 20 of the proposed Tentative Map) would preserve of 0.37 acre of non-native grassland on-site within the southern vernal pool Open Space Easement (Lot 20 of the proposed Tentative Map). Furthermore, the applicant has satisfied the requirement for purchase of 49.28 acres in an approved off-site mitigation bank. The applicant contributed \$243,450 toward the preservation of land in Hollenbeck Canyon, a preserve area in the MSCP subarea, which provided habitat value equal to 5.4 acres of native grassland and 48.6 acres of non-native grassland.

- M-BI-15** Mitigation for potential Project impacts to Federally protected wetlands (BI-15) shall consist of wetland creation and enhancement/ restoration as proposed for wetland habitat impacts in M-BI-12, above.

Paleontological Resources

2018 SEIR

- M-PR-1** Paleontological monitoring shall be conducted during all mass grading and excavation activities in surface exposures of the Otay Formation to mitigate any adverse impacts (i.e., loss or destruction) to potential nonrenewable paleontological resources. A mitigation monitoring and reporting program consistent with County and CEQA guidelines and requirements shall be implemented prior to any mass grading and/or excavation-related activities, including utility trenching, within the Otay Formation. The mitigation monitoring and reporting program shall be conducted in accordance with the following procedures: A. A Qualified Paleontologist or Paleontological Resources Monitor (under the supervision of the Qualified Paleontologist) shall be on-site during all excavation operations within geologic formations that may contain paleontological resources (i.e., the Otay Formation). The Qualified Project Paleontologist is a person with a Ph.D. or master's degree in paleontology or related field, and who has knowledge of San Diego County paleontology, and documented experience in professional paleontological procedures and techniques. A Paleontological Monitor is defined as an individual with at least 1 year of experience in field identification and collection of fossil materials. The Paleontological Monitor shall work under the direct supervision of the Qualified Paleontologist. The applicant shall authorize the Qualified Paleontologist and/or Paleontological Monitor to direct, divert, or halt any grading activity, and to perform all other acts required by the provisions listed below. B. The Qualified Paleontologist and/or Paleontological Monitor shall monitor all grading and excavation activities of undisturbed formations of sedimentary rock; C. If paleontological resources are unearthed, the Qualified Paleontologist or Paleontological Monitor shall do the following: 1. Direct, divert, or halt any grading or excavation activity until such time that the sensitivity of the resource can be determined and the appropriate recovery implemented. 2. Salvage unearthed fossil remains, including simple excavation of exposed specimens or, if necessary, plaster-jacketing of large and/or fragile specimens or more elaborate quarry excavations of richly fossiliferous deposits. 3. Record stratigraphic and geologic data to provide a context for the recovered fossil remains, typically including a detailed description of all paleontological localities within the Project site, as well as the lithology of fossil-bearing

strata within the measured stratigraphic section, if feasible, and photographic documentation of the geologic setting. 4. Prepare collected fossil remains for curation to include cleaning the fossils by removing the enclosing rock material; stabilizing fragile specimens using glues and other hardeners, if necessary; and repairing broken specimens. 5. Curate, catalog, and identify all fossil remains to the lowest taxon possible; inventory specimens; assign catalog numbers; and enter the appropriate specimen and locality data into a collection database. 6. Transfer the cataloged fossil remains to an accredited institution (museum or university) in California that maintains paleontological collections for archival storage and/or display. The transfer shall include copies of relevant field notes, maps, stratigraphic sections, and photographs. D. The Qualified Paleontologist shall prepare a final Paleontological Resources Mitigation Report summarizing the field and laboratory methods used, the stratigraphic units inspected, the types of fossils recovered, and the significance of the curated collection. E. Submit two hard copies of the final Paleontological Resources Mitigation Report to the Director of PDS for final approval of the mitigation, and submit an electronic copy of the report according to the County PDS Electronic Submittal Format Guidelines.