

## MEMORANDUM

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**To:** Mr. Greg Mattson, Project Manager, San Diego County  
**From:** Brad Comeau and Micah Hale, Dudek  
**Subject:** Cultural Resources Technical Memorandum for the Otay Ranch Village 14 and Planning Areas 16/19 Proposed Project Amendment  
**Date:** December 2, 2019  
**cc:** GDCI Proctor Valley L.P.; Brad Comeau, Micah Hale, Sean Kilkenny  
**Attachment(s):** Attachment A, Confidential Cultural Resource Location Map  
Attachment B, Confidential Cultural Resources Addendum Report

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### Introduction

This Memorandum reflects proposed changes to the Otay Ranch Village 14 and Planning Areas 16/19 Project that was approved by the San Diego County Board of Supervisors on June 26, 2019 (Approved Project). The changes to the Approved Project would reconfigure the development footprint to consolidate development in Village 14; add 147 units, for a total of 1,266 residential units; and reduce impacts by approximately 230 acres, to 579 acres (the Proposed Project Amendment). Figure 1, Regional Location Map, shows the regional location of the Approved Project Area and the Proposed Project Amendment Project Area, in the County of San Diego (County).

An Environmental Impact Report (EIR) was prepared for the Approved Project and was certified by the Board on June 26, 2019. The Final EIR analyzed the potential impacts of the Approved Project. The Final EIR also analyzed potential impacts associated with the EIR Land Exchange Alternative, which was one of the alternatives to the Approved Project. The Final EIR is incorporated herein by reference and the results are summarized in Section 3 and mitigation measures are described in Section 5.

Dudek prepared the Final Village 14 and Planning Area 16/19 EIR (Final EIR) that analyzed the Approved Project's potential impacts to cultural and tribal cultural resources in Section 2.4, Cultural Resources, and Section 2.11, Tribal Cultural Resource and included Chapter 4.8, Land Exchange Alternative. This Cultural Resources Technical Memorandum also compares information from the following technical studies:

- Final EIR Appendix 2.5-1, Cultural Resources Report - Otay Ranch GDP/SRP, prepared by Dudek dated February 2018
- Final EIR Appendix 4.1-5, The EIR Land Exchange Alternative Cultural Resources Report, prepared by Dudek dated February 2018.

The Final EIR analyzed the Approved Project's potential impacts to cultural and tribal cultural resources in Section 2.4, Cultural Resources, and Section 2.11, Tribal Cultural Resource. This Cultural Resources Technical Memorandum was prepared for the Proposed Project Amendment. The purpose of this analysis is to evaluate whether, and to what extent, the potential impacts of the Proposed Project Amendment to cultural and tribal cultural resources differ from those of

the Approved Project and, if appropriate, the EIR Land Exchange Alternative. This technical memorandum includes the following sections: (1) background, (2) Proposed Project Amendment description, (3) summary of the Approved Project's impacts to cultural and tribal cultural resources, (4) analysis of the Proposed Project Amendment's impacts to cultural and tribal cultural resources, (5) mitigation measures, and (6) conclusion.

For additional context, the following terminology is used in this Technical Memorandum.

## Terminology

**Approved Project:** The project described in Otay Ranch Village 14 and Planning Areas 16/19 Tentative Map 5616, Specific Plan 16-002, and the certified EIR, which the County of San Diego (County) approved on June 26, 2019. The Approved Project permits 1,119 residential units within a Project Area of approximately 1,369 acres. The Development Footprint of the Approved Project is 809 acres.

**Conserved Open Space:** Conserved Open Space refers to 24.5 acres of land within the Project Area, which, while designated in the Otay Ranch General Development Plan/Otay Subregional Plan (Otay Ranch GDP/SRP) for residential uses within Village 14 and Planning Areas 16/19, will not be developed as part of the Proposed Project Amendment. Instead, the Conserved Open Space will be preserved on site and be (a) added to the Otay Ranch Resource Management Plan (RMP) Preserve (through a future RMP Amendment), (b) managed under a separate RMP, or (c) utilized to mitigate impacts to the City of San Diego Multiple Species Conservation Program Cornerstone Lands. The Conserved Open Space areas are located adjacent to Otay Ranch RMP Preserve and will be conserved by recording a biological open space easement over the land.

**Development Footprint:** The areas where a given project will cause permanent or temporary ground disturbance. The Development Footprint includes all on-site development, off-site improvements, and impacts resulting from infrastructure and other allowable uses within the Otay Ranch Resource Management Plan (RMP) Preserve.

**EIR Land Exchange Alternative:** The project alternative identified as the "Land Exchange Alternative" in Chapter 4 of the certified Final EIR. This Land Exchange Alternative contemplated a land exchange with the California Department of Fish and Wildlife (CDFW) and would develop 1,530 residential units within a Project Area of approximately 2,387.6 acres, with a Development Footprint of 658.3 acres.

**Off-Site Improvements:** Off-site improvements total approximately 40.1 acres and include Proctor Valley Road, wet and dry utilities, drainage facilities, trails, an off-site sewer pump station in the southern reach of Proctor Valley Road, and off-site sewer facilities to connect to the Salt Creek Interceptor as planned since 1994.

**Project Area:** The total land area for the Proposed Project Amendment as contemplated in the proposed land exchange between applicant and CDFW.<sup>1</sup> The Project Area consists of approximately 1,283.6 acres currently owned by GDCI Proctor Valley, L.P., the owner/applicant, 219.4 acres currently owned by CDFW, and approximately 40.1 acres of off-site improvements, for a total of 1,543 acres.

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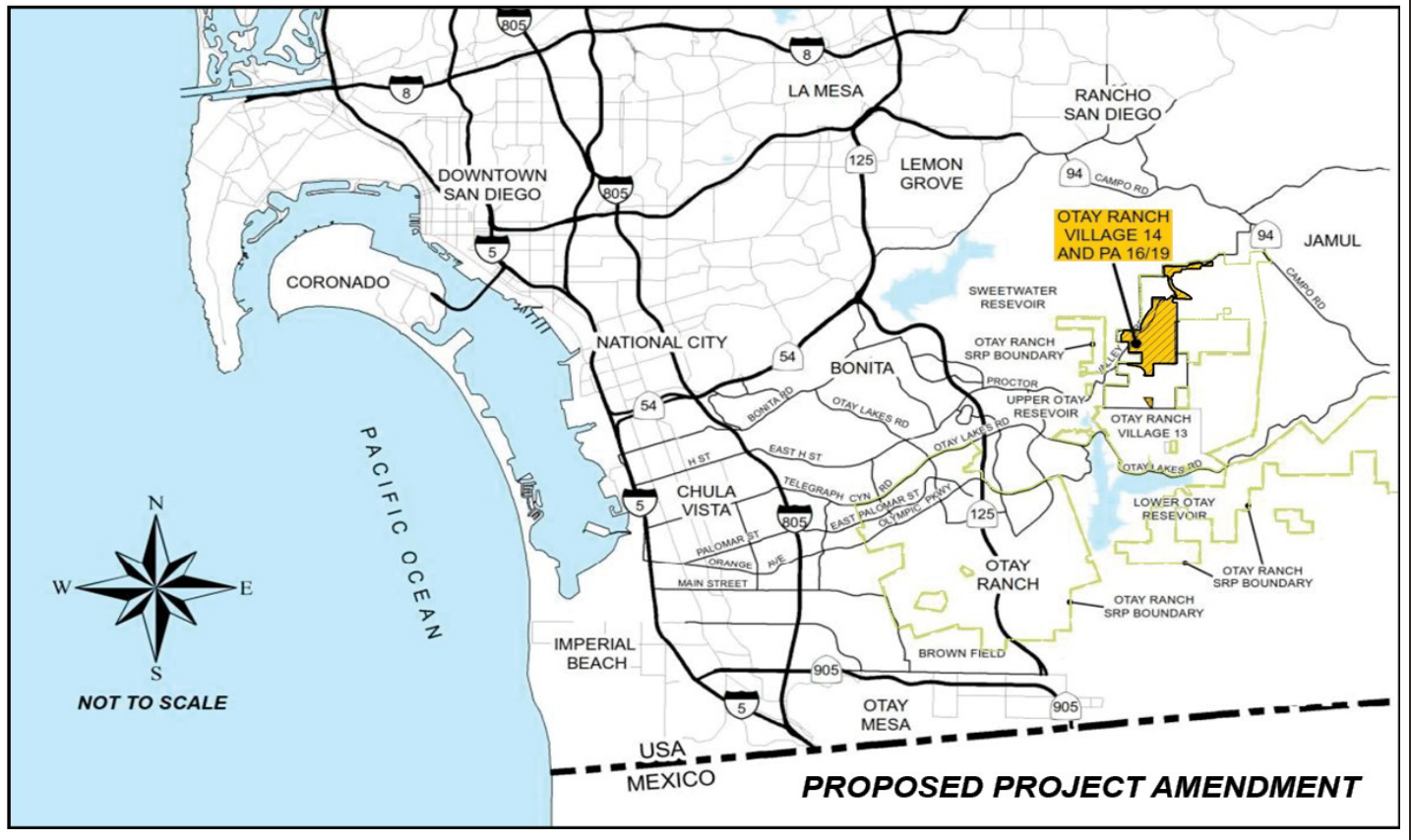
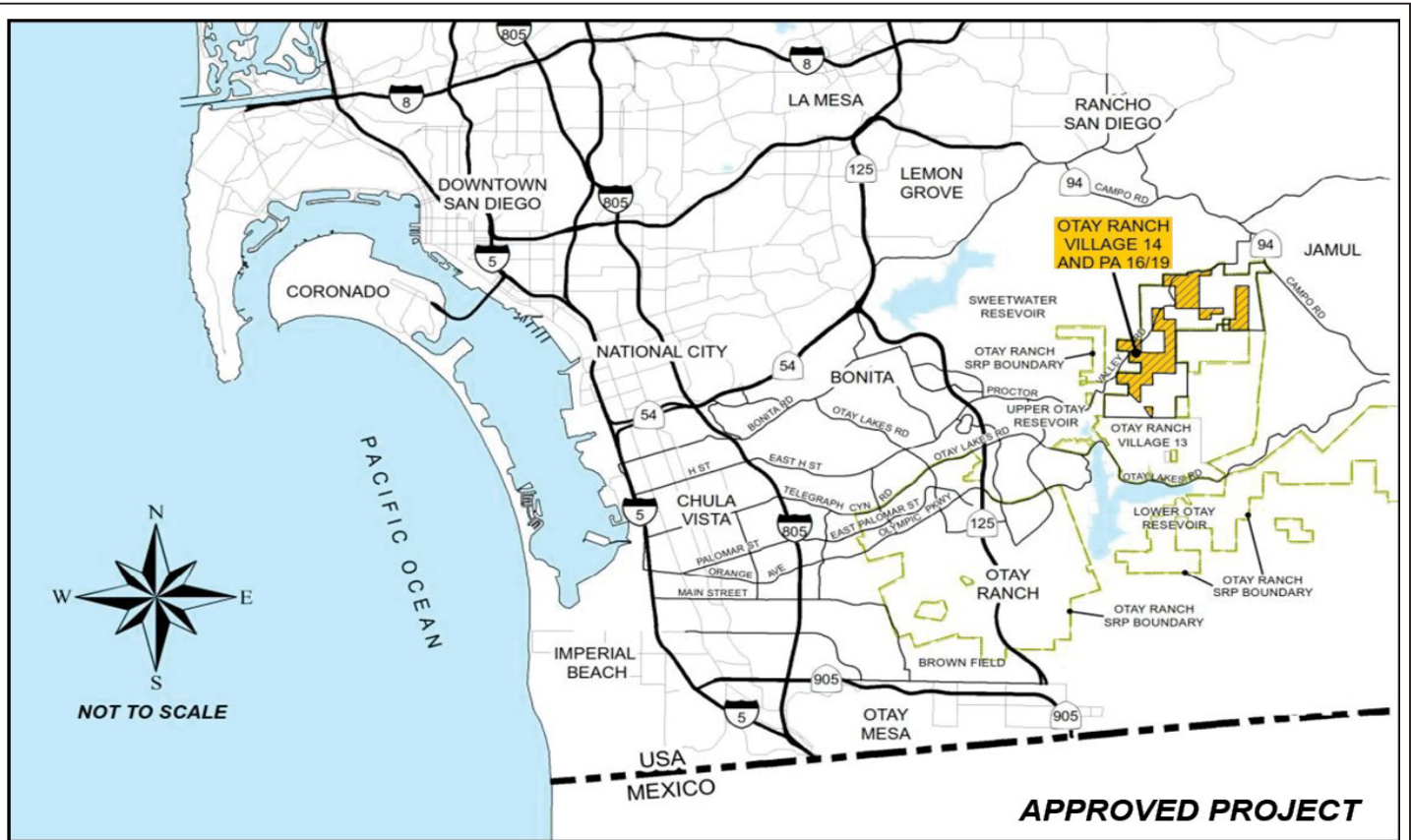
<sup>1</sup> As indicated above, the land exchange necessary to implement the Proposed Project Amendment must be approved by the California Wildlife Conservation Board.

**Proposed Project Amendment:** The Proposed Project Amendment reflects proposed changes to the Approved Project, which would add 147 units for a total of 1,266 residential units and would reduce the Development Footprint by approximately 230 acres, to a total of 579 acres, within a Project Area of 1,543 acres, as shown on Figure 2, Site Utilization Plan, and more fully described below in Section 2. The Proposed Project Amendment includes a Revised Tentative Map and Specific Plan Amendment. As contemplated in the Dispute Resolution Agreement, the Proposed Project Amendment assumes and will require a County-initiated amendment to the MSCP County Subarea Plan. Because the amendment to the MSCP County Subarea Plan will be initiated by the County, it is not part of the Proposed Project Amendment.

**PV1 and PV3:** PV1 and PV3 are areas of the Approved Project located in Village 14 as shown on Figure 3 attached.

**Revised Tentative Map:** The Revised Tentative Map reflects revisions to the June 26, 2019, Approved Tentative Map #5616 that are necessary to process and implement the land exchange with CDFW and the Proposed Project Amendment in the County.

**Specific Plan Amendment:** The Specific Plan Amendment reflects revisions to the June 26, 2019, Approved Specific Plan #16-002 that are necessary to process and implement the land exchange with CDFW and the Proposed Project Amendment in the County.

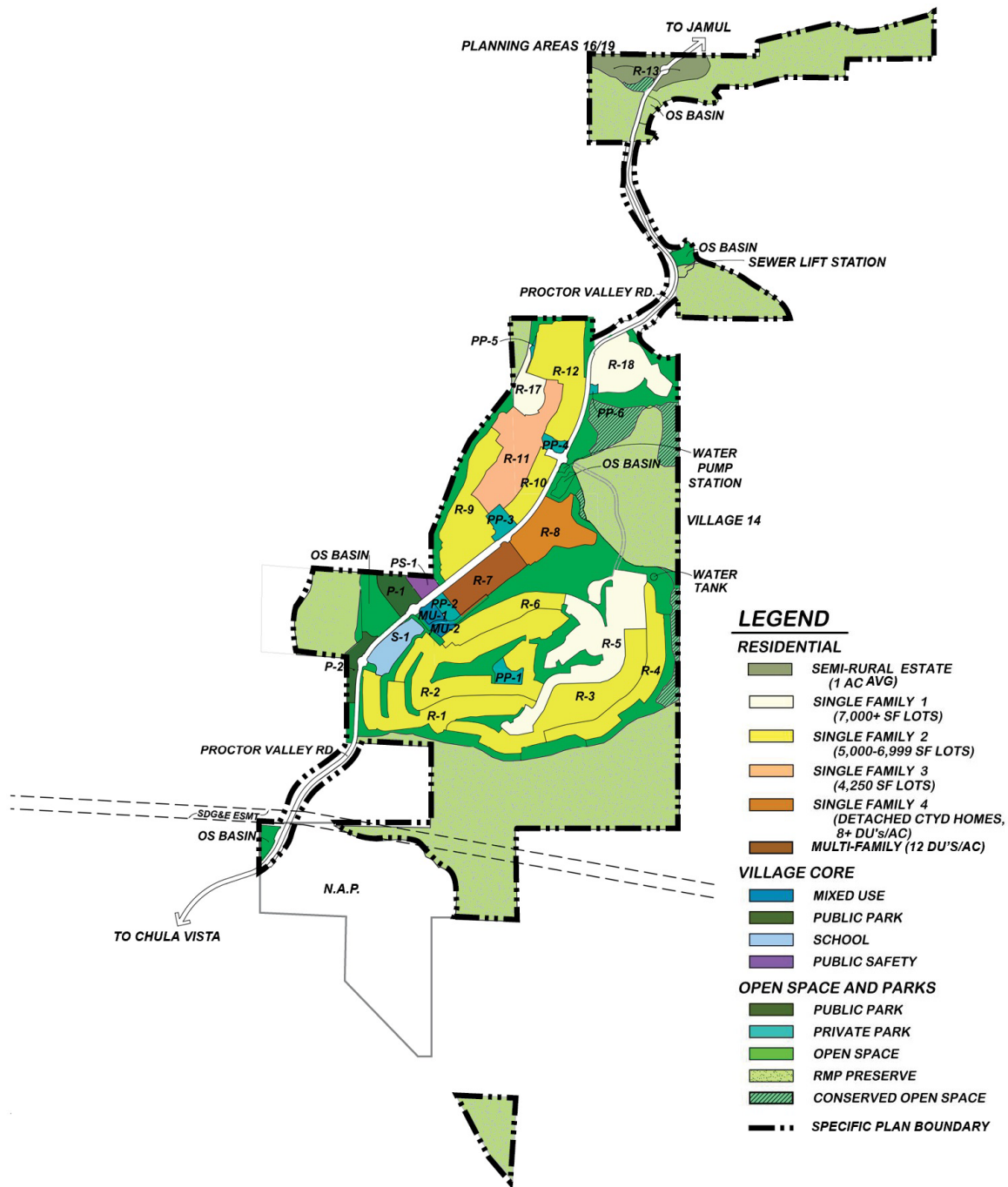


SOURCE: Hunsaker 2019

**FIGURE 1**

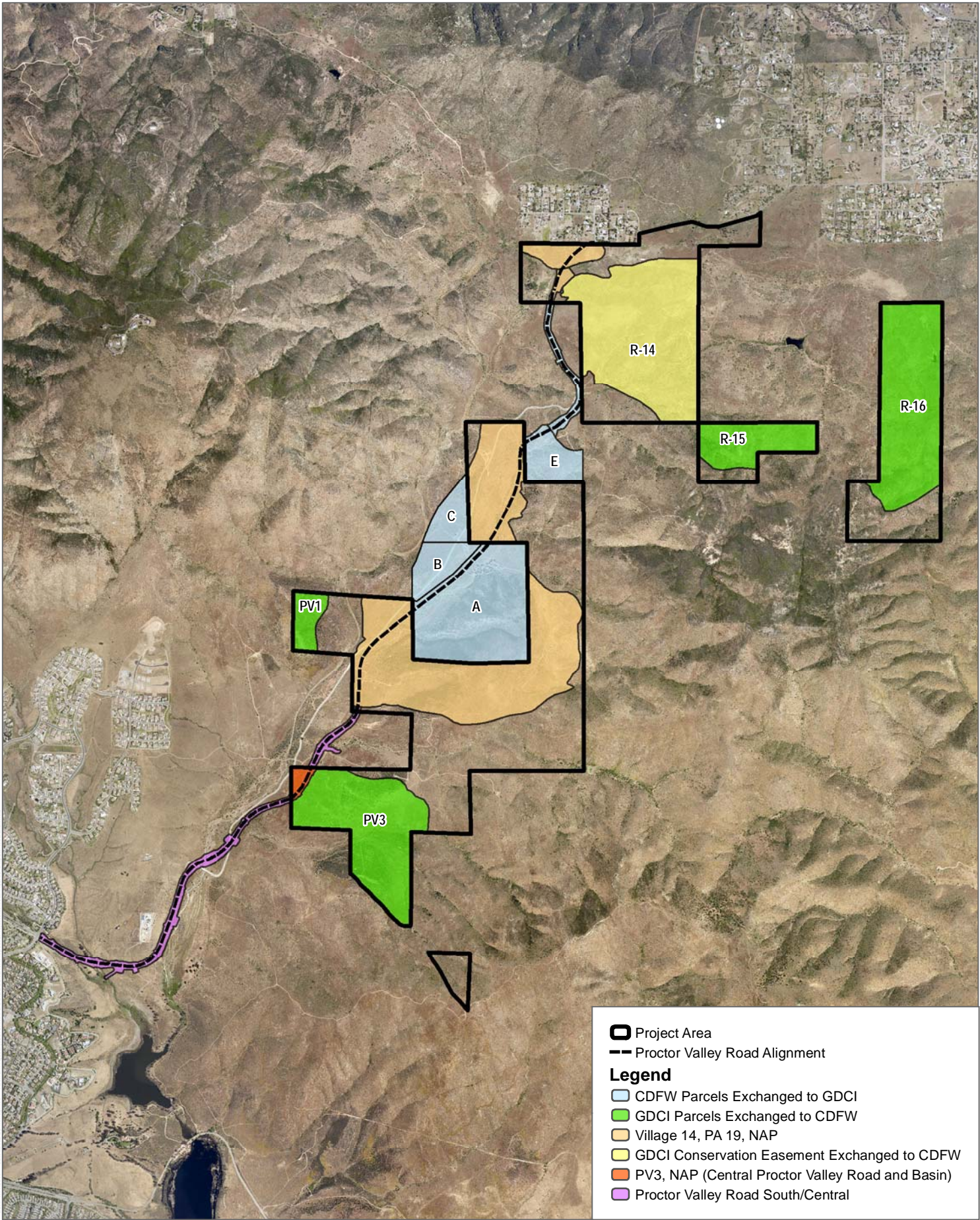
Regional Location

Otay Ranch Village 14 and Planning Areas 16/19 Proposed Project Amendment



SOURCE: Hunsaker 2019

**FIGURE 2**



SOURCE: SANGIS 2017; Hunsaker 2019

**FIGURE 3**  
**Proposed Land Exchange**  
 Otay Ranch Village 14 and Planning Areas 16/19 Proposed Project Amendment

## Section 1. Background

The Proposed Project Amendment Project Area comprises approximately 1,543 acres of undeveloped land within the Proctor Valley area of the 23,000-acre Otay Ranch master planned community (see Figure 4, Proposed Project Amendment Project Area). The Proposed Project Amendment reflects proposed changes to the Approved Project, including a proposed land exchange with the California Department of Fish and Wildlife (CDFW).

On June 27, 2019, the owner/applicant of the Approved Project entered into a Dispute Resolution Agreement with CDFW, the U.S. Fish and Wildlife Service, and the County. Pursuant to this agreement, the owner/applicant would seek a land exchange with CDFW through a process overseen by the California Wildlife Conservation Board. The proposed land exchange, if approved by the Wildlife Conservation Board, would require the owner/applicant to (i) transfer 147.3 acres in Village 14 and 192.4 acres in Planning Area 16 to CDFW, and (ii) record a conservation easement over 191.5 acres in Planning Area 16. In exchange, CDFW would transfer 219.4 acres in Village 14 to the owner/applicant. The Proposed Project Amendment would then be implemented upon the lands within the applicant's ownership, including those received via the Wildlife Conservation Board land exchange. Because the Proposed Project Amendment assumes the above-described land exchange, it would result in a different development footprint than the Approved Project's development footprint. Therefore, a Specific Plan Amendment to the approved Village 14 and Planning Areas 16/19 Specific Plan and a Revised Tentative Map are required processes for the Proposed Project Amendment.

While the Proposed Project Amendment and EIR Land Exchange Alternative both contemplate exchanges of land with the CDFW, the Development Footprints and other aspects differ. It is important to note that the Development Footprint of the Proposed Project Amendment was assessed in the certified Final EIR as part of the Approved Project Development Footprint and as part of the EIR Land Exchange Alternative Development Footprint.

## Section 2. Proposed Project Amendment Description and Summary of Amendment/Revisions

The Proposed Project Amendment proposes 1,266 residential units within a Project Area of 1,543 acres. The Proposed Project Amendment Development Footprint would be approximately 578.6 acres, which would consist of approximately 513.1 acres within Otay Ranch Village 14, 25.2 acres within Otay Ranch Planning Area 19, and 40.1 acres of off-site improvements (i.e., Proctor Valley Road). Of the 1,266 residential units, 1,253 units would be located in Village 14 (consistent with the Otay Ranch GDP/SRP) and 13 units would be located in Planning Area 19 (consistent with the Otay Ranch GDP/SRP). The Proposed Project Amendment is depicted in Figure 2 and summarized in Tables 1 through 3.

As described above, the Proposed Project Amendment would also include a land exchange between the owner/applicant and CDFW, which would require the owner/applicant to transfer 339.7 acres to CDFW and record a conservation easement over 191.5 acres, and, in exchange, CDFW would transfer 219.4 acres in Village 14 to the owner/applicant to create a consolidated Development Footprint. The proposed land exchange between the applicant and CDFW is depicted in Figure 3. As defined above, the Proposed Project Amendment requires a Specific Plan Amendment and Revised Tentative Map, which must be approved by the County. The Revised Tentative Map would replace that certain approved Tentative Map TM #5616, approved by the County on June 26, 2019. The Specific Plan Amendment would amend the Specific Plan 16-002 to reflect the Proposed Project Amendment, including the Revised Tentative Map and the land exchange with CDFW.

**Table 1. Village 14 and Planning Areas 16/19 Proposed Project Amendment Site Utilization Plan Summary**

Description	Village 14		Planning Area 16/19		Total Proposed Project Amendment	
	Gross Acres	Units	Gross Acres	Units	Gross Acres	Units
<b>Residential Subtotal <sup>1</sup></b>	<b>386.6</b>	<b>1,253</b>	<b>14.9</b>	<b>13</b>	<b>401.4</b>	<b>1,266</b>
<b>Non-Residential Uses</b>						
Mixed Use <sup>2</sup>	2.7				2.7	
Public Parks	10.2				10.2	
Private Parks/Recreation <sup>3</sup>	9.5				9.5	
Public Safety Site	2.3				2.3	
Elementary School Site	9.9				9.9	
Open Space	47.8		1.7		49.5	
Conserved Open Space	23.0		1.5		24.5	
Otay Ranch RMP Preserve	278.6		98.4		377.0	
Circulation	23.3		3.4		26.7	
<i>Non-Residential Uses Subtotal</i>	<i>407.2</i>		<i>105.0</i>		<i>512.1</i>	<i>-</i>
<b>Total Proposed Project Amendment <sup>4</sup></b>	<b>793.7</b>	<b>1,253</b>	<b>119.8</b>	<b>13</b>	<b>913.6</b>	<b>1,266</b>
<b>Other Off-sites</b>						
Off-site Improvements	40.1				40.1	
Off-site Preserve PA 16			58.2		58.2	
Parcels Exchanged to CDFW	147.3		192.4		339.7	
Conservation Easement PA 16			191.5		191.5	
<b>Total Proposed Project Amendment Area</b>					<b>1,543.1</b>	<b>1,266</b>

Notes: PA = Planning Area, CDFW = California Department of Fish and Wildlife.

<sup>1</sup> Residential gross acres includes 96.7 acres of related internal slopes, fuel modification and/or preserve edge open space lots.

<sup>2</sup> Village 14 Mixed Use acreage includes 10,000 sf of commercial use.

<sup>3</sup> Village 14 has 2.1 acres of private pocket parks included in the residential acreage; therefore, the subtotal including PPP is 11.7 acres.

<sup>4</sup> Totals may not sum due to rounding

**Table 2. Proposed Project Amendment Site Utilization Plan Detail (Village 14)**

Description		Gross Acres <sup>1,2</sup>	Units <sup>3</sup>	Density
<b>Single Family Residential</b>				
R-1	50*100	33.1	103	3.1
R-2	60*100	48.3	136	2.8
R-3	60*85	35.8	112	3.1
R-4	60*100	31.5	73	2.3
R-5	75*100	51.7	121	2.3
R-6	60*85	22.5	47	2.1
R-8	Courtyard	21.1	116	5.5
R-9	60*85	33.0	96	2.9
R-10	60*85	8.5	31	3.7
R-11	50*85	25.4	119	4.7
R-12	50*100	27.6	94	3.4
R-17	70*100	7.4	10	1.4
R-18	70*100	27.8	45	1.6
<i>Single Family Residential Subtotal</i>		373.8	1,103	3.0
<b>Multi-Family</b>				
R-7	MF	12.7	150	11.8
<i>MF Subtotal</i>		12.7	150	11.8
<b>Residential Subtotal <sup>3,4</sup></b>		<b>386.6</b>	<b>1,253</b>	<b>3.2</b>
<b>Non-Residential Uses</b>				
Mixed Use <sup>2</sup>	MU - C	2.7		
<b>Public Parks</b>				
P-1	Village Green Park	6.2		
P-2	Scenic Park	3.9		
<i>Public Parks Subtotal</i>		10.2		
<b>Private Parks &amp; Recreation</b>				
PP-1	Central	2.8		
PP-2	Village Core	2.1		
PP-3	West	1.9		
PP-4	West	1.5		
PP-5	Northwest	0.8		
PP-6	Northeast	0.4		
PPP <sup>3</sup>	Various	0.0		
<i>Private Parks/Recreation Subtotal</i>		9.5		
Public Safety Site		2.3		
Elementary School Site		9.9		
Open Space		47.8		

**Table 2. Proposed Project Amendment Site Utilization Plan Detail (Village 14)**

Description	Gross Acres <sup>1,2</sup>	Units <sup>3</sup>	Density
Conserved Open Space	23.0		
Otay Ranch RMP Preserve	274.9		
Circulation - In Preserve	3.7		
Circulation - Arterial	23.3		
<i>Non-Residential Uses Subtotal</i>	<i>407.2</i>		
<b>Village 14 Subtotal</b>	<b>793.7</b>	<b>1,253</b>	<b>1.6</b>

**Notes:**

- <sup>1</sup> Residential gross acres includes 96.5 acres of related internal slopes, fuel modification and/or preserve edge open space lots.
- <sup>2</sup> Village 14 Mixed Use acreage includes 10,000 sf of commercial use.
- <sup>3</sup> Village 14 has 2.1 acres of private pocket parks included in the residential acreage; therefore, the subtotal including PPP is 11.6 acres.
- <sup>4</sup> Totals may not sum due to rounding

**Table 3. Proposed Project Amendment Site Utilization Plan Detail  
(Planning Areas 16/19)**

Description	Gross Acres	Units	Density
<b>Residential Uses</b>			
R-13 ( PA 19 Estates)	14.9	13	0.9
<i>Residential Subtotal <sup>(1)</sup></i>	<i>14.9</i>	<i>13</i>	<i>0.9</i>
<b>Non-Residential Uses</b>			
Circulation in Preserve	1.4		
Open Space	1.7		
Conserved Open Space	1.5		
Otay Ranch RMP Preserve	97.0		
Circulation Arterial	3.4		
<i>Non-Residential Uses Subtotal</i>	<i>105.0</i>		
<i>Planning Area 19 Subtotal</i>	<i>119.8</i>	<i>13</i>	<i>0.1</i>
<b>Proposed Project Amendment Total <sup>(2)</sup></b>	<b>913.6</b>	<b>1,266</b>	<b>1.4</b>
<b>OTHER</b>			
Description	Gross Acres <sup>(4)</sup>	Units	Density
<b>Other Applicant Owned NAP of TM</b>			
PV1 exchanged to CDFW	18.9		
PV3 exchanged to CDFW	128.4		
R-15 Exchanged to CDFW	49.9		
R-16 Exchanged to CDFW	142.5		
R-14 Conservation Easement Area	191.5		
R-15 Preserve	10.5		
R-16 Preserve	47.8		
<i>Subtotal</i>	<i>589.5</i>		

**Table 3. Proposed Project Amendment Site Utilization Plan Detail  
(Planning Areas 16/19)**

Off-site Acres	40.1		
Proposed Project Amendment Project Area	1,543.1	1,266	

Notes: PA = Planning Area.

<sup>1</sup> Residential gross acres includes 2.1 acres of related internal slopes, fuel modification and/or preserve edge open space lots.

<sup>2</sup> Totals may not sum due to rounding

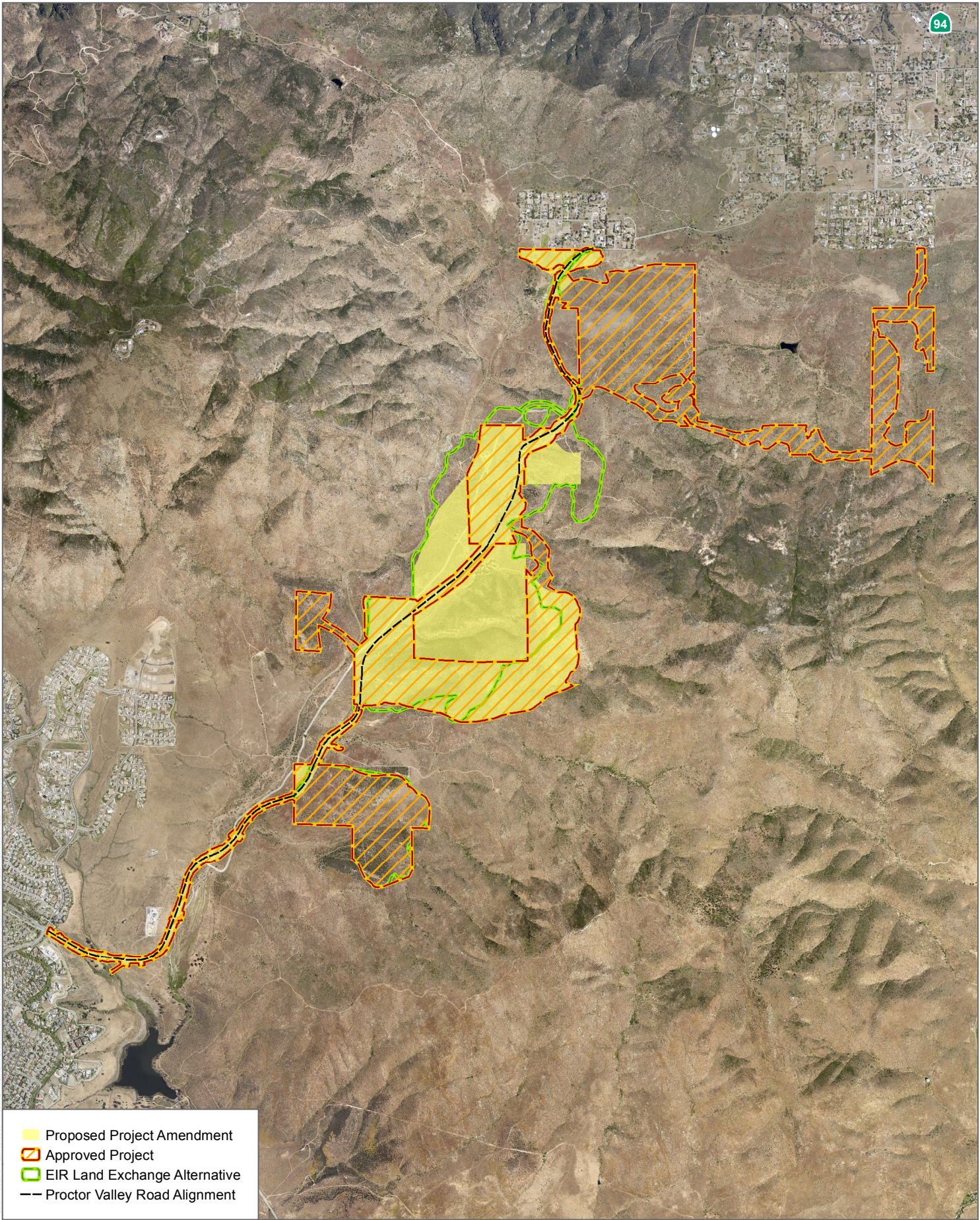
**Proposed Project Amendment Relative to the Approved Project and the EIR Land Exchange Alternative.**

The Final EIR evaluated both the Approved Project and the EIR Land Exchange Alternative at a project level of analysis. This Technical Memorandum examines whether the Final EIR, through its analysis of the Approved Project and the EIR Land Exchange Alternative, covered all anticipated impacts of the Proposed Project Amendment. Figure 5 depicts the limits of the development contemplated under the Approved Project, the EIR Land Exchange Alternative, and the Proposed Project Amendment. Table 4 provides a summary of the components for the Proposed Project Amendment, the Approved Project, and the EIR Land Exchange Alternative. Note that from a geographical perspective, each acre that comprises the Proposed Project Amendment's Development Footprint is located either within the Approved Project Development Footprint or within the EIR Land Exchange Alternative Development Footprint. In other words, no portion of the Proposed Project Amendment Development Footprint is outside the combined Approved Project and EIR Land Exchange Alternative Development Footprints.

**Table 4. Proposed Project Amendment Comparison to Approved Project and EIR Land Exchange Alternative**

Description	Proposed Project Amendment	Approved Project	EIR Land Exchange Alternative
Development Footprint (Acres)	579	809	658
Project Area (Acres)	1,543	1,369	2,388
Off-sites (Acres)	40	85	40
Units	1,266	1,119	1,530
Proctor Valley Rd.	Same	Same	Same





SOURCE: SANGIS 2017; Hunsaker 2019

FIGURE 5

Certified EIR Study Area

Otay Ranch Village 14 and Planning Areas 16/19 Proposed Project Amendment

## Section 3. Approved Project and EIR Land Exchange Alternative Findings

### Section 3.1 Historic Resources

The Final EIR determined that there was no evidence of historical resources (e.g., structure, features) discovered during the records search or field survey. Therefore, implementation of the Approved Project and the Land Exchange Alternative were found to have no impact on historical resources.

### Section 3.2 Archaeological Resources

The Final EIR determined that the Approved Project could adversely affect archaeological resources through ground-disturbing activities, such as excavation and grading, which have the potential to damage or destroy known and unknown cultural resources that may be present on or below the ground surface. A total of 34 extant resources were present outside the area of direct impact (ADI) of the Approved Project and would be conserved within the Otay Ranch RMP/Multiple Species Conservation Plan Preserve. (The ADI consists of the development footprint plus off-site impacts.) None of these resources would be impacted by implementation of the Approved Project; nonetheless, resources within 50 feet of the ADI would be potentially impacted during construction (**Impact CR-1**) and would be required to be protected (temporary fencing) during construction. Sixty-six resources were identified outside the Land Exchange Alternative ADI and would be conserved within the Otay Ranch RMP/Multiple Species Conservation Plan Preserve. None of these resources would be impacted by implementation of the Land Exchange Alternative; nonetheless, resources within 50 feet of the ADI would be potentially impacted during construction (**Impact CR-1**) and would be required to be protected (temporary fencing) during construction.

The Final EIR investigated 57 archaeological resources (44 sites, 11 isolates, 2 historic structures, including portions of sites) within the Approved Project ADI. Of these, only two were determined to be significant under CEQA or the Otay Ranch RMP—CA-SDI-12397 and CA-SDI-12373. Both of these two sites meet the eligibility criteria for listing in the California Register of Historical Resources (CRHR) or local register (County of San Diego 2007) (Final EIR, Table 2.5-4). The Final EIR determined that under County guidelines, all archaeological sites are important. Therefore, the Final EIR determined that the Approved Project had the potential to affect these two significant resources as well as the 42 other archaeological sites that, although they are not recommended as eligible for listing in the CRHR or the local register, are considered important under the County guidelines (**Impact CR-2**).

For the Land Exchange Alternative, the EIR investigated 43 archaeological resources (30 sites, 3 historic structures, and 10 isolates, including portions of sites). Of these, four sites (CA-SDI-8086A, CA-SDI-8086B East, CA-SDI-8086C West; CA-SDI-12373 Locus A; CA-SDI-12397 East; CA-SDI-21917) were determined to be significant under CEQA and to be eligible for listing in the CRHR and local register (County of San Diego 2007). (None were determined to be significant under the Otay Ranch RMP.) The Final EIR determined that under County guidelines, all archaeological sites are important. The Final EIR determined that the Land Exchange Alternative had the potential to affect the four significant resources as well as the 26 other archaeological sites that, although they are not recommended as eligible for listing in the CRHR or the local register, are considered important under the County guidelines (**Impact CR-2**).

The Final EIR concluded that the Approved Project and the Land Exchange Alternative were unable to avoid all of the significant archaeological deposits located at site CA-SDI-12397 through redesigning the Approved Project and Land Exchange Alternative (preservation-in-place option 1), incorporating the site into a park or greenspace (preservation-in-place option 2), capping the site with chemically sterile soil (preservation-in-place option 3), or deeding the site into a conservation easement (preservation-in-place option 4) per the preservation-in-place provisions of CEQA Guidelines Section 15125.4(b)(3). Specifically, none of the preserve-in-place options are feasible because the site was (and is) located within an area identified for improvements to Proctor Valley Road, a major traffic circulation element, which precludes complete avoidance, incorporation of greenspace or parks, or capping. Moreover, the road design is restricted by other Approved Project-related constraints and cannot be redesigned to avoid impacts to the significant portion of the site (**Impact CR-3**).

The Final EIR determined there was the potential for the discovery of unknown archaeological deposits during earth-moving activities under both the Approved Project and the Land Exchange Alternative, including the potential for significant impacts to cultural deposits (**Impact CR-4**).

Implementation of the Preserve Trails Option, as described in Chapter 1, Project Description, Location, and Environmental Setting, of the Approved Project Final EIR, would have potentially impacted site CA-SDI-12373. Site CA-SDI-12373 was determined to be significant. Since this option was not approved, no ground disturbance or other construction activities will be allowed at this location; therefore, there would be no direct impacts to the site. There would be increased pedestrian/public access to the site, which would be a potential indirect impact to the site under both the Approved Project and the Land Exchange Alternative (**Impact CR-5**).

### Section 3.3 Human Remains

The Final EIR determined that there was no evidence of human remains, including those interred outside of formal cemeteries, based on the records search, literature review, field survey, and site testing and evaluation. There is no indication that the Approved Project Area or Land Exchange Alternative was used by Native Americans for religious, ritual, or other special activities; therefore, no impacts to Native American burial sites were expected.

### Section 3.4 Tribal Cultural Resources

The Final EIR determined that no tribal cultural resources are present within the area of potential effect (APE) of the Approved Project or the Land Exchange Alternative based on Native American consultation. Therefore, because no tribal cultural resources have been identified, no impacts to a tribal cultural resource would occur. As such, implementation of the Approved Project would have no impact on tribal cultural resources.

### Section 3.5 Cumulative Impacts

The Approved Project, Land Exchange Alternative, and the projects within the cumulative impact area as identified in the Final EIR were examined for their significance of impacts to cultural resources and tribal cultural resources, and it was determined that there would be no cumulative loss of information associated with development in the cumulative study area. Additionally, if new resources are discovered during development within the cumulative impact area, site-specific measures necessary to evaluate and collect relevant information would occur. The Final EIR determined the Approved Project would not cumulatively contribute to a significant impact. Therefore, cumulative impacts were determined to be less than significant.

## Section 4. Proposed Project Amendment Impacts to Cultural Resources

The Proposed Project Amendment APE is the 1,543 acres defined as the Project Area in Section 2, as compared to the APE for the Approved Project and Land Exchange Alternative, which covers 2,387 acres (Figure 6). Within the APE, the Proposed Project Amendment would result in impacts to an approximately 1,139-acre area identified as the ADI. Of the 109 cultural resources within the Proposed Project Amendment APE, 21 are located wholly or partially in the ADI, including 14 archaeological sites and seven isolates (Figure 7 in Confidential Attachment A). Table 5 compares the impacts to cultural resources of the Proposed Project Amendment to the Approved Project and Land Exchange Alternative.

The 21 resources in the Proposed Project Amendment include CA-SDI-6695A/B, CA-SDI-8086A/B/C, CA-SDI-11396, CA-SDI-11401, CA-SDI-12328, CA-SDI-12329, CA-SDI-12330, CA-SDI-12332, CA-SDI-12333, CA-SDI-12397, CA-SDI-21630, CA-SDI-21917, CA-SDI-21924, CA-SDI-21925, P-37-014834, P-37-015033, P-37-015038, P-37-015041, P-37-015042, P-37-026525, and P-37-026526.

**Table 5. Proposed Project Amendment Summary of Impacts to Cultural Resources**

Cultural Resources	Approved Project	Proposed Project Amendment	Difference
In ADI	57	21	-36
Outside ADI	33	69	+36
Not Relocated/No Longer Exist	19	19	0
<b>Total</b>	<b>109</b>	<b>109</b>	<b>0</b>
<b>Significant Impacts to Significant Resources</b>	<b>2</b>	<b>0</b>	<b>-2</b>
Cultural Resources	Land Exchange Alternative	Proposed Project Amendment	Difference
In ADI	43	21	-22
Outside ADI	47	69	+22
Not Relocated/No Longer Exist	19	19	0
<b>Total</b>	<b>109</b>	<b>109</b>	<b>109</b>
<b>Significant Impacts to Significant Resources</b>	<b>4</b>	<b>0</b>	<b>-4</b>

**Note:** ADI = area of direct impact.

As explained in Section 2 and shown in Figure 3, the Proposed Project Amendment would conserve areas previously identified for development under the Otay Ranch GDP/SRP and analyzed in the Otay Ranch Program EIR. Specifically, the Proposed Project Amendment would place approximately 191.5 acres of Planning Area 16 into a conservation easement and would not develop 147.3 acres of Village 14 (commonly referred to as PV1 and PV3) and approximately 192.4 acres of Planning Area 16 (formerly R-15 and R-16 in the Approved Project). As a result of these changes, 36 fewer cultural resources would be impacted by the Proposed Project Amendment than under the Approved Project, and 22 fewer resources would be impacted compared to the Land Exchange Alternative.

Archaeological evaluation efforts at three sites in the ADI (CA-SDI-8086A/B/C, CA-SDI-12397, and CA-SDI-21917) were recently performed (Comeau et al. 2019; see Attachment B), which determined that these sites (or portions thereof within the ADI) are not eligible for listing in the CRHR or local register and are not significant resources under CEQA and the Otay Ranch RMP. The other 18 resources in the ADI were previously determined to be not eligible for listing in the CRHR or local register and not significant under CEQA and the Otay Ranch RMP as part of the Approved Project and Land Exchange Alternative. Two significant archaeological sites that would have been subject to significant impacts by the Approved Project would not be subject to significant impacts by the Proposed Project Amendment (CA-SDI-12373 will be avoided; the portion of site CA-SDI-12397 in the ADI has been determined not significant [Comeau et al. 2019]). Thus, the Proposed Project Amendment would reduce impacts to cultural resources compared to the Approved Project. The four significant archaeological sites that would have been impacted by the Land Exchange Alternative would not be subject to significant impacts by the Proposed Project Amendment (CA-SDI-8086A/B/C, CA-SDI-12373, CA-SDI-12397, and CA-SDI-21917). CA-SDI-12373 would be avoided by the Proposed Project Amendment. The recent evaluation work at CA-SDI-8086A/B/C, CA-SDI-12397, and CA-SDI-21917 determined that these sites (or portions thereof within the ADI) are not eligible for listing in the CRHR or local register and are not significant under CEQA and the Otay Ranch RMP.

A total of 69 resources are present outside the Proposed Project Amendment ADI. None of these resources would be impacted by implementation of the Proposed Project Alternative and all would be conserved within conserved open space (as defined above). Consistent with the findings in the Approved Project Final EIR and Land Exchange Alternative, inadvertent impacts could occur to sites within 50 feet of the Proposed Project Amendment ADI, which would be a potentially significant impact (**Impact CR-1**).

Construction of the Proposed Project Amendment could adversely affect archaeological resources through ground-disturbing activities, such as excavation and grading, which have the potential to damage or destroy known and unknown cultural resources that may be present on or below the ground surface. All 21 resources in the Proposed Project Amendment ADI (or portions thereof) have been determined to be not significant under CEQA or the Otay Ranch RMP and not eligible for listing in the CRHR or local register. However, under County guidelines, all archaeological sites are important; therefore, grading and other construction activities would be a significant impact to the importance of the sites (**Impact CR-2**). The importance of the sites is mitigated through the application of measures that include curation or repatriation of all collected artifacts and documentation, construction monitoring, and erection of temporary fencing around non-impacted portions of the six resources that are partially located in the Conserved Open Space to prevent direct and indirect impacts during the Proposed Project Amendment construction (**M-CR-1, M-CR-2**).

The Proposed Project Amendment has the potential to affect undiscovered cultural resources that may qualify as significant under the County guidelines and the City of San Diego's Historical Resources Guidelines (**Impact CR-4**).

## Section 5. Final EIR Mitigation Measures

The 1993 Otay Ranch Program EIR and Mitigation Monitoring Program identified mitigation measures to reduce the significant cultural resources impacts of the Otay Ranch GDP/SRP. The Final EIR conducted a new analysis of the Approved Project's specific impacts on cultural resources, using updated technical reports that account for changes in conditions, both environmental and regulatory, that have occurred since 1993 when the Otay Ranch Program EIR was certified. The following mitigation measures were identified in the Final EIR for the Approved Project and

were determined to reduce the identified significant impacts on cultural resources to less than significant and would be required for the Proposed Project Amendment (with revisions discussed in Section 6).

**M-CR-1**      **Temporary Fencing.** To prevent inadvertent disturbance of archaeological sites within the avoidance areas (open space), temporary fencing shall be installed where resources are located within 50 feet of the area of direct impact (ADI). The temporary fencing shall include the following requirements:

- Prior to the commencement of any grading and/or clearing in association with the grading and/or improvement plan, temporary orange construction fencing shall be placed to protect archaeological sites from inadvertent disturbance within the avoidance areas (open space) and the unimpacted portions of sites outside of the ADI during earth-disturbing activities. Temporary fencing shall be installed prior to the pre-construction meeting and any clearing, grubbing, trenching, grading, or land disturbances; remain for the duration of earth-disturbing activities; and include the following:
  - Temporary fencing is required in all locations of the Proposed Project where proposed grading or clearing is within 50 feet of any archaeological site within avoidance areas (open space) or the unaffected portions of sites outside of the ADI.
  - The placement of such fencing shall be approved by the County of San Diego (County). Upon approval, the fencing shall remain in place until the conclusion of grading activities, after which the fencing shall be removed.
  - Installation of temporary fencing shall require the presence of monitor(s) (Archaeological & Native American) pursuant to M-CR-2.

**M-CR-2**      In total, 57 sites are located within the area of direct impact (ADI) and would be impacted during development of the Proposed Project (**Impact CR-2**). There is also the potential for the discovery of unknown cultural resources during ground-disturbing activities associated with construction of the Proposed Project (**Impact CR-4**). The mitigation measures described below would reduce potentially significant impacts to less than significant:

**Archaeological Monitoring.** To mitigate for potential impacts to undiscovered, buried archaeological resources in the Project Area, an archaeological monitoring program and potential data recovery program shall be implemented pursuant to the County of San Diego's (County's) Guidelines for Determining Significance and Report Format and Requirements for Cultural Resources and the California Environmental Quality Act (CEQA) and shall include the following requirements:

a. Pre-Construction

- The applicant shall contract with a County-approved archaeologist to perform archaeological monitoring. The project archaeologist shall contract with a Kumeyaay monitor to conduct Native American monitoring for the Proposed Project.
- The pre-construction meeting shall be attended by the project archaeologist and the Kumeyaay Native American monitor.

b. Construction

- Monitoring. Both the project archaeologist and Kumeyaay Native American monitor are to be on site during all earth-disturbing activities. The frequency and location of monitoring of native soils shall be determined by the project archaeologist and the Kumeyaay Native American monitor. The project archaeologist and the Kumeyaay Native American monitor shall evaluate fill soils to ensure that they are negative for cultural resources.
- Inadvertent Discoveries
  - The project archaeologist and the 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 the Kumeyaay Native American monitor, shall determine the significance of discovered resources.
  - Construction activities shall be allowed to resume after the County archaeologist has agreed with the significance evaluation.
  - Isolates and non-significant deposits shall be minimally documented in the field. If the isolates and non-significant deposits are 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, to cap identified sacred sites or unique cultural resources and to place development over the cap if avoidance is infeasible; and to perform data recovery for non-unique cultural resources. The preferred option is preservation (avoidance).

c. Human Remains

- The property owner or their representative shall contact the County coroner and the County Planning & Development Services 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 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 California Public Resources Code, Section 5097.98, has been conducted.

- California Public Resources Code, Section 5097.98; CEQA Guidelines, Section 15064.5; and California Health and Safety Code, Section 7050.5, shall be followed in the event that human remains are discovered.

d. Rough Grading

- Upon completion of rough grading, a monitoring report identifying whether resources were encountered shall be prepared. A copy of the monitoring report shall be provided to any culturally affiliated tribe that requests a copy.

e. Final Grading

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

f. Disposition of Cultural Material

The final report shall include the following:

- Evidence that all prehistoric materials have been curated at a San Diego curation facility or tribal curation facility that meets federal standards according to Title 36, Part 79, of the Code of Federal Regulations or alternatively have been repatriated to a culturally affiliated tribe.
- Evidence that historic materials have been curated at a San Diego curation facility that meets federal standards according to Title 36, Part 79, of the Code of Federal Regulations.

**M-CR-3**

**Data Recovery.** To mitigate potential impacts to the eastern portion of sites CA-SDI-12397 and CA-SDI-12373<sup>2</sup>, a phased data recovery program shall be implemented prior to construction by a County of San Diego (County)-approved archaeologist. The phased data recovery (prepared as a separate document) would involve either surface collection and curation/repatriation to prevent looting (CA-SDI-12373 (Locus A), or excavation of a series of shovel test pits (STPs) to identify subsurface deposits and then excavation of control units (CUs) within those areas where subsurface deposits are identified. The number of CUs to be excavated would depend on the quantity and variety of artifacts and features identified and the presence/absence of a midden deposit because the data potential of the site is contained within those components of the site. Archaeological materials recovered during the data recovery efforts shall be cleaned, sorted, cataloged, and analyzed following standard archaeological procedures and shall be documented in a data recovery report. Upon completion of fieldwork, the County-approved archaeologist shall submit a letter report summarizing the field work efforts and stating that the scientifically significant sample of the site has been recovered. Upon approval from the County archaeologist, construction may begin at this location.

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<sup>2</sup> As noted above, the San Diego County Board of Supervisors did not select the Preserve Trails Option for the Approved Project; therefore, indirect impacts to site CA-SDI-12373 were avoided and would be less than significant.

Under the Land Exchange Alternative, **M-CR-1** and **M-CR-2** are identical to those for the Approved Project, except **M-CR-2** under the Land Exchange Alternative states that 43 resources in the ADI would be impacted, not 57. **M-CR-3** is substantially the same under the Land Exchange Alternative, except that three sites are identified for phased data recovery (CA-SDI-12397, CA-SDI-8086C, and CA-SDI-21917), using the same methods as described above.

Under the Proposed Project Amendment ADI, there are no significant impacts to sites CA-SDI-8086A/B/C, CA-SDI-12373, CA-SDI-12397 or CA-SDI-21917. Site CA-SDI-12373 is outside the ADI, will be avoided, and will remain on lands owned by CDFW with the Otay Ranch RMP Preserve. Therefore, **Impact CR-5**, as described in the Approved Project Final EIR, would not occur, and no mitigation of that impact under **M-CR-3** is necessary.

The portions of sites CA-SDI-8086A/B/C and CA-SDI-12397 within the ADI, as well as the entirety of CA-SDI-21917, were recently evaluated (Comeau et al. 2019) and determined to be not eligible for listing in the CRHR or local register, and not to be significant under CEQA or the Otay Ranch RMP. Therefore, **Impact CR-3**, as identified in the Approved Project Final EIR and Land Exchange Alternative, will not occur under the Proposed Project Alternative, and the data recovery efforts proposed under **M-CR-3** are not necessary.

## Section 6. Conclusion

Overall impacts to cultural resources would be reduced under the Proposed Project Amendment compared to the Approved Project and Land Exchange Alternative as shown in Table 5. Only 21 resources would be subject to impacts under the Proposed Project Amendment versus 57 under the Approved Project and 43 under the Land Exchange Alternative. While none of the resources are considered significant under CEQA, all archaeological sites are considered “important” under County guidelines. The impacts to the importance of the archaeological sites identified in Section 4 are considered significant, but they would not be new or significantly greater impacts than those anticipated in the Approved Project Final EIR or Land Exchange Alternative. Further, the same mitigation measures identified in the Final EIR for the Approved Project and restated in Section 5 (**M-CUL-1** and **M-CUL-2**) would be implemented under the Proposed Project Amendment with the following revisions. Recent evaluation efforts at CA-SDI-8086A/B/C, CA-SDI-12397, and CA-SDI-21917 have demonstrated that impacts to those sites under the Proposed Project Amendment (**Impact CR-3**) are not significant (Comeau et al. 2019), and impacts to site CA-SDI-12373 (**Impact CR-5**) will be avoided. Mitigation measures for these sites as described in **M-CR-3** for the Approved Project and Land Exchange Alternative are not necessary under the Proposed Project Amendment.

The “importance” of the sites is mitigated through the application of measures that include curation or repatriation of all collected artifacts and documentation, construction monitoring, and erection of temporary fencing around the non-impacted portions of the 5 sites (CA-SDI-6695B West, CA-SDI-8086B West/CA-SDI-8086C West, CA-SDI-12332 West, CA-SDI-12333 West, and CA-SDI-12397 West) that are partially located in the Conserved Open Space to prevent direct and indirect impacts during Proposed Project Amendment construction. In addition, temporary fencing would be placed along the ADI limits where sites are within 50 feet of the ADI (CA-SDI-12326 and CA-SDI-12394) (**M-CR-1** and **M-CR-2** from the Approved Project’s certified EIR). The artifacts collected during the testing program would be curated at the San Diego Archaeological Center or a culturally affiliated tribal curation facility, or alternatively may be repatriated to a culturally affiliated tribe. Implementation of **M-CR-1** and **M-CR-2** from the Approved Project’s certified EIR would reduce impacts to these sites to less than significant (**Impact CR-2**). For a detailed summary of **M-CR-1** through **M-CR-2** and the cultural sites for which they are applied, refer to Table 2.5-5, Resource Mitigation Measures, of the Final EIR.

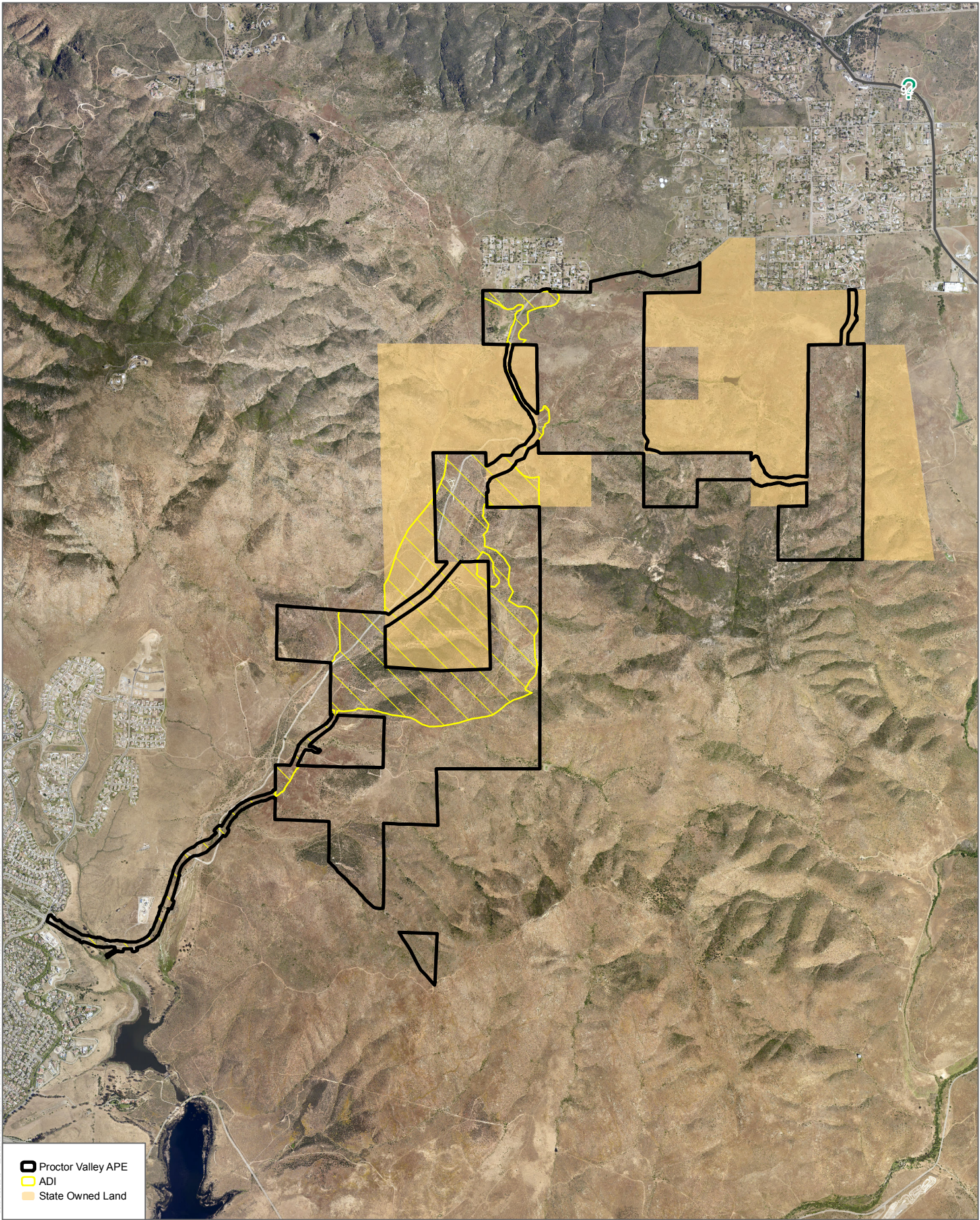
Consistent with the Approved Project and Land Exchange Alternative, the Proposed Project Amendment does have the potential to affect undiscovered cultural resources that may qualify as significant under the County guidelines and the City of San Diego's Historical Resources Guidelines (**Impact CR-4**). Implementation of **M-CR-1** and **M-CR-2** from the Approved Project's certified EIR would reduce impacts to unknown/undiscovered sites to less than significant. Refer to Table 2.5-4 of the Final EIR for a detailed summary of mitigation measures.

No additional mitigation measures are required. Because the Proposed Project Amendment would not result in any additional or more severe impacts to cultural resources than those identified for the Approved Project's Certified Final EIR and Land Exchange Alternative, no new mitigation measures beyond those included in the Approved Project's Mitigation Monitoring and Reporting Plan are necessary for the Proposed Project Amendment's Mitigation Monitoring and Reporting Plan.

## Section 7. References

Comeau et al. 2019. Cultural Resource Addendum Report, 2019.

County of San Diego. 2007. *Guidelines for Determining Significance, Cultural Resources: Archaeological and Historic Resources*. Land Use and Environment Group, Department of Planning and Land Use, Department of Public Works, San Diego County, California.



Proctor Valley APE  
ADI  
State Owned Land

SOURCE: SANGIS 2017; Hunsaker 2019



# Confidential Attachment A

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Confidential Cultural Resources Location Map





# Attachment B

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## Cultural Resource Addendum Report

