

Mitigation measure M-TR-7 requiring the construction of intermittent turn lanes along Lilac Road from Old Castle Road to Anthony Road, as detailed in that measure. Mitigation measure M-BIO-1h applies to the construction of off-site improvements along Rodriguez Road as evaluated in the approved SUKUP Project (TM5184) and will be implemented only if the SUKUP Project has not already constructed the road before the project would need to construct it.

Implementation of mitigation measure M-BIO-2 would reduce the impact identified as BIO-1 through the requirement that a RMP be prepared to address the location of the mitigation sites that meet the specific mitigation requirement for the type of habitat (e.g., in-kind habitat preservation, no net loss, presence of special status species, etc.) within the project site and off-site. Mitigation measure M-BIO-2 assures the adequacy of the on- and off-site locations of the preserved mitigation sites through specific preservation, habitat maintenance, and management criteria. Additional monitoring of ongoing performance standards assures the perpetuity of the value of the preserved areas.

Overall, the implementation of these mitigation measures will work together to reduce the impact to raptor foraging, riparian habitat and sensitive natural communities resulting from on-site grading and off-site improvements to below a level of significance.

Evidence Supporting CEQA Findings:

Substantial evidence to support the finding that Impacts BIO-1 and BIO-2 would be reduced to less than significant levels with the implementation of mitigation is found within the administrative record pertaining to this FEIR. Please refer to the following document(s):

- FEIR subchapter 2.5- specifically ,subchapters 2.5.1, 2.5.2.1, 2.5.5, 2.5.6
- FEIR Appendix G, Biological Resources Report

Impact BIO-3: The project would impact jurisdictional waters, including 4.22 acres (2.92 acres of non-wetland waters and 1.30 acres of wetlands) of ACOE jurisdictional area, 6.55 acres (3.1 acres of streambed and 3.45 acres of wetlands) of CDFW/RWQCB jurisdictional area, and 2.52⁵ acres of County RPO wetlands located on-site. These impacts to riparian habitat would be significant.

Mitigation Measure M-BIO-3a: This mitigation measure specified in the FEIR has been imposed on the project as a condition of approval, requiring that prior to the issuance of grading permits, wetland impacts shall be mitigated at a ratio of 3:1, consisting of on-site preservation, enhancement, and/or creation of wetlands. Mitigation of wetlands shall include a 1:1 creation component (of the 3:1) to ensure no net loss of wetlands. Non-wetland waters and streambed shall be mitigated at a 1:1 ratio consisting of preservation/enhancement. Mitigation measures for impacts to ACOE, CDFW/RWQCB, and County RPO wetlands are listed as follows:

1. ACOE jurisdiction: On-site permanent impacts to 2.9 acres of non-wetland waters of the U.S. shall be mitigated with the preservation/enhancement of 2.9 acres of wetlands. Permanent impacts to 1.3 acres of wetlands on-site shall be mitigated at a

⁵ Acreage includes impacts impacts under M-RD-BIO-2a.

- 3:1 ratio with 3.9 acres of ACOE jurisdictional wetlands enhancement/preservation/creation (1:1 creation component).
2. CDFW/RWQCB jurisdiction: On-site permanent impacts to 3.1 acres of streambed shall be mitigated with the preservation/enhancement of 3.1 acres of streambed. Permanent impacts to 3.45 acres of state wetlands on-site shall be mitigated at a 3:1 ratio with 10.35 acres of CDFW/RWQCB jurisdictional state wetlands enhancement/preservation/creation (1:1 creation component).
 3. County RPO jurisdiction: Permanent impacts to 2.52⁴ acres of RPO wetlands on-site shall be mitigated at a 3:1 ratio with 7.56⁴ acres of RPO wetlands enhancement/preservation/creation (1:1 creation component).

Mitigation for impacts to CDFW/RWQCB jurisdictional area fulfills the mitigation requirements for impacts to ACOE jurisdictional and County RPO wetlands. Ultimately, the jurisdictional waters/wetland mitigation shall proceed in accordance with the permit and certification requirements of the ACOE, CDFW/RWQCB, and County.

Mitigation Measure M-BIO-3b: This mitigation measure specified in the FEIR has been imposed on the project as a condition of approval. It will be implemented if the project proceeds prior to the SUKUP project (TM5184) and requires that prior to the grading of Rodriguez Road, wetland impacts shall be mitigated at a ratio of 3:1, consisting of on-site preservation, enhancement, and/or creation of wetlands. Mitigation of wetlands shall include a 1:1 creation component (of the 3:1), to ensure no net loss of wetlands. Non-wetland waters and streambed shall be mitigated at a 1:1 ratio consisting of preservation/enhancement. Mitigation measures for impacts to ACOE, CDFW/RWQCB, and County RPO wetlands are listed as follows:

1. USACE/CDFW/RWQCB/RPO: Permanent impacts to 0.03 acre of wetlands shall be mitigated at a 3:1 ratio with 0.09 acre of jurisdictional wetlands enhancement/preservation/creation (1:1 creation component).

Mitigation Measure M-BIO-4: This mitigation measure specified in the FEIR has been imposed on the project as a condition of approval, requiring preparation of a Revegetation Plan prepared by a qualified biologist to address the mitigation identified in M-BIO-3 and the wildlife agency permits. The ACOE, CDFW/RWQCB, and County shall review and approve the Revegetation Plan prior to the issuance of wetland permits and grading permits. Success criteria shall be the following, at a minimum:

1. 80 percent transplant/container plant survival in year 1;
2. 100 percent transplant/container plant survival in year 2 with 50 percent native cover, 50 percent diversity and 50 percent density;
3. 100 percent transplant/container plant survival in year 3 with 60 percent native cover, 60 percent diversity and 60 percent density;
4. 100 percent transplant/container plant survival in year 4 with 75 percent native cover, 70 percent diversity and 70 percent density;
5. 100 percent transplant/container plant survival in year 5 with 80 percent native cover, 70 percent diversity and 70 percent density;

6. The wetland revegetation areas must sustain themselves for a minimum of one year (meeting the fifth-year performance standards) in the absence of significant maintenance measures; and
7. The cover of non-native annuals and herbs, as identified by the project biologist, will be no more than 10 percent by the end of the five-year monitoring period. No invasive exotic perennials on the Cal-IPC lists A and B will be permitted on the revegetation sites by the end of the five-year monitoring period.
8. If the success criteria/performance standards are not achieved at the end of each year of monitoring or by the end of the fifth year, the owner/project proponent will consult with the County of San Diego to develop appropriate remedial measures. Remedial measures may involve actions such as replanting areas, continued weed control, or finding alternative revegetation sites.

Rationale: Implementation of mitigation measures M-BIO-3a, M-BIO-3b, and M-BIO 4 would reduce the impact identified as BIO-3. Mitigation measure M-BIO-3a applies to impacts associated with on-site grading. Mitigation M-BIO-3b applies to the construction of off-site improvements along Rodriguez Road as evaluated in the approved SUKUP Project (TM5184) and will apply only if the SUKUP Project has not already constructed the road improvements. These mitigation measures would reduce significant impacts to jurisdictional waters through a combination of on-site/off-site wetland establishment (creation) and the restoration/enhancement of on-site wetland areas through the removal of non-native invasive plant species within biological open space. Mitigation for impacts to CDFW/RWQCB jurisdictional waters fulfills the mitigation requirements for impacts to ACOE jurisdictional and County RPO wetlands. Potential on-site wetland mitigation may provide up to 6 acres of creation and 12 acres of restoration/enhancement mitigation. Non-wetland/streambed mitigation would be provided through preservation. Pursuant to M-BIO-4, a Conceptual Revegetation Plan has been drafted and is included as an attachment to Appendix G. Ultimately, the proposed jurisdictional mitigation areas would be subject to the RMPs (see Attachments 17 and 18 of Appendix G) to ensure ongoing preservation. The project would proceed in accordance with the ACOE Clean Water Act Section 404 permit, RWQCB Clean Water Act Section 401 Certification, and a CDFW Fish and Game Code Section 1600 Streambed Alteration Agreement. Implementation of these mitigation measures would reduce the project impacts to jurisdictional waters and wetlands to below a level of significance.

Evidence Supporting CEQA Findings:

Substantial evidence to support the finding that Impacts BIO-1 and BIO-2 would be reduced to less than significant levels with the implementation of mitigation is found within the administrative record pertaining to this FEIR. Please refer to the following document(s):

- FEIR subchapter 2.5- specifically subchapters 2.5.1, 2.5.2.2, 2.5.2.3, 2.5.5, 2.5.6
- FEIR Appendix G, Biological Resources Report

E. Cultural Resource Impacts

Impact CR-1: Although site CA-SDI-20436 does not meet the threshold of significance under RPO, it is a significant resource under CEQA. With implementation of the project, significant direct impacts to site CA-SDI-20436 during ground-disturbing activities could result.

Mitigation Measure M-CR-1: This mitigation measure specified in the FEIR has been imposed on the project as a condition of approval, requiring prior to approval of the first Final Map, an open space easement shall be dedicated over site CA-SDI-20436. Site CA-SDI-20436 shall remain undisturbed and will be preserved through avoidance and surrounded by natural barriers, as addressed in the Resource Management Plan (see Appendix G, Attachment 17).

There shall be no public access to this site. Access shall be granted only to the site property owner, agents and/or employees, County of San Diego, Easement Manager, and the Bands of the Luiseño Nation upon request.

Rationale: Implementation of mitigation measure M-CR-1 would reduce the impact identified as CR-1 because it prevents potential disturbance of the site by precluding any activities within the preserved area. Therefore, this impact would be reduced to below a level of significance

Impact CR-2: Unknown CEQA and/or RPO-significant archaeological resources could be buried within the project site. Such previously undiscovered cultural sites could be disturbed during on-site grading activities. Impacts to any unknown cultural resources are potentially significant.

Impact CR-4: Unknown CEQA and/or RPO-significant archaeological resources could be buried within the Miller Fire Station site. Such previously undiscovered cultural sites could be disturbed during grading activities that may occur at this location. Impacts to any unknown cultural resources are potentially significant.

Mitigation Measure M-CR-2: Prior to approval of grading or improvement plans for any phase of the project (on- or off-site) or associated with improvements to the Miller Station site, the applicant shall implement a grading monitoring and data recovery program to mitigate potential impacts to undiscovered buried archaeological resources to the satisfaction of the Director of Planning & Development Services. This program shall include, but shall not be limited to, the following actions:

- a. Provide evidence to the Department of Planning & Development Services that a County-approved archaeologist has been contracted to implement a grading monitoring and data recovery program to the satisfaction of the Director of Planning & Development Services. The letter shall include the following guidelines:
 - (1) The project archaeologist shall contract with a Luiseño Native American monitor to be involved with the grading monitoring program as outlined in the County of San Diego Report Format and Content Guidelines (2007d).
 - (2) The County-approved archaeologist and Luiseño Native American monitor shall attend the pre-grading meeting with the contractors to explain and coordinate the requirements of the monitoring program as outlined in the County of San Diego Report Format and Content Guidelines (2007d).
 - (3) The project archaeologist and the Luiseño Native American Monitor shall monitor all areas identified for development including off-site improvements.
 - (4) During the original cutting of previously undisturbed deposits, the archaeological monitor(s) and Luiseño Native American monitor(s) shall be on-site as determined by the project archaeologist monitoring the excavations. Inspections will vary based on the rate of excavation, the materials excavated, and the presence and abundance of artifacts and features. The frequency and location of inspections will be determined by the archaeologist in consultation with the

Luiŕeño Native American monitor. Monitoring of cutting of previously disturbed deposits will be determined by the project archaeologist.

- (5) Isolates and clearly non-significant deposits will be minimally documented in the field and the monitored grading can proceed.
- (6) In the event that previously unidentified potentially significant cultural resources are discovered, the project archaeologist monitor(s) and/or the Luiŕeño Native American Monitor shall have the authority to divert or temporarily halt ground disturbance operations in the area of the discovery to allow evaluation of potentially significant cultural resources. The project archaeologist shall contact the County Archaeologist at the time of the discovery. The project archaeologist, in consultation with the County archaeologist and the Luiŕeño Native American Monitor, shall determine the significance of the discovered resources. The County Archaeologist must concur with the evaluation before construction activities will be allowed to resume in the affected area. For significant cultural resources, a Research Design and Data Recovery Program shall be prepared by the project archaeologist and approved by the County Archaeologist, then carried out using professional archaeological methods. If the cultural resources are determined to be Native American in origin, the Research Design and Data Recovery Program shall be prepared by the consulting archaeologist in coordination with the Luiŕeño Native American Monitor and approved by the County Archaeologist, then carried out using professional archaeological methods that take into account traditional Luiŕeño beliefs and practices.
- (7) Although impacts to human remains are less than significant, in the event any unknown human remains are discovered during project grading, Health & Safety Code Section 7050.5 and Public Resources Code Section 5097.98 shall be followed. If any human remains are discovered, the project archaeologist shall halt activities that could potentially disturb the remains and contact the County Coroner. In the event that the remains are determined to be of Native American origin, the Most Likely Descendant, as identified by the Native American Heritage Commission, shall be contacted by the project archaeologist in order to determine proper treatment and disposition of the remains.
- (8) Before construction activities are allowed to resume in the affected area, the artifacts shall be recovered and features recorded using professional archaeological methods or, if artifacts are determined to be of Native American origin, alternative mitigation may be applied as agreed upon through consultation with the project archaeologist, the County Archaeologist, and the Luiŕeño Native American monitor. The Principal Investigator shall determine the amount of material to be recovered for an adequate artifact sample for analysis.
- (9) In the event that previously unidentified cultural resources are discovered, all cultural material collected during the grading monitoring program shall be processed and curated at a San Diego facility *or a culturally affiliated Tribal curation facility* that meets federal standards per 36 CFR Part 79, and therefore would be professionally curated and made available to other archaeologists/researchers for further study. The collections and associated records shall be transferred, including title, to an appropriate curation facility within San Diego County, to be accompanied by payment of the fees necessary for permanent curation. Evidence shall be in the form of a letter from the curation

facility identifying that archaeological materials have been received and that all fees have been paid.

Or

Alternatively, cultural material collected may be repatriated to the appropriate Luiseño tribe. Evidence shall be in the form of a letter from the tribe that archaeological materials have been received.

- (10) Monthly status reports shall be submitted to the Director of Planning & Development Services starting from the date of the notice to proceed to termination of implementation of the grading monitoring program. The reports shall briefly summarize all activities during the period and the status of progress on overall plan implementation. Upon completion of the implementation phase, a final report shall be submitted describing the plan compliance procedures and site conditions before and after construction.
 - (11) In the event that previously unidentified cultural resources are discovered, a report documenting the field and analysis results and interpreting the artifacts and research data within the research context shall be completed and submitted to the satisfaction of the Director of Planning & Development Services. The report shall include Department of Parks and Recreation Primary and Archaeological Site forms.
 - (12) In the event that no cultural resources are discovered, a brief letter to that effect shall be sent to the Director of Planning & Development Services by the consulting archaeologist that the grading monitoring activities have been completed.
- b. Provide evidence to the Director of Public Works that the following notes have been placed on the Grading Plan:
- (1) The County-approved archaeologist and Luiseño Native American monitor shall attend the pre-construction meeting with the contractors to explain and coordinate the requirements of the monitoring program.
 - (2) The project archaeologist and the Luiseño Native American Monitor shall monitor all areas identified for development including off-site improvements.
 - (3) During the original cutting of previously undisturbed deposits, the archaeological monitor(s) and Luiseño Native American monitor(s) shall be on-site as determined by the project archaeologist of the excavations. Inspections will vary based on the rate of excavation, the materials excavated, and the presence and abundance of artifacts and features. The frequency and location of inspections will be determined by the project archaeologist in consultation with the Luiseño Native American monitor. Monitoring of cutting of previously disturbed deposits will be determined by the project archaeologist, in consultation with the Luiseño Native American monitor.
 - (4) In the event that previously unidentified potentially significant cultural resources are discovered, the archaeological monitor(s) and/or the Luiseño Native American Monitor shall have the authority to divert or temporarily halt ground disturbance operations in the area of the discovery to allow evaluation of potentially significant cultural resources. The project archaeologist shall contact the County Archaeologist at the time of the discovery. The project archaeologist, in consultation with the County archaeologist and the Luiseño Native American

Monitor, shall determine the significance of the discovered resources. The County Archaeologist must concur with the evaluation before construction activities will be allowed to resume in the affected area. For significant cultural resources, a Research Design and Data Recovery Program shall be prepared by the consulting archaeologist in coordination with the Luiseño Native American Monitor and approved by the County Archaeologist, then carried out using professional archaeological methods that will take into account traditional Luiseño beliefs and practices.

- (5) The archaeological monitor(s) and Luiseño Native American monitor shall monitor all areas identified for development.
- (6) If any human remains are discovered, Health & Safety Code Section 7050.5 and Public Resources Code Section 5097.98 shall be followed. If any human remains are discovered, the project archaeologist shall halt activities that could potentially disturb the remains and contact the County Coroner. In the event that the remains are determined to be of Native American origin, the Most Likely Descendant, as identified by the Native American Heritage Commission, shall be contacted by the Principal Investigator order to determine proper treatment and disposition of the remains.
- (7) The Principal Investigator shall submit monthly status reports to the Director of Planning & Development Services starting from the date of the Notice to Proceed to termination of implementation of the grading monitoring program. The reports shall briefly summarize all activities during the period and the status of progress on overall plan implementation. Upon completion of the implementation phase, a final report shall be submitted describing the plan compliance procedures and site conditions before and after construction.
- (8) Prior to rough grading inspection sign-off, provide evidence that the field grading monitoring activities have been completed to the satisfaction of the Director of Planning & Development Services. Evidence shall be in the form of a letter from the Project Investigator.
- (9) Prior to Final Grading Release, submit to the satisfaction of the Director of Planning & Development Services, a final report that documents the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program. The report shall also include the following:
 - (a) Department of Parks and Recreation Primary and Archaeological Site forms.
 - (b) Evidence that all cultural material collected during the grading monitoring program has been curated at a San Diego facility or a culturally affiliated Tribal curation facility that meets federal standards per 36 CFR Part 79, and therefore would be professionally curated and made available to other archaeologists/researchers for further study. The collections and associated records shall be transferred, including title, to an appropriate curation facility within San Diego County, to be accompanied by payment of the fees necessary for permanent curation. Evidence shall be in the form of a letter from the curation facility identifying that archaeological materials have been received and that all fees have been paid. Alternatively, cultural material collected may be repatriated to the appropriate Luiseño band(s).

Or

In the event that no cultural resources are discovered, a brief letter to that effect shall be sent to the Director of Planning & Development Services by the Principal Investigator that the grading monitoring activities have been completed.

Rationale: Implementation of mitigation measure M-CR-1 would reduce the impact identified as CR-1. Mitigation measure M-CR-2 would reduce the impact to unknown sensitive cultural resources both on-site and at the Miller Station location, through implementation of a grading monitoring plan requiring monitoring during all ground-disturbing activities. Mitigation measure M-CR-2 requires an archaeological monitor to be present for all grading activities. This measure assures that grading would be halted or diverted should any discovery be made. The monitor can then implement procedures to analyze, record, recover, or undertake any other appropriate actions to ensure the resource is adequately processed for complete evaluation. The measure further assures that any findings are recovered, evaluated, and documented. This will ensure that the scientific, educational, and cultural importance of any unknown resource is not lost. With the implementation of this measure, potentially significant impacts would be reduced to a level that is less than significant.

Impact CR-3: Proposed improvements at Old Highway 395 and Gopher Canyon Road are within the site boundaries of CA-SDI-5072 (which includes CA-SDI-4808). This site was previously determined to be a significant cultural resource, meeting the significance criteria for the National Register of Historic Places. As such, CA-SDI-5072 is significant under CEQA. Improvements that may affect CA-SDI-5072 consist of the installation of traffic signals. The improvements proposed within and adjacent to CA-SDI-5072 could result in significant impacts if any trenching required for off-site improvements in this area would affect native soils.

Mitigation Measure M-CR-3: This mitigation measure specified in the FEIR has been imposed on the project as a condition of approval, requiring that prior to approval of off-site improvement plans, if it is determined that trenching for signalization cannot be accommodated within the existing fill layer above native soils within CA-SDI-5072, a capping plan shall be developed and implemented to preserve site deposits beneath the roadway improvements. The capping plan shall be similar to that implemented for construction of I-15 and associated facilities in the area of this site and consist of the following:

1. Any brushing and grubbing required shall be completed by hand;
2. The soil cap shall be at least 12 inches thick and shall consist of documented fill soil that is free of any cultural material;
3. Fill material shall be placed by end-dumping using rubber-tired vehicles prior to any other grading operations;
4. All work in the vicinity of CA-SDI-5072 shall be monitored by an archaeologist and a Native American (Luiseño) monitor;
5. There shall be no storage or staging of equipment or vehicles within the boundaries of the archaeological site, except in areas that are already paved;
6. There shall be no encroachment into the archaeological site by workers or vehicles except in areas that are already paved or capped.

Rationale: Implementation of mitigation measure M-CR-3 would reduce the impact identified as CR-3. Implementation of mitigation measure M-CR-3 would reduce potential impacts to cultural resource site CA-SDI-5072 by requiring a capping plan to be implemented if trenching for signalization within the area of the site cannot be accommodated within the existing fill layer above native soils. The capping plan would assure that sensitive artifacts remain intact beneath the surface. With the implementation of this measure, potentially significant impacts would be reduced to a level that is less than significant.

Evidence Supporting CEQA Findings:

Substantial evidence to support the finding that Impacts CR-1, CR-2 and CR-3 would be reduced to less than significant levels with the implementation of mitigation is found within the administrative record pertaining to this FEIR. Please refer to the following document(s):

- FEIR subchapter 2.6- specifically subchapters 2.6.1, 2.6.2.2, 2.6.2.3, 2.6.5, 2.6.6
- FEIR Appendices H-1 and H-2, Cultural resources Inventory and Assessment, and Cultural Resources Report Addendum, respectively.

F. Hazards Impacts

The project includes design considerations incorporated into Section II, E, Fire Protection Plan, of the Specific Plan, the implementation of which would reduce potentially significant impacts associated with a reduced Fuel Modification Zone (FMZ). As detailed in the FEIR Table 1-3, these measures include fire clearing and vegetation management, and the use of fire-resistant building features. Each implementing Tentative Map will include a Site Plan that will designate the location of the FMZ as required by the analysis that will be conducted based upon the procedure and protocol set forth in the FPP and the Specific Plan. However, as discussed in FEIR subchapter 2.7, even with implementation of these design considerations, impacts associated with a reduced FMZ would remain significant, and additional mitigation measures would be required.

Impact HZ-1: The project would result in a potentially significant adverse impact associated with wildland fires, due to the fact that within several areas of the project site, fuel modification zones would be less than 100 feet in width, as required by County Fire Code.

Mitigation Measure M-HZ-1: This mitigation measure specified in the FEIR has been imposed on the project as a condition of approval, requiring that for areas within the project site where buildings or structures do not meet the standard 100-foot setback for fuel management, one of the following measures shall be implemented:

- A. Prior to approval of the first Final Map, a recorded easement on adjacent property shall be obtained in order to meet FMZ standards off-site.
- B. If an easement on adjacent property cannot be obtained, the applicant shall select alternative mitigation measures from those described in the FPP that achieve the same level of protection. The specific measures shall be subject to approval by DSFPD and once approved, shall be incorporated into the Site Plan and/or use permit plot plan for the area. The alternative mitigation measures that could be selected include:

1. Additional ignition-resistant construction methods and other non-combustible features, such as parking lots, sidewalks, concrete patios, decorative rock, natural boulders on-site, and similar landscape features; and/or
2. Fire-barrier walls.

These specific measures shall be incorporated into the Site Plan and/or Major Use Permit Plan for the particular project and shall be subject to the approval of the DSFPD.

Rationale: Notwithstanding the project's inclusion of the aforementioned project design considerations, implementation of mitigation measure M-HZ-1 would be required to reduce the impact identified as HZ-1. Implementation of mitigation measure M-HZ-1 would reduce this impact through the requirement of alternative measures including obtaining permission for off-site clearing, or alternatively, additional ignition-resistant construction methods and other non-combustible features, or fire barrier walls that achieve the same level of protection from potential wildfires as the 100-foot buffer. With implementation of this measure, potentially significant impacts would be reduced to a level that is less than significant.

Evidence Supporting CEQA Findings:

Substantial evidence to support the finding that Impact HZ-1 would be reduced to less than significant levels with the implementation of mitigation is found within the administrative record pertaining to this FEIR. Please refer to the following document(s):

- FEIR subchapter 2.7- specifically subchapters 2.7.1, 2.7.2.4, 2.6.2.3, 2.7.5, 2.7.6
- FEIR Appendix J, Fire Protection Plan
- Global Response to Comment: Fire Standard

G. Noise Impacts

1. Direct Impacts (Related to Traffic)

Impact N-1: Traffic generated noise at identified exterior receivers would be significant.

Impact N-2: Interior noise levels of second-floor receivers adjacent to the roadways could exceed allowable interior noise levels and would result in a significant impact.

Mitigation Measure M-N-1: This mitigation measure specified in the FEIR has been imposed on the project as a condition of approval, requiring prior to approval of the Master Tentative Map, or subsequent Implementing Tentative Map, as appropriate, the project applicant shall dedicate "noise protection easements" on the master tentative map and each subsequent implementing tentative map for all lots located within the 60 CNEL contour, as shown on Figures 2.8-2a and 2.8-2b of the FEIR.

The noise protection easements shall contain a restriction requiring compliance with the standards for the subject land use as stated in Tables N-1 and N-2 of the County General Plan Noise Element (see FEIR Appendix M, Tables 7 and 8). Potential feasible measures to achieve compliance include, but are not limited to, altering lot configurations and building locations,

varying grading contours, and construction of solid barriers (i.e., sound walls). The noise easement shall contain the following language:

- A. For single-family residential uses: The noise level at exterior use areas associated with single-family detached dwelling units, shall be measured at an outdoor living area that adjoins and is on the same lot as the dwelling and that contains at least the following minimum net lot area:
 - 1. For lots less than 4,000 square feet in area, the exterior area shall include 400 square feet;
 - 2. For lots between 4,000 square feet to 10 acres in area, the exterior area shall include 10 percent of the lot area; and
 - 3. For lots over 10 acres in area, the exterior area shall include 1 acre.
- B. Noise levels within the single-family residential exterior use areas shall not exceed 60 CNEL.
 - 1. For single-family lots along West Lilac Road, west of Main Street and single-family properties fronting Main Street, located between W. Lilac Road and C Street, a site-specific design for building placement and inclusion of wing walls would be required to reduce noise levels at exterior NSLU areas.
 - 2. For residential lots other than single-family lots: The exterior use area is defined as areas which are provided for private or group usable open space purposes (as defined in Table N-2 of the County General Plan Noise Element).

Noise levels in the exterior use areas for all other residential uses shall not exceed 65 CNEL. These areas include areas which are provided for private or group usable open space purposes (as defined in Table N-2 of the County General Plan Noise Element).

For non-residential noise sensitive land uses: The exterior use areas are subject to the noise level as specified in the County Noise Element, Tables N-1 and N-2.

For all other land uses the exterior noise level standard shall not exceed the limit defined as "Acceptable" in Table N-1 of the County General Plan Noise Element or the equivalent one-hour noise standard.

The lots with the noise protection easements shall be identified on all Final Maps.

Mitigation Measure M-N-2: This mitigation measure specified in the FEIR has been imposed on the project as a condition of approval, requiring that prior to issuance of any building permit for properties located in noise protection easements, the building permit applicant shall demonstrate that interior noise levels due to exterior noise sources would not exceed the applicable standards detailed below for the subject land use (see FEIR Figures 2.9-2a and 2.9-2b). In these cases, it is anticipated that the typical method of compliance would be to provide the homes with air conditioning or equivalent forced air circulation, dual pane windows and weather stripping for doors, to allow occupancy with closed windows, which, for most residential construction, would provide sufficient exterior-to-interior noise reduction.

An acoustical study shall be prepared to demonstrate and verify that interior noise levels are below 45 CNEL in all residential structures, and below 50 CNEL within schools, churches, medical/dental facilities (i.e., hospitals, laboratories, nursing homes) child care facilities, government facilities, and commercial uses (office and retail).

Rationale: Implementation of mitigation measures M-N-1 and M-N-2 would reduce the impact identified as HZ-1 because it requires the dedication of noise easements for all lots within the 60 CNEL contours of interior roadways. The noise easements require an analysis of noise compatibility at the time sufficient detail is available to determine site-specific mitigation, such as noise walls or site design that would reduce noise at exterior use areas to a level that is less than significant. Mitigation measure M-N-2 requires an interior analysis of those receivers to be conducted when specific building plans are available to determine whether interior noise levels would exceed 45 CNEL. This mitigation measure would be effective in identifying those units where additional noise reduction measures would be required to reduce interior noise to a level that is less than significant. This mitigation measure would effectively reduce impacts because it will require the specifications for structural components and other noise mitigation. Implementation of these mitigation measures would reduce significant traffic-related noise impacts to on-site locations to a level that is less than significant. It is noted that impacts associated with off-site traffic-related noise increase (Impact N-3) would remain significant and unavoidable.

Evidence Supporting CEQA Findings:

Substantial evidence to support the finding that Impacts N-1 and N-2 would be reduced to less than significant levels with the implementation of mitigation is found within the administrative record pertaining to this FEIR. Please refer to the following document(s):

- FEIR subchapter 2.8- specifically subchapters 2.8.1, 2.8.2.1, 2.8.4.1, 2.8.5.1, 2.8.6.1
- FEIR Appendix M, Noise Report

2. Direct Impacts (Operational)

Impact N-4: Noise at exterior receivers due to the location of HVACS would result in a significant impact.

Mitigation Measure M-N-3: This mitigation measure specified in the FEIR has been imposed on the project as a condition of approval, requiring best engineering practices be used in the placement of noise-generating equipment and shielding when installing stationary noise sources associated with HVAC systems and standby generators. Prior to the issuance of any building permit for stationary noise generating equipment such as HVAC systems or standby generators, the applicant, or its designee, shall prepare an acoustical study(s) of the proposed stationary noise sources associated with HVAC systems and standby generators for submittal to the County for review and approval. The acoustical study shall identify all noise-generating equipment and identify noise levels at the applicable property lines from all identified equipment. Where predicted noise levels would exceed those levels established by County Noise Ordinance Section 36.404, the acoustical study shall identify mitigation measures shown to be effective in reducing noise levels (e.g., structural components such as enclosures, barriers, and building orientation on-site), to be implemented as necessary, to comply with the County Noise Ordinance Section 36.404, and such mitigation measures shall be implemented by the applicant or its designee prior to issuance of any building permit.

Rationale: Implementation of mitigation measure M-N-3 would reduce the impact identified as N-4 because best engineering practices would be implemented including consideration of the noise rating of selected equipment, equipment orientation and placement of the HVAC systems within a site, and site design, such as building placement, enclosures and the use of terrain to shield adjacent properties from these on-site noise generators. Implementation of this mitigation measure would reduce significant on-site operational noise impacts to a level that is less than significant.

Impact N-5: Noise at exterior receivers due to the location of non-emergency generators would result in a significant impact.

Impact N-6: Noise at exterior receivers due to the location of parking lots would result in a significant impact

Impact N-7: Noise at exterior receivers due to the location of loading docks would result in a significant impact.

Mitigation Measure M-N-4: This mitigation measure specified in the FEIR has been imposed on the project as a condition of approval requiring best engineering practices shall be used in the placement of noise-generating equipment when developing site plans for commercial land uses containing loading docks, delivery areas, and parking lots such that noise levels at the property line comply with County standards. Development plans shall be accompanied by an acoustical analysis demonstrating compliance with County standards for approval prior to issuance of building permits. Prior to the issuance of any building permit for commercial land uses containing loading docks, delivery areas, and/or parking lots, the applicant, or its designee, shall prepare an acoustical study(s) of the proposed commercial land use site plans for submittal to the County for review and approval. The acoustical study shall identify all noise-generating areas and associated equipment and shall calculate noise levels at the applicable property lines from all identified sources. Where predicted noise levels would exceed those established by County Noise Ordinance Section 36.404, the acoustical study shall identify mitigation measures (e.g., enclosures, barriers, site orientation, reduction of parking stalls), to be implemented as necessary, to comply with the property line noise level limits established by County Noise Ordinance Section 36.404, and such measures shall be implemented by the applicant or its designee prior to the issuance of a building permit. Implementation of this measure also requires best engineering practices to be used, including consideration of the noise rating of selected equipment, equipment orientation and placement within a site, and site design, such as building placement enclosures and the use of terrain to shield adjacent properties from on-site noise generator.

Rationale: Implementation of mitigation measure M-N-4 would reduce the impacts identified as N-5, N-6, and N-7 because best engineering practices would be implemented including consideration of the noise rating of selected equipment, equipment orientation and placement of the generators within a site, and site design of the parking lots and loading dock areas, such as orientation of these facilities away from residences, and the use of terrain to shield adjacent properties from these on-site noise generators. Implementation of this mitigation measure would reduce significant on-site operational noise impacts to a level that is less than significant.

Impact N-8: Noise levels due to dog park activities would be a significant noise impact.

Mitigation Measure M-N-5: This mitigation measure specified in the FEIR has been imposed on the project as a condition of approval requiring best engineering practices be used in the

placement and design of dog parks, such that noise levels at surrounding property lines comply with County standards for the applicable zone. The building plans shall be accompanied by an acoustical analysis demonstrating compliance with County standards for approval prior to issuance of building permits. Prior to the issuance of any building permit associated with the dog park, the applicant, or its designee, shall prepare an acoustical study(s) of the proposed dog parks for submittal to the County for review and approval. The acoustical study shall calculate noise levels at potentially affected property lines from all potential sources. Where predicted noise levels would exceed those established by County Noise Ordinance Section 36.404, the acoustical study shall identify mitigation measures shown to be effective in reducing noise levels (e.g., barriers, site location, site design, etc.) to be implemented as necessary to comply with the property line noise levels established by County Noise Ordinance Section 36.404, and such measures shall be implemented by the applicant or its designee prior to the issuance of any building permit. Implementation of this measure also requires best engineering practices to be used, including consideration of the noise rating of selected equipment, equipment orientation and placement within a site, and site design, such as building placement enclosures and the use of terrain to shield adjacent properties from on-site noise generator.

Rationale: Implementation of mitigation measure M-N-5 would reduce the impact identified as N-8 because best engineering practices would be implemented including consideration of the site design of dog parks, such as orientation of these sites away from residences, and the use of terrain to shield adjacent properties from these on-site noise generators. Implementation of this mitigation measure would reduce significant on-site operational noise impacts to a level that is less than significant.

Impact N-9: The project includes the construction and operation of a WRF, the location of which would result in a significant impact at exterior noise receiver locations.

Mitigation Measure M-N-6: This mitigation measure specified in the FEIR has been imposed on the project as a condition of approval requiring best engineering practices be used in the placement of noise-generating equipment when developing site plans for the WRF such that noise levels at the property line comply with County standards. Development plans shall be accompanied by an acoustical analysis demonstrating compliance with County standards for approval prior to issuance of building permits. Prior to the issuance of a building permit for the WRF, the applicant, or its designee, shall prepare an acoustical study(s) of the proposed WRF for submittal to the County for review and approval. The acoustical study shall identify all noise-generating sources and associated equipment and calculate noise levels at potentially affected property lines from all identified sources. Where predicted noise levels would exceed those established by County Noise Ordinance Section 36.404, the acoustical study shall identify mitigation measures shown to be effective in reducing noise levels (e.g., enclosures, barriers, facility orientation, etc.) to be implemented, as necessary, to comply with the property line noise levels limits established by County Noise Ordinance Section 36.404, and such measures shall be implemented by the applicant or its designee prior to issuance of a building permit. Implementation of this measure also requires best engineering practices to be used, including consideration of the noise rating of selected equipment, equipment orientation and placement within a site, and site design, such as building placement enclosures and the use of terrain to shield adjacent properties from on-site noise generator.

Rationale: Implementation of mitigation measure M-N-6 would reduce the impacts identified as N-9 because best engineering practices would be implemented including consideration of the noise rating of selected equipment, equipment orientation and location of the generators within a site, and site design of the WRF to shield adjacent properties from these on-site noise