

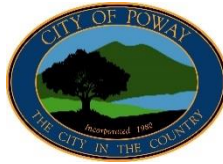
# FINAL ENVIRONMENTAL IMPACT REPORT

## Harmon Ranch Specific Plan Project

State Clearinghouse No. 2023020009

EIR No. EA 23-0001

*Prepared for:*



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## MARCH 2024



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# Acronyms and Abbreviations

Acronym/Abbreviation	Definition
2017 Scoping Plan	California's 2017 Climate Change Scoping Plan
AB	Assembly Bill
ADT	average daily traffic
AERMOD	American Meteorological Society/EPA Regulatory Model
amsl	above mean seal level
APE	area of potential effect
APN	Assessor's Parcel Number
ATCM	Airborne Toxic Control Measure
Basin Plan	Water Quality Control Plan for the San Diego Basin
Berglund WTP	Lester J. Berglund Water Treatment Plant
bgs	below the ground surface
BMP	best management practice
CAA	federal Clean Air Act
CAAQS	California Ambient Air Quality Standards
CAL FIRE	California Department of Forestry and Fire Protection
Cal/OSHA	California Occupational Safety and Health Administration
CalARP	California Accidental Release Prevention
CalEEMod	California Emissions Estimator Model
CalEPA	California Environmental Protection Agency
CALGreen	California Green Building Standards
CalRecycle	California Department of Resources Recycling and Recovery
Caltrans	California Department of Transportation
CAP	climate action plan
CAPCOA	California Air Pollution Control Officers Association
CARB	California Air Resources Board
CBC	California Building Code
CDFW	California Department of Fish and Wildlife
CEC	California Energy Commission
CEQA	California Environmental Quality Act
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CERT	Community Emergency Response Team
CFC	California Fire Code
CGS	California Geological Survey
CH <sub>4</sub>	methane
City	City of Poway
CMP	Congestion Management Program
CNEL	community noise equivalent level
CNRA	California Natural Resources Agency
CO	carbon monoxide
CO <sub>2</sub>	carbon dioxide
CO <sub>2e</sub>	carbon dioxide equivalent
County	County of San Diego
CPUC	California Public Utilities Commission
CRHR	California Register of Historical Resources

Acronym/Abbreviation	Definition
CRPR	California Rare Plant Rank
dB	decibel
dBA	A-weighted decibel
DEH	County of San Diego Department of Environmental Health
Delta	Sacramento–San Joaquin River Delta
DPM	diesel particulate matter
DTSC	California Department of Toxic Substances Control
DWR	California Department of Water Resources
EI	expansion index
EIR	environmental impact report
EISA	Energy Independence and Security Act of 2007
EO	Executive Order
EPA	U.S. Environmental Protection Agency
ERR	Escondido Resource Recovery
ESA	Endangered Species Act
FEMA	Federal Emergency Management Agency
FHWA	Federal Highway Administration
FIRM	Flood Insurance Rate Map
FT	Federal Transit Administration
General Plan	Poway Comprehensive Plan: General Plan
GHG	greenhouse gas
gpd	gallons per day
gpm	gallons per minute
GWP	global warming potential
HCFC	hydrochlorofluorocarbon
HERO	Human and Ecological Risk Office
HFC	hydrofluorocarbon
HRA	health risk assessment
IFC	International Fire Code
IPCC	Intergovernmental Panel on Climate Change
ips	inches per second
ISTEA	Intermodal Surface Transportation Efficiency Act of 1991
JRMP	Jurisdictional Runoff Management Program
kBTU	thousand British thermal units
kWh	kilowatt-hours
L <sub>dn</sub>	day–night average noise level
L <sub>eq</sub>	equivalent noise level over a given period
L <sub>max</sub>	greatest sound level measured during a designated time interval or event
L <sub>n</sub>	statistical sound level
LOS	level of service
LTPP	Long-Term Procurement Plan
LUST	leaking underground storage tank
MBTA	Migratory Bird Treaty Act
mgd	million gallons per day
MHCP	Multiple Habitat Conservation Program
MMU	minimum mapping unit
MRZ	Mineral Resource Zone

Acronym/Abbreviation	Definition
MS4	Municipal Separate Storm Sewer Systems
MSL	mean sea level
MT	metric ton
MTS	San Diego Metropolitan Transit System
MWD	Metropolitan Water District of Southern California
N <sub>2</sub> O	nitrous oxide
NAAQS	National Ambient Air Quality Standards
NAHC	Native American Heritage Commission
NCWRP	North City Water Reclamation Plant
NFPA	National Fire Protection Association
NHTSA	National Highway Traffic Safety Administration
NO <sub>2</sub>	nitrogen dioxide
NOP	Notice of Preparation
NO <sub>x</sub>	oxides of nitrogen
NPDES	National Pollutant Discharge Elimination System
NRHP	National Register of Historic Places
O <sub>3</sub>	ozone
OEHHA	Office of Environmental Health Hazard Assessment
OPR	Governor's Office of Planning and Research
OSHA	Occupational Safety and Health Administration
PDP	priority development project
PFC	perfluorocarbon
PFD	City of Poway Fire Department
PLWTP	Point Loma Wastewater Treatment Plant
PM <sub>10</sub>	particulate matter with an aerodynamic diameter less than or equal to 10 microns
PM <sub>2.5</sub>	particulate matter with an aerodynamic diameter less than or equal to 2.5 microns
PMC	Poway Municipal Code
Poway Subarea HCP/NCCP	Poway Subarea Habitat Conservation Plan/Natural Community Conservation Plan
ppm	parts per million
PPV	peak particle velocity
PRPA	Paleontological Resources Protection Act
PUSD	Poway Unified School District
PVGB	Poway Valley Groundwater Basin
RACM	Reasonably Available Control Measures
RACT	Reasonably Available Control Technology
RAQS	Regional Air Quality Strategy
RCNM	Roadway Construction Noise Model
RCP	reinforced concrete pipe
RCRA	Resource Conservation and Recovery
REC	recognized environmental condition
Regional Plan	San Diego Forward: The Regional Plan
RFS	Renewable Fuel Standard
RHNA	Regional Housing Needs Assessment
RHNA Plan	6th Cycle RHNA Plan
RPS	Renewables Portfolio Standard
RSL	Regional Screening Level

Acronym/Abbreviation	Definition
RTP	Regional Transportation Plan
RWQCB	Regional Water Quality Control Board
SAFE	Safer Affordable Fuel-Efficient
SANDAG	San Diego Association of Governments
SARA	Superfund Amendments and Reauthorization Act
SB	Senate Bill
SCAQMD	South Coast Air Quality Management District
Scoping Plan	Climate Change Scoping Plan: A Framework for Change
SCS	Sustainable Communities Strategy
SDAB	San Diego Air Basin
SDAPCD	San Diego Air Pollution Control District
SDCWA	San Diego County Water Authority
SDG&E	San Diego Gas & Electric
SDNHM	San Diego Natural History Museum
SF <sub>6</sub>	sulfur hexafluoride
SFHA	Special Flood Hazard Area
SIP	State Implementation Plan
SO <sub>2</sub>	sulfur dioxide
SoCalGas	Southern California Gas
SO <sub>x</sub>	sulfur oxides
Specific Plan	Harmon Ranch Specific Plan
SR	State Route
ST	short-term noise measurement location
SWPPP	Stormwater Pollution Prevention Plan
SWRCB	State Water Resources Control Board
TAC	toxic air contaminant
TMDL	total maximum daily load
USACE	U.S. Army Corps of Engineers
UWMP	Urban Water Management Plan
VHFHSZ	Very High Fire Hazard Severity Zone
VMT	vehicle miles traveled
VOC	volatile organic compound
WMA	Watershed Management Area
WQIP	Water Quality Improvement Plan
ZEV	zero emissions vehicle
Zoning Ordinance	City of Poway Zoning Ordinance

# 1 Executive Summary

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## 1.1 Description

The Harmon Ranch project (proposed project) consists of approximately 11.5 acres and includes a total of 63 new single-family homes, associated site improvements, and retention of the existing historic home (see Figure 1-1, Site Plan). The project proposes approximately 5.7 acres designated for residential development, a 0.25-acre historic home site, 3.2 acres of open space areas, 1.9 acres for private streets, and 0.5 acres of public right-of-way (Oak Knoll Road). The proposed project would include 63 single-family detached homes plus the 1 existing historic home on site for a total of 64 lots within the Specific Plan boundary. The proposed density is 8.8 dwelling units/acre (64 total residential lots/7.26-acre net project area not including private streets), which is just over the existing RS-7 designation density. The proposed project is located in the southern portion of the City, along Oak Knoll Road, south of Poway Road and west of Carriage Road.

The proposed project includes the adoption of the Harmon Ranch Specific Plan (Specific Plan) for the proposed project (Appendix Q), the purpose of which is to develop a link between implementing policies of the Poway Comprehensive Plan: General Plan (General Plan) (City of Poway 1991) and the individual development proposals in a defined area. As required by Government Code Section 65450 et seq. The Specific Plan contains land uses and development regulations that plans to serve regional housing needs through infrastructure requirements, including single-family housing; provide for new public open space area, proximity to jobs and services, and school district rating, through implementation measures for the development of a specific geographic area—in this instance, that area is referred to as the project site or Specific Plan area. The proposed project seeks to implement the recommendations of the proposed Specific Plan.

The new land uses proposed by the Specific Plan include two open space districts. Parcels designated as open space would be permanently preserved as open space through deed restriction, and other non-preserved open space parcels would allow for limited passive and active uses. One residential land use is also proposed. The proposed land uses are described below and outlined in detail in Chapter 3 of this environmental impact report (EIR) and Appendix Q of this EIR:

- **Open Space (OS)** is designed to permanently conserve the on-site open space areas that contain sensitive biological and/or cultural resources. These areas would not be impacted by development of the project and remain as natural open space areas.
- **Open Space – Recreation (OS-R)** is intended to provide passive and active recreational opportunities and open landscaped areas to support the new residential uses and manufactured slopes within the Specific Plan Area. Recreation amenities shall be provided to that support healthy and active lifestyles and encourage community interaction and engagement.
- **Residential Single Family (R-S)** consists of traditional single-family homes plotted on deeded legal lots.

### Specific Plan and Zone Reclassification

The existing General Plan Land Use and Zoning Map designates the entire project site as “Residential Single-Family 7 (RS-7)” (City of Poway 1991). A General Plan amendment and zone change would be processed concurrently with the Specific Plan to designate the project site as “Planned Community (PC).” The amendment consists of both a map amendment and a zoning text amendment. In addition, a new section would be added to the Zoning Ordinance that briefly describes the Harmon Ranch Planned Community. This designation and zoning would be consistent with other specific plan areas throughout the City.

### **Tentative Subdivision Map**

The proposed project includes a tentative subdivision map. The map depicts the grading and drainage, individual residential lots, common ownership lots, public streets, private streets, and infrastructure improvements. The map would be submitted concurrently with the Specific Plan. One or more final subdivision map(s) would be recorded.

### **Project Approvals**

Approvals required to implement the proposed project include (1) a General Plan Amendment, (2) a Zone Change to Planned Community (PC) Zone, (3) a Specific Plan, (4) a Tentative Subdivision Map, (5) a Development Review Permit, and (6) an EIR.

### **Location**

The project site is located in the southern portion of the City, along Oak Knoll Road, south of Poway Road and west of Carriage Road. The project site consists of approximately 11.5 acres and is located at 12623, 12624, 12650, and 12702 Oak Knoll Road and six additional vacant parcels. 1-2, Project Site Vicinity and Aerial Map, depicts an aerial view of the project site vicinity. Figure 1-2, Project Site Vicinity and Aerial Map, depicts an aerial view of the project site and vicinity.

### **Setting**

Currently, the project site consists of approximately 9 acres of disturbed land bisected by existing Oak Knoll Road. The majority of the site was previously utilized as a storage/staging area for San Diego Gas & Electric Company. Additionally, there are four existing homes within the project site. These homes were constructed between 1946 and 1957, and three of these homes would be demolished as part of the project. More detailed descriptions regarding specific environmental conditions are found at the beginning of each section in Chapter 4, Environmental Analysis.

Regionally, the City is situated near the middle of the County, approximately 20 miles north of downtown San Diego via Interstate 15. The project site is approximately 2.5 miles east of Interstate 15. Interstate 15 runs generally parallel to the City’s western border and provides connections to San Diego and Riverside Counties.

Surrounding land uses include mixed use retail land uses and the Kumeyaay Ipai Interpretive Center to the north, Oak Knoll Road, Poway Creek and existing single-family homes to the south, existing single-family homes to the east and multi-family apartment communities to the west.

## 1.2 Summary of Significant Effects and Mitigation Measures that Reduce or Avoid the Significant Impacts

Table 1-1, Summary of Significant Effects and Mitigation Measures, provides a summary of impact analysis, mitigation, and level of significance of impact after mitigation for each issue area. Chapter 4 of this EIR contains the analyses of all issue areas and includes proposed mitigation measures for identified impacts. As discussed in this EIR, implementation of the proposed project would result in significant impacts to air quality, biological resources, cultural and tribal resources, geology and soils, noise, and transportation. However, all significant impacts would all be mitigated to less-than-significant levels, with the exception of transportation. As discussed



in Section 4.15, Transportation, of this EIR, the proposed project would result in significant and unavoidable impacts related to vehicle miles traveled (VMT).

## 1.3 Areas of Controversy

A Notice of Preparation (NOP) was circulated from February 1, 2023, through March 3, 2023, and a scoping meeting held on Thursday, February 16, 2023, at the City of Poway City Council Chambers located at 13325 Civic Center Drive, Poway. The NOP and Public Scoping comments are provided in Appendix A of this EIR. Areas of controversy raised in the NOP public comment letters include the following:

- Aesthetics
- Air Quality
- Biological Resources
- Historic, Cultural and Tribal Cultural Resources
- Greenhouse Gas Emissions
- Hydrology and Water Quality
- Land Use and Planning
- Noise
- Population and Housing
- Public Services
- Recreation
- Transportation
- Utilities and Service Systems
- Wildfires

## 1.4 Issues to be Resolved by the Decision-Making Body

An EIR is an information document, used to inform the decision makers and the public of the environmental effects of a given project. The EIR includes discussion and inclusion of mitigation measures to reduce environmental impacts. The decision-making body must decide whether or how to mitigate significant impacts. The EIR includes a reasonable range of alternatives that might reduce significant impacts while still attaining some of the project's objectives. The decision makers must determine if any of these alternatives could substantially reduce significant impacts and still meet project objectives.

## 1.5 Project Alternatives

Three alternatives have been developed over time as the proposed project has evolved with agency meetings and input:

- No Project/No Development Alternative
- Existing Zoning Alternative
- Density Bonus Alternative

These alternatives are discussed below in this order, as some evolved from the analysis of prior alternatives. All of these alternatives are analyzed in detail within Chapter 6, Alternatives, of this EIR. While some of these would avoid or reduce the proposed project's impacts, they do not meet most of the proposed project's objectives.

### **No Project/No Development Alternative**

The California Environmental Quality Act (CEQA) requires an evaluation of the "No Project" alternative so that decision makers can compare the impacts of approving the proposed project with the impacts of not approving it (California Public Resources Code, Section 21000 et seq.). According to CEQA Guidelines Section 15126.6(e), the No

Project Alternative must include the assumption that conditions at the time of the NOP (i.e., baseline environmental conditions) would not be changed since the proposed project would not be implemented.

The No Project/No Development Alternative assumes that the proposed project would not be developed, which means there would be no residential, recreational, trail, and other community and conservation uses developed on site. Traffic improvements would not be constructed. None of the proposed project site would be permanently preserved as open space. In its existing condition, the site would remain as an undeveloped dirt lot with the four existing residences.

The No Project/No Development Alternative is compared to the proposed project as though it would remain in its existing condition; however, as noted under CEQA, the existing site, a primarily vacant dirt lot, retains underlying General Plan land use designations and zoning. Thus, development of the existing site, consistent with available infrastructure and services, is a reasonably expected occurrence in the foreseeable future, even if the proposed project were not approved.

### **Existing Zoning Alternative**

The Existing Zoning Alternative would have the project site retain its original zoning designation, Residential Single Family 7 (RS-7), instead of changing its zoning to Planned Community (PC). RS-7 zones in the City of Poway permit single-family homes on a minimum of 4,500-square-foot lots and a maximum density of 8 dwelling units per acre (City of Poway 1991). Since the residential project area is 7.26 acres, that means that the project site could have a maximum of 58 housing units, five fewer than the proposed project's goal of 63 units. Although fewer units would be developed, the footprint of disturbance to construct the reduced number of residences would be roughly the same as the proposed project, since the lot sizes would be larger.

### **Density Bonus Alternative**

Under the Density Bonus Alternative, the project site would be developed with up to 92 lots utilizing the state's density Bonus Program. Four (4) of the proposed 92 units under this Alternative would be designated as very low-income units. The 92 units would be single-family homes, with internal circulation and approximately 4,500 square feet of open space recreation area. This Alternative would use the allowed Density Bonus concession request to reduce the zoned minimum lot sizes for the site from 4,500 square feet to 2,400 square feet.

A developer may acquire the right to develop at a specific density under State of California Density Bonus Law (Government Code Sections 65915–65918). The State of California's Density Bonus Law was established to promote the construction of affordable housing units and allows projects to exceed the maximum designated density and to use development standard waivers, reductions or incentives and concessions in exchange for providing affordable housing units in compliance with all current density bonus regulations. The City is required to implement these state requirements. The project proposes 63 total single-family homes, which is fewer than the 92 allowed under the density bonus.

With approval of the Density Bonus, the City may not legally require a reduced number of units the applicant is permitted to construct below the 92 single-family units proposed under this Alternative. This Alternative would provide affordable housing on site to help satisfy the state and City's current and future demand for housing.

## 1.6 Environmentally Superior Alternative

As shown in Table 6-1 (see Chapter 6 of this EIR), implementation of the No Project/No Development Alternative would result in the greatest reduction in significant impacts when compared to the proposed project. Because the No Project/No Development Alternative would result in the least amount of impacts to the environment, it would be the environmentally superior alternative. However, Section 15126.6(e)(2) of the CEQA Guidelines states that if the environmentally superior alternative is the “No Project” alternative, the EIR also must identify an environmentally superior alternative among the other alternatives.

Among the other alternatives, not including the proposed project, the Existing Zoning Alternative would be considered the environmentally superior alternative because it would potentially provide a reduced level of impact in some environmental analysis areas including air quality, noise, and transportation as a result of the slightly reduced unit count. However, under this alternative, impacts to air quality, biological resources, cultural/tribal cultural resources, geology and soils, and noise would still remain as less than significant with mitigation incorporated, similar to the proposed project. The Existing Zoning Alternative is assumed to cover the same development footprint as the proposed project but would result in a slightly decreased unit count and population count on site. Because the Existing Zoning Alternative would cover the same development footprint as the project, impacts to biological resources, cultural/tribal cultural resources, and geology and soils would remain the same as the proposed project and mitigation measures would still be required to mitigate impacts to these environmental resources. Furthermore, due to the project site being located in an urban setting and the limited options available to mitigate VMT impacts for residential projects, the Existing Zoning Alternative would still result in a significant and unavoidable transportation impact due to VMT.

Similar to the proposed project, under this Alternative, a request for Density Bonus would not be applied, as no affordable housing would be proposed, and the applicant would be required to pay a fee in-lieu of providing inclusionary/low-income housing. While this alternative would develop infill housing in an urbanized area and assist the City to implement its housing goals, it would implement less housing compared to the proposed project and less efficiently promote infill development.

The Existing Zoning Alternative would meet all proposed project objectives; however, it would not substantially reduce or avoid significant environmental impacts under the proposed project. Nevertheless, because this alternative would slightly reduce potentially significant impacts in comparison to the project, this alternative is considered the environmentally superior alternative.

Table 1-1. Summary of Significant Effects and Mitigation Measures

Impact No.	Impact	Mitigation	Conclusion and Mitigation Effectiveness
<i>Air Quality</i>			
AQ-1	The proposed project would result in DPM emissions during construction.	<p><b>MM-AQ-1</b> During project construction, the City of Poway shall ensure that the project contractor adheres to the following measures to reduce diesel particulate emissions, including, but not limited to:</p> <ul style="list-style-type: none"> <li>a. All construction equipment greater than 50 horsepower shall be equipped with Tier 4 Interim diesel engines or better. Engines less than 50 horsepower shall be powered by electricity or natural gas (or other alternative fuel).</li> <li>b. The engine size of construction equipment shall be the minimum size suitable for the required job.</li> <li>c. The number of construction equipment operating simultaneously shall be minimized through efficient management practices to ensure that the smallest number is operating at any one time.</li> <li>d. Construction equipment shall be maintained in tune per the manufacturer’s specifications.</li> <li>e. The prime contractor will provide the City of Poway verification of equipment type used during construction.</li> </ul>	Less-than-Significant Impact
<i>Biological Resources</i>			
BIO-1	The proposed project has the potential to result in direct impacts to potentially occurring special-status species.	<p><b>MM-BIO-1</b> Staking and silt fencing shall be installed along the entire perimeter of the construction footprint/area proposed for grading. Additionally, pre-construction environmental awareness educational meetings for the team and crews, as well and biological monitoring during vegetation clearing and grading activities, shall occur. Construction/contractor personnel shall complete a Workers Environmental Awareness Program to ensure compliance with environmental/permit regulations and mitigation measures. Construction-limits staking and</p>	Less-than-Significant Impact

Table 1-1. Summary of Significant Effects and Mitigation Measures

Impact No.	Impact	Mitigation	Conclusion and Mitigation Effectiveness
		<p><b>MM-BIO-3</b></p> <p>biological monitoring shall prevent inadvertent impacts to special-status vegetation or potential special-status wildlife species and their habitat.</p> <p>In accordance with the Migratory Bird Treaty Act of 1918 and Section 3503.5 of the California Fish and Game Code, to avoid any direct impacts to raptors and/or any native/migratory birds, removal of habitat that supports active nests in the proposed project site should occur outside of the breeding season for these species (February 1 to September 15). If removal of habitat in the proposed area of disturbance must occur during the breeding season, a qualified biologist shall conduct a pre-construction survey to determine the presence or absence of nesting birds in the proposed area of disturbance. The pre-construction survey shall be conducted not more than 72 hours prior to the start of construction activities (including removal of vegetation). If any active nests are detected, the area will be flagged and mapped on the construction plans along with a 300- to 500-foot (for raptors) avoidance buffer, and will be avoided until the nesting cycle is complete or it is determined that the nest has failed. Noise monitoring may also be required. The final buffer will be determined by the biologist(s).</p>	
<b>BIO-2</b>	Special-status wildlife may be indirectly affected during project construction.	<p><b>MM-BIO-4</b></p> <p>Prior to construction permit issuance, grading and building plans shall specify the following:</p> <ul style="list-style-type: none"> <li>▪ Employees shall strictly limit their activities, vehicles, equipment, and construction materials to the fenced project footprint.</li> <li>▪ To avoid attracting predators, the project site shall be kept as clean of debris as possible. All food related trash items shall be enclosed in sealed containers and regularly removed from the site.</li> <li>▪ Any lighting installed for project construction should be faced away from riparian and wetland habitat.</li> </ul>	Less-than-Significant Impact

Table 1-1. Summary of Significant Effects and Mitigation Measures

Impact No.	Impact	Mitigation	Conclusion and Mitigation Effectiveness
		<p><b>MM-BIO-5</b></p> <ul style="list-style-type: none"> <li>▪ Appropriate dust control measures (water trucks) should be implemented to reduce the amount of fugitive dust created by the project.</li> <li>▪ Pets of project personnel shall not be allowed on the project site.</li> </ul> <p>All construction activity adjacent to wetland habitat areas shall be required to adhere to measures outlined in the Poway General Plan and Poway Grading Ordinance to avoid degradation to wetland and riparian habitat from erosion. These measures include restrictions on the timing and amount of grading. For example, grading shall be prohibited during the rainy season (October 1st through April 15th) without an approved erosion control plan and program in place. Grading or vegetation removal shall be prohibited adjacent to wetland areas during the rainy season unless determined to be allowable on a site-specific basis with the provision of all necessary erosion control devices, which must be in place and maintained throughout the grading period.</p>	
<b>BIO-3</b>	The proposed project could result in potential indirect impacts, including noise, lighting, and increased human presence and vehicle traffic within the site that could significantly affect nesting birds.	<b>MM-BIO-3 (see mitigation measure outlined above)</b>	Less-than-Significant Impact
<b>BIO-4</b>	The proposed project would result in impacts to sensitive habitats	<p><b>MM-BIO-1 (see mitigation measure outlined above)</b></p> <p><b>MM-BIO-2</b></p> <p>Prior to construction permit issuance, grading and building plans shall ensure that the wetland and riparian area is protected with on-site construction fencing. The construction fencing shall be portrayed on the construction plans. The construction plans shall specify that construction fencing shall be maintained for the entire duration of construction activity until the permanent, outer wall</p>	Less-than-Significant Impact

Table 1-1. Summary of Significant Effects and Mitigation Measures

Impact No.	Impact	Mitigation	Conclusion and Mitigation Effectiveness
		<p>proposed for the new development has been constructed, protecting the adjacent riparian and wetland habitats.</p> <p><b>MM-BIO-4 (see mitigation measure outlined above)</b>  <b>MM-BIO-5 (see mitigation measure outlined above)</b></p>	
<b>BIO-5</b>	Indirect impacts to the wetland and riparian habitat could potentially occur as a result of the proposed project.	<p><b>MM-BIO-1 (see mitigation measure outlined above)</b>  <b>MM-BIO-2 (see mitigation measure outlined above)</b>  <b>MM-BIO-4 (see mitigation measure outlined above)</b>  <b>MM-BIO-5 (see mitigation measure outlined above)</b></p>	Less-than-Significant Impact
<b>BIO-CU-1</b>	The proposed project would potentially contribute to a cumulatively considerable impact to special status species.	<p><b>MM-BIO-3 (see mitigation measure outlined above)</b>  <b>MM-BIO-4 (see mitigation measure outlined above)</b>  <b>MM-BIO-5 (see mitigation measure outlined above)</b></p>	Less-than-Significant Impact
<b>BIO-CU-2</b>	The proposed project would potentially contribute to the cumulative impact to riparian habitat or other sensitive natural communities.	<p><b>MM-BIO-1 (see mitigation measure outlined above)</b>  <b>MM-BIO-2 (see mitigation measure outlined above)</b>  <b>MM-BIO-4 (see mitigation measure outlined above)</b>  <b>MM-BIO-5 (see mitigation measure outlined above)</b></p>	Less-than-Significant Impact
<b>BIO-CU-3</b>	The proposed project would potentially contribute to the cumulative impact to jurisdictional waters and wetlands.	<p><b>MM-BIO-1 (see mitigation measure outlined above)</b>  <b>MM-BIO-2 (see mitigation measure outlined above)</b>  <b>MM-BIO-4 (see mitigation measure outlined above)</b>  <b>MM-BIO-5 (see mitigation measure outlined above)</b></p>	Less-than-Significant Impact

Table 1-1. Summary of Significant Effects and Mitigation Measures

Impact No.	Impact	Mitigation	Conclusion and Mitigation Effectiveness
<i>Cultural and Tribal Cultural Resources</i>			
<b>CUL-1</b>	The project has the potential to materially alter the structure of the rock house (existing historic home) through construction-related vibration impacts.	<p><b>MM-CUL-1</b></p> <p>The project proponent shall inform construction personnel of the location and significance of Harmon House, and of the avoidance and protective measures that shall be implemented when working near the Harmon House. The Harmon House shall be avoided and protected during all phases of construction of the proposed project.</p> <p>Prior to the start of work, a qualified architectural historian, meeting the Secretary of the Interior’s Professional Qualifications Standards for architectural history (U.S. Department of the Interior, 2008) (Qualified Architectural Historian), shall be retained to develop a plan of action for avoidance and protection of the Harmon House, in coordination with the City of Poway, and the project proponent. The plan shall include at a minimum:</p> <ol style="list-style-type: none"> <li>(1) Procedure to review all construction plans to ensure there is a notation of the Harmon House’s location on all construction plans;</li> <li>(2) Initial testing for potential vibration impacts. Should any potential vibration impacts to stone cladding materials be identified as part of the initial testing, construction methods and equipment uses will be reassessed to ensure that no element of the house is damaged due to construction related ground-borne vibration activities;</li> <li>(3) Details and timeline to conduct a preconstruction survey to document the existing condition of the Harmon House prior to the start of any ground disturbing work adjacent to the house;</li> <li>(4) Procedures and timing for the placement and removal of a protective barrier(s) for the Harmon House property;</li> </ol>	Less-than-Significant Impact



**Table 1-1. Summary of Significant Effects and Mitigation Measures**

Impact No.	Impact	Mitigation	Conclusion and Mitigation Effectiveness
		<p>(5) A detailed plan for monitoring of the installation and removal of protective barriers, as well as notification procedures and monitoring for all project-related work within 20 feet of the Harmon House, by the Qualified Architectural Historian, or his or her designee;</p> <p>(6) Details and timeline to conduct a post-construction survey to document the condition of the Harmon House after completion of work described in the project description.</p> <p>The plan shall include details and a deadline for the preparation of a technical memorandum documenting the pre-construction and post-construction conditions of the Harmon House and compliance with protective measures. The plan shall comply with the Secretary of the Interior’s Standards for the Treatment of Historic Properties (Standards) and shall be memorialized in a technical memorandum, which shall be submitted to the City of Poway for review and approval. The final approved plan shall be submitted to the City of Poway no later than 30 days prior to the start of work. The plan shall be provided to the construction foreman at a project kick-off meeting. The technical memorandum documenting the pre-construction and post-construction conditions shall be submitted to the City of Poway within 30 days of completion of work within 20 feet of the Harmon House and removal of the protective barriers.</p>	

Table 1-1. Summary of Significant Effects and Mitigation Measures

Impact No.	Impact	Mitigation	Conclusion and Mitigation Effectiveness
<b>CUL-2</b>	Project implementation may result in a substantial adverse change to the setting of the Harmon House (existing historic home).	<p><b>MM-CUL-2</b></p> <p>In consultation with a qualified architectural historian, meeting the Secretary of the Interior’s Professional Qualifications Standards for architectural history (U.S. Department of the Interior, 2008) (Qualified Architectural Historian), the project proponent will develop and implement a landscape plan for the northern boundary of the Harmon House property. This landscape plan shall include trees that will create a visual screen between the Harmon House and the new development proposed to the north of the property. The implementation of this plan shall be documented in the technical memorandum documenting the pre-construction and post-construction conditions described in MM CUL-1.</p>	Less-than-Significant Impact
<b>CUL-3</b>	Ground disturbance during project construction could result in the potential to unearth buried archaeological resources.	<p><b>MM-CUL-3</b></p> <p>An archaeological resources monitoring program to mitigate potential impacts to undiscovered, buried, or previously undetected elements of any archaeological resources within the project site shall be implemented to the satisfaction of the Lead Agency. The program shall include the following:</p> <ol style="list-style-type: none"> <li>(1) Prior to issuance of a grading permit, the applicant shall provide written verification that a qualified archaeologist has been retained to implement the monitoring program. This verification shall be presented in a letter from the project archaeologist to the Lead Agency. The qualified archaeologist (project archaeologist) shall engage a Traditionally Culturally Affiliated (TCA) Native American representative to participate in the monitoring program. The TCA Native American monitor will be responsible to advise the project archaeologist regarding culturally sensitive artifacts or landforms within the project.</li> <li>(2) The project archaeologist <u>and</u> TCA Native American representative shall attend the pre-grading meeting with the contractors to explain and coordinate the requirements of the monitoring program.</li> <li>(3) Archaeological and Native American monitoring shall be required during grading, unless the project archaeologist <u>and</u> TCA Native American</li> </ol>	Less-than-Significant Impact

Table 1-1. Summary of Significant Effects and Mitigation Measures

Impact No.	Impact	Mitigation	Conclusion and Mitigation Effectiveness
		<p><u>representative</u> determines that the potential for cultural resources has been exhausted. The Native American monitor shall coordinate on-site monitoring with the project archaeologist. Full- or part-time inspections may be considered depending upon the rate of excavation, the materials excavated, and the presence and abundance of artifacts and features. The project archaeologist, in consultation with the Kumeyaay representative, shall provide the City of Poway with any recommendations for reduced monitoring protocol.</p> <p>(4) In the event that previously unidentified cultural resources are discovered during the monitoring program, the project archaeologist and TCA Native American Monitor shall have the authority to divert or temporarily halt ground-disturbance operation, in the area of discovery, to allow for the evaluation of potentially significant cultural resources. The project archaeologist shall contact the Lead Agency at the time of discovery. All discovered cultural resources shall be recorded and tested using standard archaeological protocols. Any resources determined to not be CEQA-significant shall be released to the grading program. For any resources that are determined to be CEQA-significant and eligible for the California Register of Historical Resources, the project archaeologist, in consultation with the lead agency and the TCA Native American Monitor, shall determine the appropriate measures to be implemented in order to mitigate adverse impacts to the significant site.</p> <p>(5) Human Remains: If human remains are encountered during grading, California Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the San Diego County Medical Examiner’s Office has made the necessary findings as to origin. The City of Poway, the TCA Native American Monitor, and the applicant shall be immediately</p>	

Table 1-1. Summary of Significant Effects and Mitigation Measures

Impact No.	Impact	Mitigation	Conclusion and Mitigation Effectiveness
		<p>notified of the discovery of any possible human remains. Further, pursuant to California Public Resources Code Section 5097.98(b), remains shall be left in place and free from disturbance until a final decision as to their treatment and disposition has been made. If the medical examiner determines that the remains are of Native American origin, the NAHC must be contacted within 24 hours. The NAHC must then immediately identify the Most Likely Descendant(s) (MLD) for purposes of receiving notification of discovery. The MLD shall then make recommendations within 48 hours and engage in consultation concerning the treatment of the remains as provided in Public Resources Code Section 5097.98. The TCA Native American Monitor for grading will not necessarily be named as the MLD, and therefore, cannot provide direction until the MLD is determined.</p> <p>(6) All cultural material collected during the grading monitoring program shall be cataloged, analyzed, and subsequently curated according to the current professional laboratory and repository standards. The collections and associated records shall be transferred, including title, to an appropriate curation facility, to be accompanied by payment of the fees necessary for permanent curation.</p> <p>(7) A report documenting the monitoring program, any field investigations, and results of any data recovery programs or site evaluations shall be completed and submitted to the satisfaction of the Lead Agency prior to the issuance of any building permits. The report will include DPR Primary and Archaeological Site Forms.</p>	

Table 1-1. Summary of Significant Effects and Mitigation Measures

Impact No.	Impact	Mitigation	Conclusion and Mitigation Effectiveness
CUL-4	Discovery of human remains on-site would result in potentially significant impacts.	MM-CUL-3 (see mitigation measure outlined above)	Less-than-Significant Impact
CUL-5	If cultural resources are found at the project site, impacts related to tribal cultural resources would be potentially significant.	MM-CUL-3 (see mitigation measure outlined above)	Less-than-Significant Impact
<b>Geology and Soils</b>			
GEO-1	If unexpected intact paleontological resources are unearthed during ground-disturbing activities, then the proposed project could result in significant impacts to unique paleontological resources or sites, or unique geologic features.	<p><b>MM-GEO-1</b></p> <p>Prior to commencement of any grading activity in areas of moderate to high paleontological sensitivity, the applicant shall retain a qualified paleontologist per the Society of Vertebrate Paleontology (SVP) (2010) guidelines. The qualified paleontologist shall attend the preconstruction meeting and a paleontological monitor shall be on-site during rough grading and other significant ground-disturbing activities in areas of previously undisturbed, moderate and/or high paleontological resources sensitivity.</p> <p>In the event that paleontological resources (e.g., fossils) are unearthed during grading, trenching, or large-diameter (two-feet or greater) augering, the paleontological monitor will temporarily halt and/or divert grading activity to allow recovery of paleontological resources. The area of discovery will be roped off with a 50-foot radius buffer. Once documentation and collection of the find is completed, the monitor will remove the rope and allow grading to recommence in the area of the find. Any significant paleontological resources recovered from the Project site during construction of the Project shall be stabilized, prepared, cataloged, and identified to the lowest taxonomic level</p>	Less-than-Significant Impact

Table 1-1. Summary of Significant Effects and Mitigation Measures

Impact No.	Impact	Mitigation	Conclusion and Mitigation Effectiveness
		<p>prior to curation at an accredited fossil repository with retrievable storage, such as the San Diego Natural History Museum.</p> <ol style="list-style-type: none"> <li>1. A qualified paleontologist or a paleontological monitor under the direction and supervision of a qualified paleontologist, shall be on site during original cutting of the Pleistocene terrace deposits and the middle Eocene Friars Formation. A paleontological monitor is defined as an individual who has at least one year of experience in field identification and collection of fossil materials, and who is working under the direction of a qualified paleontologist. Monitoring of the noted geologic unit shall be conducted <del>at least half time</del> at the beginning of excavation and may be either increased or decreased thereafter depending upon initial results (per direction of a qualified paleontologist).               <ol style="list-style-type: none"> <li>a) Qualified Paleontologist: The project paleontologist is a person who has a Ph.D. or M.S. or equivalent in paleontology or closely related field (e.g., sedimentary or stratigraphic geology, evolutionary biology); has a demonstrated knowledge of Southern California paleontology and geology; and has documented experience performing professional paleontological procedures and techniques.</li> <li>b) Qualified Paleontological Monitor: A paleontological monitor is defined as an individual with at least one year of experience in field identification and collecting of fossil materials.</li> </ol> </li> <li>1. Monitoring of the noted geologic units (Pleistocene terrace deposits and Eocene Friars Formation) shall be conducted full-time at the beginning of the excavation and may be decreased thereafter by the qualified paleontologist depending upon initial results of monitoring.</li> </ol>	

Table 1-1. Summary of Significant Effects and Mitigation Measures

Impact No.	Impact	Mitigation	Conclusion and Mitigation Effectiveness
		<ol style="list-style-type: none"> <li data-bbox="831 418 1759 672">2. In the event that well-preserved fossils are discovered, a qualified paleontologist shall have the authority to temporarily halt or redirect construction activities in the discovery area to allow recovery in a timely manner (typically on the order of one hour to two days). All collected fossil remains shall be cleaned, sorted, cataloged and deposited in an appropriate scientific institution (such as the San Diego Natural History Museum) at the applicant’s expense.</li> <li data-bbox="831 688 1759 828">3. A report (with a map showing fossil site locations) summarizing the results, analyses, and conclusions of the above-described monitoring/recovery program shall be submitted to the City of Poway within three months of terminating monitoring activities.</li> </ol>	

Table 1-1. Summary of Significant Effects and Mitigation Measures

Impact No.	Impact	Mitigation	Conclusion and Mitigation Effectiveness
<i>Noise</i>			
<b>NOI-1</b>	The project could result in potentially significant construction noise impacts upon existing residences in the project vicinity.	<p><b>MM-NOI-1</b> Prior to the issuance of a Construction Permit, the project applicant/owner or construction contractor shall prepare and submit to the City of Poway Planning Division, for its review and approval, a Construction Noise Management Plan (CNMP). Prior to the issuance of a Construction Permit, construction plans shall also include a note indicating compliance with the CNMP is required. The CNMP shall be prepared or reviewed by a qualified acoustician (retained at the project applicant/owner or construction contractor’s expense) and feature the following:</p> <ol style="list-style-type: none"> <li>1. A detailed construction schedule, at daily (or weekly, if activities during each day of the week are typical) resolution and correlating to areas or zones of on-site project construction activities and the anticipated equipment types and quantities involved. Information shall include expected hours of actual operation per day for each type of equipment per phase and indication of anticipated concurrent construction activities on site.</li> <li>2. Suggested locations for noise level monitoring, attended by a qualified acoustician or another party under his/her supervision or direction, at which sample outdoor ambient noise levels will be measured and collected over a sufficient sample period and subsequently analyzed to ascertain compliance with the eight-hour City of Poway threshold of 75 dBA equivalent noise level. Sampling shall be performed, at a minimum, on the first (or otherwise considered typical construction operations) day of each distinct construction phase (e.g., each of the six listed phases in Table 4.11-3, Estimated Distances between Construction Activities and the Nearest Noise-Sensitive Receptors).</li> </ol>	Less-than-Significant Impact

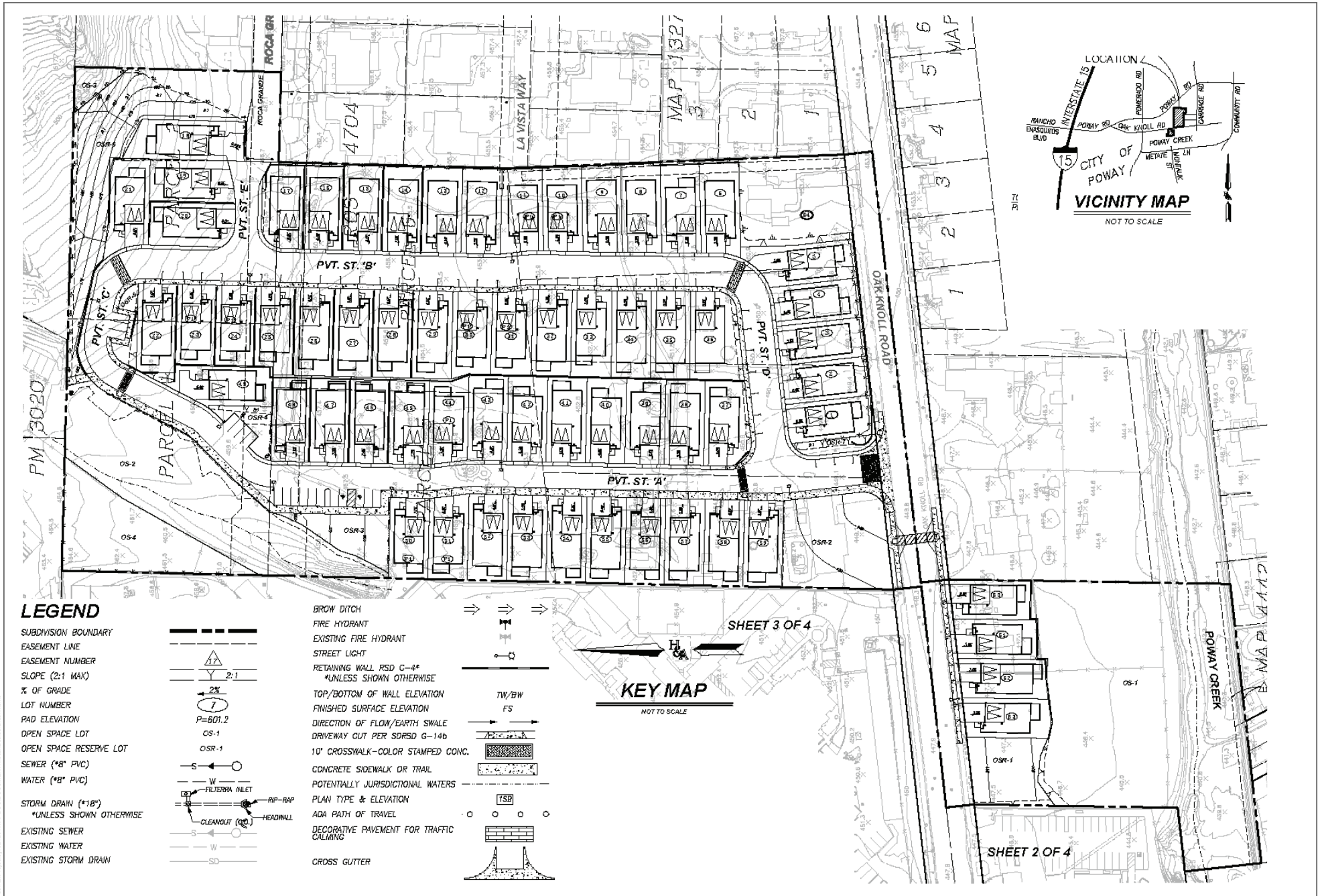


Table 1-1. Summary of Significant Effects and Mitigation Measures

Impact No.	Impact	Mitigation	Conclusion and Mitigation Effectiveness
		<p>3. If sample collected noise level data indicates that the eight-hour noise threshold has or will be exceeded, construction work shall be suspended (for the activity or phase of concern) and the project applicant/owner or construction contractor shall implement one or more of the following measures as detailed or specified in the CNMP:</p> <ul style="list-style-type: none"> <li>a) Administrative controls (e.g., reduce operating time of equipment and/or prohibit usage of equipment type[s] within certain distances of noise-sensitive receptors).</li> <li>b) Engineering controls (upgrade noise controls, such as install better engine exhaust mufflers, silencers, engine bay dampening, etc.).</li> <li>c) Install noise abatement on the project site boundary fencing (or within the project site, as practical and appropriate) in the form of sound blankets or comparable temporary barriers to occlude construction noise transmission between the project site (or specific equipment operation as the situation may define) and the noise-sensitive receptor(s) of concern.</li> </ul> <p>The implemented measure(s) shall be reviewed or otherwise inspected and approved by the qualified acoustician (or another party under his/her supervision or direction) prior to resumption of the construction activity or process that caused the measured noise of concern or need for noise mitigation. Noise levels shall be re-measured, after installation of said measures, to ascertain post-mitigation compliance with the noise threshold. As needed, this process shall be repeated and refined until noise level compliance is demonstrated and documented. A report of this implemented mitigation and its documented success shall be provided to the City of Poway Planning Division.</p>	

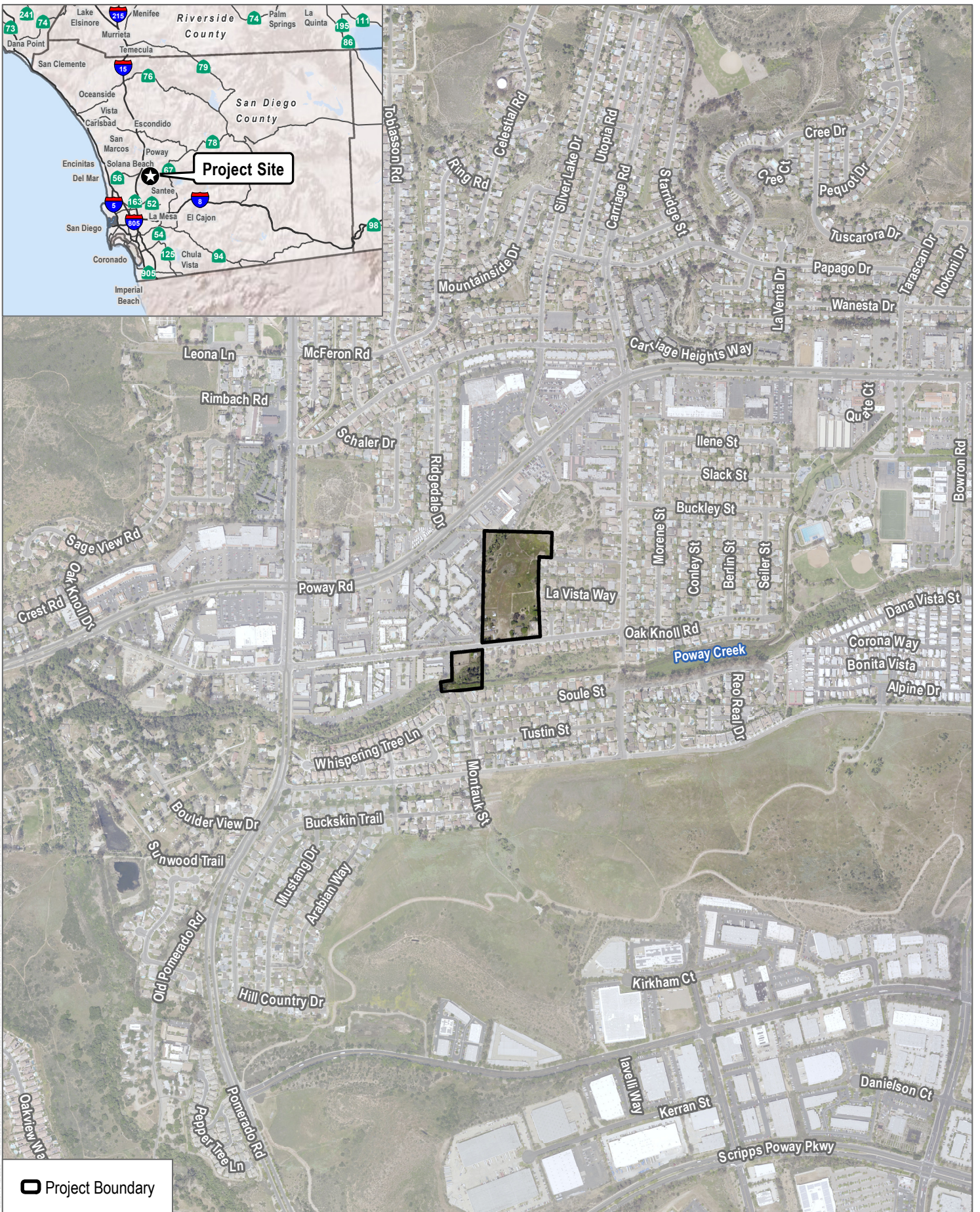
Table 1-1. Summary of Significant Effects and Mitigation Measures

Impact No.	Impact	Mitigation	Conclusion and Mitigation Effectiveness
		<p>4. The project applicant/owner or construction contractor shall make available a telephone hotline so that concerned neighbors in the community may call to report noise complaints. The CNMP shall include a process to investigate these complaints and, if determined to be valid, detail efforts to provide a timely response and resolution to the complainant—with copy of resolution provided to the City of Poway Planning Division.</p>	
<b>Transportation</b>			
<b>TRA-1</b>	<p>The proposed project would generate a VMT per capita over the regional threshold.</p>	<p><b>MM-TRA-1 Provide Community-Based Travel Planning.</b> The project HOA <del>would</del> <u>shall</u> provide alternative modes of transportation information to residents and tenant as a part of the "New Resident" or "New Tenant" package. The HOA will also provide residents with transit schedules within the area, and alert residents when new transit services are added, or services are charged. The HOA will also act as Travel Advisor, providing new residents and tenants with information regarding how members of households can travel in alternative ways that meet their needs.</p> <p>Based on US Census data, the average people per household within the City is 2.99. Therefore, the project would be anticipated to have a total of 191 residents (2.99 people per household X 64 units). All project residents would be targeted with the CBTP. (191 CBTP Targeted Residences/191 Total Residents) x 19% x 12% x 1 = 2.3% VMT Reduction.</p>	<p>Significant and Unavoidable Impact</p>



SOURCE: Hunksaker 2023

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Project Boundary

SOURCE: SAN GIS 2017



**FIGURE 1-2**  
 Project Site Vicinity and Aerial Map  
 Harmon Ranch Specific Plan Project EIR

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# 2 Introduction

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This draft environmental impact report (EIR) for the Harmon Ranch project and associated discretionary actions described in Chapter 3, Project Description, (collectively referred to throughout this EIR as the “proposed project”) has been prepared for the City of Poway (City) in accordance with the California Environmental Quality Act (CEQA) Statute (California Public Resources Code, Section 21000 et seq.) and CEQA Guidelines (14 CCR 15000 et seq.), as well as CEQA’s Significance Determination Thresholds (Appendix G of the CEQA Guidelines).

The proposed project includes the adoption of the Harmon Ranch Specific Plan (Specific Plan) for the proposed project (Appendix Q), the purpose of which is to develop a link between implementing policies of the Poway Comprehensive Plan: General Plan (General Plan) (City of Poway 1991) and the individual development proposals in a defined area. ~~As required by Government Code Section 65450 et seq., the Specific Plan contains land uses and development regulations that plans to serve regional housing needs through infrastructure requirements, including single family housing; provide for new public open space area, proximity to jobs and services, and school district rating, through implementation measures for the development of a specific geographic area in this instance, that area is referred to as the project site or Specific Plan area. In accordance with California Government Code Section 65450 et seq., the Specific Plan outlines land use designations and development guidelines aimed at addressing regional housing demands while ensuring the provision of essential infrastructure, including single-family housing. Additionally, it encompasses measures to facilitate the creation of new public open spaces and promote proximity to employment opportunities, essential services, and quality schools. The Specific Plan prepared for the project covers all proposed uses within the project site boundary.~~

The proposed project seeks to implement the recommendations of the proposed Specific Plan. These provisions require that a specific plan be consistent with the adopted general plan. The City has responded to this mandate by adopting Specific Plan policies and objectives for the proposed project. The City will consider the Specific Plan policies and objectives when evaluating the alternatives presented in this EIR. Please refer to Chapter 3 for further details regarding the components of the proposed project.

## 2.1 Purpose and Intended Uses

### 2.1.1 EIR Purpose

This EIR seeks to do the following:

- Inform governmental decision makers and the general public of the potentially significant environmental effects of the proposed project
- Identify the ways that environmental damage can be avoided or significantly reduced
- Reduce environmental impacts by identifying changes in the proposed project through the use of alternatives or mitigation measures
- Streamline environmental review for subsequent projects consistent with the project

### 2.1.2 Intended Use of the EIR

This EIR was prepared in accordance with CEQA (California Public Resources Code Section 21000 et seq.), the CEQA Guidelines (14 CCR 15000 et seq.), and the City’s Environmental Review Procedures.

The EIR is an informational document that will provide the City’s decision makers, public agencies, responsible and trustee agencies, and members of the public with information about (1) the potential for significant adverse environmental impacts that would result from the development of the proposed project, (2) feasible or potentially feasible ways to minimize any significant adverse environmental impacts that would result from the development of the proposed project, and (3) a reasonable range of potentially feasible alternatives to the proposed project that would reduce or avoid significant adverse environmental impacts associated with the proposed project (California Public Resources Code Section 21002.1[a]; 14 CCR 15121[a]). Responsible and trustee agencies may use this EIR to fulfill their legal authority to issue permits for the proposed project. The analysis and findings in this EIR reflect the independent judgment of the City.

The City is the Lead Agency for the EIR and will perform the entitlement processing of the proposed project. When deciding whether to approve the proposed project, the City will use the information in this EIR to consider potential impacts to the physical environment associated with the proposed project. Subsequent to the certification of the Final EIR, agencies with permitting authority over all or portions of the proposed project will use the Final EIR as the basis for their evaluation of the environmental effects related to the proposed project that will culminate with the approval or denial of applicable permits.

This EIR evaluates the potential environmental impacts of the proposed project. This EIR evaluates all elements of the proposed project, including the construction (short-term) and operational (long-term) impacts associated with its development.

## 2.2 EIR Legal Authority

### 2.2.1 Lead Agency

The City is the Lead Agency, defined in CEQA Guidelines Sections 15050 and 15367 as the “public agency which has the principal responsibility for carrying out or approving a project.” This EIR is intended to analyze the environmental impacts associated with the discretionary actions that require ultimate approval by the Poway City Council.

### 2.2.2 Responsible and Trustee Agencies

Responsible agencies have discretionary approval over one or more actions involved with development of the proposed project, and responsible and trustee agencies are state agencies with discretionary approval or jurisdiction by law over natural resources, which may be impacted. Table 3-1, Proposed Discretionary Approvals and Permits, in Chapter 3 lists all approvals (e.g., permits, financing approvals, or participation agreements) that are expected to be required from the City and other public agencies. Trustee agencies are defined in CEQA Guidelines Section 15386 as agencies that have jurisdiction by law over natural resources affected by a project that are held in trust for the people of the State of California, including the California State Lands Commission; University of California, San Diego; California Department of Fish and Wildlife; and California Department of Parks and Recreation.



## 2.3 EIR Type, Scope and Content, and Format

### 2.3.1 Type of EIR

This EIR has been prepared as a project EIR, as defined in CEQA Guidelines Section 15161. In accordance with CEQA, this EIR examines the environmental impacts of the proposed project, which is composed of a series of actions. The combined actions can be characterized as one large project for the purpose of this study and are herein referred to as the “proposed project.” The EIR focuses primarily on the physical changes in the environment that would result from the adoption and implementation of the proposed project, and other related actions described more fully in Chapter 3, including anticipated impacts that could result during future construction and operation.

### 2.3.2 EIR Scope and Content

The scope of analysis for this EIR was determined by the City as a result of initial project review and consideration of comments received in response to the Notice of Preparation circulated February 1, 2023, through March 3, 2023, and a scoping meeting held on Thursday, February 16, 2023, at the City of Poway City Council Chambers located at 13325 Civic Center Drive, Poway. The Notice of Preparation and public comments received are included as Appendix A of this EIR. Through these scoping activities, the proposed project was determined to have the potential to result in significant environmental impacts to the following subject areas:

- Aesthetics
- Air Quality
- Biological Resources
- Cultural and Tribal Cultural Resources
- Energy
- Geology and Soils
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Noise
- Population and Housing
- Public Services
- Recreation
- Transportation
- Utilities and Services Systems
- Wildfire

The intent of this EIR is to determine whether implementation of the proposed project would have a significant effect on the environment through analysis of the issues identified during the scoping process. Each environmental issue area includes the following: a presentation of the threshold(s) of significance for the particular issue area under evaluation based on CEQA’s Significance Determination Thresholds; an issue statement; an assessment of impacts associated with implementation of the proposed project; a summary of the significance of project impacts; and recommendations for mitigation measures, as appropriate. Pursuant to CEQA Guidelines Section 15126, all discretionary actions associated with the proposed project are considered in this EIR when evaluating its potential impacts on the environment, including the construction of future development and operational phases. Impacts are identified as direct or indirect, short term or long term, and assessed on a plan-to-ground basis. The plan-to-ground analysis addresses the changes or impacts that would result from implementation of the proposed project compared to existing ground conditions.

### 2.3.3 EIR Format

#### Organization

The following is brief overview of the various chapters of this EIR:

- **Chapter 1, Executive Summary.** This chapter provides a summary of the EIR; a brief description of the proposed project; an identification of areas of controversy; and a summary table identifying significant impacts, proposed mitigation measures, and the significance of impact after mitigation. A summary of the proposed project alternatives and a comparison of the potential impacts of the alternatives with those of the proposed project are also provided.
- **Chapter 2, Introduction.** This chapter contains an overview of the legal authority, purpose, and intended uses of the EIR, as well as its scope and content. It also provides a discussion of the CEQA environmental review process, including public involvement.
- **Chapter 3, Project Description.** Provides a detailed discussion of the proposed project, including background, objectives, and key features.
- **Chapter 4, Environmental Analysis.** This chapter provides a detailed evaluation of the potential environmental impacts associated with the proposed project for environmental and land use issues. The analysis of each issue begins with a discussion of the existing conditions, regulatory framework, and a statement of the specific thresholds used to determine the significance of impacts, followed by an evaluation of potential impacts and identification of specific mitigation measures to avoid or reduce significant impacts (if any). A statement regarding the significance of the impact after mitigation is also provided.
- **Chapter 5, Other CEQA Considerations.** This chapter evaluates the potential influence the proposed project may have on economic or population growth within the project vicinity and the region, either directly or indirectly. It identifies all of the issues determined in the scoping and preliminary environmental review process to not be significant, and briefly summarizes the basis for these determinations. It also identifies impacts that are significant and unavoidable, or irreversible, as well as describes mandatory findings of significance.
- **Chapter 6, Alternatives.** This chapter provides a description of the alternatives to the proposed project, including the No Project/No Build Alternative.
- **Chapter 7, References.** This chapter lists all of the references cited in the EIR.
- **Chapter 8, List of Preparers.** This chapter identifies all of the agencies, organizations, and individuals responsible for the preparation of the EIR.

#### Technical Appendices

Technical reports, used as a basis for much of the environmental analysis in the EIR, have been summarized in the EIR, and are included as appendices to this EIR. The technical reports prepared for the proposed project and their location in the EIR are listed in the table of contents.

#### Incorporation by Reference

As permitted by CEQA Guidelines Section 15150, this EIR references several technical studies and reports. Information from these documents is briefly summarized in this EIR, and their relationship to this EIR is described in the respective chapters. All reference materials are included in Chapter 7, and are hereby incorporated by reference.

## 2.4 EIR Process

The City, as Lead Agency, is responsible for the preparation and review of this EIR. The EIR review process occurs in two basic stages. The first stage is the Draft EIR, which offers the public the opportunity to comment on the document, and the second stage is the Final EIR.

### 2.4.1 Draft EIR

In accordance with CEQA Guidelines Section 15105, the Draft EIR is distributed for review to the public and interested and affected agencies for a review period of 45 days. The purpose of the review period is to allow the public an opportunity to provide comments “on the sufficiency of the document in identifying and analyzing the possible impacts on the environment and ways in which the significant effects of the project might be avoided and mitigated” (14 CCR 15204). In accordance with CEQA Guidelines Sections 15085 and 15087(a)(1), upon completion of the Draft EIR, a Notice of Completion will be filed with the State Office of Planning and Research and a Notice of Availability of the Draft EIR will be issued in a newspaper of general circulation in the area.

### 2.4.2 Final EIR

Comments addressing the scope and adequacy of the environmental analysis will be solicited during the Draft EIR public review. Following the end of the public review period, the City, as the Lead Agency, will provide written responses to comments received on the Draft EIR per CEQA Guidelines Section 15088. All comments and responses will be considered in the review of the EIR.

The Draft EIR was circulated for public review from November 15, 2023, through December 29, 2023, in accordance with Section 15105(a) of the CEQA Guidelines. A total of 20 written comment letters were received on the Draft EIR from agencies, organizations, and individuals, as shown in Table 2-1. Appendix S, which includes both public comment letters and responses to each comment letter received, has been included as part of the Final EIR. Each of the written comment letters has been assigned an alphanumeric label, and the individual comments within each written comment letter are bracketed and numbered. For example, Comment Letter A1 contains one comment that is numbered A1-1.

**Table 2-1. List of Commenters**

<u>Commenter</u>	<u>Letter Date</u>	<u>Letter No.</u>
<b><u>Agencies</u></b>		
<u>Poway Unified School District</u>	<u>November 30, 2023</u>	<u>A1</u>
<u>Poway Unified School District</u>	<u>December 11, 2023</u>	<u>A2</u>
<u>California Department of Fish and Wildlife</u>	<u>December 28, 2023</u>	<u>A3</u>
<b><u>Organizations</u></b>		
<u>Poway Historical and Memorial Society</u>	<u>December 29, 2023</u>	<u>O1</u>
<b><u>Tribes</u></b>		
<u>Barona Band of Mission Indians</u>	<u>November 15, 2023</u>	<u>T1</u>

**Table 2-1. List of Commenters**

<b>Commenter</b>	<b>Letter Date</b>	<b>Letter No.</b>
<b><i>Individuals</i></b>		
<u>Lynn Moore</u>	<u>November 15, 2023</u>	<u>I1</u>
<u>Emily Carl</u>	<u>November 17, 2023</u>	<u>I2</u>
<u>Robin Franceschi</u>	<u>November 20, 2023</u>	<u>I3</u>
<u>R.W. “Nick” Stavros</u>	<u>November 26, 2023</u>	<u>I4</u>
<u>Scott and Teresa Sellers (Teresa Sorg)</u>	<u>December 3, 2023</u>	<u>I5</u>
<u>Timothy Handley</u>	<u>December 12, 2023</u>	<u>I6</u>
<u>Buzz Mann</u>	<u>December 17, 2023</u>	<u>I7</u>
<u>Kathy Wright</u>	<u>December 19, 2023</u>	<u>I8</u>
<u>Emily Carl</u>	<u>December 22, 2023</u>	<u>I9</u>
<u>Chris Cruse</u>	<u>December 27, 2023</u>	<u>I10</u>
<u>Anne Ponsford Tipps, MD</u>	<u>December 28, 2023</u>	<u>I11</u>
<u>Christine Vickers</u>	<u>December 28, 2023</u>	<u>I12</u>
<u>Kim Gollner</u>	<u>December 29, 2023</u>	<u>I13</u>
<u>Anne Ponsford Tipps, MD</u>	<u>December 29, 2023</u>	<u>I14</u>
<u>Juzar Merchant</u>	<u>December 29, 2023</u>	<u>I15</u>

The responses to the comments on the Draft EIR represent a good-faith, reasoned effort to address the environmental issues identified by the comments. Under the CEQA Guidelines, the City, as lead agency, is not required to respond to all comments on the Draft EIR, but only those comments that raise environmental issues. In accordance with CEQA Guidelines Sections 15088 and 15204, the City has independently evaluated the comments and prepared written responses describing the disposition of any significant environmental issues raised (see Appendix S to the Final EIR). CEQA does not require the City to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters.

Rather, CEQA requires the lead agency to provide a good-faith, reasoned analysis supported by factual information. To fulfill these requirements, the City’s experts in planning and environmental sciences consulted with its environmental consultant (Dudek) and other experts and independently reviewed the analysis responding to the Draft EIR comments prepared by Dudek and other experts, each of whom has years of educational and field experience in these categories of environmental sciences; is familiar with the project and the environmental conditions in the City; and is familiar with the federal, state, and local rules and regulations (including CEQA) applicable to the proposed project. Accordingly, the final analysis provided in the responses to comments is supported by substantial evidence.

Changes have been made to the Final EIR in ~~strikeout~~/underline format in response to comments and to provide updates and clarifications to information provided herein. Consistent with CEQA Guidelines Section 15088.5(b), these revisions have been made to clarify text for consistency or revise punctuation as appropriate throughout the

document, and these revisions do not constitute new significant information that would require recirculation of the document.

Table 2-2 summarizes changes made to the Draft EIR, by EIR chapter and section, and shows original text included and proposed changes to the text. In addition to the changes made in the EIR outlined below. Final revised versions of the Geotechnical Report (Appendix G), Specific Plan (Appendix Q), and Evacuation Plan (Appendix R), that address public comments received, are included as part of the Final EIR. Revisions made in these technical appendices have been made for clarification purposes and do not constitute new significant information.

**Table 2-2. Summary of Changes to the Draft EIR**

Section	Original Text	Proposed Change(s)
<b>Executive Summary</b>		
Section 1.2, Page 1-12, Table 1-1 (MM-CUL-3)	<p>(2) The project archaeologist TCA Native American representative shall attend the pre-grading meeting with the contractors to explain and coordinate the requirements of the monitoring program.</p> <p>(3) Archaeological and Native American monitoring shall be required during grading, unless the project archaeologist determines that the potential for cultural resources has been exhausted. The Native American monitor shall coordinate on-site monitoring with the project archaeologist. Full- or part-time inspections may be considered depending upon the rate of excavation, the materials excavated, and the presence and abundance of artifacts and features. The project archaeologist, in consultation with the Kumeyaay representative, shall provide the City of Poway with any recommendations for reduced monitoring protocol.</p>	<p>(2) The project archaeologist <u>and</u> TCA Native American representative shall attend the pre-grading meeting with the contractors to explain and coordinate the requirements of the monitoring program.</p> <p>(3) Archaeological and Native American monitoring shall be required during grading, unless the project archaeologist <u>and TCA Native American representative</u> determines that the potential for cultural resources has been exhausted. The Native American monitor shall coordinate on-site monitoring with the project archaeologist. Full- or part-time inspections may be considered depending upon the rate of excavation, the materials excavated, and the presence and abundance of artifacts and features. The project archaeologist, in consultation with the Kumeyaay representative, shall provide the City of Poway with any recommendations for reduced monitoring protocol.</p>
Section 1.2, Page 1-16, Table 1-1 (MM-GEO-1)	<p>1. A qualified paleontologist or a paleontological monitor under the direction and supervision of a qualified paleontologist, shall be on site during original cutting of the Pleistocene terrace deposits and the middle Eocene Friars Formation. A paleontological monitor is defined as an individual who has at least one year of experience in field identification and collection of fossil materials, and who is working under the direction of a qualified paleontologist. Monitoring of the noted geologic unit shall be conducted at least half-time at the beginning of excavation and may be either increased or decreased thereafter depending upon initial results (per direction of a qualified paleontologist).</p>	<p>1. A qualified paleontologist or a paleontological monitor under the direction and supervision of a qualified paleontologist, shall be on site during original cutting of the Pleistocene terrace deposits and the middle Eocene Friars Formation. A paleontological monitor is defined as an individual who has at least one year of experience in field identification and collection of fossil materials, and who is working under the direction of a qualified paleontologist. Monitoring of the noted geologic unit shall be conducted <u>at least half-time</u> at the beginning of excavation and may be either increased or decreased thereafter depending upon initial results (per direction of a qualified paleontologist).</p>

Table 2-2. Summary of Changes to the Draft EIR

Section	Original Text	Proposed Change(s)
Section 1.2, Page 1-20, Table 1-1 (MM-TRA-1)	<b>Provide Community-Based Travel Planning.</b> The project HOA would provide alternative modes of transportation information to residents and tenant as a part of the “New Resident” or “New Tenant” package. The HOA will also provide residents with transit schedules within the area, and alert residents when new transit services are added, or services are charged. The HOA will also act as Travel Advisor, providing new residents and tenants with information regarding how members of households can travel in alternative ways that meet their needs.	<b>Provide Community-Based Travel Planning.</b> The project HOA <del>would</del> shall provide alternative modes of transportation information to residents and tenant as a part of the “New Resident” or “New Tenant” package. The HOA will also provide residents with transit schedules within the area, and alert residents when new transit services are added, or services are charged. The HOA will also act as Travel Advisor, providing new residents and tenants with information regarding how members of households can travel in alternative ways that meet their needs.
<b>Introduction</b>		
Section 2, Page 2-1	As required by Government Code Section 65450 et seq., the Specific Plan contains land uses and development regulations that plans to serve regional housing needs through infrastructure requirements, including single-family housing; provide for new public open space area, proximity to jobs and services, and school district rating, through implementation measures for the development of a specific geographic area—in this instance, that area is referred to as the project site or Specific Plan area.	<p><del>As required by Government Code Section 65450 et seq., the Specific Plan contains land uses and development regulations that plans to serve regional housing needs through infrastructure requirements, including single-family housing; provide for new public open space area, proximity to jobs and services, and school district rating, through implementation measures for the development of a specific geographic area—in this instance, that area is referred to as the project site or Specific Plan area.</del></p> <p><u>In accordance with California Government Code Section 65450 et seq., the Specific Plan outlines land use designations and development guidelines aimed at addressing regional housing demands while ensuring the provision of essential infrastructure, including single-family housing. Additionally, it encompasses measures to facilitate the creation of new public open spaces and promote proximity to employment opportunities, essential services, and quality schools. The Specific Plan prepared for the project covers all proposed uses within the project site boundary.</u></p>
0	(Information re: changes in the Final EIR inserted after first paragraph.)	<u>The Draft EIR was circulated for public review from November 15, 2023, through December 29, 2023, in accordance with Section 15105(a) of the CEQA Guidelines. A total of 20 written comment letters were received on the Draft EIR from agencies, organizations, and individuals, as shown in Table 2-1. Appendix S, which includes both public comment letters</u>

Table 2-2. Summary of Changes to the Draft EIR

Section	Original Text	Proposed Change(s)
		<p><u>and responses to each comment letter received, has been included as part of the Final EIR. Each of the written comment letters has been assigned an alphanumeric label, and the individual comments within each written comment letter are bracketed and numbered. For example, Comment Letter A1 contains one comment that is numbered A1-1.</u></p> <p><u>[Table 2-1. List of Commenters]</u></p> <p><u>The responses to the comments on the Draft EIR represent a good-faith, reasoned effort to address the environmental issues identified by the comments. Under the CEQA Guidelines, the City, as lead agency, is not required to respond to all comments on the Draft EIR, but only those comments that raise environmental issues. In accordance with CEQA Guidelines Sections 15088 and 15204, the City has independently evaluated the comments and prepared written responses describing the disposition of any significant environmental issues raised (see Appendix S to the Final EIR). CEQA does not require the City to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters.</u></p> <p><u>Rather, CEQA requires the lead agency to provide a good-faith, reasoned analysis supported by factual information. To fulfill these requirements, the City’s experts in planning and environmental sciences consulted with its environmental consultant (Dudek) and other experts and independently reviewed the analysis responding to the Draft EIR comments prepared by Dudek and other experts, each of whom has years of educational and field experience in these categories of environmental sciences; is familiar with the project and the environmental conditions in the City; and is familiar with the federal, state, and local rules and regulations (including CEQA) applicable to the proposed project. Accordingly, the final analysis provided in the responses to comments is supported by substantial evidence.</u></p> <p><u>Changes have been made to the Final EIR in <del>strikeout</del>/underline format in response to</u></p>

Table 2-2. Summary of Changes to the Draft EIR

Section	Original Text	Proposed Change(s)
		<p><u>comments and to provide updates and clarifications to information provided herein. Consistent with CEQA Guidelines Section 15088.5(b), these revisions have been made to clarify text for consistency or revise punctuation as appropriate throughout the document, and these revisions do not constitute new significant information that would require recirculation of the document.</u></p> <p><u>Table 2-2 summarizes changes made to the Draft EIR, by EIR chapter and section, and shows original text included and proposed changes to the text.</u></p> <p><u>[Table 2-2, Summary of Changes to the Draft EIR]</u></p> <p>When deciding whether to approve the proposed project, the City will use the information provided in the Final EIR to consider potential impacts to the physical environment. The City will also consider all written comments received on the Draft EIR during the 45-day public review period in making its decision to certify the Final EIR as complete and compliant with CEQA and in making its determination whether to approve or deny the proposed project. Environmental considerations, as well as economic and social factors, will be weighed by the City to determine the most appropriate course of action.</p>
Section 2.4.2, Page 2-22	Detailed responses to the comments received during public review, a Mitigation Monitoring and Reporting Program, Findings of Fact, and a Statement of Overriding Considerations for impacts identified in the Draft EIR as significant and unmitigable will be prepared and compiled as part of the EIR finalization process. The Final EIR will be available for public review at least 14 days before the City Council hearing in order to provide commenters the opportunity to review the written responses to their comment letters. The culmination of this process is a public hearing where the City Council will determine whether to certify the Final EIR and adopt the Mitigation Monitoring and Reporting Program, Findings of Fact, and Statement of Overriding	Detailed responses to the comments received during public review, a Mitigation Monitoring and Reporting Program, Findings of Fact, and a Statement of Overriding Considerations for impacts identified in the Draft EIR as significant and unmitigable will be prepared and compiled as part of the EIR finalization process. The Final EIR will be available for public review at least <del>10</del> 14 days before the City Council hearing in order to provide commenters the opportunity to review the written responses to their comment letters. The culmination of this process is a public hearing where the City Council will determine whether to certify the Final EIR and adopt the Mitigation Monitoring and Reporting Program, Findings of Fact, and Statement of



Table 2-2. Summary of Changes to the Draft EIR

Section	Original Text	Proposed Change(s)
	Considerations as being complete and in accordance with CEQA.	Overriding Considerations as being complete and in accordance with CEQA. <u>If the proposed project is approved, the City will file a Notice of Determination with the State Clearinghouse and San Diego County Clerk within 5 working days after project approval (14 CCR 15094.) Subsequent to certification of the Final EIR, agencies with permitting authority over all or portions of the proposed project may use the Final EIR's evaluation of the proposed project's environmental effects in considering whether to approve or deny applicable permits.</u>
<b>Project Description</b>		
Section 3.1, Page 3-1	The underlying purpose of the proposed project is to develop approximately 11.5 acres of disturbed land, bisected by existing Oak Knoll Road. Project implementation would be guided by the following statement of project objectives (Appendix Q):	<del>The underlying purpose of t</del> The proposed project <del>is to</del> <u>would allow the development</u> of approximately 11.5 acres of disturbed land, bisected by <del>the</del> existing Oak Knoll Road. Project implementation would be guided by the following statement of project objectives (Appendix Q):
Section 3.2.1, Page 3-2	<p>The proposed density is 8.8 dwelling units/acre (64 total residential lots/7.26-acre net project area-not including private streets), which is just over the existing RS-7 designation density. The proposed project is located in the southern portion of the City, along Oak Knoll Road, south of Poway Road and west of Carriage Road.</p> <p>The new land uses proposed by the Specific Plan include two open space uses and one residential land use. Parcels designated as open space would be permanently preserved as open space through deed restrictions. One residential land use is also proposed. The proposed land uses are described below (Appendix Q):</p>	<p>The proposed project would include 63 single-family detached homes plus the 1 existing historic home on site for a total of 64 lots within the Specific Plan boundary. The proposed density is 8.8 dwelling units/acre (64 total residential lots/7.26-acre net project area-not including private streets), which is just over the <u>maximum allowed under the</u> existing RS-7 designation density. The proposed project is located in the southern portion of the City, along Oak Knoll Road, south of Poway Road and west of Carriage Road.</p> <p>The new land uses proposed by the Specific Plan include two open space <u>land use designations</u> <del>uses</del> and one residential land use. Parcels designated as open space would be permanently preserved as open space through deed restrictions. One residential land use <u>designation</u> is also proposed. The proposed land uses are described below (Appendix Q):</p>
Section 3.2.1, Page 3-2	The approximately 3.2 acres of open space would consist of 2.2 acres of OS and 1.0 acres of OS-R. As shown on Figure 3-1, Land Use Plan, these recreational amenities would be divided into OS-1 through OS-4, and OS-R-1 through OS-R-7.	The approximately 3.2 acres of open space would consist of 2.2 acres of OS and 1.0 acres of OS-R. As shown on Figure 3-1, Land Use Plan, these recreational amenities would be divided into OS-1 through OS-4, and OS-R-1 through OS-R-7. <u>Please also refer to Figure 3-7, Conceptual Landscape Plan.</u>

Table 2-2. Summary of Changes to the Draft EIR

Section	Original Text	Proposed Change(s)
Section 3.2.1, Page 3-2	The residential land use would compose approximately 5.7 acres that would allow for the development of single-family detached homes on individual lots. The proposed project would allow for up to 63 single-family homes with a 35-foot maximum height limit. All residences would include a minimum of two side-by-side garage spaces, in addition to driveway parking space.	The residential land use would compose approximately 5.7 acres that would allow for the development of single-family detached homes on individual lots. The proposed project would allow for <u>the development of</u> up to 63 single-family homes with a 35-foot maximum height limit. All residences would include a minimum of two side-by-side garage spaces, in addition to driveway parking space.
3.2.1, Page 3-5	Electrical power and natural gas would be provided by San Diego Gas & Electric. No major improvements to the local distribution networks would be needed to support the growth facilitated by the proposed project. The applicant will work with dry utility providers to ensure utility systems have adequate capacity to serve future residential uses.	Electrical power and natural gas would be provided by San Diego Gas & Electric ( <u>SDG&amp;E</u> ). No major improvements to the local distribution networks would be needed to support the growth facilitated by the proposed project. The applicant will work with dry utility providers to ensure utility systems have adequate capacity to serve future residential uses. <u>There is no reason to expect SDG&amp;E does not have adequate capacity to serve the project.</u>
3.6, Page 3-8	The following two projects were identified by the City as cumulative projects, since they are anticipated to contribute traffic within the Specific Plan area. These projects are presented in Table 3-2.	The following <del>two</del> <u>three</u> projects were identified by the City as cumulative projects <u>in the vicinity of the project site</u> , since they are anticipated to contribute traffic within the Specific Plan area. These projects are presented in Table 3-2.
<b>Cultural and Tribal Cultural Resources</b>		
Section 4.4.1, Page 4.4-1	The information reviewed for the analysis of cultural resources on the project site included California Historical Resources Information System and the South Coastal Information Center search, review of previous cultural resource studies, archival research, Native American outreach determine if there are any cultural resources on the project site. On April 12, 2022, a letter requesting a search of the Sacred Lands Files was sent to the Native American Heritage Commission (NAHC). Dudek Archaeologist Javier Hernandez and Native American monitor Logovij Sialo conducted a survey of the project APE on April 22, 2022.	The information reviewed for the analysis of cultural resources on the project site included California Historical Resources Information System and the South Coastal Information Center ( <u>SCIC</u> ) searches, review of previous cultural resource studies, archival research, <u>and</u> Native American outreach. <u>These sources</u> determine if there are any cultural resources on the project site. On April 12, 2022, a letter requesting a search of the Sacred Lands Files was sent to the Native American Heritage Commission (NAHC). Dudek Archaeologist Javier Hernandez and Native American monitor Logovij Sialo conducted a survey of the project APE on April 22, 2022.
Section 4.4.1, Page 4.4-4	Likewise, San Pasqual Band of Mission Indians stated that the project is in their Traditional Use Area, and they would like to engage in formation government to government consultation. Viejas Band of Kumeyaay Indians stated that the project area was significant to Viejas, and they	Likewise, San Pasqual Band of Mission Indians stated that the project is in their Traditional Use Area, and they would like to engage in <u>formal</u> <del>formation</del> government to government consultation. Viejas Band of Kumeyaay Indians stated that the project area was significant to Viejas, and they requested that a Kumeyaay

Table 2-2. Summary of Changes to the Draft EIR

Section	Original Text	Proposed Change(s)
	requested that a Kumeyaay Cultural Monitor be on site during any ground disturbing activities.	Cultural Monitor be on site during any ground disturbing activities.
Section 4.4.4, Page 4.4-17 and 4.4-18	Four tribal entities responded to the SB 18 and AB 52 notification letters. Barona Band of Mission Indians, Jamul Indian Village, and Viejas Band of Kumeyaay Indians requested that a Kumeyaay Native American monitor be present during ground disturbing construction activities. San Pasqual Band of Mission Indians requested a Project site visit, after which they would make recommendations. Consultation with San Pasqual Band of Mission Indians is considered ongoing. Consultation with all other tribes is considered concluded.	Four tribal entities responded to the SB 18 and AB 52 notification letters. Barona Band of Mission Indians, Jamul Indian Village, and Viejas Band of Kumeyaay Indians requested that a Kumeyaay Native American monitor be present during ground disturbing construction activities. San Pasqual Band of Mission Indians requested a Project site visit, after which they would make recommendations. <u>A site visit was held with San Pasqual Band of Mission Indians on November 29, 2023, and requested conditions were provided by the Tribe's representative to the City on November 30, 2023. The City provided San Pasqual Band of Mission Indians with a response to requested conditions and request for consultation closure email on February 29, 2024.</u> Consultation with San Pasqual Band of Mission Indians is <del>considered ongoing</del> <u>pending closure</u> . Consultation with all other tribes is considered concluded.
Section 4.4.6, Page 4.4-20 (MM-CUL-3)	(2) The project archaeologist TCA Native American representative shall attend the pre-grading meeting with the contractors to explain and coordinate the requirements of the monitoring program.	(2) The project archaeologist <u>and</u> TCA Native American representative shall attend the pre-grading meeting with the contractors to explain and coordinate the requirements of the monitoring program.
Section 4.4.6, Page 4.4-20 (MM-CUL-3)	(3) Archaeological and Native American monitoring shall be required during grading, unless the project archaeologist determines that the potential for cultural resources has been exhausted. The Native American monitor shall coordinate on-site monitoring with the project archaeologist. Full- or part-time inspections may be considered depending upon the rate of excavation, the materials excavated, and the presence and abundance of artifacts and features. The project archaeologist, in consultation with the Kumeyaay representative, shall provide the City of Poway with any recommendations for reduced monitoring protocol.	(3) Archaeological and Native American monitoring shall be required during grading, unless the project archaeologist <u>and TCA Native American representative</u> determines that the potential for cultural resources has been exhausted. The Native American monitor shall coordinate on-site monitoring with the project archaeologist. Full- or part-time inspections may be considered depending upon the rate of excavation, the materials excavated, and the presence and abundance of artifacts and features. The project archaeologist, in consultation with the Kumeyaay representative, shall provide the City of Poway with any recommendations for reduced monitoring protocol.
<b>Energy</b>		
Section 4.5.4, Page 4.5-10	As described above, the electricity demand calculation for the proposed project assumes compliance with Title 24 standards for 2022.	As described above, the electricity demand calculation for the proposed project assumes compliance with <u>2019</u> Title 24 standards <del>for</del>

Table 2-2. Summary of Changes to the Draft EIR

Section	Original Text	Proposed Change(s)
	The proposed project would be required to meet the California Building Energy Efficiency Standards (24 CCR 6), which improve the energy efficiency of residential and non-residential buildings. The Title 24, Part 6, standards are updated every 3 years.	<del>2022.</del> The proposed project would be required to meet the California Building Energy Efficiency Standards (24 CCR 6), which improve the energy efficiency of residential and non-residential buildings. The Title 24, Part 6, standards are updated every 3 years.
<b>Geology and Soils</b>		
Section 4.6.5, Page 4.6-14	The proposed project would be designed in accordance with the seismic design requirements of the CBC, which contains universal standards for seismically sound site preparation and grading practices, foundations design, and guidelines for the appropriate selection and use of construction materials. In accordance with the CBC, a more comprehensive geology and soils report would be conducted that further evaluates the soils underlying the project site to gauge the potential for liquefaction and soil strength during the maximum considered earthquake geometric mean peak ground acceleration. Once the evaluation is complete, if needed, the design requirements or the construction materials of the proposed project would be revised as recommended. Therefore, since no other projects identified on the list of cumulative projects would occur on the project site, impacts associated with liquefaction <b>would not be cumulatively considerable.</b>	The proposed project would be designed in accordance with the seismic design requirements of the CBC, which contains universal standards for seismically sound site preparation and grading practices, foundations design, and guidelines for the appropriate selection and use of construction materials. <u>Due to the localized nature of geology and soils, cumulative projects would address potential impacts to geology and soils on a project-by-project basis, as potential geologic hazards and soil composition vary by site. Each cumulative project would be required to assess individual and site-specific geologic conditions, which would inform construction and development of each site. All cumulative development would be subject to similar requirements to those imposed and implemented for the project and would be required to adhere to applicable regulations, standards, and procedures.</u> <del>In accordance with the CBC, a more comprehensive geology and soils report would be conducted that further evaluates the soils underlying the project site to gauge the potential for liquefaction and soil strength during the maximum considered earthquake geometric mean peak ground acceleration. Once the evaluation is complete, if needed, the design requirements or the construction materials of the proposed project would be revised as recommended.</del> Therefore, since no other projects identified on the list of cumulative projects would occur on the project site, impacts associated with <u>ground shaking, liquefaction, landslides, and expansive soils</u> <b>would not be cumulatively considerable.</b>
Section 4.6.6, Page 4.6-15 (MM-GEO-1)	1. A qualified paleontologist or a paleontological monitor under the direction and supervision of a qualified paleontologist, shall be on site during original cutting of the Pleistocene terrace deposits and the middle Eocene Friars Formation. A paleontological monitor is defined as an individual who has at least	1. A qualified paleontologist or a paleontological monitor under the direction and supervision of a qualified paleontologist, shall be on site during original cutting of the Pleistocene terrace deposits and the middle Eocene Friars Formation. A paleontological monitor is defined as an individual who has at least

Table 2-2. Summary of Changes to the Draft EIR

Section	Original Text	Proposed Change(s)
	one year of experience in field identification and collection of fossil materials, and who is working under the direction of a qualified paleontologist. Monitoring of the noted geologic unit shall be conducted at least half-time at the beginning of excavation and may be either increased or decreased thereafter depending upon initial results (per direction of a qualified paleontologist).	one year of experience in field identification and collection of fossil materials, and who is working under the direction of a qualified paleontologist. Monitoring of the noted geologic unit shall be conducted <del>at least half-time</del> at the beginning of excavation and may be either increased or decreased thereafter depending upon initial results (per direction of a qualified paleontologist).
<b>Greenhouse Gas Emissions</b>		
Section 4.7.3, Page 4.7-20	The 900 MT CO <sub>2e</sub> threshold is applied to evaluate whether the project would generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment.	The 900 MT CO <sub>2e</sub> threshold is applied to evaluate whether the project would generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment. <u>It bears noting that this 900 MT CO<sub>2e</sub> per year threshold is much more conservative and protective of the environment than established numerical thresholds in other areas where a numerical threshold has been adopted by the Air Quality Management District, such as the 3,000 MT CO<sub>2e</sub> per year threshold adopted by the neighboring South Coast Air Quality Management District.</u>
<b>Hazards and Hazardous Materials</b>		
Section 4.8.2, Local, Page 4.8-9	<b><i>San Diego County of Department of Environmental Health</i></b>  The DEH protects public health and safeguards environmental quality, educates the public to increase environmental awareness, and implements and enforces local, state, and federal environmental laws.	<b><i>San Diego County of Department of Environmental Health</i></b>  The <u>Department of Environmental Health (DEH)</u> protects public health and safeguards environmental quality, educates the public to increase environmental awareness, and implements and enforces local, state, and federal environmental laws.
Section 4.8.4, Page 4.8-17	As described in Section 4.12, Population and Housing, project implementation would result in an increase of people at the project site. The increased people at the project site would result in an increase in the number of people evacuating in the case of an emergency. The proposed project site is divided by Oak Knoll Road. The northern portion of the project site would have two access points via Oak Knoll Road and Roca Grande Road.	As described in Section 4.12, Population and Housing, project implementation would result in an increase of people at the project site. The increased people at the project site would result in an increase in the number of people evacuating in the case of an emergency. The proposed project site is divided by Oak Knoll Road. The northern portion of the project site would have <del>two access points</del> <u>one access point</u> via Oak Knoll Road, <del>and Roca Grande Road.</del>

Table 2-2. Summary of Changes to the Draft EIR

Section	Original Text	Proposed Change(s)
<b>Population and Housing</b>		
Section 4.12.4, Pages 4.12-9 and 4.12-10	According to DOF, there are approximately 2.92 persons per household in the City. Following those averages, the proposed project would add approximately 184 people to the City’s jurisdiction (DOF 2022). Although the project would also require demolition of three existing single-family housing units, the existing project site residents could potentially relocate elsewhere within the City’s jurisdiction. Thus, for the purposes of assessing the project’s potential impacts related to population growth in the City, this analysis does not “net out” the anticipated loss of the existing project site residents. Furthermore, of the potential new 184 occupants on site, not all future residences are expected to be new residents to the City of Poway.	According to <del>DOF</del> <u>U.S. Census data</u> , there are approximately <del>2.92</del> <u>2.99</u> persons per household in the City. Following those averages, the proposed project would add approximately <del>184</del> <u>191</u> people to the City’s jurisdiction ( <del>DOF 2022</del> ) ( <u>Appendix M</u> ). Although the project would also require demolition of three existing single-family housing units, the existing project site residents could potentially relocate elsewhere within the City’s jurisdiction. Thus, for the purposes of assessing the project’s potential impacts related to population growth in the City, this analysis does not “net out” the anticipated loss of the existing project site residents. Furthermore, of the potential new <del>184</del> <u>191</u> occupants on site, not all future residences are expected to be new residents to the City of Poway.
Section 4.12.4, Page 4.12.10	The buildout potential of the project site under existing land use and zoning conditions is incorporated into SANDAG’s growth forecasts for the City (SANDAG 2021a). According to SANDAG’s Series 14 Regional Growth Forecast, the amount of anticipated population growth in the City would be 3.3% by 2035 and 4.7% by 2050, which would be approximately 0.2% growth per year under both buildout horizons (SANDAG 2021a). This forecasting model has accounted for growth of approximately 1,629 people by the year 2035, and 2,298 people by the year 2050. The proposed project (i.e., the 184 additional residents facilitated as a result of the 63 proposed housing units) would account for approximately 11.7% of the total population growth anticipated to occur by 2035, and approximately 8% of growth anticipated to occur by 2050.	The buildout potential of the project site under existing land use and zoning conditions is incorporated into SANDAG’s growth forecasts for the City (SANDAG 2021a). According to SANDAG’s Series 14 Regional Growth Forecast, the amount of anticipated population growth in the City would be 3.3% by 2035 and 4.7% by 2050, which would be approximately 0.2% growth per year under both buildout horizons (SANDAG 2021a). This forecasting model has accounted for growth of approximately 1,629 people by the year 2035, and 2,298 people by the year 2050. The proposed project (i.e., the <del>184</del> <u>191</u> additional residents facilitated as a result of the 63 proposed housing units) would account for approximately 11.7% of the total population growth anticipated to occur by 2035, and approximately 8% of growth anticipated to occur by 2050.
Section 4.12.4, Page 4.12.11	Moreover, in consideration of other residential land uses and housing development occurring within the City, the anticipated 184 new residents (stemming from the 63 proposed housing units) would be within the forecasted population growth for the City.	Moreover, in consideration of other residential land uses and housing development occurring within the City, the anticipated <del>184</del> <u>191</u> new residents (stemming from the 63 proposed housing units) would be within the forecasted population growth for the City.
<b>Public Services</b>		
Section 4.13.4, Page 4.13-12	Fire Station 1/3711 is the closest station to the proposed project site, located approximately 1 mile to the east, at 13050 Community Road.	Fire Station 1/3711 is the closest station to the proposed project site, located approximately 1 mile to the east, at 13050 Community Road.

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Section	Original Text	Proposed Change(s)
	Emergency medical services would be provided by the City of Poway’s Fire Department. The nearest emergency facility is the Palomar Medical Center, which is located approximately 3.07 miles north of the project site.	Emergency medical services would be provided by the City of Poway’s Fire Department. The nearest emergency facility is the Palomar Medical Center <u>– Poway</u> , which is located approximately 3.07 miles north of the project site.
Section 4.13.4, Page 4.13-12	PFD does not have an internal response time standard, and the Fire Response Technical Memorandum utilizes the San Diego County standard of 5-minute travel time (7.5-minute total response time). The closest fire station to the project site is Fire Station 1, to which the furthest structure in the proposed project would be approximately 1.6 miles.	PFD does not have an internal response time standard, and the Fire Response Technical Memorandum utilizes the San Diego County standard of 5-minute travel time (7.5-minute total response time). <u>It should be noted that the response times provided in the Harmon Ranch Specific Plan (Appendix Q to the EIR) are consistent with the PFD dispatch response time estimates, while the Fire Response Technical Memorandum estimated response times are based on a GIS-based travel time coverage model that resulted in more conservative response times (as explained in Appendix P to the EIR).</u> The closest fire station to the project site is Fire Station 1, to which the furthest structure in the proposed project would be approximately 1.6 miles.
Section 4.13.4, Page 4.13-13	<p>The proposed project would increase demand on police protection services with the introduction of 63 new residential units and approximately 184 people. The San Diego County Sheriff’s Poway Station is located on 13100 Bowron Road, approximately 0.67 miles south of the project site. As discussed in Section 4.13.1, Existing Conditions, the San Diego County Sheriff’s Department received 834 calls for service from within the City during December 2022 (San Diego County Sheriff 2023). Based on an estimated City population of 50,000, the calls-for-service-to-residents ratio would be approximately one call per 56 residents. The proposed project would bring in approximately 184 people, resulting in potentially 4 additional calls for service each month, and potentially 42 additional calls for service each year. Therefore, the potential increase in calls for service as a result of the proposed project would be insignificant.</p> <p>As discussed in Section 4.13.1, the Poway Station does not have published response time goals or staffing specific to the City. The current approximately officer/staff ratio per resident is 0.9 officers to 1,000 residents. The introduction</p>	<p>The proposed project would increase demand on police protection services with the introduction of 63 new residential units and approximately <del>184</del><u>191</u> people. The San Diego County Sheriff’s Poway Station is located on 13100 Bowron Road, approximately 0.67 miles south of the project site. As discussed in Section 4.13.1, Existing Conditions, the San Diego County Sheriff’s Department received 834 calls for service from within the City during December 2022 (San Diego County Sheriff 2023). Based on an estimated City population of 50,000, the calls-for-service-to-residents ratio would be approximately one call per 56 residents. The proposed project would bring in approximately <del>184</del><u>191</u> people, resulting in potentially 4 additional calls for service each month, and potentially 42 additional calls for service each year. Therefore, the potential increase in calls for service as a result of the proposed project would be insignificant.</p> <p>As discussed in Section 4.13.1, the Poway Station does not have published response time goals or staffing specific to the City. The current approximately officer/staff ratio per resident is 0.9 officers to 1,000 residents. The introduction</p>

Table 2-2. Summary of Changes to the Draft EIR

Section	Original Text	Proposed Change(s)
	of 184 new residences would not substantially decrease the ratio of officers to residents.	of <del>184-191</del> new residences would not substantially decrease the ratio of officers to residents.
Section 4.13.4, Page 4.13-14	According to the 2020–2021 student generation rates used for single-family detached homes in PUSD, the proposed project would generate 16 elementary students, 8 middle school students, and 12 high school students (see Table 4.13-2), for a total of 36 students total (Appendix Q).	According to the <del>2020–2021-2022</del> student generation rates used for single-family detached homes in PUSD ( <u>PUSD 2022e</u> ), the proposed project would generate <del>16</del> <u>17</u> elementary students, <del>8-5</del> middle school students, and <del>12-11</del> high school students (see Table 4.13-2), for a total of <del>36-33</del> students <del>total overall</del> (Appendix Q).  [Corresponding number revisions were made to Table 4.13-2 and Table 4.13-3.]
Section 4.13.4, Page 4.13-15	The project proposes development of 63 single-family homes and is estimated to result in a population of approximately 184 residents on site. Thus, the proposed project would be required to dedicate 0.92 acres of parkland, per the City’s Municipal Code parkland dedication requirements.  The project proposes 3.2 acres of open space area on site. Of the proposed open space area, approximately 1 acre would be designated as open space recreation area that would be open to the public and that would count towards the parkland requirements. Therefore, the project would exceed the requirement of 0.92 acres of parkland, and impacts are determined to be <b>less than significant</b> .	The project proposes development of 63 single-family homes and is estimated to result in a population of approximately <del>184-191</del> residents on site. Thus, the proposed project would be required to dedicate <del>0.92</del> <u>0.96</u> acres of parkland, per the City’s Municipal Code parkland dedication requirements.  The project proposes 3.2 acres of open space area on site. Of the proposed open space area, approximately 1 acre would be designated as open space recreation area that would be open to the public and that would count towards the parkland requirements. Therefore, the project would exceed the requirement of <del>0.92</del> <u>0.96</u> acres of parkland, and impacts are determined to be <b>less than significant</b> .
Section 4.13.4, Page 4.13-15	The proposed project includes 63 single-family dwelling units in the City, which would increase the number of people (approximately 184) to be potentially serviced by the Poway Community Library—the only public library within the City.	The proposed project includes 63 single-family dwelling units in the City, which would increase the number of people (approximately <del>184-191</del> ) to be potentially serviced by the Poway Community Library—the only public library within the City.
<b>Transportation</b>		
Section 4.15.4, Page 4.15-16	Emergency vehicle access is provided by the project’s primary entrance off Oak Knoll Road and within proposed private streets. Additionally, the project boundary at Roca Grande Drive is proposed to be a gated emergency vehicle access that could be used for resident evacuation purposes, at the discretion of the Poway Fire Department. Emergency medical services, including ambulance transportation, are provided by the City as part of the Poway Fire	Emergency vehicle access is provided by the project’s primary entrance off Oak Knoll Road and within proposed private streets. <del>Additionally, the project boundary at Roca Grande Drive is proposed to be a gated emergency vehicle access that could be used for resident evacuation purposes, at the discretion of the Poway Fire Department.</del> Emergency medical services, including ambulance transportation, are provided by the



Table 2-2. Summary of Changes to the Draft EIR

Section	Original Text	Proposed Change(s)
	Department operations. The nearest emergency facility, Palomar Medical Center, is located approximately 3 miles north of the proposed project on Pomerado Road. The nearest fire station (Station 1) is located approximately 1 mile east of the project site at 13050 Community Road.	City as part of the Poway Fire Department operations. The nearest emergency facility, Palomar Medical Center <u>– Poway</u> , is located approximately 3 miles north of the proposed project on Pomerado Road. The nearest fire station (Station 1) is located approximately 1 mile east of the project site at 13050 Community Road.
Section 4.15.4, Page 4.15-18	The proposed project site is divided by Oak Knoll Road. The northern portion of the project site would have one main access point via Oak Knoll Road and one emergency vehicle access only access point via Roca Grande Road. The southern portion of the site would be accessible via Oak Knoll Road.	The proposed project site is divided by Oak Knoll Road. The northern portion of the project site would have one main access point via Oak Knoll Road, <del>and one emergency vehicle access only access point via Roca Grande Road.</del> The southern portion of the site would be accessible via Oak Knoll Road.
Section 4.15.4, Page 4.15-19	Emergency medical services, including ambulance transportation, are provided by the City as part of the Poway Fire Department operations. The nearest emergency facility, Palomar Medical Center, is located approximately 3 miles north of the proposed project on Pomerado Road.	Emergency medical services, including ambulance transportation, are provided by the City as part of the Poway Fire Department operations. The nearest emergency facility, Palomar Medical Center <u>– Poway</u> , is located approximately 3 miles north of the proposed project on Pomerado Road.
Section 4.15.6, Page 4.15-19 (MM-TR-1)	<b>MM-TR-1: Provide Community-Based Travel Planning.</b> The project HOA would provide alternative modes of transportation information to residents and tenant as a part of the “New Resident” or “New Tenant” package. The HOA will also provide residents with transit schedules within the area, and alert residents when new transit services are added, or services are charged. The HOA will also act as Travel Advisor, providing new residents and tenants with information regarding how members of households can travel in alternative ways that meet their needs.	<b>MM-TR-1: Provide Community-Based Travel Planning.</b> The project HOA <del>would</del> <u>shall</u> provide alternative modes of transportation information to residents and tenant as a part of the “New Resident” or “New Tenant” package. The HOA will also provide residents with transit schedules within the area, and alert residents when new transit services are added, or services are charged. The HOA will also act as Travel Advisor, providing new residents and tenants with information regarding how members of households can travel in alternative ways that meet their needs.
<b>Wildfire</b>		
Section 4.17.4, Page 4.17-6	Project implementation would result in an increase of people at the project site. The increase in people at the project site would result in an increase in the number of people evacuating in the case of an emergency. The proposed project site is divided by Oak Knoll Road. The northern portion of the project site would have two access points via Oak Knoll Road and Roca Grande Road.	Project implementation would result in an increase of people at the project site. The increase in people at the project site would result in an increase in the number of people evacuating in the case of an emergency. The proposed project site is divided by Oak Knoll Road. The northern portion of the project site would have <del>two access points</del> <u>one access point</u> via Oak Knoll Road, <del>and Roca Grande Road.</del>

Table 2-2. Summary of Changes to the Draft EIR

Section	Original Text	Proposed Change(s)
Section 4.17.4, Page 4.17-8	Considering the minimal alterations to existing hydrological conditions, lack of landslide evidence, implementation of best management practices and geotechnical recommendations, and compliance with the FMP, potential impacts associated with post-fire flooding, runoff, or slope instability would be <b>less than significant</b> .	Considering the minimal alterations to existing hydrological conditions, lack of landslide evidence, implementation of best management practices and geotechnical recommendations, and compliance with the <del>FMP</del> <u>FMP-Wildfire Evacuation Plan</u> , potential impacts associated with post-fire flooding, runoff, or slope instability would be <b>less than significant</b> .
<b>Other CEQA Considerations</b>		
Section 5.2.1, Page 5-3 and 5-4	(See Population and Housing Section above.)	(Same revisions as Population and Housing Section above).

When deciding whether to approve the proposed project, the City will use the information provided in the Final EIR to consider potential impacts to the physical environment. The City will also consider all written comments received on the Draft EIR during the 45-day public review period in making its decision to certify the Final EIR as complete and compliant with CEQA and in making its determination whether to approve or deny the proposed project. Environmental considerations, as well as economic and social factors, will be weighed by the City to determine the most appropriate course of action.

Detailed responses to the comments received during public review, a Mitigation Monitoring and Reporting Program, Findings of Fact, and a Statement of Overriding Considerations for impacts identified in the Draft EIR as significant and unmitigable will be prepared and compiled as part of the EIR finalization process. The Final EIR will be available for public review at least ~~10~~ 14 days before the City Council hearing in order to provide commenters the opportunity to review the written responses to their comment letters. The culmination of this process is a public hearing where the City Council will determine whether to certify the Final EIR and adopt the Mitigation Monitoring and Reporting Program, Findings of Fact, and Statement of Overriding Considerations as being complete and in accordance with CEQA. If the proposed project is approved, the City will file a Notice of Determination with the State Clearinghouse and San Diego County Clerk within 5 working days after project approval (14 CCR 15094.) Subsequent to certification of the Final EIR, agencies with permitting authority over all or portions of the proposed project may use the Final EIR's evaluation of the proposed project's environmental effects in considering whether to approve or deny applicable permits.

# 3 Project Description

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This chapter describes Harmon Ranch project (proposed project). As required by Section 15124 of the California Environmental Quality Act (CEQA) Guidelines, this chapter contains the precise location and boundaries of the proposed project; a statement of objectives sought by the proposed project; a general description of the proposed project's technical, economic, and environmental characteristics and its environmental setting; and a statement briefly describing the intended uses of the environmental impact report (EIR). Consistent with Section 15124 of the CEQA Guidelines, this chapter also includes, to the extent known, a list of the agencies expected to use the EIR in their decision making, and a list of permits and other approvals required to implement the proposed project.

## 3.1 Project Objectives

Section 15124(b) of the CEQA Guidelines requires an EIR to include a statement of objectives sought by a project. The objectives assist the City of Poway (City), as lead agency, in developing a reasonable range of alternatives to the proposed project to be evaluated in the EIR. The project objectives also assist the decision makers in preparing findings or, if necessary, a statement of overriding considerations. The statement of objectives should also include the underlying purpose of a project.

The proposed project includes the adoption of a new specific plan—the Harmon Ranch Specific Plan (Specific Plan) (Appendix Q)—the purpose of which is to establish a link between implementing policies of the general plan and the individual development proposals in a defined area. As required by Government Code Section 65450 et seq., the Specific Plan contains land uses and development regulations, infrastructure requirements, and implementation measures for the development of a specific geographic area; in this instance, it is referred to as the project site or Specific Plan area. These provisions require that a specific plan be consistent with the adopted general plan. The City has responded to this mandate by adopting Specific Plan policies and objectives for the proposed project. The City will consider the Specific Plan policies and objectives when evaluating the alternatives presented in this EIR.

~~The underlying purpose of the~~ The proposed project would allow the is to development of approximately 11.5 acres of disturbed land, bisected by existing Oak Knoll Road. Project implementation would be guided by the following statement of project objectives (Appendix Q):

1. Implement applicable goals and policies of the City's General Plan.
2. Develop a residential neighborhood within an underutilized site with quality architecture and community design aesthetics that respect and enhance the existing neighborhood's appeal and character.
3. Ensure new uses are compatible with the existing surrounding homes by establishing setbacks, design regulations and guidelines that protect the privacy and quality of life for neighboring residents.
4. Contribute new housing units to the City of Poway and the region by providing new single-family housing.
5. Conserve a portion of the project site to minimize environmental impacts on biological resources and allow for the development of an environmentally sensitive neighborhood.
6. Preserve the historic home on site by implementing a landscape plan to maintain the historic setting and provide a buffer to ensure the permanent protection of the historic resource during construction.
7. Create an internal network of private streets that minimizes traffic impacts on existing neighborhoods and incorporates a trail connection to the adjacent commercial/industrial land uses.

8. Minimize the environmental impact of new development through best management and low impact development practices, water and energy conservation measures, and green construction.
9. Create a land use plan that can realistically be developed within a foreseeable time frame and under projected economic conditions.

## 3.2 Project Description

### 3.2.1 Project Components

The proposed project is approximately 11.5 acres and includes a total of 63 new single-family homes and associated site improvements and retention of the existing historic home (see Figure 1-1, Site Plan). The project proposes approximately 5.7 acres designated for residential development, a 0.25-acre historic home site, 3.2 acres of open space areas, 1.9 acres for private streets, and 0.5 acres of public right-of-way (Oak Knoll Road). The proposed project would include 63 single-family detached homes plus the 1 existing historic home on site for a total of 64 lots within the Specific Plan boundary. The proposed density is 8.8 dwelling units/acre (64 total residential lots/7.26-acre net project area-not including private streets), which is just over the maximum allowed under the existing RS-7 designation density. The proposed project is located in the southern portion of the City, along Oak Knoll Road, south of Poway Road and west of Carriage Road.

The new land uses proposed by the Specific Plan include two open space land use designations ~~uses~~ and one residential land use. Parcels designated as open space would be permanently preserved as open space through deed restrictions. One residential land use designation is also proposed. The proposed land uses are described below (Appendix Q):

- **Open Space (OS)** is designed to permanently conserve the on-site open space areas that contain sensitive biological and/or cultural resources. These areas would not be impacted by development of the project and remain as natural open space areas.
- **Open Space – Recreation (OS-R)** is intended to provide passive and active recreational opportunities and open landscaped areas to support the new residential uses and manufactured slopes within the Specific Plan area. Recreation amenities shall be provided to that support healthy and active lifestyles and encourage community interaction and engagement.
- **Residential Single Family (R-S)** consists of traditional single-family homes plotted on deeded legal lots.

#### Open Space Land Use Districts

The approximately 3.2 acres of open space would consist of 2.2 acres of OS and 1.0 acres of OS-R. As shown on Figure 3-1, Land Use Plan, these recreational amenities would be divided into OS-1 through OS-4, and OS-R-1 through OS-R-7. Please also refer to Figure 3-7, Conceptual Landscape Plan.

#### Residential Land Use District

The residential land use would compose approximately 5.7 acres that would allow for the development of single-family detached homes on individual lots. The proposed project would allow for the development of up to 63 single-family homes with a 35-foot maximum height limit. All residences would include a minimum of two side-by-side garage spaces, in addition to driveway parking space.

Maintenance and operation of the community would be financed through a Community Association that would be responsible for all private streets, private utilities, and common amenities, as well as for the long-term maintenance and preservation of open space resources on the project site. The Community Association would also be required to contract with qualified professionals for the long-term care and maintenance of the bioretention basins, which are described in more detail below. The Community Association would also be responsible for enforcement of the Community Association’s Covenants, Conditions, and Restrictions to ensure compliance with the Specific Plan. The proposed community trail along Streets A and C and the Poway Creek Overlook are required to be open to the public (refer to Figure 3-1). Accessory dwelling units are permissible as required by state law.

#### **Project Approvals**

The proposed project consists of the following entitlements and agency approvals, which would be processed concurrently unless otherwise noted:

- General Plan Amendment
- Zone Change
- Specific Plan
- Tentative Map
- Development Review Permit
- Final Map
- EIR Certification

#### **Project Infrastructure**

The project site is surrounded by existing development, primarily residential land uses, with existing infrastructure. Any proposed new infrastructure needed to serve the proposed project would be connected to existing infrastructure, which consists of vehicular access and circulation, water, sewer, drainage, and dry utilities such as gas, electricity, and telecommunications. Some water and sewer infrastructure would be extended within the project site as described below under Project Water System and Project Wastewater System.

#### **Project Circulation**

As depicted on Figure 3-2, Conceptual Mobility and Parking Plan, the project site circulation would be composed of three unique private street designs (Streets A & C, B & D and E). Private streets are intentionally designed as low-speed streets to promote pedestrian and bicyclist mobility. A sidewalk or Community Trail would be provided on one side of Private Streets A, B, C and D. Travel lane widths would be a minimum of 24 feet as required for fire access, and curved alignments would create a physical condition that reduces driver comfort and forces slower speeds. Low speeds would also allow the private streets to be shared with low-speed vehicles and bicycles. The internal street system would consist of two types of private streets, private streets with an 8-foot parallel parking lane on one side and (2) private streets without parking. The Community Trail would be located along Street A and a portion of Street C, and a sidewalk would be provided along Streets B and D.

Private streets with parking (Streets B and D) would consist of a 41-foot-wide private road easement. The paved section of the roadway would include a 24-foot travel-way (one lane in each direction) plus an 8-foot parking lane on one side for a total dimension of 32 feet from curb to curb. The parking lane would be accompanied by a 5-foot sidewalk on one side. Shade trees would be planted in the private front yards, protected with a recorded 6-foot wide landscape easement.

Private streets without parking (Streets A and C) would consist of a 33-foot-wide private road easement. The paved section of the roadway would include a 24-foot travel-way (one lane in each direction) measured from curb to curb. A 5-foot sidewalk would be provided on one side. Shade trees would be planted in the private front yards, protected with a recorded 6-foot wide landscape easement. Street E would be composed of a 24-foot travel-way (one lane in each direction) with no parking or sidewalk for the short segment serving two residential lots.

An 8-foot-wide segment of the Community Trail would be located between Oak Knoll Road and the north portion of the project site. As planned in the Poway General Plan, the Community Trail may connect to the Towne Center Plaza in the future. The Community Trail would be located along Streets A and a portion of Street C.

#### ***Project Parking***

The proposed project would provide adequate parking within the project site to minimize impacts to existing residential streets in the vicinity and all parking would comply with the requirements of the City of Poway Municipal Code unless otherwise specified within the Specific Plan. Each residential unit would include a two-car garage and two additional uncovered driveway spaces. As described above, on-street parking is provided along certain private streets within the neighborhood to serve as additional guest parking for residents. See Figure 3-2 for street sections and parking locations within the project site. Regulations regarding proposed project parking, including number of parking spaces, parking space dimensions, and permitted use of parking spaces, are provided in the Specific Plan (Appendix Q).

#### ***Project Water System***

The City's Public Works Department would provide domestic water to the proposed project. The SDCWA provides 99% of the City's water in the form of untreated water, with the remaining demand met through recycled water purchased from the City of San Diego. All imported water is treated locally at the City's water treatment plant and then distributed via a complex and comprehensive system of pumps and pipes.

The proposed water system consists of a series of 8-inch pipes to create a looped system that would serve all properties within the project site. The internal looped system will connect to the existing 6-inch line in Roca Grande Road and the existing 10-inch line in Oak Knoll Road. The proposed project conceptual water master plan is illustrated in Figure 3-3, Conceptual Water Master Plan.

#### ***Project Wastewater System***

The proposed project would connect to the City's sewer system. Wastewater collection and the City's sewage system are maintained and operated by the City's Public Works Department to ensure sufficient capacity is available for dry weather peak-flow conditions and storm or wet weather events. Wastewater collected in the City's sewage system is conveyed through the City of San Diego's Municipal Wastewater System to either the North City Water Reclamation Plant or the Point Loma Wastewater Treatment Plant for treatment and disposal.

Existing sewer facilities in the vicinity of the project include existing 8-inch public sewer lines and a 30-inch public trunk sewer within Oak Knoll Road located along the project frontage. The existing 8-inch public gravity sewer lines convey sewer flows from existing residences along Oak Knoll Road from east to west and tie into the existing 30-inch public trunk sewer. The 30-inch trunk sewer conveys flow west in Oak Knoll Road to Pomerado Road.

The proposed project would construct new 8-inch gravity sewer lines to connect the project site to the existing gravity sewer system. The proposed on-site 8-inch public sewer lines would convey sewage from the 59 dwelling units south to the existing 8-inch public sewer line directly fronting the project's south entrance at Oak Knoll Road. The remaining 4 lots south of Oak Knoll Road would make individual lateral connections to the same existing 8-inch public sewer line in Oak Knoll Road. This existing 8-inch public sewer line will convey flows west to the existing 30-inch public trunk sewer in Oak Knoll Road. The proposed project's sewer system is included as Figure 3-4, Conceptual Sewer Master Plan.

#### ***Project Drainage System***

The project site drains in a general southern direction and discharges to an existing 36-inch storm drain located in Oak Knoll Road. An existing open channel across the northwestern portion of the project site drains southwesterly to the adjacent apartment site. Drainage is conveyed off site within an 8-foot by 5-foot reinforced concrete box in a southwesterly direction. The 36-inch Oak Knoll Road storm drain joins the 8-foot by 5-foot reinforced concrete box that discharges to the west of the project site into Poway Creek.

Figure 3-5, Conceptual Drainage Plan, illustrates the proposed grading and drainage concept for the proposed project. Grading of the project site respects the existing topography to the extent feasible and adheres to the City of Poway Municipal Code Grading Standards. Grading for the project site is balanced at 19,250 cubic yards of cut and fill to avoid export or import of dirt. As shown in Figure 3-5, the project site currently accepts stormwater drainage from a number of adjoining properties. To maintain these existing drainage patterns and minimize drainage impacts to existing neighborhoods, a series of public bypass storm drains would be provided to collect this stormwater and convey it through the site to the City's existing storm drain system downstream.

The proposed project's grading plan would drain all stormwater within the project site to swales that convey water to private streets on site. Once in the street, stormwater would be collected by catch basins and a private system of pipes on site. The stormwater would then be conveyed to a proposed underground vault system for storage to meet hydromodification requirements. The vault would discharge to the existing Oak Knoll Road 36-inch storm drain system.

#### ***Project Dry Utilities***

Electrical power and natural gas would be provided by San Diego Gas & Electric (SDG&E). No major improvements to the local distribution networks would be needed to support the growth facilitated by the proposed project. The applicant will work with dry utility providers to ensure utility systems have adequate capacity to serve future residential uses. There is no reason to expect SDG&E does not have adequate capacity to serve the project.

New development within the project site would be required to meet the California Energy Code (Title 24) and CALGreen requirements. Title 24, Part 6 and CALGreen include the most stringent requirements for energy conservation in the Country. To meet these requirements, all new development within the Specific Plan area will include rooftop photovoltaic solar panels, electric vehicle charging stations, energy efficient lighting and appliances, low-flow fixtures and other design features that conserve energy.

#### **Off-Site Improvements**

Minor off-site improvements would be needed to connect the project site to the existing circulation system. Minor off-site utility improvements may also consist of making connections to the adjacent existing water, wastewater, drainage, natural gas, electric, and telecommunication systems.

### Construction and Phasing

The proposed project would be developed in phases (see Figure 3-6, Conceptual Phasing Plan). Construction is anticipated to begin in 2024 and end in 2026.

### 3.2.2 General Plan and Zoning Amendments

The existing General Plan Land Use and Zoning Map designates the entire project site as “Residential Single-Family 7 (RS-7)” (City of Poway 1991). A General Plan amendment and zone change would be processed concurrently with the Specific Plan to designate the project site as “Planned Community (PC).” The amendment consists of both a map amendment and a zoning text amendment. In addition, a new section would be added to the Zoning Ordinance that briefly describes the Harmon Ranch Planned Community. This designation and zoning would be consistent with other specific plan areas throughout the City.

### 3.2.3 Specific Plan

Government Code Section 65453(a) authorizes local jurisdictions to adopt specific plans as a tool for the systematic implementation of the general plan. A specific plan must be consistent with the adopted general plan, but can provide a unique set of land uses, design regulations, and development standards not permitted under a city’s existing zoning or by a city’s current standards. By allowing greater flexibility, development patterns can be specifically tailored to the characteristics of a site, including creative design concepts, density ranges that differ from a city’s zoning code, specially designed roadways, and a mix of uses unique to the Specific Plan area. Specific Plans may be adopted, in whole or in part, by either resolution or by ordinance. The Harmon Ranch Specific Plan would be adopted by resolution and ordinance. All development and improvements constructed within the Specific Plan area would be required to be consistent with the City’s General Plan, the Specific Plan, and the tentative map(s).

### 3.2.4 Tentative Map

The proposed project includes a tentative subdivision map. The map depicts the grading and drainage, individual residential lots, common ownership lots, public streets, private streets, and infrastructure improvements. The map would be submitted concurrently with the Specific Plan. One or more final subdivision map(s) would be recorded.

### 3.2.5 Project Design Standards and Features

The Harmon Ranch Specific Plan prepared for the project site outlines land use development standards and design standards (Appendix Q to this EIR). The land use development standards regulate the distribution and intensity of land uses and establishes development standards that would govern all future development within the Specific Plan area. The design standards include architectural design guidelines that supplement the land use development standards. The design standards provide regulations for architectural style, open space design, and landscaping within the Specific Plan area. The proposed project would be required to comply with the land use development standards and all design standards outlined in the Specific Plan.



### 3.3 Project Location

The project site is located in the southern portion of the City, along Oak Knoll Road, south of Poway Road and west of Carriage Road. The project site consists of approximately 11.5 acres and is located at 12623, 12624, 12650, and 12702 Oak Knoll Road and six additional vacant parcels. Figure 1-2, Project Site Vicinity and Aerial Map, depicts an aerial view of the project site vicinity.

### 3.4 Environmental Setting

The general environmental setting for the project area is provided in this section, in conformance with Section 15125 of the CEQA Guidelines. Currently, the project site consists of approximately 9 acres of disturbed land bisected by existing Oak Knoll Road. The majority of the site was previously utilized as a storage/staging area for San Diego Gas & Electric Company. Additionally, there are four existing homes within the project site. These homes were constructed between 1946 and 1957 and three of these homes would be demolished as part of the project. More detailed descriptions regarding specific environmental conditions are found at the beginning of each section in Chapter 4, Environmental Analysis.

#### 3.4.1 Regional Context

Regionally, the City is situated near the middle of the County, approximately 20 miles north of downtown San Diego via Interstate 15. The project site is approximately 2.5 miles east of Interstate 15. Interstate 15 runs generally parallel to the City's western border and provides connections to San Diego and Riverside Counties.

#### 3.4.2 Surrounding Environment

Surrounding land uses include a mix of retail land uses and the Kumeyaay Ipai Interpretive Center to the north; Oak Knoll Road, Poway Creek, and existing single-family homes to the south; existing single-family homes to the east; and a multi-family apartment communities to the west.

### 3.5 Intended Uses of the EIR

In accordance with CEQA Guidelines Sections 15124(d) and 15160–15170, the City of Poway Development Services determined that an EIR would be required. The Notice of Preparation was circulated by the City for public review on February 1, 2023. The City also conducted a Public Scoping Meeting on February 16, 2023, from 6:30 p.m. to 8:00 p.m. in the City of Poway City Council Chambers, 13325 Civic Center Drive, Poway, California. The Notice of Preparation and Public Scoping comments are provided in Appendix A of this EIR.

Consistent with CEQA Guidelines Section 15121(a), this EIR is an informational document that will inform public agency decision makers and the public generally of the significant environmental effects of the proposed project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the proposed project.

**Matrix of Project Approvals/Permits**

The City is the Lead Agency, defined in CEQA Guidelines Sections 15050 and 15367 as the “public agency which has the principal responsibility for carrying out or approving a project.” This EIR is intended to analyze the environmental impacts associated with the discretionary actions that require ultimate approval by the Poway City Council.

Additionally, responsible agencies have discretionary approval over one or more actions involved with development of a project, and responsible and trustee agencies are state agencies with discretionary approval or jurisdiction by law over natural resources, which may be impacted. Table 3-1 lists all approvals (e.g., permits, financing approvals, participation agreements) that are expected to be required from the City and other public agencies.

**Table 3-1. Proposed Discretionary Approvals and Permits**

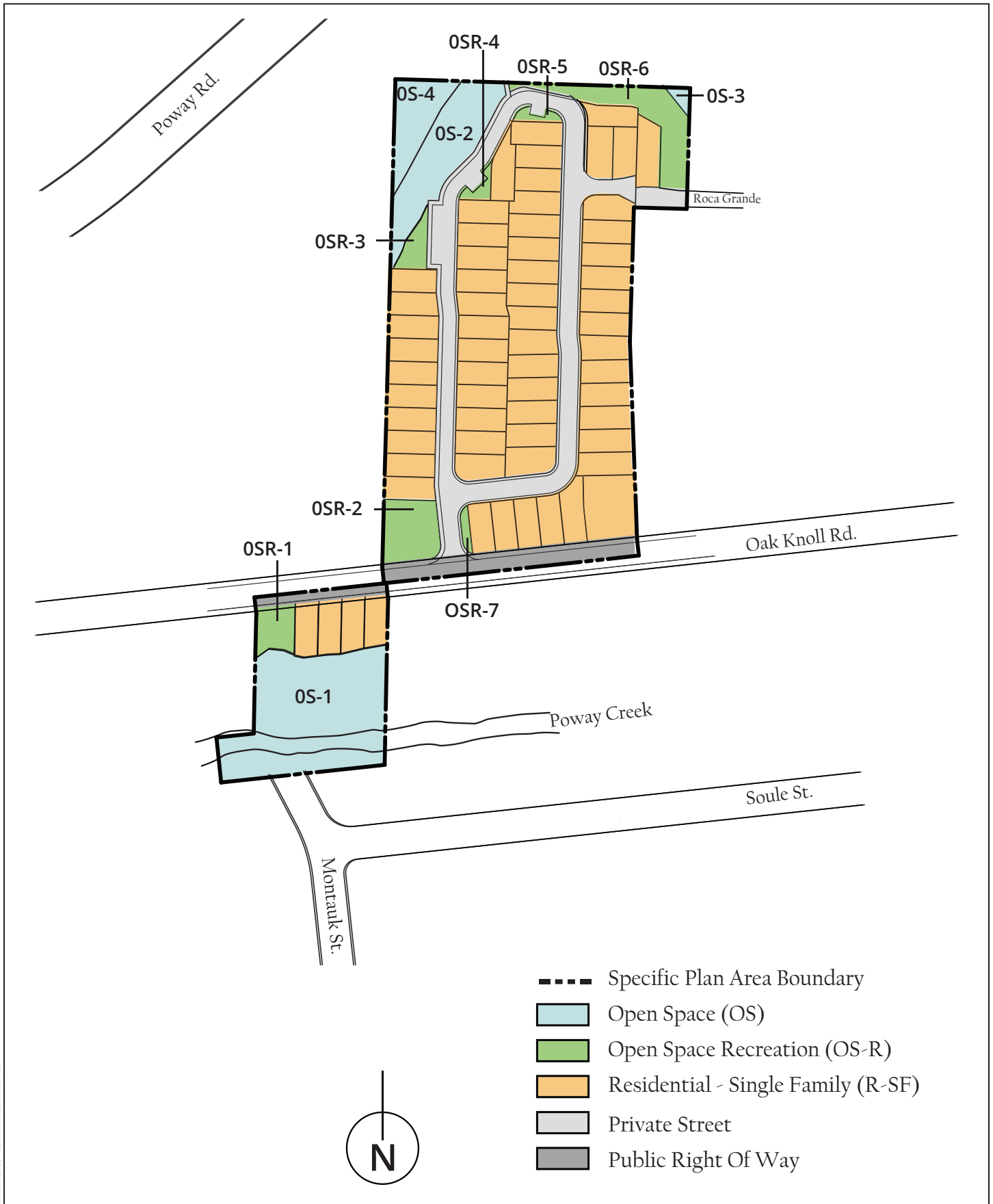
Discretionary Approval/Permit	Agency Title	Agency Type
General Plan Amendment	City of Poway	Lead Agency
Zone Change	City of Poway	Lead Agency
Specific Plan	City of Poway	Lead Agency
Tentative Map	City of Poway	Lead Agency
Development Review Permit	City of Poway	Lead Agency
Environmental Assessment	City of Poway	Lead Agency

### 3.6 List of Past, Present, and Reasonably Anticipated Future Projects in the Project Area

The following ~~two~~ three projects were identified by the City as cumulative projects in the vicinity of the project site, since they are anticipated to contribute traffic within the Specific Plan area. These projects are presented in Table 3-2.

**Table 3-2. Cumulative Projects**

Map Legend Number	Project Name and APNs	Project Description	Entitlement Status
<i>City of Poway</i>			
1	<b>Poway Commons</b> B19-0601 3142203900	Proposed 141 condominium units and 25,000 square feet of specialty retail	Under Construction
2	<b>Fairfield Project</b> CUP18-019 2755101900	Proposes to demolish shopping center and bowling alley, and construct 221 apartments, 4,620 square feet of restaurant and 3,878 square feet of retail uses.	Under Construction
3	<b>Outpost Project</b>	Proposed 72 residential units (9 of which would be affordable units) and 15,781 square feet of commercial space.	Under Construction



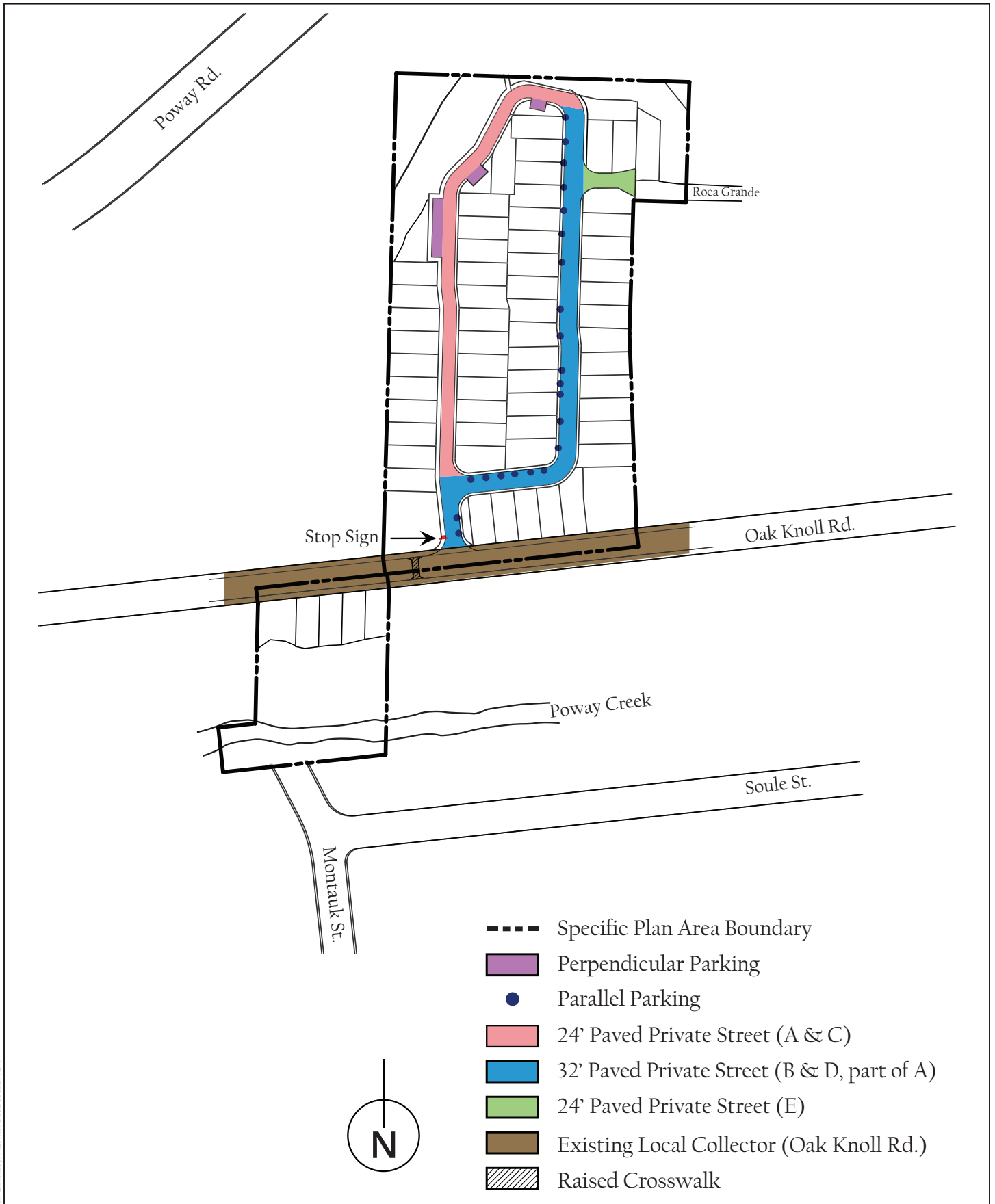
SOURCE: Lennar Homes 2023

**FIGURE 3-1**

**Land Use Plan**

Harmon Ranch Specific Plan Project EIR

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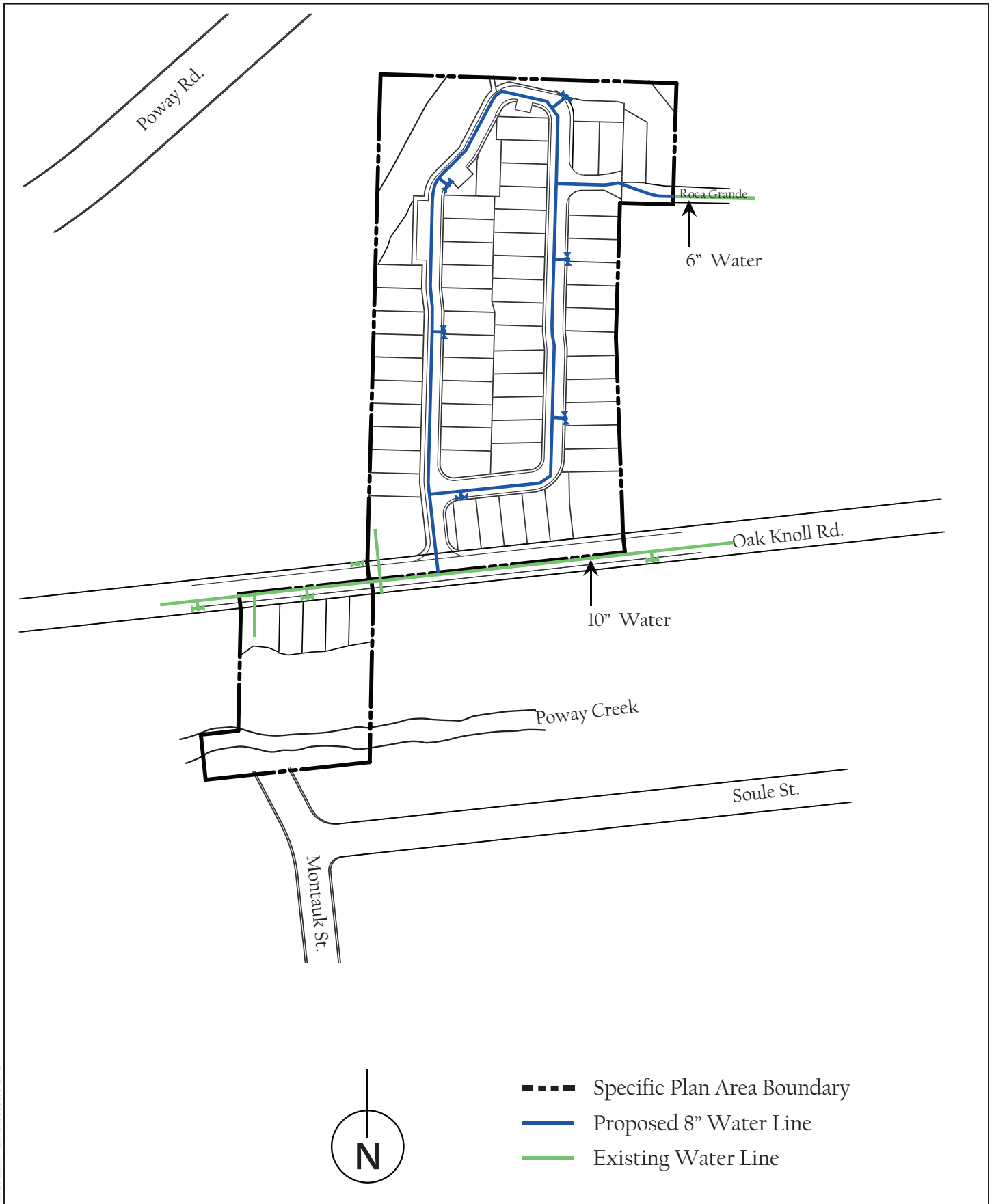
SOURCE: Lennar Homes 2023

**FIGURE 3-2**

Conceptual Mobility and Parking Plan

Harmon Ranch Specific Plan Project EIR

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SOURCE: Lennar Homes 2023

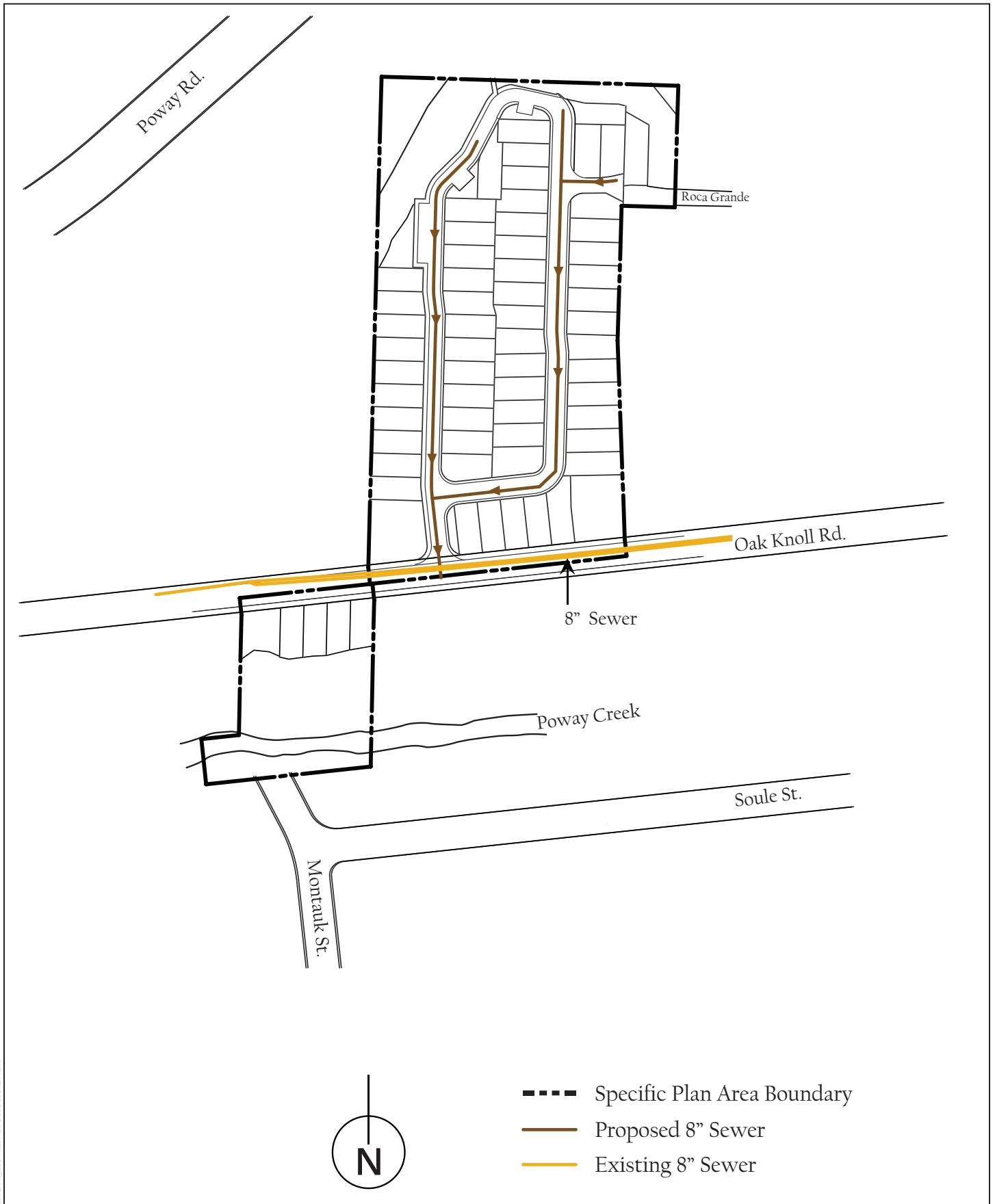
**FIGURE 3-3**

Conceptual Water Master Plan

Harmon Ranch Specific Plan Project EIR

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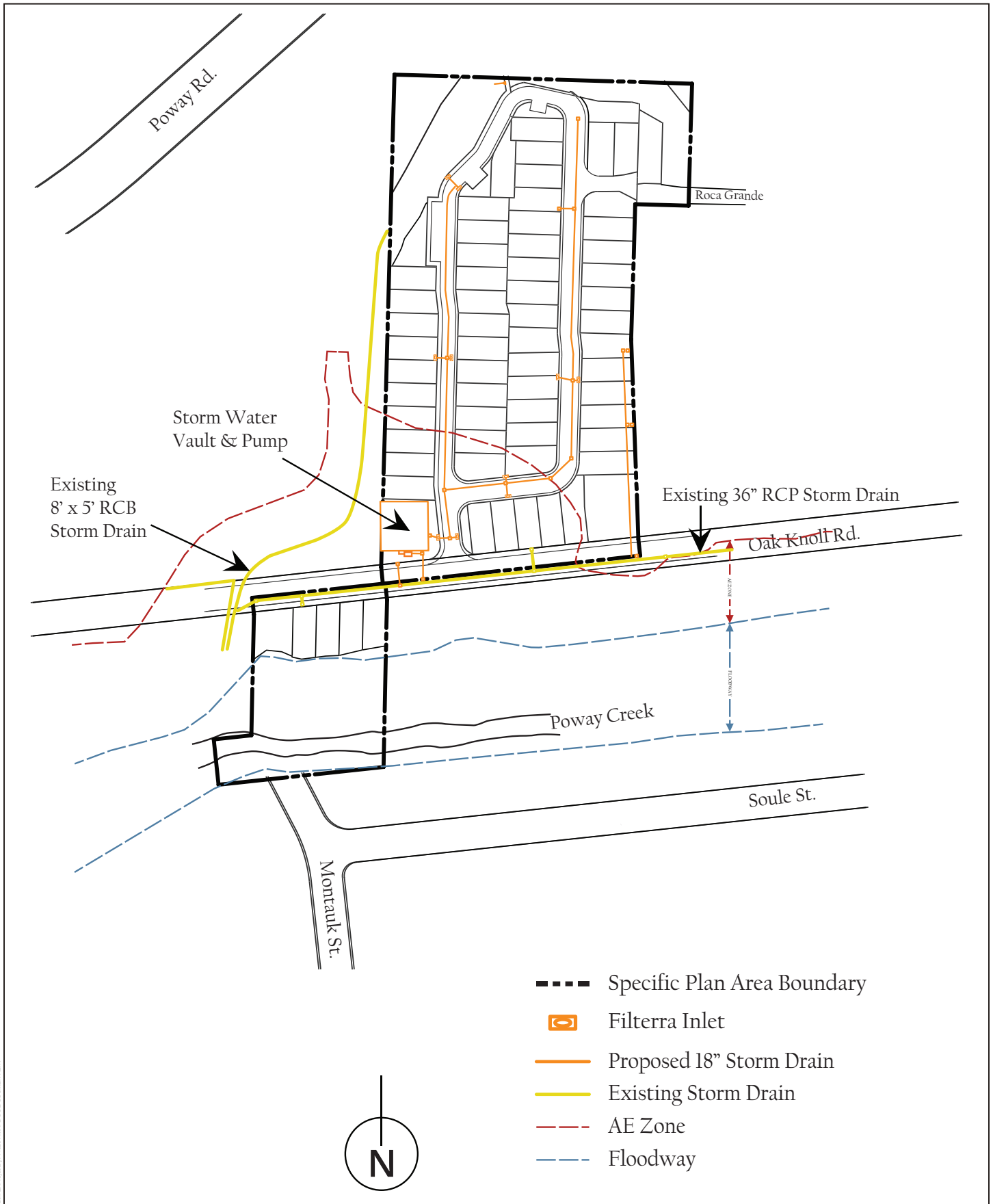
SOURCE: Lennar Homes 2023

**FIGURE 3-4**

**Conceptual Sewer Master Plan**

Harmon Ranch Specific Plan Project EIR

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SOURCE: Lennar Homes 2023

**FIGURE 3-5**

Conceptual Drainage Plan  
 Harmon Ranch Specific Plan Project EIR

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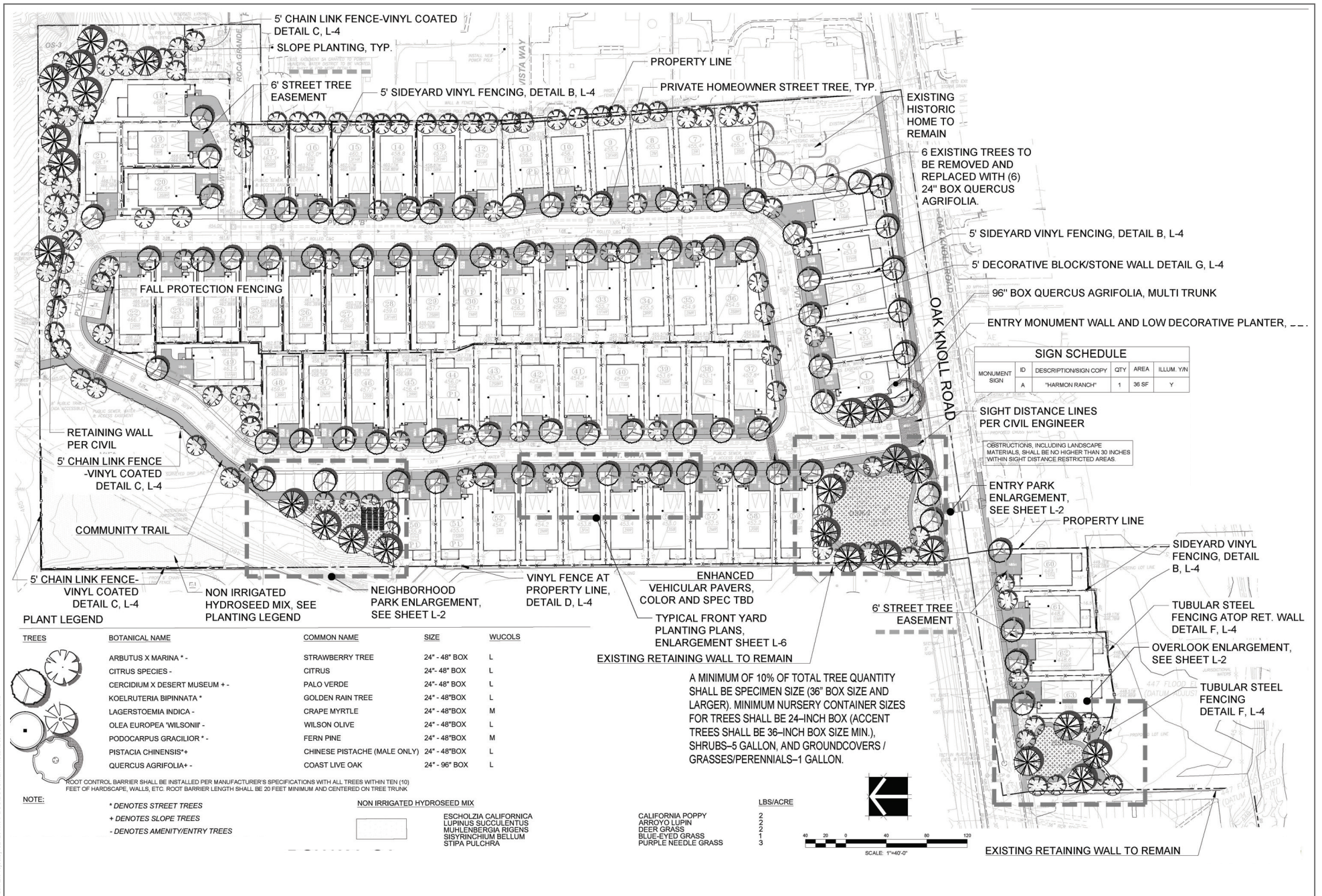
SOURCE: Lennar Homes 2023

FIGURE 3-6

Conceptual Phasing Plan

Harmon Ranch Specific Plan Project EIR

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SOURCE: GMP 2024

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**FIGURE 3-7**  
**Conceptual Landscape Plan**  
 Harmon Ranch Specific Plan Project EIR

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# 4 Environmental Analysis

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The following sections analyze the potential environmental impacts that may occur as a result of implementation of the Harmon Ranch project (proposed project). The environmental issues addressed in this chapter include the following:

- Aesthetics
- Air Quality
- Biological Resources
- Cultural and Tribal Cultural Resources
- Energy
- Geology and Soils
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Noise
- Population and Housing
- Public Services
- Recreation
- Transportation
- Utilities and Service Systems
- Wildfire

Each issue analysis section includes a description of existing conditions, the criteria for the determination of impact significance, evaluation of potential project impacts including cumulative impacts, mitigation measures (if applicable), and a conclusion of significance after mitigation for impacts identified as requiring mitigation (if applicable).

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## 4.1 Aesthetics

This section describes the existing visual conditions of the Harmon Ranch project (proposed project) site and vicinity, identifies associated regulatory requirements, evaluates potential impacts, and identifies mitigation measures related to implementation of the proposed project. It should be noted that the preservation of private views and privacy is not under the purview of the California Environmental Quality Act (CEQA).

A Notice of Preparation (NOP) was circulated from February 1, 2023, through March 3, 2023. During the NOP comment period, comment letters related to aesthetics focused on the following topics:

- Preservation of views and privacy
- Conformance with community aesthetics
- Shading impacts on surrounding properties
- Visual impacts due to grading changes

These comments were considered during the preparation of this environmental impact report (EIR). However, it should be noted that the preservation of private views and privacy is not under the purview of CEQA. The Initial Study, NOP, and Public Scoping comments are provided in Appendix A of this EIR.

### 4.1.1 Existing Conditions

The proposed project is located at 12623, 12624, 12650, and 12702 Oak Knoll Road and six additional vacant parcels. The project site is located within the southern area of City of Poway, along Oak Knoll Road, south of Poway Road and west of Carriage Road.

The project site is 11.5 acres and is currently designated Residential Single Family 7 (RS-7) in the City of Poway General Plan, which permits single-family homes on a minimum of 4,500-square-foot lots and a maximum density of eight dwelling units per acre. The project site is similarly zoned as “Residential Single-Family 7 (RS-7)” (City of Poway 1991).

The current property owner is Harmon Family Trust. The majority of the site has been cleared for several years and was once used as a construction staging yard for a San Diego Gas and Electric gas line project. The site includes four existing single-family residences. One of the existing homes is a locally designated historic building located at 12702 Oak Knoll Road (Assessor’s Parcel No. 317-500-14-00). The historic building was built in 1933 and is constructed of cobblestones. The building is presently designated as City of Poway Historical Site 113 and is documented and known as the “Harmon House.”

The site is relatively flat with an elevation of approximately 446 feet mean sea level (MSL) to 448 feet MSL. The northern portion of the property is level to moderate sloping with elevations ranging from approximately 449 feet MSL to 495 feet MSL. Poway Creek is located along the southern boundary of the southern parcels. The flood elevation of 447 feet MSL is shown on the Tentative Map. A tributary to Poway Creek exists along the northwest property boundary. The tributary has been channelized and outlets into a storm drain system beneath Oak Knoll Road. Surface drainage across the northern property is generally south and southwest toward Oak Knoll Road, while the southern property drains south and southwest into Poway Creek.

The proposed Specific Plan area consists of approximately 9 acres of disturbed land bisected by existing Oak Knoll Road. The majority of the site is disturbed and was previously utilized as a storage/staging area for San Diego Gas & Electric Company.

### **Community Overview**

The City of Poway (City) is situated in a network of hillsides and valleys and comprises an area that has many natural resources including creeks and channels, canyons, grassland areas, and mountains. These areas provide the City with aesthetic visual resources that add to the City's rural character and support a significant amount of native plant and animal life. Additionally, the vast amount of open space land in the City, which makes up approximately 50% of the total City land area, represents a significant part of the rural character of the City. While the City has historically been characterized as a farming community over the last 100 years, it is currently characterized by varying densities of residential land uses; limited commercial, industrial, public facility, and recreational uses; and vast amounts of open space, also known as "The City in the Country" (City of Poway 1991).

### **Surrounding Land Uses**

The land uses surrounding the project site consist of mixed-use, commercial office, and residential uses. The Poway Road Corridor Specific Plan Area (zoned as PC-8) is located to the north and west of the project site, and single-family homes are located to the east and south. The Countryside Apartments, located to the west of the project site, are within the Poway Road Corridor Specific Plan Area and are allowed a maximum housing density by right of 24 dwelling units per acre. The single-family homes located to the east and south of the project site are zoned Residential Single-Family 7 (RS-7).

### **Scenic Vistas**

The City includes views of several mountain peaks, including Mt. Woodson, Iron Mountain, and Twin Peaks, in addition to other prominent ridgelines that penetrate into the developed areas of the City. However, the City does not specifically designate scenic vistas.

### **Scenic Highways**

According to the California Department of Transportation (Caltrans) California Scenic Highway Mapping System, the proposed project is not located adjacent to, or in the vicinity of, a designated state scenic highway or eligible state scenic highway, nor are there any designated or eligible state scenic highways within the City's limits (Caltrans 2011). The closest eligible state scenic highway is State Route (SR) 52, located approximately 7 miles south of the project site. The closest designated State Scenic Highway is the portion of SR-125 between SR-94 and Interstate 8 near La Mesa, which is approximately 12 miles south of the project site.

The Poway Comprehensive Plan: General Plan (General Plan) contains local scenic roadways including Espola Road from the western City limits to Poway Road, Poway Road from Espola Road to SR-67, SR-67 through the Poway City limits, and Midland Road between Hilleary Road and Twin Peaks Road. Where not inhibited by existing or approved development, the City requires a landscaped open space easement of 50 feet from the ultimate right-of-way along all scenic roadways (City of Poway 2010). Espola Road is the only City-designated local scenic roadway within the vicinity of the proposed project.

## Light and Glare

Upward-pointing or upward-reflected light from outdoor lighting is a significant source of nighttime light. Nighttime light that spills outside of the intended area, as well as lighted signs, can be annoying to neighbors and potentially harmful to motorists, cyclists, and pedestrians. Nighttime lighting can result in skyglow (the brightening of the night sky) and light trespass (a result of spill light shining in undesirable locations). Nighttime lighting in excess of what is necessary for its purpose is called light pollution. Light pollution cannot completely be eliminated, but it can be minimized to help create dark skies and to decrease energy consumption. Existing sources of nighttime lighting within the boundary of the project site consists of lighting from the four existing residences on site.

Glare is the result of sharply reflected light caused by sunlight or artificial light reflecting from highly finished surfaces such as windows or brightly colored surfaces, and from the direct view of a bright, unshielded light source. Glare can be uncomfortable (discomfort glare) or disabling (disability glare). Glare decreases visibility, but the level of receptor sensitivity to glare can vary widely. There are no existing sources of glare at the project site.

### 4.1.2 Relevant Plans, Policies, and Ordinances

#### State

##### *California Environmental Quality Act*

CEQA (California Public Resources Code, Section 21000 et seq.) and the CEQA Guidelines (14 CCR 15000 et seq.) are primary sources for environmental legislation in California; they require projects with potential adverse environmental effects (or impacts) undergo environmental review. Adverse environmental impacts are typically mitigated as a result of the environmental review process in accordance with existing laws and regulations.

##### *California Scenic Highway Program*

Created by the Legislature in 1963, the California Scenic Highway Program includes highways designated by Caltrans as scenic. The purpose of this program is to preserve and protect the scenic beauty of California highways and adjacent corridors through conservation and land use regulation. For a highway to be included in the program, it must first be nominated by the specific city or county where it is located. The nomination/eligibility process also entails that the city/county identify and define the scenic corridor of the highway to better understand the extent of visual resources requiring conservation. For an eligible highway to be officially designated and included in the program, the local government with jurisdiction over lands abutting the highway must implement a scenic highway corridor protection program that safeguards the scenic appearance of the corridor. Corridor protection may be achieved through a variety of means, including regulation of land uses and intensity of development, detailed land and site planning, control of outdoor advertising, consideration of earthmoving and landscaping, and the design and appearance of structures and equipment. If the local Caltrans district and State Scenic Highway coordinators determine that the corridor protection program meets the five legislatively required elements discussed above, a recommendation to designate the highway as scenic is forwarded to the Caltrans director. The Caltrans director may revoke scenic highways that no longer comply with the program. There are no designated scenic highways located in the proposed project's vicinity.

## Local

### **City of Poway Municipal Code – Chapter 13.15 – Street Lighting**

Chapter 13.15 of the City’s Municipal Code provides regulations regarding street lighting standards to minimize glare, light trespass, and artificial sky glow for the benefit of the citizens of the City, and to promote lighting design that provides for public safety, utility, and productivity while conserving energy and resources.

### **Poway Comprehensive Plan: General Plan – Community Development Element**

The General Plan Community Development Element includes the following policies and strategies that could apply to the proposed project (City of Poway 1991):

**Goal I – It is the goal of the City of Poway to preserve Poway’s unique and desirable character as “The City in the Country” and to maintain high quality design and environmental standards in all new development and redevelopment.**

**Policy A – Streetscape: Seek to develop an attractive streetscape which reflects the rural, small town character of the City.**

- **Strategy 1:** Streetscape design should encourage an aesthetic roadway area that integrates street hardware, signs, lighting, landscaping, and pedestrian access.
- **Strategy 2:** Screening such as solid walls or fencing should principally serve as a device to restrict visual and acoustical impacts, but should also be designed to enhance the streetscape.
- **Strategy 3:** Where trees are now encroaching into the public right-of-way, the City shall establish a program that plants replacement trees in anticipation of removal of existing trees.
- **Strategy 6:** Covenants, conditions, and restrictions (CC&Rs) shall be adopted for all new subdivisions which require appropriate use and maintenance of lot areas which are visible from off-site in order to protect and enhance the character and image of the City.

**Policy C – Site Design: Attractive, efficient site design shall be required of all development.**

- **Strategy 18:** For projects with slopes of 15 percent or greater, a visual impact analysis shall be prepared to determine the most suitable location(s) for the building pad(s).

**Policy D – Grading: Necessary grading should be done so as to minimize the disturbance to the site and the environmental and aesthetic impacts.**

**Policy F – Architecture: The design of buildings should be aesthetically pleasing and consistent with the City’s desire to retain Poway’s small town character and image.**

- **Strategy 7:** All structures shall be of a muted color scheme, with style and texture which reflect the traditional/rural character of the community and natural environment. They shall not be bright, reflective, metallic, or otherwise visually out of character with the community or natural setting. A color palette shall be submitted as part of the site plan.

Policy I – Lighting: Lighting should provide for public convenience and safety but not conflict with the rural nature of the community.

- **Strategy 1:** Areas other than rural residential areas should be provided with street lights.
- **Strategy 2:** Public and semi-public parking lots and driveways should be adequately lighted for public safety. Except for single-family homes, only low pressure sodium lighting may be used for exterior lighting between 11:00 p.m. and dawn.
- **Strategy 3:** All lighting shall be shielded and directed so as to not shine on adjoining properties.
- **Strategy 4:** Lighting placed upon the building should be architecturally integrated into the design.
- **Strategy 5:** Lighting shall be provided to adequately illuminate building entrances, access areas, parking areas, walkways and stairways.
- **Strategy 6:** Lighting for home security should generally be provided through street lighting, however, supplemental residential-type lighting may be provided for security providing that it does not adversely affect adjacent properties.

### ***Poway Comprehensive Plan: General Plan – Natural Resources Element***

The following from the General Plan Natural Resources Element could apply to the proposed project (City of Poway 1991):

**Goal II, Policy A – Scenic Areas: Scenic areas, prominent vistas and open space areas that typify Poway’s rural history and image should be preserved and protected through appropriate land use policies.**

- **Strategy 1:** Significant open space areas and scenic vistas along local scenic roadways should be protected.
- **Strategy 2:** The mountains, hillsides and prominent ridgelines are a valuable natural resource and should be preserved through appropriate land use policies.

### 4.1.3 Thresholds of Significance

The significance criteria used to evaluate the project impacts to aesthetics are based on Appendix G of the CEQA Guidelines. According to Appendix G of the CEQA Guidelines, except as provided in Public Resources Code Section 21099, a significant impact related to aesthetics would occur if the project would:

1. Have a substantial adverse effect on a scenic vista.
2. Substantially damage scenic resources including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway.
3. In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings. (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, conflict with applicable zoning and other regulations governing scenic quality.
4. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.

## 4.1.4 Impacts Analysis

### ***Would the project have a substantial adverse effect on a scenic vista?***

The City's General Plan emphasizes the protection of scenic areas, prominent vistas, and open space areas that typify the community's rural history and image. Valuable scenic vistas include those of mountains, hillsides, prominent ridgelines, and significant open space areas and scenic vistas along locally designated scenic roadways. The City does not designate scenic vistas. Although not officially designated, major public open space areas within the vicinity of the proposed project include the Lake Poway Recreation Area and Blue Sky Ecological Reserve. Additionally, Sycamore Canyon Trailhead is located approximately 5 miles east, Iron Mountain Trailhead is located approximately 6 miles northeast, and Mt. Woodson Trailhead (Poway) is located approximately 7 miles northeast.

Sycamore Canyon is a scenic trail that offers a looped track through wild land and a waterfall. Due to topography and distance from the project site, Sycamore Canyon is not visible to or from the project site. Blue Sky Ecological Reserve trails are located in a canyon and beyond a small hill that is adjacent to the bend in Espola Road. Due to distance and topography, the project site is not visible from the Blue Sky Ecological Reserve or Lake Poway.

From Mt. Woodson and Iron Mountain and associated trails, views of the project site may be available from the peak but would be at a distance of 7 and 6 miles, respectively, and would be difficult to decipher amongst topography and existing development, but more likely the project site would not be distinguishable from these peaks.

The proposed project would also be designed to maintain a low profile and would be scaled similarly to surrounding land uses, which consist of residential and commercial developments on a variety of lot sizes. All buildings would be limited to a maximum height of 35 feet, consistent with the general plan.

The proposed project would not substantially interrupt or obstruct available views from any scenic areas. No designated scenic vistas would be impacted by the proposed project. Thus, impacts to scenic vistas would be **less than significant**.

### ***Would the project substantially damage scenic resources, including, but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?***

While the project would remove some existing trees on site and would develop new homes within close proximity to a designated historic house, there are no officially designated or eligible highways within the City. The closest designated State Scenic Highway is the portion of SR-125 between SR-94 and Interstate 8 near La Mesa, which is approximately 12 miles south of the project site. Therefore, **no impacts** to scenic resources within a State Scenic Highway would occur.

Please refer to EIR Section 4.4, Cultural and Tribal Resources, for a detailed analysis on the visual character and setting of the existing designated historic house on-site (Harmon House), and associated mitigation.



***In non-urbanized areas, would the project substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?***

CEQA Section 21071 defines an “urbanized area” as “(a) an incorporated city that meets either of the following criteria: (1) Has a population of at least 100,000 persons, or (2) Has a population of less than 100,000 persons if the population of that city and not more than two contiguous incorporated cities combined equals at least 100,000 persons.” As of July 1, 2018, the U.S. Census Bureau estimated the population of Poway to be 49,704 persons (U.S. Census Bureau 2018a). While the City’s population is under 100,000 persons, the City is contiguous with the City of San Diego, which was estimated to have a population of 1,425,976 persons as of July 1, 2018 (U.S. Census Bureau 2018b). Therefore, the City would be considered an urbanized area per CEQA and therefore the first question of this threshold would not apply to the proposed project, as it is directed at non-urbanized areas. CEQA Section 21071 also defines an urbanized area for unincorporated areas; however, the City is an incorporated city, so this definition was not considered.

The proposed project requires entitlements and agency approvals including, a General Plan Amendment, Zone Change, Specific Plan, Tentative Map, Development Review Permit, Final Map, and EIR Certification. The existing General Plan Land Use and Zoning Map designates the entire project site as “Residential Single-Family 7 (RS-7)” (City of Poway 1991). A General Plan amendment and zone change would be processed concurrently with the Specific Plan to designate the project site as “Planned Community (PC).” The amendment consists of both a map amendment and a zoning text amendment. In addition, a new section would be added to the Zoning Ordinance that briefly describes the Harmon Ranch Planned Community. This designation and zoning would be consistent with other specific plan areas throughout the City.

As described in Chapter 3 of this EIR, Government Code Section 65453(a) authorizes local jurisdictions to adopt specific plans as a tool for the systematic implementation of the general plan. A specific plan must be consistent with the adopted general plan, but can provide a unique set of land uses, design regulations, and development standards not permitted under a city’s existing zoning or by a city’s current standards. By allowing greater flexibility, development patterns can be specifically tailored to the characteristics of a site, including creative design concepts, density ranges that differ from a city’s zoning code, specially designed roadways, and a mix of uses unique to the specific plan area. Specific plans may be adopted, in whole or in part, by either resolution or by ordinance. The Harmon Ranch Specific Plan would be adopted by resolution and ordinance. All development and improvements constructed within the Specific Plan area would be required to be consistent with the City’s General Plan, the Specific Plan, and the tentative map(s).

The proposed project includes a tentative subdivision map. The map depicts the grading and drainage, individual residential lots, common ownership lots, public streets, private streets, and infrastructure improvements. The map would be submitted concurrently with the Specific Plan. One or more final subdivision map(s) would be recorded.

The Harmon Ranch Specific Plan prepared for the project site outlines land use development standards and design standards (Appendix Q to this EIR). The land use development standards regulate the distribution and intensity of land uses and establishes development standards that would govern all future development within the Specific Plan area. The design standards include architectural design guidelines that supplement the land use development standards. The design standards provide regulations for architectural style, open space design, and landscaping within the Specific Plan area. The proposed project would be required to comply with the land use development standards and all design standards outlined in the Specific Plan.

As outlined in the Specific Plan (Appendix Q), the vision for the project is to create a new residential neighborhood that is compatible with the surrounding neighborhoods in character and scale, retains the existing historic home as part of the Specific Plan area, conserves the portion of the site containing sensitive resources, establishes opportunities for active and passive recreation areas for the enjoyment of the residents and provides housing within the City of Poway. The project would be designed to be aesthetically appealing and compatible with the surrounding residential neighborhoods. Landscaping, lighting, furnishings and the design of outdoor spaces would convey a similar theme through the use of simple designs inspired by natural materials colors and patterns.

Exhibit 2.1, Illustrative Site Plan, in Appendix Q, represents a conceptual design solution that fulfills the vision of the Specific Plan. The Illustrative Site Plan conveys the intended design character and implements the development program permitted by the Specific Plan. The open space recreation areas shown, reflect the anticipated land uses and enhance the neighborhood setting envisioned for the project. Recreational uses are distributed throughout the neighborhood and provide ample opportunities for gathering and recreation for residents. Floodways are set aside in separate open space lots to ensure they remain in their existing natural condition.

The project would conform to the design guidelines outlined in the proposed Specific Plan for the project site (Harmon Ranch Specific Plan, Appendix Q).

The Specific Plan includes a General Plan Consistency Analysis, which demonstrates that the Specific Plan is generally consistent with applicable General Plan policies (Appendix Q). As described in Section 4.10, Land Use and Planning, the proposed project would not result in a conflict with any applicable land use plan, policy, or regulation for the purpose of avoiding or mitigating an environmental effect, which would include those governing scenic quality. Therefore, the proposed project would not conflict with any plans or policies governing scenic quality. The City has no ordinances governing scenic quality. Thus, because the proposed project is in an urbanized area and would not conflict with applicable zoning and other regulations governing scenic quality, impacts would be **less than significant**.

***Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?***

The project site is currently occupied by four existing single-family residences. Existing lighting on site is limited to associated interior and exterior lighting from residences.

As outlined in the Harmon Ranch Specific Plan (Appendix Q), lighting standards have been established for the project site. All lighting within the Specific Plan area would comply with Title 24 of the California Code of Regulations. In addition, lighting within the Specific Plan area would be required to conform to the Lighting Concept Plan and Conceptual Lighting Details outlined in the Specific Plan. Lighting guidelines are also established for the conceptual location of streetlights along the private streets and landscape lighting proposed at the community entry and open space areas.

The proposed project would also comply with Chapter 13.15 of the City's Municipal Code, as well as the City's Supplemental Engineering Standards (City of Poway 2012) with regard to outdoor lighting fixtures, street lighting, and safety lighting.

Windows on the proposed residences and buildings, and associated cars, have the potential to create new sources of glare. However, these uses and glare sources would not be inconsistent with the surrounding land uses, as the project site is surrounded by existing residential development. Also, the proposed project would not use highly reflective materials. Therefore, compliance with applicable lighting regulations and visual consistency with surrounding development would ensure that impacts due to new sources of light and glare would be **less than significant**.

## 4.1.5 Cumulative Impacts

Table 3-2 in Chapter 3 of this EIR identifies the projects generally considered for the cumulative analysis. More specifically, the geographic scope for analyzing cumulative impacts related to aesthetics focuses on lands in near proximity to the project site (e.g., public roadways).

### Scenic Vistas

Cumulative projects located in the Poway region would have the potential to result in a cumulative impact to scenic vistas if, in combination, they would result in the obstruction, interruption, or detracting from a scenic vista. As described in Section 4.1.1, Existing Conditions, the City does not specifically designate scenic vistas. However, the City has open space recreational areas including the Lake Poway Recreational Area, Blue Sky Ecological Reserve, Sycamore Canyon, Iron Mountain and Mt. Woodson, which afford broad views of the City and various ridgelines to the north and east. Due to the distance of the project site from these recreational areas, in addition to the existing residential and commercial land uses to the west, north and east of the project site, it would be difficult to distinguish the proposed project from adjacent existing development and the project site would blend with the existing environment.

Due to the distance from open space and peaks affording views of the City, in addition to the proposed project's location on an infill site and congruency with the surrounding residential land uses, the proposed project **would not result in a cumulatively considerable impact** to scenic vistas.

### Scenic Highways

State Scenic Highways are those highways that are either officially designated as state scenic highways by Caltrans or are eligible for such designation. There are no officially designated or eligible highways within the City. The closest designated State Scenic Highway is the portion of SR-125 between SR-94 and Interstate 8 near La Mesa, which is approximately 12 miles south of the project site. Since there are no designated or eligible state scenic highways within the City, **no cumulative impact** to a state scenic highway would occur.

### Policy Consistency

As discussed in Section 4.1.4, Impacts Analysis, the proposed project is in an urbanized area, per CEQA, so impacts would only occur if the project would conflict with applicable zoning and other regulations governing scenic quality. Since the proposed project would not conflict with applicable zoning, as amended by the project, or any other regulations governing scenic quality, and because policy consistency is determined on a project-by-project basis, **no cumulative impact** would occur.

### Light and Glare

The proposed project would have the potential to result in an incremental increase in light and glare associated with the new development. However, the City's Municipal Code, General Plan policies, and State Title 24 Regulations require new development to avoid glare impacts and minimize nighttime lighting. Specific Plan requirements are also included to avoid nuisance nighttime lighting. Cumulative projects would also be required to comply with these regulations, reducing cumulative impacts through collective regulatory compliance. Therefore, impacts would be less than significant, and the proposed project **would not result in a cumulatively considerable impact** related to light and glare.

#### 4.1.6 Mitigation Measures

Implementation of the proposed project would not result in significant impacts to aesthetics. Therefore, no mitigation would be required.

#### 4.1.7 Level of Significance after Mitigation

As previously stated, all potential impacts to aesthetics as a result of the proposed project would be less than significant, and no mitigation would be required.

## 4.2 Air Quality

This section describes the existing air quality conditions of the Harmon Ranch project (proposed project) site and vicinity, identifies associated regulatory requirements, evaluates potential impacts, and identifies mitigation measures related to implementation of the proposed project. The analysis is based on the review of existing air quality; technical data; applicable laws, regulations, and guidelines; and the air quality and greenhouse gas technical report prepared by Dudek in June 2022. The Air Quality and Greenhouse Gas Emissions Analysis Technical Report for the Harmon Ranch Project is included in this environmental impact report (EIR) as Appendix B.

A Notice of Preparation (NOP) was circulated from February 1, 2023, through March 3, 2023. During the NOP comment period, comment letters related to air quality impacts focused on the following topics:

Air pollution from automobiles and construction equipment

Dust from construction

These comments were considered during the preparation of this EIR. The Initial Study, NOP, and Public Scoping comments are provided in Appendix A of this EIR.

### 4.2.1 Existing Conditions

#### **Environmental Setting**

The project site is located within the San Diego Air Basin (SDAB) and is subject to the San Diego Air Pollution Control District (SDAPCD) guidelines and regulations. The SDAB is one of 15 air basins that geographically divide the State of California. The weather of the San Diego region, as in most of Southern California, is influenced by the Pacific Ocean and its semi-permanent high-pressure systems that result in dry, warm summers and mild, occasionally wet winters. The average temperature ranges (in °F) from the mid-40s to the high 90s. Most of the region's precipitation falls from November to April with infrequent (approximately 10%) precipitation during the summer. The average seasonal precipitation along the coast is approximately 10 inches; the amount increases with elevation as moist air is lifted over the mountains to the east.

The topography in the San Diego region varies greatly, from beaches on the west to mountains and desert on the east. Along with local meteorology, the topography influences the dispersal and movement of pollutants in the SDAB. The mountains to the east prohibit dispersal of pollutants in that direction and help trap them in inversion layers as described in the next section.

The interaction of ocean, land, and the Pacific High Pressure Zone maintains clear skies for much of the year and influences the direction of prevailing winds (westerly to northwesterly). Local terrain is often the dominant factor inland, and winds in inland mountainous areas tend to blow through the valleys during the day and down the hills and valleys at night.

#### **Meteorological and Topographical Conditions**

The SDAB lies in the southwest corner of California, comprises the entire San Diego region (covering approximately 4,260 square miles), and is an area of high air pollution potential. The SDAB experiences warm summers, mild winters, infrequent rainfalls, light winds, and moderate humidity. This usually mild climatological pattern is interrupted infrequently by periods of extremely hot weather, winter storms, or Santa Ana winds.

The climate also drives the pollutant levels. The climate of San Diego is classified as Mediterranean, but it is incredibly diverse due to the topography. The climate is dominated by the Pacific High pressure system that results in mild, dry summers and mild, wet winters. The Pacific High drives the prevailing winds in the SDAB. The winds tend to blow onshore during the daytime and offshore at night. In the fall months, the SDAB is often impacted by Santa Ana winds. These winds are the result of a high pressure system over the Nevada–Utah region that overcomes the westerly wind pattern and forces hot, dry winds from the east to the Pacific Ocean (SDAPCD 2015a). The winds blow the air basin’s pollutants out to sea. However, a weak Santa Ana can transport air pollution from the South Coast Air Basin and greatly increase the San Diego ozone (O<sub>3</sub>) concentrations. A strong Santa Ana also primes the vegetation for firestorm conditions.

The SDAB experiences frequent temperature inversions. Subsidence inversions occur during the warmer months as descending air associated with the Pacific High Pressure Zone meets cool marine air. The boundary between the two layers of air creates a temperature inversion that traps pollutants. Another type of inversion, a radiation inversion, develops on winter nights when air near the ground cools by heat radiation and air aloft remains warm. The shallow inversion layer formed between these two air masses can also trap pollutants. As the pollutants become more concentrated in the atmosphere, photochemical reactions occur that produce O<sub>3</sub>, commonly known as smog.

Light daytime winds, predominantly from the west, further aggravate the condition by driving air pollutants inland, toward the mountains. During the fall and winter, air quality problems are created due to emissions of carbon monoxide (CO) and oxides of nitrogen (NO<sub>x</sub>). CO concentrations are generally higher in the morning and late evening. In the morning, CO levels are elevated due to cold temperatures and the large number of motor vehicles traveling. Higher CO levels during the late evenings are a result of stagnant atmospheric conditions trapping CO in the area. Since CO is produced almost entirely from automobiles, the highest CO concentrations in the basin are associated with heavy traffic. Nitrogen dioxide (NO<sub>2</sub>) levels are also generally higher during fall and winter days when O<sub>3</sub> concentrations are lower.

The local climate in the southern part of the County of San Diego (County) is characterized as semi-arid with consistently mild, warmer temperatures throughout the year. The average summertime high temperature in the region is approximately 86°F. The average wintertime low temperature is approximately 39°F. Average precipitation in the local area is approximately 13.2 inches per year, with the bulk of precipitation falling between November and March (WRCC 2017).

### **Pollutants and Effects**

#### ***Criteria Air Pollutants***

Criteria air pollutants are defined as pollutants for which the federal and state governments have established ambient air quality standards (criteria) for outdoor concentrations to protect public health. The federal and state standards have been set, with an adequate margin of safety, at levels above which concentrations could be harmful to human health and welfare. These standards are designed to protect the most sensitive persons from illness or discomfort. Pollutants of concern include O<sub>3</sub>, NO<sub>2</sub>, CO, sulfur dioxide (SO<sub>2</sub>), particulate matter with an aerodynamic diameter less than or equal to 10 microns (PM<sub>10</sub>), particulate matter with an aerodynamic diameter less than or equal to 2.5 microns (PM<sub>2.5</sub>), and lead. These pollutants, as well as toxic air contaminants (TACs), are discussed in

the following paragraphs.<sup>1</sup> In California, sulfates, vinyl chloride, hydrogen sulfide, and visibility-reducing particles are also regulated as criteria air pollutants.

**Ozone.** O<sub>3</sub> is a strong-smelling, pale blue, reactive, toxic chemical gas consisting of three oxygen atoms. It is a secondary pollutant formed in the atmosphere by a photochemical process involving the sun's energy and O<sub>3</sub> precursors. These precursors are mainly NO<sub>x</sub> and volatile organic compounds (VOCs). The maximum effects of precursor emissions on O<sub>3</sub> concentrations usually occur several hours after they are emitted and many miles from the source. Meteorology and terrain play major roles in O<sub>3</sub> formation, and ideal conditions occur during summer and early autumn on days with low wind speeds or stagnant air, warm temperatures, and cloudless skies. O<sub>3</sub> exists in the upper atmosphere O<sub>3</sub> layer (stratospheric ozone) and at the earth's surface in the troposphere (ozone).<sup>2</sup> The O<sub>3</sub> that the U.S. Environmental Protection Agency (EPA) and the California Air Resources Board (CARB) regulate as a criteria air pollutant is produced close to the ground level, where people live, exercise, and breathe. Ground-level O<sub>3</sub> is a harmful air pollutant that causes numerous adverse health effects and is, thus, considered "bad" O<sub>3</sub>. Stratospheric, or "good," O<sub>3</sub> occurs naturally in the upper atmosphere, where it reduces the amount of ultraviolet light (i.e., solar radiation) entering the earth's atmosphere. Without the protection of the beneficial stratospheric O<sub>3</sub> layer, plant and animal life would be seriously harmed.

O<sub>3</sub> in the troposphere causes numerous adverse health effects; short-term exposures (lasting for a few hours) to O<sub>3</sub> at levels typically observed in Southern California can result in breathing pattern changes, reduction of breathing capacity, increased susceptibility to infections, inflammation of the lung tissue, and some immunological changes (EPA 2013). These health problems are particularly acute in sensitive receptors such as the sick, the elderly, and young children.

**Nitrogen Dioxide and Oxides of Nitrogen.** NO<sub>2</sub> is a brownish, highly reactive gas that is present in all urban atmospheres. The major mechanism for the formation of NO<sub>2</sub> in the atmosphere is the oxidation of the primary air pollutant nitric oxide, which is a colorless, odorless gas. NO<sub>2</sub> can irritate the lungs, cause bronchitis and pneumonia, and lower resistance to respiratory infections (EPA 2016b).

NO<sub>x</sub> plays a major role, together with VOCs, in the atmospheric reactions that produce O<sub>3</sub>. NO<sub>x</sub> is formed from fuel combustion under high temperature or pressure. In addition, NO<sub>x</sub> is an important precursor to acid rain and may affect both terrestrial and aquatic ecosystems. The two major emissions sources of NO<sub>x</sub> are transportation and stationary fuel combustion sources, such as electric utility and industrial boilers.

**Carbon Monoxide.** CO is a colorless, odorless gas formed by the incomplete combustion of hydrocarbon, or fossil fuels. CO is emitted almost exclusively from motor vehicles, power plants, refineries, industrial boilers, ships, aircraft, and trains. In urban areas, automobile exhaust accounts for the majority of CO emissions. CO is a nonreactive air pollutant that dissipates relatively quickly; therefore, ambient CO concentrations generally follow the spatial and temporal distributions of vehicular traffic. CO concentrations are influenced by local meteorological conditions—primarily wind speed, topography, and atmospheric stability. CO from motor vehicle exhaust can become locally concentrated when surface-based temperature inversions are combined with calm atmospheric conditions, which is a typical situation at dusk in urban areas from November to February. The highest levels of CO typically occur during the colder months of the year, when inversion conditions are more frequent.

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<sup>1</sup> The descriptions of each of the criteria air pollutants and associated health effects are based on EPA's (2016a) Criteria Air Pollutants and the CARB (2016a) Glossary of Air Pollutant Terms.

<sup>2</sup> The troposphere is the layer of the earth's atmosphere nearest to the surface of the earth. The troposphere extends outward about 5 miles at the poles and about 10 miles at the equator.

In terms of adverse health effects, CO competes with oxygen, often replacing it in the blood, reducing the blood's ability to transport oxygen to vital organs. The results of excess CO exposure can include dizziness, fatigue, and impairment of central nervous system functions.

**Sulfur Dioxide.** SO<sub>2</sub> is a colorless, pungent gas formed primarily from incomplete combustion of sulfur-containing fossil fuels. The main sources of SO<sub>2</sub> are coal and oil used in power plants and industries; as such, the highest levels of SO<sub>2</sub> are generally found near large industrial complexes. In recent years, SO<sub>2</sub> concentrations have been reduced by the increasingly stringent controls placed on stationary source emissions of SO<sub>2</sub> and limits on the sulfur content of fuels.

SO<sub>2</sub> is an irritant gas that attacks the throat and lungs and can cause acute respiratory symptoms and diminished ventilator function in children. When combined with particulate matter, SO<sub>2</sub> can injure lung tissue and reduce visibility and the level of sunlight. SO<sub>2</sub> can also yellow plant leaves and erode iron and steel.

**Particulate Matter.** Particulate matter pollution consists of very small liquid and solid particles floating in the air, which can include smoke, soot, dust, salts, acids, and metals. Particulate matter can form when gases emitted from industries and motor vehicles undergo chemical reactions in the atmosphere. PM<sub>2.5</sub> and PM<sub>10</sub> represent fractions of particulate matter. Coarse particulate matter (PM<sub>10</sub>) consists of particulate matter that is 10 microns or less in diameter (about 1/7 the thickness of a human hair). Major sources of PM<sub>10</sub> include crushing or grinding operations; dust stirred up by vehicles traveling on roads; wood-burning stoves and fireplaces; dust from construction, landfills, and agriculture; wildfires and brush/waste burning; industrial sources; windblown dust from open lands; and atmospheric chemical and photochemical reactions. Fine particulate matter (PM<sub>2.5</sub>) consists of particulate matter that is 2.5 microns or less in diameter (roughly 1/28 the diameter of a human hair). PM<sub>2.5</sub> results from fuel combustion (e.g., from motor vehicles and power generation and industrial facilities), residential fireplaces, and woodstoves. In addition, PM<sub>2.5</sub> can be formed in the atmosphere from gases such as sulfur oxides (SO<sub>x</sub>), NO<sub>x</sub>, and VOCs.

PM<sub>2.5</sub> and PM<sub>10</sub> pose a greater health risk than larger-size particles. When inhaled, these tiny particles can penetrate the human respiratory system's natural defenses and damage the respiratory tract. PM<sub>2.5</sub> and PM<sub>10</sub> can increase the number and severity of asthma attacks, cause or aggravate bronchitis and other lung diseases, and reduce the body's ability to fight infections. Very small particles of substances such as lead, sulfates, and nitrates can cause lung damage directly or be absorbed into the blood stream, causing damage elsewhere in the body. Additionally, these substances can transport adsorbed gases such as chlorides or ammonium into the lungs, also causing injury. Whereas PM<sub>10</sub> tends to collect in the upper portion of the respiratory system, PM<sub>2.5</sub> is so tiny that it can penetrate deeper into the lungs and damage lung tissue. Suspended particulates also damage and discolor surfaces on which they settle and produce haze and reduce regional visibility.

People with influenza, people with chronic respiratory and cardiovascular diseases, and the elderly may suffer worsening illness and premature death as a result of breathing particulate matter. People with bronchitis can expect aggravated symptoms from breathing in particulate matter. Children may experience a decline in lung function due to breathing in PM<sub>10</sub> and PM<sub>2.5</sub> (EPA 2009).

**Lead.** Lead in the atmosphere occurs as particulate matter. Sources of lead include leaded gasoline; the manufacturing of batteries, paints, ink, ceramics, and ammunition; and secondary lead smelters. Prior to 1978, mobile emissions were the primary source of atmospheric lead. Between 1978 and 1987, the phaseout of leaded gasoline reduced the overall inventory of airborne lead by nearly 95%. With the phaseout of leaded gasoline, secondary lead smelters, battery recycling, and manufacturing facilities are becoming lead-emissions sources of greater concern.



Prolonged exposure to atmospheric lead poses a serious threat to human health. Health effects associated with exposure to lead include gastrointestinal disturbances, anemia, kidney disease, and in severe cases, neuromuscular and neurological dysfunction. Of particular concern are low-level lead exposures during infancy and childhood. Such exposures are associated with decrements in neurobehavioral performance, including intelligence quotient performance, psychomotor performance, reaction time, and growth. Children are highly susceptible to the effects of lead.

**Volatile Organic Compounds.** Hydrocarbons are organic gases that are formed from hydrogen and carbon and sometimes other elements. Hydrocarbons that contribute to formation of O<sub>3</sub> are referred to and regulated as VOCs (also referred to as reactive organic gases). Combustion engine exhaust, oil refineries, and fossil-fueled power plants are the primary sources of hydrocarbons. Other sources of hydrocarbons include evaporation from petroleum fuels, solvents, dry cleaning solutions, and paint.

The primary health effects of VOCs result from the formation of O<sub>3</sub> and its related health effects. High levels of VOCs in the atmosphere can interfere with oxygen intake by reducing the amount of available oxygen through displacement. Carcinogenic forms of hydrocarbons, such as benzene, are considered TACs. There are no separate health standards for VOCs as a group.

**Sulfates.** Sulfates are the fully oxidized form of sulfur, which typically occur in combination with metals or hydrogen ions. Sulfates are produced from reactions of SO<sub>2</sub> in the atmosphere. Sulfates can result in respiratory impairment and reduced visibility.

**Vinyl Chloride.** Vinyl chloride is a colorless gas with a mild, sweet odor that has been detected near landfills, sewage plants, and hazardous waste sites, due to the microbial breakdown of chlorinated solvents. Short-term exposure to high levels of vinyl chloride in the air can cause nervous system effects such as dizziness, drowsiness, and headaches. Long-term exposure through inhalation can cause liver damage, including liver cancer.

**Hydrogen Sulfide.** Hydrogen sulfide is a colorless and flammable gas that has a characteristic odor of rotten eggs. Sources of hydrogen sulfide include geothermal power plants, petroleum refineries, sewers, and sewage treatment plants. Exposure to hydrogen sulfide can result in nuisance odors, as well as headaches and breathing difficulties at higher concentrations.

**Visibility-Reducing Particles.** Visibility-reducing particles are any particles in the air that obstruct the range of visibility. Effects of reduced visibility can include obscuring the viewshed of natural scenery, reducing airport safety, and discouraging tourism. Sources of visibility-reducing particles are the same as for PM<sub>2.5</sub>, described above.

### ***Non-Criteria Air Pollutants***

**Toxic Air Contaminants.** A substance is considered toxic if it has the potential to cause adverse health effects in humans, including increasing the risk of cancer upon exposure, or acute and/or chronic non-cancer health effects. A toxic substance released into the air is considered a TAC. TACs are identified by federal and state agencies based on a review of available scientific evidence. In the State of California, TACs are identified through a two-step process that was established in 1983 under the Toxic Air Contaminant Identification and Control Act. This two-step process of risk identification and risk management and reduction was designed to protect residents from the health effects of toxic substances in the air. In addition, the California Air Toxics “Hot Spots” Information and Assessment Act, Assembly Bill (AB) 2588, was enacted by the legislature in 1987 to address public concern over the release of TACs into the atmosphere. The law requires facilities emitting toxic substances to provide local air pollution control districts with information that will allow an assessment of the air toxics problem, identification of air toxics emissions sources,

location of resulting hotspots, notification of the public exposed to significant risk, and development of effective strategies to reduce potential risks to the public over 5 years.

Examples include certain aromatic and chlorinated hydrocarbons, certain metals, and asbestos. TACs are generated by a number of sources, including stationary sources, such as dry cleaners, gas stations, combustion sources, and laboratories; mobile sources, such as automobiles; and area sources, such as landfills. Adverse health effects associated with exposure to TACs may include carcinogenic (i.e., cancer-causing) and noncarcinogenic effects. Noncarcinogenic effects typically affect one or more target organ systems and may be experienced on either short-term (acute) or long-term (chronic) exposure to a given TAC.

**Diesel Particulate Matter.** Diesel particulate matter (DPM) is part of a complex mixture that makes up diesel exhaust. Diesel exhaust is composed of two phases, gas and particle, both of which contribute to health risks. More than 90% of DPM is less than one micrometer in diameter (about 1/70<sup>th</sup> the diameter of a human hair) and, thus, is a subset of PM<sub>2.5</sub> (CARB 2016a). DPM is typically composed of carbon particles (“soot,” also called black carbon) and numerous organic compounds, including over 40 known cancer-causing organic substances. Examples of these chemicals include polycyclic aromatic hydrocarbons, benzene, formaldehyde, acetaldehyde, acrolein, and 1,3-butadiene (CARB 2016a). CARB classified “particulate emissions from diesel-fueled engines” (i.e., DPM) (17 CCR 93000) as a TAC in August 1998. DPM is emitted from a broad range of diesel engines, including on-road diesel engines from trucks, buses, and cars; and off-road diesel engines from locomotives, marine vessels, and heavy-duty construction equipment, among others. Approximately 70% of all airborne cancer risk in California is associated with DPM (CARB 2000). To reduce the cancer risk associated with DPM, CARB adopted a diesel risk reduction plan in 2000 (CARB 2000). Because it is part of PM<sub>2.5</sub>, DPM also contributes to the same non-cancer health effects as PM<sub>2.5</sub> exposure. These effects include premature death; hospitalizations and emergency department visits for exacerbated chronic heart and lung disease, including asthma; increased respiratory symptoms; and decreased lung function in children. Several studies suggest that exposure to DPM may also facilitate development of new allergies (CARB 2016b). Those most vulnerable to non-cancer health effects are children whose lungs are still developing and the elderly who often have chronic health problems.

**Odorous Compounds.** Odors are generally regarded as an annoyance rather than a health hazard. Manifestations of a person’s reaction to odors can range from psychological (e.g., irritation, anger, or anxiety) to physiological (e.g., circulatory and respiratory effects, nausea, vomiting, and headache). The ability to detect odors varies considerably among the population and, overall, is quite subjective. People may have different reactions to the same odor. An odor that is offensive to one person may be perfectly acceptable to another (e.g., coffee roaster). An unfamiliar odor is more easily detected and is more likely to cause complaints than a familiar one. In a phenomenon known as odor fatigue, a person can become desensitized to almost any odor, and recognition may only occur with an alteration in the intensity. The occurrence and severity of odor impacts depend on the nature, frequency, and intensity of the source; wind speed and direction; and the sensitivity of receptors.

**Valley Fever.** Coccidioidomycosis, more commonly known as “Valley Fever,” is an infection caused by inhalation of the spores of the *Coccidioides immitis* fungus, which grows in the soils of the southwestern United States. The fungus is very prevalent in the soils of California’s San Joaquin Valley, particularly in Kern County. Kern County is considered a highly endemic county (i.e., more than 20 cases annually of Valley Fever per 100,000 people) based on the incidence rates reported through 2016 (California Department of Public Health 2017). The ecologic factors that appear to be most conducive to survival and replication of the spores are high summer temperatures, mild winters, sparse rainfall, and alkaline, sandy soils.

The County is not considered a highly endemic region for Valley Fever, as the latest report from the California Department of Public Health indicated the County has 4.4 cases per 100,000 people (California Department of Public Health 2017). Similarly, among the total reported incidents of Valley Fever from 2008 through 2017, only 0.8% of the cases reported in the County were in in the City’s zip code (92064) (County of San Diego 2018).

### Regional and Local Air Quality Conditions

#### *San Diego Air Basin Attainment Designation*

Pursuant to the 1990 federal CAA amendments, EPA classifies air basins (or portions thereof) as “attainment” or “nonattainment” for each criteria air pollutant, based on whether the NAAQS have been achieved. Generally, if the recorded concentrations of a pollutant are lower than the standard, the area is classified as “attainment” for that pollutant. If an area exceeds the standard, the area is classified as “nonattainment” for that pollutant. If there is not enough data available to determine whether the standard is exceeded in an area, the area is designated as “unclassified” or “unclassifiable.” The designation of “unclassifiable/attainment” means that the area meets the standard or is expected to be meet the standard despite a lack of monitoring data. Areas that achieve the standards after a nonattainment designation are redesignated as maintenance areas and must have approved maintenance plans to ensure continued attainment of the standards. The California Clean Air Act, like its federal counterpart, called for the designation of areas as “attainment” or “nonattainment,” but based on CAAQS rather than the NAAQS. Table 4.2-1 depicts the current attainment status of the SDAB with respect to the NAAQS and CAAQS.

**Table 4.2-1. San Diego Air Basin Attainment Classification**

Pollutant	Designation/Classification	
	Federal Standards	State Standards
Ozone (O <sub>3</sub> ) – 1 hour	Attainment	<b>Nonattainment</b>
O <sub>3</sub> – (8 hour)	<b>Nonattainment (moderate)</b>	<b>Nonattainment</b>
Nitrogen Dioxide (NO <sub>2</sub> )	Unclassifiable/attainment	Attainment
Carbon Monoxide (CO)	Attainment (maintenance)	Attainment
Sulfur Dioxide (SO <sub>2</sub> )	Unclassifiable/attainment	Attainment
Coarse Particulate Matter (PM <sub>10</sub> )	Unclassifiable/attainment	<b>Nonattainment</b>
Fine Particulate Matter (PM <sub>2.5</sub> )	Unclassifiable/attainment	<b>Nonattainment</b>
Lead	Unclassifiable/attainment	Attainment
Hydrogen Sulfide	No federal standard	Attainment
Sulfates	No federal standard	Unclassified
Visibility-Reducing Particles	No federal standard	Unclassified
Vinyl Chloride	No federal standard	No designation

**Sources:** EPA 2016c (federal); CARB 2016c (state).

**Notes:**

Attainment = meets the standards; Attainment/maintenance = achieve the standards after a nonattainment designation; Nonattainment = does not meet the standards; Unclassified or Unclassifiable = insufficient data to classify; Unclassifiable/attainment = meets the standard or is expected to be meet the standard despite a lack of monitoring data.

If nonattainment for federal standards, a clarifying classification will be provided indicating the severity of the nonattainment status.

In summary, the SDAB is designated as an attainment area for the 1997 8-hour O<sub>3</sub> NAAQS and as a nonattainment area for the 2008 8-hour O<sub>3</sub> NAAQS. The SDAB is designated as a nonattainment area for O<sub>3</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub> CAAQS. The portion of the SDAB where the proposed project would be located is designated as attainment or unclassifiable/unclassified for all other criteria pollutants under the NAAQS and CAAQS.

### Local Ambient Air Quality

CARB, air districts, and other agencies monitor ambient air quality at approximately 250 air quality monitoring stations across the state. Local ambient air quality is monitored by SDAPCD. SDAPCD operates a network of ambient air monitoring stations throughout the County that measure ambient concentrations of pollutants and determine whether the ambient air quality meets the CAAQS and the NAAQS. The nearest SDAPCD-operated monitoring station to the proposed project is the Kearny Villa Road monitoring station, which is located approximately 13 miles south of the project site. This Kearny Villa Road monitoring station was used to show the background ambient air quality for O<sub>3</sub>, PM<sub>10</sub>, PM<sub>2.5</sub>, and NO<sub>2</sub> for the project site. For 2019 and 2020, data for PM<sub>10</sub> was not available from the Kearny Villa Road monitoring station; the next closest station to the site is the El Cajon monitoring station. The monitoring station located on Rancho Carmel Drive was the closest to the proposed project that monitored CO. For SO<sub>2</sub>, the First Street monitoring station was the closest to the project site. Table 4.2-2 presents the most recent background ambient air quality data and number of days exceeding the ambient air quality standards from 2018 to 2020.

**Table 4.2-2. Local Ambient Air Quality Data**

Averaging Time	Unit	Agency/Method	Ambient Air Quality Standard	Measured Concentration by Year			Exceedances by Year		
				2018	2019	2020	2018	2019	2020
<b>Ozone (O<sub>3</sub>) – Kearney Villa Road</b>									
Maximum 1-hour Concentration	ppm	State	0.09	0.102	0.083	0.123	1	0	2
Maximum 8-hour Concentration	ppm	State	0.070	0.077	0.076	0.102	5	1	12
		Federal	0.070	0.077	0.075	0.102	5	1	10
<b>Nitrogen Dioxide (NO<sub>2</sub>) – Kearney Villa Road</b>									
Maximum 1-hour Concentration	ppm	State	0.18	0.045	0.046	0.052	0	0	0
		Federal	0.100	0.045	0.046	0.052	0	0	0
Annual Concentration	ppm	State	0.030	0.008	0.008	0.007	0	0	0
		Federal	0.053	0.008	0.008	0.007	0	0	0
<b>Carbon Monoxide (CO) – Rancho Carmel</b>									
Maximum 1-hour Concentration	ppm	State	20	1.9	4.1	3.3	0	0	0
		Federal	35	1.9	4.1	3.3	0	0	0
Maximum 8-hour Concentration	ppm	State	9.0	1.4	2.5	1.7	0	0	0
		Federal	9	1.4	2.5	1.7	0	0	0
<b>Sulfur Dioxide (SO<sub>2</sub>) – First Street</b>									
Maximum 1-hour Concentration	ppm	Federal	0.075	0.004	0.0008	0.002	0	0	0
Maximum 24-hour Concentration	ppm	State	0.04	0.0004	0.0003	0.0004	0	0	0
	ppm	Federal	0.140	0.0004	0.0003	0.0004	0	0	0
Annual Concentration	ppm	Federal	0.030	0.0001	0.0001	0.0001	0	0	0

Table 4.2-2. Local Ambient Air Quality Data

Averaging Time	Unit	Agency/ Method	Ambient Air Quality Standard	Measured Concentration by Year			Exceedances by Year		
				2018	2019	2020	2018	2019	2020
<b>Coarse Particulate Matter (PM<sub>10</sub>)<sup>a</sup> – Kearney Villa Road (2018), El Cajon (2019, 2020)</b>									
Maximum 24-hour Concentration	µg/m <sup>3</sup>	State	50	38	37	55	0.0 (0)	0.0 (0)	0.0 (0)
		Federal	150	38	37	55	0.0 (0)	0.0 (0)	0.0 (0)
Annual Concentration	µg/m <sup>3</sup>	State	20	18.4	N/A	N/A	0	N/A	N/A
<b>Fine Particulate Matter (PM<sub>2.5</sub>)<sup>a</sup> – Kearney Villa Road</b>									
Maximum 24-hour Concentration	µg/m <sup>3</sup>	Federal	35	32.2	16.2	47.5	0.0 (0)	0.0 (0)	5.8 (2)
Annual Concentration	µg/m <sup>3</sup>	State	12	8.3	7.0	8.7	0	0	0
		Federal	12.0	8.3	7.0	8.7	0	0	0

**Sources:** CARB 2022; EPA 2022.

**Notes:** ppm = parts per million; µg/m<sup>3</sup> = micrograms per cubic meter; N/A = not available.

Data taken from CARB iADAM (<http://www.arb.ca.gov/adam>) and Environmental Protection Agency AirData (<http://www.epa.gov/airdata/>) represent the highest concentrations experienced over a given year.

Daily exceedances for particulate matter are estimated days because PM<sub>10</sub> and PM<sub>2.5</sub> are not monitored daily. All other criteria pollutants did not exceed federal or state standards during the years shown. There is no federal standard for 1-hour O<sub>3</sub>, annual PM<sub>10</sub>, or 24-hour SO<sub>2</sub>, nor is there a state 24-hour standard for PM<sub>2.5</sub>.

<sup>a</sup> Measurements of PM<sub>10</sub> and PM<sub>2.5</sub> are usually collected every 6 days and every 1 to 3 days, respectively. Number of days exceeding the standards is a mathematical estimate of the number of days concentrations would have been greater than the level of the standard had each day been monitored. The numbers in parentheses are the measured number of samples that exceeded the standard.

### Sensitive Receptors

Some land uses are considered more sensitive to changes in air quality than others, depending on the population groups and the activities involved. People most likely to be affected by air pollution include children, the elderly, athletes, and people with cardiovascular and chronic respiratory diseases. Facilities and structures where these air pollution-sensitive people live or spend considerable amounts of time are known as sensitive receptors. Land uses where air pollution-sensitive individuals are most likely to spend time include schools and schoolyards, parks and playgrounds, daycare centers, nursing homes, hospitals, and residential communities (sensitive sites or sensitive land uses) (CARB 2005). SDAPCD identifies sensitive receptors as those who are especially susceptible to adverse health effects from exposure to TACs, such as children, the elderly, and the ill. Sensitive receptors include schools (grades Kindergarten through 12), daycare centers, nursing homes, retirement homes, health clinics, and hospitals within 2 kilometers of the facility (SDAPCD 2015b). The closest sensitive receptors to the proposed project are residences adjacent to the property boundary.

## 4.2.2 Relevant Plans, Policies, and Ordinances

### Federal

#### *Criteria Air Pollutants*

The federal Clean Air Act (CAA), passed in 1970 and last amended in 1990, forms the basis for the national air pollution control effort. EPA is responsible for implementing most aspects of the CAA, including the setting of the National Ambient Air Quality Standards (NAAQS) for major air pollutants, hazardous air pollutant standards, approval of state attainment plans, motor vehicle emission standards, stationary source emission standards and permits, acid rain control measures, stratospheric O<sub>3</sub> protection, and enforcement provisions.

Under the CAA, NAAQS are established for the following criteria pollutants: O<sub>3</sub>, CO, NO<sub>2</sub>, SO<sub>2</sub>, PM<sub>10</sub>, PM<sub>2.5</sub>, and lead. The NAAQS describe acceptable air quality conditions designed to protect the health and welfare of the citizens of the nation. The CAA requires EPA to reassess the NAAQS at least every 5 years to determine whether adopted standards are adequate to protect public health based on current scientific evidence. States with areas that exceed the NAAQS must prepare a State Implementation Plan (SIP) that demonstrates how those areas will attain the standards within mandated time frames.

#### *Hazardous Air Pollutants*

The 1977 federal CAA amendments required EPA to identify national emission standards for hazardous air pollutants to protect public health and welfare. Hazardous air pollutants include certain VOCs, pesticides, herbicides, and radionuclides that present a tangible hazard, based on scientific studies of exposure to humans and other mammals. Under the 1990 CAA amendments, which expanded the control program for hazardous air pollutants, 189 substances and chemical families were identified as hazardous air pollutants.

### State

#### *Criteria Air Pollutants*

The federal CAA delegates the regulation of air pollution control and the enforcement of the NAAQS to the states. In California, the task of air quality management and regulation has been legislatively granted to CARB, with subsidiary responsibilities assigned to air quality management districts and air pollution control districts at the regional and county levels. CARB, which became part of the California Environmental Protection Agency in 1991, is responsible for ensuring implementation of the California Clean Air Act of 1988, responding to the CAA and regulating emissions from motor vehicles and consumer products.

CARB has established California Ambient Air Quality Standards (CAAQS), which are generally more restrictive than the NAAQS. The CAAQS describe adverse conditions; that is, pollution levels must be below these standards before a basin can attain the standard. Air quality is considered “in attainment” if pollutant levels are continuously below the CAAQS and violate the standards no more than once each year. The CAAQS for O<sub>3</sub>, CO, SO<sub>2</sub> (1-hour and 24-hour), NO<sub>2</sub>, PM<sub>10</sub>, PM<sub>2.5</sub>, and visibility-reducing particles are values that are not to be exceeded. All others are not to be equaled or exceeded. The NAAQS and CAAQS are presented in Table 4.2-3.

Table 4.2-3. Ambient Air Quality Standards

Pollutant	Averaging Time	California Standards <sup>a</sup>	National Standards <sup>b</sup>	
		Concentration <sup>c</sup>	Primary <sup>c,d</sup>	Secondary <sup>c,e</sup>
O <sub>3</sub>	1 hour	0.09 ppm (180 µg/m <sup>3</sup> )	N/A	
	8 hours	0.070 ppm (137 µg/m <sup>3</sup> )	0.070 ppm (137 µg/m <sup>3</sup> ) <sup>f</sup>	Same as Primary Standard <sup>f</sup>
NO <sub>2</sub> <sup>g</sup>	1 hour	0.18 ppm (339 µg/m <sup>3</sup> )	0.100 ppm (188 µg/m <sup>3</sup> )	Same as Primary Standard
	Annual Arithmetic Mean	0.030 ppm (57 µg/m <sup>3</sup> )	0.053 ppm (100 µg/m <sup>3</sup> )	
CO	1 hour	20 ppm (23 mg/m <sup>3</sup> )	35 ppm (40 mg/m <sup>3</sup> )	None
	8 hours	9.0 ppm (10 mg/m <sup>3</sup> )	9 ppm (10 mg/m <sup>3</sup> )	
SO <sub>2</sub> <sup>h</sup>	1 hour	0.25 ppm (655 µg/m <sup>3</sup> )	0.075 ppm (196 µg/m <sup>3</sup> )	N/A
	3 hours	N/A	N/A	0.5 ppm (1,300 µg/m <sup>3</sup> )
	24 hours	0.04 ppm (105 µg/m <sup>3</sup> )	0.14 ppm (for certain areas) <sup>g</sup>	N/A
	Annual	N/A	0.030 ppm (for certain areas) <sup>g</sup>	N/A
PM <sub>10</sub> <sup>i</sup>	24 hours	50 µg/m <sup>3</sup>	150 µg/m <sup>3</sup>	Same as Primary Standard
	Annual Arithmetic Mean	20 µg/m <sup>3</sup>	N/A	
PM <sub>2.5</sub> <sup>i</sup>	24 hours	N/A	35 µg/m <sup>3</sup>	Same as Primary Standard
	Annual Arithmetic Mean	12 µg/m <sup>3</sup>	12.0 µg/m <sup>3</sup>	15.0 µg/m <sup>3</sup>
Lead <sup>i,k</sup>	30-day Average	1.5 µg/m <sup>3</sup>	N/A	N/A
	Calendar Quarter	N/A	1.5 µg/m <sup>3</sup> (for certain areas) <sup>k</sup>	Same as Primary Standard
	Rolling 3-Month Average	N/A	0.15 µg/m <sup>3</sup>	
Hydrogen sulfide	1 hour	0.03 ppm (42 µg/m <sup>3</sup> )	N/A	N/A
Vinyl chloride <sup>l</sup>	24 hours	0.01 ppm (26 µg/m <sup>3</sup> )	N/A	N/A
Sulfates	24 hours	25 µg/m <sup>3</sup>	N/A	N/A
Visibility reducing particles	8 hour (10:00 a.m. to 6:00 p.m. PST)	Insufficient amount to produce an extinction coefficient of 0.23 per kilometer due to the number of particles when the relative humidity is less than 70%	N/A	N/A

Source: CARB 2016b; EPA 2016d.

Notes: O<sub>3</sub> = ozone; ppm = parts per million by volume; µg/m<sup>3</sup> = micrograms per cubic meter; N/A = not available; NO<sub>2</sub> = nitrogen dioxide; CO = carbon monoxide; mg/m<sup>3</sup> = milligrams per cubic meter; SO<sub>2</sub> = sulfur dioxide; PM<sub>10</sub> = particulate matter with an aerodynamic diameter less than or equal to 10 microns; PM<sub>2.5</sub> = particulate matter with an aerodynamic diameter less than or equal to 2.5 microns.

- a California standards for O<sub>3</sub>, CO, SO<sub>2</sub> (1-hour and 24-hour), NO<sub>2</sub>, suspended particulate matter (PM<sub>10</sub>, PM<sub>2.5</sub>), and visibility-reducing particles are values that are not to be exceeded. All others are not to be equaled or exceeded. California Ambient Air Quality Standards are listed in the Table of Standards in Section 70200 of Title 17 of the California Code of Regulations.
- b National standards (other than O<sub>3</sub>, NO<sub>2</sub>, SO<sub>2</sub>, particulate matter, and those based on annual averages or annual arithmetic mean) are not to be exceeded more than once per year. The O<sub>3</sub> standard is attained when the fourth highest 8-hour concentration measured at each site in a year, averaged over 3 years, is equal to or less than the standard. For PM<sub>10</sub>, the 24-hour standard is attained when the expected number of days per calendar year with a 24-hour average concentration above 150 µg/m<sup>3</sup> is equal to or less than one. For PM<sub>2.5</sub>, the 24-hour standard is attained when 98% of the daily concentrations, averaged over 3 years, are equal to or less than the standard.
- c Concentration expressed first in units in which it was promulgated. Equivalent units given in parentheses are based on a reference temperature of 25°C and a reference pressure of 760 torr. Most measurements of air quality are to be corrected to a reference temperature of 25°C and a reference pressure of 760 torr; ppm in this table refers to ppm by volume, or micromoles of pollutant per mole of gas.
- d National Primary Standards: The levels of air quality necessary, with an adequate margin of safety, to protect the public health.
- e National Secondary Standards: The levels of air quality necessary to protect the public welfare from any known or anticipated adverse effects of a pollutant.
- f On October 1, 2015, the national 8-hour O<sub>3</sub> primary and secondary standards were lowered from 0.075 to 0.070 ppm.
- g To attain the national 1-hour standard, the 3-year average of the annual 98th percentile of the 1-hour daily maximum concentrations at each site must not exceed 100 parts per billion (ppb). Note that the national 1-hour standard is in units of ppb. California standards are in units of ppm. To directly compare the national 1-hour standard to the California standards, the units can be converted from ppb to ppm. In this case, the national standard of 100 ppb is identical to 0.100 ppm.
- h On June 2, 2010, a new 1-hour SO<sub>2</sub> standard was established, and the existing 24-hour and annual primary standards were revoked. To attain the national 1-hour standard, the 3-year average of the annual 99th percentile of the 1-hour daily maximum concentrations at each site must not exceed 75 ppb. The 1971 SO<sub>2</sub> national standards (24-hour and annual) remain in effect until 1 year after an area is designated for the 2010 standard, except that in areas designated nonattainment of the 1971 standards, the 1971 standards remain in effect until implementation plans to attain or maintain the 2010 standards are approved.
- i On December 14, 2012, the national annual PM<sub>2.5</sub> primary standard was lowered from 15 µg/m<sup>3</sup> to 12 µg/m<sup>3</sup>. The existing national 24-hour PM<sub>2.5</sub> standards (primary and secondary) were retained at 35 µg/m<sup>3</sup>, as was the annual secondary standard of 15 µg/m<sup>3</sup>. The existing 24-hour PM<sub>10</sub> standards (primary and secondary) of 150 µg/m<sup>3</sup> were also retained. The form of the annual primary and secondary standards is the annual mean averaged over 3 years.
- j California Air Resources Board has identified lead and vinyl chloride as toxic air contaminants with no threshold level of exposure for adverse health effects determined. These actions allow for the implementation of control measures at levels below the ambient concentrations specified for these pollutants.
- k The national standard for lead was revised on October 15, 2008, to a rolling 3-month average. The 1978 lead standard (1.5 µg/m<sup>3</sup> as a quarterly average) remains in effect until 1 year after an area is designated for the 2008 standard, except that in areas designated nonattainment for the 1978 standard, the 1978 standard remains in effect until implementation plans to attain or maintain the 2008 standard are approved.

### **Toxic Air Contaminants**

A TAC is defined by California law as an air pollutant that may cause or contribute to an increase in mortality or an increase in serious illness, or which may pose a present or potential hazard to human health. Federal laws use the hazardous air pollutants to refer to the same types of compounds that are referred to as TACs under state law. California regulates TACs primarily through the Tanner Air Toxics Act (AB 1807) and the Air Toxics Hot Spots Information and Assessment Act of 1987 (AB 2588).

AB 1807 sets forth a formal procedure for CARB to designate substances as TACs. This includes research, public participation, and scientific peer review before CARB can designate a substance as a TAC. Pursuant to AB 2588, existing facilities that emit air pollutants above specified levels were required to (1) prepare a TAC emission inventory plan and report; (2) prepare a risk assessment if TAC emissions were significant; (3) notify the public of significant risk levels; and (4) if health impacts were above specified levels, prepare and implement risk reduction measures.

The following regulatory measures pertain to the reduction of DPM and criteria pollutant emissions from off-road equipment and diesel-fueled vehicles.



**Idling of Commercial Heavy Duty Trucks (13 CCR 2485)**

In July 2004, CARB adopted an Airborne Toxic Control Measure (ATCM) to control emissions from idling trucks. The ATCM prohibits idling for more than 5 minutes for all commercial trucks with a gross vehicle weight rating over 10,000 pounds. The ATCM contains an exception that allows trucks to idle while queuing or involved in operational activities.

**In-Use Off-Road Diesel-Fueled Fleets (13 CCR 2449 et seq.)**

In July 2007, CARB adopted an ATCM for in-use off-road diesel vehicles. This regulation requires that specific fleet average requirements are met for NO<sub>x</sub> emissions and for particulate matter emissions. Where average requirements cannot be met, best available control technology requirements apply. The regulation also includes several recordkeeping and reporting requirements.

In response to AB 8 2X, the regulations were revised in July 2009 (effective December 3, 2009) to allow a partial postponement of the compliance schedule in 2011 and 2012 for existing fleets. On December 17, 2010, CARB adopted additional revisions to further delay the deadlines reflecting reductions in diesel emissions due to the poor economy and overestimates of diesel emissions in California. The revisions delayed the first compliance date until no earlier than January 1, 2014, for large fleets, with final compliance by January 1, 2023. The compliance dates for medium fleets were delayed until an initial date of January 1, 2017, and final compliance date of January 1, 2023. The compliance dates for small fleets were delayed until an initial date of January 1, 2019, and final compliance date of January 1, 2028. Correspondingly, the fleet average targets were made more stringent in future compliance years. The revisions also accelerated the phaseout of older equipment with newer equipment added to existing large and medium fleets over time, requiring the addition of Tier 2 or higher engines starting on March 1, 2011, with some exceptions: Tier 2 or higher engines on January 1, 2013, without exception; and Tier 3 or higher engines on January 1, 2018 (January 1, 2023, for small fleets).

On October 28, 2011 (effective December 14, 2011), the Executive Officer approved amendments to the regulation. The amendments included revisions to the applicability section and additions and revisions to the definition. The initial date for requiring the addition of Tier 2 or higher engines for large and medium fleets, with some exceptions, was revised to January 1, 2012. New provisions also allow for the removal of emission control devices for safety or visibility purposes. The regulation also was amended to combine the particulate matter and NO<sub>x</sub> fleet average targets under one, instead of two, sections. The amended fleet average targets are based on the fleet's NO<sub>x</sub> fleet average, and the previous section regarding particulate matter performance requirements was deleted completely. The best available control technology requirements, if a fleet cannot comply with the fleet average requirements, were restructured and clarified. Other amendments to the regulations included minor administrative changes to the regulatory text.

**In-Use On-Road Diesel-Fueled Vehicles (13 CCR 2025)**

On December 12, 2008, CARB adopted an ATCM to reduce NO<sub>x</sub> and particulate matter emissions from most in-use on-road diesel trucks and buses with a gross vehicle weight rating greater than 14,000 pounds. The original ATCM regulation required fleets of on-road trucks to limit their NO<sub>x</sub> and particulate matter emissions through a combination of exhaust retrofit equipment and new vehicles. The regulation limited particulate matter emissions for most fleets by 2011, and limited NO<sub>x</sub> emissions for most fleets by 2013. The regulation did not require any vehicle to be replaced before 2012 and never required all vehicles in a fleet be replaced.

In December 2009, the CARB Governing Board directed staff to evaluate amendments that would provide additional flexibility for fleets adversely affected by the struggling California economy. On December 17, 2010, CARB revised this ATCM to delay its implementation along with limited relaxation of its requirements. Starting on January 1, 2015, lighter trucks with a gross vehicle weight rating of 14,001 to 26,000 pounds with 20-year-old or older engines need to be replaced with newer trucks (2010 model year emissions equivalent as defined in the regulation). Trucks with a gross vehicle weight rating greater than 26,000 pounds with 1995 model year or older engines needed to be replaced as of January 1, 2015. Trucks with 1996 to 2006 model year engines must install a Level 3 (85% control) diesel particulate filter starting on January 1, 2012, to January 1, 2014, depending on the model year, and then must be replaced after 8 years. Trucks with 2007 to 2009 model year engines have no requirements until 2023, at which time they must be replaced with 2010 model year emissions-equivalent engines, as defined in the regulation. Trucks with 2010 model year engines would meet the final compliance requirements. The ATCM provides a phase-in option under which a fleet operator would equip a percentage of trucks in the fleet with diesel particulate filters, starting at 30% as of January 1, 2012, with 100% by January 1, 2016. Under each option, delayed compliance is granted to fleet operators who have or will comply with requirements before the required deadlines.

On September 19, 2011 (effective December 14, 2011), the Executive Officer approved amendments to the regulations, including revisions to the compliance schedule for vehicles with a gross vehicle weight rating of 26,000 pounds or less to clarify that *all* vehicles must be equipped with 2010 model year emissions equivalent engines by 2023. The amendments included revised and additional credits for fleets that have downsized; implement early particulate matter retrofits; incorporate hybrid vehicles, alternative-fueled vehicles, and vehicles with heavy-duty pilot ignition engines; and implement early addition of newer vehicles. The amendments included provisions for additional flexibility, such as for low-usage construction trucks, and revisions to previous exemptions, delays, and extensions. Other amendments to the regulations included minor administrative changes to the regulatory text, such as recordkeeping and reporting requirements related to other revisions.

### **California Health and Safety Code Section 41700**

Section 41700 of the California Health and Safety Code states that a person shall not discharge from any source whatsoever quantities of air contaminants or other material that cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or that endanger the comfort, repose, health, or safety of any of those persons or the public, or that cause, or have a natural tendency to cause, injury or damage to business or property. This section also applies to sources of objectionable odors.

### **Local**

#### ***San Diego Air Pollution Control District***

While CARB is responsible for the regulation of mobile emission sources within the state, local air quality management districts and air pollution control districts are responsible for enforcing standards and regulating stationary sources. The proposed project area is located within the SDAB and is subject to the guidelines and regulations of SDAPCD.

In the County, O<sub>3</sub> and particulate matter are the pollutants of main concern since exceedances of state ambient air quality standards for those pollutants have been observed in most years. For this reason, the SDAB has been designated as a nonattainment area for the state PM<sub>10</sub>, PM<sub>2.5</sub>, and O<sub>3</sub> standards. The SDAB is also a federal O<sub>3</sub> attainment (maintenance) area for 1997 8-hour O<sub>3</sub> standard, an O<sub>3</sub> nonattainment area for the 2008 8-hour O<sub>3</sub> standard, and a CO maintenance area (western and central part of the SDAB only, including the proposed project area).

### **Federal Attainment Plans**

In December 2016, SDAPCD adopted an update to the Eight-Hour Ozone Attainment Plan for San Diego County (2008 O<sub>3</sub> NAAQS), which indicated that local controls and state programs would allow the region to reach attainment of the federal 8-hour O<sub>3</sub> standard (1997 O<sub>3</sub> NAAQS) by 2018 (SDAPCD 2016a). In this plan, SDAPCD relies on the Regional Air Quality Strategy (RAQS) to demonstrate how the region will comply with the federal O<sub>3</sub> standard. The RAQS details how the region will manage and reduce O<sub>3</sub> precursors (NO<sub>x</sub> and VOCs) by identifying measures and regulations intended to reduce these pollutants. The control measures identified in the RAQS generally focus on stationary sources; however, the emissions inventories and projections in the RAQS address all potential sources, including those under the authority of CARB and EPA. Incentive programs for reduction of emissions from heavy-duty diesel vehicles, off-road equipment, and school buses are also established in the RAQS.

Currently, the County is designated as moderate nonattainment for the 2008 NAAQS and maintenance for the 1997 NAAQS. As documented in the 2016 8-Hour Ozone Attainment Plan for San Diego County, the County has a likely chance of obtaining attainment due to the transition to low-emission cars, stricter new source review rules, and continuing the requirement of general conformity for military growth and the San Diego International Airport. The County will also continue emission control measures, including ongoing implementation of existing regulations in O<sub>3</sub> precursor reduction to stationary and area-wide sources, subsequent inspections of facilities and sources, and the adoption of laws requiring best available retrofit control technology for control of emissions (SDAPCD 2016a).

### **State Attainment Plans**

Although CARB is responsible for the regulation of mobile emission sources within the state, local air quality management districts and air pollution control districts are responsible for enforcing standards and regulating stationary sources. The project site is located within the SDAB and is subject to SDAPCD guidelines and regulations.

SDAPCD and the San Diego Association of Governments (SANDAG) are responsible for developing and implementing the clean air plan for attainment and maintenance of the ambient air quality standards in the SDAB. The RAQS for the SDAB was initially adopted in 1991 and is updated every 3 years (most recently in 2020). The RAQS outlines SDAPCD's plans and control measures designed to attain the CAAQS for O<sub>3</sub>. The RAQS relies on information from CARB and SANDAG, including mobile and area source emissions, as well as information regarding projected growth in San Diego County and the cities in the County, to project future emissions and then determine from that the strategies necessary for the reduction of emissions through regulatory controls. CARB mobile source emission projections and SANDAG growth projections are based on population, vehicle trends, and land use plans developed by the County and the cities in the County as part of development of their general plans.

The 8-Hour Ozone Attainment Plan for San Diego County indicated that local controls and state programs would allow the region to reach attainment of the federal 8-hour O<sub>3</sub> standard by 2018 (SDAPCD 2016a). In this plan, SDAPCD relied on the RAQS to demonstrate how the region will comply with the federal O<sub>3</sub> standard. The RAQS details how the region will manage and reduce O<sub>3</sub> precursors (NO<sub>x</sub> and VOCs) by identifying measures and regulations intended to reduce these contaminants. The control measures identified in the RAQS generally focus on stationary sources; however, the emissions inventories and projections in the RAQS address all potential sources, including those under the authority of CARB and EPA. Incentive programs for reduction of emissions from heavy-duty diesel vehicles, off-road equipment, and school buses are also established in the RAQS. In response to court decisions, some elements in the 8-hour Ozone Attainment Plan for San Diego County required updates. CARB staff prepared the 2018 Updates to the California SIP to update SIP elements for nonattainment areas throughout the state. The applicable ozone attainment date for San Diego County is in 2032. The 2020 Ozone Attainment Plan

this complies with the Severe Nonattainment Area classification planning requirements and includes demonstrations for attainment of the 75 ppb and 70 ppb ozone standards by 2026 and 2032, respectively. The 2020 Plan includes a regionwide inventory of O<sub>3</sub> forming emissions, a reasonably further progress demonstration showing emissions reductions during the years leading to the attainment dates; an assessment of Reasonably Available Control Technology (RACT) and Reasonably Available Control Measures (RACM); and contingency measures in the event the emissions controls fall short of achieving the needed reductions.

In December 2005, SDAPCD also prepared a report titled “Measures to Reduce Particulate Matter in San Diego County” to address implementation of Senate Bill (SB) 656 in San Diego County (SB 656 required additional controls to reduce ambient concentrations of PM<sub>10</sub> and PM<sub>2.5</sub>). In the report, SDAPCD evaluates implementation of source-control measures that would reduce PM emissions associated with residential wood combustion (SDAPCD 2005).

### **SDAPCD Rules and Regulations**

As stated above, SDAPCD is responsible for planning, implementing, and enforcing federal and state ambient standards in the SDAB. The following rules and regulations apply to all sources in the jurisdiction of SDAPCD and would apply to the proposed project.

#### **SDAPCD Regulation II: Permits; Rule 20.2: New Source Review Non-Major Stationary Sources**

This rule requires new or modified stationary source units (that are not major stationary sources) with the potential to emit 10 pounds per day or more of VOC, NO<sub>x</sub>, SO<sub>x</sub>, or PM<sub>10</sub> to be equipped with best available control technology. For those units with a potential to emit above Air Quality Impact Assessments Trigger Levels, the units must demonstrate that such emissions would not violate or interfere with the attainment of any national air quality standard (SDAPCD 2016b).

The proposed project does not propose specific stationary sources. If stationary sources were to be included as part of the proposed project, or at a later date, those sources would be subject to Rule 20.2 and would require appropriate operating permits from SDAPCD. Because SDAPCD has not adopted specific criteria air pollutant thresholds for CEQA analyses, the thresholds identified in Rule 20.2 are utilized in this analysis as screening-level thresholds to evaluate project-level impacts, as discussed in Section 4.2.3, Thresholds of Significance.

#### **SDAPCD Regulation IV: Prohibitions; Rule 50: Visible Emissions**

This rule prohibits discharge into the atmosphere from any single source of emissions whatsoever any air contaminant for a period or periods aggregating more than 3 minutes in any period of 60 consecutive minutes, which is darker in shade than that designated as Number 1 on the Ringelmann Chart, as published by the United States Bureau of Mines, or of such opacity as to obscure an observer’s view to a degree greater than does smoke of a shade designated as Number 1 on the Ringelmann Chart (SDAPCD 1997).

Construction of the proposed project may result in visible emissions, primarily during earth-disturbing activities, which would be subject to SDAPCD Rule 50. Although visible emissions are less likely to occur during operation of the proposed project, compliance with SDAPCD Rule 50 would be required during both construction and operational phases.

### SDAPCD Regulation IV: Prohibitions; Rule 51: Nuisance

This rule prohibits the discharge, from any source, of such quantities of air contaminants or other materials that cause or have a tendency to cause injury, detriment, nuisance, annoyance to people and/or the public, or damage to any business or property (SDAPCD 1969).

Any criteria air pollutant emissions, TAC emissions, or odors that would be generated during construction or operation of the proposed project would be subject to SDAPCD Rule 51. Violations can be reported to SDAPCD in the form of an air quality complaint by telephone, email, and online form. Complaints are investigated by SDAPCD as soon as possible.

### SDAPCD Regulation IV: Prohibitions; Rule 55: Fugitive Dust

This rule regulates fugitive dust emissions from any commercial construction or demolition activity capable of generating fugitive dust emissions, including active operations, open storage piles, and inactive disturbed areas, as well as track-out and carry-out onto paved roads beyond a project area (SDAPCD 2009).

Construction of the proposed project, primarily during earth-disturbing activities, may result in fugitive dust emissions that would be subject to SDAPCD Rule 55. Fugitive dust emissions are not anticipated during operation of the proposed project.

### SDAPCD Regulation IV: Prohibitions; Rule 67.0.1: Architectural Coatings

This rule requires manufacturers, distributors, and end users of architectural and industrial maintenance coatings to reduce VOC emissions from the use of these coatings, primarily by placing limits on the VOC content of various coating categories (SDAPCD 2015b). Construction and operation of the proposed project would include application of architectural coatings (e.g., paint and other finishes), which are subject to SDAPCD Rule 67.0.1. Architectural coatings used in the reapplication of coatings during operation of the proposed project would be subject to the VOC content limits identified in SDAPCD Rule 67.0.1, which applies to coatings manufactured, sold, or distributed within the County.

### SDAPCD Regulation XII: Toxic Air Contaminants; Rule 1200: Toxic Air Contaminants - New Source Review

This rule requires new or modified stationary source units with the potential to emit TACs above rule threshold levels to either demonstrate that they will not increase the maximum incremental cancer risk above 1 in 1 million at every receptor location; demonstrate that toxics best available control technology will be employed if maximum incremental cancer risk is equal to or less than 10 in 1 million; or demonstrate compliance with SDAPCD's protocol for those sources with an increase in maximum incremental cancer risk at any receptor location of greater than 10 in 1 million but less than 100 in 1 million (SDAPCD 2017a).

The proposed project does not currently include specific stationary sources that would generate TACs that are not commonly associated with residential and commercial development projects. If stationary sources with the potential to emit TACs were to be included as part of the proposed project—or if they were added at a later date—those sources would be subject to SDAPCD Rule 1200 and would be subject to new source review requirements.

### SDAPCD Regulation XII: Toxic Air Contaminants; Rule 1210: Toxic Air Contaminant Public Health Risks –Public Notification and Risk Reduction

This rule requires each stationary source required to prepare a public risk assessment to provide written public notice of risks at or above the following levels: maximum incremental cancer risks equal to or greater than 10 in 1 million, cancer burden equal to or greater than 1.0, total acute non-cancer health hazard index equal to or greater than 1.0, or total chronic non-cancer health hazard index equal to or greater than 1.0 (SDAPCD 2017b).

The proposed project does not currently include specific stationary sources that would generate TACs. If stationary sources with the potential to emit TACs were to be included as part of the proposed project—or if they were added at a later date—those sources would be subject to SDAPCD Rule 1210 and would be subject to public notification and risk reduction requirements.

### **San Diego Association of Governments**

SANDAG is the regional planning agency for the County and serves as a forum for regional issues relating to transportation, the economy, community development, and the environment. SANDAG serves as the federally designated metropolitan planning organization for the County. With respect to air quality planning and other regional issues, SANDAG has prepared San Diego Forward: The Regional Plan (Regional Plan) for the San Diego region (SANDAG 2015). The Regional Plan combines the big-picture vision for how the region will grow over the next 35 years with an implementation program to help make that vision a reality. The Regional Plan, including its Sustainable Communities Strategy (SCS), is built on an integrated set of public policies, strategies, and investments to maintain, manage, and improve the transportation system so that it meets the diverse needs of the San Diego region through 2050.

In regards to air quality, the Regional Plan sets the policy context in which SANDAG participates in and responds to the air district’s air quality plans and builds off the air district’s air quality plan processes that are designed to meet health-based criteria pollutant standards in several ways (SANDAG 2015). First, it complements air quality plans by providing guidance and incentives for public agencies to consider best practices that support the technology-based control measures in air quality plans. Second, the Regional Plan emphasizes the need for better coordination of land use and transportation planning, which heavily influences the emissions inventory from the transportation sectors of the economy. This also minimizes land use conflicts, such as residential development near freeways, industrial areas, or other sources of air pollution.

On September 23, 2016, SANDAG’s Board of Directors adopted the final 2016 Regional Transportation Improvement Program, which is a multi-billion-dollar, multi-year program of proposed major transportation projects in the San Diego region. Transportation projects funded with federal, state, and TransNet (the San Diego transportation sales tax program) must be included in an approved Regional Transportation Improvement Program. The programming of locally funded projects also may be programmed at the discretion of the agency. The 2016 Regional Transportation Improvement Program covers 5 fiscal years and incrementally implements the Regional Plan (SANDAG 2016).

The 2021 Regional Plan, adopted by SANDAG on December 10, 2021, provides a long-term blueprint for the San Diego region that seeks to meet regulatory requirements, address traffic congestion, and create equal access to jobs, education, healthcare, and other community resources (SANDAG 2021). The plan is the result of years of planning, data analysis, and community engagement to reimagine the San Diego region with a transformative transportation system, a sustainable pattern of growth and development, and innovative demand and management strategies.

The 2021 Regional Plan includes an SCS, as required by California SB 375 (Steinberg, 2008), for the San Diego region. This SCS describes coordinated transportation and land use planning that exceeds the state’s target for reducing per capita GHG emissions set by CARB. The state-mandated target is a 19% reduction—compared with 2005—in per capita GHG emissions from cars and light-duty trucks by 2035. The 2021 Regional Plan achieves a 20% reduction by then.

The 2021 Regional Plan also puts forth a forecasted development pattern that is driven by regional goals for sustainability, mobility, housing affordability, and economic prosperity.

#### ***Poway Comprehensive Plan: General Plan***

The Poway Comprehensive Plan: General Plan (General Plan) includes the following policy and strategies to limit air pollution (City of Poway 1991):

#### ***Policy E – Air, Water and Soil Pollution: The City shall work locally and at the regional level to reduce air, water, and soil pollution within Poway.***

- **Strategy 1:** Work closely with regional agencies to help control all forms of pollution.
- **Strategy 2:** Seek to promote a development pattern that reduces daily trips for shopping, school, and recreation.
- **Strategy 3:** Encourage ridesharing, the use of transit and other transportation systems management programs to reduce the number of vehicle miles traveled and traffic congestion.
- **Strategy 4:** Consider the use of clean fuel systems for new local government fleet vehicles.
- **Strategy 5:** Implement plans and programs to phase-in energy conservation improvements.
- **Strategy 6:** Investigate incentives and regulations to reduce emissions from swimming pools, residential and commercial water heating and heaters.

### 4.2.3 Thresholds of Significance

The significance criteria used to evaluate the project impacts to air quality are based on Appendix G of the CEQA Guidelines. According to Appendix G of the CEQA Guidelines, a significant impact related to air quality would occur if the project would:

1. Conflict with or obstruct implementation of the applicable air quality plan.
2. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard.
3. Expose sensitive receptors to substantial pollutant concentrations.
4. Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people.

Appendix G of the CEQA Guidelines (14 CCR 15000 et seq.) indicates that, where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to determine whether the project would have a significant impact on air quality.

As part of its air quality permitting process, SDAPCD has established thresholds in Rule 20.2 requiring the preparation of Air Quality Impact Assessments for permitted stationary sources (SDAPCD 2016c). SDAPCD sets forth quantitative emissions thresholds below which a stationary source would not have a significant impact on

ambient air quality. Project-related air quality impacts estimated in this environmental analysis would be considered significant if any of the applicable significance thresholds presented in Table 4.2-4 are exceeded.

**Table 4.2-4. San Diego Air Pollution Control District Air Quality Significance Thresholds**

<b>Construction Emissions</b>			
<i>Pollutant</i>	<i>Total Emissions (Pounds per Day)</i>		
Respirable Particulate Matter (PM <sub>10</sub> )	100		
Fine Particulate Matter (PM <sub>2.5</sub> )	55		
Oxides of Nitrogen (NO <sub>x</sub> )	250		
Oxides of Sulfur (SO <sub>x</sub> )	250		
Carbon Monoxide (CO)	550		
Volatile Organic Compounds (VOCs)	75 <sup>a</sup>		
<b>Operational Emissions</b>			
<i>Pollutant</i>	<i>Total Emissions</i>		
	<i>Pounds per Hour</i>	<i>Pounds per Day</i>	<i>Tons per Year</i>
PM <sub>10</sub>	N/A	100	15
PM <sub>2.5</sub>	N/A	55	10
NO <sub>x</sub>	25	250	40
SO <sub>x</sub>	25	250	40
CO	100	550	100
Lead and Lead Compounds	N/A	3.2	0.6
VOCs	N/A	75 <sup>a</sup>	13.7

**Sources:** SDAPCD 1995; SDAPCD 2016b.

**Notes:** N/A = not available.

<sup>a</sup> VOC threshold based on the threshold of significance for VOCs from the South Coast Air Quality Management District for the Coachella Valley as stated in the San Diego County Guidelines for Determining Significance.

The thresholds listed in Table 4.2-4 represent screening-level thresholds that can be used to evaluate whether project-related emissions could cause a significant impact on air quality. Emissions below the screening-level thresholds would not cause a significant impact. For nonattainment pollutants, if emissions exceed the thresholds shown in Table 4.2-4, the proposed project could have the potential to result in a cumulatively considerable net increase in these pollutants and, thus, could have a significant impact on the ambient air quality.

With respect to odors, SDAPCD Rule 51 (Public Nuisance) prohibits emission of any material that causes nuisance to a considerable number of persons or endangers the comfort, health, or safety of any person. A project that proposes a use that would produce objectionable odors would be deemed to have a significant odor impact if it would affect a considerable number of off-site receptors.

The SDAPCD document, Supplemental Guidelines for Submission of Air Toxics “Hot Spots” Program Health Risk Assessments, provides guidance with which to perform health risk assessments (HRAs) within the SDAB. The current SDAPCD thresholds of significance for TAC emissions from the operations of both permitted and non-permitted sources are combined and are less than 10 in 1 million for cancer and less than one for the chronic hazard index (SDAPCD 2015c).



### 4.2.3.1 Approach and Methodology

#### Construction

Emissions from the construction phase of the proposed project were estimated using the California Emissions Estimator Model (CalEEMod) Version 2020.4.0.

The proposed project would develop 63 single-family homes. For the purposes of modeling, it was assumed that construction of the proposed project would commence in February 2024<sup>3</sup> and would last approximately 29 months, ending in June 2026. The analysis contained herein is based on the following subset area schedule assumptions (duration of phases is approximate):

- Demolition – 2 months
- Site Preparation – 1 month
- Grading – 6 months
- Paving – 3 months
- Building Construction – 18 months
- Architectural Coating – 15 months

The majority of the phases listed above would occur concurrently and would not occur sequentially in isolation. The estimated construction duration was provided by the project applicant. Detailed construction equipment modeling assumptions are provided in Appendix A, CalEEMod Outputs, of Appendix B to this EIR.

The construction equipment mix used for estimating the construction emissions of the proposed project is based on information provided by the project applicant and is shown in Table 4.2-5.

**Table 4.2-5. Construction Scenario Assumptions**

Construction Phase	One-Way Vehicle Trips			Equipment		
	Average Daily Worker Trips	Average Daily Vendor Truck Trips	Total Haul Truck Trips	Equipment Type	Quantity	Usage Hours
Demolition	16	4	40	Concrete/Industrial Saws	1	8
				Excavators	3	8
				Rubber Tired Dozers	2	8
Site Preparation	18	4	0	Rubber Tired Dozers	3	8
				Tractors/Loaders/Backhoes	4	8
Grading	20	4	0	Excavators	2	8

<sup>3</sup> The analysis assumes a construction start date of February 2024, which represents the earliest date construction would initiate. Assuming the earliest start date for construction represents the worst-case scenario for criteria air pollutant emissions because equipment and vehicle emission factors for later years would be slightly less due to more stringent standards for in-use off-road equipment and heavy-duty trucks, as well as fleet turnover replacing older equipment and vehicles in later years.

Table 4.2-5. Construction Scenario Assumptions

Construction Phase	One-Way Vehicle Trips			Equipment		
	Average Daily Worker Trips	Average Daily Vendor Truck Trips	Total Haul Truck Trips	Equipment Type	Quantity	Usage Hours
				Graders	1	8
				Rubber Tired Dozers	1	8
				Scrapers	2	8
				Tractors/Loaders/Backhoes	2	8
Paving	16	4	0	Pavers	2	8
				Paving Equipment	2	8
				Rollers	2	8
Building Construction	46	16	0	Cranes	1	7
				Forklifts	3	8
				Generator Sets	1	8
				Tractors/Loaders/Backhoes	3	7
				Welders	1	8
Architectural Coating	10	4	0	Air Compressors	1	6

**Note:** See Appendix B for details.

For the analysis, it was assumed that heavy construction equipment would be operating 5 days per week (22 days per month) during proposed project construction. Construction worker and vendor trips were based on CalEEMod default assumptions and rounded up to the nearest whole number to account for whole round trips.

There will be removal of three existing houses as represented in the demolition phase. Proposed project construction grading would be balanced on site and no import or export of soils would occur. It is anticipated that earth movement would be primarily, if not completely, accomplished using off-road equipment (e.g., scrapers and excavators); however, on-site truck trips were conservatively assumed in the event cut and fill would be transported via trucks within the site boundary.

Construction of proposed project components would be subject to SDAPCD Rule 55, Fugitive Dust Control, which requires that proposed construction include steps to restrict visible emissions of fugitive dust beyond the property line (SDAPCD 2009). Compliance with Rule 55 would limit fugitive dust (PM<sub>10</sub> and PM<sub>2.5</sub>) that may be generated during proposed grading and construction activities.

A detailed depiction of the construction schedule—including information regarding subphases and equipment used during each subphase—is included in Appendix B of this report. The information contained in Appendix B was used as CalEEMod model inputs.

### Health Risk Assessment

As a precautionary measure, an HRA was performed to assess the impact of construction on sensitive receptors proximate to the project site (provided as Appendix B). This report includes an HRA associated with emissions from construction of the proposed project based on the methodologies prescribed in the Office of Environmental Health

Hazard Assessment (OEHHA) document, Air Toxics Hot Spots Program Risk Assessment Guidelines – Guidance Manual for Preparation of Health Risk Assessments (OEHHA Guidelines) (OEHHA 2015). To implement the OEHHA Guidelines based on proposed project information, SDAPCD has developed a three-tiered approach where each successive tier is progressively more refined, with fewer conservative assumptions. The SDAPCD document, Supplemental Guidelines for Submission of Air Toxics “Hot Spots” Program Health Risk Assessments (SDAPCD 2022), provides guidance with which to perform HRAs within the SDAB.

Health effects from carcinogenic air toxics are usually described in terms of cancer risk. SDAPCD recommends a carcinogenic (cancer) risk threshold of 10 in 1 million. Additionally, some TACs increase non-cancer health risk due to long-term (chronic) exposures. The Chronic Hazard Index is the sum of the individual substance chronic hazard indices for all TACs affecting the same target organ system. SDAPCD recommends a Chronic Hazard Index significance threshold of one (project increment). The exhaust from diesel engines is a complex mixture of gases, vapors, and particles, many of which are known human carcinogens. DPM has established cancer risk factors and relative exposure values for long-term chronic health hazard impacts. No short-term, acute relative exposure level has been established for DPM; therefore, acute impacts of DPM are not addressed in this assessment. The HRA for the proposed project evaluated the risk to future residents from diesel emissions from exhaust from on-site construction equipment and diesel haul and vendor trucks.

The dispersion modeling of DPM was performed using the American Meteorological Society/EPA Regulatory Model (AERMOD), which is the model SDAPCD requires for atmospheric dispersion of emissions. AERMOD is a steady-state Gaussian plume model that incorporates air dispersion based on planetary boundary layer turbulence structure and scaling concepts, including treatment of surface and elevated sources, building downwash, and simple and complex terrain (EPA 2018). For the proposed project, AERMOD was run with all sources emitting unit emissions (1 gram per second) to obtain the “X/Q” values. X/Q is a dispersion factor that is the average effluent concentration normalized by source strength and is used as a way to simplify the representation of emissions from many sources. The X/Q values of ground-level concentrations were determined for construction emissions using AERMOD and the maximum concentrations determined for the 1-hour and period-averaging periods. Principal parameters of this modeling are presented in Table 4.2-6.

**Table 4.2-6. AERMOD Principal Parameters**

Parameter	Details
Meteorological Data	The latest 3-year meteorological data (2014–2016) for the Kearny Villa Road Station from SDAPCD were downloaded and then input to AERMOD.
Urban versus Rural Option	Urban areas typically have more surface roughness, as well as structures and low-albedo surfaces that absorb more sunlight—and thus more heat—relative to rural areas. However, based on the SDAPCD guidelines, the rural dispersion option was selected due to the proposed project’s proximity to the ocean.
Terrain Characteristics	The terrain in the vicinity of the modeled project site is generally flat. The elevation of the modeled site is about 450 to 600 feet above sea level. Digital elevation model files were imported into AERMOD so that complex terrain features were evaluated as appropriate.
Elevation Data	Digital elevation data were imported into AERMOD, and elevations were assigned to the emission sources and receptors. Digital elevation data were obtained through AERMOD View in the U.S. Geological Survey’s National Elevation Dataset format with a 10-meter resolution.
Emission Sources and Release Parameters	Air dispersion modeling of DPM from construction equipment was conducted using emissions estimated using the CalEEMod, assuming emissions would occur 8 hours per day, 5 days per week. The proposed project area was modeled as a series of line-volume sources.

Table 4.2-6. AERMOD Principal Parameters

Parameter	Details
Source Release Characterizations	The source release height was assumed to be 3.4 meters with plume height of 6.8 meters and width of 8.6 meters per volume source (EPA 2018).
Discrete Receptors	A course uniform cartesian grid was placed over receptors around the project site. A fine cartesian grid of 20-meter spacing was placed over the most impacted area. Discrete receptors were placed on residential receptors outside of the cartesian grids.

**Notes:** AERMOD = American Meteorological Society/EPA Regulatory Model; SDAPCD = San Diego Air Pollution Control District; DPM = diesel particulate matter; CalEEMod = California Emissions Estimator Model. See Appendix B for additional information.

Dispersion model plotfiles from AERMOD were then imported into CARB’s Hotspots Analysis and Reporting Program Version 2 to determine health risk, which requires peak 1-hour emission rates and annual-averaged emission rates for all pollutants for each modeling source. For the residential health risk, the HRA assumes exposure would start in the third trimester of pregnancy. The results of the HRA are provided in Section 4.2.4, Impact Analysis, and detailed results and methodology are provided in Appendix B.

### Operation

Emissions from the operational phase of the proposed project were estimated using CalEEMod. Operational year 2026 was assumed as it would be the first year following completion of proposed construction.

### Area Sources

CalEEMod was used to estimate operational emissions from area sources, including emissions from consumer product use, architectural coatings, and landscape maintenance equipment. Emissions associated with natural gas usage in space heating and water heating are calculated in the building energy use module of CalEEMod, as described in the following text. The project would not include wood burning stoves or hearths. Natural gas was assumed for stoves and hearths.

Consumer products are chemically formulated products used by household and institutional consumers, including detergents; cleaning compounds; polishes; floor finishes; cosmetics; personal care products; home, lawn, and garden products; disinfectants; sanitizers; aerosol paints; and automotive specialty products. Other paint products, furniture coatings, or architectural coatings are not considered consumer products (CAPCOA 2021). Consumer product VOC emissions for the buildings are estimated in CalEEMod based on the floor area of buildings and on the default factor of pounds of VOC per building square foot per day. Consumer products associated with the parking lot and other asphalt surfaces include degreasers, which were estimated based on the square footage of the parking lot and the default factor of pounds of VOC per square foot per day. The CalEEMod default values for consumer products were assumed.

VOC off-gassing emissions result from evaporation of solvents contained in surface coatings, such as in paints and primers used during building maintenance. CalEEMod calculates the VOC evaporative emissions from the application of surface coatings based on the VOC emission factor, the building square footage, the assumed fraction of surface area, and the reapplication rate. The VOC emissions factor is based on the VOC content of the surface coatings, and SDAPCD’s Rule 67.0.1 (Architectural Coatings) governs the VOC content for interior and exterior coatings. This rule requires manufacturers, distributors, and end users of architectural and industrial maintenance coatings to reduce VOC emissions from the use of these coatings, primarily by placing limits on the VOC content of

various coating categories (SDAPCD 2015b). The proposed project would use architectural coatings that would not exceed 50 grams per liter for interior applications and 100 grams per liter for exterior applications consistent with SDAPCD Rule 67.0.1. The model default reapplication rate of 10% of area per year is assumed. Consistent with CalEEMod defaults, it is assumed that the surface area for painting equals 2.7 times the floor square footage, with 75% assumed for interior coating and 25% assumed for exterior surface coating (CAPCOA 2017).

Landscape maintenance includes fuel combustion emissions from equipment such as lawn mowers, rototillers, shredders/grinders, blowers, trimmers, chainsaws, and hedge trimmers. The emissions associated with landscape equipment use are estimated based on CalEEMod default values for emission factors (grams per square foot of building space per day) and number of summer days (when landscape maintenance would generally be performed) and winter days.

### **Energy Sources**

As represented in CalEEMod, energy sources include emissions associated with building electricity and natural gas usage. Electricity use would contribute indirectly to criteria air pollutant emissions; however, the emissions from electricity use are only quantified for GHGs in CalEEMod, since criteria pollutant emissions occur at the site of the power plant, which is typically off site.

### **Mobile Sources**

Following the completion of construction activities, the proposed project would generate criteria pollutant emissions from mobile sources (vehicular traffic) as a result of the residents and patrons at the commercial uses of the proposed project. The maximum weekday trip rates were taken from the Transportation Impact Study prepared for the project (Appendix M). The estimated weekday vehicle miles traveled (VMT) for the proposed project were based off the Transportation Impact Study. The weekend trip rates were adjusted based on CalEEMod default trip rates. CalEEMod default data, including trip characteristics and emissions factors, were used for the model inputs. Project-related traffic was assumed to include a mixture of vehicles in accordance with the associated use, as modeled within the CalEEMod. Emission factors representing the vehicle mix and emissions for 2026 were used to estimate emissions associated with vehicular sources.

## 4.2.4 Impacts Analysis

### ***Would the project conflict with or obstruct implementation of the applicable air quality plan?***

As mentioned in Section 4.2.2, Relevant Plans, Policies, and Ordinances, SDAPCD and SANDAG are responsible for developing and implementing the clean air plans for attainment and maintenance of the ambient air quality standards in the basin—specifically, the SIP and RAQS.<sup>4</sup> The federal O<sub>3</sub> maintenance plan, which is part of the SIP, was adopted in 2012. The most recent O<sub>3</sub> attainment plan was adopted in 2016. The SIP includes a demonstration that current strategies and tactics will maintain acceptable air quality in the SDAB based on the NAAQS. The RAQS was initially adopted in 1991 and is updated on a triennial basis (most recently in 2016). The RAQS outlines SDAPCD's plans and control measures designed to attain the state air quality standards for O<sub>3</sub>. The SIP and RAQS rely on information from CARB and SANDAG, including mobile and area source emissions, as well as information regarding projected growth in the County as a whole and the cities in the County, to project future emissions and

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<sup>4</sup> For the purpose of this discussion, the relevant federal air quality plan is the ozone maintenance plan (SDAPCD 2012). The RAQS is the applicable plan for purposes of state air quality planning. Both plans reflect growth projections in the SDAB.

determine the strategies necessary for the reduction of emissions through regulatory controls. CARB mobile source emission projections and SANDAG growth projections are based on population, vehicle trends, and land use plans developed by the County and the cities in the County as part of the development of their general plans.

If a project proposes development that is greater than that anticipated in the local plan and SANDAG's growth projections, the project might be in conflict with the SIP and RAQS and may contribute to a potentially significant cumulative impact on air quality. The project site is designated as Residential Single Family 7 (RS-7) (City of Poway 1991). Therefore, the proposed project would be consistent with the land use zoning for the site.

Implementation of the proposed project would result in an increase in 63 residential units. SANDAG's 2021 Regional Plan, was adopted on December 10, 2021 and is the current growth forecast; it estimates that the City would have 17,092 units in 2025 and 18,017 units in 2035 (SANDAG 2021). This would equate to an additional 93 units per year from 2025 to 2035. The proposed project is expected to bring 63 units to market in 2026. Therefore, while the proposed project would be consistent with the current land use designation for the site, the proposed project would not conflict with SANDAG's regional growth forecast for the City, which accounts for residential growth in the City.

While SDAPCD and the City do not provide guidance regarding the analysis of impacts associated with air quality plan conformance, the County's Guidelines for Determining Significance and Report and Format and Content Requirements – Air Quality does discuss conformance with the RAQS (County of San Diego 2007). The guidance indicates that if a project, in conjunction with other projects, contributes to growth projections that would not exceed SANDAG's growth projections for the City, the project would not be in conflict with the RAQS (County of San Diego 2007). As previously discussed, the proposed project would not contribute to growth in the region that is not already accounted for. Therefore, impacts would be **less than significant**.

***Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?***

Air pollution is largely a cumulative impact. The nonattainment status of regional pollutants is a result of past and present development, and SDAPCD develops and implements plans for future attainment of ambient air quality standards. Based on these considerations, project-level thresholds of significance for criteria pollutants are relevant in the determination of whether a project's individual emissions would have a cumulatively significant impact on air quality.

Construction of the proposed project would result in the temporary addition of pollutants to the local airshed caused by on-site sources (i.e., off-road construction equipment, soil disturbance, and VOC off-gassing) and off-site sources (worker vehicle trips). Construction emissions can vary substantially day to day, depending on the level of activity, the specific type of operation, and for dust, the prevailing weather conditions.

Criteria air pollutant emissions associated with construction activity were quantified using CalEEMod. Default values provided by the program were used where detailed proposed project information was not available. A detailed depiction of the construction schedule—including information regarding phasing, equipment used during each phase, haul trucks, vendor trucks, and worker vehicles—is included in Section 4.2.3.1, Approach and Methodology, above. The information contained in Appendix B was used as CalEEMod inputs.

Implementation of the proposed project would generate air pollutant emissions from entrained dust, off-road equipment, vehicle emissions, asphalt pavement application, and architectural coatings. Entrained dust results from the exposure of earth surfaces to wind from the direct disturbance and movement of soil, resulting in PM<sub>10</sub> and PM<sub>2.5</sub> emissions. The proposed project would be subject to SDAPCD Rule 55, Fugitive Dust Control. This rule requires that the proposed project take steps to restrict visible emissions of fugitive dust beyond the property line. Compliance with Rule 55 would limit fugitive dust (PM<sub>10</sub> and PM<sub>2.5</sub>) generated during grading and construction activities.

Exhaust from internal combustion engines used by construction equipment and worker vehicles would result in emissions of VOC, NO<sub>x</sub>, CO, SO<sub>x</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub>. The application of asphalt pavement and architectural coatings would also produce VOC emissions.

Table 4.2-7 shows the estimated maximum daily construction emissions associated with construction of the proposed project without mitigation. Complete details of the emissions calculations are provided in Appendix B.

**Table 4.2-7. Estimated Maximum Daily Construction Criteria Air Pollutant Emissions – Unmitigated**

Year	VOC	NO <sub>x</sub>	CO	SO <sub>x</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>
	<i>Pounds per day</i>					
2024	4.83	45.30	48.39	0.10	6.44	3.62
2025	4.38	20.04	29.17	0.05	1.51	0.98
2026	4.37	12.58	16.21	0.03	1.09	0.63
<b>Maximum</b>	<b>4.83</b>	<b>45.30</b>	<b>48.39</b>	<b>0.10</b>	<b>6.44</b>	<b>3.62</b>
<i>SDAPCD Threshold</i>	75	250	550	250	100	55
<b>Threshold Exceeded?</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>

**Notes:** VOC = volatile organic compound; NO<sub>x</sub> = oxides of nitrogen; CO = carbon monoxide; SO<sub>x</sub> = sulfur oxides; PM<sub>10</sub> = coarse particulate matter; PM<sub>2.5</sub> = fine particulate matter; SDAPCD = San Diego Air Pollution Control District; CalEEMod = California Emissions Estimator Model.

See Appendix B for complete results.

The values shown are the maximum summer or winter daily emissions results from CalEEMod. Although not considered mitigation, these emissions reflect the CalEEMod “mitigated” output, which accounts for the required compliance with SDAPCD Rule 55 (Fugitive Dust) and Rule 67.0.1 (Architectural Coatings).

As shown in Table 4.2-7 daily construction emissions would not exceed the significance thresholds. Therefore, impacts during construction would be **less than significant**.

### Operational Emissions

Operation of the proposed project would generate VOC, NO<sub>x</sub>, CO, SO<sub>x</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub> emissions from mobile sources (vehicle trips), area sources (consumer products, landscape maintenance equipment), and energy sources. As discussed in Section 4.2.3.1, pollutant emissions associated with long-term operations were quantified using CalEEMod. Project-generated mobile source emissions were estimated in CalEEMod based on project-specific trip rates and VMT. CalEEMod default values were used to estimate emissions from the proposed project area and energy sources.

Table 4.2-8 presents the maximum daily area, energy, and mobile source emissions associated with operation (Year 2026) of the proposed project. The values shown are the maximum summer or winter daily emissions results from CalEEMod. Details of the emission calculations are provided in Appendix B.

Table 4.2-8. Estimated Maximum Daily Operational Criteria Air Pollutant Emissions

Emission Source	VOC	NO <sub>x</sub>	CO	SO <sub>x</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>
	Pounds per day					
Area	2.97	1.10	5.64	0.01	0.11	0.11
Energy	0.04	0.34	0.15	0.00	0.03	0.03
Mobile	1.51	1.48	12.89	0.03	3.02	0.82
<b>Total</b>	<b>4.52</b>	<b>2.92</b>	<b>18.68</b>	<b>0.04</b>	<b>3.16</b>	<b>0.96</b>
<i>SDAPCD Threshold</i>	75	250	550	250	100	55
<b>Threshold Exceeded?</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>

**Notes:** VOC = volatile organic compound; NO<sub>x</sub> = oxides of nitrogen; CO = carbon monoxide; SO<sub>x</sub> = sulfur oxides; PM<sub>10</sub> = coarse particulate matter; PM<sub>2.5</sub> = fine particulate matter; SDAPCD = San Diego Air Pollution Control District; CalEEMod = California Emissions Estimator Model.

See Appendix B for complete results.

Negative values are presented in parentheses.

The values shown are the maximum summer or winter daily emissions results from CalEEMod. These emissions reflect the CalEEMod “mitigated” output, which accounts for compliance with SDAPCD Rule 67.0.1 (Architectural Coatings).

As shown in Table 4.2-8, the combined daily area, energy, and mobile source emissions would not exceed SDAPCD’s operational thresholds for VOC, NO<sub>x</sub>, CO, SO<sub>x</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub>. The SDAB is a nonattainment area for O<sub>3</sub> under the NAAQS and CAAQS. The poor air quality in the SDAB is the result of cumulative emissions from motor vehicles, off-road equipment, commercial and industrial facilities, and other emission sources. Projects that emit these pollutants or their precursors (i.e., VOCs and NO<sub>x</sub> for O<sub>3</sub>) potentially contribute to poor air quality. In analyzing cumulative impacts from a project, the analysis must specifically evaluate the project’s contribution to the cumulative increase in pollutants for which the SDAB is designated as nonattainment for the CAAQS and NAAQS. If the project does not exceed thresholds and is determined to have less-than-significant project-specific impacts, it may still contribute to a significant cumulative impact on air quality if the emissions from the project, in combination with the emissions from other proposed or reasonably foreseeable future projects, are in excess of established thresholds. However, a project would only be considered to have a significant cumulative impact if the project’s contribution accounts for a significant proportion of the cumulative total emissions (i.e., it represents a “cumulatively considerable contribution” to the cumulative air quality impact).

Additionally, for the SDAB, the RAQS serves as the long-term regional air quality planning document for the purpose of assessing cumulative operational emissions in the basin to ensure the SDAB continues to make progress toward NAAQS- and CAAQS-attainment status. As such, cumulative projects located in the San Diego region would have the potential to result in a cumulative impact to air quality if, in combination, they would conflict with or obstruct implementation of the RAQS. Similarly, individual projects that are inconsistent with the regional planning documents upon which the RAQS is based would have the potential to result in cumulative operational impacts if they represent development and population increases beyond regional projections.

The SDAB has been designated as a federal nonattainment area for O<sub>3</sub> and a state nonattainment area for O<sub>3</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub>. The nonattainment status is the result of cumulative emissions from all sources of these air pollutants and their precursors within the basin. As discussed previously, the proposed project would not exceed significance thresholds during construction or operation.

Regarding long-term cumulative operational emissions in relation to consistency with local air quality plans, the SIP and RAQS serve as the primary air quality planning documents for the state and SDAB, respectively. The SIP and RAQS rely on SANDAG growth projections based on population, vehicle trends, and land use plans developed by the



cities and the County as part of the development of their general plans. Therefore, projects that propose development that is consistent with the growth anticipated by local plans would be consistent with the SIP and RAQS and would not be considered to result in cumulatively considerable impacts from operational emissions. As stated previously, the proposed project would be consistent with the existing zoning and land use designation for the site and would not result in significant regional growth that is not accounted for within the RAQS. As a result, the proposed project would not result in a cumulatively considerable contribution to regional O<sub>3</sub> concentrations or other criteria pollutant emissions. Cumulative impacts would be **less than significant** during construction and operation.

***Would the project expose sensitive receptors to substantial pollutant concentrations?***

Air quality varies as a direct function of the amount of pollutants emitted into the atmosphere, the size and topography of the air basin, and the prevailing meteorological conditions. Air quality problems arise when the rate of pollutant emissions exceeds the rate of dispersion. Reduced visibility, eye irritation, and adverse health impacts upon those persons termed “sensitive receptors” are the most serious hazards of existing air quality conditions in the area. Some land uses are considered more sensitive to changes in air quality than others, depending on the population groups and the activities involved. People most likely to be affected by air pollution, as identified by CARB (2005), include children, the elderly, athletes, and people with cardiovascular and chronic respiratory diseases. As such, sensitive receptors include residences, schools, playgrounds, childcare centers, athletic facilities, long-term healthcare facilities, rehabilitation centers, convalescent centers, and retirement homes. The closest sensitive receptors to the proposed project are residences adjacent to the property boundaries. The proposed project would also introduce new on-site sensitive receptors (residences) to the area.

**Health Impacts of Toxic Air Contaminants**

“Incremental cancer risk” is the net increased likelihood that a person continuously exposed to concentrations of TACs resulting from a project over a 9-, 30-, and 70-year exposure period would contract cancer based on the use of standard OEHHA risk-assessment methodology (OEHHA 2015). In addition, some TACs have noncarcinogenic effects. TACs that would potentially be emitted during construction activities would be DPM emitted from heavy-duty construction equipment and heavy-duty trucks. Heavy-duty construction equipment and diesel trucks are subject to CARB ATCMs to reduce DPM emissions. According to the OEHHA, HRAs should be based on a 30-year exposure duration based on typical residency period; however, such assessments should be limited to the period/duration of activities associated with the project (OEHHA 2015). Thus, the duration of proposed construction activities (approximately 29 months) would only constitute a small percentage of the total long-term exposure period and would not result in exposure of proximate sensitive receptors to substantial TACs. After proposed construction is completed, there would be no long-term source of TAC emissions during operation.

However, as a precautionary measure an HRA was performed to evaluate the risk from diesel exhaust emissions on existing sensitive receptors from construction activities. The HRA methodology was described in Section 4.2.3.1, and the detailed assessment is provided in Appendix B. Table 4.2-9 summarizes the results of the HRA for proposed project construction.

**Table 4.2-9. Construction Activity Health Risk Assessment Results**

Impact Parameter	Units	Project Impact	CEQA Threshold	Level of Significance
Cancer Risk	Per Million	133.2	10.0	Potentially Significant
HIC	Not Applicable	0.08	1.0	Less than Significant

**Source:** Appendix B.

**Notes:** CEQA = California Environmental Quality Act; HIC = Chronic Hazard Index.

The results of the HRA demonstrate that the TAC exposure from construction diesel exhaust emissions would result in cancer risk on site above the 10 in 1 million threshold, as well as Chronic Hazard Index less than one. Therefore, TAC emissions from operation of the proposed project may expose sensitive receptors to substantial pollutant concentrations and would result in a **potentially significant** impact.

### Health Impacts of Carbon Monoxide

As described previously, exposure to high concentrations of CO can result in dizziness, fatigue, chest pain, headaches, and impairment of central nervous system functions. Mobile-source impacts, including those related to CO, occur on two scales. Regionally, project-related construction travel would add to regional trip generation and increase the vehicle miles traveled within the local airshed and the SDAB. Locally, construction traffic would be added to the roadway system in the vicinity of the project site. Although the SDAB is currently an attainment area for CO, there is a potential for the formation of microscale CO “hotspots” to occur immediately around points of congested traffic. Hotspots can form if such traffic occurs during periods of poor atmospheric ventilation, is composed of a large number of vehicles cold-started and operating at pollution-inefficient speeds, and/or is operating on roadways already crowded with non-project traffic. Because of continued improvement in vehicular emissions at a rate faster than the rate of vehicle growth and/or congestion, the potential for CO hotspots in the SDAB is steadily decreasing. The SDAB is a CO maintenance area (western and central part of the SDAB only).

The Governor’s Office of Planning and Research and the California Natural Resources Agency have issued new CEQA Guidelines for analyzing transportation impacts. By July 1, 2020, all CEQA lead agencies must analyze a project’s transportation impacts using VMT. Vehicle-miles traveled measures the distances vehicles will travel to and from a project, rather than congestion levels at intersections (level of service [LOS], graded on a scale of A–F). To account for this shift from LOS to VMT – such that vehicle congestion is no longer modeled and available – but to nonetheless evaluate the potential for CO hotspots for the hypothetical development scenario, this analysis utilizes CO modeling analyses performed by the South Coast Air Quality Management District (SCAQMD) relative to 1-hour and 8-hour concentrations as follows.

SCAQMD conducted CO modeling for the 2003 Air Quality Management Plan (Appendix V of SCAQMD 2003) for the four worst-case intersections in the South Coast Air Basin: (1) Wilshire Boulevard and Veteran Avenue, (2) Sunset Boulevard and Highland Avenue, (3) La Cienega Boulevard and Century Boulevard, and (4) Long Beach Boulevard and Imperial Highway. At the time the 2003 Air Quality Management Plan was prepared, the intersection of Wilshire Boulevard and Veteran Avenue was the most congested intersection in Los Angeles County, with an average daily traffic volume of about 100,000 vehicles per day. Using CO emission factors for 2002, the peak modeled CO 1-hour concentration was estimated to be 4.6 parts per million (ppm) at the intersection of Wilshire Boulevard and Veteran Avenue.

A daily traffic volume of 100,000 vehicles (as considered in the SCAQMD modeling) as a result of the proposed project, would be at multiple times the traffic volumes of nearby intersections (Appendix L, Local Transportation Assessment for Harmon Ranch). However, if “peak” modeled 1-hour concentration from SCAQMD’s analysis of 100,000 vehicle traffic volumes of the 4.6 ppm were added to the maximum 1-hour CO concentration from 2018 through 2020 at the San Diego – 11403 Rancho Carmel Drive monitoring station (see Table 4.2-2, Local Ambient Air Quality Data) of 4.1 ppm (in 2019), the 1-hour CO concentration in the project area would total 8.7 ppm. This “worst case scenario” – modeling at least double the traffic compared to that experienced in the proposed project area – would still result in 1-hour CO concentrations well below the CAAQS 1-hour CO threshold of 20 ppm.

Concerning 8-hour concentrations, SCAQMD modeled future year 8-hour CO concentrations at the Central Los Angeles monitoring site of 4.6 ppm in 2020. Adding the 4.6 ppm to the maximum 8-hour CO concentration from 2018 through 2020 at the San Diego – 11403 Rancho Carmel Drive monitoring station (see Table 4.2-2, Local Ambient Air Quality Data) of 2.5 ppm (in 2019) would result in a total 8-hour CO concentration of 7.1 ppm. Again, this “worst case scenario” 8-hour CO concentration assuming traffic counts far above that experienced in the proposed project area would still be well below the CAAQS 8-hour threshold of 9.0 ppm.

Said another way, CO concentrations at congested intersections would not exceed the 1-hour or 8-hour CO CAAQS unless projected daily traffic would cause area traffic volumes to exceed 100,000 vehicles per day. The proposed project would not increase daily traffic volumes at any study intersection to more than 100,000 vehicles per day (Appendix L). Therefore, the proposed project is not anticipated to create a CO hotspot. As such, impacts to sensitive receptors with regard to potential CO hotspots resulting from the project and hypothetical development scenario’s contribution to cumulative traffic-related air quality impacts would be less than significant.

### **Health Impacts of Other Criteria Air Pollutants**

Construction and operation of the proposed project would not result in emissions that exceed SDAPCD’s emission thresholds for any criteria air pollutants. Regarding VOCs, some VOCs are associated with motor vehicles and construction equipment, while others are associated with architectural coatings, the emissions of which would not result in the exceedances of SDAPCD’s thresholds. Generally, the VOCs in architectural coatings are of relatively low toxicity. Additionally, SDAPCD Rule 67.0.1 restricts the VOC content of coatings for both construction and operational applications.

In addition, VOCs and NO<sub>x</sub> are precursors to O<sub>3</sub>, for which the SDAB is designated as nonattainment with respect to the NAAQS and CAAQS (the SDAB is designated by EPA as an attainment area for the 1-hour O<sub>3</sub> NAAQS standard and 1997 8-hour NAAQS standard). The health effects associated with O<sub>3</sub>, as discussed in Section 4.2.1 under Pollutants and Effects, are generally associated with reduced lung function. The contribution of VOCs and NO<sub>x</sub> to regional ambient O<sub>3</sub> concentrations is the result of complex photochemistry. The increases in O<sub>3</sub> concentrations in the SDAB due to O<sub>3</sub> precursor emissions tend to be found downwind from the source location to allow time for the photochemical reactions to occur. However, the potential for exacerbating excessive O<sub>3</sub> concentrations would also depend on the time of year that the VOC emissions would occur, because exceedances of the O<sub>3</sub> ambient air quality standards tend to occur between April and October when solar radiation is highest.

The holistic effect of a single project’s emissions of O<sub>3</sub> precursors is speculative due to the lack of quantitative methods to assess this impact. Nonetheless, the VOC and NO<sub>x</sub> emissions associated with proposed project construction and operations could minimally contribute to regional O<sub>3</sub> concentrations and the associated health impacts. Due to the minimal contribution during construction and operation, as well as the existing good air quality in Coastal San Diego areas, health impacts would be considered less than significant.

Regarding NO<sub>2</sub>, according to the construction emissions analysis, construction of the proposed project would not contribute to exceedances of the NAAQS and CAAQS for NO<sub>2</sub>. As described in Section 4.2.1, health impacts from exposure to NO<sub>2</sub> and NO<sub>x</sub> are associated with respiratory irritation, which may be experienced by nearby receptors during the periods of heaviest use of off-road construction equipment. However, these operations would be relatively short term. Additionally, off-road construction equipment would operate at various portions of the site and would not be concentrated in one portion of the site at any one time. Construction of the proposed project would not require any stationary emission sources that would create substantial, localized NO<sub>x</sub> impacts. Therefore, health impacts would be considered less than significant.

The VOC and NO<sub>x</sub> emissions, as described previously, would minimally contribute to regional O<sub>3</sub> concentrations and its associated health effects. In addition to O<sub>3</sub>, NO<sub>x</sub> emissions would not contribute to potential exceedances of the NAAQS and CAAQS for NO<sub>2</sub>. As shown in Table 4.2-2, Local Ambient Air Quality Data, the existing NO<sub>2</sub> concentrations in the area are well below the NAAQS and CAAQS standards. Thus, it is not expected that the proposed project's operational NO<sub>x</sub> emissions would result in exceedances of the NO<sub>2</sub> standards or contribute to the associated health effects. CO tends to be a localized impact associated with congested intersections. The associated CO "hotspots" were discussed previously as a less-than-significant impact. Thus, the proposed project's CO emissions would not contribute to significant health effects associated with this pollutant. Likewise, PM<sub>10</sub> and PM<sub>2.5</sub> would not contribute to potential exceedances of the NAAQS and CAAQS for particulate matter, would not obstruct the SDAB from coming into attainment for these pollutants, and would not contribute to significant health effects associated with particulates.

Based on the preceding considerations, health impacts associated with criteria air pollutants would be **less than significant**.

***Would the project result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?***

Section 41700 of the California Health and Safety Code and SDAPCD Rule 51 (Public Nuisance), prohibit emissions from any source whatsoever in such quantities of air contaminants or other material that cause injury, detriment, nuisance, or annoyance to the public health or damage to property. Projects required to obtain permits from SDAPCD are evaluated by SDAPCD staff for potential odor nuisance, and conditions may be applied (or control equipment required) where necessary to prevent occurrence of public nuisance.

SDAPCD Rule 51 (Public Nuisance) also prohibits emission of any material that causes nuisance to a considerable number of persons or endangers the comfort, health, or safety of any person. A project that proposes a use that would produce objectionable odors would be deemed to have a significant odor impact if it would affect a considerable number of off-site receptors. Odor issues are very subjective by the nature of odors themselves and due to the fact that their measurements are difficult to quantify. As a result, this guideline is qualitative and will focus on the existing and potential surrounding uses and location of sensitive receptors.

The occurrence and severity of potential odor impacts depends on numerous factors: the nature, frequency, and intensity of the source; the wind speeds and direction; and the sensitivity of receiving location each contribute to the intensity of the impact. Although offensive odors seldom cause physical harm, they can be annoying, cause distress among the public, and generate citizen complaints.

Odors would be potentially generated from vehicles and equipment exhaust emissions during construction of the proposed project. Potential odors produced during proposed construction would be attributable to concentrations of unburned hydrocarbons from tailpipes of construction equipment, architectural coatings, and asphalt pavement application. Such odors would disperse rapidly from the project site and generally occur at magnitudes that would not affect substantial numbers of people. Therefore, impacts associated with odors during construction would be less than significant.

Land uses and industrial operations associated with odor complaints include agricultural uses, wastewater treatment plants, food-processing plants, chemical plants, composting, refineries, landfills, dairies, and fiberglass molding (SCAQMD 1993). The proposed project includes residential uses and would not include land uses associated with odors. Therefore, proposed project operations would result in an odor impact that would be **less than significant**.

## 4.2.5 Cumulative Impacts

As discussed in Section 4.2.4, air quality is a cumulative impact; however, as shown, the proposed project would have a less-than-significant impact with mitigation.

## 4.2.6 Mitigation Measures

The following mitigation measure is provided to reduce the emissions of DPM emissions during construction.

**MM-AQ-1** During project construction, the City of Poway shall ensure that the project contractor adheres to the following measures to reduce diesel particulate emissions, including, but not limited to:

- a. All construction equipment greater than 50 horsepower shall be equipped with Tier 4 Interim diesel engines or better. Engines less than 50 horsepower shall be powered by electricity or natural gas (or other alternative fuel).
- b. The engine size of construction equipment shall be the minimum size suitable for the required job.
- c. The number of construction equipment operating simultaneously shall be minimized through efficient management practices to ensure that the smallest number is operating at any one time.
- d. Construction equipment shall be maintained in tune per the manufacturer's specifications.
- e. The prime contractor will provide the City of Poway verification of equipment type used during construction.

## 4.2.7 Level of Significance after Mitigation

Construction of proposed project components would require use of heavy-duty construction equipment, which is subject to a CARB ATCM for in-use diesel construction equipment to reduce diesel particulate emissions, and would involve use of diesel trucks, which are also subject to an ATCM. The implementation of **MM-AQ-1** would reduce the emissions of DPM during construction. The results of the HRA during construction with mitigation are provided in Table 4.2-10.

**Table 4.2-10. Construction Activity Health Risk Assessment Results – Mitigated**

Impact Parameter	Units	Project Impact	CEQA Threshold	Level of Significance
Cancer Risk	Per Million	9.9	10.0	Less than Significant
HIC	Not Applicable	0.006	1.0	Less than Significant

**Source:** Appendix B.

**Notes:** CEQA = California Environmental Quality Act; HIC = Chronic Hazard Index.

The results of the construction analysis demonstrate that the mitigated construction emissions exhibit cancer risk below the 10 in 1 million threshold and below the Chronic Hazard Index threshold. The project construction TACs impact from DPM emissions would be reduced to **less than significant** with mitigation.

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## 4.3 Biological Resources

This section describes the existing biological resources conditions of Harmon Ranch project (proposed project) site and vicinity, identifies associated regulatory requirements, evaluates potential impacts, and identifies mitigation measures related to implementation of the proposed project. The analysis is based on the review of existing biological resources; technical data; applicable laws, regulations, and guidelines; and the biological resources technical report and arborist report, both prepared by Dudek in July 2022. The Biological Resources Technical Report for the Harmon Ranch Project is included in this environmental impact report (EIR) as Appendix C, and the Arborist Report for the Harmon Ranch Project is included in this EIR as Appendix D.

A Notice of Preparation (NOP) was circulated from February 1, 2023, through March 3, 2023. During the NOP comment period, comment letters related to biological resources focused on the following topics:

- Impacts to wildlife and plant species
- Consistency with the City's Subarea Plan
- Compliance with trail siting and design guidelines
- Compensatory mitigation
- Landscaping type and impacts to existing landscaping

These comments were considered during the preparation of this EIR. The Initial Study, NOP, and Public Scoping comments are provided in Appendix A of this EIR.

### 4.3.1 Existing Conditions

#### **Project Site**

The approximately 10.73-acre biological study area is divided into two parts; the larger parcel is located north of Oak Knoll Road and is approximately 8.91 acres and the smaller parcel is located south of Oak Knoll Road and is approximately 1.81 acres. Throughout the site topography ranges from about 440 to 510 feet above mean sea level. The northern portion of the project site recently contained a San Diego Gas & Electric storage yard and several small, uninhabited buildings. There is also a small drainage that runs through the northwestern corner of the site, which has steep drops at the associated cement culverts at either end; one culvert is along the western project boundary and the other is along the northern project boundary. Also associated with the drainage is disturbed riparian and disturbed wetland habitat. The remainder of the northern portion of the project site consists primarily of disturbed habitat including non-native, invasive, and ornamental plant species (Appendix C).

The southern portion of the project boundary contains a small uninhabited residence and disturbed habitat adjacent to Oak Knoll Road. Further into the site, there are large stands of invasive arundo that surround Poway Creek, which runs east-west through the southern portion of the project site. Also, along Poway Creek there is disturbed riparian habitat with a high proportion of non-native invasive plant species (Appendix C).

### Soils

Four soils series are mapped on the project site: Placentia sandy loam, 2% to 9% slopes; Olivenhain cobbly loam, 2% to 9% slopes; Cieneba rocky coarse sandy loam, 9% to 30% slopes, and Visalia sandy loam, 0% to 2% slopes (USDA 2022a). Placentia soils are extensive and are well or moderately well drained, with slow to rapid runoff and very slow permeability. They are also nearly level to moderately sloping and are on fans and terraces at elevations of 50 to 2,500 feet. They formed in alluvium from granite and other rocks of similar composition and texture. Within the site, Placentia soils are located throughout the majority of the northern parcel, as well as most of the northern half of the southern parcel. Olivenhain soils are well drained, with slow or medium runoff and very slow permeability. They are gently sloping to strongly sloping and are on dissected marine terraces at elevations of 100 to 600 feet. Within the site, Olivenhain soils are located within the northern portion of the northern parcel. The Cieneba series consists of very shallow and shallow somewhat excessively drained soils that formed in material weathered from granitic rock. Cieneba soils are at elevations of 500 to 4,000 feet (USDA 2022a). Within the site, Cieneba soils are located in a very small part of the extreme northeastern corner of the northern parcel, which is the highest elevation on site. Visalia sandy loam, also known as Akers series, consists of very deep, well drained soils formed in alluvium derived from granitic rock with negligible runoff and moderate permeability. Akers soils are often found on terraces. Within the site, Visalia soils are found throughout the entire southern portion of the southern parcel around Poway Creek (Appendix C).

### Methodology

Dudek Biologist Shana Carey conducted a general biological reconnaissance survey, vegetation mapping, and general jurisdictional assessment on November 30, 2021. No focused surveys were conducted. An additional visit was conducted with Hunsaker surveyors on December 15 to define the boundary of the potentially jurisdictional limits. A rare plant survey was conducted on April 20, 2022, by Charles Adams. Survey dates and conditions are listed in Appendix C.

Vegetation community classifications used in this report follow Preliminary Descriptions of the Terrestrial Natural Communities of California (Holland 1986), as modified by the County and noted in Draft Vegetation Communities of San Diego County (Oberbauer et al. 2008). Land covers on site were mapped in the field directly onto a 100-scale (1 inch = 100 feet) topographic base. Dudek geographic information system specialists digitized the mapped vegetation communities and jurisdictional resource boundaries into a geographic information system coverage using ArcGIS software.

The minimum mapping unit (MMU) utilized was 0.25 acres, meaning that breaks in the vegetation under 0.25 acres were not mapped as their own vegetation community. This 0.25-acre MMU is derived from the Survey of California Vegetation Classification and Mapping Standards Mapping, which states that MMUs vary with project size but are typically between 1 and 2 acres, with a 0.25-acre MMU typical for more sensitive communities such as wetlands (CDFW 2020). There are many plant species that can occur within a variety of vegetation communities. Therefore, an MMU helps to establish breaks in the vegetation communities where percent cover and assemblage of plant species result in a vegetation community change. The exception to this MMU was the mapping of riparian vegetation within the project site, which was mapped regardless of size (Appendix C).

### Vegetation Communities and Land Covers

Seven vegetation/land cover types were identified on the proposed project site. Of these, five are pre-dominantly non-native vegetation communities and land covers, including disturbed habitat, arundo-dominated riparian, non-native riparian, disturbed wetland, and urban/developed. There are two native land covers present within the



project site: fresh water (Poway Creek) and southern willow scrub (both of which are assumed regulated by the U.S. Army Corps of Engineers [USACE], Regional Water Quality Control Board [RWQCB], the California Department of Fish and Wildlife [CDFW, and the City of Poway [City]]. Acreages of vegetation communities and land covers are listed in Table 4.3-1, and their spatial distribution is depicted in Figure 4.3-1, Biological Resources.

**Table 4.3-1. Vegetation Communities and Land Covers within the Project Site**

Vegetation Community/Land Cover	Habitat Code	Acreage
<b><i>Non-Native Vegetation Communities, Land Covers, and Unvegetated Habitat</i></b>		
Disturbed Wetland	11200	0.18
Disturbed Habitat	11300	7.94
Urban/Developed	12000	1.45
Non-native Riparian	65000	0.59
Arundo-dominated Riparian	65100	0.40
<b><i>Native Vegetation Community</i></b>		
Southern Willow Scrub	63320	0.02
Fresh Water	64140	0.14
<b>Total</b>		<b>10.73</b>

Source: Appendix C.

***Disturbed Wetland***

According to Holland (1986), this habitat type is common throughout San Diego County and includes portions of wetlands with artificial structures such as concrete linings, culverts, barricades, and riprap. It includes areas that are permanently or periodically inundated by water that have been significantly modified by human activity.

Within the site, the area mapped as disturbed wetland habitat is present within the drainage that runs through the northwestern corner of the northern parcel and encompasses approximately 0.18 acres. During the initial site reconnaissance visit, there was a small amount of water in the drainage. The dominant species within this habitat on site include broadleaf cattail (*Typha latifolia*), Mexican fan palm (*Washingtonia robusta*), willows (*Salix sp.*), and castor bean (*Ricinus communis*) (Appendix C).

***Disturbed Habitat***

Disturbed habitat refers to areas that are not developed but are no longer recognizable as a native or naturalized vegetation association, but continue to retain a soil substrate. This habitat is generally the result of severe or repeated mechanical perturbation, often with heavily disturbed, compacted soils.

Within the site, disturbed habitat is the most common habitat type and encompasses approximately 7.94 acres. It is located around the area recently utilized as a storage/staging area for the San Diego Gas & Electric Company and the northeastern corner of the northern parcel, as well as the northern and southern portions of the southern parcel. Vegetation in this area contains mostly ruderal, non-native species such as iceplant (*Carpobrotus edulis*), Russian thistle (*Salsola tragus*), white horehound (*Marrubium vulgare*), Australian saltbush (*Atriplex semibaccata*), Scutch grass (*Cynodon dactylon*), fountain grass (*Pennisetum setaceum*), cheeseweed mallow (*Malva parviflora*), stinkwort (*Dittrichia graveolens*), dove weed (*Croton setiger*), western ragweed (*Ambrosia psilostachya*), horseweed

(*Erigeron canadensis*), common dandelion (*Taraxacum officinale*), Maltese star-thistle (*Centaurea melitensis*), shortpod mustard (*Hirschfeldia incana*), and wild oat (*Avena fatua*) and various brome species (Appendix C).

### **Urban/Developed Land**

Developed land consists of areas that have been constructed upon and typically consists of buildings, structures, homes, and maintained areas with paved or other impermeable surfaces. Developed areas do not support native vegetation. Ornamental plantings often tend to occur in and around developments and are therefore included within the developed land cover category.

Within the site, developed areas encompass approximately 1.45 acres and are present throughout the majority of the northern parcel as the recently utilized San Diego Gas & Electric staging yard and buildings along Oak Knoll Road. Within the southern parcel, developed land is present within the northeastern corner also along Oak Knoll Road (Appendix C).

### **Fresh Water**

According to Holland (1986), this unvegetated habitat type is characterized by year-round water bodies of fresh water that have very low salinity, typically in the form of lakes, streams, ponds, or rivers. There is also minimal vegetative cover (less than 10%) associated with this habitat type.

The area mapped as fresh water occurs within the southern portion of the site as Poway Creek. The creek flows east to west and runs parallel to Oak Knoll Road. There is some vegetation present within and along the edge of the creek including broadleaf cattail; however, during storm events this creek often floods and the high velocity of water frequently uproots, washes away, or flattens vegetation (Appendix C).

### **Non-native Riparian**

According to Holland (1986), this habitat type is common along major rivers of coastal Southern California and is found in a variety of wetland habitats where there has been previous disturbance. It is characterized by densely vegetated riparian thickets dominated by non-native, invasive species, where these species account for greater than 50% of the total vegetative cover.

Within the site, the area mapped as non-native riparian is about 0.59 acres and includes the area along both sides of the drainage in the northwestern corner of the site, as well as an area adjacent to Poway Creek in the southern portion of the site. The dominant species within this habitat on site include Mexican fan palm, willows, castor bean, Fremont cottonwood (*Populus fremontii*), Brazilian peppertree (*Schinus molle*), Peruvian peppertree (*Schinus terebinthifolius*), and pampas grass (*Cortaderia jubata*) (Appendix C).

### **Arundo-Dominated Riparian**

According to Holland (1986), arundo-dominated riparian is characterized by densely vegetated riparian thickets dominated almost exclusively by giant reed (*Arundo donax*), often in areas with loose, sandy, or fine alluvium near stream channels. This designation should only be used in environments where this species accounts for at least 50% of the total vegetative cover.

Within the site, arundo-dominated riparian habitat is only present in the southern portion of the site north of Poway Creek but south of the disturbed habitat and encompasses approximately 0.4 acres (Appendix C).

### **Southern Willow Scrub**

According to Holland (1986), southern willow scrub has been described as a dense, broad-leaved, winter-deciduous riparian thicket dominated by several species of willow, with scattered emergent Fremont cottonwood and western sycamore (*Platanus racemosa*). Most stands are too dense to allow much understory development. This habitat is considered seral due to repeated disturbance/flooding and is therefore unable to develop into the taller southern cottonwood–willow riparian forest.

Southern willow scrub on site is limited to the overgrowth of arroyo willows (*Salix lasiolepis*) and red willows (*Salix laevigata*) associated with the adjacent off-site drainage. The canopy of the willows in the off-site drainage extends over the chain-link fence along the northern property boundary and encroaches onto the northern portion of the project site. Beneath the portions of the willow canopy on site, the understory is relatively limited and includes species found in the adjacent disturbed area, such as iceplant. This area totals 0.02 acres on site (Appendix C).

### **Plants and Wildlife**

A total of 108 species of vascular plants, 41 native and 67 non-native species, were recorded during the biological reconnaissance survey (Appendix C). The diversity of native plant species is low due to the historical use of the site for residential, commercial, and industrial purposes and operations, as well as the urban setting of the vicinity. This list does not include a comprehensive list of all the ornamental species observed.

A total of 18 wildlife species were recorded in the site during the surveys (Appendix C). The wildlife species observed are generally common, disturbance-adapted species typically found in urban and suburban settings, such as Anna's hummingbird (*Calypte anna*), American crow (*Corvus brachyrhynchos*), house finch (*Haemorhous mexicanus*), and mourning dove (*Zenaida macroura*). One mammal species was observed within the site—brush rabbit (*Sylvilagus bachmani*). One reptile species was observed during the survey—western fence lizard (*Sceloporus occidentalis*). There is minimal suitable habitat for small non-avian wildlife species (e.g., reptiles, amphibians, and small mammals) within the site due to the disturbed nature of the site, proximity to residential/urban land cover, and limited connectivity of the surrounding habitat to larger expanses of native lands.

No raptor nests were detected on or adjacent to the project area; however, some of the larger trees on site and along the project boundary could potentially support raptor nests (Appendix C).

### **Special-Status Species**

A search of California Native Plant Society and California Natural Diversity Database records was utilized to develop matrices of special-status plant and wildlife species that may have potential to occur on site due to the presence of suitable habitat (taking into consideration vegetation communities, soils, elevation, and geographic range, life form/blooming period, etc.). These two matrices of special-status plant and wildlife species (i.e., federally, state, or locally listed species), their favorable habitat conditions, and their potential to occur on site based on the findings of the field investigations are presented in Appendix C. Species covered under the San Diego Multiple Species Conservation Plan and Multiple Habitat Conservation Program (MHCP) are also included in these appendices.

There is no federally designated critical habitat (USFWS 2022b) located within the project site (Appendix C).

### **Special-Status Plant Species**

No plant species listed or proposed for listing as rare, threatened, or endangered by either CDFW or the U.S. Fish and Wildlife Service were detected on site. No plant species considered special status by the California Native Plant Society were observed.

Appendix C lists special-status plant species that may occur in the vicinity of the site (CDFW 2022a, 2022b; CNPS 2022; USFWS 2022b) or are covered under the Habitat Conservation Plan/Natural Community Conservation Plan. For each species listed, a determination is made regarding the potential for the species to occur on site based on information gathered during the field reconnaissance including the location of the site, habitats or land covers present, current site conditions, historical land use, soils, and topography. No species were determined to have a moderate or high potential to occur given the lack of suitable habitat and disturbed nature of the site (Appendix C).

### **Special-Status Wildlife Species**

Appendix C lists special-status wildlife species that are known to occur in the vicinity of the site (CDFW 2022c, 2022d; USFWS 2022b) or are covered under the Multiple Species Conservation Plan and/or MHCP. No federally or state-listed species or other special-status species were observed during any of the site visits. No species were determined to have a moderate or high potential to occur given the lack of suitable habitat and disturbed nature of the site.

Other special status species that have not been detected on site, but have a low to moderate potential to occur include Cooper's hawk (*Accipiter cooperii*), Costa's hummingbird (*Calypte costae*), white-tailed kite (*Elanus leucurus*), vermilion flycatcher (*Pyrocephalus rubinus*), yellow warbler (*Setophaga petechia*), least Bell's vireo, spotted bat (*Euderma maculatum*), western red bat (*Lasiurus blossevillii*), western small-footed myotis (*Myotis ciliolabrum*), long-eared myotis (*Myotis evotis*), Yuma myotis (*Myotis yumanensis*), and San Diegan tiger whiptail (*Aspidoscelis tigris stejnegeri*) (Appendix C).

### **Wildlife Corridors and Habitat Linkages**

Wildlife corridors are linear features that connect large patches of natural open space and provide avenues for the migration of animals. Habitat linkages are small patches that join larger blocks of habitat and help reduce the adverse effects of habitat fragmentation; they may be continuous habitat or discrete habitat islands that function as stepping stones for wildlife dispersal.

The vicinity of the project site is situated between a commercial area and suburban areas consisting of a mix of mid- to high-density residential developments and roadways. The site is not within a Biological Core and Linkage Area and is isolated from areas proposed for preservation under the MHCP. The small amount of riparian habitat on site continues off site, but is composed of a small amount of habitat and is disturbed. Regardless of size, this patch of riparian habitat does attract wildlife, but almost all of the riparian habitat is located off site and is lacking management. Connectivity to the project site is not likely to benefit wildlife movement due the extent of surrounding development and lack of native habitat on site. Therefore, the project site is unlikely to serve as a wildlife corridor. However, the site, since it currently is vacant, may provide stopover function for migrants or a local patch of habitat (Appendix C).

### Jurisdictional Waters

A general jurisdictional assessment was conducted within the project boundary to identify areas under the jurisdiction of CDFW, pursuant to Section 1602 of the California Fish and Game Code; under the jurisdiction of USACE, pursuant to Section 404 of the federal CWA; and under the jurisdiction of the RWQCB, pursuant to CWA Section 401 and the Porter–Cologne Act.

Two drainages occur within the project site. One occurs in the northwestern corner of the site where water enters from a large cement culvert along the northern border and travels southwest, where it exits the site through another large cement culvert along the western border of the site. The western culvert has riprap installed along the edges of it, but much of the drainage looks to be earthen-bottom and heavily overgrown by thick riparian vegetation.

The other drainage is Poway Creek, which runs through the site east–west parallel to the southern border of the site. At the time of the site visit there was flowing fresh water in the creek. Running parallel to the creek on the south side, there is a flat, open area approximately 40 to 70 feet wide with very low growing, disturbed vegetation, which likely functions as a sort of floodplain for the creek during storm events. Immediately south of this is a large concrete channel wall (approximately 6 to 7 feet high) that runs parallel to the creek and likely helps to contain the creek during heavy storm events. This is also where the southern site boundary is located. These features may be regulated by USACE, the RWQCB, and CDFW. No development is being proposed within the potential jurisdictional features; therefore, a full jurisdictional delineation was not conducted (Appendix C).

### Trees

There are 157 trees representing 19 different species located within the project tree survey area. The 157 trees are comprised of one “native” oak tree, and 156 non-jurisdictional trees. As Table 4.3-2 indicates, a majority (156 trees) of the inventoried trees do not meet the “native” tree criteria established in Chapter 12.32 of the City Ordinance. Table 4.3-2 provides a summary of the 19 individual species mapped and evaluated within the tree survey area. The Tree Location Exhibit in Appendix D presents the location of the individual trees mapped and assessed for the project.

Overall, the trees exhibit growth and structural conditions that are typical of their locations as both landscape and natural trees. The trees include various trunk and branch maladies, as well as varying health and structural conditions. As presented in the Tree Information Matrix in Appendix D, 50.96% (80 trees) of the individually mapped trees, exhibit good health condition; 46.5% (73 trees) are in fair health condition; and 2.55% (4 trees) are in poor health condition. The single oak tree was found to be in good health. Structurally, 28.6% (45 trees) of the individually mapped trees are considered to exhibit good structure, 68.15% (107 trees) exhibit fair structure, and 3.18% (5 trees) exhibit poor structure. The single oak tree was found to have good structure. Good condition trees exhibit acceptable vigor, healthy foliage, and adequate structure, and lack of any major maladies. Fair condition trees are typical, with few maladies but declining vigor. Poor condition trees exhibit declining vigor, unhealthy foliage, poor branch structure, and/or excessive lean.

**Table 4.3-2. Summary of Trees at Project Site**

Scientific Name	Common Name	Number of Trees
<i>Eucalyptus camaldulensis</i>	Red gum eucalyptus	21
<i>Eucalyptus polyanthemos</i>	Silver dollar gum eucalyptus	1
<i>Fraxinus uhdei</i>	Shamel ash	2

Table 4.3-2. Summary of Trees at Project Site

Scientific Name	Common Name	Number of Trees
<i>Grevillea robusta</i>	Silk Oak	2
<i>Koelreuteria bipinnata</i>	Chinese flame	1
<i>Melia azedarach</i>	Chinaberry	1
<i>Olea europaea</i>	Olive	4
<i>Phoenix canariensis</i>	Canary Island Date Palm	1
<i>Pinus halepensis</i>	Aleppo Pine	2
<i>Pistacia chinensis</i>	Chinese Pistache	4
<i>Platanus acerifolia</i>	London Plane	1
<i>Populus fremontii</i>	Fremont Cottonwood	3
<i>Quercus agrifolia</i>	Coast live oak	1
<i>Salix gooddingii</i>	Goodding's Willow	28
<i>Schinus molle</i>	Peruvian pepper	19
<i>Schinus terebinthifolius</i>	Roebellini	11
<i>Ulmus parvifolia</i>	Chinese Elm	2
<i>Ulmus pumila</i>	Siberian Elm	1
<i>Washingtonia robusta</i>	Mexican Fan Palm	52
<b>Total</b>		<b>157</b>

Trees within the tree survey area vary in size and stature according to species and available growing space. The trees on site are primarily single stemmed with trunk diameters ranging from 3 to 32 inches diameter at standard height. Multi-stemmed trees with 2 to 25 stems (multi-stemmed Brazilian pepper re-sprout) have individual diameters of up to 23 inches diameter at standard height. The site's single oak tree has a diameter at standard height of 7 inches. Tree heights vary from 4 to 50 feet. Taller trees (40-plus feet) are represented primarily by the site's Mexican fan palms. The site's oak tree is approximately 15 feet tall. Tree crown extents range from 5 feet to nearly 45 feet at their widest points. The site's only oak tree has a crown width of approximately 12 feet.

### 4.3.2 Relevant Plans, Policies, and Ordinances

#### Federal

##### ***Federal Endangered Species Act***

The federal Endangered Species Act of 1973 (ESA), as amended (16 USC 1531 et seq.), provides for listing of endangered and threatened species of plants and animals and designation of critical habitat for listed animal species. The ESA also prohibits all persons subject to United States jurisdiction from "taking" endangered species, which includes any harm or harassment. Section 7 of the ESA requires that federal agencies, prior to project approval, consult the U.S. Fish and Wildlife Service and/or the National Marine Fisheries Service to ensure adequate protection of listed species that may be affected by the project.

### ***Migratory Bird Treaty Act***

All migratory bird species that are native to the United States or its territories are protected under the federal Migratory Bird Treaty Act (MBTA), as amended under the Migratory Bird Treaty Reform Act of 2004 (Senate Bill 2547). The MBTA is generally protective of migratory birds, but does not actually stipulate the type of protection required. In common practice, MBTA is used to place restrictions on disturbance of active bird nests during the nesting season (generally February 1 through August 31). In addition, the U.S. Fish and Wildlife Service commonly places restrictions on disturbances allowed near active raptor nests.

### ***Clean Water Act***

The federal Water Pollution Control Act Amendments of 1972 (Clean Water Act) (33 USC 1251 et seq.), as amended by the Water Quality Act of 1987 (PL 1000-4), is the major federal legislation governing water quality. The purpose of the Clean Water Act is to “restore and maintain the chemical, physical, and biological integrity of the nation’s waters.” Discharges into waters of the United States are regulated under Section 404. Waters of the United States include (1) all navigable waters (including all waters subject to the ebb and flow of tides); (2) all interstate waters and wetlands; (3) all other waters, such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sand flats, wetlands, sloughs, or natural ponds; (4) all impoundments of waters mentioned above; (5) all tributaries to waters mentioned above; (6) the territorial seas; and (7) all wetlands adjacent to waters mentioned above. In California, the State Water Resources Control Board and the nine RWQCBs are responsible for implementing the Clean Water Act. Important applicable sections of the Clean Water Act include the following:

- **Section 303** requires states to develop water quality standards for inland surface and ocean waters and submit to the U.S. Environmental Protection Agency for approval. Under Section 303(d), the state is required to list waters that do not meet water quality standards and to develop action plans, called total maximum daily loads, to improve water quality.
- **Section 304** provides for water quality standards, criteria, and guidelines.
- **Section 401** requires an applicant for any federal permit that proposes an activity that may result in a discharge to waters of the United States to obtain certification from the state that the discharge will comply other provisions of the Clean Water Act. Certification is provided by the respective RWQCB.
- **Section 402** establishes the National Pollutant Discharge Elimination System, a permitting system for the discharge of any pollutant (except for dredge or fill material) into waters of the United States. The National Pollutant Discharge Elimination System program is administered by the RWQCB. Conformance with Section 402 is typically addressed in conjunction with water quality certification under Section 401.
- **Section 404** provides for issuance of dredge/fill permits by the ACOE. Permits typically include conditions to minimize impacts on water quality. Common conditions include (1) ACOE review and approval of sediment quality analysis before dredging, (2) a detailed pre- and post-construction monitoring plan that includes disposal site monitoring, and (3) required compensation for loss of waters of the United States.

### **State**

#### ***California Endangered Species Act***

Similar to the federal ESA, the California ESA of 1970 provides protection to species considered threatened or endangered by the State of California (California Fish and Game Code, Section 2050 et seq.). The California ESA recognizes the importance of threatened and endangered fish, wildlife, and plant species and their habitats; it also

prohibits the taking of any endangered, threatened, or rare plant and/or animal species unless specifically permitted for education or management purposes.

### ***California Fish and Game Code***

The California Fish and Game Code regulates the handling and management of the state's fish and wildlife. Most of the code is administered or enforced by CDFW. One section of the code generally applies to public infrastructure projects such as the proposed project:

- Section 1602 regulates activities that would divert or obstruct the natural flow or substantially change the bed, channel, or bank of any river, stream, or lake that supports fish or wildlife. CDFW has jurisdiction over riparian habitats associated with watercourses. Jurisdictional waters are delineated by the outer edge of riparian vegetation or at the top of the bank of streams or lakes, whichever is wider. CDFW jurisdiction does not include tidal areas or isolated resources.

### ***California Environmental Quality Act***

The California Environmental Quality Act (CEQA) (California Public Resources Code, Section 21000 et seq.) and CEQA Guidelines (14 CCR 15000 et seq.) are primary sources for environmental legislation in California; they require projects with potential adverse environmental effects (or impacts) undergo environmental review. Adverse environmental impacts are typically mitigated as a result of the environmental review process in accordance with existing laws and regulations.

### ***California Native Plant Society***

The California Native Plant Society maintains a list of special-status plant species based on collected scientific information. Designation of these species by the California Native Plant Society does not constitute legal status or protection under federal or state endangered species legislation. The California Native Plant Society's California Rare Plant Ranks (CRPRs) are defined as follows: CRPR 1A (plants presumed extinct), CRPR 1B (plants rare, threatened, or endangered in California and elsewhere), CRPR 2 (plants rare, threatened, or endangered in California, but more numerous elsewhere), CRPR 3 (plants about which more information is needed—a review list), and CRPR 4 (plants of limited distribution—a watch list). In general, substantial adverse effects to plants designated as CRPR 1A, 1B, or 2 would be considered significant.

### ***California Natural Community Conservation Planning Act of 1991***

The Natural Community Conservation Planning Act of 1991 provides a framework for state and local government, as well as private interest efforts, for the protection of regional biodiversity and the ecosystems upon which they depend. Natural community conservation plans allow for the appropriate, compatible economic activity to occur while ensuring the long-term conservation of multiple species.

### ***California Fish and Game Code***

The California Fish and Game Code provides specific protection and listing for several types of biological resources. Section 1600 et seq. of the California Fish and Game Code require notification and, if required, a Streambed Alteration Agreement for any activity that would alter the flow, change, or use any material from the bed, channel, or bank of any perennial, intermittent, or ephemeral river, stream, and/or lake. Typical activities that require notification include excavation or fill placed within a channel, vegetation clearing,



structures for diversion of water, installation of culverts and bridge supports, cofferdams for construction dewatering, and bank reinforcement.

Pursuant to California Fish and Game Code Section 3503, it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by this code or any regulation made pursuant thereto. Raptors and owls and their active nests are protected by California Fish and Game Code Section 3503.5, which states that it is unlawful to take, possess, or destroy any birds of prey or to take, possess, or destroy the nest or eggs of any such bird unless authorized by CDFW. Section 3513 states that it is unlawful to take or possess any migratory non-game bird as designated in the MBTA. These regulations could require that construction activities (particularly vegetation removal or construction near nests) be reduced or eliminated during critical phases of the nesting cycle unless surveys by a qualified biologist demonstrate that nests, eggs, or nesting birds would not be disturbed, subject to approval by CDFW and/or the U.S. Fish and Wildlife Service.

### Local

#### ***Poway Municipal Code – Chapter 12.32 – Urban Forestry, Article 3 – Removal of Trees on Private Property***

Chapter 12.32 of the City of Poway Municipal Code (City of Poway 2000) sets all tree-related policies, standards, and regulations. Removal of trees on private property, such as the proposed project site, requires the property owner to acquire a permit from the Director of Development Services that authorizes the removal of a native tree or a heritage tree.

#### ***Chapter 12.32.150 – Private Tree Removal Permit***

- A. The Director of Development Services shall maintain the City of Poway’s private tree removal permit records and issue such permits.
- B. A property owner shall first obtain a private tree removal permit authorizing the removal of a private tree that is a native tree or a heritage tree subject to terms and conditions deemed appropriate by the Director of Development Services or his/her designee. On commercial and industrial property, a permit shall be required for the removal of any living tree greater than three inches in diameter.
- C. Applicants shall be expected to replace these types of trees in accordance with PMC [Poway Municipal Code] 12.32.170: “Replacement of Trees.” The Director of Development Services, or his/her designee shall review each private tree removal permit application and make a recommendation as to whether the permit shall be issued or denied. The decision to issue or deny the permit and any terms and conditions of the permit shall be based on the following criteria:
  1. The condition of the tree with respect to disease, general health, damage, public nuisance, danger of falling, proximity to existing or proposed structures and interference with utility services, age or remaining life span, and whether or not the tree acts as a host for a plant which is parasitic to other species of trees which are in danger of being infested or exterminated by the parasite;
  2. The necessity of the requested action to construct improvements, or allow economic or other enjoyment of the property;
  3. The topography of the land and the effect of the requested action on erosion, soil retention, water retention, and diversion or increased flow or surface water;
  4. The number, species, size, and location of existing trees in the area and the effect of the requested action in terms of providing shade, protection from wind, air pollution reduction, historic or cultural value, and scenic beauty upon the health, safety, aesthetics, and general welfare of the City as a whole;

5. Generally accepted International Society of Arboriculture practices addressing topics such as, but not limited to, the number of healthy trees a given parcel of land will support;
6. Native trees shall be retained unless their removal is absolutely necessary. (Ordinance 521, Section 1[B], 2000)

### **Chapter 12.32.170 – Replacement of Trees**

Any person removing a live tree pursuant to a permit issued by the Director of Development Services or his/her designee shall replace such tree on a one-for-one basis with a tree of the same size of a species and in a location approved by the Director of Development Services or his/her designee. Where the tree to be removed exceeds the size of a 72-inch-box specimen (approximately eight inches in diameter), two 48-inch box specimen trees shall be used as replacements. These requirements may be waived or modified by the Director of Development Services if it is determined that the requirements impose an unreasonable hardship. (Ordinance 521, Section 1[B], 2000)

### **Chapter 12.32.180 – Commercial, Industrial, and Residential Development Projects**

For commercial, industrial, or residential projects requiring City approval, existing on-site trees shall be retained wherever possible and shall be trimmed and maintained in accordance with the adopted “City of Poway Guidelines to Landscape Requirements.” A master plan of the existing on-site trees shall be provided to the Development Services Department prior to the issuance of building and grading permits, to determine which trees shall be retained. Any dead, decaying, or potentially dangerous trees shall be approved for removal at the discretion of the Director of Development Services during review of the master plan of existing on-site trees. All trees that are removed shall be replaced on a one-for-one basis as described in PMC [Poway Municipal Code] 12.32.170, and replacements should be one of the species contained in the adopted “City of Poway Guidelines to Landscape Requirements.” (Ordinance 521, Section 1[B], 2000)

### ***Poway Comprehensive Plan: General Plan – Resources Element***

The Poway Comprehensive Plan: General Plan (General Plan) includes the following policies regarding biological resources (City of Poway 1991):

#### **Goal IV: It is the goal of the city of Poway to preserve its natural, scenic and cultural resources for the future benefit and enjoyment of its residents and to protect biological and ecological diversity.**

- **Strategy 1:** Significant open space areas and scenic vistas along local scenic roadways should be protected.
- **Strategy 2:** The mountains, hillsides and prominent ridgelines are a valuable natural resource and should be preserved through appropriate land use policies.

#### **Policy C – Biological Resources: Wildlife and natural plants are a valuable natural resource and should be preserved and protected.**

- **Strategy 1:** The acquisition and dedication of undeveloped land adjacent to and between existing dedicated open space areas is encouraged to promote large contiguous areas necessary for watershed, habitat and viewshed protection. If private development is required to purchase and dedicate land to mitigate environmental impacts, the acquisition of areas adjacent to existing large permanent open space areas is preferred.
- **Strategy 2:** Biological corridors shall be preserved in order to provide linkages for vegetative and wildlife communities between nonconnective open space areas. Special efforts shall be made to acquire and

preserve the two major wildlife corridors identified in the Detailed Biological Assessment and lands linking open space areas in Poway to open space areas in the region, such as the Sycamore Canyon County Park and San Dieguito Regional Park.

- **Strategy 3:** Development should not disrupt habitats considered to be sensitive, or the habitat of sensitive, declining, threatened, rare or endangered species. An assessment, performed by a qualified biologist, shall be required in areas where the existence of a sensitive species is known or reasonably expected to be present.
- **Strategy 4:** Off-road vehicle use is prohibited.
- **Strategy 5:** Access of humans and domestic animals to preserved biological habitats and sensitive biological areas shall be limited as deemed necessary to preserve the integrity of the areas.
- **Strategy 6:** Confinement of horses, cattle and other livestock shall not be permitted in natural open space areas or sensitive biological areas.
- **Strategy 7:** Mitigation for significant impacts for biological resources in the form of preservation (on site and off site) or restoration shall be required. All preservation and restoration areas shall be dedicated as permanent biological open space.
- **Strategy 8:** The City and development community should use the important biological resource areas, as identified in the Detailed Biological Assessment, as the foundation for a City-wide system of reserves and wildlife corridors. Efforts should be made to acquire unprotected lands within and adjacent to these areas, through mitigation banking programs or other land transfer and acquisition programs for the purposes of biological resource preservation and natural open space management.
- **Strategy 9:** Require biological monitoring during construction where there is the potential to impact sensitive biological resources. Construction monitoring shall be conducted by a qualified biologist and follow the guidelines outlined in the Detailed Biological Assessment to ensure that all construction practices consider the protection of sensitive biological resources both on and off site.
- **Strategy 10:** Long-term biological management plans for open space areas within a proposed development should be developed by a qualified biologist and implemented by the developer.
- **Strategy 11:** Habitat conservation plans should be developed for endangered resources.
- **Strategy 12:** The hunting of wildlife shall be prohibited in Poway.
- **Strategy 13:** Development proposals shall consider areas determined to be particularly valuable to wildlife as identified for each quadrant of the City in the Detailed Biological Assessment. Efforts shall be made to minimize encroachment into these areas.
- **Strategy 14:** Plant resources, particularly large expanses of undisturbed natural areas, oak woodlands, riparian corridors, significant tree stands and sensitive declining, threatened and endangered species should be preserved through appropriate means such as buffering and dedicated open space.
- **Strategy 15:** Large tree stands comprised of oaks, sycamores or eucalyptus should be retained and integrated into project designs. The understory in these stands should also be retained or enhanced with native species as deemed appropriate by a qualified biologist or native plant horticulturalist. Areas preserved shall be designated as permanent natural open space.

The biological resources report can be found in Appendix C.

### *Poway Subarea Habitat Conservation Plan/Natural Community Conservation Plan*

The Poway Subarea Habitat Conservation Plan/Natural Community Conservation Plan (Poway Subarea HCP/NCCP) serves two general functions (Ogden 1996):

1. To create a sustainable interconnected network of habitat preserves throughout and ultimately beyond the City, and thus maintain functioning ecosystems and viable populations of biological resources.
2. To mitigate adverse impacts to biological resources from building the Scripps Poway Parkway Extension, and implementing the Poway General Plan and Paguay Redevelopment Plan.

The Poway Subarea HCP/NCCP is implemented primarily through the City's established land use regulatory process supplemented by new implementation regulations tailored to the plan's conservation objectives. The Poway Subarea HCP/NCCP also defines mitigation requirements for development projects inside and outside of a specified Mitigation Area, and methods for funding land acquisitions and preserve management within the Mitigation Area. The project site does not fall within the Poway Subarea HCP/NCCP Mitigation Area (Ogden 1996).

The project site is not located within the Poway Mitigation Area. This is due to the highly developed surroundings adjacent to the property and its isolation from adjacent undeveloped habitat areas by residential and commercial development. Both of these factors contribute to the project site not being an important wildlife linkage or containing critical habitat for regional species.

### 4.3.3 Thresholds of Significance

The significance criteria used to evaluate the project impacts to biological resources are based on Appendix G of the CEQA Guidelines. According to Appendix G of the CEQA Guidelines, a significant impact related to biological resources would occur if the proposed project would:

1. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.
2. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.
3. Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, interruption, or other means.
4. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.
5. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.
6. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

### 4.3.4 Impacts Analysis

*Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?*

No special-status plants were detected within the site. The majority of the impact area is disturbed habitat and already developed land covers, although the site does include sensitive riparian and wetland habitat. Due to the extent of vegetative disturbance, existing anthropogenic developments, and lack of suitable substrate, special-status plant species are not expected to occur in this area. Therefore, no significant direct or indirect impacts to special-status plants are anticipated.

No special-status wildlife species were detected within the site. The majority of the impact area consists of disturbed habitat and already developed land covers. Due to the extent of vegetative disturbance and existing and surrounding anthropogenic developments, very limited special-status species are expected to occur in this area. The following special-status species have not been detected on site but do have a low to moderate potential to occur: Cooper's hawk, white-tailed kite, vermilion flycatcher, yellow warbler, least Bell's vireo, spotted bat, western red bat, and San Diegan tiger whiptail.

There is potential for raptors and other birds to nest on site.

#### Direct Impacts

Direct impacts to potentially occurring special-status species, including Cooper's hawk, white-tailed kite, vermilion flycatcher, yellow warbler, least Bell's vireo, spotted bat, western red bat, and San Diegan tiger whiptail may be significant. Mitigation measures **MM-BIO-1** and **MM-BIO-3** state that environmental awareness training and nesting bird surveys are to be conducted prior to construction, and should nests be present, an avoidance buffer will be implemented. Vegetation clearing during the breeding season should be avoided unless absolutely necessary, in which case, a qualified biologist shall conduct a pre-construction survey to determine the presence or absence of nesting birds in the proposed area of disturbance. After mitigation, these impacts would be less than significant.

#### Indirect Impacts

Special-status wildlife, including Cooper's hawk, white-tailed kite, vermilion flycatcher, yellow warbler, least Bell's vireo, spotted bat, western red bat, and San Diegan tiger whiptail may be indirectly impacted during construction by impacts such as the generation of fugitive dust; changes in hydrology resulting from construction, including sedimentation and erosion; and the release of chemical pollutants. Special-status wildlife may also be indirectly affected in the short and long term by noise and lighting, which can disrupt normal activities and subject wildlife to higher predation risks. Implementation of **MM-BIO-4** and **MM-BIO-5** would reduce these impacts to less than significant.

The small scale of the habitat loss would not appreciably reduce the population of sensitive species in the area. However, nesting birds can be significantly affected by short-term construction-related noise, resulting in decreased reproductive success or abandonment of an area as nesting habitat. Breeding passerine and raptor species likely utilize the various habitats on site for nest construction and foraging. Indirect impacts from construction-related noise may occur to sensitive wildlife if construction occurs during the breeding season (i.e., February 15 through September 1). Potential impacts, including noise, lighting, and increased human presence and vehicle traffic within the site, could significantly affect nesting birds and would be considered significant. Mitigation measure **MM-BIO-3**

would be implemented in order to avoid impacts to nesting birds. This mitigation measure would reduce potential impacts to a level that is less than significant.

***Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?***

Direct impacts to vegetation are shown in Table 4.3-3. All biological resources within the impact limits were considered directly impacted. Figure 4.3-2 illustrates the distribution of biological resources in the project site and the extent of the proposed impacts.

**Table 4.3-3. Impacts to Vegetation Communities and Land Covers within the Project Site**

Vegetation Community/Land Cover	Habitat Code	Acreage	Impacts (Acres)
<b><i>Non-Native Vegetation Communities, Land Covers, and Unvegetated Habitat</i></b>			
Disturbed Wetland	11200	0.18	–
Disturbed Habitat	11300	7.94	6.75
Urban/Developed	12000	1.45	1.45
Non-native Riparian	65000	0.59	–
Arundo-dominated Riparian	65100	0.40	0.02
<b><i>Native Vegetation Community</i></b>			
Southern Willow Scrub	63320	0.02	–
Fresh Water	64140	0.14	–
<b>Total</b>		<b>10.73</b>	<b>8.22</b>

Proposed impacts to disturbed habitat and urban/developed land are not considered significant because these land covers are not considered special status; they are non-native and provide little biological resource value. Proposed impacts to arundo-dominated riparian habitat, a highly invasive land cover that provides little biological resource value, would be minimal. The arundo-dominated riparian associated with Poway Creek currently extends over the property line and therefore would need to be trimmed back to the property line resulting in a potential temporary loss of 0.02 acres of this vegetation community. It is anticipated that the vegetation will grow back following construction and therefore no mitigation is proposed for impacts to this invasive plant community. Mitigation measures **MM-BIO-1**, **MM-BIO-2**, **MM-BIO-4**, and **MM-BIO-5** would be established to prevent direct impacts and mitigate for indirect impacts to sensitive habitats. After mitigation, these impacts would be considered less than significant.

***Would the project have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?***

Impacts to 0.02 acres of non-native, invasive, arundo-dominated riparian habitat may occur as a result of project implementation. Since this vegetation is associated with Poway Creek, it is assumed that the vegetation is regulated by USACE, RWQCB, and CDFW; however, it should be noted that a formal jurisdictional delineation was not conducted. The impacts would only be to the arundo branches that overhang the fence of the property line. The current fence line/property line is proposed to be maintained as the boundary of the new development. These

branches may be preserved as they are tall and most of their stalks are outside of the impact footprint and would likely not be affected by grading or construction activities. Typically, removal of this species (*Arundo donax*) is targeted for restoration projects as it is highly invasive, provides minimal habitat value for wildlife, and often outcompetes native vegetation. Trimming of the vegetation would not trigger permits from USACE or RWQCB since the project would not result in any removal or fill of this resource.

As discussed further in below, the project has been reviewed with CDFW staff to obtain their concurrence on impact avoidance. Given the disturbed nature of this portion of Poway Creek, the surrounding development and the invasive properties of *Arundo*, CDFW stated that the minor impacts to 0.02 acres of *Arundo* would not result in a significant impact from their perspective.

The project will not result in any impacts to Poway Creek nor will it impact the unnamed tributary. A minimum of 100 feet from the top of slope is provided to avoid any indirect impacts to Poway Creek, which is a U.S. Geological Survey blueline stream. A setback from the top of slope for the tributary is not provided as it is not a blueline stream. The proposed project development footprint will avoid all of the wetland habitat and the vast majority of the riparian habitat on site, much of which is already highly disturbed and of limited habitat value and quality for resident and migratory wildlife. Additionally, a 50-foot buffer does not currently exist between the wetland and riparian habitats and many of the existing developments within the surrounding areas. Under the proposed project, no wetland or riparian buffer is warranted due to the already highly disturbed nature of the riparian and wetland habitats on site, and the fact that the site is already situated in a heavily developed area.

Dudek biologists met with representatives from CDFW to review the project on July 22, 2022. During this meeting, the proposed avoidance of Poway creek and an unnamed tributary were discussed. CDFW staff concurred that the proposed project provides adequate avoidance of the two waterways and did not suggest or request that the project provide additional buffers beyond what is currently proposed.

The remainder of the arundo-dominated habitat, disturbed wetland habitat, fresh water, and non-native riparian habitat will be preserved, and no direct impacts are anticipated to occur to the latter habitat types. The only native vegetation community on site, southern willow scrub habitat, is located completely outside of and away from the project grading footprint and will not be affected by project construction.

Indirect impacts to the wetland and riparian habitat could potentially occur and would be potentially significant requiring mitigation. Mitigation measures **MM-BIO-1**, **MM-BIO-2**, **MM-BIO-4**, and **MM-BIO-5** would be established to protect and mitigate direct and indirect impacts to jurisdictional resources. After mitigation, these impacts would be less than significant.

***Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?***

As mentioned, the project site is located in a highly urbanized environment. The site is not within a Poway Mitigation Area and is isolated from areas proposed for preservation under the MHCP. Although Poway Creek in the southern portion of the site may have limited value as a movement corridor for some riparian birds, small mammals, and reptiles, the proposed project would not permanently change the functionality of this area. Therefore, there would be no significant impact to areas facilitating wildlife movement. For upland predominantly disturbed habitat use, the site may function as a stepping stone type habitat linkage. However, the vegetation on site is highly dominated by non-native species and still has remnants of the previous developments. Based on the Poway Subarea Habitat

Conservation Plan, due to the lack of designation as a Focused Planning Area and its location outside of Poway Mitigation Areas, the impacts to wildlife movement would be **less than significant**.

***Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?***

Based on proposed project development plans, it is estimated that 59 trees on the proposed project site will require removal. Of the 59 trees identified for removal, one is a protected “native” oak, and the remaining 58 trees are non-protected ornamental trees. Details regarding individual tree disposition status can be found in Appendix D.

Section 32.170 of the City of Poway’s Municipal Code identifies tree replacement standards for projects affecting “native” trees. Section 32.170 specifically states “Any person removing a live tree pursuant to a permit issued by the Director of Development Services or his/her designee shall replace such tree on a one-for-one basis with a tree of the same size of a species and in a location approved by the Director of Development Services or his/her designee. Where the tree to be removed exceeds the size of a 72-inch-box specimen (approximately 8 inches in diameter), two 48-inch box specimen trees shall be used as replacements. These requirements may be waived or modified by the Director of Development Services if it is determined that the requirements impose an unreasonable hardship (Ord. 521 § 1(B), 2000).” Based on proposed project development plans, it is estimated that 59 trees on the proposed project site will require removal. Of the 59 trees identified for removal one is a “native” oak tree and the remaining 58 are non-jurisdictional. Based on Section 32.170 of the City of Poway’s Municipal Code the minimum mitigation planting requirements for the removal of one “native” oak tree is one-for-one basis with a tree of the same size. As such, based on the size of the tree (7 inches in diameter) and the City requirements Dudek recommends planting one 96-inch box coast live oak tree in the post construction landscape. Furthermore, to account or the loss of 58 additional non-protected trees, Dudek recommends that 58 15-gallon drought tolerant trees be planted in the post construction landscape. It should be noted that the City ordinance only requires replacement of the single “native” oak tree and that replacement of the additional 58 trees is not required by the City Ordinance.

Based on Section 32.170 of the City of Poway’s Municipal Code the minimum mitigation planting requirements for the removal of one “native” oak tree is one-for-one with a tree of the same size of a species. As such, based on the size of the tree (7 inches in diameter) and the City requirements Dudek recommends planting one 96-inch box coast live oak tree in the post construction landscape. Furthermore, to account or the loss of 58 additional non-protected trees, Dudek recommends that 58 15-gallon drought tolerant trees be planted in the post construction landscape. It should be noted that the City ordinance only requires replacement of the single “native” oak tree and that replacement of the additional 58 trees is not required by the City Ordinance. Furthermore, Dudek recommends that the remaining 11 encroached upon trees be preserved in accordance with the tree protection measures provided in Appendix D. Impacts would be **less than significant**.

***Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?***

The project site is located within the Poway Subarea HCP/NCCP. The Poway Subarea HCP/NCCP was adopted in 1996, and serves as the project document for the protection and management of biologically effective, interconnected spaces in the City. A preserve system within the City has been designated as the Poway Mitigation Area as part of the Poway Subarea HCP/NCCP (Ogden 1996).



The project site is not located within the Poway Mitigation Area. This is due to the highly developed surroundings adjacent to the property and its isolation from adjacent undeveloped habitat areas by residential and commercial development. Both of these factors contribute to the project site not being an important wildlife linkage or containing critical habitat for regional species. Therefore, implementation of the proposed project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan, and impacts would be **less than significant**.

### 4.3.5 Cumulative Impacts

A cumulative study area for biological resources was identified based on the local environment setting and areas that share similar biological resources as those determined to occur on the proposed project site. The geographic scope of cumulative impacts are limited to other projects within the City (see Table 3-2, Cumulative Projects).

#### 4.3.5.1 Special-Status Plant and Wildlife Species

As discussed in Section 4.3.4, Impact Analysis, the project may result in direct and/or indirect impacts to potentially occurring special-status species, including Cooper's hawk, white-tailed kite, vermilion flycatcher, yellow warbler, least Bell's vireo, spotted bat, western red bat, and San Diegan tiger whiptail. Avoidance of nesting birds is a regulatory requirement for any project occurring within the cumulative study area. Nesting birds are protected under federal and state policy, including the MBTA and California Fish and Game Code, respectively. Without the appropriate mitigation, in combination with other cumulative projects, the proposed project would potentially contribute to a cumulatively considerable impact to special status species; see Mitigation Measures **MM-BIO-3**, **MM-BIO-4**, and **MM-BIO-5**.

#### 4.3.5.2 Riparian Habitat or Other Sensitive Natural Communities

As discussed in Section 4.3.4, the project would result in a potential temporary loss of 0.02 acres of arundo-dominated riparian habitat. It is anticipated that the vegetation will grow back following construction and therefore no mitigation is proposed for impacts to this invasive plant community. Without appropriate mitigation, the proposed project in combination with cumulative projects would potentially contribute to the cumulative impact to riparian habitat or other sensitive natural communities; see Mitigation Measures **MM-BIO-1**, **MM-BIO-2**, **MM-BIO-4**, and **MM-BIO-5**.

#### 4.3.5.3 Jurisdictional Waters and Wetlands

As discussed in Section 4.3.4, the project could result in potentially significant indirect impacts jurisdictional waters and wetlands. Projects in the City of Poway are required to meet a no-net-loss standard for both function and spatial area of wetland and non-wetland resources. Without appropriate mitigation, the proposed project in combination with cumulative projects would potentially contribute to the cumulative impact to jurisdictional waters and wetlands; see Mitigation Measures **MM-BIO-1**, **MM-BIO-2**, **MM-BIO-4**, and **MM-BIO-5**.

### 4.3.6 Mitigation Measures

The following mitigation measures would be implemented to reduce potentially significant impacts to less than significant.

**MM-BIO-1** Staking and silt fencing shall be installed along the entire perimeter of the construction footprint/area proposed for grading. Additionally, pre-construction environmental awareness educational meetings for the team and crews, as well and biological monitoring during vegetation clearing and grading activities, shall occur. Construction/contractor personnel shall complete a

Workers Environmental Awareness Program to ensure compliance with environmental/permit regulations and mitigation measures. Construction-limits staking and biological monitoring shall prevent inadvertent impacts to special-status vegetation or potential special-status wildlife species and their habitat.

**MM-BIO-2** Prior to construction permit issuance, grading and building plans shall ensure that the wetland and riparian area is protected with on-site construction fencing. The construction fencing shall be portrayed on the construction plans. The construction plans shall specify that construction fencing shall be maintained for the entire duration of construction activity until the permanent, outer wall proposed for the new development has been constructed, protecting the adjacent riparian and wetland habitats.

**MM-BIO-3** In accordance with the Migratory Bird Treaty Act of 1918 and Section 3503.5 of the California Fish and Game Code, to avoid any direct impacts to raptors and/or any native/migratory birds, removal of habitat that supports active nests in the proposed project site should occur outside of the breeding season for these species (February 1 to September 15). If removal of habitat in the proposed area of disturbance must occur during the breeding season, a qualified biologist shall conduct a pre-construction survey to determine the presence or absence of nesting birds in the proposed area of disturbance. The pre-construction survey shall be conducted not more than 72 hours prior to the start of construction activities (including removal of vegetation). If any active nests are detected, the area will be flagged and mapped on the construction plans along with a 300- to 500-foot (for raptors) avoidance buffer, and will be avoided until the nesting cycle is complete or it is determined that the nest has failed. Noise monitoring may also be required. The final buffer will be determined by the biologist(s).

**MM-BIO-4** Prior to construction permit issuance, grading and building plans shall specify the following:

- Employees shall strictly limit their activities, vehicles, equipment, and construction materials to the fenced project footprint.
- To avoid attracting predators, the project site shall be kept as clean of debris as possible. All food related trash items shall be enclosed in sealed containers and regularly removed from the site.
- Any lighting installed for project construction should be faced away from riparian and wetland habitat.
- Appropriate dust control measures (water trucks) should be implemented to reduce the amount of fugitive dust created by the project.
- Pets of project personnel shall not be allowed on the project site.

**MM-BIO-5** All construction activity adjacent to wetland habitat areas shall be required to adhere to measures outlined in the Poway General Plan and Poway Grading Ordinance to avoid degradation to wetland and riparian habitat from erosion. These measures include restrictions on the timing and amount of grading. For example, grading shall be prohibited during the rainy season (October 1st through April 15th) without an approved erosion control plan and program in place. Grading or vegetation removal shall be prohibited adjacent to wetland areas during the rainy season unless determined to be allowable on a site-specific basis with the provision of all necessary erosion control devices, which must be in place and maintained throughout the grading period.

### 4.3.7 Level of Significance after Mitigation

Implementation of Mitigation Measures **MM-BIO-3, MM-BIO-4 and MM-BIO-5** would ensure direct and/or indirect impacts to potentially occurring special-status species, including Cooper’s hawk, white-tailed kite, vermilion flycatcher, yellow warbler, least Bell’s vireo, spotted bat, western red bat, and San Diegan tiger whiptail would be reduced to **less than significant** levels.

Implementation of Mitigation Measures **MM-BIO-1, MM-BIO-2, MM-BIO-4, and MM-BIO-5** would ensure that indirect impacts to the wetland and riparian habitat would be reduced to **less than significant**.

With the implementation of **MM-BIO-1** through **MM-BIO-5**, all impacts to biological resources would be reduced to **less-than-significant** levels.

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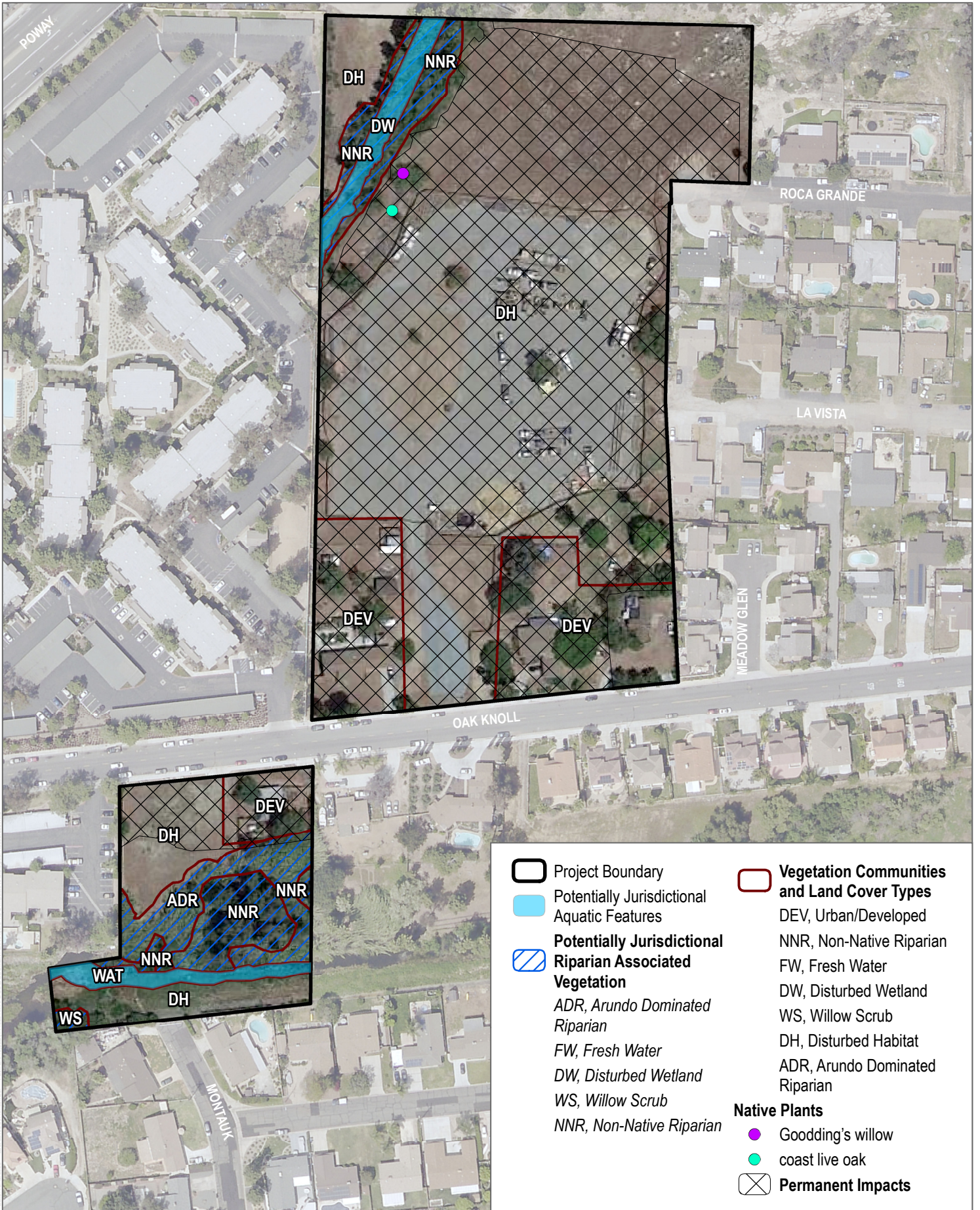


SOURCE: SanGIS 2017

**FIGURE 4.3-1**



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SOURCE: Hunsaker & Associates San Diego, Inc.; SanGIS 2017

FIGURE 4.3-2

Impacts to Biological Resources

Harmon Ranch Specific Plan Project EIR

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## 4.4 Cultural and Tribal Cultural Resources

This section describes the existing cultural and tribal cultural resources conditions of the Harmon Ranch project (proposed project) site and vicinity, identifies associated regulatory requirements, evaluates potential impacts, and identifies mitigation measures related to implementation of the proposed project. The information provided in this section was incorporated from the Built Environment Inventory and Evaluation Report for Harmon Ranch prepared by Dudek in February 2023 and the Cultural Resource Inventory Report for the Harmon Ranch Project prepared by Dudek in October 2023. Copies of these reports are included in this environmental impact report (EIR) as Appendices E and F, respectively.

A Notice of Preparation (NOP) was circulated from February 1, 2023, through March 3, 2023. During the NOP comment period, comment letters related to cultural and tribal cultural resources focused on the following topics:

- Impacts to Kumeyaay artifacts
- Archaeological resources disturbed by the project site

These comments were considered during the preparation of this EIR. The Initial Study, NOP, and Public Scoping comments are provided in Appendix A of this EIR.

### 4.4.1 Existing Conditions

This section provides information on the cultural setting of the project site, as well as information on the research methodology used to prepare the Built Environment Inventory and Evaluation Report and Cultural Resources Inventory Report for the proposed project. Additional details can be found in Appendix E and Appendix F of this EIR.

The project's area of potential effect (APE), as analyzed in the Cultural Resources Inventory Report, includes the entire 11.5-acre project site, which is located in the City of Poway, County of San Diego, and consists of Assessor's Parcel Numbers (APNs) 317-500-11; 317-500-12, 317-500-13, 317-500-14, 317-500-02, 317-500-03, 317-500-09, 317-500-10, 317-501-01, and 317-501-02. The project APE is located on Oak Knoll Road between Pomerado Road and Carriage Road. The majority of the undeveloped area within the northern portion of the project site has been cleared and was recently being used as a construction staging yard for a San Diego Gas & Electric gas line project. Land use around the project site is primarily residential. There is an undeveloped steep hillside within the northeast portion of the site south of the Kumeyaay Interpretative Center and west of Roca Grande Drive. Scattered trees and landscaping surround the four historic age residential buildings within the study area. The majority of the site has been cleared for several years and used to be utilized as a construction staging yard for a San Diego Gas & Electric gas line project. The site includes four existing single-family residences. One of the existing homes is a locally designated historic building known as the "Harmon House" located at 12702 Oak Knoll Road (APN 317-500-14-00). The current property owner is Harmon Family Trust.

#### **Methodology**

The information reviewed for the analysis of cultural resources on the project site included California Historical Resources Information System and the South Coastal Information Center ([SCIC](#) searches, review of previous cultural resource studies, archival research, [and](#) Native American outreach. [These sources](#) determine if there are any cultural resources on the project site. On April 12, 2022, a letter requesting a search of the Sacred Lands Files

was sent to the Native American Heritage Commission (NAHC). Dudek Archaeologist Javier Hernandez and Native American monitor Logovij Sialo conducted a survey of the project APE on April 22, 2022.

**Record Search**

Dudek requested a records search of data on file at the South Coastal Information Center for the project APE and a 1-mile buffer on June 8, 2021. The purpose of the records search is to identify any previously recorded cultural resources that may be located within the property. In addition to a review of previously prepared EIRs, permit application packages, site records, and reports, the records search also reviewed historical maps of the project APE and vicinity, ethnographies, the National Register of Historic Places (NRHP), the California Register of Historic Resources (CRHR), the Built Environment Resources Directory, and the lists of California State Historical Landmarks, California Points of Historical Interest, and Archaeological Determinations of Eligibility. Dudek received the results of the records search on June 10, 2021.

**Previously Recorded Resources-**

The records search identified 16 cultural resources within 1 mile of the project APE, two of which intersect the current project APE. Brief discussions of these two intersecting resources, P-37-008245 and P-37-016042, are included below. Table 4.4-1 summarizes the cultural resources within 1 mile of the project APE.

**Table 4.4-1. Cultural Resources Previously Identified within 1 Mile of Project APE**

Primary No	Trinomial	Era	Description
<b>Intersects Project APE</b>			
P-37-008245	CA-SDI-8245	Prehistoric	Milling station and campsite
P-37-016042	CA-SDI-14605/H	Historic	Cistern filled with refuse
<b>Within 1 Mile of Project APE</b>			
P-37-000012	CA-SDI-2	Prehistoric	Bedrock milling and artifact scatter
P-37-000592	CA-SDI-592	Prehistoric	Bedrock milling, petroglyphs, and artifact scatter
P-37-004512	CA-SDI-4512	Prehistoric	Bedrock milling, hearths, and artifact scatter
P-37-004633	CA-SDI-4633	Prehistoric	Bedrock milling, hearths, and artifact scatter
P-37-006083	CA-SDI-6083	Prehistoric	Bedrock milling and artifact scatter
P-37-006665	CA-SDI-6665	Prehistoric	Artifact scatter
P-37-006666	CA-SDI-6666	Prehistoric	Bedrock milling and lithic scatter
P-37-011481	CA-SDI-11481	Prehistoric	Bedrock milling feature and lithic scatter
P-37-018285	CA-SDI-15547	Prehistoric	Habitation site
P-37-027171	—	Historic	Water tank
P-37-033470	—	Historic	Dirt road
P-37-033481	CA-SDI-21057	Prehistoric	Bedrock milling
P-37-033557	—	Historic	Old Highway 395
P-37-035873	—	Historic	Structure refuse

**Source:** Appendix F.

**Note:** APE = area of potential effect.

### P-37-008245/CA-SDI-8245

This site was originally recorded by Gary Fink in 1975 as a “knoll top milling station and campsite.” Fink (1975) recorded extensive midden concentrated near the top of the east side of the knoll but noted “midden scatter” on parts of the knoll’s slopes. The original record identified seven mortar holes, three slicks, two basins, one “mini-mortar, and scattered flakes and tools. A portion of the site was tested by Affinis in 1990 by excavating an undisclosed number of shovel test pits, which found archaeological deposits extending below 60 centimeters (Affinis 1990). Affinis noted that the portion of the resource that is now within the current project APE was previously farmed and highly disturbed.

In 1991, Brian F. Smith and Associates evaluated P-37-008245 with a series of excavated trenches. Finding the resource significant, a data recovery program was initiated that included excavation of two 3 x 3 meter block units and four 1 x 1 meter units within the current project APE. Brian F. Smith and Associates reported that the data recovery program resulted in the successful excavation of a representative sample of the site, determined the site function, curated nearly 3,000 artifacts for future study, and “generally exhausted the research potential” of the portion of the resource within the current project APE. Brian F. Smith and Associates recommended that a cultural resource monitoring program be implemented during construction grading.

Though P-37-008245 is considered significant under CEQA and intersects the current project APE, the portion of the resource that intersects the APE has previously undergone data recovery to mitigate potentially adverse impacts to the periphery of the resource mitigation. The portion of P-37-008245 that intersects the project APE lacks research potential and is unlikely to pose any substantial archaeological constraint to the project.

### P-37-016042/CA-SDI-14605/H

This resource was identified in 1998 during the grading of an empty lot and consists of a historic cistern filled with refuse (Kirkish 1998). The refuse included household goods, automobile items, building materials, and personal items. A few prehistoric artifacts were also identified on the lot but appeared to have been displaced from fill soils used during the construction of the previous residence. The systematic recovery of cultural material from the feature and trash scatter exhausted the data potential of the site and avoidance of the resource is not necessary. This resource was identified within the current project APE.

### Previous Studies

The records search identified 72 previous studies that have been performed within 1 mile of the project APE. Five of these studies have addressed at least a portion of the project APE; however, the entire project APE has not been previously surveyed. These previous studies were conducted between 1990 and 2000 and are not considered current.

### **Previously Identified Built Environment Resources**

#### **Archival Research**

Historic topographic maps and aerial photographs of the project APE were reviewed in order to assess land use and development changes over time, particularly related to historical resources and the known archaeological sites. Historic photographs are available since 1953. The 1953 aerial photograph shows that the property was undeveloped except for the stone house located in the southeastern corner of the project APE at 12702 Oak Knoll Road. By 1964, two more residences were constructed in the southern portion of the project APE, one north and one south of Oak Knoll Street. By 1978, a residential development was constructed along the eastern boundary of the project APE and several

dirt paths or roads were established within the northern project APE. The aerial photograph from 1990 appears to show grading or mowing of the northern portion of the project APE. Additional grading occurred in the central portion of the project APE in 2010 and a San Diego Gas and Electric staging yard occupied the northern portion of the project APE. The historic aerial photographs show that the project APE has been surrounded by development since the late 1950s or early 1960s and was subject to repeated, though not complete, disturbances in the form of grading and dirt roads. Any surface cultural resources that may have been present are likely disturbed but intact archaeological deposits are possible.

In addition to the review of the historic topographic maps and aerial photograph, the following resources were utilized to analyze the project site and the four historic age buildings: the Built Environment Resources Directory, Poway Branch Library, City of Poway, consultation with Brian Smith, ParcelQuest, San Diego County Digital Library, historical newspaper review.

### ***Tribal Resources***

Dudek requested an NAHC search of the Sacred Lands File on April 15, 2022, for the proposed project APE and a 1-mile buffer. The Sacred Lands File consists of a database of known Native American resources. These resources may not be included in the South Coastal Information Center database. The NAHC replied on May 19, 2022, and reported that the Sacred Lands File did not identify any known Native American cultural resources within the project APE or the surrounding 1-mile buffer. The NAHC additionally provided a list of Native American tribes and individuals/organizations with traditional geographic associations that might have knowledge of cultural resources in this area.

Outreach letters were mailed on May 27, 2022, to all Native American group representatives included on the NAHC contact list. These letters attempted to solicit additional information relating to Native American resources that may be impacted by the project. Native American representatives were requested to define a general area where known resources intersect the project APE. To date, four responses to these requests have been received.

Barona Band of Mission Indians stated that because the project is astride a creek and ethnographic village of Paqui, there is an increased cultural sensitivity. Barona recommended an intensive pedestrian survey and construction monitoring. Jamul Indian Village stated that they consulted their database and have concerns that the project area is sensitive for cultural resources. They stated that they would consult with the City. Likewise, San Pasqual Band of Mission Indians stated that the project is in their Traditional Use Area, and they would like to engage in formal formation government to government consultation. Viejas Band of Kumeyaay Indians stated that the project area was significant to Viejas, and they requested that a Kumeyaay Cultural Monitor be on site during any ground disturbing activities.

In compliance with Senate Bill (SB) 18 and Assembly Bill (AB) 52, the City, as lead agency, is responsible for conducting government to government consultation with pertinent tribal entities.

### ***Intensive Pedestrian Survey – Archaeological Resources***

Dudek Archaeologist Javier Hernandez conducted a survey of the project APE on April 22, 2022. Native American monitor Logovii Sialo from Saving Sacred Sites Inc., a Luiseño owned company, participated in the pedestrian survey. The project APE consists of two vacant lots bisected by Oak Knoll Road that border existing residential neighborhoods. The larger parcel north of Oak Knoll Road has been previously disturbed as evidenced by two residences with outbuildings, trimmed vegetation, heavy machinery grading, and the presence of a construction staging yard. The

staging yard has been heavily disturbed by commercial equipment and vehicle storage. It occupies the majority of parcel, leaving an unfenced area approximately 160 by 60 meters on the north half of the parcel. This area was densely vegetated with a row of trees aligning a drainage on the western APE boundary. The thick grass made surface visibility poor on the southwest facing knoll. The second smaller parcel south of Oak Knoll Road has also been heavily disturbed as evidenced by road gravels and trimmed grass. The southernmost extent of the APE bordering Poway Creek was heavily vegetated by trees and brush and the northern bank of Poway Creek was too steep to access for surveying. The northern portion of the southern lot was heavily vegetated by grass making surface visibility poor. Though currently undeveloped, the project is immediately adjacent to residential and commercial development. A pedestrian survey was conducted utilizing formal transects at 15-meter intervals, except as noted above. Deviations from transects also occurred to inspect animal burrows and other locations of exposed sediments and rock outcrops. No cultural resources were identified within the project.

### ***Field Survey-Historical Resources***

A field survey was conducted and analyzed by Dudek Architectural Historians Claire Cancilla MSHP; Katie Ahmanson, MHC; and Nicole Frank, MSHP to evaluate the built environment of the project site. Four historic age properties are located within the Built Environment Study Area for this project: Property A: 12702 Oak Knoll Road (APN 317-500-14-00), Property B: 12650 Oak Knoll Road (APN 317-500-13-00), Property C: 12624 Oak Knoll Road (APN 317-500-11-00), and Property D: 12623 Oak Knoll Road (APN 317-501-02-00). Results of the survey are discussed below.

## 4.4.2 Relevant Plans, Policies, and Ordinances

### **Federal**

#### ***National Historic Preservation Act***

The National Historic Preservation Act established the NRHP program under the Secretary of the Interior. The act authorized funding for state programs with provision for pass-through funding and participation by local governments, created an Advisory Council on Historic Preservation, and established the Section 106 review process for protecting historic resources. The goal of the Section 106 review process is to offer protection to sites that are determined eligible for listing in the NRHP. The National Historic Preservation Act provides the legal framework for most state and local preservation laws.

#### ***Native American Graves Protection and Repatriation Act***

Enacted in 1990, the Native American Graves Protection and Repatriation Act conveys to American Indians of demonstrated lineal descent the human remains and funerary or religious items that are held by federal agencies and federally supported museums, or that have been recovered from federal lands. It also makes the sale or purchase of American Indian remains illegal, whether or not they derive from federal or Indian lands.

#### ***Secretary of the Interior Standards***

The Secretary of the Interior is the head of the U.S. Department of the Interior, which is the nation's principal conservation agency. The department oversees agencies including the Bureau of Land Management, the Bureau of Indian Affairs, and the National Park Service.

### **The Secretary of the Interior’s Standards and Guidelines for Archaeology and Historic Preservation**

The purpose of the Secretary of the Interior’s Standards and Guidelines for Archaeology and Historic Preservation of 1983 is to (1) organize the information gathered about preservation activities; (2) describe results to be achieved by federal agencies, states, and others when planning for the identification, evaluation, registration and treatment of historic properties; and (3) integrate the diverse efforts of many entities performing historic preservation into a systematic effort to preserve the nation’s culture heritage.

### **The Secretary of the Interior’s Standards for Rehabilitation**

Developed in 1986, the Secretary of the Interior’s Standards for Rehabilitation are 10 basic principles created to help preserve the distinctive character of a historic building and its site, while allowing for reasonable change to meet new needs.

### **The Secretary of the Interior’s Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings**

The Secretary of the Interior’s Standards for the Treatment of Historic Properties were developed to help protect the nation’s irreplaceable cultural resources by promoting consistent preservation practices. The standards are a series of concepts about maintaining, repairing, and replacing historic materials, as well as designing new additions or making alterations; thus, they cannot, in and of themselves, be used to make essential decisions about which features of a historic property should be saved and which be changed. But once an appropriate treatment is selected, the standards provide philosophical consistency to the work.

## **State**

### ***California Register of Historic Resources (California Public Resources Code, Section 5020 et seq.)***

In California, the term “historical resource” includes, but is not limited to, “any object, building, structure, site, area, place, record, or manuscript which is historically or archaeologically significant, or is significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California” (California Public Resources Code, Section 5020.1[j]). In 1992, the California legislature established the CRHR “to be used by state and local agencies, private groups, and citizens to identify the state’s historical resources and to indicate what properties are to be protected, to the extent prudent and feasible, from substantial adverse change” (California Public Resources Code, Section 5024.1[a]). A resource is eligible for listing in the CRHR if the State Historical Resources Commission determines that it is a significant resource and that it meets any of the following NRHP criteria (California Public Resources Code, Section 5024.1[c]):

- (1) Associated with events that have made a significant contribution to the broad patterns of California’s history and cultural heritage.
- (2) Associated with the lives of persons important in our past.
- (3) Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values.
- (4) Has yielded, or may be likely to yield, information important in prehistory or history.

Resources less than 50 years old are not considered for listing in the CRHR unless it can be demonstrated that sufficient time has passed to understand the historical importance of the resource (see 14 CCR 4852[d][2]). The CRHR protects cultural resources by requiring evaluations of the significance of prehistoric and historic resources. The criteria for the CRHR are nearly identical to those for the NRHP, and properties listed or formally designated as eligible for listing on the NRHP are automatically listed on the CRHR, as are the state landmarks and points of interest. The CRHR also includes properties designated under local ordinances or identified through local historical resource surveys. The State Historic Preservation Officer maintains the CRHR.

### ***California Points of Historic Interest***

California Points of Historical Interest are buildings, structures, site or features of local (city and county) significance that have anthropological, cultural, military, political, architectural, economic, scientific/technical, religious, experimental, or other value. Points of Historical Interest designated after December 1997 are recommended by the State Historical Resources Commission to also be listed in the CRHR. The criteria for designation of Points of Historical Interest are the same as those that govern the California Historic Landmarks program.

### ***Native American Historic Cultural Sites (California Public Resources Code, Section 5097 et seq.)***

State law addresses the disposition of Native American burials in archaeological sites and protects such remains from disturbance, vandalism, or inadvertent destruction; establishes procedures to be implemented if Native American skeletal remains are discovered during construction of a project; and establishes the NAHC to resolve disputes regarding the disposition of such remains. In addition, the Native American Historic Resource Protection Act makes it a misdemeanor punishable by up to 1 year in jail to deface or destroy Native American historic or cultural site that is listed or may be eligible for listing in the CRHR.

### ***California Environmental Quality Act***

As described further below, the following CEQA statutes and CEQA Guidelines are of relevance to the analysis of archaeological and historic resources:

- (1) PRC Section 21083.2(g): Defines “unique archaeological resource.”
- (2) PRC Section 21084.1 and CEQA Guidelines Section 15064.5(a): Define historical resources. In addition, CEQA Guidelines Section 15064.5(b) defines the phrase “substantial adverse change in the significance of an historical resource;” it also defines the circumstances when a project would materially impair the significance of a historical resource.
- (3) PRC Section 5097.98 and CEQA Guidelines Section 15064.5(e): Set forth standards and steps to be employed following the accidental discovery of human remains in any location other than a dedicated ceremony.
- (4) PRC Sections 21083.2(b)–(c) and CEQA Guidelines Section 15126.4: Provide information regarding the mitigation framework for archaeological and historic resources, including options of preservation-in-place mitigation measures; preservation-in-place is the preferred manner of mitigating impacts to significant archaeological sites because it maintains the relationship between artifacts and the archaeological context, and may also help avoid conflict with religious or cultural values of groups associated with the archaeological site(s).

Under CEQA, a project may have a significant effect on the environment if it may cause “a substantial adverse change in the significance of an historical resource” (PRC Section 21084.1; 14 CCR 15064.5[b]). If a site is either listed or eligible for listing in the CRHR, if it is included in a local register of historic resources, or is identified as

significant in a historical resources survey (meeting the requirements of PRC Section 5024.1[q]), it is a “historical resource” and is presumed to be historically or culturally significant for purposes of CEQA (PRC Section 21084.1; 14 CCR 15064.5[a]). The lead agency is not precluded from determining that a resource is a historical resource even if it does not fall within this presumption (PRC Section 21084.1; 14 CCR 15064.5[a]).

A “substantial adverse change in the significance of an historical resource” reflecting a significant effect under CEQA means “physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired” (14 CCR 15064.5[b][1]; PRC Section 5020.1[q]). In turn, the significance of a historical resource is materially impaired when a project does the following:

- (1) Demolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its inclusion in, or eligibility for, inclusion in the CRHR
- (2) Demolishes or materially alters in an adverse manner those physical characteristics that account for its inclusion in a local register of historical resources pursuant to section 5020.1(k) of the PRC or its identification in an historical resources survey meeting the requirements of Section 5024.1(g) of the PRC, unless the public agency reviewing the effects of the project establishes by a preponderance of evidence that the resource is not historically or culturally significant.
- (3) Demolishes or materially alters in an adverse manner those physical characteristics of a historical resource that convey its historical significance and that justify its eligibility for inclusion in the CRHR as determined by a lead agency for purposes of CEQA

### ***California Health and Safety Code, Section 7050.5***

California law protects Native American burials, skeletal remains, and associated grave goods, regardless of their antiquity, and provides for the sensitive treatment and disposition of those remains. California Health and Safety Code, Section 7050.5, requires that if human remains are discovered in any place other than a dedicated cemetery, no further disturbance or excavation of the site or nearby area reasonably suspected to contain human remains shall occur until the county coroner has examined the remains (Section 7050.5b). If the coroner determines or has reason to believe the remains are those of a Native American, the coroner must contact the NAHC within 24 hours (Section 7050.5c). The NAHC will notify the most likely descendant. With the permission of the landowner, the most likely descendant may inspect the site of discovery. The inspection must be completed within 24 hours of notification of the most likely descendant by the NAHC. The most likely descendant may recommend means of treating or disposing of, with appropriate dignity, the human remains and items associated with Native Americans.

### ***California Health and Safety Code, Section 8010–8011***

This code is intended to provide consistent state policy to ensure that all California Native American human remains and cultural material are treated with dignity and respect. The code extends policy coverage to non-federally recognized tribes and federally recognized groups.

### ***Assembly Bill 2461***

The bill provides procedures for private landowners to follow upon discovering Native American human remains. Landowners are encouraged to consider culturally appropriate measures if they discover Native American human remains as set forth in California Public Resources Code, Section 5097.98.



### ***Senate Bill 18***

SB 18, approved in 2004, amends the California Civil Code and the California Government Code, requiring cities and counties to contact and consult with California Native American tribes prior to adopting or amending any general plan or specific plan, or designating land as open space in order to preserve or mitigate impacts to specified Native American places, features, and objects that are located within the city's or county's jurisdiction. SB 18 also requires cities and counties to hold in strict confidence any information about the specific identity, location, character or use of these resources. In 2005, the Governor's Office of Planning and Research published Tribal Consultation Guidelines to guide cities and counties on the process of engaging in consultation in accordance with SB 18. The NAHC maintains a list of California Native American tribes with whom cities and counties must consult pursuant to SB 18.

### ***Assembly Bill 52 (Chapter 532, Statute of 2014)***

California AB 52, which took effect July 1, 2015, establishes a consultation process between California Native American Tribes and lead agencies in order to address tribal concerns regarding project impacts and mitigation to "tribal cultural resources" (TCRs). PRC Section 21074(a) defines TCRs and states that a project that has the potential to cause a substantial adverse change to a TCR is a project that may have an adverse effect on the environment. A TCR is defined as a site, feature, place, cultural landscape, sacred place, and object with cultural value to a California Native American tribe that is either:

- (1) Listed or eligible for listing in the CRHR or a local register of historical resources
- (2) Determined by a lead agency to be a TCR

### ***Traditional Cultural Properties/Native American Heritage Values***

State Federal and state laws mandate that consideration be given to the concerns of contemporary Native Americans with regard to potentially ancestral human remains associated funerary objects, and items of cultural patrimony. Consequently, an important element in assessing the significance of the study site has been to evaluate the likelihood that these classes of items are present in areas that would be affected by the proposed project.

The category termed "Traditional Cultural Properties" in discussions of cultural resource management performed under federal auspices is also potentially relevant to prehistoric archaeological sites. According to Parker and King (1998), "Traditional" in this context refers to those beliefs, customs, and practices of a living community of people that have been passed down through the generations, usually orally or through practice. The traditional cultural significance of a historic property, then, is significance derived from the role the property plays in a community's historically rooted beliefs, customs, and practices. Examples of properties possessing such significance include the following:

- (1) A location associated with the traditional beliefs of a Native American group about its origins, its cultural history, or the nature of the world
- (2) A rural community whose organization, buildings and structures, or patterns of land use reflect the cultural traditions valued by its long-term residents
- (3) An urban neighborhood that is the traditional home of a particular cultural group, and that reflects its beliefs and practices

- (4) A location where Native American religious practitioners have historically gone, and are known or thought to go today, to perform ceremonial activities in accordance with traditional cultural rules of practice
- (5) A location where a community has traditionally carried out economic, artistic, or other cultural practices important in maintaining its historic identity

### ***Native American Historic Resource Protection Act***

State law addresses the disposition of Native American burials in archaeological sites, and protects such remains from disturbance, vandalism, or inadvertent destruction; establishes procedures to be implemented if Native American skeletal remains are discovered during construction of a project; and establishes the NAHC to resolve disputes regarding the disposition of such remains. In addition, the Native American Historic Resource Protection Act (PRC Section 5097 et seq.) makes it a misdemeanor punishable by up to 1 year in jail to deface or destroy a Native American historic or cultural site that is listed or may be eligible for listing in the CRHR.

### ***California Native American Graves Protection and Repatriation Act***

The California Native American Graves Protection and Repatriation Act (California Repatriation Act) (25 USC Chapter 32), enacted in 2001, requires all state agencies and museums that receive state funding and that have possession or control over collections of human remains or cultural items, as defined, to complete an inventory and summary of these remains and items on or before January 1, 2003, with certain exceptions. The California Repatriation Act also provides a process for the identification and repatriation of these items to the appropriate tribes.

## **Local**

### ***City of Poway Municipal Code***

Chapter 17.45 of the City's Municipal Code describes the City's cultural resources regulatory framework. The City's planning goals and policies aim to "protect, enhance and perpetuate historic/cultural resources, sites, and districts that represent or reflect elements of the City's cultural, social, economic, political and architectural history for the public health, safety and welfare of the people of the City" and to "permit historic sites to be identified, documented, and recorded by written and photographic means and allow an opportunity for voluntary preservation of historic sites, all without infringing on the ability and right of a property owner to control the use of property or structures" (City of Poway, Chapter 17.45.010, Ord. 296 § 1, 1989).

Subchapter 17.45.030 of the City's Municipal Code defines four categories of historic/cultural resources ("A," "B," "C" and "D" resources) and establishes the following criteria for evaluating historic/cultural resources. The criteria within each category are numbered below for clarity.

**Category A:** This category is reserved for those structures, buildings, sites, or objects of major significance. The resource must meet one or more of the following criteria:

- (1) It is the site of, or reflects special elements or events of the City's cultural, social, economic, political, aesthetic, engineering or architectural history; or
- (2) It is associated with persons or events important in regional, State or national history; or
- (3) It is a rare or particularly fine example of a certain architectural style or construction technique associated with a particular period of history; or

- (4) It is the work of an architect, engineer, or designer who has substantially influenced regional, State, or national trends or the development of the North County region; or
- (5) Owing to its unique location or singular physical characteristics, it represents an established feature of the neighborhood or City whose removal would adversely affect the appearance or spatial and design relationships of the area.

**Category B:** Structures, buildings, sites, or objects in this category must have one of the following characteristics:

- (1) It is associated with important persons, events, or eras in the City, regional, or State history;
- (2) Its original design, architecture, aspect or function of the resource is significant but has been altered, affecting its integrity;
- (3) It is a good (but not rare or particularly outstanding) example of certain style or construction technique, or of the work of a prominent architect, engineer, or designer.

**Category C:** Structures, buildings, sites, or objects in this category must have one of the following characteristics:

- (1) It is a good example of a period of architecture design or construction; however, the design is more commonplace and there are many similar structures, buildings, sites or objects in the City;
- (2) It is an important resource; however, substantial alterations have severely compromised its historic, cultural, or architectural significance.

**Category D:** Structures, buildings, sites, or objects in this category are:

- (1) Built prior to 1940, and clearly not significant in terms of architectural style, appearance, design, construction, or association with important persons or events in City history.

Further research on any building, structure, site, or object may yield information on their roles in history. This information may warrant their inclusion in a different category. Applications to change the categorization of an identified resource or to add a resource to the survey shall be submitted to the City Development Services Department. The application should contain information which provides justification for adding a historic/cultural resource to the survey or changing its category designation. (Ord. 518, 1999; Ord. 296 § 1, 1989)

Subchapter 17.45.050 states that for a historic/cultural resource to be designated as a Poway historic landmark, additional criteria must be met. Following adoption of a survey of historic/cultural resources, the Development Services Department must act upon an application and may designate historic landmarks by finding that a historic/cultural resource is of local, regional, State, or national significance, and is designated as a category A or B historic/cultural resource. In addition, the Development Services Department shall find that the historic/cultural resource meets one of the following criteria:

- (1) Its location is the site of a historic event having major significance to the City, State or United States;
- (2) Its identification with a person or persons who have made a significant social, cultural or scientific contribution to the City, region, State or the United States;
- (3) Its quality as one of the finest examples in the City of the work of an architect of major importance;
- (4) Its identification as the work of a person or persons whose work has exerted a major influence on the heritage of the City, region, State or the United States;
- (5) Its exemplification of an extraordinary class of architectural design, detail, materials or craftsmanship;

- (6) Its potential of yielding historic/cultural information of major importance;
- (7) Its integrity as a natural feature that has made a major contribution to the community;
- (8) Other attributes of the historic/cultural resource which are consistent with the Secretary of the Interior's Standards.

The findings shall be supported by substantial evidence presented to the Development Services Department. (Ord. 518, 1999; Ord. 296 § 1, 1989).

Subchapter 17.45.100 outlines procedures for removing landmark designation. Any time a historic/cultural resource has been designated an historic landmark by this chapter, the property owner may apply to the Director of Development Services for removal of the designation by showing that the property will not benefit any further from incentives granted pursuant to PMC 17.45.110 during the landmark designation process. (Ord. 518, 1999; Ord. 296 § 1, 1989). PMC 17.45.110 does not specific incentives, but states:

In order to carry out the purposes of this chapter, the Development Services Department shall develop and recommend to the City Council a program of economic and other incentives to support the preservation, maintenance and appropriate rehabilitation of historic landmarks. These incentives may be granted at any time after an historic/cultural resource is designated as an historic landmark. (Ord. 518, 1999; Ord. 296 § 1, 1989)

### ***Poway Comprehensive Plan: General Plan***

The Poway Comprehensive Plan: General Plan (General Plan) includes the following policies and strategies regarding cultural and tribal resources (City of Poway 1991):

#### **Goal I, Policy B – Subdivisions Design: Subdivisions should be designed to ensure that future land development supports the goals of the General Plan.**

- **Strategy 11:** Significant existing natural resources shall be incorporated into the design of new projects rather than removed. These shall include, but are not limited to, large mature trees, sensitive biological habitat and vegetation, streams, steep hillsides, major rock outcroppings and archaeological and historical structures.
- **Strategy 17:** Development should be concentrated in the least environmentally sensitive locations in order to preserve open space, retain natural vegetation and protect natural, cultural and historic features.

#### **Goal IV, Policy D – Archaeological Sites: Archaeological resources are an important part of our heritage and should be preserved and protected.**

- **Strategy 1:** Archaeological guidelines for the treatment of archaeological resources discovered during the environment review process shall be implemented.
- **Strategy 2:** The City shall require that all artifacts recovered from sites within Poway during environmental impacts studies be presented to the City for permanent curation. This also recommended for the sphere of influence. The City shall designate the repository (i.e., a museum) for the artifacts or direct that a suitable structure be built or converted within the city boundaries to house the collections. The City shall ensure the proper treatment of the artifacts by selecting an archaeologist/historian to define the necessary elements for curation of specimens as outlined by the National Park Service. If the City cannot designate a facility as outlined by the National Park Service. If the City cannot designate a facility to curate the artifacts, then an agreement could be reached with the Poway Historical Society or the San Diego Archaeological Society to temporarily curate the artifacts.

- **Strategy 3:** Consider mitigation alternatives which include “in kind” measures that provide unusual or more beneficial results than the mitigation measures listed in the City archaeological/historical guidelines.
- **Strategy 4:** Maintain a listing of significant prehistoric sites and document the locations of all open space easement that include archaeological sites. These easements have been granted to protect resources; however, without acknowledging the locations of such easements, the success of the use of such easements for resource protection cannot be assured. The City should conduct a research effort to determine where easements for archaeological sites are located, especially those easements where “inherited” from the County of San Diego when the city was incorporated.

**Goal IV, Policy E – Historical Sites: The historical structures which remain in Poway contribute significantly to the rural small town character of the community and should be preserved.**

- **Strategy 1:** Complete a comprehensive survey to identify and evaluate historic structures and sites in Poway.
- **Strategy 2:** Maintain a Historic Sites List that will include a register of locations, photographs, and historically relevant information regarding each site, structure or feature recognized as historically sensitive or significant to the city’s heritage. The Historic Sites List will include as its foundation, the criteria for relative categories of significance included in the City’s Ordinance 296. The method to be used for adding structures to the Historic Sites List is also provided in Ordinance 296. Prehistoric sites should not be included on this list, as it will be available to the public and the locations of significant prehistoric sites should not be made publicly known.
- **Strategy 3:** Support community efforts to register local prehistoric and historic features that fulfill state or federal requirements. The basis for the registration of local sites of historic and prehistoric significance will be the Historic Sites List. The City shall consider funding a periodic review of the Historic Sites List by a qualified historian for the purpose of completing nomination forms for the National Register and state landmarks list.
- **Strategy 4:** Maintain appropriate legislation to apply alternative building code requirements as deemed necessary on an individual basis to preserve historic structure. The City shall also maintain appropriate legislation prohibiting the demolition of an historic structure without an evaluation of the condition of the structure and the costs of rehabilitation.
- **Strategy 5:** Study the feasibility of securing contracts with the owners of historic structures or places to restrict the use or alteration of the property or structure as defined in Government Code Section 50280 et seq. for tax advantages in the form of an historic easement. In the event that a contract or historic easement is executed, the City shall inform the County Assessor of any agreement reached for the purpose of historic preservation and encourage the Assessor to re-examine the assessment of the property based upon the agreement.
- **Strategy 6:** Prior to the demolition of any historic structure (for a definition of a historic structure, see Ordinance 296 and the archaeological guidelines filed at the City of Poway Planning Services Department), that structure shall be fully documented with plans, photographs, and an archaeological/architectural assessment. In the event that demolition is permitted for any historic structure within Categories A, B or C as described in Ordinance 296, mitigation may be accomplished through the payment of a fee which would be applied to the improvement of Old Poway Park. The City shall determine an equitable mitigation fee for the demolition of historic structures.
- **Strategy 7:** Mitigation of impacts to significant or sensitive historic structures may be accomplished by moving the structure to a new location within the city. This location should be similar in setting to the original site, depending upon the uniqueness of the original site.

- **Strategy 8:** Historic structures or places should not be designated for land uses that would lead to their demolition or to a depreciation in their value. Adjacent land uses should not conflict with the preservation of an historic structure or place.
- **Strategy 9:** Standards should be developed for community design adjacent to historic structures to preserve the integrity of the structure and its surroundings.

### 4.4.3 Thresholds of Significance

The significance criteria used to evaluate the project impacts to cultural resources are based on Appendix G of the CEQA Guidelines. According to Appendix G of the CEQA Guidelines, a significant impact related to cultural and tribal cultural resources would occur if the project would:

#### **Cultural Resources:**

1. Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5.
2. Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5d.
3. Disturb any human remains, including those interred outside of dedicated cemeteries.

#### **Tribal Cultural Resources:**

1. Would the Project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:
  - A. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k), or
  - B. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

### 4.4.4 Impacts Analysis

#### ***Would the project cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5?***

Four historic age properties were identified within the project site. Appendix E includes the results of archival research, a field survey, review of historic aerials, and research of various newspapers and recorded; development of an appropriate historic context for the evaluation of the project site; and recordation and evaluation for historical significance of four properties (Property A: 12702 Oak Knoll Road [APN 317-500-14-00], Property B: 12650 Oak Knoll Road [APN 317-500-13-00], Property C: 12624 Oak Knoll Road [APN 317-500-11-00], and Property D: 12623 Oak Knoll Road [APN 317-501-02-00]) that contain resources that are over 45 years old.

### Property A – 12702 Oak Knoll Road

Property A contains a one-story, single-family Rock House style house constructed circa 1933–1940 (Appendix E) known as the Harmon House. The residence has an L-shaped plan, with the original rectangular rock-clad portion to the south and a 1974 single-story wood frame rectangular addition clad in wood shake shingles extending to the north. Alterations to the property have occurred since the construction of the single-family residence. As discussed in Appendix E, Property A does not appear to meet NRHP, CRHR, or local City of Poway criteria for historical significance. As a previously identified Poway Historic Site, the property appears to meet the requirements to be eligible as a City of Poway Category C building; however, following consultation with the City of Poway and Brian Smith, the property has been classified as a Category C building, the Harmon House is considered a CEQA historical resource.

The project has the potential to materially alter the structure of the rock house through construction-related vibration impacts. Vibration impacts to the stone cladding resulting in a loss of materials comprising the cladding of the Harmon House have the potential to cause an adverse change to the Harmon House by diminishing a physical characteristic that account for its inclusion in a local register. Such changes would result in an adverse change to the physical characteristics of the historical resource, namely the materials, design, and workmanship of the Harmon House, that convey its diminished historical significance as a good example of a commonplace period of architecture design or construction in the City of Poway and as an important resource with substantial alterations that have severely compromised its historic, cultural, or architectural significance. Therefore, impacts to the Harmon House on property A would be **potentially significant** due to the potential change to the stone cladding material that conveys its historic significance (**Impact CUL-1**). Potential construction-related vibration impacts may be reduced to a less than significant level with the implementation of **MM-CUL-1**, which requires that the Harmon House be avoided and protected from vibration-related construction impacts.

Project implementation may result in a substantial adverse change to the setting of the Harmon House on Property A. As a Category C building, the Harmon House has diminished integrity that has compromised its historic, cultural, or architectural significance. The integrity of setting for the Harmon House has been diminished due to the changes caused by adjacent single-family home construction to the east, south, and west of the property; however, the relatively unaltered vacant area to the north was a visual component of the resource’s integrity of setting since its construction (c. 1933–1940), and therefore, impacts to the setting of Property A could be **potentially significant** (**Impact CUL-2**). Due to the current diminished setting, maintaining or losing integrity of setting will not have an impact on the Harmon House’s diminished ability to convey its historical significance. Potential view and vista impacts and changes to setting may be reduced to a less than significant level with the incorporation of **MM-CUL-2**, which includes the development of a landscape plan along Property A.

With the implementation of mitigation measures MM-CUL-1 and MM-CUL-2, potential impacts to the historical resource on property A, would be **less than significant**.

### Property B – 12650 Oak Knoll Road

The subject property is a one-story, single-family house constructed in 1957 (San Diego County Assessor). The house has elements of the Minimal Ranch style. Alterations to the property have occurred since the construction of the single-family residence. Property B does not meet any of the criteria for listing in the NRHP or CRHR, either individually or as part of an eligible or designated historic district. Property B further does not meet any of the criteria for landmark listing by the City of Poway. As a building constructed in 1957 (after 1940), it does not meet the

minimum requirements for a category of historical resource within the City of Poway. Therefore, Property B is not a CEQA historical resource, and no impact would occur.

### **Property C – 12624 Oak Knoll Road**

The subject property is a one-story, single-family house constructed in 1959, with two ancillary buildings on the rear of the parcel (San Diego County Assessor). The house has elements of the Minimal Ranch style. Alterations to the property have occurred since the construction of the single-family residence. Property C does not meet any of the criteria for listing in the NRHP or CRHR, either individually or as part of an eligible or designated historic district. Property C further does not meet any of the criteria for landmark listing by the City of Poway. As a building constructed in 1959 (after 1940), it does not meet the minimum requirements for any category of historical resource within the City of Poway. Therefore, Property C is not a CEQA historical resource, and no impact would occur.

### **Property D – 12623 Oak Knoll Road**

The subject property is a one-story, single-family residence with an ancillary building to the rear of the property. It was constructed in 1946 (San Diego County Assessor).

12623 Oak Knoll Road does not meet any of the criteria for listing in the NRHP or CRHR, either individually or as part of an eligible or designated historic district. The property appears to meet the minimum requirements of a City of Poway Category D building, which includes properties built prior to 1940 that are clearly not significant in terms of architectural style, appearance, design, construction, or association with important persons or events in City history. Property D is of historic age, but does not appear to have significance as a historical resource. Therefore, 12624 Oak Knoll Road is not a CEQA historical resource.

### **Conclusion**

Of the four properties evaluated on the project site, the Harmon House on Property A was the only property considered a CEQA historical resource. Potential construction-related vibration impacts to the Harmon House would be reduced to a less than significant level with the incorporation of **MM-CUL-1**. Potential view and vista impacts and changes to setting of the Harmon House would be reduced to a less than significant level with the incorporation of **MM-CUL-2**. The mitigation measures would ensure the proper treatment of historical resources on the project site. Therefore, impacts to historical resources would be **less than significant with mitigation**.

### ***Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?***

The project site reflects a history of heavy disturbance, and the NAHC Sacred Lands File search, Native American outreach, and pedestrian survey were negative for archaeological resources and TCRs. The records search revealed that two resources intersect the project APE: P-37-008245 and P-37-016042; however, both resources were archaeologically tested and found to be not significant under CEQA. Despite these resources being determined not significant with the project APE, there is an increased potential that ground disturbance will encounter buried cultural resources associated with these resources. If additional archaeological resources were found at the project site, impacts to significant archaeological resources are **potentially significant (Impact CUL-3)** and mitigation would be required. Mitigation measure **MM-CUL-3** is proposed to ensure potential impacts to archaeological resources would not occur during project construction. Therefore, impacts would be **less than significant with mitigation**.



***Would the project disturb any human remains, including those interred outside of dedicated cemeteries?***

No evidence of human remains were discovered during the records search nor the field survey. The project site was not tested or evaluated for human remains; however, it is unlikely that the project site was used as a burial ground or cemetery. There is no indication that the project site was used by Native Americans for religious, ritual, or other special activities. However, in the unlikely event that human remains are discovered onsite, impacts would be **potentially significant (Impact CUL-4)** and mitigation is required. Mitigation measure **MM-CUL-3** is proposed to ensure potential impacts to archaeological resources, including human remains, would not occur during project construction. Therefore, impacts would be **less than significant with mitigation**.

***Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:***

- a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or***
- b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.***

The project site reflects a history of heavy disturbance and the NAHC Sacred Lands File search, Native American outreach, and pedestrian survey were negative for tribal cultural resources. The records search revealed that two resources intersect the project APE: P-37-008245 and P-37-016042. Both resources were archaeologically tested and found to be not significant under CEQA within the project APE. Despite these resources were recommended not significant with the project APE, there is an increased potential that ground disturbance will encounter buried cultural resources associated with these resources. The records search yielded no tribal cultural resources within or immediately adjacent to the project site. However, if cultural resources are found at the project site (for example, during ground-disturbing construction activities), impacts related to tribal cultural resources would be **potentially significant (Impact CUL-5)** and mitigation is required.

As discussed in Section 4.1.1, Existing Conditions, a NAHC record search of the Sacred Lands Files produced negative results and contact letters were sent to all groups and individuals on the NAHC contact list. In compliance with SB 18 and AB 52, the City, as lead agency, is responsible for conducting government to government consultation with pertinent tribal entities. The City requested a Tribal Consultation List from the NAHC and received a list of 16 tribal representative from the NAHC. The City mailed separate SB 18 and AB 52 to the 16 tribal representatives on November 8, 2022. These notification letters included a description of the project, lead agency contact information, and a statement that the tribe had 90 days to request consultation under SB 18 and 30 days to request consultation under AB 52.

Four tribal entities responded to the SB 18 and AB 52 notification letters. Barona Band of Mission Indians, Jamul Indian Village, and Viejas Band of Kumeyaay Indians requested that a Kumeyaay Native American monitor be present during ground disturbing construction activities. San Pasqual Band of Mission Indians requested a Project site visit, after which they would make recommendations. A site visit was held with San Pasqual Band of Mission Indians on November 29, 2023, and requested conditions were provided by the Tribe's representative to the City on November 30, 2023. The City provided San Pasqual Band of Mission Indians with a response to requested

conditions and request for consultation closure email on February 29, 2024. Consultation with San Pasqual Band of Mission Indians is ~~considered ongoing pending closure~~. Consultation with all other tribes is considered concluded.

Implementation of MM-CUL-3 introduced above, would ensure potential impacts to tribal cultural resources would not occur. Therefore, impacts would be **less than significant with mitigation**.

### 4.4.5 Cumulative Impacts

A cumulative impact, in terms of cultural resources, refers to the mounting aggregate effect upon the cultural, archaeological, historical, or tribal resources due to modern or recent historic land use (e.g., residential development) and natural processes (e.g., erosion) that result from acts of humans. The issue that must be explored in a cumulative impact analysis is the aggregate loss of information as well as the loss of recognized cultural landmarks and vestiges of our community cultural history. Table 3-2, Cumulative Projects, lists projects within the proposed project area that would have the potential for a cumulative impact.

#### Historic Resources

Cumulative projects located in the region would have the potential to result in a cumulative impact associated with the loss of historical resources through physical demolition, destruction, relocation, or alteration of a resource or its immediate surroundings, such that the significance of a historical resource would be materially impaired. As described above, impacts to the Harmon House would be reduced to less than significant with the implementation of **MM-CUL-1** and **MM-CUL-2**. None of the cumulative projects identified in Table 3-2 would impact the setting of the Harmon House. Additionally Cumulative project would be required to reduce impacts to historical resources to less-than-significant impacts. Therefore, **no cumulative impacts** would occur.

#### Archaeological Resources

Cumulative projects located in the region would have the potential to result in a cumulative impact associated with the loss of archaeological resources through development activities that could cause a substantial adverse change in the significance of an archaeological resource. Any cumulative projects that involve ground-disturbing activities, including the development of land uses as designated under the General Plan, infrastructure projects, and/or private developments would have the potential to result in significant impacts to archaeological resources. These projects would be regulated by applicable federal, state, and local regulations. The loss of archaeological resources on a regional level may be adequately mitigated through the data recovery and collection methods specified in the regulations.

The records search revealed that two resources intersect the project APE: P-37-008245 and P-37-016042. Both resources were archaeologically tested and found to be not significant under CEQA within the project APE. However, an archaeological resources monitoring program would be implemented (**MM-CUL-3**), which would ensure that project-specific impacts would be less than significant. Since other cumulative projects within the City would be required to implement similar mitigation, as necessary, to avoid or reduce potential impacts to previously unknown archaeological resources, cumulative impacts would be **less than significant**.

#### Human Remains

Cumulative projects located in the region may have the potential to result in impacts associated with human remains due to grading, excavation, or other ground-disturbing activities. Similar to the project, the presence of human remains on cumulative project sites would typically remain unknown until earthwork activities commence for project construction. Projects that may result in significant impacts due to ground-disturbing activities include the development

of land uses as designated under the General Plan, infrastructure projects, and/or private development. As discussed in Section 4.4.4, Impacts Analysis, the proposed project may have the potential to accidentally uncover human remains during ground-disturbing activities. In the event that any project, including the proposed project, encounters unknown human remains during construction or during archaeological work, compliance with California Health and Safety Code, Section 7050.5 would be required. Additionally, implementation of **MM-CUL-3** would further reduce the potential for impacts to human remains. Compliance with mandatory regulations during site preparation for all cumulative projects would prevent a cumulative impact from occurring to unknown human remains. As such, cumulative impacts would be **less than significant**.

### Tribal Resources

Each cumulative project subject to AB 52 would require tribal consultation on a case-by-case basis to identify any potential TCRs affected by each cumulative project. It is anticipated that each cumulative project would require mitigation similar to that required of the project to reduce potentially significant impacts to TCRs to a level below significance. With implementation of project-specific mitigation and compliance with applicable regulations related to TCRs, cumulative impacts would be **less than significant**.

### 4.4.6 Mitigation Measures

The following mitigation measures would be implemented to reduce potentially significant impacts to less than significant.

**MM-CUL-1** The project proponent shall inform construction personnel of the location and significance of Harmon House, and of the avoidance and protective measures that shall be implemented when working near the Harmon House. The Harmon House shall be avoided and protected during all phases of construction of the proposed project.

Prior to the start of work, a qualified architectural historian, meeting the Secretary of the Interior's Professional Qualifications Standards for architectural history (U.S. Department of the Interior, 2008) (Qualified Architectural Historian), shall be retained to develop a plan of action for avoidance and protection of the Harmon House, in coordination with the City of Poway, and the project proponent. The plan shall include at a minimum:

- (1) Procedure to review all construction plans to ensure there is a notation of the Harmon House's location on all construction plans;
- (2) Initial testing for potential vibration impacts. Should any potential vibration impacts to stone cladding materials be identified as part of the initial testing, construction methods and equipment uses will be reassessed to ensure that no element of the house is damaged due to construction related ground-borne vibration activities;
- (3) Details and timeline to conduct a preconstruction survey to document the existing condition of the Harmon House prior to the start of any ground disturbing work adjacent to the house;
- (4) Procedures and timing for the placement and removal of a protective barrier(s) for the Harmon House property;
- (5) A detailed plan for monitoring of the installation and removal of protective barriers, as well as notification procedures and monitoring for all project-related work within 20 feet of the Harmon House, by the Qualified Architectural Historian, or his or her designee;
- (6) Details and timeline to conduct a post-construction survey to document the condition of the Harmon House after completion of work described in the project description.

The plan shall include details and a deadline for the preparation of a technical memorandum documenting the pre-construction and post-construction conditions of the Harmon House and compliance with protective measures. The plan shall comply with the Secretary of the Interior's Standards for the Treatment of Historic Properties (Standards) and shall be memorialized in a technical memorandum, which shall be submitted to the City of Poway for review and approval. The final approved plan shall be submitted to the City of Poway no later than 30 days prior to the start of work. The plan shall be provided to the construction foreman at a project kick-off meeting. The technical memorandum documenting the pre-construction and post-construction conditions shall be submitted to the City of Poway within 30 days of completion of work within 20 feet of the Harmon House and removal of the protective barriers.

### MM-CUL-2

In consultation with a qualified architectural historian, meeting the Secretary of the Interior's Professional Qualifications Standards for architectural history (U.S. Department of the Interior, 2008) (Qualified Architectural Historian), the project proponent will develop and implement a landscape plan for the northern boundary of the Harmon House property. This landscape plan shall include trees that will create a visual screen between the Harmon House and the new development proposed to the north of the property. The implementation of this plan shall be documented in the technical memorandum documenting the pre-construction and post-construction conditions described in **MM-CUL-1**.

### MM-CUL-3

An archaeological resources monitoring program to mitigate potential impacts to undiscovered, buried, or previously undetected elements of any archaeological resources within the project site shall be implemented to the satisfaction of the Lead Agency. The program shall include the following:

- (1) Prior to issuance of a grading permit, the applicant shall provide written verification that a qualified archaeologist has been retained to implement the monitoring program. This verification shall be presented in a letter from the project archaeologist to the Lead Agency. The qualified archaeologist (project archaeologist) shall engage a Traditionally Culturally Affiliated (TCA) Native American representative to participate in the monitoring program. The TCA Native American monitor will be responsible to advise the project archaeologist regarding culturally sensitive artifacts or landforms within the project.
- (2) The project archaeologist and TCA Native American representative shall attend the pre-grading meeting with the contractors to explain and coordinate the requirements of the monitoring program.
- (3) Archaeological and Native American monitoring shall be required during grading, unless the project archaeologist and TCA Native American representative determines that the potential for cultural resources has been exhausted. The Native American monitor shall coordinate on-site monitoring with the project archaeologist. Full- or part-time inspections may be considered depending upon the rate of excavation, the materials excavated, and the presence and abundance of artifacts and features. The project archaeologist, in consultation with the Kumeyaay representative, shall provide the City of Poway with any recommendations for reduced monitoring protocol.
- (4) In the event that previously unidentified cultural resources are discovered during the monitoring program, the project archaeologist and TCA Native American Monitor shall have the authority to divert or temporarily halt ground-disturbance operation, in the area of discovery, to allow for the evaluation of potentially significant cultural resources. The project archaeologist shall contact the Lead Agency at the time of discovery. All discovered cultural resources shall

be recorded and tested using standard archaeological protocols. Any resources determined to not be CEQA-significant shall be released to the grading program. For any resources that are determined to be CEQA-significant and eligible for the California Register of Historical Resources, the project archaeologist, in consultation with the lead agency and the TCA Native American Monitor, shall determine the appropriate measures to be implemented in order to mitigate adverse impacts to the significant site.

- (5) Human Remains: If human remains are encountered during grading, California Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the San Diego County Medical Examiner's Office has made the necessary findings as to origin. The City of Poway, the TCA Native American Monitor, and the applicant shall be immediately notified of the discovery of any possible human remains. Further, pursuant to California Public Resources Code Section 5097.98(b), remains shall be left in place and free from disturbance until a final decision as to their treatment and disposition has been made. If the medical examiner determines that the remains are of Native American origin, the NAHC must be contacted within 24 hours. The NAHC must then immediately identify the Most Likely Descendant(s) (MLD) for purposes of receiving notification of discovery. The MLD shall then make recommendations within 48 hours and engage in consultation concerning the treatment of the remains as provided in Public Resources Code Section 5097.98. The TCA Native American Monitor for grading will not necessarily be named as the MLD, and therefore, cannot provide direction until the MLD is determined.
- (6) All cultural material collected during the grading monitoring program shall be cataloged, analyzed, and subsequently curated according to the current professional laboratory and repository standards. The collections and associated records shall be transferred, including title, to an appropriate curation facility, to be accompanied by payment of the fees necessary for permanent curation.
- (7) A report documenting the monitoring program, any field investigations, and results of any data recovery programs or site evaluations shall be completed and submitted to the satisfaction of the Lead Agency prior to the issuance of any building permits. The report will include DPR Primary and Archaeological Site Forms.

### 4.4.7 Level of Significance after Mitigation

Implementation of **MM-CUL-1** would reduce **Impact CUL-1** to a level below significance by requiring that the Harmon House be avoided and protected from vibration-related construction impacts.

Implementation of **MM-CUL-2** would reduce **Impact CUL-2** to a level below significance which includes the development of a landscape plan along Property A.

Implementation of **MM-CUL-3** would reduce **Impact CUL-3**, **Impact CUL-4**, and **Impact CUL-5** to a level below significance by setting forth procedures for handling an accidental discovery of prehistoric archaeological resources or tribal cultural resources during site preparation, should they be encountered, including not but limited to, requiring the presence of archaeological and Native American monitors during certain project construction activities.

After mitigation, the proposed project would not represent a significant adverse impact to cultural resources or tribal cultural resources.

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## 4.5 Energy

This section describes the existing energy conditions of Harmon Ranch project (proposed project) site and vicinity, identifies associated regulatory requirements, evaluates potential impacts, and identifies mitigation measures related to implementation of the proposed project. The analysis is based on the review of existing conditions; technical data; applicable laws, regulations, and guidelines; and the air quality and greenhouse gas (GHG) technical report prepared by Dudek in June 2022. The Air Quality and Greenhouse Gas Emissions Analysis Technical Report for the Harmon Ranch Project is included in this environmental impact report (EIR) as Appendix B.

A Notice of Preparation (NOP) was circulated from February 1, 2023, through March 3, 2023. During the NOP comment period, comment letters related to energy focused on the following topics:

- Impacts to the power grid from energy consumption

These comments were considered during the preparation of this EIR. The Initial Study, NOP, and Public Scoping comments are provided in Appendix A of this EIR.

### 4.5.1 Existing Conditions

The environmental setting for the proposed project related to electricity, natural gas, and petroleum, including associated service providers, supply sources, and estimated consumption, is discussed below. In summary, in 2019 (the latest calendar year for which data is uniformly available for all three types of energy sources), California's estimated annual energy use included the following:

- Approximately 250,379 gigawatt-hours of electricity (EIA 2020a)
- Approximately 21.5 billion therms of natural gas (EIA 2021)
- Approximately 28.7 billion gallons of petroleum (EIA 2020b)

#### **Electricity**

According to the U.S. Energy Information Administration, California used approximately 250,379 gigawatt-hours of electricity in 2019 (EIA 2020a). Electricity usage in California for different land uses varies substantially by the types of uses in a building, type of construction materials used in a building, and the efficiency of all electricity-consuming devices within a building. By sector in 2017, commercial uses utilized 46% of the state's electricity, followed by 35% for residential uses, and 19% for industrial uses (EIA 2019). Due to the state's energy efficiency building standards and efficiency and conservation programs, California's electricity use per capita in the residential sector is lower than any other state except Hawaii (EIA 2020b).

San Diego Gas & Electric (SDG&E) provides electric services to 3.6 million customers through 1.4 million electric meters located in a 4,100-square-mile service area that includes San Diego County (County) and southern Orange County (SDG&E 2022). SDG&E is a subsidiary of Sempra Energy and would provide electricity to the proposed project. According to the California Public Utilities Commission (CPUC), SDG&E customers consumed approximately 19,169 million kilowatt-hours (kWh) of electricity in 2015 (CPUC 2016).

SDG&E receives electric power from a variety of sources. According to the California Energy Commission (CEC) Biennial Renewable Portfolio Standard Program Update, about 40% of SDG&E's power came from eligible renewable energy sources in 2020, including biomass/waste, geothermal, small hydroelectric, solar, and wind sources (CPUC 2022).

Based on recent energy supply and demand projections in California, statewide annual peak electricity demand is projected to grow an average of 3,333 gigawatt-hours per year through 2030, or 1.2% annually. In San Diego County, CEC reported an annual electrical consumption of approximately 19.0 billion kWh in 2019, with 12.4 billion kWh for non-residential use and 6.7 billion kWh for residential use (CEC 2018).

### **Natural Gas**

CPUC regulates natural gas utility service for approximately 10.8 million customers who receive natural gas from Pacific Gas & Electric, Southern California Gas (SoCalGas), SDG&E, Southwest Gas, and several smaller natural gas utilities. CPUC also regulates independent storage operators Lodi Gas Storage, Wild Goose Storage, Central Valley Storage, and Gill Ranch Storage (CPUC 2022). SDG&E provides natural gas service to the counties of San Diego and Orange and would provide natural gas to the proposed project. SDG&E is a wholesale customer of SoCalGas and currently receives all of its natural gas from the SoCalGas system (CPUC 2022).

CPUC regulates California natural gas rates and natural gas services, including in-state transportation over transmission and distribution pipeline systems, storage, procurement, metering, and billing. Most of the natural gas used in California comes from out-of-state natural gas basins. California gas utilities may soon also begin receiving biogas into their pipeline systems (CPUC 2022).

In 2017, California customers received 38% of their natural gas supply from basins located in the Southwest, 27% from Canada, 27% from the Rocky Mountains, and 8% from basins located within California (CPUC 2022). Natural gas from out-of-state production basins is delivered into California through the interstate natural gas pipeline system. The major interstate pipelines that deliver out-of-state natural gas to California are the Gas Transmission Northwest Pipeline, Kern River Pipeline, Transwestern Pipeline, El Paso Pipeline, Ruby Pipeline, Southern Trails, and Mojave Pipeline. The North Baja–Baja Norte Pipeline takes gas off the El Paso Pipeline at the California/Arizona border and delivers it through California into Mexico. The Federal Energy Regulatory Commission regulates the transportation of natural gas on interstate pipelines, and CPUC often participates in Federal Energy Regulatory Commission regulatory proceedings to represent the interests of California natural gas consumers (CPUC 2022).

Most of the natural gas transported through interstate pipelines, as well as some California-produced natural gas, is delivered through the Pacific Gas & Electric and SoCalGas intrastate natural gas transmission pipeline systems (commonly referred to as California's "backbone" natural gas pipeline system). Natural gas on the backbone pipeline system typically is then delivered into local transmission and distribution pipeline systems or to natural gas storage fields. CPUC has regulatory jurisdiction over 100,000 miles of utility-owned natural gas pipelines, which transported 82% of the natural gas delivered to California's gas consumers in 2017 (CPUC 2022).

### **Petroleum**

According to the U.S. Energy Information Administration, California used approximately 681 million barrels of petroleum in 2018, with the majority (584 million barrels) used for the transportation sector (EIA 2020b). This total annual consumption equates to a daily use of approximately 1.9 million barrels of petroleum. There are 42 U.S. gallons in a barrel, so California consumes approximately 78.4 million gallons of petroleum per day, adding up to an annual



consumption of 28.7 billion gallons of petroleum. By sector, transportation sources utilize approximately 85.5% of the state’s petroleum, followed by 11.1% from industrial, 2.5% from commercial, 0.9% from residential, and 0.01% from electric power uses (EIA 2018a). Petroleum usage in California includes petroleum products such as motor gasoline, distillate fuel, liquefied petroleum gases, and jet fuel. California has implemented policies to improve vehicle efficiency and to support use of alternative transportation, which are described in Section 4.5.2, below. As such, CEC anticipates an overall decrease of gasoline demand in the state over the next decade.

### **Existing Infrastructure**

The proposed project is located on the site of a currently vacant parcel and existing single family homes, and falls within the SDG&E service area.

## 4.5.2 Relevant Plans, Policies, and Ordinances

Federal, state, and local agencies regulate energy use and consumption through various means and programs. On the federal level, the U.S. Department of Transportation, the U.S. Department of Energy, and the U.S. Environmental Protection Agency (EPA) are three federal agencies with substantial influence over energy policies and programs. On the state level, CPUC and CEC are two agencies with authority over different aspects of energy. Relevant federal, state, and local energy-related regulations are summarized below. This information helps to place the impact analysis within its proper regulatory context.

### **Federal**

#### ***Infrastructure Investment and Jobs Act***

On November 6, 2021, Congress passed the Bipartisan Infrastructure Deal (Infrastructure Investment and Jobs Act), a once-in-a-generation investment in our nation’s infrastructure and competitiveness. This Bipartisan Infrastructure Deal will rebuild America’s roads, bridges, and rails, expand access to clean drinking water, ensure every American has access to high-speed internet, tackle the climate crisis, advance environmental justice, and invest in communities that have too often been left behind. The legislation will help ease inflationary pressures and strengthen supply chains by making long overdue improvements for our nation’s ports, airports, rail, and roads. It will drive the creation of good-paying union jobs and grow the economy sustainably and equitably so that everyone gets ahead for decades to come. Combined with the President’s Build Back Framework, it will add on average 1.5 million jobs per year for the next 10 years. It will improve transportation options for millions of Americans to reduce energy use and GHG emissions. It will increase investment in electric vehicle chargers and renewable energy production.

#### ***Federal Energy Policy and Conservation Act***

In 1975, Congress enacted the Federal Energy Policy and Conservation Act, which established the first fuel economy standards for on-road motor vehicles in the United States. Pursuant to the act, the National Highway Traffic Safety Administration is responsible for establishing additional vehicle standards. In 2012, new fuel economy standards for passenger cars and light trucks were approved for model years 2017 through 2021 (77 FR 62624–63200). The National Highway Traffic Safety Administration is proposing to amend the Corporate Average Fuel Economy standards set in 2020 for passenger cars and light trucks manufactured in model years 2024–2026, so that standards would increase in stringency at a rate of 8% per year rather than the 1.5% year set previously (49 CFR Part 531). Fuel economy is determined based on each manufacturer’s average fuel economy for the fleet of vehicles available for sale in the United States.

### ***Intermodal Surface Transportation Efficiency Act of 1991***

The Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) promoted the development of intermodal transportation systems to maximize mobility and address national and local interests in air quality and energy. ISTEA contained factors that metropolitan planning organizations were to address in developing transportation plans and programs, including some energy-related factors. To meet the new ISTEA requirements, metropolitan planning organizations adopted policies defining the social, economic, energy, and environmental values guiding transportation decisions.

### ***Transportation Equity Act for the 21st Century***

The Transportation Equity Act for the 21st Century was signed into law in 1998 and builds on the initiatives established in the ISTEA legislation, discussed above. The act authorizes highway, highway safety, transit, and other efficient surface transportation programs. The act continues the program structure established for highways and transit under ISTEA, such as flexibility in the use of funds, emphasis on measures to improve the environment, and focus on a strong planning process as the foundation of transportation decisions. The act also provides for investment in research and its application to maximize the performance of the transportation system through, for example, deployment of intelligent transportation systems to help improve operations and management of transportation systems and vehicle safety.

### ***Energy Independence and Security Act of 2007***

On December 19, 2007, the Energy Independence and Security Act of 2007 (EISA) was signed into law. In addition to setting increased fuel efficiency standards for motor vehicles, the EISA includes the following other provisions related to energy efficiency:

- Renewable Fuel Standard (RFS) (Section 202)
- Appliance and Lighting Efficiency Standards (Sections 301–325)
- Building Energy Efficiency (Sections 411–441)

This federal legislation requires ever-increasing levels of renewable fuels (the RFS) to replace petroleum (EPA 2013). EPA is responsible for developing and implementing regulations to ensure that transportation fuel sold in the United States contains a minimum volume of renewable fuel. The RFS program regulations were developed in collaboration with refiners, renewable fuel producers, and many other stakeholders.

The RFS program was created under the Energy Policy Act of 2005 and established the first renewable fuel volume mandate in the United States. As required under the act, the original RFS program, “RFS1,” required 7.5 billion gallons of renewable fuel to be blended into gasoline by 2012. Under the EISA, the RFS program was expanded in several key ways that lay the foundation for achieving significant reductions in GHG emissions from the use of renewable fuels, reducing imported petroleum, and encouraging the development and expansion of the renewable fuels sector in the United States. The updated program is referred to as “RFS2” and includes the following:

- EISA expanded the RFS program to include diesel, in addition to gasoline.
- EISA increased the volume of renewable fuel required to be blended into transportation fuel from 9 billion gallons in 2008 to 36 billion gallons by 2022.

- EISA established new categories of renewable fuel and set separate volume requirements for each one.
- EISA required EPA to apply lifecycle GHG performance threshold standards to ensure that each category of renewable fuel emits fewer GHGs than the petroleum fuel it replaces.

Additional provisions of the EISA address energy savings in government and public institutions, research for alternative energy, additional research in carbon capture, international energy programs, and the creation of “green” jobs.

### **State**

The discussion below focuses primarily on those policies, regulations, and laws that directly pertain to energy-related resources. Refer to Section 4.7, Greenhouse Gas Emissions, of this EIR, which addresses various policies, regulations, and laws targeted to the reduction of GHG emissions that are expected to achieve co-benefits in the form of reduced demand for energy-related resources and enhanced efficiencies in the consumption of energy-related resources.

### ***Warren-Alquist Act***

The California Legislature passed the Warren-Alquist Act in 1974. The Warren-Alquist Act created the CEC. The legislation also incorporated the following three key provisions designed to address the demand side of the energy equation:

- It directed CEC to formulate and adopt the nation’s first energy conservation standards for both buildings constructed and appliances sold in California.
- The act removed the responsibility of electricity demand forecasting from the utilities, which had a financial interest in high demand projections, and transferred it to a more impartial CEC.
- CEC was directed to embark on an ambitious research and development program, with a particular focus on fostering what were characterized as non-conventional energy sources.

### ***State of California Energy Action Plan***

CEC and CPUC approved the first State of California Energy Action Plan in 2003. The plan established shared goals and specific actions to ensure that adequate, reliable, and reasonably priced electrical power and natural gas supplies are provided, and identified policies, strategies, and actions that are cost-effective and environmentally sound for California’s consumers and taxpayers. In 2005, a second Energy Action Plan was adopted by CEC and CPUC to reflect various policy changes and actions of the prior 2 years.

At the beginning of 2008, CEC and CPUC determined that it was not necessary or productive to prepare a new energy action plan. This determination was based in part on a finding that the state’s energy policies have been significantly influenced by the passage of Assembly Bill (AB) 32, the California Global Warming Solutions Act of 2006 (discussed below). Rather than produce a new energy action plan, CEC and CPUC prepared an “update” that examines the state’s ongoing actions in the context of global climate change.

## ***Renewable Portfolio Standard***

### **Senate Bill 1078 (2002)**

This bill established the California Renewable Portfolio Standard Program and required that a retail seller of electricity purchase a specified minimum percentage of electricity generated by eligible renewable energy resources as defined in any given year, culminating in a 20% standard by December 31, 2017. These retail sellers include electrical corporations, community choice aggregators, and electric service providers. The bill relatedly required CEC to certify eligible renewable energy resources, design and implement an accounting system to verify compliance with the Renewable Portfolio Standard by retail sellers, and allocate and award supplemental energy payments to cover above-market costs of renewable energy.

Senate Bill (SB) 350 (2015) requires retail seller and publicly owned utilities to procure 50% of their electricity from eligible renewable energy resources by 2030, with interim goals of 40% by 2024 and 45% by 2027.

SB 100 (2018) accelerated and expanded the standards set forth in SB 350 by establishing that 44% of the total electricity sold to retail customers in California per year by December 31, 2024, 52% by December 31, 2027, and 60% by December 31, 2030, be secured from qualifying renewable energy sources. SB 100 also states that it is the policy of the state that eligible renewable energy resources and zero-carbon resources supply 100% of the retail sales of electricity to California. This bill requires that the achievement of 100% zero-carbon electricity resources does not increase the carbon emissions elsewhere in the western grid and that the achievement not be achieved through resource shuffling.

### ***Assembly Bill 1007 (2005)***

AB 1007 (2005) required CEC to prepare a statewide plan to increase the use of alternative fuels in California (State Alternative Fuels Plan). CEC prepared the plan in partnership with the California Air Resources Board (CARB) and in consultation with the other state, federal, and local agencies. The plan assessed various alternative fuels and developed fuel portfolios to meet California's goals to reduce petroleum consumption, increase alternative fuels use, reduce GHG emissions, and increase in-state production of biofuels without causing a significant degradation of public health and environmental quality.

### ***Assembly Bill 32 (2006) and Senate Bill 32 (2016)***

In 2006, the Legislature enacted AB 32, the California Global Warming Solutions Act of 2006. AB 32 requires California to reduce its GHG emissions to 1990 levels by 2020. In 2016, the Legislature enacted SB 32, which extended the horizon year of the state's codified GHG reduction planning targets from 2020 to 2030, requiring California to reduce its GHG emissions to 40% below 1990 levels by 2030. In accordance with AB 32 and SB 32, CARB prepares scoping plans to guide the development of statewide policies and regulations for the reduction of GHG emissions. Many of the policy and regulatory concepts identified in the scoping plans focused on increasing energy efficiencies and the use of renewable resources and reducing the consumption of petroleum-based fuels (such as gasoline and diesel). As such, the state's GHG emissions reduction planning framework creates co-benefits for energy-related resources. Additional information on AB 32 and SB 32 is provided in Section 4.7 of this EIR.

## ***California Building Standards***

Part 6 of Title 24 of the California Code of Regulations was established in 1978 and serves to enhance and regulate California's building standards. Part 6 establishes energy efficiency standards for residential and non-residential buildings constructed in California to reduce energy demand and consumption. Notably, Title 24 categorizes

residential buildings that are 4 or more habitable levels as high-rise residential rather than mid-rise. High-rise residential are included in the nonresidential section of Title 24 and subject to the nonresidential (not residential) code. Part 6 is updated periodically to incorporate and consider new energy efficiency technologies and methodologies.

The current Title 24, Part 6 standards, referred to as the 2019 Title 24 Building Energy Efficiency Standards, became effective on January 1, 2020. In general, single-family residences built to the 2019 standards are anticipated to use approximately 7% less energy due to energy efficiency measures than those built to the 2016 standards; once rooftop solar electricity generation is factored in, single-family residences built under the 2019 standards will use approximately 53% less energy than those under the 2016 standards (CEC 2018). Nonresidential buildings built to the 2019 standards are anticipated to use an estimated 30% less energy than those built to the 2016 standards (CEC 2018). The 2022 Title 24 Building Energy Efficiency Standards become effective on January 1, 2023. The 2022 standards encourage electric heat pump technology and use, establish electric-ready requirements when natural gas is installed, expand solar photovoltaic system and battery storage standards, and strengthen ventilation requirements to improve indoor air quality (CEC 2018).

Title 24 also includes Part 11, the California Green Building Standards (CALGreen). CALGreen establishes minimum mandatory standards, as well as voluntary standards pertaining to the planning and design of sustainable site development, energy efficiency (in excess of the California Energy Code requirements), water conservation, material conservation, and interior air quality. The 2019 CALGreen standards are the current applicable standards. For nonresidential projects (which the project is subject to), some of the key mandatory CALGreen 2019 standards involve requirements related to bicycle parking, designated parking for clean air vehicles, EV charging stations, shade trees, water conserving plumbing fixtures and fittings, outdoor potable water use in landscaped areas, recycled water supply systems, construction waste management, excavated soil and land clearing debris, and commissioning (24 CCR Part 11).

### ***Integrated Energy Policy Report***

CEC is responsible for preparing integrated energy policy reports that identify emerging trends related to energy supply, demand, and conservation; public health and safety; and maintenance of a healthy economy. CEC's 2021 Integrated Energy Policy Report discusses the state's policy goals of decarbonizing buildings, doubling energy efficiency savings, and increasing flexibility in the electricity grid system to integrate more renewable energy. Specifically for the decarbonizing of building energy, the goal would be achieved by designing future commercial and residential buildings to have their energy sourced almost entirely from electricity in place of natural gas. Regarding the increase in renewable energy flexibility, the goal would be achieved through increases in energy storage capacity within the state, increases in energy efficiency, and adjusting energy use to the time of day when the most amount of renewable energy is being generated. Over time these policies and trends would serve to beneficially reduce the project's GHG emissions profile and energy consumption as they are implemented.

### ***Advanced Clean Cars Program***

In January 2012, CARB approved the Advanced Clean Cars program, a new emissions-control program for model years 2015 through 2025. The program combines the control of smog- and soot-causing pollutants and GHG emissions into a single coordinated package. The package includes elements to reduce smog-forming pollution, reduce GHG emissions, promote clean cars, and provide the fuels for clean cars (CARB 2000). To improve air quality, CARB established emission standards to reduce smog-forming emissions beginning with 2015 model year vehicles. It is estimated that in 2025 cars will emit 75% less smog-forming pollution than the average new car sold today. To reduce GHG emissions, CARB, in conjunction with EPA and the National Highway Traffic Safety Administration, has adopted new GHG standards for model year 2017 to 2025 vehicles; the new standards are

estimated to reduce GHG emissions by 34% in 2025. The zero-emissions vehicles program will act as the focused technology of the Advanced Clean Cars program by requiring manufacturers to produce increasing numbers of zero-emissions vehicles and plug-in hybrid electric vehicles in the 2018 to 2025 model years. The Clean Fuels Outlet regulation will ensure that fuels such as electricity and hydrogen are available to meet the fueling needs of the new advanced technology vehicles as they come to the market.

### ***Executive Order N-79-20***

EO N-79-20 (2020) sets the goal for the State that 100% of in-state sales of new passenger cars and trucks will be zero-emission by 2035. EO-N-79-20 also sets goals for transition to 100% zero emission all medium- and heavy-duty vehicles by 2045, zero emission drayage trucks by 2035, and zero emission off-road vehicles and equipment by 2035, where feasible. Among other directives to further this executive order, for passenger cars and trucks, the Governor directed CARB to develop and propose regulations requiring increasing volumes of new zero-emission vehicles sold in the State towards the target of 100% of in-state sales by 2035. The Governor also directed the Governor’s Office of Business and Economic Development to develop a Zero-Emissions Vehicle Market Development Strategy, which was completed in February 2021. The executive order also directs updates and assessments to ensure zero-emission vehicle infrastructure is in place to support the levels of electric vehicle adoption required by the order.

### ***Sustainable Communities Strategy***

The Sustainable Communities and Climate Protection Act of 2008, or SB 375, coordinates land use planning, regional transportation plans, and funding priorities to help California meet its GHG emissions reduction mandates. As codified in California Government Code, Section 65080, SB 375 requires metropolitan planning organizations (San Diego Association of Governments) to include a sustainable communities strategy in its regional transportation plan. The main focus of the sustainable communities strategy is to plan for growth in a fashion that will ultimately reduce GHG emissions, but the strategy is also a part of a bigger effort to address other development issues within the general vicinity, including transit and vehicle miles traveled (VMT), which influence the consumption of petroleum-based fuels.

### **Local**

#### ***SDG&E Long-Term Procurement Plan***

In 2009, CPUC approved SDG&E’s Long-Term Procurement Plan (LTPP), which identifies how SDG&E will meet the future energy needs of customers in SDG&E’s service area. The LTPP identifies several energy demand reduction targets (i.e., conservation) and goals for increasing renewable energy supplies, new, local power generation, and increased transmission capacity.

The LTPP sets a standard for acquiring 20% of SDG&E’s energy mix from renewables by 2010 and 33% by 2020. The LTPP also calls for greater use of in-region energy supplies, including renewable energy installations. The LTPP states that, by 2020, SDG&E intends to achieve and maintain the capacity to generate 75% of summer peak demand energy with in-County generation. The LTPP also identifies 44% of its renewables to be generated and distributed in-region by 2020.

### ***San Diego Association of Governments Regional Plan***

The 2021 Regional Plan provides a long-term blueprint for the San Diego region that seeks to meet regulatory requirements, address traffic congestion, and create equal access to jobs, education, healthcare, and other community resources (SANDAG 2021). The plan is the result of years of planning, data analysis, and community engagement to reimagine the San Diego region with a transformative transportation system, a sustainable pattern of growth and development, and innovative demand and management strategies.

The 2021 Regional Plan includes a Sustainable Communities Strategy, as required by California SB 375, for the San Diego region. This Sustainable Communities Strategy describes coordinated transportation and land use planning that exceeds the state’s target for reducing per capita GHG emissions set by CARB. The state-mandated target is a 19% reduction—compared to 2005 emissions—in per capita GHG emissions from cars and light-duty trucks by 2035. The 2021 Regional Plan achieves a 20% reduction by then.

The 2021 Regional Plan also puts forth a forecasted development pattern that is driven by regional goals for sustainability, mobility, housing affordability, and economic prosperity.

### ***Poway Comprehensive Plan: General Plan***

The Poway Comprehensive Plan: General Plan (General Plan) includes the following policy and strategies to limit energy use (City of Poway 1991):

#### ***Policy E – Air, Water and Soil Pollution: The City shall work locally and at the regional level to reduce air, water, and soil pollution within Poway.***

- **Strategy 2:** Seek to promote a development pattern that reduces daily trips for shopping, school, and recreation.
- **Strategy 3:** Encourage ridesharing, the use of transit and other transportation systems management programs to reduce the number of vehicle miles traveled and traffic congestion.
- **Strategy 5:** Implement plans and programs to phase-in energy conservation improvements.
- **Strategy 6:** Investigate incentives and regulations to reduce emissions from swimming pools, residential and commercial water heating and heaters.

### 4.5.3 Thresholds of Significance

The significance criteria used to evaluate the project impacts to energy are based on Appendix G of the CEQA Guidelines. According to Appendix G of the CEQA Guidelines, a significant impact related to energy would occur if the project would:

1. Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation.
2. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency.

## 4.5.4 Impacts Analysis

***Would the project result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?***

Implementation of the proposed project would increase the demand for electricity and natural gas at the project site and gasoline consumption in the region during construction and operation.

### **Electricity**

#### ***Construction Use***

Temporary electric power for as-necessary lighting and electronic equipment, such as computers, may be needed inside temporary construction trailers. However, the electricity used for such activities would be temporary and would be substantially less than that required for project operation and would have a negligible contribution to the proposed project's overall energy consumption.

#### ***Operational Use***

The operational phase would require electricity for multiple purposes including, but not limited to, building heating and cooling, lighting, appliances, and electronics.

California Emissions Estimator Model (CalEEMod) (version 2020.4.0) was used to estimate project emissions from energy uses (see Appendix B for calculations). Default electricity generation rates in CalEEMod were used (based on the proposed land use and climate zone) based on compliance with 2019 Title 24 for their respective land uses. It was estimated that the proposed project would consume approximately 493,563 kWh per year. This equates to approximately 0.49 gigawatt-hours per year. In 2018, the total electricity demand for San Diego County was 19,749 gigawatt-hours (CEC 2019a).

As described above, the electricity demand calculation for the proposed project assumes compliance with 2019 Title 24 standards ~~for 2022~~. The proposed project would be required to meet the California Building Energy Efficiency Standards (24 CCR 6), which improve the energy efficiency of residential and non-residential buildings. The Title 24, Part 6, standards are updated every 3 years.

The proposed project is subject to statewide mandatory energy requirements as outlined in Title 24, Part 6, of the California Code of Regulations. Title 24, Part 11, contains voluntary energy measures that are applicable to the proposed project under the CALGreen Code. Prior to project approval, the project applicant would ensure that the proposed project meets Title 24 requirements applicable at that time, as required by state regulations through their plan review process. For these reasons, the electricity consumption of the proposed project would not be inefficient or wasteful, and impacts would be **less than significant**.

### **Natural Gas**

#### ***Construction Use***

Natural gas is not anticipated to be required during construction of the proposed project. Fuels used for construction would primarily consist of diesel and gasoline, which are discussed below under the “petroleum” subsection. Any minor amounts of natural gas that may be consumed as a result of project construction would be substantially less



than that required for project operation and would have a negligible contribution to the proposed project’s overall energy consumption.

### ***Operational Use***

Project operation is proposed to be all electric. However, natural gas consumption may be used during operation for various purposes.

Default natural gas generation rates in CalEEMod for the proposed land use and climate zone were used and adjusted based on compliance with 2019 Title 24 (see Appendix B for calculations). According to these estimations, the proposed project would consume approximately 1,359,630 kBtu per year, which is equivalent to 13,596 therms per year. In comparison, the total natural gas demand for San Diego County in 2018 was 482,524,487 therms (CEC 2019b).

Although natural gas consumption may increase due to project operation, it would be designed to maximize energy performance. The proposed project is subject to statewide mandatory energy requirements as outlined in Title 24, Part 6, of the California Code of Regulations. Title 24, Part 11, contains voluntary energy measures that are applicable to the proposed project under the CALGreen Code. Prior to project approval, the project applicant would ensure that the proposed project meets Title 24 requirements applicable at that time, as required by state regulations through their plan review process. For these reasons, the natural gas consumption of the proposed project would not be inefficient or wasteful, and impacts would be **less than significant**.

### **Petroleum**

#### ***Construction Use***

Petroleum would be consumed throughout construction of the proposed project. Fuel consumed by construction equipment would be the primary energy resource expended over the course of construction, and vehicle miles traveled (VMT) associated with the transportation of construction materials and construction worker commutes, would also result in petroleum consumption. Heavy-duty construction equipment associated with construction activities, and haul trucks involved in relocating dirt around the project site would rely on diesel fuel. Construction workers would travel to and from the project site throughout the duration of construction. It is assumed that construction workers would travel to and from the project site in gasoline-powered vehicles.

Heavy-duty construction equipment of various types would be used during construction. CalEEMod was used to estimate construction equipment usage, with results included in Appendix B of this EIR. Based on that analysis, diesel-fueled construction equipment would operate for an estimated 32,617 hours, as summarized in Table 4.5-1.

**Table 4.5-1. Hours of Operation for Construction Equipment**

<b>Phase</b>	<b>Hours of Equipment Use</b>
Demolition	720
Site Preparation	368
Grading	6,000
Building Construction	20,723
Paving	2,880
Architectural Coating	1,926
<b>Total</b>	<b>32,617</b>

**Source:** Appendix B.

Fuel consumption from construction equipment was estimated by converting the total carbon dioxide (CO<sub>2</sub>) emissions from each construction phase to gallons using conversion factors for CO<sub>2</sub> to gallons of gasoline or diesel. Construction is estimated to occur over an approximately 28-month period (February 2024 through June 2026) based on the construction phasing schedule. The conversion factor for gasoline is 8.78 kilograms per metric ton CO<sub>2</sub> per gallon, and the conversion factor for diesel is 10.21 kilograms per metric ton CO<sub>2</sub> per gallon (The Climate Registry 2021). The estimated diesel fuel use from construction equipment is shown in Table 4.5-2.

**Table 4.5-2. Construction Equipment Diesel Demand**

Phase	Pieces of Equipment <sup>a</sup>	Equipment CO <sub>2</sub> (MT) <sup>a</sup>	kg CO <sub>2</sub> /Gallon <sup>b</sup>	Gallons
Demolition	3	18.98	10.21	1,858.83
Site Preparation	2	11.87	10.21	1,153.36
Grading	6	229.09	10.21	22,437.41
Building Construction	7	380.17	10.21	37,234.95
Paving	6	60.07	10.21	5,883.54
Architectural Coating	1	40.98	10.21	4,013.69
<b>Total</b>				<b>72,581.78</b>

**Sources:**

<sup>a</sup> Appendix B.

<sup>b</sup> The Climate Registry 2021.

**Notes:** CO<sub>2</sub> = carbon dioxide; MT = metric ton; kg = kilogram.

Fuel consumption from worker and vendor trips was estimated by converting the total CO<sub>2</sub> emissions from the construction phase to gallons using the conversion factors for CO<sub>2</sub> to gallons of gasoline or diesel. Worker vehicles are assumed to be gasoline fueled, and vendor/hauling vehicles are assumed to be diesel fueled.

Calculations for total worker, vendor, and hauler fuel consumption are provided in Table 4.5-3, Table 4.5-4, and Table 4.5-5.

**Table 4.5-3. Construction Worker Vehicle Gasoline Demand**

Phase	Trips	Vehicle CO <sub>2</sub> (MT) <sup>a</sup>	kg CO <sub>2</sub> /Gallon <sup>b</sup>	Gallons
Demolition	16	1.47	8.78	167.78
Site Preparation	18	1.27	8.78	144.70
Grading	20	7.67	8.78	873.83
Building Construction	46	52.97	8.78	6,032.47
Paving	16	2.91	8.78	330.99
Architectural Coating	10	9.42	8.78	1,072.44
<b>Total</b>				<b>8,622.21</b>

**Sources:**

<sup>a</sup> Appendix B.

<sup>b</sup> The Climate Registry 2021.

**Notes:** CO<sub>2</sub> = carbon dioxide; MT = metric ton; kg = kilogram.

Table 4.5-4. Construction Vendor Truck Diesel Demand

Phase	Trips	Vehicle CO <sub>2</sub> (MT) <sup>a</sup>	kg/CO <sub>2</sub> /Gallon <sup>b</sup>	Gallons
Demolition	4	1.18	10.21	115.86
Site Preparation	4	0.91	10.21	88.82
Grading	4	4.93	10.21	482.75
Building Construction	16	60.24	10.21	5,900.27
Paving	4	2.35	10.21	229.95
Architectural Coating	4	12.34	10.21	1,208.26
<b>Total</b>				<b>8,025.92</b>

**Sources:**<sup>a</sup> Appendix B.<sup>b</sup> The Climate Registry 2021.**Notes:** CO<sub>2</sub> = carbon dioxide; MT = metric ton; kg = kilogram.

Table 4.5-5. Construction Haul Truck Diesel Demand

Phase	Trips	Vehicle CO <sub>2</sub> (MT) <sup>a</sup>	kg CO <sub>2</sub> /Gallon <sup>b</sup>	Gallons
Demolition	40	1.18	10.21	115.49
Site Preparation	0	0	10.21	0
Grading	0	0	10.21	0
Building Construction	0	0	10.21	0
Paving	0	0	10.21	0
Architectural Coating	0	0	10.21	0
<b>Total</b>				<b>115.49</b>

**Sources:**<sup>a</sup> Appendix B.<sup>b</sup> The Climate Registry 2021.**Notes:** CO<sub>2</sub> = carbon dioxide; MT = metric ton; kg = kilogram.

As shown in Tables 4.5-2 through 4.5-5, the proposed project is estimated to consume approximately 80,723 gallons of diesel fuel and approximately 8,622 gallons of gasoline during the construction phase. The proposed project would be required to comply with CARB's Airborne Toxics Control Measure, which restricts heavy-duty diesel vehicle idling time to 5 minutes. While construction activities would consume petroleum-based fuels, consumption of such resources would be temporary and would cease upon the completion of construction. Further, the petroleum consumed related to construction would be typical of construction projects of similar types and sizes and would not necessitate new petroleum resources beyond what are typically consumed in California. Therefore, because petroleum use during project construction would be temporary and minimal and would not be wasteful or inefficient, impacts would be **less than significant**.

**Operational Use**

The majority of fuel consumption resulting from the operational phase of the proposed project would be attributable to the use of resident motor vehicles traveling to and from the project site, as well as fuels used for alternative modes of transportation that may be used by residents.

Petroleum fuel consumption associated with motor vehicles traveling to and from the project site is a function of VMT as a result of operation. As shown in Appendix B, the annual VMT attributable to the proposed project is expected to be approximately 1,423,230 VMT per year.

Similar to construction worker and vendor trips, fuel consumption was estimated by converting the total CO<sub>2</sub> emissions from each land use type to gallons using the conversion factors for CO<sub>2</sub> to gallons of gasoline or diesel. Mobile source emissions were estimated using CalEEMod.

Calculations for annual mobile-source fuel consumption are provided in Table 4.5-6.

**Table 4.5-6. Petroleum Consumption – Operation**

Fuel	Vehicle CO <sub>2</sub> (MT) <sup>a</sup>	kg CO <sub>2</sub> /Gallon <sup>b</sup>	Gallons
Gasoline	212.68	8.78	24,223.68
Diesel	222.12	10.21	21,755.26
		<b>Total</b>	<b>45,978.94</b>

**Sources:**

<sup>a</sup> Appendix B.

<sup>b</sup> The Climate Registry 2021.

**Notes:** MT = metric ton; CO<sub>2</sub> = carbon dioxide; kg = kilogram.

As shown in Table 4.5-6, mobile sources associated with the project would result in approximately 24,224 gallons of gasoline per year and 21,755 gallons of diesel consumed per year beginning in 2026. This is a conservative estimate since it does not account for usage of electric vehicles.

By comparison, California as a whole consumes approximately 28.7 billion gallons of petroleum per year (EIA 2018b). Within San Diego County, the estimated petroleum use in 2026 would be 1.5 billion gallons per year (CARB 2021).

Over the lifetime of the project, the fuel efficiency of the vehicles being used by residents is expected to increase. As such, the amount of petroleum consumed as a result of vehicular trips to and from the project site during operation would decrease over time. As discussed under Section 4.5.2, there are numerous regulations in place that require and encourage increased fuel efficiency. For example, CARB has adopted a new approach to passenger vehicles by combining the control of smog-causing pollutants and GHG emissions into a single coordinated package of standards. The new approach also includes efforts to support and accelerate the numbers of plug-in hybrids and zero-emissions vehicles in California (CARB 2017). Additionally, in response to SB 375, CARB has adopted the goal of reducing per-capita GHG emissions from 2005 levels by 15% by the year 2020 and 19% by the year 2035 for light-duty passenger vehicles in the San Diego Association of Governments planning area. This reduction would occur by reducing VMT through the integration of land use planning and transportation (CARB 2017). As such, petroleum use is anticipated to decrease over time due to advances in fuel economy.

The project site is located 0.1 miles from the nearest bus station, and the project includes construction of a pedestrian path to allow easy access to this bus station. This would further reduce VMT and petroleum consumption from operation, increase access to transit, and encourage alternative modes of transportation.

In summary, although the proposed project would increase petroleum use during operation, the use would be a small fraction of the statewide use and, due to efficiency increases, diminish over time. Given these considerations, petroleum consumption associated with the proposed project would not result in a potentially significant

environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, and impacts would be **less than significant**.

***Would the project conflict with or obstruct a state or local plan for renewable energy or energy efficiency?***

The proposed project would be subject to and would comply with, at a minimum, the California Building Energy Efficiency Standards (24 CCR Part 6). Part 6 of Title 24 establishes energy efficiency standards for residential and non-residential buildings constructed in California to reduce energy demand and consumption. The proposed project would also be subject to Part 11 of Title 24, also known as the CALGreen building standards. These were adopted into the City’s building design criteria. The proposed project would be built and operated in accordance with all existing, applicable regulations at the time of construction.

Because the proposed project would comply with Title 24, Part 6 and Part 11, no conflict with existing energy standards and regulations would occur. Therefore, impacts would be **less than significant**.

#### 4.5.5 Cumulative Impacts

As shown in Section 4.5.4, impacts associated with the proposed project would be less than significant. Therefore, there would be no cumulatively considerable impact.

#### 4.5.6 Mitigation Measures

The proposed project would not result in any significant impacts to energy use; therefore, no mitigation would be required.

#### 4.5.7 Level of Significance after Mitigation

The proposed project would not result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, either during project construction or operation. In addition, the proposed project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. Therefore, no mitigation would be required.

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## 4.6 Geology and Soils

This section describes the existing geological conditions of the Harmon Ranch project (proposed project) site and vicinity, identifies associated regulatory requirements, evaluates potential impacts, and identifies mitigation measures related to implementation of the proposed project. The analysis is based on the review of existing conditions; applicable laws, regulations, and guidelines; and on the conclusions provided in the Geotechnical Investigation, prepared for the proposed project by Geocon Inc. on June 15, 2022. The Geotechnical Investigation included a field investigation, collection of soil samples (through borings and exploratory trenching), literature review, and laboratory testing to characterize the physical properties of the soils encountered. The Geotechnical Investigation is included as Appendix G to this environmental impact report (EIR).

### 4.6.1 Existing Conditions

#### **City Overview**

Landslides, rock falls, seismic-induced rupture or shaking, earth settlement, and expansive soil conditions are the main geologic hazards in the City of Poway (City) (City of Poway 1991). Most of the problems associated with geologic hazards in the City are due to the vulnerability of several geologic formations found in the City resulting from previous poor land development practices (City of Poway 1991). The geology of Poway can be divided into geologic “zones” based upon the age and general composition of exposed rocks (City of Poway 1991). The Public Safety Element of the City General Plan identifies the project site as being underlain primarily by sedimentary rock, including alluvial materials (see “Soils and Geologic Conditions” below for further details regarding soils and geologic materials encountered on the project site).

#### **Topography and Surface Hydrology**

The portion of the project site north of Oak Knoll road is level to moderately sloping with elevations ranging from approximately 449 feet above mean seal level (amsl) to 495 feet amsl (Appendix G). The portion of the project site south of Oak Knoll Road is relatively flat with an elevation of approximately 446 feet amsl to 448 feet amsl (Appendix G). Poway Creek is located south of Oak Knoll Road along the southern boundary of the project site, however, north of Oak Knoll Road, there is also a tributary to Poway Creek located along the northwest project site boundary (Appendix G).

#### **Soils and Geologic Conditions**

The geology underlying the project site consists of surficial soil (specifically, undocumented fill, alluvium, colluvium and terrace deposits) underlain by Eocene-age Friars Formation and Cretaceous-age granodiorite (i.e., granitic rock) (Appendix G). The surficial soils and geologic formation are discussed below in order of increasing age. The estimated extent of these materials across the project site is illustrated in Figure 2, Geologic Map of Appendix G of this EIR. The composition, extent, and approximate thickness of the soils and surficial deposits will need to be confirmed during a future geotechnical investigation for the proposed project, in accordance with City Municipal Code Title 16, Division III, Excavation and Grading (refer to Section 4.6.2, Relevant Plans, Policies, and Ordinances, for further details regarding applicable City Municipal Code requirements).

### ***Undocumented Fill (Qudf)***

Undocumented fill embankments cover the majority of the project site (Appendix G). These materials generally range from 1 to 2 feet thick, except for along the western margin of the northern portion of project site (north of Oak Knoll Road) where undocumented fill may be up to 5 feet thick, and along the southern boundary of the four proposed residential lots south of Oak Knoll Road and adjacent to Poway Creek, where the fill layer is approximately 6 feet thick (Appendix G). The existing undocumented fill is unsuitable for support of additional fill or structural loading and would require complete removal and compaction to support the proposed development (Appendix G).

### ***Alluvium (Qal)***

Alluvial deposits are present on the project site beneath the undocumented fill layer. Alluvium was encountered at Trench T-1 on the southern portion of the project site adjacent to Poway Creek and may also be present beneath the proposed roadway area in the northwest corner of the project site (Appendix G). Alluvium deposits consist of very loose, wet, sandy gravel with silt and clay and would require removal and compaction to support proposed development (Appendix G).

### ***Colluvium (Qc)***

Colluvial deposits are present on the project site overlying the granitic rock or terrace deposits. Deposits encountered during field investigations on the northern portion of the project site were up to 10 feet thick, consisting of dry to damp silty/clayey sand (Appendix G). The colluvium underlying the project site is considered compressible and would require removal and compaction to support proposed development (Appendix G).

### ***Terrace Deposits (Qt)***

Terrace deposits were encountered across the majority of the project site. These deposits overly granitic rock and Friars Formation, and where encountered, were up to 12 feet thick (Appendix G). The terrace deposits generally consist of damp to moist, medium stiff to very stiff sandy clay and moist to wet, medium dense clayey gravel with cobble (Appendix G). In general, the terrace deposits are considered unsuitable for additional fill or structural loading and would require removal and compaction. However, it is possible that a portion of these deposits can be left in-place upon further testing (Appendix G).

### ***Friars Formation (Tf)***

The Eocene-age Friars Formation was encountered beneath the surficial soils overlying the granitic rock across the project site. This formation typically consists of dense sandstones, hard claystones, and siltstones (Appendix G). The Friars Formation is considered suitable for support of additional fill or structural loads (Appendix G).

### ***Granodiorite (Kgd)***

Cretaceous-age Granodiorite (granitic rock) underlies the sedimentary deposits and is exposed in the north and northeast portion of project site (north of Oak Knoll Road). The granitic rock exhibits a variable weathering pattern ranging from highly weathered, decomposed rock to outcrops of slightly weathered, extremely strong rock that would require blasting to excavate (Appendix G). The granitic rock generally exhibits adequate bearing and slope stability characteristics (Appendix G). The soils within the decomposed granitic rock are anticipated to consist of low-expansive, silty, medium- to coarse-grained sands and should provide suitable foundation support in either a



natural or properly compacted condition (Appendix G). Excavations within the granitic rock may generate boulders and oversize materials that would require special handling and placement (Appendix G).

### **Groundwater**

The project site is located within the Poway Valley groundwater basin (DWR 2023). During project site investigations conducted for the Geotechnical Investigation, groundwater was encountered in exploratory trenches adjacent to Poway Creek and other areas of the project site at depths ranging between 6 feet and 11 feet below the ground surface (Appendix G). The groundwater encountered on the project site is “perched”<sup>1</sup> above where the alluvium, colluvium, and/or terrace deposit contact with the underlying Friars Formation or granitic rock (Appendix G). Seepage occurred in several exploratory trenches at depths ranging from 8 feet to 11 feet below the ground surface (Appendix G). As project site investigations occurred during a regional drought (i.e., May 2022), the seepage encountered in the trenches was likely associated with previous rain and irrigation (Appendix G).

Groundwater levels in drainage areas on the project site can be expected to fluctuate seasonally and may affect proposed grading activities (Appendix G). In this regard, grading may encounter wet to saturated soils conditions causing excavation and compaction difficulty, particularly if construction is planned during the rainy season. Remedial grading of surficial deposits near the tributary or Poway Creek, if any, would encounter shallow groundwater and wet to saturated soils requiring specialized excavation equipment, including possible dewatering and drying of the material to facilitate proper compaction (Appendix G).

### **Geologic Hazards**

#### ***Faulting and Seismicity***

According to the City General Plan Public Safety Element, the faults in the City are classified as inactive by the California Department of Conservation; however, the potential exists for a major seismic event to occur along one of the major faults and result in local damage (City of Poway 1991). According to the California Geological Survey California Earthquake Hazards Zone Application, the Geotechnical Investigation, and the California Commercial Disclosure Report prepared for the project, there are no Quaternary faults crossing or trending toward the project site, and the project site is not within an Alquist-Priolo Earthquake Fault Zone (Appendix G; DOC 2023;). The nearest known active faults are the Newport-Inglewood/Rose Canyon Fault Zone, located approximately 15 miles west of the project site (Appendix G).

The Southern California region, including the City, is seismically active (Appendix G). Ground shaking is expected to have the greatest amount of seismic impact on the City; however, the effect of ground shaking depends on its severity and the integrity of the structure (City of Poway 1991). Considerations important in seismic design include the frequency and duration of motion and the soil conditions underlying the site (Appendix G). According to the Geological Investigation prepared for the proposed project, risk associated with ground rupture hazard is considered low, and risk associated with strong ground shaking due to earthquakes at the site is no greater than that for the region (Appendix G).

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<sup>1</sup> Perched groundwater is groundwater that is separated from an underlying body of groundwater by an “unsaturated zone” (Appendix G). On the project site, this unsaturated zone is the Friars Formation and granite rock.

### ***Liquefaction***

Liquefaction typically occurs when a site is located in a zone with seismic activity, on-site soils are cohesionless, groundwater is encountered within 50 feet of the surface, and soil densities are less than about 70% of the relative density (Appendix G). If all four criteria are met, a seismic event could result in a rapid increase in pore water pressure from the earthquake-generated ground accelerations (Appendix G).

According to the Public Safety Element of the City General Plan, the potential for widespread liquefaction in the City does not exist due to the structure and particle size mix of the soil types found in the low-lying areas of the City (i.e., sandy loams with clay substrata), which gives the soils a massive structure (City of Poway 1991). As illustrated in Figure 4.6-1, Potential Landslide and Liquefaction Areas, the project site is within a County of San Diego (County) identified area with the potential for liquefaction. However, according to the Geotechnical Investigation, the potential for liquefaction at the project site is considered to be negligible due to the dense formational material encountered on the site and recommended remedial grading (Appendix G).

### ***Landslides***

Landslides occur when masses of rock, earth, or debris move down a slope, including rock falls, deep failure of slopes, and shallow debris flows (County of San Diego 2007). Landslides are influenced by human activities (e.g., grading, irrigation of slopes) and by natural factors such as precipitation, geology/soil types, surface/subsurface flow of water, and topography (County of San Diego 2007). Frequently, landslides may be triggered by other hazards such as floods and earthquakes (County of San Diego 2007). According to the Public Safety Element of the City General Plan, the City has many areas that are highly susceptible to landslides (City of Poway 1991). As illustrated in Figure 4.6-1, the project site is not located in a County-designated landslide prone area. Furthermore, according to the Geotechnical Investigation, no evidence of landslide deposits was observed during site reconnaissance, and review of applicable literature did not discover any mapped landslides within the immediate areas influencing the project site (Appendix G). For these reasons, the risk associated with landslide hazard on the project site is considered low (Appendix G).

### ***Expansive Soils***

Expansive soils are clay soils that expand in volume with an increase in moisture content. Damage is caused when structures are built on this soil without adequate foundation design (City of Poway 1991). According to the California Building Code (CBC), Section 1803.5.3, soils meeting all four of the following provisions shall be considered expansive, except that tests to show compliance with Items 1, 2, and 3 shall not be required if the test prescribed in Item 4 is conducted:

- Plasticity index of 15 or greater, determined in accordance with ASTM D4318 (Standard Test Methods for Liquid Limit, Plastic Limit, and Plasticity Index of Soils)
- More than 10% of the soil particles pass a No. 200 sieve (75 micrometers), determined in accordance with ASTM D422 (Standard Test Method for Particle-Size Analysis of Soils)
- More than 10% of the soil particles are less than 5 micrometers in size, determined in accordance with ASTM D422
- Expansion index greater than 20, determined in accordance with ASTM D4829 (Standard Test Method for Expansion Index of Soils)

The soils encountered during site reconnaissance are considered to be both “non-expansive” (expansion index [EI] less than 20) and “expansive” (EI of 20 or more) as defined by CBC Section 1803.5.3. However, according to the Geotechnical Investigation, overall, the soil materials observed on the project site are anticipated to have a “very low” to “low” expansion potential (i.e., an expansion index of 50 or less) (Appendix G).

## 4.6.2 Relevant Plans, Policies, and Ordinances

### Federal

#### ***Occupational Safety and Health Administration Regulations***

Excavation and trenching are among the most hazardous construction operations. The Occupational Safety and Health Administration (OSHA) Excavation and Trenching Standard (29 Code of Federal Regulations 1926.650) covers requirements for excavation and trenching operations. OSHA requires that all excavations in which employees could potentially be exposed to cave-ins be protected by sloping or benching the sides of the excavation, supporting the sides of the excavation, or placing a shield between the side of the excavation and the work area. In California, the California OSHA has responsibility for implementing federal rules relevant to worker safety, including slope protection during construction excavations. California OSHA’s requirements are more restrictive and protective than federal OSHA standards.

#### ***U.S. Geological Survey Landslide Hazard Program***

In fulfillment of the requirements of Public Law 106-113, the U.S. Geological Survey created the Landslide Hazard Program in the mid-1970s. According to the U.S. Geological Survey, the primary objective of the National Landslide Hazards Program is to reduce long-term losses from landslide hazards by improving understanding of the causes of ground failure and suggesting mitigation strategies. The federal government takes the lead role in funding and conducting this research, whereas the reduction of losses due to geologic hazards is primarily a state and local responsibility. The project site is not included on U.S. Geological Survey maps illustrating historic landslides or earthquake-triggered ground failure occurrences (USGS 2023a, 2023b). As discussed above in Section 4.6.1, Existing Conditions, and illustrated in Figure 4.6-1, the project site is not located in a landslide hazard area identified by the County.

#### ***Paleontological Resources Preservation Act of 2009***

The Paleontological Resources Protection Act (PRPA) of 2009 directs the Secretaries of the Interior and Agriculture to manage and protect paleontological resources on federal land using “scientific principles and expertise.” The PRPA incorporates most of the recommendations of the Secretary of the Interior’s report titled Assessment of Fossil Management on Federal and Indian Lands (DOI 2000) in order to formulate a consistent paleontological resources management framework. In passing the PRPA, congress officially recognized the scientific importance of paleontological resources on some federal lands by declaring that fossils from these lands are federal property that must be preserved and protected. The PRPA codifies existing policies of the U.S. Bureau of Land Management, National Park Service, U.S. Forest Service, Bureau of Reclamation, and the U.S. Fish and Wildlife Service, and provides the following:

1. Criminal and civil penalties for illegal sale and transport and theft and vandalism of fossils from federal lands
2. Minimum requirements for paleontological resource-use permit issuance (terms, conditions, and qualifications of applicants)

3. Definitions for “paleontological resources” and “casual collecting”
4. Requirements for curation of federal fossils in approved repositories

The PRPA requires the Secretaries of the Interior and Agriculture to manage and protect paleontological resources on federal land. The PRPA furthers the protection of fossils on federal lands by criminalizing the unauthorized removal of fossils

### **The Federal Land Policy Management Act of 1976 (P.L. 94-579; 90 Statute 2743, USC 1701–1782)**

The Federal Land Policy Management Act requires that public lands be managed such that the quality of their scientific values is protected. The act recognizes significant paleontological resources as scientific resources and requires federal agencies to manage public lands in a manner that protects scientific resource quality.

### **State**

#### ***Alquist–Priolo Earthquake Fault Zoning Act***

The Alquist–Priolo Earthquake Fault Zoning Act was passed in 1972 to mitigate the hazard of surface faulting to structures for human occupancy. In accordance with this act, the State Geologist established regulatory zones, called “earthquake fault zones,” around the surface traces of active faults, and published maps showing these zones. Earthquake fault zones are designated by the California Geological Survey (CGS) and are delineated along traces of faults where mapping demonstrates surface fault rupture has occurred within the past 11,000 years. Construction within these zones cannot be permitted until a geologic exploration has been conducted to prove that a building planned for human occupancy would not be constructed across an active fault. These types of site evaluations address the precise location and recency of rupture along traces of the faults, and are typically based on observations made in trenches excavated across fault traces. As discussed above in Section 4.6.1, the project site is not within a Alquist–Priolo Earthquake Fault Zone (Appendix G; DOC 2023;).

#### ***Seismic Hazards Mapping Act***

The Seismic Hazards Mapping Act of 1990 (California Public Resources Code, Chapter 7.8, Section 2690 et seq.) directs the California Geological Survey to protect the public from earthquake-induced liquefaction and landslide hazards (these hazards are distinct from fault surface rupture hazard regulated by the Alquist–Priolo Act). This act requires the State Geologist (i.e., California Geological Survey) to delineate various seismic hazard zones and requires cities, counties, and other local permitting agencies to regulate certain development projects within these zones (i.e., zones of required investigation). Seismic Hazard Zone Maps have been prepared for portions of populated areas of Southern California and the San Francisco Bay Area; however, no seismic hazard zones have yet been delineated for the project site. As a result, the provisions of the Seismic Hazards Mapping Act would not apply to the proposed project.

#### ***California Building Code***

The CBC (24 California Code of Regulations Part 2) is administered by the California Building Standards Commission, which is responsible for coordinating all building standards. Under state law, all building standards must be centralized in Title 24 or they are not enforceable. The purpose of the CBC is to establish minimum standards to safeguard the public health, safety, and general welfare through structural strength, means of egress facilities, and general stability by regulating and controlling the design, construction, quality of materials, use and occupancy, location, and maintenance of all building and structures within its jurisdiction. The CBC is based on the

International Building Code, published by the International Code Conference. The CBC contains California amendments based on the American Society of Civil Engineers Minimum Design Standards 7-05, which provides requirements for general structural design and includes means for determining earthquake loads and other loads (such as wind loads) for inclusion into building codes. The provisions of the CBC apply to the construction, alteration, movement, replacement, and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures throughout California.

### ***Paleontological Resources***

Paleontological resources are afforded consideration under the California Environmental Quality Act (CEQA). Appendix G of the CEQA Guidelines (14 California Code of Regulations 15000 et seq.) includes the following as part of its Environmental Checklist: “Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?” Section 5097.5 of the California Public Resources Code specifies that any unauthorized removal of paleontological remains is a misdemeanor. Further, California Penal Code Section 622.5 sets the penalties for damage to or removal of paleontological resources.

### **Local**

#### ***San Diego County Special Studies Zones***

The Alquist–Priolo Earthquake Fault Zoning Act provides that a city or county may establish more restrictive policies than those within the Alquist–Priolo Earthquake Fault Zoning Act, if desired. County established Special Study Zones that include late-Quaternary faults mapped by CGS. Late-Quaternary faults (movement during the past 700,000 years) were mapped for the County based on geomorphic evidence similar to that of Holocene faults except that tectonic features are less distinct. As indicated by CGS, these faults may be younger, but the lack of younger overlying deposits precludes more accurate age classification. Traces of faults within “Special Study Zones” are treated by the County as active unless a fault investigation can prove otherwise. Before any construction is allowed, a geologic study must be conducted to determine if any active fault lines are located on or within the vicinity of a project site. For areas where active faulting is identified, the County’s Fault Displacement Area regulations regulate new development in areas subject to potential loss of life and property from earthquake fault displacement in order to mitigate such losses (County of San Diego 2007). The proposed project would not be located in a County Special Study Fault Zone or a fault rupture hazard zone as identified by the Alquist–Priolo Earthquake Fault Zoning Act (DOC 2023; County of San Diego 2007).

#### ***The San Diego County General Plan 2011 (County of San Diego, 2009)***

County of San Diego Code of Regulatory Ordinances Sections 87.101–87.804, Grading, Clearing, and Watercourses Ordinance Section 87.430 of the County’s Grading and Clearing Ordinance provides for the requirement of a paleontological monitor at the discretion of the County. In addition, the suspension of grading operation is required upon the discovery of fossils greater than 12 inches in any dimension. The ordinance also requires notification of the County Official (e.g., Permit Compliance Coordinator). The ordinance gives the County Official the authority to determine the appropriate resource recovery operations, which shall be carried out prior to the County Official’s authorization to resume normal grading operations.

General Plan Update Policies Policy COS-9.1: Preservation. Require the salvage and preservation of unique paleontological resources when exposed to the elements during excavation or grading activities or other development processes. Mitigation Measures Cul-3.1; Implement the Grading Ordinance and CEQA to avoid or minimize impacts to

paleontological resources, require a paleontological resources monitor during grading when appropriate, and apply appropriate mitigation when impacts are significant. Cul-3.2; Implement, and update as necessary, the County's Guidelines for Determining Significance for Paleontological Resources to identify and minimize adverse impacts to paleontological resources.

***City of Poway Municipal Code***

***Title 16, Subdivisions and Other Land Use Regulations, Division III – Excavation and Grading***

Title 16, Division III, Excavation and Grading (i.e., the City's "Grading Ordinance") establishes the requirement to obtain a grading permit prior to grading operations. The Grading Ordinance requires the submittal of grading plans or improvement plans for review by the City Engineer prior to issuance of a grading permit. The Grading Ordinance contains design standards and performance requirements that must be met to avoid—or reduce to an acceptable level—the potential for slope instabilities, expansive soils, excessive erosion, and sedimentation to adversely affect a proposed development. The ordinance prohibits grading permits upon a significant portion of natural or existing grade that exceeds a slope of 45% unless such grading is required to mitigate a geologic hazard to adjacent grade, or is required for the construction of necessary water or sewer mains, storm drains, or fire roads, all as approved and determined necessary by the City Engineer.

The Grading Ordinance also establishes the requirements for expansive soil requirements for cuts and fills; minimum setback requirements for buildings from cut or fill slopes; and reporting requirements, including a soil engineer's report and a final engineering geology report by an engineering geologist that includes specific approval of the grading as affected by geological factors. Upon review of grading plans, the City Official has the authority to approve, attach conditions of approval, or deny the permit application.

***Chapter 15.04 – Building Code***

Chapter 15.04 of the City Municipal Code outlines the City Building Code, which prescribes regulations for the erection, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, use, height, area, and maintenance of buildings and structures in the City (City of Poway 2022). The City Building Code adopts the most current version of the CBC.

### 4.6.3 Thresholds of Significance

The significance criteria used to evaluate the project impacts to geology and soils are based on Appendix G of the CEQA Guidelines. According to Appendix G of the CEQA Guidelines, a significant impact related to geology and soils would occur if the project would:

- a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:
  - (i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area based on other substantial evidence of as known fault. Refer to Division of Mines and Geology Special Publication 42.
  - (ii) Strong seismic ground shaking.
  - (iii) Seismic-related ground failure, including liquefaction.
  - (iv) Landslides.

- b) Result in substantial soil erosion or the loss of topsoil.
- c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse.
- d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property.
- e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water.
- f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

#### 4.6.4 Impacts Analysis

***Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:***

***Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area based on other substantial evidence of as known fault?***

As stated under Section 4.6.1, there are no Quaternary faults crossing or trending toward the project site, and the project site is not within an Alquist-Priolo Earthquake Fault Zone (Appendix G; DOC 2023; ). The nearest known active faults are within the Newport-Inglewood/Rose Canyon Fault Zone, located approximately 15 miles west of the project site (Appendix G). Given the distance of the nearest fault, and according to the analysis provided in the Geological Investigation, risk associated with ground rupture hazard is considered low. Furthermore, all proposed residences and structures on site would be designed and constructed in accordance with CBC guidelines currently adopted by the City. Therefore, the proposed project would not expose people or structures to potential substantial adverse effects associated with the rupture of known earthquake faults, and impacts related to would be **less than significant**.

***Strong seismic ground shaking?***

As stated above in Section 4.6.1, the project site in a seismically active region. However, the nearest known active faults in the Newport-Inglewood/Rose Canyon Fault Zone, located approximately 15 miles west of the project site (Appendix G). Section 7.6, Seismic Design Criteria, of the Geotechnical Investigation summarizes the site-specific design criteria for the project, in accordance with the CBC guidelines. The project site is identified as Site Class C, which is applied to sites where the ground is relatively stiff (e.g., very dense soil and soft rock). Seismic design of all proposed residences and structures would be performed in accordance with the criteria and considerations identified in Section 7.6 of the Geotechnical Investigation, including the code-based parameters presented in Table 7.6.1, which are subject to final review and approval by the City Engineer (Poway Municipal Code Section 16.48.030, Soils and/or engineering geology investigation report required).

The project site is likely to be subjected to strong ground motion from seismic activity similar to that of the rest of the City and Southern California, due to the seismic activity of the region as a whole. However, compliance with the CBC and seismic design criteria recommendations would reduce exposure of people or structures to potential substantial adverse effects from seismic ground shaking. Therefore, impacts would be **less than significant**.

***Seismic-related ground failure, including liquefaction?***

Liquefaction typically occurs when a site is located in a zone with seismic activity, the on-site soils are cohesionless, groundwater is encountered within 50 feet of the surface, and soil relative densities are less than about 70%. If all four of the previous criteria are met, a seismic event could result in a rapid pore-water pressure increase from the earthquake-generated ground accelerations. Seismically induced settlement may occur whether the potential for liquefaction exists or not. The surficial soils and geologic formations underlying the project site include undocumented fill, alluvium, colluvium, Frias Formation (e.g., sandstone, hard claystones, siltstones) and cretaceous granite rock. As discussed above in Section 4.6.1, groundwater and seepage was observed on the project site during the field reconnaissance at depths ranging from 8 feet to 11 feet below the ground surface (Appendix G).

It is anticipated that groundwater/perched water conditions would be encountered during excavation performed at or near Poway Creek and the other areas throughout the project site (Appendix G). Wet to saturated soil and perched water may also be encountered in the surficial deposits located near the natural drainages, especially, if grading is performed during the rainy season. Remedial grading of surficial deposits in these areas would likely result in possible excavation and fill placement difficulties. Dewatering and/or use of specialized equipment may be required to excavate alluvium, colluvium, and terrace deposits on the project site.

In accordance with City Municipal Code Section 16.44.110, the grading plan for the project is required to incorporate the applicable recommendations from the Geotechnical Investigation. This includes professional inspection and approval of the need for subdrains or other groundwater drainage devices as well as remedial grading, soils recompaction, and/or other special techniques and systems to facilitate a safe and stable development (City Municipal Code Sections 16.48.030 and 16.44.110[B][3]). Furthermore, the findings and recommendations of the Geotechnical Investigation and all subsequent reports (completed pursuant to Geotechnical Investigation recommendations or as deemed necessary by the City Engineer), are subject to final review and approval by the City (City Municipal Code Section 16.52.130). According to City Municipal Code Section 16.48.030(D), recommendations contained in the final, approved soils/geological engineering report(s) would be incorporated into the grading plans and specifications and would become conditions of approval for the final grading permit.

In accordance with preliminary recommendations set forth in the Geotechnical Investigation, overly wet materials encountered at the project site would be spread out and dried and/or mixed with drier materials to reduce the moisture content so that compaction can be achieved (Appendix G). Furthermore, all fill, including backfill and scarified ground surfaces, would be compacted to at least 90% of laboratory maximum dry density at or above optimum moisture content, as determined in accordance with standard test methods for compaction (i.e., ASTM D1557) (Appendix G).

As concluded in the Geotechnical Investigation, the potential for liquefaction at the site is considered to be negligible due to the dense formational material encountered and lack of a shallow groundwater condition (Appendix G). Furthermore, the project would adhere to the recommendations set forth in the Geotechnical Investigation (e.g., remedial grading, dewatering, recompaction), subject to final review and approval by the City Engineer, which would further reduce the potential for liquefaction to occur. As such, impacts associated with seismic-related ground failure, including liquefaction, would **less than significant**.



***Landslides?***

The risk associated with ground rupture hazards, such as landslides, is low due to the absence of active faults within the project site. As discussed in Section 4.6.1, no evidence of landslide deposits was observed during the site reconnaissance or geologic literature review completed for the proposed project (Appendix G). As illustrated in Figure 4.6-1, the project site is not located in a County-designated landslide hazard area. Additionally, the proposed project would be designed in accordance with applicable CBC requirements and recommendations set forth in the Geotechnical Investigation (including Appendix G Section 7.5, Grading, Section 7.6, Seismic Design Criteria, and Appendix D, Recommended Grading Specification), subject to final review and approval by the City Engineer, which would minimize potential risks associated with landslides. Therefore, impacts associated with landslides would be **less than significant**.

***Would the project result in substantial soil erosion or the loss of topsoil?***

The demolition and construction phases of the proposed project would require grading, excavation, and the import and export of soil from the project site, and therefore would increase the potential for erosion. Soil erosion and loss of topsoil could occur through runoff, wind transport, and vehicle movement. Grading for the site is balanced at 19,250 cubic yards of cut and fill to avoid export or import of dirt. In accordance with the proposed Specific Plan, cut and fill slopes are designed at a 2:1 minimum. The site is underlain by surficial units that include undocumented fill, alluvium, colluvium, terrace deposits, Friars Formation, and cretaceous-age granite rock. The geologic formations underlying the City vary from highly susceptible to very resistant to erosion. However, the geologic formations are well beneath the ground surface of the project site (City of Poway 1991). The undocumented fill, alluvium, colluvium, and terrace deposits are presently unsuitable to support fill and/or structural loads and would require remedial grading where improvements are planned. In accordance with recommendations set forth in the Geotechnical Investigation, during construction, the Contractor would properly grade all excavated surfaces to provide positive drainage and prevent ponding of water (Appendix G). Drainage of surface water would be controlled to avoid damage to adjoining properties or to finished work on the site (Appendix G). The Contractor would also take remedial measures to prevent erosion of freshly graded areas until such time as permanent drainage and erosion control features have been installed (Appendix G). Areas subjected to erosion or sedimentation would be properly prepared in accordance with required specifications prior to placing additional fill or structures (Appendix G).

All project site slopes would be landscaped with drought-tolerant vegetation having variable root depths and requiring minimal landscape irrigation, and all slopes would be drained and properly maintained to reduce erosion (Appendix G). Additionally, the proposed project would not be approved or built without adequately demonstrating to the City compliance with the CBC and applicable geologic hazards regulations. According to the Geotechnical Investigation, slopes that are steeper than 3:1 may, under conditions that are both difficult to prevent and predict, be susceptible to near-surface slope instability and erosion (Appendix G). However, as discussed above and in accordance with the proposed Specific Plan, cut and fill slopes on the project site would not be greater than 2:1. Therefore, with implementation of applicable Geotechnical Investigations recommendations and required compliance with CBC standards, the proposed project would not result in substantial soil erosion and impacts would be **less than significant**.

***Would the project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?***

As determined in the Public Safety Element of the City's General Plan, the project site is not located in an area subject to lateral spreading, subsidence, liquefaction, or collapse (City of Poway 1991). Furthermore, as discussed in the Geotechnical Investigation, the potential for liquefaction to occur on the project site is negligible, and the potential

for landslides to occur is low. As previously stated, the project site is underlain by surficial units that include undocumented fill, alluvium, colluvium and terrace deposits. According to the Geotechnical Investigation: “No soil or geologic conditions were encountered during this study that would preclude development of the property as presently proposed provided the recommendations of this report are followed” (Appendix G). The site is previously developed and disturbed, and there are no known cases of landslide, lateral spreading, subsidence, liquefaction, or collapse occurring on site.

As previously discussed, the proposed project includes implementation of the recommendations included in the Geotechnical investigation, which would further minimize any potential for on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse. This includes recommendations contained in future reports/investigations required to implement the final, approved grading plan. For example, in accordance with the rippability and rock analysis recommendations set forth in the Geotechnical Investigation, if excavation of granitic rock is required (which may generate or require removal/relocation of boulders and other oversize materials) an earthwork analysis would be performed to determine if there is an adequate volume of fill area available to accommodate the anticipated volume of blasted/oversize materials (Appendix G). The study would consider the proposed grading, rippability information contained in the Geotechnical Investigation, rock placement requirements, and include proposed undercutting for building pads and streets. Additionally, the proposed project would not be approved or built without adequately demonstrating compliance with the CBC and applicable geologic hazards regulations. Therefore, impacts associated with placement on a geologic unit or soil that is unstable, or that would become unstable as a result of the proposed project, would be **less than significant**.

***Would the project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?***

Expansive soils contain minerals, such as clay, that are capable of absorbing water and expanding, and losing water and shrinking. The repetitive stress of a swell/shrink cycle on a foundation can cause severe damage to buildings and structures. As discussed in Section 4.6.1, the soils encountered in the field investigation are considered to be both “non-expansive” (EI less than 20) and “expansive” (EI of 20 or more) as defined by CBC Section 1803.5.3. However, overall, the soil materials observed on site are anticipated to have a “very low” to “low” expansion potential (EI of 50 or less). The proposed project would be constructed in conformance with applicable CBC provisions and recommendations set forth in the Geotechnical Investigation, which would minimize impacts associated with expansive soils. For example, grading would be conducted so that high expansive soils (EI greater than 90) are placed in the deeper fill areas at least 3 feet below proposed finish grade elevations and at least 15 feet from the face of fill slopes (Appendix G). Where practical, the upper 3 feet of graded areas (cut or fill) would consist of properly compacted very low to low (EI less than 50) expansive granular soils (Appendix G). Medium expansive soils (EI less than 90) may also be used to achieve design grades (Appendix G). At a minimum, the building pads would be provided with medium expansive soil (EI less than 90) (Appendix G). As discussed in further detail in Draft EIR Section 4.9, Hydrology and Water Quality, the project’s proposed drainage plan would avoid the use of infiltration best management practices to prevent adverse shrinking/swelling of potentially expansive soils and would continue to discharge project site flows directly into Poway Creek (as under existing conditions). Furthermore, and as discussed above, all project site fill would be compacted to at least 90% of laboratory maximum dry density at or above optimum moisture content, as determined in accordance with standard test methods for compaction (i.e., ASTM D1557) (Appendix G). Therefore, impacts associated with expansive soils would be **less than significant**.

***Would the project have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?***

The proposed project would not involve the use of septic tanks or alternative wastewater disposal; therefore, **no impact** related to soils incapable of supporting these uses would occur.

***Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?***

Most paleontological resources are not exposed at the surface, and fossils are usually found during earthmoving activities when geologic features are exposed. The likelihood of encountering subsurface paleontological resources is greatest on sites that have been minimally excavated in the past. As discussed in Chapter 3, Project Description, of this EIR, the project site largely consists of disturbed and previously developed areas. However, due to the depth of excavation required for the project's grading activities, there is potential to encounter previously undiscovered paleontological resources. The exact depths of such resources are unknown, however according to the Geotechnical report the Pleistocene terrace deposits were encountered from 1 to 14 feet below the ground surface (bgs) and the middle Eocene Friars Formation was encountered between 5 and 14 feet bgs. Both of these formations have high paleontological sensitivity. The locality records search with the San Diego Natural History Museum (SDNHM) resulted in no previous localities within the project area and no localities from similar nearby sediments. In the event that unexpected intact paleontological resources are unearthed during ground-disturbing activities, impacts would be **potentially significant (Impact GEO-1)**.

The proposed project's impacts to geological resources are listed as follows:

**Impact GEO-1** If unexpected intact paleontological resources are unearthed during ground-disturbing activities, then the proposed project could result in significant impacts to unique paleontological resources or sites, or unique geologic features.

## 4.6.5 Cumulative Impacts

All of Southern California lies within a seismically active region with an extremely diverse range of geologic and soil conditions that can vary substantially within short distances. However, impacts from geologic and soil conditions are also site-specific and would only have potential to combine with impacts of the proposed project if they occurred in the same general location, or on similar soils and topographies. Thus, the geographic extent of the cumulative study area for potential impacts to people and structures related to geologic and seismic hazards is restricted to the project site and the area immediately surrounding the site (see Table 3-2, Cumulative Projects).

### Fault Rupture

It is unlikely that past, existing, and/or future projects could contribute to the cumulative effects of geology and soils creating the acceleration of erosion, slope failures, fault or ground rupture, and/or earthquake-induced ground failure. These types of conditions would be limited to the areas within and adjacent to the boundaries of individual projects or structural components of the project. In order for impacts to be cumulatively considerable, these conditions would have to occur at the same time and in the same location as the proposed project. Therefore, potential seismic impacts (ground shaking, earthquake-induced ground failure, and fault rupture) as a result of local and regional faults, as well as soils that underlie individual projects, comprise an impact to the geologic environment that would not be cumulatively considerable. Additionally, each individual project would be designed in accordance with seismic design criteria as required by the CBC and with other specific design criteria from state

and local building and grading regulations, and may be subject to CEQA, including analysis of and mitigation for geologic and soil impacts on an individual basis. Therefore, the proposed project **would not contribute, even incrementally, to potentially cumulative impacts** related to fault rupture.

### **Ground Shaking, Liquefaction, Landslides, Expansive Soils, and Adequate Soils for Septic Systems or Other On-Site Wastewater Systems**

Potential geologic and soils impacts associated with the proposed project are restricted to potential facility damage from earthquake-related ground shaking, liquefaction, landslides, expansive soils, and general soil suitability. The City reviews applications for building permits for compliance with the CBC, local amendments to the CBC, and applicable City Municipal Code requirements. Grading plans would also be reviewed for compliance with state and local standards.

The proposed project would be designed in accordance with the seismic design requirements of the CBC, which contains universal standards for seismically sound site preparation and grading practices, foundations design, and guidelines for the appropriate selection and use of construction materials. Due to the localized nature of geology and soils, cumulative projects would address potential impacts to geology and soils on a project-by-project basis, as potential geologic hazards and soil composition vary by site. Each cumulative project would be required to assess individual and site-specific geologic conditions, which would inform construction and development of each site. All cumulative development would be subject to similar requirements to those imposed and implemented for the project and would be required to adhere to applicable regulations, standards, and procedures. In accordance with the CBC, a more comprehensive geology and soils report would be conducted that further evaluates the soils underlying the project site to gauge the potential for liquefaction and soil strength during the maximum considered earthquake geometric mean peak ground acceleration. Once the evaluation is complete, if needed, the design requirements or the construction materials of the proposed project would be revised as recommended. Therefore, since no other projects identified on the list of cumulative projects would occur on the project site, impacts associated with ground shaking, liquefaction, landslides, and expansive soils **would not be cumulatively considerable.**

The proposed project does not include any septic or on-site wastewater systems. As such, the proposed project would **not contribute to a cumulative impact** related to adequate soils for septic tanks or on-site wastewater systems. In all cases, the impacts were determined to be less than significant because the existing regulatory framework controlling the design and construction of structures in California, and actions required to obtain a grading and/or development permits at the local level, are sufficient to avoid or substantially reduce the potential impacts. All other projects listed in Table 3-2, Cumulative Projects, would be required to comply with the same or similar set of laws, regulations, and ordinances.

Therefore, because all cumulative projects would be designed in accordance with seismic design criteria as required by the CBC and with other specific design criteria from state and local building and grading regulations, impacts would be **less than cumulatively considerable** as related to ground shaking, liquefaction, landslides, expansive soils, and adequate soils for septic systems.

### **Paleontological Resources**

Cumulative projects located in the region would have the potential to result in a cumulative impact associated with paleontological resources from extensive grading, excavation, or other ground-disturbing activities. Cumulative projects that require significant excavation would result in adverse impacts to paleontological resources. Additionally, if a cumulative project that requires excavation or grading is located in an area of high or moderate

sensitivity, this would result in an increased potential for an adverse impact to a paleontological resources to occur. Cumulative projects would be regulated by state and local regulations, and may be subject to CEQA. However, the loss of paleontological resources on a regional level may not be adequately mitigated through methods specified in these regulations. Therefore, the cumulative destruction of significant paleontological resources from planned construction and development within the region would be **cumulatively significant**. Additionally, past projects involving development and construction have already impacted paleontological resources within the region.

As discussed in Section 4.6.4, Impacts Analysis, ground-disturbing activities associated with the proposed project could have a significant impact on previously undiscovered paleontological resources. Without appropriate mitigation, the proposed project in combination with cumulative projects occurring in areas containing geologic formations with high and moderate sensitivity for previously undiscovered paleontological resources, would have the potential to result in cumulative impacts to paleontological resources; however, implementation of standard mitigation measures and adherence to applicable state and local regulations would prevent a cumulative loss of paleontological resources. Therefore, impacts would be **less than cumulatively considerable**.

## 4.6.6 Mitigation Measures

**MM-GEO-1** Prior to commencement of any grading activity in areas of moderate to high paleontological sensitivity, the applicant shall retain a qualified paleontologist per the Society of Vertebrate Paleontology (SVP) (2010) guidelines. The qualified paleontologist shall attend the preconstruction meeting and a paleontological monitor shall be on-site during rough grading and other significant ground-disturbing activities in areas of previously undisturbed, moderate and/or high paleontological resources sensitivity.

In the event that paleontological resources (e.g., fossils) are unearthed during grading, trenching, or large-diameter (two-feet or greater) augering, the paleontological monitor will temporarily halt and/or divert grading activity to allow recovery of paleontological resources. The area of discovery will be roped off with a 50-foot radius buffer. Once documentation and collection of the find is completed, the monitor will remove the rope and allow grading to recommence in the area of the find. Any significant paleontological resources recovered from the Project site during construction of the Project shall be stabilized, prepared, cataloged, and identified to the lowest taxonomic level prior to curation at an accredited fossil repository with retrievable storage, such as the San Diego Natural History Museum.

1. A qualified paleontologist or a paleontological monitor under the direction and supervision of a qualified paleontologist, shall be on site during original cutting of the Pleistocene terrace deposits and the middle Eocene Friars Formation. A paleontological monitor is defined as an individual who has at least one year of experience in field identification and collection of fossil materials, and who is working under the direction of a qualified paleontologist. Monitoring of the noted geologic unit shall be conducted ~~at least half time~~ at the beginning of excavation and may be either increased or decreased thereafter depending upon initial results (per direction of a qualified paleontologist).
  - a) Qualified Paleontologist: The project paleontologist is a person who has a Ph.D. or M.S. or equivalent in paleontology or closely related field (e.g., sedimentary or stratigraphic geology, evolutionary biology); has a demonstrated knowledge of Southern California

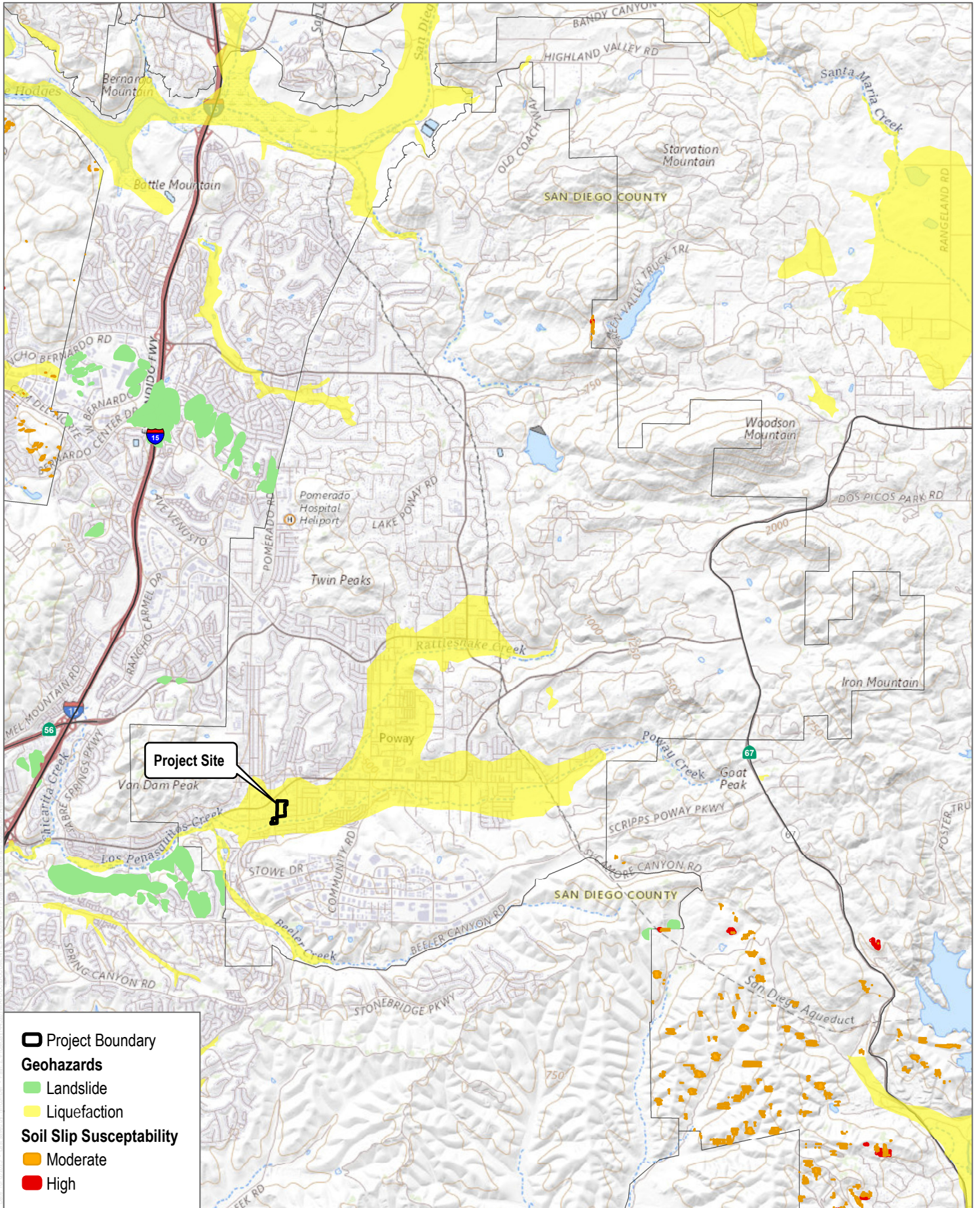
paleontology and geology; and has documented experience performing professional paleontological procedures and techniques.

- b) Qualified Paleontological Monitor: A paleontological monitor is defined as an individual with at least one year of experience in field identification and collecting of fossil materials.
2. Monitoring of the noted geologic units (Pleistocene terrace deposits and Eocene Friars Formation) shall be conducted full-time at the beginning of the excavation and may be decreased thereafter by the qualified paleontologist depending upon initial results of monitoring.
3. In the event that well-preserved fossils are discovered, a qualified paleontologist shall have the authority to temporarily halt or redirect construction activities in the discovery area to allow recovery in a timely manner (typically on the order of one hour to two days). All collected fossil remains shall be cleaned, sorted, cataloged and deposited in an appropriate scientific institution (such as the San Diego Natural History Museum) at the applicant's expense.
4. A report (with a map showing fossil site locations) summarizing the results, analyses, and conclusions of the above-described monitoring/recovery program shall be submitted to the City of Poway within three months of terminating monitoring activities.

### 4.6.7 Level of Significance after Mitigation

Implementation of **MM-GEO-1** would reduce **Impact GEO-1** to a **less-than-significant** level by requiring a qualified paleontologist be retained prior to construction commencing. If the qualified paleontologist determines that proposed grading/excavation activities would likely affect previously undisturbed areas of the Pleistocene terrace deposits and the middle Eocene Friars Formation, then monitoring shall be conducted as outlined in **MM-GEO-1**.

The proposed project would not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, strong seismic ground shaking, seismic related ground failure (including liquefaction) or landslides. The proposed project would result in substantial soil erosion or the loss of topsoil, would not be located on a geologic unit or soil that is unstable or that would become unstable as a result of the project, and would not involve the use of septic tanks or alternative wastewater disposal. Site design measures would be used to minimize geology and soil impacts. Furthermore, the project would not be creating substantial direct or indirect risks to life or property due to the presence of expansive soils. Through site design measures discussed in this analysis and outlined in Appendix G, as well as compliance with CBC regulations, impacts associated with geology and soils would be **less than significant**.



SOURCE: USGS Topo Maps; SAN GIS 2023

FIGURE 4.6-1

Potential Landslide and Liquefaction Areas

Harmon Ranch Specific Plan Project EIR



0 3,550 7,100 Feet

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## 4.7 Greenhouse Gas Emissions

This section describes the existing greenhouse gas (GHG) conditions of Harmon Ranch project (proposed project) site and vicinity, identifies associated regulatory requirements, evaluates potential impacts, and identifies mitigation measures related to implementation of the proposed project. The analysis is based on the review of existing conditions; technical data; applicable laws, regulations, and guidelines; and the air quality and GHG technical report prepared by Dudek in June 2022. The Air Quality and Greenhouse Gas Emissions Analysis Technical Report for the Harmon Ranch Project is included in this environmental impact report (EIR) as Appendix B.

A Notice of Preparation (NOP) was circulated from February 1, 2023, through March 3, 2023. During the NOP comment period, comment letters related to GHG emissions focused on the following topics:

- Vehicle miles traveled (VMT)

These comments were considered during the preparation of this EIR. The Initial Study, NOP, and Public Scoping comments are provided in Appendix A of this EIR.

### 4.7.1 Existing Conditions

#### **Climate Change Overview**

Climate change refers to any significant change in measures of climate—such as temperature, precipitation, or wind patterns—lasting for an extended period of time (decades or longer). The Earth’s temperature depends on the balance between energy entering and leaving the planet’s system. Many factors, both natural and human, can cause changes in Earth’s energy balance, including variations in the Sun’s energy reaching Earth, changes in the reflectivity of Earth’s atmosphere and surface, and changes in the greenhouse effect, which affects the amount of heat retained by Earth’s atmosphere (EPA 2017).

The greenhouse effect is the trapping and build-up of heat in the atmosphere (troposphere) near the Earth’s surface. The greenhouse effect traps heat in the troposphere through a threefold process as follows: short-wave radiation emitted by the Sun is absorbed by the Earth; the Earth emits a portion of this energy in the form of long-wave radiation; and GHGs in the upper atmosphere absorb this long-wave radiation and emit it into space and toward the Earth. The greenhouse effect is a natural process that contributes to regulating the Earth’s temperature and creates a pleasant, livable environment on Earth. Human activities that emit additional GHGs to the atmosphere increase the amount of infrared radiation that gets absorbed before escaping into space, thus enhancing the greenhouse effect and causing the Earth’s surface temperature to rise.

The scientific record of the Earth’s climate shows that the climate system varies naturally over a wide range of time scales and that, in general, climate changes prior to the Industrial Revolution in the 1700s can be explained by natural causes, such as changes in solar energy, volcanic eruptions, and natural changes in GHG concentrations. Recent climate changes, in particular the warming observed over the past century, however, cannot be explained by natural causes alone. Rather, it is extremely likely that human activities have been the dominant cause of that warming since the mid-20th century and is the most significant driver of observed climate change (EPA 2017; IPCC 2013). Human influence on the climate system is evident from the increasing GHG concentrations in the atmosphere, positive radiative forcing, observed warming, and improved understanding of the climate system (IPCC 2013). The atmospheric concentrations of GHGs have increased to levels unprecedented in the last 800,000 years,

primarily from fossil fuel emissions and secondarily from emissions associated with land use changes (IPCC 2013). Continued emissions of GHGs will cause further warming and changes in all components of the climate system (as discussed in Appendix B).

**Greenhouse Gases**

A GHG is any gas that absorbs infrared radiation in the atmosphere; in other words, GHGs trap heat in the atmosphere. GHGs include, but are not limited to, carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), nitrous oxide (N<sub>2</sub>O), ozone (O<sub>3</sub>), water vapor, hydrofluorocarbons (HFCs), hydrochlorofluorocarbons (HCFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF<sub>6</sub>).<sup>1</sup> Some GHGs—such as CO<sub>2</sub>, CH<sub>4</sub>, and N<sub>2</sub>O—occur naturally and are emitted to the atmosphere through natural processes and human activities. Of these gases, CO<sub>2</sub> and CH<sub>4</sub> are emitted in the greatest quantities from human activities. Manufactured GHGs, which have a much greater heat-absorption potential than CO<sub>2</sub>, include fluorinated gases (e.g., HFCs, HCFCs, PFCs, and SF<sub>6</sub>), which are associated with certain industrial products and processes. A summary of the most common GHGs and their sources is included in the following text.<sup>2</sup> Also included is a discussion of other climate-forcing substances.

**Carbon Dioxide.** CO<sub>2</sub> is a naturally occurring gas and a by-product of human activities and is the principal anthropogenic GHG that affects the Earth’s radiative balance. Natural sources of CO<sub>2</sub> include respiration of bacteria, plants, animals, and fungus; evaporation from oceans; volcanic out-gassing; and decomposition of dead organic matter. Human activities that generate CO<sub>2</sub> are from the combustion of fuels (e.g., coal, oil, natural gas, and wood) and changes in land use.

**Methane.** CH<sub>4</sub> is produced through both natural and human activities. CH<sub>4</sub> is a flammable gas and is the main component of natural gas. CH<sub>4</sub> is produced through anaerobic (without oxygen) decomposition of waste in landfills, flooded rice fields, animal digestion, decomposition of animal wastes, production and distribution of natural gas and petroleum, coal production, and incomplete fossil fuel combustion.

**Nitrous Oxide.** N<sub>2</sub>O is produced through natural and human activities, mainly through agricultural activities and natural biological processes, although fuel burning and other processes also create N<sub>2</sub>O. Sources of N<sub>2</sub>O include soil cultivation practices (microbial processes in soil and water), especially the use of commercial and organic fertilizers; manure management; industrial processes, such as in nitric acid production, nylon production, and fossil-fuel-fired power plants; vehicle emissions; and using N<sub>2</sub>O as a propellant (such as in rockets, race cars, and aerosol sprays).

**Fluorinated Gases.** Fluorinated gases (also referred to as F-gases) are synthetic powerful GHGs emitted from many industrial processes. Fluorinated gases are commonly used as substitutes for stratospheric O<sub>3</sub>-depleting substances (e.g., chlorofluorocarbons [CFCs], HCFCs, and halons). The most prevalent fluorinated gases include the following:

- **Hydrofluorocarbons:** HFCs are compounds containing only hydrogen, fluorine, and carbon atoms. HFCs are synthetic chemicals used as alternatives to O<sub>3</sub>-depleting substances in serving many industrial, commercial, and personal needs. HFCs are emitted as byproducts of industrial processes and are used in manufacturing.
- **Perfluorocarbons:** PFCs are a group of human-made chemicals composed of carbon and fluorine only. These chemicals were introduced as alternatives, along with HFCs, to O<sub>3</sub>-depleting substances. The two

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<sup>1</sup> California Health and Safety Code 38505 identifies seven GHGs that CARB is responsible for monitoring and regulating to reduce emissions: CO<sub>2</sub>, CH<sub>4</sub>, N<sub>2</sub>O, SF<sub>6</sub>, HFCs, PFCs, and nitrogen trifluoride.

<sup>2</sup> The descriptions of GHGs are summarized from the Intergovernmental Panel on Climate Change (IPCC) Second Assessment Report (1995), IPCC Fourth Assessment Report (2007), CARB’s Glossary of Terms Used in GHG Inventories (IPCC 2015), and EPA’s Glossary of Climate Change Terms (EPA 2016).

main sources of PFCs are primary aluminum production and semiconductor manufacturing. Since PFCs have stable molecular structures and do not break down through the chemical processes in the lower atmosphere, these chemicals have long lifetimes, ranging between 10,000 and 50,000 years.

- **Sulfur Hexafluoride:** SF<sub>6</sub> is a colorless gas that is soluble in alcohol and ether and slightly soluble in water. SF<sub>6</sub> is used for insulation in electric power transmission and distribution equipment, semiconductor manufacturing, the magnesium industry, and as a tracer gas for leak detection.
- **Nitrogen Trifluoride:** Nitrogen trifluoride is used in the manufacture of a variety of electronics, including semiconductors and flat panel displays.

**Chlorofluorocarbons.** CFCs are synthetic chemicals that have been used as cleaning solvents, refrigerants, and aerosol propellants. CFCs are chemically unreactive in the lower atmosphere (troposphere), and the production of CFCs was prohibited in 1987 due to the chemical destruction of stratospheric O<sub>3</sub>.

**Hydrochlorofluorocarbons.** HCFCs are a large group of compounds with a structure very close to that of CFCs—containing hydrogen, fluorine, chlorine, and carbon atoms—but including one or more hydrogen atoms. Like HFCs, HCFCs are used in refrigerants and propellants. HCFCs were also used in place of CFCs for some applications; however, their use in general is being phased out.

**Black Carbon.** Black carbon is a component of fine particulate matter (PM<sub>2.5</sub>), which has been identified as a leading environmental risk factor for premature death. It is produced from the incomplete combustion of fossil fuels and biomass burning, particularly from older diesel engines and forest fires. Black carbon warms the atmosphere by absorbing solar radiation, influences cloud formation, and darkens the surface of snow and ice, which accelerates heat absorption and melting. Black carbon is short lived and varies spatially, which makes it difficult to quantify its global warming potential (GWP). Diesel particulate matter emissions are a major source of black carbon and are toxic air contaminants (TACs) that have been regulated and controlled in California for several decades to protect public health. In relation to declining diesel particulate matter from the California Air Resources Board (CARB) regulations pertaining to diesel engines, diesel fuels, and burning activities, CARB estimates that annual black carbon emissions in California have reduced by 70% between 1990 and 2010, with 95% control expected by 2020 (CARB 2014a).

**Water Vapor.** The primary source of water vapor is evaporation from the ocean, with additional vapor generated by sublimation (change from solid to gas) from ice and snow, evaporation from other water bodies, and transpiration from plant leaves. Water vapor is the most important, abundant, and variable GHG in the atmosphere and maintains a climate necessary for life.

**Ozone.** Tropospheric O<sub>3</sub>, which is created by photochemical reactions involving gases from both natural sources and human activities, acts as a GHG. Stratospheric O<sub>3</sub>, which is created by the interaction between solar ultraviolet radiation and molecular oxygen, plays a decisive role in the stratospheric radiative balance. Depletion of stratospheric O<sub>3</sub>, due to chemical reactions that may be enhanced by climate change, results in an increased ground-level flux of ultraviolet-B radiation.

**Aerosols.** Aerosols are suspensions of particulate matter in a gas emitted into the air through burning biomass (plant material) and fossil fuels. Aerosols can warm the atmosphere by absorbing and emitting heat and can cool the atmosphere by reflecting light.

### Global Warming Potential

Gases in the atmosphere can contribute to climate change both directly and indirectly. Direct effects occur when the gas itself absorbs radiation. Indirect radiative forcing occurs when chemical transformations of the substance produce other GHGs, when a gas influences the atmospheric lifetimes of other gases, and/or when a gas affects atmospheric processes that alter the radiative balance of the Earth (e.g., affect cloud formation or albedo) (EPA 2016). The Intergovernmental Panel on Climate Change (IPCC) developed the GWP concept to compare the ability of each GHG to trap heat in the atmosphere relative to another gas. The GWP of a GHG is defined as the ratio of the time-integrated radiative forcing from the instantaneous release of 1 kilogram of a trace substance relative to that of 1 kilogram of a reference gas (IPCC 2014). The reference gas used is CO<sub>2</sub>; therefore, GWP-weighted emissions are measured in metric tons (MT) of carbon dioxide equivalent (CO<sub>2</sub>e).

The current version of CalEEMod (Version 2020.4.0) assumes that the GWP for CH<sub>4</sub> is 25 (so emissions of one MT of CH<sub>4</sub> are equivalent to emissions of 25 MT of CO<sub>2</sub>), and the GWP for N<sub>2</sub>O is 298, based on the IPCC Fourth Assessment Report (IPCC 2007). The GWP values identified in CalEEMod were applied to the proposed project.

## 4.7.2 Relevant Plans, Policies, and Ordinances

### Federal

#### *Infrastructure Investment and Jobs Act*

On November 6, 2021, Congress passed the Bipartisan Infrastructure Deal (Infrastructure Investment and Jobs Act), a once-in-a-generation investment in our nation’s infrastructure and competitiveness. This Bipartisan Infrastructure Deal will rebuild America’s roads, bridges and rails, expand access to clean drinking water, ensure every American has access to high-speed internet, tackle the climate crisis, advance environmental justice, and invest in communities that have too often been left behind. The legislation will help ease inflationary pressures and strengthen supply chains by making long overdue improvements for our nation’s ports, airports, rail, and roads. It will drive the creation of good-paying union jobs and grow the economy sustainably and equitably so that everyone gets ahead for decades to come. Combined with the President’s Build Back Framework, it will add on average 1.5 million jobs per year for the next 10 years. It will improve transportation options for millions of Americans to reduce energy use and GHG emissions. It will increase investment in electric vehicle chargers and renewable energy production.

#### *Executive Order on Catalyzing Clean Energy Industries and Jobs Through Federal Sustainability*

President Biden will sign an executive order that demonstrates how the United States will leverage its scale and procurement power to lead by example in tackling the climate crisis. The executive order will reduce emissions across federal operations, invest in American clean energy industries and manufacturing, and create clean, healthy, and resilient communities. The President’s executive order directs the federal government to use its scale and procurement power to achieve five ambitious goals:

- 100% carbon pollution-free electricity by 2030, at least half of which will be locally supplied clean energy to meet 24/7 demand
- 100% zero-emission vehicle (ZEV) acquisitions by 2035, including 100% zero-emission light-duty vehicle acquisitions by 2027

- Net-zero emissions from federal procurement no later than 2050, including a Buy Clean policy to promote use of construction materials with lower embodied emissions
- A net-zero emissions building portfolio by 2045, including a 50% emissions reduction by 2032
- Net-zero emissions from overall federal operations by 2050, including a 65% emissions reduction by 2030

### ***Massachusetts v. U.S. Environmental Protection Agency***

In *Massachusetts v. Environmental Protection Agency (EPA)* (April 2007), the U.S. Supreme Court directed the EPA administrator to determine whether GHG emissions from new motor vehicles cause or contribute to air pollution that may reasonably be anticipated to endanger public health or welfare, or whether the science is too uncertain to make a reasoned decision. In December 2009, the administrator signed a final rule with the following two distinct findings regarding GHGs under Section 202(a) of the federal Clean Air Act:

- The Administrator found that elevated concentrations of GHGs—CO<sub>2</sub>, CH<sub>4</sub>, N<sub>2</sub>O, HFCs, PFCs, and SF<sub>6</sub>—in the atmosphere threaten the public health and welfare of current and future generations. This is the “endangerment finding.”
- The Administrator further found the combined emissions of GHGs—CO<sub>2</sub>, CH<sub>4</sub>, N<sub>2</sub>O, and HFCs—from new motor vehicles and new motor vehicle engines contribute to the GHG air pollution that endangers public health and welfare. This is the “cause or contribute finding.”

These two findings were necessary to establish the foundation for regulation of GHGs from new motor vehicles as air pollutants under the Clean Air Act.

### ***Energy Independence and Security Act***

The Energy Independence and Security Act of 2007 (December 2007), among other key measures, would do the following, which would aid in the reduction of national GHG emissions:

1. Increase the supply of alternative fuel sources by setting a mandatory Renewable Fuel Standard requiring fuel producers to use at least 36 billion gallons of biofuel in 2022.
2. Set a target of 35 miles per gallon for the combined fleet of cars and light trucks by model year 2020 and direct National Highway Traffic Safety Administration (NHTSA) to establish a fuel economy program for medium- and heavy-duty trucks and create a separate fuel economy standard for work trucks.
3. Prescribe or revise standards affecting regional efficiency for heating and cooling products and procedures for new or amended standards, energy conservation, energy efficiency labeling for consumer electronic products, residential boiler efficiency, electric motor efficiency, and home appliances.

### ***Federal Vehicle Standards***

In August 2016, EPA and NHTSA announced the adoption of the phase two program related to the fuel economy and GHG standards for medium- and heavy-duty trucks. The phase two program will apply to vehicles with model year 2018–2027 for certain trailers, and model years 2021–2027 for semi-trucks, large pickup trucks, vans, and all types and sizes of buses and work trucks. The final standards are expected to lower CO<sub>2</sub> emissions by approximately 1.1 billion MT and reduce oil consumption by up to 2 billion barrels over the lifetime of the vehicles sold under the program (EPA and NHTSA 2016).

On September 27, 2019, EPA and NHTSA also published their Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule Part One: One National Program (84 FR 51,310), which became effective November 26, 2019. The Part One Rule revoked California’s authority to set its own GHG emissions standards and set zero-emission vehicle mandates in California. On March 31, 2020, EPA and NHTSA also issued Part Two of the SAFE Rule, which went into effect June 29, 2020 (85 FR 24174). The Part Two Rule set CO<sub>2</sub> emissions standards and corporate average fuel economy standards for passenger vehicles and light duty trucks for model years 2021 through 2026. On January 20, 2021, President Joe Biden issued an Executive Order on Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis, which includes review of the Part One Rule by April 2021 and review of the Part Two Rule by July 2021. On April 22, 2021, NHTSA issued a notice of proposed rulemaking that would repeal those portions of SAFE 1 (including the regulatory text and interpretive statements in the preamble) that found California’s GHG and ZEV mandates preempted by the Energy Policy and Conservation Act. One day after NHTSA issued its notice, EPA announced its parallel action on SAFE 1. On December 21, 2021, after reviewing all the public comments submitted on NHTSA’s April 2021 Notice of Proposed Rulemaking, NHTSA finalizes the CAFE Preemption rulemaking to withdraw its portions of the so-called SAFE I Rule.

**State**

The statewide GHG emissions regulatory framework is summarized below by category: state climate change targets, building energy, renewable energy and energy procurement, mobile sources, solid waste, water, and other state regulations and goals. The following text describes executive orders, legislation, regulations, and other plans and policies that would directly or indirectly reduce GHG emissions and/or address climate change issues.

***State Climate Change Targets***

**Executive Order S-3-05**

Executive Order (EO) S-3-05 (June 2005) established the following statewide goals: GHG emissions should be reduced to 2000 levels by 2010, GHG emissions should be reduced to 1990 levels by 2020, and GHG emissions should be reduced to 80% below 1990 levels by 2050.

**Assembly Bill 32**

In furtherance of the goals established in EO S-3-05, the legislature enacted Assembly Bill (AB) 32 (Núñez and Pavley). The bill is referred to as the California Global Warming Solutions Act of 2006 (September 27, 2006). AB 32 provided initial direction on creating a comprehensive multiyear program to limit California’s GHG emissions at 1990 levels by 2020 and initiate the transformations required to achieve the state’s long-range climate objectives.

**Executive Order B-55-18**

EO B-55-18 (September 2018) establishes a statewide policy for the state to achieve carbon neutrality as soon as possible, and no later than 2045, and achieve and maintain net negative emissions thereafter. The goal is an addition to the existing statewide targets of reducing the state’s GHG emissions. CARB will work with relevant state agencies to ensure that future scoping plans identify and recommend measures to achieve the carbon neutrality goal.

### California Air Resources Board's Climate Change Scoping Plan

One specific requirement of AB 32 was for CARB to prepare a scoping plan for achieving the maximum technologically feasible and cost-effective GHG emission reductions by 2020 (Health and Safety Code Section 38561[a]), and to update the plan at least once every 5 years. In 2008, CARB approved the first scoping plan. The Climate Change Scoping Plan: A Framework for Change (Scoping Plan) included a mix of recommended strategies that combined direct regulations, market-based approaches, voluntary measures, policies, and other emission reduction programs calculated to meet the 2020 statewide GHG emissions limit and initiate the transformations needed to achieve the state's long-range climate objectives. The key elements of the Scoping Plan include the following (CARB 2008):

1. Expanding and strengthening existing energy efficiency programs, as well as building and appliance standards.
2. Achieving a statewide renewable energy mix of 33%.
3. Developing a California cap-and-trade program that links with other Western Climate Initiative partner programs to create a regional market system and caps sources contributing 85% of California's GHG emissions.
4. Establishing targets for transportation-related GHG emissions for regions throughout California, and pursuing policies and incentives to achieve those targets.
5. Adopting and implementing measures pursuant to existing state laws and policies, including California's clean car standards, goods movement measures, and the Low Carbon Fuel Standard (17 CCR 95480 et seq.).
6. Creating targeted fees, including a public goods charge on water use, fees on high GWP gases, and a fee to fund the administrative costs of the State of California's long-term commitment to AB 32 implementation.

The Scoping Plan also identified local governments as essential partners in achieving California's goals to reduce GHG emissions because they have broad influence and, in some cases, exclusive authority over activities that contribute to significant direct and indirect GHG emissions through their planning and permitting processes, local ordinances, outreach and education efforts, and municipal operations. Specifically, the Scoping Plan encouraged local governments to adopt a reduction goal for municipal operations, and for community emissions to reduce GHGs by approximately 15% from then levels (2008) by 2020. Many local governments developed community-scale local GHG reduction plans based on this Scoping Plan recommendation.

In 2014, CARB approved the first update to the Scoping Plan. The First Update to the Climate Change Scoping Plan: Building on the Framework (First Update) defined the state's GHG emission reduction priorities for the next 5 years, and laid the groundwork to start the transition to the post-2020 goals set forth in EO S-3-05 and EO B-16-2012. The First Update concluded that California is on track to meet the 2020 target but recommended a 2030 mid-term GHG reduction target be established to ensure a continuum of action to reduce emissions. The First Update recommended a mix of technologies in key economic sectors to reduce emissions through 2050, including energy demand reduction through efficiency and activity changes; large-scale electrification of on-road vehicles, buildings, and industrial machinery; decarbonizing electricity and fuel supplies; and the rapid market penetration of efficient and clean energy technologies. As part of the First Update, CARB recalculated the state's 1990 emissions level, using more recent GWPs identified by the IPCC, from 427 MMT CO<sub>2</sub>e to 431 MMT CO<sub>2</sub>e (CARB 2014b).

In 2015, as directed by EO B-30-15 (discussed below), CARB began working on an update to the Scoping Plan to incorporate the 2030 target of 40% below 1990 levels by 2030 to keep California on its trajectory toward meeting or exceeding the long-term goal of reducing GHG emissions to 80% below 1990 levels by 2050 as set forth in EO S-3-05. The governor called on California to pursue a new and ambitious set of strategies, in line with the five climate change pillars from his inaugural address, to reduce GHG emissions and prepare for the unavoidable

impacts of climate change. In the summer of 2016, the legislature affirmed the importance of addressing climate change through passage of Senate Bill (SB) 32.

In December 2017, CARB adopted California's 2017 Climate Change Scoping Plan (2017 Scoping Plan) for public review and comment (CARB 2017). The 2017 Scoping Plan builds on the successful framework established in the initial Scoping Plan and First Update while identifying new, technologically feasible and cost-effective strategies that will serve as the framework to achieve the 2030 GHG target as established by SB 32 and define the state's climate change priorities to 2030 and beyond. The strategies' commitments include implementing renewable energy and energy efficiency strategies (including the mandates of SB 350), increasing stringency of the Low Carbon Fuel Standard, implementing measures identified in the Mobile Source and Freight Strategies, implementing measures identified in the proposed Short-Lived Climate Pollutant Reduction Strategy, and increasing stringency of SB 375 targets. To fill the gap in additional reductions needed to achieve the 2030 target, it recommends continuing the Cap-and-Trade Program.

For local governments, the 2017 Scoping Plan replaced the initial Scoping Plan's 15% reduction goal with a recommendation to aim for a community-wide goal of no more than 6 MT CO<sub>2e</sub> per capita by 2030, and no more than 2 MT CO<sub>2e</sub> per capita by 2050, which are consistent with the state's long-term goals. These goals are also consistent with the Under 2 Memorandum of Understanding (Under 2 2016) and the Paris Agreement, which are developed around the scientifically based levels necessary to limit global warming to below 2°C. The 2017 Scoping Plan recognized the benefits of local government GHG planning (e.g., through climate action plans [CAPs]) and provided more information regarding tools CARB is working on to support those efforts. It also recognized the CEQA streamlining provisions for project-level review where there is a legally adequate CAP.

The Scoping Plan recommends strategies for implementation at the statewide level to meet the goals of AB 32, SB 32, and the executive orders, and establishes an overall framework for the measures that will be adopted to reduce California's GHG emissions. A project is considered consistent with the statutes and executive orders if it meets the general policies in reducing GHG emissions to facilitate the achievement of the state's goals and does not impede attainment of those goals. A project would be consistent if it will further the objectives and not obstruct their attainment.

CARB presently is preparing the 2022 Scoping Plan Update, which will assess progress towards achievement of the state's 2030 reduction target and lay out a path for the state's achievement of carbon neutrality by 2045. CARB has held a number of public workshops to provide information on the plan update and solicit feedback from stakeholders. A draft plan has not yet been released for public review and comment.

### **Executive Order B-30-15**

EO B-30-15 (April 2015) identified an interim GHG reduction target in support of targets previously identified under EO S-3-05 and AB 32. EO B-30-15 specifically set an interim target goal of reducing statewide GHG emissions to 40% below 1990 levels by 2030 to keep California on its trajectory toward meeting or exceeding the long-term goal of reducing statewide GHG emissions to 80% below 1990 levels by 2050, as set forth in EO S-3-05. To facilitate achievement of this goal, EO B-30-15 called for an update to CARB's Scoping Plan to express the 2030 target in terms of MMT CO<sub>2e</sub>. The executive order also called for state agencies to continue to develop and implement GHG emissions reduction programs in support of the reduction targets. Sector-specific agencies in transportation, energy, water, and forestry were required to prepare GHG reduction plans by September 2015, followed by a report on action taken in relation to these plans in June 2016. EO B-30-15 did not require local agencies to take any action to meet the new interim GHG reduction target.



### **Senate Bill 32 and Assembly Bill 197**

SB 32 and AB 197 (enacted in 2016) are companion bills that set a new statewide GHG reduction targets, made changes to CARB’s membership and increased legislative oversight of CARB’s climate change-based activities, and expanded dissemination of GHG and other air-quality-related emissions data to enhance transparency and accountability. More specifically, SB 32 codified the 2030 emissions reduction goal of EO B-30-15 by requiring CARB to ensure that statewide GHG emissions are reduced to 40% below 1990 levels by 2030. AB 197 established the Joint Legislative Committee on Climate Change Policies, consisting of at least three members of the Senate and three members of the Assembly to provide ongoing oversight over implementation of the state’s climate policies. AB 197 also added two members of the Legislature to CARB as nonvoting members; requires CARB to make available and update (at least annually via its website) emissions data for GHGs, criteria air pollutants, and TACs from reporting facilities; and requires CARB to identify specific information for GHG emissions reduction measures when updating the Scoping Plan.

### **Senate Bill 605 and Senate Bill 1383**

SB 605 (2014) required CARB to complete a comprehensive strategy to reduce emissions of short-lived climate pollutants in the state, and SB 1383 (2016) required CARB to approve and implement that strategy by January 1, 2018. SB 1383 also established specific targets for the reduction of short-lived climate pollutants (40% below 2013 levels by 2030 for CH<sub>4</sub> and HFCs, and 50% below 2013 levels by 2030 for anthropogenic black carbon), and provided direction for reductions from dairy and livestock operations and landfills. The Short-Lived Climate Pollutants Reduction Strategy was approved by CARB in March 2017, and lays out a range of options to reduce short-lived climate pollutant emissions in California, including regulations, incentives, and other market-supporting activities.

### **Building Energy**

#### **Title 24, Part 6**

Title 24 of the California Code of Regulations was established in 1978 and serves to enhance and regulate California’s building standards. Although not initially promulgated to reduce GHG emissions, Part 6 of Title 24 specifically established Building Energy Efficiency Standards that are designed to ensure new and existing buildings in California achieve energy efficiency and preserve outdoor and indoor environmental quality. These energy efficiency standards are reviewed every few years by the Building Standards Commission and CEC, and revised if necessary (California Public Resources Code [PRC] Section 25402[b][1]). The regulations receive input from members of industry and the public, with the goal of “reducing of wasteful, uneconomic, inefficient, or unnecessary consumption of energy” (PRC Section 25402). These regulations are carefully scrutinized and analyzed for technological and economic feasibility (PRC Section 25402[d]) and cost effectiveness (PRC Sections 25402[b][2] and [b][3]). As a result, these standards save energy, increase electricity supply reliability, increase indoor comfort, avoid the need to construct new power plants, and help preserve the environment.

The 2019 Title 24 standards are the currently applicable building energy efficiency standards, and became effective on January 1, 2020. The 2019 Title 24 Building Energy Efficiency Standards will further reduce energy used and associated GHG emissions compared to prior standards. In general, single-family residences built to the 2019 standards are anticipated to use approximately 7% less energy due to energy efficiency measures than those built to the 2016 standards; once rooftop solar electricity generation is factored in, single-family residences built under the 2019 standards will use approximately 53% less energy than those under the 2016 standards (CEC 2018). Nonresidential buildings built to the

2019 standards are anticipated to use an estimated 30% less energy than those built to the 2016 standards (CEC 2018). The project is subject to the nonresidential standards due to the number of stories. The project's apartments and affordable flats are subject to the nonresidential standards while the rowhomes and villas are subject to the residential standards.

On August 11, 2021, CEC adopted the 2022 Energy Code. In December 2021, it was approved by the California Building Standards Commission for inclusion into the California Building Standards Code. The 2022 Energy Code encourages efficient electric heat pumps, establishes electric-ready requirements for new homes, expands solar photovoltaic and battery storage standards, strengthens ventilation standards, and more. Buildings whose permit applications are applied for on or after January 1, 2023, must comply with the 2022 Energy Code.

### **Title 24, Part 11**

In addition to CEC's efforts, in 2008, the California Building Standards Commission adopted the nation's first green building standards. The California Green Building Standards Code (Part 11 of Title 24) is commonly referred to as California's Green Building Standards (CALGreen), and establishes minimum mandatory standards and voluntary standards pertaining to the planning and design of sustainable site development, energy efficiency (in excess of the California Energy Code requirements), water conservation, material conservation, and interior air quality. The CALGreen standards took effect in January 2011 and instituted mandatory minimum environmental performance standards for all ground-up, new construction of commercial, low-rise residential and state-owned buildings, schools, and hospitals. The CALGreen 2019 standards, which are the current standards, became effective January 1, 2020.

### **Title 20**

Title 20 of the California Code of Regulations requires manufacturers of appliances to meet state and federal standards for energy and water efficiency. Performance of appliances must be certified through CEC to demonstrate compliance with standards. New appliances regulated under Title 20 include refrigerators, refrigerator-freezers, and freezers; room air conditioners and room air-conditioning heat pumps; central air conditioners; spot air conditioners; vented gas space heaters; gas pool heaters; plumbing fittings and plumbing fixtures; fluorescent lamp ballasts; lamps; emergency lighting; traffic signal modules; dishwashers; clothes washers and dryers; cooking products; electric motors; low voltage dry-type distribution transformers; power supplies; televisions and consumer audio and video equipment; and battery charger systems. Title 20 presents protocols for testing for each type of appliance covered under the regulations, and appliances must meet the standards for energy performance, energy design, water performance, and water design. Title 20 contains three types of standards for appliances: federal and state standards for federally regulated appliances, state standards for federally regulated appliances, and state standards for non-federally regulated appliances.

### **Assembly Bill 1109**

Enacted in 2007, AB 1109 required CEC to adopt minimum energy efficiency standards for general-purpose lighting to reduce electricity consumption by 50% for indoor residential lighting and by 25% for indoor commercial lighting.

### **SB 1**

SB 1 (Murray) (August 2006) established a \$3 billion rebate program to support the goal of the state to install rooftop solar energy systems with a generation capacity of 3,000 megawatts through 2016. SB 1 added sections to the Public Resources Code, including Chapter 8.8 (California Solar Initiative), that require building projects applying for ratepayer-funded incentives for photovoltaic systems to meet minimum energy efficiency levels and

performance requirements. Section 25780 established that it is a goal of the state to establish a self-sufficient solar industry. The goals included establishing solar energy systems as a viable mainstream option for homes and businesses within 10 years of adoption, and placing solar energy systems on 50% of new homes within 13 years of adoption. SB 1, also termed “Go Solar California,” was previously titled “Million Solar Roofs.”

### **California AB 1470 (Solar Water Heating)**

This bill established the Solar Water Heating and Efficiency Act of 2007. AB 1470 makes findings and declarations of the Legislature relating to the promotion of solar water heating systems and other technologies that reduce natural gas demand. AB 1470 defines several terms for purposes of the act. The bill required a commission to evaluate the data available from a specified pilot program, and to design and implement a program of incentives for the installation of 200,000 solar water heating systems in homes and businesses throughout the state by 2017.

### **Renewable Energy and Energy Procurement**

SB 1078 (2002) established the Renewables Portfolio Standard (RPS) program, which requires an annual increase in renewable generation by the utilities. Initially, the RPS required utilities to obtain 20% of their power from renewable sources by 2010. SB X1-2 (2011) subsequently expanded the RPS by establishing that 33% of the total electricity sold to retail customers in California per year by December 31, 2020, and in subsequent years, be secured from qualifying renewable energy sources. SB 350 (2015) further expanded the RPS by establishing that 50% of the total electricity sold to retail customers in California per year by December 31, 2030, be secured from qualifying renewable energy sources. And SB 100 (2018) further accelerated the RPS, requiring achievement of a 50% RPS by December 31, 2026, and a 60% RPS by December 31, 2030. SB 100 also established a new state policy goal that calls for eligible renewable energy resources and zero-carbon resources to supply 100% of electricity retail sales and 100% of electricity procured to serve all state agencies by December 31, 2045.

Under the program, a renewable electrical generation facility is one that uses biomass, solar thermal, photovoltaic, wind, geothermal, fuel cells using renewable fuels, small hydroelectric generation of 30 megawatts or less, digester gas, municipal solid waste conversion, landfill gas, ocean wave, ocean thermal, or tidal current, and that meets other specified requirements with respect to its location.

### **Mobile Sources**

#### **CARB’s Mobile Source Strategy**

On May 16, 2016, CARB released the 2016 Mobile Source Strategy that demonstrates how the state can simultaneously meet air quality standards, achieve GHG emission reduction targets, decrease health risk from transportation emissions, and reduce petroleum consumption over the next 15 years. The actions contained in the 2016 Mobile Source Strategy will deliver broad environmental and public health benefits, as well as support much needed efforts to modernize and upgrade transportation infrastructure, enhance system-wide efficiency and mobility options, and promote clean economic growth in the mobile sector. The 2016 Mobile Source Strategy would also result in a 45% reduction in GHG emissions, and a 50% reduction in the consumption of petroleum-based fuels (CARB 2016).

On October 28, 2021, CARB received and heard the 2020 Mobile Source Strategy, which continues and builds upon the foundation established by the 2016 Mobile Source Strategy. The 2020 Mobile Source Strategy, if implemented, would achieve a 76% reduction in GHG emissions from 2020 levels from mobile sources by 2045, as largely

attributable to transitioning towards a zero-emissions fleet. Moving forward, CARB anticipates that the programs and concepts in the 2020 Mobile Source Strategy will be incorporated into other aspects of CARB's regulatory and planning frameworks.

### **State Vehicle Standards**

AB 1493 (July 2002) was enacted in response to the transportation sector accounting for more than one-half of California's CO<sub>2</sub> emissions. AB 1493 required CARB to set GHG emission standards for passenger vehicles, light-duty trucks, and other vehicles determined by the state board to be vehicles that are primarily used for noncommercial personal transportation in the state. AB 1493 required that CARB set GHG emission standards for motor vehicles manufactured in 2009 and all subsequent model years. CARB adopted the standards in September 2004.

As explained under the "Federal Vehicle Standards" description above, EPA and NHTSA approved the SAFE Vehicles Rule Part One and Two, which revoked California's authority to set its own GHG emissions standards and set zero-emission vehicle mandates in California. Because the EPA rule is the subject of pending legal challenges, and because President Biden issued an executive order to review Part One and Part Two, this analysis used the best available information at this time, as set forth in EMFAC and assumed in CalEEMod.

The Advanced Clean Cars program (January 2012) is an emissions-control program for model years 2015 through 2025. The program combines the control of smog- and soot-causing pollutants and GHG emissions into a single coordinated package. The package includes elements to reduce smog-forming pollution, reduce GHG emissions, promote clean cars, and provide the fuels for clean cars. To improve air quality, CARB implemented new emission standards to reduce smog-forming emissions beginning with 2015 model year vehicles. It is estimated that by 2025, cars will emit 75% less smog-forming pollution than the average new car sold in 2012. To reduce GHG emissions, CARB, in conjunction with EPA and NHTSA, adopted new GHG standards for model year 2017 to 2025 vehicles; the new standards are estimated to reduce GHG emissions by 34% in 2025. The ZEV program will act as the focused technology of the Advanced Clean Cars program by requiring manufacturers to produce increasing numbers of ZEVs and plug-in hybrid electric vehicles in the 2018 to 2025 model years.

### **Executive Order S-1-07**

Issued on January 18, 2007, EO S-1-07 sets a declining Low Carbon Fuel Standard for GHG emissions measured in CO<sub>2e</sub> grams per unit of fuel energy sold in California. The initial target of the Low Carbon Fuel Standard was to reduce the carbon intensity of California passenger vehicle fuels by at least 10% by 2020. The Low Carbon Fuel Standard was subsequently amended in 2018 to require a 20% reduction in carbon intensity by 2030. This new requirement aligns with the California's overall 2030 target of reducing climate changing emissions to 40% below 1990 levels by 2030, set by SB 32. CARB has adopted implementing regulations for both the 10% and 20% carbon intensity reduction targets.

### **Senate Bill 375**

SB 375 (2008) addresses GHG emissions associated with the transportation sector through regional transportation and sustainability plans. SB 375 required CARB to adopt regional GHG reduction targets for the automobile and light-truck sector for 2020 and 2035. Regional metropolitan planning organizations are then responsible for preparing a Sustainable Communities Strategy (SCS) within their Regional Transportation Plan (RTP). The goal of the SCS is to establish a forecasted development pattern for the region that, after considering transportation measures and policies, will achieve, if feasible, the GHG reduction targets. If an SCS is unable to achieve the GHG

reduction target, a metropolitan planning organization must prepare an Alternative Planning Strategy demonstrating how the GHG reduction target would be achieved through alternative development patterns, infrastructure, or additional transportation measures or policies.

Pursuant to California Government Code Section 65080(b)(2)(K), an SCS does not regulate the use of land; supersede the land use authority of cities and counties; or require that a city's or county's land use policies and regulations, including those in a general plan, be consistent with it. Nonetheless, SB 375 makes regional and local planning agencies responsible for developing those strategies as part of the federally required metropolitan transportation planning process and the state-mandated housing element process.

In 2010, CARB adopted the SB 375 targets for the regional metropolitan planning organizations. The targets adopted for the San Diego Association of Governments (SANDAG) in 2010 are a 7% reduction in per-capita passenger-vehicle GHG emissions by 2020 and a 13% reduction by 2035, measured relative to 2005 GHG emissions. In 2018, CARB adopted the second round of SB 375 reduction targets, and increased SANDAG's 2020 target to a 15% reduction in per-capita passenger-vehicle GHG emissions, and the 2035 target to a 19% reduction using the same 2005 baseline.

### **Senate Bill 350**

In 2015, SB 350 – the Clean Energy and Pollution Reduction Act – was enacted into law. As one of its elements, SB 350 establishes a statewide policy for widespread electrification of the transportation sector, recognizing that such electrification is required for achievement of the state's 2030 and 2050 reduction targets (see California Public Utilities Code, Section 740.12).

### **AB 1236**

AB 1236 (October 2015) (Chiu) required a city, county, or city and county to approve an application for the installation of electric vehicle charging stations, as defined, through the issuance of specified permits unless the city or county makes specified written findings based on substantial evidence in the record that the proposed installation would have a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact. AB 1236 provided for appeal of that decision to the planning commission, as specified. The bill provided that the implementation of consistent statewide standards to achieve the timely and cost-effective installation of electric vehicle charging stations is a matter of statewide concern. The bill required electric vehicle charging stations to meet specified standards. AB 1236 required a city, county, or city and county with a population of 200,000 or more residents to adopt an ordinance, by September 30, 2016, that created an expedited and streamlined permitting process for electric vehicle charging stations. The bill also required a city, county, or city and county with a population of fewer than 200,000 residents to adopt this ordinance by September 30, 2017.

### **Executive Order B-16-12**

EO B-16-12 (2012) directs state entities under the Governor's direction and control to support and facilitate development and distribution ZEVs. On a statewide basis, EO B-16-12 also establishes a GHG emissions reduction target from the transportation sector equaling 80% less than 1990 levels by 2050. In furtherance of this executive order, the Governor convened an Interagency Working Group on ZEVs that has published multiple reports regarding the progress. It ordered CARB, CEC, the California Public Utilities Commission, and other relevant agencies to work with the Plug-In Electric Vehicle Collaborative and the California Fuel Cell Partnership to establish benchmarks to help

achieve goals by 2015, 2020, and 2025. This directive did not apply to vehicles that have special performance requirements necessary for the protection of the public safety and welfare.

### **Executive Order N-79-20**

EO N-79-20 (2020) sets the goal for the State that 100% of in-state sales of new passenger cars and trucks will be zero-emission by 2035. EO-N-79-20 also sets goals for transition to 100% zero emission all medium- and heavy-duty vehicles by 2045, zero emission drayage trucks by 2035, and zero emission off-road vehicles and equipment by 2035, where feasible. Among other directives to further this executive order, for passenger cars and trucks, the Governor directed CARB to develop and propose regulations requiring increasing volumes of new zero-emission vehicles sold in the State towards the target of 100% of in-state sales by 2035. The Governor also directed the Governor's Office of Business and Economic Development to develop a Zero-Emissions Vehicle Market Development Strategy, which was completed in February 2021.<sup>3</sup> The executive order also directs updates and assessments to ensure zero-emission vehicle infrastructure is in place to support the levels of electric vehicle adoption required by the order.

### ***Small Off-Road Engines***

The CARB approved a measure on December 9, 2021, that will require most newly manufactured small off-road engines such as those found in leaf blowers, lawn mowers and other equipment be zero emission starting in 2024. Portable generators, including those in recreational vehicles, would be required to meet more stringent standards in 2024 and meet zero-emission standards starting in 2028.

### ***Solid Waste***

#### **AB 939 and AB 341**

In 1989, AB 939, known as the Integrated Waste Management Act (PRC Sections 40000 et seq.), was passed because of the increase in waste stream and decrease in landfill capacity. The statute established the California Integrated Waste Management Board, which oversees a disposal reporting system. AB 939 mandated a reduction of waste being disposed of where jurisdictions were required to meet diversion goals of all solid waste through source reduction, recycling, and composting activities of 25% by 1995 and 50% by 2000.

AB 341 (Chapter 476, Statutes of 2011 [Chesbro]) amended the California Integrated Waste Management Act of 1989 to include a provision declaring that it is the policy goal of the state that not less than 75% of solid waste generated be source-reduced, recycled, or composted by 2020, and annually thereafter. In addition, AB 341 required the California Department of Resources Recycling and Recovery (CalRecycle) to develop strategies to achieve the state's policy goal. CalRecycle conducted several general stakeholder workshops and several focused workshops, and in August 2015 published a discussion document titled AB 341 Report to the Legislature, which identified five priority strategies that CalRecycle believed would assist the state in reaching the 75% goal by 2020, legislative and regulatory recommendations, and an evaluation of program effectiveness (CalRecycle 2015).

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<sup>3</sup> [https://static.business.ca.gov/wp-content/uploads/2021/02/ZEV\\_Strategy\\_Feb2021.pdf](https://static.business.ca.gov/wp-content/uploads/2021/02/ZEV_Strategy_Feb2021.pdf).

**SB 1383**

Beginning in 2022, SB 1383 requires every jurisdiction to provide organic waste collection services to all residents and businesses. Jurisdictions can select from a variety of organic waste collection services to match their unique communities and local infrastructure, while producing clean streams of organic feedstock that can be recycled into high-quality, marketable recycled products, including compost, renewable natural gas, electricity, and paper. Jurisdictions will educate all residents and businesses about collection requirements, including what materials to put in curbside bins. Education to residents and businesses may vary by jurisdiction and educational content may be provided electronically, through hard copy materials, or through direct outreach.

***Water***

**Executive Order B-29-15**

In response to the ongoing drought in California, EO B-29-15 (April 2015) set a goal of achieving a statewide reduction in potable urban water usage of 25% relative to water use in 2013. The term of the executive order extended through February 28, 2016, although many of the directives have since become permanent water-efficiency standards and requirements. The executive order includes specific directives that set strict limits on water usage in the state. In response to EO B-29-15, the California Department of Water Resources modified and adopted a revised version of the Model Water Efficient Landscape Ordinance that, among other changes, significantly increased the requirements for landscape water use efficiency and broadened its applicability to include new development projects with smaller landscape areas.

**EO B-37-16**

Issued May 2016, EO B-37-16 directed the State Water Resources Control Board to adjust emergency water conservation regulations through the end of January 2017 to reflect differing water supply conditions across the state. The State Water Resources Control Board also developed a proposal to achieve a mandatory reduction of potable urban water usage that builds off the mandatory 25% reduction called for in EO B-29-15. The State Water Resources Control Board and Department of Water Resources will develop new, permanent water use targets that build on the existing state law requirements that the state achieve 20% reduction in urban water usage by 2020. EO B-37-16 also specifies that the State Water Resources Control Board permanently prohibit water-wasting practices such as hosing off sidewalks, driveways, and other hardscapes; washing automobiles with hoses not equipped with a shut-off nozzle; using non-recirculated water in fountains and other decorative water features; watering lawns in a manner that causes runoff, or within 48 hours after measurable precipitation; and irrigating ornamental turf on public street medians.

***Other State Regulations and Goals***

**SB 97**

SB 97 (Dutton) (August 2007) directed the Governor’s Office of Planning and Research to develop guidelines under CEQA for the mitigation of GHG emissions. The California Natural Resources Agency (CNRA) then adopted the CEQA Guidelines amendments in December 2009, which became effective in March 2010. The CEQA Guidelines were subsequently amended in 2018, which changes became effective on December 28, 2018.

Under the amended CEQA Guidelines, a lead agency has the discretion to determine whether to use a quantitative or qualitative analysis or apply performance standards to determine the significance of GHG emissions resulting from a particular project (14 CCR 15064.4[a]). The CEQA Guidelines provide that a lead agency should also consider the extent to which a project complies with regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of GHG emissions (14 CCR 15064.4[b]). The CEQA Guidelines also allow a lead agency to consider feasible means of mitigating the significant effects of GHG emissions, including reductions in emissions through the implementation of project features; off-site measures, including offsets that are not otherwise required; measures in an existing plan or mitigation program; measures that sequester GHGs; etc. (14 CCR 15126.4[c]). The adopted amendments do not establish a GHG emissions threshold, instead allowing a lead agency to develop, adopt, and apply its own thresholds of significance or those developed by other agencies or experts (14 CCR 15064.7). The CEQA Guidelines also permit using environmental standards – i.e., an applicable and relevant quantitative, qualitative or performance requirement found in an ordinance, resolution, rule, regulation, order, plan or other environmental requirement that has been adopted for the purpose of environmental protection – as a threshold of significance to promote consistency in significance determinations (14 CCR 15064.7 [d]).

With respect to GHG emissions, the CEQA Guidelines state in Section 15064.4(a) that lead agencies should “make a good faith effort, to the extent possible on scientific and factual data, to describe, calculate or estimate” GHG emissions. The CEQA Guidelines note that an agency may identify emissions by either quantifying the emissions resulting from a project or by relying on “qualitative analysis or other performance-based standards” (14 CCR 15064.4[a]). Section 15064.4(b) states that the lead agency should focus on the reasonably foreseeable incremental contribution of the project’s emissions to the effects of climate change. The analysis should consider a timeframe appropriate for the project, and must reasonably reflect evolving scientific knowledge and state regulatory schemes (14 CCR 15064.4[b]).

Section 15183.5 of the CEQA Guidelines allows agencies to tier from qualified GHG reduction plans developed in accordance with subsection (b). Specifically, the GHG reduction plan must quantify GHG emissions, both existing and projected over a specified time period, resulting from activities within a defined geographic area; establish a level, based on substantial evidence, below which the contribution to GHG emissions from activities covered by the plan would not be cumulatively considerable; identify and analyze the GHG emissions resulting from specific actions or categories of actions anticipated within the geographic area; specify measures or a group of measures, including performance standards, that substantial evidence demonstrates, if implemented on a project-by-project basis, would collectively achieve the specified emissions level; establish a mechanism to monitor the plan’s progress toward achieving the level and to require amendment if the plan is not achieving specified levels; and be adopted in a public process following environmental review.

### **Executive Order S-13-08**

EO Order S-13-08 (November 2008) is intended to hasten California’s response to the impacts of global climate change, particularly sea-level rise. Therefore, the executive order directs state agencies to take specified actions to assess and plan for such impacts. The final 2009 California Climate Adaptation Strategy report was issued in December 2009 (CNRA 2009a), an update, Safeguarding California: Reducing Climate Risk, followed in July 2014 (CNRA 2014) as well as in 2018, Safeguarding California Plan: 2018 Update California’s Climate Adaptation Strategy (CNRA 2018). The draft 2021 California Climate Adaptation Strategy was released for public comment on October 18, 2021 and closed on November 17, 2021. To assess the state’s vulnerability, the report summarizes key climate change impacts to the state for the following areas: agriculture, biodiversity and habitat, emergency management, energy, forestry, ocean and coastal ecosystems and resources, public health, transportation, and water.



**Local**

***San Diego Air Pollution Control District***

The SDAPCD does not have established GHG rules, regulations, or policies.

***SANDAG RTP/SCS***

SANDAG completed and adopted its 2050 RTP/SCS in October 2011. In November 2011, CARB, by resolution, accepted SANDAG’s GHG emissions quantification analysis and determination that, if implemented, the SCS would achieve CARB’s 2020 and 2035 GHG emissions reduction targets for the region.

In October 2015, SANDAG adopted San Diego Forward: The Regional Plan (SANDAG 2015). Like the 2050 RTP/SCS, San Diego Forward: Regional Plan meets CARB’s 2020 and 2035 reduction targets for the region (SANDAG 2015). In December 2015, CARB, by resolution, accepted SANDAG’s GHG emissions quantification analysis and determination that, if implemented, the SCS would achieve CARB’s 2020 and 2035 GHG emissions reduction targets for the region.

The 2021 Regional Plan, adopted by SANDAG on December 10, 2021, provides a long-term blueprint for the San Diego region that seeks to meet regulatory requirements, address traffic congestion, and create equal access to jobs, education, healthcare, and other community resources (SANDAG 2021). The plan is the result of years of planning, data analysis, and community engagement to reimagine the San Diego region with a transformative transportation system, a sustainable pattern of growth and development, and innovative demand and management strategies.

The 2021 Regional Plan includes a SCS, as required by California Senate Bill 375 (Steinberg, 2008) (SB 375), for the San Diego region. This SCS describes coordinated transportation and land use planning that exceeds the state’s target for reducing per capita GHG emissions set by CARB. The state-mandated target is a 19% reduction—compared with 2005—in per capita GHG emissions from cars and light-duty trucks by 2035. The 2021 Regional Plan achieves a 20% reduction by then.

The 2021 Regional Plan also puts forth a forecasted development pattern that is driven by regional goals for sustainability, mobility, housing affordability, and economic prosperity.

***City of Poway***

***Poway Comprehensive Plan: General Plan***

The Poway Comprehensive Plan: General Plan (General Plan) (City of Poway 1991) includes air quality policies that also have direct impacts to GHG emissions. For a complete list refer to the Poway Comprehensive Plan: General Plan discussion in Section 4.2.2 Relevant Plans, Policies, and Ordinances.

### 4.7.3 Thresholds of Significance

The significance criteria used to evaluate the project impacts to GHGs/climate change are based on Appendix G of the CEQA Guidelines. According to Appendix G of the CEQA Guidelines, a significant impact related to GHG emissions would occur if the project would:

1. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.
2. Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

The Appendix G thresholds for GHGs do not prescribe specific methodologies for performing an assessment, do not establish specific thresholds of significance, and do not mandate specific mitigation measures. Rather, the CEQA Guidelines emphasize the lead agency’s discretion to determine the appropriate methodologies and thresholds of significance consistent with the manner in which other impact areas are handled in CEQA (CNRA 2009b). Additional guidance regarding assessment of GHG’s is discussed below.

#### **CEQA Guidelines**

With respect to GHG emissions, the CEQA Guidelines Section 15064.4(a) states that lead agencies “shall make a good-faith effort, based to the extent possible on scientific and factual data, to describe, calculate or estimate” GHG emissions resulting from a project. The CEQA Guidelines note that an agency has the discretion to either quantify a project’s GHG emissions or rely on a “qualitative analysis or other performance based standards” (14 CCR 15064.4[b]). A lead agency may use a “model or methodology” to estimate GHG emissions and has the discretion to select the model or methodology it considers “most appropriate to enable decision makers to intelligently take into account the project’s incremental contribution to climate change” (14 CCR 15064.4[c]). The CEQA Guidelines provide that the lead agency should consider the following when determining the significance of impacts from GHG emissions on the environment (14 CCR 15064.4[b]):

1. The extent a project may increase or reduce GHG emissions as compared to the existing environmental setting.
2. Whether the project emissions exceed a threshold of significance that the lead agency determines applies to the project.
3. The extent to which the project complies with regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of GHG emissions.

In addition, the CEQA Guidelines specify that “[w]hen adopting or using thresholds of significance, a lead agency may consider thresholds of significance previously adopted or recommended by other public agencies, or recommended by experts, provided the decision of the lead agency to adopt such thresholds is supported by substantial evidence” (14 CCR 15064.7[c]).

#### **Governor’s Office of Planning and Research Guidance**

The Governor’s Office of Planning and Research technical advisory titled, CEQA and Climate Change: Addressing Climate Change through California Environmental Quality Act (CEQA) Review, states that “public agencies are encouraged but not required to adopt thresholds of significance for environmental impacts. Even in the absence of clearly defined thresholds for GHG emissions, the law requires that such emissions from CEQA projects must be

disclosed and mitigated to the extent feasible whenever the lead agency determines that the project contributes to a significant, cumulative climate change impact” (OPR 2008). Furthermore, the advisory document indicates that “in the absence of regulatory standards for GHG emissions or other scientific data to clearly define what constitutes a ‘significant impact,’ individual lead agencies may undertake a project-by-project analysis, consistent with available guidance and current CEQA practice” (OPR 2008).

**Cumulative Nature of Climate Change**

Global climate change is a cumulative impact; a project participates in this potential impact through its incremental contribution combined with the cumulative increase of all other sources of GHGs. There are currently no established thresholds for assessing whether the GHG emissions of a project in the SDAB, such as the proposed project, would be considered a cumulatively considerable contribution to global climate change; however, all reasonable efforts should be made to minimize a project’s contribution to global climate change.

While the proposed project would result in emissions of GHGs during construction and operation, no guidance exists to indicate what level of GHG emissions would be considered substantial enough to result in a significant adverse impact on global climate. However, it is generally believed that an individual project is of insufficient magnitude by itself to influence climate change or result in a substantial contribution to the global GHG inventory as scientific uncertainty regarding the significance a project’s individual and cumulative effects on global climate change remains.

Thus, GHG impacts are recognized as exclusively cumulative impacts; there are no non-cumulative GHG emission impacts from a climate change perspective (CAPCOA 2008). This approach is consistent with that recommended by CNRA, which noted in its Public Notice for the proposed CEQA amendments (pursuant to SB 97) that the evidence before it indicates that in most cases, the impact of GHG emissions should be considered in the context of a cumulative impact, rather than a project-level impact (CNRA 2009b). Similarly, the Final Statement of Reasons for Regulatory Action on the CEQA Amendments confirm that an environmental impact report or other environmental document must analyze the incremental contribution of a project to GHG levels and determine whether those emissions are cumulatively considerable (CNRA 2009a).

The analysis for compliance with regulatory programs only applies to the individual area addressed by the regulatory program. If the proposed project is determined to have GHG emissions less than 900 MT CO<sub>2e</sub> per year, then the project’s cumulative contribution of GHG emissions would be considered less than significant. Conversely, if the proposed project is determined to exceed the 900 MT CO<sub>2e</sub> per year threshold, then the project’s cumulative contribution of GHG emissions would be considered significant, and feasible mitigation measures would be required.

A numerical bright-line value for City projects does not yet exist. Moreover, no bright-line threshold has been formally adopted by an air district or other lead agencies for use in the San Diego region. The California Air Pollution Control Officers Association (CAPCOA) recommended an interim 900 MT CO<sub>2e</sub> screening level as a theoretical approach to identify projects that require further analysis and potential mitigation (CAPCOA 2008). The 900 MT CO<sub>2e</sub> per year screening threshold was developed by CAPCOA based on data collection on various development applications submitted among four diverse cities, including the Cities of Los Angeles, Pleasanton, Dublin, and Livermore. Following the review of numerous pending applications within these four cities, an analysis was conducted to determine the threshold that would capture 90% or more of applications that would be required to conduct a full GHG analysis and implement GHG emission reduction measures as part of final project design. Following CAPCOA’s analysis of development applications in various cities, it was determined that the threshold of 900 MT CO<sub>2e</sub> per year would achieve the objective of 90% capture and ensure that new development projects would keep the State of California on track to meet the goals of Assembly Bill (AB) 32. This 900 MT CO<sub>2e</sub> screening level

threshold is considered appropriate for small maritime projects or other land use types, but was not devised to include emissions associated with the larger goods movement (e.g., oceangoing vessels, freight rail) projects or larger industrial processes that are typically associated with marine terminals. Consequently, the interim screening level recommended by CAPCOA would be appropriate for the proposed project. The 900 MT CO<sub>2e</sub> threshold is applied to evaluate whether the project would generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment. It bears noting that this 900 MT CO<sub>2e</sub> per year threshold is much more conservative and protective of the environment than established numerical thresholds in other areas where a numerical threshold has been adopted by the Air Quality Management District, such as the 3,000 MT CO<sub>2e</sub> per year threshold adopted by the neighboring South Coast Air Quality Management District.

Lead agencies can set thresholds on a project-by-project basis, or they can informally or formally adopt thresholds to be consistently applied to all projects (OPR 2008). For the lead agency, having clearly established thresholds promotes predictability and consistency (over time and across reviewers) in the environmental review process, can bolster the defensibility of significance determinations in the lead agency’s documents, and can focus the analysis on impacts expected to be significant rather than impacts that are simply controversial. However, CEQA does not require that a lead agency use the same significance threshold for different CEQA documents (Appendix B).

Lead agencies are encouraged in the State CEQA Guidelines (14 CCR 15064.7[a]) to develop and formally adopt thresholds of significance, though most do not do so. Thresholds established for general use by a lead agency must be adopted by ordinance, resolution, rule, or regulation; be subjected to public review; and be supported by substantial evidence (14 CCR 15064.7[b]). Thresholds used only for a specific project are not required to be adopted by ordinance or other formal means (Appendix B).

Thresholds of significance must be backed by substantial evidence, which is defined in the CEQA statute to mean “facts, reasonable assumptions predicated on facts, and expert opinion supported by facts” (14 CCR 15384[b]).<sup>4</sup> Substantial evidence can be in the form of technical studies, agency staff reports or opinions, expert opinions supported by facts, and prior CEQA assessments and planning documents. The 900 MT CO<sub>2e</sub> per year threshold is supported by expert opinion (i.e., CAPCOA 2008), agency guidance (e.g., County of San Diego 2015), and prior environmental impact reports (e.g., San Diego Unified Port District 2016, at a minimum).

The significance of a project’s GHG emissions is evaluated consistent with CEQA Guidelines Section 15064.4(b) by considering whether the project complies with applicable plans, policies, regulations, and requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of GHG emissions. As a land use development project, the most directly applicable adopted regulatory plan to reduce the proposed project’s GHG emissions is SANDAG’s Regional Plan, which is designed to achieve regional GHG reductions from the land use and transportation sectors as required by SB 375 and the state’s long-term climate goals. This analysis also considers consistency with regulations or requirements adopted by the 2008 Climate Change Scoping Plan and subsequent updates.

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<sup>4</sup> 14 CCR 15384 provides the following discussion: “Substantial evidence” as used in the Guidelines is the same as the standard of review used by courts in reviewing agency decisions. Some cases suggest that a higher standard, the so called “fair argument standard” applies when a court is reviewing an agency’s decision whether or not to prepare an EIR. Public Resources Code section 21082.2 was amended in 1993 (Chapter 1131) to provide that substantial evidence shall include “facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts.” The statute further provides that “argument, speculation, unsubstantiated opinion or narrative, evidence which is clearly inaccurate or erroneous, or evidence of social or economic impacts which do not contribute to, or are not caused by, physical impacts on the environment, is not substantial evidence.”

### 4.7.4 Impacts Analysis

**Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?**

#### Construction Emissions

Construction of the proposed project would result in GHG emissions, which are primarily associated with use of off-road construction equipment, on-road hauling and vendor (material delivery) trucks, and worker vehicles. GHG emissions associated with temporary construction activity were quantified using CalEEMod. A detailed depiction of the construction schedule—including information regarding phasing, equipment utilized during each phase, haul trucks, vendor trucks, and worker vehicles—is included in Appendix B to this EIR.

Table 4.7-1 shows the estimated annual GHG construction emissions associated with the proposed project, as well as the amortized construction emissions over a 30-year project life.

**Table 4.7-1. Estimated Annual Construction GHG Emissions**

	CO <sub>2</sub>	CH <sub>4</sub>	N <sub>2</sub> O	CO <sub>2</sub> e
Year	<i>Metric Tons per Year</i>			
2024	345.66	0.10	0.00	348.82
2025	397.65	0.07	0.01	401.81
2026	156.68	0.02	0.00	158.32
			<b>Total</b>	<b>908.95</b>
			<b>Amortized Emissions</b>	<b>30.30</b>

**Notes:** CO<sub>2</sub> = carbon dioxide; CH<sub>4</sub> = methane; N<sub>2</sub>O = nitrous oxide; CO<sub>2</sub>e = carbon dioxide equivalent. See Appendix B for complete results.

Total construction emissions for the proposed project were estimated to be 909 MT CO<sub>2</sub>e. Estimated amortized project-generated construction emissions over 30 years would be approximately 30 MT CO<sub>2</sub>e per year. As with project-generated construction air quality pollutant emissions, GHG emissions generated during construction of the proposed project would be short-term in nature, lasting only for the duration of the construction period for each phase, and would not represent a long-term source of GHG emissions.

#### Operational Emissions

Operation of the proposed project would generate GHG emissions through motor vehicle trips to and from the project site; landscape maintenance equipment operation; energy use (natural gas and generation of electricity consumed by the proposed project); solid waste disposal; and generation of electricity associated with water supply, treatment, and distribution, as well as wastewater treatment. CalEEMod was used to calculate the annual GHG emissions based on the operational assumptions described in Appendix B to this EIR.

Table 4.7-2 shows the estimated operational (year 2026) project-generated GHG emissions from area sources, energy usage, motor vehicles, solid waste generation, and water usage and wastewater generation.

Table 4.7-2. Estimated Annual Operational GHG Emissions

Emission Source	CO <sub>2</sub>	CH <sub>4</sub>	N <sub>2</sub> O	CO <sub>2</sub> e
	Metric Tons per Year			
Area	50.39	0.00	0.00	50.70
Energy	193.44	0.01	0.00	194.33
Mobile	434.81	0.03	0.02	441.80
Solid waste	14.98	0.89	0.00	37.11
Water supply and wastewater	21.43	0.14	0.00	25.80
<b>Total</b>				<b>749.73</b>
<i>Amortized Construction Emissions</i>				<i>30.30</i>
<b>Operation + Amortized Construction Total</b>				<b>780.03</b>

**Notes:** CO<sub>2</sub> = carbon dioxide; CH<sub>4</sub> = methane; N<sub>2</sub>O = nitrous oxide; CO<sub>2</sub>e = carbon dioxide equivalent. See Appendix B for detailed results. These emissions reflect California Emissions Estimator Model “mitigated” output and operational year 2025.

As shown in Table 4.7-2, estimated annual project-generated GHG emissions in 2026 would be approximately 750 MT CO<sub>2</sub>e per year as a result of proposed project operations. Estimated annual project-generated emissions in 2026 from area, energy, mobile, solid waste, and water/wastewater sources and amortized project-generated construction emissions would be approximately 780 MT CO<sub>2</sub>e per year. As discussed in Appendix B to this EIR, the significance threshold for this project would be 900 MT CO<sub>2</sub>e per year. Therefore, impacts would be considered **less than significant**.

***Would the project conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?***

**Consistency with SANDAG’s San Diego Forward: The Regional Plan**

At the regional level, SANDAG’s RTP/SCS has been adopted for the purpose of reducing GHG emissions attributable to passenger vehicles in the San Diego region. In December 2021, SANDAG adopted its RTP/SCS (The 2021 Regional Plan), which shows the San Diego region reduced per capita CO<sub>2</sub> emissions by 17.9% in 2020 compared to 2005 baseline, which exceeds the 2020 target set for SANDAG of 15% reduction. Implementation of the RTP/SCS is estimated to result in a 20% CO<sub>2</sub> emissions reduction for cars and light-duty trucks by 2035, exceeding the 19% target from 2005 levels set by CARB. The RTP/SCS does not regulate land use or supersede the exercise of land use authority by SANDAG’s member jurisdictions, but it is a relevant regional reference document for purposes of evaluating the intersection of land use and transportation patterns and the corresponding GHG emissions.

SANDAG’s Regional Plan is a regional growth-management strategy that targets per-capita GHG reduction from passenger vehicles and light-duty trucks in the San Diego region. The Regional Plan will integrate land use and transportation strategies to meet GHG emissions reduction targets that are forecasted to achieve the state’s 2035 and 2050 GHG reduction goals. The Regional Plan incorporates local land use projections and circulation networks in city and county general plans. Typically, a project would be consistent with the Regional Plan if it does not exceed the underlying growth assumptions within the Regional Plan.

Implementation of the proposed project would result in an increase in 63 residential units. SANDAG’s 2021 Regional Plan, was adopted on December 10, 2021 and is the current growth forecast; it estimates that the City would have 17,092 units in 2025 and 18,017 units in 2035 (SANDAG 2021). This would equate to an additional 93 units per year from 2025 to 2035. The proposed project is expected to bring 63 units to market in 2026. Therefore, while the proposed project would be consistent with the current land use designation for the site, the proposed project would not conflict with SANDAG’s regional growth forecast for the City, which accounts for residential growth in the City.

The Regional Plan includes the following daily VMT totals for the San Diego region as a whole: a daily 26 total VMT per capita for the 2005 base year; a daily 21.83 total VMT per capita for the 2020 plan year; 20.48 total VMT per capita for the 2035 plan year; and 19.9 total VMT per capita for the 2050 plan year. To analyze the consistency of the proposed project with the Regional Plan for informational purposes, the proposed project’s total daily VMT was divided by the proposed project’s service population to arrive at the per capita total daily VMT estimates. The proposed project daily VMT in 2026 is estimated to be 19.3 (Appendix M). Therefore, the proposed project’s VMT per capita in 2026 would be 19.3, which would be less than the overall SANDAG region’s daily 20.48 VMT per capita for the 2035 plan year and 19.9 daily VMT per capita for the 2050 plan year. Therefore, the proposed project would be consistent with the total VMT per capita, growth projections, and GHG reductions assumed within the Regional Plan.

Table 4.7-3 illustrates the proposed project’s consistency with all applicable goals and policies of SANDAG’s Regional Plan (SANDAG 2015).

**Table 4.7-3. SANDAG 2021 Regional Plan Consistency Analysis**

Programs, Planning, and Policies	Implementation Actions	Consistency Analysis
Land Use and Habitat	The 2021 Regional Plan vision for land use focuses on development and growth in Mobility Hub areas to preserve the region’s habitat and open space while supporting transportation investments and reducing vehicle miles traveled (VMT). Mobility Hubs are the opportunity areas to provide housing to address the Regional Housing Needs Assessment	Consistent. The project is located on an infill site that is within close proximity to multi-modal transportation options, including Class III bicycle facilities along the project frontage, and the closest MTS bus routes on Poway Road and the Countryside Apartments driveway, approximately 0.1 miles away from the project site (0.4 miles walking distance). Further, the project would provide needed residential opportunities in the City, helping to improve the jobs/housing ratio and reduce the trip lengths traveled by persons employed in the City.
Housing	The 2021 Regional Plan addresses the housing crisis through Mobility Hubs, bringing locations where people live and work closer together and providing more housing options for more San Diegans through increased density. SANDAG will rely on building stronger partnerships with local jurisdictions to increase housing in	Consistent. The project is located on an infill site that is in close proximity to multi-modal transportation options, including Class III bicycle facilities along the project frontage, and the closest MTS bus routes on Poway Road and the Countryside Apartments driveway, approximately 0.1 miles

Table 4.7-3. SANDAG 2021 Regional Plan Consistency Analysis

Programs, Planning, and Policies	Implementation Actions	Consistency Analysis
	the region, especially housing available to low-income residents.	away from the project site (0.4 miles walking distance). Further, the project would provide needed residential opportunities in the City, helping to improve the jobs/housing ratio and reduce the trip lengths traveled by persons employed in the City.
Climate Action Planning	To help reach regional and state greenhouse gas (GHG) emissions–reduction targets, the 2021 Regional Plan focuses heavily on the conversion to clean transportation and a shift from personal vehicle dependency through the 5 Big Moves. To help local jurisdictions make this transition and achieve broader reductions in GHG emissions, SANDAG will provide technical assistance, guidance resources, templates, and grant funding to incorporate the 5 Big Moves and Sustainable Communities Strategy actions into their climate action plans (CAP) and plan for more well-connected, sustainable, healthy communities that are accessible to all.	Not applicable. The project will not prevent SANDAG from providing technical assistance, guidance resources, templates, and grant funding to incorporate the 5 Big Moves and Sustainable Communities Strategy actions into their climate action plans (CAP) and plan for more well-connected, sustainable, healthy communities that are accessible to all.
Climate Adaptation and Resilience	The 2021 Regional Plan aims to better prepare San Diego communities and habitats for these climate change impacts by considering evacuation and rapid mobility needs in our transit corridors, evaluating and considering climate vulnerabilities to the region’s transportation infrastructure, and using natural lands and conservation to absorb and protect against climate change impacts. SANDAG will establish a coordinated effort across agencies and local jurisdictions for a more holistic, comprehensive, equitable, sustainable, and resilient region.	Not applicable. The project will not prevent SANDAG from considering evacuation and rapid mobility needs in our transit corridors, evaluating and considering climate vulnerabilities to the region’s transportation infrastructure, and using natural lands and conservation to absorb and protect against climate change impacts.
Electric Vehicles	Electrification is included in the 2021 Regional Plan as a way to reach regional greenhouse gas (GHG) emission–reduction targets. Electric vehicles (EVs) are zero-emission vehicles that include plug-in battery EVs and hydrogen fuel cell EVs.	Consistent. The project would include electric vehicle capable parking spaces in accordance with the Title 24 and CALGreen requirements.



Table 4.7-3. SANDAG 2021 Regional Plan Consistency Analysis

Programs, Planning, and Policies	Implementation Actions	Consistency Analysis
	<p>SANDAG aims to incentivize and encourage the incorporation of all types of EVs into Flexible Fleets, Transit Leap, and goods movement and to support funding programs that increase the number of EVs and charging stations throughout the region and within Mobility Hubs and as part of the Complete Corridor strategy.</p>	
<p>Parking and Curb Management</p>	<p>Proactively managing parking and curb space enables more people to access places within our communities using alternatives to driving. Effective parking-management policies contribute to the region’s ability to meet the California Senate Bill 375 (Steinberg, 2008) greenhouse gas emissions–reduction target t by applying parking pricing and reduced parking supply assumptions, which are included in the travel demand model (reference Appendix B: Sustainable Communities Strategy Documentation and Related Information).</p>	<p>Not applicable. The project will not prevent SANDAG from managing parking and curb space enables more people to access places within our communities using alternatives to driving.</p>
<p>Transportation Demand Management.</p>	<p>Transportation Demand Management (TDM) innovations have the potential to transform the way people travel within and between communities. Managing demands on the existing transportation system is a vital strategy for making the overall system more effective in reducing drive-alone commute trips. SANDAG will continue to administer and monitor the iCommute program by providing regional rideshare, employer outreach, and bike education and secure parking services to help reduce commute-related traffic congestion and vehicle miles traveled.</p>	<p>Not applicable. The project will not prevent SANDAG from efforts to continue to administer and monitor the iCommute program by providing regional rideshare, employer outreach, and bike education and secure parking services to help reduce commute-related traffic congestion and vehicle miles traveled.</p>
<p>Vision Zero</p>	<p>Vision Zero is a national campaign to eliminate all traffic-related deaths and serious injuries by focusing on policies and the redesign of streets to create a transportation system that is safe for everyone. In adopting Vision Zero, SANDAG will work toward Zero by collecting and</p>	<p>Not applicable. The project will not prevent SANDAG from supporting the Vision Zero campaign in the County.</p>

Table 4.7-3. SANDAG 2021 Regional Plan Consistency Analysis

Programs, Planning, and Policies	Implementation Actions	Consistency Analysis
	analyzing crash data to identify safety issues and recommend solutions; developing a regional safety policy; continuing to construct the Regional Bike Network; working with local jurisdictions to conduct outreach for and build out their complete streets networks; and funding educational programs, including opportunities to collaborate with tribal nations	
Fix It First	To optimize investments in the region’s transportation infrastructure, the Regional Plan and the 5 Big Moves focus on improving upon existing roads, rails, and sidewalks. The Fix It First strategy aims to repair existing roads and create a system for sustained maintenance in the future, creating a safe and efficient transportation network for all users.	Not applicable. The project will not prevent SANDAG from optimizing investments in the region’s transportation infrastructure, the Regional Plan and the 5 Big Moves focus on improving upon existing roads, rails, and sidewalks.
Transportation System Management and Operations	Transportation System Management and Operations (TSMO) employs a series of intelligent transportation system strategies designed to maximize the capacity and efficiency of the existing and future transportation system. H	Not applicable. The project will not prevent SANDAG from Transportation System Management and Operations (TSMO).

Source: SANDAG 2021.

Notes: City = City of Poway; proposed project = Harmon Ranch; VMT = vehicle miles traveled; SANDAG = San Diego Association of Governments; EV = electric vehicle.

As shown in Table 4.7-3, the proposed project would be consistent with all applicable Regional Plan policy objectives or strategies. SANDAG worked with the local jurisdictions to identify Regional Housing Needs Assessment allocation options that meet the four goals of housing element law (Government Code Section 65484[d][1]-[4]) within the Regional Plan. The second of the four objectives of the SANDAG Regional Housing Needs Assessment is to promote infill development and socioeconomic equity, the protection of environmental and agricultural resources, and the encouragement of efficient development patterns. Also, one of the key achievements projected for the Regional Plan is for nearly three-quarters of multi-family housing to be built on redevelopment or infill sites. The proposed project would be consistent with that goal as it would be developed on an infill site.

In summary, the proposed project promotes a pedestrian experience for its residents and visitors that would facilitate non-vehicular travel, consistent with SB 375 and SANDAG’s Regional Plan. As shown in Table 4.7-3, the proposed project would be consistent with policy objectives of SANDAG’s Regional Plan. Impacts would be **less than significant**.

**Consistency with CARB’s Scoping Plan**

The Scoping Plan, approved by CARB on December 12, 2008, provides a framework for actions to reduce California’s GHG emissions and requires CARB and other state agencies to adopt regulations and other initiatives to reduce GHGs. As such, the Scoping Plan is not directly applicable to specific projects. Relatedly, in the Final Statement of Reasons for the Amendments to the CEQA Guidelines, CNRA observed that “[t]he [Scoping Plan] may not be appropriate for use in determining the significance of individual projects because it is conceptual at this stage and relies on the future development of regulations to implement the strategies identified in the Scoping Plan” (CNRA 2009b). Under the Scoping Plan, however, there are several state regulatory measures aimed at the identification and reduction of GHG emissions. CARB and other state agencies have adopted many of the measures identified in the Scoping Plan. Most of these measures focus on area source emissions (e.g., energy usage, high-GWP GHGs in consumer products) and changes to the vehicle fleet (i.e., hybrid, electric, and more fuel-efficient vehicles) and associated fuels (e.g., low-carbon fuel standard), among others. The proposed project would comply with all applicable regulations adopted in furtherance of the Scoping Plan to the extent required by law.

The Scoping Plan recommends strategies for implementation at the statewide level to meet the goals of AB 32 and establishes an overall framework for the measures that will be adopted to reduce California’s GHG emissions. Table 4.7-4 highlights measures that have been developed under the Scoping Plan and the proposed project’s consistency with those measures. The table also includes measures proposed in the 2017 Scoping Plan Update. To the extent that these regulations are applicable to the proposed project, its inhabitants, or uses, the proposed project would comply with all applicable regulations adopted in furtherance of the Scoping Plan.

**Table 4.7-4. Project Consistency with Scoping Plan GHG Emission-Reduction Strategies**

Scoping Plan Measure	Measure Number	Project Consistency
<i>Transportation Sector</i>		
Advanced Clean Cars	T-1	The proposed project’s residents would purchase vehicles in compliance with CARB vehicle standards that are in effect at the time of vehicle purchase.
1.5 million zero-emission and plug-in hybrid light-duty electric vehicles by 2025 (4.2 million Zero-Emissions Vehicles by 2030)	N/A	The proposed project includes EV charging stations.
Low Carbon Fuel Standard	T-2	Motor vehicles driven by the proposed project’s residents would use compliant fuels.
Low Carbon Fuel Standard (18 percent reduction in carbon intensity by 2030)	N/A	Motor vehicles driven by the proposed project’s residents would use compliant fuels.
Regional Transportation-Related GHG Targets	T-3	The proposed project would encourage use of alternative forms of transportation.
Advanced Clean Transit	N/A	This measure does not apply to the proposed project. The proposed project would not inhibit CARB from implementing this Scoping Plan Measure.
Last Mile Delivery	N/A	This measure does not apply to the proposed project. The proposed project would not inhibit CARB from implementing this Scoping Plan Measure.

**Table 4.7-4. Project Consistency with Scoping Plan GHG Emission-Reduction Strategies**

Scoping Plan Measure	Measure Number	Project Consistency
Reduction in Vehicle Miles Traveled	N/A	The proposed project is located on an infill site, which promotes compact walkable communities with an emphasis on proximity and accessibility.
Vehicle Efficiency Measures 1. Tire Pressure 2. Fuel Efficiency Tire Program 3. Low-Friction Oil 4. Solar-Reflective Automotive Paint and Window Glazing	T-4	This measure does not apply to the proposed project. The proposed project would not inhibit CARB from implementing this Scoping Plan Measure.
Ship Electrification at Ports (Shore Power)	T-5	This measure does not apply to the proposed project. The proposed project would not inhibit CARB from implementing this Scoping Plan Measure.
Goods Movement Efficiency Measures 1. Port Drayage Trucks 2. Transport Refrigeration Units Cold Storage Prohibition 3. Cargo Handling Equipment, Anti-Idling, Hybrid, Electrification 4. Goods Movement Systemwide Efficiency Improvements 5. Commercial Harbor Craft Maintenance and Design Efficiency 6. Clean Ships 7. Vessel Speed Reduction	T-6	This measure does not apply to the proposed project. The proposed project would not inhibit CARB from implementing this Scoping Plan Measure.
California Sustainable Freight Action Plan	N/A	This measure does not apply to the proposed project. The proposed project would not inhibit CARB from implementing this Scoping Plan Measure.
Heavy-Duty Vehicle GHG Emission Reduction 1. Tractor-Trailer GHG Regulation 2. Heavy-Duty Greenhouse Gas Standards for New Vehicle and Engines (Phase I)	T-7	This measure does not apply to the proposed project. The proposed project would not inhibit CARB from implementing this Scoping Plan Measure.
Medium- and Heavy-Duty Vehicle Hybridization Voucher Incentive Project	T-8	This measure does not apply to the proposed project. The proposed project would not inhibit CARB from implementing this Scoping Plan Measure.
Medium and Heavy-Duty GHG Phase 2	N/A	This measure does not apply to the proposed project. The proposed project would not inhibit CARB from implementing this Scoping Plan Measure.
High-Speed Rail	T-9	This measure does not apply to the proposed project. The proposed project would not inhibit CARB from implementing this Scoping Plan Measure.

Table 4.7-4. Project Consistency with Scoping Plan GHG Emission-Reduction Strategies

Scoping Plan Measure	Measure Number	Project Consistency
<b>Electricity and Natural Gas Sector</b>		
Energy Efficiency Measures (Electricity)	E-1	The proposed project will comply with current Title 24, Part 6, of the California Code of Regulations energy efficiency standards for electrical appliances and other devices at the time of building construction.
Energy Efficiency (Natural Gas)	CR-1	The proposed project will comply with current Title 24, Part 6, of the California Code of Regulations energy efficiency standards for electrical appliances and other devices at the time of building construction.
Solar Water Heating (California Solar Initiative Thermal Program)	CR-2	The proposed project would not employ solar water heating as part of the design.
Combined Heat and Power	E-2	This measure does not apply to the proposed project. The proposed project would not inhibit CARB from implementing this Scoping Plan Measure.
Renewable Portfolios Standard (33 percent by 2020)	E-3	The proposed project would use energy supplied by San Diego Gas and Electric, which is in compliance with the Renewable Portfolio Standard.
Renewable Portfolios Standard (50 percent by 2050)	N/A	The proposed project would use energy supplied by San Diego Gas and Electric, which is in compliance with the Renewable Portfolio Standard.
Senate Bill 1 Million Solar Roofs (California Solar Initiative, New Solar Home Partnership, Public Utility Programs) and Earlier Solar Programs	E-4	The proposed project would include solar roofs installations, in compliance with the 2019 Title 24 standards.
<b>Water Sector</b>		
Water Use Efficiency	W-1	The proposed project is going to utilize water saving features including low-flow fixtures.
Water Recycling	W-2	Recycled water will not be used on site.
Water System Energy Efficiency	W-3	This is applicable for the transmission and treatment of water, but it is not applicable for the proposed project.
Reuse Urban Runoff	W-4	This measure does not apply to the proposed project. The proposed project would not inhibit CARB from implementing this Scoping Plan Measure.
Renewable Energy Production	W-5	Applicable for wastewater treatment systems. Not applicable for the proposed project.
<b>Green Buildings</b>		
State Green Building Initiative: Leading the Way with State Buildings (Greening New and Existing State Buildings)	GB-1	The proposed project would be required to be constructed in compliance with state or local green building standards in effect at the time of building construction.
Green Building Standards Code (Greening New Public Schools, Residential and Commercial Buildings)	GB-2	The proposed project's buildings would meet green building standards that are in effect at the time of construction.

**Table 4.7-4. Project Consistency with Scoping Plan GHG Emission-Reduction Strategies**

<b>Scoping Plan Measure</b>	<b>Measure Number</b>	<b>Project Consistency</b>
Beyond Code: Voluntary Programs at the Local Level (Greening New Public Schools, Residential and Commercial Buildings)	GB-3	The proposed project would be required to be constructed in compliance with local green building standards in effect at the time of building construction.
Greening Existing Buildings (Greening Existing Homes and Commercial Buildings)	GB-4	This measure does not apply to the proposed project. The proposed project would not inhibit CARB from implementing this Scoping Plan Measure.
<b>Industry Sector</b>		
Energy Efficiency and Co-Benefits Audits for Large Industrial Sources	I-1	This measure does not apply to the proposed project. The proposed project would not inhibit CARB from implementing this Scoping Plan Measure.
Oil and Gas Extraction GHG Emission Reduction	I-2	This measure does not apply to the proposed project. The proposed project would not inhibit CARB from implementing this Scoping Plan Measure.
Reduce GHG Emissions by 20 percent in Oil Refinery Sector	N/A	This measure does not apply to the proposed project. The proposed project would not inhibit CARB from implementing this Scoping Plan Measure.
GHG Emissions Reduction from Natural Gas Transmission and Distribution	I-3	This measure does not apply to the proposed project. The proposed project would not inhibit CARB from implementing this Scoping Plan Measure.
Refinery Flare Recovery Process Improvements	I-4	This measure does not apply to the proposed project. The proposed project would not inhibit CARB from implementing this Scoping Plan Measure.
Work with the local air districts to evaluate amendments to their existing leak detection and repair rules for industrial facilities to include methane leaks	I-5	This measure does not apply to the proposed project. The proposed project would not inhibit CARB from implementing this Scoping Plan Measure.
<b>Recycling and Waste Management Sector</b>		
Landfill Methane Control Measure	RW-1	This measure does not apply to the proposed project. The proposed project would not inhibit CARB from implementing this Scoping Plan Measure.
Increasing the Efficiency of Landfill Methane Capture	RW-2	This measure does not apply to the proposed project. The proposed project would not inhibit CARB from implementing this Scoping Plan Measure.
Mandatory Commercial Recycling	RW-3	During both construction and operation of the proposed project, the proposed project would comply with all state regulations related to solid waste generation, storage, and disposal, including the California Integrated Waste Management Act, as amended. During construction, all wastes would be recycled to the maximum extent possible.
Increase Production and Markets for Compost and Other Organics	RW-4	This measure does not apply to the proposed project. The proposed project would not inhibit CARB from implementing this Scoping Plan Measure.

**Table 4.7-4. Project Consistency with Scoping Plan GHG Emission-Reduction Strategies**

Scoping Plan Measure	Measure Number	Project Consistency
Anaerobic/Aerobic Digestion	RW-5	This measure does not apply to the proposed project. The proposed project would not inhibit CARB from implementing this Scoping Plan Measure.
Extended Producer Responsibility	RW-6	This measure does not apply to the proposed project. The proposed project would not inhibit CARB from implementing this Scoping Plan Measure.
Environmentally Preferable Purchasing	RW-7	This measure does not apply to the proposed project. The proposed project would not inhibit CARB from implementing this Scoping Plan Measure.
<b>Forests Sector</b>		
Sustainable Forest Target	F-1	This measure does not apply to the proposed project. The proposed project would not inhibit CARB from implementing this Scoping Plan Measure.
<b>High Global Warming Potential Gases Sector</b>		
Motor Vehicle Air Conditioning Systems: Reduction of Refrigerant Emissions from Non-Professional Servicing	H-1	This measure does not apply to the proposed project. The proposed project would not inhibit CARB from implementing this Scoping Plan Measure.
SF <sub>6</sub> Limits in Non-Utility and Non-Semiconductor Applications	H-2	This measure does not apply to the proposed project. The proposed project would not inhibit CARB from implementing this Scoping Plan Measure.
Reduction of Perfluorocarbons in Semiconductor Manufacturing	H-3	This measure does not apply to the proposed project. The proposed project would not inhibit CARB from implementing this Scoping Plan Measure.
Limit High Global Warming Potential Use in Consumer Products	H-4	The proposed project’s residents would use consumer products that would comply with the regulations that are in effect at the time of manufacture.
Air Conditioning Refrigerant Leak Test During Vehicle Smog Check	H-5	This measure does not apply to the proposed project. The proposed project would not inhibit CARB from implementing this Scoping Plan Measure.
Stationary Equipment Refrigerant Management Program – Refrigerant Tracking/Reporting/Repair Program	H-6	This measure does not apply to the proposed project. The proposed project would not inhibit CARB from implementing this Scoping Plan Measure.
Stationary Equipment Refrigerant Management Program – Specifications for Commercial and Industrial Refrigeration	H-6	This measure does not apply to the proposed project. The proposed project would not inhibit CARB from implementing this Scoping Plan Measure.
SF <sub>6</sub> Leak Reduction Gas Insulated Switchgear	H-6	This measure does not apply to the proposed project. The proposed project would not inhibit CARB from implementing this Scoping Plan Measure.
40 percent reduction in methane and hydrofluorocarbon emissions	N/A	This measure does not apply to the proposed project. The proposed project would not inhibit CARB from implementing this Scoping Plan Measure.

**Table 4.7-4. Project Consistency with Scoping Plan GHG Emission-Reduction Strategies**

Scoping Plan Measure	Measure Number	Project Consistency
50 percent reduction in black carbon emissions	N/A	This measure does not apply to the proposed project. The proposed project would not inhibit CARB from implementing this Scoping Plan Measure.
<b>Agriculture Sector</b>		
Methane Capture at Large Dairies	A-1	This measure does not apply to the proposed project. The proposed project would not inhibit CARB from implementing this Scoping Plan Measure.

Source: CARB 2008, 2017.

Notes: GHG = greenhouse gas; proposed project = Harmon Ranch; CARB = California Air Resources Board; EV = electric vehicle; SF<sub>6</sub> = sulfur hexafluoride.

Based on the analysis in Table 4.7-4, the proposed project would be consistent with the applicable strategies and measures in the Scoping Plan.

In addition to the measures outlined in the Table 4.7-4, the Scoping Plan also highlights, in several areas, the goals and importance of infill projects. Specifically, the Scoping Plan calls out an ongoing and proposed measure to streamline CEQA compliance and other barriers to infill development. The plan encourages infill projects and sees them as crucial to achieving the State’s long-term climate goals. The plan encourages accelerating equitable and affordable infill development through enhanced financing and policy incentives and mechanisms.

The state will complete an Integrated Natural and Working Lands Climate Change Action Plan (Action Plan) by 2018, which will consider aggregation of eco-regional plans and efforts to achieve net sequestration goals. The Action Plan will include goals and plans to promote and provide incentives for infill development through community revitalization and urban greening and promote the adoption of regional transportation and development plans, such as SB 375 SCS and Climate Action Plans, which prioritize infill and compact development and also consider the climate change impacts of land use and management.

The following strategies were outlined to expand infill development within the Scoping Plan:

- Encouraging regional transfer of development rights programs to allow owners of natural and working lands to sell their development rights to developers who can use those rights to add additional density to development projects in preferred infill areas.
- Promoting regional transit-oriented development funds that leverage public resources with private-sector investment capital to provide flexible capital for transit-oriented development projects.
- Rebates for low-VMT/location-efficient housing, similar to programs that use rebates to encourage adoption of energy-efficient appliances, ZEVs, water-efficient yards, or renewable energy installation. For example, the rebate could reimburse residents for a portion of the down payment for purchasing or renting a qualified home in exchange for a minimum term of residence.
- Promotion of cross-subsidizing multi-station financing districts along transit corridors to leverage revenues from development in strong-market station areas in order to seed needed infrastructure and development in weaker-market station areas.
- Abatement of residential property tax increases in exchange for property-based improvements in distressed infill areas.



- Ways to promote reduced parking in areas where viable transportation alternatives are present.
- Additional creative financing mechanisms to enhance the viability of priority infill projects.
- Ways to promote and strengthen urban growth boundaries to promote infill development and conservation of natural and working lands by defining and limiting developable land within a metropolitan area according to projected growth needs.

In summary, the proposed project would be consistent with the measures and policy goals as shown in Table 4.7-4, Project Consistency with Scoping Plan GHG Emission-Reduction Strategies. The proposed project would also be consistent with the various efforts the Scoping Plan established to encourage infill development projects. Therefore, the proposed project would be consistent with CARB's Scoping Plan.

Finally, the SDAPCD has not adopted GHG reduction measures that would apply to the GHG emissions associated with the proposed project. Therefore, this impact would be **less than significant**.

### 4.7.5 Cumulative Impacts

As discussed in Section 4.7.4, Impacts Analysis, global climate change is a cumulative impact; however, as shown, the proposed project would have a less-than-significant impact with mitigation.

### 4.7.6 Mitigation Measures

No mitigation would be required.

### 4.7.7 Level of Significance after Mitigation

The proposed project's impact would be less than significant prior to mitigation.

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## 4.8 Hazards and Hazardous Materials

This section describes the existing hazardous materials conditions of The Harmon Ranch project (proposed project) site and vicinity, identifies associated regulatory requirements, evaluates potential impacts, and identifies mitigation measures for implementation of the proposed project.

The analysis herein is based on findings of the Phase I and II Environmental Site Assessment Report prepared for the project by GEOCON in December 2021. The Phase I and II Environmental Site Assessment Report is included as Appendix H to this EIR. Additionally, this section relies on information from the Evacuation Plan prepared for the project, included as Appendix R to this EIR.

### 4.8.1 Existing Conditions

#### **Project Site**

The project site consists of approximately 11.5 acres of disturbed land bisected by existing Oak Knoll Road. The majority of the site has been cleared for several years and was previously used as a construction staging yard for a San Diego Gas & Electric gas line project. The site includes four existing single-family residences. One of the existing homes is a locally designated historic building located at 12702 Oak Knoll Road (Assessor's Parcel Number 317-500-14-00). The project site is surrounded by multifamily residential uses to the west, single family residential uses to the east and south, and commercial uses to the north.

#### **Site History**

Based on a review of available aerial photographs, the project site was used for agricultural purposes from 1939 -1949. Agricultural use of the site appeared to stop in 1949 and conditions remained the same until 1964. In 1964 a road was depicted bisecting the site. The three structures on the portion of the project site north of Oak Knoll Road are shown on topographic maps in 1967. Conditions on the project site remain similar from 1966 until 2016. Residential development surrounding the project site occurred between 1964 and 2005 and commercial development surrounding the project site occurred in 1979 (Appendix H). The residence south of Oak Knoll Road was built in 1946 (Appendix E, Built Environment Inventory and Evaluation Report for Harmon Ranch).

#### **Hazardous Materials**

Government Code Section 65962.5 requires the California Department of Toxic Substances Control (DTSC), the State Department of Health Services, the State Water Resources Control Board (SWRCB), and the California Department of Resources Recycling and Recovery (CalRecycle) to compile and annually update lists of hazardous waste sites and lands designated as hazardous waste sites throughout the state. The provisions in Government Code Section 65962.5 are commonly referred to as the "Cortese List." The Cortese List, which includes the resources listed below, was reviewed for hazardous waste sites along the project alignment.

- List of hazardous waste and substances sites from the DTSC EnviroStor database
- List of leaking underground storage tank (LUST) sites from the SWRCB GeoTracker database
- List of solid waste disposal sites identified by SWRCB with waste constituents above hazardous waste levels outside the waste management unit

- List of “active” cease-and-desist orders and cleanup and abatement orders from SWRCB
- List of hazardous waste facilities subject to corrective action identified by DTSC

The Phase I ESA performed by Geocon for the project (Appendix H) reviewed the above-listed databases and lists for information regarding hazardous materials or hazardous wastes on the project site. The project site was not designated as a Cortese site; however, 12 Cortese sites are located within 0.5 miles of the project site.

### **Schools**

A Montessori preschool, Montessori Center of San Diego, is located approximately 0.1 miles east of the project site. No other schools are located or proposed within 0.25 miles of the project site.

### **Fire Hazards**

The project site is surrounded by single-family homes to the south and east, an apartment community to the west, and commercial uses to the north within the jurisdiction of the City of Poway Fire Department (PFD); therefore, the project site is currently served by PFD. PFD Fire Station 1 is located approximately 1 mile east of the project site at 13050 Community Road. The project site is not located within a High or Very High Fire Severity Zone. (CAL FIRE 2023).

### **Emergency Response**

The City does not have a current emergency response plan or evacuation routes; however, it does administer the Community Emergency Response Team (CERT) Program, which educates City residents and adjacent cities about disaster preparedness. Once a year, the City offers a CERT academy that provides training in basic disaster response skills such as fire safety, simple search and rescue, basic first aid, terrorism, emergency preparedness, and disaster psychology. Graduates of the program or an equivalent CERT course are eligible to apply for membership in the City's CERT and are required to attend two trainings of community events each year (City of Poway n.d.).

The San Diego County Wildfire Evacuation Plan incorporates concepts and protocols practiced throughout the City and San Diego County. The City's EOP follows basic protocols set forth in the County's Operation Area Emergency Operations Plan and the California Master Mutual Aid Agreement, which dictate who is responsible for an evacuation effort and how regional resources will be requested and coordinated. The following overview contains information from the San Diego County Evacuation Annex and is consistent with the City's EOP.

First responders are responsible for determining initial protective actions before EOCs and emergency management personnel have an opportunity to convene and gain situational awareness. Initial protective actions are shared/communicated to local EOCs and necessary support agencies as soon as possible to ensure an effective, coordinated evacuation.

During an evacuation effort, the San Diego County Sheriff's Department will declare an evacuation and be assisted by other law enforcement and support agencies. Law enforcement agencies, highway/road/street departments, and public and private transportation providers will conduct evacuation operations. Procurement, regulation, and allocation of resources will be accomplished by those designated. Evacuation operations will be conducted by the following agencies: San Diego County Sheriff's Department, Poway Fire Department, American Red Cross, San Diego Humane Society, San Diego County Department of Animal Services, City and County Department of Planning and

Development Services, City and County Department of Public Works, County Department of Environmental Services, and other City, County, and State agencies, as needed.

In the event of an evacuation, evacuees are anticipated to be considered in a “safe zone” once they are a reasonable distance away from open space and in a dense urbanized area. The I-15 and Poway Road interchange and the Town & Country Plaza were considered the gateways or safe zones for evacuees to seek refuge from the wildfire, although there are many other urbanized areas within Poway that would also provide safety from wildfires. Pomerado Road, Poway Road, and Oak Knoll Road would be utilized as evacuation routes as well (Appendix R).

Law enforcement services are provided by contract with the San Diego County Sheriff’s Department. The Poway Sheriff’s Station, located at 13100 Bowron Road, provides patrol, traffic, and investigative services to the City. The Poway Station currently consists of 45 sworn personnel, six civilians, 13 reserve deputies, and 48 senior volunteer patrol personnel (San Diego County Sheriff 2023).

### 4.8.2 Relevant Plans, Policies, and Ordinances

#### **Federal**

#### ***Comprehensive Environmental Response, Compensation, and Liability Act and Superfund Amendments and Reauthorization Act***

Congress enacted the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as Superfund, on December 11, 1980. CERCLA established prohibitions and requirements concerning closed and abandoned hazardous waste sites; provided for liability of persons responsible for releases of hazardous waste at these sites; and established a trust fund to provide for cleanup when no responsible party could be identified. The Superfund Amendments and Reauthorization Act (SARA) amended CERCLA on October 17, 1986. SARA stressed the importance of permanent remedies and innovative treatment technologies in cleaning up hazardous waste sites; required Superfund actions to consider the standards and requirements found in other state and federal environmental laws and regulations; provided new enforcement authorities and settlement tools; increased state involvement in every phase of the Superfund program; increased the focus on human health problems posed by hazardous waste sites; encouraged greater citizen participation in making decisions on how sites should be cleaned up; and increased the size of the trust fund to \$8.5 billion.

#### ***Emergency Planning Community Right-to-Know Act***

The Emergency Planning Community Right-to-Know Act, also known as SARA Title III, was enacted in October 1986. This law requires any infrastructure at the state and local levels to plan for chemical emergencies. Reported information is then made publicly available so that interested parties may become informed about potentially dangerous chemicals in their community. The Emergency Planning Community Right-to-Know Act Sections 301 through 312 are administered by the U.S. Environmental Protection Agency (EPA) Office of Emergency Management. In California, SARA Title III is implemented through the California Accidental Release Prevention (CalARP) Program.

### ***Federal Response Plan***

The Federal Response Plan of 1999 is a signed agreement among 27 federal departments and agencies, including the American Red Cross, that: (1) provides the mechanism for coordinating delivery of federal assistance and resources to augment efforts of state and local governments overwhelmed by a major disaster or emergency; (2) supports implementation of the Robert T. Stafford Disaster Relief and Emergency Act, as well as individual agency statutory authorities; and (3) supplements other federal emergency operations plans developed to address specific hazards. The Federal Response Plan is implemented in anticipation of a significant event likely to result in a need for federal assistance or in response to an actual event requiring federal assistance under a presidential declaration of a major disaster or emergency.

### ***Hazardous Materials Transportation Act***

The U.S. Department of Transportation regulates hazardous materials transportation under Title 49 of the Code of Federal Regulations. The California Highway Patrol and the California Department of Transportation are the state agencies with primary responsibility for enforcing federal and state regulations and responding to hazardous materials transportation emergencies. These agencies also govern permitting for hazardous materials transportation. Title 49 of the Code of Federal Regulations reflects laws passed by Congress as of January 2, 2006.

### ***International Fire Code***

The International Fire Code (IFC), created by the International Code Council, is the primary means for authorizing and enforcing procedures and mechanisms to ensure the safe handling and storage of any substance that may pose a threat to public health and safety. The IFC regulates the use, handling, and storage requirements for hazardous materials at fixed facilities. The IFC and the International Building Code use a hazard classification system to determine what measures are required to protect fire and life safety. These measures may include construction standards, separation from project site lines, and specialized equipment. To ensure that these safety measures are met, the IFC employs a permit system based on hazard classification. The IFC is updated every 3 years.

### ***National Emissions Standards for Hazardous Air Pollutants Program***

Under federal law, 188 substances are listed as hazardous air pollutants. Major sources of specific hazardous air pollutants are subject to the requirements of the National Emissions Standards for Hazardous Air Pollutants program. EPA is establishing regulatory schemes for specific source categories, and requires implementation of Maximum Achievable Control Technologies for major sources of hazardous air pollutants in each source category. State law has established the framework for California's Toxic Air Contaminant Identification and Control Program, which is generally more stringent than the federal program, and is aimed at hazardous air pollutants that are a problem in California. The state has formally identified more than 200 substances as toxic air contaminants, and is adopting appropriate control measures for each. Once adopted at the state level, each local air district will be required to adopt a measure that is equally or more stringent.

### ***Occupational and Safety Health Act***

Congress passed the Occupational and Safety Health Act to ensure worker and workplace safety. Its goal was to make sure employers provide their workers a place of employment free from recognized hazards to safety and health, such as exposure to toxic chemicals, excessive noise levels, mechanical dangers, heat or cold stress, or

unsanitary conditions. In order to establish standards for workplace health and safety, the Occupational and Safety Health Act also created the National Institute for Occupational Safety and Health as the research institution for the Occupational Safety and Health Administration. The Occupational Safety and Health Administration is a division of the U.S. Department of Labor that oversees the administration of the Occupational and Safety Health Act and enforces standards in all 50 states. Because California has an approved State Plan, only California Occupational Safety and Health Administration (Cal/OSHA) standards apply to the project site.

### ***Renovating, Repair, and Painting Rule***

In 2008, EPA issued the Renovation, Repair, and Painting Rule. This rule requires that firms performing renovation, repair, and painting projects that disturb lead-based paint in pre-1978 homes, child care facilities, and schools be certified by EPA, and that they use certified renovators who are trained by EPA-approved training providers to follow lead-safe work practices. Individuals can become certified renovators by taking an 8-hour training course from an EPA-approved training provider. Contractors must use lead-safe work practices and follow these three simple procedures: (1) contain the work area; (2) minimize dust; and (3) clean up thoroughly.

### ***Resource Conservation and Recovery Act***

Federal hazardous waste laws are generally promulgated under the Resource Conservation and Recovery Act (RCRA), as amended by the Hazardous and Solid Waste Amendments of 1984. These laws provide for the “cradle to grave” regulation of hazardous wastes. Any business, institution, or other entity that generates hazardous waste is required to identify and track its hazardous waste from the point of generation until it is recycled, reused, or disposed of. DTSC is responsible for implementing the RCRA program as well as California’s own hazardous waste laws, which are collectively known as the Hazardous Waste Control Law. Under the Certified Unified Program Agency program, the California Environmental Protection Agency (CalEPA) has in turn delegated enforcement authority to the County of San Diego Department of Environmental Health (DEH) for regulating hazardous waste producers or generators.

### ***Robert T. Stafford Disaster Relief and Emergency Assistance Act***

Code of Federal Regulations Sections 206.31–206.48 provide the statutory framework for a presidential declaration of an emergency or a declaration of a major disaster. Such declarations open the way for a wide range of federal resources to be made available to assist in dealing with an emergency or major disaster. The Stafford Act structure for the declaration process reflects the fact that federal resources under this act supplement state and local resources for disaster relief and recovery. Except in the case of an emergency involving a subject area that is exclusively or preeminently in the federal purview, the governor of an affected state, or acting governor if the governor is not available, must request such a declaration by the president.

### ***Risk Assessment and Regional Screening Levels***

EPA and DTSC use risk assessments to characterize the nature and magnitude of health risks to humans and ecological receptors from chemical contaminants and other stressors that may be present in the environment. In general terms, risk depends on the following three factors: how much of a chemical is present in an environmental medium (air, soil, water), how much contact (exposure) a person or ecological receptor has with the contaminated environmental medium, and the inherent toxicity of the chemical. EPA developed Regional Screening Levels (RSLs), which provide a unified set of screening level/preliminary remediation goals for all regions of EPA for screening chemical contaminants at superfund sites. The RSLs replaced the Preliminary Remediation Goals in 2008. The RSLs are calculated using the latest toxicity

values, default exposure assumptions and physical and chemical properties. The RSLs are considered by EPA to be protective for humans (including sensitive groups) over a lifetime. Under most circumstances, the presence of a chemical in soil, soil gas, or indoor air at concentrations below the corresponding RSLs can be assumed to not pose a significant health risk to people who may live (residential RSLs) or work (commercial/industrial RSLs) at the site. The EPA RSL tables were most recently updated in November 2022.

The DTSC Human and Ecological Risk Office (HERO) incorporated the EPA RSLs into the HERO human health risk assessment. The HERO review of the EPA RSLs determined that the revised RSLs included some levels that were substantially higher, and therefore less protective, than the previous Preliminary Remediation Goals. HERO therefore created Human Health Risk Assessment Note 3, which incorporates HERO recommendations and DTSC-modified screening levels based on review of the EPA RSLs. The DTSC-modified screening levels should be used in conjunction with the EPA RSLs to evaluate chemical concentrations in environmental media at California sites and facilities. HERO Note 3 was most recently updated in June 2020.

### **State**

#### ***California Environmental Quality Act***

CEQA (California Public Resources Code, Section 21000 et seq.) and the CEQA Guidelines (14 CCR 15000 et seq.) are primary sources for environmental legislation in California; they require projects with potential adverse environmental effects (or impacts) undergo environmental review. Adverse environmental impacts are typically mitigated as a result of the environmental review process in accordance with existing laws and regulations.

#### ***California Emergency Services Act***

The California Emergency Services Act was adopted to establish the state's role and responsibilities during human-made or natural emergencies that result in conditions of disaster and/or extreme peril to life, property, or the resources of the state. The California Emergency Services Act is intended to protect health and safety by preserving the lives and property of the people of the state. The Office of Emergency Services coordinates the responses of other agencies, including EPA, California Highway Patrol, RWQCBs, air quality management districts, and county disaster response offices.

#### ***California Fire Code***

The California Fire Code (CFC) is provided in California Code of Regulations Title 24, Chapter 9. It was created by the California Building Standards Commission and is based on the IFC. The CFC is the primary means for authorizing and enforcing procedures and mechanisms to ensure the safe handling and storage of any substance that may pose a threat to public health and safety. The CFC regulates the use, handling, and storage requirements for hazardous materials at fixed facilities. The CFC and the California Building Code use a hazard classification system to determine what protective measures are required to protect fire and life safety. These measures may include construction standards, separation from project site lines, and specialized equipment. To ensure that these safety measures are met, the CFC employs a permit system based on hazard classification. The CFC is updated every 3 years.

#### ***California Natural Disaster Assistance Act***

The California Natural Disaster Assistance Act provides financial aid to local agencies to assist in the permanent restoration of public real property, other than facilities used solely for recreational purposes, when such real property has been damaged or destroyed by a natural disaster. The California Natural Disaster Assistance Act is



activated after a local declaration of emergency, after the California Emergency Management Agency gives concurrence with the local declaration, or after the Governor issues a proclamation of a state emergency. Once the California Natural Disaster Assistance Act is activated, local government is eligible for certain types of assistance, depending upon the specific declaration or proclamation issued.

### ***California State Fire Plan***

The 2010 California State Fire Plan was the first statewide fire plan developed in concert between the California Board of Forestry and Fire Protection and the California Department of Forestry and Fire Protection (CAL FIRE). This Plan was updated in the 2018 Strategic Fire Plan for California. The central goals of the California State Fire Plan include (1) improve the availability and use of consistent, shared information on hazard and risk assessment; (2) promote the role of local planning processes, including general plans, new development, and existing developments, and recognize individual landowner/homeowner responsibilities; (3) foster a shared vision among communities and the multiple fire protection jurisdictions, including county-based plans and community-based plans such as Community Wildfire Protection Plans; (4) increase awareness and actions to improve fire resistance of man-made assets at risk and fire resilience of wildland environments through natural resource management; (5) integrate implementation of fire and vegetative fuels management practices consistent with the priorities of landowners or managers; (6) determine and seek the needed level of resources for fire prevention, natural resource management, fire suppression, and related services; and (7) implement needed assessments and actions for post-fire protection and recovery

### ***Emergency Response to Hazardous Materials Incidents***

California has developed an Emergency Response Plan to coordinate emergency services provided by federal, state, and local government, and private agencies. The Emergency Response Plan is administered by the California Emergency Management Agency and includes response to hazardous materials incidents. The California Emergency Management Agency coordinates the response of other agencies, including CalEPA, California Highway Patrol, California Department of Fish and Wildlife, the RWQCBs, San Diego Air Pollution Control District, City of San Diego Fire Department, and the DEH Hazardous Incident Response Team.

### ***Cortese List***

The Hazardous Waste and Substance Sites Cortese List is a planning document used by the state, local agencies, and developers to comply with CEQA requirements in providing information about the location of hazardous materials release sites. Government Code Section 65962.5(a) requires CalEPA to develop at least annually an updated Cortese List. DTSC is responsible for a portion of the information contained in the Cortese List. Other state and local government agencies are required to provide additional hazardous materials release information for the Cortese List.

### ***Hazardous Materials Release Response Plans and Inventory***

Two programs found in California Health & Safety Code Chapter 6.95 are directly applicable to the CEQA issue of risk due to hazardous substances release: the Hazardous Materials Business Plan program and the CalARP program. In the San Diego region, DEH is responsible for implementing the Hazardous Materials Business Plan and CalARP programs, which provide threshold quantities for regulated hazardous substances. When the indicated quantities are exceeded, a Hazardous Materials Business Plan or Risk Management Plan is required pursuant to the regulation. Congress requires EPA Region 9 to make Risk Management Plan information available to the public through EPA's Envirofacts Data Warehouse. The Envirofacts Data Warehouse is considered the single point of access to select EPA environmental data.

### ***Senate Bill 1889 – Accidental Release Prevention Law/CalARP Program***

Senate Bill 1889 required California to implement a new federally mandated program governing the accidental airborne release of chemicals promulgated under Section 112 of the Clean Air Act. Effective January 1, 1997, the Accidental Release Prevention Law/CalARP replaced the previous California Risk Management and Prevention Program and incorporated the mandatory federal requirements. CalARP addresses facilities that contain specified hazardous materials (known as regulated substances) that if involved in an accidental release, could result in adverse off-site consequences. CalARP defines regulated substances as chemicals that pose a threat to public health and safety or the environment because they are highly toxic, flammable, or explosive.

### ***State Fire Regulations***

State fire regulations are set forth in Sections 13000 et seq. of the California Health and Safety Code, and include regulations concerning building standards (as also set forth in the CBC), fire protection and notification systems, fire protection devices such as extinguishers and smoke alarms, high-rise building and childcare facility standards, and fire suppression training. The State Fire Marshal enforces these regulations and building standards in all state-owned buildings, state-occupied buildings, and state institutions throughout California.

### ***Title 22 of the California Code of Regulations and Hazardous Waste Control Law, Chapter 6.5***

DTSC regulates the generation, transportation, treatment, storage and disposal of hazardous waste under RCRA and the California Hazardous Waste Control Law. Both laws impose “cradle to grave” regulatory systems for handling hazardous waste in a manner that protects human health and the environment. CalEPA has delegated some of its authority under the Hazardous Waste Control Law to county health departments and other Certified Unified Program Agencies, including the DEH.

### ***Underground Storage Tank Act***

The Underground Storage Tank Act monitoring and response program is required under Chapter 6.7 of the California Health & Safety Code and Title 23 of the California Code of Regulations. The program was developed to ensure that facilities meet regulatory requirements for design, monitoring, maintenance, and emergency response in operating or owning underground storage tanks. DEH is the administering agency for this program in the project area.

### ***California Occupational Safety and Health Administration***

Cal/OSHA is the primary agency responsible for worker safety in the handling and use of chemicals in the workplace. Cal/OSHA standards are required to be “as effective as” federal regulations. The employer is required to monitor worker exposure to listed hazardous substances and notify workers of exposure (8 CCR 330 et seq.). The regulations specify requirements for employee training, availability of safety equipment, accident prevention programs, and hazardous substance exposure warnings. The employer is also required, among other things, to have an Illness and Injury Prevention Program.

### ***Cal/OSHA Asbestos and Carcinogen Unit***

Cal/OSHA Asbestos and Carcinogen Unit enforces asbestos standards in construction, shipyards, and general industry. This includes identification and removal requirements of asbestos in buildings, as well as health and safety requirements of employees performing work under the Asbestos-In-Construction regulations (8 CCR 1529). Only a Cal/OSHA-Certified Asbestos Consultant can provide asbestos consulting (as defined by the Business and

Professions Code, 7180–7189.7, and triggered by the same size and concentration triggers as for registered contractors). These services include building inspection, abatement project design, contract administration, supervision of site surveillance technicians, sample collection, preparation of asbestos management plans, and clearance air monitoring.

### ***California Department of Public Health***

The California Department of Public Health enforces lead laws and regulations related to the prevention of lead poisoning in children, prevention of lead poisoning in occupational workers, accreditation and training for construction-related activities, lead exposure screening and reporting, disclosures, and limitations on the amount of lead found in products. Accredited lead specialists are required to find and abate lead hazards in a construction project and to perform lead-related construction work in an effective and safe manner.

### **Local**

### ***San Diego County of Department of Environmental Health***

The Department of Environmental Health (DEH) protects public health and safeguards environmental quality, educates the public to increase environmental awareness, and implements and enforces local, state, and federal environmental laws. The DEH regulates the following: retail food safety; public housing; public swimming pools; small drinking water systems; mobile-home parks; on-site wastewater systems; recreational water; oversight and cleanup of aboveground storage tanks and underground storage tanks; and medical and hazardous materials and waste.

### ***County of San Diego Office of Emergency Services***

The Unified San Diego County Emergency Services Organization has primary responsibility for preparedness and response activities, and addresses disasters and emergency situations within the unincorporated area of the County of San Diego (County). The County of San Diego Office of Emergency Services serves as staff to the Unified Disaster Council, the governing body of the Unified San Diego County Emergency Services Organization. Emergency response and preparedness plans include the Operational Area Emergency Response Plan and the County Multi-Jurisdictional Hazard Mitigation Plan.

### ***San Diego Air Pollution Control District***

Under Regulation XI, Subpart M – National Emission Standards for Asbestos, Rule 361.145 – Standard for Demolition and Renovation, the San Diego Air Pollution Control District requires that the proponent of a proposed demolition or renovation project submit an Asbestos Demolition or Renovation Operational Plan (“Notice of Intention”) at least 10 days prior to the onset of any asbestos stripping or removal work. It should be noted that the Notice of Intention is required for all demolition projects, regardless of the presence of asbestos.

### ***Multi-Jurisdictional Hazard Mitigation Plan***

The Multi-Jurisdictional Hazard Mitigation Plan includes an overview of the risk assessment process, vulnerability assessments, and identifies hazards present in each jurisdiction of the County. Hazards profiled in the plan include wildfire, structure fire, flood, coastal storms, erosion, tsunamis, earthquakes, liquefaction, rain-induced landslide, dam failure, hazardous materials incidents, nuclear materials release, and terrorism. The plan sets forth a variety of objectives and actions based on a set of broad goals including the following: (1) promoting disaster-resistant future development; (2) increased public understanding and support for effective hazard mitigation; (3) building

support of local capacity and commitment to become less vulnerable to hazards; (4) enhancement of hazard mitigation coordination and communication with federal, state, local and tribal governments; and (5) reducing the possibility of damage and losses to existing assets, particularly people, critical facilities or infrastructure, and County-owned facilities, due to dam failure, earthquake, coastal storm, erosion, tsunami, landslides, floods, structural fire/wildfire, and human-made hazards.

### ***San Diego County Site Assessment and Mitigation Program***

The DEH maintains the Site Assessment and Mitigation list of contaminated sites that have previously or are currently undergoing environmental investigations and/or remedial actions. The San Diego County Site Assessment and Mitigation Program has a primary purpose to protect human health, water resources, and the environment within the County by providing oversight of assessments and cleanups in accordance with the California Health and Safety Code and the California Code of Regulations. The Site Assessment and Mitigation Program's Voluntary Assistance Program also provides staff consultation, project oversight, and technical or environmental report evaluation and concurrence (when appropriate) on projects pertaining to properties contaminated with hazardous substances.

### ***Poway Comprehensive Plan: General Plan***

The Poway Comprehensive Plan: General Plan (General Plan) includes the following policies regarding hazards and hazardous materials (City of Poway 1991).

### ***Goal VII: It is the goal of the City of Poway to provide a safe and healthy environment for the residents of Poway.***

#### ***Policy B – Fire Protection: The City shall maintain a high standard of fire protection services.***

- **Strategy 1:** Encourage the development, implementation and public awareness of fire prevention programs.
- **Strategy 2:** Implement programs to reduce the quantity of combustible vegetative materials in the City to reduce wildland fire hazards including a brush management program subject to approval by the City.
- **Strategy 3:** Continue the use of the Weed Abatement Program and a fire buffer program along heavily traveled roads through thinning diskling or controlled burning subject to air quality standards. Brush, not trees, should be cleared from both sides of major arterials.
- **Strategy 4:** The existing rows of eucalyptus trees should be trimmed periodically and combustible vegetative materials at the tree base should be periodically removed.
- **Strategy 5:** All proposed development shall satisfy the minimum structural fire protection standards contained in the adopted editions of the Uniform Fire and Building Codes; however, where deemed appropriate, the City shall enhance the minimum standards to provide optimum protection.
- **Strategy 6:** Fire protection requirements shall be expanded where structural and/or capital improvements cannot adequately protect the community from property damage or potential loss of life.
- **Strategy 7:** Study the feasibility of regulations requiring the installation of a sprinkler system at the time of construction of new residential structures, and in conjunction with expansion or substantial interior remodeling of existing structures.
- **Strategy 8:** Require fire retardant roofing materials based upon the type of construction in and outside of high fire hazard areas.
- **Strategy 9:** Enforce the fire control requirements of the City's landscape standards.

- **Strategy 10:** In order to minimize fire hazards, the Poway Fire Department shall routinely be involved in the review of development applications. Consideration shall be given to adequate emergency access, driveway widths, turning radii, fire hydrant locations and needed fire flow requirements.
- **Strategy 11:** Advocate and support State legislation which would provide tax incentives encouraging the repair or demolition of structures which are classified as high fire hazards.
- **Strategy 12:** The construction of public facilities and transportation corridors shall be consistent with the adopted standards of the Uniform Building Code and Uniform Fire Code.
- **Strategy 13:** Fire stations shall be located on or near arterial roadways to provide for rapid response times.
- **Strategy 14:** The timing of station construction shall relate to the rise of service demand in the surrounding areas.
- **Strategy 15:** The location of stations should consider existing and projected land uses and appropriate buffering should be provided where necessary.
- **Strategy 16:** Proposed Fire Station 3 shall be located in the South Poway Business Park.
- **Strategy 17:** Emphasis on future construction and capital improvements should be toward the alleviation of deficiencies in critical risk areas.
- **Strategy 18:** Opportunities for joint-power agreement facilities and/or operations should be evaluated and pursued where practical.
- **Strategy 19:** Support mutual aid agreement and communication links with the County and the other municipalities participating in the Unified San Diego County Emergency Service Organization.

*Policy G – Hazardous Waste Management: The City supports the San Diego County Hazardous Waste Management Plan and seeks its implementation by encouraging waste minimization, proper disposal of household hazardous wastes and by establishing criteria for land use decisions regarding hazardous waste treatment facility siting.*

- **Strategy 1:** Encourage businesses to conduct waste minimization opportunity assessments to determine their potential for source reduction and recycling and to achieve the County-wide goal of 30 percent reduction in hazardous waste by 1994.
- **Strategy 2:** Investigate the adoption of an ordinance to require businesses to prepare submit and implement hazardous waste minimization plans.
- **Strategy 3:** Consider establishing a reward program to recognize businesses that implement waste minimization successfully and conducting a media campaign designed to recognize these businesses.
- **Strategy 4:** Encourage safe and proper disposal of household hazardous waste; comply with Integrated Waste Management Act requirements of no Household Hazardous Waste to landfills by 1995.
- **Strategy 5:** Continue to encourage district collection events and seek an appropriate location to establish a permanent community collection center Contaminated Sites.
- **Strategy 6:** Seek to ensure timely and complete cleanup of contaminated sites.
- **Strategy 7:** The siting criteria of the San Diego County Hazardous Waste Management Plan are incorporated into the Poway General Plan by reference and shall be used to determine acceptable locations and conditions for off-site hazardous waste treatment facilities.
- **Strategy 8:** Ensure that off-site hazardous waste treatment facilities are subject to complete and thorough local review.
- **Strategy 9:** Encourage the coordination of facility siting responsibilities among Southern California's local governments through adoption and implementation of the Southern California Hazardous Waste Management Authority Regional Plan Fair Share Policies and Regional Action Plan

### *City of Poway Municipal Code*

Chapter 15.24 of the City's Municipal Code (City of Poway 2022a) outlines the Fire Code, which provides for the preparation and carrying out of plans for the protection of persons and property within the City in the event of an emergency. It also discusses the building standards for residential and commercial structures within high fire severity zones.

Chapter 8.88 of the City's Municipal Code discusses the acceptable use and abatement of hazardous materials, vegetation, defensible space, and waste. The purpose and findings of this section declare that (City of Poway 2022b):

- The City of Poway is at serious risk of wildfire due to its terrain, with steep mountainous slopes and valleys; a warm, dry climate; and highly flammable chaparral vegetation. For this reason, a comprehensive strategy for reducing the risk of wildfire is necessary. This strategy includes the creation of defensible space by clearing highly flammable chaparral vegetation around structures, and the Vegetation Management Program, involving the removal of weeds and dry grasses from private property.
- The public health and safety are also threatened by the accumulation of waste material that is left out in the open, such as rubbish, crates, cartons, metal and glass containers, and vehicle bodies and parts. This chapter also provides for the abatement of accumulated waste material that has been determined to be a public nuisance.
- Hazardous substances and hazardous wastes present in the community may pose acute and chronic health hazards to individuals who live and work in the City, and who are exposed to such substances as a result of fires, spills, industrial accidents, or other types of releases or emission.
- The people who live and work in the City have a right and need to know of the use and potential hazards of hazardous materials.
- Basic information on the location, type, quantity and the health risks of hazardous materials used, stored, or disposed of in the City is not now available to firefighters, health officials, health care providers, planners, elected officials, and residents.
- It is the intent of the City Council that this section through PMC [Poway Municipal Code] 8.88.130 recognize the community's right and need for basic information on the use and disposal of hazardous materials in the City and that it establish an orderly system for the provision of such information including appropriate education and training for use of information.
- It is further the intent of the City Council that the system of disclosure set forth through PMC 8.88.130 shall provide the information essential to firefighters, health officials, health care providers, planners, elected officials and residents in meeting their responsibilities for the health and welfare of the community in such a way that the statutory privilege of trade secrecy is not abridged. (Ord. 94 § 1, 1983; Ord. 29 § 1, 1981; CC § 68.641)
- It is the intent of the City Council that the Health Officer establish a program to monitor establishments where hazardous wastes are produced, stored, handled, disposed of, treated or recycled. It is further the intent of the City Council that the Health Officer provide health care information and other appropriate technical assistance on a 24-hour basis to emergency responders in the event of a hazardous waste incident involving community exposure. (Ord. 95 § 2, 1983; Ord. 29 § 1, 1981; CC § 68.901)

### ***City of Poway Landscape and Irrigation Design Manual***

The City's Landscape and Irrigation Design Manual provides for the requirements for the establishment of irrigation systems for the purpose of providing consistency with the City's General Plan and Municipal Code.

Section 4 of the manual, Vegetative Fuel Management in Very High Fire Hazard Areas, establishes the following requirements for the City (City of Poway 2018):

1. Vegetative Fuel Management Plans

Plans shall be approved prior to fuel modification work. Plans shall be based on site plans and grading plans showing elevation contours (slopes). Plans shall indicate the widths of the fuel modification zones on the site, including slopes. Plans shall include, at a minimum: (1) plan showing existing vegetation; and, (2) grading plans showing location of proposed structures and setback from top of slope to all structures.

2. Fuel Modification Installations

All fuel modification work shall be completed prior to the final inspection for issuance of a certificate of occupancy.

3. Plant Selection and Removal

Plant lists at the end of this Section (Tables 4-1 and 4-2) suggest species that should be avoided or removed, and are acceptable fire-resistant species. Prior to removal of vegetation, consult a qualified professional landscape architect or biologist to identify desirable native plants to remain. Removal of native trees, as outlined in Chapter 12.32 PMC, URBAN FORESTRY, requires a separate Tree Removal Permit from the City. Native tree species are defined in the City of Poway Urban Forestry Ordinance.

4. Tree Pruning

1.1 Native trees to be retained within fuel modification zones shall be pruned to maintain a vertical separation of not less than six (6) feet above underlying groundcover. If shrubs are located underneath the drip line of a tree, the lowest branch should be at least three times as high as the understory shrubs or 10 feet, whichever is greater. Pruning of the shrubs and groundcover will minimize the impact of the tree pruning.

1.2 Trees shall not be topped, as defined in the City of Poway Urban Forestry Ordinance.

1.3 Tree pruning work shall be in accordance with the standards of the International Society of Arboriculture (ISA), Western Chapter. Refer to Section Four, Landscape Planting Requirements, herein for pruning standards.

### ***City of Poway Habitat Conservation Plan/Natural Community Conservation Plan***

Section 6.2.2.1 of the Poway Subarea Habitat Conservation Plan/Natural Community Conservation Plan (Poway Subarea HCP/NCCP) (City of Poway 1996) provides for management strategies for the prevention of wildfires. Fire management can focus on two potentially different objectives: (1) achievement of biological resources goals, and (2) hazard reduction for humans and their property. Biological resources goals recognize that fire is a natural process in ecosystems. These goals include maintaining or restoring specific species; rejuvenating vegetation communities; creating vegetation mosaics that favor increased animal species diversity; providing habitat for species characteristic of early post-fire landscapes; and controlling exotic plant species invasions. Fire management can also affect restoration of disturbed habitats and site hydrology, which will directly impact habitat value for wildlife. Fire management for human hazard reduction involves reducing fuel loads in areas where fire may threaten human safety or property, and suppressing fires once they have started. Provision for access of fire suppression equipment and personnel is important to achieving safety goals.

### 4.8.3 Thresholds of Significance

The significance criteria used to evaluate the project impacts related to hazards and hazardous materials are based on Appendix G of the CEQA Guidelines. According to Appendix G of the CEQA Guidelines, a significant impact related to hazards and hazardous material would occur if the project would:

1. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.
2. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.
3. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.
4. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as result, would it create a significant hazard to the public or the environment.
5. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.
6. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires.

### 4.8.4 Impacts Analysis

***Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?***

#### **Construction**

Construction of the proposed project would entail demolition of existing residences and the routine transport of materials potentially hazardous to humans, wildlife, and sensitive environments. These materials include gasoline oil, solvents, cleaners, paint, and various other liquids and materials required for the operation of construction equipment. These materials would be used and stored in designated construction staging areas within the boundaries of the project site, and once the proposed project has been constructed, any remaining materials would be transported off site. These materials would be transported, handled, and disposed of in accordance with all applicable federal, state, and local laws and regulations pertaining to the management and use of hazardous materials. These regulations include the Federal Chemical Accident Prevention Provisions (CFR Part 68); California Highway Patrol and California Department of Transportation container and licensing requirements for transportation of hazardous waste on public roads; the International Fire Code; the Resource Conservation and Recovery Act of 1976, as amended by the Hazardous and Solid Waste Amendments of 1984; California's Hazardous Waste Control Law; the California Fire Code; California Health and Safety Code Hazardous Materials Release Response Plans and Inventory; the California Integrated Waste Management Act; regulations developed by California Occupations Safety and Health Administration; and the state Hazardous Waste Control Act. Consequently, use of these materials for their intended purpose would not pose a significant risk to the public or environment. Therefore, potential impacts related to the routine transport, use, or disposal of hazardous materials during project construction is determined to be **less than significant**.



### Operational

The operational phase of the proposed project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. The proposed project involves residential dwellings with associated landscaping. Residential uses are not typically associated with the transport, use, or disposal of hazardous materials. Household goods used by residential homes that contain toxic substances are usually low in concentration and small in amount. Therefore, there is no significant risk to humans or the environment from the use of such household goods. Residents are required to dispose of household hazardous waste, including pesticides, batteries, old paint, solvents, used oil, antifreeze, and other chemicals, at a Household Hazardous Waste Collection Facility. The transport, use, and disposal of hazardous materials are fully regulated by EPA, State of California, San Diego County, and/or the City. With mandatory regulatory compliance, potential hazardous materials impacts associated with long-term operation of the project would be **less than significant**.

***Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?***

### Construction

As mentioned above, the potential materials used during the proposed project construction phase may be deemed hazardous; however, the proposed project would be required to follow all federal, state, and local policies regarding the use, transportation, and removal of these products. Additionally, in the event of a reasonably foreseeable upset and accident regarding the release of hazardous materials, procedures and policies would be followed to remove the materials in a safe and timely manner. As described above, the project would be required to comply with all standards required through federal, state, county, and municipal regulations, in addition to project-specific plans review by the City, which would ensure potential impacts related to hazardous materials would be **less than significant**.

### Operational

The project would be limited to single family residences and open space uses, which are not typically characteristic of generating, releasing, or using large amounts of hazardous materials. During operations of the project, the only hazardous materials anticipated for transport, use, or disposal are routinely used household products such as cleaners, paint, solvents, motor oil/automotive products, batteries and garden maintenance products. The use, handling, and disposal of these products are addressed by household hazardous waste programs that are part of the IWMP of the County of San Diego, and therefore the project is not expected to create a significant hazard to the public or environment through hazardous upsets or accidents. For these reasons, the project is not expected to result in potential upset and accident conditions involving release of hazardous materials in the environment; and impacts from a foreseeable upset would be **less than significant**.

***Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?***

A Montessori preschool, Montessori Center of San Diego, is located approximately 0.1 miles east of the project site. No other schools are located or proposed within 0.25 miles of the project site. Thus, the project site is within 0.25 miles of the elementary school and analysis is provided below.

### Construction Impacts

Appendix H identified no evidence of recognized environmental conditions (RECs) at the project site. As described above, construction of the proposed project would entail demolition of existing residences and the routine transport of materials including gasoline oil, solvents, cleaners, paint, and various other liquids and materials required for the operation of construction equipment. Construction activities would comply with the above requirements such as Cal/OSHA requirements, the Hazardous Waste Control Act, CalARP Program, and the California Health and Safety Code. Compliance with these requirements is mandatory and would minimize the potential for an accidental release of hazardous materials; therefore, impacts to schools as a result of project implementation is determined to be **less-than-significant**.

### Operational Impacts

Once operational, hazardous materials associated with the residential dwellings and associated landscape, would be limited to private use of routinely used household products such as cleaners, paint, solvents, motor oil/automotive products, batteries and garden maintenance products. Although the proposed project would introduce dwelling units to the site resulting in an increased use of commercially available potentially hazardous materials, the use of these substances would be subject to all applicable federal, state, and local health and safety laws and regulations that are intended to minimize health risk to the public associated with hazardous materials.

Although the project site is within 0.25 miles of a school, by following federal, state, and local policies regarding hazardous waste transportation and removal during operation, as well as the localized private nature of hazardous waste during operation, the proposed project would have a **less-than-significant** impact on the existing school, Montessori Center of San Diego.

***Would the project be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?***

A Phase I and Phase II Environmental Site Assessment (ESA) analyzed the existing hazards on the project site. As discussed in Appendix H, the project site was not listed on any standard federal, state, and local databases, regarding the use, storage, disposal or release of hazardous substances. Additionally, Appendix H identified no evidence of RECs at the project site. Given that the project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5, impacts would be **less than significant**.

***For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?***

The closest airport to the project site is the Marine Corps Air Station Miramar, which is located approximately 7.07 miles southwest of the project site and is not located within a review area for the Airport Land Use Compatibility Plan for the Air Station. Therefore, this **no impact** would occur.

***Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?***

The City of Poway is a participant in the Multi-Jurisdictional Hazard Mitigation Plan for San Diego County (County of San Diego 2018), the San Diego County Emergency Operations Plan (County of San Diego 2022). The County's Multi-Jurisdictional Hazard Mitigation Plan is a countywide plan that identifies risks and ways to minimize damage by

natural and manmade disasters. The plan is a comprehensive resource document that serves many purposes such as enhancing public awareness, creating a decision tool for management, promoting compliance with state and federal program requirements, enhancing local policies for hazard mitigation capability, and providing inter-jurisdictional coordination. The project would not impair implementation of the Multi-Jurisdictional Hazard Mitigation Plan.

As described in Section 4.12, Population and Housing, project implementation would result in an increase of people at the project site. The increased people at the project site would result in an increase in the number of people evacuating in the case of an emergency. The proposed project site is divided by Oak Knoll Road. The northern portion of the project site would have ~~two access points~~ one access point via Oak Knoll Road, ~~and Roca Grande Road~~. The southern portion of the site would be accessible via Oak Knoll Road. PFD has necessary turnarounds and turnouts for fire apparatus access roads within the project area to provide access to all structures—all of which conform to the required diameter for turnarounds and turnouts. All new roads in the City—including any that would be constructed as part of the proposed project—must follow PFD’s protocol to ensure adequate emergency access (PFD 2013).

Based on the simulations in the evacuation plan, evacuation traffic generated by the project would only increase the total evacuation travel time by less than 5 minutes. With proper and effective evacuation manager and traffic control personnel, evacuation flow is anticipated to be able to be efficiently managed (Appendix R).

Overall, the project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. Therefore, impacts are determined to be **less than significant**.

***Would the project expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?***

The project would introduce additional people and structures to the project site as part of the residential development of the project. The project site is mostly developed, relatively flat, and surrounded by existing residential and commercial development. The project site is not located in a VHFHSZ. As described in Section 4.17, Wildfire, due to the existing development on and surrounding the project site, the project site does not feature factors that would exacerbate wildfire risk and preliminary site plans and emergency access for the project will be reviewed by the PFD. Impacts related to exposing people or structures to wildland fires would be **less than significant**.

### 4.8.5 Cumulative Impacts

The geographic scope of the cumulative impact analysis for hazards and hazardous materials is limited to projects within the City limits (see Table 3-2, Cumulative Projects). Cumulative impacts related to hazards and hazardous materials would result from projects within the City that combine and increase exposure to hazards and hazardous materials. Cumulative projects with the potential to increase exposure include Meridian Poway and Poway Road Mixed Use.

#### **Hazardous Materials**

Hazardous soils, underground storage tanks, and other existing sources of hazardous materials are generally site specific and handled on a project-by-project basis. The cumulative projects identified in Table 3-2 would be expected to have little effect on the exposure to, or the chances of, release of hazardous materials because proposed land uses associated with the cumulative projects do not typically involve large quantities of potentially hazardous materials. Further, cumulative projects would be required to comply with all applicable federal, state, and local standards regarding the handling, use, transportation, storage, and disposal of hazardous materials, which are intended to minimize the risk to public health and the environment. As described above, the proposed project would have less than significant impacts related to exposure of hazardous materials. Impacts related to the transportation,

use, or storage of hazardous materials or related to a hazardous materials site would be **less than significant and not cumulatively considerable**.

### Schools

The potential to handle or emit hazardous materials within 0.25 miles of a school is generally site specific. The proposed project would not result in construction or operational impacts to Montessori Center of San Diego due to existing federal, state, and local policies in place for the handling, storage, and transport of these materials. Finally, none of the cumulative projects identified in Table 3-2 are within 0.25 miles of Montessori Center of San Diego. Therefore, **the impact on schools would be less than significant and not cumulatively considerable**.

### Airport Hazards

The project site is not located within an ALUCP review area. Any cumulative projects would be required to comply with all applicable ALUCP standards if they are located within a review area for the ALCUP. Therefore, the impact on exposure to airport hazards **would be less than significant and not cumulatively considerable**.

### Emergency Response/Emergency Evacuation Plans

Cumulative projects within the City would be required to comply with applicable emergency response and evacuation policies outlined in regulations such as the Federal Response Plan, the California Emergency Services Act, local fire codes, and regional/jurisdictional emergency response and evacuation plans. Due to existing regulations, cumulative projects would not result in a significant cumulative impact associated with the implementation of emergency response and evacuation plans. The proposed project's construction would take place entirely on the project site, and existing access for emergency service providers would be maintained during the entire construction phase. Thus, the proposed project **would not contribute to a cumulative impact** to emergency response plans or emergency evacuation plans.

### Wildland Fires

The potential for wildland fires resulting in the loss of life or property is generally unique to each site. All cumulative projects are subject to the fire codes and regulations. Any project in a given area cannot be approved unless it is determined to meet the fire codes (e.g., fire retardant roof materials, increased setbacks, fire sprinklers on structures) and regulations for the fire authority having jurisdiction over the cumulative projects. Additionally, cumulative projects identified in Table 3-2, similar to the project, are also redevelopment projects surrounded by development. The project site has been previously developed, and is located in an area surrounded by residential uses. Due to the low fire risk at the project site **cumulative impacts from wildland fires would be less than significant**.

## 4.8.6 Mitigation Measures

Implementation of the proposed project would not result in significant impacts related to hazards and hazardous materials. Therefore, no mitigation would be required.

## 4.8.7 Level of Significance after Mitigation

As previously stated, all potential impacts related to hazards and hazardous materials from the proposed project would be **less than significant**, and no mitigation would be required.

## 4.9 Hydrology and Water Quality

This section describes the existing hydrology and water quality conditions of the Harmon Ranch project (proposed project) site and vicinity, identifies associated regulatory requirements, evaluates potential impacts, and identifies mitigation measures related to implementation of the proposed project. This analysis is based on the review of existing resources; technical data; applicable laws, regulations, and guidelines; as well as the following technical reports prepared for the proposed project:

- Preliminary Drainage Study for Harmon Oaks, prepared by Hunsaker & Associates in June 2022 (revised November 2022 and September 2023), included as Appendix I to this environmental impact report [EIR]
- Priority Development Project – Stormwater Quality Management Plan, prepared by Hunsaker & Associates in June 2022 (revised September 2023), included as Appendix J to this EIR

### 4.9.1 Existing Conditions

#### Hydrology and Stormwater Systems

##### *Regional*

The City of Poway (City) is located within two watershed areas: Los Peñasquitos Watershed, which covers 61.7% of the City, and San Dieguito Watershed, which covers the remaining area. The project site and surrounding City area are within a subwatershed (i.e., Los Peñasquitos Creek) of the Los Peñasquitos Watershed.

The Los Peñasquitos Watershed drains an area of approximately 94 square miles in central San Diego County (County) (City of Poway 2022). The Los Peñasquitos Watershed Management Area (WMA) includes portions of the cities of San Diego, Poway, and Del Mar; a small portion of the County (in the eastern headwaters area); and several major transportation corridors maintained by the California Department of Transportation (Caltrans) (City of Poway 2022). The City has the second largest jurisdictional land area within the WMA (15,441 acres, compared to the City of San Diego's 41,548 acres) (City of Poway 2022). More than 50% of the WMA has been developed, which has altered many of the natural vegetative communities (City of Poway 2022). The WMA's floodplain and tributaries are mostly developed and urbanized, and stormwater runoff and sediment are largely conveyed through channelized east-to-west trending paths (toward the Los Peñasquitos Lagoon) (City of Poway 2022). Waters from the WMA, including Poway Creek, a tributary of Los Peñasquitos Creek, eventually discharge into the Pacific Ocean in an area just south of City of San Diego's boundary with the City of Del Mar (City of Poway 2022).

The City Department of Public Works Storm Water and Flood Control Division manages and maintains the stormwater drain lines within the City to collect stormwater runoff and help prevent flooding of developed areas. City facilities include 9 miles of concrete channels, 44 box culverts, 64 miles of storm pipe (12 inches to 72 inches in diameter), 105 miles of open channels (4 feet to 100 feet in width), and 1,400 drop inlets (i.e., storm drains) (City of Poway 2023a).<sup>1</sup>

<sup>1</sup> Drop inlets (also referred to colloquially as storm drains) can include both catch basins and inlets. These facilities are drainage features, which typically present superficially as grates along roadways or sidewalks. On the subsurface level, the difference between a catch basin and an inlet is that the catch basin has a sump for collection of silt and debris.

### **Project Area**

The existing project site drainage conditions and drainage boundary are illustrated in Figure 4.9-1, Existing Hydrology Map. The project site's drainage area is approximately 14 acres and includes vegetative cover, non-vegetated pervious areas (i.e., the gravel storage yard/staging area), and impervious areas, including four existing residences with impervious driveways/walkways and the east-west trending Oak Knoll Road, which bisects the project site to the south. The imperviousness of the project site drainage area is approximately 19% (Appendix I). A segment of Poway Creek (a vegetated channel running in an east-west direction) is present along the southwestern border of the project site (south of Oak Knoll Road). The elevation of the project site's drainage area (which includes portions of the off-site northern slope) ranges from 540 feet above mean sea level to 438 feet above mean sea level and the average slope from the northwest corner to the southwest corner is approximately 5.3% (Appendix I). Over 85% of the project site is underlain by soils with a very slow infiltration rate (i.e., thick surface Placentia sandy loam and Olivenhain cobbly loam), suggesting that infiltration best management practices (BMPs) on the project site should be avoided (Appendix J).

Runoff from the project site and adjacent area discharges locally into Poway Creek just southwest of the project site via an 8-feet-by-5-feet reinforced concrete pipe (RCP) box culvert, which runs parallel to the project site to the west. City stormwater facilities in the project vicinity are illustrated in Map 1 of Appendix I, which also identifies key project site drainage sources and inlets as numbered "nodes" (i.e., Nodes 1 through 16). As illustrated in Figure 4.9-1, the project site currently accepts stormwater drainage from the adjoining property to the north and east. Drainage from existing home sites to the east (i.e., Nodes 3 and 4) is conveyed in a by-pass storm drain system directly to the existing Oak Knoll Road system. Runoff from the northeastern (i.e., Nodes 1 and 2) and eastern portion of the drainage area is conveyed via overland flow towards Node 5. This on-site flow drops into to the City stormwater system via an existing storm drain on the north side of Oak Knoll Road, where it is captured and comingled with the off-site flows from the east. The runoff from Nodes 1 through 5 is conveyed westerly via a 36-inch RCP towards an existing storm drain on the north side of Oak Knoll Road (Node 8) located near the southwestern corner of the northern portion of the site. Runoff from the southwestern portion of the project site (Node 6 and 7) is conveyed via overland flow towards Oak Knoll Road, where it is captured and comingled with the off-site flows before dropping into the existing storm drain by Node 8. An existing 36-inch RCP carries the runoff towards Node 11, where it comingles with the captured flow from off-site areas on the south side of Oak Knoll Road (Nodes 9 and 10) before continuing westerly to Node 15 (just west of the project site). Run-on from the off-site northern slope (Nodes 12 and 13) is conveyed with the runoff from the northwestern portion of the project site via overland flow and enters the existing box culvert through the existing headwall near Node 14. The existing box culvert routes the captured flows southwesterly to Node 15, where it comingles with the discharge from the 36-inch existing storm drain on the south side of Oak Knoll Road and continues southerly to discharge into Poway Creek at Node 16 (Appendix I).

### **Water Quality**

Stormwater runoff collected from the project site may contain high sediment loads and many types of pollutants, including oil and grease, nutrients (i.e., landscape fertilizers), pesticides, bacteria, viruses, oxygen-demanding compounds, and other trash or debris (Appendix J). To help regulate discharges to jurisdictional waters (including discharges to Poway Creek), the state's nine Regional Water Quality Control Boards (RWQCBs) issue National Pollutant Discharge Elimination System (NPDES) permits to municipalities and other agencies that discharge water via a storm drain system (identified as a Municipal Separate Storm Sewer System [MS4] permit) (City of Poway 2022). These MS4 permits, typically issued for a 5-year term, focus on actions to be taken by "Copermittees" (e.g., the City and other responsible agencies). Actions include regulation of residential and

commercial activities, new and existing development, other construction activities, facility inspections, water quality monitoring, and programs to detect and eliminate illegal discharges.

Monitoring programs required by MS4 permits are effective in characterizing the receiving waters in urban areas and the pollutants typically found in MS4 discharges. Furthermore, the permit programs developed and implemented numerous BMPs, ranging from street sweeping to public education and outreach to true source control (e.g., eliminating copper from automotive brake pads through state legislation). However, despite the implementation of program activities, impairments of beneficial uses remain in the WMA. Because the impairments exist, the San Diego RWQCB is required to review existing policies and develop new policies, such as total maximum daily loads (TMDLs). A TMDL is a calculation of the maximum amount of a pollutant that a water body can receive and still safely meet water quality standards, and an allocation of that load among the various sources of the pollutant (City of Poway 2022).

The San Diego RWQCB worked closely with Copermittees (i.e., the City, together with the City of Del Mar, City of San Diego, and the County of San Diego) and other interested parties in the development of the most recent version of the MS4 Permit (discussed in further detail in Section 4.9.2, Relevant Plans, Policies, and Ordinances, below) to institute a new scientifically based approach to water quality management (City of Poway 2022). As required by the MS4 Permit, the City's strategy and policy direction is to reduce discharges of pollutants into the MS4 through implementation of BMPs. In 2019, the City adopted an updated Jurisdictional Runoff Management Program (JRMP), which includes implementation of BMP requirements, water quality monitoring, educational outreach, municipal maintenance procedures, and inspection and enforcement programs (City of Poway 2019). The City conducts annual storm drain facility rehabilitation and replacement projects as needed. Development projects throughout the City are required to implement site-specific storm drain improvements and contribute fees toward regional improvements (City of Poway 2022). In 2022, together with Copermittees and Caltrans, the City prepared and adopted the updated Water Quality Improvement Plan (WQIP) for the Los Peñasquitos WMA, which identifies goals and strategies to address impairments in the quality of urban runoff waters (City of Poway 2022). The City must comply with the MS4 discharge prohibitions and receiving water limitations outlined in the MS4 Permit through timely implementation of control measures, other actions specified in the MS4 Permit, and adherence to the JRMP and WQIP (City of Poway 2022).

### ***303(d) Listed Water Bodies and Total Maximum Daily Loads***

As discussed below in further detail in Section 4.9.2, the 303(d) list is named after the section number of the CWA that established the requirements to create a list of impaired water body segments (City of Poway 2022). The Los Peñasquitos WMA has several 303(d)-listed water bodies, including Poway Creek, Los Peñasquitos Creek, Los Peñasquitos Lagoon, and the shoreline where waters from the WMA discharge into the Pacific Ocean (City of Poway 2022). Pollutants and stressors causing these impairments include indicator bacteria (e.g., fecal materials and associated pathogens), pesticides and herbicides, total dissolved solids (e.g., sulfates, phosphates, and nitrates, chlorides, and other substances), toxicity, sedimentation and siltation, and benthic community effects (City of Poway 2022).

The San Diego RWQB is required to develop TMDLs or follow an alternative regulatory process to address 303(d)-listed impairments (City of Poway 2022). Two TMDLs have been adopted in the Los Peñasquitos WMA, including a Sediment TMDL for the Los Peñasquitos Lagoon and Bacteria TMDL for the Pacific Ocean Shoreline at Torrey Pines State Beach (City of Poway 2022).

### **Beneficial Uses**

The beneficial uses of a water body are defined as “the uses of a water body necessary for the survival or well-being of man, plants, and wildlife” (City of Poway 2022). Existing beneficial uses associated with Poway Creek include Agricultural Supply, Water Contact Recreation, Noncontact Water Recreation, and Warm Freshwater Habitat (City of Poway 2022). Poor water quality still impairs some beneficial uses of surface waters in the Los Peñasquitos WMA, including Warm Freshwater Habitat uses in the Poway Creek. Warm Freshwater Habitat uses include uses of water that support warm water ecosystems, including, but not limited to, preservation or enhancement of aquatic habitats, vegetation, fish, or wildlife, including invertebrates (City of Poway 2022).

### **Groundwater**

The project site is located within the Poway Valley groundwater basin (PVGB), which underlies a portion of Poway Valley in the west-central County (DWR 2023a). Bounded by impermeable rocks of the Peninsular Ranges to the west, the PVGB covers approximately 2,470 acres, approximately 92% of which lie within the City (City of Poway 2018).<sup>2</sup> The total storage capacity of the PVGB is estimated to be over 2,300 acre-feet (DWR 2004). Natural recharge of the PVGB is from direct precipitation on the Poway Valley floor and infiltration along Poway Creek, which flows into the PVGB from the east (DWR 2004). Groundwater in PVGB is mainly sodium chloride in character and ranges in total dissolved solids content from about 750 to 1,500 milligrams per liter (DWR 2004).

The contribution of groundwater into the WMA’s MS4 through infiltration and receiving waters at areas where the groundwater table reaches surface water (i.e., rising groundwater) may be considered a non-point source for freshwater discharges (City of Poway 2022). During dry weather, bacteria may enter the MS4 or receiving waters, such as Poway Creek, through groundwater infiltration or irrigation runoff into municipal drainage channels (City of Poway 2022). However, the Poway Valley groundwater basin does include any coarse-grained materials that support efficient groundwater extraction and recharge. For these reasons, groundwater is not a significant water supply source for the City, and it is not used in the community water treatment and distribution system (City of Poway 2021).

As discussed in Draft EIR Section 4.6, Geology and Soils, during project site investigations conducted for the Geotechnical Investigation (provided as Appendix G of this Draft EIR), groundwater was encountered in exploratory trenches adjacent to Poway Creek and other areas of the project site at depths ranging between 6 feet and 11 feet below the ground surface (Appendix G). The groundwater encountered on the project site is “perched”<sup>3</sup> above where surface soils contact with the underlying Friars Formation or granitic rock (Appendix G). Groundwater levels in drainage areas on the project site can be expected to fluctuate seasonally (Appendix G). However, regarding the potential for pollutants from project site runoff to directly impact the PVGB, the project site is mostly underlain by stiff to very stiff clay soils (which have a very slow infiltration rate) and impermeable granite rock (Appendix J). Therefore, surface runoff across most of the project site has a low potential to percolate into the groundwater. The area with the highest potential for infiltration/percolation to occur on or adjacent to the project site is Poway Creek, which traverses the southernmost portion of the project site (Appendix J).

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<sup>2</sup> The remaining 8% of the PVGB lies within the City of San Diego (City of Poway 2018).

<sup>3</sup> As discussed in Draft EIR Section 4.6, Geology and Soils, perched groundwater is groundwater that is separated from an underlying body of groundwater by an “unsaturated zone”. On the project site, this unsaturated zone includes granite rock and Friars Formation, consisting of stiff to very stiff clay (Appendix J).



### Flooding

Flood zones are areas that the Federal Emergency Management Agency (FEMA) has defined as a geographic space that has varying levels of flood risk. Flood hazard areas identified on FEMA’s Flood Insurance Rate Map (FIRM) panels are identified as a Special Flood Hazard Area (SFHA). SFHAs are defined as the area that will be inundated by the flood event having a 1% chance of being equaled or exceeded in any given year (FEMA 2023). The 1% annual chance flood is also referred to as the “base flood” or “100-year flood” (FEMA 2023). The FIRM panels also identify “moderate flood hazard areas” (areas between the limits of the base flood and the 0.2% annual-chance [or 500-year] flood) and “minimal flood hazard areas” (areas outside the SFHA and higher than the elevation of 0.2% annual-chance flood). According to FEMA’s FIRM panel for the project site, while most areas of the project site north of Oak Knoll Road are identified as minimal flood hazard areas, other portions of the project site are located within a 100-year SFHA or a 500-year moderate flood hazard area (i.e., Zone AE and Zone X, respectively) (FEMA 2023; Appendix I).

Dam inundation areas are downstream areas subject to flooding as a result of an uncontrolled release from an upstream reservoir, such as from breaks in levees or dams. The project site is located approximately 2.6 miles northeast of Miramar Reservoir, 4 miles southeast of the Bernardo Reservoir, 4.5 miles southwest of Lake Poway, and 6.8 miles south of Lake Hodges (DWR 2023b). According to the California Department of Water Resources (DWR) Dam Inundation Map, the project site is not located within a dam inundation area (DWR 2023b). No other lakes or large reservoirs are located in the vicinity of the project site.

The project site is located approximately 12 miles inland from the Pacific Ocean, at a minimum elevation of approximately 438 feet above mean sea level. According to the California Department of Conservation, the project site is not within a tsunami hazard Area (DOC 2022).

### 4.9.2 Relevant Plans, Policies, and Ordinances

#### Federal

##### *Federal Emergency Management Agency*

FEMA is the primary federal agency for coordination with communities to establish effective floodplain management standards. FEMA prepares FIRM panels, which delineate the flood hazard areas and applicable risk premium zones. As discussed above in Section 4.9.1, Existing Conditions, portions of the project site are located within a 100-year SFHA or a 500-year moderate flood hazard area (i.e., Zone AE and Zone X, respectively) (FEMA 2023; Appendix I).

Under FEMA, the National Flood Insurance Program aims to reduce the impact of flooding on private and public structures by providing affordable insurance to property owners and by encouraging communities to adopt and enforce floodplain management regulations. These efforts help mitigate the effects on flooding on new and improved structures. Overall, the program reduces the socio-economic impact of disasters by promoting the purchase and retention of general risk insurance, but also of flood insurance specifically.

##### *Clean Water Act*

The Clean Water Act is the principal federal law for the regulation of water quality. The Clean Water Act includes water quality standards, discharge limitations, and required permits. The fundamental purpose of the Clean Water Act is the protection of designated beneficial uses of water resources. The 1987 amendments to the

Clean Water Act includes provisions prohibiting discharges of pollutants contained in stormwater runoff and requires many cities to obtain a NPDES permit to control urban and stormwater runoff.

Section 303(d) of the Clean Water Act defines water quality standards as consisting of both the uses of surface waters (beneficial uses) and the water quality criteria applied to protect those uses (water quality objectives). The State Water Resources Control Board (SWRCB) and the nine RWQCBs have been charged with ensuring that beneficial uses and water quality objectives are established for all waters of the state.

### **State**

#### ***California Environmental Quality Act***

The California Environmental Quality Act (CEQA) (California Public Resources Code, Section 21000 et seq.) and CEQA Guidelines (14 CCR 15000 et seq.) are primary sources for environmental legislation in California; they require projects with potential adverse environmental effects (or impacts) undergo environmental review. Adverse environmental impacts are typically mitigated as a result of the environmental review process in accordance with existing laws and regulations.

#### ***California Porter–Cologne Water Quality Control Act***

This legislation establishes the responsibilities and authorities of the state’s nine RWQCBs and the SWRCB. In California, all surface waters and groundwater are considered to be “waters of the state” under this Act. The nine RWQCBs are semi-autonomous and are composed of seven part-time Board members, appointed by the Governor and confirmed by the Senate. Regional boundaries are based on watersheds, and water quality requirements are based on the unique differences in climate, topography, geology, and hydrology for each watershed. Each RWQCB makes critical water quality decisions for its region, including setting standards, issuing permits (i.e., waste discharge requirements), determining compliance with those requirements, and taking appropriate enforcement actions. The project site is located with RWQCB Region 9, which includes San Diego, Imperial, and Riverside counties. SWRCB protects water quality by setting statewide policy, coordinating and supporting RWQCB efforts, and reviewing petitions that contest RWQCB actions.

#### ***Sustainable Groundwater Management Act of 2014***

On September 16, 2014, Governor Jerry Brown signed into law a three-bill legislative package 2014 (Assembly Bill 1739, Senate Bill 1168, and Senate Bill 1319) known as the Sustainable Groundwater Management Act of 2014. The legislation provides a framework for sustainable management of groundwater supplies by local authorities in high- and medium-priority alluvial basins, as designated by SWRCB. The groundwater sustainability agency, which can be a county, city, or water district, must be formed by June 30, 2017, and prepare a groundwater sustainability plan by January 31, 2022 (or January 31, 2020, for critically overdrafted basins). Each plan requires implementation measures to bring each basin into sustainability within 20 years of implementation of the plan. In San Diego County, four basins require plans, specifically the San Diego River Valley Basin, the San Pasqual Valley Basin, the San Luis Rey River Basin, and the Borrego Valley Basin (all medium-priority basins).

Geologic and soil conditions in the City are not conducive to the replenishment of the limited groundwater supply that exists. Therefore, the City has existed and grown on imported water after the establishment of the Poway Municipal Water District. However, some areas of the City are not served by the community water system.

The foothill and mountain areas of the eastern portion of the City must rely on groundwater pumped from wells to use for potable water and to irrigate agriculture (City of Poway 1991).

### ***Construction General Permit***

As stated in City Municipal Code Chapter 13.09.070-3, runoff at significant construction sites in the City are subject to any NPDES permit, and shall comply with such permit, which is SWRCB, Division of Water Quality, NPDES General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities, Order No. 2022-0057-DWQ, NPDES No. CAS000002 (City of Poway 2022). This General Permit authorizes discharges of stormwater associated with construction activity so long as the dischargers comply with all requirements, provisions, limitations, and prohibitions in the permit. This General Permit authorizes discharges of pollutants in stormwater associated with construction activity to waters of the United States from construction sites that disturb 1 or more acres of land surface, or are part of a common plan of development or sale that disturbs more than 1 acre of land surface. The NPDES permit must require implementation of Best Available Technology Economically Achievable and Best Conventional Pollutant Control Technology to reduce or eliminate pollutants in stormwater runoff (SWRCB 2018).

### **Local**

#### ***The Water Quality Control Plan for the San Diego Basin (Basin Plan)***

The SWRCB carries out the regulation, protection, and administration of water quality within the state. The state is divided into nine regions for the purposes of regional administration of California's water quality control program, and each region has its own RWQCB. The Water Quality Control Plan for the San Diego Basin (Basin Plan) designates beneficial uses for water bodies in the San Diego region, and establishes water quality objectives and implementation plans to protect those beneficial uses.

Any change to the Basin Plan requires a Basin Plan Amendment. All Basin Plan amendments are subject to a full public participation and hearing process prior to adoption by the San Diego RWQCB. Basin Plan amendments also must be approved by the SWRCB, Office of Administrative Law, and in many cases, the U.S. Environmental Protection Agency. Basin Plan amendments become effective and are added to the Basin Plan document after final approval by the Office of Administrative Law and/or the U.S. Environmental Protection Agency, as applicable. State and federal laws require periodic review and update of the Basin Plan.

#### ***Municipal Separate Storm Sewer Systems Permit***

On May 8, 2013, the San Diego RWQCB adopted Order Number R9-2013-0001, NPDES Permit and Waste Discharge Requirements for Discharges from the MS4 Draining the Watersheds Within the San Diego Region (MS4 Permit), establishing requirements for discharges from MS4s in the San Diego region. On February 11, 2015, the San Diego Water Board adopted Order Nos. R9-2015-0001 and R9-2015-0100 amending the MS4 Permit. The amended MS4 Permit became effective on April 1, 2015 and outlined the requirements for the establishment of watershed-based pollutant control plans known as Water Quality Improvement Plans. The WQIP for the Los Peñasquitos WMA outlines a framework to improve the surface water quality in the Los Peñasquitos WMA by identifying, prioritizing, and addressing impairments related to urban runoff discharges.

To protect and enhance local surface waters, the City implements water quality improvement and runoff management in compliance with the MS4 Permit (City of Poway 2022). The MS4 permit also required the city to enforce Chapter 13.09, Stormwater Management and Discharge Control, of the Poway Municipal Code (PMC) and implement the applicable JRMP and WQIP.

### ***City of Poway Jurisdictional Runoff Management Program***

In accordance with the MS4 Permit, each Copermittee, including the City, is required to develop a comprehensive Jurisdictional Urban Runoff Management Program (City of Poway 2022). The City developed the 2019 JRMP in response to the permit order. The City's approach to following the MS4 Permit entails reducing discharges of pollutants to the stormwater conveyance system within the City, by means of BMPs. Major components of the JRMP include the implementation of BMP requirements, water quality monitoring, educational outreach efforts, municipal maintenance procedures, and water quality monitoring procedures (City of Poway 2019).

### ***Los Peñasquitos Watershed Management Area Water Quality Improvement Plan***

Water Quality Improvement Plans are required for each Watershed Management Area under regulations adopted by the San Diego RWQCB. The Water Quality Improvement Plans address only water flows and discharges from the storm drain systems maintained by the local agencies sharing authority in each area. Other discharges and other sources of pollution are considered in the Water Quality Improvement Plan to the extent that they affect conditions in the storm drain system (City of Poway 2022).

The 2022 WQIP was prepared by the Responsible Agencies in the Los Peñasquitos WMA, as required by the MS4 Permit. The Responsible Agencies that are party to the development of WQIP are the City, City of Del Mar, City of San Diego, County of San Diego, and Caltrans (City of Poway 2022). The goal of the WQIP is to reduce pollutants and stressors in MS4 discharges to further the Clean Water Act's objective to protect, preserve, enhance, and restore the water quality and designated beneficial uses of waters of the state (City of Poway 2022). To achieve this goal, the WQIP includes structural and nonstructural solutions and strategies selected to target these highest priority water quality conditions. In addition to administrative JRMP strategies, City strategies focus on source control, such as open trash enclosures, and monitoring and reducing of the pollutant source exposure and storm water runoff at a public waste yard. Other strategies include promoting water conservation programs that improve water quality, programs to address illegal grading on private property, MS4 infrastructure maintenance, green infrastructure improvements, and strategies to address groundwater/interflow seepage (City of Poway 2022).

### ***City of Poway Municipal Code – Chapter 13.09 – Stormwater Management and Discharge Control***

The purpose of Chapter 13.09 of the PMC is to establish requirements for discharges into the stormwater conveyance system, receiving waters, and the environment, to protect the stormwater conveyance system from damage, and to meet the requirements of State and Federal law and the MS4 Permit. The chapter also states that BMPs are required for all dischargers. The following requirements regarding BMPs will apply (City of Poway 2023b):

1. Every responsible person, as defined in Chapters 1.08 and 1.10 PMC, undertaking any activity or use of premises that may cause or contribute to stormwater pollution or contamination, illegal discharges, or non-stormwater discharges to the stormwater conveyance system shall comply with BMP guidelines or pollution control requirements, as may be established by the authorized enforcement official. BMPs shall be maintained routinely throughout the life of the activity. Such BMPs include the minimum BMPs set forth in the BMP Manual.

2. An authorized enforcement official may require any business or operations that are engaged in activities which may result in pollutant discharges to the stormwater conveyance system to develop and implement an SWPPP [Stormwater Pollution Prevention Plan], which must include an employee training program and the applicable minimum BMPs from the BMP Manual.
3. Each discharger that is subject to any NPDES permit shall comply with all requirements of any such permits. The discharger must also submit reports to the RWQCB or other permitting agency, including monitoring data, available to the City upon request.
4. Parties undertaking land disturbance activities shall comply with all applicable requirements of this chapter, the BMP Manual, and Division III of PMC Title 16 (Chapters 16.40 through 16.54 PMC).
5. Parties undertaking land development and redevelopment activities shall comply with all applicable requirements of this chapter and the BMP Manual.

### ***City of Poway Municipal Code – Division IV– Drainage and Watercourses***

The purpose of PMC Division IV is to protect persons and property against flood hazards by augmenting the regulations imposed by PMC Chapters 16.40 through 16.52, applicable to subdivisions (City of Poway 2023b). In case of conflict between the regulations imposed by this division and any other provision of law or of this code, the more stringent regulation shall apply. According to PMC Section 16.58.030(D), no person shall place fill or encroachments within a floodplain that would increase the flood level or impair its ability to carry and discharge the waters resulting from the 100-year flood. Permits may be issued where the effect of the fill or encroachment on flood heights is fully offset by stream improvements. Furthermore, PMC Section 16.58.130(A) establishes that property owners in the City are responsible for the timely maintenance of any floodway on the owner's property. Failure to maintain a floodway in a safe and unobstructed condition is a violation of this section and a public nuisance (PMC Section 16.58.130[A]).

### ***City of Poway Municipal Code – Division V– Floodplain Management***

The purpose of PMC Division V is to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas (PMC Section 16.80.030). In accordance with PMC Section 16.86.0210, a development permit is required for projects within a SFHA prior to construction, encroachments, obstructions or development within any FEMA SFHA. Development standards for project activities within a SFHAs are set forth in PMC Section 16.88.010. Required standards include anchoring, construction with flood resistant materials, and other considerations related to elevation and floodproofing (PMC Section 16.88.010[A-C]). PMC Section 16.88.030[E] states that all subdivision projects in a SFHA must have adequate drainage provided to reduce exposure to flood hazards (PMC Section 16.88.030[E]).

### ***City of Poway Municipal Code – Division VI – Standard Urban Stormwater Mitigation Plan***

PMC Division VI codifies the Standard Urban Stormwater Mitigation Plan Ordinance of the City of Poway, requiring preparation of a Standard Urban Stormwater Mitigation Plan for priority development projects (PDPs) in the City. The proposed project is a new development projects that create 10,000 square feet or more of impervious surfaces (collectively over the entire project site). As such, the proposed project is considered a PDP. In compliance with the Standard Urban Stormwater Mitigation Plan Ordinance, a Stormwater Quality Management Plan was prepared for the project and is provided as Appendix J of this Draft EIR. Appendix J describes the general strategy for the project's structural BMP implementation at the site. The selection, sizing, and design of stormwater treatment and other

source control and site design BMPS measures set forth in Appendix J were done based on the City's BMP Design Manual and the requirements of the MS4 Permit (see Appendix J of this Draft EIR for further details).

### ***Poway Comprehensive Plan: General Plan***

The Poway Comprehensive Plan: General Plan (General Plan) includes the following policies and strategies regarding hydrology and water quality (City of Poway 1991):

**Goal I: It is the goal of The City of Poway to preserve Poway's unique and desirable character as "The City in the Country" and to maintain high quality design and environmental standards in all new development and redevelopment.**

**Policy D, Grading – Necessary grading should be done so as to minimize the disturbance to the site and the environmental and aesthetic impacts.**

- **Strategy 1:** Mass grading of custom residential subdivision lots in hillside areas is prohibited.
- **Strategy 2:** Grading in hillside areas shall leave rounded off natural appearing slopes and shall use a variable slope ratio instead of manicured cut and fill areas. Grading shall be limited to that required for building pad placement and for driveways and utility lines.
- **Strategy 3:** To the extent possible cut slopes should be concealed by the structure.
- **Strategy 4:** All exposed graded slopes shall be revegetated with plant materials compatible with surrounding vegetation.
- **Strategy 5:** Land should be graded and landscaped in workable increments to avoid exposing expanses of bared earth at any given time.
- **Strategy 6:** Topsoil removed during grading should be retained and replaced on the landscaped areas of the building site to minimize the grading and removal of top soil from other locations.
- **Strategy 7:** Long term erosion shall be controlled by vegetation replanting or erosion control materials as well as the installation of proper drainage control devices where necessary.
- **Strategy 8:** Soils having a high or moderate permeability capacity or rate should be left in their natural state to reduce run off and encourage groundwater recharge.

**Goal IV: It is the goal of the City of Poway to preserve its natural, scenic, and cultural resources for the future benefit and enjoyment of its residents and to protect biological and ecological diversity.**

**Policy B, Waterways – The natural character of creeks and channels should be maintained or restored to the greatest extent possible with consideration for maintaining adequate flood protection.**

- **Strategy 1:** Development including roads should be set back from riparian corridors a minimum distance of 50 feet or a sufficient distance as determined by a qualified biologist to avoid any damage to these areas. These riparian corridors and associated buffer areas should be designated as permanent natural open space easements and the buffer areas should be vegetated only with appropriate native species as determined by a qualified biologist or native plant horticulturist.
- **Strategy 2:** No activity or development shall be permitted within the watershed or viewshed of Lake Poway which would diminish water quality of the lake or its open space and recreational value.

- **Strategy 3:** Natural locations and rates of discharge into creeks and channels should not be increased without sufficient mitigation to ensure that significant alteration of the natural system will not occur.
- **Strategy 4:** The use of rip rap in stream channels shall be limited to the minimum area required to protect adjacent improvements and stream banks from excessive erosion.
- **Strategy 5:** Public access to creeks via trails paths and greenways shall be encouraged to the extent possible without negatively impacting the riparian habitat value.
- **Strategy 6:** Coordinate with other jurisdictions to monitor and maintain acceptable water quality standards in local streams.
- **Strategy 7:** Activities within the City's natural drainage systems which would adversely affect water quality (such as pesticide use construction of septic leach fields and underground storage of hazardous substances) shall be strictly regulated.
- **Strategy 8:** Substances such as hazardous wastes or untreated wastewater shall not be discharged into the City's natural water systems.
- **Strategy 9:** Urban runoff from impermeable surfaces which may be contaminated with oil grease vehicle fuels or other toxic substances shall have such contaminants substantially removed before discharge into the City's natural drainage systems. The City shall comply with the requirements of the nonpoint source urban runoff wastewater discharge permit.
- **Strategy 10:** Grading for development shall not increase the natural rate of erosion or cause siltation of stream channels.

### 4.9.3 Thresholds of Significance

The significance criteria used to evaluate the project impacts to hydrology and water quality are based on Appendix G of the CEQA Guidelines. According to Appendix G of the CEQA Guidelines, a significant impact related to hydrology and water quality would occur if the project would:

1. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality.
2. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin.
3. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:
  - a. result in substantial erosion or siltation on or off site;
  - b. substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or off site;
  - c. create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or
  - d. impede or redirect flood flows.
4. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation.
5. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

## 4.9.4 Impacts Analysis

### ***Would the project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?***

The following discussion of water quality impacts is organized into two subsections: (1) short-term construction activities and (2) long-term post-construction activities.

#### **Construction**

Proposed demolition, grading, excavation, and construction activities associated with the proposed project could create a substantial additional source of polluted runoff, which could have short-term impacts on surface water quality. Additional sources of polluted runoff as a result of project uses could include organic compounds, trash and debris, oxygen demanding substances, oil and grease, bacteria, viruses, pesticides, sediment, and nutrients (Appendix J).

Figure 4.9-2, Conceptual Grading Plan, illustrates the proposed grading concept for the project. Grading of the site respects the existing topography to the extent feasible for implementing the plan and adheres to the PMC Grading Standards. Grading for the site is balanced at 19,250 cubic yards of cut and fill to avoid export or import of dirt. Figure 4.9-3, Conceptual Cut and Fill Plan, highlights how dirt will be redistributed throughout the site. Cut and fill slopes are designed at 2:1 minimum. As illustrated in Figure 4.9-1 and discussed above in Section 4.9.1, the project site currently accepts stormwater drainage from the adjoining property to the northeast. Drainage from existing home sites to the east is currently conveyed in a by-pass storm drain system directly to the existing Oak Knoll Road system, which would not change under proposed project conditions. Proposed drainage conditions are illustrated in Figure 4.9-4, Proposed Hydrology Map.

The project site grading plan for areas north of Oak Knoll Road is designed to drain all stormwater directly onto private roadways (flowing generally northeast to southwest) and dropping into the existing City stormwater system via the drains along Oak Knoll Road (see Figure 4.9-4). Proposed grading conditions would continue to convey runoff from the southern portion of the project site (south of Oak Knoll Road) via overland flow to the existing storm drains along Oak Knoll Road. Flows from areas of the project site south of Oak Knoll Road would continue to be conveyed westerly through the existing 36-inch RCP towards the existing box culvert. As under existing conditions, all project site flows would eventually flow through the existing box culvert and discharge into Poway Creek at the existing point of connection (identified as “Node 16” in Figure 4.9-4).

Issuance of building permits for the proposed project would generally be phased along with the necessary public improvements to support the land uses. Required improvements would include water and wastewater pipelines, public and private roadways, drainage improvements, and public trail/park facilities. Clearing of the storage yard/staging areas and demolition of the existing single-family residential units and associated features would occur initially. Site-preparation of the project site (i.e., grading, soil import, trenching for dry and wet utilities, and surface improvements) for vertical building construction would follow. Pollutants associated with construction would degrade water quality if those pollutants are washed into surface waters. Sediment is often the most common pollutant associated with construction sites because of the associated earth-moving activities and areas of exposed soil. Hydrocarbons such as fuels, asphalt materials, oils, and hazardous materials such as paints and concrete discharged from construction sites could also result in impacts downstream. Debris and trash could be washed into existing storm drainage channels to downstream surface waters. These activities could impact aquatic habitat, upland wildlife, and aesthetic land values.



Under the NPDES permit program, BMPs are mandated for construction sites in which grading would be greater than 1 acre, through preparation of Stormwater Pollution Prevention Plans (SWPPPs) in order to reduce the occurrence of pollutants in surface water. SWPPPs are submitted to RWQCB prior to ground-disturbing activities and set forth the measures that will be employed during construction to avoid runoff into surface waters. Project temporary construction BMPs would typically include the following: street sweeping, waste disposal, vehicle and equipment maintenance, concrete washout area, materials storage, minimization of hazardous materials, and proper handling and storage of hazardous materials. Typical erosion and sediment control BMPs include silt fences, fiber rolls, gravel bags, temporary desilting basins, velocity check dams, temporary ditches or swales, stormwater inlet protection, and soil stabilization measures. Implementation of these state-mandated measures, and implementation of the required SWPPP for the proposed project, would ensure that short-term impacts from construction-related activities would not violate any water quality standards or waste discharge requirements and not further contribute to water quality impacts identified in the Clean Water Act Section 303(d) List of Water Quality Limited Segments. With implementation of a SWPPP and compliance with applicable water quality requirements, runoff from the project site during construction would not adversely affect surface waters and water quality.

**Operation**

The existing residences, storage yard/staging area, and all other existing on-site structures would be replaced with the proposed project, as described in Chapter 3, Project Description, of this Draft EIR. The project proposes features such as single-family residences, yards, landscaped areas, driveways roadways, sidewalks, trails, and parks that could potentially result in increased pollutants from the project site. As discussed above, the project site grading plan for areas north of Oak Knoll Road is designed to drain all stormwater directly to on-site private streets (see Figures 4.9-4 and 4.9-5). Once in the street(s), stormwater would be collected by proposed catch basins and inlets and a system of private underground storm-drain pipes. These pipes would then convey the water to a series of biofiltration units and one underground vault for hydromodification that would release stormwater into the City’s system via an off-site pipe connecting to a proposed storm drain on the south side of Oak Knoll Road. Proposed drainage conditions would convey runoff from the northern area of the southern portion of the project site (south of Oak Knoll Road) via overland flow towards a proposed biofiltration unit before comingling with flows in the existing 36-inch RCP and box culvert to the west. After biofiltration and/or hydromodification, all project site flows would drain into the box culvert and discharge into Poway Creek at the existing point of connection.

Hydromodification management flow control, or BMPs, would be implemented in order to reduce potential impacts to water quality, proposed project BMPs are illustrated in Figure 4.9-5, Proposed Best Management Practices. As outlined and recommended in the Stormwater Quality Management Plan (Appendix J), the proposed project would implement source control BMPs, site design BMPs, and priority development project BMPs, which are outlined in Table 4.9-1.

**Table 4.9-1. Hydromodification Management Flow Control Best Management Practices**

No.	BMP
<b>Source Control BMPs</b>	
SC-BMP-1	Prevention of Illicit Discharge into the MS4 Permit Areas
SC-BMP-2	Storm Drain Stenciling or Signage
SC-BMP-6	Additional BMPs for the following areas of concern: Onsite Storm Drain Inlets, Landscape/ Outdoor Pesticide Use, Refuse Areas, Miscellaneous Drain or Wash Water, Plazas, Sidewalks, and Parking Lots.

**Table 4.9-1. Hydromodification Management Flow Control Best Management Practices**

No.	BMP
<b>Site Design BMPs</b>	
SD-BMP-1	Maintain Natural Drainage Pathways and Hydrologic Features
SD-BMP-2	Conserve Natural Areas, Soils, and Vegetation
SD-BMP-3	Minimize Impervious Areas
SD-BMP-4	Minimize Soil Compaction
SD-BMP-5	Impervious Area Dispersion
SD-BMP-6	Runoff Collection
SD-BMP-7	Landscaping with Native or Drought Tolerant Species
<b>PDP BMPs</b>	
PDP-BMP-1	In accordance with the City’s SUWMP Ordinance, Stormwater Design Manual (i.e., BMP Manual), and MS4 Permit, a total of 11 biofiltration units (i.e., BF-3-1 through 11 in Figure 4.9-5) were sized to address the water quality requirements of the proposed project to discharge directly into Poway Creek at the existing point of connection (identified as “POC1” in Figure 4.9-5). For hydromodification flow control, an underground vault (i.e., HMP-1 in Figure 4.9-5) is proposed to mitigate the flow generated on the project site areas north of Oak Knoll Road. The final owners of the biofiltration BMP would be the Homeowners Association (HOA). The HOA would maintain this BMP into perpetuity and fund the maintenance of the BMP through HOA dues.

**Source:** Appendix J.

**Note:** SC = source control; BMP = best management practice; SD = site design; PDP = priority development project.

As discussed above in Section 4.9.2, the PMC requires all PDPs to implement BMPs for stormwater pollutant control. PDPs subject to hydromodification management requirements, such as this project, must also implement water pollutant control and flow control for hydromodification management. Both stormwater pollutant control and flow control for hydromodification management can be achieved within the same structural BMPs as outlined above. These BMPs would be verified by the City at the completion of construction, generally through certification by the project owner.

The selection, sizing and preliminary design of stormwater treatment and other control measures in the engineering plan were drafted in compliance with the City’s Stormwater Design Manual, which meets the requirements of the MS4 Permit (discussed above in Section 4.9.2). The proposed biofiltration units were designed to capture and treat 1.5 times the required design capture volume. The catch basins and biofiltration units would require maintenance by the HAO to ensure they continue to operate properly into perpetuity. Maintenance includes repairing erosion, removing sediment and trash, mowing and managing vegetation, and ensuring filters are not blocked and are functioning properly. This maintenance would be intermittently confirmed by the City.

The City’s Stormwater Design Manual, which is the jurisdiction-specific BMP manual for the City, addresses updated on-site post-construction stormwater requirements for standard projects and priority development projects, and provides updated procedures for planning, preliminary design, selection, and design of permanent stormwater BMPs based on the performance standards presented in the MS4 Permit and the City’s JRMP. An infiltration feasibility analysis was prepared for the project by a geotechnical engineer (provided in Appendix I of this Draft EIR). As discussed in Appendix I, based on results of permeability testing, full or partial infiltration was deemed to be infeasible for the project site. Therefore, no infiltration BMPs are proposed for the project. All proposed BMPs would be designed per City specifications and the drainage study recommendations (Appendix I). Hydromodification BMPs would be sized and designed such that post-project runoff conditions, including flow rates and durations, would not exceed pre-development runoff conditions by more than 10% for the range of flows that result in increased potential for erosion or degraded instream habitat

downstream of the proposed project. As indicated in the project-specific drainage study (Appendix I), this requirement would be met. Due to the proposed biofiltration units and underground vault, flows from the project site are estimated to be less than the existing flows when measured at the point of compliance to Poway Creek. Furthermore, the proposed BMPs would minimize off-site discharge of surface water pollutants while simultaneously preventing downstream flooding-related impacts.

Based on the proposed project design and applicable requirements, and in particular with the inclusion of the proposed biofiltration units, underground vault, grading, and design strategies, long-term water quality and stormwater impacts associated with the proposed project would be minimal. Implementation of proposed BMPs, implementation of recommendations in the project-specific drainage study (Appendix I) and Stormwater Quality Management Plan (Appendix J), and preparation and implementation of the required SWPPP, would ensure that the proposed project would comply with regulatory ordinances and with the standards set forth in the City's Stormwater Design Manual.

For the reasons stated above, both short-term construction impacts, and long-term operational impacts to water quality as a result of project implementation would be **less than significant**.

***Would the project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?***

The project site is located within the PVGB (DWR 2023a). The PVGB has not been identified as a critically over drafted basin. As of 2018, PVGB is estimated by the state to have over 2,300 acre-feet of groundwater storage (City of Poway 2018). Groundwater use within the PVGB is very limited. Groundwater is not pumped for municipal water supply in the PVGB and imported water provides for most of the water used in the PVGB. Private domestic wells located in the PVGB serve individual users mainly for irrigation of residential parcels. No active municipal water supply wells or groundwater replenishment projects occur in the Plan area (City of Poway 2018). Instead, the City receives 99% of its water supply from the San Diego County Water Authority in the form of raw water, and then treats the water at Lester J. Berglund Water Treatment Plant, which is located in the City, before distributing treated potable water to City residences and businesses. All uses within the project site, would use water from the City's water distribution system to allow monitoring of groundwater supplies and no new groundwater wells would be constructed.

As discussed above in Section 4.9.1, perched groundwater was encountered in exploratory trenches adjacent to Poway Creek and other areas of the project site at depths ranging between 6 feet and 11 feet. Therefore, there is risk of groundwater contamination increases if infiltration BMPs are used on the project site. However, as discussed above, based on results of permeability testing, full or partial infiltration was deemed to be infeasible and no infiltration BMPs are proposed for the project. Furthermore, the project site is mostly underlain by stiff to very stiff clay soils (which have a very slow infiltration rate) and impermeable granite rock (Appendix J). Therefore, surface runoff across most of the project site has a low potential to percolate into the groundwater. The area with the highest potential for infiltration/percolation to occur on or adjacent to the project site is Poway Creek (Appendix J). However, as illustrated in Figure 4.9-2, the project does not propose any development or grading activities within at least 100 feet of the Poway Creek bed. In addition to treatment methods within the stormwater system, pollution prevention strategies including proposed BMPs (as outlined in Table 4.9-1, Hydromodification Management Flow Control Best Management Practices), and the required SWPPP would be specifically designed to protect stormwater from potential contamination. Compliance with local and site-specific stormwater regulations and plans would further reduce the potential for contamination of groundwater.

Considering the proposed project would not use groundwater for construction or operational activities, and considering the underlying geologic conditions, limits of proposed grading, use of appropriate structural BMPs, and required implementation a SWPPP, a substantial decrease to groundwater supplies, or substantial interference with groundwater recharge are not anticipated. Therefore, impacts to groundwater would be **less than significant**.

***Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:***

***a. result in substantial erosion or siltation on or off site;***

As discussed above, the project site currently accepts stormwater drainage from adjoining properties. The proposed project would include construction of new impervious surfaces such as residential structures, roadways, sidewalks, driveways, and walkways. The proposed drainage improvements and cut and fill changes would respect the existing topography to the extent feasible and would adhere to PMC grading requirements. As discussed above, the project site grading plan for areas north of Oak Knoll Road is designed to drain all stormwater directly to on-site private streets (see Figures 4.9-4 and 4.9-5). Once in the street(s), stormwater would be collected by proposed catch basins and inlets and a system of private underground storm-drain pipes. These pipes would then convey the water to a series of biofiltration units and one underground vault for hydromodification that would release stormwater into the City's system. Proposed drainage conditions would convey runoff from the northern area of the southern portion of the project site (south of Oak Knoll Road) via overland flow towards a proposed biofiltration unit before comingling with flows in the existing 36-inch RCP and box culvert to the west. After biofiltration and/or hydromodification, all project site flows would drain into the box culvert and discharge into Poway Creek at the existing point of connection.

Over 85% of the project site is underlain with soils classified as Hydrologic Soil Group D, which are soils having a very high runoff potential when thoroughly wet. To reduce the effects of soil erosion and siltation on site, the project proposes to grade the site to a 2:1 ratio (horizontal:vertical), consistent with the surrounding natural topography of the area. The Geotechnical Investigation (Appendix G) identifies recommended BMPs for grading specifications to ensure that sliding and erosion does not occur on or off site during construction. These include remedial measures to prevent erosion of freshly graded areas until such time as permanent drainage and erosion control features can be installed (Appendix G). Areas subjected to erosion or sedimentation would be properly prepared in accordance with required specifications prior to placing additional fill or other development (Appendix G). Additionally, implementation of BMPs outlined in Table 4.9-1, and implementation of the required SWPPP for the proposed project, would ensure that impacts from construction-related activities would not result in substantial erosion or siltation on or off site. Post-construction, project site slopes would be landscaped with drought-tolerant vegetation having variable root depths and requiring minimal landscape irrigation. Further, all slopes would be drained and properly maintained to further reduce the potential for substantial erosion or siltation (Appendix G). Finally, the proposed project would not be approved or built without adequately demonstrating to the City compliance with the California Building Code and applicable geologic hazards regulations (see Draft EIR Section 4.6, for further discussion of required building code standards). For the reasons discussed above, impacts are determined to be **less than significant**.

**b. substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or off site;**

As described above in Section 4.9.1, the project site’s drainage area includes vegetative cover, non-vegetated pervious areas (i.e., the gravel storage yard/staging area), and impervious areas, and the project site currently accepts stormwater drainage from adjoining properties to the northeast. The project proposes 237,485 square feet of impervious area. Impervious features include residential structures, access roads, sidewalks, driveways and walkways. Pervious features include trails, open space, and landscaped area.

As outlined in Figures 4.9-4 and 4.9-5, the proposed drainage improvements would respect the existing topography to the extent feasible, as to minimize drainage impacts to existing neighborhoods surrounding the project site. The proposed grading and drainage improvements would drain stormwater directly to private streets. Once in the street, stormwater is collected by catch basins and a private system of pipes. These pipes would then convey water to a hydromodification vault, that will detain and attenuate 100-year peak flows per City design standards. Post-attenuated flow would then release stormwater into the City’s existing system via proposed and existing pipes located adjacent to the project site. The proposed grading changes to the entire site would consider existing topography, pursuant to the PMC Grading Standards. The site will be balanced at 19,250 cubic yards cubic yards of cut and fill to avoid export or import of dirt on site, and all excavated areas would provide positive drainage to prevent ponding of water.

The drainage report prepared for the proposed project (Appendix I) analyzed the 100-year flood flow rates for the proposed drainage basins located within the project site. The Rational Method, which is the most widely used hydrologic model for estimating peak runoff rates, was used to analyze the proposed project’s site topography and drainage basin locations at common drainage points (i.e., Nodes). Table 4.9-2 summarizes the comparison between existing and proposed flow rates on the project site. The attenuation provided by the underground hydromodification vault would reduce project site flow rates when compared to the existing condition.

**Table 4.9-2 Existing and Proposed Flow Rate Comparison**

Existing Condition			Proposed Condition			Change
Node	Area (ac)	100-Year Peak Flow (cfs)	Node	Area (ac)	100-Year Peak Flow (cfs)	Flow Difference (cfs)
16	13.79	26.85	16	13.79	14.21	-12.64

Source: Appendix I.

Notes: ac = acres; cfs = cubic feet per second.

The drainage report concluded that the proposed project would reduce runoff in the 100-year storm event because of the on-site flood attenuation provided by the proposed hydromodification vault (Appendix I). Additionally, since there would be no increase in runoff, there would be no negative impacts to downstream drainage facilities. Furthermore, in compliance with federal and state regulations, as well as municipal guidelines such as the City’s JRMP, WQIP, and MS4 Permit, the proposed project would incorporate site design, structural, and source control BMPs to help minimize surface runoff and prevent flooding. With implementation of the proposed drainage improvements, and compliance with applicable regulations, the proposed project would not substantially increase the rate of surface runoff such that flooding would occur. Therefore, impacts would be **less than significant**.

**c. create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or**

As discussed above, the proposed project plans to create an improved stormwater drainage system in compliance with the City’s Stormwater Design Manual, which meets the requirements of the San Diego RWQCB (Appendix J). The proposed method for treating stormwater runoff from the project site involves a series of biofiltration units and a hydromodification vault. Stormwater would be collected and conveyed to these facilities via a series of catch basins and pipes located within private streets and the adjacent Oak Knoll Road. Once collected, the underground vault would slow the velocity and volume of water, a process called hydromodification. Hydromodification is important to protecting stormwater quality by preventing flooding, sedimentation, and erosion downstream. Biofiltration is important to protecting stormwater quality by removing potential pollutions within water prior to leaving the site. Biofiltration removes pollutants in a variety of ways:

- Evapotranspiration: The process in which water is transferred from the soil by evaporation and from plants by transpiration into the air, leaving pollutants behind
- Nutrient cycling: The process in which plants extract nutrients, (i.e., organic and inorganic matter) that can affect water quality, back into the production of organic matter
- Filtration through grasses, grates, and screens that remove pollutants

Once water passes through the bioretention filters, it would be released into the City’s existing storm drain system via proposed or existing pipes to the box culvert located adjacent to the project site. As described under the first threshold analysis, under the NPDES permit program, BMPs are mandated for construction sites greater than 1 acre, through preparation of an SWPPP in order to reduce the occurrence of pollutants in surface water. Implementation of state-mandated measures, proposed BMPs, and implementation of the required SWPPP for the proposed project, would ensure project construction and operational activities would not result in substantial sources of polluted runoff.

As shown in Table 4.9-2, the attenuated flow rates of the proposed project would have a lower volume than the conditions that currently exist on site. Additionally, since there would be no increase in runoff, project implementation would not result in negative impacts to downstream drainage facilities. Therefore, implementation of the proposed project would not result in runoff that would exceed the capacity of existing storm drain systems, nor cause substantial additional sources of pollution. Therefore, impacts would be **less than significant**.

**d. Impede or redirect flood flows?**

As described above in Section 4.9.1, the project site’s drainage area includes vegetative cover, non-vegetated pervious areas (i.e., the gravel storage yard/staging area), and impervious areas, and the project site currently accepts stormwater drainage from adjoining properties to the northeast. The project proposes 237,485 square feet of impervious area. Impervious features include residential structures, access roads, sidewalks, driveways and walkways. Pervious features include trails, open space, and landscaped area. The proposed drainage improvements would respect the existing topography to the extent feasible, as to minimize drainage impacts to existing neighborhoods surrounding the project site. The proposed grading and drainage improvements would drain stormwater directly to private streets. Once in the street(s), stormwater is collected by catch basins and a private system of pipes. These pipes would then convey water on the northern portion of the project site to a hydromodification basin that will detain and attenuate 100-year peak flows per City

design standards. Post-attenuated flow would then release stormwater into the City's existing system via proposed and existing pipes located adjacent to the project site on Oak Knoll Road. The proposed grading and drainage changes would be in compliance with the PMC Grading Standards. As under existing conditions, all project site flows would ultimately flow through the existing box culvert and discharge into Poway Creek at the existing point of connection (identified as Node 16 in Figure 4.9-4).

For the reasons discussed above, the proposed project would not substantially alter the existing drainage pattern of the site or area in a manner that would impede or redirect flood flows, and the impact is **less than significant**.

***In flood hazard, tsunami, or seiche zones, would the project risk release of pollutants due to project inundation?***

As discussed above in Section 4.9.1, a portion of the project site, at the southwestern corner of the northern portion of the project and northern developed area of the southern portion of the project, is located within Zone AE, which is a 100-year SFHA, and Zone X, which is a moderate flood hazard zone. However, proposed grades for developed areas of the project site will be raised above the 500-year and 100-year floodplain elevations. Furthermore, as discussed above in Section 4.9.2, the project would be required to adhere to required PMC standards regarding to drainage and watercourses (PMC Division IV) and floodplain management (PMC Division V). The project would comply with PMC development standards for projects within a SFHAs, including considerations related to elevation and floodproofing (PMC Section 16.88.010[A-C]). Therefore, the risk associated with inundation by flooding is considered low.

The project site is located approximately 12 miles inland from the Pacific Ocean and would not be subject to inundation by tsunami. Given that the project site is not located near a large standing body of water (the nearest is Miramar Reservoir, approximately 2.6 miles southwest of the project site), inundation by seiche (or standing wave) is considered negligible.

As the project site is not located within a tsunami or seiche zone, would comply with applicable PMC requirements, and would implement a grading plan to raise developed areas of the project site above the 100-year floodplain, proposed project impacts **would be less than significant**.

***Would the project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?***

As previously discussed, the proposed project would comply with all applicable federal, state, and local policies regarding water quality and groundwater management. The proposed internal drainage system would be pursuant to any existing standards, such as the Poway JRMP, the City's Municipal Code, and City BMPs for water quality management. The proposed structural BMPs (including the biofiltration units and hydromodification vault) would be certified by a third-party inspector, and funded and maintained in perpetuity by the proposed project's HOA (Appendix J).

As previously discussed, the project site is located within the PVGB, which has not been identified as a critically over drafted basin. Groundwater use within the PVGB is very limited and groundwater is not pumped for municipal water supply. Although perched groundwater is present on the project site, no infiltration BMPs are proposed, and surface runoff across most of the project site has a low potential to percolate into the groundwater. The project does not propose any development or grading activities within at least 100 feet of the Poway Creek bed, which is the area with the highest potential for infiltration/percolation to occur. In addition to treatment methods within the

stormwater system, pollution prevention strategies including proposed BMPs (as outlined in Table 4.9-1, Hydromodification Management Flow Control Best Management Practices), and the required SWPPP would be specifically designed to protect stormwater from potential contamination. Therefore, the project would not conflict or obstruct implementation of the City's management plan for the PVGB (City of Poway 2018). As the proposed project would not conflict with an applicable water quality control plan or groundwater management plan, impacts would be **less than significant**.

### 4.9.5 Cumulative Impacts

The cumulative study area for hydrology and water quality would be the boundaries of the Poway Creek subwatershed. The proposed project would replace three existing residences and a storage yard/staging areas with residences, roadways, parks, and other associated infrastructure/facilities (as discussed in Chapter 3 of this Draft EIR). As a result, the proposed project would increase the amount of impermeable surfaces, which in turn would reduce the ability of the ground surface to absorb potential high intensity surface runoff and surface water pollutants. This increase in impermeable surfaces would be incrementally greater than under existing conditions and could contribute to downstream impacts to Poway Creek. However, the proposed project would retain permeable surfaces, which would consist of open space, parks, trails, open space, and landscaped areas/slopes. The proposed drainage system, in combination with proposed BMPs outlined in Table 4.9-1 would reduce downstream runoff volumes and flow rates to levels less than or equal to existing conditions.

Similar to the proposed project, all cumulative projects would be subject to regulations, policies, and plans established by the City, County, and the San Diego RWQCB. Regulations and plans that cumulative projects would be subject to comply with include, NPDES permitting and associated SWPPPs and BMPs; Water Quality Objectives for Inland Surface Waters established in the Basin Plan; PMC Chapter 13, regarding grading and stormwater discharges; and applicable General Plan goals and policies (see Section 4.9.2). Therefore, the proposed project, in combination with identified cumulative projects, would result in **less-than-significant** impacts to cumulative hydrology, water quality, and stormwater/flooding.

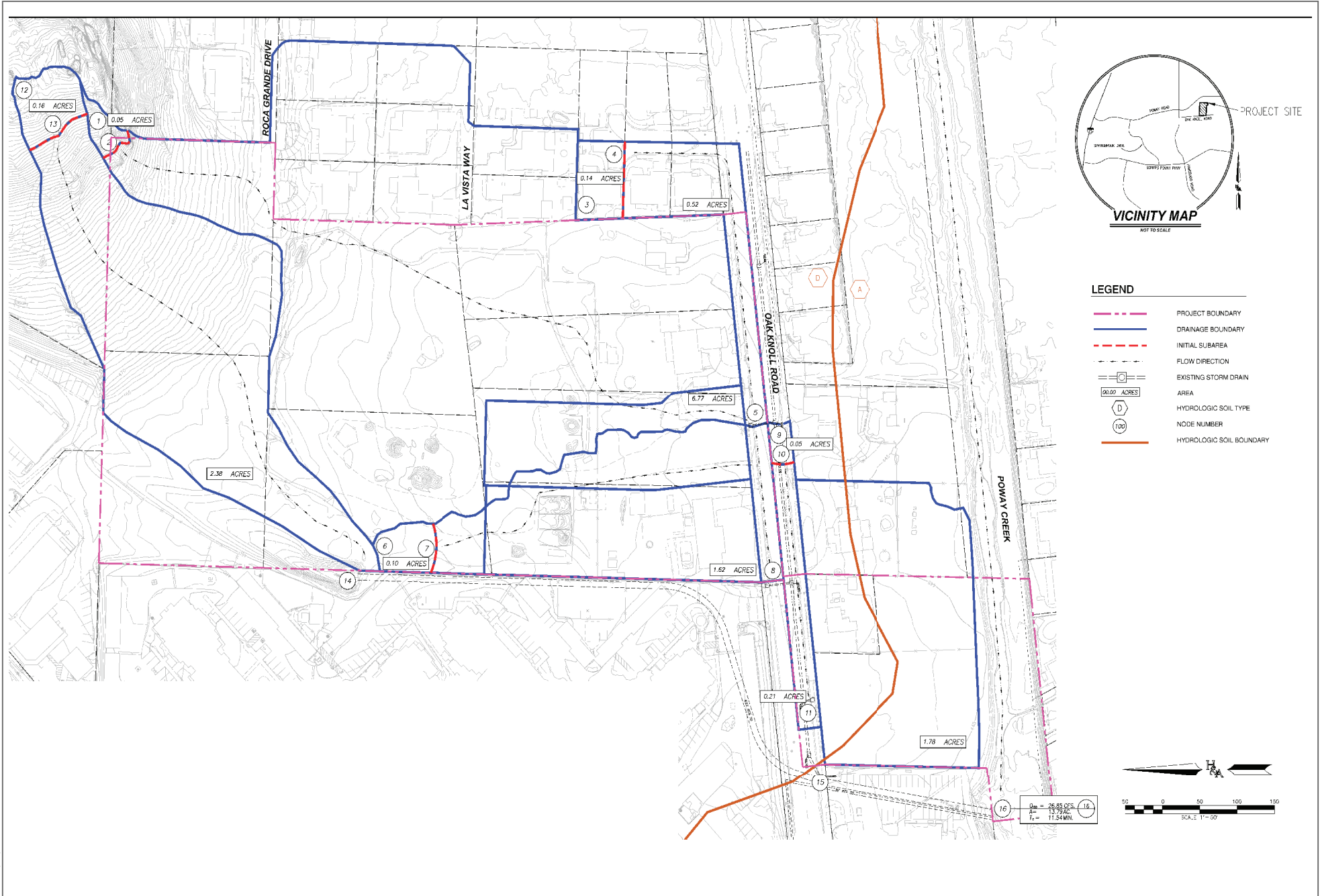
### 4.9.6 Mitigation Measures

No mitigation measures are required, as all impacts are determined to be less than significant.

### 4.9.7 Level of Significance after Mitigation

Based on the above analysis, impacts related to hydrology, water quality, stormwater, and flooding are determined to be less than significant, and no mitigation is required.

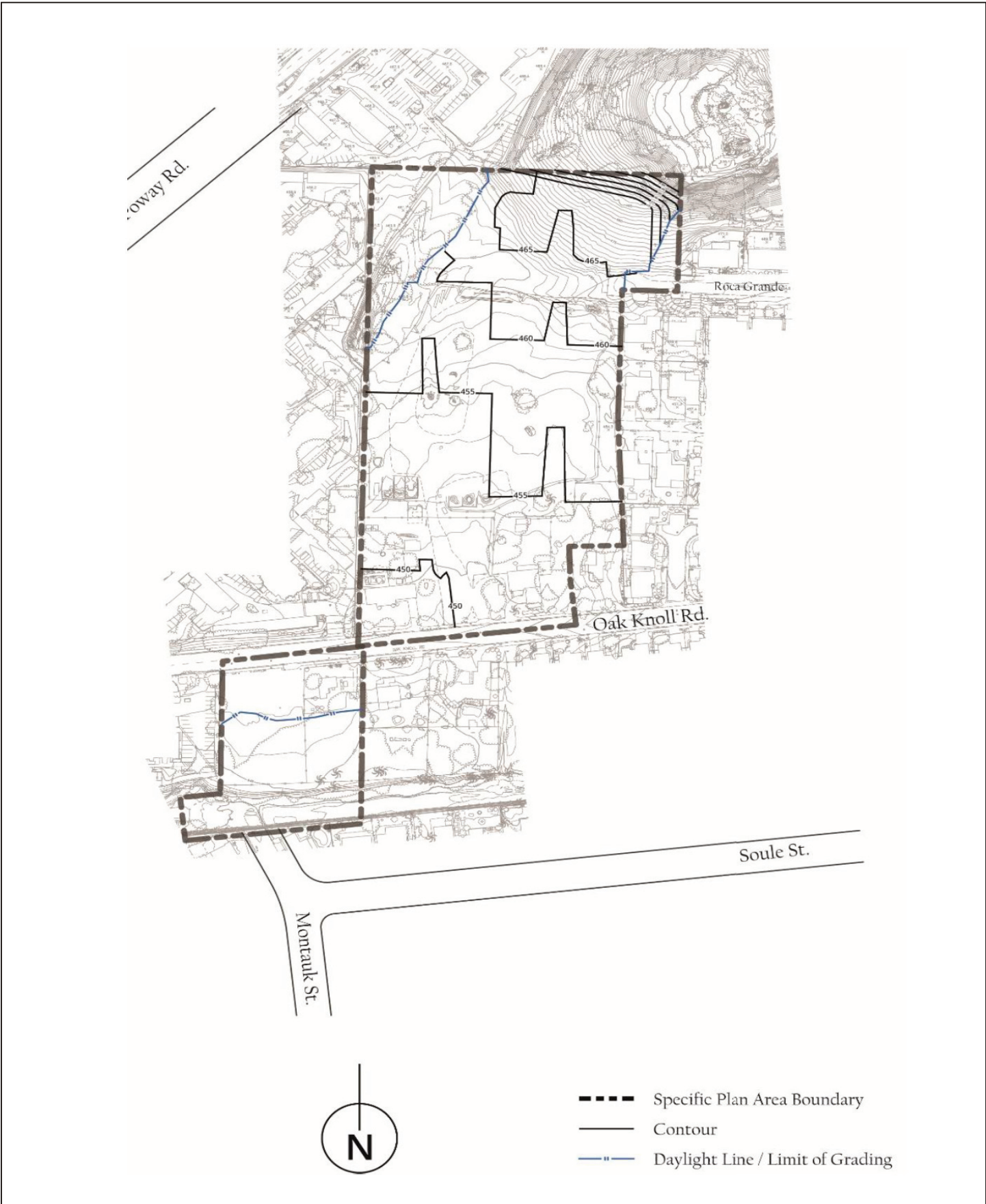




SOURCE: Hunsaker and Associates Inc. 2023

**FIGURE 4.9-1**  
Existing Hydrology Map  
Harmon Ranch Specific Plan Project EIR

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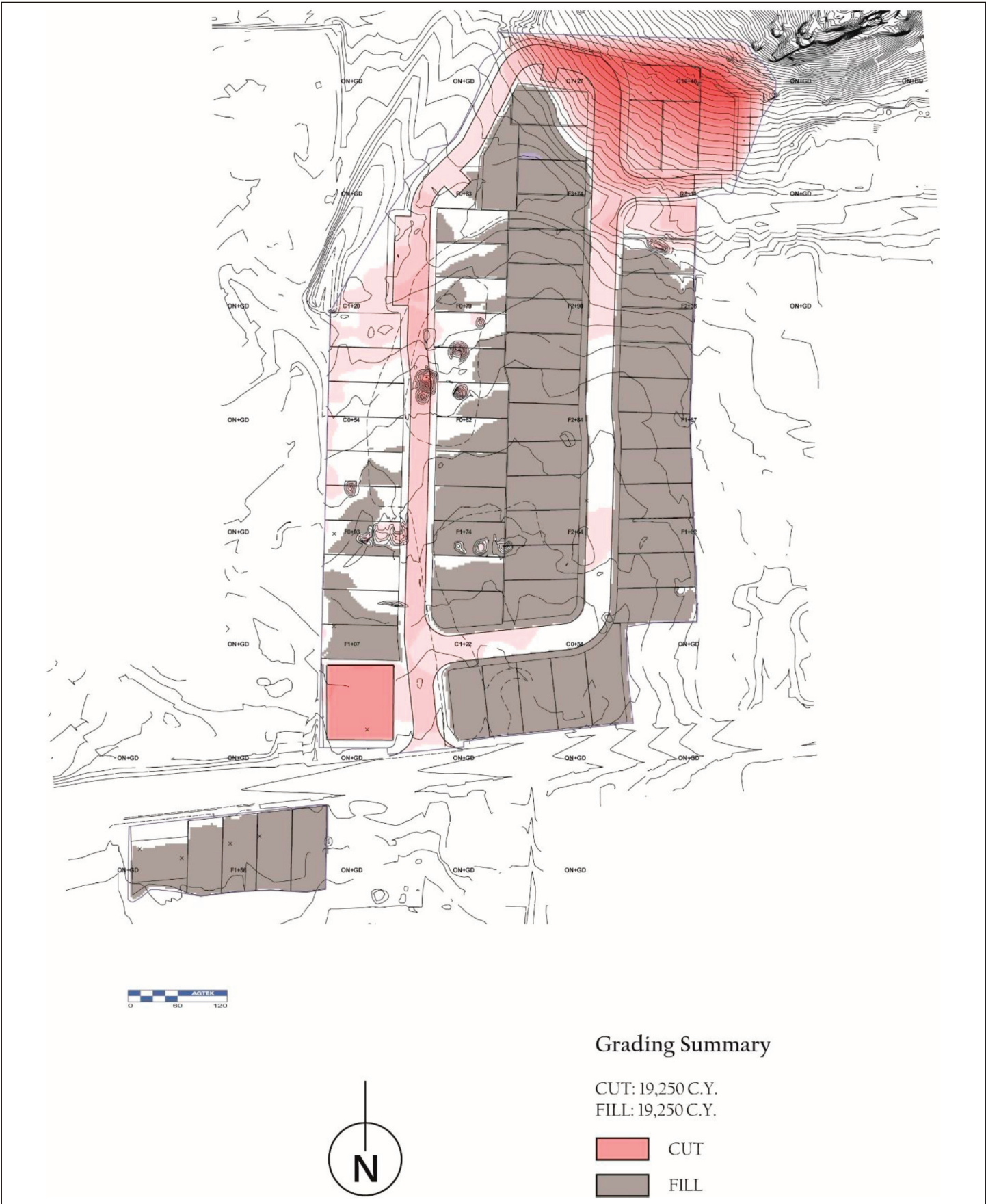
SOURCE: Lennar Homes 2022

**FIGURE 4.9-2**

**Conceptual Grading Plan**

Harmon Ranch Specific Plan Project EIR

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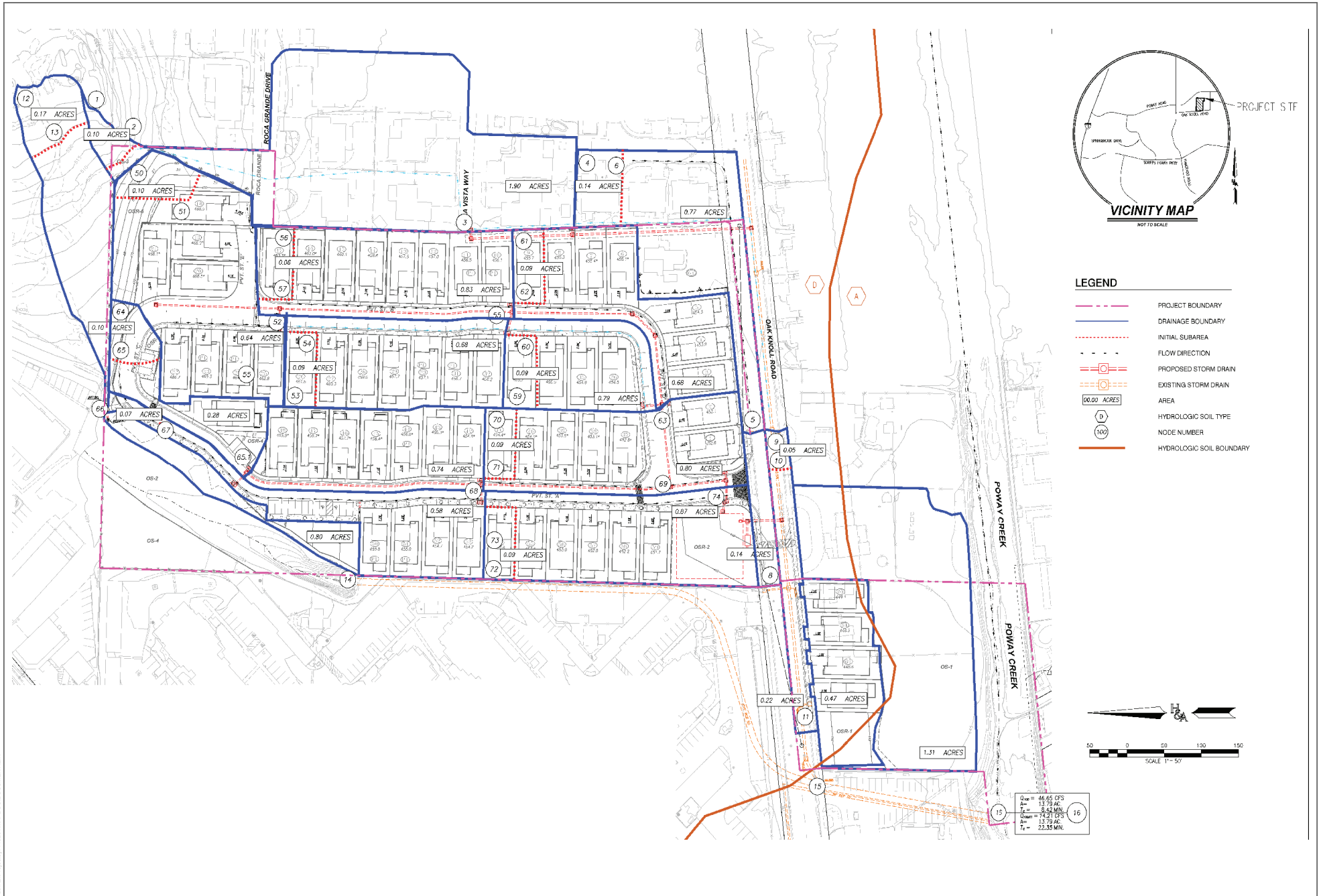


SOURCE: Lennar Homes 2022

**FIGURE 4.9-3**

Conceptual Cut and Fill Plan  
 Harmon Ranch Specific Plan Project EIR

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SOURCE: Hunsaker and Associates Inc. 2023

**FIGURE 4.9-4**  
**Proposed Hydrology Map**  
 Harmon Ranch Specific Plan Project EIR

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SOURCE: Hunsaker and Associates Inc. 2023

**FIGURE 4.9-5**  
Proposed Best Management Practices  
Harmon Ranch Specific Plan Project EIR

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## 4.10 Land Use and Planning

The section describes the existing land use and planning conditions of the Harmon Ranch project (proposed project) site and vicinity, identifies associated regulatory requirements, evaluates potential impacts, and identifies mitigation measures related to implementation of the proposed project. The analysis is based on the review of existing conditions; applicable laws, regulations, and guidelines; existing community character, surrounding land uses, and compatibility of the proposed project with neighboring areas; and consistency of the proposed project with relevant adopted local land use policies. The Project Consistency with City of Poway General Plan is included in the Harmon Ranch Specific Plan within Table 1.1 (Appendix Q).

A Notice of Preparation (NOP) was circulated from February 1, 2023, to March 3, 2023. During the NOP comment period, comment letters related to land use and planning focused on the following topics:

- Consistency with zoning
- Consistency with General Plan
- Density of development

These comments were considered during the preparation of this EIR. The NOP and Public Scoping comments are provided in Appendix A of this EIR.

### 4.10.1 Existing Conditions

The proposed project is located at 12623, 12624, 12650, and 12702 Oak Knoll Road and six additional vacant parcels. The project site is located within the southern area of City of Poway, along Oak Knoll Road, south of Poway Road and west of Carriage Road.

The project site is 11.5 acres and is currently designated Residential Single Family 7 (RS-7) in the City of Poway General Plan, which permits single-family homes on a minimum of 4,500-square-foot lots and a maximum density of eight dwelling units per acre. The project site is zoned “Residential Single-Family 7 (RS-7)” (City of Poway 1991).

The current property owner is Harmon Family Trust. The majority of the site has been cleared for several years and was recently used as a construction staging yard for a San Diego Gas and Electric gas line project. The site includes four existing single-family residences. One of the existing homes is a locally designated historic building located at 12702 Oak Knoll Road (Assessor’s Parcel Number 317-500-14-00). The historic building was built in 1933 and is constructed of cobblestones. The building is presently designated as City of Poway Historical Site 113 and is documented and known as the “Harmon House.”

The land uses surrounding the project site consist of mixed-use, commercial office, and residential uses. The Poway Road Corridor Specific Plan Area (zoned as PC-8) is located to the north and west of the project site, and single-family homes are located to the east and south. The Countryside Apartments, located to the west of the project site, are within the Poway Road Corridor Specific Plan Area and are allowed a maximum housing density by right of 24 dwelling units per acre. The single-family homes located to the east and south of the project site are zoned Residential Single-Family 7 (RS-7).

The City of Poway is also known as the “City in the Country” and takes pride in its use of larger lots and variety of open space uses. These open space uses generally promote resource management and recreation within the City. Open space uses are present in many places outlying the project site.

### 4.10.2 Relevant Plans, Policies, and Ordinances

#### **Federal**

There are no federal policies related to land use that apply to the proposed project.

#### **State**

##### ***California Planning and Zoning Law***

The legal framework in which California cities and counties exercise local planning and land use functions is provided in the California Planning and Zoning Law, Government Code Sections 65000 et seq. Under state planning law, each city and county is required to adopt a general plan “for the physical development of the county or city, and any land outside its boundaries which bears relation to its planning” (Section 65300). The California Supreme Court has called the general plan the “constitution for future development.” A general plan expresses the community’s development goals and embodies public policy relative to the distribution of future land uses, both public and private. A general plan consists of several elements, including land use, circulation, housing, conservation, open space, noise, and safety; other elements may be included at the discretion of the jurisdiction that relate to the physical development of the county or city.

##### ***California Environmental Quality Act***

The California Environmental Quality Act (CEQA) (California Public Resources Code, Section 21000 et seq.) and CEQA Guidelines (14 CCR 15000 et seq.) are primary sources for environmental legislation in California; they require projects with potential adverse environmental effects (or impacts) undergo environmental review. Adverse environmental impacts are typically mitigated as a result of the environmental review process in accordance with existing laws and regulations.

##### ***Senate Bill 375***

Senate Bill 375, the Sustainable Communities and Climate Protection Act, was adopted in September 2008 to coordinate land use planning, regional transportation plans, and funding priorities to reduce greenhouse gas (GHG) emissions from passenger vehicle travel through better-integrated regional transportation, land use, and housing planning that provides easier access to jobs, services, public transit, and active transportation options. Senate Bill 375 consists of five aspects: (1) creation of regional targets for GHG emissions reduction tied to land use; (2) a requirement that regional planning agencies create a Sustainable Communities Strategy (SCS) to meet those targets, even if that plan is in conflict with local plans; (3) a requirement that regional transportation funding decisions be consistent with this new plan; (4) a requirement that the Regional Housing Needs Allocation numbers, established by the State Department of Housing and Community Development and allocated by the San Diego Association of Governments (SANDAG), must conform to the SCS; and (5) new CEQA exemptions and streamlining for projects that conform to the SCS.

Senate Bill 375 specifically requires the metropolitan planning organization relevant to a project area (in this case, SANDAG) to develop an SCS in its Regional Transportation Plan (RTP). The intent of the SCS is to achieve GHG emissions reduction targets set by the California Air Resources Board (CARB) by reducing vehicle miles traveled from light-duty vehicles through the development of more compact, complete, and efficient communities.

For the area under SANDAG's jurisdiction, including the project site, CARB adopted regional targets for the reduction of mobile source GHG emissions. Those reduction targets are 7% for 2020 and 13% for 2035, compared with a 2005 baseline. In preparing its 2015 SCS, also known as San Diego Forward: The Regional Plan (Regional Plan), SANDAG stated it would achieve (and exceed) the region's GHG targets, with a 15% per-capita reduction by 2020 and a 21% per-capita reduction by 2035 (SANDAG 2015). In response, CARB accepted SANDAG's determination that its SCS would achieve its 2020 and 2035 GHG emissions reduction targets.

### Local

#### ***San Diego Forward: The Regional Plan***

SANDAG is the federally designated Metropolitan Planning Organization for the San Diego region. SANDAG serves as a forum for public decision making on regional issues such as growth, transportation, and land use in San Diego County and consists of representatives from each of the county's local jurisdictions. SANDAG builds consensus, develops strategic plans, obtains and allocates resources, and provides information on a broad range of topics pertinent to the region's quality of life.

The Regional Comprehensive Plan, adopted in 2004 by SANDAG, laid out key principles for managing the region's growth while preserving natural resources and limiting urban sprawl. The plan covered eight policy areas, including urban form, transportation, housing, healthy environment, economic prosperity, public facilities, our borders, and social equity.

In 2011, SANDAG approved the 2050 RTP/SCS. This approval marked the first time SANDAG's RTP included a sustainable communities strategy, consistent with the Sustainable Communities and Climate Protection Act of 2008, also known as Senate Bill 375. This RTP/SCS provided a blueprint to improve mobility, preserve open space, and create communities, all with transportation choices to reduce greenhouse gas emissions and meet specific targets set by the California Air Resources Board (CARB) as required by the 2008 Sustainable Communities and Climate Protection Act. In 2010, CARB established targets for each region in California governed by a metropolitan planning organization.

On October 9, 2015, the SANDAG Board of Directors adopted the Regional Plan. The Regional Plan combines the two previously described existing regional planning documents: the Regional Comprehensive Plan and the RTP/SCS. The Regional Plan updates growth forecasts and is based on the most recent planning assumptions considering currently adopted land use plans, including the City's General Plan and other factors from the cities in the region and the County. SANDAG's Regional Plan will change in response to the ongoing land use planning of the City and other jurisdictions. For example, the City's General Plan, and other local General Plans of cities, may change based on General Plan amendments initiated by the jurisdiction or landowner applicants. General Plan amendments may result in increases in development densities by amending the regional category designations or zoning classifications. Accordingly, SANDAG's RTP/SCS latest forecasts of future development in the San Diego region, including location, must be coordinated closely with each jurisdiction's ongoing land use planning because that planning is not static, as recognized by the need for updates to SANDAG's RTP/SCS every 4 years. The most recent regional plan is the 2021 Regional Plan, which builds off the 2019 San Diego Forward Federal Transportation Plan (SANDAG 2021). The 2021 Regional Plan is the long-term blueprint for the San Diego region that seeks to

meet regulatory requirements, address traffic congestion, and create equal access to jobs, education, healthcare, and other community resources.

### ***Poway Comprehensive Plan: General Plan***

The City's General Plan is a statement of what the representatives of the residents want for their community in the future. Its function is to allow the citizens to consciously consider the shape their City will take for the foreseeable future and to preserve and enhance those qualities they presently find appealing. It accomplishes this by setting forth broad goals, and translating these goals into specific policies and strategies to accomplish the plan's objective. The goals of the City's General Plan are as follows (City of Poway 1991):

1. It is the goal of the City of Poway to preserve Poway's unique and desirable character as "The City in the Country" and to maintain high quality design and environmental standards in all new development and redevelopment.
2. It is the goal of the City of Poway to provide for an orderly balance of both public and private land uses in convenient and compatible locations throughout the city and to ensure that all such uses serve to protect and enhance the environment character and image of the city.
3. It is the goal of the City of Poway to enhance the well-being of Poway residents by providing opportunities for relaxation rest activity and education through a well-balanced system of private and public facilities distributed to serve the entire community.
4. It is the goal of the City of Poway to preserve its natural scenic and cultural resources for the future benefit and enjoyment of its residents and to protect biological and ecological diversity.
5. It is the goal of the City of Poway to achieve a climate for economic growth and stability which will attract high quality commercial and industrial development to serve the employment shopping recreation and service needs of Poway residents and will provide a healthy and diverse economic base for the community.
6. It is the goal of the City of Poway to provide a safe realistic efficient and integrated transportation system to serve the present and future mobility needs of all the residents of Poway.
7. It is the goal of the City of Poway to provide a safe and healthy environment for the residents of Poway.
8. It is the goal of the City of Poway to minimize injuries loss of life and property damage resulting from natural and man-made hazards.
9. It is the goal of the City of Poway to provide an efficient and economical public water and wastewater treatment system to serve the current and future residents of Poway.

### ***The City of Poway Zoning Ordinance***

The City of Poway Zoning Ordinance (Zoning Ordinance), as located in Title 17 of the municipal code, is the primary way that the City administers the General Plan. The General Plan identifies general land use policies, while the Zoning Ordinance identifies specific uses and development standards within these policies. The purpose of the Zoning Ordinance is to serve the public health, safety, comfort, convenience, and general welfare by do the following (City of Poway 2022):

- Aiding in the establishment of residential zones which serve the following purposes:
  1. To reserve appropriately located areas for family living at a broad range of dwelling unit densities consistent with the general plan and with sound standards of public health, safety and welfare;
  2. To ensure adequate light, air, privacy, and open space for each dwelling;

3. To minimize traffic congestion and to avoid the overloading of public services and utilities by preventing the construction of buildings of excessive bulk or number in relation to the land area around them;
  4. To protect residential properties from noise, illumination, unsightliness, odors, smoke and other objectionable influences;
  5. To facilitate the provision of utility services and other public facilities commensurate with anticipated population, dwelling unit densities, and service requirements.
- Supporting the establishment of planned residential development zones which serve the following purpose:
    1. Planned residential development regulations are intended to facilitate development of areas designated for residential use on the general plan by permitting greater flexibility and, consequently, more creative and imaginative designs for the development of such residential areas than generally is possible under conventional zoning or subdivision regulations.
    2. These regulations are further intended to promote more economical and efficient use of the land while providing a harmonious variety of housing choices, a higher level of urban amenities, and preservation of natural and scenic qualities of open spaces. (Ord. 113 § 1 (Exh. A 5.2.1), 1983)
  - Establishing a planned community zone in the development regulations to achieve the following purposes:
    1. To promote and protect the public health, safety, and welfare;
    2. To implement the objectives and policies of the general plan;
    3. To safeguard and enhance environmental amenities and the quality of development;
    4. To attain the physical, social, and economic advantages resulting from comprehensive and orderly planned use of land resources;
    5. To lessen congestion and assure convenience of access; to secure safety from fire, flood, and other dangers; to provide for adequate light, air, sunlight, and open space; to promote and encourage conservation of scarce resources; to prevent overcrowding of land and undue concentration of population; to facilitate the creation of a convenient, attractive, and harmonious community; to attain a desirable balance of residential and employment opportunities; and to expedite the provision of adequate and essential public services;
    6. To facilitate development within the City in accordance with the general plan by permitting greater flexibility and encouraging more creative and imaginative designs for major urban development projects subject to large-scale community planning;
    7. To promote more economical and efficient use of the land while providing a harmonious variety of housing choices and commercial and industrial activities, a high level of urban amenities, and preservation of natural and scenic qualities of open space;
    8. To provide a process for initiation, review, and regulation of large-scale comprehensively planned urban communities that affords the maximum flexibility to the developer within the context of an overall development program and specific, phased development plans coordinated with the provision of necessary public services and facilities. (Ord. 113 § 1 (Exh. A 5.3.1), 1983)
  - Incorporating the development of open space zones for the purpose of:
    1. Provide for compatible recreational uses.
    2. Provide public or private active-recreation uses and activities on land within the community.
    3. Promote land use compatibility with existing or planned residential, commercial, manufacturing, and open space land uses which surround the OS-R zone activity or land use.

4. Encourage in-fill active-recreation land uses which provide a range of opportunities within the community that service the recreational and social interaction needs of City residents of all ages, economic situations, and physical conditions.
5. Provide for recreational opportunities within planned communities and planned residential developments.
6. Provide for associated building construction and development which is architecturally compatible and sensitive to existing and planned land uses on the same parcel of land and on surrounding properties. (Ord. 372 § 4, 1993)

The City's Zoning Ordinance establishes development regulations for specific land uses, identified by zones, as well as overlay areas established in the General Plan, such as open space and floodplain areas. For example, Chapter 17.08, Residential Zones, establishes the permitted land uses and development standards such as setbacks, dwelling unit maximum, agricultural allotments, and building height requirements for areas zoned for residential use. Additionally, some portions of the Zoning Ordinance apply to all areas of the City, regardless of zone, such as Chapter 17.32, Keeping of Animals. The purpose of Title 17 is to assure that development occurs in a manner that protects: (1) the natural and topographic character and identity of the environment, (2) the visual integrity of hillsides and ridgelines, (3) sensitive species and unique geologic/geographic features, and (4) the health, safety, and welfare of the general public by regulating grading on private and public property, and by providing standards and design criteria implementing best management practices to control stormwater and erosion during all construction activities for all development.

### ***Poway Subarea Habitat Conservation Plan/Natural Community Conservation Plan***

The Poway Subarea Habitat Conservation Plan/Natural Community Conservation Plan (Poway Subarea HCP/NCCP) serves two general functions (City of Poway 1996):

1. To create a sustainable interconnected network of habitat preserves throughout and ultimately beyond the City, and thus maintain functioning ecosystems and viable populations of biological resources.
2. To mitigate adverse impacts to biological resources from building the Scripps Poway Parkway Extension, and implementing the Poway General Plan and Paguay Redevelopment Plan.

The Poway Subarea HCP/NCCP is implemented primarily through the City's established land use regulatory process supplemented by new implementation regulations tailored to the plan's conservation objectives. The Poway Subarea HCP/NCCP also defines mitigation requirements for development projects inside and outside of a specified Mitigation Area, and methods for funding land acquisitions and preserve management within the Mitigation Area. The project site does not fall within the Poway Subarea HCP/NCCP Mitigation Area (City of Poway 1996).

### 4.10.3 Thresholds of Significance

The significance criteria used to evaluate the project impacts to land use and planning are based on Appendix G of the CEQA Guidelines. According to Appendix G of the CEQA Guidelines, a significant impact related to land use and planning would occur if the project would:

1. Physically divide an established community.
2. Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.



## 4.10.4 Impacts Analysis

### ***Would the project physically divide an established community?***

As described under Section 4.10.1, Existing Conditions, the proposed project is located at 12623, 12624, 12650, and 12702 Oak Knoll Road and six additional vacant parcels within the southern area of the City of Poway, along Oak Knoll Road, south of Poway Road and west of Carriage Road. The project site is 11.5 acres and is currently designated Residential Single Family 7 (RS-7) in the City of Poway General Plan, which permits single-family homes on a minimum of 4,500-square-foot lots and a maximum density of eight dwelling units per acre. Surrounding land uses include mixed use retail land uses and the Kumeyaay Interpretive Center to the north; Oak Knoll Road, Poway Creek, and existing single-family homes to the south and east, which are also designated RS-7; and apartment communities to the west.

The project site area north of Oak Knoll Road consists of vacant land that has been cleared. The historic Harmon House is also located in the southeast corner of the northern portion of the project site, and would be retained in place. The smaller portion of the project site located south of Oak Knoll Road is currently occupied by three single-family homes, which are not designated as historic and would be demolished prior to project construction.

The project proposes approximately 5.8 acres designated for residential development, a 0.25-acre historic home site, 3.2 acres of open space areas, 1.9 acres for private streets, and 0.5 acres of public right-of-way (Oak Knoll Road). The proposed project would include 63 single-family detached homes plus the 1 existing historic home on site for a total of 64 lots within the Specific Plan boundary. The proposed density is 8.8 dwelling units/acre (64 total residential lots/7.26-acre net project area not including private streets), which is just over the existing RS-7 designation density.

The proposed new 63 single-family homes would be on lots 42 feet wide and 85 to 90 feet deep, with standard two-car garages, 20-foot-deep by 20-foot-wide driveways to accommodate an additional two off-street parking spaces, and private fenced rear yards. The project also includes 40 guest parking spaces along the private streets, approximately 1.0 acre of open space recreation area, approximately 2.2 acres of natural open space areas, and a segment of the General Plan Community trail (approximately 1,000 feet) connecting the project site to the adjacent retail area located to the north along Poway Road. The “overlook” area and passive park located in the south portion of the project site is planned to provide public access and would be privately maintained.

Of the 63 new proposed homes, fifty-nine of the new homes would be located on the northern portion of the project site (north of Oak Knoll Road), while four new homes and the proposed open space/overlook area would be located on the southern portion of the project site that fronts the south side of Oak Knoll Road.

Access to the project site is planned via existing Oak Knoll Road. Primary access into the northern portion of the proposed project would be from a driveway off Oak Knoll Road. Access to the southern portion of the project site would be from the existing individual driveways off Oak Knoll Road. The project proposes construction of internal neighborhood streets and private drives that would improve access on and around the site, but would not result in any new division of an established community.

As described in Chapter 3, Project Description, of this EIR, the applicant is proposing a Specific Plan and tentative map to facilitate development of 63 new single-family homes and associated site improvements and retention of the existing historic home. The Harmon Ranch Specific Plan would establish three land use districts within the project site: Residential Single Family (R-SF), Open Space (OS), and Open Space Recreation (OSR). The Specific

Plan would also provide development regulations and permitted uses for each land use district. The Specific Plan serves as both a policy document and a regulatory document for the systematic implementation of the policies and goals of the General Plan. Additionally, the Specific Plan provides a comprehensive plan to ensure the efficient development of the new residential community within the Specific Plan area. Approval of the Harmon Ranch Specific Plan would allow for deviations from the underlying development standards of the RS-7 zone. The project would conform to the proposed development standards outlined in the Harmon Ranch Specific Plan for the Planned Community (PC).

The new land uses proposed by the Specific Plan include two open space uses and one residential land use designation. Parcels designated as open space would be permanently preserved as open space through deed restriction. One residential land use is also proposed. The proposed land uses are described below (Appendix Q):

- **Open Space (OS)** is designed to permanently conserve the on-site open space areas that contain sensitive biological and/or cultural resources. These areas would not be impacted by development of the Project and remain as natural open space areas.
- **Open Space – Recreation (OS-R)** is intended to provide passive and active recreational opportunities and open landscaped areas to support the new residential uses and manufactured slopes within the Specific Plan Area. Recreation amenities shall be provided to that support healthy and active lifestyles and encourage community interaction and engagement. Uses may consist of specialty and community gardens, athletic fields/courts, dog parks, parks, trails, playgrounds, picnic pavilions, trails, public art, and other outdoor land uses.
- **Residential Single Family (R-S)** consists of traditional single-family homes plotted on deeded legal lots.

The proposed project would change the land use from a vacant lot with residential uses south of Oak Knoll Road to residential use with open space, social and recreational amenities. The proposed project would not result in the division of an established community. Rather, the proposed project would result in the infill of residential uses surrounded by an existing residential community, which is entirely consistent with the proposed uses and precisely the type of residential development encouraged by state law and regional planning documents. Therefore, impacts would be **less than significant**.

Although the project proposes a land use change from RS-7 to Planned Community (PC) under the proposed Specific Plan, the project would remain consistent with the residential land use designation for the site. The project site is in an urban part of the City within close proximity to existing residential and commercial development. Because the project site is surrounded on all sides by existing infrastructure, the project would not divide an established community. Therefore, impacts are determined to be **less than significant**.

***Would the project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?***

As previously described, the City's existing General Plan Land Use and Zoning Map designates the entire project site as "Residential Single-Family 7." A General Plan amendment and zoning amendment would be processed concurrently with the Specific Plan for the proposed project, to re-designate the project site as "Planned Community."

Government Code Section 65453(a) authorizes local jurisdictions to adopt specific plans as a tool for the systematic implementation of the general plan. A specific plan must be consistent with the adopted general plan, but can provide a unique set of land uses, design regulations, and development standards not permitted under a city's

existing zoning or by a city's current standards. By allowing greater flexibility, development patterns can be specifically tailored to the characteristics of a site, including creative design concepts, density ranges that differ from a city's zoning code, specially designed roadways, and a mix of uses unique to the specific plan area. Specific plans may be adopted, in whole or in part, by either resolution or by ordinance. All development and improvements constructed within a specific plan area must be consistent with the City's general plan, the specific plan, and the tentative map(s).

The proposed project includes the adoption of a new specific plan, the purpose of which is to establish a link between implementing policies of the General Plan and the individual development proposals in a defined area. As required by Government Code Section 65450 et seq., the Specific Plan contains land uses and development regulations, infrastructure requirements, and implementation measures for the development of a specific geographic area (referred to as the project site or Specific Plan area). The Specific Plan includes a General Plan Consistency Analysis, which demonstrates it is consistent with applicable General Plan goals and policies. The General Plan Consistency Analysis is outlined in Table 1.1 of the Harmon Ranch Specific Plan (Appendix Q).

As previously described, the proposed project densities would slightly exceed existing zoning for the site, yet be compatible with the existing adjacent residential uses. The surrounding area to the east and south is zoned as RS-7, which allows for single-family residential development on minimum lot sizes of 4,500 square feet; additional uses are permitted that are complementary to, and can exist in harmony with, a residential neighborhood. The surrounding area to the north and west is within the Poway Road Corridor Specific Plan, which is zoned PC-8. Proposed residential development within the project site incorporates a design that reflects the existing design elements found throughout neighboring communities. The proposed density is 8.8 dwelling units/acre (64 total residential lots/7.26-acre net project area not including private streets), which is just over the existing RS-7 designation density of 8 dwelling units/acre. The proposed project design includes 3.2 acres of open space area and 5.7 acres of residential land use.

As described above, the proposed project's consistency with the City's General Plan goals and policies is detailed in Appendix Q of this EIR. With adoption of the proposed Specific Plan, and GPA/Zone Change, the project would not conflict with City regulations. The project would also comply with applicable local and state regulations outlined in Section 4.10.2, Relevant Plans, Policies, and Ordinances. Based on the preceding discussion regarding the proposed project's land use and design compatibility and based on the consistency analysis presented in Appendix Q, the proposed project would not result in a conflict with any applicable land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect; therefore, impacts would be **less than significant**.

### 4.10.5 Cumulative Impacts

Table 3-2, Cumulative Projects, identifies the projects generally considered for the cumulative analysis. While land use impacts tend to be localized in nature, and specific impacts are tied either directly or indirectly to the specific action, the proposed project may have the potential to work in concert with other past, present, or future projects to cause unintended land use impacts (e.g., reducing available open space or accommodating increased growth that may result in more intensive land uses).

Therefore, impacts to land use tend towards larger policy areas as opposed to the more focused project-specific impacts. The geographic scope for analyzing cumulative impacts related to land use includes consideration of all

the cumulative projects listed in Table 3-2. Cumulative impacts for each environmental resource topic is analyzed throughout Chapter 4 of this EIR.

The cumulative projects approved and under review within the City of Poway would also be localized in nature. In respect to land uses, the proposed projects would be required to comply with any policies and planning requirements that the City of Poway voters had previously approved in regards to recreational open space zoning. Additionally, any proposed zoning changes would also have to be approved by the City of Poway and associated bodies of interest. Therefore, the land use and planning impacts would have been foreseen and **less than cumulatively significant**.

### 4.10.6 Mitigation Measures

The proposed project would not result in any significant impacts to land use; therefore, no mitigation would be required.

### 4.10.7 Level of Significance after Mitigation

As analyzed in Section 4.10.4, Impacts Analysis, implementation of the proposed project would not result in the division of an established community, as the site is in an urbanized area of the City and would be compatible with surrounding residential land uses. Additionally, the proposed project would incorporate recreational open space land uses open to the public. With adoption of the proposed Specific Plan, General Plan amendment, and Zoning amendment, the proposed project would not conflict with any land use plan, policy, or regulation adopted for the purpose of reducing an environmental effect. Therefore, impacts related to land use would be **less than significant**, and no mitigation would be required.

## 4.11 Noise

This section describes the existing noise conditions of the Harmon Ranch project (proposed project) site and vicinity, identifies associated regulatory requirements, evaluates potential impacts, and identifies mitigation measures related to implementation of the proposed project. This analysis is based on review of existing resources; technical data; applicable laws, regulations, and guidelines; and the noise technical report prepared by Dudek in July 2022. The Noise Technical Report for The Harmon Ranch Project is included in this environmental impact report (EIR) as Appendix K.

A Notice of Preparation (NOP) was circulated from February 1, 2023, through March 3, 2023. During the NOP comment period, comment letters related to noise focused on the following topics:

- Construction noise impacts

These comments were considered during the preparation of this EIR. The Initial Study, NOP, and Public Scoping comments are provided in Appendix A of this EIR.

### 4.11.1 Existing Conditions

#### Noise Factors and Terminology

##### *Sound*

Sound is mechanical energy transmitted by pressure waves in a compressible medium, such as air. Noise is defined as sound that is loud, unpleasant, unexpected, or undesired. The sound pressure level has become the most common descriptor used to characterize the loudness of an ambient sound level. The unit of measurement of sound pressure is a decibel (dB). Under controlled conditions in an acoustics laboratory, the trained, healthy human ear is able to discern changes in sound levels of 1 dB when exposed to steady, single-frequency signals in the mid-frequency range. Outside such controlled conditions, the trained ear can detect changes of 2 dB in normal environmental noise. It is widely accepted that the average healthy ear, however, can barely perceive noise level changes of 3 dB. A change of 5 dB is readily perceptible, and a change of 10 dB is perceived as twice or half as loud (Caltrans 2013). A doubling of sound energy results in a 3 dB increase in sound, which means that a doubling of sound energy (e.g., doubling the number of daily trips along a given road) would result in a barely perceptible change in sound level.

Sound may be described in terms of level or amplitude (measured in decibels), frequency or pitch (measured in hertz, or cycles per second), and duration (measured in seconds or minutes). Because the human ear is not equally sensitive to sound at all frequencies, a special frequency-dependent rating scale is used to relate noise to human sensitivity. The A-weighted decibel (dBA) scale performs this compensation by discriminating against low and very high frequencies in a manner approximating the sensitivity of the human ear.

Several descriptors of noise (noise metrics) exist to help predict average community reactions to the adverse effects of environmental noise, including traffic-generated noise. These descriptors include the equivalent noise level over a given period ( $L_{eq}$ ), the statistical sound level ( $L_n$ ), the day-night average noise level ( $L_{dn}$ ), and the Community Noise Equivalent Level (CNEL). Each of these descriptors uses units of dBA.

$L_{eq}$  is a sound level energy-averaged over a specified time period, represented by a single constant value equivalent to the variable sound energy received at a location. For example, a 1-hour  $L_{eq}$  measurement would represent the average amount of energy contained in all the noise that occurred in that hour.  $L_{eq}$  is an effective noise descriptor because it allows convenient comparison of time-varying sound levels at different locations.  $L_{max}$  is the greatest sound level measured during a designated time interval or event.

Unlike the  $L_{eq}$  metrics,  $L_{dn}$  and CNEL metrics always represent 24-hour periods.  $L_{dn}$  and CNEL also differ from  $L_{eq}$  because they apply a time-weighted factor designed to emphasize noise events that occur during the evening and nighttime hours (when speech and sleep disturbance is of more concern). “Time weighted” refers to the fact that  $L_{dn}$  and CNEL penalize noise that occurs during certain sensitive periods. In the case of CNEL, noise occurring during the daytime (7:00 a.m. to 7:00 p.m.) receives no penalty. Noise during the evening hours (7:00 p.m. to 10:00 p.m.) is penalized by adding 5 dB to the measured or predicted  $L_{eq}$  values, and nighttime (10:00 p.m. to 7:00 a.m.) noise is penalized by adding 10 dB.  $L_{dn}$  differs from CNEL in that the daytime period is defined as 7:00 a.m. to 10:00 p.m., thus eliminating the evening period.  $L_{dn}$  and CNEL are the predominant criteria used to measure roadway noise affecting residential receptors. These two metrics generally differ from one another by no more than 0.5–1 dB, and are thus often considered comparable or even equivalent and interchangeable by many jurisdictions.

### **Vibration**

Vibration is the oscillatory movement of solid mass. Like sound, it is described in terms of frequency and amplitude, which can be expressed as displacement, velocity, or acceleration. For purposes of this analysis and consistent with environmental assessment, vibration is presented and discussed herein as units of velocity (inches per second [ips]) and their decibel equivalents as appropriate. Vibration impacts to buildings are generally discussed in terms of peak particle velocity (PPV), while human annoyance or disturbance is often discussed with root-mean-square vibration velocity levels that are converted to decibels. But for purposes of this analysis, PPV will be used to describe all vibration for ease of reading and comparison. Vibration can impact people, structures, and sensitive equipment or processes (Caltrans 2020). Common sources of vibration within communities include construction activities and railroad operations. Groundborne vibration generated by construction projects exhibits highest amplitudes during pile driving, rock blasting, soil compacting, jack hammering, and demolition-related activities that involve sudden impacts or other transient impulses of energy delivered to soil and rock strata. Vibration can also be more regularly occurring or even continuous in nature, such as the steady operation of mechanical equipment featuring reciprocating or rotating components that are slightly imbalanced. The maximum vibration level standard used by the California Department of Transportation (Caltrans) for the prevention of structural damage to typical residential buildings is 0.3 ips PPV (Caltrans 2020).

### **Methodology**

Noise measurements were conducted on and near the project site on May 4, 2022, to quantify and help characterize the existing pre-project outdoor sound environment. Table 4.11-1 provides the locations, date, and times these noise measurements were performed. The noise measurements were taken using a Rion NL-52 sound level meter equipped with a 0.5-inch, pre-polarized condenser microphone with pre-amplifier. The sound level meter meets the current American National Standards Institute standard for a Type 1 (Precision Grade) sound level meter. The accuracy of the sound level meter was verified using a field calibrator before and after the measurements, and the measurements were conducted with the microphone positioned approximately 5 feet above the ground.

The four short-term noise measurement locations (ST) were selected to represent existing noise-sensitive receivers on and near the project site. These locations are depicted as receivers ST1–ST4 on Figure 4.11-1, Noise Measurement and Modeling Locations. The measured energy-averaged ( $L_{eq}$ ) and maximum ( $L_{max}$ ) noise levels at these field survey locations are provided in Table 4.11-1.

**Table 4.11-1. Measured Community Outdoor Noise Levels**

Receptor	Location/Address	Date (mm/dd/yy)	Time (hh:mm)	$L_{eq}$ (dBA)	$L_{max}$ (dBA)
ST1	North of 12643 Oak Knoll Rd, Poway, CA 92064	05/04/22	09:10–09:20 a.m.	58.5	76.2
ST2	South of 12710 La Vista Way, Poway, CA 92064	05/04/22	09:30–09:40 a.m.	51.1	70.6
ST3	Eastern property line of Countryside Apartments	05/04/22	09:50–10:00 a.m.	56.9	65.7
ST4	Southern Property line of Poway Towne Center Shopping Mall, approximately 200 feet south of Poway Road	05/04/22	10:10–10:20 a.m.	53.8	66.3

**Source:** Appendix K.

**Notes:**  $L_{eq}$  = equivalent continuous sound level (time-averaged sound level);  $L_{max}$  = maximum sound level during the measurement interval; dBA = A-weighted decibels; ST = short-term noise measurement locations.

The primary noise sources at the sites identified during the noise measurements presented in Table 4.11-1 consisted of traffic along adjacent roadways and unrelated construction activity. The sounds of rustling leaves, aircraft overflights, distant conversation, and birdsong were also documented but to a lesser degree. As shown in Table 4.11-1, the measured sound levels ranged from approximately 51.1 dBA  $L_{eq}$  at ST2 to 58.5 dBA  $L_{eq}$  at ST1. More details of the collected noise measurement data can be found in Appendix K.

## 4.11.2 Relevant Plans, Policies, and Ordinances

### Federal

#### *Federal Transit Administration*

In its Transit Noise and Vibration Impact Assessment guidance manual, the Federal Transit Administration (FTA) recommends a daytime construction noise level threshold of 80 dBA  $L_{eq}$  over an 8-hour period (FTA 2018) when “detailed” construction noise assessments are performed to evaluate potential impacts to community residences surrounding a project. Although this FTA guidance is not a regulation, it can serve as a quantified standard in the absence of such limits at the State and local jurisdictional levels.

### State

#### *California Environmental Quality Act*

The California Environmental Quality Act (CEQA) (California Public Resources Code, Section 21000 et seq.) and the CEQA Guidelines (14 CCR 15000 et seq.) are primary sources for environmental legislation in California; they require projects with potential adverse environmental effects (or impacts) undergo environmental review. Adverse

environmental impacts are typically mitigated as a result of the environmental review process in accordance with existing laws and regulations.

#### ***California Code of Regulations Title 24***

Title 24 of the California Code of Regulations sets standards that new development in California must meet. According to Title 24, interior noise levels are not to exceed 45 dB CNEL for new multifamily residences, hotels, and other attached residences.

Title 24 also requires that an interior acoustical study demonstrating that interior noise levels due to exterior sources will be less than or equal to 45 CNEL be performed for affected multifamily structures and hotels that are exposed to exterior noise levels in excess of 60 CNEL.

#### ***California Department of Health Services Guidelines***

The State Department of Health Services has developed guidelines of community noise acceptability for use by local agencies (OPR 2003). Selected relevant levels are listed here:

- Below 60 dBA CNEL: normally acceptable for low-density residential use
- 50 to 70 dBA: conditionally acceptable for low-density residential use
- Below 65 dBA CNEL: normally acceptable for high-density residential use and transient lodging
- 60 to 70 dBA CNEL: conditionally acceptable for high-density residential, transient lodging, churches, educational, and medical facilities

The normally acceptable exterior noise level for transient lodging use is up to 65 dBA CNEL. Conditional acceptable exterior noise levels range up to 70 dBA CNEL for transient lodging.

#### ***California Department of Transportation***

In its Transportation and Construction Vibration Guidance Manual, Caltrans recommends a vibration velocity threshold of 0.2 ips PPV (Caltrans 2020) for assessing “annoying” vibration impacts to occupants of residential structures. Although this Caltrans guidance is not a regulation, it can serve as a quantified standard in the absence of such limits at the local jurisdictional level. Similarly, thresholds to assess building damage risk due to construction vibration vary with the type of structure and its fragility but tend to range between 0.3 ips and 0.4 ips PPV for typical residential structures (Caltrans 2020).

#### **Local**

##### ***Poway Municipal Code***

Section 8.08.040 and 8.08.100 of the Poway Municipal Code establishes sound level limits within the City and describes regulations on construction equipment, respectively. These sections are reproduced or summarized below.

##### **Section 8.08.040 Sound Level Limits**

Unless a variance has been applied for and granted pursuant to this chapter, it is unlawful for any person to cause or allow the creation of any noise to the extent that the one-hour average sound level, at any point on or beyond the boundaries of the property on which the sound is produced, exceeds the applicable limits set forth below, except



that construction noise level limits shall be governed by PMC 8.08.100. In addition, the Noise Element addresses nuisance noise and states that it should be unlawful for any person to make or continue any loud, unnecessary noise that causes annoyance to any reasonable person of normal sensitivity.

Zone or Land Use Designation	Allowable Time	Applicable Limit One-Hour Average Sound Level (In decibels)
OS-RM, OS, OS/1du, RR-A, RR-B, RR-C, RS-2, RS-3, RS-4, RS-7, and Specific Plan, PRD and PC regulations with a density of 11 dwelling units or less per acre	10:00 p.m. to 7:00 a.m.	40
	7:00 a.m. to 10:00 p.m.	50
PF, RA, RC, MHP, and Specific Plan, PRD and PC regulations with a density of 11 or more dwelling units per acre	7:00 a.m. to 7:00 p.m.	55
	7:00 p.m. to 10:00 p.m.	50
	10:00 p.m. to 7:00 a.m.	45
SPC, MU, CO, CN, CB, CG, TC, A/GC and HC	7:00 a.m. to 7:00 p.m.	60
	7:00 p.m. to 10:00 p.m.	55
	10:00 p.m. to 7:00 a.m.	50
MRE, SC, LI, LI/S and IP	Anytime	70

The sound level limit at a location on a boundary between two zoning districts is the arithmetic mean of the respective limits for the two districts.

Fixed location public utility distribution or transmission facilities located on or adjacent to a property line shall be subject to the noise level limits of this section, measured at or beyond six feet from the boundary of the easement upon which the equipment is located.

#### **Section 8.08.100 – Construction Equipment**

Except for emergency work, it is unlawful for any person, including the City, to operate any single or combination of powered construction equipment at any construction site, except as outlined in subsections A and B of this section:

- A. It is unlawful for any person, including the City, to operate any single or combination of powered construction equipment at any construction site before 7:00 a.m. or after 5:00 p.m. on Mondays through Saturdays or at any time on a Sunday or holiday except as provided below. For purposes of this section, “construction” does not include minor home repairs, lawn mowing, gardening and similar types of routine maintenance as identified in PMC 8.08.170(D).
  1. The City Engineer may permit, in writing, the use of powered construction equipment during specific hours before 7:00 a.m. or after 5:00 p.m. Monday through Saturday, or any time on a Sunday or holiday, if he or she determines that such operations are not detrimental to the health, safety, or welfare of the surrounding community, that the conduct of the activity is limited by the nature of the work, and that it is in the best interest of the public to perform the work outside of normal hours and days of work.
  2. A residential property owner constructing a single-family residence, or constructing an addition to, or otherwise modifying, a single-family residence for personal occupancy may operate powered construction equipment on Sundays or holidays between the hours of 10:00 a.m. and 5:00 p.m. in compliance with the requirements of subsection B of this section; provided, that:

- a. The type of equipment used is limited to handheld construction equipment or equipment powered by small electrical motors, including, but not limited to, small cement mixers, table saws, and similar small equipment; and
- b. The construction is not carried out for profit or livelihood. Upon request of the City, a property owner shall provide documentation, to the satisfaction of the Director of Development Services, of personal occupancy of the residence, or the intent to personally occupy the residence.
- B. No such equipment, or combination of equipment regardless of age or date of acquisition, shall be operated so as to cause noise at a level in excess of 75 decibels for more than eight hours during any 24-hour period when measured at or within the property lines of any property which is developed and used either in part or in whole for residential purposes. These sound levels shall be corrected for time duration in accordance with the following table:

Total Duration in 24 Hours	Decibel Level Allowance	Total Decibel Level
Up to 15 Minutes	+15	90
Up to 30 Minutes	+12	87
Up to 1 Hour	+9	84
Up to 2 Hours	+6	81
Up to 4 Hours	+3	78
Up to 8 Hours	0	75

In the event that lower noise limit standards are established for construction equipment pursuant to State or Federal law, said lower limits shall be used as a basis for revising and amending the noise level limits specified in subsection B of this section.

***Poway Comprehensive Plan: General Plan – Emergency Services Element***

The Noise Hazards section of the Emergency Services Element of the Poway Comprehensive Plan: General Plan (General Plan), in compliance with Section 65302(f) of the Government Code requires a noise element that quantifies the community noise environment and serves to guide development to achieve noise compatible land uses, includes the following policy and strategies regarding noise (City of Poway 1991):

***Goal VII, Policy H – Noise: The City shall ensure a safe and pleasant acoustical environment for the residents of Poway.***

- **Strategy 1:** Utilize site planning, zoning, regulations, architectural design standards and building construction regulations to reduce noise impacts.
- **Strategy 2:** Review all discretionary project applications which include sensitive land uses for conformance with the Exterior CNEL Compatibility Matrix table.
- **Strategy 3:** Require mitigation measures for all proposed projects which are found, according to an Acoustical Analysis Report, to be subject to incompatible CNEL values.
- **Strategy 4:** Proposed land uses which generate noise should be subject to an Acoustical Noise Report, with mitigation measures to be specified.
- **Strategy 5:** An Acoustical Noise Report shall be prepared for all public works projects which have a potential for public noise exposure.
- **Strategy 6:** Increases in traffic noise caused solely by roadway improvements shall be mitigated to future levels which would have occurred without the improvement.

- **Strategy 7:** When noise protection barriers are needed, they shall be located in the most cost-effective location. The maximum protection for a given barrier height and length shall be determined by acoustical analysis using the current edition of the FHWA [Federal Highway Administration] noise level model program.
- **Strategy 8:** Noise protection walls may be limited to a height of eight feet, even when a taller wall may be needed to achieve Noise Element standards, if a taller one is deemed to be aesthetically degrading to the environment.
- **Strategy 9:** Mitigation wall will be at least four feet high, even if mitigation calculations call for a shorter wall.
- **Strategy 10:** A time-averaging should level meter meeting American National Standards Institute S.4 standards shall be used to enforce the noise control provisions of the Zoning Ordinance.
- **Strategy 11:** Enforce the provisions of the California Noise Insulation Standards (California Code of Regulations, Title 24) prior to issuing a building permit for multi-family dwelling units. If these units are located in an area of noise incompatibility (exposed to 60 decibels or more, CNEL), an Acoustical Analysis Report, as prescribed in Section IID of the Noise Hazard Element, shall be prepared demonstrating that interior noise levels of habitable rooms will not exceed 45 decibels.
- **Strategy 12:** The interior floor/ceiling and party wall assemblies for multi-family dwelling, whether or not they are located in areas of noise incompatibility, shall provide a minimum insulation between units of 45 decibels, FSTC [field transmission class].
- **Strategy 13:** Standard care and practice guidelines for building construction shall include, but not be limited to, the current edition of the American Standards for Testing and Materials, E-497, standard practice for installing sound-insulating lightweight partitions.
- **Strategy 14:** When new projects are submitted to the City that require Conditional Use Permits Tentative Map approval, etc. a report must be submitted that demonstrates that significant environmental impacts, including noise, are mitigated to less than significant levels.
- **Strategy 15:** Acoustical Analysis Report standards containing the required format, measurements, calculations and exhibits for land use, zoning and building permit applications shall be prepared and updated annually.

### ***Poway General Plan EIR***

The General Plan EIR Section 5.10 establishes the following mitigation measure related to noise. Development within the City of Poway, including the Specific Plan planning area, is subject to these measures: “The City of Poway shall ensure a safe and pleasant acoustical environment for the residents of Poway through site planning, zoning regulations, architectural design standards, and building construction regulations.”

### 4.11.3 Thresholds of Significance

The significance criteria used to evaluate the project impacts related to noise are based on Appendix G of the CEQA Guidelines. According to Appendix G of the CEQA Guidelines, a significant impact related to noise would occur if the project would:

1. Result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.
2. Result in generation of excessive groundborne vibration or groundborne noise levels.

3. For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, expose people residing or working in the project area to excessive noise levels.

#### 4.11.4 Impacts Analysis

***Would the project result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?***

##### **Short-Term Construction**

Construction noise and vibration are a temporary phenomenon. Construction noise and vibration levels vary from hour to hour and day to day, depending on the equipment in use, the operations performed, and the distance between the source and receptor.

Equipment that would be in use during the proposed project construction would include, in part, graders, backhoes, rubber-tired dozers, loaders, cranes, forklifts, cement mixers, pavers, rollers, and air compressors. The typical maximum noise levels for various pieces of construction equipment at a distance of 50 feet are presented in Table 4.11-2. The listed maximum noise levels in Table 4.11-2 are, when downwardly adjusted by 6 dB to account for doubling the assessment distance to 100 feet, all compliant with the City’s 85 dBA at 100 feet criterion per General Plan Noise Element.

It is anticipated that construction activities associated with the proposed project would take place primarily within the allowable hours of the City of Poway (7:00 a.m. and 5:00 p.m. Monday through Saturday). In the event that construction is required to extend beyond these times, extended hours permits would be required and would be obtained by the applicant.

It should be noted that the equipment noise levels presented in Table 4.11-2 are maximum noise levels. Usually, construction equipment operates in alternating cycles of full power and low or no power, producing average noise levels over time that are less than the maximum noise level. This is accounted for through the use of an “acoustical usage factor,” expressing the percentage of time a piece of equipment is typically operational. The sound level produced by the construction activity also depends on where the equipment actually operates on site and the intensity of construction activities.

**Table 4.11-2. Typical Construction Equipment Maximum Noise Levels**

<b>Equipment Type</b>	<b>Typical Equipment (<math>L_{max}</math>, dBA at 50 Feet)</b>
All Other Equipment > 5 HP	85
Backhoe	78
Compressor (air)	78
Concrete Saw	90
Crane	81
Dozer	82
Excavator	81
Flat Bed Truck	74
Front End Loader	79

**Table 4.11-2. Typical Construction Equipment Maximum Noise Levels**

Equipment Type	Typical Equipment ( $L_{max}$ , dBA at 50 Feet)
Generator	72
Grader	85
Man Lift	75
Paver	77
Roller	80
Scraper	84
Welder / Torch	73

**Source:** DOT 2006; FTA 2018.

**Note:**  $L_{max}$  = maximum sound level; dBA = A-weighted decibels.

Aggregate noise emission from proposed project construction activities, broken down by sequential phase, was predicted at two distances to the nearest existing noise-sensitive receptor: 1) from the nearest position of the construction site boundary and 2) from the geographic center of the construction site, which serves as the time-averaged location or geographic *acoustical centroid* of active construction equipment for the phase under study. The intent of the former distance is to help evaluate anticipated construction noise from a limited quantity of equipment or vehicle activity expected to be at the boundary for some period of time, which would be most appropriate for phases such as site preparation, grading, and paving. At the site boundary distance, the analysis assumes that up to only one piece of equipment, for each listed type per phase, will be involved in the construction activity for a limited portion of the 8-hour period. In other words, at such proximity along the boundary of the site, the operating equipment cannot “stack” or crowd the vicinity and still be able to operate.

The distance to the acoustical centroid is used in a manner similar to the general assessment technique as described in the FTA guidance for construction noise assessment (FTA 2018), where the location of individual equipment for a given construction phase is uncertain and where construction equipment is anticipated to operate over some extent of the construction site, near and far. For the acoustical centroid case, which intends to be a geographic average position for all equipment during the indicated phase, this analysis assumes that the equipment may be operating up to all 8 hours per day. Table 4.11-3 summarizes these distances to the apparent closest noise-sensitive receptor for each of the seven sequential construction phases.

**Table 4.11-3. Estimated Distances between Construction Activities and the Nearest Noise-sensitive Receptors**

Construction Phase (and Equipment Types Involved)	Distance from Nearest Noise-Sensitive Receptor to Construction Site Boundary (Feet)	Distance from Nearest Noise-Sensitive Receptor to Acoustical Centroid of Site (Feet)
Demolition (concrete saw, excavator, dozer)	25	160
Site Preparation (dozer, backhoe)	25	160
Grading (excavator, grader, dozer, backhoe)	25	160
Building construction (crane, man-lift, generator, backhoe, welder)	25	160
Paving (paver, roller, concrete mixer truck)	25	160
Architectural Coating (compressor)	25	160

A Microsoft Excel-based noise prediction model, emulating and using reference data from the Federal Highway Administration (FHWA) Roadway Construction Noise Model (RCNM) (FHWA 2008) was used to estimate construction noise levels at the nearest occupied noise-sensitive land use. (Although the RCNM was funded and promulgated by the FHWA, it is often used for non-roadway projects, because the same types of construction equipment used for roadway projects are often used for other types of construction.) Input variables for the predictive modeling consist of the equipment type and number of each (e.g., two graders, a loader, a tractor), the duty cycle for each piece of equipment, and the distance from the noise-sensitive receiver. The RCNM has default duty-cycle values for the various pieces of equipment, which were derived from an extensive study of typical construction activity patterns. Those default duty-cycle values were used for this noise analysis, which are detailed in Appendix K. Conservatively, no topographical or structural shielding was assumed in the construction noise modeling. The predicted results from the construction noise modeling for the proposed project are displayed in Table 4.11-4.

**Table 4.11-4. Predicted Construction Noise Levels per Activity Phase**

Construction Phase (and Equipment Types Involved)	8-Hour Leq at Nearest Noise-Sensitive Receptor to Construction Site Boundary (dBA)	8-Hour Leq at Nearest Noise-Sensitive Receptor to Acoustical Centroid of Site (dBA)
Demolition (concrete saw, excavator, dozer)	84.9	73.1
Site Preparation (dozer, backhoe)	79.4	70.8
Grading (excavator, grader, dozer, backhoe)	84.2	71.5
Building construction (crane, man-lift, generator, backhoe, welder)	78.2	66.7
Paving (paver, roller, concrete mixer truck)	83.6	70.8
Architectural Coating (compressor)	78.7	59.1

**Notes:** Leq = equivalent noise level; dBA = A-weighted decibels.

As presented in Table 4.11-4, the estimated construction noise levels are predicted to be as high as 85 dBA equivalent continuous sound level ( $L_{eq}$ ) over an 8-hour period at the nearest existing residences (as close as 25 feet away) when demolition activities take place near the project boundary. Construction equipment noise levels for other activity phases are modeled to range from approximately 78 to 84 dBA  $L_{eq8h}$  at the nearest existing noise-sensitive receptor when construction operations take place near the project boundary. Note that these estimated noise levels at a source-to-receiver distance of 25 feet with the assumption that the heavy equipment associated with each phase is operating along the project boundary for a cumulative period of 2 hours a day with equipment performing work at more distant location or simply not operating the remaining time during the day. As such, this would result in an exceedance of the City of Poway construction noise limit of 75 dBA  $L_{eq8h}$ .

In order to avoid potentially significant construction noise impacts upon existing residences in the project vicinity, mitigation measure **MM-NOI-1** shall be implemented as indicated site conditions may warrant. Proper application of temporary noise barriers, or comparable sound abatement, that may arise as a result of **MM-NOI-1** implementation has the ability to realize a reduction in noise levels of 10 dB or more, that would correspondingly reduce the predicted 85 dBA 8-hour  $L_{eq}$  for the construction phases to a level of 75 dBA  $L_{eq8h}$  or less, and thus compliant with the 75 dBA threshold. With implementation of **MM-NOI-1**, noise impacts related to project construction would be **less than significant with mitigation incorporated**.

## Long-Term Operational

### Off-Site Traffic Noise Exposure

The proposed project would result in the creation of additional vehicle trips on local arterial roadways, which could result in increased traffic noise levels at adjacent noise-sensitive land uses. Appendix K contains a spreadsheet with traffic volume data (average daily traffic). In particular, the proposed project would create additional traffic along Oak Knoll Road, which according to the Traffic Impact Assessment prepared for the proposed project (Intersecting Metrics 2022) would add 640 total average daily trips adjacent to the project site.

According to Caltrans, a 3 dB change in sound is the beginning at which humans generally notice a barely perceptible change in sound, a 5 dB change is generally readily perceptible, and a 10 dB increase is perceived by most people as a doubling of the existing noise level (Caltrans 2013). Due to the existing and proposed urban setting of the project area, a readily perceptible change in traffic noise levels (5 dBA change) would be the appropriate threshold to determine significant increases in traffic noise.

Potential noise effects from vehicular traffic were assessed using the Federal Highway Administration’s Traffic Noise Model version 2.5 (FHWA 2004). Information used in the model included the roadway geometry, existing (year 2022), existing plus project, near-term (opening day) and near-term (opening day) plus project traffic volumes and posted vehicular speed limits. Traffic noise levels were modeled at representative noise-sensitive receivers ST1 through ST4, as shown in Figure 4.11-1. The receivers were modeled to be 5 feet above the local ground elevation. The noise model results are summarized in Table 4.11-5. Based on results of the model, implementation of the proposed project would not result in readily perceptible increases in traffic noise.

**Table 4.11-5. Traffic Noise Modeling Results**

Modeled Receiver No.	Modeled Traffic Noise Levels (dBA CNEL)				Maximum Project-Related Noise Level Increase (dB)
	Existing (2022)	Existing (2022) with Project	Near-Term (Opening Day) without Project	Near-Term (Opening Day) with Project	
ST1	58.7	59.4	59.3	59.7	0.7
ST2	46.3	46.6	47.0	46.0	0.3
ST3	50.6	50.7	51.2	51.2	0.1
ST4	58.8	58.8	59.4	59.4	0

**Source:** Appendix K.

**Notes:** dBA = A-weighted decibel; CNEL = community noise equivalent level; dB = decibel.

Table 4.11-5 shows that at all four listed representative receivers, the addition of proposed project’s traffic to the roadway network would result in an increase of less than 3 dB CNEL, which is below the perceptible level of change for the average healthy human ear. Thus, long-term traffic noise increases associated with the proposed project, affecting existing residences in the vicinity would be a **less-than-significant** impact.

### On-Site Traffic Interior Noise Exposure

The City and the state require that interior noise levels not exceed a CNEL of 45 dB within residences. Typically, with the windows open, building shells provide approximately 15 dB of noise reduction; with windows closed, residential construction generally provides a minimum of 25 dB attenuation. Therefore, rooms exposed to an

exterior CNEL not greater than 60 dB would result in an interior CNEL of 45 dB or less even with windows open. But when exterior CNEL values range from 60-70 dBA, the windows would need to be closed and thus require that the occupied structure feature mechanical ventilation for interior comfort.

The FHWA TNM model was further implemented to determine the future exterior noise levels at a representative sample of the proposed new homes on lots parallel with Oak Knoll Road. The receivers corresponding to the exterior building façade of the proposed new homes were calculated at modeled building positions B1, B3, B5, B23, B62, and B64, as shown below in Table 4.11-6 and on Figure 4.11-1.

**Table 4.11-6. Future Traffic Noise Levels at Residential Facades**

Building	Noise Level (CNEL)	
	1st Floor	2nd Floor
B1	56.1	56.4
B3	56.9	57.1
B5	56.2	56.5
B23	53.9	57.3
B62	58.8	58.9
B64	58.8	58.8

Traffic noise results displayed in Table 4.11-6 indicate that future traffic noise exposure levels at the closest building facades to Oak Knoll Road would all be under the maximum exterior noise level threshold for single-family residences (60 CNEL dBA) and would consequently be anticipated to result in an interior CNEL of 45 dB or less, even with the windows open (i.e., 59 dBA CNEL minus 15 dB = 44 dBA CNEL). Therefore, future roadway traffic noise levels at the interior of the proposed residences would be a **less-than-significant** impact.

***Would the project result in generation of excessive groundborne vibration or groundborne noise levels?***

Construction activities may expose persons to excessive groundborne vibration or groundborne noise, causing a potentially significant impact. Caltrans has collected groundborne vibration information related to construction activities (Caltrans 2020). Information from Caltrans indicates that continuous vibrations with a PPV of approximately 0.2 ips is considered “annoying.” For context, heavier pieces of construction equipment, such as a bulldozer that may be expected on the project site, have peak particle velocities of approximately 0.089 ips or less at a reference distance of 25 feet (Appendix K).

Groundborne vibration attenuates rapidly—even over short distances. And when groundborne vibration encounters a building foundation, a coupling loss occurs depending on the mass and design. For typical wood-framed houses, like those near the proposed project, this coupling loss is 5 vibration velocity decibels according to FTA guidance (FTA 2006). The attenuation of groundborne vibration as it propagates from source to receptor through intervening soils and rock strata can be estimated with expressions found in FTA and Caltrans guidance. By way of example, for a bulldozer operating on site and as close as the western project boundary (that is 25 feet from the nearest receiving sensitive land use), the estimated vibration velocity level would be 0.089 ips and thus no greater than the annoyance threshold recommended by Caltrans. Therefore, vibration-induced annoyance to occupants of nearby existing homes would be **less-than-significant**.



Construction vibration, at sufficiently high levels, can also present a building damage risk. However, anticipated construction vibration from conventional heavy equipment associated with this proposed project would not yield levels that surpass this risk. Per Caltrans, the recommended PPV threshold for newer residential structures is 0.5 ips and 0.3 ips for older residential structures—both of which are less stringent than the aforementioned threshold to annoy occupants of such structures; thus, vibration damage risk to nearby structures is considered **less-than-significant**.

Furthermore, as outlined in Section 4.4, Cultural and Tribal Resources, of this EIR, mitigation measure MM-CUL-1 would be implemented to reduce the potential for any construction vibration impacts on the historic Harmon House that exists on site.

Once operational, the proposed project is not anticipated to include major producers of groundborne vibration. On this basis, vibration due to proposed project operation should be **less than significant**.

***For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?***

There are no private airstrips within the vicinity of the project site. The closest airport to the proposed project site is the Marine Corps Air Station Miramar, approximately 6.75 miles northeast of the site and would therefore not expose people residing or working in the project area to excessive noise levels. Impacts would be **less than significant**.

## 4.11.5 Cumulative Impacts

Noise levels tend to diminish quickly with distance from a source; therefore, the geographic scope for the analysis of cumulative impacts related to noise was limited to locations within proximity to noise-generating operational components and construction equipment. Implementation of the proposed project would result in significant noise impacts associated with construction activities. However, noise is a localized occurrence and attenuates rapidly with distance. Therefore, only future development projects in the direct vicinity of the project site could add to construction- or stationary-source noise generated by the proposed project and result in a cumulative noise impact.

### **Excessive Noise Levels**

A cumulative noise impact would occur if development associated with cumulative projects would expose new land uses to noise levels that exceed proposed noise compatibility guidelines. Cumulative projects within the region would be subject to regulations that require compliance with noise standards, including Title 24, and the City's applicable Noise Ordinance and General Plan policies. Looking at the cumulative projects in the area, the distance to the nearest project is approximately 0.25 miles away, which would make cumulatively considerable noise impacts unlikely. In this case, the noise from added cars to roadways would not travel far enough to create excessive noise levels in the project area. Additionally, approved projects would be subject to the same noise policies and ordinances as would apply to the proposed project. Therefore, the proposed project **would not result in a cumulatively considerable contribution** to excessive noise levels.

### **Excessive Groundborne Vibration**

A cumulative groundborne vibration impact would occur if one or more projects in the area would result in combined groundborne vibration that would increase vibration to a level that would result in sleep disturbance or interfere with activities at vibration-sensitive land uses (e.g., precision labs, surgical facilities). Groundborne vibration

impacts could result from construction operations, railroad operations, or mining. As discussed in Section 4.11.1, Existing Conditions, the project would not result in impacts related to excessive groundborne vibration during construction or operation. Consequently, the proposed project **would not result in a cumulatively considerable contribution** related to excessive groundborne vibration.

#### **Permanent Increase in Ambient Noise Levels**

A cumulative noise impact would occur if construction and development associated with cumulative regional land use projects, such as those identified in adjacent city and county general plans and regional transportation plans, would result a permanent increase in ambient noise that exceeds the applicable noise standards on roadways throughout the region. At this time, it is assumed that the approved near-term projects said to be completed by 2025 would be outside of the proposed project's noise influence area. That said, the closest near-term approved project would be Poway Road Mixed Use project located approximately 0.25 miles from the proposed project. The construction and operation of the Poway Road Mixed Use project would have a less than significant impact on ambient noise levels, and therefore, the project would **not result in a cumulatively considerable impact**.

#### **Temporary Increase in Ambient Noise Levels**

A cumulative temporary noise impact would occur if one or more cumulative projects in close proximity to one another would be constructed at the same time and result in combined construction noise levels that exceed 75 dBA. With respect to construction noise, construction sites that are located within approximately 0.25 miles of one another would have the potential to cause an increase in noise exposure levels for receptors located near each of the sites, compared to a single construction project occurring at a single point in time. Based on the list of cumulative projects (as taken from Appendix L, Local Transportation Assessment for Harmon Ranch), it is not anticipated that another project would be actively under construction within 0.25 miles of the project site during the same construction period as the proposed project. Although the proposed project would result in exceedance of the City's construction noise limit of 75 dBA  $L_{eq}$ , there is no currently proposed or approved construction projects that would occur within 0.25 miles of the project site during the same timeframe. With implementation of MM-NOI-1, temporary increases in ambient noise levels would **not be cumulatively considerable**.

#### **Excessive Noise Exposure from Airports**

Noise related to airports is generally site specific and not cumulative in nature. The placement of a structure within the noise contours of a public airport or in close proximity to a private airstrip would not affect airport noise related to the placement of another cumulative project. The proposed project is not within the vicinity of a public or private airport; therefore, **no cumulative impact** would occur.

## 4.11.6 Mitigation Measures

The following mitigation measures would be implemented to reduce potentially significant impacts to less than significant.

**MM-NOI-1** Prior to the issuance of a Construction Permit, the project applicant/owner or construction contractor shall prepare and submit to the City of Poway Planning Division, for its review and approval, a Construction Noise Management Plan (CNMP). Prior to the issuance of a Construction Permit, construction plans shall also include a note indicating compliance with the CNMP is required. The CNMP shall be prepared or reviewed by a qualified acoustician (retained at the project applicant/owner or construction contractor's expense) and feature the following:

1. A detailed construction schedule, at daily (or weekly, if activities during each day of the week are typical) resolution and correlating to areas or zones of on-site project construction activities and the anticipated equipment types and quantities involved. Information shall include expected hours of actual operation per day for each type of equipment per phase and indication of anticipated concurrent construction activities on site.
2. Suggested locations for noise level monitoring, attended by a qualified acoustician or another party under his/her supervision or direction, at which sample outdoor ambient noise levels will be measured and collected over a sufficient sample period and subsequently analyzed to ascertain compliance with the eight-hour City of Poway threshold of 75 dBA equivalent noise level. Sampling shall be performed, at a minimum, on the first (or otherwise considered typical construction operations) day of each distinct construction phase (e.g., each of the six listed phases in Table 4.11-3, Construction Phase Distance to Nearest Pre-Existing Noise-Sensitive Receptors).
3. If sample collected noise level data indicates that the eight-hour noise threshold has or will be exceeded, construction work shall be suspended (for the activity or phase of concern) and the project applicant/owner or construction contractor shall implement one or more of the following measures as detailed or specified in the CNMP:
  - a. Administrative controls (e.g., reduce operating time of equipment and/or prohibit usage of equipment type[s] within certain distances of noise-sensitive receptors).
  - b. Engineering controls (upgrade noise controls, such as install better engine exhaust mufflers, silencers, engine bay dampening, etc.).
  - c. Install noise abatement on the project site boundary fencing (or within the project site, as practical and appropriate) in the form of sound blankets or comparable temporary barriers to occlude construction noise transmission between the project site (or specific equipment operation as the situation may define) and the noise-sensitive receptor(s) of concern.

The implemented measure(s) shall be reviewed or otherwise inspected and approved by the qualified acoustician (or another party under his/her supervision or direction) prior to resumption of the construction activity or process that caused the measured noise of concern or need for noise mitigation. Noise levels shall be re-measured, after installation of said measures, to ascertain post-mitigation compliance with the noise threshold. As needed, this process shall be repeated and refined until noise level compliance is demonstrated and documented. A report of this implemented mitigation and its documented success shall be provided to the City of Poway Planning Division.

4. The project applicant/owner or construction contractor shall make available a telephone hotline so that concerned neighbors in the community may call to report noise complaints. The CNMP shall include a process to investigate these complaints and, if determined to be valid, detail efforts to provide a timely response and resolution to the complainant—with copy of resolution provided to the City of Poway Planning Division.

#### 4.11.7 Level of Significance after Mitigation

In order to reduce potentially significant construction noise impacts, mitigation measure **MM-NOI-1** shall be implemented. With implementation of **MM-NOI-1**, construction noise impacts would be reduced to a **less-than-significant** level. Noise impacts due to long-term operation of the proposed project (including traffic noise) would be a **less than significant** impact. No further mitigation beyond what has been described herein for construction noise is anticipated at this time.



SOURCE: SAN GIS 2017

**DUDEK**



0 100 200 Feet

**FIGURE 4.11-1**

**Noise Measurement and Modeling Locations**

Harmon Ranch Specific Plan Project EIR

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## 4.12 Population and Housing

This section describes the existing population and housing conditions of the Harmon Ranch project (proposed project) site and vicinity, identifies associated regulatory requirements, evaluates potential impacts, and identifies mitigation measures, if necessary, related to implementation of the proposed project.

A Notice of Preparation (NOP) was circulated from February 1, 2023, through March 3, 2023. During the NOP comment period, comment letters related to population and housing focused on the following topics:

- Density of housing

These comments were considered during the preparation of this environmental impact report (EIR). The Initial Study, NOP, and Public Scoping comments are provided in Appendix A of this EIR.

### 4.12.1 Existing Conditions

#### Population

The San Diego Association of Governments (SANDAG) is the council of governments and metropolitan planning organization responsible for developing demographic projections, including population, household, and employment projection for jurisdictions in the County of San Diego (County), including for the City of Poway (City). SANDAG is required to update these forecasts every 4 years.

According to SANDAG population estimates, the County supported 3,315,396 people as of 2021 (SANDAG 2022a). According to the SANDAG Series 14 Regional Growth Forecast, by 2050, the County's population is expected to reach 3,746,054 (SANDAG 2022b). According to SANDAG estimates, the City supported 48,936 residents in 2021, and its population is expected to reach 50,565 by 2035, and 51,234 by 2050 (SANDAG 2022c, 2022d). According to the U.S. Census Bureau, population for the City of Poway was 48,421 on July 1, 2022 (U.S. Census Bureau 2023).

#### Housing

According to SANDAG housing estimates for the County, there were 1,220,069 total housing units as of 2021 (SANDAG 2022a). According to the Series 14 Regional Growth Forecast, the County is forecasted to have approximately 1,471,286 total housing units by 2050 (SANDAG 2022b). According to the SANDAG estimates, the City had 16,723 total housing units in 2021, with single-family housing units accounting for 13,322<sup>1</sup> (SANDAG 2022c). The Series 14 Regional Growth Forecast for the City estimated an increase of housing units to 17,331 by 2035, and 17,640 by 2050 (SANDAG 2022d). This change would account for an average annual increase of 0.3 percent annually and approximately 4 percent total from 2021 to 2035, and approximately 0.2 annually or 5 percent housing increase from 2021 to 2050.

Like most regions of the state, the County is currently experiencing a housing affordability crisis. However, even by regional standards, the City's housing affordability issues are markedly difficult. The average home sale values in the City were higher than all other inland jurisdictions in the County, having nearly doubled since 2011 (i.e., from

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<sup>1</sup> Estimate includes attached (12,308) and detached (1,014) single-family housing units (SANDAG 2022a).

\$448,750 in 2021 to \$840,154 in 2021). According to the City's Housing Element Update, the City's housing affordability crisis affects current and potential residents of all income levels (City of Poway 2021a):

Based on the range of prices and median sales prices for single-family homes and condominiums in Poway, all income categories, even many above-moderate income households, face limited choices in purchasing a home in the City. Depending on household size and the number of bedrooms required, even above moderate-income households earning as much as twice the median household income may face difficulties in finding adequately size homes to purchase that are affordable.

To compound the issue, the City has a low vacancy rate, particularly for single-family housing. From 2010 to 2018, single-family housing vacancy rates remained constant at three percent and multi-family housing slightly increased from 6.9 percent to 8.9 percent. As of January 2022, the City's overall vacancy rate was 2.9 percent. These data suggest that all housing and particularly single-family housing is in high demand within the City, which has the potential to further drive up the cost of housing and exacerbate issues of affordability (DOF 2022). Furthermore, according to the City's Housing Element Update, between 2010 and 2018, total housing in the City saw only a marginal (i.e., 2.8%) increase from 14,984 units in 2010 to 15,397 total units in 2018 (City of Poway 2021a). Of the 413 total housing units built over this time, approximately 40 percent (163 housing units) were single-family, and 60 percent (249 housing units) were duplex or multifamily (City of Poway 2021a). The sluggish rate of recent development coupled with the high cost of housing and low vacancy rates suggest that the City is in critical need of additional housing, including single-family housing, which (as discussed above) has in recent years exhibited a lower vacancy rate and slower rate of development compared to multifamily housing in the City over the same period.

### 4.12.2 Relevant Plans, Policies, and Ordinances

Set forth below are short descriptions of the laws and applicable regulations that generally apply to population and housing issues in the Project area. This information helps to place the impact analysis within its proper regulatory context. As it is reasonable to assume that construction and implementation of a project would comply with existing law, this EIR does not specifically assess the Project's ability to comply with applicable regulatory requirements, except in those instances where a regulatory standard is being used as the threshold for determining impact significance.

#### **Federal**

No federal regulations related to population and housing apply to the proposed project.

#### **State**

##### ***California Planning and Zoning Law***

The legal framework in which California cities and counties exercise local planning and land use functions is provided in Sections 65000–66499.58 of the California Government Code, the California Planning and Zoning Law. Under state planning law, each city and county must adopt a comprehensive, long-term general plan. State law gives cities and counties wide latitude in how a jurisdiction may create a general plan, but there are fundamental requirements that must be met. These requirements include seven mandatory elements described in the California Government Code. Each of the elements must contain text and descriptions setting forth objectives, principles,



standards, policies, and plan proposals; diagrams and maps that incorporate data and analysis; and implementation measures.

### ***California Building Standards Code***

In 2001, California consolidated the Uniform Building, Plumbing, Electrical, and Mechanical codes into the California Building Standards Code, which is contained in Title 24 of the California Code of Regulations. The California Building Standards Code contains 11 parts: Electrical Code, Plumbing Code, Administrative Code, Mechanical Code, Energy Code, Residential Building Code, Historical Building Code, Fire Code, Existing Building Code, Green Building Standards Code, and the Reference Standards Code. These codes promote public health and safety and ensure that safe and decent housing is constructed in the state. The codes serve to protect residents from hazards and risks, and are not considered to be undue constraints to housing production. The 2022 California codes became effective in January 2023.

### ***Senate Bill 9***

Senate Bill 9 mandates jurisdictions, like the City, to ministerially approve a housing development containing no more than two residential units on a single lot within a single-family residential zone, excluding certain areas (for the purposes of Senate Bill 9, “units” is inclusive of ADUs and Junior Accessory Dwelling Units [JADUs]). ADUs may be permissible after two main single-family residences on a single lot are established. Additionally, the City must ministerially process an Urban Lot Split in accordance with Senate Bill 9 and eligible development standards. Only properties that are zoned primarily for single-family residences qualify (e.g., RS-1 thru RS-7). Furthermore, according to City standards, certain areas are excluded from Senate Bill 9 eligible development, including properties within a hazardous waste site, flood zone, habitat conservation area, wetland area, or a very high fire hazard severity zone (City of Poway 2021a). As the project site is within a very high fire hazard severity zone, the residential lots of the project site would be excluded from qualifying for Senate Bill 9 developments (CAL FIRE 2023; City of Poway 2021b).

### ***Senate Bill 375***

Senate Bill 375 (codified in the Government Code and Public Resources Code) took effect in 2008 and provides a new planning process to coordinate land use planning, regional transportation plans, and funding priorities in order to help California meet the greenhouse gas (GHG) reduction goals established in Assembly Bill 32. Senate Bill 375 requires metropolitan planning organizations to incorporate a Sustainable Communities Strategy (SCS) in their Regional Transportation Plans (RTPs) that will achieve GHG emissions reduction targets by reducing vehicle miles traveled from light-duty vehicles through the development of more compact, complete, and efficient communities.

### ***Regional Housing Needs Assessment***

State Housing Law mandates metropolitan planning organizations undertake a Regional Housing Needs Assessment (RHNA) as part of the periodic process of updating the local housing elements of their general plans. The RHNA quantifies the need for housing within each jurisdiction during specified planning periods. Communities use the RHNA in land use planning, prioritizing local resource allocation, and in deciding how to address identified existing and future housing needs resulting from population, employment, and household growth. The RHNA does not necessarily encourage or promote growth, but rather allows communities to anticipate growth, so that the region and subregion can grow in ways that enhance quality of life, improve access to jobs, promote transportation mobility, and address social equity, fair share housing needs.

### ***The Housing Crisis Act of 2019 (Senate Bill 330)***

Through the passage of the Housing Crisis Act of 2019 (Senate Bill 330), codified in the California Government Code, effective January 1, 2020, the state legislature has declared a statewide housing emergency. The goal of the Housing Crisis Act is to suspend certain restrictions on development of new housing and encourage local governments to approve more housing development projects.

### **Local**

#### ***San Diego Association of Governments***

SANDAG is a public agency, composed of 18 cities and the County, which oversees development of region-wide strategic plans guiding the San Diego region in land use, growth, economics, and the environment. SANDAG has prepared regional growth forecasts for the San Diego region since the 1970s. These forecasts are developed through a collaborative effort with experts in demography, housing, the economy, and other disciplines, with the close cooperation of local planning directors and their staffs. The latest version of these forecasts is referred to as the Series 14 Regional Growth Forecast, which identifies regional growth in population, housing units, and jobs from 2016 through 2050.

#### ***San Diego Forward: The Regional Plan***

Over the years, SANDAG has coordinated regional efforts to address a large number of important issues. On December 10, 2021, the SANDAG Board of Directors approved the 2021 Regional Plan (SANDAG 2021a). The 2021 Regional Plan is based on the most recent planning assumptions considering adopted general plans, and other factors, from all 18 cities of the region and the County. In accordance with specific state and federal mandates, the 2021 Regional Plan is a long-term (approximately 30-year) planning document that provides a growth management strategy for the region, combining the required RTP, SCS, and Regional Comprehensive Plan into one comprehensive regional document. In accordance with SB 375 requirements for an SCS, the 2021 Regional Plan describes coordinated transportation and land use planning to achieve the state's target for reducing per capita GHG emissions set by the California Air Resources Board (CARB).<sup>2</sup> The state mandated target is a 19 percent reduction in per capita GHG emissions from cars and light-duty trucks by 2035 compared with a 2005 baseline. The 2021 Regional Plan will result in reduced GHG emissions that will exceed the state's emission reduction targets, reaching per capita reductions of 20 percent by 2035 (SANDAG 2021a). The 2021 Regional Plan also puts forth a forecasted development pattern that is driven by regional goals for sustainability, mobility, housing affordability (including accommodation of the state mandated RHNA), and economic prosperity (SANDAG 2021a).

As part of the development of the 2021 Regional Plan, SANDAG was required to prepare an EIR that assesses how the 2021 Regional Plan will impact resources such as air quality, biological resources, greenhouse gas emissions, population, housing, and other topics as mandated by the state. The Final EIR for the 2021 Regional Plan established that implementation of the plan would induce unplanned growth in some areas of the San Diego region. However, the EIR also concluded that the 2021 Regional Plan was developed to accommodate forecasted regional growth and that a failure to do so would be inconsistent with federal and state requirements (SANDAG 2021b): “[P]recluding growth in the region would conflict with the requirements to provide sufficient housing for the region’s population contained in SB [Senate Bill] 375... [Further,] Government Code Section 65080(b)(2)(B)(ii) requires that the RTP/SCS [which are required components of the 2021 Regional Plan] house all the population of the region,

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<sup>2</sup> CARB establishes targets for each region in California governed by a metropolitan planning organization, including SANDAG, which is the metropolitan planning organization for the San Diego region.

including all economic segments of the population, over the course of the planning period” (SANDAG 2021a, 2021b). Per the 2021 Regional Plan’s Final EIR, impacts related to substantial increases in population under the 2021 Regional Plan were determined to be significant and unavoidable (SANDAG 2021b). The Final EIR for the 2021 Regional Plan (State Clearinghouse No. 201004106) was certified by the SANDAG Board of Directors on December 10, 2021 (SANDAG 2021b).

While SANDAG is currently implementing the 2021 Regional Plan, preparation of the next 4-year cycle has already begun, with the 2025 Regional Plan anticipated to be adopted by December 2025 (SANDAG 2023). In accordance with CEQA, SANDAG is currently preparing an EIR for the 2025 Regional Plan, and recently issued a Notice of Preparation to provide information to the public describing the proposed plan and its potential environmental effects (SANDAG 2023).

As recognized by the need for updates every 4 years, SANDAG’s Regional Plan will necessarily change in response to the ongoing land use planning of the County and comprising cities. These land use inputs may change based on general plan amendments initiated by the jurisdiction or landowner applicants. The general plan amendments may result in increases in development densities by amending the Regional Category designations or zoning classifications. Accordingly, the latest forecasts in SANDAG’s Regional Plan of future development in the San Diego region, including location, must be coordinated closely with each jurisdiction’s ongoing land use planning, as that planning is dynamic and can be difficult to predict with certainty.

### **Regional Growth Forecast**

Since 1972, SANDAG has produced long-range forecasts of population, housing, and employment for the San Diego region that are used as a basic resource for numerous purposes. For example, SANDAG uses these forecasts to develop its SCS and supporting transportation network in the Regional Plan; water agencies (e.g., San Diego County Water Authority and local retail water districts) use the data for water planning purposes; and utility providers use the data for long-range planning. The County and local jurisdictions also use the forecast data for general plan and infrastructure planning purposes.

SANDAG’s most recent forecast—the Series 14 Regional Growth Forecast is the basis for the Regional Plan. These forecasts represent an assessment of the changes that SANDAG anticipates for the San Diego region based on the best available information and computer modeling. As stated, the forecasts are based on the most recent planning assumptions, considering local general plans and other factors, per Senate Bill 375 (Government Code Section 65080[b][2][B]). The SANDAG forecasts are meant to help decision makers prepare for the future and, according to SANDAG, are “not an expression for or against growth” (SANDAG 2013).

As discussed above, land use planning is dynamic and can be difficult to predict with certainty. This is evidenced by the fact that, since 2008, SANDAG’s regional growth forecasts have consistently over-forecasted anticipated the population of the San Diego region. Projections from the Series 12 (adopted 2011) and Series 13 (adopted 2013) Regional Growth Forecasts for buildout year 2020 show that SANDAG over-forecasted population by 191,651 and 92,364 residents, respectively (SANDAG 2011, 2013). The historical over-projection of SANDAG’s population forecasts suggest that, for at least the past 14 years, the region has not achieved their projected share of regional population growth.

### **Regional Housing Needs Assessment**

SANDAG is required by state law (Government Code Section 65584[a]) to complete a RHNA, in consultation with the California Department of Housing and Community Development, to determine the region’s housing needs in

four income categories: very low, low, moderate, and above moderate. The RHNA allocates housing needs in the four income categories for each of the cities and the County to use in their housing element. The cities and County are required to update their housing elements to include RHNA allocations every 8 years.

The federal, state, and regional growth forecasts concluded that the San Diego region was projected to need 171,685 new dwelling units by 2029 (SANDAG 2021a). SANDAG is responsible for distributing the state’s allocation of housing need in an equitable way to each jurisdiction. To facilitate this process, SANDAG prepares a RHNA Plan, which is updated every 5 years (approximately) to reflect changes in the population and assess the need for housing in the San Diego region. The most recent assessment was approved on July 5, 2018, and the 6th Cycle RHNA Plan (RHNA Plan) was adopted on July 10, 2020. The RHNA Plan is included as Appendix K, Regional Housing Needs Assessment Plan, of the 2021 Regional Plan (SANDAG 2021a).

The purpose of the RHNA Plan is to identify the existing and projected housing needs for the San Diego region’s local jurisdictions. The RHNA Plan defines existing housing opportunities and the need for more affordable options. Local jurisdictions, including the County, use this information to prepare the housing elements of their general plans. As set forth in the RHNA Plan, each jurisdiction is assigned a number of units it will be required to reflect in its housing element. Units are further divided by income category need. Of the 171,685 new dwelling units required in the San Diego region by 2029, 1,319 units are to be accommodated for within the City (City of Poway 2021a). Specifically, SANDAG’s final RHNA for the City consists of 468 very low, 268 low, 241 moderate, 342 above moderate income units (City of Poway 2021a).

### ***Poway Comprehensive Plan: General Plan***

The Poway Comprehensive Plan: General Plan (General Plan) is a statement of what the representatives of the residents want for their community in the future. Its function is to allow the citizens to consciously consider the shape their City will take for the foreseeable future and to preserve and enhance those qualities they presently find appealing. It accomplishes this by setting forth broad goals, and translating these goals into specific policies and strategies to accomplish the plan’s objective. The goals of the City’s General Plan as they relate to population and housing are as follows (City of Poway 1991).

### ***Goal XI: It is the goal of the City of Poway to provide adequate, appropriate housing opportunities to meet the needs of current and future residents.***

#### ***Policy A – Existing Housing: Preserve and maintain existing housing and neighborhoods to ensure that housing is both sound and safe for occupants and to meet as much as possible of the housing needs of the current and future residents of Poway through existing development.***

- **Strategy 1:** The retention and maintenance of all existing mobile home parks shall be encouraged through use of a mobile home park zone and through acquisition and operation of parks by the City/Redevelopment Agency.
- **Strategy 2:** The retention of an adequate supply of rental housing shall be encouraged by maintaining ordinance provisions that restrict condominium conversions in the Residential Apartment category/RA zone and which require that new developments in this category be for rental only.
- **Strategy 3:** Promote increased awareness among property owners and residents of the importance of property maintenance to long-term housing quality.
- **Strategy 4:** Adopt ordinance requiring that all renter occupied housing be kept in a well maintained safe and sanitary condition.

- **Strategy 5:** Participate, through the County of San Diego Housing Authority, in a program of low interest rehabilitation loans to assist low and moderate income homeowners whose homes are in need of repair.
- **Strategy 6:** Maintain ordinance provisions prohibiting the occupancy of substandard dwelling units and requiring that such units be made to comply with all applicable zoning, building safety, and housing codes or when this cannot be achieved that such units be demolished.
- **Strategy 7:** Take actions necessary to ensure that assisted rental units at risk of conversion are not converted to market rate units
- **Strategy 8:** Investigate opportunities and funding sources to assist households with members who are handicapped to appropriately retrofit existing housing.
- **Strategy 9:** Support the shared housing referral and information service.
- **Strategy 10:** Continue to participate in housing programs administered by the County Department of Housing and Community Development which provide housing assistance.
- **Strategy 11:** Investigate opportunities and funding sources to provide assistance to low and moderate income households to reduce the incidence of housing overpayment.

*Policy B – New Housing: Provide opportunities for high quality new housing construction as necessary to meet the needs of current and future Poway residents including those with special needs.*

- **Strategy 1:** Ensure that housing constructed for very-low, low, and moderate income households be high quality in terms of design and construction and be compatible in design with surrounding development.
- **Strategy 2:** Establish land use and zoning categories in the General Plan and Zoning Ordinance that allow a diversity of housing types to be built to provide for the actual needs of residents while minimizing conflicts with existing development and unnecessary erosion of residents' quality of life and investment in their homes.
- **Strategy 3:** In-fill development shall be encouraged in order to make efficient use of existing public infrastructure.
- **Strategy 4:** Encourage the use of innovative site development techniques and the use of alternative building materials that both meet the intent of City policies and ordinances and reduce the cost of site preparation or construction.
- **Strategy 5:** Regularly review development fee schedules to ensure that user charges and fees are consistent with costs incurred by the City. Pursue a reduction of fees to affordable housing projects.
- **Strategy 6:** Determine the feasibility of using public subsidies to assist in the development of affordable housing.
- **Strategy 7:** Require coaches and lots within newly created mobile home parks to be held in common ownership except in cases where the coaches and or lots are owned by a public agency or nonprofit housing entity.
- **Strategy 8:** Encourage the development of affordable housing for the elderly in proximity to public transportation and community services.
- **Strategy 9:** Encourage the development of residential units which are accessible to handicapped persons or are adaptable for conversion to use by handicapped persons.
- **Strategy 10:** Investigate programs to assist first-time buyers.
- **Strategy 11:** All new businesses which employ more than five persons in agricultural or landscaping jobs shall provide suitable housing for them or pay an in lieu fee to allow such housing to be provided.
- **Strategy 12:** Require that housing constructed expressly for very low, low, and moderate income households not be concentrated in any single area.

- **Strategy 13:** Encourage the development of childcare facilities coincident with new housing development and consider the use of incentives such as density bonus reduced development fees and or financial assistance.
- **Strategy 14:** Require deed restrictions for new units provided under this policy in order to ensure their permanent affordability.

Policy C – Fair Housing Practices: Assure that all housing whether market or assisted is sold or rented in conformance with open housing policies free of discriminatory practices.

- **Strategy 1:** Make every reasonable effort to ensure that the provisions of all applicable Federal and State laws and regulations concerning nondiscrimination are enforced.
- **Strategy 2:** Disseminate information on housing discrimination complaints to appropriate agencies.

### **City of Poway's Housing Element Update**

The City's Housing Element Update is an 8-year plan for the 2020–2029 housing cycle for jurisdictions in the San Diego region (City of Poway 2021a). The Housing Element Update serves as an integrated part of the General Plan, but is updated more frequently, as required by state law, to ensure its relevancy and accuracy. The Housing Element identifies strategies and programs that focus on the following (City of Poway 2021a):

- Matching housing supply with need
- Maximizing housing choices throughout the community
- Assisting in the provision of affordable housing
- Removing governmental and other constraints to housing investment
- Promoting fair and equal housing opportunities

The City will continue to implement key programs and provisions of the Housing Element Update through 2029, including those intended to increase the availability of housing with emphasis on meeting the needs of and providing affordable housing to local workers while affirmatively furthering fair housing (City of Poway 2021a).

### 4.12.3 Thresholds of Significance

The significance criteria used to evaluate the project impacts to population and housing are based on Appendix G of the CEQA Guidelines. According to Appendix G of the CEQA Guidelines, a significant impact related to population and housing would occur if the project would:

1. Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure).
2. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere.

4.12.4 Impacts Analysis

**Would the project induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?**

The proposed project would allow for up to 63 single-family homes, which would increase the population within the project site and in the area. The project site currently includes several existing single-family homes, a storage/staging area, and open space uses. Proposed project land uses would include residential and open space uses, in addition to residential streets and a public roadway (i.e., Oak Knoll Road, which bisects the project site to the south). Table 4.12-1, below, describes the distribution and maximum development intensity of uses as permitted in on the project site.

**Table 4.12-1. Project Land Use Summary**

Use/Land Use	Net Acres	Percent of Planning Area	Maximum Housing Units	Density (Housing Units per Acre)
<b>Non-Residential Land Uses (Open Space and Streets)</b>				
Open Space (OS-1 & 2) (Floodway)	1.88	16.3	N/A	N/A
Open Space (OS-3 & 4)	0.31	2.7	N/A	N/A
Open Space Recreation (OSR-1 to 7)	0.99	8.6	N/A	N/A
Subtotal Open Space	3.18	27.6	N/A	N/A
Private Internal Residential Streets	1.88	16.3	N/A	N/A
Oak Knoll Road ROW (existing)	0.49	4.3	N/A	N/A
Subtotal Streets	2.37	20.6	N/A	N/A
Subtotal Non-Residential	5.55	48.2	N/A	N/A
<b>Residential Land Use</b>				
Residential Single Family (R-SF) (Lots 1 to 64)	5.96	51.8	64 <sup>b</sup>	N/A
<b>Project Area</b>				
<b>Total<sup>a</sup></b>	<b>11.51</b>	<b>100</b>	<b>64</b>	<b>8.8</b>

Source: Appendix Q.

Notes: N/A = not applicable.

All acreage, percentage, and density calculations are approximate.

<sup>a</sup> Includes one existing home, which would be preserved as part of the project.

<sup>b</sup> Open Space areas within the floodway (OS-1 and OS-2) and public street (Oak Knoll Road) and internal private streets are excluded from the density calculation.

The existing General Plan Land Use and Zoning Map designates the entire project site as Residential Single-Family 7 (RS-7) (City of Poway 2023). As discussed in Chapter 3, Project Description, the proposed project’s General Plan amendment and zone change would redesignate the project site as Planned Community (PC). Although the proposed land use and zone change would allow for a total of 64 housing lots on the project site, one of these units is existing, designated as historical under baseline conditions, and would be retained in place as part of the project. Therefore, the project would result in a total of 63 new housing units with the potential to induce population growth.

According to ~~DOF~~ U.S. Census data, there are approximately ~~2.92~~ 2.99 persons per household in the City. Following those averages, the proposed project would add approximately ~~184~~ 191 people to the City’s jurisdiction (~~DOF 2022~~) (Appendix M). Although the project would also require demolition of three existing single-family housing units, the existing project site residents could potentially relocate elsewhere within the City’s jurisdiction. Thus, for the

purposes of assessing the project’s potential impacts related to population growth in the City, this analysis does not “net out” the anticipated loss of the existing project site residents. Furthermore, of the potential new ~~184~~ 191 occupants on site, not all future residences are expected to be new residents to the City of Poway.

As discussed above in Section 4.12.1, Existing Conditions, the existing project is currently zoned and designated to accommodate residential development (i.e., RS-7), allowing for a maximum density of eight housing units per acre (City Municipal Code Section 17.08.060). Assuming all 11.5 project site acres were developed under the existing allowable land use/zoning conditions, this would result in a total of 92 allowable units. Taking into consideration the 4 existing housing units on the project site, under existing conditions, the project site has the capacity to facilitate 88 new housing units. Thus, although the project would rezone and redesignate the site to PC, the proposed maximum allowable density for the project site (i.e., 8.8 housing units per acre) is similar to the allowable density under existing conditions. Furthermore, as set forth in the proposed Specific Plan, the project would preserve approximately 3 acres of the project site for open space and recreational uses, which would reduce the overall development potential compared to existing conditions, thereby limiting the potential to induce population growth.

The buildout potential of the project site under existing land use and zoning conditions is incorporated into SANDAG’s growth forecasts for the City (SANDAG 2021a). According to SANDAG’s Series 14 Regional Growth Forecast, the amount of anticipated population growth in the City would be 3.3% by 2035 and 4.7% by 2050, which would be approximately 0.2% growth per year under both buildout horizons (SANDAG 2021a). This forecasting model has accounted for growth of approximately 1,629 people by the year 2035, and 2,298 people by the year 2050. The proposed project (i.e., the ~~184~~ 191 additional residents facilitated as a result of the 63 proposed housing units) would account for approximately 11.7% of the total population growth anticipated to occur by 2035, and approximately 8% of growth anticipated to occur by 2050. Anticipated housing growth in the City shows an approximately 4% increase by 2035 (i.e., 608 units) and 5% by 2050 (i.e., 917 units), which would represent, respectively, approximately 0.3% and 0.2% annual housing growth. Accounting for the anticipated demolition of 3 existing project site housing units (resulting in 60 “net” new housing units), the project would represent approximately 10% of the total housing growth anticipated to occur by 2035 and 7% anticipated to occur by 2050. Therefore, the project would account for a fraction of the planned population and housing growth and would not exceed population or housing growth projections for the City.

As discussed above, the growth potential on the project site under existing land use/zoning conditions is incorporated into SANDAG’s growth forecasting model (SANDAG 2021a). As the project’s proposed land use and zone change would allow for similar population and housing growth to occur as under existing land use and zoning conditions and would not exceed the current SANDAG growth projections for the City (as demonstrated above), the project’s anticipated population and housing increase would be considered “planned” growth and would not be substantial.

In accordance with defined future housing needs, the City must balance land use activities to comply with State Housing Law and accommodate the mandated RHNA obligation for different affordability levels. Specifically, the current RHNA for the City consists of 468 very low, 268 low, 241 moderate, 342 above moderate income units, for a total of 1,319 RHNA units, which must be accommodated before the end of the current RHNA cycle (i.e., 2029) (City of Poway 2021a). To accommodate the projected growth in the City—including the SANDAG forecasts and the state-mandated RHNA obligation—and to help address the City’s housing affordability crisis (previously discussed in Section 4.12.1, above), appropriate housing should be built and maintained within the City. The proposed project would be infill development, constructed primarily on previously disturbed and/or developed land surrounded by residential, commercial, industrial, and mixed uses. The project would preserve approximately 3 acres of the site for open space and recreational uses and would provide appropriate housing stock to accommodate future growth in the City. Homes would be sold at market rate, and the project does not propose any designated



low-income housing. Although the proposed project may induce some indirect growth as a result of construction, including utilities, roadways, and associated utility lines, these improvements would be appropriately sized to serve the project. Thus, the potential growth is not considered to be substantial, and it would not significantly increase existing population numbers within the City. Moreover, in consideration of other residential land uses and housing development occurring within the City, the anticipated ~~184~~191 new residents (stemming from the 63 proposed housing units) would be within the forecasted population growth for the City.

Potential population growth is further analyzed in this EIR under Growth-Inducing Impacts (Chapter 5, Other CEQA Considerations), which concludes that the proposed project would not remove an obstacle to substantial population growth in the area or require the construction of a substantial amount of new community service facilities or encourage other activities or growth that could significantly affect the environment. Therefore, the project would not induce substantial unplanned population growth, and impacts would be **less than significant**.

***Would the project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?***

The proposed project would require demolition of three of the four existing single-family houses on the project site. All existing tenants would be notified and would be asked to vacate the homes approximately 2 to 4 weeks prior to the start of demolition. As discussed above, one existing single-family house on the project site is designated as historic and would be preserved as part of the project. Although the project would displace three existing single-family residences within the project site, the project would develop 63 new single-family homes for a net increase of 60 single-family houses in comparison to existing conditions. Therefore, although the project would displace a small number of existing people and housing, the project would result in a net increase of available housing units within the City, which would be sufficient to accommodate the estimated nine residents displaced due project implementation. Therefore, impacts are determined to be **less than significant**.

### 4.12.5 Cumulative Impacts

The geographic extent of the cumulative study area for potential impacts to population and housing is the City and County. Table 3-2, Cumulative Projects, identifies the projects generally considered for the cumulative analysis.

The proposed project would provide housing options within the City and County, and thereby contribute to an increase in residents. However, because housing is in short supply in the at both the City and County level (i.e., a 2.9% vacancy rate in the City and 2.89% vacancy rate for the County), and because the project would be within the planned growth projections for the City and the County (as identified by SANDAG), the contribution to cumulative population growth as a result of the proposed project would not result in a cumulatively considerable impact. Rather, the proposed project would assist the City and County in accommodating its planned growth consistent with the City's General Plan and SANDAG 2021 Regional Plan.

Additional housing development projects within the City include Poway Commons (141 condominiums), Fairfield, which is under construction, (221 apartments), and the Outpost project (72 residential units). These cumulative projects would also accommodate planned growth that is included in the City's General Plan and SANDAG 2021 Regional Plan. Additionally, the Poway Commons project is currently under construction, and would not overlap with the construction or implementation the proposed project or the Fairfield project (currently under construction). Furthermore, all three projects are each separated by a distance of at least 0.25 miles. As such, the potential direct and indirect physical environmental effects of the anticipated cumulative population and

housing growth would be geographically dispersed and occur incrementally and over time, giving jurisdictions, planners, and policy makers time to identify and address potential impacts. The cumulative housing developments would help facilitate the anticipated growth for the City and address the region's housing affordability crisis, including through the facilitation of state-mandated RHNA units.

Finally, although the project would displace a small number of existing people and housing, the net new housing units proposed by the project and cumulative projects would ensure that the project would not contribute to a cumulatively considerable impact related to displacement and the need to construct replacement housing elsewhere in the City or elsewhere in the region.

### 4.12.6 Mitigation Measures

The proposed project would have a less-than-significant impact related to population and housing; therefore, no mitigation would be required.

### 4.12.7 Level of Significance after Mitigation

As potential project impacts related to population and housing would be less than significant, no mitigation measures are required or proposed. The effects of population growth within the proposed project area would not be substantial due to the forecasted expectation of increased population within the City, as represented by SANDAG's 2021 Regional Plan and Series 14 Regional Growth Forecast. Also, the proposed project aligns with the needs for housing due to City's low vacancy rate. In addition, while the project would displace a small number of people and housing, the project would provide a net increase in housing and would not necessitate the construction of replacement housing elsewhere in the City or region.

## 4.13 Public Services

This section describes the existing public services conditions of The Harmon Ranch project (proposed project) site and vicinity, identifies associated regulatory requirements, evaluates potential impacts, and identifies mitigation measures related to implementation of the proposed project. Public services include fire protection, police protection, schools, and libraries. Park and recreational services are addressed in Section 4.14, Recreation. A Fire Response Technical Memorandum was prepared for the proposed project in December 2022 and is included as Appendix P of this environmental impact report (EIR).

A Notice of Preparation (NOP) was circulated from February 1, 2023, through March 3, 2023. During the NOP comment period, comment letters related to public services focused on the following topics:

- Impacts to schools, parks, police and fire services

These comments were considered during the preparation of this EIR. The Initial Study, NOP, and Public Scoping comments are provided in Appendix A of this EIR.

### 4.13.1 Existing Conditions

#### Fire Protection

The City of Poway Fire Department (PFD) is an all-hazard, all-risk response agency that services the City of Poway (City). PFD has four divisions: (1) Logistics/Support Division, (2) Operations/Emergency Medical Services Division, (3) Training/Safety Division, and (4) Fire Prevention Division. The San Diego Fire-Rescue Department Emergency Command and Data Center are contracted by PFD for dispatching services (City of Poway n.d.a). The majority of services requested from PFD are medical aids, traffic accidents, and wildland fires (during the summer months). As of February 2023, PFD has three shift Battalion Chiefs, 12 fire Captains/ Paramedics, 12 fire engineer/ paramedics, and 24 firefighter /paramedics (City of Poway n.d.b) that provides services to a population of approximately 48,421 in an area covering 39.08 square miles (U.S. Census Bureau 2021). PFD has 17 personnel that handles emergency and non-emergency calls.

The City has three fire stations. Table 4.13-1 details the fire station names, addresses, and equipment. PFD employs three paramedic engines, one paramedic ladder truck, two paramedic ambulances, and one incident commander. Personnel assignments are as follows: three personnel to each fire engine, three personnel to a truck, and two personnel to each ambulance. Personnel cross-staffed from engine companies manage and handle Incident Command System Type III wildland brush engines and California Governor’s Office of Emergency Services Type I engines upon request (City of Poway n.d.c).

**Table 4.13-1. Fire Stations in the City of Poway**

Fire Station Name	Year Established	Address	Equipment	Approximate Distance from Project Site
Fire Station 1/ Administrative Offices	1980	13050 Community Road, Poway, California 92064	Frontline Apparatus: Type I Fire Engine, Paramedic Ambulance, Type III Brush Engine, Battalion SUV	1.0 mile

**Table 4.13-1. Fire Stations in the City of Poway**

Fire Station Name	Year Established	Address	Equipment	Approximate Distance from Project Site
			Reserve Apparatus: Type I Fire Engine, Medic Ambulance, Reserve Battalion Chief SUV, Water Tender	
Fire Station 2	1980	16912 Westling Court, Poway, California 92064	Frontline Apparatus: Type I Fire Engine, Type II Brush Engine OES Type I Fire Engine	5.09 miles
Fire Station 3	2001	14322 Pomerado Road, Poway, California 92064	Frontline Apparatus: Type I Engine, Type III Brush Engine, Ladder Truck, Paramedic Ambulance Reserve Apparatus: Type I Engine, Medic Ambulance, Flat Bed Utility Vehicle	1.65 miles

Source: City of Poway n.d.c.

PFD’s Automatic Aid Agreement with the City of San Diego requires that aid be dispatched immediately by the closest unit upon request. The City’s Mutual Aid Agreement with the County of San Diego (County) states that the City shall assist with any other cities or districts in firefighting efforts upon request. PFD is located within the Metropolitan Zone area of the San Diego County Operation Area (EOP 2018a). PFD can request services from partner fire departments within the Metropolitan Zone, as designated by the 2018 Emergency Operations Plan (EOP 2018a). Other fire departments in the Metropolitan Zone include the City of San Diego Fire-Rescue Department, Miramar Fire Department, Federal Fire Department, City of Coronado Fire Department, City of Imperial Beach Fire Department, City of National City Fire Department, and City of Chula Vista Fire Department.

PFD is classified as a Class 1/1X department by the Insurance Services Organization’s Public Protection Classification program, which measures and evaluates the effectiveness of fire-mitigation services in communities throughout the country. For each fire protection area, the Insurance Services Organization assigns a Public Protection Classification from Class 1 (exemplary fire protection) to Class 10 (fire-suppression program does not meet minimum criteria). The “1X” classification indicates that the area is located far from a fire hydrant or outside a water service area (City of Poway n.d.d).

PFD’s response time is the elapsed time from the fire department’s receipt of the first alarm to when the first fire unit arrives at the scene, as defined in the City’s Fire Code. Furthermore, PFD’s travel time is defined as the estimated time it would take for a responding agency to travel from the fire station to the furthest structure in a development project, determined by measuring the safest, most direct, appropriate, and reliable route with consideration given to safe operation speeds for heavy fire apparatus.

***Battalion Chief Operations Division***

The Battalion Chief Operations Division is responsible for the maintenance and repair of fire apparatus, vehicle procurement, maintenance and repair of facilities, and administrative duties (City of Poway n.d.d). This division oversees the yearly fire pump performance testing as required by the National Fire Protection Association (NFPA) 1911: Standard for the Inspection, Maintenance, Testing, and Retirement of In-Service Automotive Fire Apparatus. Due to the variety of equipment and technology utilized by PFD, the Logistics/Support Division coordinates with the

City's IT Department, the California Governor's Office of Emergency Services, the California Department of Forestry and Fire Protection, County fire agencies, and outside vendors.

### ***Operations/Emergency Medical Services Division***

The Operations Division (also known as the Fire Suppression Division) offers all-risk response services to the City 24 hours per day, 7 days a week. "All-risk" situations encompass events such as fire suppression, rescue, emergency medical services, hazardous materials mitigation, special assistance, and public service. The Emergency Medical Services Division provides the City with advanced-level medical and trauma care following policies set forth by the California and San Diego County Emergency Medical Services Authorities (City of Poway n.d.e).

### ***Training/Safety Division***

The Training/Safety Division administers training and professional development activities. These training opportunities are administered through programs such as the Annual Training Plan, Apparatus Operator Guidebook and Certification Program, Training Manual, and Firefighter/Paramedic Probation Manual. Fire Stations 1 and 3 have classrooms where trainings can be held. Each PFD fire station has station libraries, where personnel have access to job-specific instruction manuals, department policy and procedure documents, response reference guides, and information on management techniques (City of Poway n.d.f., n.d.g). The PFD Training Tower, a facility that simulates real-life fire or risk events, is located on 12335 Crosthwaite Circle, Poway, California 92064.

### ***Fire Prevention Division***

The Fire Prevention Division is responsible for the application of statutes, laws, and regulations to safeguard the public health, safety, and general welfare from the hazards of fire, explosion, or dangerous conditions in new and existing buildings, structures, and premises, and to provide safety and assistance to firefighters and emergency responders during emergency operations (City of Poway n.d.h). Statutes, laws, and regulations are sourced from the International Fire Code, the California Fire Code, and the City's Fire Code. The Fire Prevention Division performs fire and life-safety inspections for businesses; multi-family residential occupancies; and educational, institutional, and permitted facilities.

### ***Police Protection***

The City has been contracting its police protection services from the San Diego County Sheriff's Office since 1980 (San Diego County Sheriff n.d.). The San Diego County Sheriff's Poway Station is located on 13100 Bowron Road, Poway, California 92064—approximately 0.67 miles from the project site. The Poway Station is staffed by 45 sworn personnel, 6 civilians, 13 reserve deputies, and 48 senior volunteer patrol personnel who provide services to a population of approximately 50,000 in an area covering 48 square miles (San Diego County Sheriff n.d.; U.S. Census Bureau 2021). The Poway Station services the entirety of the City, as well as unincorporated areas of Santa Fe Valley and the County. Patrol deputies respond to calls 24 hours a day (San Diego County Sheriff n.d.). According to the San Diego County Sheriff's Law Enforcement Activity Report, 17,913 calls for service were made in the Sheriff's jurisdiction in December 2022; 834 of those were made from the City (San Diego County Sheriff 2023). The San Diego County Sheriff's Department employs 4,161 overall, 2,486 of which are sworn officers, and 1,684 are professional staff (San Diego County Sheriff 2021). The Poway Station does not have a published response time standard or staffing goals.

The Poway Station, as a station under the San Diego County Sheriff's Department, is a participant in the master mutual aid agreement (EOP 2018b). Under the agreement, the San Diego County Sheriff can request law enforcement mutual aid from departments within the same Operational Area. Likewise, services from the Poway Station will be dispatched to areas out of the Poway Station's jurisdiction upon request.

Since 2006, the City has administered the Community Emergency Response Team (CERT) Program, which educates people about disaster preparedness for hazards that may impact their area and community (City of Poway n.d.i). Once a year, the City offers a CERT academy that provides training in basic fire safety, search and rescue, first aid treatment, terrorism, emergency preparedness, and disaster psychology. The program is taught by City firefighters and follows curriculum developed by the Federal Emergency Management Agency. Graduates of the program or an equivalent CERT course may apply for the City's CERT membership. CERT members may be called on by the City to perform a variety of roles, such as staffing care and shelter facilities or conducting damage assessment. CERT participants must be over the age of 18 (City of Poway n.d.i).

### **Schools**

The City is serviced by the Poway Unified School District (PUSD). PUSD operates 41 schools including 25 elementary schools (TK–5th), two elementary/ middle school combination (TK–8th), six middle schools (6th–8th), one continuation high schools, five high schools (9th–12th), one middle college, and one adult school. PUSD serves 35,190 students (TK to 12th grade), 8,166 adult education students, and 8,281 Career Technical Education in an area covering 100 square miles PUSD serves the City, as well as the communities of Rancho Bernardo, Rancho Penasquitos, Carmel Mountain Ranch, and Sabre Springs in the City of San Diego. PUSD employs 4,270 people (PUSD 2022a).

The closest school to the project site is New Bridge Middle School (private), located approximately 0.47 miles west of the project site. Valley Elementary School is also located approximately 0.6 miles east of the project site. The schools that may be considered to accommodate students from the proposed project are Valley Elementary School, Meadowbrook Middle School, and Poway High School (PUSD n.d.a-c). The Facilities Master Plan projects a surplus of capacity for Valley Elementary school ranging from 3 to 5 additional spots between the 2020–2021 school year and the 2026–2027 school year. Meadowbrook Middle School's surplus of capacity between the 2020–2021 school year and the 2026–2027 school year ranges from 11 to 13 available spots. Poway High School's surplus of capacity between the 2020–2021 school year and the 2026–2027 school year ranges from 29 to 30 available spots (PUSD 2020). As of the 2021–2022 school year, Valley Elementary School has 720 students enrolled (PUSD 2022b), Meadowbrook Middle School has 1,370 students enrolled (PUSD 2022c), and Poway High School has 2,251 students enrolled (PUSD 2022d).

### **Library**

The Poway Community Library has been located on 13137 Poway Road since 1975 (City of Poway 1991), and is operated by the County of San Diego Library System. The County of San Diego Library System currently operates 33 library branches, 2 bookmobiles, and 5 kiosks. As of 2023, over 11.1 million books, CDs, DVDs, and other materials have been circulated (SDCL 2023a). Amenities at the Poway Community Library include library services, a MakerBot 3D Printer, a VetConnect station, Friends Bookstore, and a community meeting room for up to 64 persons (SDCL 2023b). There are no library development impact fees in the City (City of Poway 2007).

## 4.13.2 Relevant Plans, Policies, and Ordinances

### Federal

There are no federal regulations that would be applicable to the proposed project.

### State

#### ***Mello-Roos Community District Act of 1982***

The Mello-Roos Community District Act of 1982 enables counties, cities, special districts, school districts, or joint powers authorities to create community facilities districts to finance public improvements and services. A community facilities district would be created by describing the boundaries of the territory and would include the entirety of any parcel subject to taxation by the proposed district. All public facilities and services (i.e., schools) within said boundary would be financed by the community facilities district through a special tax sufficient to pay for all facilities and services.

#### ***Assembly Bill 16***

In 2002, Assembly Bill 16 created the Critically Overcrowded School Facilities program, which supplements the new construction provisions within the School Facilities Program. The School Facilities Program provides state funding assistance for two major types of facility construction projects—new construction and modernization. The Critically Overcrowded School Facilities program allows school districts with critically overcrowded school facilities, as determined by the California Department of Education, to apply for new construction programs in advance of meeting all School Facilities Program new construction program requirements. Districts may apply if they have met School Facilities Program new construction eligibility requirements and if their school sites are included on a California Department of Education list of source schools.

#### ***Senate Bill 50/Government Code Section 65995***

Senate Bill (SB) 50 was signed into law in 1998, and it imposes limitation on the power of cities and counties to require mitigation of school facilities' impacts as a condition of approving new development. It also authorizes school districts to levy statutory developer fees at a higher rate for residential development than previously allowed. SB 50 amended Government Code Section 65995(a) to provide that only those fees expressly authorized by law (Education Code Section 17620 or Government Code Section 65970 et seq.) may be levied or imposed in connection with or made conditions of any legislative or adjudicative act by a local agency involving planning, use, or development of real property.

Other relevant sections of the Government Code include the following:

- Section 65995(h), which declares that the payment of the development fees authorized by Education Code Section 17620 is “full and complete mitigation of the impacts of any legislative or adjudicative act... on the provision of adequate school facilities.”
- Section 65995(i), which prohibits an agency from denying or refusing to approve a legislative or adjudicative act involving development “on the basis of a person’s refusal to provide school facilities mitigation that exceeds the amounts authorized [by SB 50].”

***California Code of Regulations Title 24, Part 2 and Part 9***

Part 2 of Title 24 of the California Code of Regulations refers to the California Building Code, which contains complete regulations and general construction building standards of state adopting agencies, including administrative, fire and life safety, and field inspection provisions. Part 2 was updated in 2016 to reflect changes in the base document from the International Building Code. Part 9 refers to the California Fire Code, which contains fire-safety-related building standards referenced in other parts of Title 24. In 2019, the California Code of Regulations was further updated and local amendments became effective January 2020.

***California Department of Education***

The California Department of Education administers California’s public education system at the state level. By statute, the state Board of Education is responsible for governing and determining policy for of the California Department of Education. The Board of Education adopts rules and regulations for the government of the state’s public schools; adopts curriculum frameworks in core subject-matter areas; approves academic standards for content and student performance in the core curriculum areas; and adopts tests for the Standardized Testing and Reporting program and the California High School Exit Examination.

***California Environmental Quality Act***

The California Environmental Quality Act (CEQA) (California Public Resources Code, Section 21000 et seq.) and CEQA Guidelines (14 CCR 15000 et seq.) are primary sources for environmental legislation in California; they require projects with potential adverse environmental effects (or impacts) undergo environmental review. Adverse environmental impacts are typically mitigated as a result of the environmental review process in accordance with existing laws and regulations.

The purpose of reviewing and analyzing impacts to public services under CEQA is to determine if increased service demands created by a proposed project would warrant the construction or relocation of a public service, such as schools or fire services. If a proposed project would warrant the construction or relocation of a public service, this would cause a physical environmental impact. For example, fire protection services are required to maintain a particular fire fighter to resident ratio. A large housing development project would significantly increase the population of an area and would potentially warrant the fire protection service department to hire new fire fighters and to potentially construct a new fire station to employ the fire fighters; this would pose a potential environmental impact.

***California State Fire Plan***

The 2010 California State Fire Plan was the first statewide fire plan developed in concert between the California Board of Forestry and Fire Protection and the California Department of Forestry and Fire Protection (CAL FIRE). This Plan was updated in the 2018 Strategic Fire Plan for California. The central goals of the California State Fire Plan include (1) improve the availability and use of consistent, shared information on hazard and risk assessment; (2) promote the role of local planning processes, including general plans, new development, and existing developments, and recognize individual landowner/homeowner responsibilities; (3) foster a shared vision among communities and the multiple fire protection jurisdictions, including county-based plans and community-based plans such as Community Wildfire Protection Plans; (4) increase awareness and actions to improve fire resistance of man-made assets at risk and fire resilience of wildland environments through natural resource management; (5) integrate implementation of fire and vegetative fuels management practices consistent with the priorities of landowners or managers; (6) determine and seek the needed level of resources for fire prevention, natural resource



management, fire suppression, and related services; and (7) implement needed assessments and actions for post-fire protection and recovery.

***California Health and Safety Code***

State fire regulations are set forth in Section 13000 et seq. of the California Health and Safety Code, which includes regulations concerning building standards (as also set forth in the California Building Code), fire protection and notification systems, fire protection devices such as extinguishers and smoke alarms, high-rise building and childcare facility standards, and fire suppression training. The State Fire Marshal enforces these regulations and building standards in all state-owned buildings, state-occupied buildings, and state institutions throughout California.

***California Public Schools Accountability Act of 1999***

This act authorized the creation of an educational accountability system for California public schools. Its primary goal is to help schools improve and to measure the academic achievement of all students. The cornerstone of this act is the Academic Performance Index, which measures the academic performance and growth of schools on a variety of academic measures.

***Senate Bill 244***

SB 244, adopted on October 10, 2011, requires cities to review and update the elements of their general plans to include data and analysis, goals, and implementation measures regarding specified disadvantaged communities, including unincorporated islands, fringe, or legacy communities. For disadvantaged unincorporated communities within or adjacent to a city’s Sphere of Influence, SB 244 requires the city to prepare a determination regarding the existing and planned adequacy of public facilities and public services, including wastewater, potable water, stormwater, police, and fire. SB 244 prohibits the Local Agency Formation Commission from approving an annexation to a city of any territory greater than 10 acres, where there exists a disadvantaged unincorporated community that is contiguous to the area of proposed annexation, unless an application to annex the disadvantaged unincorporated community to the city has been filed with the Local Agency Formation Commission and evaluated the present and probable sewers, water, stormwater, and fire protection needs or deficiencies.

***Government Code – Section 66001***

The Government Code Section 66001 allows a local agency to establish, increase, or impose a fee as a condition of approval of a development project. This includes the following:

1. Identify the purpose of the fee.
2. Identify the use to which the fee is to be put. If the use is financing public facilities, the facilities shall be identified. The identification may, but not need, be made by reference to a capital improvement plan as specified in Section 65403 or 66002, may be made in applicable general or specific plan requirements, or may be made in order to provide public documents that identify the public facilities for which the fee is charged.
3. Determine how there is a reasonable relationship between the fee’s use and the type of development project on which the fee is imposed.
4. Determine how there is a reasonable relationship between the need for the public facility and the type of development project on which the fee is imposed.

5. In any action imposing a fee as a condition of approval of a development project by a local agency, the local agency shall determine how there is a reasonable relationship between the amount of the fee and the cost of the public facility or portion of the public facility attributable to the development on which the fee is imposed.
6. Upon receipt of a fee subject to this section, the local agency shall deposit, invest, account for, and expend the fees pursuant to Section 66006.
7. For the fifth fiscal year following the first deposit into the account or fund, and every five years thereafter, the local agency shall make all of the following findings with respect to that portion of the account or fund remaining unexpended, whether committed or uncommitted:
  8. Identify the purpose to which the fee is to be put.
  9. Demonstrate a reasonable relationship between the fee and the purpose for which it is charged.
  10. Identify all sources and amounts of funding anticipated to complete financing in incomplete improvements identified in paragraph (2) of subdivision (a).
  11. Designate the approximate dates on which the funding referred to in subparagraph (C) is expected to be deposited into the appropriate account or fund.
  12. When findings are required by this subdivision, they shall be made in connection with the public information required by subdivision (b) of Section 66006. The findings required by this subdivision need only be made for moneys in possession of the local agency, and need not be made with respect to letters of credit, bonds, or other instruments taken to secure payment of the fee at a future date. If the findings are not made as required by this subdivision, the local agency shall refund the moneys in the account or fund as provided in subdivision (e).
  13. Except as provided in subdivision (f), when sufficient funds have been collected, as determined pursuant to subparagraph (F) of paragraph (1) of subdivision (b) of Section 66006, to complete financing on incomplete public improvements identified in paragraph (2) of subdivision (a), and the public improvements remain incomplete, the local agency shall identify, within 180 days of the determination that sufficient funds have been collected, an approximate date by which the construction of the public improvement will be commenced, or shall refund to the then current record owner or owners of the lots or units, as identified on the last equalized assessment roll, of the development project or projects on a prorated basis, the unexpended portion of the fee, and any interest accrued thereon. By means consistent with the intent of this section, a local agency may refund the unexpended revenues by direct payment, by providing a temporary suspension of fees, or by any other reasonable means. The determination by the governing body of the local agency of the means by which those revenues are to be refunded is a legislative act.
  14. If the administrative costs of refunding unexpended revenues pursuant to subdivision (e) exceed the amount to be refunded, the local agency, after a public hearing, notice of which has been published pursuant to Section 6061 and posted in three prominent places within the area of the development project, may determine that the revenues shall be allocated for some other purpose for which fees are collected subject to this chapter and which serves the project on which the fee was originally imposed.
  15. A fee shall not include the costs attributable to existing deficiencies in public facilities, but may include the costs attributable to the increased demand for public facilities reasonably related to the development project in order to (1) refurbish existing facilities to maintain the existing level of service or (2) achieve an adopted level of service that is consistent with the general plan.

**Government Code – Section 65995**

Section 65995 of the Government Code discusses the topic of fee payment, charges, dedications, or other requirements against a development project for school facilities. In the case of residential construction, including the location, installation, or occupancy of manufactured homes and mobile homes, the amount of any Level I fees, charges, dedications, or other requirements shall not exceed \$3.79 per square foot of assessable space over 500 square feet. Commercial or industrial construction shall not exceed \$0.61 per square foot of chargeable covered and enclosed space.

**Education Code – Chapter 6, Section 17620**

Section 17620 of the Education Code allows the governing board of any school district to levy a fee, charge, dedication, or other requirement against any construction within the boundaries of the district, for the purpose of funding the construction or reconstruction of school facilities, subject to any limitations set forth in Chapter 4.9 (commencing with Section 65995) of Division 1 of the 7 of the Government Code. This fee, charge, dedication, or other requirement may be applied to construction as well under a set of provisions.

**California Fire Code**

The CFC is Chapter 9 of Title 24 of the California Code of Regulations. It was created by the California Building Standards Commission and is based on the International Fire Code created by the International Code Council. It is the primary means for authorizing and enforcing procedures and mechanisms to ensure the safe handling and storage of any substance that may pose a threat to public health and safety. The CFC regulates the use, handling, and storage requirements for hazardous materials at fixed facilities. The CFC and the California Building Code use a hazards classification system to determine what protective measures are required to protect fire and life safety. These measures may include construction standards, separations from property lines, and specialized equipment. To ensure that these safety measures are met, the CFC employs a permit system based on hazard classification. The CFC is updated every 3 years. Chapter 15.24 (Fire Code) of the City’s Municipal Code provides the City’s adopted amendments to the 2019 CFC.

**Local*****Poway Comprehensive Plan: General Plan – Public Facilities Element***

The Public Facilities Element of the Poway Comprehensive Plan: General Plan (General Plan) include the following policies regarding public services (City of Poway 1991):

**Goal II, Policy D – Public Service Constraints: The land use pattern and population should be consistent with the capability of existing and planned public services and facilities.**

- **Strategy 1:** Development should not overburden the ability of local school districts to provide a consistent level of quality educational services and facilities to community residents. The City supports changes to state law which would remove restrictions on local jurisdictions’ ability to deny development based on inadequate schools.
- **Strategy 2:** Land uses and development review applications that are inconsistent with that capability of any public service agency to provide cost-effective service shall not be approved.
- **Strategy 3:** The number and location of dwelling units in the City shall be limited to that which can be adequately served by public services and facilities.

**Goal III, Policy D – Cultural and Educational Facilities: The City shall seek to provide adequate facilities to address the cultural and educational needs of the community.**

- **Strategy 1:** Construct a modern, comfortable, well-planned community library to achieve and maintain a level of library services appropriate to the cultural, educational and recreational needs of the community. The ultimate goal is to provide a facility that is based on a sliding scale of 0.5 to 0.8 square feet of library space and 3 to 5 items of library materials per resident.
- **Strategy 3:** Encourage coordination and cooperation with other area library agencies to maximize the breadth and quality of library services available in our community.

**Goal III, Policy E – Public Meeting Space: The City shall seek to provide meeting space for both public and private purposes consistent with approved policies and legal constraints.**

- **Strategy 1:** Public meeting space shall be designed to meet community needs and shall be available at rental rates comparable with fees charged by other public agencies for similar facilities.

**Goal III, Policy G – Disabled Services: The City shall seek to develop avenues for residents with special needs to participate in a variety of recreational programs and activities.**

- **Strategy 1:** Work closely with existing programs provided by service organizations and PUSD and research and consider for development, both mainstream and specialized programs based on the needs of the community.

**Goal VII, Policy B – Fire Protection: The City shall maintain a high standard for the delivery of fire protection services.**

- **Strategy 3:** Continue the use of the Weed Abatement Program and a fire buffer program along heavily traveled roads through thinning, disking or controlled burning, subject to air quality standards. Brush, but not trees should be cleared from both sides of major arterials.
- **Strategy 5:** All proposed development shall satisfy the minimum structural fire protection standards contained in the adopted editions of the Uniform Fire and Building Codes; however, where deemed appropriate the City shall enhance the minimum standards to provide optimum protection.
- **Strategy 6:** Fire protection requirements shall be expanded where structural and/or capital improvements cannot adequately protect the community from property damage or potential loss of life.
- **Strategy 8:** Require fire retardant roofing materials based upon the type of construction in and outside the high fire hazard areas.
- **Strategy 9:** Enforce the fire control requirements of the City's landscape standards.
- **Strategy 10:** In order to minimize fire hazards, the Poway Fire Department shall routinely be involved in the review of development applications. Consideration shall be given to adequate emergency access, driveway widths, turning radii, fire hydrant locations and needed fire flow requirements.
- **Strategy 11:** Advocate and support State legislation which would provide tax incentives encouraging the repair or demolition of structures which are classified as high fire hazards.
- **Strategy 17:** Emphasis on future construction and capital improvements should be toward the alleviation of deficiencies in critical risk areas.
- **Strategy 19:** Support mutual aid agreement and communication links with the County and the other municipalities participating in the Unified San Diego County Emergency Service Organization.

**Goal VII, Policy B – Regional Facilities: Support the construction of appropriately sited and designed facilities to serve regional and/or subregional public facility needs.**

- **Strategy 3:** Enhance the quality of library services through cooperation with other library agencies in the region.

**Goal VII, Policy D – Law Enforcement: The City shall secure high-quality law enforcement so as to maintain a sense of personal safety and security for the residents of Poway.**

- **Strategy 1:** Routinely involve law enforcement personnel in the review of new development applications as they relate to street access and safety and to the concept of defensible space.

**Goal VII, Policy F – Emergency Plan: The City shall be prepared to successfully manage public emergencies which may occur.**

- **Strategy 2:** Maintain the Fire Department Classroom at Station 1 as a permanent emergency operations center and a secondary command post. Keep it equipped with sufficient supplies to begin operations immediately in the case of a disaster.
- **Strategy 4:** Develop an accurate citywide resource inventory of locally available supplies, equipment and heavy vehicle and devise a state of emergency procurement procedure.
- **Strategy 5:** Utilize the Emergency Plan to provide direction to all persons responsible for acting in a disaster situation.

***City of Poway Development Impact Fees – Fire Protection Impact Fees***

The City implements development impact fees in order to mitigate the impacts of new developments. The proposed project would be subject to applicable impact fees to ensure that fire department facilities, apparatus, and vehicle standards are met with respect to the potential additional services needed with the new development. The current fire protection impact fees for single-family residential development in the City are \$122.03 per unit (City of Poway 2008).

### 4.13.3 Thresholds of Significance

The significance criteria used to evaluate the project impacts to public services are based on Appendix G of the CEQA Guidelines. According to Appendix G of the CEQA Guidelines, a significant impact related to public services would occur if the project would:

1. Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:
  - a. Fire protection.
  - b. Police protection.
  - c. Schools.
  - d. Parks.
  - e. Other public facilities.

## 4.13.4 Impacts Analysis

***Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:***

### ***Fire protection?***

Fire Station 1/3711 is the closest station to the proposed project site, located approximately 1 mile to the east, at 13050 Community Road. Emergency medical services would be provided by the City of Poway's Fire Department. The nearest emergency facility is the Palomar Medical Center – Poway, which is located approximately 3.07 miles north of the project site.

As described in Section 4.17, Wildfire, the project site is not located within a VHFHSZ and is surrounded by existing development. Due to the existing development on and surrounding the project site, the project site does not feature factors that would exacerbate wildfire risk. Of the 11.5-acre project site, the project proposes approximately 5.7 acres designated for development of 63 new single-family homes, a 0.25-acre existing historic home site, 3.2 acres of open space areas, 1.9 acres for private streets, and 0.5 acres of public right-of-way (Oak Knoll Road).

The capital facilities required to provide fire services are funded through the City's development impact fee programs. The Fire Protection Impact Fees levied against the proposed project would address the proposed project's proportional impact on capital facilities, such as structure, vehicles, and equipment associated with fire protection. The City would require the proposed project to pay development impact fees to ensure that the City's public facility standards are met with respect to the additional needs created by the proposed project.

PFD does not have an internal response time standard, and the Fire Response Technical Memorandum utilizes the San Diego County standard of 5-minute travel time (7.5-minute total response time). It should be noted that the response times provided in the Harmon Ranch Specific Plan (Appendix Q to the EIR) are consistent with the PFD dispatch response time estimates, while the Fire Response Technical Memorandum estimated response times are based on a GIS-based travel time coverage model that resulted in more conservative response times (as explained in Appendix P to the EIR). The closest fire station to the project site is Fire Station 1, to which the furthest structure in the proposed project would be approximately 1.6 miles. According to Appendix P, response to the project site from the closest existing PFD fire station (Station 1) would arrive at the project's primary entrance off Oak Knoll Road within 3 minutes, 13 seconds travel time (5 minutes, 49 seconds total response time) and the most remote units within the project are reached within 3 minutes, 27 seconds travel time, or 5 minutes, 57 seconds total response time (see Figure 4.13-1, Poway Fire Station #1 – ISO Drive Times). This analysis indicates that the entire project is within a fast response time from the nearest fire station and meets the 5-minute travel time standard. This analysis also indicates that Station 3 also has a fast response time, arriving in 3 minutes, 48 seconds travel time at the project entry (5 minutes, 18 seconds total response time) and is an appropriate second-due engine (see Figure 4.13-2, Poway Fire Station #3 – ISO Drive Times).

As concluded in Appendix P, the project includes a moderate number of new residential structures. Service level requirements could cause a decline in PFD response times and capabilities for existing residents, in the absence of fire facilities and resources improvements. However, the project does comply with the City's

total response time standard, and the payment of development impact fees are expected to offset the potential demand created by the project's generated emergency calls. Therefore, impacts on fire protection services would be **less-than-significant**.

### ***Police protection?***

The proposed project would increase demand on police protection services with the introduction of 63 new residential units and approximately ~~184~~191 people. The San Diego County Sheriff's Poway Station is located on 13100 Bowron Road, approximately 0.67 miles south of the project site. As discussed in Section 4.13.1, Existing Conditions, the San Diego County Sheriff's Department received 834 calls for service from within the City during December 2022 (San Diego County Sheriff 2023). Based on an estimated City population of 50,000, the calls-for-service-to-residents ratio would be approximately one call per 56 residents. The proposed project would bring in approximately ~~184~~191 people, resulting in potentially 4 additional calls for service each month, and potentially 42 additional calls for service each year. Therefore, the potential increase in calls for service as a result of the proposed project would be insignificant.

As discussed in Section 4.13.1, the Poway Station does not have published response time goals or staffing specific to the City. The current approximately officer/staff ratio per resident is 0.9 officers to 1,000 residents. The introduction of ~~184~~191 new residences would not substantially decrease the ratio of officers to residents.

The proposed project would be subject to payment of public facilities development impact fees at the rate in effect at the time building permits are issued. The amount is determined through evaluation of the need for new law enforcement facilities as it relates to the level of service demanded by new development, which varies in proportion to the equivalent dwelling unit generated by a specific land use. The development impact fees address the proposed project's proportional impact on capital facilities, such as structures and equipment, associated with police protection. It does not address the impact associated with operations and maintenance for those facilities. Public funds such as property taxes, sales taxes, and fees generated by the proposed project would be used to cover the incremental costs associated with providing police services. Net revenues are used to finance operations and maintenance costs associated with the public services required to serve the proposed project. The proposed project would be required to pay the development impacts fees, which would be used exclusively for future facility improvements necessary to ensure that the development contributes its fair share of the cost of law enforcement facilities and equipment determined to be necessary to adequately accommodate new development in the City, which is serviced by the San Diego County Sheriff's Department.

The potential increase in population would not affect the Poway Station's ability to serve the City, would not significantly impact staffing ratio goals, and would be sufficiently served with payment of applicable fees. Therefore, expansion of existing facilities or construction of new facilities would not be required or included as part of the proposed project. Impacts would be **less than significant** with payment of applicable fees and no mitigation would be required.

**Schools?**

The proposed project would result in 63 new single-family dwelling units, and thus would increase the student population within the assigned local schools. The project site is located within the PUSD. The residents of the proposed project site are anticipated to enroll K-12 students at Valley Elementary School, Meadowbrook Middle School, and Poway High School (PUSD n.d.a-c).

According to the ~~2020–2021~~ 2022 student generation rates used for single-family detached homes in PUSD (PUSD 2022e), the proposed project would generate ~~16–17~~ elementary students, ~~8–5~~ middle school students, and ~~12–11~~ high school students (see Table 4.13-2), for a total of ~~36–33~~ students ~~total overall~~ (Appendix Q).

**Table 4.13-2. Projected School Enrollment as a Result of the Proposed Project**

School Education Level/School Facility	Number of Single-Family Homes	PUSD Student Generation Rate	Total Projected Students
<b>Elementary School</b>			
Valley Elementary	63	<del>0.2463</del> <u>0.2686</u>	<del>16</del> <u>17</u>
<b>Middle School</b>			
Meadowbrook Middle School	63	<del>0.1323</del> <u>0.0813</u>	<del>8</del> <u>5</u>
<b>High Schools</b>			
Poway High School	63	<del>0.1815</del> <u>0.1764</u>	<del>12</del> <u>11</u>
<b>Total</b>	<b>163</b>	<b>–</b>	<b><del>36</del> <u>33</u></b>

Sources: PUSD 2022e; Appendix Q.  
 Note: PUSD = Poway Unified School District.

Table 4.13-3 identifies the schools that would be likely to accommodate students from the proposed project, their design capacity, and the projected enrollment for those schools for the 2024–2025 school year.

**Table 4.13-3. Projected School Enrollment for 2024–2025 School Year**

	Grade Level	Capacity	2019–2020 School Year Enrollment Month 2 Enrollment 2023–2024	Over/Under Capacity	Projected Enrollment 2024–2025	Current Percentage of Projected School Capacity <sup>a</sup>	Projected Enrollment 2024–2025 with Project	Projected Percentage of Capacity with Project
<b>Elementary School</b>								
Valley Elementary	TK–5	<del>769</del> <u>709</u>	<del>723</del> <u>659</u>	<u>93</u>	<del>683</del> <u>669</u>	<del>89%</del> <u>94%</u>	<del>699</del> <u>686</u>	<del>91%</del> <u>97%</u>
<b>Middle School</b>								
Meadowbrook Middle School	6–8	<del>1,496</del> <u>1,458</u>	<del>1,267</del> <u>982</u>	<u>67</u>	<del>1,158</del> <u>1,110</u>	<del>77%</del> <u>76%</u>	<del>1,166</del> <u>1,115</u>	<del>78%</del> <u>76%</u>



Table 4.13-3. Projected School Enrollment for 2024–2025 School Year

	Grade Level	Capacity	2019–2020 School Year Enrollment Month 2 Enrollment 2023–2024	Over/Under Capacity	Projected Enrollment 2024–2025	Current Percentage of Projected School Capacity <sup>a</sup>	Projected Enrollment 2024–2025 with Project	Projected Percentage of Capacity with Project
<b>High Schools</b>								
Poway High School	9–12	3,009 <u>2,754</u>	2,266 <u>2,137</u>	<u>78</u>	2,130 <u>2,087</u>	71% <u>76%</u>	2,142 <u>2,098</u>	71% <u>76%</u>

Sources: Appendix Q; ~~PUSD 2020~~ PUSD 2022e.

Notes: TK = transitional kindergarten.

<sup>a</sup> Assuming 2024–2025 project enrollment.

Table 4.13-3 indicates available capacity at the schools that would serve students from the proposed project; however, due to possible overcrowding, PUSD cannot ensure that all students would be accommodated. However, schools are funded through the payment of development impact fees pursuant to SB 50/Government Code Section 65995, which would be paid prior to issuance of building permits. According to SB 50, payment of developer impact fees constitutes adequate mitigation related to impacts to school facilities. Fees paid by the developer would be used to offset the impact of the number of new students generated by the development of the proposed project. The project applicant would be required to pay state-mandated school facilities fees to PUSD to contribute to a fair-share amount to help maintain adequate school facilities and levels of service. Regulatory compliance ensures that there would be sufficient facilities to serve the proposed project’s additional students. Ultimately, the provision of schools is the responsibility of the school district. SB 50 provides that the statutory fees found in the Government and Education Codes are the exclusive means of considering and mitigating for school impacts. Imposition of the statutory fees constitutes full and complete mitigation (Government Code Section 65995[b]). Therefore, with payment of the required state-mandated school fees, impacts related to school facilities would be **less than significant**.

**Parks?**

The dedication of parkland or payment of in-lieu fees is regulated pursuant to Chapter 16.38, Parkland Dedication Procedure, of the City’s Municipal Code (City of Poway 1984). Pursuant to the City’s parkland dedication requirements, the proposed project would require 5 acres of parkland for every 1,000 people (City of Poway 1984). Pursuant to Poway Municipal Code Section 16.38.100, 50% of private recreation facilities can be counted towards the required amount of park acreage (City of Poway 1984). The project proposes development of 63 single-family homes and is estimated to result in a population of approximately ~~184~~ 191 residents on site. Thus, the proposed project would be required to dedicate ~~0.92~~ 0.96 acres of parkland, per the City’s Municipal Code parkland dedication requirements.

The project proposes 3.2 acres of open space area on site. Of the proposed open space area, approximately 1 acre would be designated as open space recreation area that would be open to the public and that would count towards the parkland requirements. Therefore, the project would exceed the requirement of ~~0.92~~ 0.96 acres of parkland, and impacts are determined to be **less than significant**.

Impacts associated with parks and open space are further discussed in Section 4.14 of this EIR.

#### ***Other public facilities?***

The proposed project includes 63 single-family dwelling units in the City, which would increase the number of people (approximately ~~184~~ 191) to be potentially serviced by the Poway Community Library—the only public library within the City. The General Plan states that its ultimate goal is to provide a library facility that has 0.5 to 0.8 square feet of library space per resident and three to five items of library materials per resident (City of Poway 1991). The existing library would adequately service the future residents of the proposed project. Furthermore, the proposed project does not specifically include development of a library, and the San Diego County Library system does not currently plan on building or expanding a library in the vicinity of the project site (SDCL n.d.). Therefore, construction or expansion of existing library facilities would not be required. Additionally, existing County policies and regulations ensure the ongoing provision of library facilities, the expansion of which would be subject to separate environmental review. As no new or expanded public library facilities would be required, public library facility impacts would be **less than significant**.

### 4.13.5 Cumulative Impacts

Cumulative projects in the City have the potential to result in a significant cumulative impact in which substantial adverse physical impacts are observed in association with the expansion of public service buildings or the building of new public service buildings to accommodate the new residents brought on by other projects. These cumulative projects include two projects in the City (see Table 3-2, Cumulative Projects).

#### **Fire Protection**

Future growth in the area would generate additional demand on fire protection services, which may require the construction or expansion of services and facilities to maintain acceptable travel times and adequate levels of service. Each cumulative project would be required to ensure adequate availability for fire service and that travel times are met. If a project results in potential impacts on fire service or travel times, that project would be required to mitigate such impacts. In addition, each cumulative project would be required to demonstrate compliance with all applicable laws and regulations regarding fire protection services and facilities. Therefore, impacts to fire protection services or facilities would not be cumulatively considerable and impacts would be **less than significant**.

#### **Police Protection**

Development of the proposed project would result in an incremental increase in demand on law enforcement services and, when combined with the demand associated with cumulative development projects, additional police personnel and facilities would be required to effectively meet the demands of the proposed project and anticipated future development. Payment of the required development impact fees would be required by the proposed project and cumulative projects. The development impact fees address a project's proportional impact on capital facilities, such as structures and equipment, associated with police protection. Public funds such as property taxes, sales taxes, and fees generated by the cumulative projects would be used to cover the incremental costs associated with providing police services.

As noted, the proposed project would not require construction of any additional law enforcement facilities at this time. Future development in the cumulative area would generate additional demand for law enforcement protection to maintain acceptable response times and adequate levels of service. The cumulative increase in demand for law enforcement could result in the expansion of existing facilities or the construction of new facilities, which could have adverse impacts on the environment; however, all new or expanded facilities would be required to undergo environmental review and be required to demonstrate compliance with the General Plan. As stated above, the proposed project's financial contribution through taxes accumulated from future residents would contribute to the future expansion or construction of new facilities to maintain adequate levels of service. Therefore, because the expansion of existing or the construction of new facilities would be required to undergo CEQA review, and because the proposed project would contribute its fair share financial contribution through development impact fees and ongoing tax assessments to maintain adequate levels of service, impacts to police protection services or facilities would not be cumulatively considerable. Impacts would be **less than significant**.

### Schools

Both of the cumulative projects identified in Table 3-2 are residential in nature and would be served by the same schools as the project. The increase in demand for school facilities could result in the expansion of existing or the construction of new facilities, which could have adverse impacts on the environment; however, all new or expanded facilities would be required to undergo environmental review and be required to demonstrate compliance with the General Plan. The proposed project would be subject to assessment of applicable school fees at the rate in effect at the time of issuance of building permits; therefore, the proposed project would not result in a cumulatively considerable contribution to the additional demand on existing school facilities within the districts, and would not result in a significant cumulative impact. Impacts would be **less than significant**.

### Parks

A cumulative impact analysis for parks is found in Section 4.14.

### Libraries

Population-inducing projects would generate the need for additional public libraries or increased square footages at existing public libraries; however, the San Diego County Library has no plans to expand an existing library or to construct a new library to service the proposed project. In the future, if new or expanded libraries are proposed, they would be subject to the same environmental review procedures as all other development projects. Any identified significant impacts would be required to be mitigated to the extent feasible. Therefore, the proposed project in combination with cumulative projects, would not be cumulatively considerable and impacts would be **less than significant**.

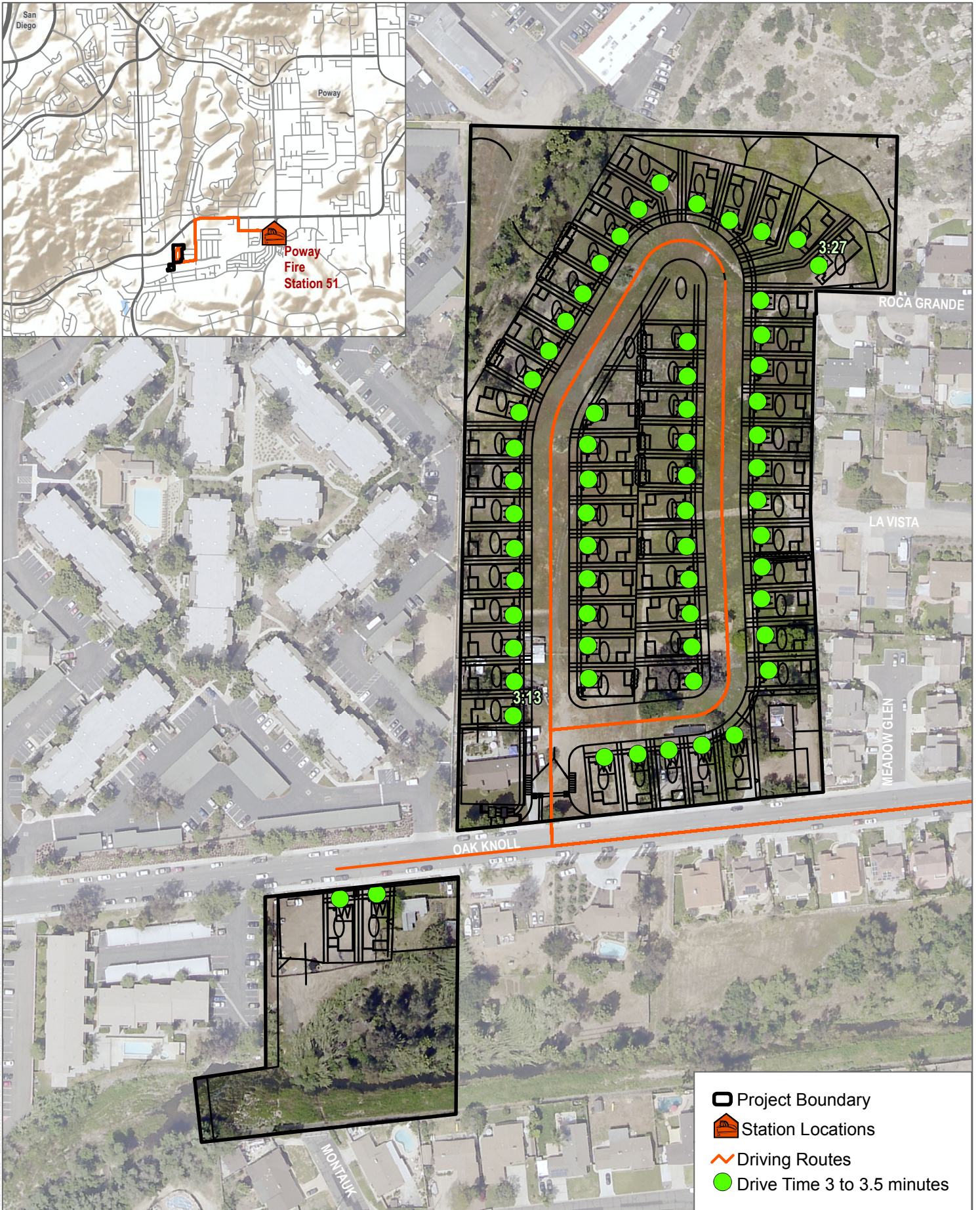
## 4.13.6 Mitigation Measures

As previously stated, all potential impacts to public services as a result of the proposed project would be less than significant, and no mitigation would be required.

## 4.13.7 Level of Significance after Mitigation

Impacts associated with the construction of new or expansion of existing public facilities would be **less than significant**.

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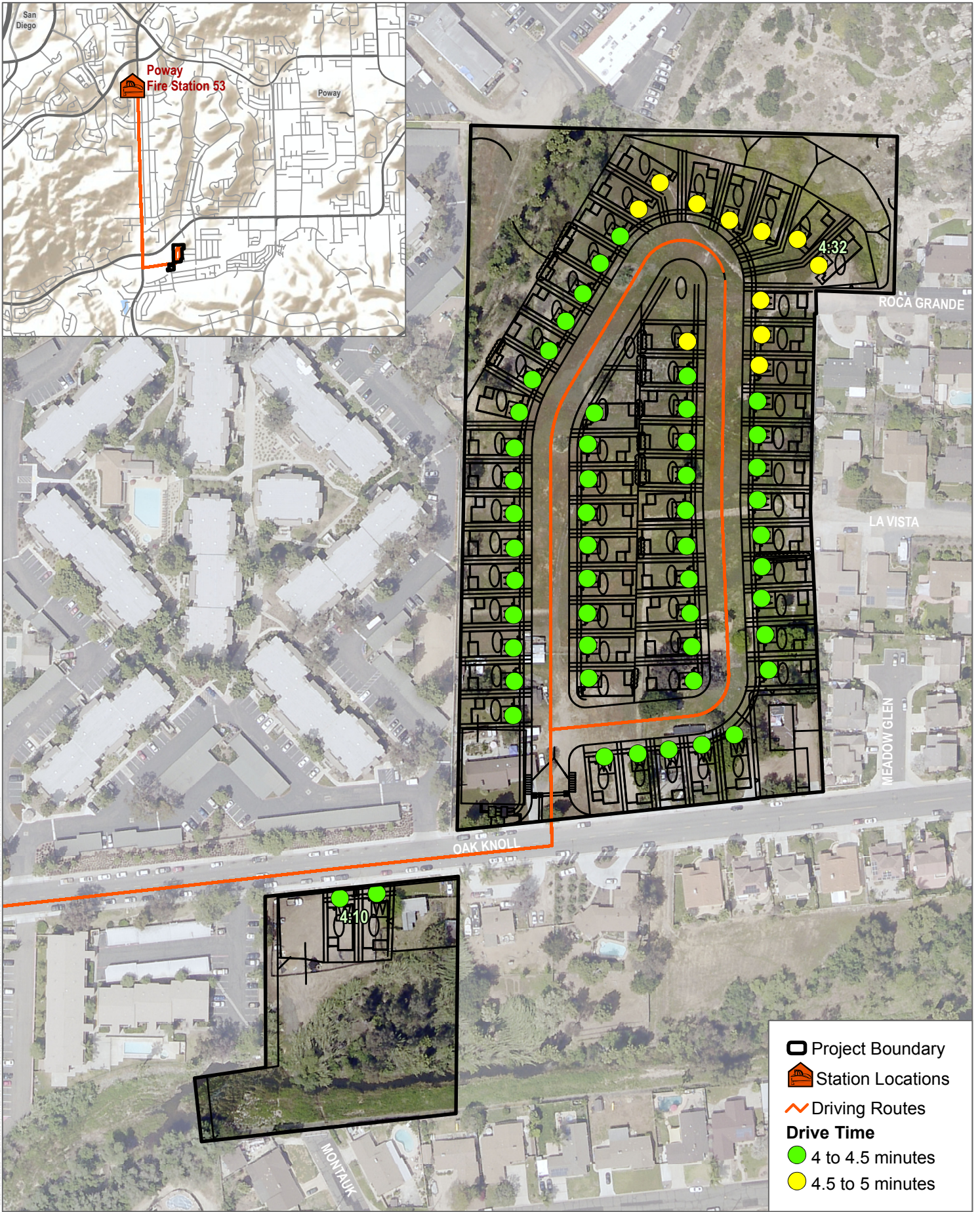


SOURCE: SAN GIS 2017



**FIGURE 4.13-1**  
**Poway Fire Station #1 - ISO Drive Times**  
 Harmon Ranch Specific Plan Project EIR

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SOURCE: SAN GIS 2017



**FIGURE 4.13-2**  
**Poway Fire Station #3 ISO Drive Times**  
 Harmon Ranch Specific Plan Project EIR

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## 4.14 Recreation

This section describes the existing recreation conditions of the Harmon Ranch project (proposed project) site and vicinity, identifies associated regulatory requirements, evaluates potential impacts, and identifies mitigation measures related to implementation of the proposed project.

A Notice of Preparation (NOP) was circulated from February 1, 2023, through March 3, 2023. During the NOP comment period, comment letters related to recreation focused on the following topics:

- Impacts to recreational resources
- Recreational resources on site being accessible to the public

These comments were considered during the preparation of this environmental impact report (EIR). The Initial Study, NOP, and Public Scoping comments are provided in Appendix A of this EIR.

### 4.14.1 Existing Conditions

The City of Poway (City) provides recreational areas and facilities in the areas surrounding the project site, as described below.

#### **City Recreational Facilities**

There are currently 22 parks and recreational facility located within the City, including neighborhood parks, recreation-based parks, one ecological reserve, and one interpretive center (City of Poway n.d.a). These parks range in size from small urban neighborhood recreation areas to the over 700-acre Blue Sky Ecological Reserve. Recreational amenities around the City include playgrounds, a skate park, a swim center, sports fields, an interpretive center, and hiking opportunities. Lake Poway also serves as a recreational area with open park space, picnic tables, boating docks, and trails around the lake.

The City' General Plan classifies parks and recreation facilities based on their service area, size, primary function, and the facilities they offer. The five classifications include miniparks, neighborhood parks, community parks, regional parks, and special use areas. Park areas can be developed with either active or passive park amenities or a combination of both. Active park amenities may include gymnasiums, swim complexes, multi-use ballfields, tot lots, hard court play surfaces, volleyball courts, horseshoe areas, or a combination thereof. Passive Park amenities generally include nature trails, walkways, picnic tables, benches, and small lawns or landscaped areas (City of Poway 1991).

There are several recreational facilities in proximity to the project site. The Kumeyaay Ipai Interpretive Center at Pauwai is located just beyond the northern project boundary. Other parks in proximity to the project site include the Poway Oaks Neighborhood Park (0.4 miles southwest of the project site), Poway Community Park (0.45 miles east of the project site), and Bette Bendixen Park (0.75 miles southwest of the project site).

#### **Trails**

Trails provide a linkage between parks and open space within the City. The City's trails system has more than 78 miles for hiking, biking, and horseback riding (City of Poway n.d.b). In addition to the trails located at the Blue Sky Ecological Reserve and Lake Poway Recreation Area, there are many urban trails throughout the City, as well as popular open space trails such as the Iron Mountain trail.

## 4.14.2 Relevant Plans, Policies, and Ordinances

### Federal

#### ***National Trails System Act of 1968 (Public Law 90-543)***

There are no federal codes, policies, or regulations regarding recreation that would apply to the proposed project.

### State

#### ***California Department of Parks and Recreation***

The California Department of Parks and Recreation manages 280 park units that protect and preserve a collection of culturally and environmentally sensitive areas. It also manages over 340 miles of coastline; 970 miles of lake, reservoir, and river frontage; 15,000 campsites; and 5,200 miles of trails, 3,195 historic buildings, and 11,000 prehistoric and historic archaeological sites (California DPR n.d.). The legal charter of the California Department of Parks and Recreation, as required by the California Public Resources Code and the California Code of Regulations, among others, calls for it to “administer, protect, provide for recreational opportunity, and develop the State Park System; to interpret the values of the State Park System to the public; to operate the Off-Highway Motor Vehicle Recreation Program; to administer the California Historical Resources Protection Program; and to administer federal and state grants and bonds to local agencies” (California DPR n.d.).

#### ***California Environmental Quality Act***

The California Environmental Quality Act (CEQA) (California Public Resources Code, Section 21000 et seq.) and CEQA Guidelines (14 CCR 15000 et seq.) are primary sources for environmental legislation in California; they require projects with potential adverse environmental effects (or impacts) undergo environmental review. Adverse environmental impacts are typically mitigated as a result of the environmental review process in accordance with existing laws and regulations.

#### ***Quimby Act***

Passage of the 1975 Quimby Act (California Government Code, Section 66477) authorized cities and counties to pass ordinances requiring that developers set aside land, donate conservation easements, or pay fees for park improvements. Revenues generated through the Quimby Act cannot be used for the operation and maintenance of park facilities. The goal of the Quimby Act is to require developers to help mitigate the impacts of property improvements. The act gives authority for passage of land dedication ordinances only to cities and counties. Special districts must work with cities and/or counties to receive parkland dedication and/or in-lieu fees. The fees must be paid and land conveyed directly to the local public agencies that provide park and recreational services communitywide.

#### ***Landscaping and Lighting Act***

The Landscaping and Lighting Act (California Streets and Highways Code, Section 22500 et seq.) enables cities, counties, and special districts to acquire land for parks, recreation, and open space. A local government may also use the assessments to pay for improvements and maintenance to these areas. In addition to local government agencies (i.e., counties and cities), park and recreation facilities may be provided by other public agencies, such as

community service districts and park and recreation districts. If so empowered, such an agency may acquire, develop, and operate recreational facilities for the general public.

## Local

### ***Poway Comprehensive Plan: General Plan – Public Facilities Element***

The Public Facilities Element of the Poway Comprehensive Plan: General Plan (General Plan) includes the following policies and strategies regarding recreation resources (City of Poway 1991):

**Goal II, Policy B – Distribution of Land Uses: Land uses should be distributed so as to encourage in-fill development within the built-up parts of the City, protect the integrity of existing land uses and densities and preserve the open space and rural nature of Poway.**

**Goal II, Policy D – Public Services Constraints: The land use pattern and population should be consistent with the capability of existing and planned public services and facilities.**

**Goal III, Policy A – Parks: A diversified comprehensive park system should be provided for the residents of Poway, utilizing adopted standards, contemporary concepts and planning strategies.**

- **Strategy 2:** All park land dedicated as a requirement of residential development shall be developed and used for park purposes.
- **Strategy 3:** Seek to ensure that every neighborhood is served within a one half mile radius by an elementary school site or park.
- **Strategy 4:** Seek to provide adequate playing fields to serve the organized sports needs of the residents including softball, soccer and other organized sports.
- **Strategy 7:** Neighborhood parks shall serve as the day-to-day recreational areas of the City. The facilities should include playgrounds playing fields and turf areas where local residents can enjoy the outdoors in a safe and refreshing environment.
- **Strategy 9:** Include preschool age and handicapped accessible equipment in each park and provide balanced active and passive recreational opportunities.
- **Strategy 10:** Design all parks to incorporate xeriscape landscaping techniques.
- **Strategy 12:** Maintain legislation under the Quimby Act to require the dedication of land, payment of in-lieu fees, or a combination thereof, as a condition of residential development approval, to the equivalent of five acres of land per 1,000 population anticipated in the proposed development.

**Goal III, Policy B – Recreational Facilities: The City shall seek to provide a wide range of facilities which address the recreational needs of all ages in the community.**

- **Strategy 1:** Promote added family activity facilities to serve the community.

***Goal III, Policy C – Private Recreational Facilities: The City encourages the development of private recreational facilities to fulfill a portion of the City’s recreational needs.***

- **Strategy 1:** Private recreational facilities can be used to reduce the total amount of land to be dedicated and or fees paid in lieu to 50 percent of the requirement per residential development proposal.
- **Strategy 2:** Private recreational facilities shall meet the standards for similar public facilities.
- **Strategy 3:** Private recreational facilities shall be maintained by the developer, owner, a homeowners’ association or an assessment district.
- **Strategy 4:** Adequate provisions shall be made to ensure that private recreational facilities remain available in perpetuity or the residents and the City shall be compensated accordingly.

#### **City of Poway Development Impact Fees**

##### **Park Mitigation Fees**

The City implements park mitigation fees for residential developments to ensure that park land and recreational facility standards are met with respect to the additional needs created by such development. The alternative to park mitigation fees is the dedication of land for park and recreational facilities at a ratio of 5 park acres to 1,000 population (City of Poway 1984).

### 4.14.3 Thresholds of Significance

The significance criteria used to evaluate the project impacts to recreation are based on Appendix G of the CEQA Guidelines. According to Appendix G of the CEQA Guidelines, a significant impact related to recreation would occur if the project would:

1. Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.
2. Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.

### 4.14.4 Impacts Analysis

***Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?***

There are several recreational facilities in proximity to the project site. The Kumeyaay Ipai Interpretive Center at Pauwai is located just beyond the northern project boundary. Other parks in proximity to the project site include the Poway Oaks Neighborhood Park (0.4 miles southwest of the project site), Poway Community Park (0.45 miles east of the project site), and Bette Bendixen Park (0.75 miles southwest of the project site).

The proposed project would introduce 63 new single-family dwelling units on 5.7 acres, a 0.25-acre historic home site, 3.2 acres of open space areas, 1.9 acres for private streets, and 0.5 acres of public right-of-way (Oak Knoll Road) (see Figure 1-1, Site Plan).

Pursuant to the City's parkland dedication requirements, the proposed project would require 5 acres of parkland for every 1,000 people (City of Poway 1984). Pursuant to Poway Municipal Code Section 16.38.100, 50% of private recreation facilities can be counted towards the required amount of park acreage (City of Poway 1984). The proposed project would include 63 single-family homes and is estimated to result in a population of approximately 184 people (refer to Section 4.12, Population and Housing, for detailed calculation). Thus, the proposed project would be required to dedicate 0.92 acres of parkland, per the City's Municipal Code parkland dedication requirements. The project proposes 3.2 acres of open space area on site. Of the proposed 3.2 acres of open space area, approximately 1 acre would be designated as open space recreation area, and the proposed "outlook" would be open to the public. This 1 acre of proposed open space recreation area would count towards the parkland requirements. Therefore, the project would exceed the requirement of 0.92 acres of parkland.

Therefore, the project is not expected to result in substantial deterioration or adverse effects to existing parks or facilities within the City, and impacts would be **less than significant**.

***Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?***

The proposed project would include 3.2 acres of designated open space areas. Of the 3.2 acres, 2.2 acres would be designed to permanently conserve the on-site open space areas that contain sensitive biological and/or cultural resources. These areas would not be impacted by development of the project and remain as natural open space areas. The remaining 1.0 acre would consist of open space recreation area and included uses such as specialty and community gardens, parks, playgrounds, picnic pavilions, trails, public art, and other outdoor land uses. The project would provide on-site park land provisions that ensure that the parkland and recreational facility standards established by the City are met with respect to the additional needs created by the development. Proposed recreational facilities and all other components of the proposed project are analyzed for any adverse physical impacts on the environment throughout this EIR. Construction of the proposed project would not require the construction or expansion of existing off-site recreational facilities, and all proposed recreational facilities would be compatible with surrounding land uses and in compliance with City standards. Therefore, impacts would be **less than significant**.

#### 4.14.5 Cumulative Impacts

The geographic scope of the cumulative impact analysis for recreational facilities is limited to those projects within the City limits (see Table 3-2, Cumulative Projects). Cumulative projects in the City would have the potential to result in a significant cumulative impact if they would, in combination, result in the deterioration of parks and recreational facilities due to increased usage or necessitate the construction of new parks or recreational facilities.

Both cumulative projects have residential components and would have the potential to increase the demand for recreational facilities, which could result in deterioration of existing facilities. All past, present, and future residential projects in the surrounding area would be required to provide parkland or pay fees to the City. If each cumulative project was not able to provide parkland or park improvements, then payment of the City's park fee would ensure that the City's established park land and recreational facility standards are met with respect to the additional needs created by individual developments. The proposed project would provide open space that would be adequate to meet the needs of its resident and be accessible to the general public, including residents of the future cumulative projects. Therefore, residents of the proposed project would not overburden existing park and recreation resources or planned park and recreation resources needed to serve future growth.

Due to the availability of existing recreational facilities and the proposed project amenities, implementation of the proposed project in conjunction with cumulative projects would not cause a substantial increase in use on existing facilities. Cumulative impacts to recreational facilities would be **less than significant**.

#### 4.14.6 Mitigation Measures

Implementation of the proposed project would not result in significant impacts to parks and recreational facilities. Therefore, no mitigation would be required.

#### 4.14.7 Level of Significance after Mitigation

As previously stated, all potential impacts to parks and recreational facilities as a result of the proposed project would be less than significant, and no mitigation would be required.

## 4.15 Transportation

This section describes the existing transportation conditions of the Harmon Ranch Project (proposed project) site and vicinity, identifies associated regulatory requirements, evaluates potential impacts, and identifies mitigation measures related to implementation of the proposed project. The analysis provided in this section is based on the Transportation Impact Study and the Local Transportation Assessment, both of which were prepared by Intersecting Metrics in September 2023. The Local Transportation Assessment is included as Appendix L, and the Transportation Impact Study is included as Appendix M.

A Notice of Preparation (NOP) was circulated from February 1, 2023, through March 3, 2023. During the NOP comment period, comment letters related to transportation focused on the following topics:

- Multimodal transportation
- Level of service
- Parking
- Ingress and egress
- Hazardous design
- Pedestrian safety
- Vehicle miles traveled

These comments were considered during the preparation of this environmental impact report (EIR). The Initial Study, NOP, and Public Scoping comments are provided in Appendix A of this EIR.

### 4.15.1 Existing Conditions

#### **Study Area**

Section 7.0 of the Guidelines for Transportation Impact Studies in the San Diego Region, May 2019, recommends that all, intersection locations where the proposed project would add 50 or more peak-hour trips in either direction to the existing roadway traffic, be included in the study area. Figure 4.15-1, Intersection Lane Configuration - Existing Conditions, illustrates the existing conditions in the project study area. The project study area is shown in Figure 4.15-2, Local Transportation Network. As shown in Figure 4.15-3, Traffic Volumes – Project Trip Assignment, the project’s trip generation would not add more than 50 peak hour trips to an intersection; however, a focused local transportation assessment was conducted to analyze the following major roadway segments and intersections adjacent to the proposed project, as well as the project’s driveway.

#### ***Intersections***

The following intersections are included in the study area and analyzed herein:

1. Oak Knoll Road/Poway Road
2. Pomerado Road/Poway Road
3. Pomerado Road/Oak Knoll Road

4. Oak Knoll Road/Project Driveway (analyzed under “Plus Project” conditions only)
5. Oak Knoll Road/Carriage Road

According to Appendix L, the study area intersections are calculated to currently operate at level of service (LOS) D or better.

Table 4.15-1 displays intersection LOS and average vehicle delay results for the study area intersections under existing conditions.

**Table 4.15-1. Peak Hour Intersection LOS Results – Existing Conditions**

Intersection	Control Type	Peak Hour	Existing	
			Delay <sup>a</sup>	LOS <sup>b</sup>
1. Oak Knoll Road/Poway Road	Signal	AM	31.1	C
		PM	29.9	C
2. Pomerado Road/Poway Road	Signal	AM	40.7	D
		PM	33.2	C
3. Pomerado Road/Oak Knoll Road	Signal	AM	18.6	B
		PM	18.7	B
4. Oak Knoll Road/Project Driveway	Side-Street Stop Controlled	AM	–	–
		PM	–	–
5. Oak Knoll Road/Carriage Road	All-Way Stop Controlled	AM	7.4	A
		PM	7.9	A

**Source:** Appendix L.

**Notes:** Intersection #4 does not exist under this scenario.

For SSSC intersections, the delay shown is the worst delay experienced by any of the approaches.

<sup>a</sup> Average delay expressed in seconds per vehicle.

<sup>b</sup> Level of Service.

**Roadway Segments**

Access to the project from the regional transportation network would be provided via Poway Road, Pomerado Road, and Oak Knoll Road. These roadways would either provide a direct connection to the project site, via a project driveway on Oak Knoll Road, or would provide a critical link between the project and the regional transportation network. Descriptions of these transportation network facilities are described below:

**Poway Road** is a four-lane east/west roadway that connects Interstate 15 in the west to State Route 67 in the east. The roadway has a posted speed limit of 35 mph and is divided by a raised median. Within the study area, Poway Road provides direct access to commercial centers. Pedestrian sidewalks and bicycle lanes are present on both sides of the roadway. San Diego Metropolitan Transit System (MTS) bus routes 944, 945, and 945A currently provide services on Poway Road, with the closest stop to the project site located on Poway Road and the Countryside Apartments driveway. Poway Road is classified as a Major Arterial by the City’s Transportation Master Element (Appendix L).

**Pomerado Road** is a four-lane north/south roadway that connects Twin Peaks Road to Spring Canyon Road. Within the study area, this roadway provides a center-left-turn lane median and has a posted speed limit of 45 mph. Pomerado Road is primarily fronted by residential units and provides pedestrian sidewalks and bicycle lanes on both sides of the roadway. San Diego MTS bus routes 945 and 945A currently provide services on Pomerado Road,



north of Poway Road. Pomerado Road is classified as a Major Arterial by the City’s Transportation Master Element (Appendix L).

**Oak Knoll Road** is two-lane roadway that connects Sage View Road to Selier Street. The proposed project will take access via side-street stop-controlled intersections on Oak Knoll Road. This roadway is an undivided roadway with a posted speed limit of 25 mph and parallel parking provided on both sides of the roadway. Oak Knoll Road is fronted by residential units and small businesses. Pedestrian sidewalks are provided on both sides of the roadway and sharrow signs are painted on the roadway indicating that Oak Knoll Road is a bicycle route. According to the City’s Transportation Master Element, Oak Knoll Road is a local collector between Poway Road and Pomerado Road and a local road east of Pomerado Road (Appendix L).

**Carriage Road** is a two-lane roadway that connects Poway Road to Oak Knoll Road. This roadway is an undivided roadway with a posted speed limit of 25 mph and parallel parking provided on both sides of the roadway. Pedestrian sidewalks are provided on both sides of the roadway and bicycle sharrow markings are painted on the roadway indicating that Carriage Road is a bicycle route. Carriage Road is classified as a local collector by the City’s Transportation Master Element (Appendix L).

Table 4.15-2 displays each study roadway segment’s design threshold, average daily traffic (ADT) volume, and whether the roadway segment operates within its design threshold. As shown, all study roadways currently operate within their design threshold.

**Table 4.15-2. Roadway Segment ADT and Thresholds – Existing Conditions**

Roadway	Segment	Functional Classification	Design Threshold	ADT	Within Design Threshold?
Poway Road	West of Oak Knoll Road	4-Lane Major Arterial	43,000	36,495	Yes
	Oak Knoll Road to Pomerado Road	4-Lane Major Arterial	43,000	31,629	Yes
Pomerado Road	North of Poway Road	4-Lane Collector	32,000	23,012	Yes
	Poway Road to Oak Knoll Road	4-Lane Collector	32,000	16,092	Yes
	South of Oak Knoll Road	4-Lane Collector	32,000	24,200	Yes
Oak Knoll Road	Poway Road to Pomerado Road	2-Lane Local Collector	10,900	6,900	Yes
	Pomerado Road to Carriage Road	2-Lane Local Collector	10,900	4,000	Yes
Carriage Road	Poway Road to Oak Knoll Road	2-Lane Local Collector	10,900	3,359	Yes

**Source:** Appendix L.

**Notes:** ADT = Average Daily Traffic.

**Pedestrian**

Existing pedestrian facilities consist of sidewalks on both sides of Oak Knoll Road (Figure 4.15-4, Local Transportation Network – Pedestrian Traffic).

### *Bicycle*

There are four different bicycle classifications—Class I, Class II, Class III, and Class IV—defined as follows:

- **Class I** – Bike Path: Bike paths, also termed shared-use or multi-use paths, are paved right-of-ways for exclusive use by bicyclists, pedestrians, and those using non-motorized modes of travel. They are physically separated from vehicular traffic and can be constructed in roadway right-of-ways or as exclusive right-of-ways. Bike paths provide critical connections in the city where roadways are absent or are not conducive to bicycle travel.
- **Class II** – Bike Lane: Bike lanes are defined by pavement striping and signage used to allocate a portion of a roadway for exclusive or preferential bicycle travel. Bike lanes are one-way facilities on either side of a roadway. Whenever possible, bike lanes should be enhanced with treatments that improve safety and connectivity by addressing site-specific issues, such as additional warning or wayfinding signage.
- **Class III** – Bike Route: Bike routes provide shared use with motor vehicle traffic within the same travel lane. Designated by signs, Bike Routes provide continuity to other bike facilities or designate preferred routes through corridors with high demand. Whenever possible, bike routes should be enhanced with treatments that improve safety and connectivity, such as the use of “sharrows” or shared lane markings to delineate that the road is a shared-use facility.
- **Class IV** – Cycle Track: A Cycle Track is a hybrid type of bicycle facility that combines the experience of a separated path with the on-street infrastructure of a conventional bike lane. Cycle tracks are bikeways located in roadway right-of-ways, but are separated from vehicle lanes by physical barriers or buffers. Cycle tracks provide for one-way bicycle travel in each direction adjacent to vehicular travel lanes and are exclusively for bicycle use. Cycle tracks are not recognized by Caltrans Highway Design Manual as a bikeway facility. To provide bicyclists with the option of riding outside of the cycle track to position themselves for a left or right turn, parallel bikeways should be added adjacent to cycle track facilities whenever feasible.

There is currently a Class III bicycle facility along the project frontage (Figure 4.15-4).

### *Transit*

#### Transit Conditions

Bus transportation is the main mode of transportation served around the proposed project area. San Diego MTS Bus Routes bus routes 944, 945, and 945A currently provide services on Poway Road, with the closest stop to the project site located on Poway Road and the Countryside Apartments driveway, approximately 0.1 miles away from the project site (Figure 4.15-4).

#### Transit Routes

Route 944 runs from Sabre Springs Transit Station to Poway (Walmart on Hilleary Place). It operates weekdays starting from 5:34 a.m. to 7:31 p.m. when departing from Sabre Springs Transit Station, and from 5:04 a.m. to 7:02 p.m. when departing from Poway. Total travel time between the two ends of the route is 20 minutes or less. Route 944 does not operate on Sundays and Saturday service is temporarily suspended due to staffing shortages.

Route 945 runs from Rancho Bernardo Transit Station to Old Poway. It operates weekdays starting from 5:52 a.m. to 8:22 p.m. when departing from Rancho Bernardo, and from 5:09 a.m. to 7:35 p.m. when departing from Old Poway. Total travel time between the two ends of the route is 45 minutes or less. Service time is 30 minutes

during peak hours. Saturday operation runs from 6:42 a.m. to 7:34 p.m. departing from Rancho Bernardo Transit Center, and from 6:41 a.m. to 6:29 p.m. departing from Old Poway. Route 945 operates on observed holidays with a Saturday schedule. Route 945 does not operate on Sundays.

Route 945A runs on a loop route in counterclockwise direction passing through Espola Road, Pomerado Road, Poway Road, Midland Road, and Twin Peaks Road. Route 945A runs on weekdays from 6:36 a.m. to 8:25 a.m. when departing from Pomerado Road/Rancho Bernardo Road, and from 2:35 p.m. to 4:34 p.m. when departing from Midland Road/Poway Road. This route does not run on weekends or observed holidays.

**Level of Service**

LOS is the term used to denote the different operating conditions that occur on a given roadway segment under various traffic volume loads. It is a qualitative measure used to describe a quantitative analysis taking into account factors such as roadway geometries, signal phasing, speed, travel delay, freedom to maneuver, and safety. LOS provides an index to the operational qualities of a roadway segment or an intersection. LOS designations range from A to F, with LOS A representing the best operating conditions and LOS F representing the worst operating conditions. LOS designation is reported differently for signalized intersections and for roadway segments.

Figure 4.15-1 illustrates the existing conditions in the project study area.

**Intersections**

Average vehicle delay was determined utilizing the methodology found in Chapter 18 of the 2016 Highway Capacity Manual (HCM 6th Edition, as cited in Appendix L) for signalized intersections, and Chapters 19 and 20 of the HCM 6th Edition for unsignalized intersections, with the assistance of the Synchro (version 11) computer software. The delay values (represented in seconds) were qualified with a corresponding intersection LOS. Table 4.15-3 shows the signalized and unsignalized intersection delay categorized for each LOS.

**Table 4.15-3. Intersection LOS and Delay Ranges**

LOS	Delay (seconds/vehicle)	
	Signalized Intersections	Unsignalized Intersections
A	≤ 10.0	≤ 10.0
B	10.1 to 20.0	10.1 to 15.0
C	20.1 to 35.0	15.1 to 25.0
D	35.1 to 55.0	25.1 to 35.0
E	55.1 to 80.0	35.1 to 50.0
F	≥ 80.1	≥ 50.1

Source: Highway Capacity Manual, as cited in Appendix L.

**Street Segments**

Unlike other jurisdictions within the region, the City of Poway does not assign a daily LOS to roadway facilities. Instead, the City developed a series daily traffic volume design thresholds for each facility type (Primes, Majors, Collectors, etc.) and for unique individual facilities (Espola Road, Poway Road, Community Road, etc.), which are outlined in Table V-1 of the City of Poway Transportation Master Element (City of Poway 2010). To determine if average daily traffic volumes on the study area roadway segments are within the design threshold, the appropriate volumes were compared to the daily design capacity of the roadway segments.

The roadway segment counts were obtained from recently completed transportation studies and study area intersection traffic counts were conducted in April 2022. Traffic count worksheets are provided in Appendix L.

**Vehicle Miles Traveled**

In compliance with Senate Bill (SB) 743, the Transportation Impact Analysis also evaluates the proposed project’s potential vehicular impacts using a vehicle miles traveled (VMT) metric, pursuant to direction from the state legislature. Public Resources Code Section 20199, enacted pursuant to SB 743, identifies VMT as an appropriate metric for measuring transportation impacts. VMT analysis focuses on the number and length of vehicle trips made by a project’s employees and residents.

The methodology used for the proposed project is based on the Governor’s Office of Planning and Research (OPR) update to the California Environmental Quality Act (CEQA) Guidelines and Technical Advisory released in November 2017. Given that no criteria or methodologies have been formally adopted, OPR guidance was used to develop significance thresholds and technical methodologies for the proposed project.

Under OPR’s proposed revisions to the CEQA guidelines, VMT exceeding an applicable threshold of significance may indicate a significant transportation impact. Furthermore, under the proposed guideline revisions, for projects other than roadway capacity projects, automobile delay, as described solely by LOS or similar measures of vehicular capacity or traffic congestion shall not be considered a significant effect on the environment. The proposed revisions to the guidelines would allow a lead agency to elect to evaluate transportation impacts under the revised guidelines at any time and would make the revised guidelines applicable statewide beginning January 1, 2020. A multi-tiered VMT analysis for the proposed project was conducted based on the OPR’s guidance.

4.15.2 Relevant Plans, Policies, and Ordinances

**State**

***California Department of Transportation***

Caltrans is the public agency responsible for designing, building, operating, and maintaining California’s state highway system, which consists of freeways, highways, expressways, toll roads, and the right-of-way area between the roadways and property lines. Caltrans is also responsible for permitting and regulating the use of state roadways. Caltrans’ construction practices require temporary traffic control planning during any activities that interfere with the normal function of a roadway.

***California Environmental Quality Act***

CEQA (California Public Resources Code, Section 21000 et seq.) and CEQA Guidelines (14 CCR 15000 et seq.) are primary sources for environmental legislation in California; they require projects with potential adverse environmental effects (or impacts) undergo environmental review. Adverse environmental impacts are typically mitigated as a result of the environmental review process in accordance with existing laws and regulations.

***Senate Bill 375***

SB 375 targets regional greenhouse gas (GHG) emissions reductions from passenger vehicles and light-duty trucks through changes in land use and transportation development patterns. Integrating transportation and residential land use activity is one of the most impactful strategies for reducing GHG emissions, as well as other forms of air

pollution. Governmental actions supporting the location, variety and availability of housing are critical to implementing GHG emissions-reduction policies. This can support the integration of transportation and housing development, offering more varied and efficient consumer choices. Infill development patterns that emphasizes proximity and connectivity to public transit, walkable areas, employment and service centers, and amenities can increase the effectiveness of these relationships.

### ***Senate Bill 743***

On September 27, 2013, Governor Jerry Brown signed SB 743 into law, starting a process that is expected to change the way transportation impact analysis is conducted under CEQA. Within the state’s CEQA Guidelines, these changes will include elimination of auto delay, LOS, and similar measurements of vehicular roadway capacity and traffic congestion as the basis for determining significant impacts.

SB 743 created a process to change the way projects analyze transportation impacts pursuant to CEQA. Currently, environmental review of transportation impacts focuses on the delay that vehicles experience at intersections and on roadway segments. That delay is often measured using a metric known as LOS. Under SB 743, the focus of transportation analysis will shift from driver delay to reduction of GHG emissions, creation of multi-modal networks and promotion of a mix of land uses. SB 743 requires OPR to amend the CEQA Guidelines to provide an alternative to LOS for evaluating transportation impacts. The alternative criteria must promote the reduction of GHG emissions, the development of multi-modal transportation networks, and a diversity of land uses (OPR 2017). The Revised Proposal on Updates to the CEQA Guidelines on Evaluating Transportation Impacts in CEQA (Draft Guidelines) (OPR 2017) provided recommendations for updating the state’s CEQA Guidelines in response to SB 743 and contained recommendations for VMT analysis methodology in an accompanying Technical Advisory on Evaluating Transportation Impacts in CEQA. The Draft Guidelines, including the Technical Advisory on Evaluating Transportation Impacts in CEQA, recommended use of automobile VMT per capita as the preferred CEQA transportation metric, along with the elimination of auto delay/LOS for CEQA purposes statewide.

VMT is defined as a measurement of miles traveled by vehicles within a specified region for a specified time period and is a measure of network use or efficiency. There are multiple ways to express VMT, although generally VMT are calculated by multiplying all vehicle trips generated by a project by their associated trip lengths, or by multiplying traffic volumes on roadway links by the associated trip distance of each link. VMT is often estimated for a typical weekday.

According to the legislative intent contained in SB 743, these changes to current practice were necessary to more appropriately balance the needs of congestion management with statewide goals related to infill development, promotion of public health through active transportation, and reduction of GHG emissions.

### ***Assembly Bill 1358***

The Complete Streets Act of 2008 (Assembly Bill 1358) requires, beginning January 1, 2011, cities and counties, upon any substantive revision to their circulation elements, to plan for a balanced multi-modal transportation network that meets the needs of all users of streets, roads, and highways, including motorists, pedestrians, bicyclists, children, persons with disabilities, seniors, movers of commercial goods, and users of public transportation.

## Local

### ***SANDAG’s San Diego Forward: The Regional Plan***

The SANDAG San Diego Forward: The Regional Plan (Regional Plan) combines the region’s two most important existing planning documents—the Regional Comprehensive Plan and the Regional Transportation Plan and its Sustainable Communities Strategy (SCS). The Regional Comprehensive Plan, adopted in 2004, laid out key principles for managing the region’s growth while preserving natural resources and limiting urban sprawl. The plan covered eight policy areas, including urban form, transportation, housing, healthy environment, economic prosperity, public facilities, our borders, and social equity. These policy areas were addressed in the 2050 Regional Transportation Plan/SCS and are now fully integrated into the Regional Plan.

The SANDAG Board of Directors adopted the 2021 Regional Plan on December 10, 2021. The 2021 Regional Plan is a 30-year plan that considers growth, movement and residential location around the region. The 2021 Regional Plan combines the regional Transportation Plan, SCS, and Regional Comprehensive Plan. As such, the 2021 Regional Plan must comply with specific state and federal mandates. These include an SCS, per California SB 375, that achieves GHG emissions reduction targets set by the California Air Resources Board, compliance with federal civil rights requirements (Title VI); environmental justice considerations; air quality conformity; and public participation (SANDAG 2021).

### ***Congestion Management Program***

The 2008 Congestion Management Program (CMP) for San Diego County was developed to meet the requirements of Section 65089 of the California Government Code. Since that time, the local agencies within San Diego County elected to opt out of the CMP requirements, as allowed within the Government Code. As such, there are no CMP-specific requirements associated with this project. However, to ensure the region’s continued compliance with the federal congestion management process, SANDAG has prepared San Diego Forward: The Regional Plan in compliance with 23 Code of Federal Regulations 450.320. The Regional Plan incorporates performance monitoring and measurement of the regional transportation system, multimodal alternatives to single-occupancy vehicles, land use impact analysis, congestion management tools, and Integration with the Regional Transportation Improvement Program process.

### ***City of Poway Transportation Master Element***

This section outlines City’s Transportation Master Element policies that are relevant to the proposed project. In general, an inconsistency with the Transportation Master Element would be identified when the addition of project traffic results in level of service that deviates from the following:

*Policy C.1: Avoid approving any development that will increase the traffic on a City roadway above the design capacity threshold unless traffic/roadway design mitigation is available and/or will be implemented to achieve the desired capacity. If no feasible alternates are available, cumulative land use impacts on roadways should be assessed to ascertain the contribution of each new land use being considered.*

*Policy C.2: Prohibit development which will result in Levels of Service (LOS) exceeding “D” during the two highest peak hours at any intersection unless no feasible alternatives exist and an overriding public need can be demonstrated.*

Consistency with these Transportation Master Element policies were evaluated in this analysis since they focus on circulation element roadways. The proposed project is not proposing any features that are inconsistent with the City's Transportation Master Element. It should be noted that the project land uses are consistent with those assumed in the City's Housing Element Update. Therefore, the roadway operation findings in the Local Transportation Assessment (Appendix L) are also consistent with those outlined in the City's Transportation Master Element. As a result, the project would not change or create any inconsistencies within the City's Transportation Master Element.

### 4.15.3 Thresholds of Significance

The significance criteria used to evaluate the project impacts to transportation are based on Appendix G of the CEQA Guidelines. According to Appendix G of the CEQA Guidelines, a significant impact related to transportation would occur if the project would:

1. Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities.
2. Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b).
3. Substantially increase hazards due to a design feature (e.g., sharp curves, or dangerous intersections) or incompatible uses (e.g., farm equipment).
4. Result in inadequate emergency access.

#### **City of Poway Significance Criteria**

A project is considered to have a significant impact if the new project traffic would decrease the operations of surrounding roadways by a defined threshold, in this case, San Diego Traffic Engineers' Council/Institute of Traffic Engineers guidelines (Appendix L). If a project exceeds the thresholds, then the project may be considered to have a significant impact. A feasible mitigation measure would need to be identified to return the impact within the thresholds (pre-project plus allowable increase) or the impact would be considered significant and unmitigated.

If a project's traffic causes the location to degrade from an acceptable LOS D or better to LOS E or LOS F, or if it exceeds the allowable thresholds for currently LOS E or F operating locations, a significant impact occurs.

Under Existing and Near-Term conditions, impacts are considered to be direct. Impacts in the Horizon Year 2035 condition are considered to be cumulative, since the impacts would occur with a reduction in reserve capacity due to traffic generated by future growth in the City with the buildout of General Plan land uses.

#### **VMT Guidelines**

This section provides an introduction to evaluating potential transportation impacts of a project as proposed by OPR to implement SB 743. OPR proposes that metrics based on VMT be used to evaluate a project's transportation effects, and that projects in proximity to transit are presumed to result in less-than-significant impacts. OPR also suggests thresholds of significance and technical methodologies to calculate VMT.

### ***VMT Background and Induced Travel***

VMT is defined as a measurement of miles traveled by vehicles within a specified region and for a specified time period. VMT is a measure of the use and efficiency of the transportation network. VMT's are calculated based on individual vehicle trips generated and their associated trip lengths. VMT accounts for two-way (round trip) travel and is often estimated for a typical weekday for the purposes of measuring transportation impacts.

Induced travel occurs where roadway capacity is expanded in an area of present or projected future congestion. The effect typically manifests over several years. Lower travel times make the modified facility more attractive to travelers, resulting in potential trip-making changes. Each of these effects has implications for the total amount of vehicle travel.

- **Longer Trips.** The ability to travel a long distance in a shorter time increases the attractiveness of destinations that are farther away, increasing trip length and vehicle travel.
- **Changes in Mode Choice.** When transportation investments are devoted to reducing automobile travel time, travelers tend to shift toward automobile use from other modes, which increases vehicle travel.
- **Route Changes.** Faster travel times on a route attract more drivers to that route from other routes, which can increase or decrease vehicle travel depending on whether it shortens or lengthens trips.
- **Newly Generated Trips.** Increasing travel speeds can induce additional trips, which increases vehicle travel. For example, an individual who previously telecommuted or purchased goods on the internet might choose to accomplish those tasks via automobile trips as a result of increased speeds.
- **Land Use Changes.** Faster travel times along a corridor lead to land development farther along that corridor; that new development generates and attracts longer trips, which increases vehicle travel. Over several years, this growth component of induced vehicle travel can be substantial.

### ***VMT Significance Thresholds***

As outlined in Section E.2 of OPR's Technical Advisory (Recommended Numeric Thresholds for Residential, Office, and Retail Projects):

Recommended threshold for residential projects: A proposed project exceeding a level of 15 percent below existing VMT per capita may indicate a significant transportation impact. Existing VMT per capita may be measured as regional VMT per capita or as city VMT per capita. Proposed development referencing a threshold based on city VMT per capita (rather than regional VMT per capita) should not cumulatively exceed the number of units specified in the SCS for that city, and should be consistent with the SCS.

A threshold of 15% below the San Diego region's base year VMT per capita was used to identify VMT related impacts. Based on SANDAG Series 14 Transportation Forecast (Series ID 458), the average VMT per capita for the San Diego Region is 18.9 miles. Therefore, the significance threshold used to evaluate and identify the proposed project's VMT related impacts was 16.1 miles [18.9 miles X (100% - 15%)].



## 4.15.4 Impacts Analysis

The proposed project seeks to develop the site with 63 single-family residential units. Proposed amenities would include 1 acre of recreational open space for residents to utilize and a trail connecting to the existing commercial center north of the site. A total of 40 guest parking spaces would be provided, in addition to the two-car parking garages with 20-foot-deep driveways provided for each unit.

### Trip Generation

Trip generation rates for each land use are derived from SANDAG’s Brief Guide of Vehicular Traffic Generation Rates for the San Diego Region, published in April 2002.

Table 4.15-4 tabulates the proposed project’s trip generation. The total trips generated by the proposed project would be approximately 630 ADT, with 51 AM peak-hour trips (15 inbound/36 outbound) and 63 PM peak-hour trips (44 inbound/19 outbound).

**Table 4.15-4. Proposed Project Trip Generation**

Land Use	Units	Trip Rate	ADT <sup>a</sup>	AM Peak Hour					PM Peak Hour						
				Rate <sup>b</sup>	In:Out		Volume			Rate <sup>b</sup>	In:Out		Volume		
					Split	In	Out	Total	Split		In	Out	Total		
Single Family	63	10/unit	630	8%	3:7	15	36	51	10%	7:3	44	19	63		

Source: Appendix L.

**Notes:**

<sup>a</sup> Average daily trips.

<sup>b</sup> Rates are based on SANDAG’s (Not So) Brief Guide of Vehicular Traffic Generation Rates for the San Diego Region, April 2002.

### Trip Distribution and Assignment

The project trip distribution was developed based on the geographical location of the project, the characteristics of the proposed land use, nearest freeway facilities, as well as the location of schools, job centers, and shopping centers. The proposed project’s trip distribution and trip assignment are displayed in Figure 4.15-3 (Appendix L).

### Cumulative Conditions – Near-Term

#### Cumulative Projects

The following three projects were identified by the City of Poway as cumulative projects, since they are anticipated to contribute traffic within the project study area:

1. **Poway Commons** proposed to develop 141 condominium units with 25,000 square feet of specialty retail. This project is located on the southwest corner of the Poway Road and Civic Center Drive intersection. The project is anticipated to generate 2,572 average daily trips with 175 trips (65-in / 110-out) during the AM peak hour and 224 trips (138-in / 86-out) during the PM peak hour.
2. **Fairfield** proposes to replace the existing shopping center and bowling alley with 221 apartments, 4,620 square feet of restaurant, and 3,878 square feet of retail uses. This project is located at the existing Carriage Center West Shopping Center and recently closed Poway Bowl parcel on 12845 and 12941 Poway

Road, respectively. The project is anticipated to generate 2,220 average daily trips with 170 trips (54-in / 116-out) during the AM peak hour and 192 trips (125-in / 67-out) during the PM peak hour.

3. **Outpost** proposes to develop 15,871 square feet of commercial space and 72 residential units (including 9 affordable units). The project is located at 13249-13253 Poway Road. The project is anticipated to generate 2,625 average daily trips with 135 trips (63-in / 72-out) during the AM peak hour and 187 trips (108-in / 79-out) during the PM peak hour.

The traffic generated from the projects listed above was included in the Near-Term Base scenario. Table 4.15-5 displays trip generation for the cumulative projects described above. The respective trip distribution and trip assignment assumptions for each cumulative project was obtained from each project’s respective traffic impact study.

**Table 4.15-5. Cumulative Projects Trip Generation**

Project	Land Use	ADT	AM Peak Hour			PM Peak Hour		
			Total	In	Out	Total	In	Out
Poway Commons <sup>1</sup>	Residential and Retail	2,572	175	65	110	224	138	86
Fairfield <sup>2</sup>	Residential, Restaurant and Retail	2,220	170	54	116	192	125	67
Outpost <sup>3</sup>	Residential and Retail	2,625	135	63	72	187	108	79
<b>Total</b>		<b>7,417</b>	<b>480</b>	<b>182</b>	<b>298</b>	<b>603</b>	<b>371</b>	<b>232</b>

Source: Appendix L.

**Notes:**

- 1 Trip generation and distribution was obtained from Meridian Poway Access Analysis Memorandum – Urban Systems Associates, Inc. October 2019.
- 2 Trip generation and distribution was obtained from Poway Road Mixed Use TIA – Linscott, Law & Greenspan, Engineers. June 2020.
- 3 Trip generation calculated using SANDAG’s Not So Brief Guide of Vehicular Generation Rates in the San Diego Region, April 2002.

As shown, the cumulative projects are anticipated to generate 7,417 daily trips, with 480 trips during the AM peak hour and 603 trips during the PM peak hour. Figure 4.15-5, Cumulative Projects - Locations and Trip Assignment, displays the location of the cumulative projects and the cumulative project trip assignment.

**Near-Term Scenarios**

The following section presents the analysis of study area locations under two scenarios. The Near-Term condition includes nearby cumulative development projects, but not the proposed project. As discussed, a cumulative growth factor was added to existing traffic volumes given the majority of cumulative development projects are located outside the study area. This scenario assumes the existing lane geometrics. The Near-Term With Project scenario represents the effect of adding project-related traffic to the existing street network with no improvements assumed, and the assumed cumulative growth.

**Near-Term Without Project**

**Intersections**

Table 4.15-6 displays intersection LOS and average vehicle delay results for the key study area intersections under Near-Term Base conditions. As seen in Table 4.15-6, all study area intersections are projected to operate at LOS D or better under Near-Term Base conditions.

**Roadway Segments**

Table 4.15-7 displays each study roadway segment’s design threshold, ADT volume, and whether the roadway segment operates within its design threshold. As seen in Table 4.15-8, all study roadways are anticipated to operate within their design threshold under Near-Term Base conditions.

**Table 4.15-6. Peak Hour Intersection LOS Results – Near-Term Base Conditions**

Intersection	Control Type	Peak Hour	Existing	
			Delay <sup>a</sup>	LOS <sup>b</sup>
1. Oak Knoll Road/Poway Road	Signal	AM	35.1	D
		PM	32.6	C
2. Pomerado Road/Poway Road	Signal	AM	41.1	D
		PM	46.9	D
3. Pomerado Road/Oak Knoll Road	Signal	AM	19.2	B
		PM	19.5	B
4. Oak Knoll Road/Project Driveway	Side-Street Stop Controlled	AM	--	--
		PM	--	--
5. Oak Knoll Road/Carriage Road	All-Way Stop Controlled	AM	7.4	A
		PM	8.1	A

Source: Appendix L.

Notes: Intersection #4 does not exist under this scenario.

For Side-Street Stop Controlled intersections, the delay shown is the worst delay experienced by any of the approaches.

<sup>a</sup> Average delay expressed in seconds per vehicle.

<sup>b</sup> Level of Service.

**Table 4.15-7. Roadway Segment ADT and Thresholds – Near-Term Base Conditions**

Roadway	Segment	Functional Classification	Design Threshold	ADT	Within Design Threshold?
Poway Road	West of Oak Knoll Road	4-Lane Major Arterial	43,000	41,250	Yes
	Oak Knoll Road to Pomerado Road	4-Lane Major Arterial	43,000	36,380	Yes
Pomerado Road	North of Poway Road	4-Lane Collector	32,000	23,520	Yes
	Poway Road to Oak Knoll Road	4-Lane Collector	32,000	16,490	Yes
	South of Oak Knoll Road	4-Lane Collector	32,000	24,600	Yes
Oak Knoll Road	Poway Road to Pomerado Road	2-Lane Local Collector	10,900	6,900	Yes
	Pomerado Road to Carriage Road	2-Lane Local Collector	10,900	4,000	Yes
Carriage Road	Poway Road to Oak Knoll Road	2-Lane Local Collector	10,900	3,360	Yes

Source: Appendix L.

Notes: ADT = Average Daily Traffic.

**Near-Term Plus Project**

Roadway and intersection geometrics under the Near-Term Plus Project conditions were assumed to be identical to existing geometrics with the addition of the project driveway on Oak Knoll Road. Near-Term Plus Project traffic volumes were derived by combining the Near-Term Base traffic volumes (displayed in Figure 4.15-6, Traffic Volumes - Near Term Conditions) and the project trip assignment volumes (displayed in Figure 4.15-3). Peak hour intersection volumes for this scenario are displayed in Figure 4.15-7, Traffic Volumes - Near Term Plus Project Conditions.

**Intersections**

Table 4.15-8 displays intersection LOS and average vehicle delay results under Near-Term Plus Project conditions. As seen in Table 4.15-8, all study area intersections are projected to operate at LOS D or better under Near-Term Plus Project conditions. As such, the project would have a **less than significant impact**.

**Roadway Segments**

Table 4.15-9 displays each study roadway segment’s design threshold, ADT volume, and whether the roadway segment operates within its design threshold. As seen in Table 4.15-9, all study roadways are anticipated to operate within their design threshold under Near-Term Plus Project conditions. As such, the project would have a **less than significant impact**.

**Table 4.15-8. Peak Hour Intersection LOS Results – Near-Term Plus Project Conditions**

Intersection	Control Type	Peak Hour	Near-Term		Near-Term With Project		$\Delta^c$ Delay	Sig?
			Delay <sup>a</sup>	LOS <sup>b</sup>	Delay	LOS		
1. Oak Knoll Road/ Poway Road	Signal	AM	35.1	D	37.0	D	1.9/1.0	No
		PM	32.6	C	33.6	C		
2. Pomerado Road/ Poway Road	Signal	AM	41.1	D	41.2	D	0.1/0.4	No
		PM	46.9	D	47.3	D		
3. Pomerado Road/ Oak Knoll Road	Signal	AM	19.2	B	19.5	B	0.3/0.6	No
		PM	19.5	B	20.1	C		
4. Oak Knoll Road/ Project Driveway	Side-Street Stop Controlled	AM	--	--	10.5	B	10.5/9.8	No
		PM	--	--	9.8	A		
5. Oak Knoll Road/ Carriage Road	All-Way Stop Controlled	AM	7.6	A	7.4	A	0.1/0.1	No
		PM	8.1	A	8.2	A		

Source: Appendix L.

Notes: Sig = Significant impact, yes or no; Intersection #4 does not exist under Near Term scenario.

For Side-Street Stop Controlled intersections, the delay shown is the worst delay experienced by any of the approaches.

<sup>a</sup> Average delay expressed in seconds per vehicle.

<sup>b</sup> Level of service

<sup>c</sup>  $\Delta$  denotes the increase in delay due to project in seconds.

**Table 4.15-9. Roadway Segment ADT and Thresholds – Near-Term Plus Project Conditions**

Roadway	Segment	Functional Classification	Design Threshold	ADT	Within Design Threshold?
Poway Rd	West of Oak Knoll Rd	4-Lane Major Arterial	43,000	41,628	Yes
	Oak Knoll Rd to Pomerado Rd	4-Lane Major Arterial	43,000	36,436	Yes

Table 4.15-9. Roadway Segment ADT and Thresholds – Near-Term Plus Project Conditions

Roadway	Segment	Functional Classification	Design Threshold	ADT	Within Design Threshold?
Pomerado Rd	North of Poway Rd	4-Lane Collector	32,000	23,584	Yes
	Poway Rd to Oak Knoll Rd	4-Lane Collector	32,000	16,610	Yes
	South of Oak Knoll Rd	4-Lane Collector	32,000	24,694	Yes
Oak Knoll Rd	Poway Rd to Pomerado Rd	2-Lane Local Collector	10,900	7,222	Yes
	Pomerado Rd to Carriage Rd	2-Lane Local Collector	10,900	4,536	Yes
Carriage Rd	Poway Rd to Oak Knoll Rd	2-Lane Local Collector	10,900	3,454	Yes

Source: Appendix L.

Notes: ADT = Average Daily Traffic.

### Pedestrian Mobility

As previously stated, pedestrian circulation throughout the study area is mainly provided by sidewalks. The project would potentially add 1,000 feet of pedestrian trail that would connect the project to the commercial uses and a MTS bus stop along Poway Road, north of the project site. Overall, pedestrian facilities would be improved with implementation of the proposed project and impacts would be **less than significant**.

### Bicycle Mobility

All bicycle facilities along the project frontage have already been implemented. No additional bicycle improvements are planned to be implemented by the proposed project. The project would not have a significant impact on existing bicycle facilities. Impacts would be **less than significant**.

### Transit Mobility

The proposed new pedestrian trail would provide pedestrian access from the project site to nearby bus stations. The project site would be served by MTS Bus Routes 944, 945 and 945A. Overall, transit mobility would be improved with implementation of the proposed project and impacts would be **less than significant**.

### Site Assessment

#### *On-Site Vehicular Circulation*

The project would take access via the main driveway located on Oak Knoll Road. The driveway would connect to an internal project roadway that is a north/south loop through the project site. The internal project roadway connects to each dwelling unit's driveway. As shown in the previous section, the proposed project driveway is anticipated to operate at LOS A under all analysis scenarios. The project driveway will be designed to provide adequate corner sight distance for vehicles exiting the project site. There are no sight distance issues anticipated as the project driveway is located on a straight segment of Oak Knoll Road with no vertical or horizontal curvature. Driveway design plans showing the corner sight distance triangles will be submitted as part of the civil design plan set to the City.

### **Parking**

The project would provide two-car parking garages for each unit and 20-foot-deep driveways to accommodate off-street parking. Additionally, the project includes 40 guest parking spaces along the private streets on the site. As such, the project would provide adequate parking spaces for the residents and their guests. It should be noted that the parking located within the project site would only be available to project residents and their guests. Parking spill over from the adjacent neighborhood would not be allowed. It will be the responsibility of the HOA to identify and report violators to the proper authorities.

### **Emergency Access**

Emergency vehicle access is provided by the project's primary entrance off Oak Knoll Road and within proposed private streets. ~~Additionally, the project boundary at Roca Grande Drive is proposed to be a gated emergency vehicle access that could be used for resident evacuation purposes, at the discretion of the Poway Fire Department.~~ Emergency medical services, including ambulance transportation, are provided by the City as part of the Poway Fire Department operations. The nearest emergency facility, Palomar Medical Center – Poway, is located approximately 3 miles north of the proposed project on Pomerado Road. The nearest fire station (Station 1) is located approximately 1 mile east of the project site at 13050 Community Road.

The City of Poway Fire Department (PFD) does not have an internal response time standard, and the Fire Response Technical Memorandum utilizes the San Diego County standard of 5-minute travel time (7.5-minute total response time). The closest fire station to the project site is Fire Station 1, to which the furthest structure in the proposed project would be approximately 1.6 miles. According to Appendix P, Fire Response Technical Memorandum, response to the project site from the closest existing PFD fire station (Station 1) would arrive at the project's primary entrance off Oak Knoll Road within 3 minutes, 13 seconds travel time (5 minutes, 49 seconds total response time) and the most remote units within the project are reached within 3 minutes, 27 seconds travel time, or 5 minutes, 57 seconds total response time. This analysis indicates that the entire project is within a fast response time from the nearest fire station and meets the 5-minute travel time standard. This analysis also indicates that Station 3 also has a fast response time, arriving in 3 minutes, 48 seconds travel time at the project entry (5 minutes, 18 seconds total response time) and is an appropriate second-due engine. Impacts regarding site access or emergency access would be **less than significant**.

### **VMT Analysis**

The City has not yet adopted significance thresholds that utilize VMT to assess transportation related impacts, as required under Section 15064.3(b)(1) of the CEQA Guidelines. Therefore, the methodologies, substantial evidence, and recommended significance thresholds presented OPR's Technical Advisory were used to assess and identify the VMT related impacts that may be associated with the proposed project. It should be noted that the Guidelines for Transportation Impact Studies in the San Diego Region, May 2019 (Regional Guidelines) is an additional resource that can be used to identify and determine VMT related impacts within the San Diego Region. However, the VMT related significance thresholds presented in Regional Guidelines were derived, and are consistent with, OPR's Technical Advisory. Additionally, no jurisdiction within the San Diego Region has officially adopted or indorsed the Regional Guidelines to this point, thus they are only used for information purposes. Therefore, OPR's Technical Advisory was used as the primary source in determining the thresholds for the project (Appendix M).

**Screening Criteria**

OPR’s Technical Advisory outlines several screening criteria in which land development can be assumed to have a less than significant VMT related impact, and are thus screened out from conducting a detailed VMT analysis. OPR’s identified screening criteria includes small project screening (generates less than 110 daily trips), projects located within a VMT efficient area, projects located within a Transit Priority Area, 100% affordable housing projects, and locally serving uses. The project does not meet any of the identified screening criteria, and therefore is required to conduct a detailed VMT analysis.

**Significance Thresholds**

As discussed above in Section 4.15.3, Thresholds of Significance, the significance threshold used to evaluate and identify the proposed project’s VMT related impacts was 16.1 miles [18.9 miles X (100% - 15%)]. Since the project’s VMT related impacts will be assessed utilizing an efficiency-based metric (VMT per capita), the proposed project’s direct (project) and cumulative impacts can be assumed to be the same, thus, no additional cumulative analysis is required.

**VMT Analysis Tool**

The SANDAG Series 14 Regional Growth Forecast (ABM2+) is the most up-to-date transportation forecast within the San Diego region. ABM2+ utilizes a tour-based methodology to calculate both vehicular trip generation and VMT output. This is consistent with the recommendations outlined in Section B1 of OPR’s Technical Advisory. Based on these findings, the ABM2+ was identified as the most accurate and correct tool to evaluate the project’s VMT related impacts. As such, the San Diego Region SB 743 VMT Maps was utilized to derive the VMT per capita for the project site.

**VMT Impact Analysis**

Table 4.15-10 evaluates the VMT per capita in which the proposed project’s site is anticipated to generate. Additionally, the table compares the project VMT to the regional significance threshold to identify if the project would have a significant VMT related impact.

As shown in Table 4.15-10, the project site is anticipated to generate a VMT per capita that is 4.6 miles per resident over the regional the regional threshold, thus resulting in a significant VMT related impact. The project would need to reduce its overall VMT generation by 22.2% (4.6 miles / 20.7 miles) to reduce this impact to less than significant.

**Table 4.15-10. VMT Impact Analysis**

Project Site VMT Per Capita (Miles) <sup>1</sup>	Regional VMT Per Capita Threshold (Miles)	Difference (Miles)	Difference (%)	Significant Impact?
20.7	16.1	4.6 over	+22.2%	Yes

Source: Appendix M.

**Notes:**

1 Source: San Diego Region SB 743 VMT Maps (TAZ 1395).

#### 4.15.4.1 CEQA Impacts

***Would the project conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?***

Consistency with these Transportation Master Element policies were evaluated in this analysis since they focus on circulation element roadways. The proposed project is not proposing any features that are inconsistent with the City's Transportation Master Element. It should be noted that the proposed project land uses are consistent with those assumed in the City's Housing Element Update. Therefore, the roadway operation findings in this study are also consistent with those outlined in the City's Transportation Master Element. As a result, the proposed project will not change or create any inconsistencies within the City's Transportation Master Element.

Based on the City of Poway significance thresholds and the analysis methodology, project-related and cumulative traffic was calculated to result in less than significant impacts. Direct impacts were calculated where project-added traffic resulted in a degradation in measures of effectiveness above the allowable thresholds in the Near-Term conditions. Cumulative impacts were calculated where project-added traffic resulted in a degradation in measures of effectiveness greater than the allowable thresholds. The impacts would be **less than significant**.

***Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?***

As shown in Table 4.15-10, the project site is anticipated to generate a VMT per capita that is 4.6 miles per resident over the regional threshold, thus resulting in a significant VMT related impact. The project would need to reduce its overall VMT generation by 22.2% (4.6 miles / 20.7 miles) to reduce this impact. Therefore, based on the applied significance criteria, potential impacts caused by the project VMT would be **potentially significant (Impact TR-1)**, and mitigation would be required (MM-TR-1).

***Would the project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?***

No potentially hazardous roadway design features (e.g., sharp curves, dangerous intersections) are proposed as part of the project. The installation and maintenance of sight-distance corridors would ensure that unobstructed line of sight is available on the approach to proposed project intersections and driveways to maximize the length of roadway visible to motorists. A pedestrian trail within the project site is one of several planned improvements designed to enhance safety for pedestrians (see Appendix L for further details). Signage, ground markings, and speed reduction measures would be implemented to help manage travel speeds and enhance pedestrian safety. Compliance with Engineering Standards, safety-related policies, and incorporation of the proposed project's TDM measures would ensure that the impacts of the proposed project relative to traffic hazards would be **less than significant**.

***Would the project result in inadequate emergency access?***

The proposed project site is divided by Oak Knoll Road. The northern portion of the project site would have one main access point via Oak Knoll Road, ~~and one emergency vehicle access only access point via Roca Grande Road.~~ The southern portion of the site would be accessible via Oak Knoll Road. PFD has necessary turnarounds and turnouts for fire apparatus access roads within the project area to provide access to all structures—all of which conform to the required diameter for turnarounds and turnouts. All new roads in the City—including any that would be constructed as part of the proposed project—must follow PFD's protocol to ensure adequate emergency access (PFD 2013).



Emergency medical services, including ambulance transportation, are provided by the City as part of the Poway Fire Department operations. The nearest emergency facility, Palomar Medical Center – Poway, is located approximately 3 miles north of the proposed project on Pomerado Road. The nearest fire station (Station 1) is located approximately 1 mile east of the project site. As outlined in Section 4.13, Public Services, PFD does not have an internal response time standard, and the Fire Response Technical Memorandum utilizes the San Diego County standard of 5-minute travel time (7.5-minute total response time). The closest fire station to the project site is Fire Station 1, to which the furthest structure in the proposed project would be approximately 1.6 miles. According to Appendix P, response to the project site from the closest existing PFD fire station (Station 1) would arrive at the project's primary entrance off Oak Knoll Road within 3 minutes, 13 seconds travel time (5 minutes, 49 seconds total response time) and the most remote units within the project are reached within 3 minutes, 27 seconds travel time, or 5 minutes, 57 seconds total response time. This analysis indicates that the entire project is within a fast response time from the nearest fire station and meets the 5-minute travel time standard. This analysis also indicates that Station 3 also has a fast response time, arriving in 3 minutes, 48 seconds travel time at the project entry (5 minutes, 18 seconds total response time) and is an appropriate second-due engine.

As part of the construction and occupancy permitting process, emergency access throughout the site would be reviewed for consistency with and adherence to standards identified in applicable regulatory documents including but not limited to the Uniform Building Code and California Fire Code. In addition, structures would be inspected by emergency responder entities including the fire department. Therefore, impacts regarding site access and/or emergency access would be **less than significant**.

### 4.15.5 Cumulative Impacts

Cumulative impacts were calculated where project-added traffic resulted in a degradation in measures of effectiveness greater than the allowable thresholds in the Near Term Plus Project condition. Cumulative impacts would be **less than significant**.

Cumulative impacts related to VMT would be potentially significant, as previously stated, the project's generated VMT is above the Regional VMT Per Capita Threshold. Therefore, based on the applied significance criteria, the proposed project would contribute to a cumulatively considerable impact relative to VMT and impacts would be **significant and unavoidable**.

### 4.15.6 Mitigation Measures

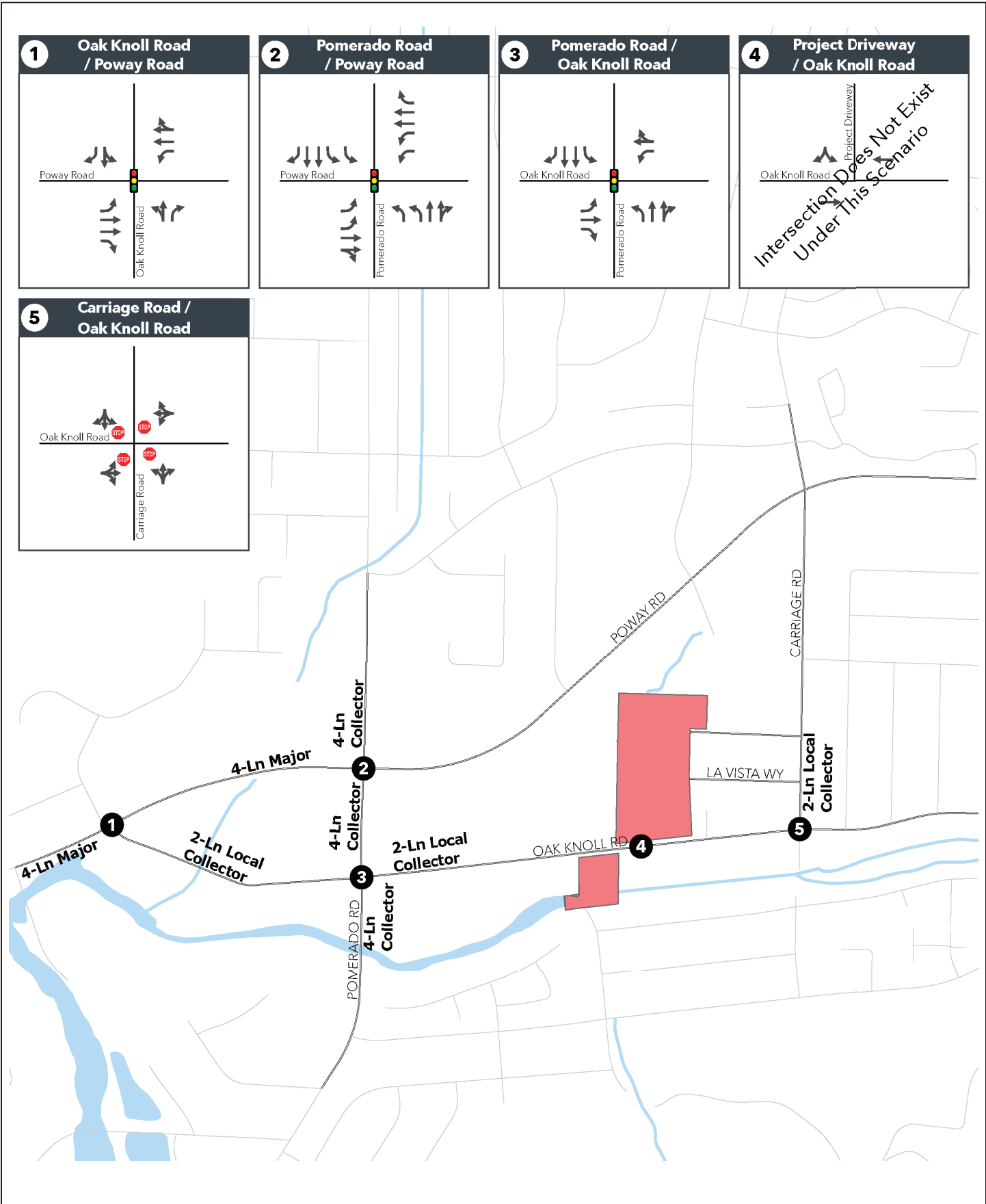
As outlined in the Traffic Impact Study (Appendix M), TDM measures included in the CAPCOA GHG Handbook were analyzed against the project for its applicability. The VMT reductions that would be associated with each identified feasible measure were then calculated in Section 3.3 of Appendix M. As outlined in Table 3.2 of Appendix M, only one measure was determined to be feasible. This measure is outlined below.

**MM-TR-1: Provide Community-Based Travel Planning.** The project HOA ~~would~~ shall provide alternative modes of transportation information to residents and tenant as a part of the "New Resident" or "New Tenant" package. The HOA will also provide residents with transit schedules within the area, and alert residents when new transit services are added, or services are charged. The HOA will also act as Travel Advisor, providing new residents and tenants with information regarding how members of households can travel in alternative ways that meet their needs.

Based on US Census data, the average people per household within the City is 2.99. Therefore, the project would be anticipated to have a total of 191 residents (2.99 people per household X 64 units). All project residents would be targeted with the CBTP. (191 CBTP Targeted Residences/191 Total Residents) x 19% x 12% x 1 = 2.3% VMT Reduction.

### 4.15.7 Level of Significance after Mitigation

When determining the overall VMT reduction associated with the project, the VMT reduction for each individual strategy should be dampened, which is adjusted to reflect that some of the strategies of the strategies may be redundant or applicable to the same populations. Consequently, if all potential TDM measures identified in the previous section were fully realized, the project's VMT would be reduced by 2.3% to 20.22 miles (20.7 miles X (100%-2.3%)). The reduction is not sufficient to reduce the VMT per capita below the regional threshold (16.1 miles). Therefore, the project's VMT per capita would result in a significant impact. As outlined in Appendix M, no additional feasible quantifiable VMT reducing measures exist. Therefore, the proposed project's VMT related impact would be **significant and unavoidable**.



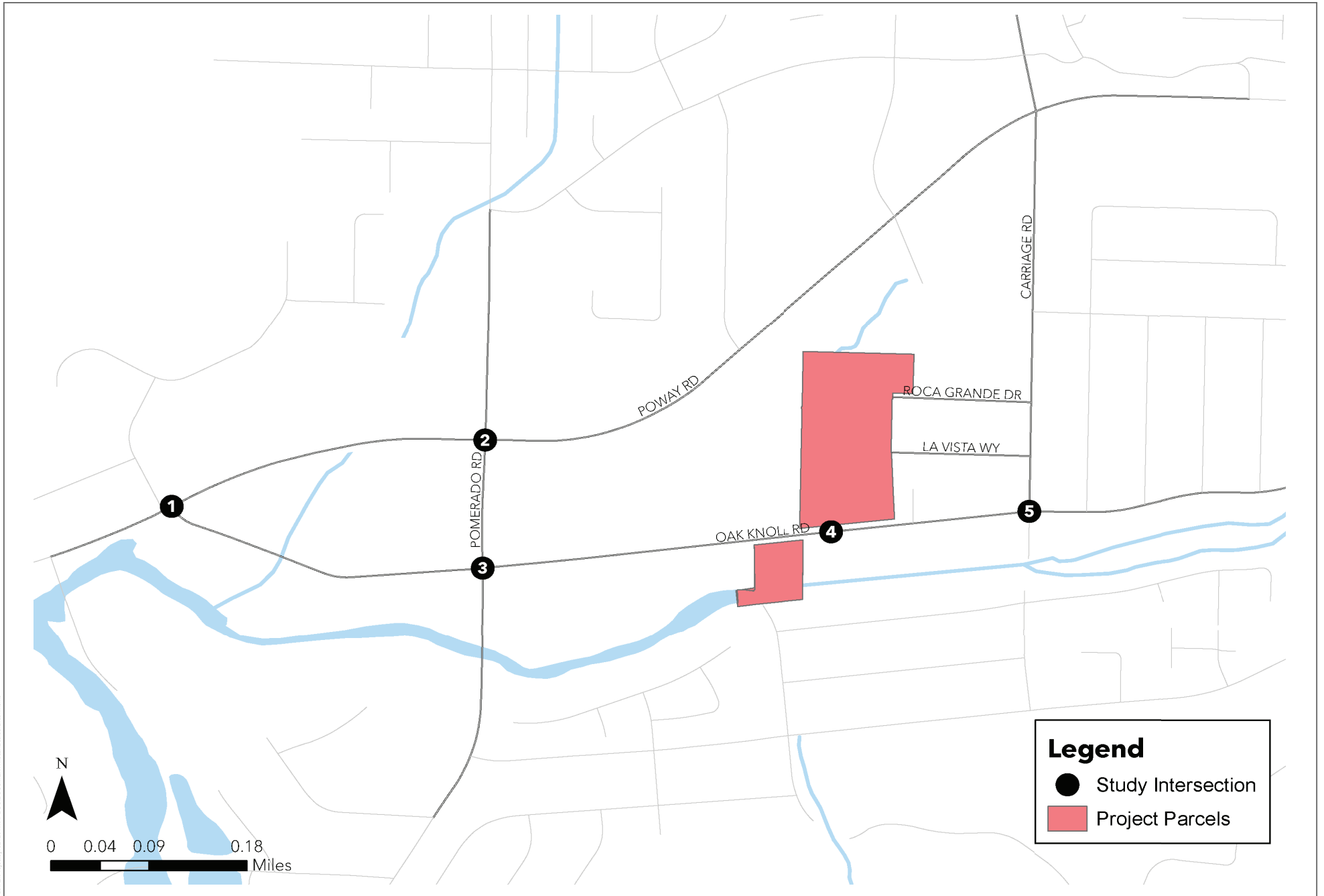
SOURCE: Intersecting Metrics 2022

FIGURE 4.15-1

Intersection Lane Configuration - Existing Conditions

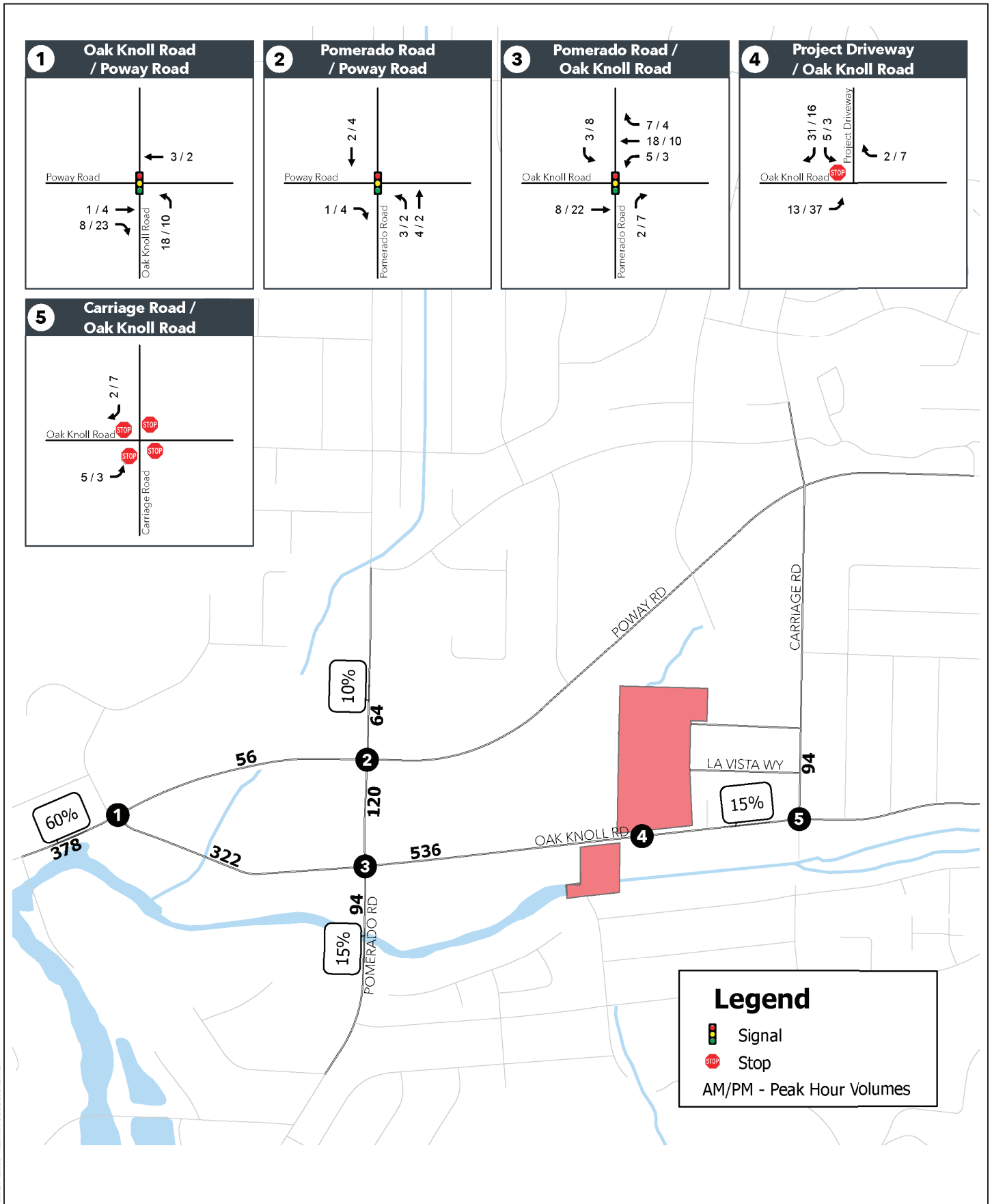
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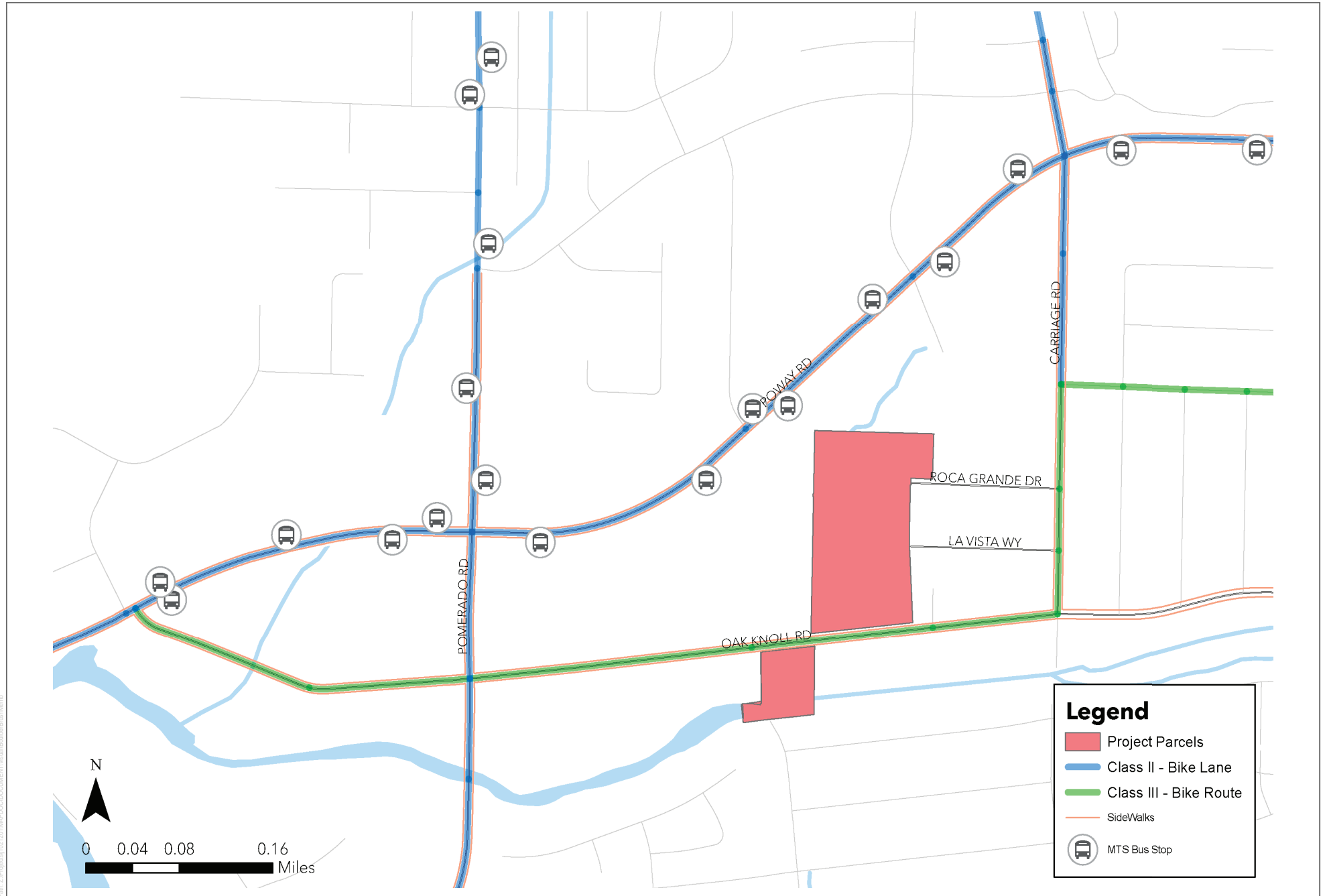
FIGURE 4.15-3

Traffic Volumes - Project Trip Assignment

Harmon Ranch Specific Plan Project EIR

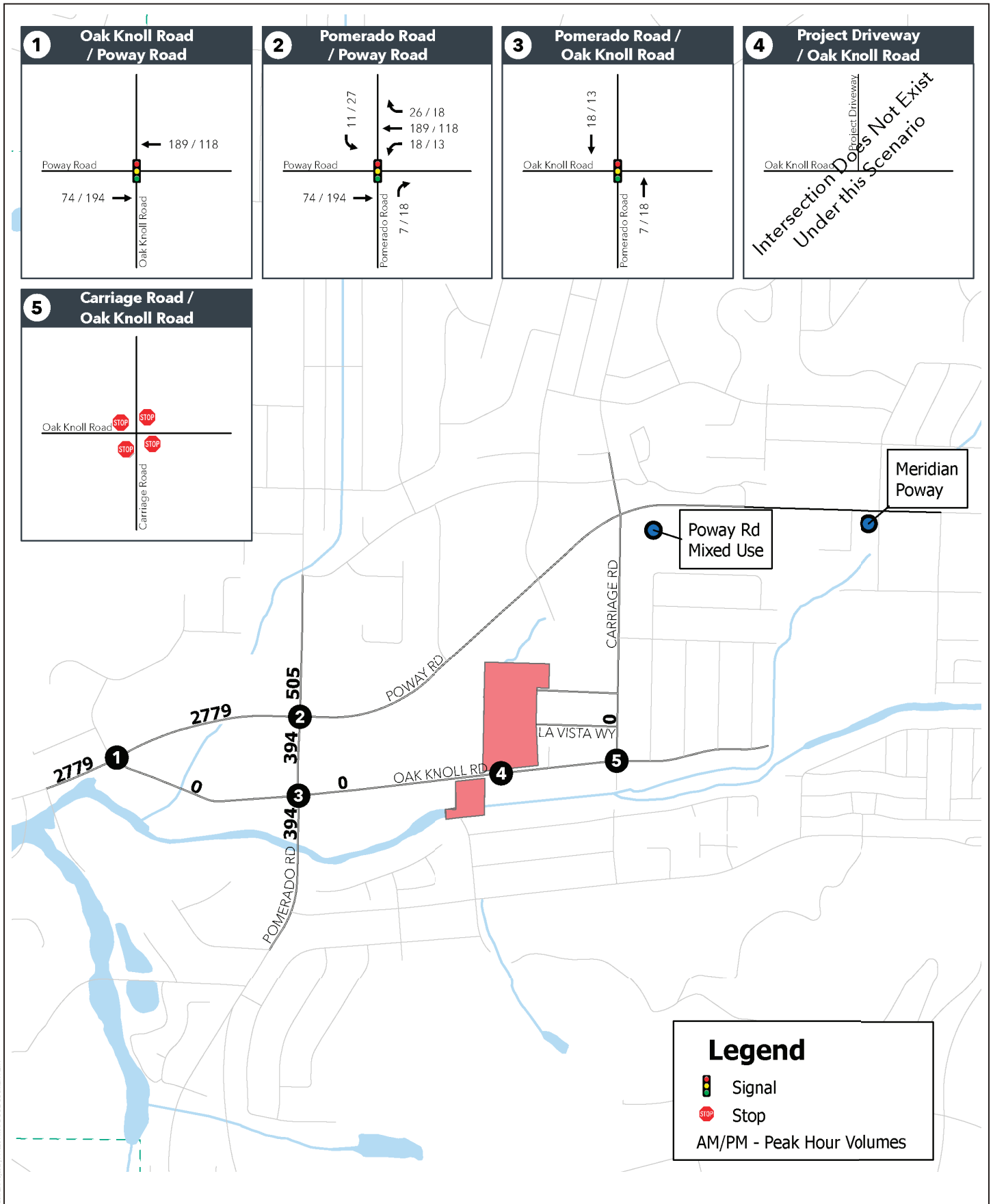
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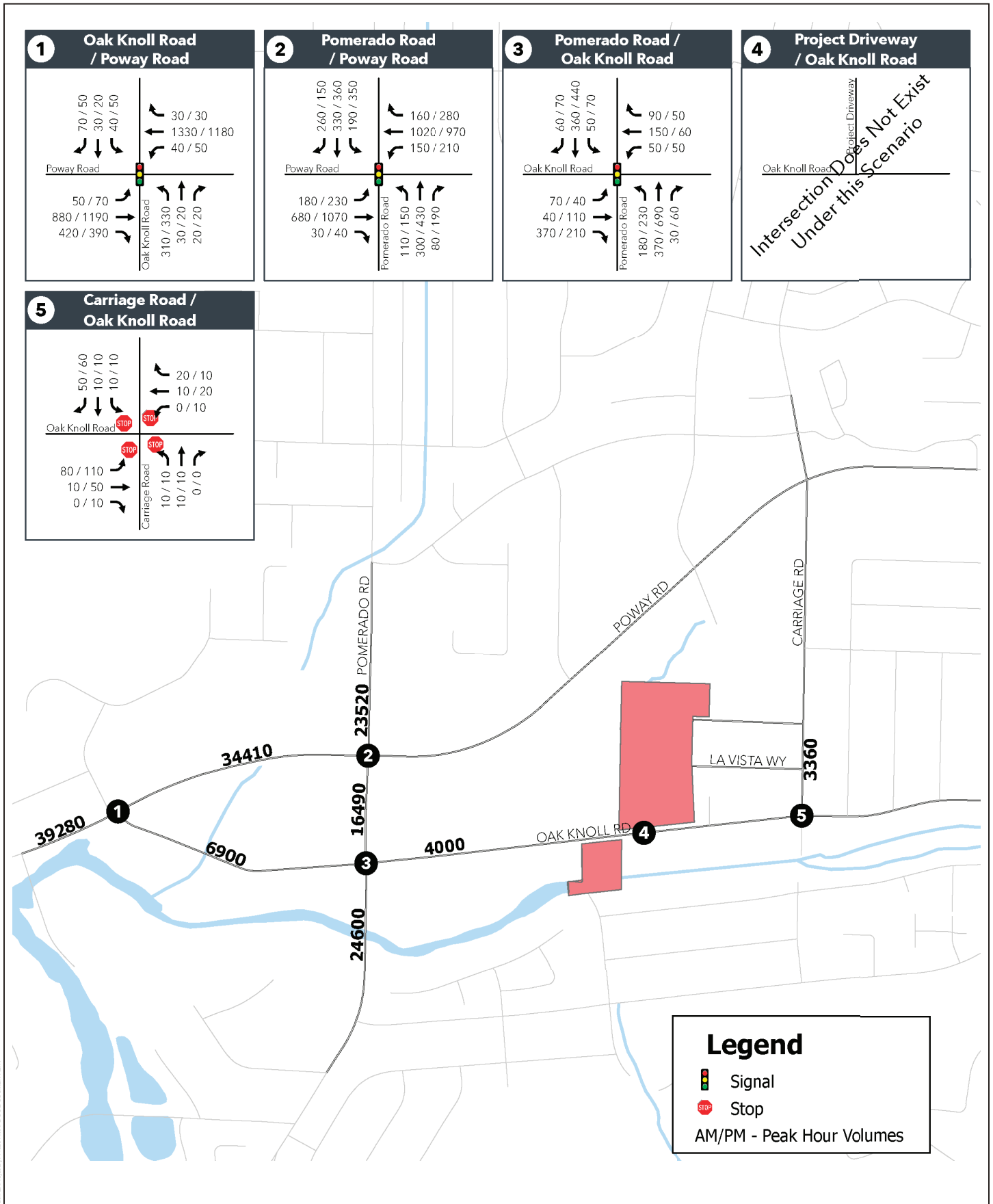
SOURCE: Intersecting Metrics 2022

FIGURE 4.15-5

Cumulative Projects - Locations and Trip Assignment

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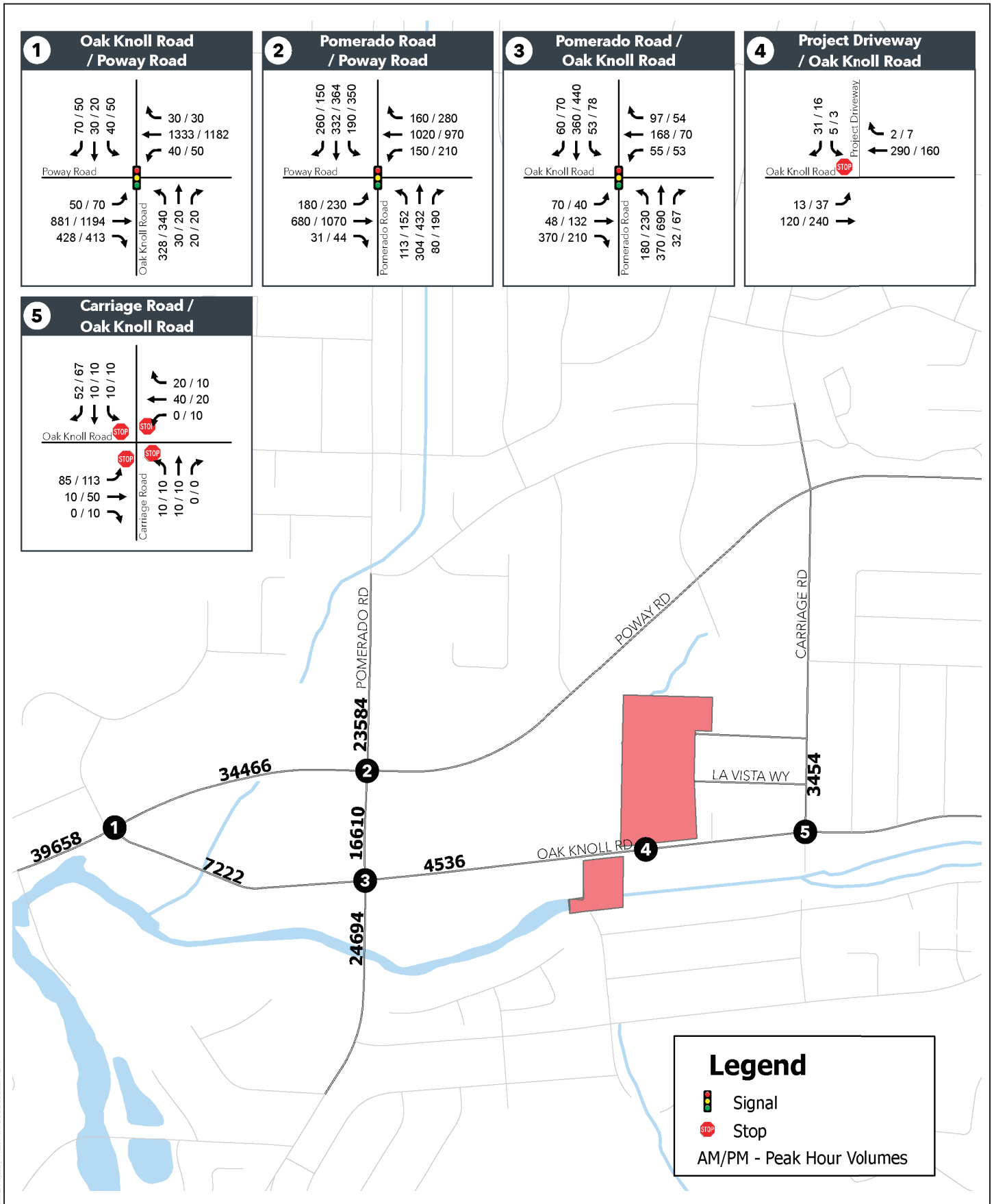
SOURCE: Intersecting Metrics 2022

FIGURE 4.15-6

Traffic Volumes - Near Term Conditions

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SOURCE: Intersecting Metrics 2022

FIGURE 4.15-7

Traffic Volumes - Near Term Plus Project Conditions

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## 4.16 Utilities and Service Systems

This section describes the existing utilities conditions of the Harmon Ranch project (proposed project) site and vicinity, identifies associated regulatory requirements, evaluates potential impacts, and identifies mitigation measures related to implementation of the proposed project. Potential impacts associated with electricity, natural gas, and fuel (petroleum) are analyzed in Section 4.5, Energy, of this environmental impact report (EIR). This section covers resources related to water, wastewater, stormwater, and solid waste. This analysis is based on review of existing resources; technical data; applicable laws, regulations, and guidelines; the Water Service Analysis for the Harmon Ranch Project (included as Appendix N) prepared for the City of Poway by Mission Consulting Services in September 2023, and the Sewer Service Analysis for the Harmon Ranch Project (included as Appendix O) prepared by Dexter Wilson Engineering, Inc. in September 2023.

A Notice of Preparation (NOP) was circulated from February 1, 2023, through March 3, 2023. During the NOP comment period, comment letters related to utilities and service systems focused on the following topics:

- Source of water supply
- Impacts to existing sewer lines

These comments were considered during the preparation of this EIR. The Initial Study, NOP, and Public Scoping comments are provided in Appendix A of this EIR.

### 4.16.1 Existing Conditions

#### **Local Water Source and Supply**

The City of Poway (City) Public Works Department operates a modern water treatment and distribution system. The City's water infrastructure is supported by importation of water from both the Colorado River and Northern California. Within the City, Lake Poway serves as a storage reservoir and is able to store over 1 billion gallons of water at a time. Water flows through the Lester J. Berglund Water Treatment Plant (Berglund WTP), where approximately 3 billion gallons of drinking water are treated every year. Once treated, the drinking water enters a system of pipes, pump stations, and reservoirs for delivery to customer's homes and businesses. The City's drinking water meets or exceeds all state and federal standards for water quality (City of Poway n.d.).

#### **Regional Water Supply and Distribution**

##### ***San Diego County Water Authority***

The San Diego County Water Authority (SDCWA) provides 99% of the City's water in the form of untreated water, with the remaining demand being met through recycled water purchased from the City of San Diego (City of Poway 2020). SDCWA is supplied water by the Metropolitan Water District of Southern California (MWD), water transfers from the Imperial Irrigation District, and desalinated water from the Carlsbad Desalination Plant. MWD water derives primarily from the State Water Project and the Colorado River (SDCWA 2021). All of this imported water is treated locally at the City's water treatment plant and then distributed via a complex and comprehensive systems of pumps and pipes (City of Poway 2020).

The project site is located within the service area known as the 715 zone. This pressure zone is supplied by gravity from the City's main 865 Zone through several pressure reducing stations and from the 895 Zone to the south. The 1.0-million gallon Celestial Reservoir provides storage for this zone.

The SDCWA service area covers approximately 951,000 acres, services a population of approximately 3.3 million people, and encompasses the western third of the County of San Diego (County). SDCWA water is imported from MWD under a transfer agreement with Imperial Irrigation District, and agreements for the lining of the All American and Coachella Canals, via the Quantification Settlement Agreement of October 2003. Most of this water is obtained from the Colorado River and the State Water Project through a massive system of pipes and aqueducts (SDCWA 2021).

Both MWD and SDCWA provide water to their member agencies to meet projected water demand based on regional population forecasts. The San Diego Association of Governments is responsible for providing and updating land use planning and demographic forecasts for the County. MWD and SDCWA update their water demand and supply estimates based on the most recent demographic forecasts approximately every 5 years to coincide with preparation of their respective Urban Water Management Plans (UWMPs) (SDCWA 2021).

SDCWA's 2020 UWMP includes a summary of the total projected water supplies and demands over the next 25 years in 5-year increments under normal, single dry, and multiple dry water years within SDCWA's service area (which includes the City and Poway Municipal Water District). SDCWA's reliability assessment demonstrates that, even with very conservative assumptions regarding the availability of dry year supplies from MWD, the San Diego region's existing and projected water resource mix is increasingly drought-resilient and the SDWCA would be able to meet demand during single dry years and multiple dry years (SDCWA 2021). In summary, the regional water supply agencies, MWD and SDCWA, contemplate sufficient, reliable supplies to serve existing and projected future demand.

The City imports 99% of its water supply from SDCWA in the form of raw, untreated water. When available, the City's water supply also includes local rainfall that is captured in Lake Poway. Poway also purchases recycled water (approximately 400–500 acre-feet per year) from the City of San Diego for irrigation in the Poway Business Park. The City owns and operates the Berglund WTP, which treats the raw, untreated imported water and rainfall to potable (drinking water) levels for the City. The Berglund WTP has a peak design capacity of 24 million gallons per day (mgd). The distribution system includes approximately 294 miles of water mains; 18 pressure zones; one 10-million-gallon clear well; and 18 drinking water storage tank reservoirs that range in capacity from 200,000 gallons to 2.5 million gallons and exist to maintain adequate supplies during peak demand, for fire flow, or other emergencies (City of Poway 2020). All of the storage reservoirs are covered to prevent losses from evaporation and reduce pollution or contamination risks. The City's surface water reservoir, Lake Poway, is a constructed surface storage reservoir with a maximum capacity of 3,300 acre-feet (or 1,075 million gallons). Lake Poway provides storage for emergencies and buffers the effects of peak seasonal water demands. Imported water supplies are delivered to SDCWA and the City through a system of large-diameter pipelines, pumping stations, and reservoirs (City of Poway 2020). The service area population in 2020 was estimated as 49,062 people and is only expected to increase by approximately 211 people or 4% over the next 25 years. (City of Poway 2020).

The City's potable water use for 2020 was 8,774 acre-feet, which was an approximately 4% increase from the 2015 water use of 8,374 acre-feet. As part of the 2015 UWMP, the City projected that the water use in 2020 would be 10,697 acre-feet, including raw water, system losses and sales to other agencies. The actual 2020 demand was almost 18% less than the projected 2020 demand. The City's initiatives to decrease water

use to meet 2020 gallon per capita per day targets and drought restrictions have been the biggest factors in the actual 2020 water demand being less than that projected in the 2015 UWMP (City of Poway 2020).

**Metropolitan Water District of Southern California**

MWD supplies water to approximately 19 million people in a 5,200-square-mile service area that includes portions of Ventura, Los Angeles, Orange, San Bernardino, Riverside, and San Diego Counties. The MWD service area covers a 70-mile-wide strip of the Southern California coastal plain, extending from the City of Oxnard on the north to the US-Mexico international border on the south. Close to half of the water used in this region is supplied by MWD, and about 90% of the regional population receives at least some of its water from MWD. MWD provides approximately 71% of the total water supply for the County, including incorporated areas such as the City. SDCWA is one of MWD’s 27 member agencies and is the largest MWD member agency in terms of deliveries (MWD 2011).

**Wastewater Service**

The City’s Public Works Department operates and maintains the sewer system that wastewater generated from the proposed project would be conveyed through. The wastewater collected in the City’s sewage system is conveyed from the City of San Diego’s Municipal Wastewater System through the Metropolitan Wastewater System for treatment at either the North City Water Reclamation Plant (NCWRP) or the Point Loma Wastewater Treatment Plant (PLWTP) (Appendix Q, Harmon Ranch Specific Plan).

NCWRP is located approximately 9.6 miles southwest of the project site, is a tertiary treatment facility, and provides reclaimed water to the City for irrigation, landscaping, and industrial use. NCWRP’s treatment capacity is 30 mgd and currently operates at a nominal flow rate of 15.4 mg (City of San Diego n.d.a; PUD 2017). PLWTP is located approximately 22 miles southwest of the project site, is a primary treatment plant, and treats the majority of the City’s wastewater (City of Poway 2019; PUD 2017). The PLWTP has a treatment capacity of 240 mgd and currently operates at an average daily flow rate of 175 mgd (City of San Diego n.d.b; PUD 2017). Table 4.16-1 shows the wastewater treatment capacities of the facilities discussed above.

**Table 4.16-1. Wastewater Treatment Capacities**

Facility	Average Daily Throughput (mgd)	Maximum Daily Throughput (mgd)	Percentage of Capacity
NCWRP	15.4	30	46
PLWTP	175	240	73

**Source:** City of San Diego. n.d.a, n.d.b; PUD 2017.

**Note:** NCWRP = North City Water Reclamation Plant; PLWTP = Point Loma Wastewater Treatment Plant.

Existing City sewer facilities in proximity to the project site include an 8-inch public sewer line and a 30-inch public trunk sewer within Oak Knoll Road. Sewer flow from existing residences along Oak Knoll Road are conveyed through 8-inch public gravity sewer lines that move east to west and tie into the 30-inch trunk sewer, which ultimately flows west from Oak Knoll Road to Pomerado Road.

### Storm Drain Systems

The Department of Public Works Stormwater and Flood Control Division manages and maintains the stormwater drain lines within the City to collect storm runoff and help prevent flooding of developed areas. The stormwater system consists of channels, gutters, drains, catch basins, and pipes that convey the runoff to receiving water bodies. The City is located within two watershed management areas: Los Penasquitos, which covers 61.7% of the City, and San Dieguito, which covers the remaining 38.3% of the City. The project site falls within the Los Penasquitos Watershed Management Area.

The City adopted its Jurisdictional Runoff Management Plan in 2015, which directs the City to reduce discharges of pollutants into stormwater conveyance systems through implementation of best management practices, water quality monitoring, educational outreach, municipal maintenance procedures, and inspection and enforcement programs. As discussed in Chapter 3, Project Description, the project site drains in a general southern direction and discharges to an existing 36-inch storm drain located in Oak Knoll Road. An existing open channel across the northwestern portion of the project site drains southwesterly to the adjacent apartment site. Drainage is conveyed off site within an 8'x5' Reinforced Concrete Box (RCB) in a southwesterly direction. The 36-inch Oak Knoll Road storm drain joins the 8'x5' RCB that discharges to the west of the project site into Poway Creek.

### Solid Waste Disposal

The City contracts with a private hauler, EDCO, for residential and commercial solid waste and recycling pickup and disposal. EDCO has been family owned and operated since 1967, and serves waste and recycling demands of Southern California communities. With a focus on recycling, EDCO has developed an extensive network of material recovery facilities, construction and demolition processing facilities, commingled recycling processing centers, buyback centers, and household hazardous waste collection centers that are collectively designed to maximize recovery efforts (EDCO n.d.). EDCO currently operated six certified recycling buyback centers, four material recovery facilities, six transfer stations, and two mixed construction demolition and inert processing facilities with a goal of achieving zero waste. In 2020, EDCO diverted over 910,027 tons from the landfill.

According to the California Department of Resources Recycling and Recovery (CalRecycle), the 2019 per-capita disposal rate estimate for residential uses was 6.7 pounds per resident per day (CalRecycle 2019a).

## 4.16.2 Relevant Plans, Policies, and Ordinances

### Federal

#### ***Federal Water Pollution Control Act of 1972 (Clean Water Act)***

The principal federal law regulating water quality in the United States is the 1972 Federal Water Pollution Control Act, also known as the Clean Water Act. The fundamental purpose of the Clean Water Act is the protection of designated beneficial uses of water resources. The Clean Water Act establishes a system of water quality standards, discharge limitations, and permits; it requires states to adopt water quality standards to protect public health and welfare, enhance the quality of water, and serve the other purposes of the Clean Water Act. The Clean Water Act was amended in 1987 to include urban and stormwater runoff, which required many cities to obtain a National Pollutant Discharge Elimination System (NPDES) permit for stormwater conveyance system discharges (see below).

Under Section 404 of the Clean Water Act, the U.S. Army Corps of Engineers regulates discharges of dredged or fill material into waters of the United States, requiring issuance of a Section 404 permit. Under Section 401 of the Clean Water Act, a state water quality certification must be obtained whenever an application for a federal permit for discharge of pollutants into waters of the United States is submitted, such as a Section 404 permit. The Section 401 certification requires that any activity affecting waters of the United States be in compliance with all applicable water quality standards, limitations, and restrictions.

### ***National Pollutant Discharge Elimination System***

The 1987 amendments to the Clean Water Act required many cities to obtain an NPDES permit for stormwater conveyance system discharges. Section 402(p) of the Clean Water Act prohibits discharges of pollutants contained in stormwater runoff, except in compliance with an NPDES permit.

### ***Safe Drinking Water Act***

Passed in 1974 and amended in 1986 and 1996, the Safe Drinking Water Act grants the U.S. Environmental Protection Agency the authority to set drinking water standards. Drinking water standards apply to public water systems, which provide water for human consumption through at least 15 service connections, or regularly serve at least 25 individuals. There are two categories of drinking water standards, (1) the National Primary Drinking Water Regulations and (2) the National Secondary Drinking Water Regulations. The National Primary Drinking Water Regulations are legally enforceable standards that apply to public water systems. These standards protect drinking water quality by limiting the levels of specific contaminants that can adversely affect public health and are known or anticipated to occur in water. The National Secondary Drinking Water Regulations are non-mandatory guidelines for certain substances that do not present a risk to public health.

### ***Water Resources Development Act***

The Water Resources Development Act (passed December 2016) includes short-term provisions that sunset after 5 years. These provisions increase pumping operations in the Sacramento–San Joaquin River Delta (Delta) at the highest levels allowed under biological opinions issued by state and federal wildlife agencies under the Endangered Species Acts, unless the pertinent agencies show that the increased pumping would cause additional adverse effects on listed fish (smelt and salmonid) species beyond the range of effects anticipated in those opinions, using the best scientific and commercial data available. The biological opinions have been subject to years of litigation between farming interests, urban water districts, fishing associations, and environmental groups, with the current versions upheld by the Ninth Circuit Court of Appeals. The new law's long-term provisions include significant funding authorizations that also should result in more water availability throughout California. These funding authorizations include long-term water infrastructure projects such as storage and groundwater projects; water recycling, reuse, and conservation projects; and design and construction of desalination projects. The additional funds will help supplement California's water bond.

## **State**

### ***Safe Drinking Water Act***

The State Safe Drinking Water Act (Health & Safety Code, Sections 116270 et seq.) builds on and strengthens the federal Safe Drinking Water Act. The state act authorizes the state's Department of Public Health to protect the public from contaminants in drinking water by establishing maximum contaminant levels that are at least as stringent as those developed by the U.S. Environmental Protection Agency under the federal act.

### ***California Drinking Water Standards***

State drinking water standards are based on federal standards and are listed in Title 22 of the California Code of Regulations. The California Department of Health Services administers the state drinking water standards.

### ***California Environmental Quality Act***

The California Environmental Quality Act (CEQA) (California Public Resources Code, Section 21000 et seq.) and CEQA Guidelines (14 CCR 15000 et seq.) are primary sources for environmental legislation in California; they require projects with potential adverse environmental effects (or impacts) undergo environmental review. Adverse environmental impacts are typically mitigated as a result of the environmental review process in accordance with existing laws and regulations.

### ***Water Conservation Act of 2009***

The Water Conservation Act (SBX7-7) (Water Code Section 10608) requires that all water suppliers increase water-use efficiency. This legislation sets an overall goal of reducing per-capita urban water use, compared to 2009 use, by 20% by December 31, 2020. The state must make incremental progress towards this goal by reducing per-capita water use by at least 10% on or before December 31, 2015. Each urban retail water supplier must develop urban water use targets and an interim urban water use target by July 1, 2011.

Under the Water Conservation Act, agricultural water suppliers are required to implement efficient water management practices including adoption of agricultural management plans by December 31, 2012, and updated plans by December 31, 2015, and every 5 years thereafter. Effective 2013, agricultural water suppliers not in compliance with these planning requirements are ineligible for state water grants or loans.

### ***California Water Code***

The California Water Code contains provisions that control almost every consideration of water and its use. Division 2 of the California Water Code provides that the State Water Resources Control Board (SWRCB) shall consider and act upon all applications for permits to appropriate waters. Division 6 of the Water Code controls conservation, development, and utilization of state water resources. Division 7 addresses water quality protection and management.

### ***Executive Order B-29-15 – Temporary Water Conservation Restrictions***

On April 1, 2015, Governor Brown issued temporary, emergency Executive Order B-29-15, seeking to achieve a 25% reduction in water use across the state as compared to the water use in 2013. The reduction amount required of each urban water supplier is determined based on per-capita water use whereby those areas with high per-capita use are to achieve proportionally greater reductions than those with low use. The Executive Order also directed SWRCB to adopt regulations, approved on May 5, 2015, mandating various water conservation restrictions to achieve the statewide 25% overall reduction in potable water usage through February 2016.

### ***Senate Bill 610***

State legislation has improved the link between water supply and land use planning. Senate Bill (SB) 610 (Water Code Sections 10910 et seq.) requires the preparation of a water supply assessment for projects within cities and counties that propose any of the following:

- Residential developments of more than 500 dwelling units
- Shopping centers or business establishments employing more than 1,000 persons or having more than 500,000 square feet of floor space
- Commercial office buildings employing more than 1,000 persons or having more than 250,000 square feet of floor space
- Hotels, motels, or both, having more than 500 rooms
- Industrial, manufacturing, or processing plants, or industrial parks planned to house more than 1,000 persons, occupying more than 40 acres of land, or having more than 650,000 square feet of floor area
- Mixed-use projects that include one or more of the projects specified in Water Code Section 10912(a)
- Projects that would demand an amount of water equivalent to or greater than the amount of water required by a 500-dwelling-unit project

SB 610 stipulates that when environmental review of certain large development projects is required, the water agency that is to serve the development must complete a water supply assessment to evaluate water supplies that are or will be available during normal, single dry, and multiple dry years during a 20-year projection to meet existing and planned future demands, including the demand associated with the proposed project (DWR 2003). Because the proposed project would construct less than 500 residential units, completion of a water supply assessment is not required and is not a part of this EIR.

### ***Senate Bill 221***

Enacted in 2001, SB 221 (Government Code Sections 66455.3 and 66473.7) requires that the legislative body of a city or county, which is empowered to approve, disapprove, or conditionally approve a subdivision map, must condition such approval upon proof of sufficient water supply. The term “sufficient water supply” is defined in SB 221 as the total water supplies available during normal, single dry, and multiple dry water years within a 20-year projection that would meet the projected demand associated with the proposed subdivision. The definition of sufficient water supply also includes the requirement that sufficient water encompass not only the proposed development, but also existing and planned future uses, including, but not limited to, agricultural and industrial uses.

SB 221 requirements do not apply to the general plans of cities or counties, but rather to specific development projects. In addition, SB 221 only applies in the event that the proposed development is considered a “project” under SB 610 (DWR 2003). Because the proposed project would construct less than 500 residential units, it would not be considered a “project” under SB 610, and thus SB 221 does not apply to the proposed project.

### ***Urban Water Management Planning Act***

The 1983 Urban Water Management Planning Act (California Water Code Sections 10610–10656) requires specified urban water suppliers within the state to prepare a UWMP and update it every 5 years. State and local agencies and the public frequently use such plans to determine if agencies are planning adequately to reliably meet water demand in various service areas. As such, the plans serve as an important element in documenting water

supply availability and reliability for compliance with state laws, including SB 610 and SB 221 (discussed above), which link water supply sufficiency to large land-use development project approvals. Urban water suppliers also must prepare such plans, pursuant to the Urban Water Management Planning Act, to be eligible for state funding and drought assistance.

UWMPs provide information on water usage, water supply sources, and water reliability planning. They also may provide implementation schedules to meet projected demands over a planning horizon, a description of opportunities for new development of desalinated water, groundwater information (where groundwater is identified as an existing or planned water source), a description of water quality over the planning horizon, and identification of water management tools that maximize local resources and minimize imported water supplies. A UWMP's water supply analysis includes a water supply reliability assessment, water shortage contingency plan, and development of a plan in case of an interruption in water supply.

UWMPs are required by all the water purveyors related to the proposed project, including the City, SDCWA, and MWD.

### ***Delta Plan***

Water supplies in California are based largely around the Delta. Water from Northern California surface waters and snowmelt travels to and through the Delta to Central Valley urban and agricultural users and to Southern California through aqueducts, dams, and other infrastructure. The Sacramento–San Joaquin Delta Reform Act (Water Code Section 85000 et seq.) established the Delta Stewardship Council, which has the primary goal of developing and implementing an enforceable, long-term management plan for the Delta (Delta Plan). The Delta Plan's coequal goals of providing a more reliable water supply for California while restoring the Delta ecosystem are the foundation of all state water management policies. As required by statute, the Delta Plan adopts a science-based adaptive management strategy to manage decision making in the face of uncertainty (Water Code Section 85308[f]). The law requires that the Delta Plan be updated every 5 years, and each update is intended to build on an evolving base of knowledge, direct near- and mid-term actions, and preserve and protect longer-term opportunities.

### ***California Water Plan***

Water Code Sections 10004 through 10013 describe the components and characteristics of the California Water Plan, which addresses the coordinated control, protection, conservation, development, and utilization of the state's water resources. Updated every 5 years, the most recent water plan is the California Water Plan Update 2018, released in June 2019.

### ***California Water Recycling Standards***

The California Legislature has developed state requirements for the production, discharge, distribution, and use of recycled water. These requirements are contained in the California Code of Regulations, Title 22, Division 4, Chapter 3, Reclamation Criteria, Sections 60301 through 60475, and Title 17. The California Department of Public Health administers the state recycling water standards.

### ***California Green Building Standards Code***

The California Green Building Standards Code (CALGreen) is set forth in California Code of Regulations, Title 24, Part 11, and establishes voluntary and mandatory standards pertaining to the planning and design of sustainable site development and water conservation, among other issues. Under CALGreen, all water closets (i.e., flush toilets) are limited to 1.28 gallons per flush, and urinals are limited to 0.5 gallons per flush. In addition, maximum flow



rates for faucets are established as follows: 2 gallons per minute (gpm) at 80 pounds per square inch for showerheads; 1.5 gpm at 60 per square inch for residential lavatory faucets; and 1.8 gpm at 60 per square inch for kitchen faucets.

CALGreen also includes Section 4.408.2, a Construction Waste Management Plan. This plan identifies which waste created during construction could be sorted on site, or bulked and then transported to diversion facilities.

### ***Water Conservation Projects Act***

The state requirements for water conservation are codified in the Water Conservation Projects Act of 1985 (California Water Code, Sections 11950–11954), which encourages local agencies and private enterprise to implement potential water conservation and reclamation projects. Potential water conservation and reclamation projects may include facilities for municipal and industrial advanced wastewater treatment, regulatory impoundments, improvements to water supply and delivery systems, tailwater recovery systems, and sprinkler or drip irrigation systems.

### ***Senate Bill 244***

SB 244, adopted on October 10, 2011, requires cities to review and update the Land Use Elements of their general plans to include data and analysis, regarding unincorporated islands, fringe, or legacy communities within or adjacent to the city’s sphere of influence. SB 244 requires cities to prepare a determination regarding the existing and planned adequacy of public facilities and public services, including wastewater, potable water, stormwater, police, and fire. SB 244 prohibits the Local Agency Formation Commission from approving an annexation to a city of any territory greater than 10 acres, where there exists a disadvantaged unincorporated community that is contiguous to the area of proposed annexation, unless an application to annex the disadvantaged unincorporated community to the city has been filed with the Local Agency Formation Commission and evaluates the present and probable sewers, water, stormwater, police, and fire protection needs or deficiencies.

### ***General Waste Discharge Requirements***

On May 2, 2006, SWRCB adopted a General Waste Discharge Requirement (Order No. 2006-0003) for all publicly owned sanitary sewer collection systems in California with more than 1 mile of sewer pipe. The order provides a consistent statewide approach to reducing sanitary sewer overflows by requiring public sewer system operators to take all feasible steps to control the volume of waste discharged into the system in order to prevent sanitary sewer waste from entering the storm sewer system, and to develop a Sewer System Management Plan. The General Waste Discharge Requirement also requires that storm sewer overflows be reported to SWRCB using an online reporting system.

### ***California Porter–Cologne Water Quality Control Act***

The Porter–Cologne Water Quality Control Act (Porter–Cologne Act) is the principal state law enacted to establish requirements for adequate planning, implementation, management, and enforcement of water quality controls. The Porter–Cologne Act, which became Division 7 of the California Water Code, establishes a regulatory program to protect water quality and beneficial uses of all state waters, outlined the responsibilities and authorities of the nine Regional Water Quality Control Board (RWQCBs), and established SWRCB. For the San Diego Hydrologic Region, water quality is regulated by the San Diego RWQCB, Region 9 of SWRCB. Each RWQCB is directed to create a water

quality control plan, to include three main components: (1) beneficial uses that are to be protected, (2) water quality objectives that protect those uses, and (3) an implementation plan to accomplish those objectives.

### ***California Integrated Waste Management Act – Assembly Bill 939***

The Integrated Waste Management Act requires each county to prepare a Countywide Integrated Waste Management Plan, with input from each city in a given county. This plan is reviewed at least once every 5 years to ensure that waste management practices remain consistent with the practices defined in the Public Resources Code. As part of the Countywide Integrated Waste Management Plan, each jurisdiction (cities and county) is required to prepare and maintain Source Reduction and Recycling, Household Hazardous Waste, and Non-Disposal Facility Elements. The Countywide Integrated Waste Management Plan is a summary plan that combines all these elements and is required to be approved by the county Board of Supervisors and the majority of the cities within the county.

### ***California Mandatory Commercial Organics Recycling – Assembly Bill 1826***

In October 2014, Governor Brown signed AB 1826, requiring businesses to recycle their organic waste on and after April 1, 2016, depending on the amount of waste they generate per week. This law also requires that on and after January 1, 2016, local jurisdictions across the state implement an organic waste recycling program to divert organic waste generated by businesses, including multi-family residential dwellings that consists of five or more units. Organic waste is defined as food waste, green waste, landscape and pruning waste, nonhazardous wood waste, and food-soiled paper waste that is mixed in with food waste. However, multi-family dwellings are not required to have a food waste diversion program. This law phases in the mandatory recycling of commercial organics over time, while also offering an exemption process for rural counties. In particular, the minimum threshold of organic waste generation by businesses decreases over time, which means an increasingly greater proportion of the commercial sector will be required to comply.

### ***California Solid Waste Reuse and Recycling Access Act of 1991 – Assembly Bill 1327***

AB 1327, which was established in 1991, required CalRecycle to develop a model ordinance for the adoption of recyclable materials in development projects. Local agencies were then required to adopt the model, or an ordinance of their own, governing adequate areas for collection and loading of recyclable materials in development projects.

### ***Disposal Measurement System Act of 2008 – Senate Bill 1016***

SB 1016 maintains the 50% diversion rate requirement established by AB 939, and also established revised calculations for those entities that did not meet the 50% diversion rate. SB 1016 also established a per-capita disposal measurement system to make the process of goal measurement, as established by AB 939, simpler, timelier, and more accurate. The new disposal-based indicator—the per-capita disposal rate—uses only two factors, (1) a jurisdiction’s population (or in some cases employment) and (2) its disposal rate as reported by disposal facilities.

### ***Solid Waste Diversion – Assembly Bill 341***

Effective July 1, 2012, AB 341 requires that commercial enterprises that generate four cubic yards or more of solid waste weekly participate in recycling programs. This requirement also includes multi-family housing complexes of five units or more, regardless of the amount of solid waste generated each week. The purpose of this requirement is to reduce greenhouse gas emissions by diverting commercial solid waste to recycling, and to expand recycling

opportunities in California. As part of implementing AB 341, the California Legislature set an ambitious goal of 75% recycling, composting, or source reduction of solid waste by 2020. The law calls for the state and CalRecycle to take a statewide approach to decreasing California’s reliance on landfills. CalRecycle is actively working to develop and implement programs to achieve the 75% target.

### Local

#### ***Poway Comprehensive Plan: General Plan***

The Poway Comprehensive Plan: General Plan (General Plan) contains the following goals, policies, and strategies that address utilities and service systems (City of Poway 1991):

#### **Goal VII: It is the goal of the City of Poway to provide a safe and healthy environment for the residents of Poway.**

##### **Policy I – Solid Waste: Promote safe, environmentally sound means of solid waste disposal for the community.**

- **Strategy 1:** Proceeds of recycling are a resource and should be used to benefit the community to the extent feasible.
- **Strategy 2:** Investigate means to create a market for recycled goods.
- **Strategy 3:** Implement a curbside recycling program in all residential neighborhoods.
- **Strategy 4:** Promote the use of all plant material waste for compost or mulch.
- **Strategy 5:** Promote the recycling of construction refuse and “white waste” (water heaters, washing machines, etc.).

#### **Goal IX: It is the goal of the City of Poway to provide an efficient and economical public water and wastewater treatment system to serve the current and future residents of Poway.**

##### **Policy A – City Water System: A consistent level of quality water service shall be maintained by minimizing the impacts of new land use changes on the existing system.**

- **Strategy 1:** Encourage and promote water conservation techniques and awareness in the community.
- **Strategy 2:** Encourage community and individual responsibilities that prepare emergency water resource plan in case of disaster or system failure.
- **Strategy 3:** Require new construction to include appropriate water conserving measures including low flow fixtures water conserving appliances and low volume irrigation systems and to provide water conservation offsets.
- **Strategy 4:** Require the use of low volume irrigation systems where feasible.
- **Strategy 5:** Encourage existing construction to retrofit with appropriate water conserving appliances and low volume irrigation systems.
- **Strategy 6:** Limit the extension of water service facilities such as transmission lines or pumps to accommodate new development projects to one quarter mile across an undeveloped area.
- **Strategy 7:** The dedication construction and maintenance of pumps transmission and storage facilities to service new developments and expand the City’s water system capacity should be reviewed with each new development application.
- **Strategy 8:** Require commercial car washes to use recycled water.
- **Strategy 9:** Require all new swimming pools to be covered when not actively in use.

Policy C – Water Reclamation: Serve the community’s wastewater treatment needs through water reclamation.

- **Strategy 1:** Develop and implement a water reclamation master plan and implementation service area distribution system master plan to define encourage and develop the use of reclaimed water in Poway.
- **Strategy 2:** All new construction in areas proposed for service by reclaimed water shall be pre-plumbed to readily accept reclaimed water for landscape irrigation.
- **Strategy 3:** Reclaimed water shall be used wherever its use is economically justified technically feasible and consistent with legal requirements preservation of public health safety and welfare and environmentally desirable. Reclaimed water uses may include landscape irrigation filling of artificial lakes industrial processes agricultural production.
- **Strategy 4:** Wastewater treatment system expansions should be designed to maintain the current Level of Service.
- **Strategy 5:** Wastewater collection lines or pumping facilities to accommodate new development projects should not be extended over undeveloped areas.
- **Strategy 6:** Structures connected to the community collection system shall not use salt based self-regenerating water softeners.
- **Strategy 7:** Parcels within the sewer improvement district boundary and beyond 200 feet of an available sewer transmission line should be required to install a dry sewer hookup for future utilization of the community sewer system. Parcels within 200 feet of the community sewer system must connect to the system.
- **Strategy 8:** Septic tanks should be limited to parcels of one acre or greater unless circumstances exist that make the connection to a sewer transmission line impossible on existing parcels greater than one half acre but less than one acre. Parcels in areas with a history of septic tank leach field system failures shall connect to the community sewer system.
- **Strategy 9:** All septic tanks shall be approved by the County Department of Environmental Health as a result of on-site tests certified by a qualified engineer.
- **Strategy 10:** Replacement of failed septic systems or new development with proposed septic system shall consider alternative wastewater collection systems including but not limited to, septic tank effluent pump or gravity systems, grey water systems, or alternative on site treatment and disposal systems.

Goal XI: It is the goal of the City of Poway to encourage regional cooperation and coordination.

Policy B – Regional Facilities: Support the construction of appropriately sited and designed facilities to serve regional and/or subregional public facility needs.

- **Strategy 1:** Cooperate in the construction of a regional water reclamation facility to serve both the City of Poway and the City of San Diego.
- **Strategy 2:** Work with other water agencies to provide adequate regional water storage facilities.
- **Strategy 4:** Cooperate in regional efforts to ensure adequate solid waste disposal facilities.

### ***City of Poway Municipal Code – Chapter 8.94 – Water Conservation Plan***

Chapter 8.94 of the City’s Municipal Code implements the Water Conservation Plan, which encourages efficient water use, discourages wasteful waters use practices, and establishes water use efficiency measures. Section 8.94.040 includes the following water use efficiency measures (City of Poway 2008):

- Do not wash down paved surfaces, including but not limited to sidewalks, driveways, parking lots, tennis courts, or patios, except when necessary to alleviate safety or sanitation hazards.
- Do not allow water waste from inefficient landscape irrigation, such as runoff, low head drainage, or overspray and do not allow water flows onto non-targeted areas, such as adjacent property, non-irrigated areas, hardscapes, roadways, or structures.
- Irrigate residential and commercial landscapes before 10:00 a.m. and after 6:00 p.m. only.
- Use only a hand-held hose equipped with a positive shut-off nozzle or bucket to water landscaped areas, including trees and shrubs located on residential and commercial properties that are not irrigated by a landscape irrigation system.
- Irrigate nursery and commercial grower’s products before 10:00 a.m. and after 6:00 p.m. only. Watering is permitted at any time using a hand-held hose equipped with a positive shut-off nozzle, a bucket, or when a drip/micro-irrigation system/equipment is used. Irrigation of nursery propagation beds is permitted at any time. Water for livestock is permitted at any time.
- Use only recirculated water to operate ornamental fountains.
- Wash vehicles only using a bucket and a hand-held hose with positive shut-off nozzle, mobile high pressure/low volume wash system, or at a commercial site that recirculates (reclaims) water on site. Do not wash vehicles during hot conditions when additional water is required due to evaporation.
- Offer guests in hotels, motels, and other commercial lodging establishments the option of not laundering towels and linens daily.
- Do not use single-pass cooling equipment in new commercial applications, including, but not limited to, air conditioners, air compressors, vacuum pumps, and ice machines.
- Use a water recirculation system for commercial conveyor car washes and all new commercial laundry systems.
- Run only fully loaded dishwashers and washing machines.
- Repair all water leaks within five days of notification by the City of Poway, unless other arrangements are made with the City Manager.
- Use recycled or non-potable water for construction purposes when available to the fullest extent possible when available.

### ***City of Poway 2020 Urban Water Management Plan***

As previously described, the California Water Code Section 10610 et seq. requires all urban water suppliers within the State of California to prepare and update a UWMP every 5 years to satisfy requirements of the California Urban Water Management Planning Act of 1983 and its amendments. The City’s 2020 UWMP satisfies the requirements of the Urban Water Management Planning Act, which defines an urban water supplier as a supplier—either publicly or privately owned—that provides water for municipal purposes either directly or indirectly to more than 3,000 customers or supplies more than 3,000 acre-feet of water annually. The California Department of Water Resources 2020 Urban Water Management Plan Guidebook for Urban Water Suppliers (DWR 2015) was used in preparing the City’s 2020 UWMP (City of Poway 2021).

**City of Poway Jurisdictional Runoff Management Program**

On May 8, 2013, the San Diego RWQCB adopted an updated NPDES Municipal Permit, Order No. R9-2013-000, as amended by Order No. R9-2015-001. The NPDES Municipal Permit regulates the discharges into stormwater conveyance systems within 18 Municipalities in the County. Each co-permittee, including the City, was required to develop a comprehensive Jurisdictional Urban Runoff Management Program. The City developed the Jurisdictional Runoff Management Program in response to the permit order. The City’s approach to following the permit, entailed reducing discharges of pollutants to the stormwater conveyance system within the City, by means of best management practices. Major components of the Jurisdictional Runoff Management Program include the implementation of best management practices requirements, water quality monitoring, educational outreach efforts, municipal maintenance procedures, and water quality monitoring procedures (City of Poway 2015).

### 4.16.3 Thresholds of Significance

The significance criteria used to evaluate the project impacts to utilities and service systems are based on Appendix G of the CEQA Guidelines. According to Appendix G of the CEQA Guidelines, a significant impact related to utilities and service systems would occur if the project would:

1. Require or result in the relocation or construction of new or expanded water wastewater treatment, or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects.
2. Have insufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years.
3. Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has inadequate capacity to serve the project’s projected demand in addition to the provider’s existing commitments.
4. Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals.
5. Not comply with federal, state, and local management and reduction statutes and regulations related to solid waste.

### 4.16.4 Impacts Analysis

***Would the project require or result in the relocation or construction of new or expanded water, wastewater treatment, or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?***

**Water**

As discussed in Section 4.16.1, Existing Conditions, the City imports 99% of its water supply from SDCWA, and captures a small percentage as local rainfall in Lake Poway. The Berglund WTP treats the raw, untreated, and imported water and rainfall to potable levels for the approximately 45,724 residential, commercial, industrial, and agricultural customers in the City. The Berglund WTP’s treatment capacity is 24 mgd and currently operates at an average daily flow rate of 8.2 mgd (City of Poway 2020).

As stated in the Specific Plan, water demand was estimated using water demand factors provided in the City of Poway 2009 Water Master Plan. The estimated average potable water demand for the project is 19.34 gpm or 27,850 gallons per day (gpd) (Appendix N). The peak hour water demand for the project would be 57.44 gpm or 82,714 gpd. The City of Poway Water Master Plan requires a 1,500-gpm fire flow requirement and a minimum residual pressure of 20 psi under maximum day demand plus fire flow in residential areas. As concluded in Appendix N, the proposed water system would be able to deliver 1,500 gpm fire flow and minimum residual pressure 20 psi, as required by the City.

As depicted in Figure 3-6, Conceptual Water Master Plan, the project would include 8-inch pipelines within the northern portion of the project area that would connect to existing pipelines within Oak Knoll Road and Roca Grande. No new pipelines are proposed for the portion of the project site that is located south of Oak Knoll Road. All proposed pipelines are located within the project site. Therefore, no off-site water infrastructure improvements are necessary to service the proposed project. Any impacts relative to the construction of water pipelines are contained within the project site and analyzed herein. Therefore, the proposed project would not result in relocation or construction of new or expanded water facilities, the construction or relocation of which could cause significant environmental effects. Impacts would be **less than significant**, and no mitigation is required.

### **Wastewater**

The proposed project is estimated to generate 13,760 gpd and a peak flow of 44,720 gpd. As discussed above, the both the NCWRP and PLWTP are currently operating under maximum capacity. The addition of wastewater from the project site would represent a small portion of the total throughput for both facilities. Wastewater generated by the proposed project would be collected and conveyed through a series of 8-inch pipes on the project site that would connect to existing 8-inch pipes within Oak Knoll Road. The existing 8-inch sewer line will convey flows west to the 30-inch trunk sewer in Oak Knoll Road. As concluded in Appendix O, the existing sewer lines have adequate capacity to handle the addition of flows from the project. The proposed project would not result in relocation or construction of new or expanded wastewater facilities, the construction or relocation of which could cause significant environmental effects. Impacts would be **less than significant**, and no mitigation is required.

### **Stormwater**

The project site currently drains in a general southern direction and discharges to an existing 36-inch storm drain located in Oak Knoll Road. An existing open channel across the northwestern portion of the project site drains southwesterly to the adjacent apartment site. Drainage is conveyed off site within an 8'x5' Reinforced Concrete Box in a southwesterly direction. The 36-inch Oak Knoll Road storm drain joins the 8'x5' RCB that discharges to the west of the project site into Poway Creek.

The proposed project would develop 63 single-family units, as well as amenities and recreational open spaces. Figure 3-5, Conceptual Drainage Plan, illustrates the proposed grading and drainage concept for the proposed project. To maintain these existing drainage patterns and minimize drainage impacts to existing neighborhoods, a series of public bypass storm drains would be provided to collect this stormwater and convey it through the site to the City's existing storm drain system downstream. The proposed project's grading plan would drain all stormwater within the project site to swales that convey water to private streets on site. Once in the street, stormwater would be collected by catch basins and a private system of pipes on site. The stormwater would then be conveyed to a proposed underground vault system for storage to meet

hydromodification requirements. The vault would discharge to the existing Oak Knoll Road 36-inch storm drain system. The proposed project would not result in expansion or relocation of any existing stormwater facilities; therefore, the proposed project would have a **less-than-significant impact**.

### ***Telecommunications***

As discussed in the Specific Plan (Appendix Q), four broadband and telecommunications service providers are available for project residences. Cox Communication, Spectrum, AT&T and Windstream Communications have available systems to meet the demand of services from the project. Therefore, the proposed project would cause a **less-than-significant impact** in regard to telecommunication facilities.

### ***Electric Power and Natural Gas***

Electric Power and Natural Gas consumption from project construction and operation were analyzed in Section 4.5. As determined in Section 4.5, the proposed project would increase petroleum use during operation, however the use would be a small fraction of the statewide use and due to efficiency increases, diminish over time. Therefore, the project construction and operation would not result in the need for expansion or construction of new electric power or natural gas facilities. All impacts would be **less than significant**.

### ***Would the project have sufficient water supplies available to serve the Project and reasonably foreseeable future development during normal, dry, and multiple dry years?***

As discussed above, long-term projections from the SDCWA and MWD for single dry years and multiple dry years have accounted for the increase in population and water demand in the County. Historically, even in drought years, the MWD has not reported a shortage. The proposed project's estimated usage of 27,101 gpd would have a **less-than-significant impact** on water supply as projected for reasonably foreseeable future development during normal, dry, and multiple dry years. This includes any impacts on the water sources for SDWCA and MWD discussed above.

### ***Would the project result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?***

As previously discussed, the proposed project would construct new sewer lines, which would be connected to existing sewer infrastructure. The City's wastewater treatment providers include NCWRP and PLWTP. The proposed project would generate approximately 13,760 gpd. The treatment capacities for the wastewater treatment providers (in mgd) are as follows: NCWRP has a treatment capacity of 30 mgd, and PLWTP has a treatment capacity of 240 mgd. Given this capacity compared with the amount of wastewater that would be generated by the Project, the proposed project would not result in a determination by the wastewater treatment providers that they cannot service the proposed project in addition to the provider's existing commitments, therefore the proposed project would have a **less-than-significant impact**.

### ***Would the project generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?***

As previously described in Section 4.16.1, the City, including the project site, is serviced by EDCO for solid waste and recycling pickup and disposal. The proposed project would comply with City, County, state, and CALGreen requirements regarding recycling and waste disposal, which include design standards for trash enclosures.



According to CalRecycle, the 2019 per-capita disposal rate estimate, using SB 1016’s measurement system, is 6.7 pounds per resident per day. Upon initiation of an account, all new homes would be provided with three bins: (1) a 32-gallon or 96-gallon trash (gray) bin, (2) a 64-gallon recycling (blue) bin, and (3) a 32-gallon or 96-gallon yard (green) waste bin.

Waste collected from the project site would be taken to one of two material recovery facilities: the Escondido Resource Recovery (ERR) Master Facility (SWIS 37-AA-6719) or the Ramona Material Recovery Facility and Transfer Station (SWIS 37-AA-0925). The ERR facility was opened on June 30, 2017, and provides commingled recycling, mixed waste processing, and an anaerobic digester. The Ramona facility includes a newly opened organics facility, transfer station, and recycling buyback center. Residential collection of solid waste by Escondido Disposal is transferred to the ERR facility, where it is then taken to either the Sycamore or Otay Landfills—both of which are located outside of the City. The Otay Landfill is located in the City of Chula Vista, south of the proposed project, while the Sycamore Landfill is located in the City of Santee, also south of the proposed project. Table 4.16-2 identifies the existing capacity of the Otay and Sycamore Landfills.

**Table 4.16-2. Solid Waste Facility Capacity**

Landfill	Location	Total Capacity	Remaining Capacity	Remaining Capacity Date
		<i>(Cubic Yards)</i>		
Otay Landfill	Chula Vista	61,154,000	21,194,008	May 31, 2016
Sycamore Landfill	Santee	147,908,000	113,972,637	December 31, 2016

Source: CalRecycle 2019b, 2019c.

As discussed in Section 4.12, Population and Housing, the project would introduce approximately 184 residents to the project site. Using the estimated per resident waste generation rate of 6.7 pounds per resident per day, the project would generate approximately 1,232.8 pounds or 0.56 tons per day of solid waste and the proposed project would increase the amount of solid waste generated in the City by approximately 204 tons per year, which is the equivalent of 272 cubic yards per year of mixed solid waste, compacted in place in a landfill. Solid waste from the area is presently taken to either the Sycamore or Otay Landfills, where there is sufficient capacity. As shown in Table 4.16-2, the Otay Landfill has an approximate remaining capacity of 21,194,008 cubic yards, and the Sycamore Landfill has an approximate remaining capacity of 113,972,637 cubic yards.

Additionally, in compliance with AB 1826, organic waste generated by the proposed project would be diverted from landfill disposal. Organic waste is defined as food waste, green waste, landscape and pruning waste, nonhazardous wood waste, and food-soiled paper waste that is mixed in with food waste. Diversion of organic waste from the proposed project would reduce the amount of waste disposed in the Sycamore or Otay Landfills. Finally, construction waste would be recycled in accordance with CALGreen requirements. Compliance with all applicable regulations related to solid waste and recycling for residential uses would ensure impacts associated with disposal of solid waste would be **less than significant**.

***Would the project comply with federal, state, and local management and reduction statutes and regulations related to solid waste?***

The proposed project would comply with federal, state, and local management and reduction statutes and regulations related to solid waste. During construction, solid waste would be appropriately sorted and recycled, when feasible, per CALGreen Building Standards. Operational waste from both residences and commercial uses

would meet local standards of solid waste and recycling policies as defined in Section 8.68 of the City's Municipal Code. In addition, organic waste would be recycled in accordance with AB 1826. Compliance with these regulations and statutes would ensure **less-than-significant impacts** in respect to disposal of solid waste.

### 4.16.5 Cumulative Impacts

Table 3-2 in Chapter 3 of this EIR identifies the projects generally considered for the cumulative analysis.

#### Water

The City's potable water use for 2020 was 8,774 acre-feet, which was an approximately 4% increase from the 2015 water use of 8,374 acre-feet; however, the actual 2020 demand was almost 18% less than the projected 2020 demand. The City has employed conservation initiatives to help meet the 2020 and 2025 gallon per capita per day targets. The adaptation of new citywide policies have allowed Poway to become more resilient and flexible with water usage. Lake Poway, the largest reservoir within the City, can hold up to 3,300 acre-feet of water, while over 9,075 acre-feet of water is purchased from either SDCWA (raw) or the City of San Diego (recycled water). Various projects within the City would be required to also follow federal, state, and local policies and conservation initiatives to ensure an adequate water supply for multiple dry years. Foreseen planned residential and commercial projects located within the City may increase the demand for water, however, the culmination of projects **would not result in a cumulatively considerable impact** with regard to water supply.

#### Wastewater

Wastewater treatment is provided to the whole City mostly by means of transporting wastewater through pipelines to PLWTP. As listed in Table 4.16-1, Wastewater Treatment Capacities, the current wastewater treatment facilities are well under the rated capacity. The projects slated to increase wastewater within the City would not increase the demand to more than the rated capacity, therefore the proposed project **would not result in a cumulatively considerable impact** with regard to wastewater.

#### Solid Waste

The City currently contracts with EDCO, a private hauler that currently operates six certified recycling buyback centers, two material recovery facilities, six transfer stations, and two mixed construction demolition and inert processing facilities with a goal of achieving zero waste. The solid waste from the Poway area is presently taken to either the ERR Master Facility or the Ramona Material Recovery Facility and Transfer Station. The ERR facility has a maximum permitted capacity of 8,743 tons per day, and currently has a maximum permitted throughput of 3,223 tons per day. The Ramona facility has a maximum permitted capacity of 700 tons per day and a maximum permitted throughput of 700 tons per day. The ERR facility is at 37% of its permitted daily throughput, and the proposed project is not expected to significantly increase the throughput at either of these centers. Additionally, the solid waste from commercial and residential projects would not produce a significant amount of solid waste and would not significantly increase the solid waste capacity; therefore, the proposed project **would not result in a cumulatively considerable impact** with regard to solid waste.

### Stormwater

The stormwater maintenance and design inclusion to the proposed project's design would effectively help reduce the pollution entering storm drains. The City's Jurisdictional Urban Runoff Management Program includes the policies and practices for storm drain management for all foreseeable future projects. Consistent with Jurisdictional Urban Runoff Management Program policies, it is assumed that all other potential cumulative projects would be subject to similar stormwater management, creating less-than-significant impacts. In combination with 2 projects within the City (Table 3-2), the proposed project's total stormwater pollution and infrastructure changes would not significantly impact the City's needs or treatment capacities; therefore, the proposed project **would not result in a cumulatively considerable impact** with regard to stormwater management and infrastructure.

### Telecommunications

The existing residential areas surrounding the project site are currently being provided broadband and telecommunications services by Cox Communications, Spectrum, AT&T, and Windstream Communications. Both cumulative projects in the area that would use telecommunications services, however, as stated above, there are many different companies that could also potentially provide service to these projects. Users have choices, and the available systems provide appropriate facilities and services to meet the needs of land uses within the City. Therefore, the proposed project **would not result in a cumulatively considerable impact** with regard to telecommunications facilities.

## 4.16.6 Mitigation Measures

As described in section 4.16.4, Impacts Analysis, implementation of the proposed project would not result in any significant impacts to utilities and service systems, including water, wastewater, solid waste, and telecommunications. Therefore, no mitigation would be required.

## 4.16.7 Level of Significance after Mitigation

As previously stated, all potential impacts to utilities and service systems as a result of the proposed project would be less than significant, and no mitigation would be required.

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## 4.17 Wildfire

This section describes the existing wildlife conditions of The Harmon Ranch project (proposed project) site and vicinity, identifies associated regulatory requirements, evaluates potential impacts, and identifies mitigation measures related to implementation of the proposed project. The analysis herein relies on the Fire Response Technical Memorandum that was prepared for the proposed project in December 2022, and is included as Appendix P of this environmental impact report (EIR). Additionally, an Evacuation Plan was prepared for the project site in June 2023, which is included as Appendix R to this EIR.

A Notice of Preparation (NOP) was circulated from February 1, 2023, through March 3, 2023. During the NOP comment period, comment letters related to wildfire focused on the following topics:

- Emergency evacuation
- Fuel modification zones
- Fire hazards from overgrown vegetation

These comments were considered during the preparation of this EIR. The Initial Study, NOP, and Public Scoping comments are provided in Appendix A of this EIR.

### 4.17.1 Existing Conditions

#### **Emergency Response**

The City of Poway (City) does not have a current emergency response plan or evacuation routes; however, they do administer the Community Emergency Response Team (CERT) Program, which educates the residents of Poway and adjacent cities about disaster preparedness. Once a year, the City offers a CERT academy, which provides training in basic disaster response skills such as fire safety, simple search and rescue, basic first aid, terrorism, emergency preparedness, and disaster psychology. Graduates of the program or an equivalent CERT course are eligible to apply for membership in Poway's CERT and are required to attend two trainings of community events each year.

The San Diego County Wildfire Evacuation Plan incorporates concepts and protocols practiced throughout the City and San Diego County. The City's Emergency Operations Plan follows basic protocols set forth in the County's Operation Area Emergency Operations Plan and the California Master Mutual Aid Agreement, which dictate who is responsible for an evacuation effort and how regional resources will be requested and coordinated. The following overview contains information from the San Diego County Evacuation Annex and is consistent with the City's Emergency Operations Plan (Appendix R).

First responders are responsible for determining initial protective actions before Emergency Operations Centers and emergency management personnel have an opportunity to convene and gain situational awareness. Initial protective actions are shared/communicated to local Emergency Operations Centers and necessary support agencies as soon as possible to ensure an effective, coordinated evacuation (Appendix R).

During an evacuation effort, the San Diego County Sheriff's Department will declare an evacuation and be assisted by other law enforcement and support agencies. Law enforcement agencies, highway/road/street departments, and public and private transportation providers will conduct evacuation operations. Procurement, regulation, and

allocation of resources will be accomplished by those designated. Evacuation operations will be conducted by the following agencies: San Diego County Sheriff’s Department, Poway Fire Department, American Red Cross, San Diego Humane Society, San Diego County Department of Animal Services, City and County Department of Planning and Development Services, City and County Department of Public Works, County Department of Environmental Services, and other City, County, and State agencies, as needed (Appendix R).

In the event of an evacuation, evacuees are anticipated to be considered in a “safe zone” once they are a reasonable distance away from open space and in a dense urbanized area. The I-15 and Poway Road interchange and the Town & Country Plaza were considered the gateways or safe zones for evacuees to seek refuge from the wildfire, although there are many other urbanized areas within Poway that would also provide safety from wildfires. Pomerado Road, Poway Road, and Oak Knoll Road would be utilized as evacuation routes as well (Appendix R).

If a wildfire ignited closer to the Harmon Ranch community during weather that facilitates fire spread, where multiple hours are not available for evacuation and placing residents on the roads could expose them to wildfire, an alternative evacuation approach would need to be explored. It is preferred to evacuate long before a wildfire is near, and in fact, history indicates that most human fatalities from wildfires are due to late evacuations when they are overtaken on roads. Therefore, it is prudent to consider a contingency option of temporary on-site refuge. For example, if a wildfire is anticipated to encroach upon the community or Oak Knoll Road in a timeframe that is shorter than would be required to evacuate all residents, then evacuations could be significantly impacted and the ability to temporarily shelter residents in their homes is a prudent contingency (Appendix R).

The project site is located within the service boundary of the Poway Fire Department (PFD). PFD is an all-hazard, all-risk response agency that services the City. PFD has four divisions: (1) Logistics/Support Division, (2) Operations/Emergency Medical Services Division, (3) Training/Safety Division, and (4) the Fire Prevention Division. The San Diego Fire-Rescue Department Emergency Command and Data Center are contracted by PFD for dispatching services (City of Poway n.d.a). The majority of services requested from PFD are medical aids, traffic accidents, and wildland fires (during the summer months). As of February 2023, PFD has three shift Battalion Chiefs, 12 fire Captains/Paramedics, 12 fire engineer/paramedics, and 24 firefighter/paramedics that provides services to a population of approximately 48,421 in an area covering 39.08 square miles (City of Poway n.d.b; U.S. Census Bureau 2021). PFD has 17 personnel that handle emergency and non-emergency calls. The command staff is made up of the Fire Chief, the Deputy Chief, and three shift Battalion Chiefs. The Director of Safety Services has the additional responsibility of administering the San Diego County Sheriff’s Department law enforcement contract within the City. PFD Fire Station 1 is located approximately 1 mile east of the project site, at 13050 Community Road.

### **Wildfire Risks**

A wildfire is a nonstructural fire that occurs in vegetative fuels, excluding prescribed fire. Wildfires can occur in undeveloped areas and spread to urban areas where the landscape and structures are not designed and maintained to be ignition resistant. A wildland-urban interface is an area where urban development is located in proximity to open space or “wildland” areas. The potential for wildland fires represents a hazard where development is adjacent to open space or within close proximity to wildland fuels or designated Fire Hazard Severity Zones. Steep hillsides and varied topography within portions of the City also contribute to the risk of wildland fires.

The project site is generally surrounded by development with the exception of the southern boundary of the project site south of Oak Knoll Road, which backs up to natural vegetation surrounding Poway Creek. The majority of the existing project site is developed. CAL FIRE does not identify the site as being within a Very High Fire Hazard Severity Zone (VHFHSZ) (CAL FIRE 2023).

## 4.17.2 Relevant Plans, Policies, and Ordinances

### Federal

#### ***National Fire Protection Association Codes, Standards, Practices, and Guides***

National Fire Protection Association (NFPA) codes, standards, recommended practices, and guides (“NFPA Documents”) are developed through a consensus standards development process approved by the American National Standards Institute. This process brings together professionals representing varied viewpoints and interests to achieve consensus on fire and other safety issues. NFPA standards are recommended guidelines and nationally accepted good practices in fire protection but are not law or “codes” unless adopted as such or referenced as such by the California Fire Code (CFC) or a local fire agency.

#### ***Disaster Mitigation Act***

The Disaster Mitigation Act of 2000 requires that a state mitigation plan, as a condition of disaster assistance, add incentives for increased coordination and integration of mitigation activities at the state level through the establishment of requirements for two different levels of state plans: “Standard” and “Enhanced.” States that develop an approved Enhanced State Plan can increase the amount of funding available through the Hazard Mitigation Grant Program. The Disaster Mitigation Act also established a new requirement for local mitigation plans.

#### ***National Incident Management System***

The National Incident Management System guides all levels of government, nongovernmental organizations and the private sector to work together to prevent, protect against, mitigate, respond to and recover from incidents. The National Incident Management System provides community members with a shared vocabulary, systems and processes to successfully deliver the capabilities described in the National Preparedness System. The National Preparedness System is a Presidential Policy Directive establishing a common goal to create a secure and resilient nation associated with prevention, protection, mitigation, response and recovery to address the greatest risks to the nation. One core area is fire management and suppression.

The National Incident Management System defines operational systems that guide how personnel work together during incidents.

### State

#### ***California Fire Code***

The CFC is Chapter 9 of Title 24 of the California Code of Regulations. It was created by the California Building Standards Commission and is based on the International Fire Code created by the International Code Council. It is the primary means for authorizing and enforcing procedures and mechanisms to ensure the safe handling and storage of any substance that may pose a threat to public health and safety. The CFC regulates the use, handling, and storage requirements for hazardous materials at fixed facilities. The CFC and the California Building Code use a hazards classification system to determine what protective measures are required to protect fire and life safety.

These measures may include construction standards, separations from property lines, and specialized equipment. To ensure that these safety measures are met, the CFC employs a permit system based on hazard classification. The CFC is updated every 3 years. Chapter 15.24 (Fire Code) of the City’s Municipal Code provides the City’s adopted amendments to the 2019 CFC.

***California Department of Forestry and Fire Protection***

CAL FIRE is tasked with reducing wildfire-related impacts and enhancing California’s resources. CAL FIRE responds to all types of emergencies including wildland fires and residential/commercial structure fires. In addition, CAL FIRE is responsible for the protection of approximately 31 million acres of private land within the state and, at the local level, is responsible for inspecting defensible space around private residences. CAL FIRE is responsible for enforcing State of California fire safety codes included in the California Code of Regulations and the California Public Resources Code. Title 14, Section 1254 of the California Code of Regulations identifies minimum clearance requirements required around utility poles.

***California Strategic Fire Plan***

The 2010 California State Fire Plan was the first statewide fire plan developed in concert between the California Board of Forestry and Fire Protection and the California Department of Forestry and Fire Protection (CAL FIRE). This Plan was updated in the 2018 Strategic Fire Plan for California. The central goals of the California State Fire Plan include (1) improve the availability and use of consistent, shared information on hazard and risk assessment; (2) promote the role of local planning processes, including general plans, new development, and existing developments, and recognize individual landowner/homeowner responsibilities; (3) foster a shared vision among communities and the multiple fire protection jurisdictions, including county-based plans and community-based plans such as Community Wildfire Protection Plans; (4) increase awareness and actions to improve fire resistance of man-made assets at risk and fire resilience of wildland environments through natural resource management; (5) integrate implementation of fire and vegetative fuels management practices consistent with the priorities of landowners or managers; (6) determine and seek the needed level of resources for fire prevention, natural resource management, fire suppression, and related services; and (7) implement needed assessments and actions for post-fire protection and recovery.

***California Public Resources Code***

***Fire Hazard Severity Zones – Public Resources Code Sections 4201–4204***

Public Resources Code Sections 4201–4204 and Government Code Sections 51175–51189 direct CAL FIRE to map areas of significant fire hazards based on fuels, terrain, weather, and other relevant factors. These zones, referred to as FHSZ, define the application of various mitigation strategies to reduce risk associated with wildland fires. The project site is not designated as a Fire Hazard Severity Zone (CAL FIRE 2023).

***California Wildland-Urban Interface Code***

On September 20, 2005, the California Building Standards Commission approved the Office of the State Fire Marshal’s emergency regulations amending the California Building Code (CBC) (24 CCR 2). Section 701A of the CBC includes regulations addressing materials and construction methods for exterior wildfire exposure and applies to new buildings located in State Responsibility Areas or VHFHSZs in Local Response Areas. The project is not designated as a Fire Hazard Severity Zone within an State Responsibility Area or a VHFHSZ within a Local Response Area.



### **California Emergency Services Act**

The California Emergency Services Act (California Government Code Section 8550, et seq., provides for the creation of an Office of Emergency Services, assign and coordinate functions and duties to be performed during an emergency, facilitate mutual aid, and assign resources (including workforce and facilities) throughout the state for dealing with any emergency that may occur.

### **Local**

#### ***Multi-Jurisdictional Hazard Mitigation Plan***

The Multi-Jurisdictional Hazard Mitigation Plan includes an overview of the risk assessment process, vulnerability assessments, and identifies hazards present in each jurisdiction in the County of San Diego (County). Hazards profiled in the plan include wildfire, structure fire, flood, coastal storms, erosion, tsunamis, earthquakes, liquefaction, rain-induced landslide, dam failure, hazardous materials, incidents, nuclear materials release, and terrorism. The plan is a comprehensive resource document that serves many purposes such as enhancing public awareness, creating a decision tool for management, promoting compliance with State and Federal program requirements, enhancing local policies for hazard mitigation capability, and providing inter-jurisdictional coordination. The City is one of the 22 participating jurisdictions. The plan sets forth a variety of objectives and actions based on a set of broad goals including: (1) promoting disaster-resistant future development; (2) increased public understanding and support for effective hazard mitigation; (3) building support of local capacity and commitment to become less vulnerable to hazards; (4) enhancement of hazard mitigation coordination and communication with federal, state, local and tribal governments; and (5) reducing the possibility of damage and losses to existing assets, particularly people, critical facilities or infrastructure, and County-owned facilities, due to dam failure, earthquake, coastal storm, erosion, tsunami, landslides, floods, structural fire/wildfire, and manmade hazards.

Helicopters and small planes are used in a variety of emergency response actions such as search and rescue operations and retrieving water to extinguish wildfires. During an emergency response, aircraft tend to fly low to the ground thus increasing the potential hazards to aircraft from towers and other objects within airspace. CAL FIRE and the San Diego County Sheriff's Department Aerial Support Detail, Air Support to Regional Enforcement Agencies (ASTREA) base carry out emergency response actions.

Section 5.9 of the Multi-Jurisdictional Hazard Mitigation Plan is specific to the City. Listed below are the applicable draft Poway-specific hazard mitigation goals, objectives, and related potential actions.

**Goal 1. Promote resistance to the effects of disasters upon development and infrastructure.**

**Goal 2. Promote public understanding, support and demand for effective hazard mitigation.**

**Goal 3. Reduce the possibility of damage and losses to people, existing assets and critical facilities/infrastructure due to: wildfires, flooding, geological hazards (landslide, rockslide, earthquake), and manmade hazards.**

**Objective 3.A: Plan and prepare for damage and loss from wildfire.**

- Action 3.A.4: Update road access, surface, and grade for fire safety equipment at identified locations.

**Goal 4. Reduce possibility of damages and losses to existing assets, particularly people, critical facilities/infrastructure and city owned facilities due to severe weather, including extreme heat and drought.**

The City also identified which jurisdictional goals, objectives, and action items shall be prioritized, the coordinating individual or organization, the potential funding source, and the implementation timeline (County of San Diego 2018).

**City of Poway Fire Code**

The City has adopted the California Fire Code as Chapter 15, Article 24 of the City’s Municipal Code including Appendix Chapter 4 and Appendices B, C, E, F, H, I and O, as published by the International Code Council, except those portions that are deleted, modified, or amended. Provisions of the California Fire Code are described under State Regulations, above.

### 4.17.3 Thresholds of Significance

The significance criteria used to evaluate the project impacts to wildfire are based on Appendix G of the CEQA Guidelines. According to Appendix G of the CEQA Guidelines, a significant impact related to wildfire would occur if the project would:

1. Substantially impair an adopted emergency response plan or emergency evacuation plan (this threshold is covered in Section 4.8, Hazards and Hazardous Materials).
2. Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire.
3. Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines, or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment.
4. Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes.

### 4.17.4 Impacts Analysis

***Would the project substantially impair an adopted emergency response plan or emergency evacuation plan?***

As analyzed in Section 4.8.4, Hazards and Hazardous Materials Impacts Analysis, the City is a participant in the Multi-Jurisdictional Hazard Mitigation Plan for San Diego County, the San Diego County Emergency Operations Plan (County of San Diego 2018, 2022). The County’s Multi-Jurisdictional Hazard Mitigation Plan is a countywide plan that identifies risks and ways to minimize damage by natural and human-caused disasters. The plan is a comprehensive resource document that serves many purposes such as enhancing public awareness, creating a decision tool for management, promoting compliance with state and federal program requirements, enhancing local policies for hazard mitigation capability, and providing inter-jurisdictional coordination. The project would not impair implementation of the Multi-Jurisdictional Hazard Mitigation Plan.

Project implementation would result in an increase of people at the project site. The increase in people at the project site would result in an increase in the number of people evacuating in the case of an emergency. The proposed project site is divided by Oak Knoll Road. The northern portion of the project site would have ~~two access points~~ one access point via Oak Knoll Road, ~~and Poca Grande Road~~. The southern portion of the site would be accessible via Oak Knoll Road. PFD has necessary turnarounds and turnouts for fire apparatus access roads within

the project area to provide access to all structures—all of which conform to the required diameter for turnarounds and turnouts. All new roads in the City—including any that would be constructed as part of the proposed project—must follow PFD’s protocol to ensure adequate emergency access (PFD 2013).

Based on the simulations in the evacuation plan, evacuation traffic generated by the project would only increase the total evacuation travel time by less than 5 minutes. With proper and effective evacuation manager and traffic control personnel, evacuation flow is anticipated to be able to be efficiently managed (Appendix R).

Overall, the project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. Therefore, impacts are determined to be **less than significant**.

***Due to slope, prevailing winds, and other factors, would the project exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?***

As previously discussed, the project site has been previously disturbed, with some portions currently developed. The project site is relatively flat, and surrounded by existing residential and commercial development. The project site is located in proximity to a VHFHSZ to the south and west; however, the project site is not located in a VHFHSZ. A small patch of native vegetation and a rock outcrop is located north of the site. The southern portion of the project site is adjacent to a riparian drainage to the south, which has fuels that are characterized as having a high fuel moisture content. The small patches of vegetation represent a small fuel load that is not consistent with extreme fire behavior. The project would introduce a residential development and ignition resistant managed landscape along the development boundary (Dudek 2022). Due to the existing development on and surrounding the project site, the project site does not feature factors that would exacerbate wildfire risk. The preliminary site plans and emergency access for the project will be reviewed by PFD and would be required to be in compliance with the applicable Fire Code. It has been determined that the project as proposed would not exacerbate wildfire risks, exposing occupants to pollutants, and therefore, impacts would be **less than significant**.

***Would the project require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines, or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?***

The project proposes the development of residential single-family homes, open space, roadways and associated infrastructure improvements. The infrastructure proposed on site would include roadways, a water system, a wastewater system, and a drainage system. The project site is surrounded by development, and therefore the proposed project would connect to existing infrastructure and utilities in the area. The project would not cut off or otherwise modify existing evacuation routes. It would, instead, implement certain roadway improvements that would improve evacuation, as noted in the Evacuation Plan analysis (Appendix R). Minor off-site improvements would be needed to connect the project site to the existing circulation system and making connections to the adjacent existing water, wastewater, drainage, natural gas, electric, and telecommunication systems. The construction and operation of the proposed infrastructure would be in compliance with applicable state and local standards regulating fire risk. Due to the project location surrounded by existing development and roads, fuel breaks are not required. Project development and associated on-site infrastructure would not exacerbate fire risks. As described previously, the project is not located within or adjacent to a FHSZ. Additionally, these improvements would be constructed within an existing right-of-way or within the project site boundary. The project would not require the installation or maintenance of such infrastructure that would exacerbate fire risk, and therefore, impacts are determined to be **less than significant**.

***Would the project expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?***

As previously discussed, the project is not located in a FHSZ and risk of wildfire is considered low. As further discussed in Section 4.9, Hydrology and Water Quality, the proposed project is not expected to increase site or downstream flooding as the project would reduce the 100-year flow below existing flow conditions and would not alter the drainage patterns of the project site.

As concluded in the Geotechnical Investigation, no evidence of landslide deposits were observed during the site reconnaissance and the risk associated with landslide hazard is low (Appendix G). The proposed project would also implement applicable CBC requirements and recommendations set forth in the Geotechnical Investigation (including Geotechnical Investigation Section 7.5, Grading, Section 7.6, Seismic Design Criteria, and Appendix D, Recommended Grading Specification), subject to final review and approval by the City Engineer, which would minimize potential risks associated with landslides (Appendix G).

As concluded in the Drainage Study prepared for the project, the project would not increase runoff in the 100-year storm event with the inclusion of the proposed vault. Since there will be no increase in runoff, there will be no negative impacts to downstream drainage facilities (Appendix I).

Considering the minimal alterations to existing hydrological conditions, lack of landslide evidence, implementation of best management practices and geotechnical recommendations, and compliance with the FMP Wildfire Evacuation Plan, potential impacts associated with post-fire flooding, runoff, or slope instability would be **less than significant**.

#### 4.17.5 Cumulative Impacts

The cumulative context considered for project wildfire impacts is the County. As discussed in Section 4.17.1, Existing Conditions, CAL FIRE has mapped areas of fire hazards in the state through its Fire and Resources Assessment Program, based on fuels, terrain, weather, and other relevant factors. The cumulative projects listed in Table 3-2, Cumulative Projects, would also be required to comply with County Fire and Building Codes, and applicable jurisdictional codes and regulations.

As described above, while the project site is not located within a VHFHSZ, there are areas located within a VHFHSZ in proximity to the project site to the south and west. The proposed project, combined with other projects in the region, would increase the population and/or activities and ignition sources in the project area, which may increase the chances of a wildfire and increase the number of people and structures exposed to risk of loss, injury, or death.

All projects within the City are required to be built with applicable Building and Fire Code standards, which have been increasingly strengthened as a result of severe wildfires. The Fire and Building codes include fire prevention and protection features that reduce the likelihood of a fire igniting on a specific project and spreading to off-site vegetated areas. These codes also protect projects from wildfires that may occasionally occur in the area through implementation of brush management/fuel management zones, ensuring adequate water supply, preparation of Fire Protection Plans, and other measures. Fire agencies such as the Poway Fire Department use the funding to provide the personnel and apparatus needed to respond to the types of emergencies that will be generated from the cumulative projects. The fire and building codes and funding stream are intended to offset the potential impacts so that fire service can be provided and people and structures are not exposed to significant risk of loss, injury, or death involving wildland fires.

Furthermore, other cumulatively considerable projects would be required to comply with the City’s vegetation clearance requirements, as outlined in the Annual Vegetation Management Program, and Chapter 8.76, Defensible Space, Vegetation Management and Waste Accumulations of the City’s Municipal Code to reduce the fuel load on vacant and developed properties in the City. The County Fire and Building codes ensure that every project approved for construction includes adequate emergency access. Roads are required to meet widths, all-weather surface, and be capable of supporting the imposed loads of responding emergency apparatus.

Lastly, the County Department of Planning and Development Services reviews applications for building permits for compliance with the California Building Code, local amendments to the California Building Code, and County Zoning Ordinance Section 87.209. Grading plans would also be reviewed for compliance with state and local standards, thus ensuring cumulative projects would minimize potential impacts related to landslide. Therefore, cumulative impacts related to wildfire hazards and emergency response and access would be **less than significant**.

#### 4.17.6 Mitigation Measures

The proposed project would not result in any significant impacts related to wildfire; therefore, no mitigation is required.

#### 4.17.7 Level of Significance after Mitigation

As analyzed in Section 4.17.4, Impacts Analysis, implementation of the proposed project would not substantially impair an adopted emergency response plan or emergency evacuation plan; exacerbate wildfire risks or pollutant concentrations; require the installation of infrastructure that may exacerbate fire risk; or expose people or structures to significant risks. As such, impacts are determined to be less than significant and no additional mitigation is required.

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# 5 Other CEQA Considerations

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## 5.1 Effects Found Not to Be Significant

Section 15128 of the California Environmental Quality Act (CEQA) guidelines (14 CCR 15000 et seq.) requires that an environmental impact report (EIR) briefly describe potential environmental effects that were determined not to be significant and therefore were not discussed in detail in the EIR. The environmental issues discussed in the following sections are not considered significant, and the reasons for the conclusion of non-significance are discussed below.

### 5.1.1 Agriculture and Forestry Resources

Would the project:

1. **Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?**

The project site is principally located in an urban area within the City of Poway (City). No area within the project boundary is designated as, adjacent to, or in close proximity to any land classified as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance in accordance with the California Important Farmland Finder located within the Mapping and Monitoring Program of the California Resources Agency. The project site is designated as an “urban and built-up area.” The proposed project is not located on and classified farmland; therefore, there would be no intention of converting prime farmland, unique farmland, or farmland of statewide importance. There would be **no impact** as a result of the proposed project.

2. **Conflict with existing zoning for agricultural use, or a Williamson Act contract?**

The proposed project does not conflict with existing zoning for agricultural use. The current zoning for the project site is “Residential Single-Family 7 (RS-7)” and the project proposes to change the land use designation to Planned Community (PC) under the proposed Specific Plan to allow for residential and open space uses. Current zoned uses for agricultural purposes do not exist in the site, or in close proximity to the site. The project site is not in conflict with a Williamson Act Contract, and therefore **no impact** would occur as a result of the proposed project.

3. **Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220[g]), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51004[g]), and**

4. **Result in the loss of forest land or conversion of forest land to non-forest use?**

As stated above, the project site is located within an urban area, and is not classified or zoned for timberland or forestland. Therefore, **no impact** would occur as a result of the proposed project.

5. **Involve other changes in the existing environment which, due to their location or nature, could result in the conversion of Farmland, to non-agricultural use or the conversion of forest land to non-forest use?**

As stated above, the project site is located within a designated “urban and built-up area,” and is not located on designated farmland. Additionally, the proposed project would not plan to expand in future phases or involve any changes in the existing environment, which could result in the conversion of farmland or forest land. Therefore, **no impact** would occur as a result of the proposed project.

## 5.1.2 Mineral Resources

Would the project:

1. **Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?**

The City is located in the Western San Diego County Production-Consumption (P-C) Zone according to the California Mineral Land Classification System. The County of San Diego Guidelines for Determining Significance Mineral Resources show the project site, along with the majority of the City, as being located in Mineral Resource Zone (MRZ) 3. MRZ-3 areas contain known mineral deposits that may qualify as mineral resources; however, further exploration work within these areas would need to occur to reclassify into the MRZ-2 category—areas with mineral resources present (County of San Diego 2008).

Furthermore, according to the Poway Comprehensive Plan: General Plan (General Plan), the only known valuable mineral resource within the City, as recognized by the California Department of Conservation, Division of Mines and Geology, is construction quality sand and gravel, which is located in the South Poway area (City of Poway 1991). The project site is located in the western portion of the City, and there are no known mineral resources within the project site. Therefore, the proposed project would not result in the loss of availability of a known mineral resource that would be of value to the state, and **no impact** would occur as a result of the proposed project.

2. **Result in the loss of availability of locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?**

The City’s General Plan does not identify any zones of locally important mineral resources within or around the project site. Additionally, the project site is located within an urbanized area of the City. Mineral extraction land uses would be incompatible with the existing and planned land uses within and around the project site. Therefore, **no impact** would occur as a result of the proposed project.

## 5.2 Growth-Inducing Effects

### 5.2.1 Population and Housing

Section 15126.2(e) of the CEQA Guidelines mandates discussion of the growth-inducing nature of a proposed project. This CEQA Guidelines states the growth-inducing analysis is intended to address the potential for the proposed project to “foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment.” Further, the CEQA Appendix G Checklist (Population and Housing) also mandates that a CEQA document speak to the proposed project’s likelihood to induce substantial population growth in an area, either directly (e.g., by proposing new homes or businesses) or indirectly (e.g., through extension of roads or other infrastructure).



A project may be distinguished as either facilitating planned growth or inducing unplanned growth. Facilitating growth is relating to the establishment of direct employment, population, or housing growth that would occur within a project site. Inducing growth is related to lowering or removing barriers to growth or by creating an amenity or facility that attracts new population/economic activity. For purposes of this EIR analysis, a significant growth inducement impact would occur if the proposed project, and associated infrastructure improvements, directly or indirectly removes obstacles to growth such that the induced growth would significantly burden existing community services, the environment, or cause a demand for general plan amendments. This section contains a discussion of the growth-inducing factors related to the proposed project and as defined under CEQA Guidelines, Section 15126.2(d). A project is defined as growth inducing when it directly or indirectly:

- Fosters population growth
- Fosters economic growth
- Includes the construction of additional housing in the surrounding environment
- Removes obstacles to population growth
- Taxes existing community service facilities, requiring construction of new facilities that could cause significant environmental effects
- Encourages or facilitates other activities that could significantly affect the environments, either individually or cumulatively

It must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment.

As discussed in Section 4.12, Population and Housing, the proposed project would directly induce growth through the development of 63 new single-family homes. According to the ~~California Department of Finance~~ U.S. Census data, there are approximately ~~2.92~~ 2.99 persons per household in the City. Following those averages, the proposed project would add approximately ~~184~~ 191 people to the City's jurisdiction (~~DOF 2022~~) (Appendix M). Although the project would also require demolition of three existing single-family housing units, the existing project site residents could potentially relocate elsewhere within the City's jurisdiction. Thus, for the purposes of assessing the project's potential impacts related to population growth in the City, this analysis does not "net out" the anticipated loss of the existing project site residents. Furthermore, of the potential new ~~184~~ 191 occupants on site, not all future residences are expected to be new residents to the City of Poway.

As discussed above in Section 4.12 of this EIR, the existing project is currently zoned and designated to accommodate residential development (i.e., RS-7), allowing for a maximum density of eight housing units per acre (City Municipal Code Section 17.08.060). Although the project would rezone and redesignate the site to Planned Community under the proposed Specific Plan for the site, the proposed maximum allowable density for the project site (i.e., 8.8 housing units per acre) is similar to the allowable density under existing conditions. Furthermore, as set forth in the proposed Specific Plan, the project would preserve approximately 3 acres of the project site for open space and recreational uses, which would reduce the overall development potential compared to existing conditions, thereby limiting the potential to substantially induce population growth.

The buildout potential of the project site under existing land use and zoning conditions is incorporated into the San Diego Association of Governments (SANDAG) growth forecasts for the City (SANDAG 2021). According to SANDAG's Series 14 Regional Growth Forecast, the amount of anticipated population growth in the City would be 3.3% by 2035 and 4.7% by 2050, which would be approximately 0.2% growth per year under both buildout horizons (SANDAG 2021). This forecasting model has accounted for growth of approximately 1,629 people by the year 2035,

and 2,298 people by the year 2050. The proposed project (i.e., the ~~184-191~~ additional residents facilitated as a result of the 63 proposed housing units) would account for approximately 11.7% of the total population growth anticipated to occur by 2035, and approximately 8% of growth anticipated to occur by 2050. Anticipated housing growth in the City shows an approximately 4% increase by 2035 (i.e., 608 units) and 5% by 2050 (i.e., 917 units), which would represent, respectively, approximately 0.3% and 0.2% annual housing growth. Accounting for the anticipated demolition of 3 existing project site housing units (resulting in 60 “net” new housing units), the project would represent approximately 10% of the total housing growth anticipated to occur by 2035 and 7% anticipated to occur by 2050. Therefore, the project would account for a fraction of the planned population and housing growth and would not exceed population or housing growth projections for the City.

As discussed above, the growth potential on the project site under existing land use/zoning conditions is incorporated into SANDAG’s growth forecasting model (SANDAG 2021). As the project’s proposed land use and zone change would allow for similar population and housing growth to occur as under existing land use and zoning conditions and would not exceed the current SANDAG growth projections for the City (as demonstrated above), the project’s anticipated population and housing increase would be considered “planned” growth and would not be substantial.

In accordance with defined future housing needs, the City must balance land use activities to comply with State Housing Law and accommodate the mandated Regional Housing Needs Assessment (RHNA) obligation for different affordability levels. Specifically, the current RHNA for the City consists of 468 very low, 268 low, 241 moderate, 342 above moderate income units, for a total of 1,319 RHNA units, which must be accommodated before the end of the current RHNA cycle (i.e., 2029) (City of Poway 2021). To accommodate the projected growth in the City—including the SANDAG forecasts and the state-mandated RHNA obligation—and to help address the City’s housing affordability crisis (previously discussed in Section 4.12.1, Population and Housing Existing Conditions), appropriate housing should be built and maintained within the City. The proposed project would be infill development, constructed primarily on previously disturbed and/or developed land surrounded by residential, commercial, industrial, and mixed uses. The project would preserve approximately 3 acres of the site for open space and recreational uses and would provide appropriate housing stock to accommodate future growth in the City. Homes would be sold at market rate, and the project does not propose any designated low-income housing. Although the proposed project may induce some indirect growth as a result of construction, including utilities, roadways, and associated utility lines, these improvements would be appropriately sized to serve the project. Thus, the potential growth is not considered to be substantial, and it would not significantly increase existing population numbers within the City.

Therefore, while the proposed project would directly induce growth in comparison to existing conditions, 63 homes or approximately ~~184-191~~ residents would not be considered substantially growth inducing, and **impacts would be less than significant.**

## 5.3 Mandatory Findings of Significance

Section 15065(a) of the CEQA Guidelines states that a lead agency shall find that a project may have a significant effect on the environment and thereby require an EIR to be prepared for the project where there is substantial evidence, in light of the whole record, that any of the following conditions may occur:

1. The project has the potential to: substantially degrade the quality of the environment; substantially reduce the habitat of a fish or wildlife species; cause a fish or wildlife species population to drop below self-sustaining levels; threaten to eliminate a plant or animal species community; substantially restrict the range of an endangered, rare or threatened species; or eliminate important examples of the major periods of California history or pre-history.
2. The project has the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals.
3. The project has possible environmental effects that are individually limited but cumulatively considerable; meaning that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects and the effects of probable future projects.
4. The environmental effects of a project will cause substantial adverse effects on human beings, either directly or indirectly.

The resource topics found to have mandatory findings of significance are described in detail throughout Chapter 4, Environmental Analysis, of this EIR.

## 5.4 Significant Unavoidable Impacts

CEQA Guidelines, Section 15126.2(c), requires that an EIR describe any significant impacts that cannot be avoided, including those impacts that can be mitigated but not reduced to a less-than-significant level. Chapter 4 of this EIR describes the potential environmental impacts of the proposed project and recommends mitigation measures to reduce impacts, where feasible. As discussed in this EIR, implementation of the proposed project would result in potentially significant impacts to air quality, biological resources, cultural/tribal cultural resources, geology and soils (paleontology), and noise. However, these significant impacts would all be mitigated to a less-than-significant levels. As analyzed in Section 4.15, Transportation, the proposed project would result in significant and unavoidable impacts related to transportation, specifically the project's VMT per capita.

## 5.5 Significant Irreversible Environmental Changes

CEQA Guidelines, Section 15126.2(d), requires that an EIR identify any significant irreversible environmental changes associated with the proposed project. Such changes include, for example, the intensification of land use or irreversible damage from environmental accidents associated with the proposed project. Implementation of the proposed project would result in irreversible environmental changes. Approval of the project would involve the development of 63 single-family residential units and associated open space and improvements. Development includes direct impacts to biological resources (see Section 4.3, Biological Resources). Although mitigated to a less-than-significant level, impacts would still be considered irreversible.

Further, construction and operation of the proposed project would require the use of resources that include but are not limited to soils, gravel, concrete, and asphalt; lumber and other related forest products; petrochemical construction materials; steel, copper, and other metals; water; fuels; commercially available cleaning products; and energy. As such, the proposed project would result in the long-term use of fossil fuels and other nonrenewable resources.

# 6 Alternatives

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## 6.1 Introduction

This chapter summarizes the Harmon Ranch project (proposed project) to allow for an evaluation of its comparative merit with a range of reasonable potentially feasible alternatives. The proposed project would include the development of 63 new single-family homes and associated site improvements on approximately 11.5 acres. The project includes retention of one existing historic home on site. The proposed 63 single-family detached homes plus the 1 existing historic home on site would account for a total of 64 lots within the proposed Specific Plan boundary. The proposed density is 8.8 dwelling units/acre (64 total residential lots/7.26-acre net project area not including private streets), which is just over the existing RS-7 designation density. The proposed project is located in the southern portion of the City, along Oak Knoll Road, south of Poway Road and west of Carriage Road.

The project proposes approximately 5.8 acres designated for residential development, a 0.25-acre historic home site, 3.2 acres of open space areas, 1.9 acres for private streets, and 0.5 acres of public right-of-way (Oak Knoll Road). The new land uses proposed by the Specific Plan include two open space uses (Open Space [OS] and Open Space – Recreation [OS-R]). Parcels designated as open space would be permanently preserved as open space through deed restriction. One residential land use is also proposed (Residential Single Family [R-S]). Please refer to Chapter 3, Project Description, for a complete description of the proposed project.

As discussed in this environmental impact report (EIR), implementation of the proposed project would result in potentially significant impacts to air quality, biological resources, cultural and tribal resources, geology and soils, and noise. However, these significant impacts would all be mitigated to a less-than-significant levels. The proposed project would result in a significant and unavoidable impacts to transportation even after the project's mitigation measures have been implemented.

## 6.2 Scope and Purpose

Section 15126.6(a) of the California Environmental Quality Act (CEQA) Guidelines (14 CCR 15000 et seq.) requires that an EIR “describe a range of reasonable alternatives to the project, or to the location of the project, that would feasibly attain most of the basic objectives but would avoid or substantially lessen any of the significant environmental effects of the project, and evaluate the comparative merits of the alternatives” (14 CCR Section 15126.6a). Section 15126.6(a) also provides that an EIR need not consider every conceivable alternative to a project. Instead, the EIR must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation, but is not required to consider alternatives that are infeasible. There is no ironclad rule governing the nature or scope of the alternatives to be discussed in an EIR, other than the “rule of reason,” which specifies that an EIR should only discuss those alternatives necessary to foster meaningful public participation and informed decision making. CEQA requires consideration of a “No Project” alternative to allow decision makers to compare the impacts of approving the project with the impacts of not approving the project (14 CCR Section 15126.6[e]).

Because an EIR must identify ways to mitigate or avoid the significant effects that a project may have on the environment (California Public Resources Code, Section 21002.1), the purpose of an EIR's alternatives discussion is to focus on alternatives to the project or its location that are capable of avoiding or substantially lessening any

significant effects of the project, even if the alternatives would impede to some degree the attainment of the project's objectives or be more costly. Further, CEQA requires that an EIR identify the environmentally superior alternative from among the alternatives.

This EIR has evaluated the proposed project's potential significant impacts in numerous environmental categories. This information allows the proposed project to be compared against the merits of each alternative.

## 6.3 Criteria for Selection, Analysis, and Feasibility of Alternatives

The criteria for the selection and analysis of alternatives are provided in CEQA Guidelines, Section 15126.6(c). The alternatives must (1) meet most of the proposed project objectives, (2) be feasible, and (3) avoid or substantially lessen any significant impacts of the proposed project. The proposed project objectives are contained in Chapter 3 of this EIR and listed below.

The underlying purpose of the proposed project is to develop approximately 11 acres of disturbed land, bisected by existing Oak Knoll Road, currently used as a storage and staging area for San Diego Gas & Electric Company.

Project implementation would be guided by the following statement of project objectives (Appendix Q, Harmon Ranch Specific Plan):

1. Implement applicable goals and policies of the City's General Plan.
2. Develop a residential neighborhood within an underutilized site with quality architecture and community design aesthetics that respect and enhance the existing neighborhood's appeal and character.
3. Ensure new uses are compatible with the existing surrounding homes by establishing setbacks, design regulations and guidelines that protect the privacy and quality of life for neighboring residents.
4. Contribute new housing units to the City of Poway and the region by providing new single-family housing.
5. Conserve a portion of the project site to minimize environmental impacts on biological resources and allow for the development of an environmentally sensitive neighborhood.
6. Preserve the historic home on site by implementing a landscape plan to maintain the historic setting and provide a buffer to ensure the permanent protection of the historic resource during construction.
7. Create an internal network of private streets that minimizes traffic impacts on existing neighborhoods and incorporates a trail connection to the adjacent commercial/industrial land use.
8. Minimize the environmental impact of new development through best management and low impact development practices, water and energy conservation measures and green construction.
9. Create a land use plan that can realistically be developed within a foreseeable time frame and under projected economic conditions.

According to CEQA Guidelines Section 15126.6(b), the alternatives analysis should focus on those alternatives that, if implemented, could eliminate or reduce any of the proposed project's significant environmental impacts. The alternatives will be evaluated to determine if, as anticipated when selected as alternatives, they actually eliminate any significant environmental effects or reduce them to a less-than-significant level. The proposed project-related impacts are considered to be those that are identified prior to the incorporation or implementation of any mitigation measures.

The potential impacts of the alternative relative to the proposed project will be evaluated to determine the “comparative merits of the alternatives” (14 CCR 15126.6[a]). This analysis will be based, in part, on a comparison to the proposed project’s impacts. It also will include a discussion of the relative feasibility of each alternative.

CEQA Guidelines Section 15126.6(f)(1) identifies the factors to be taken into account to determine the feasibility of alternatives. The factors include site suitability; economic viability; availability of infrastructure; general plan consistency; other plans or regulatory limitations; jurisdictional boundaries; and whether the applicant can reasonably acquire, control, or otherwise have access to the alternative site. No one of these factors establishes a fixed limit on the scope of reasonable alternatives. An alternative does not need to be considered if its environmental effects cannot be reasonably ascertained and if implementation of such an alternative is remote or speculative.

In determining the nature and scope of alternatives to be examined in an EIR, CEQA and the case law have stated that local agencies must be guided by the doctrine of “feasibility.” As defined by CEQA, “feasible” means “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors” (Public Resources Code Section 21061.1; see also 14 CCR Section 15364 [same definition but with the addition of “legal” factors]). The concept of feasibility under CEQA also encompasses “desirability” to the extent that desirability is based on a reasonable balancing of the relevant economic, social, technological, and other factors.<sup>1</sup>

## 6.4 Rationale for the Selection of Alternatives

The criteria discussed above and information received during the CEQA Notice of Preparation and scoping process were used to select alternatives to the proposed project.

The “No Project” alternative must be evaluated along with any impacts (14 CCR 15126.6[e][1]). If the environmentally superior alternative is the “No Project” alternative, the EIR must identify an environmentally superior alternative among the other alternatives (14 CCR 15126[e][2]). See Table 6-1, Comparison of Impacts of Proposed Project and Alternatives, for a comparison of the alternatives. In addition, the EIR must identify any alternatives that were considered but rejected by the lead agency, and briefly explain the reasons behind the lead agency’s rejection determination.

An EIR need not evaluate the environmental effects of alternatives in the same level of detail as the project, but must include enough information to allow meaningful evaluation, analysis, and comparison with the project. The alternatives discussion is intended to focus on alternatives to the project or its location that are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the proposed project objectives.

In addition to the “No Project” alternative, an Existing Zoning alternative and a Density Bonus alternative were evaluated in this EIR.

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<sup>1</sup> See *City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3rd 401, 417.

## 6.5 Alternatives Considered but Rejected from Analysis

### 6.5.1 Alternative Project Location

In accordance with CEQA Guidelines Section 15126.6(f)(2), an alternative location for a project should be considered if development of another site is feasible and if such development would avoid or substantially lessen the significant impacts of the project. Factors that may be considered when identifying an alternative site location include the size of the site, its location, its land use designation under the applicable general plan (or subregional plan), and availability of infrastructure. CEQA Guidelines Section 15126.6(f)(2)(A) states that a key question in addressing an off-site alternative is “whether any of the significant effects of the project would be avoided or substantially lessened by putting the project in another location.”

If another parcel within the City limits were to become available, development of the alternative site would likely result in the same or similar impacts as those identified in this EIR for the proposed project. Those impacts include, among others, air quality, biological resources, cultural resources, geology and soils, noise, and traffic. Selection of another alternative location may avoid impacts to biological and cultural resources, which are site-specific; however, such impacts associated with the proposed project were found to be less than significant with mitigation. Additionally, the project site is in an area surrounded by residential development and thus constitutes infill and avoids inducing sprawl. In this way, the project site helps to avoid environmentally sensitive areas and minimizes impacts to these other valued lands while aiding the City to meet their housing needs. Thus, another alternate site location is not likely to substantially reduce significant environmental effects as to those resources when compared to the project site.

The City is not aware of an alternative site within the City equivalent to the project site that could be redeveloped with a similar residential development project. Further, the project applicant does not own another comparable site within the City that is available for development of the project and one of the factors for feasibility of an alternative is “whether the proponent can reasonably acquire, control or otherwise have access to the alternative site.” It is unlikely and speculative to assume the feasibility of assembling another site similar to the proposed project that meets most of the project objectives and avoids or substantially lessens the project’s potential significant impacts. As this EIR analyzes a reasonable range of alternatives, CEQA does not require consideration of an off-site alternative location where it is speculative if such a property even exists, where the project’s potentially significant impacts would be avoided or substantially lessened, and that the applicant could reasonably acquire. For these reasons, the alternative site location is not considered feasible.

## 6.6 Alternatives Considered in this EIR

The proposed project alternatives evaluated include the following:

1. No Project/No Development Alternative (Section 6.6.1)
2. Existing Zoning Alternative (Section 6.6.2)
3. Density Bonus Alternative (Section 6.6.3)

As discuss above, the proposed project would result in potentially significant impacts that would be reduced to a level of-less-than significant with implementation of mitigation, related to the following: air quality, biological resources, cultural resources/tribal cultural resources, geology and soils (paleontology), and noise. This EIR has



determined that the project would result in significant and unavoidable impacts related to traffic and circulation. The proposed project would result in no impact or less-than-significant impacts to the following: aesthetics, energy, greenhouse gases, hazards and hazardous materials, hydrology and water quality, land use and planning, population and housing, public services, recreation, utilities and service systems, and wildfire. The three alternatives considered analyze the alternative project impacts against the project's identified impact areas.

## 6.6.1 Analysis of the No Project/No Development Alternative

### 6.6.1.1 No Project/No Development Alternative Description and Setting

CEQA requires an evaluation of the "No Project" alternative so that decision makers can compare the impacts of approving the proposed project with the impacts of not approving it (California Public Resources Code, Section 21000 et seq.). According to CEQA Guidelines Section 15126.6(e), the No Project Alternative must include the assumption that conditions at the time of the Notice of Preparation (i.e., baseline environmental conditions) would not be changed since the proposed project would not be implemented.

The No Project/No Development Alternative assumes that the proposed project would not be developed, which means there would be no residential, recreational, trail, and other community and conservation uses developed on site. Traffic improvements would not be constructed. None of the proposed project site would be permanently preserved as open space. In its existing condition, the site would remain as an undeveloped dirt lot with the four existing residences. Maintenance of the site would not be required.

In comparing the No Project/No Development Alternative to the proposed project, CEQA provides that the "lead agency should proceed to analyze the impacts of the no project alternative by projecting what would reasonably be expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services" (14 CCR 15126.6[e][3][C]).

Below, the No Project/No Development Alternative is compared to the proposed project as though it would remain in its existing condition. The existing site, a mostly cleared and primarily vacant dirt lot containing four existing single-family residences that was formerly used as a construction staging yard for San Diego Gas & Electric Company, would retain the underlying Poway Comprehensive Plan: General Plan (General Plan) land use designations and zoning of Residential-Single Family Residential Single Family 7 (RS-7) and would remain in its current condition.

### 6.6.1.2 Comparison of the Effects of the No Project/No Development Alternative to the Proposed Project

#### **Air Quality**

Under the No Project Alternative, air pollutant emissions associated with construction, including emissions associated with grading, site preparation, site finishing and building finishing, would not occur. This alternative would avoid significant but mitigable emissions of DPM during construction related to construction (Impact AQ-1), because no construction-related air pollutant emissions would occur. Implementation of this alternative would not introduce any uses that would generate operational air pollutant emissions. Thus, compared to the proposed project, the No Project Alternative would avoid air quality impacts because no impacts to air quality would occur.

## Biological Resources

The No Project Alternative would not require any ground-disturbing activities. As such, this alternative would not result in potential direct and/or indirect significant impacts associated with potentially occurring special-status species, sensitive natural communities identified in local or regional plans, and a wetland/riparian habitat. This Alternative would not require implementation of MM-BIO-1 through MM-BIO-5, as proposed for the project. Therefore, as no development would occur under this alternative, compared to the proposed project, this alternative would avoid impacts to biological resources.

## Cultural and Tribal Cultural Resources

The No Project Alternative would not require any ground-disturbing activities. As such, this alternative would not result in potential direct and/or indirect significant impacts to cultural resources or TCRs. This Alternative would not require implementation of MM-CUL-1 through MM-CUL-3, as proposed for the project. Therefore, as no development would occur under this alternative, compared to the proposed project, this alternative would avoid impacts to cultural resources and TCRs.

## Geology and Soils

The No Project Alternative would not require any ground-disturbing activities. As such, this alternative would not result in potential direct and/or indirect significant impacts to paleontological resources. This Alternative would not require implementation of MM-GEO-1, as proposed for the project. Therefore, as no development would occur under this alternative, compared to the proposed project, this alternative would avoid impacts to geology and soils.

## Noise

The project site is currently primarily vacant and does not generate any noise, with the exception of noise generated from the four existing residences on site. Under the No Project Alternative, the project site would remain primarily undeveloped and would not create any new sources of construction or operational noise. Additionally, this alternative would not generate any groundborne vibration. This Alternative would not require implementation of MM-NOI-1, as proposed for the project. Therefore, as no development would occur under this alternative, compared to the proposed project, this alternative would avoid impacts to noise.

## Transportation

Under the No Project Alternative, no development would occur. Therefore, this alternative would have no direct impact on VMT, would not result in hazards due to design features, would not alter emergency access; and no impact would occur. However, compared to the proposed project, this alternative would not promote sustainability by focusing housing development in an infill area identified as having low VMT due to proximity to existing employment, entertainment, schools, markets, parks, transit, and shopping centers. Additionally, other improvements, such as circulation and pedestrian improvements, would not occur under this alternative. As outlined in Section 4.15, Transportation, of this EIR, because the project's VMT per resident is above the regionwide average, impacts would be significant; despite the implementation of MM-TRA-1, impacts would remain significant and unavoidable. Under the No Project Alternative, no mitigation would be required as no development would occur. Therefore, compared to the proposed project, the No Project Alternative would result in reduced impacts related to transportation.

## 6.6.2 Existing Zoning Alternative

### 6.6.2.1 Existing Zoning Alternative Description and Setting

The Existing Zoning Alternative would have the project site retain its original zoning designation, Residential Single Family 7 (RS-7), rather than changing the site zoning to Planned Community (PC) under the proposed project. RS-7 zones in the City of Poway permit single-family homes on a minimum of 4,500-square-foot lots and a maximum density of 8 dwelling units per acre (City of Poway 1991). Since the residential project area is 7.26 acres, that means that the project site could have a maximum of 58 housing units, five fewer than the proposed project's goal of 63 units. Although fewer units would be developed, the footprint of disturbance to construct the reduced number of residences would be roughly the same as the proposed project, since the lot sizes would be larger.

### 6.6.2.2 Comparison of the Effects of Existing Zoning Alternative to the Proposed Project

#### **Air Quality**

Under the Existing Zoning Alternative, air pollutant emissions associated with construction, including emissions associated with grading, site preparation, site finishing and building finishing, would occur similar to the proposed project. Similar to the proposed project, this alternative would have significant impacts associated with daily construction emissions, potentially exposing sensitive receptors to substantial pollutant concentrations; and would similarly result in significant but mitigable emissions of DPM during construction related to construction. Implementation of mitigation similar to MM-AQ-1 proposed for the project would be required under this alternative. However, since fewer homes would be constructed under this alternative, fewer emissions would occur over a shorter duration. Impacts relative to air quality from the Existing Zoning Alternative may be slightly less than the proposed project, but would still require mitigation similar to the proposed project. Therefore, compared to the proposed project, this alternative would result in similar impacts to air quality.

#### **Biological Resources**

The Existing Zoning Alternative would result in similar ground-disturbing activities to that of the proposed project. As such, this alternative would result in potential direct and/or indirect significant impacts associated with potentially occurring special-status species, sensitive natural communities identified in local or regional plans, and a wetland/riparian habitat. This alternative would require implementation of mitigation similar to MM-BIO-1 through MM-BIO-5, as proposed for the project. Therefore, compared to the proposed project, this alternative would result in similar impacts to biological resources.

#### **Cultural and Tribal Cultural Resources**

The Existing Zoning Alternative would result in similar ground-disturbing activities to that of the proposed project. As such, this alternative would result in potential direct and/or indirect significant impacts to cultural resources or TCRs. This alternative would require implementation of mitigation similar to MM-CUL-1 through MM-CUL-3, as proposed for the project. Although fewer units would be developed, the footprint of disturbance to construct the reduced number of residences would remain the same under the Existing Zoning Alternative. Therefore, compared to the proposed project, this alternative would result in similar impacts to cultural resources and TCRs.

## Geology and Soils

The Existing Zoning Alternative would require similar ground-disturbing activities to that of the proposed project. As such, this alternative would result in potential direct and/or indirect significant impacts to paleontological resources. Under the Existing Zoning Alternative, although fewer units would be developed, the footprint of disturbance to construct the reduced number of residences would remain the same or similar to the proposed project. This alternative would require implementation of mitigation similar to MM-GEO-1, as proposed for the project. Therefore, compared to the proposed project, this alternative would result in similar impacts to geology and soils.

## Noise

Under the Existing Zoning Alternative, construction and operational noise conditions would be similar to that analyzed for the proposed project. The proposed project would result in potentially significant noise impacts associated with construction near existing residences. This alternative may slightly reduce the duration of construction-related noise as a result of the reduced unit count; however, implementation of mitigation similar to MM-NOI-1 as proposed for the project is still anticipated. Therefore, compared to the proposed project, this alternative would result in similar impacts to noise.

## Transportation

As outlined in Section 4.15, of this EIR, because the project's VMT per resident is above the regionwide average, impacts would be significant; despite the implementation of MM-TRA-1, impacts would remain significant and unavoidable. Under the Existing Zoning Alternative, the VMT impact determination would remain the same as the proposed project. Due to the project site being located in an urban setting and the limited options available to mitigate VMT impacts for residential projects, the Existing Zoning Alternative would still result in a significant and unavoidable transportation impact due to VMT. Although the slight reduction in units on site would potentially reduce traffic associated with the project, mitigation similar to MM-TRA-1 would be required under this alternative to address VMT. Therefore, compared to the proposed project, this alternative would result in similar significant and unavoidable impacts related to transportation.

## 6.6.3 Density Bonus Alternative

### 6.6.3.1 Density Bonus Alternative Description and Setting

Under the Density Bonus Alternative, the project site would be developed with up to 92 lots utilizing the State's density Bonus Program. Four (4) of the proposed 92 units under this Alternative would be designated as very low income units. The 92 units would be single-family homes, with internal circulation and approximately 4,500 sf of open space recreation area. This Alternative would use the allowed Density Bonus concession request to reduce the zoned minimum lot sizes for the site from 4,500 sf to 2,400 sf.

A developer may acquire the right to develop at a specific density under State of California Density Bonus Law (Government Code Sections 65915–65918). The State of California's Density Bonus Law was established to promote the construction of affordable housing units and allows projects to exceed the maximum designated density and to use development standard waivers, reductions or incentives and concessions in exchange for providing affordable housing units in compliance with all current density bonus regulations. The City is required to

implement these state requirements. The project proposes 63 total single-family homes, which is fewer than the 92 allowed under the density bonus.

With approval of the Density Bonus, the City may not legally require a reduced number of units the applicant is permitted to construct below the 92 single-family units proposed under this Alternative. This Alternative would provide affordable housing on site to help satisfy the State and City’s current and future demand for housing.

### 6.6.3.2 Comparison of the Effects of Density Bonus Alternative to the Proposed Project

#### **Air Quality**

Under the Density Bonus Alternative, air pollutant emissions associated with construction, including emissions associated with grading, site preparation, site finishing and building finishing, would occur similar to the proposed project. Similar to the proposed project, this alternative would have significant impacts associated with daily construction emissions, potentially exposing sensitive receptors to substantial pollutant concentrations; and would similarly result in significant emissions of DPM during construction related to construction. However, since 29 more homes would be constructed under this alternative, potentially greater emissions would occur over a longer duration. Implementation of mitigation similar to MM-AQ-1 proposed for the project would be required under this alternative. Additional mitigation than that proposed for the project could be required under this alternative as a result of the increase in units on site. Therefore, compared to the proposed project, this alternative would result in similar or greater impacts to air quality.

#### **Biological Resources**

The Density Bonus Alternative would result in similar or greater ground-disturbing activities to that of the proposed project. As such, this alternative would result in potential direct and/or indirect significant impacts associated with potentially occurring special-status species, sensitive natural communities identified in local or regional plans, and a wetland/riparian habitat. This alternative would require implementation of mitigation similar to MM-BIO-1 through MM-BIO-5, as proposed for the project. Compared to the proposed project, this alternative would result in similar impacts to biological resources.

#### **Cultural and Tribal Cultural Resources**

The Density Bonus Alternative would result in similar or greater ground-disturbing activities to that of the proposed project. As such, this alternative would result in potential direct and/or indirect significant impacts to cultural resources or TCRs. This alternative would require implementation of mitigation similar to MM-CUL-1 through MM-CUL-3, as proposed for the project. Therefore, compared to the proposed project, this alternative would result in similar impacts to cultural resources and TCRs.

#### **Geology and Soils**

The Density Bonus Alternative would require similar or greater ground-disturbing activities to that of the proposed project. As such, this alternative would result in potential direct and/or indirect significant impacts to paleontological resources. This alternative would require implementation of mitigation similar to MM-GEO-1, as proposed for the project. Therefore, compared to the proposed project, this alternative would result in similar impacts to geology and soils (paleontological resources).

## Noise

Under the Density Bonus Alternative, construction and operational noise conditions would be similar or greater to that analyzed for the proposed project. The proposed project would result in potentially significant noise impacts associated with construction near existing residences. This alternative is expected to increase the duration of construction-related noise as a result of the increased unit count. Implementation of mitigation similar to MM-NOI-1 as proposed for the project would be required. Additional mitigation than that proposed for the project could be required under this alternative to address construction and operational noise, as a result of the increase in units on site. Therefore, compared to the proposed project, this alternative would result in similar or greater impacts to noise.

## Transportation

As outlined in Section 4.15, of this EIR, because the project's VMT per resident is above the regionwide average, impacts would be significant; despite the implementation of MM-TRA-1, impacts would remain significant and unavoidable. Under the Density Bonus Alternative, the VMT impact determination would remain the same as the proposed project. Due to the project site being located in an urban setting and the limited options available to mitigate VMT impacts for residential projects, the Density Bonus Alternative would still result in a significant and unavoidable transportation impact due to VMT. Additionally, the increase in units on site under this alternative would potentially increase traffic associated with the project. Mitigation similar to MM-TRA-1 would be required under this alternative to address VMT. Therefore, compared to the proposed project, this alternative would result in similar significant and unavoidable impacts related to transportation.

# 6.7 Determination of Environmentally Superior Alternative

As shown in Table 6-1, implementation of the No Project/No Development Alternative would result in the greatest reduction in significant impacts when compared to the proposed project. Because the No Project/No Development Alternative would result in the least amount of impacts to the environment, it would be the environmentally superior alternative. However, Section 15126.6(e)(2) of the CEQA Guidelines states that if the environmentally superior alternative is the "No Project" alternative, the EIR also must identify an environmentally superior alternative among the other alternatives.

Among the other alternatives, not including the proposed project, the Existing Zoning Alternative would be considered the environmentally superior alternative because it would potentially provide a reduced level of impact in some environmental analysis areas including air quality, noise, and transportation as a result of the slightly reduced unit count. However, under this alternative, impacts to air quality, biological resources, cultural/tribal cultural resources, geology and soils, and noise would still remain as less than significant with mitigation incorporated, similar to the proposed project. The Existing Zoning Alternative is assumed to cover the same development footprint as the proposed project but would result in a slightly decreased unit count and population count on site. Because the Existing Zoning Alternative would cover the same development footprint as the project, impacts to biological resources, cultural/tribal cultural resources, and geology and soils would remain the same as the proposed project and mitigation measures would still be required to mitigate impacts to these environmental resources. Furthermore, due to the project site being located in an urban setting and the limited options available to mitigate VMT impacts for residential projects, the Existing Zoning Alternative would still result in a significant and unavoidable transportation impact due to VMT.

Similar to the proposed project, under this Alternative, a request for Density Bonus would not be applied, as no affordable housing would be proposed, and the applicant would be required to pay a fee in-lieu of providing inclusionary/low-income housing. While this alternative would develop infill housing in an urbanized area and assist the City to implement its housing goals, it would implement less housing compared to the proposed project and less efficiently promote infill development.

The Existing Zoning Alternative would meet all proposed project objectives; however, it would not substantially reduce or avoid significant environmental impacts under the proposed project. Nevertheless, because this alternative would slightly reduce potentially significant impacts in comparison to the project, this alternative is considered the environmentally superior alternative.

**Table 6-1. Comparison of Impacts of Proposed Project and Alternatives**

Environmental Issue Areas with Potentially Significant Impacts	Proposed Project	No Project Alternative	Existing Zoning Alternative	Density Bonus Alternative
Air Quality	LTSM	No Impact (Reduced)	LTSM (Same/Reduced)	LTSM (Same/Increased)
Biological Resources	LTSM	No Impact (Reduced)	LTSM (Same)	LTSM (Same)
Cultural and Tribal Cultural Resources	LTSM	No Impact (Reduced)	LTSM (Same)	LTSM (Same)
Geology and Soils	LTSM	No Impact (Reduced)	LTSM (Same)	LTSM (Same)
Noise	LTSM	No Impact (Reduced)	LTSM (Same/Reduced)	LTSM (Same/Increased)
Transportation	SU	No Impact (Reduced)	SU (Same/Reduced)	SU (Same/Increased)

**Note:** LTS = Less Than Significant Impact; LTSM = Less Than Significant with Mitigation; SU = Significant and Unavoidable; (Same/Reduced) = slightly reduced impact but same significance determination as the project; (Same/Increased) = slightly increased impact but same significance determination as the project.

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