

3.9 Land Use and Planning

This section evaluates the potential impacts of the Proposed Action on land use and planning. This evaluation includes an assessment of the direct, indirect, short-term, long-term, and cumulative effects of the Proposed Action on land use plans, policies, and regulations; residences and businesses; and educational, religious, and scientific land uses. Portions of this evaluation are based on the Community Impact Assessment (CIC Research, 2007), which is included as Appendix H to this EIR/EIS.

3.9.1 Affected Environment

3.9.1.1 Environmental Setting

This following discussion describes the existing environmental setting within the SV 100K study area.

Existing Land Uses

San Vicente Reservoir is bordered on the south by the community of Lakeside, on the east by the Barona Tribal lands, and on the north and west by mostly undeveloped land that is within the jurisdiction of the County of San Diego. The surface area of the reservoir is 1,083 acres, and the primary use of the reservoir is for local storage of drinking water. Other reservoir benefits include a regional recreational area allowing a variety of water sports, such as boating, waterskiing, and fishing. Boat launching, maintenance structures, a concession trailer, public restrooms, and a parking lot are located on the western shore of the reservoir.

Most of the land surrounding the reservoir is undeveloped and consists of steep canyon slopes with extensive rock outcroppings. Vegetation communities on the canyon slopes include coastal sage scrub, mixed chaparral, oak and sycamore woodlands, and wetland habitats.

Low-density residential development intermingled with agricultural lots is present south and southeast of the reservoir. A few isolated residences are located at higher elevations surrounding the reservoir. Some of the residential lots in the vicinity also contain equestrian and agricultural structures. Pockets of light manufacturing and storage uses are located along Vigilante Road and State Route 67 (SR-67). Industrial extractive uses (i.e., rock quarrying operations) are located along the northerly end of SR-67 (both sides).

Other existing land uses near the reservoir include Sycamore Canyon Regional Open Space Park and Oak Oasis County Park. The eastern edge of Sycamore Canyon Regional Open Space Park is approximately one mile west of the reservoir. The western extent of Oak Oasis County Park is 0.25 mile east of the reservoir.

3.9.1.2 Regulatory Setting

This section addresses local plans, policies, and programs relevant to land use and planning issues of the Proposed Action.

San Diego County Water Authority

The Water Authority is mandated by its principal act, the County Water Authority Act (Stats. 1943, c. 545) to provide water to meet the needs of member agencies in its service area. As defined under this Act, the Water Authority is not subject to local land use plans, policies, and ordinances. Furthermore, water supply facilities are exempt from local zoning per California Government Code Section 53091(d) and (e). According to Section 53091 of the California Government Code, zoning ordinances do not apply to the location or construction of facilities used for the production, generation, storage, or transmission of water. Nevertheless, a discussion of the plans and policies that support the provision of water infrastructure is provided below.

County of San Diego General Plan

The County of San Diego General Plan identifies long-range goals and policies for the comprehensive development of land within its jurisdiction. The County General Plan includes the following 12 specific planning elements: Open Space, Regional Land Use, Noise, Seismic Safety, Public Facility, Scenic Highway, Energy, Conservation, Public Safety, Recreation, Circulation, and Housing. The Public Facility Element of the General Plan recognizes the need for the timely provision of water facilities concurrent with approved development and growth in the county. Section 13 (Water Provision Systems), Objective 2, Policy 2.1 of the Public Facility Element states that the “County will encourage the regional coordination of water resource management.” Implementation measure 2.1.2 of this policy states that the “County will support the Water Authority to obtain sufficient local, regional, and statewide water development facilities to meet the planned need.”

Community plans are used to focus the General Plan goals and policies to the specific or unique circumstances existing in individual communities throughout the County. Each community plan incorporates the goals and policies developed by the community to ensure that they will be compatible with those found in the General Plan. Community plans in the vicinity of the SV 100K study area are discussed below.

Lakeside Community Plan

The majority of the SV 100K study area is located within the Lakeside Community Planning area of the County of San Diego. The Lakeside community is located in the western foothills of the Cuyamaca Mountains on the San Diego River about 21 miles east of downtown San Diego. The Lakeside Community Plan was adopted by the County Board of Supervisors on December 19, 1975, and amended on August 9, 2000. The Lakeside Community Plan contains the following elements: Community Character, Land Use, Housing, Circulation, Public Facilities

and Services, Conservation, Recreation, and Scenic Highways. A relevant policy of the Public Facilities and Services Element is to “Promote water reclamation as part of the long range solution to sanitation problems and also as a source of water for irrigation and recreational purposes.”

Ramona Community Plan

The northeastern portion of the SV 100K study area is located in the Ramona Community Planning area of the County of San Diego. The Ramona community encompasses approximately 84,000 acres and is located east of the City of Poway and north of Lakeside. The Ramona Community Plan was adopted by the County Board of Supervisors on October 5, 1978, and last amended on May 10, 2006. The Ramona Community Plan contains the following elements: Community Character, Land Use, Housing, Circulation, Public Facilities, Safety and Education, Conservation, Recreation, Open Space, Noise, and Scenic Highways. There are no relevant policies from this Community Plan that support the provision of water infrastructure.

San Diego Regional Water Quality Plan (Basin Plan)

The state’s water quality objectives, policies, and implementation strategies are administered by the RWQCB and detailed in the Basin Plan. These water quality policies consist of the following five statements:

- Water quality objectives, beneficial uses, and water quality control plans and policies adopted by the SWRCB and the RWQCBs shall be an integral part of the basis for water quality management.
- Water shall be reclaimed and reused to the maximum extent feasible.
- Point sources and non-point sources of pollution shall be controlled to protect designated beneficial uses of water.
- In-stream beneficial uses shall be maintained, and when practical, restored, and enhanced.
- A detailed and comprehensive knowledge of the beneficial uses, water quality objectives, and activities affecting water quality throughout the region shall be maintained.

Regional Water Facilities Master Plan

The Water Authority completed a *Regional Water Facilities Master Plan* (Master Plan) in December 2002. The Master Plan encompasses a region-wide planning effort, incorporating three interrelated components: water demands, water supplies, and facilities.

Urban Water Management Plan

The California Water Code requires all urban water suppliers in the state to prepare urban water management plans and update them every five years. These plans satisfy the requirements of the

California Urban Water Management Plan Act of 1983, including amendments that have been made to the Act. The Water Authority's Draft 2005 *Urban Water Management Plan* (UWMP) was prepared in compliance with the Act.

City of San Diego Multiple Species Conservation Program

As discussed in Section 3.6.1.2 (Biological Resources for the Proposed Action) of this EIR/EIS, the primary objective of the state-wide Natural Communities Conservation Plan (NCCP) Act of 1991 is to conserve natural communities at the ecosystem scale while accommodating land uses. The Act is broader in scale and intent than the federal and state endangered species acts (FESA and CESA), with a goal of integrating the land use planning process with environmental protection and preservation by focusing on the long-term stability of plant and animal communities, and including key interests in the process. A significant secondary goal of the Act is to streamline the permitting process for development projects by facilitating a regional approach to habitat conservation. Southern California is divided into 11 NCCP subregions, which are further divided into subareas.

Local jurisdictions and special districts implement their respective portions of the NCCP through subarea plans, which describe specific implementing mechanisms. The City of San Diego's Multiple Species Conservation Program (MSCP) is a subarea plan that implements the NCCP for land within the City's jurisdiction in southwestern San Diego County. As discussed below, San Vicente Reservoir is located within the MSCP Subregional Plan (1998), and within the City of San Diego's MSCP Subarea Plan (1997).

City of San Diego MSCP

The MSCP Subregional Plan is a comprehensive, long-term habitat conservation planning program that covers approximately 900 square miles (582,243 acres) in southwestern San Diego County. The MSCP is designed to preserve native habitat for multiple species, rather than focusing efforts on one species at a time, by identifying areas where future development will be directed with priority given to conservation areas (referred to as Multiple-Habitat Planning Areas [MHPAs] in the Subarea Plan). Within the MHPAs, development would be limited to ensure the long-term viability and recovery of 85 "covered" species. Through this strategy, the MSCP would preserve a network of habitat and open space, protect biodiversity, enhance the region's quality of life, and provide an economic benefit by streamlining compliance with federal and state wildlife laws. Signatory agencies/districts administer their portions of the MSCP through subarea plans and implementing agreements.

On March 18, 1997, the San Diego City Council unanimously adopted the MSCP (R-28455) and in July 1997 entered into a 50-year MSCP Implementing Agreement with the U.S. Fish and Wildlife Service (USFWS) and the California Department of Fish and Game (CDFG). Through this agreement, the City received its FESA Section 10(a) incidental take permit (PRT-830421) on July 18, 1997. Pursuant to its MSCP permit, the City of San Diego has incidental "take authority" over 85 rare, threatened and endangered species. This "take authority" means that the City may incidentally impact these species without additional state or federal approval or

permits, and is used by City departments for public projects. The City's "take authority" can also be conferred to third parties (e.g., other agencies, private developers) who receive City of San Diego development permits. The Water Authority is not seeking third-party beneficiary status under the MSCP permit because impacts from the Proposed Action to federally and state listed species and supporting habitats would be authorized directly through the U.S. Army of Engineers (Corps), USFWS, RWQCB, and CDFG permitting processes.

City Cornerstone Lands

The Proposed Action is located within the Central Poway/San Vicente Reservoir/North Poway Core Resource Area, as identified in the MSCP Subregional Plan. Additionally, the lands surrounding San Vicente Reservoir are part of the "Cornerstone Lands" MHPA Preserve (refer to Figure 3.6-3 in Section 3.6 [Biology] of this EIR/EIS). Cornerstone Lands are areas that are considered to be essential building blocks for creating a viable habitat preserve system. They consist of lands surrounding Lake Hodges, San Vicente Reservoir, Otay Reservoir, and Marron Valley that have been maintained in a largely undisturbed condition by the City of San Diego Water Department.

Section 1.2.5 of the MSCP excludes areas of the ESP and future expansion of San Vicente Reservoir from the Cornerstone Lands MHPA Preserve "...in order to provide for current and future requirements of the City of San Diego Water Department (the property owner) and the [Water Authority]," and includes exemptions for filling the reservoir to 800 feet AMSL, a new marina, quarry operations, access roads, staging areas, a horizontal buffer of 300 feet around the expanded reservoir (as measured from 800 feet AMSL), and other supporting uses. These MSCP exclusions that apply to the ESP are summarized below.

- #1 Area of the existing San Vicente Reservoir and dam, within 300 feet horizontally from the ultimate high water level;
- #2 All permanent impact areas related to staging areas, tunnel portals, permanent access roads, relocated roads, and interconnection facilities associated with reservoir expansion and pipeline and pump station construction (approximately 88 acres);
- #4 Area for the proposed pump station (approximately 5 acres) at the bottom of the dam;
- #7 Right-of-way for a pipeline from the terminus of the existing Sutherland/San Vicente pipeline to San Vicente Reservoir, aligned along San Vicente Creek (approximately 8 acres);
- #8 Area below the dam for a sand and rock mining operation to produce aggregate materials for the dam expansion (approximately 33 acres; 5,000 feet wide by 2,800 feet long);
- #11 Area sufficient for new boat launch and recreation facilities at (10 acres) and access road from SR-67 above the ultimate high water line of the expanded reservoir (i.e., above 800 feet AMSL); and

- #12 All existing access and service roads, lake recreation facilities, and similar or proposed facilities associated with the Water Authority's ESP.

The Water Authority is not a signatory to the MSCP Implementing Agreement; therefore, the MSCP Subarea Plan does not govern the Water Authority's activities. Furthermore, the Water Authority is not subject to local land use plans, policies, and ordinances, per California Government Code Section 53091(d) and (e), as stated above. Nevertheless, MSCP Land Use Adjacency Guidelines, which are typically applied by the City on a project-by-project basis through the land development review process to minimize impacts and maintain MHPA preserve functions (Section 1.4.3 of the MSCP Subarea Plan), are listed below:

- **Drainage:** All new and proposed parking lots and developed areas in and adjacent to the San Vicente Reservoir Cornerstone Lands MHPA Preserve should not drain directly into the MHPA. All developed and paved areas should prevent the release of toxins, chemicals, petroleum products, exotic plant materials, and other elements that might degrade or harm the natural environment or ecosystem processes within the MHPA.
- **Toxics:** Land uses such as recreation and agriculture that typically involve the use of chemicals or that generate byproducts, such as manure, which are potentially toxic or impactive to wildlife, sensitive species, habitat, or water quality should incorporate measures to reduce impacts caused by the application and/or drainage of such materials into the MHPA.
- **Lighting:** Lighting in areas adjacent to the MHPA should be directed away from the MHPA. Where necessary, lighting should be adequately shielded with non-invasive plant materials (preferably native), berming, and/or other methods to protect the MHPA and sensitive species from night lighting.
- **Noise:** Uses in or adjacent to the MHPA should be designed to minimize noise impacts. Berms or walls should be constructed adjacent to any uses that may introduce noise that could impact or interfere with wildlife utilization of the MHPA. Excessively noisy uses or activities adjacent to breeding areas should incorporate noise reduction measures and be curtailed during the breeding season of sensitive species. Adequate noise reduction measures should also be incorporated for the remainder of the year.
- **Barriers:** New development adjacent to the MHPA should provide barriers (e.g., non-invasive vegetation, rocks/boulders, fences, walls, and/or signage) along the MHPA boundaries to direct public access away from the MHPA and reduce domestic animal predation.
- **Invasives:** No invasive non-native plant species should be introduced into areas adjacent to the MHPA.
- **Grading/Land Development:** Manufactured slopes should be included within the development footprint for projects within or adjacent to the MHPA.

3.9.2 Project Design Features

General Conditions and Standard Specifications that will be included in the project construction documents to reduce biological resources impacts associated with MSCP Land Use Adjacency Guidelines (refer to Section 3.9.1.2 above) are summarized in Sections 1.9.3 and 1.9.9 (Introduction) of this EIR/EIS. In addition, the Proposed Action would include design features to minimize these impacts (refer to Section 3.6.2, [Biological Resources for the Proposed Action] of this EIR/EIS).

3.9.3 Direct and Indirect Effects

3.9.3.1 Thresholds of Significance

Thresholds used to evaluate potential land use impacts are based on applicable criteria in the State CEQA Guidelines (CCR §§15000-15387), Appendix G; and the ESP EIR/EIS. A significant land use impact would occur if the Proposed Action would:

1. Physically divide an established community.
2. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, a general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect, unless exempted by state law.
3. Result in the displacement, relocation or permanent loss of any residence, business (e.g., commercial, industrial, and extractive) or governmental or institutional uses (i.e., educational, religious, or scientific).

3.9.3.2 Impact Analysis

Methodology

The methodology for determining land use impacts at the SV 100K footprint is described in Appendix H to this EIR/EIS, and involved a literature review and field investigations. The literature review included on-line property records, San Diego County Assessors maps, demographic forecasts, U.S. Census data, SANDAG's 2030 demographic projections, local economic publications, survey data and published mapping information. Field investigations for the SV 100K study area were conducted on October 14, 2005, and September 14 and October 21, 2006, and included a survey with recreation users.

Analysis

Threshold 1: Physically divide an established community

The existing San Vicente Dam and Reservoir was constructed in the 1940s, and subsequent community development has long adjusted to their presence. The increased inundation area would not separate parts of the established community that are currently linked. Therefore, the Proposed Action would not physically divide an established community, and there would be no impact.

The Proposed Action would not physically divide an established community. Therefore, there would be no impact from the Proposed Action.

Threshold 2: Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, a general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect, unless exempted by state law

Land Use Plans, Policies or Regulations

Under Section 53091 of the California Government Code, zoning ordinances do not apply to the location or construction of facilities used for the production, generation, storage, or transmission of water. Specific objectives, policies and standards that support the implementation of water storage and transmission facilities and recreational opportunities in the vicinity of the Proposed Action are listed in Section 3.9.1.2 above, and are derived from the County of San Diego General Plan Public Facility Element, Lakeside Community Plan, and Ramona Community Plan. Other objectives, policies and standards from these plans do not apply to the Proposed Action since it would involve construction of a water storage reservoir and appurtenances which are allowed under Section 53091 of the California Government Code. Therefore, there would be no impacts of the Proposed Action with respect to potential conflicts with land use plans, policies or regulations.

NCCP/ City of San Diego MSCP Consistency

Land Use Adjacency Guidelines

The Water Authority is not a signatory to the MSCP Implementing Agreement, nor is it subject to local land use plans, policies, and ordinances per California Government Code Section 53091(d) and (e). However, the Proposed Action would be consistent with MSCP Land Use Adjacency Guidelines by implementing General Conditions and Standard Specifications (refer to Sections 1.9.3 and 1.9.9 [Introduction] of this EIR/EIS) and project design features (refer to Section 3.6.2 [Biological Resources for the Proposed Action] of this EIR/EIS) to minimize edge effects and adjacency impacts on the surrounding natural habitat in the San Vicente Reservoir Cornerstone Lands MHPA Preserve. Applicable project components, project design features, and mitigation measures from Section 3.6 (Biological Resources for the Proposed Action) of this EIR/EIS are listed below each of the MSCP Land Use Adjacency Guidelines.

- *Drainage:*
 - Where construction corridors cross drainage features, appropriate drainage facilities will be installed to avoid interruption of downstream flows in areas that drain into the San Vicente Reservoir Cornerstone Lands MHPA Preserve.
 - During operations, the proposed parking lot and developed areas associated with the relocated/expanded marina would not drain directly into the San Vicente Reservoir Cornerstone Lands MHPA Preserve; therefore, there would be no release of toxins, chemicals, petroleum products, exotic plant materials, or other elements from the marina that would degrade or harm the natural environment or ecosystem processes within the MHPA. Refer to Section 3.17.2 (Water Resources for the Proposed Action) of this EIR/EIS for a discussion of the project design features to avoid water quality impacts in the reservoir associated with the above-referenced storm water runoff pollutants.
- *Toxics:*
 - Vegetation outside the approved construction limits and within the San Vicente Reservoir Cornerstone Lands MHPA Preserve will not be cut or sprayed with herbicide.
 - During construction, fueling of equipment will occur in designated fueling zones within the approved construction limits and located at least 100 feet from drainages and wetlands that are within the San Vicente Reservoir Cornerstone Lands MHPA Preserve. All equipment used within the approved construction limits will be free of fluid and grease leaks. Emergency provisions to contain and clean up unintentional fuel or oil spills will be in place prior to construction.
 - Construction personnel will park private vehicles in designated areas within the approved construction limits.
 - During clearing, grading, excavation, construction, or hauling of excavated materials, water trucks or sprinkler systems will be used as necessary to reduce airborne dust into the San Vicente Reservoir Cornerstone Lands MHPA Preserve.
 - During construction, the contractor(s) will implement a Storm Water Pollution Prevention Plan (SWPPP) to minimize erosion of, and siltation into, sensitive habitats and natural drainages within the San Vicente Reservoir Cornerstone Lands MHPA Preserve. The SWPPP will identify erosion- and sediment-control Best Management Practices (BMPs) tailored to specific site conditions including, but not limited to, silt fences, gravel bags, sandbag dikes, diversion ditches, stream bank stabilization, detention basins, and any other appropriate and effective measures. These measures will be in place prior to initiation of clearing/grubbing, vegetation removal and construction activities within the approved construction limits.
 - The use of fertilizers and pesticides for revegetation efforts in and adjacent to the San Vicente Reservoir Cornerstone Lands MHPA Preserve will be limited to the maximum extent practicable.

- During operations, a limited amount of hazardous materials (paints, solvents, petroleum products, etc.) would be used or stored on site that could generate byproducts in the event of a spill which are potentially toxic or impactful to wildlife, sensitive species, habitat, or water quality within the San Vicente Reservoir Cornerstone Lands MHPA Preserve. As discussed in Section 3.13.3.2 (Public Safety for the Proposed Action) of this EIR/EIS, such impacts would be avoided through implementation of the City's Hazardous Materials Business Plan for the San Vicente Reservoir.
- *Lighting:* Construction night lighting will be directed away from adjacent native habitats within the San Vicente Reservoir Cornerstone Lands MHPA Preserve and will consist of low-sodium or similar lighting equipped with shields to focus light downward.
- *Noise:* Refer to mitigation measure SV/BR 12-1 (Section 3.6.3.3 [Biological Resources for the Proposed Action] of this EIR/EIS).
- *Barriers:*
 - Prior to construction, a qualified biologist will oversee installation of appropriate fencing and/or flagging to delineate the approved construction limits for protection of identified sensitive resources outside the approved construction zone and within the San Vicente Reservoir Cornerstone Lands MHPA Preserve.
 - If the removal of native vegetation and/or mature trees within the approved construction limits is proposed during the breeding season for sensitive nesting migratory birds (February 15 through August 31) or during the raptor breeding season (generally between January 1 and July 30), a survey for active nests will be conducted prior to vegetation/tree removal; active nests will be avoided; and a temporary construction fence will be installed to maintain the following buffer distances around the nests, until the young birds have fledged—up to 500 feet for raptors, 300 feet for California gnatcatcher, and 100 feet for all other sensitive breeding bird species.
- *Invasives:*
 - During construction, the contractor(s) will implement invasive exotic plant control programs at the boundaries of approved construction limits adjacent to sensitive habitats within the San Vicente Reservoir Cornerstone Lands MHPA Preserve. Invasive plant removal methods will be developed in consultation between the Water Authority, City of San Diego, and regulatory agencies.
 - The use of non-native, invasive plant species in revegetation efforts will be prohibited.
 - The exotic plant control programs initiated during construction will be continued in revegetated areas until it can be demonstrated that native vegetation can sustain itself without active weed eradication, or up to seven years, whichever occurs first.

- *Grading/Land Development:*
 - The width of construction corridors extending through sensitive habitats (e.g., oak woodlands, coastal sage scrub, and wetlands) within the San Vicente Reservoir Cornerstone Lands MHPA Preserve will be minimized to the extent practicable.
 - Wherever practicable, access/construction roads and staging areas will be located a minimum of 100 feet from areas supporting sensitive habitats or species to minimize the potential for unauthorized impacts within the San Vicente Reservoir Cornerstone Lands MHPA Preserve.
 - Where practicable, disturbed areas will be recontoured to be compatible with the surrounding topography within the San Vicente Reservoir Cornerstone Lands MHPA Preserve, and these areas will be restored and revegetated at the completion of construction.
 - With the exception of a small encroachment of the Marina Quarry Option into the San Vicente Reservoir Cornerstone Lands MHPA Preserve (see discussion below), all grading and manufactured slopes associated with the Proposed Action would be contained within the SV 100K footprint.

These project components, design features and mitigation measures would minimize edge effects and adjacency impacts within the San Vicente Reservoir Cornerstone Lands MHPA Preserve. Therefore, impacts to biological resources associated with the above-listed MSCP Land Use Adjacency Guidelines would be less than significant.

Conservation Goals

Section 3.6.3.2 (Biological Resources for the Proposed Action) of this EIR/EIS contains an analysis of the Proposed Action in terms of consistency with the MSCP conservation goals. In terms of assembling large amounts of conserved habitats to build the MHPA preserve system, permanent impacts to an estimated 152 acres of chaparral due to the Proposed Action may affect the ability of the City to implement the MSCP. The Water Authority acknowledges that the City negotiated a “hard-line” project boundary for the San Vicente Reservoir expansion (under both ESP and CSP), as well as the City of San Diego Water Department’s future projects, in the MSCP Subarea Plan relative to the San Vicente Reservoir Cornerstone Lands MHPA Preserve. As stated above, the Proposed Action is specifically excluded from the MHPA, and the majority of permanent impacts to chaparral (151.5 acres) would occur within this exclusion area (i.e., outside the Preserve); only 0.5 acre of permanent impact to chaparral would occur inside the Preserve due to encroachment by the Marina Quarry Option.

During negotiations with the regulatory agencies in the preparation of the MSCP Implementing Agreement, there was expectation that the compensatory mitigation required for ESP impacts (and, by extension, CSP impacts) would substantially conform to the City of San Diego’s Land Development Code (LDC) Biological Guidelines, Table 3 (Upland Mitigation Ratios). Therefore, in acknowledgement of these negotiations, the Water Authority will debit upland credits from its approved mitigation banks for permanent impacts to chaparral at the following ratios, in conformance with Table 3 (Upland Mitigation Ratios) of the City’s LDC Biological

Guideline: (1) a 0.5:1 ratio for impacts that would occur *outside* of a designated preservation area identified in NCCP subregional plans and associated subarea plans, and where compensatory mitigation would occur *within* a designated preservation area identified in NCCP subregional plans and associated subarea plans; and (2) a 1:1 ratio for impacts that would occur *inside* a designated preservation area identified in NCCP subregional plans and associated subarea plans, and where compensatory mitigation would occur *within* a designated preservation area identified in NCCP subregional plans and associated subarea plans. The selection of biological mitigation sites generally would be locations identified in NCCP subregional plans and associated subarea plans as areas proposed for preservation (i.e., MHPA, Pre-Approved Mitigation Area [PAMA], or equivalent designation).

In addition, the City is currently at 91.9 percent of its conservation goal (52,727 acres), with the remaining 8.1 percent comprised of privately owned lands (City of San Diego MSCP Annual Report, 2006). Therefore, impacts to biological resources associated with MSCP conservation goals would be less than significant.

MHPA Preserve Design

The MSCP Subarea Plan recognizes current and future needs of the Water Authority to provide water for San Diego County and identifies San Vicente Reservoir as a possible location for increased storage of water supplies. As stated in Section 3.9.1.2 above, the MSCP excludes areas of the ESP and future expansion of San Vicente Reservoir from the Cornerstone Lands MHPA Preserve, and provides exemptions for filling the reservoir to 800 feet above mean seal level (AMSL), a new marina, quarry operations, access roads, staging areas, a horizontal buffer of 300 feet around the expanded reservoir (as measured from 800 feet AMSL), and other supporting uses.

All of the components of the Proposed Action would be within the exemption limit for the San Vicente Reservoir Cornerstone Lands MHPA Preserve (800-foot ASML contour plus 300-foot horizontal buffer), except for a small portion of the Marina Quarry Option and the septic system setback (refer to Section 2.2.13 [Project Description] of this EIR/EIS). Potential impacts on the Preserve from the Marina Quarry Option and septic system setback are discussed in more detail below.

Marina Quarry Option. Section 1.2.5 of the MSCP Subarea Plan identifies approximately 33 acres (5,000 feet wide by 2,800 feet long) "below the dam for a sand and rock mining operation to produce aggregate materials for the dam expansion." The Marina Quarry Option would be located northwest of the existing dam in the vicinity of the marina and would extend approximately 10 acres into a portion of the San Vicente Reservoir Cornerstone Lands MHPA Preserve (non-exempt area). This 10-acre encroachment would consist of 0.5 acre of permanent impacts and 9.5 acres of temporary impacts to chaparral.

If the Marina Quarry Option were selected, there would be no need for the Southwest and Southeast on-site quarry options below the dam, and the sensitive coastal sage scrub vegetation in these two areas would continue to contribute biological value to the regional MSCP preserve system. In addition, the Southwest Quarry Option contains pre-fire (2003 Cedar Fire)

gnatcatcher-occupied coastal sage scrub habitat. The Marina Quarry Option would substantially reduce the acreage anticipated to be used for aggregate production for the dam expansion (by approximately 15 acres). If this quarry option were selected by the Water Authority, it would not affect the long-term function or design of the San Vicente Reservoir Cornerstone Lands MHPA Preserve or conflict with the identified MHPA exemptions anticipated for this area in the MSCP Subarea Plan (Section 1.2.5). Overall, the Marina Quarry Option would result in less acreage being affected for aggregate production and allow for areas south of the existing dam, with sensitive coastal sage scrub and pre-fire gnatcatcher-occupied habitat, to being retained in their natural state. Therefore, impacts due to encroachment of the Marina Quarry Option into approximately 10 acres of the San Vicente Reservoir Cornerstone Lands MHPA Preserve (non-exempt area) would be less than significant.

Septic System Setback. The Lakeside Community Plan encourages the use of individual septic systems, as opposed to municipal sewerage, under its Public Facilities and Services element. As discussed in Section 2.2.1.3 (Project Description) of this EIR/EIS, a septic system setback would be established around San Vicente Reservoir to provide a buffer between the maximum inundation limit of the expanded reservoir and the septic systems (i.e., leach fields) associated with adjacent residential lots. It is not known at this time what the final reservoir septic system setback requirements would be for the Proposed Action, but the setback areas would be based on the maximum normal pool (MNP) elevation of 764 feet AMSL.. The setback areas are intended as an open space buffer to be left in a natural state to ensure reservoir water quality protection, while still allowing for normal reservoir watershed management activities as set forth in Section 1.5.10 of the MSCP Subarea Plan. The extension of the setback area into San Vicente Reservoir Cornerstone Lands MHPA Preserve would further the preserve design and habitat conservation goals of the MSCP. Therefore, impacts due to encroachment of the reservoir septic system setback into the San Vicente Reservoir Cornerstone Lands MHPA Preserve (non-exempt area) would be less than significant.

Proposed Land Uses

Proposed land uses consist of specific development proposals recently approved (but not yet built) or those currently under consideration for approval by governmental agencies. There are no proposed land uses adjacent to San Vicente Reservoir with which the Proposed Action would conflict, so there would be no impact. Refer to Section 3.2 and Figure 3.2-1 (Cumulative Projects for the Proposed Action) of this EIR/EIS for a description and locations of proposed developments in the vicinity of the Proposed Action.

With respect to potential conflicts with ESP projects in the vicinity of the Proposed Action, the San Vicente Pipeline tunnel portal to the west of the dam has been installed and the San Vicente Pump Station/Surge Control Facility to the west of the dam is under construction. As discussed in Section 3.2.2 (Cumulative Projects for the Proposed Action) of this EIR/EIS, construction activities at the San Vicente Pipeline tunnel portal may overlap the start of construction for the Proposed Action, and could contribute to short-term cumulative air quality, noise, and traffic impacts when combined with the Proposed Action (refer to Sections 3.5, 3.11 and 3.16, respectively, of this EIR/EIS). The San Vicente Pipeline would not contribute to long-term

cumulative environmental impacts because it is an underground facility. Construction activities associated with the San Vicente Pump Station/Surge Control Facility would be completed prior to initiation of construction for the Proposed Action; therefore, this ESP project would not occur during the construction phase for the Proposed Action. Operation of the San Vicente Pump Station could contribute to long-term cumulative air quality and noise impacts when combined with the Proposed Action, and the above-ground San Vicente Surge Control Facility could contribute to cumulative visual quality impacts when combined with the Proposed Action (refer to Sections 3.5, 3.11 and 3.3, respectively, of this EIR/EIS).

Pursuant to Section 53091 of the California Government Code, the Proposed Action is exempted from land use plans, policies or regulations identified in the County of San Diego General Plan Public Facility Element, the Lakeside Community Plan, and the Ramona Community Plan. Therefore, there would be no impact from the Proposed Action.

The Proposed Action would not impact biological resources in such a manner that would conflict with planning policies of the City of San Diego's MSCP, including Land Use Adjacency Guidelines, Conservation Goals, and MHPA Preserve Design. Therefore, impacts of the Proposed Action would be less than significant.

There are no proposed land uses adjacent to San Vicente Reservoir. Therefore, there would be no impact from the Proposed Action.

Threshold 3: Result in the displacement, relocation or permanent loss of any residence, business (commercial, industrial, extractive) or governmental or institutional uses (educational, religious, scientific)

Residences

For purposes of this analysis, an approximate 500- to 1,000-foot septic system setback was applied around the new MNP elevation of 764 feet ASML. The actual buffer width of the septic system setback would vary depending on topography (refer to Table 2.2-2 in Section 2.2.1.4 [Property Acquisition] of this EIR/EIS). Under this “worst-case” scenario and based on preliminary engineering estimates, up to 53 parcels could be affected by the Proposed Action, including the inundation area, construction areas, and septic system setback areas. These 53 potentially affected parcels would encompass approximately 4,940 acres. Of the 53 potentially affected parcels, 12 may require full acquisition, 32 may require partial acquisition, 4 may require purchase of easements, and 5 may require a septic offset but no taking. It is not known what portion, if any, of the parcels may be affected. The 12 parcels that may need to be acquired are zoned residential. Five of these 12 residentially zoned parcels are developed with single-family residences, and seven are currently vacant. Two of the 32 parcels that may require partial acquisition are developed with single-family residences; the remaining parcels are vacant. As stated above, it is not known at this time what the final septic system setback requirements would be for the Proposed Action. This would be determined once individual septic field percolation tests are conducted on each parcel. However, the Water Authority considers the displacement of even one residence a significant impact. Therefore, impacts of the Proposed Action due to

displacement, relocation, or permanent loss of residential property as a result of the septic system setback would be significant.

As described in 2.2.3.1 (Construction Drawdown and Refilling) of this EIR/EIS, it is possible that easements may be purchased on properties that restrict the installation of septic systems to limited portions of the parcel. If acquiring the easement to restrict installation of septic systems would result in residential displacement, this impact would be significant.

Businesses

On-Site Businesses

There are no active businesses within the SV 100K study area. The City of San Diego had previously contracted out the marina snack and bait concession stand that sold soft drinks, snacks, and fishing equipment to the recreational users at the lake; however, the City closed this operation in 2006. There currently is no timeline set by the City for reopening the concession operation under a private operator. The nearest retail businesses are located a few miles south of the reservoir at Los Coches Road and Woodside Avenue in Santee. No on-site business relocations would occur as a result of the Proposed Action. Therefore, there would be no impacts of the Proposed Action relative to the displacement of on-site businesses.

Aquatic Businesses

Several local freshwater aquatic recreation businesses located outside of the SV 100K study area, but that use the reservoir for demonstration of boating equipment, may be adversely affected by the reservoir closure during the dam raise construction. However, alternative year-round freshwater sites are available at other locations to accommodate boating demonstrations, such as Lake Elsinore and El Capitan Reservoir. Upon completion of the dam raise and reservoir filling, the relocated marina and larger reservoir surface would enhance aquatic recreation business opportunities. Therefore, impacts associated with the displacement of aquatic businesses from the Proposed Action would be less than significant.

Government or Institutional Uses

No churches, schools, scientific institutions, or research areas are located within the SV 100K study area. Therefore, there would be no impacts of the Proposed Action relative to the displacement of government or institutional uses (churches, schools, or scientific institutions).

*The Proposed Action could potentially displace residences and require easements over existing residential lots around the expanded reservoir. Therefore, impacts of the Proposed Action would be significant (**Impact SV/LU 1**).*

The Proposed Action would not displace on-site businesses, or government or institutional uses (i.e., educational, religious, or scientific). Therefore, there would be no impact from the Proposed Action.

During the dam raise construction, the Proposed Action would disrupt freshwater aquatic businesses that operate at San Vicente Reservoir; however, alternative sites are available to serve these businesses. Therefore, impacts of the Proposed Action would be less than significant.

3.9.3.3 Mitigation Measures

To mitigate potential displacement of residences due to establishment of a septic system setback around the expanded San Vicente Reservoir (**Impact SV/LU 1**), the Water Authority will implement the following mitigation measures:

- SV/LU 1-1** The Water Authority will conduct a site-specific septic/leach field system analysis and coordinate with property owners within the setback area of San Vicente Reservoir to ensure compliance with County of San Diego Department of Health Services Policies and Regulations for Protection of a Domestic Water Reservoir as planned.
- SV/LU 1-2** Relocation assistance for residential displacement impacts will be carried out pursuant to applicable sections of the Water Authority's Administrative Code and existing state and federal laws, such as the federal Uniform Relocation Assistance Act (as amended). Federal law requires that all services and/or benefits will be administered to the general public without regard to race, color, national origin, or sex.
- SV/LU 1-3** In areas requiring right-of-way acquisition or relocation assistance, the Water Authority will use certified independent fee appraisers to determine fair market value for all affected parcels. Landowners will be offered fair market value, based on the approved appraisal.

3.9.3.4 Residual Impacts after Mitigation

No residual impacts would remain after implementation of the mitigation measures listed in Section 3.9.3.3 above.

3.9.4 Cumulative Effects

3.9.4.1 Other CIP Projects

The PEIR for the Regional Water Facilities Master Plan concluded that the cumulatively significant land use impacts associated with potential non-conformance with adopted land use plans, zoning requirements, Habitat Conservation Plans, MSCPs, and environmentally sensitive land regulations for CIP projects, such as Slaughterhouse Terminal Reservoir, when combined with other reasonably foreseeable future projects, could be reduced to below a level of significance or avoided by implementing program-level mitigation measures identified in the

PEIR, along with mitigation measures outlined during subsequent environmental analysis of these projects. This conclusion is incorporated into the cumulative land use analyses in Section 3.9.4.3 below.

3.9.4.2 ESP Projects

As described in Section 3.2 (Cumulative Projects) of this EIR/EIS, the ESP projects in the vicinity of the Proposed Action (i.e., San Vicente Pump Station/San Vicente Surge Control Facility and San Vicente Pipeline) would not contribute to cumulative land use impacts in combination with the Proposed Action. Therefore, these ESP projects are not incorporated into the cumulative land use analyses in Section 3.9.4.3 below.

3.9.4.3 Other Planned Projects with CIP and ESP Projects

This section evaluates the cumulative land use impacts of the Proposed Action when considered in conjunction with the other planned projects listed in Table 3.2-1 (Section 3.2 [Cumulative Projects] of this EIR/EIS), and incorporates the cumulative land use impacts associated with the Slaughterhouse Terminal Reservoir (CIP) project described in Section in Section 3.9.4.1 above. The following cumulative analysis addresses each of the three significance thresholds listed in Section 3.9.3 above.

Cumulative Threshold 1: Physically divide an established community

The Proposed Action would not physically divide an established community. Therefore, there would be no cumulative impacts due to the Proposed Action.

Cumulative Threshold 2: Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, a general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect, unless exempted by state law

The Water Authority is not subject to local land use plans, policies, and ordinances. Furthermore, water supply facilities are exempt from local zoning per California Government Code Section 53091. In addition, the Proposed Action would not affect biological resources in such a manner that would conflict with planning policies of the City of San Diego's MSCP, including Land Use Adjacency Guidelines, Conservation Goals, and MHPA Preserve Design. Finally, there are no proposed land uses adjacent to San Vicente Reservoir. Therefore, there would be no cumulative impacts due to the Proposed Action arising from potential conflicts or inconsistencies with land use plans, policies or regulations, or proposed land uses.

Cumulative Threshold 3: Result in the displacement, relocation or permanent loss of any residence, business (commercial, industrial, extractive) or governmental or institutional uses (educational, religious, scientific)

The Proposed Action could displace residences and require easements on portions of residentially zoned properties due to establishment of a septic system setback around the expanded reservoir for water quality protection. This would be a significant land use impact. Mitigation measures, including relocation assistance pursuant to applicable sections of the Water Authority's Administrative Code and existing state and federal laws, such as the federal Uniform Relocation Assistance Act (as amended), would reduce these impacts to a level considered less than significant. Under the "worst-case" assumption that all of the cumulative projects in the vicinity of the Proposed Action (refer to Table 3.2-1, Section 3.2 [Cumulative Projects] of this EIR/EIS) would be constructed within the same timeframe as the Proposed Action, some of these projects could contribute to cumulative impacts with respect to potential displacement of residences. Therefore, the potential cumulative displacement of residences due to the Proposed Action, when combined with similar potential cumulative land use impacts from the Slaughterhouse Terminal Reservoir (CIP) project and other planned cumulative projects listed in Table 3.2-1, would be significant (***Impact SV/LU 1C***).

The Proposed Action would not displace on-site businesses, or government or institutional uses (i.e., educational, religious, or scientific). Therefore, there would be no cumulative impacts on these uses due to the Proposed Action.

Neither the Slaughterhouse Terminal Reservoir (CIP) project nor other planned cumulative projects listed in Table 3.2-1 would contribute to cumulative impacts on freshwater aquatic businesses that operate at San Vicente Reservoir. Therefore, the potential cumulative impacts on these businesses from the Proposed Action during the dam raise construction period would be less than significant.

*When combined with potential cumulative land use impacts from the Slaughterhouse Terminal Reservoir (CIP) project and other planned cumulative projects listed in Table 3.2-1, the Proposed Action's contribution to cumulative impacts with respect to potential displacement of residences would be considerable (***Impact SV/LU 1C***). Implementation of ***Mitigation Measures SV/LU 1-1, SV/LU 1-2, and SV/LU 1-3*** would reduce the cumulative land use impact of the Proposed Action to a level considered less than significant. The Slaughterhouse Terminal Reservoir (CIP) project and other planned cumulative projects listed in Table 3.2-1 would be required to comply with similar regulations (e.g., federal Uniform Relocation Assistance Act) to mitigate significant direct and cumulative impacts associated with potential residential displacements. Therefore, potential cumulative displacement of residences due to the Proposed Action, when combined with similar potential cumulative land use impacts from the Slaughterhouse Terminal Reservoir (CIP) project and other planned cumulative projects listed in Table 3.2-1, would be less than significant after mitigation.*