

## FINAL MITIGATED NEGATIVE DECLARATION

Project No. 402137  
SCH# 2015021066

SUBJECT: **CITY COUNCIL APPROVAL OF NEW STORM WATER MUNICIPAL PERMIT PLANNING DOCUMENTS** for the City of San Diego (City) consisting of an update to one (1) Jurisdictional Runoff Management Plan, six (6) associated Water Quality Improvement Plans (WQIPs), updates to Minimum Best Management Practices (BMPs), and associated amendments to the City's Storm Water Management and Discharge Control Ordinance.

Applicant: City of San Diego Transportation & Storm Water Department – Storm Water Division

On May 8, 2013, the California Regional Water Quality Control Board, San Diego Region (referred to as "San Diego Water Board") reissued a municipal storm water permit entitled "National Pollutant Discharge Elimination System (NPDES) Permit and Waste Discharge Requirements for Discharges from the Municipal Separate Storm Sewer Systems (MS4s) draining the watersheds within the San Diego Region" (Order No. R9-2013-0001; [MS4 Permit]) to the San Diego County Copermittees, including the City. The MS4 Permit was issued by the San Diego Water Board pursuant to Section 402 of the Federal Clean Water Act and implementing regulations (Code of Federal Regulations [CFR] Title 40, Part 122) adopted by the United States Environmental Protection Agency, and Chapter 5.5, Division 7 of the California Water Code. The MS4 Permit, in part, requires the City to use its land use and planning authority to implement a development planning program to control and reduce the discharge of pollutants in storm water from new development and significant redevelopment to the maximum extent practicable.

### **Jurisdictional Runoff Management Plan Update**

Pursuant to the MS4 Permit, the City is required to update its Jurisdictional Runoff Management Plan (JRMP). The JRMP outlines the City's approach to improving water quality in its rivers, bays, lakes, and ocean by reducing discharges of pollutants to the MS4s. The JRMP required by the MS4 Permit is an updated version of what the previous MS4 Permit referred to as the Jurisdictional Urban Runoff Management Plan (JURMP). In addition to revising the title of the document, the current MS4 Permit has also changed some of the requirements being included in the City's JRMP.

The JRMP will act as the blueprint for the City's actions to protect and improve water quality. It outlines the City's procedures and policies on how to address water quality and storm water discharges to the MS4. These procedures and policies include the following categories of strategies:

- Development Planning: Includes land use and planning authority to require implementation of BMPs to address effects from new development and redevelopment.
- Construction Management: Addresses pollutant generation from construction activities associated with new development.

- Existing Development: Addresses pollutant generation from existing development, including commercial, industrial, municipal, and residential land properties.
- Illicit Discharge, Detection, and Elimination (IDDE) Program: Actively detects and eliminates illicit discharges and improper disposal of wastes into the MS4.
- Public Education and Participation: Promotes and encourages behaviors to reduce pollutant discharges. Describes opportunities for public participation in water quality improvement planning.
- Enforcement Response Plan: Describes escalating enforcement measures for each JRMP component.

### **Water Quality Improvement Plans**

The MS4 Permit requires Copermittees to work collaboratively to develop a Water Quality Improvement Plan (WQIP) for each of the eight (8) Watershed Management Areas (WMAs) in the San Diego Region. The City has jurisdiction in six (6) of the eight (8) WMAs and has worked with other Copermittees (i.e., other cities with jurisdiction in the WMAs) to develop WQIPs for the following: San Dieguito River, Los Peñasquitos, Mission Bay, San Diego River, San Diego Bay, and Tijuana River (Figure 1). Each WQIP identifies the priority and highest priority water quality condition(s) in the WMA and the strategies needed to meet goals established to address the highest priority water quality condition(s). Table 1 which is included in the Initial Study Checklist shows the highest priority water quality condition(s) identified for each of the six WMAs within the City's jurisdiction.

The recommended strategies were identified on the basis of their ability to effectively and efficiently eliminate non-storm water discharges to the MS4, reduce pollutants in storm water discharges in the MS4 to the maximum extent practicable, and strive to achieve the goals established in each WMA. The WQIPs identify nonstructural and structural strategies needed to achieve the goals for each WMA within the City's jurisdiction.

Nonstructural strategies include JRMP programs and enhanced strategies intended to reduce storm water pollution, which do not involve construction of a physical component or structure to filter and treat storm water. JRMP programs are required by the MS4 Permit and include administrative policies; creation and enforcement of municipal ordinances for development planning, construction activities, and existing development; education and outreach programs; maintenance of municipal facilities; and inspection and enforcement. Enhanced strategies go above what the MS4 Permit requires and include rebate and/or other incentive programs, cooperation and collaboration with other watershed or regional partners, clean up events, pet waste programs, and targeted catch basin cleaning and street sweeping.

Structural strategies, or structural BMPs, can be placed strategically throughout a WMA to collectively improve water quality by removing pollutants through filtration and infiltration. Structural BMPs may include, but are not limited to, the following:

#### **Green Infrastructure**

- green streets
- bioretention
- infiltration trenches
- bioswales
- planter boxes
- constructed wetlands

- permeable pavement
- sand filters
- vegetated swales
- vegetated filter strips
- green roofs

#### Multiuse Treatment Areas

- infiltration and detention basins
- stream, channel, and habitat rehabilitation projects

#### Water Quality Improvement BMPs

- trash segregation
- proprietary BMPs
- dry weather flow separators and treatment projects

The full list of City strategies needed to meet the numeric goals identified for all six WMAs has been included as an attachment to the JRMP.

#### **Industrial, Commercial, Residential, and Municipal Minimum Best Management Practices (BMPs)**

The JRMP also designates and describes new and updated minimum BMPs for industrial and commercial facilities, municipal properties, and residential areas. These BMPs consist of practices to prevent or minimize pollutants from entering the storm drain system, through discharge control, erosion and sediment control, good housekeeping practices, material storage and handling, pesticide and fertilizer management, spill prevention and response, waste management, and education and training. A detailed list of the minimum BMPs are included as an appendix to the JRMP.

#### **Storm Water Management and Discharge Control Ordinance Update**

In 1993, the City of San Diego enacted the Storm Water Management and Discharge Control Ordinance (Storm Water Ordinance) §43.03, et seq. The City established the Storm Water Ordinance to ensure the health, safety, and general welfare of San Diegans by describing prohibited and allowed non-storm water discharges. The Storm Water Ordinance was amended in 2001 and again in 2008. The proposed amendment to the Storm Water Ordinance includes language revisions for consistency with the 2013 MS4 Permit, including updating the permit name, new nomenclature and definitions and modifications to the list of allowable discharges into the storm drain system presently found in Section 43.0305(b) to conform to the non-storm water discharges list of the new MS4 Permit.

Some non-storm water discharges to the MS4 that were allowed under the prior version of the MS4 Permit are no longer allowed, specifically, certain discharges from foundation and footing drains.

The following discharges are conditionally allowed if specific minimum BMPs set forth in the JRMP are put in place:

- Air conditioning condensation
- Individual residential vehicle washing
- Chlorinated and saline swimming pool water
- Emergency and non-emergency firefighting discharges

- I. PROJECT DESCRIPTION: See attached Initial Study.
- II. ENVIRONMENTAL SETTING: See attached Initial Study.
- III. DETERMINATION:

The City of San Diego conducted an Initial Study which determined that the proposed project could have a significant environmental effect in the following areas(s): LAND USE (MULTIPLE SPECIES CONSERVATION PROGRAM/MULTI-HABITAT PLANNING AREA), HISTORICAL RESOURCES (ARCHAEOLOGY), HISTORICAL RESOURCES (BUILT ENVIRONMENT), AND PALEONTOLOGICAL RESOURCES. The project proposal requires the implementation of specific mitigation identified in Section V of this Mitigated Negative Declaration (MND). The project as presented avoids or mitigates the potentially significant environmental effects identified, and the preparation of an Environmental Impact Report (EIR) would not be required.

Future applications for implementation of structural or non-structural City projects included in the JRMP or WQIPs (including, but not limited to: Green Infrastructure; Multiuse Treatment Areas; and Water Quality BMPs) would be reviewed for potential impacts and consistency with the attached Mitigated Negative Declaration (MND) and Initial Study Checklist. Where it can be determined that the project is consistent with the attached MND, but would not result in impacts requiring mitigation, the project could be covered by an applicable exemption in accordance with the State California Environmental Quality Act (CEQA) Guidelines. If the project does not impact potentially sensitive biological resources, and no additional potentially significant impacts would result then either no further environmental review would be required or an Addendum to this MND would be prepared in accordance with CEQA Section 15162. The consistency review or addendum would discuss the specifics of each project, including the location, environmental setting, and construction methods. Where a future project is inconsistent with the assumptions of this environmental document, or in the event an impact would result which was not analyzed in this MND, a new environmental document would be prepared based on the completion of an Initial Study.

IV. DOCUMENTATION:

The attached Initial Study documents the reasons to support the above Determination.

V. MITIGATION, MONITORING AND REPORTING PROGRAM:

**LAND USE (MSCP/MHPA, ESL REGULATIONS & HISTORICAL RESOURCES REGULATIONS)**

**Mitigation Framework (Compliance with Applicable Regulations)**

**LU-1a:** Future projects implemented in accordance with the Project shall be subject to environmental review at the project-level in accordance with the Mitigation Framework HIST-1 (Historical Resources – Archaeology) and HIST-2 (Historical Resources – Built Environment).

## *Mitigation Framework - MHPA Land Use Adjacency Guidelines*

### **LU-2:**

Future projects which are located adjacent to the MHPA shall be subject to environmental review at the project-level in accordance with the Mitigation Framework detailed below. Projects shall incorporate features that demonstrate compliance with the MHPA Land Use Adjacency Guidelines to ensure avoidance or reduction of potential MHPA impacts.

Future projects which are located adjacent to the MHPA shall comply with the Land Use Adjacency Guidelines of the MSCP in terms of land use, drainage, access, toxic substances in runoff, lighting, noise, invasive plant species, grading, and brush management requirements. Mitigation measures include, but are not limited to: sufficient buffers and design features, barriers (rocks, boulders, signage, fencing, and appropriate vegetation) where necessary, lighting directed away from the MHPA, and berms or walls adjacent to commercial or industrial areas and any other use that may introduce construction noise or noise from future development that could impact or interfere with wildlife utilization of the MHPA. The project biologist or City staff meeting the qualifications of a Biologist III would identify specific mitigation measures needed to reduce impacts to below a level of significance. Subsequent environmental review would be required to determine the significance of impacts and compliance with the Land Use Adjacency Guidelines of the MSCP. Prior to approval of any subsequent project within and/or adjacent to the MHPA, the City of San Diego shall identify specific conditions of approval in order to avoid or to reduce potential impacts to the MHPA.

Specific requirements, as applicable to the project shall include:

- Prior to the issuance of any permits, development areas shall be permanently fenced where development is adjacent to the MHPA to deter the intrusion of people and/or pets into the MHPA open space areas. Signage may be installed as an additional deterrent to human intrusion as required by the City.
- The use of structural and nonstructural best management practices (BMPs), including sediment catchment devices, shall be required to reduce the potential indirect impacts associated with construction to drainage and water quality. Drainage shall be directed away from the MHPA or, if not possible, must not drain directly into the MHPA. Instead, runoff shall flow into sedimentation basins, grassy swales, or mechanical trapping devices prior to draining into the MHPA. Drainage shall be shown on the site plan and reviewed satisfactory to the City Engineer.
- All outdoor lighting adjacent to open space areas shall be shielded to prevent light over-spill off-site. Shielding shall consist of the installation of fixtures that physically direct light away from the outer edges of the road or landscaping, berms, or other barriers at the edge of development that prevent light over spill.
- The landscape plan for the project shall contain no exotic plant/invasive species and shall include an appropriate mix of native species which shall be used adjacent to the MHPA.
- All manufactured slopes must be included within the development footprint and outside the MHPA.

- All brush management areas shall be shown on the site plan and reviewed and approved by the Environmental Designee. Zone 1 brush management areas shall be included within the development footprint and outside the MHPA. Brush management Zone 2 may be permitted within the MHPA (considered impact neutral) but cannot be used as mitigation. Vegetation clearing shall be done consistent with City standards and shall avoid/minimize impacts to covered species to the maximum extent possible. For all new development, regardless of the ownership, the brush management in the Zone 2 area shall be the responsibility of a homeowners association or other private party.
- Access to the MHPA, if any, shall be directed to minimize impacts and shall be shown on the site plan and reviewed and approved by the Environmental Designee.

Land uses, such as recreation and agriculture, that use chemicals or generate by-products such as manure, that are potentially toxic or impactful to wildlife, sensitive species, habitat, or water quality need to incorporate measures to reduce impacts caused by the application and/or drainage of such materials into the MHPA. Such measures shall include drainage/detention basins, swales, or holding areas with non-invasive grasses or wetland-type native vegetation to filter out the toxic materials. Regular maintenance should be provided. Where applicable, this requirement shall be incorporated into leases on publicly owned property as leases come up for renewal.

#### **Mitigation for Short-term Impacts to Sensitive Species from Project Construction**

Measures necessary for reducing potential construction-related noise impacts during nesting/breeding season to the coastal California gnatcatcher (March 1 and August 15), least Bell's vireo (March 15 and August 15), southwestern willow Flycatcher (May 1 and September 1), the California cactus wren or the burrowing owl shall be incorporated into project-level construction documents to minimize direct impacts on wildlife movement, nesting or foraging activities and shall be addressed in a Biology Letter report submitted for review at the project level. The Biology Letter report shall include recommendations for preconstruction protocol surveys to be conducted during established breeding seasons, construction noise monitoring and implementation of any species specific mitigation plans in order to comply with the FESA, MBTA, Bald and Golden Eagle Protection Act, State Fish and Game Code, and/or the ESL Regulations.

In addition, future project sites may contain trees and shrubs that could support nesting sites for bird species protected under the Migratory Bird Treaty Act (MBTA). Impacts to nesting birds could occur if vegetation clearing were to take place during the avian breeding season (generally February 1 to August 31). The following design measure shall be incorporated into the construction plans to ensure that nesting activities of birds covered by the MBTA would not be significantly impacted by construction-related activities during the nesting season:

Vegetation clearing shall take place outside of the general avian breeding season (February 1-August 31), when feasible. If vegetation clearing must occur during the avian breeding season, a qualified biologist shall conduct a pre-construction survey for nesting birds no more than three days prior to vegetation clearing. Active nests shall be avoided until the young have fledged or the nest is otherwise abandoned. If no active nests are found, clearing can proceed. The results of the pre-construction nesting bird survey shall be reported to the City in a brief memorandum. If no nesting birds have been detected during the preconstruction surveys, then no further measures shall be required.

## **HISTORICAL RESOURCES**

### **Mitigation Framework for Historical Resources (Archaeology)**

Future projects implemented in accordance with the JRMP & WQIPs which result in, or have the potential to impact Historical Resources (Archaeology) shall be subject to review in accordance with the Mitigation Framework detailed below. For future projects which are not within a recorded archaeological site requiring further analysis, but have a potential to impact unknown resources, only monitoring shall be required. In those cases, the archaeological monitoring program included after STEP 5 of the evaluation program shall be implemented.

**HIST-1:** Future projects implemented in accordance with the Project that could directly affect an archaeological resource, shall be subject to environmental review at the project-level in accordance with the Mitigation Framework to determine: (1) the presence of archaeological resources and (2) the appropriate mitigation for any significant resources which may be impacted by a development activity. Sites may include, but are not limited to, residential and commercial properties, privies, trash pits, building foundations, and industrial features representing the contributions of people from diverse socio-economic and ethnic backgrounds. Sites may also include resources associated with pre-historic Native American activities.

### **INITIAL DETERMINATION**

The environmental analyst will determine the likelihood for the project site to contain historical resources by reviewing site photographs and existing historic information (e.g. Archaeological Sensitivity Maps, the Archaeological Map Book, and the City's "Historical Inventory of Important Architects, Structures, and People in San Diego") and conducting a site visit. If there is any evidence that the site contains archaeological resources, then a historic evaluation consistent with the City Guidelines would be required. All individuals conducting any phase of the archaeological evaluation program must meet professional qualifications in accordance with the City Guidelines.

### **STEP 1:**

Based on the results of the Initial Determination, if there is evidence that the site contains historical resources, preparation of a historic evaluation is required. The evaluation report would generally include background research, field survey, archaeological testing and analysis. Before actual field reconnaissance would occur, background research is required which includes a record search at the SCIC at San Diego State University and the San Diego Museum of Man. A review of the Sacred Lands File maintained by the NAHC must also be conducted at this time. Information about existing archaeological collections should also be obtained from the San Diego Archaeological Center and any tribal repositories or museums.

In addition to the record searches mentioned above, background information may include, but is not limited to: examining primary sources of historical information (e.g., deeds and wills), secondary sources (e.g., local histories and genealogies), Sanborn Fire Maps, and historic cartographic and aerial photograph sources; reviewing previous archaeological research in similar areas, models that predict site distribution, and archaeological, architectural, and historical site inventory files; and conducting informant interviews. The results of the background information would be included in the evaluation report.

Once the background research is complete, a field reconnaissance must be conducted by individuals whose qualifications meet the standards outlined in the City Guidelines. Consultants

are encouraged to employ innovative survey techniques when conducting enhanced reconnaissance, including, but not limited to, remote sensing, ground penetrating radar, and other soil resistivity techniques as determined on a case-by-case basis. Native American participation is required for field surveys when there is likelihood that the project site contains prehistoric archaeological resources or traditional cultural properties. If through background research and field surveys historical resources are identified, then an evaluation of significance must be performed by a qualified archaeologist.

#### STEP 2:

Once a historical resource has been identified, a significance determination must be made. It should be noted that tribal representatives and/or Native American monitors will be involved in making recommendations regarding the significance of prehistoric archaeological sites during this phase of the process. The testing program may require reevaluation of the proposed project in consultation with the Native American representative which could result in a combination of project redesign to avoid and/or preserve significant resources as well as mitigation in the form of data recovery and monitoring (as recommended by the qualified archaeologist and Native American representative). An archaeological testing program will be required which includes evaluating the horizontal and vertical dimensions of a site, the chronological placement, site function, artifact/ecofact density and variability, presence/absence of subsurface features, and research potential. A thorough discussion of testing methodologies, including surface and subsurface investigations, can be found in the City Guidelines.

The results from the testing program will be evaluated against the Significance Thresholds found in the Guidelines. If significant historical resources are identified within the Area of Potential Effect, the site may be eligible for local designation. At this time, the final testing report must be submitted to Historical Resources Board staff for eligibility determination and possible designation. An agreement on the appropriate form of mitigation is required prior to distribution of a draft environmental document. If no significant resources are found, and site conditions are such that there is no potential for further discoveries, then no further action is required. Resources found to be non-significant as a result of a survey and/or assessment will require no further work beyond documentation of the resources on the appropriate Department of Parks and Recreation (DPR) site forms and inclusion of results in the survey and/or assessment report. If no significant resources are found, but results of the initial evaluation and testing phase indicates there is still a potential for resources to be present in portions of the property that could not be tested, then mitigation monitoring is required.

#### STEP 3:

Preferred mitigation for historical resources is to avoid the resource through project redesign. If the resource cannot be entirely avoided, all prudent and feasible measures to minimize harm shall be taken. For archaeological resources where preservation is not an option, a Research Design and Data Recovery Program is required, which includes a Collections Management Plan for review and approval. The data recovery program shall be based on a written research design and is subject to the provisions as outlined in CEQA, Section 21083.2. The data recovery program must be reviewed and approved by the City's Environmental Analyst prior to draft CEQA document distribution. Archaeological monitoring may be required during building demolition and/or construction grading when significant resources are known or suspected to be present on a site, but cannot be recovered prior to grading due to obstructions such as, but not limited to, existing development or dense vegetation.



A Native American observer must be retained for all subsurface investigations, including geotechnical testing and other ground-disturbing activities, whenever a Native American Traditional Cultural Property or any archaeological site located on City property or within the Area of Potential Effect of a City project would be impacted. In the event that human remains are encountered during data recovery and/or a monitoring program, the provisions of Public Resources Code Section 5097 must be followed. These provisions are outlined in the Mitigation Monitoring and Reporting Program (MMRP) included in the environmental document. The Native American monitor shall be consulted during the preparation of the written report, at which time they may express concerns about the treatment of sensitive resources. If the Native American community requests participation of an observer for subsurface investigations on private property, the request shall be honored.

#### STEP 4:

Archaeological Resource Management reports shall be prepared by qualified professionals as determined by the criteria set forth in Appendix B of the Guidelines. The discipline shall be tailored to the resource under evaluation. In cases involving complex resources, such as traditional cultural properties, rural landscape districts, sites involving a combination of prehistoric and historic archaeology, or historic districts, a team of experts will be necessary for a complete evaluation.

Specific types of historical resource reports are required to document the methods (see Section III of the Guidelines) used to determine the presence or absence of historical resources; to identify the potential impacts from proposed development and evaluate the significance of any identified historical resources; to document the appropriate curation of archaeological collections (e.g. collected materials and the associated records); in the case of potentially significant impacts to historical resources, to recommend appropriate mitigation measures that would reduce the impacts to below a level of significance; and to document the results of mitigation and monitoring programs, if required.

Archaeological Resource Management reports shall be prepared in conformance with the California Office of Historic Preservation "Archaeological Resource Management Reports: Recommended Contents and Format" (see Appendix C of the Guidelines), which will be used by Environmental Analysis Section staff in the review of archaeological resource reports. Consultants must ensure that archaeological resource reports are prepared consistent with this checklist. This requirement will standardize the content and format of all archaeological technical reports submitted to the City. A confidential appendix must be submitted (under separate cover) along with historical resources reports for archaeological sites and traditional cultural properties containing the confidential resource maps and records search information gathered during the background study. In addition, a Collections Management Plan shall be prepared for projects which result in a substantial collection of artifacts and must address the management and research goals of the project and the types of materials to be collected and curated based on a sampling strategy that is acceptable to the City. Appendix D (Historical Resources Report Form) may be used when no archaeological resources were identified within the project boundaries.

#### STEP 5:

For Archaeological Resources: All cultural materials, including original maps, field notes, non-burial related artifacts, catalog information, and final reports recovered during public and/or private development projects must be permanently curated with an appropriate institution, one which has the proper facilities and staffing for insuring research access to the collections consistent

with state and federal standards. In the event that a prehistoric and/or historic deposit is encountered during construction monitoring, a Collections Management Plan would be required in accordance with the project MMRP. The disposition of human remains and burial related artifacts that cannot be avoided or are inadvertently discovered is governed by state (i.e., Assembly Bill 2641 and California Native American Graves Protection and Repatriation Act of 2001) and federal (i.e., Native American Graves Protection and Repatriation Act) law, and must be treated in a dignified and culturally appropriate manner with respect for the deceased individual(s) and their descendants. Any human bones and associated grave goods of Native American origin shall be turned over to the appropriate Native American group for repatriation.

Arrangements for long-term curation must be established between the applicant/property owner and the consultant prior to the initiation of the field reconnaissance, and must be included in the archaeological survey, testing, and/or data recovery report submitted to the City for review and approval. Curation must be accomplished in accordance with the California State Historic Resources Commission's Guidelines for the Curation of Archaeological Collection (dated May 7, 1993) and, if federal funding is involved, 36 Code of Federal Regulations 79 of the Federal Register. Additional information regarding curation is provided in Section II of the Guidelines.

### ***Historical Resources (Archeological Monitoring Program)***

#### **I. Prior to Permit Issuance or Bid Opening/Bid Award**

##### **A. Entitlements or City Plan Check Processing**

1. Prior to permit issuance or Bid Opening/Bid Award, whichever is applicable, the Assistant Deputy Director (ADD) Environmental designee shall verify that the requirements for Archaeological Monitoring and Native American monitoring have been noted on the applicable construction documents through the plan check process.

##### **B. Letters of Qualification have been submitted to ADD**

1. Prior to Bid Award, the applicant shall submit a letter of verification to Mitigation Monitoring Coordination (MMC) identifying the Principal Investigator (PI) for the project and the names of all persons involved in the archaeological monitoring program, as defined in the City of San Diego Historical Resources Guidelines (HRG). If applicable, individuals involved in the archaeological monitoring program must have completed the 40-hour HAZWOPER training with certification documentation.
2. MMC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the archaeological monitoring of the project meet the qualifications established in the HRG.
3. Prior to the start of work, the applicant must obtain written approval from MMC for any personnel changes associated with the monitoring program.

#### **II. Prior to Start of Construction**

##### **A. Verification of Records Search**

1. The PI shall provide verification to MMC that a site specific records search (1/4 mile radius) has been completed. Verification includes, but is not limited to a copy of a confirmation letter from South Coastal Information Center, or, if the search was in-house, a letter of verification from the PI stating that the search was completed.
2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.
3. The PI may submit a detailed letter to MMC requesting a reduction to the 1/4 mile radius.

##### **B. PI Shall Attend Precon Meetings**

1. Prior to beginning any work that requires monitoring; the Applicant shall arrange a Precon Meeting that shall include the PI, Native American consultant/monitor (where Native American resources may be impacted), Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The qualified Archaeologist and Native American Monitor shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the Archaeological Monitoring program with the Construction Manager and/or Grading Contractor.
  - a. If the PI is unable to attend the Precon Meeting, the Applicant shall schedule a focused Precon Meeting with MMC, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.
2. Acknowledgement of Responsibility for Curation (CIP or Other Public Projects)  
The applicant shall submit a letter to MMC acknowledging their responsibility for the cost of curation associated with all phases of the archaeological monitoring program.
3. Identify Areas to be Monitored
  - a. Prior to the start of any work that requires monitoring, the PI shall submit an Archaeological Monitoring Exhibit (AME) (with verification that the AME has been reviewed and approved by the Native American consultant/monitor when Native American resources may be impacted) based on the appropriate construction documents (reduced to 11x17) to MMC identifying the areas to be monitored including the delineation of grading/excavation limits.
  - b. The AME shall be based on the results of a site specific records search as well as information regarding the age of existing pipelines, laterals and associated appurtenances and/or any known soil conditions (native or formation).
  - c. MMC shall notify the PI that the AME has been approved.
4. When Monitoring Will Occur
  - a. Prior to the start of any work, the PI shall also submit a construction schedule to MMC through the RE indicating when and where monitoring will occur.
  - b. The PI may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification to the monitoring program. This request shall be based on relevant information such as review of final construction documents which indicate conditions such as age of existing pipe to be replaced, depth of excavation and/or site graded to bedrock, etc., which may reduce or increase the potential for resources to be present.
5. Approval of AME and Construction Schedule  
After approval of the AME by MMC, the PI shall submit to MMC written authorization of the AME and Construction Schedule from the CM.

### III. During Construction

#### A. Monitor Shall be Present During Grading/Excavation/Trenching

1. The Archaeological Monitor shall be present full-time during all soil disturbing and grading/excavation/trenching activities which could result in impacts to archaeological resources as identified on the AME. **The Construction Manager is responsible for notifying the RE, PI, and MMC of changes to any construction activities such as in the case of a potential safety concern within the area being monitored. In certain circumstances OSHA safety requirements may necessitate modification of the AME.**
2. The Native American consultant/monitor shall determine the extent of their presence during soil disturbing and grading/excavation/trenching activities based on the AME and

- provide that information to the PI and MMC. If prehistoric resources are encountered during the Native American consultant/monitor's absence, work shall stop and the Discovery Notification Process detailed in Section III.B-C and IV.A-D shall commence.
3. The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition such as modern disturbance post-dating the previous grading/trenching activities, presence of fossil formations, or when native soils are encountered that may reduce or increase the potential for resources to be present.
  4. The archaeological and Native American consultant/monitor shall document field activity via the Consultant Site Visit Record (CSVr). The CSVr's shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (**Notification of Monitoring Completion**), and in the case of ANY discoveries. The RE shall forward copies to MMC.
- B. Discovery Notification Process
1. In the event of a discovery, the Archaeological Monitor shall direct the contractor to temporarily divert all soil disturbing activities, including but not limited to digging, trenching, excavating or grading activities in the area of discovery and in the area reasonably suspected to overlay adjacent resources and immediately notify the RE or BI, as appropriate.
  2. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery.
  3. The PI shall immediately notify MMC by phone of the discovery, and shall also submit written documentation to MMC within 24 hours by fax or email with photos of the resource in context, if possible.
  4. No soil shall be exported off-site until a determination can be made regarding the significance of the resource specifically if Native American resources are encountered.
- C. Determination of Significance
1. The PI and Native American consultant/monitor, where Native American resources are discovered shall evaluate the significance of the resource. If Human Remains are involved, follow protocol in Section IV below.
    - a. The PI shall immediately notify MMC by phone to discuss significance determination and shall also submit a letter to MMC indicating whether additional mitigation is required.
    - b. If the resource is significant, the PI shall submit an Archaeological Data Recovery Program (ADRP) and obtain written approval of the program from MMC, CM and RE. ADRP and any mitigation must be approved by MMC, RE and/or CM before ground disturbing activities in the area of discovery will be allowed to resume. **Note: If a unique archaeological site is also an historical resource as defined in CEQA Section 15064.5, then the limits on the amount(s) that a project applicant may be required to pay to cover mitigation costs as indicated in CEQA Section 21083.2 shall not apply.**
      - (1). Note: For pipeline trenching and other linear projects in the public Right-of-Way, the PI shall implement the Discovery Process for Pipeline Trenching projects identified below under "D."
    - c. If the resource is not significant, the PI shall submit a letter to MMC indicating that artifacts will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that that no further work is required.
      - (1). Note: For Pipeline Trenching and other linear projects in the public Right-of-Way, if the deposit is limited in size, both in length and depth; the information value is limited and is not associated with any other resource; and there are no

unique features/artifacts associated with the deposit, the discovery should be considered not significant.

- (2). Note, for Pipeline Trenching and other linear projects in the public Right-of-Way, if significance can not be determined, the Final Monitoring Report and Site Record (DPR Form 523A/B) shall identify the discovery as Potentially Significant.

**D. Discovery Process for Significant Resources - Pipeline Trenching and other Linear Projects in the Public Right-of-Way**

The following procedure constitutes adequate mitigation of a significant discovery encountered during pipeline trenching activities or for other linear project types within the Public Right-of-Way including but not limited to excavation for jacking pits, receiving pits, laterals, and manholes to reduce impacts to below a level of significance:

1. Procedures for documentation, curation and reporting
  - a. One hundred percent of the artifacts within the trench alignment and width shall be documented in-situ, to include photographic records, plan view of the trench and profiles of side walls, recovered, photographed after cleaning and analyzed and curated. The remainder of the deposit within the limits of excavation (trench walls) shall be left intact.
  - b. The PI shall prepare a Draft Monitoring Report and submit to MMC via the RE as indicated in Section VI-A.
  - c. The PI shall be responsible for recording (on the appropriate State of California Department of Park and Recreation forms-DPR 523 A/B) the resource(s) encountered during the Archaeological Monitoring Program in accordance with the City's Historical Resources Guidelines. The DPR forms shall be submitted to the South Coastal Information Center for either a Primary Record or SDI Number and included in the Final Monitoring Report.
  - d. The Final Monitoring Report shall include a recommendation for monitoring of any future work in the vicinity of the resource.

**IV. Discovery of Human Remains**

If human remains are discovered, work shall halt in that area and no soil shall be exported off-site until a determination can be made regarding the provenance of the human remains; and the following procedures as set forth in CEQA Section 15064.5(e), the California Public Resources Code (Sec. 5097.98) and State Health and Safety Code (Sec. 7050.5) shall be undertaken:

**A. Notification**

1. Archaeological Monitor shall notify the RE or BI as appropriate, MMC, and the PI, if the Monitor is not qualified as a PI. MMC will notify the appropriate Senior Planner in the Environmental Analysis Section (EAS) of the Development Services Department to assist with the discovery notification process.
2. The PI shall notify the Medical Examiner after consultation with the RE, either in person or via telephone.

**B. Isolate discovery site**

1. Work shall be directed away from the location of the discovery and any nearby area reasonably suspected to overlay adjacent human remains until a determination can be made by the Medical Examiner in consultation with the PI concerning the provenience of the remains.
2. The Medical Examiner, in consultation with the PI, will determine the need for a field examination to determine the provenience.

3. If a field examination is not warranted, the Medical Examiner will determine with input from the PI, if the remains are or are most likely to be of Native American origin.
- C. If Human Remains **ARE** determined to be Native American
  1. The Medical Examiner will notify the Native American Heritage Commission (NAHC) within 24 hours. By law, **ONLY** the Medical Examiner can make this call.
  2. NAHC will immediately identify the person or persons determined to be the Most Likely Descendent (MLD) and provide contact information.
  3. The MLD will contact the PI within 24 hours or sooner after the Medical Examiner has completed coordination, to begin the consultation process in accordance with CEQA Section 15064.5(e), the California Public Resources and Health & Safety Codes.
  4. The MLD will have 48 hours to make recommendations to the property owner or representative, for the treatment or disposition with proper dignity, of the human remains and associated grave goods.
  5. Disposition of Native American Human Remains will be determined between the MLD and the PI, and, if:
    - a. The NAHC is unable to identify the MLD, OR the MLD failed to make a recommendation within 48 hours after being notified by the Commission, OR;
    - b. The landowner or authorized representative rejects the recommendation of the MLD and mediation in accordance with PRC 5097.94 (k) by the NAHC fails to provide measures acceptable to the landowner, THEN
    - c. To protect these sites, the landowner shall do one or more of the following:
      - (1) Record the site with the NAHC;
      - (2) Record an open space or conservation easement; or
      - (3) Record a document with the County.
    - d. Upon the discovery of multiple Native American human remains during a ground disturbing land development activity, the landowner may agree that additional conferral with descendants is necessary to consider culturally appropriate treatment of multiple Native American human remains. Culturally appropriate treatment of such a discovery may be ascertained from review of the site utilizing cultural and archaeological standards. Where the parties are unable to agree on the appropriate treatment measures the human remains and items associated and buried with Native American human remains shall be reinterred with appropriate dignity, pursuant to Section 5.c., above.
- D. If Human Remains are **NOT** Native American
  1. The PI shall contact the Medical Examiner and notify them of the historic era context of the burial.
  2. The Medical Examiner will determine the appropriate course of action with the PI and City staff (PRC 5097.98).
  3. If the remains are of historic origin, they shall be appropriately removed and conveyed to the San Diego Museum of Man for analysis. The decision for internment of the human remains shall be made in consultation with MMC, EAS, the applicant/landowner, any known descendant group, and the San Diego Museum of Man.

## V. Night and/or Weekend Work

- A. If night and/or weekend work is included in the contract
  1. When night and/or weekend work is included in the contract package, the extent and timing shall be presented and discussed at the precon meeting.
  2. The following procedures shall be followed.
    - a. No Discoveries

In the event that no discoveries were encountered during night and/or weekend work, the PI shall record the information on the CSV and submit to MMC via fax by 8AM of the next business day.

- b. Discoveries  
All discoveries shall be processed and documented using the existing procedures detailed in Sections III - During Construction, and IV - Discovery of Human Remains. Discovery of human remains shall always be treated as a significant discovery.
  - c. Potentially Significant Discoveries  
If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section III - During Construction and IV-Discovery of Human Remains shall be followed.
  - d. The PI shall immediately contact the RE and MMC, or by 8AM of the next business day to report and discuss the findings as indicated in Section III-B, unless other specific arrangements have been made.
- B. If night and/or weekend work becomes necessary during the course of construction
- 1. The Construction Manager shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin.
  - 2. The RE, or BI, as appropriate, shall notify MMC immediately.
- C. All other procedures described above shall apply, as appropriate.

## VI. Post Construction

- A. Submittal of Draft Monitoring Report
- 1. The PI shall submit two copies of the Draft Monitoring Report (even if negative), prepared in accordance with the Historical Resources Guidelines (Appendix C/D) which describes the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program (with appropriate graphics) to MMC via the RE for review and approval within 90 days following the completion of monitoring. **It should be noted that if the PI is unable to submit the Draft Monitoring Report within the allotted 90-day timeframe as a result of delays with analysis, special study results or other complex issues, a schedule shall be submitted to MMC establishing agreed due dates and the provision for submittal of monthly status reports until this measure can be met.**
    - a. For significant archaeological resources encountered during monitoring, the Archaeological Data Recovery Program or Pipeline Trenching Discovery Process shall be included in the Draft Monitoring Report.
    - b. Recording Sites with State of California Department of Parks and Recreation  
The PI shall be responsible for recording (on the appropriate State of California Department of Park and Recreation forms-DPR 523 A/B) any significant or potentially significant resources encountered during the Archaeological Monitoring Program in accordance with the City's Historical Resources Guidelines, and submittal of such forms to the South Coastal Information Center with the Final Monitoring Report.
  - 2. MMC shall return the Draft Monitoring Report to the PI via the RE for revision or, for preparation of the Final Report.
  - 3. The PI shall submit revised Draft Monitoring Report to MMC via the RE for approval.
  - 4. MMC shall provide written verification to the PI of the approved report.
  - 5. MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.

**B. Handling of Artifacts**

1. The PI shall be responsible for ensuring that all cultural remains collected are cleaned and catalogued
2. The PI shall be responsible for ensuring that all artifacts are analyzed to identify function and chronology as they relate to the history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate.

**C. Curation of artifacts: Accession Agreement and Acceptance Verification**

1. The PI shall be responsible for ensuring that all artifacts associated with the survey, testing and/or data recovery for this project are permanently curated with an appropriate institution. This shall be completed in consultation with MMC and the Native American representative, as applicable.
2. When applicable to the situation, the PI shall include written verification from the Native American consultant/monitor indicating that Native American resources were treated in accordance with state law and/or applicable agreements. If the resources were reinterred, verification shall be provided to show what protective measures were taken to ensure no further disturbance occurs in accordance with Section IV – Discovery of Human Remains, Subsection C.
3. The PI shall submit the Accession Agreement and catalogue record(s) to the RE or BI, as appropriate for donor signature with a copy submitted to MMC.
4. The RE or BI, as appropriate shall obtain signature on the Accession Agreement and shall return to PI with copy submitted to MMC.
5. The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC.

**D. Final Monitoring Report(s)**

1. The PI shall submit one copy of the approved Final Monitoring Report to the RE or BI as appropriate, and one copy to MMC (even if negative), within 90 days after notification from MMC of the approved report.
2. The RE shall, in no case, issue the Notice of Completion until receiving a copy of the approved Final Monitoring Report from MMC which includes the Acceptance Verification from the curation institution.

**Mitigation Framework for Historical Resources (Built Environment)**

Future projects which result in, or have the potential to impact Historical Resources (Built Environment) shall be subject to review in accordance with the Mitigation Framework detailed below.

**HIST-2:** Consultation with Historical Resources Staff shall be required when a future Project, located within the public right-of-way is within a Historic District and requires implementation of this mitigation measure. The future project shall be reviewed for compliance with the Historical Resources Guidelines and Regulations. Subsequent to project review and as directed by Historical Resources Staff, the following paragraph shall be included in the subsequent environmental document and include the Historic District name, boundary and district guidelines, if applicable shall be inserted as noted below in [brackets]:

The project is located within the [[insert District name]] Historic District, bounded by [[enter District boundary]] All work within the District boundary must be consistent with the City's Historical Resources Regulations, the U.S. Secretary of the Interior's Standards and the [[enter district guidelines if applicable]] District Design Guidelines. The following mitigation measures



are required within the District boundary and shall ensure consistency with these regulations, Standards and guidelines.

- A. Prior to beginning any work at the site, a Pre Construction meeting that includes Historic Resources and MMC staff shall be held at the project site to review these mitigation measures and requirements within the District boundary.
- B. A Historic Sidewalk Stamp Inventory prepared by a qualified historic consultant or archaeologist and approved by HRB staff is required prior to the Pre-Construction (Pre-Con) meeting. The Inventory shall include photo documentation of all existing stamps within the project area keyed to a project site plan.
- C. Existing sidewalk stamps shall be preserved in place. Where existing sidewalk stamps must be impacted to accommodate right-of-way improvements, the following actions are required:
  - 1. A mold of the sidewalk stamp will be made to allow reconstruction of the stamp if destroyed during relocation.
  - 2. The sidewalk stamp shall be saw-cut to preserve the stamp in its entirety; relocated as near as possible to the original location; and set in the same orientation.
  - 3. If the sidewalk stamp is destroyed during relocation, a new sidewalk stamp shall be made from the mold taken and relocated as near as possible to the original location and set in the same orientation.
- D. No new sidewalk stamps shall be added by any contractor working on the project.
- E. Existing historic sidewalk, parkway and street widths shall be maintained. Any work that requires alteration of these widths shall be approved by Historic Resources staff.
- F. Existing historic curb heights and appearance shall be maintained. Any work that requires alteration of the existing height or appearance shall be approved by Historic Resources staff.
- G. Sections of sidewalk which may be impacted by the project shall be replaced in-kind to match the historic color, texture and scoring pattern of the original sidewalks. If the original color, scoring pattern or texture is not present at the location of the impact, the historically appropriate color, texture and scoring pattern found throughout the district shall be used.
- H. When new or replacement truncated domes are required at corner curb ramps the preferred replacement color shall be dark gray unless a color consultation has been conducted with Historical Resources Staff demonstrating compliance with the Standards and which shall not adversely affect the historic district.
- I. Existing historic lighting, such as acorn lighting shall remain. New lighting shall be consistent with existing lighting fixtures, or fixtures specified in any applicable District Design Guidelines.
- J. Existing mature street trees shall remain. New street trees shall be consistent with the prevalent mature species in the District and/or species specified in any applicable District Design Guidelines.
- K. Any walls located within the right-of-way or on private property are considered historic and may not be impacted without prior review and approval by Historic Resources staff.

## **PALEONTOLOGICAL RESOURCES**

### **Mitigation Framework for Paleontological Resources**

Future projects implemented in accordance with the Project which result in, or have the potential to impact Paleontological Resources shall be subject to review in accordance with the Mitigation Framework for Paleontological Resources further detailed below.

**PALEO-1:** Prior to the approval of subsequent projects, the City shall determine the potential for impacts to paleontological resources based on review of the project and recommendations of a project-level analysis completed in accordance with the steps presented below. Future projects shall be sited and designed to minimize impacts on paleontological resources in accordance with the City's Paleontological Resources Guidelines and CEQA Significance Thresholds. The requirement for monitoring to reduce potential impacts to paleontological resources shall be identified the project-level for future subsequent projects that are subject to environmental. In those cases, the paleontological monitoring program provided at the at the end of STEP 1.B. shall be implemented during construction activities.

#### **I. Prior to Project Approval**

- A. The environmental analyst shall complete a project-level analysis of potential impacts on paleontological resources. The analysis shall include a review of the applicable USGS Quad maps to identify the underlying geologic formations, and shall determine if construction of a project would:
  - Require over 1,000 cubic yards of excavation and/or a 10-foot, or greater, depth in a high resource potential geologic deposit/formation/rock unit.
  - Require over 2,000 cubic yards of excavation and/or a 10-foot, or greater, depth in a moderate resource potential geologic deposit/formation/rock unit.
  - Require construction within a known fossil location or fossil recovery site. Resource potential within a formation is based on the Paleontological Monitoring Determination Matrix.
- B. If construction of a project would occur within a formation with a moderate to high resource potential, monitoring during construction would be required.
  - Monitoring is always required when grading on a fossil recovery site or a known fossil location.
  - Monitoring may also be needed at shallower depths if fossil resources are present or likely to be present after review of source materials or consultation with an expert in fossil resources (e.g., the San Diego Natural History Museum).
  - Monitoring may be required for shallow grading (<10 feet) when a site has previously been graded and/or unweathered geologic deposits/formations/ rock units are present at the surface.

Monitoring is not required when grading documented artificial fill. When it has been determined that a future project has the potential to impact a geologic formation with a high or moderate fossil sensitivity rating a Paleontological MMRP shall be implemented during construction grading activities.

### ***Paleontological Resources Monitoring Program***

#### **I. Prior to Permit Issuance or Bid Opening/Bid Award**

##### **A. Entitlements Plan Check**

1. Prior to permit issuance or Bid Opening/Bid Award, whichever is applicable, the Assistant Deputy Director (ADD) Environmental designee shall verify that the requirements for Paleontological Monitoring have been noted on the appropriate construction documents.

##### **B. Letters of Qualification have been submitted to ADD**

1. Prior to Bid Award, the applicant shall submit a letter of verification to Mitigation Monitoring Coordination (MMC) identifying the Principal Investigator (PI) for the project and the names of all persons involved in the paleontological monitoring program, as defined in the City of San Diego Paleontology Guidelines.
2. MMC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the paleontological monitoring of the project.
3. Prior to the start of work, the applicant shall obtain approval from MMC for any personnel changes associated with the monitoring program.

#### **II. Prior to Start of Construction**

##### **A. Verification of Records Search**

1. The PI shall provide verification to MMC that a site specific records search has been completed. Verification includes, but is not limited to a copy of a confirmation letter from San Diego Natural History Museum, other institution or, if the search was in-house, a letter of verification from the PI stating that the search was completed.
2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.

##### **B. PI Shall Attend Precon Meetings**

1. Prior to beginning any work that requires monitoring, the Applicant shall arrange a Precon Meeting that shall include the PI, Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The qualified paleontologist shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the Paleontological Monitoring program with the Construction Manager and/or Grading Contractor.
  - a. If the PI is unable to attend the Precon Meeting, the Applicant shall schedule a focused Precon Meeting with MMC, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.
2. Acknowledgement of Responsibility for Curation (CIP or Other Public Projects)  
The applicant shall submit a letter to MMC acknowledging their responsibility for the cost of curation associated with all phases of the paleontological monitoring program.
3. Identify Areas to be Monitored
  - a. Prior to the start of any work that requires monitoring, the PI shall submit a Paleontological Monitoring Exhibit (PME) based on the appropriate construction documents (reduced to 11x17) to MMC for approval identifying the areas to be

- monitored including the delineation of grading/excavation limits. Monitoring shall begin at depths below 10 feet from existing grade or as determined by the PI in consultation with MMC. The determination shall be based on site specific records search data which supports monitoring at depths less than ten feet.
- b. The PME shall be based on the results of a site specific records search as well as information regarding existing known soil conditions (native or formation).
  - c. MMC shall notify the PI that the PME has been approved.
4. When Monitoring Will Occur
- a. Prior to the start of any work, the PI shall also submit a construction schedule to MMC through the RE indicating when and where monitoring will occur.
  - b. The PI may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification to the monitoring program. This request shall be based on relevant information such as review of final construction documents which indicate conditions such as depth of excavation and/or site graded to bedrock, presence or absence of fossil resources, etc., which may reduce or increase the potential for resources to be present.
5. Approval of PME and Construction Schedule
- After approval of the PME by MMC, the PI shall submit to MMC written authorization of the PME and Construction Schedule from the CM.

### III. During Construction

- A. Monitor Shall be Present During Grading/Excavation/Trenching
1. The monitor shall be present full-time during grading/excavation/trenching activities including, but not limited to mainline, laterals, jacking and receiving pits, services and all other appurtenances associated with underground utilities as identified on the PME that could result in impacts to formations with high and/or moderate resource sensitivity. **The Construction Manager is responsible for notifying the RE, PI, and MMC of changes to any construction activities such as in the case of a potential safety concern within the area being monitored. In certain circumstances OSHA safety requirements may necessitate modification of the PME.**
  2. The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition such as trenching activities that do not encounter formational soils as previously assumed, and/or when unique/unusual fossils are encountered, which may reduce or increase the potential for resources to be present.
  3. The monitor shall document field activity via the Consultant Site Visit Record (CSVR). The CSVR's shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (**Notification of Monitoring Completion**), and in the case of ANY discoveries. The RE shall forward copies to MMC.
- B. Discovery Notification Process
1. In the event of a discovery, the Paleontological Monitor shall direct the contractor to temporarily divert trenching activities in the area of discovery and immediately notify the RE or BI, as appropriate.
  2. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery.
  3. The PI shall immediately notify MMC by phone of the discovery, and shall also submit written documentation to MMC within 24 hours by fax or email with photos of the resource in context, if possible.
- C. Determination of Significance
1. The PI shall evaluate the significance of the resource.

- a. The PI shall immediately notify MMC by phone to discuss significance determination and shall also submit a letter to MMC indicating whether additional mitigation is required. The determination of significance for fossil discoveries shall be at the discretion of the PI.
  - b. If the resource is significant, the PI shall submit a Paleontological Recovery Program (PRP) and obtain written approval of the program from MMC, MC and/or RE. PRP and any mitigation must be approved by MMC, RE and/or CM before ground disturbing activities in the area of discovery will be allowed to resume.
    - (1). Note: For pipeline trenching projects only, the PI shall implement the Discovery Process for Pipeline Trenching projects identified below under "D."
  - c. If resource is not significant (e.g., small pieces of broken common shell fragments or other scattered common fossils) the PI shall notify the RE, or BI as appropriate, that a non-significant discovery has been made. The Paleontologist shall continue to monitor the area without notification to MMC unless a significant resource is encountered.
  - d. The PI shall submit a letter to MMC indicating that fossil resources will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that no further work is required.
    - (1). Note: For Pipeline Trenching Projects Only. If the fossil discovery is limited in size, both in length and depth; the information value is limited and there are no unique fossil features associated with the discovery area, then the discovery should be considered not significant.
    - (2). Note, for Pipeline Trenching Projects Only: If significance can not be determined, the Final Monitoring Report and Site Record shall identify the discovery as Potentially Significant.
- D. Discovery Process for Significant Resources - Pipeline Trenching Projects
- The following procedure constitutes adequate mitigation of a significant discovery encountered during pipeline trenching activities including but not limited to excavation for jacking pits, receiving pits, laterals, and manholes to reduce impacts to below a level of significance.
- 1. Procedures for documentation, curation and reporting
    - a. One hundred percent of the fossil resources within the trench alignment and width shall be documented in-situ photographically, drawn in plan view (trench and profiles of side walls), recovered from the trench and photographed after cleaning, then analyzed and curated consistent with Society of Invertebrate Paleontology Standards. The remainder of the deposit within the limits of excavation (trench walls) shall be left intact and so documented.
    - b. The PI shall prepare a Draft Monitoring Report and submit to MMC via the RE as indicated in Section VI-A.
    - c. The PI shall be responsible for recording (on the appropriate forms for the San Diego Natural History Museum) the resource(s) encountered during the Paleontological Monitoring Program in accordance with the City's Paleontological Guidelines. The forms shall be submitted to the San Diego Natural History Museum and included in the Final Monitoring Report.
    - d. The Final Monitoring Report shall include a recommendation for monitoring of any future work in the vicinity of the resource.

#### **IV. Night and/or Weekend Work**

- A. If night and/or weekend work is included in the contract

1. When night and/or weekend work is included in the contract package, the extent and timing shall be presented and discussed at the precon meeting.
2. The following procedures shall be followed.
  - a. No Discoveries  
In the event that no discoveries were encountered during night and/or weekend work, The PI shall record the information on the CSVr and submit to MMC via the RE via fax by 8AM on the next business day.
  - b. Discoveries  
All discoveries shall be processed and documented using the existing procedures detailed in Sections III - During Construction.
  - c. Potentially Significant Discoveries  
If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section III - During Construction shall be followed.
  - d. The PI shall immediately contact the RE and MMC, or by 8AM on the next business day to report and discuss the findings as indicated in Section III-B, unless other specific arrangements have been made.
- B. If night and/or weekend work becomes necessary during the course of construction
  1. The Construction Manager shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin.
  2. The RE, or BI, as appropriate, shall notify MMC immediately.
- C. All other procedures described above shall apply, as appropriate.

#### **V. Post Construction**

- A. Preparation and Submittal of Draft Monitoring Report
  1. The PI shall submit two copies of the Draft Monitoring Report (even if negative), prepared in accordance with the Paleontological Guidelines which describes the results, analysis, and conclusions of all phases of the Paleontological Monitoring Program (with appropriate graphics) to MMC via the RE for review and approval within 90 days following the completion of monitoring,
    - a. For significant paleontological resources encountered during monitoring, the Paleontological Recovery Program or Pipeline Trenching Discovery Process shall be included in the Draft Monitoring Report.
    - b. Recording Sites with the San Diego Natural History Museum  
The PI shall be responsible for recording (on the appropriate forms) any significant or potentially significant fossil resources encountered during the Paleontological Monitoring Program in accordance with the City's Paleontological Guidelines, and submittal of such forms to the San Diego Natural History Museum with the Final Monitoring Report.
  2. MMC shall return the Draft Monitoring Report to the PI via the RE for revision or, for preparation of the Final Report.
  3. The PI shall submit revised Draft Monitoring Report to MMC via the RE for approval.
  4. MMC shall provide written verification to the PI of the approved report.
  5. MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.
- B. Handling of Fossil Remains
  1. The PI shall be responsible for ensuring that all fossil remains collected are cleaned and catalogued.
- C. Curation of artifacts: Deed of Gift and Acceptance Verification

1. The PI shall be responsible for ensuring that all fossil remains associated with the monitoring for this project are permanently curated with an appropriate institution.
  2. The PI shall submit the Deed of Gift and catalogue record(s) to the RE or BI, as appropriate for donor signature with a copy submitted to MMC.
  3. The RE or BI, as appropriate shall obtain signature on the Deed of Gift and shall return to PI with copy submitted to MMC.
  4. The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC.
- D. Final Monitoring Report(s)
1. The PI shall submit two copies of the Final Monitoring Report to MMC (even if negative), within 90 days after notification from MMC of the approved report.
  2. The RE shall, in no case, issue the Notice of Completion until receiving a copy of the approved Final Monitoring Report from MMC which includes the Acceptance Verification from the curation institution.

## VI. PUBLIC REVIEW DISTRIBUTION:

Draft copies or notice of this Mitigated Negative Declaration were distributed to:

### **Federal Government**

Naval Facilities Engineering Command, SW Division, Environmental Planning (12)  
 US Environmental Protection Agency (19)  
 US Fish and Wildlife Service (23)  
 US Army Corps of Engineers (26)

### **State of California**

Caltrans, District 11 (31)  
 California Department of Fish and Wildlife (32)  
 Cal EPA (37A)  
 California Natural Resources Agency (43)  
 Regional Water Quality Control Board: Region 9 (44)  
 Department of Water Resources (45)  
 State Clearinghouse (46)  
 California Coastal Commission, San Diego District (47)  
 California Transportation Commission (51A)  
 State Water Resources Control Board (55)  
 Native American Heritage Commission (56)  
 Planning and Land Use (68)  
 Land & Water Quality Division (76)

### **County of San Diego**

Air Pollution Control District (65)  
 Department of Planning and Land Use (68)  
 Department of Public Works (72)  
 County Water Authority (73)  
 Department of Environmental Health (75)

**All City Libraries (81A-81KK)**

Balboa Branch (81B)  
Beckwourth Branch (81C)  
Benjamin Branch (81D)  
Carmel Mountain Ranch Branch (81E)  
Carmel Valley Ranch Branch (81F)  
Central Library (81A)  
City Heights/Weingart Branch (81G)  
Clairemont Branch (81H)  
College-Rolando Branch (81I)  
Kensington-Normal Heights Branch (81K)  
Library Department (81)  
La Jolla/Riford Branch (81L)  
Linda Vista Branch (81M)  
Logan Heights Branch (81N)  
Malcolm X Library & Performing Arts Center (81O)  
Mira Mesa Branch (81P)  
Mission Hills Branch (81Q)  
Mission Valley Branch (81R)  
North Clairemont Branch (81S)  
North Park Branch (81T)  
North University Branch (81JJ)  
Oak Park Branch (81U)  
Ocean Beach Branch (81V)  
Otay Mesa-Nestor Branch (81W)  
Pacific Beach/Taylor Branch (81X)  
Paradise Hills Branch (81Y)  
Point Loma/Hervey Branch (81Z)  
Rancho Bernardo Branch (81AA)  
Rancho Penasquitos Branch (81BB)  
San Carlos Branch (81DD)  
San Ysidro Branch (81EE)  
Scripps Miramar Ranch Branch (81FF)  
Serra Mesa Branch (81GG)  
Skyline Hills Branch (81HH)  
Tierrasanta Branch (81II)  
University Community Branch (81JJ)  
University Heights Branch (81KK)

**City of San Diego**

Mayor's Office (11A/91)  
Council President Lightner, District 1  
Councilmember Zapf, District 2



Councilmember Gloria, District 3  
Councilmember Cole, District 4  
Councilmember Kersey, District 5  
Councilmember Cate, District 6  
Councilmember Sherman, District 7  
Councilmember Alvarez, District 8  
Council President Pro Tem Emerald, District 9

*Wetland Advisory Board*

Anita Eng (MS 501)

*Housing Commission*

Wendy Dewitt (MS 49N)

*Historic Resources Board*

Kelley Stanco (MS 413/87)

*City Attorney's Office*

Heather Stroud (MS 59)

Shannon Thomas (MS 59)

*Development Services Department*

Martha Blake (MS 501)

Anne Jarque (MS 501)

Angela Nazareno (MS 301)

Anna McPherson (MS 501)

Mehdi Rastakhiz, Water/Wastewater Review (MS 401/86A)

Kerry Santoro, Deputy Director, MS 501

Elizabeth Shearer-Nguyen (MS 501)

Louis Shultz (MS 501)

Jeff Szymanski (MS 501)

*Environmental Services Department*

Lisa Wood (MS 1102-A/93A)

*General Services Department (MS 9B/92)*

*Planning Department*

Nancy Bragado, Deputy Director (MS 413)

Kristy Forburger (MS 413)

Myra Herrmann (MS 501)

Tom Tomlinson, Interim Director (606F)

*Park and Recreation Department*

Jeff Harkness (MS 413/89)

Park Development (MS 35/93)

*Public Utilities Department*

Nicole McGinnis (MS 906)

Keli Balo (MS 901)

*Public Works Department*

Carrie Purcell (MS 908A)

*Storm Water Department*

Clem Brown (MS 1900)

Karina Danek (MS 1900)

*Real Estate Assets Department*

Cybele Thompson (MS 51A/85)

**Other Governments**

City of Chula Vista (94)

City of Coronado (95)

City of Del Mar (96)

City of El Cajon (97)

City of Escondido (98)

City of Imperial Beach (99)

City of La Mesa (100)

City of Lemon Grove (101)

City of National City (102)

City of Poway (103)

City of Santee (104)

City of Solana Beach (105)

SANDAG (108)

San Diego Unified Port District (109)

San Diego County Regional Airport Authority (110)

Metropolitan Transit System (112/115)

San Diego Gas and Electric (114)

San Dieguito River Park (116)

**Community Groups, Associations, Boards, and Committees**

Community Planning Committee (194)

Balboa Park Committee (226 and 226A)

Black Mountain Ranch-Subarea I (226C)

Otay Mesa-Nestor Planning Committee (228)

Otay Mesa Planning Committee (235)

Clairemont Mesa Planning Committee (248)

Greater Golden Hill Planning Committee (259)

Serra Mesa Planning Committee (263A)

Kearney Mesa Community Planning Group (265)

Linda Vista Community Planning Committee (267)  
La Jolla Community Planning Association (275)  
City Heights Area Planning Committee (287)  
Kensington-Talmadge Planning Committee (290)  
Normal Heights Community Planning Committee (291)  
Eastern Area Planning Committee (302)  
North Bay Community Planning Committee (307)  
Mira Mesa Community Planning Committee (310)  
Mission Beach Precise Planning Board (325)  
Navajo Community Planners, Inc. (336)  
Carmel Valley Community Planning Board (350)  
Del Mar Mesa Community Planning Board (361)  
North Park Planning Committee (363)  
Ocean Beach Planning Board (367)  
Old Town Community Planning Board (368)  
Pacific Beach Community Planning Committee (375)  
Pacific Highlands Ranch-Subarea III (377A)  
Rancho Penasquitos Planning Board (380)  
Peninsula Community Planning Board (390)  
Rancho Bernardo Community Planning Board (400)  
Sabre Springs Community Planning Group (406B)  
San Pasqual-Lake Hodges Planning Group (426)  
San Ysidro Planning and Development Group (433)  
Scripps Miramar Ranch Planning Group (437)  
Miramar Ranch North Planning Committee (439)  
Skyline Paradise Hills Planning Committee (443)  
Torrey Hills Community Planning Board (444A)  
Southeastern San Diego Planning Committee (449)  
Encanto Neighborhoods Community Planning Group (449A)  
College Area Community Planning Board (456)  
Tierrasanta Community Council (462)  
Torrey Highlands – Subarea IV (467)  
Torrey Pines Community Planning Board (469)  
University City Community Planning Group (480)  
Uptown Planners (498)

#### **Town/Community Councils**

Town Council Presidents Association (197)  
Barrio Station, Inc. (241)  
Downtown Community Council (243)  
Harborview Community Council (245)  
Clairemont Town Council (257)  
Serra Mesa Community Council (264)

La Jolla Town Council (273)  
Rolando Community Council (288)  
Oak Park Community Council (298)  
Darnell Community Council (306)  
Mission Beach Town Council (326)  
Mission Valley Community Council (328C)  
San Carlos Area Council (338)  
Carmel Mountain Ranch Community Council (344)  
Ocean Beach Town Council, Inc. (367A)  
Pacific Beach Town Council (374)  
Rancho Penasquitos Town Council (383)  
Rancho Bernardo Community Council, Inc. (398)  
San Dieguito Planning Group (412)  
United Border Community Town Council (434)  
Murphy Canyon Community Council (463)

**Historic and Archaeology Associations**

Carmen Lucas (206)  
South Coastal Information Center (210)  
San Diego Historical Society (211)  
San Diego Archaeological Center (212)  
Save Our Heritage Organization (214)  
Ron Chrisman (215)  
Clint Linton (215B)  
Frank Brown - Inter-Tribal Cultural Resource Council (216)  
Campo Band of Mission Indians (217)  
San Diego County Archaeological Society Inc. (218)  
Kuumeyaay Cultural Heritage Preservation (223)  
Kuumeyaay Cultural Repatriation Committee (225)

*Native American Distribution (Public Notice Only)*

Barona Group of Capitan Grande Band of Mission Indians (225A)  
Campo Band of Mission Indians (225B)  
Ewiiapaayp Band of Mission Indians (225C)  
Inaja Band of Mission Indians (225D)  
Jamul Indian Village (225E)  
La Posta Band of Mission Indians (225F)  
Manzanita Band of Mission Indians (225G)  
Sycuan Band of Mission Indians (225H)  
Viejas Group of Capitan Grande Band of Mission Indians (225I)  
Mesa Grande Band of Mission Indians (225J)  
San Pasqual Band of Mission Indians (225K)  
Ipai Nation of Santa Ysabel (225L)

La Jolla Band of Mission Indians (225M)  
Pala Band of Mission Indians (225N)  
Pauma Band of Mission Indians (225O)  
Pechanga Band of Mission Indians (225P)  
Rincon Band of Luiseno Indians (225Q)  
San Luis Rey Band of Luiseno Indians (225R)  
Los Coyotes Band of Mission Indians (225S)

**Other Interested Agencies, Organizations, and Individuals**

SDUSD, Tony Raso (125)  
SDUSD, Director (132)  
Daily Transcript (135)  
Beach and Bay Press (137)  
San Diego Union-Tribune City Desk (140)  
Metro News (141)  
La Jolla Light (142)  
San Diego Chamber of Commerce (157)  
Building Industry Association (158)  
San Diego River Park Foundation (163)  
San Diego River Coalition (164)  
Sierra Club (165)  
Neighborhood Canyon Creek & Park Groups (165A)  
San Diego Natural History Museum (166)  
Jim Peugh (167A)  
San Diego Audubon Society (167)  
San Diego River Conservancy (168)  
Environmental Health Coalition (169)  
California Native Plant Society (170)  
San Diego Coast & Baykeeper (173)  
Center for Biological Diversity (176)  
San Diego Council of Divers (177)  
Citizens Coordinate for Century 3 (179)  
Endangered Habitats League (182 & 182A)  
Torrey Pines Association (186)  
San Diego Tracking Team (187)  
League of Women Voters (192)  
Community Planners Council (198)  
National City Chamber of Commerce (200)  
Parks & Recreation – Tijuana River Natural Estuarine Reserve (229)  
Downtown San Diego Partnership (237)  
Gaslamp Quarter Council (239)  
Unified Port District (240)  
Balboa Avenue CAC (246)

Marion Bear Natural Park Recreation Council (253)  
 Tecolote Canyon CAC (254)  
 Friends of Tecolote Canyon (255)  
 Friends of Switzer Canyon (260)  
 Mary Johnson (263B/328B)  
 MCAS Miramar (263C)  
 La Jolla Shores Association (272)  
 La Jolla Shores PDO Advisory Board (279)  
 Mr. Jose Lopez (295)  
 Willie Jones – Citylink (296)  
 Webster Community Council (301)  
 Fairmount Park Neighborhood Association (303)  
 John Stump (304)  
 Floyd Melson - Chollas Lake Park Rec. Council (305)  
 Friend of Penasquitos Preserve, Inc. (313)  
 Surfers Tired of Pollution (318)  
 San Diego Baykeeper (319)  
 Debby Knight – Friends of Rose Canyon (320)  
 Mission Bay Lessees (323)  
 Mission Hills Association (327)  
 Mission Valley Center Assn. (328)  
 Friars Village HOA (328A)  
 Friends of the Mission Valley Preserve (330B)  
 Mission Valley Unified Planning Group (331)  
 Mr. Gene Kemp, GM – Fashion Valley (332)  
 Lynn Mulholland (333)  
 River Valley Preservation Project (334)  
 Friends of Adobe Falls (335)  
 Mission Trails Regional Park CAC (341)  
 Pardee Construction (345)  
 City Attorney of Del Mar (346)  
 Rancho Santa Fe Assn. (347)  
 22<sup>nd</sup> District Agricultural Assn- Del Mar Fairgrounds (349)  
 Friends of Los Penasquitos Canyon Preserve (357)  
 Los Penasquitos Canyon Preserve CAC (360)  
 North Park Community Association (366)  
 Ocean Beach Merchants Association (367B)  
 Presidio Park Council (370)  
 Crown Point Association (376)  
 Rancho Penasquitos Community Council (378)  
 Torrey Pines Association (379)  
 Los Penasquitos Canyon Preserve CAC (385)

Sunset Cliffs Natural Park Rec. Council (388)  
 Peninsula Chamber of Commerce (391)  
 Point Loma Nazarene College (392)  
 Pardee Construction (407)  
 San Dieguito Lagoon Committee (409)  
 San Dieguito River Park CAC (415)  
 Friends of San Dieguito River Valley (419)  
 Fairbanks Ranch Association (424)  
 RVR PARC (423)  
 Parks & Recreation – Southern Service Center (428)  
 San Dieguito River Valley Conservancy (422)  
 San Dieguito River Park JPA (425A)  
 San Pasqual-Lake Hodges Planning Group (426)  
 Southeast Economic Development Corporation (448)  
 Southeastern San Diego Organizing Project (447)  
 Educational/Cultural Complex (450)  
 Chollas Restoration Enhancement and Conservancy/John Stump (451)  
 Kathleen Harmon – Chair, Central Imperial PAC (452)  
 Voice News & Viewpoint (453)  
 Mt. Hope Residents Assn. (454)  
 W. Anthony Fulton, Director – SDSU Facilities & Mgmt. (455)  
 Malcolm A Love (457)  
 Mission Trails Regional Park – Dorothy Leonard (465)  
 East Elliott Planning Advisory Committee (466)  
 Crest Canyon CAC (475)  
 University City Community Assn. (486)  
 Hillcrest Association (495)  
 Hillside Protection Assn. (501)  
 Banker's Hill Canyon Assn. (502)  
 Allen Canyon Committee (504)  
 S. Wayne Rosenbaum  
 Bike San Diego  
 Building Owners and Managers Association  
 City of San Diego Sustainable Energy Advisory Board  
 Coastal and Estuarine Research Federation  
 NAIOP San Diego  
 San Diego 350  
 San Diego Apartment Association  
 San Diego Association of Realtors  
 Pacific Corrugated  
 The Nature Conservancy  
 Urban Land Institute  
 Circulate San Diego

Weston Solutions, Inc.  
Angela Deegan  
Angie Mei  
San Dieguito Engineering  
Nasland Engineering  
Bill Powers  
Rick Engineering  
Kimley-Horn  
PBS&J Consultant  
PDC  
Pacific Corrugated  
Shea Homes  
RBF Consulting  
PDC  
Rick Engineering  
Diane Coombs  
Just Star Construction  
Doug Smith  
Dr. D. Bart Chadwick  
Ed Kimura  
RBF Consulting  
Grace Van Thillo  
Green Edge Technology  
Greg Ponce – Shea Homes  
Groundwork San Diego Chollas Creek  
Industrial Environmental Association  
Janina Moretti  
Jerry Livingston  
Nolte & Associates, Inc.  
Adams Engineering  
Shea Homes  
Jim Varnadore  
Joan Raphael  
JP Engineering  
Latitude 33  
Landry Watson  
Lyla Fadali  
Masada Disenhouse  
Mike Bullock  
Kristar  
Nicola Hedge  
McMillin Land Development  
Philip Petrie



Steven Scott  
Tershia d'Elgin  
McMillin

VII. RESULTS OF PUBLIC REVIEW:

- ( ) No comments were received during the public input period.
- ( ) Comments were received but did not address the draft Mitigated Negative Declaration finding or the accuracy/completeness of the Initial Study. No response is necessary. The letters are attached.
- (X) Comments addressing the findings of the draft Mitigated Negative Declaration and/or accuracy or completeness of the Initial Study were received during the public input period. The letters and responses follow.

Copies of the draft Mitigated Negative Declaration, the Mitigation, Monitoring and Reporting Program and any Initial Study material are available in the office of the Planning Department for review, or for purchase at the cost of reproduction.



Myra Herrmann, Senior Planner  
Planning Department

Analyst: Herrmann

February 20, 2015  
Date of Draft Report

May 29, 2015  
Date of Final Report

Attachments:

Figure 1: City of San Diego Watershed Management Areas  
Initial Study Checklist

# LETTER

# RESPONSE



Edmund G. Brown Jr.  
Governor

STATE OF CALIFORNIA  
Governor's Office of Planning and Research  
State Clearinghouse and Planning Unit



Ken Alex  
Director

March 25, 2015

Myra Herrmann  
City of San Diego  
1222 First Avenue, MS-501  
San Diego, CA 92101

Subject: New Storm Water Municipal Permit Planning Documents / Project No. 402137  
SCH#: 2015021066

Dear Myra Herrmann:

A-1

The State Clearinghouse submitted the above named Mitigated Negative Declaration to selected state agencies for review. The review period closed on March 23, 2015, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Scott Morgan  
Director, State Clearinghouse

1400 TENTH STREET P.O. BOX 3044 SACRAMENTO, CALIFORNIA 95812-3044  
TEL (916) 445-0613 FAX (916) 823-3018 www.opr.ca.gov

## STATE CLEARINGHOUSE (MARCH 25, 2015)

A-1 Comment acknowledged. No letters were received from State Agencies during public review; however, one email comment was received from the California Department of Fish and Wildlife. The response follows this item.

## LETTER

## RESPONSE

**Document Details Report  
State Clearinghouse Data Base**

**SCH#** 2015021066  
**Project Title** New Storm Water Municipal Permit Planning Documents / Project No. 402137  
**Lead Agency** San Diego, City of

**Type** MND Mitigated Negative Declaration  
**Description** On May 8, 2013, the California Regional Water Quality Control Board, San Diego Region (referred to as "San Diego Water Board") reissued a municipal storm water permit entitled "National Pollutant Discharge Elimination System (NPDES) Permit and Waste Discharge Requirements for Discharges from the Municipal Separate Storm Sewer Systems (MS4s) draining the watersheds within the San Diego Region" (Order No. R9-2013-0001; [MS4 Permit]) to the San Diego County Copermitttees, including the City. The MS4 Permit was issued by the San Diego Water Board pursuant to Section 402 of the Federal Clean Water Act and implementing regulations (Code of Federal Regulations [CFR] Title 40, Part 122) adopted by the United States Environmental Protection Agency, and Chapter 5.5, Division 7 of the California Water Code. The MS4 Permit, in part, requires the City to use its land use and planning authority to implement a development planning program to control and reduce the discharge of pollutants in storm water from new development and significant redevelopment to the maximum extent practicable.

**Lead Agency Contact**

<b>Name</b>	Myra Hermann	
<b>Agency</b>	City of San Diego	
<b>Phone</b>	619 446 5372	<b>Fax</b>
<b>email</b>		
<b>Address</b>	1222 First Avenue, MS-501	
<b>City</b>	San Diego	<b>State</b> CA <b>Zip</b> 92101

**Project Location**

<b>County</b>	San Diego
<b>City</b>	San Diego
<b>Region</b>	
<b>Lat / Long</b>	
<b>Cross Streets</b>	
<b>Parcel No.</b>	
<b>Township</b>	
	<b>Range</b>
	<b>Section</b>
	<b>Base</b>
	SBB&M

**Proximity to:**

<b>Highways</b>	
<b>Airports</b>	
<b>Railways</b>	Alchison Topeka & Santa Fe/City
<b>Waterways</b>	Various
<b>Schools</b>	
<b>Land Use</b>	

**Project Issues** Archaeologic-Historic; Drainage/Absorption; Geologic/Seismic; Soil Erosion/Compaction/Grading; Water Quality; Landuse; Cumulative Effects; Other Issues

**Reviewing Agencies** Resources Agency; Department of Boating and Waterways; Department of Fish and Wildlife, Region 5; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 11; Air Resources Board; State Water Resources Control Board, Division of Drinking Water; State Water Resources Control Board, Division of Financial Assistance; Regional Water Quality Control Board, Region 9; Native American Heritage Commission; Department of Toxic Substances Control

**Date Received** 02/20/2015    **Start of Review** 02/20/2015    **End of Review** 03/23/2015

Note: Blanks in data fields result from insufficient information provided by lead agency.

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## LETTER

**Herrmann, Myra**

**From:** Duke, Bryand@Wildlife [Bryand.Duke@wildlife.ca.gov]  
**Sent:** Tuesday, March 24, 2015 12:02 AM  
**To:** DSD EAS  
**Subject:** FW: New Storm Water Municipal Permit Planning Documents (402147)

Dear Sir/Mam:

**B-1** The California Department of Fish and Wildlife (Department) has a couple of questions concerning when mitigation will occur offsite. We are not clear if the applicant (who may require mitigation) is allowed to choose whether he or she mitigates offsite or will every effort be made (by using a prepared checklist) to mitigate onsite before offsite mitigation is considered. Also, what are examples of instances when onsite mitigation is not possible.

Thank you for your time and assistance.

Sincerely,  
 Bryand

*Bryand M. Duke, Ph.D.*  
 Senior Environmental Scientist (Specialist)  
 California Department of Fish and Wildlife

3883 Ruffin Road  
 San Diego, CA 92123  
 Office: (858)637-5511

Bryand.Duke@wildlife.ca.gov

## RESPONSE

**CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE (MARCH 24, 2015)**

**B-1** The City would exhaust all opportunities to mitigate project impacts onsite before considering offsite mitigation. Instances where onsite mitigation is not possible include, but are not limited to, scenarios that have limited onsite acreage for mitigation, or scenarios where onsite mitigation would have no connection to larger patches of high quality habitat, hence undermining the intent of the mitigation.

**RINCON BAND OF LUISEÑO INDIANS**  
**Culture Committee**

1 W. Tribal Road - Valley Center, California 92082 -  
 (760) 297-2621 or (760) 297-2622 & Fax: (760) 749-8901



February 24, 2015

Myra Herrmann  
 City of San Diego  
 1222 First Avenue, MS 501  
 San Diego, CA 92101

**Re: New Storm Water Municipal Permit Planning Project No. 402137**

Dear Ms. Herrmann:

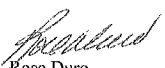
This letter is written on behalf of the Rincon Band of Luiseno Indians. Thank you for inviting us to submit comments on the New Storm Water Municipal Permit Planning Project No. 402137. Rincon is submitting these comments concerning your projects potential impact on Luiseno cultural resources.

C-1 [ The Rincon Band has concerns for the impacts to historic and cultural resources and the finding of items of significant cultural value that could be disturbed or destroyed and are considered culturally significant to the Luiseno people. This is to inform you, your identified location is not within the Luiseno Aboriginal Territory. We recommend that you locate a tribe within the project area to receive direction on how to handle any inadvertent findings according to their customs and traditions.

If you would like information on tribes within your project area, please contact the Native American Heritage Commission and they will assist with a referral.

Thank you for the opportunity to protect and preserve our cultural assets.

Sincerely,

  
 Rose Duro  
 Chairman  
 Rincon Culture Committee

Bo Mazzetti  
 Tribal Chairman

Stephanie Spencer  
 Vice Chairwoman

Steve Stallings  
 Council Member

Laurie E. Gonzalez  
 Council Member

Alfonso Kolb  
 Council Member

**RINCON BAND OF LUISENO INDIANS (FEBRUARY 24, 2015)**

C-1 Comment noted. As required by the Mitigation, Monitoring and Reporting Program (Mitigated Negative Declaration Section V), when a future project requires any form of archaeological evaluation or monitoring, a Native American (Kumeyaay) representative will be consulted to participate in the process. When required for future projects associated with the New Storm Water Documents, a Kumeyaay monitor will be on-site to monitor any ground disturbing activities associated with project implementation. In addition, in the event that unanticipated human remains are encountered during construction-related activities, the MMRP requires that work would be stopped in that area and the provisions explicitly stated in Section 5097.98 of the California Public Resources Code, Section 27491 of the California Government Code and Section 7050.5 of the California Health and Safety Code for the discovery and subsequent treatment of human remains will immediately be implemented in consultation with the Most Likely Descendant process.

# LETTER

# RESPONSE

Institute of Administrative Law and Justice  
Brown Building  
4133 Poplar Street  
City Heights, California 92105  
Telephone: 619 281-4663 [brownbuilding@cox.net](mailto:brownbuilding@cox.net)

Monday March 23, 2015

Via E-mail and Delivery

City of San Diego Planning Department  
C/O Ms. Myra Herman  
Mr. Clem Brown, Public Hearings and Notices Program Manager  
1222 First Avenue, MS 50  
San Diego, CA 92101

[DSDFAS@sanidiego.gov](mailto:DSDFAS@sanidiego.gov)  
[CMBrown@sanidiego.gov](mailto:CMBrown@sanidiego.gov)

City of San Diego  
San Diego City Clerk  
202 C Street, Second Floor  
San Diego, California 92101

[cityclerk@sanidiego.gov](mailto:cityclerk@sanidiego.gov)

Regional Water Control Board San Diego  
Regional Board Chairman David W. Gibson and Members  
VIA: Ms. Christina Arias  
California Regional Water Quality Control Board  
San Diego - Region 9  
2375 Northside Drive, Suite 100  
San Diego, California 92108

[Christina.Arias@waterboards.ca.gov](mailto:Christina.Arias@waterboards.ca.gov)

RE: Demand for Environmental Impact Report / Environmental Impact Statement consistent with the **CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD SAN DIEGO REGION ORDER NO. R9-2013-0001 NPDES NO. CAS0109266** and the CA Court of Appeal Decision in **Sierra Club v. County of San Diego Climate Action Plan D064243** (Super. Ct. No. 37-2012-00101054-CU-TT-CTL) for the City of San Diego New Storm Water Municipal Permit Planning Documents, Project No. 402137

Dear Honorable Madams /Sirs,

## 1. PRAISE AND EXPRESSIONS OF GRATITUDE

The City of San Diego continues to improve and become more sophisticated in its approaches to the challenges of balancing the demands for human use of the environment and the harms caused to the natural environment from this occupation, at such high and complete levels. We found that the underlying documents very complete and understandable. The City has continued to improve the tailored approaches to the Storm Water challenges in its area.

- a. The staffs' of the Planning Department, City Engineers, and City Heights Branch Library have been very helpful and professional in addressing my questions and concerns. I spent

1 of 7

## INSTITUTE OF ADMINISTRATIVE LAW AND JUSTICE (MARCH 23, 2015)

- D-1 a. Comment noted. The reference materials associated with this item are quite voluminous and include multiple large binders of color maps, tables and associated text. Hard copies of all supporting materials were not provided to each branch library within the City of San Diego because of the cost of printing and the limited time for which they would remain in each branch library. As always, these materials are always available for the public in multiple formats for viewing if requested.
- b. Comment noted. The City of San Diego acknowledges the beneficial uses of Chollas Creek. Please refer to Appendix B of the San Diego Bay Water Quality Improvement Plan for a full list of the beneficial uses for Chollas Creek.
- c. Comment noted. Please refer to Section 10, Fiscal Analysis of the Jurisdictional Runoff Management Plan (JRMP) for additional information on the projected funding needs for the City of San Diego to meet the requirements of Order No. R9-2013-0001 as amended by Order No. R9-2015-0001, NPDES No. CAS0109266, National Pollutant Discharge Elimination System Permit and Waste Discharge Requirements for Discharges from Municipal Separate Storm Sewer Systems Draining the Watersheds within the San Diego Region (Municipal Permit).

## LETTER

Demand for Environmental Impact Report / Environmental Impact Statement consistent with the CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD SAN DIEGO REGION ORDER NO. R9-2013-0001 NPDES NO. CA50109266 & CA Court of Appeal Decision In Sierra Club v. County of San Diego Climate Action Plan D064243 (Super. Ct. No. 37-2012-00101054-CU-TT-CTL)  
City of San Diego New Storm Water Municipal Permit Planning Documents Project No. 402137

several hours with City staff in review of the above referenced subject document. I appreciate the electronic posting of the documents. I recommend that documents referenced and relied upon in the subject referenced document, be also available in printed form, at the local branch libraries.

- b. I also appreciate that the City appears to no longer be attempting to remove the Cholas Creek, receiving water or watershed from storm water remediation, under the guise of it having no beneficial use. I look forward to the success of the City and Water Board's efforts to make Cholas Creek a safer recreation and play area for area children and residents and the ecological return of amphibian, avian, and deer native populations; mollusk harvesting; and the use of Cholas by seals, up to and along 47<sup>th</sup> street area.
- c. I also appreciate that the City is no longer claiming lack of funds to implement necessary remediation measures, given the building boom in the Pueblo Downtown receiving waters/watershed and the ability to annually write a nearly \$12 million dollar annual blank check to the San Diego Zoological Society for maintenance of its very large parking lot and other operations.
- d. I want to acknowledge the fine work and contribution made by the Sierra Club in its pursuit of a more meaningful Climate Action Plan. Mr. Mike Bullock Sierra Club Transportation Chairman should be commended for his transportation work which lead to my better understanding of the pollution problems caused by a method of sizing calculation that does not take into account zoned uses and relationship between increased traffic trips and increased storm water road wash pollution.

### 2. BASIC REQUESTS AND DEMANDS

- a. We are submitting written comments on the above referenced documents. We demand an analysis of the reasonable alternatives presented in these comments and the obvious alternatives that were precluded or rejected to form the proposed planned project. We request written publication of our comments, in the same size and style as submitted. We request written responses to each comment presented. We, further request notice of future documents, steps, meetings and full participation in the processes that lead to the consideration of this project.
- b. Given that the City of San Diego has adopted a system of government that separates the Executive Branch from the Legislative Branch, we request that the Legislative Branch's quasi-judicial objectivity be safeguarded and preserved during this CEQA review and adoption process. Communications concerning this plan and project between the Executive Branch (Mayor and City Departments) and Legislative Branch should be strictly limited to open public meetings; so that the public can be assured that there have been no contacts that would give even the appearance of ex parte communications. The San Diego City Attorney has issued a Legal Opinion concerning such ex parte communications and CEQA. This opinion is attached and incorporated by reference

## RESPONSE

### INSTITUTE OF ADMINISTRATIVE LAW AND JUSTICE (MARCH 23, 2015)

D-1 d. Comment noted. This comment does not address the adequacy or accuracy of the environmental document.

D-2 a. In accordance with the CEQA Statutes (Pub. Res. Code §21091(f); Guidelines §15074) the City of San Diego has considered all comments received during public review of the draft MND. Although not required per the CEQA Statutes and Guidelines for MNDs, formal written responses have been incorporated into the final document along with the original comment letters as noted.

In accordance with Article 6 of the State CEQA Guidelines the contents of a mitigated negative declaration do not include an alternatives analysis (CEQA Guidelines §15070-15075). An alternatives analysis is generally included in an Environmental Impact Report when a project will result in an unavoidable impact which could not be mitigated to below a level of significance. The environmental analysis for this project did not warrant preparation of an EIR and therefore an alternatives analysis is not required (CEQA Guidelines §15126.6).

b. Comment noted. This comment does not address the adequacy or accuracy of the environmental document.

## LETTER

Demand for Environmental Impact Report / Environmental Impact Statement consistent with the CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD SAN DIEGO REGION ORDER NO. R9-2013-0001 NPDES NO. CAS0109266 & CA Court of Appeal Decision in *Sierra Club v. County of San Diego Climate Action Plan* D064243 (Super. Ct. No. 37-2012-00101054-CU-TT-CTL.)  
*City of San Diego New Storm Water Municipal Permit Planning Documents Project No. 402137*

LO-90-2 Limits on Ex Parte Communications By Councilmembers.

### 3. SUMMARY PROJECT SPECIFIC COMMENTS

- D-3
- It is often said that a successful journey begins with the first steps. In summary, the proposed draft City of San Diego New Storm Water Municipal Permit Planning Documents, Project No. 402137 is flawed and requires rework because those first steps failed to consider alternate approaches and failed to be specifically carefully tailored to meet the timelines and goals of the CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD SAN DIEGO REGION ORDER NO. R9-2013-0001 NPDES NO. CAS0109266, which is incorporated herein by reference and hereafter referred to as "Order". The subject referenced draft, mitigated negative declaration City of San Diego New Storm Water Municipal Permit Planning Documents, Project No. 402137, hereafter "draft MND" should have presented a plan that would meet the or exceed the accomplishment of the Order.
  - Recently, the California Court of Appeals provided guidance for CEQA documents and review, in the matter of in *Sierra Club v. County of San Diego Climate Action Plan* D064243 (Super. Ct. No. 37-2012-00101054-CU-TT-CTL, hereafter referred to as "Sierra Club decision". The City Storm Water approach need to analysis alternatives and select those best designed to meet the timely accomplishment of the existing Order.
  - The Draft MND makes two very large first step assumptions concerning the areas for Storm Water treatment and groupings of all San Diego land use areas as applicable to a single treatment control as presented in the master formula as presented in the underlying City Storm Water Standards manual, herein incorporated to these comments by reference and hereafter referred to as "Manual". In the Manual, at pages 84 (C-1) and 88 (D-1), there are Maps which shows the grouping of all of the receiving waters that lead to the San Diego Bay, as if they are a single similar source of storm water pollution AND at page 122 (I-11) there is a single master formula that universally excludes from the pollution source and treatment that portion of lands and parcels that is dedicated to public use but is the primary conveyor of storm water and in some developed areas the primary source of storm water pollutants. The referenced Manual and all of its appendixes are designed to support these rejections of reasonable alternative approaches to storm water treatment and recovery of San Diego Bay water quality. The San Diego Storm Water Standards manual is available at the City of San Diego web site at: <http://www.sandiego.gov/development-services/pdf/news/stormwatermanual.pdf>
  - The commenters reside, own, and operate real property in the Cholas Creek receiving waters/watershed and weekly or more frequently visit the Pueblo-Downtown receiving waters/watershed. Personal, recent, and continuance observation of these two areas demonstrate that they are very different in their as built conditions, populations, and uses. The Pueblo/Downtown area has an airport, sports stadium and Zoo parking lots, and three of the largest water users in the region. The Cholas Creek receiving water/watershed has none of these features. In Cholas there are no homeless encampments at the scale of those in Pueblo/Downtown nor is public defecation and urination seen regularly in the public right

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## RESPONSE

### INSTITUTE OF ADMINISTRATIVE LAW AND JUSTICE (MARCH 23, 2015)

D-3 a. See Response to Comment D-2.a

- In the *Sierra Club v. County of San Diego Climate Action Plan* decision, the court ruled that preparation of an addendum to the County's General Plan EIR was not appropriate. The case in question dealt with environmental tiering and inadequate mitigation measures related to reduction of greenhouse gas emissions. The project which is the subject of this environmental document was analyzed in accordance with CEQA and an MND prepared. Please also see Response to Comment No. D-2.a.
- Priority Development Project requirements will be included in the Storm Water Standards Manual update, which is not part of this project. Per Provision E.3.d of the Municipal Permit, the adoption of the Storm Water Standards is on a different timeline than the rest of the JRMP. Therefore, a separate CEQA review for the Storm Water Standards update will be conducted at a later date. In the meantime, the existing Storm Standards Manual applies. The existing Storm Water Standards Manual was reviewed in 2008 under the Mitigated Negative Declaration for Project No. 134590 and can be found at <http://www.sandiego.gov/stormwater/regulations/index.shtml>. Language has been included in the Table of Contents and Section 4, Development Planning of the JRMP to make this clarification.

d. See Responses to Comments D-2.a and D-3.c



## LETTER

Demand for Environmental Impact Report / Environmental Impact Statement consistent with the CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD SAN DIEGO REGION ORDER NO. R9-2013-0001 NPDES NO. CAS0109266 & CA Court of Appeal Decision in *Sierra Club v. County of San Diego Climate Action Plan* D064243 (Super. Ct. No. 37-2012-00101054-CU-TT-CTL)  
*City of San Diego New Storm Water Municipal Permit Planning Documents Project No. 402137*

of way occurring at the frequency or scale of Pueblo/Downtown. Chollas has open space for encampments and a much smaller population is observed as compared to the downtown areas, particularly along Island Street between 16<sup>th</sup> and 12<sup>th</sup> Streets. Millions of visitors travel to and from Balboa Park and the Airport, while tourism is limited in the Chollas area. Both areas are subject to the same sizing calculations but in the Chollas area there is infiltration green space but Pueblo is much more built out and impermeable. An available alternate approach would be to include in the sizing calculation the area of public right of way whenever a sub area has a mainly built out urban impermeable nature.

- D-3
- c. The Draft should separate and set standards for each of the receiving waters that feed into the San Diego Bay. The City of Coronado, Imperial Beach, Chula Vista, and National Cities account for their contribution, so the City of San Diego should not be able to comingle and consolidate the separate contributing receiving waters into a single approach. The commenter believes and is informed that the storm water pollution contribution of Chollas Creek is not on the same scale or nature as the Pueblo/Downtown watershed. Continuation of this diluting comingling approach hides or mask the major sources of storm water Bay pollution. The revised draft should analysis separately the alternative of separately setting standards for the different receiving waters that contribute to the San Diego Bay pollution. The separate standards should consider the levels of traffic, numbers of persons/acre, the number and type of uses, like residential and neighborhood serving businesses versus the downtown district. The analysis should consider trying the sizing and treatment methodologies to the actual as built or zoned land uses in each receiving water area.
  - f. The revised Draft EIR/EIS should address the City's permit requirements on its own lands. The City has had a practice of issuing permits for its own projects and then not exempting itself from mitigation measures that would have prevented storm water pollution from entering receiving water. An example of this practice is the permit for the San Diego Police Central Garage and Kennel Complex, along Federal Boulevard and directly adjacent to both the Auburn Creek and North Chollas Creek. The permit required installation of curb and gutters with landscaping on both sides of Federal Boulevard. The City exempted itself from installation of these features on the South side of Federal Boulevard; so that road wash storm water continues to flow into the Chollas receiving waters. Additionally, the lack of traffic controls continues the permitting of the Federal Boulevard apron as an unsupervised parking lot adjacent to the receiving waters. The new analysis and draft should make clear that the City will no longer permit a double standard for storm control measures on public owned or leased lands.

D-4

#### 4. EXCERPTS FROM CA COURT OF APPEAL DECISION SIERRA CLUB V. COUNTY CLIMATE ACTION PLAN

The COURT OF APPEAL, FOURTH APPELLATE DISTRICT DIVISION ONE STATE OF CALIFORNIA  
 SIERRA CLUB, Plaintiff and Respondent, v. COUNTY OF SAN DIEGO, Defendant and Respondent.  
 D064243 (Super. Ct. No. 37-2012-00101054- CU-TT-CTL)  
<http://www.courts.ca.gov/opinions/documents/D064243.PDF> decision was so significant that

## RESPONSE

- e. The Municipal Permit requires the City and other municipal dischargers to prioritize water quality conditions within the San Diego Bay Watershed Management Area (WMA) for the purpose of establishing numeric water quality goals. The Municipal Permit does not require that dischargers identify and set numeric goals for all pollutants in all receiving waters within the WMA. Prioritization is an essential component of the WQIP process so that sufficient focus can be directed to the most critical issues. Based on an extensive review of water quality monitoring data, the City used the methodology described in Section 2 of the San Diego Bay Water Quality Improvement Plan (WQIP) to select bacteria and dissolved metals (copper, lead and zinc) in Chollas Creek as the highest priority conditions in the WMA. As the highest priority conditions in the WMA, numeric goals were developed for these conditions to reflect the water quality targets required by the Total Maximum Daily Loads (TMDLs) for Dissolved Copper, Lead, and Zinc in Chollas Creek, Resolution No. R9-2007-0043, referred to as the Metals TMDL, as well as the Revised TMDLs for Indicator Bacteria, Project I – Twenty Beaches and Creeks in the San Diego Region (Including Tecolote Creek) (Bacteria TMDL), Regional Board Resolution No. R9-2010-0001.

The City identifies non-structural and structural strategies (Tables 4-8 and 4-9 of the San Diego Bay WQIP) that will be implemented to address bacteria and dissolved metals within Chollas Creek. The points of compliance for determining the effectiveness of these strategies (i.e., that the numeric goals are being achieved) are within Chollas Creek. Because the points of compliance are in Chollas Creek and not in San Diego Bay, the determination that the numeric goals are being achieved or not would not be diluted or comingled with pollutant sources from other receiving waters as suggested in the comment.

See also Response to Comment D-2.a.

# LETTER

# RESPONSE

Demand for Environmental Impact Report / Environmental Impact Statement consistent with the CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD SAN DIEGO REGION ORDER NO. R9-2013-0001 NPDES NO. CA50109266 & CA Court of Appeal Decision In Sierra Club v. County of San Diego Climate Action Plan D064243 (Super. Ct. No. 37-2012-00101054-CU-TT-CTL)  
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we have excerpted relevant sections for the reviewers consideration. The entire opinion is incorporated herein by reference.

## a. "II. OVERVIEW OF CEQA

"The fundamental goals of environmental review under CEQA are information, participation, mitigation, and accountability." (Lincoln Place Tenants Assn. v. City of Los Angeles (2007) 155 Cal.App.4th 425, 443-444 (Lincoln Place II).) As the California Supreme Court has explained: "If CEQA is scrupulously followed, the public will know 14 the basis on which its responsible officials either approve or reject environmentally significant action, and the public, being duly informed, can respond accordingly to action with which it disagrees. [Citations.] The EIR process protects not only the environment but also informed self-government." (Laurel Heights Improvement Assn. v. Regents of the University of California (1988) 47 Cal.3d 376, 392 (Laurel Heights).)

CEQA requires a public agency to prepare an environmental impact report (EIR) before approving a project that may have significant environmental effects. (Pub. Resources Code, § 21100.) The EIR is "the heart of CEQA" . . . an "environmental "alarm bell" whose purpose it is to alert the public and its responsible officials to environmental changes before they have reached ecological points of no return." (Laurel Heights, supra, 47 Cal.3d at p. 392.)

CEQA authorizes the preparation of various kinds of environmental impact reports depending upon the situation, such as the subsequent EIR, a supplemental EIR, and a tiered EIR. (Pub. Resources Code, §§ 21166, 21068.5, 21093, 21094.) Whereas the subsequent EIR and supplemental EIR are used to analyze modifications to a particular project, a tiered EIR is used to analyze the impacts of a later project that is consistent with an EIR prepared for a general plan, policy, or program. (CEQA Guidelines, § 15385; compare Pub. Resources Code, § 21166 & CEQA Guidelines §§ 15162, 15163 & 15164 [referencing "the project"] with Pub. Resources Code, § 21093 [stating that later projects may use tiering].)

CEQA requires that "environmental impact reports shall be tiered whenever feasible." (Pub. Resources Code, § 21093, subd. (b).) Tiering means "the coverage of 15 general matters in broader EIRs (such as on general plans or policy statements) with subsequent narrower EIRs . . . incorporating by reference the general discussions and concentrating solely on the issues specific to the EIR subsequently prepared." (CEQA Guidelines, § 15385; Pub. Resources Code, § 21068.5.) In the context of program and plan-level EIR's, the use of tiered EIR's is mandatory for a later project that meets the requirements of

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f. The reference to a Draft EIR/EIS is unclear. This project does not require preparation of an EIR, nor is there a federal nexus requiring the preparation of an EIS in accordance with NEPA. Other references in this comment are specific to a project associated with the Central Police Facility in City Heights for which an MND was prepared and certified by the San Diego City Council in 2003. The statements in this comment do not address the the adequacy or accuracy of this environmental document.

D-4 This comment restates excerpts from the Sierra Club v. County of San Diego Climate Action Plan regarding the CEQA process. The statements in this comment do not address the adequacy of the environmental document.

D-5 a. The proposed revisions to the Storm Water Ordinance, San Diego Municipal Code sections 43.0301-43.0312, reflect the requirements of the Municipal Permit. Consistent with the Municipal Permit, discharges from air conditioning condensation, individual residential vehicle washing, and swimming pools are allowed on the condition that Best Management Practices (BMPs) are implemented, as reflected in the proposed revisions to San Diego Municipal Code section 43.0305(e). According to Provision E.2.a.(4) of the Municipal Permit, air conditioning condensation, residential vehicle washing, pool water discharges are allowed if BMPs are employed. They are considered illicit discharges if they are not controlled by the BMPs outlined in the Municipal Permit and JRMP. The Municipal Permit allows the following discharges:

## (a) Air conditioning condensation

*The discharge of air conditioning condensation should be directed to landscaped areas or other pervious surfaces, or to the sanitary sewer, where feasible.*

## (b) Individual residential vehicle washing

*(i) The discharge of wash water should be directed to landscaped areas or other pervious surfaces where feasible; and*

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Public Resources Code section 21094, subdivision (b). (Pub. Resources Code, § 21094, subd. (a).)

Another requirement of CEQA is that public agencies "should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects." (Pub. Resources Code, § 21002.) "A 'mitigation measure' is a suggestion or change that would reduce or minimize significant adverse impacts on the environment caused by the project as proposed." (Lincoln Place II, supra, 155 Cal.App.4th at p. 445.) If the agency finds that mitigation measures have been incorporated into the project to mitigate or avoid a project's significant effects, a "public agency shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment. The reporting or monitoring program shall be designed to ensure compliance during project implementation." (Pub. Resources Code, § 21081.6, subd. (a)(1).)

If a mitigation measure later becomes "impracticable or unworkable," the "governing body must state a legitimate reason for deleting an earlier adopted mitigation 16 measure, and must support that statement of reason with substantial evidence." (Lincoln Place Tenants Association v. City of Los Angeles (2005) 130 Cal.App.4th 1491, 1509 (Lincoln Place I).) (IBID Pages 13-16).

### 5. ADDITIONAL COMMENTS AND PARTICULARS FOR ANALYSIS ALTERNATIVES

- a. The Draft exempts certain water contributions to receiving waters from the requirements of the project. It exempts water disposed of from swimming pools and firefighting. The exemptions are broader than required to meet emergency exigent circumstances and unnecessarily may contribute to storm water pollution. Alternatives to the two exemptions should be analyzed and considered. First for routine non-emergency dumping of water the water should only be placed in a pre-identified and certified receiving water storm drain that does not lead to a sensitive canyon or lands. Routine vehicle and equipment washing should not be included. Large amounts of water, based on a reasonable standard, should not be dumped into receiving water without treatment to remove chlorine and other water sanitizers, nitrogen, nitrates, ammonia and adjust both the PH and alkalinity. If large amounts of water are dumped into receiving water it should support the biological water quality of the receiving water. In the Cholas receiving waters area there are two pools (City Heights Recreation Center and new Price Copley YMCA) that may be challenged to

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## RESPONSE

(ii) *The minimization of water, washing detergent and other vehicle wash products used for residential vehicle washing, and the implementation of other practices or behaviors that will prevent the discharge of pollutants associated with individual residential vehicle washing from entering the MS4 must be encouraged.*

### (c) Dechlorinated swimming pool discharges

- (i) *Residual chlorine, algicide, filter backwash, or other pollutants from swimming pools must be eliminated prior to discharging to the MS4; and*  
(ii) *The discharge of saline swimming pool water must be directed to the sanitary sewer, landscaped areas, or other pervious surfaces that can accommodate the volume of water, unless the saline swimming pool water can be discharged via a pipe or concrete channel directly to a naturally saline water body (e.g. Pacific Ocean).*

The Minimum Best Management Practices for Residential, Industrial, Commercial, and Municipal Sites/Sources (Minimum BMPs) are outlined in Appendix IX of the JRMP and provide implementation guidance for the Storm Water Ordinance, which allows these discharges only where Minimum BMPs are implemented. The Minimum BMPs minimize pollutants in these discharges to the maximum extent practicable as required by the Municipal Permit.

Consistent with the Municipal Permit, discharges from firefighting activities are conditionally allowed as set forth in the proposed revisions to San Diego Municipal Code section 43.0305(f). According to Provision E.2.a.(5) of the Municipal Permit, emergency and non-emergency firefighting discharges are allowed as described below:

(5) *Firefighting discharges to the MS4 must be addressed by the Copermittee as illicit discharges only if the Copermittee or the San Diego Water Board identifies the discharge as a significant source of pollutants to receiving waters. Firefighting discharges to the MS4 not identified as a significant source of pollutants to receiving waters, must be addressed, at a minimum, as follows:*

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change their waters without identification of the appropriate storm water drains, to use. The new draft should consider the alternate of requiring a licensure process along with the permitting for pools that would require the pre identification of the storm water dump site and water treatment procedures to improve the water quality dumped.

- b. The City of San Diego is actively engaged in the CEQA scoping and report preparation for two very large and significant projects. The City is preparing documents for its "Pure Water" Direct Re-Use Water Supply project and its Climate Action Plan. The cumulative possible effects of these known projects should be analyzed and considered in the revised Draft.
- c. The largest governmental property owner operator in the project area may be schools, colleges, and universities, including but not limited to the San Diego Unified School District, SDUSD's charter schools, SD Community Colleges, and private and public Universities. The revised Draft report should address how these very significant land operations are addressed by the permit or contribute to storm water pollution through use of the systems of storm water conveyances constructed and controlled by the City.
- d. The revised draft should list specific signage that will be installed to prevent storm water pollution. It is suggested that signage be installed for the Cholas Creek receiving waters and tributaries like that signage installed for the San Diego river receiving waters.
- e. The revised draft should list specific signage that will be installed to prevent storm water pollution from kennel operations. It is suggested that street signage be posted adjacent to kennels, doggy day care facilities and other areas where pets tend to relieve themselves before entering the facility.

### 6. CONCLUSION

The commenters thank the City for its efforts to date.

Respectfully submitted,  
**Institute of Administrative Law and Justice**  
/s/  
John Stump, Principal  
Copy: Mr. Mike Bullock, Sierra Club

## RESPONSE

### (a) Non-emergency firefighting discharges

(i) Building fire suppression system maintenance discharges (e.g. sprinkler line flushing) to the MS4 must be addressed as illicit discharges unless BMPs are implemented to prevent pollutants associated with such discharges to the MS4.

(ii) Non-emergency firefighting discharges (i.e., discharges from controlled or practice blazes, firefighting training, and maintenance activities not associated with building fire suppression systems) must be addressed by a program, to be developed and implemented by the Copermittee, to reduce or eliminate pollutants in such discharges from entering the MS4.

### (b) Emergency firefighting discharges

Each Copermittee should develop and encourage implementation of BMPs to reduce or eliminate pollutants in emergency firefighting discharges to the MS4s and receiving waters within its jurisdiction. During emergency situations, priority of efforts should be directed toward life, property, and the environment (in descending order). BMPs should not interfere with immediate emergency response operations or impact public health and safety.

Discharges from air conditioning condensation, individual residential vehicle washing, swimming pools, and firefighting activities are allowed under the current version of San Diego Municipal Code section 43.0305 so long as BMPs are implemented. As stated throughout the Draft Mitigated Negative Declaration Initial Study, the revisions to the Storm Water Ordinance are primarily administrative in nature and would not result in environmental impacts.

Please also see Response to Comment No. D-2.a.

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- b. Section 15130(b)(1) of the State CEQA Guidelines allows for lead agencies to base the cumulative analysis on a summary of projections contained in an adopted general plan or related planning document or in a prior environmental document that has been adopted or certified (Pub. Res. Code Section 21100(d)). This project is consistent with the City's "Urban Runoff Management" section within the Conservation Element, as well as the "Storm Water Infrastructure" within the Public Facilities element of the General Plan, which outlines water quality and watershed protection principles. Cumulative impacts were analyzed in the City's General Plan EIR which was certified in 2008 along with applicable policies and mitigation framework addressing water quality and watershed protection principles as noted above.

Also see discussion in Section XVIII.b of the Initial Study Checklist regarding cumulative impacts.

- c. Comment noted. Schools, colleges, and universities are not regulated by the Municipal Permit, and are therefore not included in the JRMP and Water Quality Improvement Plans (WQIPs).
- d. Comment noted. Although it is outside the scope of this project, as part of the City's efforts to increase knowledge about new storm water infrastructure, specifically within the Chollas Creek watershed, interpretive panels at the 43rd & Logan Bioretention facility have been installed. As new infrastructure projects are installed by the City, interpretive panels may be installed to explain the function of those structures, as well as, the need for them.

In addition, both printed and digital informational materials have been created that provide information on steps to prevent storm water pollution. These materials are available online and have been distributed to partners such as NGO's and libraries within the area. For additional information on education and outreach efforts included as part of this project, please refer to Section 9, Public Education and Participation of the JRMP.

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- e. Comment noted. Although it is outside the scope of this project, as part of the City's efforts to increase knowledge of effects of pet waste on water quality, a "Scoop the Poop" outreach campaign is currently underway. The campaign includes direct pet owner outreach at various dog parks to encourage owners to pledge to "Scoop the Poop." Fact sheets, pet waste bag dispensers, and lawn signs have been created to increase awareness and are available for free to City residents. In addition, radio PSA's are actively being broadcast to encourage pet owners to "Scoop the Poop." To improve upon this outreach, these items will be offered to vet clinics and kennel operations for their use. For additional information on education and outreach efforts included as part of this project, please refer to Section 9, Public Education and Participation of the JRMP.

# LETTER

# RESPONSE

Mark S. Rawlins  
6652 Del Cerro Blvd.  
San Diego, CA 92120

March 22, 2015

Myra Herrmann  
Environmental Planner  
City of San Diego Planning Department  
1222 First Avenue, MS 501  
San Diego, CA 92101

RE: Adoption of City of San Diego's Stormwater Ordinance and CEQA

Dear Ms. Herrmann,

The following comments are in response to the City of San Diego's Planning Department notice dated February 20, 2015 of a mitigated Negative Declaration, Internal Order no: 21003586.

## The Purpose of This Mitigated Negative Declaration

E-1 [ It is my understanding that the purpose of this Mitigated Negative Declaration is to provide an adequate CEQA analysis to support the City Council's adoption of an ordinance ("Ordinance"). The adoption of an ordinance is a "project" under CEQA.

E-2 [ The ordinance in question is intended to adopt certain provisions of the San Diego Regional Water Quality Control Board (SDRWQCB) Order No. R9-2013-0001 ("MS4 Order"). However, there is a fair argument that the adoption of this Ordinance will result in significant unmitigated impacts as that term is defined by CEQA. Thus, should the City Council decide to adopt the Ordinance as drafted, it must first prepare an Environmental Impact Report with statements of overriding consideration.

These comments are based upon two specific elements of the MS4 Order which will be adopted by this Ordinance. They are:

E-3 [ Provision A.1.b. " Non-storm water discharges into MS4s are to be effectively prohibited, through the implementation of Provision E.2, unless such discharges are authorized by a separate NPDES permit", and

Provision E.3.c.(1)(a) "Each Priority Development Project must be required to implement LID BMPs that are designed to retain (i.e. intercept, store, infiltrate, evaporate, and evapotranspire) onsite the pollutants contained in the volume of storm water runoff produced from a 24-hour 85th percentile storm event (design capture volume)".

MARK RAWLINS (MARCH 22, 2015)

E-1 Comment noted.

E-2 Please see Response to Comment No. D-2.a. An EIR is not required for this project. This comment is not supported by substantial evidence indicating a fair argument that adoption of an ordinance to implement the new MS4 permit order will result in a significant unmitigated impact on the environment warranting preparation of an EIR.

E-3 Provisions A.1.b. and E.3.c(1)(a) are requirements of the Municipal Permit, as adopted by the California Regional Water Quality Control Board, San Diego Region.

E-4

As more fully described below, while these provisions may result in better water quality, they are also likely to have significant non-mitigable impacts that must be analyzed under CEQA. Should the City determine that there are still overriding considerations which requires it to adopt the Ordinance provisions related to these requirements, the City must first prepare statements of overriding consideration explaining its decision. To do less would be a violation of CEQA.

#### Biological Impacts

Provision A.1.b. and Provision E.3.c.(1)(a) will impact the volume, velocity, and temperature of flows in the region's streams, rivers, wetlands, and lagoons. These changes will have substantial adverse effects, either directly or through habitat modifications, on 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.

Provision A.1.b. and Provision E.3.c.(1)(a) will impact the volume, velocity, and temperature of flows in the region's streams, rivers, wetlands, and lagoons. These changes will have a substantial adverse effect on any riparian habitat or other community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.

Provision A.1.b. and Provision E.3.c.(1)(a) will impact the volume, velocity, and temperature of flows in the region's streams, rivers, wetlands, and lagoons. These changes will have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through hydrological interruption, or other means.

E-5

#### Hazards and Hazardous Materials

Provision E.3.c.(1)(a) will require the construction of large retention ponds. For a project located within two miles of a public airport or public use airport these ponds are likely to become bird attractants and, thus, would result in a safety hazard for people flying in or out of the airport, or residing or working in the area.

#### Hydrology and Water Quality

Provision A.1.b. and Provision E.3.c.(1)(a) will impact the volume, velocity, and temperature and concentration of naturally occurring analytes such as Total Dissolved Solids (TDS) in the region's streams, rivers, wetlands, and lagoons by starving these water bodies of historic and naturally occurring runoff. There is a fair argument that this will result in a violation of water quality standards or waste discharge requirements.

Provision E.3.c.(1)(a) requires that all Priority Development Projects (PDPs, as that term is defined by the MS4 Order) retain the 85th percentile storm event. There is a fair argument that this provision will substantially alter the existing drainage pattern of the site or area.

#### Landuse and Planning

By starving the region's creeks, streams, rivers, wetlands and lagoons of historic flows, there is a fair argument that the Ordinance conflicts with applicable habitat conservation plans.

E-4 Please see Response to Comments D-2.a, E.2, and E-3.

E-5 Implementation of Priority Development Project requirements included in Provision E.3.c.(1)(a) will be included in the Storm Water Standards Manual update, which is not part of this project. See Responses to Comments D-3.c, D-5.a, E-2 and E-3.

The City is implementing the requirements of Provision A.1.b through the proposed revisions to the Storm Water Ordinance, San Diego Municipal Code sections 43.0301-43.0312, and the JRMP and associated WQIPs. As stated throughout the Draft Mitigated Negative Declaration Initial Study, the revisions to the Storm Water Ordinance are primarily administrative in nature and would not result in environmental impacts.

#### Biological Impacts

The Initial Study finds that implementation of the JRMP and associated WQIPs would have a less than significant impact on biological resources. Regarding habitat modification or impacts on candidate, sensitive, or special status species, the Initial Study concludes that nonstructural strategies do not involve construction of a physical component or structure, and would not result in any impacts to sensitive or special status species. The Initial Study notes that future structural BMP projects which have the potential to impact biological resources are not covered by this Mitigated Negative Declaration and would require further environmental review.



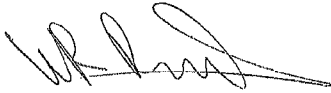
**Public Services**

E-5 By requiring that new or improved government facilities including streets, roads and highways retain the 85th percentile storm event, there is a fair argument that this requirement will result in substantial adverse physical impact associated with the provision of new or physically altered governmental facilities. For example it may not be possible to retain the 85th percentile storm event in a location where a new fire station or road improvement is required.

**Conclusion**

E-6 While the City may determine that significant environmental impacts created by the adoption of this Ordinance are required or necessary. That adoption cannot be supported by a Mitigated Negative Declaration. Where a statement of overriding consideration is required, an Environmental Impact Report must be prepared.

Thank you for your consideration of these comments,



Mark S. Rawllins

Regarding impacts on riparian habitat and federally protected wetlands as defined by Section 404 of the Clean Water Act, the Initial Study concludes that non-structural strategies "may impact the amount of dry weather, unnatural flow that occurs throughout the City through flow diversion or reduction with the goal of improving water quality. The diversion or reduction in unnatural flows (i.e. irrigation runoff) would be a beneficial impact on water quality, and may result in a less than significant impact to riparian habitat or other community identified in local or regional plans, policies, and regulations. The less than significant impact would only occur to riparian areas that rely on unnatural flows as their primary source of water." Strategies designed to reduce the amount of dry weather, unnatural flow would have a less than significant impact on downstream biological resources since these strategies would be returning the local hydrology to a more natural condition over time and would result in improved natural habitat functions with little direct impact to protected sensitive species. The reduction in dry weather, unnatural flows may result in less "choking" of flood control channels with nuisance vegetation, resulting in flood control benefits. Further, it is difficult to attribute the health and extent of a wetted area supporting vegetation to specific Municipal Separate Storm Sewer (MS4) discharge points. Individual strategies may reduce unnatural flows, but not eliminate wetted areas supporting certain habitat areas, resulting in no immediate observed reduction in riparian cover.

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Over time, strategies may reduce vegetation within certain drainages slowly as the cumulative effects of multiple strategies combine to limit the dry weather, unnatural flows. The gradual reduction in habitat would allow sensitive species to adapt to the changing conditions; particularly avian species such as least Bell's vireo would relocate to other nesting areas as conditions change. This is similar to natural conditions where riparian areas change over time with large flood flows. Although this gradual decrease in dry weather, unnatural flows in the region may reduce riparian vegetation in certain locations, the overall reduction is not expected to be significant, since the high-value habitats are largely dependent on groundwater or other water sources. The Initial Study concludes that the implementation of structural BMPs would require further CEQA review if there are impacts to riparian habitat or federally protected wetlands located within or adjacent to construction of proposed structural BMPs.

Hydrology and Water Quality

Regarding the project's impact on waste discharge requirements, the Initial Study concludes that implementation of the JRMP and WQIP would improve water quality by setting goals and monitoring requirements in the short and long term, and that implementation of the JRMP and WQIP is necessary to meet the requirements of the MS4 Permit, which is also a waste discharge requirement issued by the Regional Water Board pursuant to its authority under the Porter-Cologne Water Quality Control Act.

E-6 Please see Response to Comments D-2.a and E-2.

# LETTER

# RESPONSE

Sunset Cliffs Natural Park Council  
3611 Warner St.  
San Diego, California 92106



To: Myra Hermann  
Environmental Planner  
City of San Diego Planning Department  
1222 First Ave, MS501  
San Diego CA 92101

Date: March 17, 2015

Subject: Response to "Draft Mitigated Negative Declaration Internal Order #21003586" document  
Project Name: New Storm Water Municipal Permit Planning Documents  
Project No. 402137

Dear Ms. Hermann,

The Sunset Cliffs Natural Park Council (SCNPC) Water Management and Erosion Committee (WMEC) has studied the Draft Mitigated Negative Declaration Internal Order #21003586 document concerning project "New Storm Water Municipal Permit Planning Documents #402137". Since there wasn't time to bring the committee's recommendations to a vote of the entire membership, the SCNPC voted unanimously to authorize the committee to meet and send recommendations to the City. By unanimous vote, the WMEC approved the following statements of concerns to be sent for consideration.

Sunset Cliffs Natural Park Council as designated advisory committee to City of San Diego Park and Recreation Department has developed some experience in slowing and controlling storm water on steep relatively impervious coastal hillsides in a MHPA natural city park.

The adverse environmental impact on nearshore ecosystems of using plastic fiber sand bags in coastal areas is cumulatively substantial, irreversible and avoidable.

1. Problem: Plastic fibers degrade into the ocean and are ingested by marine species, especially nearshore. Plastic fibers eventually contribute to the plastic pollution of the Northern Pacific. (See Gyre of North Pacific) Plastic bag remains are visually obtrusive.

Solution: Use biodegradable natural fiber jute sand bags.

2. Problem: Gravel filled sand bags when broken (a large % break) spread sharp stone fragments that make coastal paths impassable to bare-footed beach users.

Solution: Use surrounding or compatible soil in jute sand bags. Sunset Cliffs soil has a significant clay/silt component allowing dry sand bags to solidify into structurally solid short walls. Because the soil filled jute bags are visually unobtrusive, temporary erosion repairs if desired can be allowed to remain saving considerable money in labor costs. SCNP has several locations where temporary gully repairs with natural soil filled jute bags have lasted decades.

3. Problem: If this negative declaration obviates or precludes any further environmental review of storm water management solutions by City of San Diego of such structural BMP's as water retention structures, planter boxes or sand filters, it should not. These can have substantial

## SUNSET CLIFFS NATURAL PARK COUNCIL (MARCH 22, 2015)

F-1 Comment noted. Sand and gravel bags are temporary erosion control measures and are not intended to be used for long periods of time without being replaced or repaired. Best Management Practice (BMP) number 14 of the Minimum BMPs for Residential, Industrial, Commercial, and Municipal Sites/Sources has been updated to include the following language to make this clear:

*"Soil erosion and sediment transport in runoff shall be reduced using vegetative or gravel cover, erosion control measures, sediment containment, or other equivalent measures. Examples include but are not limited to: temporary cover and containment such as erosion control blankets, gravel/sand bags, fiber rolls, and silt fences. Such temporary measures shall be maintained and replaced as needed until such time a permanent solution can be implemented to maintain their effectiveness."*

Properly maintained gravel or sand bags prevent the plastic bags from degrading and breaking. The BMP clearly states that these temporary measures and shall be maintained and replaced as needed.

F-2 Comment noted. Gravel and sand bags are used for different purposes. Erosion control keeps soil on site while sediment control collects soil or sediment once it has left the site and each requires a different type of bag. Gravel bags are used for erosion control, to keep sediment on site while allowing water to filter through. Sand bags prevent water from moving through, allowing water and sediment to collect behind them.

Gravel bags are the appropriate material to use for temporary erosion control. As noted in comment F1, they are a temporary erosion control measure, and are designed to be maintained and replaced as needed to avoid breakage.

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adverse impacts particularly in MHPA's and "natural" parks such as SCNP.

F-4

**4. Problem:** Allowing conditional discharges of fresh water e.g. vehicle washing, swimming pool discharges into the storm water system, most of which dump unfiltered directly into ocean and waterways, has significant adverse impacts on the near-shore ecosystem.  
**Solution:** Prohibit these "fresh" water discharges.

Sincerely,

*D. M. C. Ridenour*  
Dedi Ridenour,  
SCNPC Water Management and Erosion Committee

*Ann Swanson*  
Ann Swanson  
Sunset Cliffs Natural Park Council

Copy to: Larry Kuzminsky  
Conrad Wear  
Vincent Paniagua

F-3 As stated in the Draft Mitigated Negative Declaration, "[f]uture applications for implementation of structural or non-structural City projects included in the JRMP or WQIPs (including, but not limited to: Green Infrastructure; Multiuse Treatment Areas; and Water Quality BMPs) would be reviewed for potential impacts and consistency with the attached Mitigated Negative Declaration (MND) and Initial Study Checklist. Where it can be determined that the project is consistent with the attached MND, but would not result in impacts requiring mitigation, the project could be covered by an applicable exemption in accordance with the State California Environmental Quality Act (CEQA) Guidelines. If the project does not impact potentially sensitive biological resources, and no additional potentially significant impacts would result then either no further environmental review would be required or an Addendum to this MND would be prepared in accordance with CEQA Section 15162. The consistency review or addendum would discuss the specifics for each project, including the location, environmental setting, and construction methods. Where a future project is inconsistent with the assumptions of this environmental document, or in the event an impact would result which was not analyzed in this MND, a new environmental document would be prepared based on the completion of an Initial Study."

See also Response to Comment D-3.c.

F-4 See Response to Comment D-5a.

## Initial Study Checklist

1. Project title/Project number: **NEW STORM WATER MUNICIPAL PERMIT PLANNING DOCUMENTS /PROJECT NO. 402137 (SCH No. 2015021066)**
2. Lead agency name and address:  
CITY OF SAN DIEGO – PLANNING DEPARTMENT  
1222 1<sup>ST</sup> AVENUE, MS 501  
SAN DIEGO, CALIFORNIA 92101
3. Contact person and phone number: Myra Herrmann, Senior Planner (619-446-5372)
4. Project location: City of San Diego jurisdiction in the following six watershed management areas: San Dieguito River, Los Peñasquitos, Mission Bay, San Diego River, San Diego Bay, and Tijuana River.
5. Project Applicant/Sponsor's name and address:  
CITY OF SAN DIEGO  
TRANSPORTATION & STORM WATER DEPARTMENT  
STORM WATER DIVISION  
ATTN: CLEM BROWN, PROJECT MANAGER  
9370 CHESAPEAKE DRIVE, SUITE 100  
SAN DIEGO, CALIFORNIA 92123  
(858) 541-4336
6. General/Community Plan designation: The project affects all General Plan and Community Plan land use designations.
7. Zoning: The San Diego Municipal Code and Land Development Code regulate the use and development of land throughout the City of San Diego. The uses that can be permitted depend on the zone designation. The proposed project will be implemented in residential, commercial, industrial, and open space zones.
8. Description of project:  
The proposed project involves implementation of several planning documents, which have been updated pursuant to new water quality regulatory requirements. Potential impacts from implementation of the planning documents are analyzed in this Initial Study Checklist. The whole action analyzed in this Initial Study Checklist is implementation of the City of San Diego's (City) updated Jurisdictional Runoff Management Plan, six (6) associated Water Quality Improvement Plans, updates to Minimum Best Management Practices (BMPs) and associated amendments to the City's Storm Water Management and Discharge Control Ordinance.

On May 8, 2013, the California Regional Water Quality Control Board, San Diego Region (referred to as “San Diego Water Board”) reissued a municipal storm water permit entitled “National Pollutant Discharge Elimination System (NPDES) Permit and Waste Discharge Requirements for Discharges from the Municipal Separate Storm Sewer Systems (MS4s) draining the watersheds within the San Diego Region” (Order No. R9-2013-0001; [MS4 Permit]) to the San Diego County Copermittees, including the City. The MS4 Permit was issued by the San Diego Water Board pursuant to Section 402 of the Federal Clean Water Act and implementing regulations (Code of Federal Regulations [CFR] Title 40, Part 122) adopted by the United States Environmental Protection Agency, and Chapter 5.5, Division 7 of the California Water Code. The MS4 Permit, in part, requires the City to use its land use and planning authority to implement a development planning program to control and reduce the discharge of pollutants in storm water from new development and significant redevelopment to the maximum extent practicable.

### **Jurisdictional Runoff Management Plan Update**

Pursuant to the MS4 Permit, the City is required to update its Jurisdictional Runoff Management Plan (JRMP). The JRMP outlines the City’s approach to improving water quality in its rivers, bays, lakes, and ocean by reducing discharges of pollutants to the MS4s. The JRMP required by the MS4 Permit is an updated version of what the previous MS4 Permit referred to as the Jurisdictional Urban Runoff Management Plan (JURMP). In addition to revising the title of the document, the current MS4 Permit has also changed some of the requirements being included in the City’s JRMP.

The JRMP will act as the blueprint for the City’s actions to protect and improve water quality. It outlines the City’s procedures and policies on how to address water quality and storm water discharges to the MS4. These procedures and policies include the following categories of strategies:

- Development Planning: Includes land use and planning authority to require implementation of BMPs to address effects from new development and redevelopment.
- Construction Management: Addresses pollutant generation from construction activities associated with new development.
- Existing Development: Addresses pollutant generation from existing development, including commercial, industrial, municipal, and residential land properties.
- Illicit Discharge, Detection, and Elimination (IDDE) Program: Actively detects and eliminates illicit discharges and improper disposal of wastes into the MS4.
- Public Education and Participation: Promotes and encourages behaviors to reduce pollutant discharges. Describes opportunities for public participation in water quality improvement planning.
- Enforcement Response Plan: Describes escalating enforcement measures for each JRMP component.

### **Water Quality Improvement Plans**

The MS4 Permit requires Copermittees to work collaboratively to develop a Water Quality Improvement Plan (WQIP) for each of the eight (8) Watershed Management Areas (WMAs) in the San Diego Region. The City has jurisdiction in six (6) of the eight (8) WMAs and has worked with other Copermittees (i.e., other cities with jurisdiction in the WMAs) to develop WQIPs for the following: San Dieguito River, Los Peñasquitos, Mission Bay, San Diego

River, San Diego Bay, and Tijuana River (Figure 1). Each WQIP identifies the priority and highest priority water quality condition(s) in the WMA and the strategies needed to meet goals established to address the highest priority water quality condition(s). Table 1 shows the highest priority water quality condition(s) identified for each of the six WMAs within the City's jurisdiction.

**Table 1**  
**Highest Priority Water Quality Condition(s) within the City's Six**  
**Watershed Management Areas**

Watershed Management Area	Highest Priority Water Quality Condition	Potential Stressor	Temporal Extent		Subwatershed
			Wet	Dry	
San Dieguito River	Potential impairment of REC-1 at Pacific Ocean Shoreline	Indicator Bacteria	✓	--	San Dieguito River Above Lake Hodges
	Potential impairment of REC-1 at Pacific Ocean Shoreline	Indicator Bacteria	✓	✓	San Dieguito River Below Lake Hodges
Los Peñasquitos	Impairment of Estuarine Habitat (EST) and Preservation of Biological Habitats of Special Significance (BIOL) in Los Peñasquitos Lagoon	Hydromodification, Siltation/ Sedimentation	✓	--	Carroll Canyon Creek, Carmel Valley Creek, Los Peñasquitos Creek, Los Peñasquitos Lagoon
	Impairment of EST and BIOL in Los Peñasquitos Lagoon	Freshwater Discharges	--	✓	
	Potential impairment of REC-1 along the Pacific Ocean Shoreline at Torrey Pines State Beach at Del Mar	Indicator Bacteria	✓	✓	
Mission Bay	Impairment of REC-1 in Tecolote Creek	Indicator Bacteria	✓	✓	Tecolote Creek
	Impairment of ASBS 29	Sediment	✓	--	Scripps
	Potential Impairment of REC-1 at the Pacific Ocean Shoreline	Indicator Bacteria	✓	✓	Scripps
San Diego River	Potential impairment of REC-1 in Forester Creek	Indicator Bacteria	✓	✓	Downstream of Reservoirs
	Potential impairment of REC-1 along the Pacific	Indicator Bacteria	✓	✓	

Watershed Management Area	Highest Priority Water Quality Condition	Potential Stressor	Temporal Extent		Subwatershed
			Wet	Dry	
	Ocean Shoreline at the San Diego River outlet at Dog Beach				
	Potential impairment of REC-1 in the lower San Diego River	Indicator Bacteria	✓	✓	
San Diego Bay	Potential impairment of REC-1 in Chollas Creek	Indicator Bacteria	✓	✓	Chollas Creek within the Pueblo Watershed
	Potential impairment of WARM in Chollas Creek	Dissolved Copper, Lead, and Zinc	✓		
Tijuana River	Sedimentation/siltation in the Tijuana River and Turbidity in the Tijuana River and Tijuana River Estuary	Turbidity, Siltation/ Sedimentation	✓	--	Tijuana Valley

The recommended strategies were identified on the basis of their ability to effectively and efficiently eliminate non-storm water discharges to the MS4, reduce pollutants in storm water discharges in the MS4 to the maximum extent practicable, and strive to achieve the goals established in each WMA. The WQIPs identify nonstructural and structural strategies needed to achieve the goals for each WMA within the City's jurisdiction.

Nonstructural strategies include JRMP programs and enhanced strategies intended to reduce storm water pollution, which do not involve construction of a physical component or structure to filter and treat storm water. JRMP programs are required by the MS4 Permit and include administrative policies; creation and enforcement of municipal ordinances for development planning, construction activities, and existing development; education and outreach programs; maintenance of municipal facilities; and inspection and enforcement. Enhanced strategies go above what the MS4 Permit requires and include rebate and/or other incentive programs, cooperation and collaboration with other watershed or regional partners, clean up events, pet waste programs, and targeted catch basin cleaning and street sweeping.

Structural strategies, or structural BMPs, can be placed strategically throughout a WMA to collectively improve water quality by removing pollutants through filtration and infiltration. Structural BMPs may include, but are not limited to, the following:

#### Green Infrastructure

- green streets
- bioretention
- infiltration trenches
- bioswales
- planter boxes



- constructed wetlands
- permeable pavement
- sand filters
- vegetated swales
- vegetated filter strips
- green roofs

#### Multiuse Treatment Areas

- infiltration and detention basins
- stream, channel, and habitat rehabilitation projects

#### Water Quality Improvement BMPs

- trash segregation
- proprietary BMPs
- dry weather flow separators and treatment projects

The full list of City strategies needed to meet the numeric goals identified for all six WMAs has been included as an attachment to the JRMP.

#### **Industrial, Commercial, Residential, and Municipal Minimum Best Management Practices (BMPs)**

The JRMP also designates and describes new and updated minimum BMPs for industrial and commercial facilities, municipal properties, and residential areas. These BMPs consist of practices to prevent or minimize pollutants from entering the storm drain system, through discharge control, erosion and sediment control, good housekeeping practices, material storage and handling, pesticide and fertilizer management, spill prevention and response, waste management, and education and training. A detailed list of the minimum BMPs are included as an appendix to the JRMP.

#### **Storm Water Management and Discharge Control Ordinance Update**

In 1993, the City of San Diego enacted the Storm Water Management and Discharge Control Ordinance (Storm Water Ordinance) §43.03, et seq. The City established the Storm Water Ordinance to ensure the health, safety, and general welfare of San Diegans by describing prohibited and allowed non-storm water discharges. The Storm Water Ordinance was amended in 2001 and again in 2008. The proposed amendment to the Storm Water Ordinance includes language revisions for consistency with the 2013 MS4 Permit, including updating the permit name, new nomenclature and definitions and modifications to the list of allowable discharges into the storm drain system presently found in Section 43.0305(b) to conform to the non-storm water discharges list of the new MS4 Permit.

Some non-storm water discharges to the MS4 that were allowed under the prior version of the MS4 Permit are no longer allowed, specifically, certain discharges from foundation and footing drains.

The following discharges are conditionally allowed if specific minimum BMPs set forth in the JRMP are put in place:

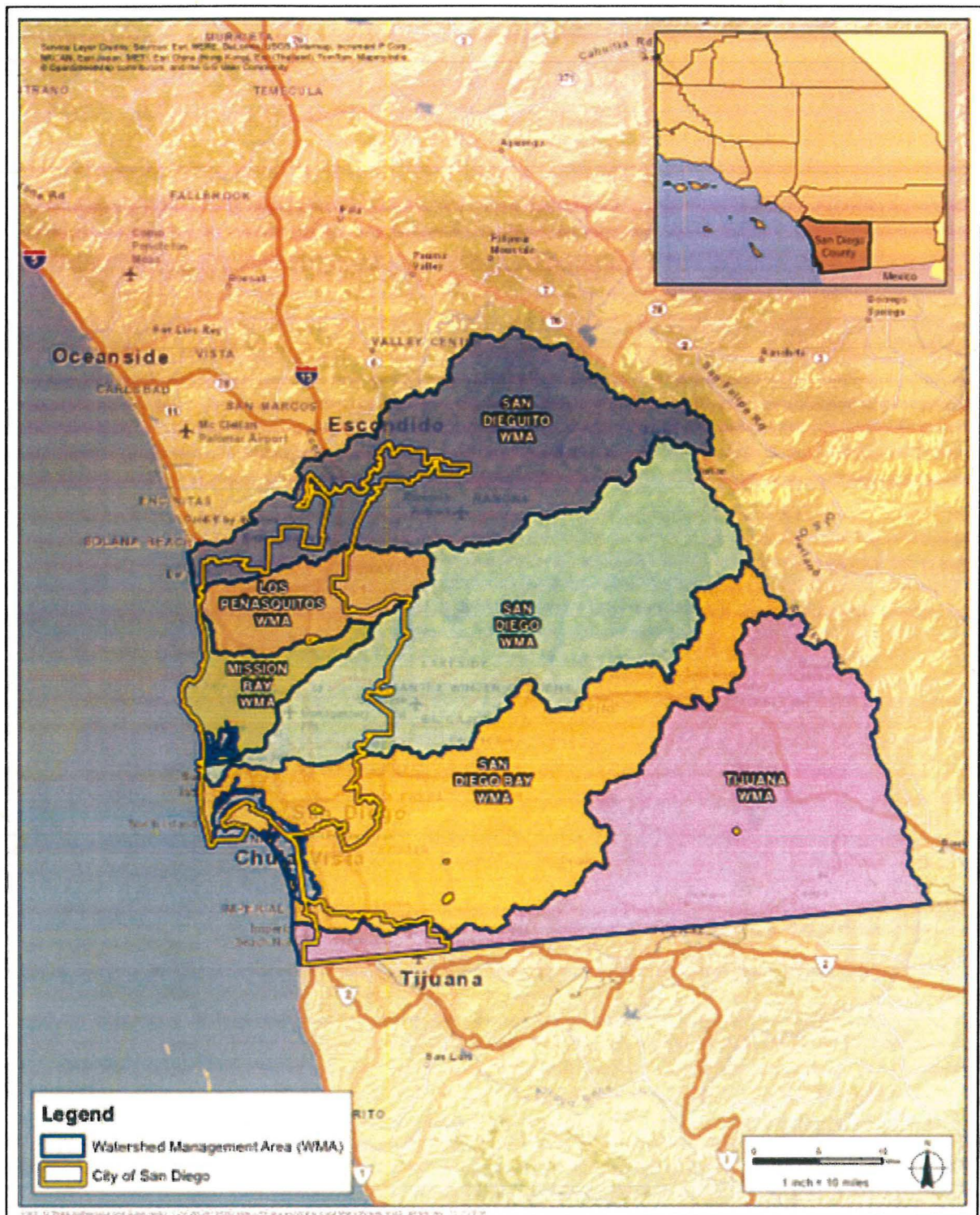
- Air conditioning condensation
- Individual residential vehicle washing
- Chlorinated and saline swimming pool water
- Emergency and non-emergency firefighting discharges

During future construction related activities, anticipated work hours would occur during the daytime, Monday through Friday. Contractors would comply with the requirements described in the *Standard Specifications for Public Works Construction*, and California Department of Transportation *Manual of Traffic Controls for Construction and Maintenance Work Zones*. A traffic control plan would be prepared and implemented in accordance with the *City of San Diego Standard Drawings Manual of Traffic Control for Construction and Maintenance Work Zones*.

For the purposes of this Initial Study, structural and non-structural strategies, as identified above have been analyzed for potential impacts at a programmatic level. It should be noted however, that because the JRMP and associated WQIPs, updates to Minimum Best Management Practices (BMPs) standards, and amendments to the City's Storm Water Management and Discharge Control Ordinance are planning documents that outline broad efforts to be implemented in upcoming fiscal years, many strategies incorporated into the documents are still conceptual in nature and would be further developed in the future.

Future applications for implementation of structural or non-structural City projects included in the JRMP or WQIPs (including, but not limited to: Green Infrastructure; Multiuse Treatment Areas; and Water Quality BMPs) would be reviewed for potential impacts and consistency with the attached Mitigated Negative Declaration (MND) and Initial Study Checklist. Where it can be determined that the project is consistent with the attached MND, but would not result in impacts requiring mitigation, the project could be covered by an applicable exemption in accordance with the State California Environmental Quality Act (CEQA) Guidelines. If the project does not impact potentially sensitive biological resources, and no additional potentially significant impacts would result then either no further environmental review would be required or an Addendum to this MND would be prepared in accordance with CEQA Section 15162. The consistency review or addendum would discuss the specifics of each project, including the location, environmental setting, and construction methods. Where a future project is inconsistent with the assumptions of this environmental document, or in the event an impact would result which was not analyzed in this MND, a new environmental document would be prepared based on the completion of an Initial Study.

9. Surrounding land uses and setting: Briefly describe the project's surroundings: Implementation of the JRMP would occur within the six WMAs the City has jurisdiction in (Figure 1). Implementation would occur primarily at City buildings and municipal facilities, streets, parks, and other developed properties. Activities would be implemented in residential, commercial, and industrial land use areas as deemed appropriate. Surrounding land uses within the proposed project vicinities may include, but are not limited to, single-family residential units, multi-family residential units, commercial or industrial uses, parking lots, public rights-of-way, and open space.
10. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.): *Regional Water Quality Control Board*



City of San Diego Watershed Management Areas

FIGURE

1

## ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> Aesthetics                         | <input type="checkbox"/> Greenhouse Gas Emissions      | <input type="checkbox"/> Population/Housing                         |
| <input type="checkbox"/> Agriculture and Forestry Resources | <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Public Services                            |
| <input type="checkbox"/> Air Quality                        | <input type="checkbox"/> Hydrology/Water Quality       | <input type="checkbox"/> Recreation                                 |
| <input type="checkbox"/> Biological Resources               | <input checked="" type="checkbox"/> Land Use/Planning  | <input type="checkbox"/> Transportation/Traffic                     |
| <input checked="" type="checkbox"/> Cultural Resources      | <input type="checkbox"/> Mineral Resources             | <input type="checkbox"/> Utilities/Service System                   |
| <input type="checkbox"/> Geology/Soils                      | <input type="checkbox"/> Noise                         | <input checked="" type="checkbox"/> Mandatory Findings Significance |

### DETERMINATION: (To be completed by Lead Agency)

On the basis of this initial evaluation:

- ☐ The proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ The proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ The proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect (a) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (b) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required.
- ☐ Although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or (MITIGATED) NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or (MITIGATED) NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.



Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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I) AESTHETICS – Would the project:

- a) Have a substantial adverse effect  
on a scenic vista?

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*A vista is a view from a particular location or composite views along a roadway or trail. Scenic vistas often refer to views of natural lands, but may also be compositions of natural and developed areas, or even entirely of developed and unnatural areas, such as a scenic vista of a rural town and surrounding agricultural lands. The items that can be seen within a vista are visual resources. Adverse impacts to individual visual resources or the addition of structures or developed areas may or may not adversely affect the vista. Determining the level of impact to a scenic vista requires analyzing the changes to the vista as a whole and also to individual visual resources.*

*Implementation of the JRMP and associated WQIPs involves both nonstructural strategies and structural BMPs to meet the City's goal of improving water quality. Nonstructural strategies, including programs and procedural actions by City staff, and proposed minimum BMPs for industrial and commercial facilities, municipal properties, and residential areas, do not involve construction of a physical component or structure, and thus would not impact a scenic vista or visual resources.*

*The implementation of structural BMPs would include improvements to areas of existing City streets, municipal facilities, parks, parking lots, and/or storm drain systems. The features associated with the structural BMPs either would be below ground or would contain a minimum aboveground presence. Therefore, the implementation of structural BMPs would not have an adverse effect on scenic vistas.*

*Updates to the Storm Water Ordinance ensures the City's compliance with MS4 Permit. The revisions would be primarily administrative in nature and would not result in an impact to scenic vistas.*

- b) Substantially damage scenic  
resources, including, but not  
limited to, trees, rock  
outcroppings, and historic  
buildings within a state scenic  
highway?

☐
☐
☐
☒

*A "state scenic highway" refers to any interstate, state, or county road that has been officially designated by the California Department of Transportation (Caltrans) as scenic and thereby requires special scenic conservation treatment. Generally, the area defined within a state scenic highway is the land adjacent to and visible from the vehicular right-of-*

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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way. The dimension of a scenic highway is usually identified using a motorist's line of vision, but a reasonable boundary is selected when the view extends to the distant horizon. The scenic highway corridor extends to the visual limits of the landscape abutting the scenic highway.

Implementation of the JRMP and associated WQIPs involves both nonstructural strategies and structural BMPs to meet the City's goal of improving water quality. Nonstructural strategies, including programs and procedural actions by City staff, and the proposed minimum BMPs for industrial and commercial facilities, municipal properties, and residential areas, do not involve construction of a physical component or structure, and thus would not impact scenic resources within a state scenic highway.

The implementation of structural BMPs would be improvements to areas of existing City streets, municipal facilities, parks, parking lots, and/or storm drain systems and within new development areas. Construction of required structural BMPs for purposes of water quality improvement may be required within the vicinity of a state scenic highway. Such BMPs either would be below ground or would contain a minimum above ground presence and would be located adjacent to existing disturbed areas. Therefore, the implementation of structural BMPs would not impact scenic resources, including, but not limited to trees, rock outcroppings, and historic buildings, within a state scenic highway.

Updates to the Storm Water Ordinance ensures the City's compliance with MS4 Permit. The revisions would be primarily administrative in nature and would not result in an impact to scenic resources within a state scenic highway.

- c) Substantially degrade the existing visual character or quality of the site and its surroundings?

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Visual character is the objective composition of the visible landscape within a viewshed, and is based on the organization of the pattern elements line, form, color, and texture. It is commonly discussed in terms of dominance, scale, diversity, and continuity. Visual quality is the viewer's perception of the visual environment and varies on the basis of the exposure, sensitivity, and expectation of the viewers.

Implementation of the JRMP and associated WQIPs involves both nonstructural strategies and structural BMPs to meet the City's goal of improving water quality. Nonstructural strategies, including programs and procedural actions by City staff and the proposed minimum BMPs for industrial and commercial facilities, municipal properties, and residential areas, do not involve construction of a physical component or structure, and thus would not degrade the visual character and quality within the City.

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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*The implementation of structural BMPs to meet the goal of improving water quality would be improvements to areas of existing City streets, municipal facilities, parks, parking lots, or storm drain systems. Structural BMPs would be designed to be below ground or would contain a minimum aboveground presence for purposes of improving water quality. Furthermore, work would occur within or adjacent to existing disturbed areas and would not degrade the visual character within the project area.*

*Updates to the Storm Water Ordinance ensures the City's compliance with MS4 Permit. The revisions would be primarily administrative in nature and would not result in an impact to visual character.*

- d) Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?

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*Implementation of the JRMP, and associated WQIPs, does not propose any use of outdoor lighting or building materials with highly reflective properties such as highly reflective glass or high-gloss surface colors. Therefore, the project will not create any new sources of light pollution that could contribute to skyglow, light trespass, or glare and adversely affect day or nighttime views in the area.*

- II) AGRICULTURAL AND FOREST RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. – Would the project:

- a) 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?

☐
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*Implementation of the JRMP and associated WQIPs involves both nonstructural strategies and structural BMPs to meet the City's goal of improving water quality. Nonstructural strategies, including programs and procedural actions by City staff, and the proposed minimum BMPs for industrial and commercial facilities, municipal properties, and residential areas, do not involve construction of a physical component or structure, and would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use.*

*The implementation of structural BMPs would be improvements to areas of existing City streets, municipal facilities, parks, parking lots, and/or storm drain systems areas for the purposes of water quality improvement. Such BMPs would not impact the use of the property for future agricultural use and would not result in the conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use.*

*Updates to the Storm Water Ordinance ensures the City's compliance with MS4 Permit. The revisions would be primarily administrative in nature and would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use.*

- b) Conflict with existing zoning for

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Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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agricultural use, or a Williamson  
Act Contract?

*Implementation of the JRMP and associated WQIPs involves both nonstructural strategies and structural BMPs to meet the City's goal of improving water quality. Nonstructural strategies, including programs and procedural actions by City staff, and the proposed minimum BMPs for industrial and commercial facilities, municipal properties, and residential areas, do not involve construction of a physical component or structure, and would not conflict with existing zoning for agricultural use or a Williamson Act Contract.*

*The implementation of structural BMPs would be improvements to areas of existing City streets, municipal facilities, parks, parking lots, and/or storm drain systems areas for the purposes of water quality improvement. Such BMPs would not impact the use of the property for future agricultural use and would not result in a conflict with existing zoning for agricultural use or a Williamson Act Contract.*

*Updates to the Storm Water Ordinance ensures the City's compliance with MS4 Permit. The revisions would be primarily administrative in nature and would not conflict with zoning for agricultural use or a Williamson Act Contract.*

- c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 1220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?

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*Implementation of the JRMP and associated WQIPs involves both nonstructural strategies and structural BMPs to meet the City's goal of improving water quality. Nonstructural strategies, including programs and procedural actions by City staff, and the proposed minimum BMPs for industrial and commercial facilities, municipal properties, and residential areas, do not involve construction of a physical component or structure, and would not result in rezoning of forest lands, timberlands, or timberland zoned timberland production.*

*The implementation of structural BMPs would be improvements to areas of existing City streets, municipal facilities, parks, parking lots, and/or storm drain systems areas for the*

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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*purposes of water quality improvement and would not result in rezoning of forest lands, timberlands, or timberland zoned timberland production.*

*Updates to the Storm Water Ordinance ensures the City's compliance with MS4 Permit. The revisions would be primarily administrative in nature and would not result in rezoning of forest lands, timberlands, or timberland zoned timberland production.*

- d) Result in the loss of forest land or conversion of forest land to non-forest use?

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*Implementation of the JRMP and associated WQIPs involves both nonstructural strategies and structural BMPs to meet the City's goal of improving water quality. Nonstructural strategies, including programs and procedural actions by City staff, and the proposed minimum BMPs for industrial and commercial facilities, municipal properties, and residential areas, do not involve construction of a physical component or structure, and would not result in the loss of forest land or conversion of forest land to non-forest use.*

*The implementation of structural BMPs would be improvements to areas of existing City streets, municipal facilities, parks, parking lots, and/or storm drain systems areas for the purposes of water quality improvement and would not result in the loss of forest land to non-forest land use.*

*Updates to the Storm Water Ordinance ensures the City's compliance with MS4 Permit. The revisions would be primarily administrative in nature and would not result in the conversion of forest land to non-forest land use.*

- e) Involve other changes in the existing environment, which, because of their location or nature, could result in conversion of farmland to non-agricultural use or of forest land to non-forest use?

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*Implementation of the JRMP and associated WQIPs involves both nonstructural strategies and structural BMPs to meet the City's goal of improving water quality. Nonstructural strategies, including programs and procedural actions by City staff, and the proposed minimum BMPs for industrial and commercial facilities, municipal properties, and residential areas, do not involve construction of a physical component or structure, and would not result in changes to the environment that would result in the conversion of*

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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*farmland to non-agricultural use or conversion of forest land to non-forest use.*

*The implementation of structural BMPs would be improvements to areas of existing City streets, municipal facilities, parks, parking lots, and/or storm drain systems areas for the purposes of water quality improvement and would not involve other changes in the existing environment that would result in conversion of farmland to non-agricultural use or conversion of forest land to non-forest land use.*

*Updates to the Storm Water Ordinance ensures the City's compliance with MS4 Permit. The revisions would be primarily administrative in nature and would not result in changes to the existing environment that would result in the conversion of farmland to non-agricultural use or conversion of forest land to non-forest land use.*

III) AIR QUALITY: Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied on to make the following determinations – Would the project:

a) Conflict with or obstruct implementation of the applicable air quality plan?

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*Actions associated with implementation of the JRMP and associated WQIPs, and updates to the Storm Water Ordinance are intended to reduce storm water pollution and improve water quality in compliance with the City's MS4 Permit. Future projects implemented in accordance with the Project would be required to comply standard construction practices such as stockpile protection and daily sweeping of work areas to reduce dust or debris from leaving the site ensuring that air quality standards are not violated. Therefore, the project would not conflict with or obstruct the implementation of the applicable air quality plan.*

b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?

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*See III.a. Grading equipment and procedures would comply with Air Pollution Control District (APCD) regulations and would not violate any air quality standard or contribute substantially to an existing or projected air quality violation due to standard construction*

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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*practices, such as regular maintenance of air filters on construction equipment and shut down of engines if idling is anticipated to be more than five minutes. Implementation of the JRMP and associated WQIPs involves both nonstructural strategies and structural BMPs to meet the City's goal of improving water quality. Nonstructural strategies, including programs and procedural actions by City staff, and the proposed minimum BMPs for industrial and commercial facilities, municipal properties, and residential areas, do not involve construction of a physical component or structure, and would not violate any air quality standards.*

*The implementation of structural BMPs would be improvements to areas of existing City streets, municipal facilities, parks, parking lots, and/or storm drain systems areas for the purposes of water quality improvement. Construction of the required BMPs could result in short-term impacts from the temporary addition of pollutants to the local airshed caused by soil disturbance, dust emissions, and combustion pollutants from onsite construction equipment, and from offsite trucks hauling construction materials to the site. However, emissions would be minimal, temporary, and localized. Dust control measures would be in place to minimize any impacts, including, but not limited to, street sweeping, application of soil stabilizers, high-wind dust control plan, and watering of exposed stock pile areas. In addition, standard construction practices would be implemented such as performing regular maintenance of air filters on construction equipment and following idling engine shutdown requirements. The operation of such structural BMPs would not result in any emissions, as they are designed to improve water quality through filtration and infiltration processes. Therefore, implementation of the JRMP and associated WQIPs would not violate any air quality standards.*

*Updates to the Storm Water Ordinance will ensure compliance with MS4 Permit. The revisions would be primarily administrative in nature and would not violate any air quality standards.*

- c) 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 (including releasing emissions that exceed quantitative thresholds for ozone precursors)?

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*Implementation of the JRMP and associated WQIPs involves both nonstructural strategies and structural BMPs to meet the City's goal of improving water quality. Nonstructural strategies, including programs and procedural actions by City staff, and the proposed*

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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*minimum BMPs for industrial and commercial facilities, municipal properties, and residential areas do not involve construction of a physical component or structure, and would not result in a cumulatively considerable net increase of any criteria pollutant.*

*The implementation of structural BMPs would be improvements to areas of existing City streets, municipal facilities, parks, parking lots, and/or storm drain systems areas for the purposes of water quality improvement. Construction of the structural strategies could result in short-term impacts from the temporary addition of pollutants to the local airshed caused by soil disturbance, dust emissions, and combustion pollutants from onsite construction equipment, and from offsite trucks hauling construction materials. However, emissions would be minimal, temporary, and localized. Dust control measures would be in place to minimize any impacts, including, but not limited to, street sweeping, application of soil stabilizers, high-wind dust control plan, and watering of exposed stock pile areas. In addition, standard construction practices would be implemented such as performing regular maintenance of air filters on construction equipment and following idling engine shutdown requirements. The operation of such structural strategies would not result in any emissions, as they are designed to improve water quality through filtration and infiltration processes. Therefore, implementation of the JRMP and associated WQIPs would not result in a cumulatively considerable net increase of any criteria pollutant.*

*Updates to the Storm Water Ordinance ensures the City's compliance with MS4 Permit. The revisions would be primarily administrative in nature and would not result in a cumulatively considerable net increase of any criteria pollutant.*

d) Create objectionable odors

affecting a substantial number of people?

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*Implementation of the JRMP and associated WQIPs involves both nonstructural strategies and structural BMPs to meet the City's goal of improving water quality. Nonstructural strategies, including programs and procedural actions by City staff, and the proposed minimum BMPs for industrial and commercial facilities, municipal properties, and residential areas, do not involve construction of a physical component or structure, and would not create objectionable odors.*

*The implementation of structural BMPs would be improvements to areas of existing City streets, municipal facilities, parks, parking lots, and/or storm drain systems areas for the purposes of water quality improvement. Odors could be generated from vehicles and/or equipment exhaust emissions during construction of the structural BMPs. Such odors would be temporary and localized. The operation of such structural strategies would not result in any objectionable odors as they are designed to improve water quality through filtration and infiltration processes.*

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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*Updates to the Storm Water Ordinance ensures the City's compliance with MS4 Permit. The revisions would be primarily administrative in nature and would not create any objectionable odor.*

#### IV) BIOLOGICAL RESOURCES –

Would the project:

- a) Have substantial adverse effects, 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?

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*Implementation of the JRMP and associated WQIPs involves both nonstructural strategies and structural BMPs to meet the City's goal of improving water quality. Nonstructural strategies, including programs and procedural actions by City staff, and the proposed minimum BMPs for industrial and commercial facilities, municipal properties, and residential areas do not involve construction of a physical component or structure, and would not result in any impacts to sensitive or special status species.*

*Implementation of structural BMPs would be improvements to areas of existing City streets, municipal facilities, parks, parking lots, and/or storm drain systems areas for the purposes of water quality improvement and would not result in impacts to biological resources requiring mitigation and/or permits in accordance with the ESL Regulations. However, proposed structural BMPs may be cited adjacent to areas suitable for 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. These areas may or may not be located within the MHPA, but would require avoidance or minimization measures to reduce potential indirect impacts. As such, engineering design specifications based on project-level grading and site plans would be incorporated into the project design to avoid direct impacts on sensitive plant and wildlife species consistent with the federal Endangered Species Act (ESA), Migratory Bird Treaty Act (MBTA), Bald and Golden Eagle Protection Act, California ESA, Multiple Species Conservation Program (MSCP) Subarea Plan, the Environmentally Sensitive Lands (ESL) Regulations.*

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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*Projects which have the potential to impact biological resources are not covered by the environmental document and would require further environmental review in accordance with CEQA and the City's Biology Guidelines. Projects located adjacent to the MHPA would be required to implement the applicable MHPA Land Use Adjacency Guidelines as described in the Land Use Section of the Initial Study Checklist and the MMRP.*

*Updates to the Storm Water Ordinance ensures the City's compliance with MS4 Permit. The revisions would be primarily administrative in nature and would not result in substantial adverse effects, 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.*

- b) Have a substantial adverse effect on any riparian habitat or other community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

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*See IV.a. Implementation of the JRMP and associated WQIPs involves both nonstructural strategies and structural BMPs to meet the City's goal of improving water quality. Non-structural strategies, including programs and procedural actions by City staff, and the proposed minimum BMPs for industrial and commercial facilities, municipal properties, and residential areas do not involve construction of a physical component or structure. However, these actions may impact the amount of dry weather, unnatural flow that occurs throughout the City through flow diversion or reduction with the goal of improving water quality. The diversion or reduction in unnatural flows (i.e., irrigation runoff) would be a beneficial impact on water quality, and may result in a less than significant impact to riparian habitat or other community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service and/or federally protected wetlands as defined by Section 404 of the Clean Water Act. The less than significant impact would only occur to riparian areas that rely on unnatural flows as their primary source of water.*

*The implementation of structural BMPs would be improvements to areas of existing City streets, municipal facilities, parks, parking lots, and/or storm drain systems areas for the purposes of water quality improvement. However, habitat located within or adjacent to proposed structural strategies may include riparian habitat or other community identified in local or regional plans, policies, and regulations or by the California Department of Fish*

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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*and Wildlife or U.S. Fish and Wildlife Service and/or federally protected wetlands as defined by Section 404 of the Clean Water Act. Any impacts to these upland or wetland habitats would be considered significant and therefore would not be covered by this environmental document. Site-specific biological resources surveys would be required and analyzed in a separate environmental document in accordance with CEQA and the City's Biology Guidelines (June 2012).*

*Updates to the Storm Water Ordinance ensures the City's compliance with MS4 Permit. The revisions would be primarily administrative in nature and would not result in impacts to riparian habitat or federally protected wetlands.*

- c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

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*See response IV(b).*

- d) 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?

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*See IV.a/b and the Land Use (X). No impacts would result under Biology, however, Less than Significant with Mitigation Incorporated has been checked because the City's MHPA Land Use Adjacency Guidelines would be implemented when projects are proposed and require construction adjacent to the MHPA or areas where nesting, breeding or foraging activities could be interrupted during a specified or general avian breeding season.*

- e) Conflict with any local policies or ordinances protecting biological resources, such as tree preservation policy or ordinance?

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Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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*The MSCP Subarea Plan was designed to address habitat conservation efforts within the City's boundaries. In association with management of MHPA lands, the City's Multiple Species Conservation Program (MSCP) Subarea Plan contains guidelines for minimizing impacts of urban development on upland and wetland ecosystems and water quality. The implementation of the JRMP and associated WQIPs helps carry out the goals of the City's MSCP by providing measures to reduce urban runoff and improve water quality within the City. Nonstructural strategies, including programs and procedural actions by City staff, and the proposed minimum BMPs for industrial and commercial facilities, municipal properties, and residential areas, do not involve construction of a physical component or structure.*

*Implementation of structural BMPs would be improvements to areas of existing City streets, municipal facilities, parks, parking lots, and/or storm drain systems areas for the purposes of water quality improvement and would be designed to ensure conformance with the City's MSCP Subarea Plan. The MHPA Land Use Adjacency Guidelines would be incorporated into projects as applicable to reduce any potential indirect impacts on the MHPA.*

*Updates to the Storm Water Ordinance ensures the City's compliance with MS4 Permit. The revisions would be primarily administrative in nature and would not result in impacts to the City's MSCP.*

- f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

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*See response IV(e).*

V) CULTURAL RESOURCES –  
Would the project:

- a) Cause a substantial adverse change in the significance of an historical resource as defined in §15064.5?

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*The purpose and intent of the Historical Resources Regulations of the Land Development Code (Chapter 14, Division 3, Article 2) is to protect, preserve and, where damaged, restore the historical resources of San Diego. The regulations apply to all proposed development*

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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*within the City when historical resources are present on the premises. CEQA requires that before approving discretionary projects, the Lead Agency must identify and examine the significant adverse environmental effects which may result from that project. A project that may cause a substantial adverse change in the significance of a historical resource is a project that may have a significant effect on the environment (Sections 15064.5(b) and 21084). A substantial adverse change is defined as demolition, destruction, relocation, or alteration activities, which would impair historical significance (Sections 15064.5(b)(1) and 5020.1). Any historical resource listed in or eligible to be listed in the California Register of Historical Resources, including archaeological resources, is considered to be historically or culturally significant. The California Register of Historical Resources regulations apply to all proposed development within the City when historical resources are present on the premises.*

*Because specific project locations have not yet been determined for some of the JRMP & WQIP activities, site-specific analysis cannot be conducted at this point. However, future project sites may be in areas of the City identified to be historically important (e.g. designated and/or within districts), archaeologically sensitive, or culturally important to the local Kumeyaay Tribal community. As such, a thorough review of all available archaeological and historical data in accordance with the Historical Resources Guidelines is required in order to determine whether a direct impact to historical resources would result from future project implementation. If a direct impact would result and further analysis is required, the project may not be able to be processed within the scope of this MND. However, if all available data/research results in the determination that no resources are present within or adjacent to the proposed project site, but there is a reasonable likelihood for either historic and/or prehistoric resources to be impacted during construction related activities, then monitoring would be required. Therefore, a Mitigation, Monitoring, and Reporting Program (MMRP) would be implemented during construction activities to reduce potential impacts to less than significant in accordance with the MMRP included in this MND.*

*For future projects which are located within the public right-of-way within a historic district, review by the Historical Resources Staff will be required. This review will determine whether components of the project (e.g. improvements to sidewalks, curb inlets, tree grates, etc.) requires specific measures or design features which would reduce impacts to a historical resource as defined above or to demonstrate compliance with the Secretary of the Interior Standards for the Treatment of Historic Properties. Implementation of the Mitigation Framework in the MD would reduce potential impacts to below a level of significance.*

*Implementation of the JRMP and associated WQIPs involves both nonstructural strategies and structural BMPs to meet the City's goal of improving water quality. Nonstructural strategies, including programs and procedural actions by City staff, and the proposed minimum BMPs for industrial and commercial facilities, municipal properties, and residential areas, do not involve construction of a physical component or structure and*

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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would not cause a substantial adverse change in the significance of a historical resource or archaeological resources or would not disturb any human remains.

The implementation of structural BMPs would be improvements to areas of existing City streets, municipal facilities, parks, parking lots, and/or storm drain systems areas for the purposes of water quality improvement. Activities such as grading, excavation, and other ground-disturbing activities associated with the construction of structural BMPs that may affect significant archaeological sites, historical sites, traditional cultural properties, and/or human remains would represent a significant impact which requires implementation of the mitigation measures to reduce potential impacts to below a level of significance.

Updates to the Storm Water Ordinance ensures compliance with the City's MS4 Permit. The revisions would be primarily administrative in nature and would not result in a substantial adverse change in the significance of historical or archaeological resources and would not result in the disturbance of human remains.

- b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?
- |                          |                                     |                          |                          |
|--------------------------|-------------------------------------|--------------------------|--------------------------|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|--------------------------|-------------------------------------|--------------------------|--------------------------|

See response V(a).

- c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?
- |                          |                                     |                          |                          |
|--------------------------|-------------------------------------|--------------------------|--------------------------|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
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Structural BMP projects would involve improvements to areas of existing City streets, municipal facilities, parks, and may be located in areas of where formations are assigned "high" and "moderate" resource sensitivities as further described in the City's Significance Thresholds and Paleontology Guidelines (2002). Based on the sensitivity of the potentially affected formations and the potential excavation depths required to construct future projects, implementation could result in significant impacts to paleontological resources. Therefore, in order to reduce this impact to less than significant, projects which involve excavation within previously undisturbed formations at a depth of 10 or more feet, require implementation of mitigation during construction activities to reduce potential impacts to less than significant in accordance with the MMRP included in this MND.

Implementation of the JRMP and associated WQIPs involves both nonstructural strategies and structural BMPs to meet the City's goal of improving water quality. Nonstructural strategies, including programs and procedural actions by City staff, and the proposed minimum BMPs for industrial and commercial facilities, municipal properties, and

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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*residential areas, do not involve construction of a physical component or structure therefore would not destroy a unique paleontological resource or site or unique geologic feature.*

*Updates to the Storm Water Ordinance ensures the City's compliance with MS4 Permit. The revisions would be primarily administrative in nature and would not result in an impact to paleontological resources or unique geological resource.*

- d) Disturb any human remains,  
including those interred outside of  
formal cemeteries? ☐ ☒ ☐ ☐

*See response V(a). Implementation of the Mitigation Framework would be required when future projects are planned in areas where human remains have been encountered or are known to be present. The measures for reducing potential impacts to archaeological resources also include treatment for the disposition and repatriation of human remains and require compliance with the protocols specified in the California Public Resources Code and the California Health and Safety Code. This process would include initiating consultation with the state designated Native American MLD, which would reduce the potential for impacts to human remains to below a level of significance.*

#### VI) GEOLOGY AND SOILS – Would the project:

- a) Expose people or structures to  
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 or  
based on other substantial  
evidence of a known fault?  
Refer to Division of Mines  
and Geology Special  
Publication 42. ☐ ☐ ☐ ☒

*Implementation of the JRMP and associated WQIPs involves both nonstructural strategies and structural BMPs to meet the City's goal of improving water quality. Nonstructural strategies, including programs and procedural actions by City staff, and the proposed minimum BMPs for industrial and commercial facilities, municipal properties, and residential areas, do not involve construction of a physical component or structure and therefore would not expose people or structures to potential substantial adverse effects from rupture of a known fault line, strong seismic ground shaking, or seismic-related ground failure or landslides.*

*The implementation of structural BMPs would be improvements to areas of existing City streets, municipal facilities, parks, parking lots, and/or storm drain systems areas for the purposes of water quality improvement. No building or structures that could house people would be constructed as part of this project. Therefore, implementation of structural BMPs will not expose people or structures to potential substantial adverse effects from rupture of a known fault line, strong seismic ground shaking, or seismic-related ground failure or landslides.*

*Updates to the Storm Water Ordinance ensures the City's compliance with MS4 Permit. The revisions would be primarily administrative in nature and will not expose people or structures to potential substantial adverse effects from rupture of a known fault line, strong seismic ground shaking, or seismic-related ground failure or landslides.*

- |                                    |                          |                          |                          |                                     |
|------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| ii. Strong seismic ground shaking? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|

*See response VI(a)(i).*

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| iii. Seismic-related ground failure, including liquefaction? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

*See response VI(a)(i).*

- |                 |                          |                          |                          |                                     |
|-----------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| iv. Landslides? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|-----------------|--------------------------|--------------------------|--------------------------|-------------------------------------|

*See response VI(a)(i).*

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| b) Result in substantial soil erosion or the loss of topsoil? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

*Implementation of the JRMP and associated WQIPs involves both nonstructural strategies and structural BMPs to meet the City's goal of improving water quality. Nonstructural strategies, including programs and procedural actions by City staff, and the proposed minimum BMPs for industrial and commercial facilities, municipal properties, and residential areas, do not involve construction of a physical component or structure and would not result in the loss of topsoil or soil erosion.*

*The implementation of structural BMPs would be improvements to areas of existing City streets, municipal facilities, parks, parking lots, and/or storm drain systems areas for the purposes of water quality improvement. Construction could require ground-disturbing activities that could result in temporary loss of topsoil or soil erosion at the construction site. Dust control measures would be in place to minimize any loss of topsoil, including, but not limited to, application of soil stabilizers, high-wind dust control plan, and watering of exposed stock pile and other disturbed areas. In addition, standard construction BMPs would be in place to minimize onsite soil erosion during construction, including, but not limited to, silt fencing and fiber rolls. Because of the nature of their purpose to improve water quality, the proposed structural BMPs would not result in the loss of topsoil or soil erosion during their operation.*

*Updates to the Storm Water Ordinance ensures the City's compliance with MS4 Permit. The revisions would be primarily administrative in nature and would not result in the loss of topsoil or soil erosion.*

- 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 onsite or offsite landslide, lateral spreading, subsidence, liquefaction or collapse?

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*Projects involving the infiltration of runoff into the ground through pervious/porous material would require further evaluation due to excessive groundwater infiltration which has the potential to damage streets, sidewalks, and building improvements. Geotechnical evaluations of all potential project sites would be required in order to determine the feasibility of the sites for infiltration. Sites not feasible for infiltration would be abandoned in favor of those feasible. Such an evaluation would be necessary because the goal of the infiltration projects is to reduce urban runoff flows as much as feasible by allowing flows to soak into the ground in a manner engineered as to not compromise the integrity of nearby structures. The anticipated implementation of a geotechnical evaluation for future infiltration project sites would reduce the potential impacts to below a level of significance.*

*Implementation of the JRMP and associated WQIPs involves both nonstructural strategies and structural BMPs to meet the City's goal of improving water quality. Nonstructural strategies, including programs and procedural actions by City staff, and the proposed minimum BMPs for industrial and commercial facilities, municipal properties, and residential areas, do not involve construction of a physical component or structure and would not result in an unstable geological situation.*

*The implementation of structural BMPs would be improvements to areas of existing City streets, municipal facilities, parks, parking lots, and/or storm drain systems areas for the purposes of water quality improvement. The construction could require minor ground disturbance for the installation of the required structures. However, this disturbance would*

*be minimal and would not result in an unstable geological situation.*

*Updates to the Storm Water Ordinance ensures the City's compliance with MS4 Permit. The revisions would be primarily administrative in nature and would not result in an unstable geological situation.*

- d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?

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*See VI.a-c. Implementation of the JRMP and associated WQIPs involves both nonstructural strategies and structural BMPs to meet the City's goal of improving water quality.*

*Nonstructural strategies, including programs and procedural actions by City staff, and the proposed minimum BMPs for industrial and commercial facilities, municipal properties, and residential areas, do not involve construction of a physical component or structure and therefore would not create a substantial risk or life or property.*

*The implementation of structural BMPs would be improvements to areas of existing City streets, municipal facilities, parks, parking lots, and/or storm drain systems areas for the purposes of water quality improvement. Expansive soils may be identified at the proposed project sites. However, no buildings or habitable structures would be constructed as a part of this project and therefore no substantial risk to life or property would be created.*

*Updates to the Storm Water Ordinance ensures the City's compliance with MS4 Permit. The revisions would be primarily administrative in nature and would not create a substantial risk 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?

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*Implementation of the JRMP and associated WQIPs and updates to the Storm Water Ordinance ensure compliance with the City's MS4 Permit and would not require septic tanks or alternative wastewater systems.*

## VII) GREENHOUSE GAS EMISSIONS

– Would the project:

- a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

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*Implementation of the JRMP and associated WQIPs involves both nonstructural strategies and structural BMPs to meet the City's goal of improving water quality. Nonstructural strategies, including programs and procedural actions by City staff, and the proposed minimum BMPs for industrial and commercial facilities, municipal properties, and residential areas, do not involve construction of a physical component or structure and would not result in the generation of greenhouse gas emissions. Therefore, implementation of the JRMP and associated WQIPs would not violate any air quality standards.*

*The implementation of structural BMPs would be improvements to areas of existing City streets, municipal facilities, parks, parking lots, and/or storm drain systems areas for the purposes of water quality improvement. Construction could result in minor amounts of greenhouse gas emissions; however, these emissions will be minimal and temporary in nature. Construction mitigation measures will be implemented to reduce the impacts to levels less than significant.*

*Updates to the Storm Water Ordinance ensures the City's compliance with MS4 Permit. The revisions would be primarily administrative in nature and would not result in the generation of the greenhouse gas emissions.*

- b) Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

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*Implementation of the JRMP and associated WQIPs involves both nonstructural strategies and structural BMPs to meet the City's goal of improving water quality. Nonstructural strategies, including programs and procedural actions by City staff, and the proposed minimum BMPs for industrial and commercial facilities, municipal properties, and residential areas, do not involve construction of a physical component or structure and would not result in the generation of greenhouse gas emissions.*

*The implementation of structural BMPs would be improvements to areas of existing City streets, municipal facilities, parks, parking lots, and/or storm drain systems areas for the purposes of water quality improvement. Any structural strategies that would be implemented would be improvements to areas of existing City streets, parks, parking lots, or storm drain systems for the purpose of water quality improvement. Construction of these strategies could generate greenhouse gas emissions; however, these emissions would be minimal and temporary in nature. Construction plans and mitigation measures will be made in*



*compliance with all current policies and regulations. Therefore, the implementation of the JRMP and associated WQIPs, in accordance with the BMP Design Manual and Land Development Manual, would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases to levels less than significant.*

*Updates to the Storm Water Ordinance ensures the City's compliance with MS4 Permit. The revisions would be primarily administrative in nature and would not result in the generation of greenhouse gas emissions.*

- c) Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases? ☐ ☐ ☒ ☐

VIII) HAZARDS AND HAZARDOUS MATERIALS – Would the project:

- a) Create a significant hazard to the public or the environment through routine transport, use, or disposal of hazardous materials? ☐ ☐ ☐ ☒

*Implementation of the JRMP and associated WQIPs involves both nonstructural strategies and structural BMPs to meet the City's goal of improving water quality. Nonstructural strategies, including programs and procedural actions by City staff, and the proposed minimum BMPs for industrial and commercial facilities, municipal properties, and residential areas, do not involve construction of a physical component or structure. Structural BMPs are intended to reduce storm water pollution and are not designed to produce, handle, transport, or release hazardous materials and therefore would not create a significant hazard to the public.*

*Updates to the Storm Water Ordinance ensures the City's compliance with MS4 Permit. The revisions would be primarily administrative in nature and would not create a significant hazard to the public through the release of hazardous materials.*

- i. 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? ☐ ☐ ☐ ☒

*See response VIII(a).*

- ii. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? ☐ ☐ ☐ ☒

*Implementation of the JRMP and associated WQIPs involves both nonstructural strategies and structural BMPs to meet the City's goal of improving water quality. Nonstructural strategies, including programs and procedural actions by City staff, and the proposed minimum BMPs for industrial and commercial facilities, municipal properties, and residential areas, do not involve construction of a physical component or structure. Structural BMPs are intended to reduce storm water pollution and are not designed to emit or handle hazardous substances.*

*Updates to the Storm Water Ordinance ensures the City's compliance with MS4 Permit. The revisions would be primarily administrative in nature and would result in the emitting or handling of hazardous materials.*

- iii. 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? ☐ ☐ ☐ ☒

*Implementation of the JRMP and associated WQIPs involves both nonstructural strategies and structural BMPs to meet the City's goal of improving water quality. Nonstructural strategies, including programs and procedural actions by City staff, and the proposed minimum BMPs for industrial and commercial facilities, municipal properties, and residential areas, do not involve construction of a physical component or structure. Such non-structural strategies may be implemented at industrial facilities or municipal sites that have been identified as containing hazardous materials. However, implementation of these strategies was designed to prevent polluted runoff from these sites from entering the City's MS4 and will not result in any hazard to the public.*

*The implementation of structural BMPs would be improvements to areas of existing City streets, municipal facilities, parks, parking lots, and/or storm drain systems areas for the purposes of water quality improvement. Known hazardous materials sites may be located near or adjacent to the locations of the proposed structural BMPs. However, construction would require minimal site disturbance and measures would be implemented that would avoid any impact to the known sites. Furthermore, the BMPs were designed to improve water quality and prevent polluted storm water from entering the City's MS4. Therefore, the project would not result in a significant hazard to the public.*

*Updates to the Storm Water Ordinance ensures the City's compliance with MS4 Permit. The revisions would be primarily administrative in nature and would not result in a significant hazard to the public from known hazards materials sites.*

- iv. For a project located within an airport land use plan or where such a plan has not been adopted, within two mile of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?

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*Implementation of the JRMP and associated WQIPs involves both nonstructural strategies and structural BMPs to meet the City's goal of improving water quality. Nonstructural strategies, including programs and procedural actions by City staff, and the proposed minimum BMPs for municipal properties, including the two airports, Montgomery Field and Brown Field, operated by the City, do not involve the construction of a physical feature and were designed to reduce the impact of airport activities on storm water quality and provide guidance for the protection of water quality and receiving waters. The required airport facility minimum BMPs and additional non-structural strategies within the airport land use plan would not result in a safety hazard for people residing or working in the project area.*

*The implementation of structural BMPs would be improvements to areas of existing City streets, municipal facilities, parks, parking lots, and/or storm drain systems areas for the purposes of water quality improvement, including the two airports, Montgomery Field and Brown Field, operated by the City. Structural BMPs required to be implemented at or within the airport land use plan of the City's two operated airports are intended to reduce storm water pollution and would not result in a safety hazard for people residing or working in the project area.*

*Updates to the Storm Water Ordinance ensures the City's compliance with MS4 Permit. The revisions would be primarily administrative in nature and would not result in a safety hazard for people residing or working in the project area.*

- b) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?

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*See response VIII(a)(iv)*

- c) Impair implementation of or physically interfere with an

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adopted emergency response plan  
or emergency evacuation plan?

*Implementation of the JRMP and associated WQIPs involves both nonstructural strategies and structural BMPs to meet the City's goal of improving water quality by reducing storm water pollution. Both nonstructural and structural BMPs would not impair the implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.*

*Updates to the Storm Water Ordinance ensures the City's compliance with MS4 Permit. The revisions would be primarily administrative in nature and would not impair implementation or physically interfere with an adopted emergency response plan or emergency evacuation plan.*

- d) Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

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*Implementation of the JRMP and associated WQIPs involves both nonstructural strategies and structural BMPs to meet the City's goal of improving water quality by reducing storm water pollution. Both nonstructural and structural BMPs would not expose people or structures to a significant risk of loss, injury, or death involving wildland fires.*

*Updates to the Storm Water Ordinance ensures the City's compliance with MS4 Permit. The revisions would be primarily administrative in nature and would not expose people or structures to a significant risk of loss, injury, or death involving wildland fires.*

IX) HYDROLOGY AND WATER  
QUALITY – Would the project:

- a) Violate any water quality standards or waste discharge requirements?

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*Pursuant to the City's MS4 Permit, issued by the San Diego Regional Water Quality Control Board (RWQCB), implementation of the JRMP and WQIP, as well as the storm water-related updates to the Municipal Code, are specifically intended to improve water quality region-wide and further limit certain waste discharges (i.e. from certain foundation and footing drains) from entering the storm water system from new development and significant redevelopment. Implementation of both nonstructural and structural BMP strategies prescribed in these regulatory programs would reduce water quality impacts by setting goals and monitoring requirements in the short and long-term. By not implementing these regulatory programs, the City would be out of compliance with the MS4 Permit and fines*

*could be assessed for violating such water standards and requirements. In addition, compliance with the regulation is required during construction activities to reduce potential water quality impacts to below a level of significance; therefore, the project would not create an impact to water quality or waste discharge requirements but meet regulatory standards, and no mitigation measures are required.*

- b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level that would not support existing land uses or planned uses for which permits have been granted)?

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*Implementation of the JRMP and associated WQIPs involves both nonstructural strategies and structural BMPs to meet the City's goal of improving water quality, as well as the protection of groundwater resources. Nonstructural strategies would not involve construction of a physical structure that would deplete or interfere with groundwater supplies; but could include public education and outreach programs that encourages storm water as a resource to recharge existing groundwater supplies. Furthermore, required structural BMPs could be designed to treat onsite runoff through filtration and infiltration before storm water leaves the site to recharge groundwater supplies and improve water quality. The MS4 permit also includes performance requirements to maintain structural BMPs to ensure infiltration and groundwater protection. During the construction of any structural BMP, such as green streets or detention basins, standard construction BMPs and practices would be required to avoid temporary impacts to resources and not adversely deplete groundwater supplies. The project would not create an impact to groundwater and no mitigation measures are required.*

- c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation onsite or offsite?

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*Implementation of the JRMP and associated WQIPs involves both nonstructural strategies and structural BMPs to meet the City's goal of improving water quality. Nonstructural strategies would not involve the physical construction of a structure that would alter existing drainage patterns. Structural BMPs, however, could be designed to treat onsite runoff*

*through filtration and infiltration before storm water leaves the designed site to reduce the release of pollutants, including those from erosion or siltation. By implementing the JRMP and associated WQIP strategies, development or redevelopment of a site could also improve existing erosion and siltation problems that currently exist, especially in the Los Penasquitos and Mission Bay WMAs where siltation and sediment are identified potential stressors. Any alteration of existing drainage patterns would be for the purpose of improving water quality and likely prevent substantial erosion or siltation. Standard construction storm water BMPs would be implemented during construction of such structural BMPs to reduce any temporary impact that may result in erosion or siltation onsite or offsite. Also, updates to the Storm Water Ordinance, which are required to be consistent with the MS4 permit, are primarily administrative and would not change drainage patterns. Therefore, the project would not create an impact to drainage patterns that would result in erosion or siltation onsite or offsite and no mitigation measures are required.*

- d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding onsite or offsite?

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*Implementation of the JRMP and associated WQIPs involves both nonstructural strategies and structural BMPs to meet the City's goal of improving water quality. Nonstructural strategies would not involve the physical construction of a structure that would alter existing drainage patterns. Structural BMPs, however, could be designed to treat onsite runoff through filtration and infiltration before storm water leaves the designed site to reduce the release of pollutants and prevent localized flooding. By implementing the JRMP and associated WQIP strategies, development or redevelopment of a site could also correct existing drainage/flooding problems that currently exist. Any alteration of existing drainage patterns would be for the purpose of improving water quality and likely prevent substantial flooding on-site or downstream. Standard construction storm water BMPs would be implemented during construction of such structural BMPs to reduce any temporary impact that may result in flooding onsite or offsite. Also, updates to the Storm Water Ordinance, which are required to be consistent with the MS4 permit, are primarily administrative and would not change drainage patterns. Therefore, the project would not create an impact to drainage patterns that would result in flooding onsite or offsite and no mitigation measures are required.*

- e) Create or contribute runoff water that would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?

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*Pursuant to the City's MS4 Permit, issued by the San Diego Water Board, the implementation of the JRMP and WQIP, as well as the storm water-related updates to the Municipal Code, are specifically intended to comprehensively improve water quality region-wide.*

*As described in the Project Description, the JRMP outlines the City's procedures and policies for how to address water quality and storm water discharges to the MS4. These procedures and policies include the following categories of strategies:*

- *Development Planning: Includes land use and planning authority to require implementation of BMPs to address effects from new development and redevelopment.*
- *Construction Management: Addresses pollutant generation from construction activities associated with new development.*
- *Existing Development: Addresses pollutant generation from existing development, including commercial, industrial, municipal, and residential land properties.*
- *Illicit Discharge, Detection, and Elimination (IDDE) Program: Actively detects and eliminates illicit discharges and improper disposal of wastes into the MS4.*
- *Public Education and Participation: Promotes and encourages behaviors to reduce pollutant discharges. Describes opportunities for public participation in water quality improvement planning.*
- *Enforcement Response Plan: Describes escalating enforcement measures for each JRMP component.*

*The JRMP also describes new and updated minimum BMPs for industrial and commercial facilities, municipal properties, and residential areas. These BMPs consist of practices to prevent or minimize pollutants from entering the storm drain system, through discharge control, erosion and sediment control, good housekeeping practices, material storage and handling, pesticide and fertilizer management, spill prevention and response, waste management, and education and training.*

*Furthermore, each WQIP would identify specific water quality improvement strategies based on their ability to effectively and efficiently eliminate non-storm water discharges to the MS4, reduce pollutants in storm water discharges in the MS4 to the maximum extent practicable, and strive to achieve the goals established in each WMA.*

*By not implementing these regulatory programs, the City would be out of compliance with the MS4 Permit and fines could be assessed for violating such water standards and requirements. Therefore, the project would not create an impact to existing drainage systems but comprehensively improve water quality standards to further reduce pollutant runoff, and no mitigation measures are required.*

f) Otherwise substantially degrade water quality?

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*See IX.d. Implementation of the JRMP and associated WQIPs outlines the City's efforts to reduce urban runoff pollution within its jurisdiction; therefore, actions associated within its implementation would not degrade water quality but rather would improve it. Furthermore,*

*updates to the Storm Water Ordinance are proposed to ensure the City's compliance with MS4 Permit and to reduce pollutant discharges to the City's MS4. The project would not substantially degrade water quality but comprehensively improve water quality standards to further reduce pollutants from entering the MS4, and no mitigation measures are required.*

- g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? ☐ ☐ ☐ ☒

*Implementation of the JRMP and associated WQIPs, and updates to the Storm Water Ordinance are proposed to ensure the City's compliance with MS4 Permit and improve water quality. The project does not propose the placement of housing within the 100-year flood hazard area and no impact is identified that would require mitigation.*

- h) Place within a 100-year flood hazard area, structures that would impede or redirect flood flows? ☐ ☐ ☒ ☐

*Implementation of the JRMP and associated WQIPs involves both nonstructural strategies and structural BMPs to meet the City's goal of improving water quality. Nonstructural strategies would not involve the physical construction of a structure that would alter existing drainage patterns within a 100-year flood hazard area. Structural BMPs, however, could be proposed in a 100-year flood hazard area that may impede or redirect flood flows, but for the specific purpose to improve drainage patterns to treat onsite runoff through filtration and infiltration before storm water leaves the site. Any structural BMP would be engineered to prevent substantial flooding on-site or off-site downstream. Standard practices for construction BMPs that are temporarily placed on-site require the removal of any BMP (e.g. check dams, fiber rolls, etc.) or structure that impedes storm water flows prior to a rain event. Also the updates to the Storm Water Ordinance, which are required to be consistent with the MS4 permit, are primarily administrative and do not encourage development that would impede or redirect flows in a 100-year flood hazard area.*

*The project would have a less than significant impact with respect to cases where a structural or construction BMP would be implemented because it must be designed or placed/removed where flood flows are not impeded or redirected to exacerbate flooding on-site and off-site within a 100-year flood hazard area, and mitigation would not be required.*

X) LAND USE AND PLANNING –  
Would the project:

- a) Physically divide an established community? ☐ ☐ ☐ ☒



*Implementation of the JRMP and associated WQIPs, and updates to the Storm Water Ordinance are proposed to ensure the City's compliance with MS4 Permit. They will not physically divide an established community.*

- b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

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*Implementation of the JRMP and associated WQIPs, and updates to the Storm Water Ordinance are proposed to ensure the City's compliance with MS4 Permit issued by the State Water Board. Furthermore, the project is consistent with the City's "Urban Runoff Management" section within the Conservation Element, as well as the "Storm Water Infrastructure" within the Public Facilities element of the General Plan, which outlines water quality and watershed protection principles. Proposed revisions to Section 43.03 of the Municipal Code would be primarily administrative in nature and, therefore, would not have a significant impact on the environment. Removal of items from the list of allowable discharge, if the City deems them as significant sources of pollutants to the waters of the United States, would result in greater protection of the region's water quality and the environment in general. Future projects which would result in impacts to biological resources and subject to review in accordance with the Environmentally Sensitive Lands Regulations would not be covered by this MND.*

- c) Conflict with any applicable habitat conservation plan or natural community conservation plan?

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*The MSCP Subarea Plan was designed to address habitat conservation efforts within the City's boundaries. In association with management of MHPA lands, the City MSCP Subarea Plan contains guidelines for minimizing impacts of urban development on upland and wetland ecosystems and water quality. The implementation of the JRMP and associated WQIPs helps carry out the goals of the City's MSCP by providing measures to reduce urban runoff and improve water quality within the City. Any structural strategies that would be implemented would be improvements to areas of existing City streets, parks, municipal facilities, parking lots, or storm drain systems for the purpose of water quality improvement and would be designed in conformance with the City's MSCP Subarea Program.*

*The Multiple Species Conservation Program (MSCP) is a conservation program designed to facilitate the implementation of a regional habitat preserve while allowing "take" of endangered species or habitats at the individual project level (City of San Diego 1997). This*

*habitat preserve is known as the Multi-Habitat Planning Area (MHPA) and lands within it have been designated for conservation. The MHPA was designed to conserve biological resources considered sensitive by the resource agencies and by the City of San Diego.*

*Although no projected strategies would occur within the boundaries of the City of San Diego MSCP/MHPA, implementation of future construction related activities could be located adjacent to the MHPA. Therefore, in order to be consistent with current adopted MSCP Subarea Plan policies and Management Directives, future projects would be designed to incorporate the applicable MSCP Land Use Adjacency Guidelines and include provisions for barrier fencing and plantings for access control; lighting restrictions; drainage and toxins as indicated below, and would not conflict with habitat function, configuration, or long-term viability; usage of the MHPA by sensitive species including narrow endemics; established management directives for the subarea plan; or cause potentially adverse edge effects. Direct access to public open space would be prohibited during any future construction related activity in order to minimize impacts to sensitive lands and to promote the objectives of the MSCP Subarea Plan. Consistency with the MHPA Land Use Adjacency Guidelines incorporated into the MMRP would reduce any potential indirect impacts to below a level of significance.*

*Additionally, no clearing, grubbing, grading, or other construction activities would be allowed between March 1 and August 15, the breeding season of the coastal California gnatcatcher; between March 15 and September 15, the breeding season of the least Bell's vireo; and between May 1 and September 1, the breeding season of the southwestern willow flycatcher, until pre-construction protocol surveys have been conducted in accordance to the provisions outlined in the Biology Guidelines and the Mitigation Framework incorporated into Section V. of the MMRP to the satisfaction of the City of San Diego.*

*Updates to the Storm Water Ordinance ensures the City's compliance with MS4 Permit. The revisions would be primarily administrative in nature and are consistent with the water quality goals incorporated into the City's MSCP.*

XI) MINERAL RESOURCES – Would the project:

- a) 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?

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*Implementation of the JRMP and associated WQIPs, and updates to the Storm Water Ordinance are proposed to ensure compliance with the City's MS4 Permit. They will not result in the loss of availability of a known mineral resource that would be of value to the region or the residents of the state.*

- b) Result in the loss of availability of a locally important mineral resource recovery site delineated

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on a local general plan, specific plan, or other land use plan?

*Implementation of the JRMP and associated WQIPs, and updates to the Storm Water Ordinance are proposed to ensure compliance with the City's MS4 Permit. They will not result in the loss of availability of a known mineral resource that would be of value to the region or the residents of the state.*

XII) NOISE – Would the project:

- a) Generate noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

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*Implementation of the JRMP and associated WQIPs involves both nonstructural strategies and structural BMPs to meet the City's goal of improving water quality. Nonstructural strategies including programs and procedural actions by City staff, and the proposed minimum BMPs for industrial and commercial facilities, municipal properties, and residential areas, do not involve construction of a physical component or structure and therefore would not generate construction or operational noise.*

*The implementation of structural BMPs would be improvements to areas of existing City streets, municipal facilities, parks, parking lots, and/or storm drain systems areas for the purposes of water quality improvement. Construction may result in temporary noise impacts in the vicinity of the project site. Loud construction noise is permitted from 7 a.m. to 7 p.m., Monday through Saturday, but not on Sundays or legal holidays. Structural BMPs would not generate operational noise.*

*Updates to the Storm Water Ordinance ensures the City's compliance with MS4 Permit. The revisions would be primarily administrative in nature and therefore would not generate construction or operational noise.*

- b) Generate excessive ground-borne vibration or ground-borne noise levels?

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*Implementation of the JRMP and associated WQIPs involves both nonstructural strategies and structural BMPs to meet the City's goal of improving water quality. Nonstructural strategies, including programs and procedural actions by City staff, and the proposed minimum BMPs for industrial and commercial facilities, municipal properties, and residential areas, do not involve construction of a physical component or structure and therefore would not generate excessive ground-borne vibrations or noise levels.*

*The implementation of structural BMPs would be improvements to areas of existing City streets, municipal facilities, parks, parking lots, and/or storm drain systems areas for the*

*purposes of water quality improvement. Construction activities would not result in the generation of excessive ground-borne vibration or ground-borne noise levels. No operational noise would occur.*

*Updates to the Storm Water Ordinance ensures compliance with the City's MS4 Permit. The revisions would be primarily administrative in nature and therefore would not generate excessive ground-borne vibration or noise levels.*

- c) Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? ☐ ☐ ☐ ☒

*Implementation of the JRMP and associated WQIPs involves both nonstructural strategies and structural BMPs to meet the City's goal of improving water quality. Nonstructural strategies, including programs and procedural actions by City staff, and the proposed minimum BMPs for industrial and commercial facilities, municipal properties, and residential areas, do not involve construction of a physical component or structure and therefore would not result in a permanent increase in ambient noise levels.*

*The implementation of structural BMPs would be improvements to areas of existing City streets, municipal facilities, parks, parking lots, and/or storm drain systems areas for the purposes of water quality improvement. They would not generate operational noise and therefore would not result in a permanent increase in ambient noise levels.*

*Updates to the Storm Water Ordinance ensures the City's compliance with MS4 Permit. The revisions would be primarily administrative in nature and therefore would not result in the permanent increase in ambient noise levels.*

- d) Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above existing without the project? ☐ ☐ ☒ ☐

*Implementation of the JRMP and associated WQIPs involves both nonstructural strategies and structural BMPs to meet the City's goal of improving water quality. Nonstructural strategies, including programs and procedural actions by City staff, and the proposed minimum BMPs for industrial and commercial facilities, municipal properties, and residential areas, do not involve construction of a physical component or structure and therefore would not result in a temporary increase in ambient noise levels.*

*The implementation of structural BMPs would be improvements to areas of existing City streets, municipal facilities, parks, parking lots, and/or storm drain systems areas for the purposes of water quality improvement. Construction could result in temporary increase in ambient noise levels in the vicinity of the project. Loud construction noise is permitted from 7 a.m. to 7 p.m., Monday through Saturday, but not on Sundays or legal holidays.*

*Updates to the Storm Water Ordinance ensures the City's compliance with MS4 Permit. The revisions would be primarily administrative in nature and therefore would not result in the temporary increase in ambient noise levels.*

- e) For a project located within an airport land use plan, or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, would the project expose people residing or working in the area to excessive noise levels?

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*Implementation of the JRMP and associated WQIPs involves both nonstructural strategies and structural BMPs to meet the City's goal of improving water quality. Nonstructural strategies, including programs and procedural actions by City staff, and the proposed minimum BMPs for municipal properties, including the two airports, Montgomery Field and Brown Field, operated by the City, do not involve the construction of a physical feature and were designed to reduce the impact of airport activities on storm water quality and provide guidance for the protection of water quality and receiving waters. Furthermore, the non-structural strategies do not propose the construction of any physical structures. The required airport facility minimum BMPs and additional non-structural strategies within the airport land use plan would not expose people residing or working in the area to excessive noise levels.*

*The implementation of structural BMPs would be improvements to areas of existing City streets, municipal facilities, parks, parking lots, and/or storm drain systems areas for the purposes of water quality improvement, including the two airports, Montgomery Field and Brown Field, operated by the City. Structural BMPs required to be implemented at or within the airport land use plan of the City's two operated airports are intended to reduce storm water pollution and would not expose people residing or working in the area to excessive noise levels.*

*Updates to the Storm Water Ordinance ensures compliance with the City's MS4 Permit. The revisions would be primarily administrative in nature and would not expose people residing or working in the area to excessive noise levels.*

- f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

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*See response XII(e).*

### XIII) POPULATION AND HOUSING –

Would the project:

- a) Induce substantial 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)?

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*Implementation of the JRMP and associated WQIPs, and updates to the Storm Water Ordinance are proposed to ensure the City's compliance with MS4 Permit and would not encourage population growth in the area through the construction of new homes or the extension of roads or other infrastructure.*

- b) Displace substantial numbers of existing housing units, necessitating the construction of replacement housing elsewhere?

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*Implementation of the JRMP and associated WQIPs, and updates to the Storm Water Ordinance are proposed to ensure compliance with the City's MS4 Permit. They will not physically divide an established community and would not displace existing homes or people and therefore would not necessitate the construction of replacement housing elsewhere. Structural BMPs associated with implementation would occur in areas of existing City streets, municipal facilities, parks, parking lots, and/or storm drain systems areas and are designed to improve water quality.*

- c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

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*See response XIII(b).*

### XIV) PUBLIC SERVICES

- a) Would the project result in substantial adverse physical impacts associated with the provisions 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:

- i. Fire Protection ☐ ☐ ☐ ☒

*Implementation of the JRMP and associated WQIPs, and updates to the Storm Water Ordinance that are proposed to ensure compliance with the City's MS4 Permit will not result in the need for new or altered fire protection facilities.*

- ii. Police Protection ☐ ☐ ☐ ☒

*Implementation of the JRMP and associated WQIPs, and updates to the Storm Water Ordinance that are proposed to ensure compliance with the City's MS4 Permit will not result in the need for new or altered police protection facilities.*

- iii. Schools ☐ ☐ ☐ ☒

*Implementation of the JRMP and associated WQIPs, and updates to the Storm Water Ordinance that are proposed to ensure compliance with the City's MS4 Permit will not result in the need for new or altered school facilities.*

- iv. Parks ☐ ☐ ☐ ☒

*Implementation of the JRMP and associated WQIPs, and updates to the Storm Water Ordinance that are proposed to ensure compliance with the City's MS4 Permit will not result in the need for new or park altered facilities.*

- v. Other public facilities ☐ ☐ ☐ ☒

*Implementation of the JRMP and associated WQIPs, and updates to the Storm Water Ordinance that are proposed to ensure compliance with the City's MS4 Permit will not result in the need for any other new or altered public facility.*

XV) RECREATION – Would the project:

- a) 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?

*Implementation of the JRMP and associated WQIPs, and updates to the Storm Water Ordinance are proposed to ensure the City's compliance with MS4 Permit and will not result in the increased use of existing neighborhood parks or other recreational facilities or require the construction or expansion of recreation facilities. Structural BMPs that may be constructed at City Parks are for the sole purpose of reducing polluted run-off and improving water quality.*

- b) Include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?

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*Implementation of the JRMP and associated WQIPs, and updates to the Storm Water Ordinance are proposed to ensure the City's compliance with MS4 Permit and will not result in the increased use of existing neighborhood parks or other recreational facilities or require the construction or expansion of recreation facilities. Structural BMPs that may be constructed at City Parks are for the sole purpose of reducing polluted run-off and improving water quality.*

XVI) TRANSPORTATION/TRAFFIC –

Would the project:

- a) Conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation, including mass transit and non-motorized travel, and relevant components of the circulation system, including, but not limited to, intersections, streets, highways, and freeways, pedestrian and bicycle paths, and mass transit?

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*Implementation of the JRMP and associated WQIPs involves both nonstructural strategies and structural BMPs to meet the City's goal of improving water quality. Nonstructural strategies, including programs and procedural actions by City staff, and the proposed minimum BMPs for industrial and commercial facilities, municipal properties, and residential areas, do not involve construction of a physical component or structure and*



*therefore would not generate traffic.*

*The implementation of structural BMPs would be improvements to areas of existing City streets, municipal facilities, parks, parking lots, and/or storm drain systems areas for the purposes of water quality improvement and would not generate traffic and therefore would not result in long-term traffic increases. Construction of structural BMPs could generate short-term traffic in the vicinity of the project site; however, a traffic control plan would be implemented to coordinate construction flows to minimize impacts to local roadways.*

*Updates to the Storm Water Ordinance ensures the City's compliance with MS4 Permit. The revisions would be primarily administrative in nature and would not generate traffic in excess of standards of applicable City plans or ordinances.*

- b) Conflict with an applicable congestion management program, including, but not limited to, level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?

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*Implementation of the JRMP and associated WQIPs involves both nonstructural strategies and structural BMPs to meet the City's goal of improving water quality. Nonstructural strategies, including programs and procedural actions by City staff, and the proposed minimum BMPs for industrial and commercial facilities, municipal properties, and residential areas, do not involve construction of a physical component or structure and therefore would not generate traffic that would result in changes to the level of service on existing City roadways.*

*The implementation of structural BMPs would be improvements to areas of existing City streets, municipal facilities, parks, parking lots, and/or storm drain systems areas for the purposes of water quality improvement and would not generate traffic and therefore would not result in long-term traffic increases that would result in changes to the level of service on existing City roadways. Construction could generate short-term traffic in the vicinity of the project site; however, a traffic control plan would be implemented to coordinate construction flows to minimize impacts to local roadways.*

*Updates to the Storm Water Ordinance ensures the City's compliance with MS4 Permit. The revisions would be primarily administrative in nature and would not generate traffic that would result in changes to the level of service on existing City roadways.*

- c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in

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substantial safety risks?

*Implementation of the JRMP and associated WQIPs involves both nonstructural strategies and structural BMPs to meet the City's goal of improving water quality. Nonstructural strategies, including programs and procedural actions by City staff, and the proposed minimum BMPs for industrial and commercial facilities, municipal properties, and residential areas, do not involve construction of a physical component or structure and therefore would not result in changes to air traffic patterns.*

*The implementation of structural BMPs would be improvements to areas of existing City streets, municipal facilities, parks, parking lots and/or storm drain systems areas for the purposes of water quality improvement and would not result changes to air traffic patterns.*

*Updates to the Storm Water Ordinance ensures the City's compliance with MS4 Permit. The revisions would be primarily administrative in nature and would not result in changes to air traffic patterns.*

- d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

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*Implementation of the JRMP and associated WQIPs involves both nonstructural strategies and structural BMPs to meet the City's goal of improving water quality. Nonstructural strategies, including programs and procedural actions by City staff, and the proposed minimum BMPs for industrial and commercial facilities, municipal properties, and residential areas, do not involve construction of a physical component or structure and therefore would not increase hazards or incompatible uses along the City's roadways.*

*The implementation of structural BMPs would be improvements to areas of existing City streets, municipal facilities, parks, parking lots, and/or storm drain systems areas for the purposes of water quality improvement and would not result the construction of roadway design features or result in the changes in uses of the City's roadways. Any structural BMPs, including, but not limited to, baffle boxes and drainage inserts, would be constructed within or adjacent to a City roadway and would be done so for purposes of treating onsite runoff to reduce pollutant discharges to the City's MS4. These structural BMPs would not act as a hazard to City motorists or result in incompatible uses.*

*Updates to the Storm Water Ordinance ensures the City's compliance with MS4 Permit. The revisions would be primarily administrative in nature and would not result in the change in uses of City's roadways and therefore would not increase hazards to motorists or incompatible uses on City roadways.*

- e) Result in inadequate emergency access?

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*Implementation of the JRMP and associated WQIPs involves both nonstructural strategies and structural BMPs to meet the City's goal of improving water quality. Nonstructural strategies, including programs and procedural actions by City staff, and the proposed minimum BMPs for industrial and commercial facilities, municipal properties, and residential areas, do not involve construction of a physical component or structure and therefore would not result in inadequate emergency access.*

*The implementation of structural BMPs would be improvements to areas of existing City streets, municipal facilities, parks, parking lots, and/or storm drain systems areas for the purposes of water quality improvement. Structural BMPs would not be located and/or constructed in such a way that would prevent emergency access to any site.*

*Updates to the Storm Water Ordinance ensures the City's compliance with MS4 Permit. The revisions would be primarily administrative in nature and would not result in inadequate emergency access.*

- f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities? ☐ ☐ ☐ ☒

*Implementation of the JRMP and associated WQIPs, and updates to the Storm Water Ordinance are proposed to ensure compliance with the City's MS4 Permit and would not conflict with policies, plans, or programs supporting alternative means of transportation.*

XVII) UTILITIES AND SERVICE  
SYSTEMS – Would the project:

- a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? ☐ ☐ ☐ ☒

*Implementation of the JRMP and associated WQIPs, and updates to the Storm Water Ordinance are intended to assist in the City's efforts to reduce urban runoff pollution within its jurisdiction and do not involve any use that will discharge wastewater to a sanitary sewer or offsite wastewater systems. Therefore, it will not exceed any wastewater treatment requirements.*

- b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could ☐ ☐ ☐ ☒

cause significant environmental effects?

*Implementation of the JRMP and associated WQIPs, and updates to the Storm Water Ordinance are intended to assist in the City's efforts to reduce urban runoff pollution within its jurisdiction. The City operates wastewater treatment plants and pump stations, potable water pump stations, water treatment plants, potable water reservoirs, potable water clear wells, raw water reservoirs, and groundwater basins. The City's JRMP provides a description of pollution prevention methods and minimum BMPs to be implemented at such City-owned facilities and during required maintenance activities. However, the identified strategies would not require the construction of a new water or wastewater treatment facility.*

- c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

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*Implementation of the JRMP and associated WQIPs, and updates to the Storm Water Ordinance are intended to assist in the City's efforts to reduce urban runoff pollution within its jurisdiction. The City's JRMP provides a description of the pollution prevention methods, minimum BMPs, and structural BMPs to be implemented at City storm drain facilities and during maintenance activities. However, the identified strategies would not require the construction of new or expansion of existing storm water drainage facilities.*

- d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?

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*Implementation of the JRMP and associated WQIPs, and updates to the Storm Water Ordinance are intended to assist in the City's efforts to reduce urban runoff pollution within its jurisdiction and do not require water services from a water district.*

- e) 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?

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*Implementation of the JRMP and associated WQIPs, and updates to the Storm Water Ordinance are intended to assist in the City's efforts to reduce urban runoff pollution within its jurisdiction and would not produce any wastewater that would increase a provider's service capacity.*

- f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? ☐ ☐ ☐ ☒

*Implementation of the JRMP and associated WQIPs, and updates to the Storm Water Ordinance are intended to assist in the City's efforts to reduce urban runoff pollution within its jurisdiction and would not generate any solid waste.*

- g) Comply with federal, state, and local statutes and regulation related to solid waste? ☐ ☐ ☐ ☒

*Implementation of the JRMP and associated WQIPs, and updates to the Storm Water Ordinance are intended to assist in the City's efforts to reduce urban runoff pollution within its jurisdiction and would comply with federal, state, and local statutes and regulations related to solid waste.*

XVIII) MANDATORY FINDINGS OF SIGNIFICANCE – Does the project:

- a) Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory? ☐ ☒ ☐ ☐

*Future projects implemented in accordance with the JRMP and WQIPs would be improvements to existing streets, developed parks, parking lots, municipal facilities, and/or storm drain systems outside of biologically sensitive areas. The project does however have the potential to result in indirect impacts to avian species during established breeding seasons when construction activities are in proximity to the City's MHPA. Measures have been incorporated not the MMRP which precludes construction during breeding season and ensures compliance with the Migratory Bird Treaty Act; impacts to historical, archaeological and paleontological resources could result when projects require excavation in areas where resources have been determined to be significant or thresholds would be exceeded as further described above in the Historical Resources Section of the checklist. However, implementation of the mitigated measures identified in this MND would reduce impacts to below a level of significance.*

- b) Have impacts that are individually limited, but cumulatively considerable?  
 ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

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*The following nonstructural strategies would not directly result in the construction of above-ground structures and, therefore, would not significant impacts: water quality monitoring and pollutant source characterization; education, training, and outreach; inspection, investigation, and enforcement; good housekeeping BMPs; land use planning; and Storm Water Ordinance Updates. Future structural BMPs implemented in accordance with the JRMP and associated WQIPs have the potential to result in indirect impacts to the City's MHPA, direct and/or indirect impacts to Historical and Paleontological Resources. However, it is anticipated that these structures would be improvements to existing City streets, parks (underground), parking lots, and the storm drain system and be widely spaced throughout the City and, therefore, would not result in significant cumulative impacts.*

*However, implementation of the mitigation measures identified in this environmental document would reduce all potential impacts to below a level of significance.*

*Furthermore, other jurisdictions (i.e., County of San Diego, City of El Cajon, City of Chula Vista, etc.) will be implementing similar structural and nonstructural strategies within the WMAs in their jurisdictions. These proposed strategies would have similar potential impacts as those within the City of San Diego, and would also have similar proposed mitigation measures. Therefore, impacts associated with this project, combined with other closely related past, present, and reasonably foreseeable future projects would not result in a cumulatively considerable incremental effect on the City's MHPA, Historical or Paleontological Resources.*

- c) Have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?

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*Implementation of the JRMP and associated WQIPs, and updates to the Storm Water Ordinance are intended to assist in the City's efforts to reduce runoff pollution within its jurisdiction and would not directly or indirectly cause adverse effects on human beings.*

## INITIAL STUDY CHECKLIST

### REFERENCES

#### I. Aesthetics / Neighborhood Character

- ☒ City of San Diego General Plan.
- ☐ Community Plans:
- ☐ Local Coastal Plan.

#### II. Agricultural Resources & Forest Resources

- ☒ City of San Diego General Plan
- ☐ U.S. Department of Agriculture, Soil Survey San Diego Area, California, Part I and II, 1973
- ☐ California Agricultural Land Evaluation and Site Assessment Model (1997)
- ☐ Site Specific Report

#### III. Air Quality

- ☐ California Clean Air Act Guidelines (Indirect Source Control Programs) 1990
- ☐ Regional Air Quality Strategies (RAQS) APCD
- ☐ Site Specific Report

#### IV. Biology

- ☒ City of San Diego, Multiple Species Conservation Program (MSCP), Subarea Plan, 1997
- ☒ City of San Diego, MSCP, "Vegetation Communities with Sensitive Species and Vernal Pools" Maps, 1996
- ☒ City of San Diego, MSCP, "Multiple Habitat Planning Area" maps, 1997
- ☐ Community Plan Resource Element
- ☐ California Department of Fish and Wildlife, California Natural Diversity Database, "State and Federally listed Endangered, Threatened, and Rare Plants of California," January 2001
- ☐ California Department of Fish & Game, California Natural Diversity Database, "State and Federally-listed Endangered and Threatened Animals of California," January 2001
- ☒ City of San Diego Land Development Code Biology Guidelines
- ☐ Site Specific Report

#### V. Cultural Resources (includes Historical Resources)



- ☒ City of San Diego Historical Resources Guidelines
- ☐ City of San Diego Archaeology
- ☐ Library
- ☐ Historical Resources Board List
- ☐ Community Historical Survey:
- ☐ Site Specific Report

## **VI. Geology/Soils**

- ☒ City of San Diego Seismic Safety Study
- ☐ U.S. Department of Agriculture Soil Survey San Diego Area, California, Part I and II, December 1973 and Part III, 1975
- ☐ Site Specific Report

## **VII. Greenhouse Gas Emissions**

- ☐ Site Specific Report

## **VIII. Hazards and Hazardous Materials**

- ☐ San Diego County Hazardous Materials Environmental Assessment Listing
- ☐ San Diego County Hazardous Materials Management Division
- ☐ FAA Determination
- ☐ State Assessment and Mitigation, Unauthorized Release Listing, Public Use
- ☐ Authorized
- ☐ Airport Land Use Compatibility Plan
- ☐ Site Specific Report

## **IX. Hydrology/Water Quality**

- ☐ Flood Insurance Rate Map (FIRM)
- ☒ Federal Emergency Management Agency (FEMA), National Flood Insurance Program Flood Boundary and Floodway Map
- ☒ Clean Water Act Section 303(b) list, [http://www.swrcb.ca.gov/tmdl/303d\\_lists.html](http://www.swrcb.ca.gov/tmdl/303d_lists.html)
- ☐ Site Specific Report

## **X. Land Use and Planning**

- ☒ City of San Diego General Plan
- ☒ Community Plan
- ☐ Airport Land Use Compatibility Plan
- ☒ City of San Diego Zoning Maps
- ☐ FAA Determination

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\_\_\_\_\_  
Other Plans

**XI. Mineral Resources**

\_\_\_\_\_  
California Department of Conservation Division of Mines and Geology,  
Mineral Land Classification  
\_\_\_\_\_  
Division of Mines and Geology, Special Report 153 Significant Resources  
\_\_\_\_\_  
Maps  
\_\_\_\_\_  
Site Specific Report

**XII. Noise**

X City of San Diego General Plan  
\_\_\_\_\_  
Community Plan  
\_\_\_\_\_  
San Diego International Airport Lindbergh Field CNEL Maps  
\_\_\_\_\_  
Brown Field Airport Master Plan CNEL Maps  
\_\_\_\_\_  
Montgomery Field CNEL Maps  
\_\_\_\_\_  
San Diego Association of Governments San Diego Regional Average  
Weekday Traffic Volumes  
\_\_\_\_\_  
San Diego Metropolitan Area Average Weekday Traffic Volume Maps,  
SANDAG  
\_\_\_\_\_  
Site Specific Report

**XIII. Paleontological Resources**

X City of San Diego Paleontological Guidelines  
\_\_\_\_\_  
Deméré, Thomas A., and Stephen L. Walsh, "Paleontological Resources City  
X of San Diego," Department of Paleontology San Diego Natural History  
\_\_\_\_\_  
Museum, 1996  
\_\_\_\_\_  
Kennedy, Michael P., and Gary L. Peterson, "Geology of the San Diego  
Metropolitan Area, California. Del Mar, La Jolla, Point Loma, La Mesa,  
Poway, and SW 1/4 Escondido 7 1/2 Minute Quadrangles," California  
\_\_\_\_\_  
Division of Mines and Geology Bulletin 200, Sacramento, 1975  
\_\_\_\_\_  
Kennedy, Michael P., and Siang S. Tan, "Geology of National City, Imperial  
Beach and Otay Mesa Quadrangles, Southern San Diego Metropolitan Area,  
California," Map Sheet 29, 1977  
\_\_\_\_\_  
Site Specific Report

**XIV. Population / Housing**

\_\_\_\_\_  
City of San Diego General Plan  
\_\_\_\_\_  
Community Plan  
\_\_\_\_\_  
Series 11/Series 12 Population Forecasts, SANDAG  
\_\_\_\_\_  
Other

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**XV. Public Services**

\_\_\_\_\_ City of San Diego General Plan

\_\_\_\_\_ Community Plan

**XVI. Recreational Resources**

\_\_\_\_\_ City of San Diego General Plan

\_\_\_\_\_ Community Plan

\_\_\_\_\_ Department of Park and Recreation

\_\_\_\_\_ City of San Diego San Diego Regional Bicycling Map

\_\_\_\_\_ Additional Resources:

**XVII. Transportation / Circulation**

\_\_\_\_\_ City of San Diego General Plan

\_\_\_\_\_ Community Plan

\_\_\_\_\_ San Diego Metropolitan Area Average Weekday Traffic Volume Maps,  
SANDAG

\_\_\_\_\_ San Diego Region Weekday Traffic Volumes, SANDAG

\_\_\_\_\_ Site Specific Report

**XVIII. Utilities**

\_\_\_\_\_ Site Specific Report

**XIX. Water Conservation**

\_\_\_\_\_ Sunset Magazine, New Western Garden Book, Rev. ed. Menlo Park, CA:

\_\_\_\_\_ Sunset Magazine