THE CITY OF SAN DIEGO

MITIGATED NEGATIVE DECLARATION

Project No. 412254
SCH No. TBD

SUBJECT: **Tivyan SDP**: The project proposes a Site Development Permit (SDP) to construct a 2,950-square foot single-story single dwelling unit with detached 872-square-foot, two car garage. Additionally, the project would include an orchard, Brush Management Zone 1 and Zone 2 within the project site. Various site improvements would also be constructed including associated hardscape and landscape. The 2.82-acre undeveloped project site is located at 11275 Beeler Canyon Road. The project site is designated Residential in the RS-1-8 Zone within the Rancho Encantada Community Plan area. The site contains Southern Mixed Chaparral vegetation with an ephemeral drainage in the southwest corner. To the north of the site is Beeler Canyon Road, and Multi-Habitat Planning Area (MHPA) is located along the southern property line off-site, and to the west and east is vacant land supporting Southern Mixed Chaparral vegetation. (LEGAL DESCRIPTION: Parcel 3, Map 6554.)

UPDATE: February 26, 2018

Revisions and/or minor corrections have been made to this document when compared to the Draft Mitigated Negative Declaration (DMND). More specifically, the Project Description was revised to reflect the square footage of the single-dwelling unit and inclusion of the orchard. Additionally, mitigation information was added under Biological Resources (Conservation Easement) in the MMRP within the body of the MND, and the Initial Study Checklist has been updated to incorporate Tribal Cultural Resources (Section XVII.). The revisions are shown in ~~strikethrough~~ underline format. In accordance with the California Environmental Quality Act, Section 15073.5 (c)(4), the addition of new information that clarifies, amplifies, or makes insignificant modification does not require recirculation as there are no new impacts and no new mitigation identified. An environmental document need only be recirculated when there is identification of new significant environmental impact or the addition of a new mitigation measure required to avoid a significant environmental impact. Modifications within the environmental document do not affect the environmental analysis or conclusions of the FMND.

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): **Biological Resources.** Subsequent revisions in the project proposal create the specific mitigation identified in Section V of this Mitigated Negative Declaration. The project as revised now avoids or mitigates the potentially significant environmental effects previously identified, and the preparation of an Environmental Impact Report will not be required.

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

V. MITIGATION, MONITORING AND REPORTING PROGRAM:

A. GENERAL REQUIREMENTS – PART I - Plan Check Phase (prior to permit issuance)

1. Prior to the issuance of a Notice To Proceed (NTP) for a subdivision, or any construction permits, such as Demolition, Grading or Building, or beginning any construction related activity on-site, the Development Services Department (DSD) Director's Environmental Designee (ED) shall review and approve all Construction Documents (CD), (plans, specification, details, etc.) to ensure the MMRP requirements are incorporated into the design.

2. In addition, the ED shall verify that the MMRP Conditions/Notes that apply ONLY to the construction phases of this project are included VERBATIM, under the heading, "**ENVIRONMENTAL/MITIGATION REQUIREMENTS**."

3. These notes must be shown within the first three (3) sheets of the construction documents in the format specified for engineering construction document templates as shown on the City website:

http://www.sandiego.gov/development-services/industry/standtemp.shtml

4. The **TITLE INDEX SHEET** must also show on which pages the "Environmental/Mitigation Requirements" notes are provided.

5. **SURETY AND COST RECOVERY –** The Development Services Director or City Manager may require appropriate surety instruments or bonds from private Permit Holders to ensure the long term performance or implementation of required mitigation measures or programs. The City is authorized to recover its cost to offset the salary, overhead, and expenses for City personnel and programs to monitor qualifying projects.

B. GENERAL REQUIREMENTS – PART II - Post Plan Check (After permit issuance/Prior to start of construction)

1. PRE CONSTRUCTION MEETING IS REQUIRED TEN (10) WORKING DAYS PRIOR TO BEGINNING ANY WORK ON THIS PROJECT. The PERMIT HOLDER/OWNER is responsible to arrange and perform this meeting by contacting the CITY RESIDENT ENGINEER (RE) of the Field Engineering Division and City staff from MITIGATION MONITORING COORDINATION (MMC). Attendees must also include the Permit holder's Representative(s), Job Site Superintendent and the following consultants:

Qualified Biologist

Note: Failure of all responsible Permit Holder's representatives and consultants to attend shall require an additional meeting with all parties present.

CONTACT INFORMATION:

a) The PRIMARY POINT OF CONTACT is the **RE** at the **Field Engineering Division – 858-627-3200**

b) For Clarification of ENVIRONMENTAL REQUIREMENTS, it is also required to call **RE and MMC at 858-627-3360**

2. MMRP COMPLIANCE: This Project, Project Tracking System (PTS) #412254 and /or Environmental Document # 412254, shall conform to the mitigation requirements contained in the associated Environmental Document and implemented to the satisfaction of the DSD's Environmental Designee (MMC) and the City Engineer (RE). The requirements may not be reduced or changed but may be annotated (i.e. to explain when and how compliance is being met and location of verifying proof, etc.). Additional clarifying information may also be added to other relevant plan sheets and/or specifications as appropriate (i.e., specific locations, times of monitoring, methodology, etc

Note: Permit Holder's Representatives must alert RE and MMC if there are any discrepancies in the plans or notes, or any changes due to field conditions. All conflicts must be approved by RE and MMC BEFORE the work is performed.

3. OTHER AGENCY REQUIREMENTS: Evidence of compliance with all other agency requirements or permits shall be submitted to the RE and MMC for review and acceptance prior to the beginning of work or within one week of the Permit Holder obtaining documentation of those permits or requirements. Evidence shall include copies of permits, letters of resolution or other documentation issued by the responsible agency.

Not Applicable

4. MONITORING EXHIBITS

All consultants are required to submit , to RE and MMC, a monitoring exhibit on a 11x17 reduction of the appropriate construction plan, such as site plan, grading, landscape, etc., marked to clearly show the specific areas including the **LIMIT OF WORK**, scope of that discipline's work, and notes indicating when in the construction schedule that work will be performed. When necessary for clarification, a detailed methodology of how the work will be performed shall be included.

NOTE: Surety and Cost Recovery – When deemed necessary by the Development Services Director or City Manager, additional surety instruments or bonds from the private Permit Holder may be required to ensure the long term performance or implementation of required mitigation measures or programs. The City is authorized to recover its cost to offset the salary, overhead, and expenses for City personnel and programs to monitor qualifying projects.

5. OTHER SUBMITTALS AND INSPECTIONS:

The Permit Holder/Owner's representative shall submit all required documentation, verification letters, and requests for all associated inspections to the RE and MMC for approval per the following schedule:

DOCUMENT SUBMITTAL/INSPECTION CHECKLIST		
Issue Area	Document Submittal	Associated Inspection/Approvals/Notes
General	Consultant Qualification Letters	Prior to Preconstruction Meeting
General	Consultant Construction Monitoring Exhibits	Prior to or at Preconstruction Meeting
Biology	Biologist Limit of Work Verification	Limit of Work Inspection
Bond Release	Request for Bond Release Letter	Final MMRP Inspections Prior to Bond Release Letter

C. SPECIFIC MMRP ISSUE AREA CONDITIONS/REQUIREMENTS

BIOLOGICAL RESOURCE PROTECTION DURING CONSTRUCTION

I. Prior to Construction

A. **Biologist Verification -** The owner/permittee shall provide a letter to the City's Mitigation Monitoring Coordination (MMC) section stating that a Project Biologist (Qualified Biologist) as defined in the City of San Diego's Biological Guidelines (2012), has been retained to implement the project's biological monitoring program. The letter shall include the names and contact information of all persons involved in the biological monitoring of the project.

B. **Preconstruction Meeting -** The Qualified Biologist shall attend the preconstruction meeting, discuss the project's biological monitoring program, and arrange to perform any follow up mitigation measures and reporting including site-specific monitoring, restoration or revegetation, and additional fauna/flora surveys/salvage.

C. **Biological Documents -** The Qualified Biologist shall submit all required documentation to MMC verifying that any special mitigation reports including but not limited to, maps, plans, surveys, survey timelines, or buffers are completed or scheduled per City Biology Guidelines, Multiple Species Conservation Program (MSCP), Environmentally Sensitive Lands Ordinance (ESL), project permit conditions; California Environmental Quality Act (CEQA); endangered species acts (ESAs); and/or other local, state or federal requirements.

D. **BCME -**The Qualified Biologist shall present a Biological Construction Mitigation/Monitoring Exhibit (BCME) which includes the biological documents in C above. In addition, include: restoration/revegetation plans, plant salvage/relocation requirements (e.g., coastal cactus wren plant salvage, burrowing owl exclusions, etc.), avian or other wildlife surveys/survey schedules (including general avian nesting and USFWS protocol), timing of surveys, wetland buffers, avian construction avoidance areas/noise buffers/ barriers, other impact avoidance areas, and any subsequent requirements determined by the Qualified Biologist and the City ADD/MMC. The BCME shall include a site plan, written and graphic depiction of the project's biological mitigation/monitoring program, and a schedule. The BCME shall be approved by MMC and referenced in the construction documents.

E. **Avian Protection Requirements -** To avoid any direct impacts to raptors and/or any native/migratory birds, removal of habitat that supports active nests in the proposed area of disturbance should occur outside of the breeding season for these species (February 1 to September 15). If removal of habitat in the proposed area of disturbance must occur during the breeding season, the Qualified Biologist shall conduct a pre-construction survey to determine the presence or absence of nesting birds on the proposed area of disturbance. The pre-construction survey shall be conducted within 10 calendar days prior to the start of construction activities (including removal of vegetation). The applicant shall submit the results of the pre-construction survey to City DSD for review and approval prior to initiating any construction activities. If nesting birds are detected, a letter report or mitigation plan in conformance with the City's Biology Guidelines and applicable State and Federal Law (i.e. appropriate follow up surveys, monitoring schedules, construction and noise barriers/buffers, etc.) shall be prepared and include proposed measures to be implemented to ensure that take of birds or eggs or disturbance of breeding activities is avoided. The report or mitigation plan shall be submitted to the City for review and approval and implemented to the satisfaction of the City. The City's MMC Section and Biologist shall verify and approve that all measures identified in the report or mitigation plan are in place prior to and/or during construction.

F. **Resource Delineation -** Prior to construction activities, the Qualified Biologist shall supervise the placement of orange construction fencing or equivalent along the limits of disturbance adjacent to sensitive biological habitats and verify compliance with any other project conditions as shown on the BCME. This phase shall include flagging plant specimens and delimiting buffers to protect sensitive biological resources (e.g., habitats/flora & fauna species, including nesting birds) during construction. Appropriate steps/care should be taken to minimize attraction of nest predators to the site.

G. **Education** –Prior to commencement of construction activities, the Qualified Biologist shall meet with the owner/permittee or designee and the construction crew and conduct an on-site educational session regarding the need to avoid impacts outside of the approved construction area and to protect sensitive flora and fauna (e.g., explain the avian and wetland buffers, flag system for removal of invasive species or retention of sensitive plants, and clarify acceptable access routes/methods and staging areas, etc.).

II. During Construction

A. **Monitoring**- All construction (including access/staging areas) shall be restricted to areas previously identified, proposed for development/staging, or previously disturbed as shown on "Exhibit A" and/or the BCME. The Qualified Biologist shall monitor construction activities as needed to ensure that construction activities do not encroach into biologically sensitive areas, or cause other similar damage, and that the work plan has been amended to accommodate any sensitive species located during the pre-construction surveys. In addition, the Qualified Biologist shall document field activity via the Consultant Site Visit Record (CSVR). The CSVR shall be e-mailed to MMC on the 1st day of monitoring, the 1st week of each month, the last day of monitoring, and immediately in the case of any undocumented condition or discovery.

B. **Subsequent Resource Identification -** The Qualified Biologist shall note/act to prevent any new disturbances to habitat, flora, and/or fauna onsite (e.g., flag plant specimens for avoidance during access, etc). If active nests or other previously unknown sensitive resources are detected, all project activities that directly impact the resource shall be delayed until species specific local, state or federal regulations have been determined and applied by the Qualified Biologist.

III. Post Construction Measures

A. In the event that impacts exceed previously allowed amounts, additional impacts shall be mitigated in accordance with City Biology Guidelines, ESL and MSCP, State CEQA, and other applicable local, state and federal law. The Qualified Biologist shall submit a final BCME/report to the satisfaction of the City ADD/MMC within 30 days of construction completion.

GENERAL NESTING BIRD MITIGATION BIOLOGY (General Birds)
To avoid any direct impacts to raptors and/or any native/migratory birds, removal of habitat that supports active nests in the proposed area of disturbance should occur outside of the breeding season for these species (February 1 to September 15). If removal of habitat in the proposed area of disturbance must occur during the breeding season, the Qualified Biologist shall conduct a pre-construction survey to determine the presence or absence of nesting birds on the proposed area of disturbance. The pre-construction (precon) survey shall be conducted within 10 calendar days prior to the start of construction activities (including removal of vegetation). The applicant shall submit the results of the precon survey to City DSD for review and approval prior to initiating any construction activities. If nesting birds are detected, a letter report or mitigation plan in conformance with the City's Biology Guidelines and applicable State and Federal Law (i.e. appropriate follow up surveys, monitoring schedules, construction and noise barriers/buffers, etc.) shall be prepared and include proposed measures to be implemented to ensure that take of birds or eggs or disturbance of breeding activities is avoided. The report or mitigation plan shall be submitted to the City DSD for review and approval and implemented to the satisfaction of the City. The City's MMC Section and Biologist shall verify and approve that all measures identified in the report or mitigation plan are in place prior to and/or during construction. If nesting birds are not detected during the precon survey, no further mitigation is required.

The above mitigation monitoring and reporting program will require additional fees and/or deposits to be collected prior to the issuance of building permits, certificates of occupancy and/or final maps to ensure the successful completion of the monitoring program.

Biological Resources (Conservation Easement)
Prior to Notice to Proceed (NTP) for any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits, the owner/permittee shall mitigate onsite for direct impacts to 1.10-acres of Southern Mixed Chaparral (Tier III). In accordance with the City of San Diego Biology Guidelines, mitigation ratio shall be 0.5:1 inside of the Multi-Habitat Planning Area (MHPA) and a ratio of 1:1 outside the MHPA. Total required mitigation shall be 1.10-acres outside of the MHPA through onsite habitat conservation. A covenant of easement (COE) shall be placed over 1.70-acres of Southern Mixed Chaparral. The owner/permitee shall identify on Exhibit A the 1.70-acres to be placed within the COE.

VI. PUBLIC REVIEW DISTRIBUTION:

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

FEDERAL
U.S. Fish & Wildlife Service (23)

STATE
California Department of Fish & Wildlife (32)
State Clearinghouse (46A)
Native American Heritage Commission (222)

CITY OF SAN DIEGO
Mayor's Office (MS11A)
Councilmember Kersey, District 5
Development Services Department
- EAS
- Planning Review
- Engineering Review
- Landscaping
- Park and Recreation
- DPM
- MMC, MS 1102B (77A)

Planning Department
- Facilities Financing
- Long Range Planning
- MSCP, MS-5A

Library, Government Documents (81)
San Diego Central Library (81A)
Scripps Miramar Ranch Branch Library (81FF)
Historical Resources Board (87)
City Attorney (93C)

OTHER ORGANIZATIONS AND INTERESTED INDIVIDUALS
Sierra Club (165)
San Diego Audubon Society (167)
Mr. Jim Peugh (167A)
California Native Plant Society (170)
Endangered Habitats League (182A)
Historical Resources Board (87)
Carmen Lucas (206)
South Coast Information Center (210)
San Diego History Center (211)
San Diego Archaeological Center (212)
San Diego Natural History Museum (213)
Save Our Heritage Organization (214)
Ron Christman (215)

Clint Linton (215B)
Frank Brown, Inter-Tribal Cultural Resources Council (216)
Campo Band of Mission Indians (217)
San Diego County Archaeological Society, Inc. (218)
Kumeyaay Cultural Heritage Commission (223)
Kumeyaay Cultural Repatriation Committee (225)
Native American Distribution (225A-S) [Notice Only]
Scripps Miramar Ranch Planning Group (437)
Miramar Ranch North Planning Committee (439)
Scripps Ranch Civic Association (440)
Applicant, Roman and Nikki Tivyan
Viejas Tribal Government
Lisa Cumper
Clint Linton

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 Entitlements Division for review, or for purchase at the cost of reproduction.

E. Shearer-Nguyen
Senior Planner
Development Services Department

September 16, 2016
Date of Draft Report

February 26, 2018
Date of Final Report

Analyst: M. Dresser

Attachments:
Initial Study and Checklist
Attachment 1: Location Map
Attachment 2: Site Plan

San Diego County Archaeological Society, Inc.

Environmental Review Committee

16 October 2016

To: Ms. Morgan Dresser
Development Services Department
City of San Diego
1222 First Avenue, Mail Station 501
San Diego, California 92101

Subject: Draft Mitigated Negative Declaration
Tivyan SDP
Project No. 412254

Dear Ms. Dresser:

I have reviewed the subject DMND on behalf of this committee of the San Diego County Archaeological Society.

1. Based on the information contained in the Heritage Resources cultural resources report, we agree that no archaeological mitigation measures are required.

Thank you for your assistance in providing a copy of the Heritage Resources report for our review, and for this opportunity to comment on the DMND.

Sincerely,

James W. Royle, Jr., Chairperson
Environmental Review Committee

cc: Heritage Resources
SDCAS President
File

P.O. Box 81106 San Diego, CA 92138-1106 (858) 538-0935

City staff response(s) to the San Diego County Archaeological Society, Inc. comment(s) letter

for Tivyan SDP, Project No. 412254

1. Comment noted.

VIEJAS
TRIBAL GOVERNMENT

P.O Box 908
Alpine, CA 91903
#1 Viejas Grade Road
Alpine, CA 91901

Phone: 6194453810
Fax: 6194455337
viejas.com

September 29,, 2016

Morgan Dresser
Environmental Planner
City of San Diego Development Services Center
1222 First Avenue, MS 501
San Diego, Ca 92101

RE: Tivyan SDP Project No. 412254

Dear Mr. Dresser

2. The Viejas Band of Kumeyaay Indians ("Viejas") has reviewed the proposed project and at this time we have determined that the project site is has cultural significance or ties to Viejas. Viejas Band request that a Kumeyaay Cultural Monitor be on site for ground disturbing activities to inform us of any new
3. developments such as inadvertent discovery of cultural artifacts, cremation sites, or human remains. Please call Ernest Pingleton for scheduling at 619-659-2314 or email epingleton@Viejas-nsn.gov. Thank you.

Sincerely,

VIEJAS BAND OF KUMEYAAY INDIANS

City staff response(s) to the Viejas Tribal Government comment(s) letter for

Tivyan SDP, Project No. 412254

2. Comment noted.

3. Per the City of San Diego's (City) Historical Resources Guidelines (Guidelines), the applicant must provide verification that a qualified archaeologist and/or monitor has been retained to implement the Mitigation, Monitoring and Reporting Program (MMRP) as identified in Section V of the Initial Study. Further, the City's MMRP requires that a Native American Monitor be present during all ground disturbing activities associated with the project. The MMRP does not specifically state that the Native American monitor would be required to be Kumeyaay; however, the common practice in the City is to include Kumeyaay monitors on all projects requiring such measures.

State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
South Coast Region
3883 Ruffin Road
San Diego, CA 92123
(858) 467-4201
www.wildlife.ca.gov

EDMUND G. BROWN JR., Governor
CHARLTON H. BONHAM, Director

October 12, 2016

Mr. Morgan Dresser, Environmental Planner
City of San Diego Development Services Department
1222 First Avenue, MS 501
San Diego, CA 92101

Subject: Comments on the Draft Mitigated Negative Declaration for the Tivyan Residential Site Development Permit (Project Number 412254; SCH #2016091044)

Dear Mr. Dresser:

4. The Department of Fish and Wildlife (Department) has reviewed the City of San Diego's (City) Draft Mitigated Negative Declaration (DMND) for Tivyan Site Development Permit (State Clearinghouse No. 2016091044). The following statements and comments have been prepared pursuant to the Department's authority as Trustee Agency with jurisdiction over natural resources affected by the project (California Environmental Quality Act, [CEQA] Guidelines § 15386) and pursuant to our authority as a Responsible Agency under CEQA Guidelines section 15381 over those aspects of the proposed project that come under the purview of the California Endangered Species Act (Fish and Game Code § 2050 et seq.) and Fish and Game Code section 1600 et seq. The Department also administers the Natural Community Conservation Planning (NCCP) program. The City of San Diego (City) participates in the NCCP program by implementing its approved Multiple Species Conservation Program (MSCP) Subarea Plan (SAP).

5. The proposed project would approve a Site Development Permit at 11275 Beeler Canyon Road to construct a single-story residential dwelling (unspecified size/square feet) with a detached 872 square-foot garage and various site improvements including hardscape, landscaping, and an orchard on an approximately 2.82-acre parcel.

6. The MND should include a complete project description, including the acreage and square feet of any proposed development within the project site to include the main residence and other appurtenances. According to the Biological Resources Letter Report (BLR), approximately "1.10 acres of Southern Mixed Chaparral associated with the grading of the pad, slopes, development of the house, garage, and driveway, orchard, and application of BMZ [Brush Management Zone] 1 are significant, and require mitigation pursuant to the City's Land Development Code, MSCP, and CEQA" (Tierra Data, 2016).

7. The Initial Study states that "[i]mpacts will be mitigated at a ratio greater than the 1:1 ratio will recordation of a Covenant of Easement over a proposed 1.70-acre Open Space with 1.30-acres as mitigation..." and should be included in the body of the MND as well as in the Mitigation, Monitoring and Reporting Program (MMRP) as an enforceable condition. Southern Mixed Chaparral habitat is a Tier IIIA habitat under the MSCP SAP which requires mitigation for impacts outside of Multiple Habitat Planning Area (MHPA) (and mitigated outside of the MHPA) boundaries at a 1:1 ratio.

City staff response(s) to the State of California- Natural Resources Agency Department of Fish and Wildlife comment(s) letter for Tivyan SDP, Project No. 412254

4. Comment noted.

5. Comment noted.

6. The draft Mitigated Negative Declaration (MND) inadvertently did not provide the square feet of the proposed development as well as the orchard. The final MND has been revised to add the square footage of the proposed single-dwelling unit as well as inclusion of the orchard within the Project Description. In accordance with the California Environmental Quality Act (CEQA), Section 15073.5 (c)(4), the addition of new information that clarifies, amplifies, or makes insignificant modification does not require recirculation as there are no new impacts and no new mitigation identified.

7. The draft MND inadvertently did not include the mitigation measure in the Mitigation, Monitoring and Reporting Program (MMRP). The impact was, however, identified in Section IV (a) (Biological Resources). The final MND has been revised to add mitigation information under Biological Resources (Conservation Easement) in the MMRP within the body of the MND. In accordance with the California Environmental Quality Act (CEQA), Section 15073.5 (c)(4), the addition of new information that clarifies, amplifies, or makes insignificant modification does not require recirculation as there are no new impacts and no new mitigation identified.

We appreciate the opportunity to comment on the referenced DMND and request an opportunity to review and comment on any response that the City has to our comments. Questions regarding this letter and further coordination on these issues should be directed to Eric Weiss at (858) 467-4289 or Eric.Weiss@wildlife.ca.gov.

Sincerely,

Gail K. Sevrens
Environmental Program Manager
South Coast Region

ec: David Zoutendyk (U.S. Fish and Wildlife Service, Carlsbad)
Scott Morgan (State Clearinghouse)

References:

City of San Diego—Development Services Department. 2016. Mitigated Negative Declaration for the Tivyan SDP. Project No. 412254.

Tierra Data. 2016. Biological Letter Report for the Tivyan Residence Design Review Project (City PTS No. 412254), San Diego, California. May 12, 2016.

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STATE OF CALIFORNIA — Edmund G. Brown Jr., Governor

NATIVE AMERICAN HERITAGE COMMISSION
1550 Harbor Blvd., Suite 100
West Sacramento, CA 95691
Phone (916) 373-3710
Fax (916) 373-5471
Email: nahc@nahc.ca.gov
Website: http://www.nahc.ca.gov
Twitter: @CA_NAHC

October 17, 2016

Morgan Dresser
City of San Diego
1222 First Avenue, MS 501
San Diego, CA 92101

sent via e-mail:
DSDEAS@sandiego.gov

Re: SCH#2016091044, Tivyan SDP Project, City of San Diego, Community of Rancho Encantada, San Deigo County, California

Dear Mr. Dresser:

The Native American Heritage Commission (NAHC) has reviewed the Mitigated Negative Declaration prepared for the project referenced above. The review included the Project Description, the list of Other Organization and Interested Individuals, and the Cultural Resources Section of the Initial Study, from the document prepared by Heritage Resources for the City of San Diego. We have the following concerns:

8. • There is no Tribal Cultural Resources section nor is there a Tribal Cultural Resources subsection under Section V. Cultural Resources as required by AB-52.

9. • There is no information in the documents of any contact or consultation with traditionally, culturally affiliated California Native American Tribes from the NAHC's contact list pursuant to SB-18 or AB-52.

10. • There are no mitigation measures addressing Tribal Cultural Resources or inadvertent finds of human remains.

11. • There is no evidence that possible mitigation measures were developed in consultation with the traditionally, culturally affiliated California Native American Tribes. Mitigation measures do not take Tribal Cultural Resources into consideration as required under AB-52, with or without consultation occurring.

12. • Section V. Cultural Resources does not document any Sacred Lands File search results or discussion of potential sites with Native American tribes in the Project area.

The California Environmental Quality Act (CEQA)[1], specifically Public Resources Code section 21084.1, states that 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.[2] If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an environmental impact report (EIR) shall be prepared.[3] In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources with the area of project effect (APE).

13. CEQA was amended in 2014 by Assembly Bill 52. (AB 52).[4] **AB 52 applies to any project for which a notice of preparation or a notice of negative declaration or mitigated negative declaration is filed on or after July 1, 2015.** AB 52 created a separate category for "tribal cultural resources"[5], that now includes "a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment.[6] Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource.[7] Your project may also be subject to **Senate Bill 18 (SB 18)** (Burton, Chapter 905, Statutes of 2004), Government Code 65352.3, if it also involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space. **Both SB 18 and AB 52 have tribal consultation requirements.** Additionally, if your project is also subject to the federal National Environmental

[1] Pub. Resources Code § 21000 et seq.
[2] Pub. Resources Code § 21084.1; Cal. Code Regs., tit.14, § 15064.5 (b); CEQA Guidelines Section 15064.5 (b)
[3] Pub. Resources Code § 21080 (d); Cal. Code Regs., tit. 14, § 15064 subd.(a)(1); CEQA Guidelines § 15064 (a)(1)
[4] Government Code 65352.3
[5] Pub. Resources Code § 21074
[6] Pub. Resources Code § 21084.2
[7] Pub. Resources Code § 21084.3 (a)

City staff response(s) to the State of California- Native American Heritage Commission

comment(s) letter for Tivyan SDP, Project No. 412254

8. The draft Mitigated Negative Declaration (MND) inadvertently did not include the Tribal Cultural Resources section of the Initial Study. The final MND has been revised to add Section XVII. (Tribal Cultural Resources). In accordance with the California Environmental Quality Act (CEQA), Section 15073.5 (c)(4), the addition of new information that clarifies, amplifies, or makes insignificant modification does not require recirculation as there are no new impacts and no new mitigation identified.

9. The draft MND inadvertently did not include information regarding consultation pursuant to Public Resources Code 21080.3.1 and Assembly Bill 52 (AB 52). The final MND has been revised to add Number 11 of the Initial Study Checklist. In accordance with the California Environmental Quality Act (CEQA), Section 15073.5 (c)(4), the addition of new information that clarifies, amplifies, or makes insignificant modification does not require recirculation as there are no new impacts and no new mitigation identified.

10. As identified in Section V (a) (Cultural Resources), the potential for subsurface deposits and human remains to be present was determined to be extremely low. Therefore, mitigation was not required. While there is a very low possibility of encountering human remains during subsequent project construction activities, it is noted that activities would be required to comply with state regulations that are intended to preclude impacts to human remains. Per CEQA Section 15064.5(e), the California Public Resources Code (Section 5097.98) and State Health and Safety Code (Section 7050.5), if human remains are discovered during construction, work would be required to halt in that area, and no soil would be exported off-site until a determination could be made regarding the provenance of the human remains via the County Coroner and other authorities as required. However, the Native American monitor requested monitoring during ground disturbing activities. This monitoring would not be considered mitigation as it is not required under CEQA and has been made a condition of approval.

11. In accordance with the requirements of Public Resources Code 21080.3.1, the City of San Diego notified the Iipay Nation of Santa Isabel, and the Jamul Indian Village, both traditionally and culturally affiliated with the project area, of the project. These tribes were notified via email and both tribes responded within the 30-day formal notification period requesting consultation. Consultation took place and no additional mitigation measures were identified.

12. Refer to Response No. 11. Through consultation it was identified that there were no additional concerns regarding Tribal Cultural Resources within the project area. No additional mitigation measures were required.

13. Comment noted. This project is not subject to Senate Bill 18 (SB 18) because the project does not involve any amendment to a general plan, or a specific plan, or the designation of open space.

Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966[6] may also apply.

Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.

13. Agencies should be aware that AB 52 does not preclude agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52. For that reason, we urge you to continue to request Native American Tribal Consultation Lists and Sacred Lands File searches from the NAHC. The request forms can be found online at: http://nahc.ca.gov/resources/forms/. Additional information regarding AB 52 can be found online at http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf, entitled "Tribal Consultation Under AB 52: Requirements and Best Practices".

The NAHC recommends lead agencies consult with all California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources.

A brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments is also attached.

Please contact me at gayle.totton@nahc.ca.gov or call (916) 373-3710 if you have any questions.

Sincerely,

Gayle Totton, B.S., M.A., Ph.D
Associate Governmental Project Analyst

Attachment

cc: State Clearinghouse

[6] 154 U.S.C. 300101, 36 C.F.R. § 800 et seq.

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Pertinent Statutory Information:

Under AB 52:
AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:
Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a **lead agency** shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice.
A **lead agency** shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project.[9] and **prior to the release of a negative declaration, mitigated negative declaration or environmental impact report**. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code § 65352.4 (SB 18).[10]
The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:

a. Alternatives to the project.
b. Recommended mitigation measures.
c. Significant effects.[11]

1. The following topics are discretionary topics of consultation:
   a. Type of environmental review necessary.
   b. Significance of the tribal cultural resources.
   c. Significance of the project's impacts on tribal cultural resources.

If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency.[12]
With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process **shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code sections 6254 (r) and 6254.10.** Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public.[13]
If a project may have a significant impact on a tribal cultural resource, **the lead agency's environmental document shall discuss** both of the following:

a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code section 21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource.[14]

Consultation with a tribe shall be considered concluded when either of the following occurs:

a. The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
b. A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached.[15]

Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code section 21080.3.2 **shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program**, if determined to avoid or lessen the impact pursuant to Public Resources Code section 21082.3, subdivision (b), paragraph 2, and shall be fully enforceable.[16]
If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, **the lead agency shall consider feasible mitigation** pursuant to Public Resources Code section 21084.3 (b).[17]
An environmental impact report **may not be certified**, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:

a. The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code sections 21080.3.1 and 21080.3.2 and concluded pursuant to Public Resources Code section 21080.3.2.
b. The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.

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[9] Pub. Resources Code § 21080.3.1, subds. (d) and (e)
[10] Pub. Resources Code § 21080.3.1 (b)
[11] Pub. Resources Code § 21080.3.2 (a)
[12] Pub. Resources Code § 21080.3.2 (a)
[13] Pub. Resources Code § 21082.3 (c)(1)
[14] Pub. Resources Code § 21082.3 (b)
[15] Pub. Resources Code § 21080.3.2 (b)
[16] Pub. Resources Code § 21082.3 (a)
[17] Pub. Resources Code § 21082.3 (e)

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c. The lead agency provided notice of the project to the tribe in compliance with Public Resources Code section 21080.3.1 (d) and the tribe failed to request consultation within 30 days.[18]

This process should be documented in the Tribal Cultural Resources section of your environmental document.

Under SB 18:

Government Code § 65352.3 (a) (1) requires consultation with Native Americans on general plan proposals for the purposes of "preserving or mitigating impacts to places, features, and objects described § 5097.9 and § 5091.993 of the Public Resources Code that are located within the city or county's jurisdiction. Government Code § 65560 (a), (b), and (c) provides for consultation with Native American tribes on the open-space element of a county or city general plan for the purposes of protecting places, features, and objects described in Sections 5097.9 and 5097.993 of the Public Resources Code.

- SB 18 applies to **local governments** and requires them to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf
- Tribal Consultation: If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.**[19]
- There is no Statutory Time Limit on Tribal Consultation under the law.
- Confidentiality: Consistent with the guidelines developed and adopted by the Office of Planning and Research,[20] the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code sections 5097.9 and 5097.993 that are within the city's or county's jurisdiction.[21]
- Conclusion Tribal Consultation: Consultation should be concluded at the point in which:
    - The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
    - Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation.[22]

NAHC Recommendations for Cultural Resources Assessments:

- Contact the NAHC for:
    - A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
    - A Native American Tribal Contact List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.
        - The request form can be found at http://nahc.ca.gov/resources/forms/.
- Contact the appropriate regional California Historical Research Information System (CHRIS) Center (http://ohp.parks.ca.gov/?page_id=1068) for an archaeological records search. The records search will determine:
    - If part or the entire APE has been previously surveyed for cultural resources.
    - If any known cultural resources have been already been recorded on or adjacent to the APE.
    - If the probability is low, moderate, or high that cultural resources are located in the APE.
    - If a survey is required to determine whether previously unrecorded cultural resources are present.
- If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
    - The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
    - The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

[18] Pub. Resources Code § 21082.3 (d)
[19] (Gov. Code § 65352.3 (a)(2)).
[20] pursuant to Gov. Code section 65040.2,
[21] (Gov. Code § 65352.3 (b)).
[22] (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

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Examples of Mitigation Measures That May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:

- Avoidance and preservation of the resources in place, including, but not limited to:
  - Planning and construction to avoid the resources and protect the cultural and natural context.
  - Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
- Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
  - Protecting the cultural character and integrity of the resource.
  - Protecting the traditional use of the resource.
  - Protecting the confidentiality of the resource.
- Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
- Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed.[23]
- Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated.[24]

The lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.

- Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources.[25] In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
- Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
- Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code section 7050.5, Public Resources Code section 5097.98, and Cal. Code Regs., tit. 14, section 15064.5, subdivisions (d) and (e) (CEQA Guidelines section 15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

[23] (Civ. Code § 815.3 (c)).
[24] (Pub. Resources Code § 5097.991).
[25] per Cal. Code Regs., tit. 14, section 15064.5(f) (CEQA Guidelines section 15064.5(f)).

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

Edmund G. Brown Jr.
Governor

Ken Alex
Director

October 24, 2016

Morgan Dresser
City of San Diego
1222 First Avenue, MS-501
San Diego, CA 92101

Subject: Tivyan SDP
SCH#: 2016091044

Dear Morgan Dresser:

14. The enclosed comment (s) on your Mitigated Negative Declaration was (were) received by the State Clearinghouse after the end of the state review period, which closed on October 17, 2016. We are forwarding these comments to you because they provide information or raise issues that should be addressed in your final environmental document.

15. The California Environmental Quality Act does not require Lead Agencies to respond to late comments. However, we encourage you to incorporate these additional comments into your final environmental document and to consider them prior to taking final action on the proposed project.

Please contact the State Clearinghouse at (916) 445-0613 if you have any questions concerning the environmental review process. If you have a question regarding the above-named project, please refer to the ten-digit State Clearinghouse number (2016091044) when contacting this office.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Enclosures
cc: Resources Agency

1400 TENTH STREET P.O. BOX 3044 SACRAMENTO, CALIFORNIA 95812-3044
TEL (916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

City staff response(s) to the State of California- Governor's Office of Planning and Research

dated October 24, 2016 comment(s) letter for Tivyan SDP, Project No. 412254

14. Comment noted.

15. Please refer to response 8 through 13.

STATE OF CALIFORNIA
NATIVE AMERICAN HERITAGE COMMISSION
1550 Harbor Blvd., Suite 100
West Sacramento, CA 95691
Phone (916) 373-3710
Fax (916) 373-5471
Email: nahc@nahc.ca.gov
Website: http://www.nahc.ca.gov
Twitter: @CA_NAHC

Edmund G. Brown Jr., Governor

late 10/17/16 E

Governor's Office of Planning & Research

OCT 21 2016

STATE CLEARINGHOUSE

October 17, 2016

Morgan Dresser
City of San Diego
1222 First Avenue, MS 501
San Diego, CA 92101

sent via e-mail:
DSDEAS@sandiego.gov

Re: SCH#2016091044, Tivyan SDP Project, City of San Diego, Community of Rancho Encantada, San Deigo County, California

Dear Mr. Dresser:

The Native American Heritage Commission (NAHC) has reviewed the Mitigated Negative Declaration prepared for the project referenced above. The review included the Project Description, the list of Other Organization and Interested Individuals, and the Cultural Resources Section of the Initial Study, from the document prepared by Heritage Resources for the City of San Diego. We have the following concerns:

- There is no Tribal Cultural Resources section nor is there a Tribal Cultural Resources subsection under Section V. Cultural Resources as required by AB-52.
- There is no information in the documents of any contact or consultation with traditionally, culturally affiliated California Native American Tribes from the NAHC's contact list pursuant to SB-18 or AB-52.
- There are no mitigation measures addressing Tribal Cultural Resources or inadvertent finds of human remains.
- There is no evidence that possible mitigation measures were developed in consultation with the traditionally, culturally affiliated California Native American Tribes. Mitigation measures do not take Tribal Cultural Resources into consideration as required under AB-52, with or without consultation occurring.
- Section V. Cultural Resources does not document any Sacred Lands File search results or discussion of potential sites with Native American tribes in the Project area.

The California Environmental Quality Act (CEQA)[1], specifically Public Resources Code section 21084.1, states that 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.[2] If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an environmental impact report (EIR) shall be prepared.[3] In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources with the area of project effect (APE).

CEQA was amended in 2014 by Assembly Bill 52. (AB 52).[4] **AB 52 applies to any project for which a notice of preparation or a notice of negative declaration or mitigated negative declaration is filed on or after July 1, 2015.** AB 52 created a separate category for "tribal cultural resources"[5], that now includes "a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment.[6] Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource.[7] Your project may also be subject to **Senate Bill 18 (SB 18)** (Burton, Chapter 905, Statutes of 2004), Government Code 65352.3, if it also involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space. **Both SB 18 and AB 52 have tribal consultation requirements.** Additionally, if your project is also subject to the federal National Environmental

[1] Pub. Resources Code § 21000 et seq.
[2] Pub. Resources Code § 21084.1; Cal. Code Regs., tit.14, § 15064.5 (b); CEQA Guidelines Section 15064.5 (b)
[3] Pub. Resources Code § 21080 (d); Cal. Code Regs., tit. 14, § 15064 subd.(a)(1); CEQA Guidelines § 15064 (a)(1)
[4] Government Code 65352.3
[5] Pub. Resources Code § 21074
[6] Pub. Resources Code § 21084.2
[7] Pub. Resources Code § 21084.3 (a)

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Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966[8] may also apply.

Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.

Agencies should be aware that AB 52 does not preclude agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52. For that reason, we urge you to continue to request Native American Tribal Consultation Lists and Sacred Lands File searches from the NAHC. The request forms can be found online at: http://nahc.ca.gov/resources/forms/. Additional information regarding AB 52 can be found online at http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf, entitled "Tribal Consultation Under AB 52: Requirements and Best Practices".

The NAHC recommends lead agencies consult with all California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources.

A brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments is also attached.

Please contact me at gayle.totton@nahc.ca.gov or call (916) 373-3710 if you have any questions.

Sincerely,

Gayle Totton, B.S., M.A., Ph.D
Associate Governmental Project Analyst

Attachment

cc: State Clearinghouse

[8] 154 U.S.C. 300101, 36 C.F.R. § 800 et seq.

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Under AB 52:
AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:
Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a **lead agency** shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice.
A **lead agency** shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project.[9] and **prior to the release of a negative declaration, mitigated negative declaration or environmental impact report**. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code § 65352.4 (SB 18).[10]
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a. Alternatives to the project.
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With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process **shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code sections 6254 (r) and 6254.10.** Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public.[13]
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a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
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Consultation with a tribe shall be considered concluded when either of the following occurs:

a. The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
b. A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached.[15]

Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code section 21080.3.2 **shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program**, if determined to avoid or lessen the impact pursuant to Public Resources Code section 21082.3, subdivision (b), paragraph 2, and shall be fully enforceable.[16]
If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency **shall consider feasible mitigation** pursuant to Public Resources Code section 21084.3 (b).[17]
An environmental impact report **may not be certified**, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:

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[9] Pub. Resources Code § 21080.3.1, subds. (d) and (e)
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c. The lead agency provided notice of the project to the tribe in compliance with Public Resources Code section 21080.3.1 (d) and the tribe failed to request consultation within 30 days.[18]

This process should be documented in the Tribal Cultural Resources section of your environmental document.

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NAHC Recommendations for Cultural Resources Assessments:

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[18] Pub. Resources Code § 21082.3 (d)
[19] (Gov. Code § 65352.3 (a)(2)).
[20] pursuant to Gov. Code section 65040.2,
[21] (Gov. Code § 65352.3 (b)).
[22] (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

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Examples of Mitigation Measures That May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:

- Avoidance and preservation of the resources in place, including, but not limited to:
  - Planning and construction to avoid the resources and protect the cultural and natural context.
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  - Protecting the cultural character and integrity of the resource.
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- Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
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The lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.

- Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources.[25] In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
- Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
- Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code section 7050.5, Public Resources Code section 5097.98, and Cal. Code Regs., tit. 14, section 15064.5, subdivisions (d) and (e) (CEQA Guidelines section 15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

[23] (Civ. Code § 815.3 (c)).
[24] (Pub. Resources Code § 5097.991).
[25] per Cal. Code Regs., tit. 14, section 15064.5(f) (CEQA Guidelines section 15064.5(f)).

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INITIAL STUDY CHECKLIST

1. **Project title/Project number:**

   Tivyan SDP/ 412254

2. **Lead agency name and address:**

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

3. **Contact person and phone number:**

   Morgan Dresser, (619) 446-5404

4. **Project location:**

   11275 Beeler Canyon Road
   San Diego, California 92064

5. **Project Applicant/Sponsor's name and address:**

   Nikki Sayavanh/Roman Tivyan
   11275 Beeler Canyon Road
   Poway, California 92064
   (858) 603-4087

6. **General/Community Plan designation:**

   Residential

7. **Zoning:**

   RS-1-8

8. **Description of project (Describe the whole action involved, including but not limited to, later phases of the project, and any secondary, support, or off-site features necessary for its implementation.):**

   The project proposes a Site Development Permit (SDP) to construct a 2,950-square foot single-story single dwelling unit with detached 872-square-foot, two car garage. Additionally, the project would include an orchard, Brush Management Zone 1 and Zone 2 within the project site. Various site improvements would also be constructed including associated hardscape and landscape.

9. **Surrounding land uses and setting: Briefly describe the project's surroundings:**

The 2.82-acre undeveloped project site is located at 11275 Beeler Canyon Road. The project site is designated Residential in the RS-1-8 Zone within the Rancho Encantada Community Plan area. The site contains Southern Mixed Chaparral vegetation with an ephemeral drainage in the southwest corner. To the north of the site is Beeler Canyon Road, and Multi-Habitat Planning Area (MHPA) is located along the southern property line off-site, and to the west and east is vacant land supporting Southern Mixed Chaparral vegetation. (LEGAL DESCRIPTION: Parcel 3, map 6554.)

10. **Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.):**

None.

11. **Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, has consultation begun?**

Note: Conducting consultation early in the CEQA process allows tribal governments, lead agencies, and project proponents to discuss the level of environmental review, identify and address potential adverse impacts to tribal cultural resources, and reduce the potential for delay and conflict in the environmental review process. (See Public Resources Code section 21083.3.2.) Information may also be available from the California Native American Heritage Commission's Sacred Lands File per Public Resources Code section 5097.96 and the California Historical Resources Information System administered by the California Office of Historic Preservation. Please also note that Public Resources Code section 21082.3(c) contains provisions specific to confidentiality.

In accordance with the requirements of Public Resources Code 21080.3.1, the City of San Diego notified the Iipay Nation of Santa Isabel, and the Jamul Indian Village, both traditionally and culturally affiliated with the project area, of the project. These tribes were notified via email on January 23, 2018. Both Native American Tribes responded within the 30-day formal notification period requesting consultation. Consultation took place on January 26, 2018.

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.

☐	Aesthetics	☐	Greenhouse Gas Emissions	☐	Population/Housing
☐	Agriculture and Forestry Resources	☐	Hazards & Hazardous Materials	☐	Public Services
☐	Air Quality	☐	Hydrology/Water Quality	☐	Recreation
☒	Biological Resources	☐	Land Use/Planning	☐	Transportation/Traffic
☒	Cultural Resources	☐	Mineral Resources	☐	Utilities/Service System
☐	Geology/Soils	☐	Noise	☐	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.

EVALUATION OF ENVIRONMENTAL IMPACTS:

1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact answer should be explained where it is based on project specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis.)

2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from "Earlier Analyses", as described in (5) below, may be cross-referenced).

5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or (mitigated) negative declaration. *Section 15063(c)(3)(D).* In this case, a brief discussion should identify the following:

    a. Earlier Analysis Used. Identify and state where they are available for review.

    b. Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.

    c. Mitigation Measures. For effects that are "Less Than Significant With Mitigation Measures Incorporated", describe the mitigation measures that were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.

9) The explanation of each issue should identify:

    a. The significance criteria or threshold, if any, used to evaluate each question; and

    b. The mitigation measure identified, if any, to reduce the impact to less than significant.

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
I. AESTHETICS – Would the project:				
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☒

No scenic vistas or view corridors are identified in the Rancho Encantada Community Plan. Therefore, the project would not have a substantial adverse effect on a scenic vista.

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

No significant resources exist onsite. The project is not located within a scenic highway area.

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

The project site is currently undeveloped, however the building of a one-story single-dwelling residence is compatible with the surrounding development and is permitted by the community plan and zoning designation.

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

Development of the residential project would comply with all applicable City regulations. All permanent exterior lighting is required to avoid potential adverse effects on neighboring properties. In addition, no substantial sources of light would be generated during project construction, as construction activities would occur during daylight hours. The project would also be subject to the City's Outdoor Lighting Regulations per Municipal Code Section 142.0740.

II. AGRICULTURAL AND FOREST RESOURCES: In determining whether impacts to

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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 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) Converts Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒

The project site is designated residential. This area is not classified as farmland by the Farmland Mapping and Monitoring Program (FMMP). Similarly, lands surround the project is not in agricultural production and is not classified as farmland by the FMMP. Therefore, the project would not convert farmland to non-agricultural uses.

b) Conflict with existing zoning for agricultural use, or a Williamson Act Contract?	☐	☐	☐	☒

Refer to response II (a), above. There are no Williamson Act Contract lands on or within the vicinity of the project. The project would not affect any properties zoned for agricultural use or be affected by 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	☐	☐	☐	☒

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Code section 51104(g))?				

The project site is zoned for residential development and would not require a rezone. No designated forest land or timberland occurs within the boundaries of the project.

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

Refer to response II(c), above.

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

Refer to responses II (a) and II (c), above. The project and surrounding area do not contain any farmland or forest land. No changes to any such lands would result from project implementation.

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?	☐	☐	☐	☒

The project site is located within an area of similar residential uses and is designated for residential development in the Rancho Encantada Community Plan. The project would not negatively impact goals of the applicable air quality plan. Furthermore the project is consistent with applicable General and Community Plan land use designations and the underlying zone.

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

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact

Short-Term (Construction) Emissions. Construction-related activities are temporary, short-term sources of air emissions. Sources of construction-related air emissions include fugitive dust from grading activities; construction equipment exhaust; construction-related trips by workers, delivery trucks, and material-hauling trucks; and construction-related power consumption.

Variables that factor into the total construction emissions potentially generated include the level of activity, length of construction period, number of pieces and types of equipment in use, site characteristics, weather conditions, number of construction personnel, and the amount of materials to be transported on or offsite.

Fugitive dust emissions are generally associated with land-clearing and grading operations. Construction operations would include standard measures as required by City of San Diego grading permit to limit potential air quality impacts. Therefore, impacts associated with fugitive dust are considered less than significant, and would not violate an air quality standard or contribute substantially to an existing or projected air quality violation. No mitigation measures are required.

Long-Term (Operational) Emissions. Long-term air emission impacts are those associated with stationary sources and mobile sources related to any change caused by a project. The project would produce minimal stationary sources emissions. The project is compatible with the surrounding development and is permitted by the community plan and zone designation. Based on the residential land use, project emissions over the long-term are not anticipated to violate any air quality standard or contribute substantially to an existing or projected air quality violation. Impacts would be less than significant and no mitigation measures are required.

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 which exceed quantitative thresholds for ozone precursors)?	☐	☐	☒	☐

As described above, construction operations could temporarily increase the emissions of dust and other pollutants. However, construction emissions would be temporary and

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact

short-term in duration; implementation of Best Management Practices (BMPs) would reduce potential impacts related to construction activities to a less than significant level. Therefore, the project would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under applicable federal or state ambient air quality standards.

d) Create objectionable odors affecting a substantial number of people?	☐	☐	☒	☐

Odors produced during construction would be attributable to concentrations of unburned hydrocarbons from tailpipes of construction equipment. Such odors are temporary and generally occur at magnitudes that would not affect substantial numbers of people. The project proposes to construct a single-story residence on a vacant lot. Therefore, impacts associated with odors during construction would be minimal.

Typical long-term operational characteristics of single-dwelling residential are not associated with the creation of such odors nor anticipated to generate odors affecting a substantial number of people. Therefore, impacts are considered to be less than significant and no mitigation measures are required.

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 Game or U.S. Fish and Wildlife Service?	☐	☒	☐	☐

According to the Biology Report submitted by Tierra Data, *Biology Resources Letter Report for the Tivyan Residence Design Review Project (City PTS#: 379328), San Diego, California* the project site is currently undeveloped and supports Southern Mixed Chaparral vegetation. No sensitive animals were observed. The site is described as mostly natural with few non-native plants, and no sensitive plants detected. Some sensitive plant species that have been detected within one mile of the site include Del Mar Manzanita, San Diego barrel

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact

cactus, and San Diego goldenstar. This project would impact approximately 1.10 acres of the Southern Mixed Chaparral, which is a significant impact and requires mitigation. Impacts will be mitigated at a ratio greater than the required 1:1 ratio with recordation of a Covenant of Easement over a proposed 1.70-acre Open Space with 1.30-acres as mitigation and additional 0.39-acres within the Brush Management Zone 2.

A small number of wildlife species were observed, however no sensitive animals were detected. Anna's hummingbird, hermit thrush, and western scrub jay were detected and American crows and an unidentified warbler flew over the site. There was of small mammal use on site including active burrows, and Lepidorid and Mule deer scat. Some sensitive animals that have been detected within one mile of the site include the coastal California gnatcatcher, costal cactus wren, and the southern California rufous-crowned sparrow (the only one that has potential to appear on site).

The site is located within the Recommended Quino Survey Area for the federally-listed as endangered quino checkerspot butterfly per the 2014 USFWS protocol, however, there were no quino checkerspot butterflies observed and the larval host, plant dot-seed plantain and nectar sources such as owl's clover were not observed as well. The closest sighting within the last 20 years was 2.1 miles away.

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 Game or U.S. Fish and Wildlife Service?	☐	☐	☐	☒

The project site does not contain any riparian habitat. The project would impact Southern Mixed Chaparral. Refer to IV (a).

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?	☐	☐	☐	☒

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact

The project site contains a jurisdictional drainage in the southwestern portion of the parcel, however, no development is proposed in this location and the proposed development will not substantially impact the drainage in any way. Therefore, no impact is identified for this issue area.

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?	☐	☐	☐	☒

The Beeler Canyon Regional Wildlife Corridor is identified in the Rancho Encantada Community Plan from east to west just to the north of Beeler Canyon Road along the north-eastern portion of the parcel. The proposed development, however, will not interfere substantially with the movement of any species along the corridor. Therefore, no impact is identified for this issue area.

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

Refer to responses IV (a), above. The project site is designated residential and zoned RS-1-8. This project impacts approximately 1.10-acres of the Southern Mixed Chaparral, which is considered a significant impact and would require mitigation. The project would not conflict with any local policies and/or ordinances protecting biological resources.

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?	☐	☐	☐	☒

The project site is designated residential which permits residential development. This project would not conflict with any local policies and/or ordinances protecting biological

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact

resources. Project impacts related to MHPA adjacency will be precluded through project compliance with the Land Use Adjacency Guidelines. The project shall be required to comply with the Land Use Adjacency Guidelines as permit conditions through the project conditions of approval.

V. CULTURAL RESOURCES – Would the project:

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

Archaeological

The purpose and intent of the *Historical Resources Regulations of the Land Development Code (Chapter 14, Division 3, and Article 2*) is to protect, preserve and, where damaged, restore the historical resources of San Diego. The regulations apply to all proposed development within the City of San Diego 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 may have a significant effect on the environment (Sections 15064.5(b) and 21084.1). A substantial adverse change is defined as demolition, destruction, relocation, or alteration activities, which would impair historical significance (Sections 15064.5(b)(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.

Many areas of San Diego County, including mesas and the coast, are known for intense and diverse prehistoric occupation and important archaeological and historical resources. The region has been inhabited by various cultural groups spanning 10,000 years or more. The project area is located within an area identified as sensitive on the City of San Diego Historical Resources Sensitivity Maps. Per the San Diego Land Development Manual-Historical Resources Guidelines an Archaeological survey is required when development is proposed on previously undeveloped parcels when a known resource is identified on site or within a one-mile radius, when a previous survey is more than 5 years old if the potential for resources exists, or based on a site visit by a qualified consultant or knowledgeable City staff. Based on this information, there is a potential for buried cultural resources to be impacted through implementation of the project.

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact

Therefore, an archaeological survey report was completed by Heritage Resources: *Tivyan Residence/ PTS No. 412254; P-37-15,484 review of previous archaeological work and field check* prepared on July 9, 2016. It was determined that as a result of previous archaeological surveys, testing, documentation and negative results from the field update on July 30, 2016, it can be concluded that this project will have no impacts to archaeological resources.

Independent of the CEQA determination, the Native American monitor requested monitoring during construction activities. The applicant has agreed to this monitoring as a condition of the permit. This monitoring would not be considered mitigation and is not required under CEQA.

Built Environment

The City of San Diego criteria for determination of historic significance, pursuant to CEQA, is evaluated based upon age (over 45 years), location, context, association with an important event, uniqueness, or structural integrity of the building. In addition, projects requiring the demolition of structures that are 45 years or older are also reviewed for historic significance in compliance with CEQA. The lot is currently vacant; therefore there are no structures over 45 years old. No impact is identified.

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	☐	☐	☐	☒

Refer to V (a).

c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☐	☒

According to the Geology of the San Diego Metropolitan Area, California (1975) published by the California Division of Mines and Geology, the project site appears to be underlain by Stadium Conglomerate, which is assigned a high sensitivity level for paleontological resources.

The Stadium Conglomerate Formation is the lowermost formation of the Poway Group. Milow and Ennis (1961) noted that two lithologically and temporally distinct conglomeratic units make up what is today known as the Stadium Conglomerate. According to these

authors, the lower unit is composed of light green-gray, poorly sorted cobble conglomerate with a muddy to sandy matrix, and a thickness of 50-100 feet. Disconformably overlying this lower unit is an upper conglomeratic unit, consisting of 50-100 feet of reddish-tan, well sorted, cobble conglomerate.

The upper and lower conglomeratic units are in depositional contact in the Mission Valley and Murphy Canyon areas. However, to the north and east, the upper member appears to be absent. In the Tierrasanta, Camp Elliot, Miramar Reservoir, Rancho Penasquitos, and Rancho Bernardo areas, a largely non-marine sandstone and mudstone unit gradually overlies the lower member of the Stadium Conglomerate. This unit was referred to as the "Cypress Canyon unit" by Walsh (1999b) and is regarded here as the middle member of the Stadium Conglomerate. The exposures listed above for the "Cypress Canyon unit" were previously mapped as the Mission Valley Formation by Kennedy and Peterson (1975).

Because of the stratigraphic complexity of the Stadium Conglomerate, the paleontology and geographic distribution of each member will be discussed separately.

Stadium Conglomerate, Upper Member-
The upper member of the Stadium Conglomerate is exposed on the north wall of Mission Valley between SR-163 and Murphy Canyon. It extends eastward from Murphy Canyon at least to San Diego State University and southward from Mission Valley at least to Montezuma Road. From Mission Valley it extends northward to SR-52, and is absent from northeastern Tierrasanta. The upper member lies disconformably on the lower member in Mission Valley, and presumably on the Cypress Canyon member somewhere east of Murphy Canyon. The upper member is overlain by the Mission Valley Formation and is about 50 feet thick. This unit is middle Eocene in age, approximately 42-43 Ma.

Fossil formainifers and marine mollusks have been collected from the upper member of the Stadium Conglomerate in the western part of the old Fenton Quarry in Murray Canyon. The upper member is largely non-marine in the eastern part of its outcrop area. Collecting sites in Murphy Canyon have yielded sparse, but well-preserved remains of opossums, insectivores, primates, rodents, carnivores, rhinoceros, and artiodactyls.

Because of its coarse-grained nature and paucity of recovered fossil remains, the upper member of the Stadium Conglomerate is assigned moderate paleontological resource sensitivity.

Stadium Conglomerate, Cypress Canyon Member-
The Cypress Canyon member consists mainly of non-marine light gray, medium-grained

sandstones and reddish and greenish siltstones and mudstones. This member apparently thickens and becomes progressively more marine towards the west. It is about 75 feet thick at Scripps Ranch and about 200 feet thick at Rancho Penasquitos and Carmel Mountain Ranch. The Cypress Canyon member gradationally overlies the lower member and is typically overlain by the Mission Valley Formation where the upper member of the Stadium Conglomerate is absent. The Cypress Canyon member is middle Eocene in age, approximately 43-44 Ma.

The Cypress Canyon member has yielded abundant and diverse assemblages of fossil land mammals from several districts including northern Tierrasanta, northern and eastern Scripps Ranch, Rancho Penasquitos, Carmel Mountain Ranch, and Rancho Bernardo. These assemblages are represented by well-preserved remains of opossums, insectivores, bats, primates, rodents, carnivores, tapirs, brontotheres, protoreodonts, and other artiodactyls. In the older literature these fossil sites were recorded as having been collected from the Mission Valley Formation.

The Cypress Canyon member has produced diverse and well preserved remains of terrestrial vertebrates and is assigned high paleontological resource sensitivity.

Stadium Conglomerate, Lower Member-
The lower member of the Stadium Conglomerate crops out from the south side of Mission Valley north at least to Rancho Bernardo, and from Santee and Lakeside west as far as Murray Canyon and University City. The “type area” for this member is the north wall of Mission Valley, where it is exposed in several gravel quarries. The lower member is about 100 feet thick in the eastern part of the Fenton Quarry and about 200 feet thick in the Scripps Ranch area. The lower member overlies the Friars Formation both gradationally and disconformably and locally rests nonconformably on crystalline basement rocks. The lover member is middle Eocene in age, approximately 44-45 Ma.

Milow and Ennis (1961) noted that in Mission Valley, sparse marine fossil remains occur near the base of what is here called the lower member of the Stadium Conglomerate. Exposure of the lower member at Scripps Ranch are primarily non-marine and have produced well-preserved remains including opossums, inscetivores, primates, rodents, carnivores, and artiodactyls. The majority of the fossils recovered from the lower member were found in either claystones rip-uo clasts or in the sandy matrix characteristic of certain channel-fill deposits in this rock unit.

The lower member of the Stadium Conglomerate has produced moderately diverse assemblages of terrestrial mammals and is assigned high paleontological resource

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact

sensitivity.

According to the City of San Diego's Significance Determination Thresholds, more than 1,000 cubic yards of grading at depths of greater than 10 feet (less than 10 feet if the site has been graded) into formations with a high resource sensitivity rating could result in a significant impact to paleontological resources, and mitigation would be required. The mitigation program consists of monitoring excavation activities by a qualified paleontologist, recovery and curation of any discovered fossils, and preparation of a monitoring results report. The project proposes grading approximately 375 cubic yards and to a depth of approximately 4.8 feet over approximately 28,492 square feet. Therefore, no impact is identified for this issue area.

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

No cemeteries, formal or informal, have been identified on the project site.

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.	☐	☐	☒	☐

The project is not located within an Alquist-Priolo Fault Zone. Furthermore, the project would be required to utilize proper engineering design and utilization of standard construction practices, to be verified at the building permit stage, would ensure that the potential for impacts from regional geologic hazards would be less than significant.

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
ii) Strong seismic ground shaking?	☐	☐	☒	☐

The site could be affected by seismic activity as a result of earthquakes on major active faults located throughout the Southern California area, however, the project would utilize proper engineering design and utilization of standard construction practices, to be verified at the building permit stage, in order to ensure that potential impacts from regional geologic hazards would remain less than significant and mitigation is not required.

iii) Seismic-related ground failure, including liquefaction?	☐	☐	☒	☐

Liquefaction occurs when loose, unconsolidated, water-laden soils are subject to shaking, causing the soils to lose cohesion. Implementation of the project would not result in an increase in the potential for seismic-related ground failure, including liquefaction. The project would utilize proper engineering design and utilization of standard construction practices, to be verified at the building permit stage, in order to ensure that potential impacts from regional geologic hazards would remain less than significant and mitigation is not required.

iv) Landslides?	☐	☐	☒	☐

The City of San Diego Seismic Safety Study Maps (1995 Edition) have designated the geology at the project location as being within the City of San Diego Geologic Hazard Categories 53. Hazard Category 53 is categorized as level or sloping terrain, unfavorable geologic structure with low to moderate risk. The project would utilize proper engineering design and utilization of standard construction practices, to be verified at the building permit stage, in order to ensure that potential impacts from regional geologic hazards would remain less than significant and mitigation is not required. No mitigation measures are required.

b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐

Construction of the project would temporarily disturb onsite soils during grading activities, thereby increasing the potential for soil erosion to occur; however, the use of standard erosion control measures during construction would reduce potential impacts to a less than a significant level**.** In addition, the site would be landscaped in accordance with the City requirements which would also preclude erosion or topsoil loss and all storm water requirements would be met. Therefore, impacts would be less than significant, and no

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact

mitigation measures are required.

c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☒	☐

The City of San Diego Seismic Safety Study Maps (1995 Edition) have designated the geology at the project location as being within the City of San Diego Geologic Hazard Categories 53. Hazard Category 53 is categorized as level or sloping terrain, unfavorable geologic structure with low to moderate risk. The project would utilize proper engineering design and utilization of standard construction practices, to be verified at the building permit stage, in order to ensure that potential impacts from regional geologic hazards would remain less than significant and mitigation is not required.

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?	☐	☐	☒	☐

The City of San Diego Seismic Safety Study Maps (1995 Edition) have designated the geology at the project location as being within the City of San Diego Geologic Hazard Categories 53. Hazard Category 53 is categorized as level or sloping terrain, unfavorable geologic structure with low to moderate risk. The project would utilize proper engineering design and utilization of standard construction practices, to be verified at the building permit stage, in order to ensure that potential impacts from regional geologic hazards would remain less than significant and mitigation is not required.

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?	☐	☐	☐	☒

The project does not propose any septic system or alternative waste water disposal systems. No impact would occur.

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact

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?	☐	☐	☒	☐

The construction of a single dwelling unit is consistent with the land use and designated zone and would not be expected to have a significant impact related to greenhouse gases. Potential impacts from greenhouse gas emissions are considered less than significant. No mitigation measures are required.

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

The project as proposed would not conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing greenhouse gas emissions in that it would be constructed in an established urban area with services and facilities available. In addition, the project is consistent with the underlying zone and land use designation.

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?	☐	☐	☒	☐

Construction of the project may require the use of hazardous materials (fuels, lubricants, solvents, etc.), which would require proper storage, handling, use and disposal.

The project proposes the construction of a single dwelling unit on an undeveloped site. Although minimal amounts of such substances may be present during construction of the project, they are not anticipated to create a significant public hazard. Once constructed, due to the nature of the project, the routine transport, use, or disposal of hazardous

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact

materials on or through the subject site is not anticipated. Therefore, impacts would be less than significant, and no mitigation is required.

b) 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?	☐	☐	☐	☒

The project would not be associated with such impacts. Therefore, no significant impacts related to this issue were identified, and no mitigation measures are required.

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

There are no existing or proposed schools located within one-quarter mile of the project site, and the proposed project would not be expected to emit hazardous materials or substances.

d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☒

A hazardous waste site records search was completed in August 2016, using Geotracker; the records search showed that no hazardous waste sites exist onsite or in the surrounding area.

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two mile of a	☐	☐	☐	☒

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				

The project site in not located within any Airport Land Use Compatibility Plan (ALUCP), Airport Environs Overlay Zone, Airport Approach Overlay Zone, Airport Influence Zone, or within two miles of any airport. Therefore, the project will not result in a safety hazard for people residing or working in the area.

f) 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?	☐	☐	☐	☒

The project is not located with the vicinity of a private airstrip.

g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒

The project is consistent with adopted land use plans and would not interfere with the implementation of or physically interfere with an adopted emergency response or evacuation plan. No roadway improvements are proposed that would interfere with circulation or access, and all construction would occur onsite. No impacts would occur, and no mitigation measures are required.

h) 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?	☐	☐	☐	☒

Brush Management is required for development that is adjacent to any highly flammable area of native or naturalized vegetation. These fire hazard conditions currently exist for the proposed development. Where brush management is required, a comprehensive

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact

program is required to reduce fire hazards around all structures by providing an effective fire-break between structures and contiguous area of flammable vegetation. The fire-break is required to consist of two distinct brush management zones; a 35-foot-wide brush management zone one and a 65-foot-wide brush management zone two, which are required per the Land Development Code.

The project is directly adjacent to MHPA that contain native vegetation that is subject to wildland fires, however, proper brush management zones will be implemented in the project design as to decrease the probability of exposing any people or structures to a significant risk of loss, injury or death due to wildland fires. Therefore, no impact is identified for this issue area.

IX. HYDROLOGY AND WATER QUALITY - Would the project:

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

The project would be required to comply with all storm water quality standards during and after construction and appropriate Best Management Practices (BMPs) must be utilized. This would preclude any violations of existing standards and discharge regulations.

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 which would not support existing land uses or planned uses for which permits have been granted)?	☐	☐	☐	☒

The project does not require the construction of wells. The project is located in an urban area with existing public water supply infrastructure.

c) Substantially alter the existing drainage pattern of the site or	☐	☐	☒	☐

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
area, including through the alteration of the course of a stream or river, in a manner, which would result in substantial erosion or siltation on- or off-site?				

Although grading would be required for development, the jurisdictional drainage on site does not occur the portion of the site that would be impacted by the proposed grading activities. As stated previously, the project would implement BMPs as identified in the City of San Diego Storm Water Standards, Section III.B.2. In addition, following construction, landscaping would be installed consistent with City landscaping design requirements to further reduce the potential for runoff from the project site to occur. With implementation of the proposed BMPs and adherence to City storm water requirements, no adverse impacts to the downstream conveyance system are anticipated. Impacts would be less than significant, 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, which would result in flooding on- or off-site?	☐	☐	☒	☐

See Response to IX (c), above. Impacts would be less than significant, and no mitigation measures are required.

e) Create or contribute runoff water, which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☒	☐

The project would be required to comply with all City storm water quality standards during and after construction. Appropriate Best Management Practices (BMPs) would be implemented to ensure that water quality is not degraded; therefore ensuring that project runoff is directed to appropriate drainage systems. Due to the nature of the project, any

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact

runoff from the site is not anticipated to exceed the capacity of the storm water systems or provide substantial additional sources of polluted runoff. Impacts would be less than significant, and no mitigation measures are required.

f) Otherwise substantially degrade water quality?	☐	☐	☐	☒

The project would be required to comply with all City storm water quality standards both during and after construction, using appropriate Best Management Practices (BMPs) that would ensure that water quality is not degraded.

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?	☐	☐	☐	☒

The project site is not located within a 100-year flood hazard area or any other known flood area.

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

The project site is not located within a 100-year flood hazard area or any other known flood area.

X. LAND USE AND PLANNING – Would the project:

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

The project would be consistent with the surrounding land uses that include residential. Furthermore, the project would be consistent with the General Plan land use designation of Residential. As described, the project is located near other developed residential sites, and therefore, would not physically divide an established community. No impact would occur.

b) Conflict with any applicable land use plan, policy, or regulation of an agency with	☐	☐	☐	☒

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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?				

The project is compatible with the area that is designated for residential development by the community plan and zoned for residential development. In addition, the project is in an area developed with similar residential structures and therefore no conflict would occur.

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

The project would not conflict with any applicable habitat conservation plan or natural community conservation plan. More specifically the project would not conflict with the City's Multiple Species Conservation Program (MSCP) and is not located within Multi-habitat Planning Area (MHPA). Project impacts related to MHPA adjacency will be precluded through project compliance with the Land Use Adjacency Guidelines. The project shall be required to comply with the Land Use Adjacency Guidelines as permit conditions through the project conditions of approval.

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?	☐	☐	☐	☒

There are no known mineral resources located on the project site per the City of San Diego General Plan Land Use Map. Therefore, no impacts were identified, and no mitigation measures are required.

b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general	☐	☐	☐	☒

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
plan, specific plan or other land use plan?				

See XI (a), above. The project site has not been delineated on a local general, specific, or other land use plan as a locally important mineral resource recovery site, and no such resources would be affected with project implementation. Therefore, no impacts are identified, and no mitigation measures are required.

XII. NOISE- Would the project result in:

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

Short-term noise impacts would be associated with onsite grading and construction activities of the project. Construction-related short-term noise levels would be higher than existing ambient noise levels in the project area, but would no longer occur once construction is completed. Sensitive receptors (e.g. residential uses) may occur in the immediate area, and may be temporarily affected by construction noise; however, construction activities would be required to comply with the construction hours specified in the City's Municipal Code (Section 59.5.0404, Construction Noise) which are intended to reduce potential adverse effects resulting from construction noise. With compliance to the City's construction noise requirements, project construction noise levels would be reduced to less than significant, and no mitigation measures are required.

For the long-term, typical noise levels associated with residential uses are anticipated and the project would not result in an increase in the existing ambient noise level. The project would not result in noise levels in excess of standards established in the City of San Diego General Plan or Noise Ordinance. No significant long-term impacts would occur, and no mitigation measures are required.

b) Generation of, excessive ground borne vibration or ground borne noise levels?	☐	☐	☐	☒

As described in Response to XII (a) above, potential effects from construction noise would be reduced through compliance with the City's Noise Ordinance. Pile driving activities that would potentially result in ground borne vibration or ground borne noise are not anticipated with construction of the project. No mitigation measures are required.

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐

The project is not expected to generate substantial noise levels that would permanently increase the existing ambient noise levels. Construction noise would result, but would be temporary in nature; in addition, the project is required to comply with the San Diego Municipal Code, Article 9.5, Noise Abatement and Control.

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

The project would not expose people to a substantial increase in temporary or periodic ambient noise levels. Construction noise would result, but would be temporary in nature; in addition, the project is required to comply with the San Diego Municipal Code, Article 9.5, Noise Abatement and Control.

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

The project is not located within an airport land use plan or within two miles of a public or public use airport. No impacts would occur, and no mitigation measures are required.

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?	☐	☐	☐	☒

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact

The project is not located within the vicinity of a private airstrip. No impacts would occur, and no mitigation measures are required.

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)?	☐	☐	☒	☐

The project would construct a single dwelling unit on an undeveloped parcel that is designated residential within the RS-1-8 zone. This project is consistent with the underlying zone and designation. The site currently does not receive water and sewer service from the City, however, no other extension of infrastructure to new areas is required. As such, the project would not substantially increase housing or population growth in the area. No roadway improvements are proposed as part of the project. Impacts would be less than significant, and no mitigation measures are required.

b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

No such displacement would result. The project would construct one new single-dwelling unit. No impacts would occur.

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

No such displacement would result. The project would construct one new single-dwelling unit. No impacts would occur.

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

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service rations, response times or other performance objectives for any of the public services:				
i) Fire Protection	☐	☐	☒	☐

The project site is located in an urbanized and developed area where fire protection services are already provided. The project would not adversely affect existing levels of fire protection services to the area, and would not require the construction of new or expansion of existing governmental facilities. Impacts related to fire protection would be less than significant.

ii) Police Protection	☐	☐	☒	☐

The project site is located in an urbanized and developed area within the City of San Diego where police protection services are already provided. The project would not adversely affect existing levels of police protection services or create significant new significant demand, and would not require the construction of new or expansion of existing governmental facilities. As such, impacts related to police protection would be less than significant.

iii) Schools	☐	☐	☒	☐

The project would not affect existing levels of public services and would not require the construction or expansion of a school facility. The project site is located in an urbanized and developed area where public school services are available. The project would not significantly increase the demand on public schools over that which currently exists and is not anticipated to result in a significant increase in demand for public educational services. As such, impacts related to school services would be less than significant.

v) Parks	☐	☐	☒	☐

The project site is located in an urbanized and developed area where City-operated parks are available. The project would not significantly increase the demand on existing neighborhood or regional parks or other recreational facilities over that which presently exists and is not anticipated to result in a significant increase in demand for parks or other offsite recreational facilities. As such, impacts related to parks would be less than significant.

vi) Other public facilities	☐	☐	☒	☐

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact

The project site is located in an urbanized and developed area where City services are already available The project would not adversely affect existing levels of public services and not require the construction or expansion of an existing governmental facility. Impacts related to other public facilities would be less than significant.

XV. RECREATION

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☒	☐

The project would not adversely affect the availability of and/or need for new or expanded recreational resources. The project would not adversely affect existing levels of public services and would not require the construction or expansion of an existing governmental facility. The project would not significantly increase the use of existing neighborhood or regional parks or other recreational facilities as the project would construct a single family dwelling unit. Therefore the project is not anticipated to result in the use of available parks or facilities such that substantial deterioration occurs, or that would require the construction or expansion of recreational facilities to satisfy demand. As such, a less than significant impact related to recreational facilities would result.

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?	☐	☐	☐	☒

Refer to XV (a) above. The project does not propose recreation facilities nor require the construction or expansion of any such facilities.

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	☐	☐	☒	☐

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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?				

The project is consistent with the community plan designation and underlying zone. The project would not change existing circulation patterns on area roadways; however, a temporary minor increase in traffic may occur during construction. No forms of mass transit (e.g. busses, trolley) are present on Beeler Canyon Road. No designated bicycle paths are present on Beeler Canyon Road. The project would not conflict with any applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system. The project is not expected to cause a significant short-term or long-term increase in traffic volumes, and therefore, would not adversely affect existing levels of service along roadways. Impacts are considered less than significant, and no mitigation measures are required.

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?	☐	☐	☒	☐

Refer to response XVI (a). The project would not generate additional vehicular traffic nor would it adversely affect any mode of transportation in the area. Therefore, the project would not result in conflict with any applicable congestion management program, level of service standards or travel demand measures. Impacts are considered less than significant, and no mitigation measures are required.

c) Result in a change in air traffic patterns, including either an increase in traffic levels or a	☐	☐	☐	☒

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
change in location that results in substantial safety risks?				

The project would not result in a change to air traffic patterns in that the structures would be less than 30 feet in height, therefore not creating a safety risk. The site is not located within any ALUCP's or near any private airstrips. No impact would result.

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

The project would not alter existing circulation patterns on Beeler Canyon Road. No design features or incompatible uses that would increase potential hazards are proposed and the project would not affect emergency access to the site or adjacent properties. Driveway design for the new single-dwelling unit would be consistent with City design requirements to ensure safe ingress/egress from the property. Additionally, as the project site is located in an existing residential neighborhood, it would not result in incompatible uses that would create hazardous conditions. Therefore, no impact would occur.

e) Result in inadequate emergency access?	☐	☐	☐	☒

The project would be subject to City review and approval for consistency with all design requirements to ensure that no impediments to emergency access would occur. No impact would result.

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?	☐	☐	☐	☒

The proposed project is consistent with the community plan designation and underlying zone and would not result in any conflicts regarding policies, plans, or programs regarding public transit, bicycle or pedestrian facilities.

XVII. TRIBAL CULTURAL RESOURCES – Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or	☐	☐	☐	☒

The project would not cause a substantial adverse effect to tribal cultural resources, as there are no recorded sites listed or sites eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined by the Public Resources Code. No impact would result.

b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	☐	☐	☐	☒

In accordance with the requirements of Public Resources Code 21080.3.1, the City of San Diego notified the the Iipay Nation of Santa Isabel, the Jamul Indian Village, both traditionally and culturally affiliated with the project area. These tribes were notified via email on January 23, 2018 with both Native American Tribes responding within the 30-day formal notification period requesting consultation. Consultation took place on January 26, 2018, with the Native American tribes concurring with the staff's determination that no further evaluation with respect to cultural resources (archaeology) monitoring with a Native American monitor present during ground-disturbing activities. The consultation process was therefore concluded.

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XVIII. UTILITIES AND SERVICE SYSTEMS – Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☒	☐

Wastewater facilities used by the project would be operated in accordance with the applicable wastewater treatment requirements of the Regional Water Quality Control Board (RWQCB). Treatment of effluent from the site is anticipated to be routine and is not expected to exceed the wastewater treatment requirements of the RWQCB. Existing sewer infrastructure exists within roadways surrounding the project site. Thus, impacts would be less than significant.

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?	☐	☐	☒	☐

See XVII (a) above. Adequate services are available to serve the site and the project would not require the construction or expansion of existing facilities.

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?	☐	☐	☒	☐

Construction of the project would introduce additional impervious surfaces, such as hardscape and rooftops. The development of the property, as proposed, would result in an increase in runoff when compared to the existing site conditions. The increase in runoff is not expected to result in substantial erosion or subsequent sedimentation with the implementation of temporary BMPs during construction, and permanent BMPs incorporated into the project's design. Therefore, impacts would be less than significant. Off-site storm water facilities are not proposed for construction, and the expansion of existing facilities in not required. Therefore, impacts are less than significant.

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☒	☐

The project does not meet the CEQA significance threshold of 500 residential units, requiring the need for the project to prepare a water supply assessment. The existing project site currently receives water service from the City, and adequate services are available to serve the structures without requiring new or expanded entitlements. Impacts would be less than significant.

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?	☐	☐	☐	☒

Construction of the project would not adversely affect existing wastewater treatment services. Adequate services are available to serve the site without requiring new or expanded facilities.

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

Construction debris and waste would be generated from the demolition and construction of the project. All solid waste from the project site would be transported to an appropriate facility, which would have adequate capacity to accept the limited amount of waste what would be generated by the project. Long-term operation of the residential use is anticipated to generate typical amounts of solid waste for residential uses; furthermore, the project would be required to comply with the City's Municipal Code requirement for diversion of both construction waste during the demolition phase and solid waste during the long-term, operational phase. Impacts are considered to be less than significant, and no mitigation measures are required.

g) Comply with federal, state, and	☐	☐	☐	☒

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
local statutes and regulation related to solid waste?				

The project would result in standard residential consumption that is not anticipated to result in new and/or additional impacts. The project would comply with all federal, state, and local statues for solid waste disposal as they relate to the project. All demolition activities would comply with any City of San Diego requirements for diversion of both construction waste during the demolition phase and solid waste during the long-term, operational phase.

X<u>IX</u>~~VIII~~. MANDATORY FINDINGS OF SIGNIFICANCE –

a) Does the project 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?	☐	☒	☐	☐

The project may have the potential to degrade the quality of the environment, notably with respect to biological resources. As such, mitigation measures have been incorporated to reduce impacts to below a level of significance.

b) Does the project 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	☐	☒	☐	☐

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
effects of probable futures projects)?				

As documented in this Initial Study, the project may have the potential to degrade the environment as a result of impact to biological resources, which may have cumulatively considerable impacts. As such, mitigation measures have been proposed to reduce impacts to less than significant. Other future projects within the surrounding neighborhood or community would be required to comply with applicable local, state, and federal regulations to reduce potential impacts to less than significant, or to the extent possible. As such, the project is not anticipated to contribute to potentially significant cumulative environmental impacts.

c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☒	☐

As discussed throughout this document, it is not anticipated that construction activities would create conditions that would significantly directly or indirectly impact human beings. Where appropriate, mitigation measures have been required, but in all issue areas impacts are no impact, less than significant, or can be reduced to less than significant through mitigation. For this reason, environmental effects fall below the thresholds established by CEQA and the City of San Diego and therefore would not result in significant impacts. Impacts would be less than significant.

INITIAL STUDY CHECKLIST

REFERENCES

I. Aesthetics / Neighborhood Character

___ City of San Diego General Plan

_X_ Community Plans: Rancho Encantada

___ 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

_X_ 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

_X_ City of San Diego, MSCP, "Multiple Habitat Planning Area" maps, 1997

___ Community Plan - Resource Element

___ California Department of Fish and Game, 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

_X_ Site Specific Report: Biological Resources Letter Report for the Tivyan Residence Design Review Project (City PTS #: 412254), San Diego, California

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:

_X_ Site Specific Report: Tivyan Residence/ PTS No. 412254: P-37-15,484 Review of Previous Archaeological Work and Field Check

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

____ 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

___ 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

__ 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

___ City of San Diego Paleontological Guidelines

___ Deméré, Thomas A., and Stephen L. Walsh, "Paleontological Resources City 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:

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:

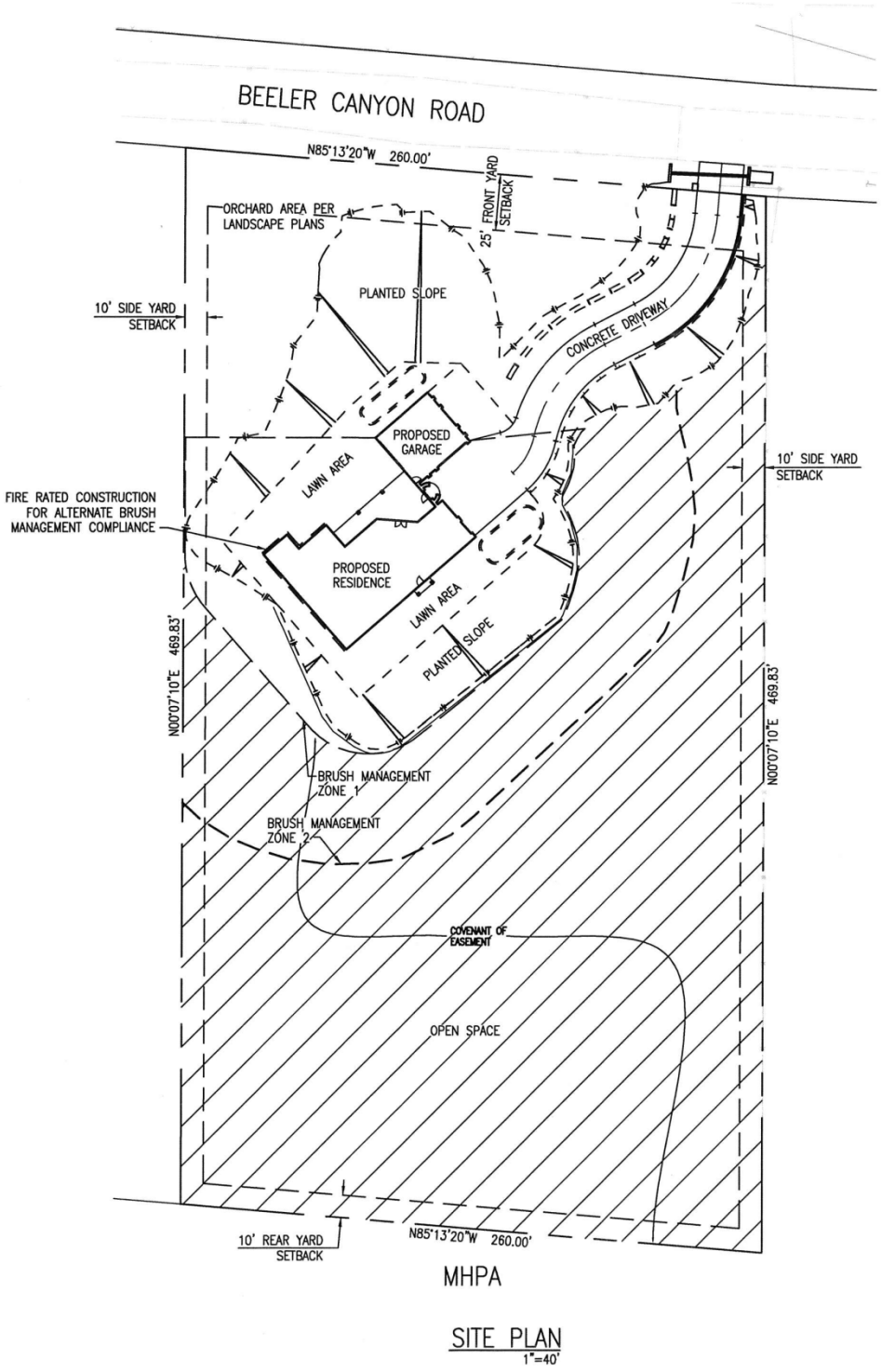
XIX. Water Conservation

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

Project Location Map

Tivyan Residence – 11275 Beeler Canyon Road
PROJECT NO. 412254

ATTACHMENT 1



SITE PLAN
1"=40'

Site Plan

Tivyan Residence – 11275 Beeler Canyon Road
PROJECT NO. 412254

North

ATTACHMENT 2