



## MITIGATED NEGATIVE DECLARATION

THE CITY OF SAN DIEGO

Project No. 593686

SCH No. N/A

**SUBJECT:** **4337 HOME AVENUE MARIJUANA OUTLET NUP/CUP:** A Neighborhood Use Permit (NUP) to continue operation of the existing auto service station and mini-market in both the CC-1-3 (Commercial-Community) and IL-3-1 (Industrial-Light) zones; a Conditional Use Permit (CUP) to continue the ABC Type 20 license for off-site consumption alcohol beverage sale (the previous CUP No. 96-7374 has expired), located at 4333 Home Avenue in the CC-1-3 zone; and a CUP to operate a marijuana outlet in the first floor 1,200 square-foot suite in a new two-story 2,400 square-foot building located at 4337 Home Avenue in the IL-3-1 Zone. Future land uses in the second-floor suite would conform to the underlying IL-3-1 zone use and development regulations. The 1.08 gross-acre site is located in the Airport Influence Area (SDIA Area 2), Fire Brush Zones, and High Fire Severity Zones, within the Mid-City Communities City Heights Community Plan area and City Council District 9. (LEGAL DESCRIPTION: Parcel 1 of Parcel Map No. 17969 in the City of San Diego, County of San Diego, State of California, according to Map thereof filed in the office of the County Recorder of San Diego County on December 22, 1997 as Instrument No. 1997-0651626 of Official Records) APPLICANT: Avad Investments, Inc.

### 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): **Tribal Cultural 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.

**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 Native American Monitor***

**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) #593686, 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	3 Days Prior to Pre-con. meeting
Tribal Cultural Resources	Tribal Cultural Resources Reports	Tribal Cultural Resources Site Observation	Completion of Tribal Cultural Resources Site Observation
Bond Release	Request for Bond Release Letter	MMC Final Inspection	Prior to Bond Release Letter

## **B. SPECIFIC MMRP ISSUE AREA CONDITIONS/REQUIREMENTS**

### **TRIBAL CULTURAL RESOURCES**

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

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

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

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

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

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

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

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



3. The PI may submit a detailed letter to MMC requesting a reduction to the ¼ mile radius.

B. PI Shall Attend Precon Meetings

1. Prior to beginning any work that requires monitoring; the Applicant shall arrange a Precon Meeting that shall include the PI, Native American consultant/monitor (where Native American resources may be impacted), Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The qualified Archaeologist and Native American Monitor shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the Archaeological Monitoring program with the Construction Manager and/or Grading Contractor.
  - a. If the PI is unable to attend the Precon Meeting, the Applicant shall schedule a focused Precon Meeting with MMC, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.

2. Acknowledgement of Responsibility for Curation (CIP or Other Public Projects)

The applicant shall submit a letter to MMC acknowledging their responsibility for the cost of curation associated with all phases of the archaeological monitoring program.

3. Identify Areas to be Monitored

Prior to the start of any work that requires monitoring, the PI shall submit an Archaeological Monitoring Exhibit (AME) (with verification that the AME has been reviewed and approved by the Native American consultant/monitor when Native American resources may be impacted) based on the appropriate construction documents (reduced to 11x17) to MMC identifying the areas to be monitored including the delineation of grading/excavation limits.

The AME shall be based on the results of a site-specific records search as well as information regarding the age of existing pipelines, laterals and associated appurtenances and/or any known soil conditions (native or formation).

MMC shall notify the PI that the AME has been approved.

4. When Monitoring Will Occur

- a. Prior to the start of any work, the PI shall also submit a construction schedule to MMC through the RE indicating when and where monitoring will occur.
- b. The PI may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification to the monitoring program. This request shall be based on relevant information such as review of final construction documents which indicate conditions such as age of existing pipe to be replaced, depth of excavation and/or site graded to bedrock, etc., which may reduce or increase the potential for resources to be present.

5. Approval of AME and Construction Schedule

After approval of the AME by MMC, the PI shall submit to MMC written authorization of the AME and Construction Schedule from the CM.

### III. During Construction

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

1. The Archaeological Monitor shall be present full-time during all soil disturbing and grading/excavation/trenching activities which could result in impacts to archaeological resources as identified on the AME. **The Construction Manager is**



**responsible for notifying the RE, PI, and MMC of changes to any construction activities such as in the case of a potential safety concern within the area being monitored. In certain circumstances OSHA safety requirements may necessitate modification of the AME.**

2. The Native American consultant/monitor shall determine the extent of their presence during soil disturbing and grading/excavation/trenching activities based on the AME and provide that information to the PI and MMC. If prehistoric resources are encountered during the Native American consultant/monitor's absence, work shall stop and the Discovery Notification Process detailed in Section III.B-C and IV.A-D shall commence.
3. The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition such as modern disturbance post-dating the previous grading/trenching activities, presence of fossil formations, or when native soils are encountered that may reduce or increase the potential for resources to be present.
4. The archaeological and Native American consultant/monitor shall document field activity via the Consultant Site Visit Record (CSV). The CSV's shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (**Notification of Monitoring Completion**), and in the case of ANY discoveries. The RE shall forward copies to MMC.

**B. Discovery Notification Process**

1. In the event of a discovery, the Archaeological Monitor shall direct the contractor to temporarily divert all soil disturbing activities, including but not limited to digging, trenching, excavating or grading activities in the area of discovery and in the area reasonably suspected to overlay adjacent resources and immediately notify the RE or BI, as appropriate.
2. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery.
3. The PI shall immediately notify MMC by phone of the discovery, and shall also submit written documentation to MMC within 24 hours by fax or email with photos of the resource in context, if possible.
4. No soil shall be exported off-site until a determination can be made regarding the significance of the resource specifically if Native American resources are encountered.

**C. Determination of Significance**

1. The PI and Native American consultant/monitor, where Native American resources are discovered shall evaluate the significance of the resource. If Human Remains are involved, follow protocol in Section IV below.
  - a. The PI shall immediately notify MMC by phone to discuss significance determination and shall also submit a letter to MMC indicating whether additional mitigation is required.
  - b. If the resource is significant, the PI shall submit an Archaeological Data Recovery Program (ADRP) and obtain written approval of the program from MMC, CM and RE. ADRP and any mitigation must be approved by MMC, RE and/or CM before ground disturbing activities in the area of discovery will be allowed to resume.

**Note: If a unique archaeological site is also an historical resource as defined in CEQA Section 15064.5, then the limits on the amount(s) that a**



**project applicant may be required to pay to cover mitigation costs as indicated in CEQA Section 21083.2 shall not apply.**

- (1). Note: For pipeline trenching and other linear projects in the public Right-of-Way, the PI shall implement the Discovery Process for Pipeline Trenching projects identified below under "D."
- c. If the resource is not significant, the PI shall submit a letter to MMC indicating that artifacts will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that that no further work is required.
- (1). Note: For Pipeline Trenching and other linear projects in the public Right-of-Way, if the deposit is limited in size, both in length and depth; the information value is limited and is not associated with any other resource; and there are no unique features/artifacts associated with the deposit, the discovery should be considered not significant.
- (2). Note, for Pipeline Trenching and other linear projects in the public Right-of-Way, if significance cannot be determined, the Final Monitoring Report and Site Record (DPR Form 523A/B) shall identify the discovery as Potentially Significant.

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

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

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

**IV. Discovery of Human Remains**

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

**A. Notification**



1. Archaeological Monitor shall notify the RE or BI as appropriate, MMC, and the PI, if the Monitor is not qualified as a PI. MMC will notify the appropriate Senior Planner in the Environmental Analysis Section (EAS) of the Development Services Department to assist with the discovery notification process.
  2. The PI shall notify the Medical Examiner after consultation with the RE, either in person or via telephone.
- B. Isolate discovery site
1. Work shall be directed away from the location of the discovery and any nearby area reasonably suspected to overlay adjacent human remains until a determination can be made by the Medical Examiner in consultation with the PI concerning the provenience of the remains.
  2. The Medical Examiner, in consultation with the PI, will determine the need for a field examination to determine the provenience.
  3. If a field examination is not warranted, the Medical Examiner will determine with input from the PI, if the remains are or are most likely to be of Native American origin.
- C. If Human Remains **ARE** determined to be Native American
1. The Medical Examiner will notify the Native American Heritage Commission (NAHC) within 24 hours. By law, **ONLY** the Medical Examiner can make this call.
  2. NAHC will immediately identify the person or persons determined to be the Most Likely Descendent (MLD) and provide contact information.
  3. The MLD will contact the PI within 24 hours or sooner after the Medical Examiner has completed coordination, to begin the consultation process in accordance with CEQA Section 15064.5(e), the California Public Resources and Health & Safety Codes.
  4. The MLD will have 48 hours to make recommendations to the property owner or representative, for the treatment or disposition with proper dignity, of the human remains and associated grave goods.
  5. Disposition of Native American Human Remains will be determined between the MLD and the PI, and, if:
    - a. The NAHC is unable to identify the MLD, OR the MLD failed to make a recommendation within 48 hours after being granted access to the site, OR;
    - b. The landowner or authorized representative rejects the recommendation of the MLD and mediation in accordance with PRC 5097.94 (k) by the NAHC fails to provide measures acceptable to the landowner, the landowner shall reinter the human remains and items associated with Native American human remains with appropriate dignity on the property in a location not subject to further and future subsurface disturbance, THEN
    - c. To protect these sites, the landowner shall do one or more of the following:
      - (1) Record the site with the NAHC;
      - (2) Record an open space or conservation easement; or
      - (3) Record a document with the County. The document shall be titled "Notice of Reinterment of Native American Remains" and shall include a legal description of the property, the name of the property owner, and the owner's acknowledged signature, in addition to any other information required by PRC 5097.98. The document shall be indexed as a notice under the name of the owner.
    - d. Upon the discovery of multiple Native American human remains during a ground disturbing land development activity, the landowner may agree that additional



conferral with descendants is necessary to consider culturally appropriate treatment of multiple Native American human remains. Culturally appropriate treatment of such a discovery may be ascertained from review of the site utilizing cultural and archaeological standards. Where the parties are unable to agree on the appropriate treatment measures the human remains and items associated and buried with Native American human remains shall be reinterred with appropriate dignity, pursuant to Section 5.c., above.

**D. If Human Remains are **NOT** Native American**

1. The PI shall contact the Medical Examiner and notify them of the historic era context of the burial.
2. The Medical Examiner will determine the appropriate course of action with the PI and City staff (PRC 5097.98).
3. If the remains are of historic origin, they shall be appropriately removed and conveyed to the San Diego Museum of Man for analysis. The decision for internment of the human remains shall be made in consultation with MMC, EAS, the applicant/landowner, any known descendant group, and the San Diego Museum of Man.

**V. Night and/or Weekend Work**

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

1. When night and/or weekend work is included in the contract package, the extent and timing shall be presented and discussed at the precon meeting.
2. The following procedures shall be followed.

**a. No Discoveries**

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

**b. Discoveries**

All discoveries shall be processed and documented using the existing procedures detailed in Sections III - During Construction, and IV - Discovery of Human Remains. Discovery of human remains shall always be treated as a significant discovery.

**c. Potentially Significant Discoveries**

If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section III - During Construction and IV-Discovery of Human Remains shall be followed.

**d. The PI shall immediately contact the RE and MMC, or by 8AM of the next business day to report and discuss the findings as indicated in Section III-B, unless other specific arrangements have been made.**

**B. If night and/or weekend work becomes necessary during the course of construction**

1. The Construction Manager shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin.
2. The RE, or BI, as appropriate, shall notify MMC immediately.

**C. All other procedures described above shall apply, as appropriate.**

**VI. Post Construction**

**A. Submittal of Draft Monitoring Report**



1. The PI shall submit two copies of the Draft Monitoring Report (even if negative), prepared in accordance with the Historical Resources Guidelines (Appendix C/D) which describes the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program (with appropriate graphics) to MMC via the RE for review and approval within 90 days following the completion of monitoring. **It should be noted that if the PI is unable to submit the Draft Monitoring Report within the allotted 90-day timeframe as a result of delays with analysis, special study results or other complex issues, a schedule shall be submitted to MMC establishing agreed due dates and the provision for submittal of monthly status reports until this measure can be met.**
    - a. For significant archaeological resources encountered during monitoring, the Archaeological Data Recovery Program or Pipeline Trenching Discovery Process shall be included in the Draft Monitoring Report.
    - b. Recording Sites with State of California Department of Parks and Recreation  
The PI shall be responsible for recording (on the appropriate State of California Department of Park and Recreation forms-DPR 523 A/B) any significant or potentially significant resources encountered during the Archaeological Monitoring Program in accordance with the City's Historical Resources Guidelines, and submittal of such forms to the South Coastal Information Center with the Final Monitoring Report.
  2. MMC shall return the Draft Monitoring Report to the PI via the RE for revision or, for preparation of the Final Report.
  3. The PI shall submit revised Draft Monitoring Report to MMC via the RE for approval.
  4. MMC shall provide written verification to the PI of the approved report.
  5. MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.
- B. Handling of Artifacts
1. The PI shall be responsible for ensuring that all cultural remains collected are cleaned and catalogued
  2. The PI shall be responsible for ensuring that all artifacts are analyzed to identify function and chronology as they relate to the history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate.
- C. Curation of artifacts: Accession Agreement and Acceptance Verification
1. The PI shall be responsible for ensuring that all artifacts associated with the survey, testing and/or data recovery for this project are permanently curated with an appropriate institution. This shall be completed in consultation with MMC and the Native American representative, as applicable.
  2. When applicable to the situation, the PI shall include written verification from the Native American consultant/monitor indicating that Native American resources were treated in accordance with state law and/or applicable agreements. If the resources were reinterred, verification shall be provided to show what protective measures were taken to ensure no further disturbance occurs in accordance with Section IV – Discovery of Human Remains, Subsection C.
  3. The PI shall submit the Accession Agreement and catalogue record(s) to the RE or BI, as appropriate for donor signature with a copy submitted to MMC.
  4. The RE or BI, as appropriate shall obtain signature on the Accession Agreement and shall return to PI with copy submitted to MMC.



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

## **VI. PUBLIC REVIEW DISTRIBUTION:**

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

City of San Diego  
 Councilmember Gomez - District 9  
 Mayor's Office  
 City Attorney's Office (MS 59)  
 Development Services (501)  
 Mark Brunette, EAS  
 Firouzeh Tirandazi, Project Management  
 Library Dept. - Government Documents (81)  
 San Diego Central Library (81A)  
 City Heights/Weingart Branch Library (81G)

Tribal Cultural Resources  
 Clint Linton, Lipay Nation of Santa Ysabel  
 Lisa Cumper, Jamul Indian Village

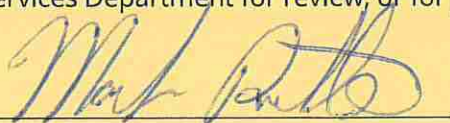
Others  
 City Heights Business Improvement Association (285)  
 The Boulevard El Cajon Boulevard Business Improvement District (286)  
 City Heights Area Planning Committee (287)  
 Theresa Quiroz (294)  
 Fox Canyon Neighborhood Association (295)  
 William D. Jones (296)  
 Arkan Somo, Avad Investments, Inc.  
 Denise Vo, Latitude 33  
 Laura Ann Fernea, City Heights Community Development Corporation



**VII. RESULTS OF PUBLIC REVIEW:**

- ( ) No comments were received during the public input period.
- ( ) Comments were received but did not address the accuracy or completeness of the draft environmental document. No response is necessary and the letters are incorporated herein.
- (X) Comments addressing the accuracy or completeness of the draft environmental document were received during the public input period. The letters and responses are incorporated herein.

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 Development Services Department for review, or for purchase at the cost of reproduction.



Mark Brunette, Senior Planner  
Development Services Department

April 22, 2019

Date of Draft Report

June 3, 2019

Date of Final Report

Analyst: Mark Brunette

Attachments: Initial Study Checklist  
Figure 1 - Location Map  
Figure 2 - Site Plan



## LETTER A

### The Columbus Club Corporation

To: City of San Diego – c/o Ms. Rhonda Benally, Ms. Angela Nazareno, Mr. Mark Brunette  
1222 First Ave  
San Diego, California 92101

8 May 2019

RE: Projects PTS No. 630996 Group Job 968 – Home Avenue / Fairmount Avenue Water and Storm drain; Project No. 607352 – Marijuana Outlet 2281 Fairmount Avenue; Project No. 593686 – 4337 Home Avenue Marijuana Outlet;

Dear City of San Diego ([DSDEAS@sandiego.gov](mailto:DSDEAS@sandiego.gov)).

I am the Chairman of **The Columbus Club of San Diego, Inc.**, 4425 Home Avenue, City Heights, California 92105. I have received notice of several projects in our area.

**A1** We are concerned with flooding along Fairmount and Home Avenue, as our club has flooded this year and periodically over the past decade. We think flooding comes from the creek channel.

**A2** We are also concerned by ever increasing traffic congestion along Fairmount and Home Avenue. Are these new businesses going to have more customers and employees than are already there? Please do a comparative traffic study of the additive impacts.

**A3** The large number of Marijuana Outlet projects suggest that there may be additive and cumulative impacts from these many projects along Home Avenue and Fairmount. The area already has an overconcentration of off sale alcohol licenses.


**A4** The other hazard that must be considered is the hazard of fire along the hillsides.

Please provide me with written responses to these comments and concerns. Please Notice us of any future opportunities to comment or attend public hearings on these projects.

Sincerely,

The Columbus Club of San Diego

†  
Mike DiPaolo  
Columbus Club Corporation Chair  
[mdipaolo2891@gmail.com](mailto:mdipaolo2891@gmail.com)  
c. 619.663.8413

  
Michael DiPaolo

cc: e-mail of 8 MAY 2019

The Columbus Club Corporation - 4425 Home Avenue - City Heights, CA 92105 - (619) 262-9098

## LETTER A RESPONSES

**A1** As stated under item IX (d), Hydrology/Water Quality, in the Draft MND, the project would not substantially alter the amount of impervious area or runoff which would continue to be discharged into the existing storm drain system; would not significantly alter the overall drainage pattern for the site or area, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site. Approximately 2,000 square feet of impervious (paved) area would be converted to pervious landscape area as part of the project, effectively reducing runoff in a portion of the project site. A water pollution control plan and construction best management practices (BMPs) would be required by the City as a condition of any construction permit. In addition, the property and intersection locations noted in this comment are approximately 20 feet higher in elevation and 0.25-mi upstream of project site. Project site runoff would continue to enter the storm drain system or off-site creek channel and travel by gravity flow west and not contribute to existing flooding east of the project that are described in this comment. Therefore, the project's runoff would not contribute to existing flooding in the area.

**A2** A comparative traffic study was prepared on the proposed project and is referenced in the Draft MND. As stated under item XVI (a), Transportation/Circulation, the project's commercial retail operations would generate a total of 300 new daily vehicle trips with 27 trips occurring during the AM peak hour and 48 trips in the PM peak hour. The Access Analysis Study (AAS) referenced in the Draft MND determined that, with these additional trips in place, that all intersection along Home Avenue in the study area are expected to operate at an acceptable LOS D or better during the peak hours except at Fairmount Avenue, which is anticipated to operate at LOS E/F under all Existing and Near-Term scenarios. However, the increase in vehicle delay at the Fairmount Avenue and Home Avenue intersection would not exceed the City's significance threshold. Therefore, no significant impacts are identified. It should be noted that the AAS was reviewed by a qualified Development Services Department Traffic Engineer, who concurs with the conclusions and recommendations of the study.

**A3** The comment does not specify what additive and cumulative impacts Marijuana Outlet projects may have. However, as stated in Section XIX.b of the MND, with required mitigation for potential impacts to Tribal Cultural Resources, and as documented in the initial study checklist, the project is not anticipated to contribute to potentially significant cumulative environmental impacts.

Refer to response B5 regarding overconcentration of off sale alcohol licenses.

**A4** Brush management along the project site's interface with natural vegetation is part of the project design. Brush management reduces fuel load and minimizes the potential for wildfire hazards. As stated under item VIII(h), Hazards and Hazardous Materials, of the Draft MND, although there are some wildlands adjacent to the project site that could be burned by a fire, the project has been reviewed by qualified landscape review and Fire Department review staff to verify that the proposed project complies with the City's brush management regulations including brush management zones and alternative compliance regulations which involve structural "hardening" of the proposed building to reduce potential wildland fire impacts to below a level of significance.



## LETTER B

May 14, 2019

City of San Diego  
City of San Diego Development Services Center  
Attention: Mark Brunette, City Planner  
1222 First Avenue, MS 501  
San Diego, CA 92101

Via email: [DSDEAS@sanidiego.gov](mailto:DSDEAS@sanidiego.gov)

Re: Mitigated Negative Declaration ("MND") for Project Name: 4337 Home Avenue Marijuana Outlet Project No. 593686 / SCH No. N/A ("Project")

I have reviewed the MND and found the following issues that require a more complete and accurate environmental review.

- B1** 1. MND defines the project as including multiple operations, including: continuing gas station and mini-mart operations and obtaining conditional use permits for an ABC type 20 alcohol license and for a marijuana outlet.
- B2** The MND fails to accurately describe, locate, and assess the relationship of these uses and the cumulative impact of them, including with regard to traffic, safety, and security.
- B3** For example, the site plans provided are difficult to read. It is not possible for the public to understand the precise location of each of the proposed uses and their relationship, spatially to one another.
- B4** As an further example, the Access Analysis Study for the Project includes information and analysis related to trip and other aspects of marijuana outlets (4.1), as well as the cumulative impacts of multiple potential marijuana outlets in the area (6.2); but it does not address the cumulative impact of the multiple uses included with in the project definition or the potential relationships to one another (including but not limited to selling alcohol and marijuana alongside a vehicle dependent operation such as a gas station and the impacts that will have to traffic, vehicle idling (direct impact on emissions), parking, management of hazardous wastes and air-quality (including gas station related fumes and emissions and cannabis odor control) and public safety).
- B5** Municipal Code section 141.0502(c)(1) related to the issuance of a conditional use permit for alcoholic beverage outlets requires that the City of San Diego Police Department provide the City with a recommendation on the proposed use and location of an alcoholic beverage outlet. The code further states that the decision maker will review and consider any recommendations of the SDPD before making a decision on the application. The engagement of and recommendation of the SDPD are not addressed in the MND, nor is there any discussion provided to the public regarding the requirement for the same.

The decision to co-locate auto-service and mini-mart operations (which cater to and attract persons of all ages including minors and include the sale of tobacco), alcohol retail sales, and

## LETTER B RESPONSES

- B1** Comment noted. Specifically, the project involves of the extension of a CUP and NUP for the continuation of two existing uses (i.e., convenience store and auto service station) and a new CUP for the addition of a marijuana retail outlet.
- B2** Please refer to response to comments B3 through B8 regarding the specific issues raised in this letter.
- B3** Comment noted. Figure 2 of the Draft MND has been revised to improve clarity and legibility of the project site plan. In addition, supporting documentation for the draft MND, including the entire full-size, scaled drawing set, has been available in alternative format since the start of the draft MND public review period, by contacting the City of San Diego Development Services Department, as stated in the Public Notice for the draft MND.
- B4** The Access Analysis Study referenced in the Draft MND takes into consideration the existing convenience store and auto fueling station operations as part of the Existing traffic scenario and addresses the impacts of adding the new 1,200 SF marijuana retail operations as part of the project impact scenarios. There are no unique traffic implications associated with selling marijuana products alongside alcoholic beverages, as suggested in this comment. The property would be restriped to provide for additional parking spaces, consistent with the San Diego Municipal Code (SDMC) for the applicable zones. Mobile source emissions associated with additional vehicles idling on site would not be substantial because only 300 new vehicle trips would be produced by the new operations on a daily basis. Based on screening criteria in the City's Significance Determination Guidelines, a project would have to produce appropriately 9,500 average daily trips to trigger the City's air quality significance thresholds (City of San Diego 2016). In addition, customers would not produce substantially more idling vehicles because they would park and access the marijuana outlet by foot similar to the existing convenience store operations. Because the proposed marijuana outlet would be a commercial retail operation within interior storage and retail space, there is no potential for hazardous materials, air emissions or odors associated with the retail operations. Public safety, other than the potential for exposure to health hazards, is not an environmental topic required for discussion in CEQA documents. Hazards and Hazardous Materials issues are discussed under Item VIII of the Draft MND and based on that discussion there is no potential for significant impacts.
- B5** As documented in the City of San Diego El Nino Project Tracking System (PTS), which is part of the public record, the San Diego Police Department reviewed the proposed project and supports the project provided their recommended conditions of approval are incorporated into the discretionary permit approvals for the project. The recommended SDPD conditions of approval will be required conditions of approval for the project's discretionary permits.



**B5**

marijuana retail sales, and their associated uses and cumulative impacts, is a matter of significant public policy that requires the input of the SDPD and warrants a full and transparent process. It also warrants considered review and decision of other City and State stakeholders (see, e.g., Municipal Code section 141.0502(c)(1)-(2) stating that the decision maker may request further input and recommendation from the State Dept. of Alcohol Beverage Control and consider its recommendation).

**B6**

For the reasons above, there is an incomplete basis to conclude that the project would not conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project for the purpose of avoiding or mitigating an environmental effect.

2. The project, as proposed, exposes the public to potentially significant life safety impacts. The project proposes to continue the operation of an existing auto service station (gas station) and mini mart, together with obtaining conditional use permits for alcohol retail and marijuana retail. **The resulting project – as defined in the MND – is an expansive multi-use center that will cater to and attract persons of all ages, distribute highly regulated products (including alcohol, tobacco, and marijuana), and operate facilities that include a variety of hazardous and/or sensitive materials (including pre-existing conditions that have not been fully assessed).** For example, there is no discussion of how hazardous waste related to the gas station operation will be managed together with the procurement, inventory, and sale of ingestible cannabis products and the handling of cannabis waste while continuously operating. It appears fuel reserve tanks (labeled Octane tanks) are located within 10 feet directly north of proposed entrance to the marijuana outlet facility and that these tanks are directly below parking for the marijuana operations.

**B7**

**B8**

3. There is a prevalent practice of potentially competing marijuana projects to engage in challenging the permitting of competitor projects by lodging challenges in the environmental review process without disclosing the true party in interest. My client and I have declined to engage in any such actions, and I hereby disclose that I represent the applicant / proponent of Project No. 607352, 2281 Fairmount Avenue.

#### **LETTER B RESPONSES CONTINUED**

**B6**

As stated under Item X, Land Use and Planning, of the Draft MND, the project is consistent with the General Plan's and Community Plan's land use designations, and is consistent with the IL-3-1 and CC-3-1 zoning designations with the issuance of a new CUP for the proposed marijuana outlet. No deviations from the applicable development regulations are requested. Compliance with the SDMC is noted in response to comment B5. Therefore, there is no basis for the conclusion that the project would conflict with any applicable land use plan, policy, or regulations.

**B7**

Comments noted; however, life safety is not a required topic for discussion in CEQA documents as the focus is on the environmental impacts of the proposed project. No changes to the existing facilities or operations is proposed. The co-location of the proposed retail outlet with the existing operations presents no additional hazard to the public nor would it increase the potential for hazards related to the existing fueling operations because there would be no marijuana product manufacturing on site (only retail operations). Currently, the fuel tanks referenced in this comment are located below existing parking stalls and customers of the proposed outlet would not use those parking stalls any differently than the customers coming to the convenience store and auto fueling facility.

**B8**

Comment noted.

Regards,

Breton Peace  
Partner, Peace & Shea LLP  
[bret@peaceshea.com](mailto:bret@peaceshea.com)  
Ph. (619) 504-2424  
2700 Adams Ave Suite 204  
San Diego, CA 92116



## LETTER C

From: Theresa Quiroz  
To: DSD EAS  
Subject: Project # 593686, 4337 Home Avenue Marijuana Outlet.  
Date: Thursday, May 09, 2019 8:48:16 PM

May 9, 2019

Mr. Brunette,

Thank you for the opportunity to comment on the Mitigated Negative Declaration for Project # 593686, 4337 Home Avenue Marijuana Outlet.

It is my belief that the MND is misleading and incomplete and should be prepared with more accurate information.

**C1**

On page 13 of the document under item 9, the report states "A concrete-lined drainage channel is located along the southwest boundary".

**C1**

This is not a drainage channel. It is the Auburn Creek, a tributary of the Chollas Creek, a State controlled body of water that is impaired with excessive levels of copper, lead and zinc. It is also covered under the city's Chollas Creek Enhancement Plan, a plan prepared to avoid any further negative impacts to the creek and its surroundings. The reference section of the MND shows that there was no consideration of that document in its preparation.

Public comment on this document is stifled by the inaccurate description of the surroundings.

**C1**

If this was a simple remodel, it would not be an issue. But with new construction the consideration of the creek is paramount.

**C2**

The City of San Diego recently applied to the State for a permit to perform regular maintenance on this portion of the Auburn Creek. (See Cert # R9-2018-0076). The equipment necessary for the maintenance accesses the creek through this specific property. There is no discussion of whether this new construction will stop all future access for creek maintenance, something that would most definitely have a negative environmental impact.

**C3**

Under Biological Resources, Page 21, the document states, "There are no wetlands or waters of the State or United States on or near the site." Obviously that is an incorrect statement. The Auburn Creek, a State body of water is adjacent to the project.

**C4**

Under the Hazardous Materials section, there is no discussion about the possibility of Burn Ash. This small section south of Home Avenue and West of Fairmount has Burn Ash deposits and there seems to have been no review of whether the specific development area has Burn Ash in the soil.

**C5**

On page 32, under Land Use and Planning, the question is asked whether the project conflicts with applicable land use plans. The Chollas Creek Enhancement Plan is a specific plan to the Mid-City Communities Plan and is extremely relevant to this project adjacent to the creek. Even so, it is not mentioned, nor has it been consulted in order to be able to answer that question.

**C6**

Under item 10, page 13, it asks if there are other public agencies from whom approval is required. Despite being adjacent to the Auburn Creek and within the required 20 foot clear zone, the MND does not consider the need to request a permit from the State Water Control Board.

**C7**

Finally, the Site Plan at the end of the document is unreadable. The most important consideration is exactly where the new project will be built. The site plan is difficult to read and confusing, with excessive lines that obfuscate the exact location of the new building.

**C8**

This Mitigated Negative Declaration is incorrect, misleading and insufficient and stifles appropriate comment. I ask that you correct the errors and re-post it for comment.

## LETTER C RESPONSES

- C1** Comment noted; however, the portion of Auburn Creek adjacent to the site is, in fact, concrete lined as described in the Draft MND. The Chollas Creek Enhancement Plan identifies the channel as a wetland rehabilitation area (City of San Diego 2002). Because the proposed project would not directly or indirectly impact resources within the creek channel or change the amount of runoff into the drainage, as discussed in the Draft MND, the rehabilitation efforts described in the Chollas Creek Enhancement Plan would not be impeded by the proposed project.
- C2** The proposed construction of a two-story, 2,400 square-foot retail structure would not affect the City's ability to access the Auburn Creek area for regular maintenance. The remaining parking area could still be utilized by the City for maintenance vehicle access, as could other properties in the project area.
- C3** The statement under Item IV (c) of the Draft MND is correct in that there are no wetlands or waters of the State or United States on the site. The City acknowledges that there are likely waters of the State or United States offsite in the Auburn Creek area. However, the project would not have a substantial adverse effect on those resources through direct removal, filling, hydrological interruption or any other means because all new construction would occur within the existing developed portions of the project site and runoff would not increase from levels currently produced. Refer to response to comment A1 that describes there would be no hydrological or water quality impacts associated with the proposed project.
- C4** In response to this comment, an EnviroStor search was conducted on the Department of Toxic Substances Control (DTSC) website to identify the potential presence of known contamination sites in the project area (Website accessed on May 22, 2019 at <https://www.envirostor.dtsc.ca.gov/public/search?basic=True>). No recorded sites were identified on site during the search of federal, state and local databases for clean-up sites, hazardous waste facilities and enforcement actions. If a burn ash site was being investigated by federal, state or local agencies along Home Avenue, it would have been identified during the EnviroStor search. In addition, soil samples were collected and their physical and chemical properties were tested during the geotechnical investigation conducted for the project (Geocon 2018). No evidence of contamination was noted during that investigation. Therefore, the Hazards analysis presented in the Draft MND accurately determined there is no potential for the project to result in hazardous materials impacts.



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**LETTER C RESPONSES CONTINUED**

- C5** Comment noted. As indicated in response to comment C1, the project would not affect the ability of the City or community to implement the Chollas Creek Enhancement Plan. The enhancement plan is a resource-oriented, community-driven effort to improve the quality of the biological resources within the watershed of Chollas Creek and its tributaries, such as Auburn Creek near the project site. It is not, however, a land use plan like a General Plan, Community Plan or specific plan; the MSCP is the applicable land use plan to the area adjacent to the project site. Under Item IV(c), the Draft MND states that the project would not conflict with any applicable habitat conservation plan or the MSCP because it would implement the MHPA Land Use Adjacency Guidelines as a condition of approval. Therefore, the land use analysis contained in the Draft MND is correct in concluding that no policy impacts would result.
- C6** Comment noted; based on the anticipated environmental impacts, project implementation does not require any approvals from outside agencies as stated in the Draft MND.
- C7** Comment noted. Figure 2 of the Draft MND has been revised to improve clarity and legibility of the project site plan. In addition, the entire drawing set is available for review by appointment at the City of San Diego Development Services Department.
- C8** Comment noted; please see response to comments C1 through C7. As such, there are no errors or a need to recirculate the CEQA document.



## LETTER D

John Stump  
2413 Shamrock Street  
City Heights, California 92105  
619-281-4663 [mrjohnstump@cox.net](mailto:mrjohnstump@cox.net)

May 8, 2019

City of San Diego, Storm Water Department, Planning Department; Transportation and Streets, Public Utilities and City Clerk

RE: Projects PTS No. 630996 Group Job 968 – Home Avenue /Fairmount Avenue Water and Storm drain; Project No. 607352 – Marijuana Outlet 2281 Fairmount Avenue; Project No. 593686 – 4337 Home Avenue Marijuana Outlet; and Capital Improvement Projects proposed in the Mayors's 2020 City of San Diego Budget – Capital Improvement Projects

Dear Angela Nazareno; Ms Rhonda Benally; Mr. Gary Geiler; Mr. Firouzeh Tirandazi; Mr. Mark Brunette, Environmental Planner and [DSDEAS@sanidiego.gov](mailto:DSDEAS@sanidiego.gov)

I have received four notices concerning two (2) pending and proposed Marijuana Outlets, listed above, a significant Storm Water and Water Utility pipeline project at Home Avenue / Fairmount Avenue, listed above, a pending additional Marijuana Outlet project on the south side of Home Avenue, in the ARCO Gas Station parcels; and the pending Capital Improvement Projects for Home Avenue, Fairmount Avenue, Federal Boulevard, and Euclid Avenue. All of these projects are within the small and sensitive watershed of Auburn Creek in City Heights. I am concerned that these projects have or will have **cumulative effects and impacts** on the people and environment of Auburn Creek watershed area.

**D1**

Earlier this month, I provided some twenty comments and concerns regarding Project No. 607352 – Marijuana Outlet 2281 Fairmount Avenue. These initial comments are excerpted below:

**D2**

*"I have received your notice concerning of the above listed project which would convert a long term automotive and truck repair use to a retail marijuana outlet. The conversion of limited light industrial use to a large volume retail operation raises serious concerns, as follows:*

- 1. The current building has long been an automobile repair operation. It should be checked and examined for toxics from the current use and past uses. The change to retail and higher employee concentrations might expose the public and employees to higher levels of accumulated toxics as the change of use from an open air flow through multiple garage doors business to a closed doors high security operation, with limited air flow. The current building use has open air*

**D2**

Cumulative Impacts Auburn Creek 1 OF 5

© [mrjohnstump@cox.net](mailto:mrjohnstump@cox.net)

## LETTER D RESPONSES

**D1** Comments noted; Item XIX (b), Mandatory Findings of Significance, of the Draft MND indicates that the project may have the potential to contribute to cumulatively considerable impacts to tribal cultural resources. Mitigation required in the Draft MND would reduce the project's contribution to these impacts to less than significant levels. No other cumulative impacts are identified. Other proposed projects in the surrounding community would be required to comply with applicable environmental regulations which would ensure that their impacts would be less than significant. Cumulative effects on the Auburn Creek watershed are not anticipated due to the project's compliance with the MHPA Land Use Adjacency Guidelines; please refer to response to comments A1, A4, C3 and C5.

**D2** The comments provided were previously submitted and pertain to another project located on a site along Fairmont Avenue within the same community. Several of the comments are site-specific to the other project's location and not applicable to the proposed project at 4337 Home Avenue. Specifically, comments 1, 2, 3, 6, 7, 9, 13, 14, 15 and 20 have no applicability to the 4337 Home Avenue Marijuana Outlet Draft MND and are not addressed further in this response.

The remaining comments are addressed as follows due to their general applicability to development in the City:

With regard to previous comment 4, the project involves the renewal of an existing CUP and NUP for the existing convenience store and fueling station operations, respectively. No changes to those operating hours are proposed. The new marijuana outlet facility would comply with the hours of operation identified in the new CUP.

With regard to previous comment 5, brush management would be conducted by the project as described in response to comment A5. Brush management would comply with the City regulations and not directly impact sensitive biological resources in the Auburn Creek watershed. Less than significant biological resources impacts are, therefore, identified in the Draft MND.

With regard to previous comment 8, the project would comply with the applicable trash/recycling receptacle requirements outlined in the SDMC. Trash storage is not a required environmental topic in CEQA documents.

With regard to previous comment 10, noticing was conducted in accordance with the SDMC requirements. The entities who were distributed the Draft MND notice are listed on page 11 of the document.

With regard to previous comment 11, the proposed project does not need permits from any outside agencies and noticing is unnecessary. The project would not cause direct or indirect impacts to the Auburn Creek or its resources as described in the Draft MND, as well as response to comments A5, C1, C2, C3, C5 and D1.

**D2**

flow, East to West through truck size garage doors on both sides of the current building;

2. The current building has a small number of employees with inadequate onsite parking for the employees and customers, as evidenced by daily offsite vehicle transfers to on street and offsite parking;
3. The building has substantial and numerous electronic cell or transmission equipment which should be evaluated for appropriateness and safety for increased number of employees and customers over extended hours of operations and hours. The current business operates only Weekdays and on a limited daily hour of operation schedule. The new Conditional Use Permit should restrict the hours of operation to no more than the current limited hours of operation;

**D2**

4. Is the new use going to have a more extended schedule of hours of operation and days of operation? How will the new CUP limit the hours and nature of operations to no more than the current hours of operation?
5. The subject Notice identifies correctly that the proposed project is adjacent to a high fire hazard hillside backing up to residential homes; but it does not state how this known hazard is to be mitigated. The Notice fails to identify that this hillside is well known as habitat for California Gnatcatchers and other listed species of fauna and flora. There is an established Environmental reserve to preserve this habitat about a mile West, of the project behind the SDPD Police Garage.
  - a. The Flora & Fauna habitat impacts must be evaluated and mitigated
  - b. The Fire hazards must be mitigated so that the adjacent hillside is protected by a clear and fenced off fire buffer installed

**D2**

6. The Notice correctly identifies that the subject property is within an established flood zone. It does not make clear that the subject property's Northern boundary is the Auburn Creek, a listed impaired tributary of the North Chollas Creek draining directly into San Diego Bay. The impacts to the Auburn Creek must be evaluated and at minimum include the following:
  - a. Mitigation measures to prevent storm water flow from impervious surfaces into Auburn Creek;
  - b. Removal of nonnative and invasive plant species currently present like Castor Bean, Arundo, Eucalyptus and related weeds;
  - c. Fencing and drainage corrections to prevent wash into the Auburn Creek; and
  - d. Restoration of sensitive habitat damaged by current uses and proposed uses;

**D2**

7. The area has a long established unsheltered population that inhabit the hillside adjacent to the property and gain access from the lack of continuous security fencing surrounding the property, including the Auburn Creek and Hillside and rear of property. These areas need to be fenced off to prevent sales, operations, and after hours entry from the non-street side Fairmount entrance. There currently seems to be repair operations on two sides of the existing building, through east and west garage doors;

## **LETTER D RESPONSES CONTINUED**

### **D2 continued**

With regard to previous comment 12, the project would not contribute to any flooding in the adjacent creek because no changes in drainage patterns or runoff quantities as described in the Draft MND as well as response to comment A1. Thus, there is no need to notify the ACOE or FEMA of the project.

With regard to previous comment 16, the project would not have significant impacts related to hazardous materials as described in the Draft MND and response to comment C4. Thus, there is no need to notify the DTSC of the project.

With regard to previous comment 17, the project's construction would be required to avoid indirect impacts to resources in the MHPA through compliance with the MSCP Land Use Adjacency Guidelines (refer to page 21 of the Draft MND).

With regard to previous comment 18, the project's lighting would be required to avoid indirect impacts to resources in the MHPA through compliance with the MSCP Land Use Adjacency Guidelines (refer to page 21 of the Draft MND).

With regard to previous comment 19, signage for the proposed project would be in compliance with the City's development regulations outlined in the SDMC and is not a required environmental topic in a CEQA document.



- D2** 8. Trash and Recycling facilities seem to not be present on the property. Screened and secure waste disposal facilities, of appropriate size and volumes, need to be required in any CUP permit;
9. The property currently has insufficient parking for the current limited truck and vehicle repair operations. The project should be carefully evaluated for the number of parking spaces for both employees and customers and deliveries. The parking should fully conform with the number of ADA blue van accessible spaces for the employees and customers and the number of ADA spaces listed in the CUP;
10. The Noticing of this project should include Noticing to the adjacent property owners, the Ridgeview Neighborhood Association and City Heights Area Planning Committee;
- D2** 11. The project should be Noticed to the State Fish and Game and Regional Water Quality agency because of the impaired nature of the adjacent Auburn and Chollas Creek and habitats;
12. The Corp of Engineers and FEMA should be noticed because of the well-established and continuous flooding of this area;
13. Fairmount Avenue (47<sup>th</sup> Street) is a high speed commercial route to Home Avenue and the I-805 freeway. This property has substandard sight lines for egress and ingress. These dangerous conditions require additional pedestrian, bicycle, and vehicle safety considerations. In addition to standard **sidewalks**, curbs, and gutters, with improved sight lines, there should be further study of striping and other traffic control measures to encourage safe pedestrian and bicycle access and limit out of direction crossing into and out of this property. The adjacent curbs should be painted and signed **No Parking** to improve sight lines for safety;
- D2** 14. Sidewalks and bicycle access is particularly important as there is an adjacent bus stop;
15. There is a documented earthquake fault that runs over the ridge adjacent to this property, the project should be evaluated based on the known fault and building foundations and construction;
16. The Department of Toxic Substance Control should receive notice of this project and asked to evaluate that the long term past uses may have created a yet undocumented residue of toxic substances;
17. The timing of proposed demolition and construction should be timed so as not to interfere with listed species breeding and fledging;
- D2** 18. Project lighting must be appropriately screened and shaded; so as not to cast light on or interfere with the reproductive amphibian species that use the adjacent Auburn Creek;

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19. Street visible and billboard advertising should be restricted at this site, in its CUP. The proposed project should not be permitted to advertise on the adjacent Fairmount Avenue Billboard.
- D2** 20. I believe that the very High pressure natural gas pipeline passes directly in front of the proposed project. The pipeline is larger and older than the infamous San Bruno pipeline. Location of more intense employee and customer operations should be evaluated against the existence of this hidden hazard. Appropriate mitigation could include fire and blast deflection measures, like window and door openings or limitations on sensitive construction facing the pipeline. "

In todays, Union Tribune newspaper there was reporting of "DEA investigating Mira Mesa cannabis lab explosion"

- D3** [http://enewspaper.sandiegouniontribune.com/infinity/article\\_share.aspx?guid=c9922511-5281-472b-9e11-f3f25cebafae](http://enewspaper.sandiegouniontribune.com/infinity/article_share.aspx?guid=c9922511-5281-472b-9e11-f3f25cebafae)

- D3** My previous comments made mention of fire hazards for this location but I had not considered the flammable and explosive nature of solvents used in these Marijuana operations or sales. Please evaluate the increased fire hazards presented by all marijuana operations, particularly sited along the hillsides of the Auburn Canyon or adjacent to Gasoline distribution locations, or near the Rainbow Pipeline.

- D4** Over the weekend, I prepared the attached Auburn Creek and Auburn Canyon, white paper to identify issues and resources that must be considered to fairly evaluate any projects in this environmentally sensitive area. I listed some twenty-eight studies and reports that should be considered by project reviewers. I also request that the reviewers read the CEQA /NEPA reports/studies referenced in my white paper and related area CEQA /NEPA reports/studies in this are prepared by the City of San Diego, County of San Diego CALTRANS, and the San Diego Unified School District for their water shed.

- D5** I request that my earlier 20 comments, this letter, and the attached white paper be considered as comments on all of these area projects.

- D6** Additionally, it has come to my attention that the real parties in interest may not have been fully identified concerning the three (3) Marijuana Projects. Please carefully review who is the owner, property owners, and beneficiaries in the granting of these project applications. I strongly suggest that the applicants be very carefully queried to establish the real parties of interest.

- D7** Please physically post the notice of these applications and provide Notices to all property owners within 300 feet and the area neighborhood associations for Fairmount Park, Bridgeview Association, Ridgeview Association, Isle Nair Association, Fox Canyon Association, and Azalea Park Association.

#### LETTER D RESPONSES CONTINUED

- D3** The proposed project is solely a retail operation and product manufacturing would not be permitted in the IL-3-1 zone in accordance with the CUP. As such, there is no potential to increase fire hazards in the project area.
- D4** The project site is located adjacent to but not within the Auburn Creek/Canyon area. The white paper is a compilation of existing background information regarding the Auburn Creek area but does not directly address the contents and conclusions reached in the Draft MND. As noted in other response to comments, the project would not result in significant direct or indirect impacts to the creek, canyon or its biological resources. With regard to Native American resources, construction monitoring would be conducted to detect the presence or absence of unknown archaeological resources as part of the project's mitigation requirements outlined in the Draft MND. Drainage and water quality impacts would not be significant as noted in the Draft MND and response to comments A1 and C1.
- The submitted white paper is acknowledged; however, no specific comments on the content of the proposed project's Draft MND are in the white paper and a response is not required pursuant to purpose of the public review process for CEQA documents (refer to Section 15204 of the State CEQA Guidelines).
- D5** Comment noted; please refer to response to comments D2 and D4 regarding the previous comments and the white paper's applicability to the CEQA document for the proposed project.
- D6** The comment refers to ownership interests of the proposed project and other similar projects, which is not a topic for discussion in a CEQA document. No response is required to this comment.
- D7** Noticing has been and will continue to be conducted by the City in accordance with the noticing requirements outlined in the SDMC.



**D8**

I request written responses to these comments and the white paper, which is incorporated by reference. I further request reasonable notice and the opportunity to attend any hearing held on these projects

I have attached my referenced white paper which is incorporated by reference.

All the best,

/s/

John Stump

Attachment

JWS/st

**LETTER D RESPONSES CONTINUED**

**D8**

As noted under response to comments D2 and D4, a number of the previous comments and the white paper do not offer specific comments on the Draft MND for the proposed project. Responses are provided to the applicable comments under response to comment D2. All public notices will be sent in accordance with the City's noticing requirements outlined in the SDMC.

# LETTER D - WHITE PAPER ATTACHMENT

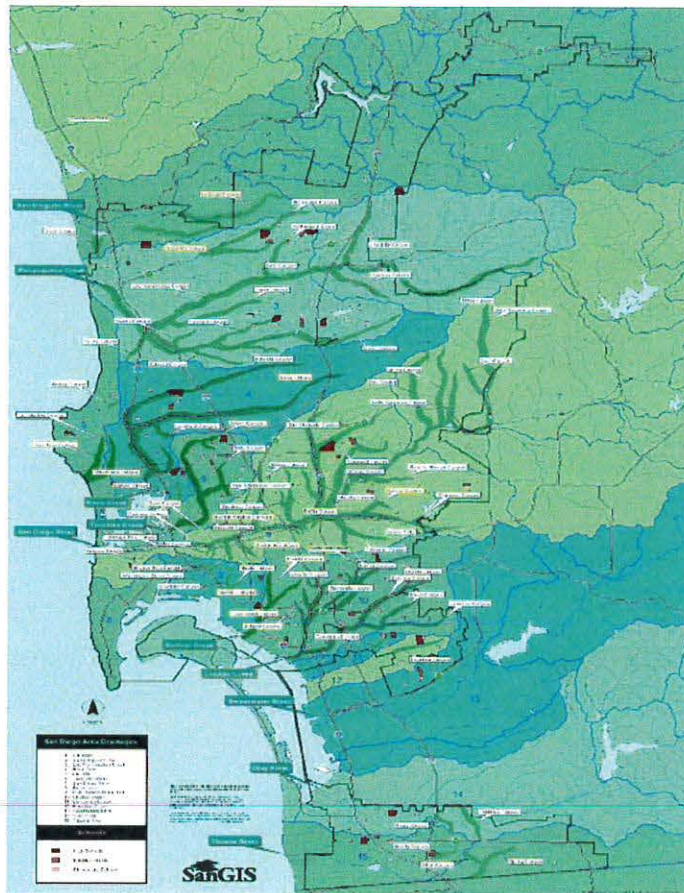
## AUBURN CREEK AND AUBURN CREEK CANYON

### I. LOCATION AND SETTING:

Auburn Creek and Auburn Creek Canyon are natural features located in the United States of America, State of California, County of San Diego, Charter City of San Diego, and Community of City Heights, CA 92105. The Auburn Creek and the Canyon it created roughly flow from North of University Avenue, at 52nd Street, to Federal Boulevard, at Home Avenue. The Auburn Creek had a very extensive flood plain that has largely been filled in or channelized. Auburn Creek's flood plain was the majority of the Fox Canyon neighborhood and valley that contains Home Avenue.

The Chollas Canyon is one of several east west parallel canyons in Mid City – Mission Valley. Manzanita – Lexington Canyon, Auburn Canyon, and Chollas Canyon. Manzanita Canyon, Auburn Canyon, and Chollas Canyon are part of the Chollas Creek watershed. The watershed begins along the south side of El Cajon Boulevard ridge and flows south until it cuts out east west canyon channels that connect and lead to the San Diego Bay. The La Nacion earthquake fault system influences this watershed.

Auburn Creek is a tributary of the North Chollas Branch of the Chollas Creek that all drain as the Chollas Watershed into San Diego Bay. The Auburn Creek and Canyon system is about three (3) miles in length. A map of the Chollas Watershed is presented below:





Another presentation from the San Diego GroundWorks nonprofit is presented below:



The 1904 USGS map of San Diego is presented at:

<https://www.sandiego.gov/sites/default/files/legacy/city-clerk/pdf/historicalmaps/sdusgsma.pdf> . It is interesting to note that references to Chollas on early maps are to "Las Choyas".

Auburn Creek was designated by action of the San Diego City Council as a natural water body during its deliberation on the Federal Emergency Management Agency (FEMA) Flood Plan, on October 7, 2008- Agenda Item 109, City Council, after receiving my testimony and the attached letter, of the same date, took action as follows:

"COUNCIL ACTION: (Time duration: 5:29 p.m. — 5:39 p.m.) MOTION BY FRYE TO ADOPT WITH DIRECTION TO STAFF TO INCLUDE AUBURN CREEK IN THE FLOOD MITIGATION PLAN AND ALL COMMENTS MADE BY MR. JOHN STUMP FROM HIS LETTER DATED OCTOBER 7, 2008, TO BE ANNOTATED TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY. Second by Falconer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins not present, Young-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Hueso-yea." (Minutes 10-7-2008, #10

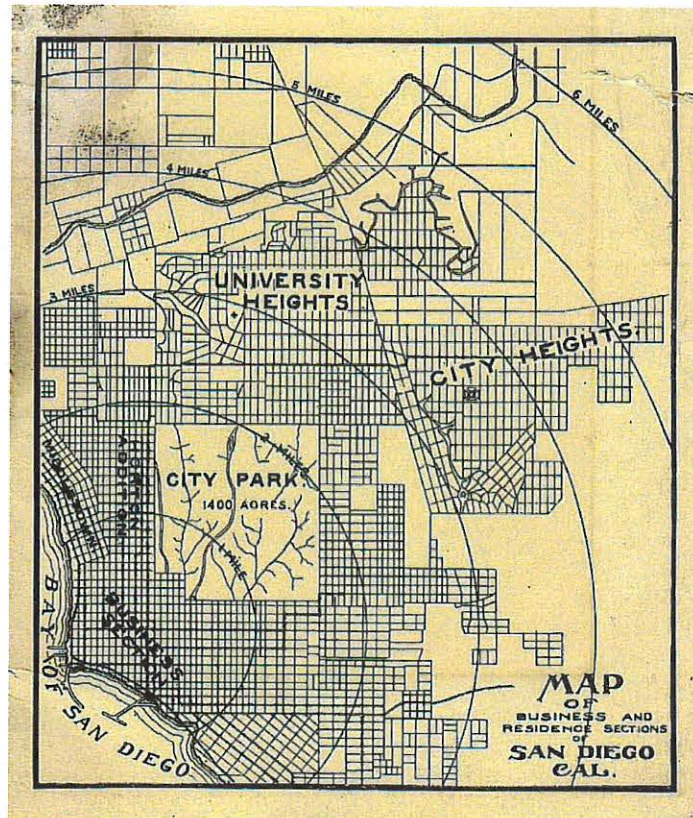
Subsequently, the San Diego Planning Commission took similar actions to designate and name Auburn Creek.

Auburn Creek gains its name from the subdivision street names at its origin. City Council took this action to preserve and enhance the well-established historic nature of this creek; its



continual human use for recreational and gathering uses; and in recognition of the valuable habitat it provides to listed and endangered species of plants and animal. Nearly every CEQA Environmental Impact Report and study of this water body has identified its historic use by Native Americans; the presence of valuable plants and animals along and within its shores; and the current and future uses of this creek to provide a needed recreation setting for needed parks and open spaces. (Please see the City studies for Wightman Park, Fox Canyon Park, and the Central Police Garage & SD City Schools studies for the Mary Fay Elementary School). Auburn Creek had sufficient habitat value, for California Gnatcatchers and other species, that the City of San Diego set aside some 18 acres of special environmental preserve, adjacent to the Auburn Creek to mitigate for the impacts from the construction and operation, of the Police Central Garage, at Home Avenue and Federal Boulevard. Auburn Creek is unique amongst the tributaries of the Chollas Creek, as its source is a spring. Auburn Creek is the defining water feature of City Heights. Auburn Creek provides City Heights its natural link to the San Diego Bay. [Letter, May 11, 2010, CHOLLAS RESTORATION, ENHANCEMENT AND CONSERVANCY to San Diego Planning Commission, RE: AUBURN CREEK designation in proposed Master Storm Water System Maintenance Permit (Item # 6)]

Presented below is an early 20th century map of the City of San Diego street system showing both the incorporated City of San Diego and the unincorporated portions of San Diego – east of Boundary Street? Auburn Creek begins approximately 5 miles east of the San Diego Bay.

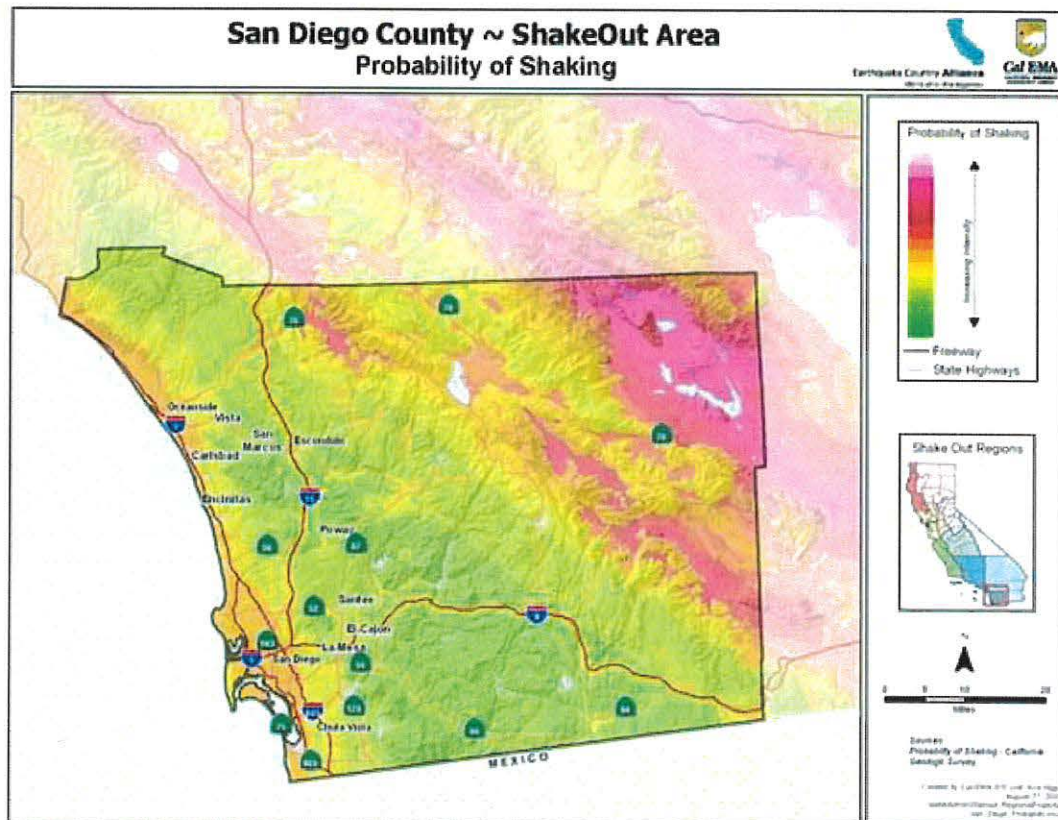


The Auburn Creek headwaters were not part of the original City of San Diego boundaries but were annexed into the City of San Diego by vote of the residents of both the City of San Diego and then independent City of East San Diego. SEE: Union Tribune Newspaper









On the South side of University the CEQA study for the Wightman Street Park - <https://ceqanet.opr.ca.gov/2010041108/2> studied Auburn Creek extensively as it is a defining and limiting feature of this park. This study identified flooding conditions and the location of toxic materials and water conditions. SEE: **Fox Canyon Dropped**, *Voice of San Diego*, **November 27, 2006**, "The City Council ended its pursuit of developing a park and road in Fox Canyon on today, deciding instead to settle a legal challenge brought against the [controversial project](#). A community group called Friends of Fox Canyon sued over the [council's decision in March](#) to approve an environmental review for the City Heights park-and-road proposal. The review said that the extension of Ontario Avenue and construction of a small, adjacent park would have a minimal impact on the surrounding environment, which includes Auburn Creek. The study allowed the park-and-road proposal to move forward in the planning process. The council voted Tuesday to withdraw its approval of the study after tentatively agreeing to those terms in a private meeting this October. Councilman Jim Madaffer, whose district includes Fox Canyon, said he reluctantly supported settling the lawsuit, even though the agreement ended up killing the project he has very visibly championed. He blamed "community politics, the struggle for power and greed" for the proposal's demise. Only Council President Scott Peters opposed the settlement. The council will discuss redirecting the state grant the city received for Fox Canyon for another area of the City Heights neighborhood, on Wightman Street, next week. "Also, **A Park? A Road?**, *By Joe Deegan*, **Jan. 11, 2007**, <https://www.sandiegoreader.com/news/2007/jan/11/park-road/#>

City of San Diego City Attorney Michael J. Aguirre, issued an extensive report on the Fox Canyon and Auburn Creek area as a result of the above cited dispute. The report details schemes to misuse State and local funding and overdevelop Auburn Creek and its water shed. SEE: **INTERIM REPORT NO. 14 , THE ONTARIO AVENUE CONNECTION AND FOX CANYON**



**PARK**, REPORT OF THE SAN DIEGO CITY ATTORNEY MICHAEL J. AGUIRRE, 27 February 2007, 56 pages [http://sdcityattorney.com/Interim Reports/IR-14 Fox Canyon Park 20070227.pdf](http://sdcityattorney.com/Interim%20Reports/IR-14%20Fox%20Canyon%20Park%200070227.pdf)

Prior to annexation of the Auburn Creek / Fox Canyon area into the City of San Diego, it was an entertainment and camping area just outside of the City of San Diego. The Auburn Creek formed a small lake or pond at this area. The University Avenue trolley terminated close to this site and several amusement features were built in this area – including the Mission Ballroom, Tower Bar, and Egyptian Garage. Overtime, the amusement nature of Auburn Creek was traded for more extensive housing development and the Auburn Creek channel was moved, relocated, channelized or placed into box culverts.

Auburn Creek regularly floods because its natural flood plain has been built over, the creek placed in confined channels or box culverts and the amount of water shed to it increased because much of the watershed has now been developed with impervious structures, surfaces, and roadways.

## II. LISTED FLORA FAUNA :

The Chollas Creek watershed has a long prehistoric human occupation and was a valuable human habitation resource area prior to the arrival of the Spanish, beginning with the Pedro Fages occupation. The transit of indigenous peoples from the Bay inland along the Chollas watershed was noted by Conquistador Pedro Fages.

Current environmental reviewers often mistakenly begin with a prejudice that the Chollas watershed area could not contain any valuable habitats or listed flora and fauna species because the area has long been urbanized and developed. By the beginning of the 20th Century much of the first mesa of the Chollas watershed had been scraped and leveled for subdivision development. Pictured is the intersection of University Avenue at Euclid by Auburn Creek.



DR. EDITH A. PURER  
Senior Science  
Botany

A handwritten signature in dark ink, appearing to read 'Edith Purer'.

Edith Purer 1948

*"San Diego County vernal pools were largely ignored in the early 1900's. The only attention they received was from thirsty livestock and ranchers who filled them in with dirt while attempting to level their land. Edith A. Purer presented one of the first scientific papers fully describing the habitat to the Ecological Society of America in 1937. A science teacher at San Diego's Hoover High School, Purer spent her summers studying the county's natural history and became San Diego's first female professional ecologist. She was also the consummate citizen naturalist.*

*Purer's survey of San Diego's Linda Vista Mesa described "thousands of pools filling the small depressions of the mesa, intercepted throughout by low, rounded hummocks." The key words here are "thousands of pools." Within forty years of Purer's study none remained, having been filled in and covered over by the burgeoning growth of an expanding city. The remaining collections in the entire county would have disappeared as well if the scientific and environmental communities had not belatedly rediscovered them in the late 1970's and publicly revealed the treasure trove of specialized life forms living there. Half the plant species growing within California's vernal pools are found nowhere else on earth. This compares to 24% of all California plants being endemic, a remarkably large number itself.*

*In a sudden explosion of interest, vernal pools were regarded as deserving protection and endemic species were listed as endangered or sensitive. Unfortunately, a few developers did what they could to avoid the new restrictions by bulldozing pools on their land before the laws took effect. Pools continue to be destroyed today despite their legal protection. The few remaining represent a tiny fragment of a once large network of ephemeral wetlands punctuating the chaparral like liquid sapphires.*

*Before development there were an estimated 28,500 acres of vernal pool habitat in San Diego County. Mesa tops, like the one where San Diego State University now rests, were covered with so many pools that aerial photographs taken back in 1928 look like carpets textured with thousands of tiny, evenly spaced dots. Those are all gone now. When the county was last inventoried in 1986, only 7% of the original vernal pool habitat remained. Fewer than 2,400 pools existed in 2001. Of those surviving, some are temporarily protected in restricted areas like the Miramar Air Station or Camp Pendleton, but their futures are still uncertain; others remain vulnerable because they exist on private land." **Vernal Pools: Liquid Sapphires of the Chaparral, California Chaparral Institute** <http://www.californiachaparral.com/vernalpools.html> SEE: ECOLOGICAL STUDY OF VERNAL POLLS, SAN DIEGO COUNTY; Edith A. Purer, Hoover High School, Ecological Society of America, Volume 20, No. 2, pp 217-229*

Fortunately for the Mid-City Heights area and the Chollas Creek watershed in particular, the Chollas Creek flood plain and canyons were not as quickly developed as the dry mesa flat tops. The Chollas Creek watershed preserved significant habitat for listed flora and fauna. California Environmental Quality Act (CEQA) and National Environmental Protection Act (NEPA) reports and studies have identified that the Chollas Watershed contains endangered and listed species, particularly in its canyon bottoms and south facing slopes. Notable studies are the Chollas Canyon Master Plan – Sunshine Beradini Fields; Fairmount /47<sup>th</sup> Street Bridge overcrossing; Central Police Garage, K-9 and Police Firing Range; Mary Layton Fay Elementary School; Webster Elementary School; City Heights



Redevelopment Project Area; and SR-15 Freeway. All of these studies identified that the Chollas watershed provided valuable habitat.

A study on the distribution of the listed California Gnatcatchers identified a population in Chollas Canyon, along the North Chollas creek, off Federal Boulevard. SEE: DISPERSAL CAPABILITY OF THE CALIFORNIA GNATCATCHER: A LANDSCAPE ANALYSIS OF DISTRIBUTION DATA, ERIC A. BAILEY and PATRICK J. MOCK, Ogden Environmental and Energy Service Company, 5510 Morehouse Drive, San Diego, California 92121 (current address of Mock, as corresponding author, Dames & Moore, Inc., 9665 Chesapeake Drive, Suite 201, San Diego, California 92123) .

The above cited CEQA/NEPA studies/reports and the above cited Gnatcatcher study led to the dedication of an Environmental Reserve along the Auburn Creek /Canyon, at Home Avenue and Federal Boulevard, above the San Diego Police Campus. Further, a Multiple Species Habitat has been established along 47<sup>th</sup> Street in the Chollas watershed. SEE: **CITY OF SAN DIEGO VERNAL POOL HABITAT CONSERVATION PLAN** ,October 2017, [https://9670f26306f0aa722eb1-bf8a0720b767c6949515361a19a9737f.ssl.cf2.rackcdn.com/uploads/website\\_attachment/attachment/161/vph-cp.pdf](https://9670f26306f0aa722eb1-bf8a0720b767c6949515361a19a9737f.ssl.cf2.rackcdn.com/uploads/website_attachment/attachment/161/vph-cp.pdf)

### III. INDIGINOUS PEOPLES' HABITATION:

Indigenous peoples have long inhabited the Chollas water shed and Auburn Creek / Canyon area. Pedro Fages, Spanish explorer and founder of the Presidio of San Diego wrote a report letter excerpted below:

*"Your Illustrious Lordship-My dear Sir: The lack of people and the illnesses which God has deemed to send us have been the cause of many setbacks because the objects of greatest weight and the affairs of major consideration, all demanding attention and care, have left little room for those of less importance. I do not wish to say by this that the matters for which your Excellency commissioned me in the Instructions that you saw fit to dictate are of little consequence, but Your Excellency also knows that their nature requires tranquility and serenity of soul for them to be carried out. These are benefits we have little enjoyed here.*

*Having recently arrived at the Port and constructed our quarters (work in which Don Pedro Fages and I did not excuse ourselves), we applied all attention to the alleviation of the poor sick ones.<sup>26</sup> The number of these was quite high, and those who were still on foot was very small. Many are the things to be attended to at one time: the care of our own defenses occupied some and on occasions everyone; the rations and attendance of the sick occupies others; also the firewood and water, to which is added the bringing from on board that which is required for sustenance and other purposes. These are necessary and indispensable tasks which we know are fatiguing to the people who are already weak and thin, wracked by the scurvy of which not even I am exempt.*

*In order to recover from it and not to find ourselves in the extreme danger that we began to fear, which was for not one man to remain, we gave a hand to all the work, performing all services even to the lowest ministrings of a nurse.*

*As soon as the first portion of the land expedition had arrived,<sup>27</sup> we changed our quarters to a better site adjacent to the water source even though it was some distance from the ships. With the arrival of the new people, we no longer had the inconvenience of having to*



separate the forces. The mules facilitated the portage and helped us achieve that which was appropriate for the greatest utility and comfort for all.

In the new quarters, using the same precautions as in the first, we also built another pole stockade for our security and put up some large sheds in order to cover the provisions and equipment of the expedition.

In the midst of these tasks and the inconvenience of our quarters, I have not neglected to gather together the necessary materials to draw up later, when time permits, the charts, maps, and reports that Your Excellency commissioned me to prepare for the correction of the older sailing plans and charts which, according to what I am experiencing, differ somewhat from the truth and suffer serious errors. The first is that the Port of San Diego is not found nor ought to be looked for in 33 degrees as Vizcaino said,<sup>28</sup> much less in 34 where the Pilot Cabrera Bueno has it situated;<sup>29</sup> but rather in 32 degrees 32 minutes of latitude under which, with little difference, lies the point or extreme of the hill [Point Loma] which encloses said port on the west side.<sup>30</sup>

This hill, which Cabrera Bueno gives as one of the signs of the Port of San Diego, is a part of an irregularly shaped but very long peninsula. To the north northwest said peninsula also forms the other port of which Torquemada speaks [False or Mission Bay] and which is known to be very full of sandbars.<sup>31</sup> There might be some channel between these where ships of light draught could enter.

The same hill [Point Loma] might be two leagues in length and runs approximately north northwest and south southeast along the same course as runs the east coast of the port for more than four leagues at eye judgment.

One cannot enter the port with the wind to the northwest, but coming in with an outside tack one can anchor on the point and afterwards lie in wait in order to catch the protection of the hill.

From this point to the east coast there are two leagues of crossing, but nevertheless one cannot ply to windward between the two because there are so many sandbars along that coast that whoever tries it is exposed to running aground.<sup>32</sup> The surest way to enter is to reach at about the distance of a pistol shot from the hill and west coast until arriving at Ballast Point, which is good for ballast, and where the ships are protected from the winds of the sea. The terrestrials are not capable of much discomfort, only the northwind comes across the flat and open land.

Ballast Point and another point on a very long and narrow tongue of land which comes out from the east coast [North Island] form a mouth of one-fourth league of width where the sea enters from different directions; this is what [Cabrera] Bueno calls estuaries; these are ports of immense capacity but little depth. Our packetboats run very far inside at high tide for the purpose of getting as close to the water hole as possible. We did not achieve this as we had hoped despite untiring effort and there remained a distance of one league or less from the water hole.

The taking on of water in this port will always be difficult, and in time of drought as now, when the water does not run in the wash, it will be impossible. Without having mules to do the work as we do it today, that is carrying the barrels from the well from which the water is drawn to the shore of the sea more than one-quarter league distant to where the launches receive it.

The water of the wells which were dug by the men of General Vizcaino on the tongue of land or sand of which Torquemada spoke is very salty and only in an urgent case of necessity is one able to drink it and then with danger to his health.<sup>33</sup>

The attached sketch serves to clarify the idea which I am giving Your Excellency of this port. It is the same as the one I made of it after inspecting the land. I am not claiming it to



be an exact plan since, as I explained to Your Excellency, I have not had the time nor the means to prepare it. To make it with precision would require many days of hard work.<sup>34</sup> Regarding the settlement of this land, the character and industry of its inhabitants and nature of the country, I will say to Your Excellency that what we have seen and experienced agrees with the account of Torquemada. The Indians are docile but inclined toward robbery and thievery; they covet everything and fall in love with anything as soon as they see it. They are lazy idlers and not very industrious. I have seen no other evidence of dexterity but their nets, which they weave very well from a thread that looks like hemp, but it is of ixtle fiber which they get from a very small species of maguey or mescal. These nets serve as a belt and, at the same time, as an instrument with which to fish and hunt. In the woods they catch birds and little rabbits with them. They also make purses or very large sacks woven of rather fine net.

The men are entirely naked. The women cover their private parts with double nets cinched at the waist and reaching to the middle of their thighs. At times they also use a kind of little cape made of strips of fur interlaced and twisted. All randomly stain and paint themselves of various colors, among which I have observed they prefer that of red and ochre. Some use lead-colored black and they look hideous.

These are people of little ambition and they recognize our superiority in arms and in all the rest. They have bestowed great affection upon Don Pedro Fages and they also respect him very much. They have invited him at various times to be with their women, an expression of friendship that the rest have not merited. They frequently come to our lodging from all the neighboring rancherías around the port, on which occasions they have traded some nets or otter furs in exchange for cloth or handkerchiefs. The otters must be rare or they do not dedicate themselves much to hunting them because they have brought few furs despite our having asked by signs for them repeatedly.

I cannot tell Your Excellency exactly how many rancherías there are in the vicinity of these surroundings; but I believe there are no less than ten. Among these are some which are densely populated according to what I infer from the number of people who on occasions have been seen together.

They are never without their bows and arrows, which are the only arms that they use. In the beginning, when we had just recently arrived and they believed that our guns were some simple sticks, they wanted to exaggerate the strength of their arrows, which were armed with very sharp flints. But Don Pedro Fages, disposed on all occasions to win praise and show himself superior to all of them, ordered that a piece of leather that might serve as a target be placed at a convenient distance. He had them discharge their arrows and upon their seeing the mild effect that they had on the leather, he then ordered the most dexterous soldiers to shoot at the same target. Upon hearing the noise and seeing the destruction so close at hand, the Indians changed their expressions and some of the more timid ones left, giving very clear signs of their surprise and fear.

The huts on the rancherías in which we have been are round and finished in a pyramidal form covered with branches and earth. In each hut one or many families live, or better sleep, because by day all travel through the woods or go to the bay to look for sustenance." Copy of a letter written by Don Miguel Costansó from the Port of San Diego dated the 28th of June, 1769 [ to José de Gálvez].<sup>25</sup> San Diego History Center, <https://sandieghistory.org/journal/1975/april/fages/>





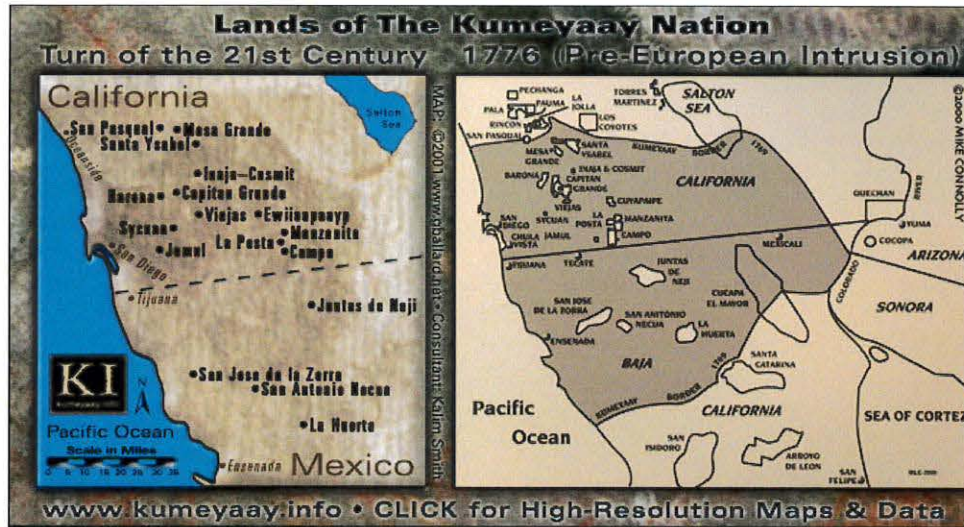
The Pedro Fages exhibition had intruded into the coastal paradise of the indigenous Kumeyaay peoples. "Evidence of settlement in what is today considered Kumeyaay territory may go back 12,000 years.<sup>[6]</sup> 7000 BCE marked the emergence of two cultural traditions: the California Coast and Valley tradition and the Desert tradition.<sup>[7]</sup> The Kumeyaay had land along the Pacific Ocean from present Oceanside, California in the north to south of Ensenada, Mexico and extending east to the Colorado River.<sup>[8]</sup> The Cuyamaca complex, a late Holocene complex in San Diego County is related to the Kumeyaay peoples.<sup>[9]</sup> The Kumeyaay tribe also used to inhabit what is now a popular state park, known as Torrey Pines State Natural Reserve.<sup>[10]</sup>

One view holds that historic Tipai-Ipai emerged around 1000 years ago, though a "proto-Tipai-Ipai culture" had been established by about 5000 BCE.<sup>[11]</sup> Katherine Luomola suggests that the "nucleus of later Tipai-Ipai groups" came together around AD 1000.<sup>[12]</sup> The Kumeyaay themselves believe that they have lived in San Diego for 12,000 years.<sup>[11]</sup> At the time of European contact, Kumeyaay comprised several autonomous bands with 30 patrilineal clans.<sup>[14]</sup>

Spaniards entered Tipai-Ipai territory in the late 18th century, bringing with them non-native, invasive flora, and domestic animals, which brought about degradation to local ecology. Under the Spanish Mission system, bands living near Mission San Diego de Alcalá, established in 1769, were called Diegueños.<sup>[4]</sup> After Mexico took over the lands from Spain, they secularized the missions in 1834, and Ipai and Tipais lost their lands; band members had to choose between becoming serfs, trespassers, rebels, or fugitives.<sup>[12]</sup>

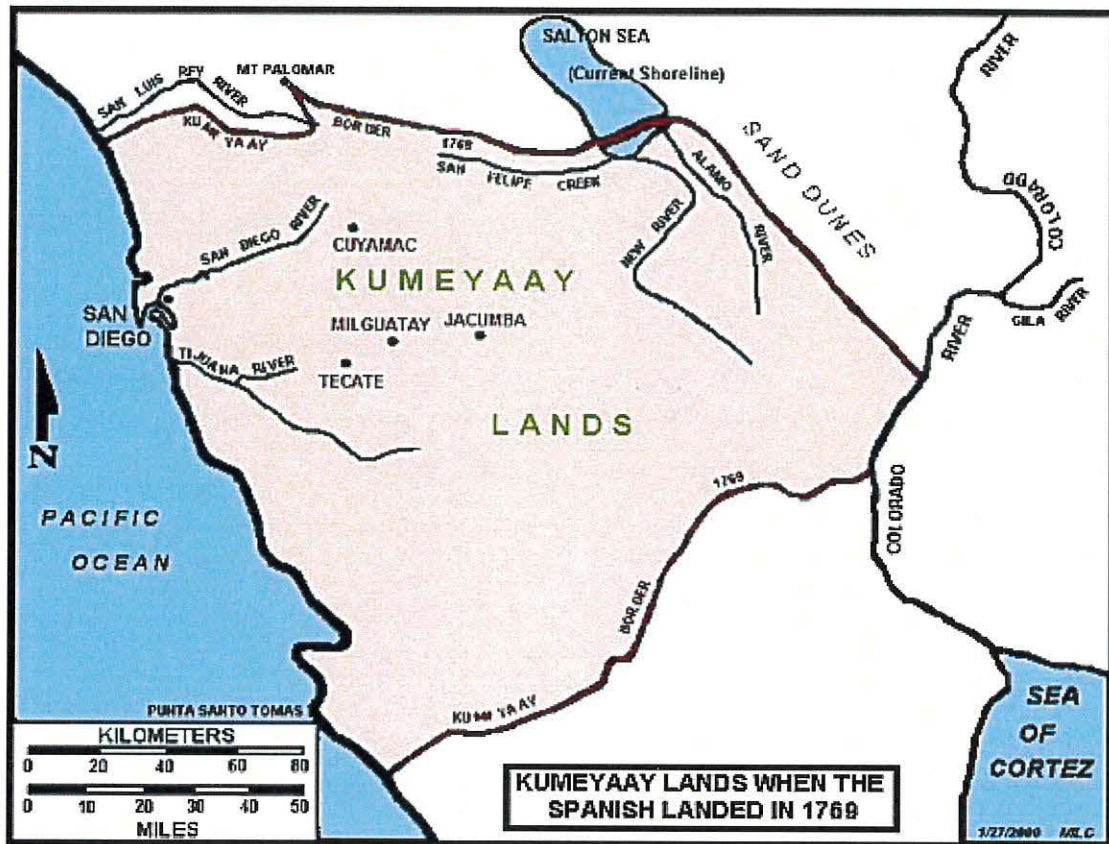
From 1870 to 1910, American settlers seized lands, including arable and native gathering lands. In 1875, President Ulysses S. Grant created reservations in the area, and additional lands were placed under trust patent status after the passage of the 1891 Act for the Relief of Mission Indians. The reservations tended to be small and lacked adequate water supplies.<sup>[13]</sup>

Kumeyaay people supported themselves by farming and agricultural wage labor; however, a 20-year drought in the mid-20th century crippled the region's dry farming economy.<sup>[14]</sup> For their common welfare, several reservations formed the non-profit Kumeyaay, Inc.<sup>[15]</sup> SEE: Kumeyaay. From Wikipedia, the free encyclopedia, <https://en.wikipedia.org/wiki/Kumeyaay>



SEE: KUMEYAAY TERRITORY, THE KUMEYAAY TRIBES GUIDE of Southern California Tribal Bands of The Kumeyaay of Southern California.. [KUMEYAAY.info](http://KUMEYAAY.info)





Several CEQA/NEPA reports / studies have identified KUMEYAAY occupation of the Chollas watershed and specifically the Auburn Creek /Canyon area. During the excavation for the SDPD campus at Federal Boulevard and Home Avenue indigenous people's remains and artifacts were uncovered. The surveys and studies done for the Chollas Canyon Master Plan – latter Sunshine Berardini Park - <https://www.google.com/maps/d/viewer?mid=1DN5PaGy41-ScXJI7O9R47ABm2NaW4ado&ll=32.72121170000001%2C-117.10087120000003&z=18> identified significant Kumeyaay habitation and long term use. The exact nature and location of the Kumeyaay habitation and use features have been kept confidential to preserve their nature. SEE: **CHOLLAS CANYON MASTER PLAN**, PELA , City of San Diego – CDBG Grant Council District 4 Rev. George Stevens, Councilman.

#### IV. STORM WATER, IMPAIRED WATERWAY, & FLOODING:

The Auburn Creek periodically floods the land and structures of City Heights. Flooding generally occurs because of overbuilding of structures, including road surfaces, with impervious surfaces that increase the amount of run off, in the watershed AND outdated flood control and creek road under crossings at key Auburn Creek sections. The City Storm Water team appears to not updated facilities to match the increased channel flow volumes, because of more accelerated



run off or has not taken a comprehensive review of the design flaws that now exist at several key flood prone locations. The Auburn Creek flood incident locations are as follows:

- A. University Avenue Undercrossing;**
- B. Wightman Street Park Undercrossing;**
- C. Fairmount Street Undercrossing; and**
- D. Federal Boulevard Undercrossing**

There may be other occasional flood incident locations but the above are the most frequent and consistent causing human health and safety hazards and damage or loss to property. Flooding at these locations also may cause collateral damage from mold and the pollution down stream of additional undesirable materials washing into the Chollas Creek system and thus the San Diego Bay. A discussion of each of the four consistent flood incident locations follows:

**A. University Avenue Undercrossing;**

The undercrossing provided for the storm water runoff generated north of University Avenue is substantial. The area north of University Avenue to the mid line of El Cajon Boulevard, the watershed break, has been consistently urbanizing for more than a century. At first glance an aerial view of the Colina Del Sol neighborhood shows substantial open green space from the Colina Del Sol Park and Golf course; but little of this land is used as infiltration zone for storm water. A ground level inspection of the undercrossing challenge comes when viewing the virtual dyke necessary to raise up University Avenue between Oak Crest Drive and 51<sup>st</sup>. This dyke raises up University but interferes with the remnant Alta Dena Canyon between these streets.

On the South side of the university Avenue dyke is a bit of the Auburn Creek Alta Dena canyon bracketed by Auburn Park apartment complex, to the east, and the Palms apartments to the west. The storm water is funneled to a modified Auburn Creek channel constructed to maximize usable pocket park space in Wightman Park, at Wightman Street.

Prior to the construction of the Auburn Park apartments the area flooded because of claims of inadequate undercrossing designs. Although the capital improvement redo of the University Avenue under crossings had long been a planned project these modifications have not occurred. Major and consistent flooding at the current site of the Wightman Street Park were the reason for the City's acquisition of the park site after settling a suit brought on the basis of inverse condemnation by the rental property owner Metzger. The engineering and hydrology evidence presented for this action clearly identified the design flaws for the handling of this storm water. SEE: Metzger Properties v. City of San Diego. Also see CREAC v City of San Diego and **INTERIM REPORT NO. 14, THE ONTARIO AVENUE CONNECTION AND FOX CANYON PARK**, REPORT OF THE SAN DIEGO CITY ATTORNEY MICHAEL J. AGUIRRE, 27 February 2007, 56 pages [http://sdcityattorney.com/Interim\\_Reports/IR-14\\_Fox\\_Canyon\\_Park\\_20070227.pdf](http://sdcityattorney.com/Interim_Reports/IR-14_Fox_Canyon_Park_20070227.pdf)

The flooding that occurs because of the volumes and mis design / mis match have not been corrected and the **University Avenue Undercrossing** regularly floods the apartments units to the east of Wightman Street Park. During storm events apartment dwellers place sand bags in front of their doors but water often enters; so the apartments must be re dry walled. [ It is unknown, but suspected, that these apartments may have significant mold and fungus because of repeated flooding.] Storm water passes across these properties on to Wightman Street adding to the substantial flow trying to reenter the Auburn Creek, directly south of Wightman Street Park, the low spot.



Solutions possible for addressing the flooding from the **University Avenue Undercrossing** could include reducing the amount and speed of run off coming from north of University Avenue; redesign of the actual undercrossing to runoff directly to the south side of Wightman Street; and purchasing and demolition of the flooding apartments to diminish the health hazard and increase the flood plain park area by expanding Wightman Street Park to the east.

**B. Wightman Street Park Undercrossing;**

The flooding that regularly occurs at Wightman Street, directly across from Wightman Street Park is an accumulation of too much runoff storm water, at this low spot, from the east, west, and north AND a mis match of the both the undercrossing cross section and the street storm drain, on the south side of Wightman street. Both the street storm drain inlet and the Auburn Creek undercrossing lead into an ad hoc rectangular concrete channel with a bend, at this location.

During storm events the residential properties sand bag to attempt to prevent road wash storm water entry and they operate permanent sump pumps that drain into the south Auburn Creek channel. These residential properties are likely often wet and could have health hazards from mold.

There is an additional flooding hazard at this location. The flooding makes normal pedestrian travel across this school route impassible and the drowning hazard is significant. The very large street storm drain inlet is obscured and a child or a frail person could easily be swept into this obscured inlet.

Downstream, to the south of Wightman Street, residential units in the flood plain are frequently flooded and again could be subject to habitability hazards, including mold. The Auburn Creek flows along a poorly defined channel to the paper Ontario Street and Landis Street before reentering the Alta Dena Canyon system. This area regularly floods and had been overtopping the sanitary sewer man holes; so that mixing of sewer waste and storm water regularly occurred. Recently the City raised the manholes to attempt to avoid this overtopping and mixing. The area has a very bad appearance and is a regular site for dumping and crime. SEE: Regional Water Quality Board order concerning TMDL of E-coli in Auburn Creek; CREAC v City of San Diego and **INTERIM REPORT NO. 14 , THE ONTARIO AVENUE CONNECTION AND FOX CANYON PARK**, REPORT OF THE SAN DIEGO CITY ATTORNEY MICHAEL J. AGUIRRE, 27 February 2007, 56 pages [http://sdcityattorney.com/Interim\\_Reports/IR-14\\_Fox\\_Canyon\\_Park\\_20070227.pdf](http://sdcityattorney.com/Interim_Reports/IR-14_Fox_Canyon_Park_20070227.pdf)

Solutions possible for addressing the flooding from the **Wightman Street Park Undercrossing** should include immediate elimination of the pedestrian drowning hazard On Wightman Street and evaluation of the habitably of the flooding residential units adjacent to and immediately south of Wightman Street, low spot. The actual undercrossing should be re designed so as to carry storm water into an adequately designed open channel along Ontario and Landis Streets as an infiltration park swale.

The Alta Dena Canyon leading up to the Euclid Street undercrossing must be carefully designed and sized. Care must be taken to avoid flooding of adjacent residences and the two or more schools and day care centers.



Flooding has not been regularly observed at the triple intersections of the two Euclid Avenues and Home Avenue; but this continuation of the Auburn Creek Canyon should be carefully evaluated as traffic calming and pedestrian safety measures need to be made at this triple convergence as there have been pedestrian injuries and deaths here. SEE: **Zero Traffic Related Fatalities and Severe Injuries by 2025**, City of San Diego, <https://www.sandiego.gov/vision-zero>; Fiscal Year 2020 Proposed Budget, **Volume III: Capital Improvements Program**, City of San Diego [https://www.sandiego.gov/sites/default/files/pb\\_v3tsw.pdf](https://www.sandiego.gov/sites/default/files/pb_v3tsw.pdf) =Transportation & Storm Water City Heights Pedestrian Imp Phase 2 / S18009 at pages 446-447; Transportation & Storm Water Euclid Avenue & Home Improvements / S00886 at page 453; and Transportation & Storm Water Minor Bike Facilities / AIA00001 at page 471. Further, SEE: CEQA and design comments concerning the **CHARLES LEWIS III Park**, on Home Avenue – specifically traffic crossing, signals, and safety signage. The traffic signal, improved crossing and speed limiting signage was called out as a pedestrian crossing death occurred at this location during the park's planning.

### C. Fairmount Street Undercrossing

The flooding that regularly occurs at Home Avenue, east of Fairmount Street is likely caused by a combination of too much high speed storm water volume exiting nearly a half mile of constrained concrete box culvert into a short obsolete section of open concrete channel and then attempting to reenter a too small cross section outdated undercrossing at Fairmount Avenues. The high speed water over tops the open channel and floods across the intersection of Fairmount and Home Avenues. Existing Home Avenue storm drains cannot drain down and away storm water until the higher Auburn Creek channel falls below overtopping flood levels.

Flooding of these adjacent properties and intersections is amplified and intensified because this intersection is the low section taking all the surface and storm drain waters from the east Auburn Creek; the north Fairmount Avenue drainage; and the south Fairmont Avenue drainage. The Maple Street storm water drain, to the north has failed and needed reconstruction.

Further, the north side of Home Avenue for nearly one half to two thirds of a mile lacks any pedestrian sidewalks, curbs, or gutters. Storm water flows down the north hill sides and rapidly collects and drains down 46<sup>th</sup> Street, Laurie Lane, Roseview Place, Maple Street / Laurel Street, the 46<sup>th</sup> Street **Couplet**, Menlo Avenue, and 47<sup>th</sup> Street.

On the south side of Home Avenue, the apartment complexes, sitting above the box culvert and along the parallel to Home Avenue – 46<sup>th</sup> Street contribute to surface flow collection onto Home Avenue, at this low spot flood location. The intersection is designed to flood and floods frequently. SEE: Maple Street Drain Reconstruction, City of San Diego, CIP project. Report and CEQA Review and Exemption.

Recently, the applicant for a change of use at 2281 Fairmount Avenue, San Diego, CA 92105 presented a **Preliminary Hydrology Study for 2281 Fairmount Avenue**, prepared by K&S Engineering, Inc., July 26, 2018 and a **Site Specific Letter of Map Amendment**, prepared by Federal Emergency Management Agency, dated October 3, 2018. These documents appear to present information to demonstrate that the subject project property may be above the general Flood Plain surrounding Auburn Creek. These materials and documents may not have addressed the storm water that flows off of the subject property to



the Home Avenue flood area. Further, the materials appear not to have been prepared to address the flood conditions caused by the combination of the open trapezoidal concrete channel which is on one half of the subject project property. The flood condition contribution from 2281 Fairmount Avenue should be studied further and the adjacent properties be required to participate in the remediation of the flood conditions that flow off of these properties.

The volumes of water that flows off of the hillside property at 2281 Fairmount and from the open trapezoidal concrete channel of Auburn Creek needs to be calculated ["Q"]; so that its contribution to the Home Avenue flood conditions determined and mitigated.

The **HYDRAULIC DESIGN MANUAL**, County of San Diego Department of Public Works, Flood Control Section September 2014, sets standards for channel designs at section 5. The apparent design flaw of this short channel section is that high velocity flood waters exit a closed contain channel into an open trapezoidal channel and then are confronted by an undersized undercrossing, at Fairmount Avenue

Solutions possible for addressing the flooding from and at the **Fairmount Street Undercrossing** could include several remedial actions to reduce out of channel flow onto Fairmount Avenue and Home Avenue. Remedial actions should at minimum consider the following:

1. Reduction and infiltration of storm water that flows onto Fairmount Avenue and Home Avenue from the higher elevation streets and properties. Storm water should be made to infiltrate on the adjacent properties and slowed before contributing to the frequent flood conditions at the Home Avenue intersection low point.
2. The open trapezoidal concrete channel remnant, at 2281 Fairmount Avenue should be evaluated and re designed. The redesign consideration should include replacement of the open channel with a box culvert.
3. The undercrossing, at Fairmount Avenue should be evaluated and redesigned; so as to continue the flow from the east side of Fairmount Avenue to the west side of Fairmont Avenue in an appropriately sized box culvert.

#### **D. Federal Boulevard Undercrossing**

The last end section of the Auburn Creek joins the North Chollas Creek tributary, of the Chollas Creek, at the intersection of Federal Boulevard and Home Avenue. This section of Auburn Creek has some of the same design and water velocity challenges presented and discussed concerning the **Fairmount Street Undercrossing**, above.

The **Federal Boulevard Undercrossing** section, of Auburn Creek, starts to the east with an exit from a fully contained box culvert of about a one quarter of a mile in length. This box culvert flow is placed into a confided manufactured

channel with a gravel bottom. The design constrained channel had been further constrained by the SDPD to provide it with additional building space for its Police Campus and then the Central SDPD Garage. This short open channel is then confronted with a small cross section **Federal Boulevard Undercrossing** designed and installed before the box culvert or the interference with the channel by SDPD. The flow is further challenged by the convergence of Auburn Creek with the larger size and volume North Chollas Creek tributary 200 yards to the south. The combined flow is then forced under the Home Avenue undercrossing into the large trapezoidal concrete channel that flows parallel to the SR-94 Freeway.

The Auburn Creek flow, from the east, seriously damaged the pedestrian bridge at Federal Boulevard. This damage has not been repaired and pedestrian access is no longer available. This condition has existed for more than three (3) years and interferes with a safe path of ADA travel. [There is no curb, gutter, or ADA sidewalk on the south side of Federal Boulevard].

The City installed large rip rap on the east side of Auburn Creek, at this location, to protect its SDPD Central Police Garage and fueling station from flooding. The Regional Water Quality Board has cited the design of the SDPD Central Police Garage for the ineffectual design and operation of the storm water retention facilities at this location. SEE: **Order No. R9-2017-0056, Settlement Agreement and Stipulation for Entry of Administrative Civil Liability Order, CALIFORNIA REGIONAL WATER QUALITY BOARD SAN DIEGO REGION, Place ID: CW-25522 & Settlement Agreement and Stipulation for Entry of Administrative Civil Liability Order for \$949,634 in the Matter of the City of San Diego, for Violations of Municipal Storm Water Permits 2001-001 and R9-2007-0001.** Specifically see #6 at page 44 of 55 of Exhibit 3 City of San Diego – Public Deficient Projects Status.

Solutions possible for addressing the flooding from and at the **Federal Boulevard Undercrossing** could include several remedial actions to reduce out of channel flow onto Fairmount Avenue and Home Avenue. Remedial actions should at minimum consider the following:

1. Reduction and infiltration of storm water that flows onto Home Avenue from the higher elevation streets and properties. Storm water should be made to infiltrate on the adjacent properties and slowed before contributing to the frequent flood conditions at the Home Avenue intersection low point.
2. The storm water that washed off of the very large paved AT&T service yard, at Ash Street and Home is of particular concern. The volumes that wash down into a special storm drain should be contained and slowed in a detention pond with appropriate landscaping as an infiltration swale. This service yard wash is believed to contain high levels of zinc and copper metals



based on the materials used by the many service trucks and facilities, at this location.

3. The ADA clear path of travel, on the east side, of Federal Boulevard must be repaired and restored.
4. The undercrossing, at **Federal Boulevard Undercrossing** should be evaluated and redesigned; so as to continue the spread out the flow from the east side of Federal Boulevard. A detention area and expansion swale could be added to the area to the south.
5. The south side of **Federal Boulevard should be improved**, as required in the permit for the construction for the Central Police Garage and Federal Boulevard Police Campus. The **GroundWorks** Corporation has developed a plan for extensive ecological improvements to the south side of Federal Boulevard. This plan should be funded and implemented, with the addition of the recommendation presented in number 4, above.

## V. TRANSPORTATION & NON MORTORIZED FEATURES:

The transportation system and facilities along Fairmount Avenue, Home Avenue, and Euclid Avenue are incomplete as pedestrian facilities are lacking in many sections. Sidewalks, curbs, and gutters need to be completed on the north side of Home Avenue, between Fairmount and Euclid Avenues; the south side of Federal Boulevard, between Home Avenue and the I-805 Freeway overcrossing; and sections of Euclid Avenue.

The bike way needs to be completed south of Home Avenue on Fairmount Avenue. The bike path needs to continue south on Fairmount past Home Avenue.



SEE: [City of San Diego Bicycle Master Plan San Diego, California FINAL – December 2013](https://www.sandiego.gov/sites/default/files/legacy/planning/programs/transportation/mobility/pdf/bicycle_master_plan_final_dec_2013.pdf),  
PREPARED BY: Alta Planning + Design,  
[https://www.sandiego.gov/sites/default/files/legacy/planning/programs/transportation/mobility/pdf/bicycle\\_master\\_plan\\_final\\_dec\\_2013.pdf](https://www.sandiego.gov/sites/default/files/legacy/planning/programs/transportation/mobility/pdf/bicycle_master_plan_final_dec_2013.pdf)

Completion of the sidewalk facilities and bike ways will contribute to the accomplishment of **Zero Traffic Related Fatalities and Severe Injuries by 2025**, City of San Diego,, <https://www.sandiego.gov/vision-zero>

The Mayor's initial proposed budget recommends some of these capital improvement projects. SEE: [Fiscal Year 2020 Proposed Budget, Volume III: Capital Improvements Program](https://www.sandiego.gov/sites/default/files/pb_v3tsw.pdf), City of San Diego [https://www.sandiego.gov/sites/default/files/pb\\_v3tsw.pdf](https://www.sandiego.gov/sites/default/files/pb_v3tsw.pdf)

Transportation & Storm Water City Heights Pedestrian Imp Phase 2 / S18009 pp 446-447

Transportation & Storm Water Euclid Avenue & Home Improvements / S00886 p 453

Transportation & Storm Water Minor Bike Facilities / AIA00001p471

## VI. SPECIAL HAZARDS AND CONDITIONS – RAINBOW PIPELINE

Below is a Letter, dated August 8, 2016, from John Stump to Mr. Tim Sullivan, Executive Director PUBLIC UTILITIES COMMISSION - STATE OF CALIFORNIA, RE: SDG&E PIPELINE 1600 Safety Order, Future Inspection and Replacement Programs, and School Hazard Notices. This letter identifies that there is a very large and potentially dangerous high pressure gas pipeline running along Fairmount Avenue.

This pipeline must be carefully considered during the planning and consideration for approval of any projects along Fairmount Avenue at home Avenue.

### JOHN STUMP

*Attorney at Law*

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August 8, 2016

Mr. Tim Sullivan, Executive Director  
PUBLIC UTILITIES COMMISSION - STATE OF CALIFORNIA  
505 Van Ness Avenue  
San Francisco, California 94102-3298

RE: SDG&E PIPELINE 1600 Safety Order, Future Inspection and Replacement Programs, and School Hazard Notices

Dear Mr. Sullivan,

Many thanks to the Public Utilities Commission, my Sierra Club, and the Union Tribune for their vigilance on this old and potentially very dangerous pipeline. This Pipeline is approaching 70 years of age and if it was human it would have retired, be collecting Social Security, and on Medicare. The San Bruno explosion made clear the scale of injury and property that could result from a pipeline failure. The Rainbow Pipeline 1600 is older, bigger, and under higher pressure than the disastrous San Bruno pipeline.

Rainbow Pipeline 1600 passes through heavily populated urban areas of San Diego, including my home community of City Heights. Not only does this old gas line pass under homes and apartment buildings, it passes through and directly adjacent to Central Elementary School, several child care facilities,



the very and active City Heights Library, Farmers Market and park and police complexes, the Mid City Heights Community College campus, Clark Middle School, Hamilton Elementary School, and Webster Elementary School, in City Heights. The San Diego Unified School District maintains these facilities with some 2,500 or more students. Parents, teachers, and residents are unaware of the potential danger hidden just below the surface.

On several occasions, I have written San Diego Gas and Electric, the City of San Diego, the San Diego Unified School District, and the San Diego Community College to urge inspection and possible removal of this aged line. I believe that any future pipeline projects should **NOT** be routed through residential streets but rather should be rerouted along the Freeway corridors that follow along the about the same routes. This alternate should be considered as part of the project reviews, including but not limited to, the CEQA and NEPA processes.

If the pipeline is abandoned, then it should be considered for reuse and reconditioning as a conduit for recycled purple pipe water; which is produced along the pipeline north of the Highway 8 but unavailable in our area, south of Highway Eight. Additionally, the repurposed pipeline could be used as a secure conduit for undergrounding communications and fiber optics, whose hub is now in City Heights, along the current pipeline's route.

I request that the above information be considered in any future project or remediation and inspection programs and projects. I request notice of the ability to comment, in the future, and that such notices, be prominently placed at each of the schools and public facilities listed above and along the pipeline route. Such notices should be prepared to communicate the projects proposal and the hazards, in the languages common to our community.

I also want the Commission to carefully consider the extensive natural habits in our community which surround the Cholas Creek, an impaired waterway with listed flora and fauna. Our city Heights community is a well-documented site of pre settlement native indigenes peoples. Great care should be taken when planning any project through or along the Cholas watershed, creeks, and canyons.

Again, thank you for your oversight.

John Stump

Copy: City of San Diego, San Diego Unified School District, San Diego Community College, SDG& E, and City Heights Planning Committee, City Heights Community Development Corporation, SD Union Tribune

## **VII. CALIFORNIA ENVIRONMENTAL QUALITY ACT SUMMARY**

### *STANDARD OF REVIEW*

"The ...applicable standards of review for... reviewing ...actions under CEQA, ... must determine whether there was "a prejudicial abuse of discretion." (Pub. Resources Code, § 21168.5.) "Abuse of discretion is established if the agency has not proceeded in a manner required by law, or if the determination or decision is not supported by substantial evidence." (*Mira Mar Mobile Community v. City of Oceanside* (2004) 119 Cal.App.4th 477, 486.)

"[A] reviewing court must adjust its scrutiny to the nature of the alleged defect."

(*Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 435 (*Vineyard*).) Challenges to an agency's failure to proceed in the manner required by CEQA are subject to a significantly different standard of review than challenges that an agency's decision is not supported by substantial evidence. (*Ibid.*) Where the challenge is that the agency did not proceed in the manner required by law, a court must "determine de novo whether the agency has employed the correct procedures, 'scrupulously enforc[ing] all legislatively mandated CEQA requirements.'" (*Ibid.*)

Furthermore, when a prior environmental impact report has been prepared and certified for a program or plan, the question for a court reviewing an agency's decision not to use a tiered EIR for a later project "is one of law, i.e., 'the sufficiency of the evidence to support a fair argument.'" (*Sierra Club v. County of Sonoma* (1992) 6 Cal.App.4th 1307, 1318.) "[I]f there is substantial evidence in the record that the later project may arguably have a significant adverse effect on the environment which was not examined in the prior program EIR, doubts must be resolved in favor of environmental review and the agency must prepare a new tiered EIR, notwithstanding the existence of contrary evidence." (*Id.* at p. 1319, fn. omitted.) The court "must set aside the decision if the administrative record contains substantial evidence that a proposed project might have a significant environmental impact; in such a case, the agency has not proceeded as required by law." (*Id.* at 1317.)

## II. OVERVIEW OF CEQA

"The fundamental goals of environmental review under CEQA are information, participation, mitigation, and accountability." (*Lincoln Place Tenants Assn. v. City of Los Angeles* (2007) 155 Cal.App.4th 425, 443-444 (*Lincoln Place II*).)

As the California Supreme Court has explained: "If CEQA is scrupulously followed, the public will know the basis on which its responsible officials either approve or reject environmentally significant action, and the public, being duly informed, can respond accordingly to action with which it disagrees. [Citations.] The EIR process protects not only the environment but also informed self-government." (*Laurel Heights Improvement Assn. v. Regents of the University of California* (1988) 47 Cal.3d 376, 392 (*Laurel Heights*).)

CEQA requires a public agency to prepare an environmental impact report (EIR) before approving a project that may have significant environmental effects. (Pub. Resources Code, § 21100.) The EIR is "'the heart of CEQA' . . . an 'environmental "alarm bell" whose purpose it is to alert the public and its



responsible officials to environmental changes before they have reached ecological points of no return.'" (*Laurel Heights, supra*, 47 Cal.3d at p. 392.)

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

CEQA requires that "environmental impact reports shall be tiered whenever feasible." (Pub. Resources Code, § 21093, subd. (b).) Tiering means "the coverage of general matters in broader EIRs (such as on general plans or policy statements) with subsequent narrower EIRs . . . incorporating by reference the general discussions and concentrating solely on the issues specific to the EIR subsequently prepared." (CEQA Guidelines, § 15385; Pub. Resources Code, § 21068.5.) In the context of program and plan-level EIR's, the use of tiered EIR's is mandatory for a later project that meets the requirements of Public Resources Code section 21094, subdivision (b). (Pub. Resources Code, § 21094, subd. (a).)

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

If a mitigation measure later becomes "impracticable or unworkable," the

"governing body must state a legitimate reason for deleting an earlier adopted mitigation measure, and must support that statement of reason with substantial evidence." (*Lincoln Place Tenants Association v. City of Los Angeles* (2005) 130 Cal.App.4th 1491, 1509 (*Lincoln Place I*).)

SIERRA CLUB v. COUNTY OF SAN DIEGO, COURT OF APPEAL, FOURTH APPELLATE DISTRICT DIVISION ONE, STATE OF CALIFORNIA, D0642, 43, (Super. Ct. No 37-2012-00101054-CU-TT-CTL), dFiled 10/29/14 Certified for publication 11/24/14

#### VIII. FOOTNOTES AND REFERENCES:

1. **Illustration – Map San Diego Canyonlands Map Water Sheds**  
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2. **Chollas Watershed Comprehensive Load Reduction Plan**  
<https://www.sandiego.gov/sites/default/files/sdbchollasclrp.pdf>
3. Letter, May 11, 2010, CHOLLAS RESTORATION, ENHANCEMENT AND CONSERVANCY to San Diego Planning Commission, RE: AUBURN CREEK designation in proposed Master Storm Water System Maintenance Permit (Item # 6);  
[http://dockets.sandiego.gov/sirepub/cache/2/gatwaktpkgkew4hh505a\\_digo/37230705062019011549742.PDF](http://dockets.sandiego.gov/sirepub/cache/2/gatwaktpkgkew4hh505a_digo/37230705062019011549742.PDF)
4. Map of the Business and Residents Sections of San Diego, Cal.
5. **INTERIM REPORT NO. 14 , THE ONTARIO AVENUE CONNECTION AND FOX CANYON PARK**, REPORT OF THE SAN DIEGO CITY ATTORNEY MICHAEL J. AGUIRRE, 27 February 2007, 56 pages [http://sdcityattorney.com/Interim\\_Reports/IR-14\\_Fox\\_Canyon\\_Park\\_20070227.pdf](http://sdcityattorney.com/Interim_Reports/IR-14_Fox_Canyon_Park_20070227.pdf)
6. **HYDRAULIC DESIGN MANUAL**, County of San Diego Department of Public Works, Flood Control Section September 2014  
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9. **Pools: Liquid Sapphires of the Chaparral, California Chaparral Institute** <http://www.californiachaparral.com/vernalpools.html>



10. ECOLOGICAL STUDY OF VERNAL POLLS, SAN DIEGO COUNTY; Edith A. Purer, Hoover High School, Ecological Society of America, Volume 20, No. 2, pp 217-229
11. DISPERSAL CAPABILITY OF THE CALIFORNIA GNATCATCHER: A LANDSCAPE ANALYSIS OF DISTRIBUTION DATA, ERIC A. BAILEY and PATRICK J. MOCK, Ogden Environmental and Energy Service Company, 5510 Morehouse Drive, San Diego, California 92121 (current address of Mock, as corresponding author, Dames & Moore, Inc., 9665 Chesapeake Drive, Suite 201, San Diego, California 92123)
12. **CITY OF SAN DIEGO VERNAL POOL HABITAT CONSERVATION PLAN**, October 2017, [https://9670f26306f0aa722eb1-bf8a0720b767c6949515361a19a9737f.ssl.cf2.rackcdn.com/uploads/website\\_attachment/attachment/161/vph-cp.pdf](https://9670f26306f0aa722eb1-bf8a0720b767c6949515361a19a9737f.ssl.cf2.rackcdn.com/uploads/website_attachment/attachment/161/vph-cp.pdf)
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15. **Zero Traffic Related Fatalities and Severe Injuries by 2025**, City of San Diego, <https://www.sandiego.gov/vision-zero>;
16. Fiscal Year 2020 Proposed Budget, **Volume III: Capital Improvements Program**, City of San Diego [https://www.sandiego.gov/sites/default/files/pb\\_v3tsw.pdf](https://www.sandiego.gov/sites/default/files/pb_v3tsw.pdf) Transportation & Storm Water City Heights Pedestrian Imp Phase 2 / S18009 at pages 446-447; Transportation & Storm Water Euclid Avenue & Home Improvements / S00886 at page 453; and Transportation & Storm Water Minor Bike Facilities / AIA00001 at page 471. Further
17. CEQA and design comments concerning the **CHARLES LEWIS III Park**, on Home Avenue – specifically traffic crossing, signals, and safety signage. Additionally this CEQA report and related studies contain information concerning Auburn Creek habitats and listed species.
18. Project Name: Marijuana Outlet 2281 Fairmount Avenue □ Project No. 607352 / SCH No. N/A, DRAFT NEGATIVE DECLARATION, April 18, 2019 Revised, [https://docs.sandiego.gov/citybulletin\\_publicnotices/CEQA/PN1300%20%23607352%20Revised%20Draft%20ND%20PN%20Date%204-18-19.pdf](https://docs.sandiego.gov/citybulletin_publicnotices/CEQA/PN1300%20%23607352%20Revised%20Draft%20ND%20PN%20Date%204-18-19.pdf)
19. Preliminary Hydrology Study for 2281 Fairmount Avenue, prepared by K&S Engineering, Inc., July 26, 2018
20. Letter of Map Amendment, prepared by Federal Emergency Management Agency, dated October 3, 2018, for 2281 Fairmount Avenue, San Diego, California

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24. **City of San Diego Bicycle Master Plan San Diego**, California FINAL – December 2013, PREPARED BY: Alta Planning + Design,  
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26. Fiscal Year 2020 Proposed Budget, **Volume III: Capital Improvements Program**, City of San Diego [https://www.sandiego.gov/sites/default/files/pb\\_v3tsw.pdf](https://www.sandiego.gov/sites/default/files/pb_v3tsw.pdf)  
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Transportation & Storm Water Euclid Avenue & Home Improvements / S00886 p 453  
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27. SIERRA CLUB v. COUNTY OF SAN DIEGO, COURT OF APPEAL, FOURTH APPELLATE DISTRICT DIVISION ONE, STATE OF CALIFORNIA, D0642, 43, (Super. Ct. No 37-2012-00101054-CU-TT –CTL), dFiled 10/29/14 Certified for publication 11/24/14
28. Letter, dated August 8, 2016, from John Stump to Mr. Tim Sullivan, Executive Director PUBLIC UTILITIES COMMISSION - STATE OF CALIFORNIA, RE: SDG&E PIPELINE 1600 Safety Order

*Opinions stated above are based on personal observations, information and beliefs made in good faith and nearly fifty years of residency in the City Heights community*



# CHOLLAS RESTORATION, ENHANCEMENT AND CONSERVANCY

4133 Poplar  
City Heights, California 92105  
chollas-creac@cox.net

May 11, 2010

Honorable San Diego Planning Commission  
City of San Diego  
202 C Street  
San Diego, CA 92101

RE: AUBURN CREEK designation in proposed Master Storm Water System Maintenance Permit (Item # 6)

Honorable Planning Commission,

I am writing you to ask that you adopt the designation made by the San Diego City Council concerning the Auburn Creek tributary of the Chollas Creek. The City Council carefully considered the appropriate name and designation for this natural water body during its deliberation on the Federal Emergency Management Agency (FEMA) Flood Plan, on October 7, 2008- Agenda Item 109. City Council, after receiving my testimony and the attached letter, of the same date, took action as follows:

*"COUNCIL ACTION: (Time duration: 5:29 p.m. – 5:39 p.m.)*

***MOTION BY FRYE TO ADOPT WITH DIRECTION TO STAFF TO INCLUDE  
AUBURN CREEK IN THE FLOOD MITIGATION PLAN AND ALL COMMENTS  
MADE BY MR. JOHN STUMP FROM HIS LETTER DATED OCTOBER 7, 2008, TO  
BE ANNOTATED TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY.***

*Second by Faulconer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkinsnot  
present, Young-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Hueso-yea." (Minutes 10-7-2008, #109)*

City Council took this action to preserve and enhance the well-established historic nature of this creek; its continual human use for recreational and gathering uses; and in recognition of the valuable habitat it provides to listed and endangered species of plants and animal. Nearly every CEQA Environmental Impact Report and study of this water body has identified its historic use by Native Americans; the presence of valuable plants and animals along and within its shores; and the current and future uses of this creek to provide a needed recreation setting for needed parks and open spaces. (Please see the City studies for Wightman Park, Fox Canyon Park, and the Central Police Garage & SD City Schools studies for the Mary Fay Elementary School). Auburn Creek had sufficient habitat value, for California Gnatcatchers and other species, that the City of San Diego set aside some 18 acres of special environmental preserve, adjacent to the Auburn Creek to mitigate for the impacts from the construction and operation, of the Police Central Garage, at Home Avenue and Federal Boulevard.

Auburn Creek is unique amongst the tributaries of the Chollas Creek, as its source is a spring. Auburn Creek is the defining water feature of City Heights. Auburn Creek provides City Heights its natural link to the San Diego Bay.

Please take action to name and designate this creek as Auburn Creek and not "Home Avenue Channel" or "Home Avenue Drain" as proposed in the Master Storm Water System Maintenance Permit. Such action will be consistent with the direction of City Council and Council Policy 600-14. Please carefully consider the protections expressed in Council Policy 600-14 for environmentally sensitive areas and permits in those areas.

Thank you for considering this appeal and concerns regarding the proposed permit.

Respectfully submitted,  
Chollas Restoration, Enhancement, and Conservancy Community Development Corporation, Inc.

John Stump, President

Attached: CREAC letter to San Diego City Council of October 7, 2008

Copy to: Councilwoman Donna Frye, CREAC CDC Board of Director, James Varnadore, City Heights Planning Chairman

# CHOLLAS RESTORATION, ENHANCEMENT AND CONSERVANCY

4133 Poplar  
City Heights, California 92105  
chollas-creac@cox.net

October 7, 2008

Honorable San Diego City Council and Mayor Jerry Sanders  
City of San Diego  
202 C Street  
San Diego, CA 92101

RE: FEMA Flood Mitigation Plan and related Council Policy 600-14

Honorable Leaders,

I am writing you to comment and appeal the proposed FEMA Flood Mitigation Plan as proposed by the Mayor's Staff and URS consultants. The plan is incomplete, has errors, and does not fully protect human health and safety, real property and jobs, and sensitive environmental habitats adjacent to the impaired Chollas Creek, under Council Policy 600-14 and the Chollas Creek Enhancement Plan.

1. The draft plan mis identifies the "**AUBURN CREEK**", tributary of the Chollas Creek. The plan calls out at least two different names for this natural feature. Staff agrees that this error should be changed. **Auburn Creek should appear on FEMA Plan.** Adoption of this FEMA plan needs this addition.

2. **Council Policy 600-14** requires the protection of environmentally sensitive lands under the flood plans; but recent permit actions demonstrate that this is not happening. A staff level permit was issued for a car wash adjacent to Auburn Creek; without compliance to the Chollas Creek Enhancement Plan or full storm water operational BMPs (4345 Home Avenue). In 2000, the Sierra Club raised these policy concerns- attached. **This permit needs review and compliance with policy 600-14 provisions for environmental sensitive areas needs re-statement. Car Wash work should be stopped until compliance is obtained.**

3. The area of Wightman Street Park is not shown as a "Flood area" on the proposed FEMA map. Areas south of the park and Auburn Drive are shown. CREAC is submitting the testimony from the recent hearing on the Wightman Park. **Wightman Park floods and must be called out on the proposed FEMA Flood map.**

4. The City seems to continue to use a storm water run off constant or "Q" for hydrology reports and flood maps which is no longer appropriate for San Diego in the 21<sup>st</sup> Century. The City continues to use the "County or Rural Q" rather than the "City or Urban Q" for estimating storm water run off. Use of the farmland Q underestimates run off and flooding by as much as 60%. FEMA maps may be error because the wrong "Q" was used. **The City must use an "Urban Q" as a matter of policy.**

5. The FEMA Plan on "DAMS" raises serious concerns regarding the 1901 Chollas Heights Reservoir earthen dam. The report states that this dam is adjacent to an earthquake fault, that some 84,000 persons live below it, and that such dams fail every 100 years. Other reports have raised concerns regarding bottom lake leakage. There is an established need to reline this lake. **The FEMA Plan should be reviewed to identify the dam catastrophe hazard area and population numbers. A FEMA GRANT should be sought for Chollas Lake.**

Thank you for considering this appeal and, complaint, and concerns regarding the proposed FEMA Flood Plan.

Respectfully submitted  
Chollas Restoration, Enhancement, and Conservancy  
John Stump, President



## DISPERSAL CAPABILITY OF THE CALIFORNIA GNATCATCHER: A LANDSCAPE ANALYSIS OF DISTRIBUTION DATA

ERIC A. BAILEY and PATRICK J. MOCK, Ogden Environmental and Energy Service Company, 5510 Morehouse Drive, San Diego, California 92121 (current address of Mock, as corresponding author, Dames & Moore, Inc., 9665 Chesapeake Drive, Suite 201, San Diego, California 92123)

Dispersal is the means by which genetic and demographic exchange between subpopulations maintains the viability of the regional metapopulation (Fahrig and Merriam 1985, Lacy 1987, Merriam 1991). Our paper describes potential limitations of existing data on dispersal of juvenile California Gnatcatchers (*Polioptila californica*) and provides a landscape analysis of distribution data from areas of fragmented habitat. This analysis suggests that the dispersal capability of the California Gnatcatcher may be underappreciated.

### METHODS

We studied California Gnatcatchers on approximately 842 ha of coastal sage scrub near the Sweetwater River in the unincorporated community of Rancho San Diego in southwestern San Diego County (32° 40' N, 117°W). Rancho San Diego is approximately 21 km from the Pacific coast and 21 km north of the United States-Mexico border. There were two primary study areas within 2 km of each other. Gnatcatchers were color-banded at the larger study area (1200 ha) from 1989 to 1991 and at the second smaller (111 ha), more easterly, study area (111 ha) from 1989 to 1992. We banded a total of 100 juvenile California Gnatcatchers between 1988 and 1992; 28 individuals were resighted in subsequent years after having dispersed away from their banding locations. We compare this dispersal data to comparable data for the Palos Verdes Peninsula (Atwood et al. 1998).

We evaluate the landscape characteristics of five dispersals of juvenile gnatcatchers to isolated sage scrub fragments at Palos Verdes (Los Angeles County), Encinitas, Point Loma, and the South Park, and Chollas Creek neighborhoods in the city of San Diego. For each dispersal we measured the distance both as a straight line and along a parsimonious landscape route favoring natural vegetation and topography. Vegetation and sighting information were derived from databases for regional habitat-conservation-planning programs maintained by the San Diego Association of Governments and the city of Rancho Palos Verdes. Aerial photographs (1:24,000 scale) were used to interpret the types of highly human-modified habitats.

### RESULTS

Dispersal of banded juvenile California Gnatcatchers has been studied at Rancho San Diego (Mock and Bolger 1992), the Palos Verdes Peninsula (Atwood et al. 1998), and Siphon Reservoir, Orange County (Galvin 1998). The first two studies have documented median straight-line dispersal distances

# DISPERSAL CAPABILITY OF THE CALIFORNIA GNATCATCHER

of less than 3 km (Figure 1), whereas the third reports an average dispersal distance of less than 500 m (excluding a single observation at 7.55 km). The dispersal curves for Palos Verdes and Rancho San Diego are similar, but these results likely underestimate the gnatcatcher's typical dispersal distance because of the limitations of a relatively small search area (Barrowclough 1978, Cunningham 1986, Payne 1990). The Palos Verdes Peninsula population is presumably a closed population with restricted options for dispersing birds; this population appears to be able to reach all habitat patches on the peninsula. Potential habitat for dispersing gnatcatchers at Palos Verdes is limited to a relatively small area (less than 900 ha of habitat), and the longest possible straight-line distance between the most distant sage scrub patches on the peninsula is less than 10 km.

Twenty-eight of the 100 juveniles banded during the Rancho San Diego study were detected within the two study areas or were reported by biologists at other nearby sites. The remaining banded juveniles either died or dispersed outside of the study area and remained undetected. Many of the resightings in the Rancho San Diego study occurred during the drought years of 1989 and 1990, when gnatcatcher population densities were relatively low and habitat was readily available near a juvenile's natal territory. Fifteen of 28 banded gnatcatchers resighted at Rancho San Diego dispersed more than one territory away from their banding location (Figure 2). Nine of these 15 gnatcatchers most likely passed through landscapes that were extensively human-modified (residential, disturbed habitats, golf course, busy roads such

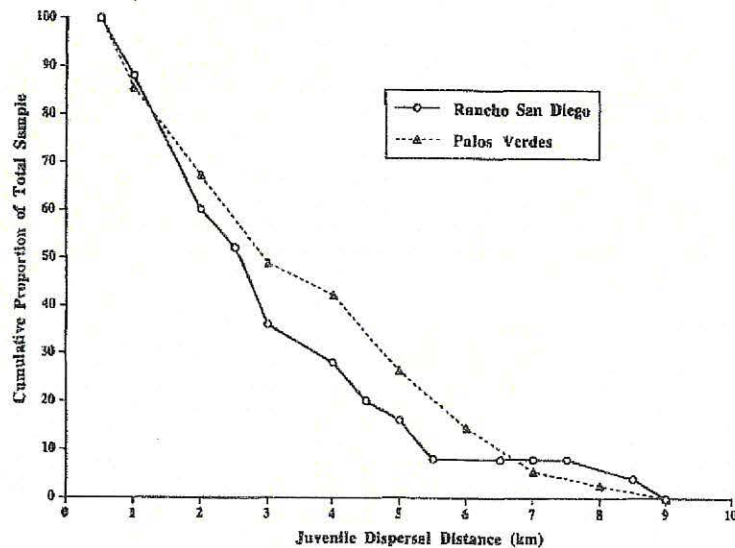


Figure 1. Dispersal-distance curves of California Gnatcatchers at Rancho San Diego ( $n = 28$  individuals; Mock and Bolger 1992) and Palos Verdes ( $n = 76$  individuals; Atwood et al. 1998).



# DISPERSAL CAPABILITY OF THE CALIFORNIA GNATCATCHER

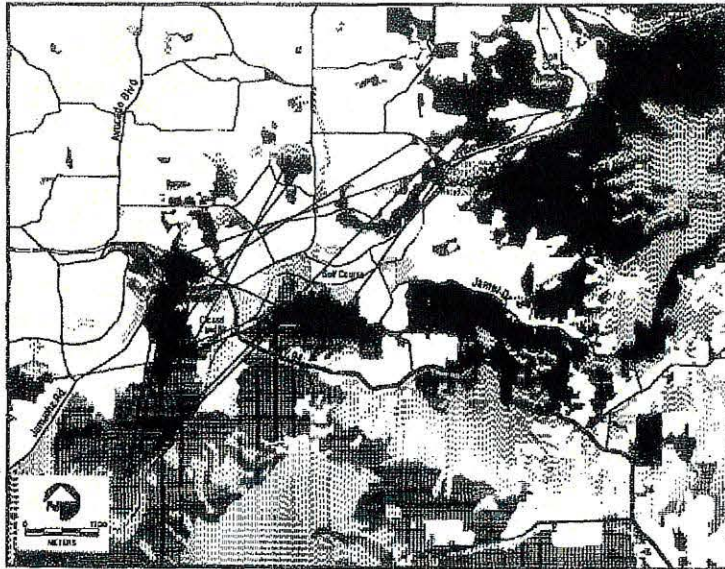


Figure 2. Straight-line dispersal routes for 15 California Gnatcatchers dispersing more than one territory away from their banding location at Rancho San Diego. Vegetation data from regional database. Cross-hatching, coastal sage scrub; vertical dashes, other natural vegetation; no pattern, developed areas; open triangles, California Gnatcatcher sightings.

as highways 54 and 94). Several survey reports have documented dispersal of juvenile California Gnatcatchers across highly man-modified landscapes (Atwood et al. 1998, Everett et al. 1993, Galvin 1998, J. Lovio pers. comm., D. Hunsaker pers. comm.). Recent detailed studies of fragmentation of sage scrub suggest that the gnatcatcher may be able to maintain itself within an archipelago of small patches of habitat (Lovio 1996).

Gnatcatcher occurrences in isolated habitat patches that have been fragmented for over 20 years also suggest dispersal across highly human-modified landscapes. Table 1 compares the straight-line dispersal distance and natural-landscape dispersal distance for the five examples. Figures 3 through 6 show general vegetation coverage of each dispersal location. The vegetation types shown are coastal sage scrub, other natural vegetation (e.g., chaparral, riparian habitats, and grasslands), and developed/agricultural land (highly human-modified landscapes). The types of highly human-modified landscapes crossed by dispersing gnatcatchers are also summarized in the table in order of relative abundance.

## Palos Verdes

A banded juvenile California Gnatcatcher on the Palos Verdes Peninsula dispersed to the U.S. Navy Fuel Depot (Figure 3; Atwood et al. 1995). To reach the native vegetation at the fuel depot, the gnatcatcher had to traverse

# DISPERSAL CAPABILITY OF THE CALIFORNIA GNATCATCHER

**Table 1** Presumed California Gnatcatcher Dispersal Distances across Highly Human-modified Landscapes<sup>a</sup>

Location	Dispersal distance (km)	Distance across modified landscape (km)	Proportion modified landscape (%)	Type of modified landscape
<b>Straight-line route</b>				
Palos Verdes	3.18	2.27	71	Moderate-density residential, well vegetated
Encinitas	1.10	0.79	72	High-density residential, little vegetation
Point Loma	5.83	5.28	91	Moderate- to high-density residential and commercial, poorly to well vegetated
South Park, San Diego	1.81	1.10	61	High-density residential, little vegetation
Chollas Creek, San Diego	1.73	1.26	73	High-density residential, well vegetated
Mean	2.73	2.14	74	
<b>Natural-landscape route</b>				
Palos Verdes	4.15	1.48	36	Parklike open space, well vegetated
Encinitas	1.26	0.34	27	High-density residential, well vegetated
Point Loma	6.54	2.99	46	Concrete channel; moderate- to high-density residential, well vegetated
South Park, San Diego	2.99	0.39	13	High-density residential, little vegetation
Chollas Creek, San Diego	2.17	0.79	36	High-density residential, well vegetated
Mean	3.42	1.20	32	

<sup>a</sup>Based on landscape analysis (see Figures 3, 4, 5, and 6).

highly human-modified landscapes for at least 1.3 km (Table 1). This route crosses several well-vegetated residential lots, continues along a strip of coastal sage scrub and other natural vegetation, crosses a wooded estate, skirts Palos Verdes Reservoir, and crosses Green Hills Memorial Park to reach the Navy fuel depot. At least two additional individuals have been subsequently documented dispersing between isolated sage scrub patches through human-modified habitats (Atwood et al. 1998).

## Encinitas

Bailey noted a dispersing gnatcatcher on 14 June 1993 in a small fragment (less than 4 ha) of chaparral and riparian habitat (Figure 4). We assume it to have been a first-year bird since no gnatcatchers inhabited the site during the previous breeding season (1992). The gnatcatcher was not resighted during two subsequent visits in June. The nearest source population is around San Elijo Lagoon. To reach the fragmented site from San Elijo



# DISPERSAL CAPABILITY OF THE CALIFORNIA GNATCATCHER

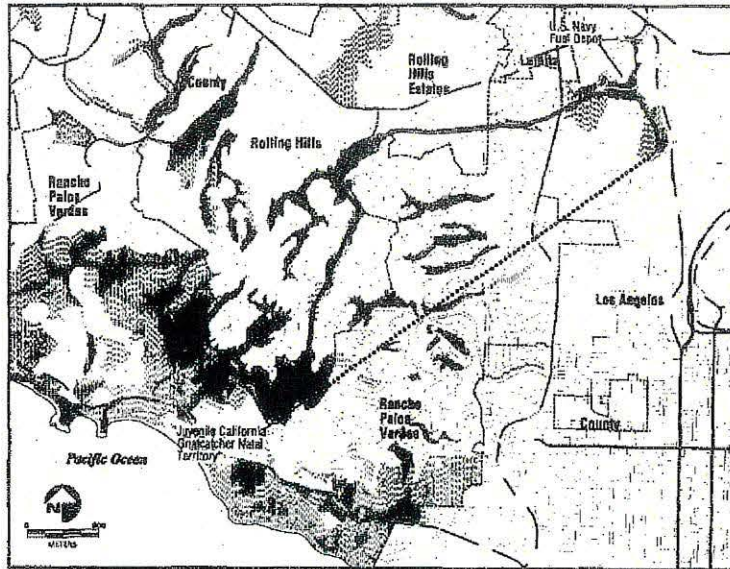


Figure 3. Straight-line (dotted line) and presumed natural-landscape routes (solid line) of juvenile California Gnatcatcher dispersing through highly human-modified landscape at Palos Verdes (Atwood et al. 1995). Vegetation from regional database. Cross-hatching, coastal sage scrub; vertical dashes, other natural vegetation; no pattern, developed areas.

Lagoon, a gnatcatcher would have to traverse a high-density residential neighborhood for at least 0.55 km (Table 1). Many of the homes in this neighborhood are well vegetated with mature ornamental trees and shrubs.

## Point Loma

A California Gnatcatcher detected during focused surveys of Point Loma in 1993 was considered to be a dispersing individual (Figure 5; Everett et al. 1993). There were two previous reports of California Gnatcatchers on Point Loma in 1990 and 1992. Two gnatcatchers were detected in August of 1990, but did not remain in the area. Breeding gnatcatchers apparently have not occupied Point Loma for at least three decades and perhaps for much longer (Everett et al. 1993). Everett et al. (1993) concluded that Point Loma currently does not support a breeding gnatcatcher population and is apparently isolated by distance from likely source populations. However, W. E. Haas (pers. comm.) noted a pair of gnatcatchers in the fall of 1995 near the 1993 sighting location.

The source population nearest Point Loma is in Tecolote Canyon near the University of San Diego (Figure 5). To reach the native vegetation on Point Loma from Tecolote Canyon, a gnatcatcher would have to traverse highly human-modified landscapes for at least 4.8 km (Table 1). This route would follow the Tecolote Creek concrete drainage ditch, open space around Mission Bay, the San Diego River channel, Famosa Slough, and the

# DISPERSAL CAPABILITY OF THE CALIFORNIA GNATCATCHER

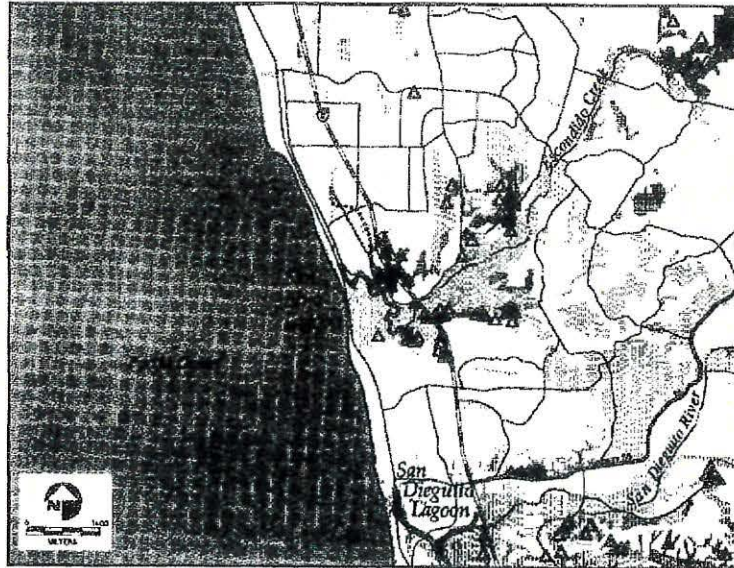


Figure 4. Straight-line (dashed line) and presumed natural-landscape routes (dotted line) of California Gnatcatcher detected in an isolated patch of coastal sage scrub in Encinitas (E. Bailey pers. obs.). Vegetation and gnatcatcher-locality data from regional database. Cross-hatching, coastal sage scrub; vertical dashes, other natural vegetation; no pattern, developed areas; open triangles, California Gnatcatcher sightings.

ridgeline of Point Loma, covered with moderate- to high-density residential neighborhoods having dense mature trees and shrubs. Two freeways and numerous major roads also would have been crossed.

## South Park and Chollas Creek, San Diego

In November 1993 Bailey observed a pair of California Gnatcatchers along Home Avenue, east of Interstate 805 (Figure 6). In addition, two gnatcatchers were detected nearby in the fall of the same year adjacent to Interstate 15 near Highway 94 (RECON 1993). These patches of habitat have been fragmented for over 40 years, strongly suggesting gnatcatcher dispersal across highly human-modified landscapes (this assumes local extirpation followed by recolonization rather than the maintenance of a relict population). Nearby source populations are Chollas Community Park and Balboa Park, locations that are also habitat fragments. To reach the native vegetation at Home Avenue from Chollas Community Park, a gnatcatcher would have to traverse highly man-modified landscapes for at least 1.3 km (Table 1). This route crosses a well-vegetated high-density residential area, continues through coastal sage scrub along Chollas Creek, and crosses over a residential and commercial area to the Home Avenue site. To reach native vegetation near Interstate 15 from Balboa Park, a gnatcatcher would have to traverse highly



# DISPERSAL CAPABILITY OF THE CALIFORNIA GNATCATCHER

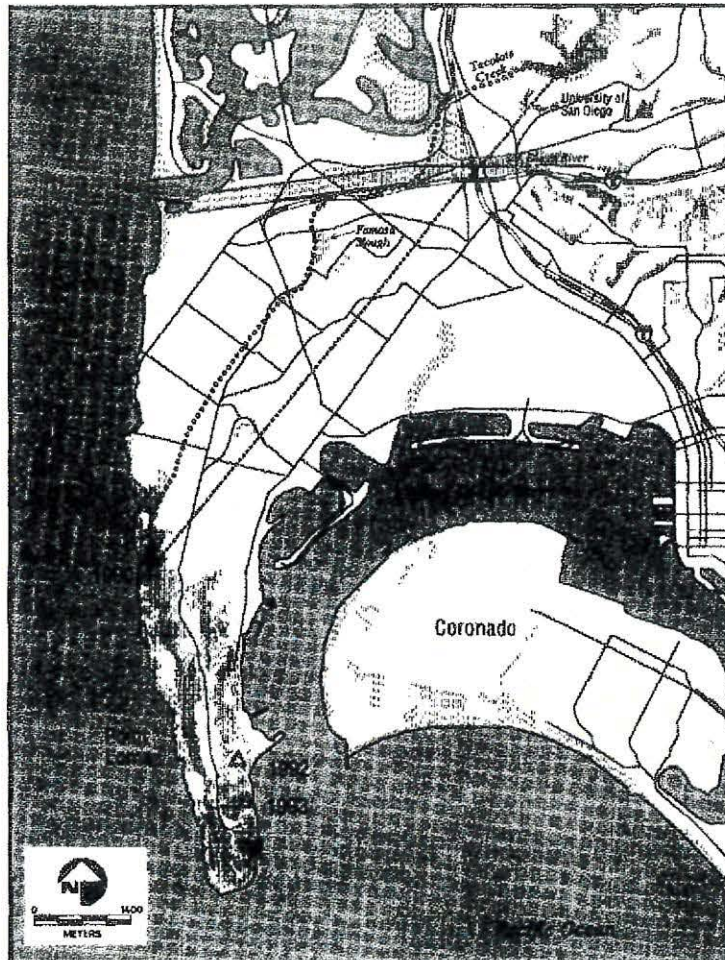


Figure 5. Straight-line (dashed line) and presumed natural-landscape route (dotted line) of California Gnatcatchers detected on Point Loma (Everett et al. 1993). Vegetation from regional database. Cross-hatching, coastal sage scrub patches; vertical dashes, other natural vegetation; no pattern, developed areas; open triangles, California Gnatcatcher sightings, with year of sighting.

human-modified landscapes for at least 0.63 km (Table 1). This route crosses both fragments of native vegetation in canyons and high-density residential areas with little vegetation. Subsequent effort by P. Unitt for the San Diego Bird Atlas has documented a pair nesting at the Interstate 15 site and three

# DISPERSAL CAPABILITY OF THE CALIFORNIA GNATCATCHER

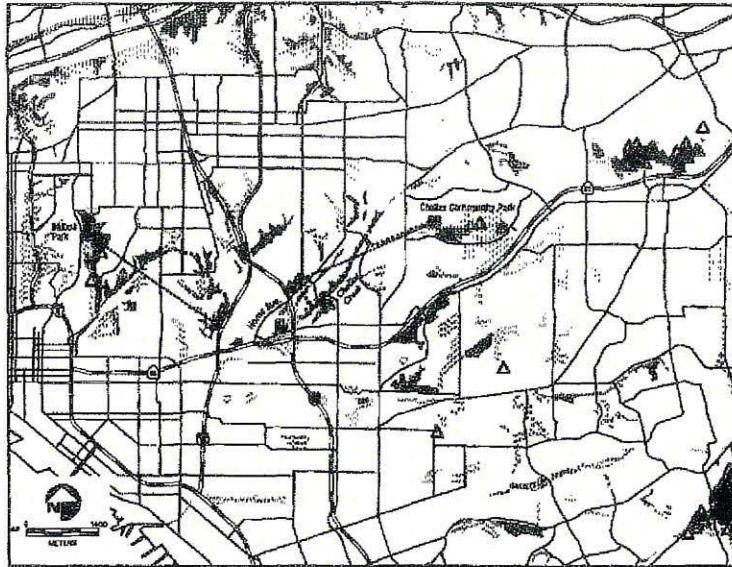


Figure 6. Straight-line (dashed line) and presumed natural-landscape route (dotted line) of California Gnatcatchers detected in central San Diego (E. Bailey pers. obs.) and Chollas Creek (RECON 1993). Vegetation and gnatcatcher-locality data from regional database. Cross hatching, coastal sage scrub; vertical dashes, other natural vegetation; no pattern, developed areas; open triangles, California Gnatcatcher sightings.

gnatcatcher territories within Chollas Canyon between Chollas Park and the Home Avenue site. These subsequent sightings suggest there is a large cluster of habitat islands within an otherwise urban landscape that appears to allow for demographic exchange of gnatcatchers between habitat fragments (P. Unitt pers. comm., Lovio 1996).

## DISCUSSION

We conclude that existing banding studies likely underestimate the typical and maximum California Gnatcatcher dispersal distance and that California Gnatcatchers appear to be capable of dispersing relatively long distances across highly human-modified landscapes (0.5 to 5.0 km, assuming a natural-landscape route; Table 1). Gathering an unbiased sample of dispersal distances is likely to be impractical for relatively large landscapes, such as San Diego County (Barrowclough 1978, Cunningham 1986, Payne 1990). An exponential model fitted to the Rancho San Diego dispersal data predicts a maximal dispersal distance of less than 22 km for 95% of juveniles surviving to October. A circle with a 22-km radius encompasses over 1500 km<sup>2</sup> (150,000 ha). A thorough search of sage scrub within such a large area over a short time period in fall (before substantial winter mortality) would be a very costly endeavor. Some conservation biologists have recommended



## DISPERSAL CAPABILITY OF THE CALIFORNIA GNATCATCHER

against extrapolating dispersal data beyond empirically derived maximum values (Brussard et al. 1993:16); however, this conservative interpretation of spatially limited and biased dispersal data will usually result in an underestimation of a species' dispersal capability (Cunningham 1986) and ultimately lead to an overestimation of the metapopulation's vulnerability to extinction.

Although not preferred in a preserve design, "stepping-stone" dispersal corridors may be the only remaining dispersal routes between some core gnatcatcher populations of significant conservation value. Such minimal corridors appear to exist in San Diego County (e.g., Lakeside and Oceanside) and are likely to be critical linkages between substantial populations of the California Gnatcatcher. There are also relatively large islands of gnatcatcher-occupied coastal sage scrub completely surrounded by man-modified landscapes (e.g., Twin Peaks and Van Dam Peak in Poway, Rattlesnake Mountain in Santee, Dictionary Hill west of Sweetwater Reservoir). These habitat fragments cumulatively support several hundred pairs, and their conservation value may be underestimated. Dispersal studies of banded gnatcatcher populations associated with presumed stepping-stone corridors and relatively large isolated patches of coastal sage scrub are recommended.

### SUMMARY

In the California Gnatcatcher, dispersal of juveniles is the means by which genetic and demographic exchange between subpopulations maintains the viability of the regional metapopulation. Studies of banded individuals in southern San Diego County and at Palos Verdes in Los Angeles County have documented median dispersal distances of less than 3 km. These measures likely underestimate the gnatcatcher's typical dispersal capacity because of the difficulty of detecting dispersed individuals in open populations and the opportunity for successful dispersal to maximum distances being truncated in small isolated patches of habitat. Spatially isolated occurrences of gnatcatchers suggest juveniles' dispersal capability is greater than empirically documented with banded individuals. Juvenile California Gnatcatchers are apparently able to traverse highly man-modified landscapes for at least short distances. Underestimation of a species' dispersal capability can lead to an overestimation of the metapopulation's vulnerability to extinction. The conservation value of "stepping-stone" corridors and of relatively large patches of gnatcatcher-occupied coastal sage scrub surrounded by man-modified landscapes may be underestimated.

### ACKNOWLEDGMENTS

Field observers contributing to this study included Mary Grishaver, Kristine Preston, David King, John Lovio, Lyndon Quon, Ann Kreager, and John Konecny. Don Hunsaker reported resightings of two long-distance dispersers. Jon Atwood, Carol Reynolds, Sophia Tsal, Michael Fugagli, Philip Unitt, and William E. Haas provided relevant unpublished field observations. Graphics and geographic-information-system support was provided by the San Diego office of Ogden Environmental and Energy Services. Funding for this study was provided by Home Capital Development Corporation, the Weingarten, Siegel, Fletcher Group, Inc., Skyline Wesleyan Church, and Ogden Environmental and Energy Services. Review of the manuscript was provided by John Rotenberry and Philip Unitt. The authors are grateful to all of the above individuals and organizations for their contributions to this study.

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Accepted 7 July 1998



## INITIAL STUDY CHECKLIST

1. Project title/Project number: 4337 Home Avenue Marijuana Outlet NUP/CUP / 593686
2. Lead agency name and address: City of San Diego, 1222 First Avenue, MS-501, San Diego, California 92101
3. Contact person and phone number: Denise Vo, Latitude 33 / (858) 837-2490
4. Project location: The project is located on a 1.08-acre developed site at 4333 Home Avenue within the City Heights Area of the Mid-City Communities Community Plan and City Council District 9. (See attached location map).
5. Project Applicant/Sponsor's name and address: Avad Investments, Inc., 1129 Avenida del Oceano, El Cajon, CA 92019.
6. General/Community Plan designation: General Plan: Industrial Employment. Community Plan: Community Commercial/General Commercial with Light Manufacturing.
7. Zoning: CC-1-3 (Commercial-Community) and IL-3-1 (Industrial-Light)
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.):

A Neighborhood Use Permit (NUP) to continue operation of the existing auto service station and mini-market in both the CC-1-3 (Commercial-Community) and IL-3-1 (Industrial-Light) zones; a Conditional Use Permit (CUP) to continue the ABC Type 20 license for off-site consumption alcohol beverage sale (the previous CUP No. 96-7374 has expired), located at 4333 Home Avenue in the CC-1-3 zone; and a CUP to operate a marijuana outlet in the first floor 1,200 square-foot suite in a new two-story 2,400 square-foot building located at 4337 Home Avenue in the IL-3-1 Zone. The 1,200 square-foot second building will remain vacant and any future occupancy of the second floor will require an Amendment to this CUP. The 1.08 gross-acre site is located in the Airport Influence Area (SDIA Area 2), Fire Brush Zones, and High Fire Severity Zones, within the City Heights neighborhood of the Mid-City Communities Community Plan area and City Council District 9.

9. Surrounding land uses and setting:

The project is located on a rectangular, 1.08 gross-acre site that is currently occupied by a convenience store, fueling islands, paved parking lot, and landscape areas. A concrete-line drainage channel is located along the southwest boundary of the property. Grades on the property currently slope from northeast to southwest with elevations varying from approximately 145 feet Mean Sea Level (MSL) to 137 feet MSL.

The site is surrounded by Home Avenue to the northwest, the 805 freeway on and off-ramps to the southwest, an undeveloped natural slope in the OR-1-1 (Open Space-Residential) zone that rises to the southeast approximately 100 feet in elevation with single family dwellings

beyond the slope, and light industrial and commercial land uses to the northeast in the IL-3-1 zone.

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

N/A

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?

In accordance with the requirements of Public Resources Code 21080.3.1, the City of San Diego engaged in consultation with the Lipay Nation of Santa Ysabel and the Jamul Indian Village, both traditionally and culturally affiliated with the project area. City of San Diego Development Services Department staff met in person with these two Native American communities on February 4, 2018. Both Native American communities requested Native American monitoring occur during the project's ground-disturbing activities and agreed that no further consultation was required and concluded the consultation process. The requested monitoring is described in Section V of this MND.

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.



**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

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

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

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

On the basis of this initial evaluation:

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

## 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
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I. AESTHETICS – Would the project:

- |                                                         |                          |                          |                          |                                     |
|---------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Have a substantial adverse effect on a scenic vista? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|

The project site is not located within, or adjacent to a public view or scenic vista. Therefore, the project will not impact scenic vistas.

- |                                                                                                                                                         |                          |                          |                          |                                     |
|---------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| b) Substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|

The project is not located within or adjacent to a state scenic highway and therefore would not substantially damage such scenic resources. Therefore, no impacts would result.

- |                                                                                                     |                          |                          |                          |                                     |
|-----------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| c) Substantially degrade the existing visual character or quality of the site and its surroundings? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|-----------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|

The project will not degrade the existing visual character or quality of the site and its surroundings because the project proposes to construct a new two-story 2,400 square-foot building to house a Marijuana Outlet and commercial/light industrial tenant space which is permitted by the underlying zone and community plan with a Conditional Use Permit. The proposed floor area ratio, lot coverage, and building height conform to the development regulations of the underlying zone. In addition, the proposed building is similar in bulk and scale to the existing commercial structures on-site and near the project site which are also located in the IL-3-1 Industrial-Light zone. Therefore, no impacts would result.

- |                                                                                                                      |                          |                          |                          |                                     |
|----------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| d) Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|----------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|

Refer to I(c) above. The project proposes to construct a new two-story 2,400 square-foot building to house a Marijuana Outlet and commercial/light industrial tenant space which would not create a new source of substantial light or glare that would adversely affect day or nighttime views. In addition, the project, including all proposed exterior lighting, would be subject to the City's Outdoor Lighting Regulations per Municipal Code Section 142.0740. Therefore, no impacts would result.

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

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				

The project site does not contain, and is not adjacent to, any lands identified as Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as show on maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resource Agency. Therefore, the project would not result in the conversion of such lands to non-agricultural use. Therefore, no impacts would result.

- |                                                                                      |                          |                          |                          |                                     |
|--------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| b) Conflict with existing zoning for agricultural use, or a Williamson Act Contract? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|

Refer to response II (a), above. There are no Williamson Act Contract lands on or within the vicinity of the project. The project is consistent with the existing land use and the underlying zone. The project would not conflict with any properties zoned for agricultural use or be affected by a Williamson Act Contract. Therefore, no impacts would result.

- |                                                                                                                                                                                                                                                                                           |                          |                          |                          |                                     |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 1220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|

The project would not conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production. No designated forest land or timberland occur onsite as the project is consistent with the community plan, and the underlying zone. No impacts would result.

- |                                                                                      |                          |                          |                          |                                     |
|--------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| d) Result in the loss of forest land or conversion of forest land to non-forest use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|

Refer to response II (c) above. No impacts would result.

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

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

- 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:



Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The San Diego Air Pollution Control District (SDAPCD) and San Diego Association of Governments (SANDAG) are responsible for developing and implementing the clean air plan for attainment and maintenance of the ambient air quality standards in the San Diego Air Basin (SDAB). The County Regional Air Quality Strategy (RAQS) was initially adopted in 1991 and is updated on a triennial basis (most recently in 2009). The RAQS outlines the SDAPCD's plans and control measures designed to attain the state air quality standards for ozone (O3). The RAQS relies on information from the California Air Resources Board (CARB) and SANDAG, including mobile and area source emissions, as well as information regarding projected growth in San Diego County and the cities in the county, to project future emissions and then determine the strategies necessary for the reduction of emissions through regulatory controls. CARB mobile source emission projections and SANDAG growth projections are based on population, vehicle trends, and land use plans developed by San Diego County and the cities in the county as part of the development of their general plans.

The RAQS relies on SANDAG growth projections based on population, vehicle trends, and land use plans developed by the cities and by the county as part of the development of their general plans. As such, projects that propose development that is consistent with the growth anticipated by local plans would be consistent with the RAQS. However, if a project proposes development that is greater than that anticipated in the local plan and SANDAG's growth projections, the project might be in conflict with the RAQS and may contribute to a potentially significant cumulative impact on air quality.

The project would construct a new two-story 2,400 square-foot building to house a 1,200 square-foot Marijuana Outlet and 1,200 square feet of vacant tenant space. The project is consistent with the General Plan, the zoning designation, and the community plan. Therefore, the project would be consistent at a sub-regional level with the underlying growth forecasts in the RAQS and would not obstruct implementation of the RAQS. As such, no impacts would result.

b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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**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

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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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 scope of constructing a new two-story 2,400 square-foot building to house a Marijuana Outlet, 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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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As described above, construction operations could temporarily increase the emissions of dust and other pollutants. However, construction emissions would be temporary and 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 a non-attainment under applicable federal or state ambient air quality standards. Impacts would be less than significant.

d) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
-------------------------------------------------------------------------	--------------------------	--------------------------	-------------------------------------	--------------------------

### **Short-term (Construction)**

Odors would be generated from vehicles and/or equipment exhaust emissions during construction of the project. Odors produced during construction would be attributable to concentrations of unburned hydrocarbons from tailpipes of construction equipment and architectural coatings. Such odors are temporary and generally occur at magnitudes that would not affect a substantial number of people. Therefore, impacts would be less than significant.

### **Long-term (Operational)**

The proposed Marijuana Outlet will be required, as a condition of discretionary permit approval, to implement an odor control system to the satisfaction of the Development Services Department. Implementation of the odor control system would ensure that any potential odors from the Marijuana Outlet would be minimized. Therefore, odors are not anticipated to leave the enclosed building to the extent that it would affect a substantial number of people, and, as such, project operations would result in less than significant impacts.



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

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Construction of the proposed two-story building would occur on an area of the project site that has been disturbed previously. There is no sensitive habitat or biological resources present in the area of the site that would be directly impacted by proposed construction. There is sensitive Diegan Coastal Sage Scrub habitat within the Multi-Habitat Planning Area (MHPA) of the MSCP City of San Diego Subarea Plan off-site to the southeast. However, as a condition of the project's discretionary permit approval, the project will be required to comply with the MHPA Land Use Adjacency Guidelines. This would reduce any potential indirect impacts from the project on the adjacent sensitive habitat, such as light, noise, or drainage, to a less than significant level. Therefore, the project would not have substantial adverse effects on any species identified by the California Department of Fish and Game or U.S. Fish and Wildlife Service.

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

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Refer to IV (a) above. The project site does not contain any riparian habitat or other identified community, as the site currently supports ornamental non-native landscaping. No impacts would occur.

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

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Refer to IV (a)(b) above. Additionally, there are no wetlands or waters of the State or United States on or near the site. No impacts would occur.

- d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

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Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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Refer to IV (a)(b) above. In addition, the proposed project would occur on a developed commercial property and would not directly impact the adjacent sensitive native habitat. As such, the proposed project would not impede the movement of any wildlife or the use of any wildlife nursery sites and impacts would be less than significant.

- |                                                                                                                                     |                          |                          |                                     |                          |
|-------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|
| e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|-------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|

Refer to IV (a) above. The project site is designated for commercial and light industrial development by the Mid-City Communities Community Plan and underlying CC-1-3 and IL-3-1 zones. In addition, the project is located on a developed commercial property which does not contain sensitive biological resources or sensitive or protected trees. As such impacts would be less than significant.

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

Refer to IV (a) above. The project would not conflict with any local conservation plans. Impacts would be less than significant.

#### V. CULTURAL RESOURCES – Would the project:

- |                                                                                                             |                          |                          |                                     |                          |
|-------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Cause a substantial adverse change in the significance of an historical resource as defined in §15064.5? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|-------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|

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. Before approving discretionary projects, CEQA requires the Lead Agency to 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.

### Archaeological Resources

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.

A qualified City of San Diego Development Services Department archaeologist concluded that, due to a negative South Coast Information Center (SCIC) records search result for the project site, a relatively small and shallow amount of excavation indicated on the Development Plans, and a geotechnical investigation that reveals low cultural sensitivity due to the lack of native soil at near the surface of the site, it is unlikely that cultural resources will be encountered during project



Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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construction, and, as such, cultural monitoring is not necessary for the project. Therefore, the proposed project would have a less than significant impact on archaeological resources and no mitigation is required.

### 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. Projects requiring the demolition and/or modification of structures that are 45 years or older have the potential to result in impacts to a historical resource. Since the proposed project would not demolish any structures it would have no impact on built-environment historical resources.

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

Refer to V (a) above.

- |                                                                                                         |                          |                          |                                     |                          |
|---------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|
| c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|

The project site is underlain by the San Diego geological deposit/formation/rock units as indicated by City of the City of San Diego Development Service Department geological maps. The City of San Diego CEQA Significance Determination Thresholds for Paleontological Resources indicate that these geologic formations have a high potential for the discovery of paleontological resources.

City Grading Regulations state that when a project will involve more than 1,000 cubic yards of excavation and excavation exceeding 10 feet in depth below existing grade on a site that is underlain by a high sensitivity geologic formation, there may be potentially significant impacts to paleontological resources and paleontological monitoring is required during the project's ground disturbing activities.

According to the project's grading plans, excavation for the proposed project would not exceed 5.5 feet in depth, which does not exceed the City's 10-foot excavation depth significance threshold for impacts to paleontological resources. Therefore, the proposed project would have a less than significant impact on paleontological resources and paleontological monitoring will not be required during the project's ground disturbing activities.

- |                                                                                         |                          |                          |                                     |                          |
|-----------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|
| d) Disturb and human remains, including those interred outside of dedicated cemeteries? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|-----------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|

Refer to V (a) above. In addition, there is no evidence to show that human remains are located at or surrounding the project site since a cemetery has not been located at or near the project site previously.

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

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The Geotechnical Investigation (GI) for 4333 Home Avenue, San Diego, California, dated August 30, 2018 by Geocon, Inc. indicates that the project site is located within the Geologic Hazard Category 32, Liquefaction – Low Potential -fluctuating groundwater, minor drainages. The GIR concludes that site is not located within a Alquist-Priolo Earthquake Fault Zone, and there are no mapped Quaternary faults crossing or trending toward the project site. Because of the lack of known active faults on the site, the GIR concludes that the risk associated with ground rupture is low. The GIR opines that the subject site can be developed as proposed with a new 2,400 square-foot building, provided the recommendations of the GIR are followed. The City of San Diego will require that these recommendations be implemented for project construction through the building and grading permit plan check and inspection process. A qualified City of San Diego Development Services Department geologist has reviewed the GIR and accepted it as complete for the purpose of CEQA compliance review. In addition, the project would utilize proper engineering design and standard construction practices in order to ensure that potential impacts in this category based on regional geologic hazards would remain less than significant. Therefore, risks from rupture of a known earthquake fault would be below a level of significance.

- ii) Strong seismic ground shaking?

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Refer to VI (a)(i) above. The project would also be required to utilize proper engineering design and standard construction practices to ensure that the potential for impacts from ground shaking would be below a level of significance.

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

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Refer to VI (a)(i) above. The GIR concludes that due to the dense subsurface soils and formational bedrock, and the lack of permanent groundwater table, the risk associated with seismically induced soil liquefaction hazard is low at the project site. Therefore, Impacts would be less than significant.

- iv) Landslides?

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Refer to VI (a)(i) above. In addition, GIR states that no evidence of landsliding was encountered at the site during the geotechnical investigation or in review of historic, stereoscopic aerial photographs.



Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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Based on this, the GIR concludes the risk associated with ground movement hazard due to landsliding is low. Therefore, Impacts would be less than significant.

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

Demolition and construction activities would temporarily expose soils to increased erosion potential. The project would be required to comply with the City's Storm Water Standards which requires the implementation of appropriate BMPs. Grading activities within the site would be required to comply with the City of San Diego Grading Ordinance as well as the Storm Water Standards, which would ensure soil erosion and topsoil loss is minimized to less than significant levels. Furthermore, permanent storm water BMPs would also be required post-construction consistent with the City's regulations. Therefore, the project would not result in substantial soils erosion or loss of topsoil, therefore impacts would be less than significant.

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

As discussed in Section VI(a) and VI(b), the project site is not likely to be subject to landslides, and the potential for liquefaction and subsidence is low. Furthermore, the project design would be required to comply with the requirements of the California Building Code and the City's grading regulations, ensuring hazards associated with expansive soils would be reduced to an acceptable level of risk. As such, impacts due to expansive soils are expected to be less than significant.

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

Refer to VI (a) above.

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

The project site is located within an area that is already developed with existing infrastructure (i.e., water and sewer lines) and does not propose any septic system. In addition, the project does not require the construction of any new facilities as it relates to wastewater, as services are available to serve the project. No impact would occur.

#### VII. GREENHOUSE GAS EMISSIONS – Would the project:

- |                                                                               |                          |                          |                                     |                          |
|-------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Generate greenhouse gas emissions, either directly or indirectly, that may | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|-------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
have a significant impact on the environment?				

## Climate Action Plan

The City adopted the Climate Action Plan (CAP) in December 2015 (City of San Diego 2015). With implementation of the CAP, the City aims to reduce emissions 15% below the baseline to approximately 11.1 million metric tons of carbon dioxide equivalent (MMT CO<sub>2</sub>E) by 2020, 40% below the baseline to approximately 7.8 MMT CO<sub>2</sub>E by 2030, and 50% below the baseline to approximately 6.5 MMT CO<sub>2</sub>E by 2035. The City has identified the following five CAP strategies to reduce GHG emissions to achieve the 2020 and 2035 targets: (1) energy- and water-efficient buildings; (2) clean and renewable energy; (3) bicycling, walking, transit, and land use; (4) zero waste (gas and waste management); and (5) climate resiliency. The City's CAP Consistency Checklist, adopted July 12, 2016, is the primary document used by the City to ensure project-by-project consistency with the underlying assumptions in the CAP and thereby to ensure that the City would achieve the emission reduction targets identified in its CAP.

## CAP Consistency Checklist

The CAP Consistency Checklist is the City's significance threshold utilized to ensure project-by-project consistency with the underlying assumptions in the CAP and to ensure that the City would achieve its emission reduction targets identified in the CAP. The CAP Consistency Checklist includes a three-step process to determine project if the project would result in a GHG impact. Step 1 consists of an evaluation to determine the project's consistency with existing General Plan, Community Plan, and zoning designations for the site. Step 2 consists of an evaluation of the project's design features compliance with the CAP strategies. Step 3 is only applicable if a project is not consistent with the land use and/or zone, but is also in a transit priority area to allow for more intensive development than assumed in the CAP.

Under Step 1 of the CAP Checklist the proposed project is consistent with the existing General Plan and Community Plan land use designations, and zoning designations for the project site because these designations allow for commercial and light industrial development, including marijuana outlets with a Conditional Use Permit. Therefore, the proposed project is consistent with the growth projections and land use assumptions used in the CAP.

Furthermore, completion of Step 2 of the CAP Checklist for the project demonstrates that the project is consistent with applicable strategies and actions for reducing GHG emissions. This includes project features consistent with cool/green roofs, energy and water efficient buildings, electric vehicle charging, and bicycle parking spaces strategies. These project features would be assured as a condition of project approval. Thus, the project is consistent with the CAP. Step 3 of the CAP Consistency Checklist would not be applicable, as the project is not proposing a land use amendment or a rezone.

## Greenhouse Gas (GHG) Emissions Analysis

### Scenario 1: Hypothetical Land Use



Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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The GHG Emissions CAP Analysis for 4337 Home Avenue Marijuana Outlet dated April 3, 2019 by Helix Environmental Planning compared the estimated GHG emissions for a hypothetical “permitted” land use scenario with the estimated GHG emissions for the proposed project using the California Emissions Estimator Model (CalEEMod) version 2016.3.2 (California Air Pollution Control Officers Association [CAPCOA] 2017). The hypothetical scenario assumes a “Fast Food Restaurant without a Drive Thru” land use with a floor surface area of 1,200 square feet because it represents a permitted use under the Municipal Code that would be consistent with the existing General Plan and community plan land use designations, and the zoning designations for the project site. Furthermore, existing land uses in the vicinity of the proposed project include fast food restaurants and the applicant was initially considering a fast food restaurant for the site. The floor surface area of the hypothetical land use scenario is the same as the proposed marijuana outlet.

### Scenario 2: Proposed Project

The proposed project is seeking approval of a conditional use permit to operate a 1,200 square-foot marijuana outlet on the first floor of a new two-story 2,400 square-foot building. The 1,200 square-foot second floor of the building will be required to remain vacant as a condition of discretionary permit (CUP/NUP) approval. Any future occupancy of this vacant space will require an amendment to the CUP for the marijuana outlet. This amendment will be evaluated for consistency with the CAP.

For GHG modeling calculation purposes, the “Strip Mall” land use was chosen in the GHG analysis as the most representative available in CalEEMod for a marijuana outlet, as strip malls are generally comprised of small retail shops specializing in quality apparel, hard goods and services, and small restaurants. The proposed marijuana outlet would be a small retail shop specializing in the sale of hard goods.

### GHG Emissions Comparison

The GHG Analysis CalEEMod calculations show that the annual emissions for the hypothetical “permitted” land use scenario would be 626 Metric Tons of CO<sub>2</sub>e and annual emissions for the proposed project would be 163 Metric Tons of CO<sub>2</sub>e. This means that the proposed project would result in emissions of 463 Metric Tons of CO<sub>2</sub>e per year less than hypothetical land use with the same floor area and would, therefore, be consistent with the existing General Plan land use, Community Plan land use, and zoning designation. As such, the proposed marijuana outlet is consistent with the land use assumption for the project site used in the Climate Action Plan.

Therefore, the project has been determined to be consistent with the City of San Diego Climate Action Plan, would result in a less than significant impact on the environment with respect to Greenhouse Gas Emissions, and further GHG emissions analysis and mitigation would not be required.

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

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Refer to Section VII (a) above.

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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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? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|-------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|

Construction of the project may require the use of hazardous materials (fuels, lubricants, solvents, etc.), which would require proper storage, handling, use and disposal. 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 materials on or through the subject site is not anticipated. Any unanticipated transport, use or disposal of hazardous materials would be required to comply with all applicable laws and regulations. Therefore, impacts would be less than significant.

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

As noted in previous response VIII (a), no health risks related to the storage, transport, use, or disposal of hazardous materials would result from the implementation of the project. The project would not be associated with such impacts. Therefore, impact would be less than significant.

- |                                                                                                                                                                 |                          |                          |                          |                                     |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|

There are no schools that are located within one-quarter mile of the project site. In addition, the project would not emit or handle hazardous materials, substances, or waste. No impacts would occur.

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

A search of potential hazardous materials sites compiled pursuant to Government Code Section 65962.5 was completed for the project site. Several databases and resources were consulted including the Department of Toxic Substances Control (DTSC) EnviroStor database, the California State Water Resources Control Board GeoTracker database, and other sources of potential hazardous materials sites available on the California EPA website. Based on the searches conducted, there is a permitted contained underground gas storage tank beneath the existing gas station. However, the searches identified no contaminated sites are on or adjacent to the project site.



Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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Furthermore, the project site was not identified on the DTSC Cortese List. Therefore, the project would not create a significant hazard to the public or the environment. No impacts would result.

- |                                                                                                                                                                                                                                                                 |                          |                          |                                     |                          |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 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 public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|

The project site is located in the airport Influence Area (AIA) Review Area 2 for the San Diego International Airport Land Use Compatibility Plan and the proposed project is considered compatible with the land use plan if FAA notification has occurred or is not required. However, the proposed project was reviewed by qualified City Planning Department staff and the site was determined to be located outside of an airport safety zone and in an area that does not require FAA notification. Therefore, the project would not result in a safety impact, project impacts would be less than significant, and no mitigation measures are required.

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

Refer to response VIII(e) above. The project site is not in proximity to any private airstrip. Therefore, no significant impacts will occur, and no mitigation measures are required.

- |                                                                                                                           |                          |                          |                          |                                     |
|---------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|

Construction of the proposed project may temporarily affect traffic circulation within the project Area of Potential Effect (APE) and its adjoining roads. However, an approved Traffic Control Plan would be implemented during construction which would allow emergency plans to be employed. Therefore, the project would not physically interfere with and adopted emergency response plan or emergency evacuation plan.

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

Although there are some wildlands adjacent to the project site that could be burned by a fire, the project has been reviewed by qualified landscape review and Fire Department review staff to verify that the proposed project complies with the City's brush management regulations including brush management zones and alternative compliance regulations which involve structural "hardening" of the proposed building to reduce potential wildland fire impacts to below a level of significance.

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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Therefore, the project would not expose people or structures to wildland fires and no mitigation is required.

IX. HYDROLOGY AND WATER QUALITY - Would the project:

- |                                                                         |                          |                          |                                     |                          |
|-------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Violate any water quality standards or waste discharge requirements? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|-------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|

The project would comply with the City's Storm Water Regulations during and after construction, and appropriate BMP's would be utilized. Implementation of project specific BMP's would preclude violations of any existing water quality standards or discharge requirements. Impacts would be less than significant.

- |                                                                                                                                                                                                                                                                                                                                                                                               |                          |                          |                          |                                     |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 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)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|

Refer to IX (a) above. The project does not require the construction of wells or the use of groundwater. Furthermore, the project would not introduce significant new impervious surfaces that could interfere with groundwater recharge. Therefore, the project would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge. No impact would result.

- |                                                                                                                                                                                                                                     |                          |                          |                                     |                          |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|
| c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner, which would result in substantial erosion or siltation on- or off-site? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|

The project would not substantially alter the existing drainage pattern of the site or the area. There are no streams or rivers located on-site and thus, no such resources would be impacted through the proposed grading activities. Although grading would be required for the project, the project would implement BMPs to ensure that substantial erosion or siltation on or off-site would not occur. 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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Refer to IX (a). The project would not alter the existing drainage pattern of the site or significantly alter runoff volumes. The project would not substantially alter the impervious area and runoff would continue to be discharged into the storm drain system. Thus, the project would not significantly alter the overall drainage pattern for the site or area, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site. Impacts would be less than significant.

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

Refer to IX (a)(c)(d) above.

- |                                                   |                          |                          |                                     |                          |
|---------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|
| f) Otherwise substantially degrade water quality? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|

Refer to IX (a) above. The project would be required to comply with all local and regional storm water quality standards during construction using approved BMPs, which 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|

The project site is not located within a 100-year flood hazard area or any other known flood area. Therefore, no impacts would occur.

- |                                                                                                     |                          |                          |                          |                                     |
|-----------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| h) Place within a 100-year flood hazard area, structures that would impede or redirect flood flows? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|-----------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|

Refer to IX(g), above. The project site is not located within a 100-year flood hazard area.

#### X. LAND USE AND PLANNING – Would the project:

- |                                                |                          |                          |                          |                                     |
|------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Physically divide an established community? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|

The project would construct a new two-story 2,400 square-foot building to house a marijuana outlet and a vacant second floor tenant space on an existing developed site. The project is consistent with the General Plan's and Community Plan's land use designations, and is consistent with the zoning designation with the issuance of a Conditional Use Permit. The project site is located adjacent to similar light industrial and commercial uses along the south side of Home Avenue that are in the same light industrial zone. The project would not substantially change the nature of the surrounding area and would not introduce any barriers or project features that could physically divide the



Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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community. Thus, the project would result in no impact related to physically dividing an established community

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

See response X(a) above. The project is compatible with the nearby properties along Home Avenue which are designated for light industrial and commercial development by the General Plan and Community Plan and is consistent with the existing underlying CC and IL zones with a Conditional Use Permit. Furthermore, the project would not conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including but not limited to the general plan, community plan, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect. No conflict would occur and thus, no impacts would result.

- |                                                                                                   |                          |                          |                                     |                          |
|---------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|
| c) Conflict with any applicable habitat conservation plan or natural community conservation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|

Refer to IV above. The project is located within a developed commercial/light industrial area that is zoned for commercial and light industrial development. In addition, the project would not conflict with any applicable habitat conservation plan or natural community conservation plan, or with the City's Multiple Species Conservation Plan (MSCP), in that the site will implement the MHPA Land Use Adjacency Guidelines during construction as a condition of project approval. Therefore, impacts would be less than significant and no mitigation measures are required.

#### 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|----------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|

The areas around the proposed project alignment are not being used for the recovery of mineral resources and are not designated by the General Plan or other local, state or federal land use plan for mineral resources recovery; therefore, the project would not result in the loss of mineral resources.

- |                                                                                                                                                                       |                          |                          |                          |                                     |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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Refer to X (e), 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 were identified.

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

**Short Term (Construction)**

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) 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 noise ordinance, project construction noise levels would be reduced to less than significant, and no mitigation measures are required.

**Long Term (Operational)**

Typical noise levels for a retail sales use are anticipated to occur with the proposed marijuana outlet. The project site is currently developed with a gas station and convenience market that would continue to operate along Home Avenue. As such, the addition of a new building for the marijuana outlet is not expected to result in an increase in the existing ambient noise level in the area. 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|----------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|

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

- |                                                                                                                                |                          |                          |                                     |                          |
|--------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|
| c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|

Refer to XII. a. above. The project would not significantly increase long-term noise levels. The project would not introduce a new land use, or significantly increase the intensity of the allowed land use. Post-construction noise levels and traffic would not increase as compared to the existing nearby

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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commercial and light industrial uses. Therefore, no substantial permanent increase in ambient noise levels is anticipated. A less than significant impact would occur.

- |                                                                                                                                     |                          |                          |                                     |                          |
|-------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|
| d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above existing without the project? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|-------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|

The project would not expose people to a substantial increase in temporary or periodic ambient noise levels. Construction noise would result during construction activities but would be temporary in nature. Construction-related noise impacts from the project would generally be higher than existing ambient noise levels in the project area but would no longer occur once construction is completed. In addition, the project would be required to comply with the San Diego Municipal Code, Article 9.5, Noise Abatement and Control. Implementation of these standard measures would reduce potential impacts from an increase in ambient noise level during construction to a less than significant level, and no mitigation measures are required.

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

Refer to VIII(e) and X(b). The project site is not located in an area that is subject to the SDIA Airport Land Use Compatibility Plan noise policies. Therefore, impacts would be less than significant and no mitigation is 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|

Refer to XII(e), above.

#### 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)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|

The project site is located in on a developed commercial and light industrial corridor and is situated adjacent to similar development. The project site currently receives water and sewer service from the City, and no 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 extensions are required as a result of the project. No impacts would occur.



Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Such displacement would not result, in that the project would not remove any existing housing. No impacts would occur.

c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Refer to response XIII(b) above. No impacts would result.

#### XIV. PUBLIC SERVICES

- a) Would the project result in substantial adverse physical impacts associated with the provisions of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service rations, response times or other performance objectives for any of the public services:

i) Fire protection	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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The project would not result in adverse physical impacts of fire facilities or adversely affect existing levels of fire services. No impacts would occur, and no mitigation measures are required.

ii) Police protection	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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The project would not affect existing levels of police protection service and would not require the construction or expansion of a police facility. No impacts would occur, and no mitigation measures are required.

iii) Schools	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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The project would not affect existing levels of public services and would not require the construction or expansion of a school facility. As such, no impacts related to school services occur, and no mitigation measures are required.

iv) Parks	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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The project would not affect existing levels of public services and would not require the construction or expansion of a park facility. No impacts would occur.

v) Other public facilities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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The project would not affect existing levels of public services; therefore, no new or altered government facilities would be required.

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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. 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, no significant impacts related to recreational facilities have been identified, and no mitigation measures are required.

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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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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 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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The project is consistent with the General Plan and Community Plan land use and zoning designations. In addition, an Access Analysis Study (AAS) was prepared for the 4333-4337 MO project, dated March 219, by Mizuta Traffic Consulting. The AAS forecasted that the proposed 2-story, 2,400 square-foot building, including a 1,200 square-foot marijuana outlet on the first floor and 1,200 square-feet of vacant space on the second floor, would generate a total of 300 daily vehicle trips with 27 trips during the AM peak hour and 48 trips in the PM peak hour. The AAS determined that all intersection along Home Avenue in the study area, including the project driveways, are expected to operate at an acceptable LOS D or better during the peak hours except at Fairmount Avenue, which is anticipated to operate at LOS E/F under all Existing and Near-Term

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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scenarios. However, the increase in delay at the Fairmount Avenue and Home Avenue intersection would not exceed the significance threshold and no mitigation is required or recommended.

The AA states that the Home Avenue segment between the I-805 Northbound Ramps and Fairmount Avenue is expected to function at Level of Service (LOS) E under all Existing and Near-Term scenarios. However, the increase in v/c Ratio would not exceed the significance threshold and no mitigation is required or recommended. The AAS states that the project will improve the two existing two-way driveways to current City Standards. Lastly, the AAS determined that the project is providing 24 automobile parking spaces on-site, which exceeds the minimum City parking requirements by three spaces. IN summary, the AAS concludes that the proposed project will not significantly impact the key intersections and roadway segments in the study area near the project site under all scenarios evaluate in the access analysis. As a result, the AAS recommends that no intersection and roadway improvements are required or recommended for the proposed project. The AAS was reviewed by a qualified Development Services Department Traffic Engineer, who concurs with the conclusions and recommendations of the AAS.

In addition, although construction of the proposed project may temporarily affect traffic circulation within the project APE and its adjoining roads. To address these temporary affects, an approved Traffic Control Plan would be implemented during construction such that traffic circulation would not be substantially impacted. Therefore, the project would not conflict with any applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system, and would not result in any significant permanent increase in traffic generation or decrease in level of service. Impacts would be less than significant.

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

Refer to response XVI (a) above.

- |                                                                                                                                                                 |                          |                          |                                     |                          |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|
| c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|

Refer to VIII(e). The project would not result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks in that the project would be consistent with the applicable SDIA airport land use compatibility plan and underlying zones. Impacts would be less than significant.

- |                                                                                                                                                        |                          |                          |                          |                                     |
|--------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|



Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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Refer to response XVI (a) above. The project would not create a permanent increase in hazards resulting from design features and would reduce temporary hazards due to construction to a less than significant level through a Traffic Control Plan. The project does not propose any change in land use that would affect existing land uses in the area.

e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Refer to response XVI (a) above.

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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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The project may temporarily impact circulation during construction activities relative to traffic, pedestrians, public transit and bicycles. However, the preparation of a Traffic Control Plan would ensure that any disruption to these services would not be significant.

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 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	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Refer to Section V (b). The project site is not listed on the California Register of Historical Resources or in a local register. Notification, as required by Public Resources Code section 21074, was provided to the Lipay Nation of Santa Ysabel and Jamul Indian Village of Kumeyaay Nation. City of San Diego Development Services Department staff met in person with these two Native American communities on February 4, 2018. Both Native American communities requested that Native American monitoring occur during the project's ground-disturbing activities and agreed that no further consultation was required and concluded the consultation process. Therefore, the project will impact Tribal Cultural Resources and mitigation is required. Mitigation for potential impacts to Tribal Cultural Resources, which is included in the Mitigation Monitoring and Reporting Program under Section V of the MND, would reduce potentially significant impacts to Tribal Cultural Resources to below a level of significance.

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,	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
the lead agency shall consider the significance of the resource to a California Native American tribe.				

Tribal Cultural Resources include sites, features, places, cultural landscapes, and sacred places or objects that have cultural value or significance to a Native American Tribe. Tribal Cultural Resources include “non-unique archaeological resources” that, instead of being important for “scientific” value as a resource, can also be significant because of the sacred and/or cultural tribal value of the resource. Tribal representatives are considered experts appropriate for providing substantial evidence regarding the locations, types, and significance of tribal cultural resources within their traditionally and cultural affiliated geographic area (PRC § 21080.3.1(a)).

Tribal Cultural Resources could potentially be impacted through project implementation. Therefore, to determine significance of the Tribal Cultural Resources, staff consulted with the Lipay Nation of Santa Isabel and the Jamul Indian Village, tribes traditionally and culturally affiliated with the project area in accordance with the requirements of Public Resources Code 21080.3.1. City of San Diego Development Services Department staff met in person with these two Native American communities on February 4, 2018. Both Native American communities requested that Native American monitoring occur during the project’s ground-disturbing activities and agreed that no further consultation was required and concluded the consultation process.

Therefore, a Mitigation, Monitoring, and Reporting Program with mitigation for potential impacts to Tribal Cultural Resources, as detailed within Section V of the Mitigated Negative Declaration, will be implemented for the proposed project. With implementation of the monitoring program, potential impacts on Tribal Cultural Resources would be reduced to a less than significant level.

XVIII. UTILITIES AND SERVICE SYSTEMS – Would the project:

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

Implementation of the project would not interrupt existing sewer service to the project site or other surrounding development. The project is not anticipated to generate significant amount of wastewater. 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). Existing sewer infrastructure exists within roadways surrounding the project site and adequate services are available to serve the project. 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. Impacts would be less than significant.

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The project would not exceed the capacity of the existing storm water system and would not require the construction of new or expanded treatment facilities of which would cause significant environmental effects. The project was reviewed by qualified City staff who determined that the existing facilities are adequately sized to accommodate the proposed development. No impacts would result.

d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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The project does not meet the CEQA significance threshold of 500 residential units, requiring the need the preparation of a water supply assessment. The site currently receives water service from the City, and adequate services are available to serve the project 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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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. Impacts would be less than significant.

f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Project waste would be disposed of in accordance with all applicable local and state regulations pertaining to solid waste including the permitted capacity of the landfill serving the project area. Demolition or construction materials which can be recycled shall comply with the City's Construction and Demolition Debris Ordinance. Operation of the project would not generate a substantial amount of waste beyond what is anticipated for land uses permitted by the underlying residential land use designations of the Community and General Plan and, therefore, would not affect the permitted capacity of the landfill serving the project area.

g) Comply with federal, state, and local statutes and regulation related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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Refer to XVII (d) above. Any solid waste generated during construction related activities would be recycled or disposed of in accordance with all applicable local, state and federal regulations.

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

As documented in this Initial Study, the project may have the potential to degrade the quality of the environment, notably with respect to Tribal Cultural Resources. As such, mitigation measures have been incorporated to reduce impacts to a less than significant level as outlined within the Initial Study.

- |                                                                                                                                                                                                                                                                                                                                              |                          |                                     |                          |                          |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|
| 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 effects of probable future projects)? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|

As documented in this Initial Study, the project may have the potential to degrade the environment as a result of impacts to Tribal Cultural Resources, which may have cumulatively considerable impacts. As such, mitigation measures have been proposed to reduce the project’s impacts to a less than significant level. 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 that will cause substantial adverse effects on human beings, either directly or indirectly? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|

As evidenced by the Initial Study Checklist, no other substantial adverse effects on human beings, either indirectly or directly, would occur as a result of project implementation.

## INITIAL STUDY CHECKLIST

### REFERENCES

#### **I. Aesthetics / Neighborhood Character**

- ☒ City of San Diego General Plan
- ☒ Community Plans: Mid-City Communities City Heights

#### **II. Agricultural Resources & Forest Resources**

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

#### **III. Air Quality**

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

#### **IV. Biology**

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

#### **V. Cultural Resources (includes Historical Resources and Built Environment)**

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

#### **VI. Geology/Soils**

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

- ☒ Site Specific Report: Geotechnical Investigation 4333 Home Avenue, dated August 3, 2018 by GEOCON Incorporated.

**VII. Greenhouse Gas Emissions**

- ☒ Site Specific Report: 4337 Home Avenue Marijuana Outlet GHG Emissions CAP Analysis, dated April 3, 2019 by Helix Environmental Planning

**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/Drainage**

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

**X. Land Use and Planning**

- ☒ City of San Diego General Plan
- ☒ Community Plan
- ☒ Airport Land Use Compatibility Plan
- ☒ City of San Diego Zoning Maps
- ☐ FAA Determination:
- ☐ 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
- ☐ City of San Diego General Plan: Conservation Element
- ☐ 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: Mid-City Communities City Heights
- ☐ San Diego Metropolitan Area Average Weekday Traffic Volume Maps, SANDAG
- ☐ San Diego Region Weekday Traffic Volumes, SANDAG
- ☒ Site Specific Report: Access Analysis Study for 4333-4337 Home Avenue MO, dated March 2019 by Mizuta Traffic Consulting

**XVIII. Utilities**

- ☐ Site Specific Report:

**XIX. Water Conservation**

- ☐ Sunset Magazine, *New Western Garden Book*, Rev. ed. Menlo Park, CA: Sunset Magazine

**XX. Water Quality**

- ☐ Clean Water Act Section 303(b) list, [http://www.swrcb.ca.gov/tmdl/303d\\_lists.html](http://www.swrcb.ca.gov/tmdl/303d_lists.html)
- ☐ Site Specific Report:



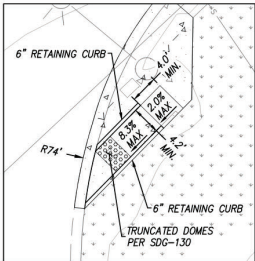
### Figure 1: Location Map

4337 Home Avenue Marijuana Outlet NUP/CUP - Project No. 593686

City of San Diego – Development Services Department



North



## FIGURE No. 2