



THE CITY OF SAN DIEGO

## MITIGATED NEGATIVE DECLARATION

Project No. 435483  
SCH No. 2017051071

SUBJECT: Marburn Corp TM - SITE DEVELOPMENT PERMIT (SDP), PLANNED DEVELOPMENT PERMIT (PDP) and , EASEMENT VACATIONS, and TENTATIVE MAP (TM) for the subdivision of one existing 5.99 acre vacant parcel into 24 residential lots and ~~four~~ five HOA lots located at the northeastern corner of Interstate 8 and College Avenue. City of San Diego open space is directly to the south of the proposed project site. The proposed project site is addressed at 5551 1/3 College Ave., San Diego, CA 92120. The project proposes to construct 24 residential dwelling units with garages. The newly constructed dwelling units will be one of three design plans varying between 1881 square feet and 2273 square feet. Planned design features of the homes include asphalt shingle roofs, wood fascia, Hardy Board siding, stucco, vinyl windows, cultured stone, metal accent awnings and roll up garage doors. The project includes construction of a private road. No additional new infrastructure would be added as a result of this project. The project would connect to an existing storm drain on College Avenue and to an existing water main at Del Cerro Boulevard.

### Update 8/24/2017:

Minor revisions have been made to the draft Mitigated Negative Declaration (MND). Added language would appear in a ~~strikeout~~ and underlined format. The MND has been revised to reflect that a planned development permit ("PDP") is one of the discretionary approvals that will be required to implement the Project. Addition of the PDP will not result in any changes to the project, the environmental impacts associated with the project or project mitigation measures. As such, no recirculation of the MND is required. CEQA Guidelines section 15073.5(a) requires a lead agency to recirculate a negative declaration when the document must be *substantially revised* after public notice of its availability has previously been given. Pursuant to CEQA Guidelines section 15073.5(b), a "substantial revision" includes two situations: (i) a new, avoidable significant effect is identified, and to reduce that effect to a level of insignificance, mitigation measures or project revisions must be added; or (ii) the lead agency finds that the mitigation measures or project revisions originally included in the negative declaration will not reduce potentially significant impacts to a level of insignificance, and new mitigation measures or project revisions are required. CEQA is clear that recirculation is not required if "new information is added to the negative declaration which merely . . . makes insignificant modifications to the negative declaration." (CEQA Guidelines, §15073.5(c)(4).) Revising the MND to make reference to the PDP is an "insignificant modification" that does not impact the CEQA analysis set forth in the previously



**circulated MND. As such, recirculation of the MND is not required as a result of the added reference to a PDP. In addition minor revisions included clarification of the project description and minor corrections to the Biological mitigation language.**

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

The City of San Diego conducted an Initial Study which determined that the proposed project could have a significant environmental effect in the following areas(s): **Biological Resources, Cultural Resources (Archaeology), Cultural Resources (Paleontology), and 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:

#### **GENERAL REQUIREMENTS – PART I**

##### **Plan Check Phase (prior to permit issuance)**

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

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

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

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

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

5. **SURETY AND COST RECOVERY** – The Development Services Director or City Manager may require appropriate surety instruments or bonds from private Permit Holders to ensure the long term performance or implementation of required mitigation measures or programs. The City is



authorized to recover its cost to offset the salary, overhead, and expenses for City personnel and programs to monitor qualifying projects.

**B. GENERAL REQUIREMENTS – PART II**

**Post Plan Check (After permit issuance/Prior to start of construction)**

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

***Qualified Archaeologist, Native American Monitor, Qualified Paleontologist, Qualified Biologist***

**Note:**

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

**CONTACT INFORMATION:**

- a) The PRIMARY POINT OF CONTACT is the **RE** at the **Field Engineering Division – 858-627-3200**
- b) For Clarification of ENVIRONMENTAL REQUIREMENTS, it is also required to call **RE and MMC at 858-627-3360**

**2. MMRP COMPLIANCE:** This Project, Project Tracking System (PTS) #435483 and /or Environmental Document # 435483, 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:

<b>DOCUMENT SUBMITTAL/INSPECTION CHECKLIST</b>		
Issue Area	Document Submittal	Associated Inspection/Approvals/Notes
General	Consultant Qualification Letters	Prior to Preconstruction Meeting
General	Consultant Construction Monitoring Exhibits	Prior to Preconstruction Meeting
Cultural Resources (Archaeology)	Monitoring Report(s)	Archaeological/Historic Site Observation
Cultural Resources (Paleontology)	Monitoring Report(s)	Paleontological Site Observation
Biological Resources	Biological Construction Mitigation/Monitoring Exhibit (BCME)	Approval by MMC
Biological Resources	Avian Protection – Pre-Construction survey	Within 10 Calendar Days prior to the start of construction activities (including removal of vegetation)
Biological Resources	Resource Delineation	Prior to Construction Activities
Biological Resources	Education	Prior to commencement of Construction Activities
Biological Resources	Consultant Site Visit Record (CSVr)	Monitoring During Construction
Biological Resources	Final BCME/Report	Within 30 days of Construction Completion
Bond Release	Request for Bond Release Letter	Final MMRP Inspections Prior to Bond Release Letter



## C. SPECIFIC MMRP ISSUE AREA CONDITIONS/REQUIREMENTS

### BIOLOGICAL RESOURCES

Prior to the issuance of a Notice to Proceed (NTP) or any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits the ADD environmental designee of the City's LDR Division shall incorporate the following mitigation measures into the project design and include them verbatim on all appropriate construction documents.

#### BIO-1

Prior to issuance of any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits or a Notice to Proceed for Subdivisions, but prior to the first pre-construction meeting, whichever is applicable, impacts to approximately ~~2-3.0~~ acres of Diegan coastal sage scrub (mitigation ration of 1:1 for impacts outside MHPA/ mitigation inside MHPA) and 0.6 acre of Non-native grassland (mitigation ration of 0.5:1 for impacts outside MHPA/ mitigation inside MHPA) shall be mitigated to the satisfaction of the Assistant Deputy Director (ADD) Environmental designee ~~through a payment of fees for off-site acquisition of 3.3 acres of habitat plus a 10% percent administration fee. A contribution shall be made to the through payment into the~~ City of San Diego's Habitat Acquisition Fund (HAF) ~~for the off-site acquisition of habitat.~~

#### BIO- 2 - BIOLOGICAL RESOURCE PROTECTION DURING CONSTRUCTION

##### I. Prior to Construction

- A. **Biologist Verification** - The owner/permittee shall provide a letter to the City's Mitigation Monitoring Coordination (MMC) section stating that a Project Biologist (Qualified Biologist) as defined in the City of San Diego's Biological Guidelines (2012), has been retained to implement the project's biological monitoring program. The letter shall include the names and contact information of all persons involved in the biological monitoring of the project.
- B. **Preconstruction Meeting** - The Qualified Biologist shall attend the preconstruction meeting, discuss the project's biological monitoring program, and arrange to perform any follow up mitigation measures and reporting including site-specific monitoring, restoration or revegetation, and additional fauna/flora surveys/salvage.
- C. **Biological Documents** - The Qualified Biologist shall submit all required documentation to MMC verifying that any special mitigation reports including but not limited to, maps, plans, surveys, survey timelines, or buffers are completed or scheduled per City Biology Guidelines, Multiple Species Conservation Program (MSCP), Environmentally Sensitive Lands Ordinance (ESL), project permit conditions; California Environmental Quality Act (CEQA); endangered species acts (ESAs); and/or other local, state or federal requirements.
- D. **BCME** -The Qualified Biologist shall present a Biological Construction Mitigation/Monitoring Exhibit (BCME) which includes the biological documents in C above. In addition, include: restoration/revegetation plans, plant salvage/relocation requirements (e.g., coastal cactus



wren plant salvage, burrowing owl exclusions, etc.), avian or other wildlife surveys/survey schedules (including general avian nesting and USFWS protocol), timing of surveys, wetland buffers, avian construction avoidance areas/noise buffers/ barriers, other impact avoidance areas, and any subsequent requirements determined by the Qualified Biologist and the City ADD/MMC. The BCME shall include a site plan, written and graphic depiction of the project's biological mitigation/monitoring program, and a schedule. The BCME shall be approved by MMC and referenced in the construction documents.

- E. **Avian Protection Requirements** - To avoid any direct impacts to raptors and/or any native/migratory birds, removal of habitat that supports active nests in the proposed area of disturbance should occur outside of the breeding season for these species (February 1 to September 15). If removal of habitat in the proposed area of disturbance must occur during the breeding season, the Qualified Biologist shall conduct a pre-construction survey to determine the presence or absence of nesting birds on the proposed area of disturbance. The pre-construction survey shall be conducted within 10 calendar days prior to the start of construction activities (including removal of vegetation). The applicant shall submit the results of the pre-construction survey to City DSD for review and approval prior to initiating any construction activities. If nesting birds are detected, a letter report or mitigation plan in conformance with the City's Biology Guidelines and applicable State and Federal Law (i.e. appropriate follow up surveys, monitoring schedules, construction and noise barriers/buffers, etc.) shall be prepared and include proposed measures to be implemented to ensure that take of birds or eggs or disturbance of breeding activities is avoided. The report or mitigation plan shall be submitted to the City for review and approval and implemented to the satisfaction of the City. The City's MMC Section and Biologist shall verify and approve that all measures identified in the report or mitigation plan are in place prior to and/or during construction.
- F. **Resource Delineation** - Prior to construction activities, the Qualified Biologist shall supervise the placement of orange construction fencing or equivalent along the limits of disturbance adjacent to sensitive biological habitats and verify compliance with any other project conditions as shown on the BCME. This phase shall include flagging plant specimens and delimiting buffers to protect sensitive biological resources (e.g., habitats/flora & fauna species, including nesting birds) during construction. Appropriate steps/care should be taken to minimize attraction of nest predators to the site.
- G. **Education** -Prior to commencement of construction activities, the Qualified Biologist shall meet with the owner/permittee or designee and the construction crew and conduct an on-site educational session regarding the need to avoid impacts outside of the approved construction area and to protect sensitive flora and fauna (e.g., explain the avian and wetland buffers, flag system for removal of invasive species or retention of sensitive plants, and clarify acceptable access routes/methods and staging areas, etc.).

## II. During Construction

- A. **Monitoring**- All construction (including access/staging areas) shall be restricted to areas previously identified, proposed for development/staging, or previously disturbed as shown on "Exhibit A" and/or the BCME. The Qualified Biologist shall monitor construction activities



as needed to ensure that construction activities do not encroach into biologically sensitive areas, or cause other similar damage, and that the work plan has been amended to accommodate any sensitive species located during the pre-construction surveys. In addition, the Qualified Biologist shall document field activity via the Consultant Site Visit Record (CSVR). The CSVR shall be e-mailed to MMC on the 1<sup>st</sup> day of monitoring, the 1<sup>st</sup> week of each month, the last day of monitoring, and immediately in the case of any undocumented condition or discovery.

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

### **III. Post Construction Measures**

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

## **ARCHAEOLOGICAL MONITORING PROGRAM and TRIBAL CULTURAL RESOURCES MITIGATION**

### **I. Prior to Permit Issuance**

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

1. Prior to issuance of any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits or a Notice to Proceed for Subdivisions, but prior to the first pre-construction meeting, 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. 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 (0.25-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 0.25-mile radius.

### B. PI Shall Attend Pre-Construction Meetings

1. Prior to beginning any work that requires monitoring; the Applicant shall arrange a Pre-Construction 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 Pre-Construction Meeting 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 Pre-Construction Meeting, the Applicant shall schedule a focused Pre-Construction Meeting with MMC, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.
2. Identify Areas to be Monitored
  - a. Prior to the start of any work that requires monitoring, the PI shall submit an Archaeological Monitoring Exhibit (AME) (with verification that the AME has been reviewed and approved by the Native American consultant/monitor when Native American resources may be impacted) based on the appropriate construction documents (reduced to 11x17) to MMC identifying the areas to be monitored including the delineation of grading/excavation limits.
  - b. The AME shall be based on the results of a site specific records search as well as information regarding existing known soil conditions (native or formation).
3. 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 that indicate site conditions such as depth of excavation and/or site graded to bedrock, which may reduce or increase the potential for resources to be present.

## III. During Construction

### A. Monitor(s) 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 that 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 Sections III.B-C and IV.A-D shall commence.
  3. The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition such as modern disturbance post-dating the previous grading/trenching activities, presence of fossil formations, or when native soils are encountered that may reduce or increase the potential for resources to be present.
  4. The archaeological and Native American consultant/monitor shall document field activity via the Consultant Site Visit Record (CSVR). The CSVRs 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, the PI and Native American consultant/monitor shall follow protocol in this section.
    - 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) that has been reviewed by the Native American consultant/monitor, and obtain written approval from MMC. Impacts to significant resources must be mitigated 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, 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.**



- 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.

#### 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. The Archaeological Monitor shall notify the RE or BI, as appropriate, the 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 provenance of the remains.
2. The Medical Examiner, in consultation with the PI, will determine the need for a field examination to determine the provenance.
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 and Safety Codes.
4. The MLD will have 48 hours to make recommendations to the property owner or representative for the treatment or disposition with proper dignity of the human remains and associated grave goods.
5. Disposition of Native American human remains will be determined between the MLD and the PI and if:
  - a. The NAHC is unable to identify the MLD, OR the MLD failed to make a recommendation within 48 hours after being notified by the Commission; or
  - b. The landowner or authorized representative rejects the recommendation of the MLD and mediation in accordance with PRC 5097.94 (k) by the NAHC fails to provide measures acceptable to the landowner, THEN
  - c. In order 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 on the site



- (3) Record a document with the County
  - d. Upon the discovery of multiple Native American human remains during a ground-disturbing land development activity, the landowner may agree that additional conferral with descendants is necessary to consider culturally appropriate treatment of multiple Native American human remains. Culturally appropriate treatment of such a discovery may be ascertained from review of the site utilizing cultural and archaeological standards. Where the parties are unable to agree on the appropriate treatment measures the human remains and items associated and buried with Native American human remains shall be reinterred with appropriate dignity, pursuant to Section 5(c).
- 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, the following will occur:
- 1. When night and/or weekend work is included in the contract package, the extent and timing shall be presented and discussed at the pre-construction meeting.
  - 2. The following procedures shall be followed:
    - a. No Discoveries  
In the event that no discoveries were encountered during night and/or weekend work, the PI shall record the information on the CSVr and submit to MMC via fax by 8 a.m. 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 MMC, or by 8 a.m. 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 previously shall apply, as appropriate.



## VI. Post Construction

### A. Preparation and Submittal of Draft Monitoring Report

1. The PI shall submit two copies of the Draft Monitoring Report (even if negative), prepared in accordance with the Historical Resources Guidelines (Appendix C/D) that describes the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program (with appropriate graphics) to MMC 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 resulting from 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 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 for revision or, for preparation of the Final Report.
3. The PI shall submit revised Draft Monitoring Report to MMC 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.
3. The cost for curation is the responsibility of the property owner.

### 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. The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC.
3. 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(5), Discovery of Human Remains.

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 that the draft report has been approved.
2. The RE shall, in no case, issue the Notice of Completion and/or release of the Performance Bond for grading until receiving a copy of the approved Final Monitoring Report from MMC, which includes the Acceptance Verification from the curation institution.

## **PALEONTOLOGICAL MONITORING PROGRAM**

### **I. Prior to Permit Issuance**

A. Entitlements Plan Check

1. Prior to issuance of any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits or a Notice to Proceed for Subdivisions, but prior to the first preconstruction meeting, whichever is applicable, the Assistant Deputy Director (ADD) Environmental designee shall verify that the requirements for Paleontological Monitoring have been noted on the appropriate construction documents.

B. Letters of Qualification have been submitted to ADD

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

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

A. Verification of Records Search

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

B. PI Shall Attend Precon Meetings

1. Prior to beginning any work that requires monitoring; the Applicant shall arrange a Precon Meeting that shall include the PI, Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The qualified paleontologist shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the Paleontological Monitoring program with the Construction Manager and/or Grading Contractor.



- a. If the PI is unable to attend the Precon Meeting, the Applicant shall schedule a focused Precon Meeting with MMC, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.
2. Identify Areas to be Monitored  
Prior to the start of any work that requires monitoring, the PI shall submit a Paleontological Monitoring Exhibit (PME) based on the appropriate construction documents (reduced to 11x17) to MMC identifying the areas to be monitored including the delineation of grading/excavation limits. The PME shall be based on the results of a site specific records search as well as information regarding existing known soil conditions (native or formation).
3. When Monitoring Will Occur
  - a. Prior to the start of any work, the PI shall also submit a construction schedule to MMC through the RE indicating when and where monitoring will occur.
  - b. The PI may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification to the monitoring program. This request shall be based on relevant information such as review of final construction documents which indicate conditions such as depth of excavation and/or site graded to bedrock, presence or absence of fossil resources, etc., which may reduce or increase the potential for resources to be present.

### III. During Construction

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



1. The PI shall evaluate the significance of the resource.
  - a. The PI shall immediately notify MMC by phone to discuss significance determination and shall also submit a letter to MMC indicating whether additional mitigation is required. The determination of significance for fossil discoveries shall be at the discretion of the PI.
  - b. If the resource is significant, the PI shall submit a Paleontological Recovery Program (PRP) and obtain written approval from MMC. Impacts to significant resources must be mitigated before ground disturbing activities in the area of discovery will be allowed to resume.
  - c. If resource is not significant (e.g., small pieces of broken common shell fragments or other scattered common fossils) the PI shall notify the RE, or BI as appropriate, that a non-significant discovery has been made. The Paleontologist shall continue to monitor the area without notification to MMC unless a significant resource is encountered.
  - d. The PI shall submit a letter to MMC indicating that fossil resources will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that no further work is required.

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

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

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

- A. Preparation and Submittal of Draft Monitoring Report
  1. The PI shall submit two copies of the Draft Monitoring Report (even if negative), prepared in accordance with the Paleontological Guidelines which describes the results, analysis, and conclusions of all phases of the Paleontological Monitoring



Program (with appropriate graphics) to MMC for review and approval within 90 days following the completion of monitoring,

- a. For significant paleontological resources encountered during monitoring, the Paleontological Recovery Program shall be included in the Draft Monitoring Report.
  - b. Recording Sites with the San Diego Natural History Museum  
The PI shall be responsible for recording (on the appropriate forms) any significant or potentially significant fossil resources encountered during the Paleontological Monitoring Program in accordance with the City's Paleontological Guidelines, and submittal of such forms to the San Diego Natural History Museum with the Final Monitoring Report.
2. MMC shall return the Draft Monitoring Report to the PI for revision or, for preparation of the Final Report.
  3. The PI shall submit revised Draft Monitoring Report to MMC for approval.
  4. MMC shall provide written verification to the PI of the approved report.
  5. MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.
- B. Handling of Fossil Remains
1. The PI shall be responsible for ensuring that all fossil remains collected are cleaned and catalogued.
  2. The PI shall be responsible for ensuring that all fossil remains are analyzed to identify function and chronology as they relate to the geologic history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate
- C. Curation of fossil remains: Deed of Gift and Acceptance Verification
1. The PI shall be responsible for ensuring that all fossil remains associated with the monitoring for this project are permanently curated with an appropriate institution.
  2. The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC.
- D. Final Monitoring Report(s)
1. The PI shall submit two copies of the Final Monitoring Report to MMC (even if negative), within 90 days after notification from MMC that the draft report has been approved.
  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.

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

#### VI. PUBLIC REVIEW DISTRIBUTION:

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

FEDERAL GOVERNMENT  
Fish & Wildlife Service (23)



#### STATE OF CALIFORNIA

Caltrans District 11 (31)

California Department of Fish and Wildlife (32)

State Clearinghouse (46)

#### CITY OF SAN DIEGO

Development Project Manager: Firouzeh Tirandzi

Mayor's Office

Councilman Scott Sherman, Councilmember District 7

EAS – Courtney Holowach

EAS – Jeff Szymanski

Plan-Long Range Planning – Lisa Lind

LDR Planning – Bill Tripp

LDR Transportation – Ismail Elhamad

LDR Engineering – Khan Huynh

Water and Sewer – Mahmood Keshavarzi

MMC – Sam Johnson

LDR-Landscaping Terre Lien

LDR Geology - Jacobe Wasburn

ESD- Lisa Wood

Facilities Financing (93B)

Water Review (86A)

San Diego Central Library (81A)

Benjamin Branch Library (81D)

#### OTHER ORGANIZATIONS AND INTERESTED PARTIES

Carmen Lucas (206)

South Coastal Information Center (210)

San Diego History Center (211)

San Diego Archaeological Center (212)

San Diego Natural History Museum (213)

Save Our Heritage Organization (214)

Ron Christman (215)

Clint Linton (215B)

Frank Brown, Inter-Tribal Cultural Resources Council (216)

Campo Band of Mission Indians (217)

San Diego County Archaeological Society, Inc. (218)

Kumeyaay Cultural Heritage Preservation (223)

Kumeyaay Cultural Repatriation Committee (225)

Native American Distribution – Public Notice Map Only (225A-S)

US Fish & Wildlife Service (23)

Sierra Club (165)

San Diego Audubon Society (167)

Mr. Jim Peugh (176A)

California Native Plant Society (170)

Endangered Habitats League (182A)

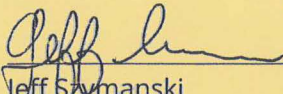


San Diego History Center (211)  
The San Diego River Park Foundation (335)  
Navajo Community Planners (336)  
The San Diego River Coalition (337)  
San Carlos Area Council (338)  
Mission Trails Regional Park (341)  
W. Anthony Fulton (455)  
Malcom A. Love Library (457)  
V.P. Business & Financial Affairs (458)  
Editor, Daily Aztec (459)

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

  
\_\_\_\_\_  
Jeff Szymanski  
Senior Planner  
Development Services Department

May 24, 2017  
Date of Draft Report

August 24, 2017  
Date of Final Report

Analyst: C. Holowach

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

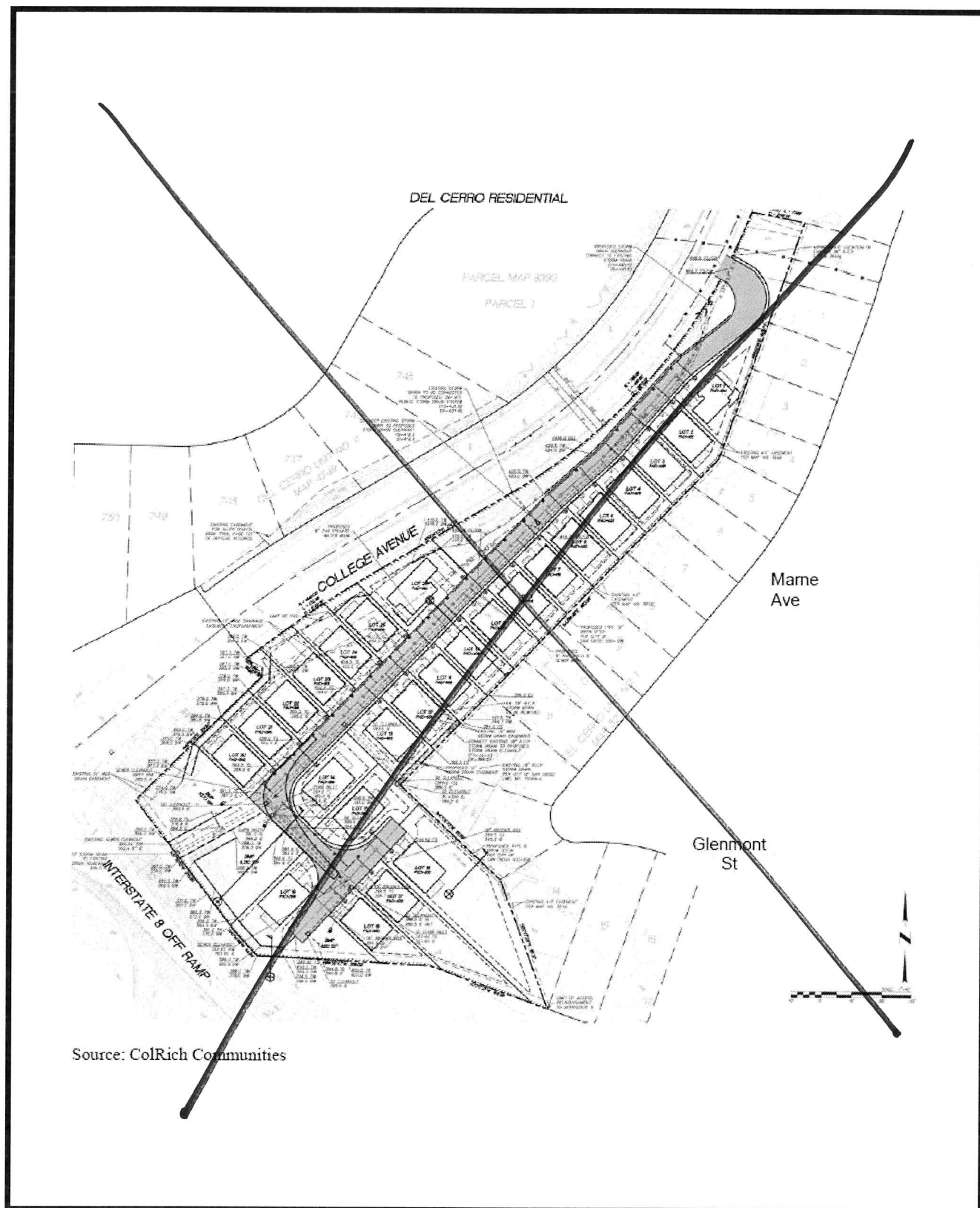




**Location Map**  
Marburn Corp TM/Project No. 435483  
City of San Diego – Development Services Department

**FIGURE**  
**No. 1**





## Site Plan

Marburn Corp TM/Project No. 435483

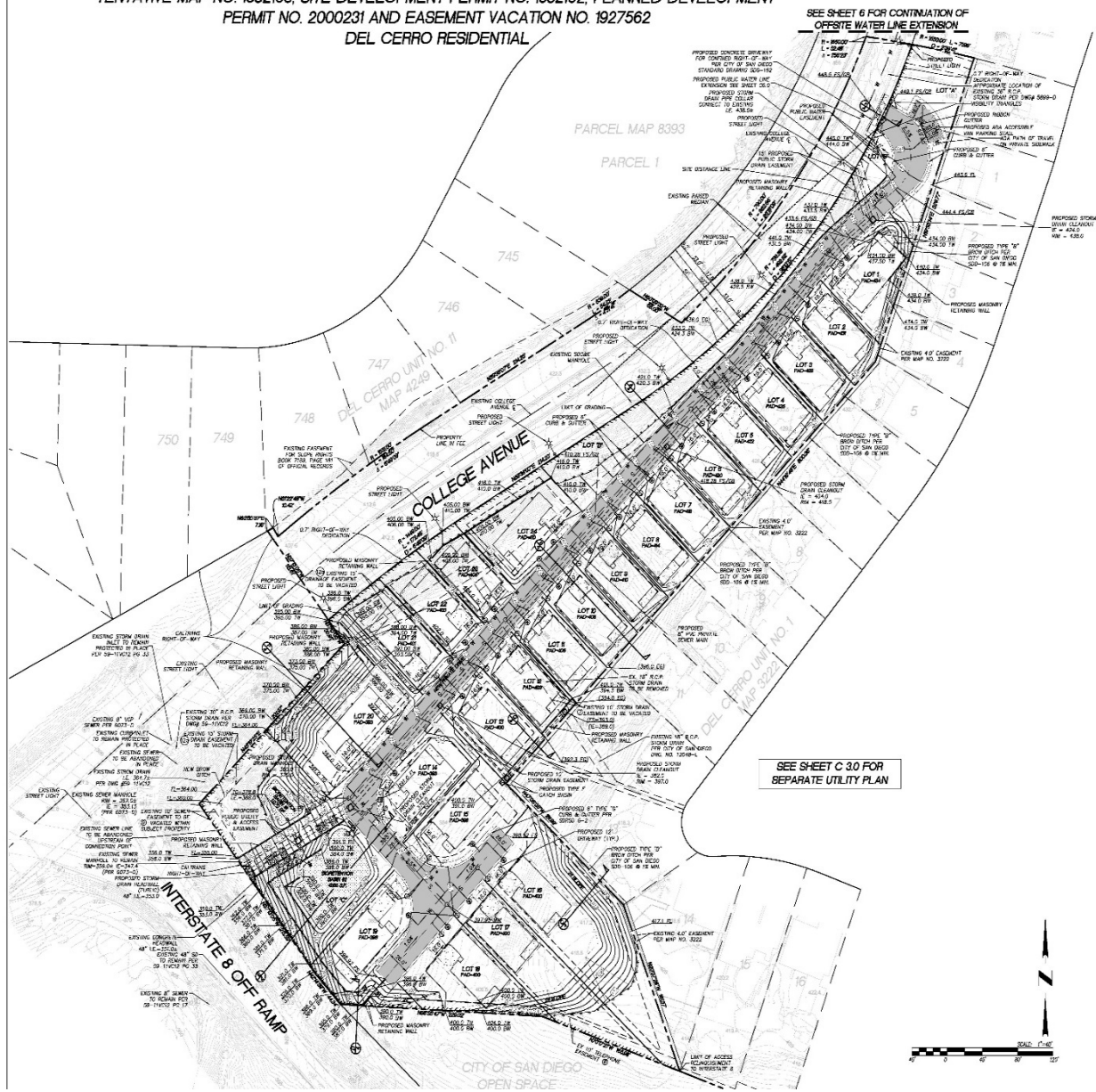
City of San Diego – Development Services Department

FIGURE

No. 2



**PRELIMINARY GRADING PLAN**  
TENTATIVE MAP NO. 1532103, SITE DEVELOPMENT PERMIT NO. 1532102, PLANNED DEVELOPMENT  
PERMIT NO. 2000231 AND EASEMENT VACATION NO. 1927562  
**DEL CERRO RESIDENTIAL**



## Site Plan

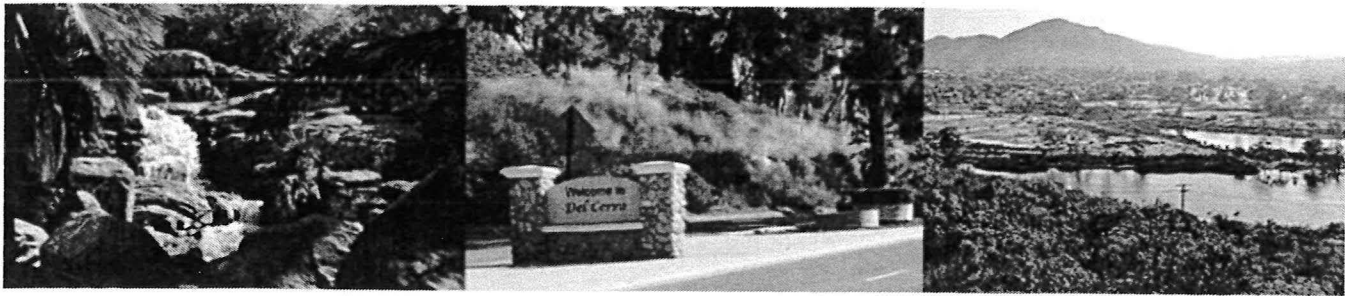
Marburn Corp TM/Project No. 435483

City of San Diego – Development Services Department

**FIGURE**

**No. 2**





## Del Cerro Action Council

The Del Cerro Action Council, a body of concerned Del Cerro residents hereby submits the following comments in response to the City of San Diego's ("City") Draft Mitigated Negative Declaration ("MND") dated May 24, 2017, for the "Marburn Corp. TM" project ("Project") (Project Number 435483).

1 The Initial Study and referenced supporting documentation relied upon by the City in preparing the MND is inadequate and does not support its determination that the project would not have environmental effects which would cause substantial direct or indirect adverse effects on the health and safety of residents, even with the implementation of mitigation identified. The City has failed to establish that there is significant evidence that the project will not cause significant environmental effects by repeatedly failing to consider cumulatively considerable contributions, while relying on outdated, incomplete, and inadequate information. Finally, the Initial Study failed to identify several potentially significant environmental effects, including: Aesthetics, Land Use/Planning, Geology/Soils, Public Services, and Transportation/Traffic.

2 Each of the reports provided by the Developer, which the City relies upon, acknowledge their shortcomings, factors and variables that could be outcome-determinative. At a minimum, the reports clearly suggest that further analysis is required to obtain additional information for the City to make an informed analysis regarding the potential environmental impact of the Project. Repeated concerns expressed by the community regarding the Project's major deficiencies, likely to cause a significant impact on public safety, have been overlooked and skimmed-over. The MND answers fail to take account the project's full challenges and impacts, 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 The bottom line is that the Project directly conflicts with the Navajo Community Plan, its design is incompatible with the neighborhood and is would interfere with the already inadequate health and safety protection for neighboring residences. As a result, the City should retract the MND and reevaluate the environmental factors after completing an Initial Study that adequately addresses the requirements that the Project be consistent with the Navajo Community Plan and not detrimental to public health, safety, and welfare as discussed below.

The mitigation proposed by the city for the Environmental Factors found to be Potentially Affected is inadequate as follows:

### Biological Resources (Section IV)

5 The Biological Studies Report referenced in the Initial Study is inadequate to support the City's determinations. This issue requires further study before its potential impact can be adequately determined. First, the report is based on a single sensitive plant survey that was conducted on April 9, 2015, lasting only two hours and five minutes. (Del Cerro Project Biological Technical Report – December 12, 2016, Table 1, p. 2) Second,

## RESPONSE TO COMMENT

Del Cerro Action Council

June 12, 2017

1) The City of San Diego has prepared a Draft Mitigated Negative Declaration and Initial Study. CEQA Section 15070 states that a public agency shall prepare or have prepared a proposed negative declaration or mitigated negative declaration when "the initial study identifies potentially significant effects but there is not substantial evidence, in light of the whole record before the agency, that the project as revised may have a significant effect on the environment." CEQA Section 15384 defines "substantial evidence" as enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion even though other conclusions might also be reached. The Environmental Analysis Section (EAS) of the City of San Diego has reviewed the project and has prepared the Initial Study for the proposed project. Through this review EAS determined that significant impact associated with the project was to Biological Resources, Cultural Resources (Paleontology), Cultural Resources (Archaeology), and Tribal Cultural Resources. However, appropriate mitigation was included in the Mitigation Monitoring Reporting Program (MMRP) that would reduce the significant impact to below a level of significance. All other issue areas were determined not to have a significant impact.

2) The comment did not provide specific examples from the reports to support the statement. However, all technical reports were reviewed for compliance by qualified City Staff. The reports were found to meet all City preparation requirements and ultimately were employed to determine that no significant unmitigated impacts would occur.

3) Comment noted. The Environmental Analysis Section (EAS) of the City of San Diego has reviewed the project and has prepared the Initial Study for the proposed project. The entirety of the project was considered in the Initial Study analysis. Through this review EAS determined that significant impacts associated with the project would occur to Biological Resources, Cultural Resources (Paleontology), Cultural Resources (Archaeology), and Tribal Cultural Resources. However, appropriate mitigation was included in the Mitigation Monitoring Reporting Program (MMRP) that would reduce these significant impacts to below a level of significance. All other issue areas were determined not to have a significant impact.

4) Please see Section X of the Initial Study, the project complies with all goals and policies of the various land use documents. Additionally, the project was reviewed by qualified Long Range Planning staff who determined that the project was consistent with both the City's General Plan and the Navajo Community Plan. The Residential Element of the Navajo Community Plan encourages the development of a variety of new housing types with dwelling unit densities primarily in the low to low-medium density range.

The project site is surrounded by residential uses to the east, residential and College Avenue to the west, commercial to the north, and open space and Interstate 8 (I-8) to the south. The proposed project site allows for the development of low density residential. The uses in the adjacent residential development to the east and the residential development west of College Avenue are also single family residential.



5 { significant events, such as a the end of a major drought, record rainfall, and two El Nino seasons, have occurred since that site visit was conducted.

6 { The limited evidence obtained during a short period of observation does not support the determinations made in the MND. The report itself concedes that it is based on limited information, stating, "The animal species observed or detected *do not necessarily represent a comprehensive account of all species that utilize the site because species that are nocturnal, secretive, or seasonally restricted may not have been observed/detected.*" (Emphasis added.) (Del Cerro Project Biological Technical Report – December 12, 2016, Section 4.2.3, p. 11.) In an effort to make up this inadequacy, the report speculates the "potential to occur" for various sensitive species (See Del Cerro Project Biological Technical Report – December 12, 2016, Section 4.2.4, pp. 12-19.) These determinations of the "potential" for these species to exist are based entirely on the limited observations from a single field visit lasting just over two hours.

7 { The Biological Report itself is also inadequate as it is entirely based on outdated information. Many events that may affect the site's biological conditions have occurred since the site visit in 2015 was conducted. California experienced a major drought between approximately 2011 and the end of 2016. Record rainfalls through two El Nino seasons caused significant flooding but ultimately helped to bring the drought to an end. The basis for determinations in the Initial Study must take into account current biological conditions, which are unknown and may differ significantly since 2015 due to these significant changes.

#### Geology and Soils (Section VI)

8 { The City requested that the "*the geotechnical consultant must indicate if the site is suitable for the proposed development as designed or provide recommendations to mitigate the geologic hazards to an acceptable level.*" AGS merely responded that "It is our opinion that the site is suitable for the proposed development as designed," *without providing any explanation as to how or upon what basis that opinion was formed.*

In evaluating the project's potential impacts on geology, the initial study indicated the project would have less than a significant impact. As support for this conclusion, the initial study stated "proper engineering design and utilization of standard construction practices would be verified at the construction permitting stage and would ensure that impacts in this category would not occur." (MND, p. 18) The City's assumption that the Developer following "standard construction practices" and "proper design" is wholly inadequate to support a finding that there will not be a significant impact.

9 { The Study states, "It is our opinion that infiltration in any appreciable quantity will increase the risk of geotechnical hazards...geotechnical hazards created by the proposed development cannot be considered when evaluating the feasibility of utilizing infiltration type BMPs. As such, mitigation of potential geotechnical hazards to an acceptable level of risk will be necessary. (Worksheet C.4-1 Page 3 of 4.)

The Navajo Community Plan also States on page 105:

10 { *Fit streets carefully into the topography to minimize grading to ensure that the street is compatible with the total landscape. The geology of an area may preclude or minimize grading in some specific cases.*

Grading and destroying this geotechnical and ecological site— comprised of a natural gully and drainage channel containing many large boulders and rocks— would be inconsistent with both the existing use as an important storm drainage channel as well as the Navajo Community Plan's specific intentions to preserve such places.

5) The project's biological consultant conducted a biological survey for the subject site which was reviewed by EAS for conformance with the City's Biological Guidelines. CEQA Section 15125 states that environmental conditions should be evaluated "as they exist at the time....the environmental analysis is commenced." The analysis is based upon conditions at the time of the project's application, per CEQA 15125. As to the length of the biological survey, per the City's Biology Guidelines, "completeness of the biological inventory will be based on a diminishing returns criterion. In other words, the level of effort should be based on significance of resources present." Additionally, "Time in the field shall be proportional to the size of the project site and biological heterogeneity and the significance of sensitive habitats present". Based upon the level of disturbance at the site and its lack of connectivity to wildlife corridors or to the Multi-Habitat Planning Area (MHPA) it was determined that the report adequately addressed issues related to biological resources. Furthermore, the draft MND was distributed for review to the Fish and Wildlife Service and the California Department of Fish and Wildlife and no comments were received from these agencies.

6) The project's biological consultant conducted a biological survey for the subject site which was reviewed by EAS for conformance with City standards. Please see response #5.

7) The project's biological consultant conducted a biological survey for the subject site which was reviewed by EAS for conformance with City standards. Furthermore, CEQA Section 15125 states that environmental conditions should be evaluated "as they exist at the time....the environmental analysis is commenced." Please see response #5.

8) Comment noted. The project's geotechnical consultant conducted a detailed geotechnical investigation at the property which included subsurface investigation laboratory testing and analyses. Based on their site specific investigation, the consultant determined that the site is suitable for the proposed development. In addition, the project's geotechnical consultant conducted a geotechnical investigation for the subject site which was reviewed by LDR-Geology for conformance with City standards. Geologic hazards were addressed in the geotechnical report. The only potential impact identified is earthquake ground motion. The impact of earthquake ground shaking is considered to be reduced to an acceptable level by design conducted in accordance with the California Building Code or California Residential Code.

9) Comment noted. The project's geotechnical consultant indicated in their report dated December 21, 2016 that potential geologic hazards associated with any amount of storm water infiltration can be mitigated to an acceptable level of risk so long as the recommendations they provide are implemented. Their Worksheet C.4-1 attached to the referenced report indicated that the site is acceptable for partial infiltration of storm water without increasing the risk of geotechnical hazards.

10) The Navajo Community Plan has not identified the project site as containing any geologic features or habitat that would require preservation. The City allows for impacts to natural resources through the discretionary permit process combined with adherence to the City's Biological Guidelines.



As discussed below, the Initial Study failed entirely to identify several potentially significant environmental effects of the Project with regard to the areas of Aesthetics, Land Use / Planning, and Transportation / Traffic.

Aesthetics (Section I)

"The County is rich in natural open space, unique topographic resources, scenic highways, scenic vistas, and other diverse aesthetic resources. These natural features contribute greatly to the overall quality of the existing visual setting." (City of San Diego "Guidelines for Determining Significance 2 Visual Resources", p. 5.)

The Initial Study clearly ignores the sentiment above as it summarily declares that all impacts on Aesthetics would be less than significant "because the property is not designated as a scenic vista." (MND, p. 7.) The Initial Study further concludes that simply conforming to zoning requirements means, "the project would not substantially degrade the existing visual character or the quality of the site and its surroundings. No impact would occur." (MDN, p. 7) This is completely untrue as the photographs attached as **Addendum 1** specifically identify the viewsheds that will be completely eliminated by the Project. The lack of any official designation as a "scenic vista" does not relieve the City of its responsibility to objectively take into consideration "various viewer groups" in its evaluation (i.e. NOT only that of the Developer). (See "Guidelines for Determining Significance 2 Visual Resources", p. 2.) In addition, the Initial Study fails to identify the viewshed that was analyzed in determining that the Project would not have a significant impact on the Aesthetics (See City of San Diego "Guidelines for Determining Significance 2 Visual Resources".)

**This Project directly contradicts the following Open Space Retention and Utilization policies specified in the Navajo Community Plan:**

- "Generous expansions of natural open space must be preserved."
- "A unique feature in the Navajo Community Plan is the open space element designed to preserve the river, *scenic canyon and hillside areas*, and to link elements of the community." (Emphasis added.)
- "Ensure that development of properties adjoining the open space system is in a manner compatible with the natural environment and in conformance with the Mission Trails Design District Ordinance and Design Manual and the San Diego River Park Master Plan." (Navajo Community Plan pp. 69-75.)

The Navajo Community Plan also specifies "[r]esidential development within the canyons should be designed to preserve natural amenities such as topography, trees and streams in an open space linkage system. Further studies would have to be undertaken to minimize problems such as drainage, unattractive hillside cuts, access, and inadequate public facilities resulting from increased population. (p. 74) The Project would eliminate the potential to provide public access to the adjacent City-owned designated open space. Allowing this Project to proceed will make it impossible to provide public access to the City-owned Open Space parcel in the future in direct opposition to the Navajo Community Plan's requirement to establish and maintain public access to open space areas.

The community sees the project site as a de facto Nature Reserve. The parcel of land is inhabited by many types of nesting birds and raptors (including the sensitive **Orange-throated Whiptail**) and wild foxes. The property serves as a green belt that is a peaceful, serene entryway into Del Cerro from the busy freeway conflagration that bounds it. -The Navajo Community Plan states on page 10 as a couple of its main objectives:

- *Prevent and/or limit development in proposed open space areas which serve to enhance community identity--steep slopes and canyons, floodplains, and areas with unique views and vistas.*

11) As described in Section I of the Initial Study there are no designated view corridors present at the project site. Additionally, the City's CEQA Significance Determination Thresholds state that "Projects that would block public views from designated opens space areas, roads, or parks or to significant visual landmarks or scenic vistas (Pacific Ocean, downtown skyline, mountains, canyons, waterways) may result in a significant impact". Potential view sheds for the project as described in the City's Thresholds would consist of Interstate 8 and a City owned designated open space parcel directly to the south. The views from these locations would be to the north towards the proposed project site and existing residential and commercial structures. As described in the Thresholds these types of structures would not be considered significant visual landmarks. Therefore, based on the City's analysis the project would not result in an impact to a significant view. This information will be added to the Final MND.

As mentioned in response #10 there are no designated aesthetic natural features designated at the site nor are there any readily apparent. The project site does contain some sensitive habitat and natural landforms; however, portions of the site have been previously graded to its current configuration. Based on a slope analysis, the project site does not contain steep hillsides as defined in SDMC Section 113.0103. The project site is surrounded by residential and other forms of structures on all sides and the proposed residential project fits that theme. Therefore, the proposed project would not substantially degrade the existing visual character or quality of the site or its surroundings. Additionally, the proposed project would not result in a significant impact to the surrounding community character or visual appearance.

12) Please see response #11.

13) The proposed site is not designated as open space; however, there is a City designated open space parcel directly to the south. Aside from the proposed site the open space parcel is completely surrounded by development. The construction of the residential development would not further reduce the value of the open space. Open space land uses are designated throughout the Navajo Planning Area, as shown on Figure 4 of the Community Plan. The open space area described above is outside the limits of the proposed project.

Overall, the project is designed to work with the site's topographic conditions and maintains the southerly descending topography while providing a transition between project's grade elevations in relation to the abutting development. The project uses a combination of cut, fill, contour grading techniques and retaining walls to help achieve an infill development with a grading design sensitive to the topography and surrounding areas while maximizing the use of an otherwise, vacant underutilized residentially zoned property. Proposed residential pads are at a lower grade elevation than the grade elevations of the abutting residential development to the east, as well as the grade elevation of College Avenue to the west.

14) Please see responses #11 and #13. The site to the southeast of the proposed project site is designated as open space in the land use plan; however, the residential development separates this area from the MHPA further east and established open space networks described in the Navajo Community Plan Open Space and Retention and Utilization Element.



- 15 { Foster techniques of land development that will encourage imagination and variety in building site layouts, housing types, and costs, and that will capitalize on the unique topographic assets of the community. All housing developments within the study area should relate to existing topography in order to minimize grading and preserve the natural terrain of the area. The use of retaining walls, terraces, split level or cantilevered houses should be considered in steep terrain.

16 { Any homes that are considered for this site should be mindful of the deep gully that runs through it. At the very least, care should have been taken in designing a very few homes on similar sized lots to that of the existing community (approximately 1/3 acre) that blend into the natural surroundings, while making every attempt to retain the mature trees and outcroppings that are the known and beloved gateway into Del Cerro.

17 { At several community meetings, the developer suggested that the project fits into the Navajo Community Plan simply by meeting the minimum lot size requirements and having "mid-century" architecture. However, it is clear that the developer did not make any attempt to match the description of Navajo Planning document to preserve and enhance the natural topography. Nor was any attempt made to minimize grading and preserve the natural terrain of the area. Instead, the proposed development's utter disregard of these requirements of the Navajo Community Plan would completely destroy the natural topography and natural terrain.

The Navajo Community Plan states on page 14:

*The topography of this area is important to preserve and enhance while allowing for new homes. The site design of any new projects and development should be sensitive to the street and views to and from existing homes.*

18 { The photographs attached as **Addendum 1** are a pictorial of the property, which explain by its nature what is at stake and illustrates the incredulity of the City's "Less than Significant Impact" determination.

Page 16 of the Navajo Community Plan states:

*Protect residential areas from the noise, pollution and physical danger of excessive traffic.*

19 { The current green belt offers a pollution screening, freeway noise buffer, wildlife refuge and many mature trees and plants. The Developer intends to bulldoze and bring in literally tons of fill dirt that would significantly and dramatically alter the natural topography. Current residents would be massively deprived of the natural slope and gully -known since the inception of Del Cerro. Surely the elimination of this iconic entryway to Del Cerro would at least be considered a "Potentially Significant Impact." Additionally, as this property is mere feet from Hwy 8, the Navajo Community Plan calls for protection of new residents from noise, pollution and physical danger of excessive traffic. The Initial Report relied upon by the City in making this determination seems to suggest that current levels are acceptable simply because there are existing residences near the project site. When the area was initially developed in the 1950's levels of traffic, pollution (both noise and those of particulate matter) were much less significant. Developing this parcel deprives current residents of this small measure of buffer relief. In 1990 the topic was brought up by the Navajo Planners Group, which asked the City for assurances this scrap of property would be left untouched. The City of San Diego Planning Department responded in a letter assuring residents that, "No further action to prevent development of the site is needed." (See letter from City of San Diego Planning Department, Long Range Planning Division to Navajo Community Planners, Inc. dated September 13, 1990 attached as **Addendum 2**.)

21 { Attempts have clearly been made by the Community to designate this area as scenic/open space and historical records show this. Until this time, the City has historically supported the community's efforts to preserve this open space and prevent development on this site.

15) Please see section IV of the MND. Section IV provides a complete analysis of the biological resources located on the project site. The City allows for impacts to natural resources through the discretionary permit process combined with adherence to the City's Biological Guidelines. In addition, please see responses #11 and #13. The proposed space is not designated as open space.

16) Comment noted. However, this comment does not raise any issues with respect to the adequacy of the Draft MND. No additional response is required.

17) Please see responses #11 and # 13. Additionally this comment does not directly raise any issues with respect to the adequacy of the Draft MND. No additional response is required.

18) Please see responses #1 and #10. The Residential Element of the Navajo Community Plan recommends site design for new residential development to be sensitive to the topography and surrounding areas. This includes the use of features such as retaining walls to minimize grading and recontouring areas where needed. Please also see response #5-7, which summarizes the review of the results of the biological survey conducted for the subject site which was reviewed by EAS for conformance with City standards. Impacts to biological resources were determined to be less than significant with mitigation. Additionally, this comment does not raise any issues with respect to the adequacy of the Draft MND. No additional response is required.

19) The project site has not been designated as a gateway or entryway to the community. CEQA does not analyze the effects of existing conditions, such as noise and pollution on new projects. CEQA would only consider if the project would exacerbate these conditions. As, noted in response #13 the proposed project would largely maintain existing topography while constructing residential units on the previously undeveloped site. The comment that the undeveloped lot acts as a noise and pollution buffer is unsubstantiated and the change to the environment in this regard would be negligible. The construction of the homes while maintaining the existing contours, would not exacerbate noise and traffic impacts. In addition, please see response #11.

20) CEQA does not analyze the effects of existing conditions, such as noise and pollution on new projects. CEQA would only consider if the project would exacerbate these conditions. In regards to the 1990 letter from the Planning Department to the Navajo Community Planners, the letter describes the process for rezoning a parcel to open space but offers no such designation for the project site. There is no evidence showing that the project site was ever rezoned to open space.

21) Comment noted and the attempts by the Community to designate this area is not a CEQA related issue. Please see response # 11 in regards to the visual resources located at the project site.



21  
CONT { The Draft Mitigated Negative Declaration is in error when it states the development is consistent with Visual Resource Recommendations of the Navajo Community Plan. Also, according to the document, City-owned open space which is on the other side of the roadway - South of the parcel (and referred in passing on the Draft Mitigated Negative Declaration) is minimal and consists of mostly steep slope abutting the freeway and bare hillside with grass and scrub and very few trees. It is important to state that it in no way compensates or provides mitigation for the complete destruction of the gully and does not provide adequate homes to existing animal species which currently reside in the proposed development area. To be blunt: this gully is the area that wildlife have fled to *after* the surrounding areas were developed. This *is* it. There are no adjoining City open spaces that will serve this purpose as the Declaration might imply. Stating the site is "surrounded by exiting urban development and therefore has low long-term conservation value" is at best faulty logic and at worse eco-vandalism. The very fact that this is the one of the last areas for sensitive plant and animal species means that it is extremely important to preserve.

Page 125 of the Navajo Community Plan specifically requires the following:

22 { *Utilize natural elements as points of visual relief in the urbanized areas.*

*Establish and maintain an open space system to conserve natural resources, preserve scenic beauty, and define urban form.*

*Create and preserve open space in and around built-up areas to aid in lessening the effects of high noise levels.*

*Strengthen environmental pollution control measures. Support research into causes and prevention of environmental pollution.*

*Prevent deterioration of natural watershed areas.*

The development of an attractive community is one of the first considerations of the residents of the Navajo community, not only as a matter of personal pride and stabilization of property values, but in realization of the natural attractiveness of the area as a desirable place to live. This project will almost certainly have a significant impact on the aesthetics of the community.

#### Greenhouse Gas Emissions (Section VII)

23 { The project's one-and-only ingress/egress - off of northbound College Avenue - raises concerns in terms of the City of San Diego's "Climate Action Plan" (CAP). This plan, adopted in December 2015, presents issues not addressed in the Draft Mitigated Negative Declaration for this housing project.

24 { CAP identifies Strategy 3: "Bicycling, Walking, Transit & Land Use" that speaks to the aim of reducing vehicle miles traveled. (CAP, p. 23.) Clearly, the fact that vehicles immediately north of proposed project will have to be driven two extra miles (1 mile south to College Ave. and Lindero Paseo to make a U-turn - at busy commercial edge of SDSU - and then return 1 mile north) to enter the project is not in the spirit of new development that reduces vehicle miles and negative environmental impacts.

25 { Also, implementation of Strategy 3's aim is to include promoting alternative modes of travel. One of these is bicycling. While bicycling on College Avenue is an environmentally desirable travel mode between the College Area/San Diego State University and Del Cerro, it is already risky given current levels of car and truck traffic. An extended northbound right turn lane with vehicles quickly entering proposed project it is feared will increase the safety risk for bicyclists. This has not been addressed.

26 { Page 38 of the CAP speaks of this goal: "To increase commuter bicycling opportunities." Under that is Action 3.3 stating: "Implement the City of San Diego's Bicycle Master Plan to increase commuter bicycling

22) As previously mentioned Long Range Planning has reviewed the project and no conflicts with the Navajo Community Plan have been identified. Through this review EAS determined that the proposed project would not result in a significant impact related to aesthetics. As stated in the Draft MND, "City staff reviewed the project for consistency with all applicable zoning regulations and land use plans including Navajo Community Plan. The Navajo Community Plan has not designated a view corridor through the project site or adjacent properties. Therefore, since the proposed project site is surrounded by existing residential development, is consistent with all applicable zoning regulations and because the property is not designated as a scenic vista all impacts would be less than significant." As previously discussed, this site is designated and zoned for residential development and is not designated for open space or preservation. Please see also responses #13, 19 and 20.

23) The City's Climate Action Plan (CAP) is a plan for the reduction of GHG emissions in accordance with CEQA Guidelines Section 15183.5. Pursuant to CEQA Guidelines Section 15064 (h)(3), 15130 (d), and 15183 (b), a project's incremental contribution to cumulative GHG emissions effect may be determined not to be cumulatively considerable if it complies with the requirements of the CAP. Projects that are consistent with the CAP as determined through the use of the checklist may rely on the CAP to address the cumulative impacts analysis of GHG emissions. A CAP checklist was submitted and approved by staff. The project is in compliance with all applicable policies of the CAP and therefore may rely upon the CAP for the cumulative impacts analysis of GHG emissions. Based upon the approval of the CAP checklist no impacts associated GHG has been identified.

24) Please see response to comment #23 above for discussions of the Project's CAP consistency. With respect to one of the CAP strategies that relates to transit, bicycle and pedestrian features, the proposed project is located in the Transit Priority Area (TPA). There are two bus routes that serve College Avenue, MTS Route 14 and 115, and the bus stops servicing these routes are located within a quarter-mile radius from the proposed project at the intersections of College Avenue and Rockhurst Drive and College Avenue and Del Cerro Boulevard. Additionally, continuous sidewalk is present on the east side of College Avenue along the proposed project frontage, which provides connectivity to the rest of the community. The City of San Diego's Bicycle Master Plan designates either Class II bike lanes or a Class III bike route along College Avenue. The northbound travel lane along College Ave is in excess of the minimum 14 feet width required for Class III bike routes. Thus, the bicyclists are accommodated along College Avenue and the proposed project will not change that. This project could accommodate a Class II bike lane along the project frontage up to the beginning of the proposed right-turn lane approaching the project driveway. North of this location, the Class II bike lane would terminate and appropriate pavement markings would be provided to indicate potential vehicle-bicycle conflict associated with this project. The element of the CAP Strategy 3: Bicycle, Walking, transit, and Land Use directly applicable to single family residential projects is electric vehicle charging. To meet this element of the CAP, the project proposes that each residential unit will be provided with a listed cabinet, box, or enclosure connected to a raceway linking a parking space to the electrical service to allow for the future installation of an electric vehicle charging station for use by the resident.

25) Please see response to comment #24 for a discussion of the one CAP strategy identified and the transit, bicycle and pedestrian features associated with this project. Again, the project is consistent with CAP Strategy 3 and the CAP as a whole. Additionally, the project access location meets required



opportunities.” It is concerning that the addition of this project's sole ingress/egress driveway could put an end to any possibility of a dedicated bicycle link between the College Area and Del Cerro. The draft Mitigated Negative Declaration needs to acknowledge and resolve this concern, especially given the City's Climate Action Plan and what's referenced in the Del Cerro Traffic Access Analysis report dated February 3, 2016. Section 3.1.2 on page 6 of that report states: “According to the City of San Diego *Bicycle Master Plan Update*, July 2013, there are proposed Class II or Class III bike network classifications on College Avenue along the project frontage.” Also, section 3.1.2 indicates: “The Navajo Community Plan describes a proposed bike route along Del Cerro in the project vicinity and a **proposed bike route on College Avenue along the project frontage.**” Neither the draft declaration nor project applicant's community presentations have spoken to how proposed project's traffic conflicts will impact opportunities for installing proposed bike network/route along project's frontage.

Consistent with the needs of younger residents, faculty, and students who commute past the site, to and from San Diego State University the Navajo Community Plan calls for more bicycle routes throughout the community. The Navajo Community Plan, Page 105, states (in part):

*The basic objective of the circulation system is to provide each member of the community with safe, ready access around, as well as in and out of the community, by a mode of transportation of individual choice with minimal environmental damage.*

*To achieve this purpose will require that a fully integrated system of pedestrian, bicycle, public transit and automobile facilities be developed.” The following additional objectives concerning the circulation element are established for the Navajo community:*

*Strive to separate automobile, pedestrian and bicycle conflicts and, where safe and practical, provide specially designated bikeways to accommodate the increased demand for this mode of travel.*

The Draft MND appears to have merely cut and paste a standard canned response without actually visiting the property and writing their commentary based on what they actually observed:

To wit, Page 20 of Draft MND states:

*The project would not conflict with an applicable plan, policy, or regulation adopted for the purposes of reducing the emissions of greenhouse gases. The project is consistent with the existing General Plan and Community Plan land use and zoning designations. Further based upon review and evaluation of the completed CAP Consistency Checklist for the project, the project is consistent with the applicable strategies and actions of the CAP. Therefore, the project is consistent with the assumptions for relevant CAP strategies toward achieving the identified GHG reduction targets. Impacts are considered less than significant. No mitigation is required.*

If a thorough review of the site had actually been completed it would have been evident that an ingress/egress onto College Avenue would completely preclude a safe and accessible bike lane from ever being established there. Indeed, there would be no space to put such a bike lane with the addition of a deceleration lane. This directly opposes the CAP strategy to facilitate an increase in bicycle use. Additionally, the canned response completely fails to acknowledge that residents would be forced to take unusually long routes merely to access their homes or the freeway on-ramp mere feet from their homes. The MDN completely ignores that the development will actually create a scenario where *excess miles are generated by each trip that a resident would make*, which flies directly in the face of the CAP.

sight distance requirements and the lane configuration along College meets the requirements of a Class III bike route.

26) The comment assumes that the project will create traffic conflicts. To the contrary, the project's Traffic Access Study prepared by LOS Engineering, Inc. demonstrates that the project's access to and from College Avenue is consistent with applicable City requirements, including sight distance standards. The same study also analyzed relevant intersections and street segments, demonstrated that the project will contribute only 270 average daily trips and determined that the project will not have any significant impacts. Please see response to comment #23 for discussions on transit, bicycle and pedestrian features associated with this project.

27) The project does not conflict with the Navajo Community Plan's goals with respect to bicycle routes. Please see response to comment #24 for discussions of bicycle routes.

28) Under consistently applied City standards, the project does not require a traffic study because it generates only 270 average daily trips, 21 AM peak hour trips and 27 PM peak hour trips. See response to comment #4 for a discussion of the project's Traffic Access Study. Conducting traffic counts for a single day is a standard traffic analysis practice within the San Diego region as it provides adequate information for purposes of evaluating potential impacts. The City's Traffic Engineer approved the peak hours methodology used in the project's Traffic Access Study.

29) The project access was reviewed by City staff and determined to meet sight distance and turning radius requirements. The issue presented by the MND is whether the project will have potentially significant impacts as defined by CEQA. The project's Traffic Access Study analyzed the project's potential impacts including access to and from the project site to College Avenue. Analysis focuses on the operations of the transportation network within the vicinity of the proposed project under both “with” and “without” the proposed project related traffic. The analysis demonstrates that the project's access to and from College Avenue is consistent with applicable City requirements, including sight distance standards. The MND properly analyzed the project against the transportation thresholds of significance and determined that the project will not have significant impacts.



**Hydrology And Water Quality (Section IX)**

30 { The Initial Study makes the unsubstantiated claim that "no flooding would occur." However, the Geotechnical Study specifically states, "The infiltration surfaces are in Stadium Conglomerate and Santiago Peak Volcanics. As encountered, these materials can generally be described as cobble conglomerate in a silty sand matrix and metavolcanic bedrock, respectively. Infiltration rates within the Stadium Conglomerate are *very low*. Infiltration rates within the Santiago Peak Volcanics are slightly higher, but based on our observations it is our opinion that the water is travelling along fractures in the bedrock rather than infiltrating. Due to the dense nature of the bedrock units onsite it is anticipated that the majority of stormwater infiltration will encounter these bedrock contacts and move laterally or follow fractures rather than infiltrating vertically."

**Land Use / Planning (Section X)**

In evaluating the project's potential impacts on land use, the initial study indicated the project would not have any impact on any applicable land use plan. As support for this conclusion, the initial study stated the project was consistent with the existing zoning applicable to the property and was consistent with the surrounding residential uses. However, the Initial Study failed to adequately consider how the Project directly conflicts with the Navajo Community Plan. The specious conclusions in the Initial Study upon which these determinations are based ignore these issues altogether (and the entire Community Plan at times). The Initial Study erroneously concludes that the Project:

31 { [I]s "compatible with the area designated for residential development by the General Plan and Community Plan, and is consistent with the existing underlying zone and surrounding land uses. Construction of the project would occur within an urbanized neighborhood with similar development. 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 this, no impacts would result." (MND, p. 25.)

In reality, the Project is almost diametrically counter to the Navajo Community Plan and inconsistent with surrounding uses. The proposed development seeks to squeeze homes on the absolute minimum required lot sizes and setbacks. Although these may technically meet the R-1-7 zoning requirements, they do NOT conform to the Navajo Community Plan as they differ significantly from neighboring residences. The project's closely spaced residences with minimal setbacks compared to the surrounding community's more generously spaced residences with larger setbacks. The map in Figure No. 2, as well as expertly prepared renderings of the project by the developer illustrate the contrast between the project's closely spaced residences with minimal setbacks and the surrounding neighborhood's more generously spaced residences with large setbacks. Collectively, this evidence shows the project is inconsistent with the Navajo Community Plan. It is clear that the City's determination regarding Land Use / Planning was almost entirely based on an inquiry into whether or not the Project meets the formulaic zoning requirements for lot sizes, setback, etc. Although the project does meet those basic requirements, even a determination based on this information is flawed as an analysis of the Project as a whole in relation to the surrounding community would reveal that these features do not compliment the surrounding homes which have setbacks and lot sizes that are significantly greater than those minimums.

**Public Services (Section XIV)**

32 { In evaluating the project's potential impacts on public services, the initial study indicated the project would have less than a significant impact on fire protection (section (a)(i)). As support for this conclusion, the initial study stated, "The project site is located in an urbanized and developed area where fire protection services are already

30) Comment noted. Per the City's Significance Thresholds, if a project would result in increased flooding on or off-site there may be significant impacts on upstream or downstream properties to environmental resources. The City's LDR-Engineering section reviewed the project for compliance with City standards including a Drainage Study and Storm Water Quality Management Plan. LDR-Engineering staff deemed the project is in compliance with all applicable standards.

31) CEQA section 15125(d) requires that an EIR discuss inconsistencies with applicable plans that the decision makers should address. A project is consistent with the general and community plan if, considering all its aspects, it will further the objectives and policies of the general plan and not obstruct their attainment. Generally, a project need not be in perfect conformity with each and every general and community plan goal, but it is a balancing of the variables associated with the project. As outlined in the MND and previously discussed, the proposed project is not in conflict with the Navajo Community Plan. Navajo is an established residential community, and the Residential Element of the Navajo Community Plan encourages the development of a variety of new housing types with dwelling unit densities primarily in the low to low-medium density range. The MND concluded a proposed project for single family residential is consistent with the land use designation and allowed density for this zone.

Per the City's Thresholds, an inconsistency with a plan is not by itself a significant environmental impact; the inconsistency would have to relate to an environmental issue to be considered significant under CEQA. The City's Significant Determination Thresholds state that as a general rule, projects that are consistent with zoning and compatible with surrounding uses should not result in land use impacts. Since the comment letter has not accurately identified any inconsistencies with a land use plan nor any secondary environmental impacts associated with said inconsistency no CEQA land use impacts have been identified.



32 provided. A four-lot subdivision and subsequent construction of three single-dwelling units would not adversely affect existing levels of fire protection services to the area, and would not require the construction of new or expansion of existing governmental facilities." An overview of the current existing service is insufficient to reach such a conclusion. The City made its determination **without references to any studies or authority to support findings**. The purported basis for this determination is as follows:

33 "The City of San Diego Fire-Rescue Department (SDFD) encompasses all fire, emergency medical, lifeguard and emergency management services. SDFD serves 331 square miles, including the project site, and serves a population of 1,337,000. SDFD has 801 uniformed fire personnel and 48 fire stations available to service the project site. The closest fire station to the project site is Station 31. The project would construct 24 residences but would not require the alteration of any fire protection facilities and would not require any new or altered fire protection services."

33 The Navajo Community Plan specifically states: The San Diego Fire Department operates two fire stations in the Navajo community. Fire Station 31 at 6002 Camino Rico, near the intersection of College Avenue and Navajo Road, houses one engine company. Fire Station 34 at 6565 Cowles Mountain Boulevard, near Navajo Road, also houses one engine company. These facilities are not adequate to serve Navajo and meet the standards of the General Plan because the area's topography has created a fragmented street pattern requiring longer response times. A major concern is that the delayed response times caused by the Project's problematic ingress/egress will cause a very real and significant risk to the surrounding residences.

34 Regarding the project's impact on public health, safety, and welfare, the record contains expert evidence showing there are flaws and omissions in the project's geotechnical report that cast doubt on the report's conclusion the project can be safely built on a steep sandstone hillside. In addition, the record contains expert evidence showing the configuration of the residences and the steepness of the shared private driveway would present significant challenges for fire and emergency services personnel, even with the proposed standpipe and sprinkler systems. This evidence supports the City's findings the project would be detrimental to public health, safety, and welfare. This evidence also supports the City's findings the project was not appropriate for its location, the proposed deviations would not result in a more desirable project, and the mitigated negative declaration inadequately addressed the project's impacts on geology and public safety.

Flaws and omissions in the project's Traffic Study (discussed below) cast doubt on the report's determination, which clearly does not consider the Project's impact on risk to neighboring residences due to, increased response times. Sprinkler systems, fire hydrants and standpipes are not sufficient to simply ignore this real danger.

#### Transportation/Traffic (Section XVI)

35 The Draft Mitigated Negative Declaration reads as a document whose authors predetermined the outcome and then wrote the document to support their designs. College Avenue where it enters into Del Cerro has remained unaltered since its inception over 60 years ago. According to page 113 in the Navajo Community Plan it was noted that **as of 1987**:

*"There are several streets in the area that are carrying traffic volumes in excess of their design volume...The maximum desirable ADT for a two-lane collector street is 5,000 vehicles per day...Similarly College Avenue between I-8 and Del Cerro Blvd...and Madra Avenue North of Del Cerro Blvd all carry volumes that exceed what is desirable for their classifications."*

Traffic is much greater now than in 1987 and the Initial Report fails to consider the very real effects the proposed development would have on traffic conditions in the community. The Developer's traffic study relies

32) The project does not rise to the level of significance of 75 dwelling units to be referred to Police and Fire Sections as identified in the City's CEQA Significance Determination Thresholds. However the project was reviewed by the City of San Diego Fire-Rescue Department review staff and deemed to meet all applicable standards.

33) As noted in the response to #32, the project does not rise to the level of significance of 75 dwelling units to be referred to Police and Fire Sections. However the project was reviewed by the City of San Diego Fire-Rescue Department review staff and deemed to meet all applicable standards.

34) As previously stated in response to #9 the project's geotechnical consultant conducted a geotechnical investigation for the subject site which was reviewed by LDR-Geology for conformance with City standards. Geology staff reviewed the geotechnical investigation and determined that the report had adequately addressed the geologic site conditions for the purposes of environmental review. In addition and as previously mentioned the City of San Diego Fire Rescue section has reviewed the project and determined that the project complies with all requirements regarding emergency ingress/egress.

35) As previously discussed, CEQA section 15125(d) requires that an EIR discuss inconsistencies with applicable plans that the decision makers should address. A project is consistent with the general and community plan if, considering all its aspects, it will further the objectives and policies of the general plan and not obstruct their attainment. Generally, a project need not be in perfect conformity with each every general and community plan goal, but it is a balancing of the variables associated with the project.



- 36 { on extremely limited data that encompasses a few hours on a single day (and not *all* peak traffic periods during that day). It fails to capture the data that reflects the reality that every Del Cerro resident knows from firsthand experience.
- 37 { The City has taken the position that a development with ingress/egress limited only to College Avenue is unacceptable for decades and the initial study fails to identify any basis for abruptly reversing its position.
- 38 { Residents should not be subject to worse traffic conditions as a consequence of the City's ability to maintain adequate levels of service in the first place. Although the Traffic Study claims that the abysmal Level of Service for College Avenue during peak times (D) will not be affected by the Project, **it is incomprehensible that the City would even consider allowing any further development which will exacerbate an already critical problem until the Level of Service is restored to an acceptable level.**
- 39 { The Traffic Study conducted by the developer fails completely to address the issues and related **Traffic Conflicts** and **Emergency Access** concerns that will arise specifically from placing an Ingress/Egress at precisely the most severe bottleneck/flashpoint in the entire community. It is incomprehensible and leads the community to question the validity of the process thus far. In previous decades, attempts to develop this leftover parcel of land were firmly rejected by the City Planning Committee and City Council because of the very concerns that residents are bringing to you now. The City of San Diego acknowledged our right to a safe traffic corridor to be paramount. It was considered that this street was overburdened by traffic by the 1970's-80's and has only become more so during the ensuing years. What has changed other than even more people using this aged roadway? Why is there now a lack of concern by the Traffic Engineering Department when traffic on College Avenue has greatly increased? What concern is there for our safety and welfare? Please do not say that infill is worth our very lives and safety! Photos illustrating the concerns regarding emergency vehicle access to the site are attached as **Addendum 3**. Note that emergency vehicles attempting to access the development by heading into oncoming traffic would face a blind curve with vehicles heading North from the I-8 Freeway.
- 40 { The developer's traffic report and city staff also fail to address how Emergency Vehicles could safely access this driveway. When the Developer could not answer direct questions to this, two residents went to speak with personnel from the local fire station (#31). A conversation with a veteran driver remarked that in an emergency their first attempt would be to "drive into oncoming traffic" and into the driveway. If that wasn't possible, "they'd get there eventually," but it would be "brutal to manage" as the first U-turn they could make would place them in the middle of traffic merging onto College Ave. from the Hwy. 8 off-ramp. The driver then commented that it "was a stupid place to build a development". The photos in **Addendum 3** confirm his sentiments.
- 41 { The developer's traffic report and city staff also fail to address how Emergency Vehicles could safely access this driveway. When the Developer could not answer direct questions to this, two residents went to speak with personnel from the local fire station (#31). A conversation with a veteran driver remarked that in an emergency their first attempt would be to "drive into oncoming traffic" and into the driveway. If that wasn't possible, "they'd get there eventually," but it would be "brutal to manage" as the first U-turn they could make would place them in the middle of traffic merging onto College Ave. from the Hwy. 8 off-ramp. The driver then commented that it "was a stupid place to build a development". The photos in **Addendum 3** confirm his sentiments.
- 42 { Historically, the original property owners landlocked the property, not the city. Owner's in the 1950's ceded access rights to Marne Avenue as the property consisted of a deep gully and was not deemed suitable for developing. It still isn't. The current owner, Lenny Bloom (a.k.a. Marburn Corp) has tried many schemes to develop the land over the years, including buying a house on Marne Ave. in the 1970's, with the intent of tearing it down, unbeknownst to sellers, and neighbors, to create an ingress/egress on that property. When that venture was stopped by residents and the City, he tried several other times to build and force his way on to College Avenue, not only the busiest arterial in the entire community, but at a point where traffic already converged from several directions. Add to this equation, elementary school children and their parents, a busy Jewish Temple with daily outreach senior services—all of whom must attempt crossing this area on foot. Further add the fact that cars spilling out the proposed development have no LEGAL way of making U-turns in the immediate area. It is unrealistic to expect new residents of the proposed development will obey the traffic law, and drive over a mile in every direction, merely to cross the street and access their homes with every trip

36) Under consistently applied City standards, the project does not require a traffic study because it is expected to generate 260 average daily trips, 21 AM peak hour trips and 27 PM peak hour trips. The analysis evaluated both AM and PM peak periods.

37) The project access was shown to meet minimum sight distance requirements. The issue presented by the MND is whether the project will have potentially significant impacts as defined by CEQA. The project's access analysis evaluated the project's potential impacts including access to and from the project site to College Avenue. Analysis focuses on the operations of the transportation network within the vicinity of the proposed project under both "with" and "without" the proposed project related traffic. The analysis demonstrates that the project's access to and from College Avenue is consistent with applicable City requirements, including sight distance standards. The MND properly analyzed the project against the transportation thresholds of significance and determined that the project will not have significant impacts.

38) The opinion expressed in the comment about the City's standards regarding levels of service is noted. The comment also acknowledges that the project is consistent with the City's applicable level of service requirement. Thus, no further CEQA response is required. Nonetheless, the project's access analysis demonstrates that all study intersections will operate at level of service D or better in the existing with project and near term plus project conditions. Thus the MND properly identified no significant project related traffic impacts.

39) This comment reiterates points raised in previous comments. As described previously the project's access analysis evaluated the project relative to the roadway conditions, including access design and sight distance. Emergency access was reviewed by Fire Department staff.

40) Please see response #39.

41) Please see response to comment #39.

42) This comment does not raise any specific issues with respect to the adequacy of the Draft MND. No additional response is required.



they make in their cars. Vehicles turning out of the proposed developments would create an unreasonably dangerous scenario each time they exit onto College Avenue.

43 { The pictures attached as **Addendum 4** show the narrow roadway from the point-of-view of a resident of the proposed development would face as they exited their property. During peak traffic times, exiting the property onto the busiest thoroughfare in Del Cerro would be highly problematic and proposed residents would wait a very long time to merge onto the roadway, if at all.

44 { In fact, a single-vehicle traffic incident that occurred just two days prior to the release of the proposed MND highlights the fact that the City has failed to truly consider the information provided by the developer. Just before midnight on May 22, 2017, while traveling northbound on College Ave the driver of a pickup truck lost control and flipped over landing directly in front of the proposed driveway of the project site. For example, the developer's claim that there is a safe line of sight to allow the proposed driveway cannot be considered with only a drawing when accidents such as these are a reality. Thankfully no one was injured in this incident, however, if this had occurred during peak traffic times with the proposed driveway, it is unlikely that it would not have resulted in significant harm or death. The pictures attached as **Addendum 5** are from the scene of the accident and seriously call into question whether the city has practically considered such claims by the developer beyond the four corners of the pages of inadequate information presented.

The erroneous determination that the Project would have a "less than significant Impact" on items A, B, D and E of this section was entirely based on an inadequate traffic study (MND, pp. 31-32.) The City provided the same narrow and faulty reasoning as a basis for making its determination for all of those items:

45 { "The project is estimated to generate approximately 260 daily trips including 21 during the morning peak hour and 27 during the afternoon peak hour. Although the project did not meet the City's threshold for requiring a full transportation impact study, an access analysis was required to evaluate traffic operations at the intersection of College Avenue and Del Cerro Boulevard and to ensure adequate sight distance and other applicable factors (LOS Engineering, Inc., February 3, 2016). Four scenarios were considered in the access analysis: Existing, Existing plus Project, Near Term and Near Term plus Project. Per the access analysis, the proposed project would not cause traffic patterns to substantially change. The project would not change road patterns or congestion. No project traffic impacts were identified. However, it is required that a right turn lane be provided for the project driveway. Impacts would be less than significant."

The Traffic Study provided by the Developer merely establishes the obvious—that the relatively small size of the Project will not result in a massive increase in the number of trips in the area. The Traffic Study is based on limited and inadequate data that does not support the City's determination. The entire analysis, and therefore the City's determination, is based on outdated and insufficient data collected on a single day (September 25, 2014). (See Traffic Study, Section 3.1.3). The data in the Traffic Study was obtained *prior to the opening of the Einstein Bagels* located on the corner of Del Cerro Blvd. and College Ave. in Spring 2015 and data reflects an outdated set of conditions. Since that time, traffic congestion has become even more problematic at peak times due to that location's own issues ingress/egress between Marne and College Ave. These issues and a highly inadequate and problematic parking lot are frequently referenced in some of Einstein Bagels' Yelp reviews (See <https://www.yelp.com/biz/einstein-bros-bagels-san-diego-14>). These problems need to be considered in order to make a proper determination to ensure that the issues are not compounded by the Project.

46 { The Traffic Study fails to take into account the *nature of those trips* and conflicts between vehicles that the Project would create. These conflicts would have a tremendous impact. Finally, the Study fails to take into account *current traffic conditions*, and simply looks to see whether there would be an innocuous mathematic conflict.

43) The opinion offered in this comment is noted. The access analysis prepared by LOS Engineering, Inc. evaluated the proposed access to and from College Avenue.

44) This comment does not raise any specific issues with respect to the adequacy of the Draft MND. No additional response is required.

45) Given the location of Einstein Bagels, the intersection of Del Cerro Blvd and College Avenue would be affected by potential additional traffic generated from the bagel store. Additionally, this particular Einstein Bagels location operates between 6am and 3pm, thus, is would only affect the AM peak hour. Based on the level of service and delay analysis performed for the AM peak hour under both existing plus project (LOS D – 41.5 seconds) and near-term plus project (LOS D – 42.3 seconds) scenarios, it appears that the intersection has the capacity to handle additional traffic before reaching the 55.0 seconds (LOS E) threshold.

46) Please response to comment #45



47 { It is our position that in reality, any impact whatsoever on the *service levels that have been inadequate since at least 1987* should be considered potentially "significant". By relegating this determination entirely to the four corners of the page of the flawed Traffic Study, the City failed to take into account all of the cumulatively considerable contributions regarding the potential impact of the Project on traffic / transportation.

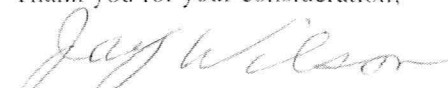
48 { Finally, the Traffic Study fails to actually provide any true analysis of the access to and from the site. No mention is made of the consideration that the Project's problematic access issue would actually incentivize drivers to make illegal turns and take dangerous shortcuts that will make an already treacherous road significantly more dangerous. The City requested an *access study* from the Developer, but all that was provided is an analysis of the number of trips the Project is estimated to generate. East and Westbound traffic was not considered at all in the Traffic Study. Anyone familiar with the intersection of Del Cerro Blvd and College Ave understands that ignoring the significant cross traffic doesn't provide a true assessment of traffic conditions. Also, the Traffic Study fails to take into account the Project's impact on Del Cerro Boulevard and Marne intersection where a huge number of motorists make U-turns after leaving Hearst Elementary School during peak hours. Similar, the Traffic Study does not include any analysis of the intersections of Del Cerro Boulevard and Vinley Place, Del Cerro Boulevard and Lambda Drive, or Del Cerro Boulevard and Rockhurst Drive. These shortcomings were pointed out to the developer as early as July 8, 2015 at the Navajo Community Planners meeting. During the meeting, Board member Douglas Livingston specifically advised the developer to be sure its traffic study includes intersections north of project site. (See Navajo Community Planners Inc. July 8, 2015 Meeting Minutes, p. 4, attached as **Addendum 6.**) The developer blatantly ignored the input of the community and it now appears that the City has chosen to do so in its review of the Project.

Conclusion

49 { Finally, there is infill that improves the community when thoughtfully considered and there is infill that is damaging to the community for which it is supposed to serve. There are also those who would use the citywide infill mandate to their advantage with complete disregard its effect on everyday lives of those in the community or habitats which it will endanger. As our representatives have done in the past, we ask that this proposal be adequately scrutinized so that it may be seen it for what it truly is—an attempt to just "check the boxes" hoping that others are looking the other way.

50 { Both the Del Cerro Action Council and our Navajo Planners Group have voted against this proposed development in its current form. We ask you to look closer to see why. The draft MND is based upon flaws and omissions in many of the developer-funded studies cast doubt on the document's conclusions upon which they are drawn. We find this development incompatible with the existing roadway, unsafe to residents, destructive to environmentally sensitive plants and animals and inconsistent with the lot size and residential character of the area. As explained above, the proposed MND is inadequate as it is not supported by significant evidence that the project will not cause significant environmental effects to the detriment of our community.

Thank you for your consideration,

  
Jay Wilson, Secretary  
Del Cerro Action Council

6652 Del Cerro Blvd.  
San Diego, CA 92120

47) Please response to comment #45

48) As stated in the response to comment #6, the project does not require the preparation of a transportation impact study per standard City thresholds identified in the City's Traffic Impact Study Manual. However, notwithstanding the above, an access analysis was prepared by LOS Engineering, Inc. for the project which addressed access issues such as sight distance at the access point and expected queuing and delay at the intersection of College Avenue and Del Cerro Blvd.

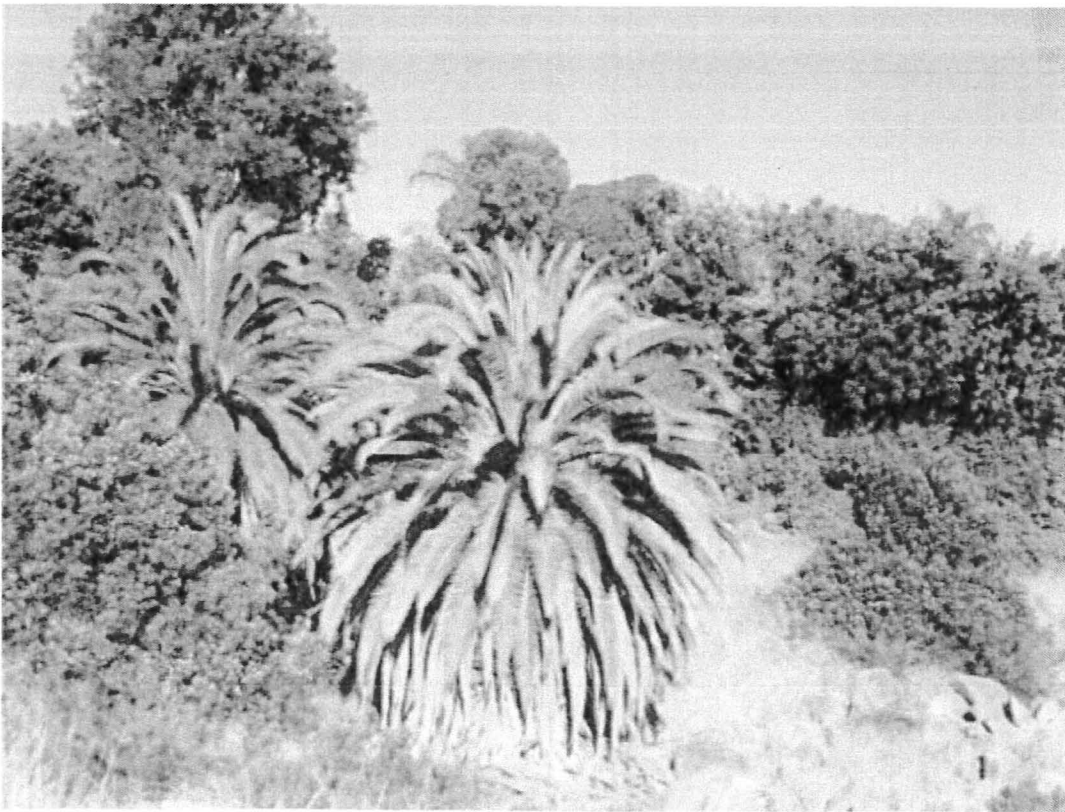
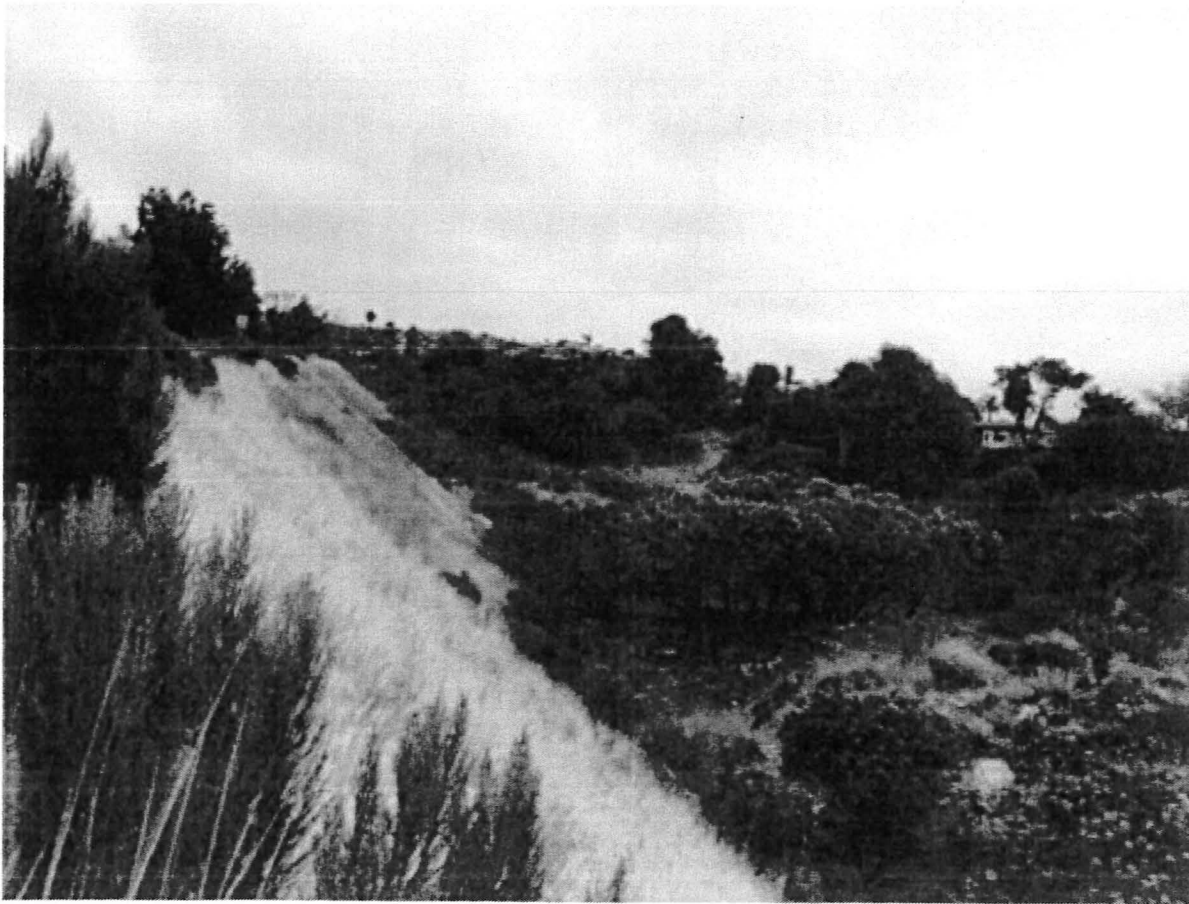
49) This comment does not raise any specific issues with respect to the adequacy of the Draft MND. No additional response is required.

50) This comment summarizes the issues that have already been discussed throughout the letter which staff has responded to above. No additional responses are required.



# **ADDENDUM 1**



















## **ADDENDUM 2**





THE CITY OF  
**SAN DIEGO**

EXECUTIVE COMPLEX • 1010 Second Avenue • Suite 660 • San Diego, California 92101

**PLANNING  
DEPARTMENT**

Long Range  
Planning Division  
533-3650

September 13, 1990

Tom Martin, Corresponding Secretary  
NAVAJO COMMUNITY PLANNERS, INC.  
P. O. Box 20304  
San Diego, CA 92120

Dear Mr. Martin:

This letter is in response to the Board of Directors' vote to amend the Navajo community plan by designating the Halifax and the I-8 at College Avenue properties as Open Space.

Rezoning a property to Open Space and/or amending the land use designation in the community plan to Open Space requires the property owner's consent, as these actions would preclude any development of the land whatsoever. If accomplished without the owner's consent, the City Attorney has advised the Planning Department that such a rezone or plan amendment would amount to a "taking" of the land. The Board's first step, then, would be to identify a source of funds to acquire the properties, and to contact the property owner.

An outright purchase may be infeasible, but the community still has a measure of control over the ultimate design, density, and location of development on the site. The Halifax View property has not been subdivided, and building permits for anything other than one residence on each of the two parcels cannot be issued until either a map or a discretionary permit is approved for the development. In both cases, public hearings are required. The site is also subject to the Resource Protection Ordinance, as most of the slopes exceed 25%.


The property northeast of the I-8/College Avenue interchange is also privately owned, but is covered by an open space easement. This easement was a condition of the discretionary permit that allowed the adjacent residential development, and stipulates that the land will remain as open space. No further action to prevent development of the site is needed.



I hope I have answered the Board's questions. If this letter has raised any new issues, please call me at 533-3693.

Sincerely,

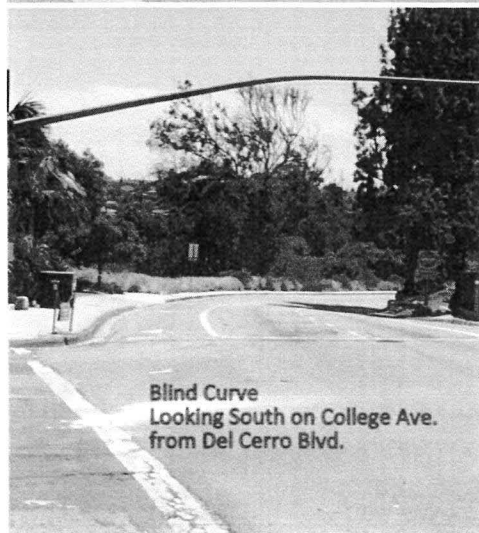
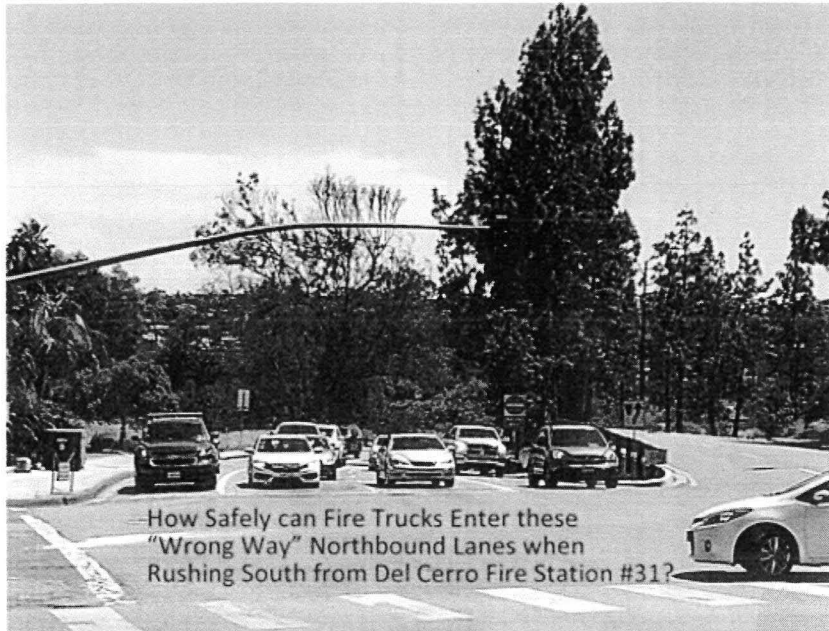
THE CITY OF SAN DIEGO

A handwritten signature in cursive script, appearing to read "Anne Longworth", followed by a long horizontal flourish.

Anne Longworth  
Associate Planner, Long Range Planning Division

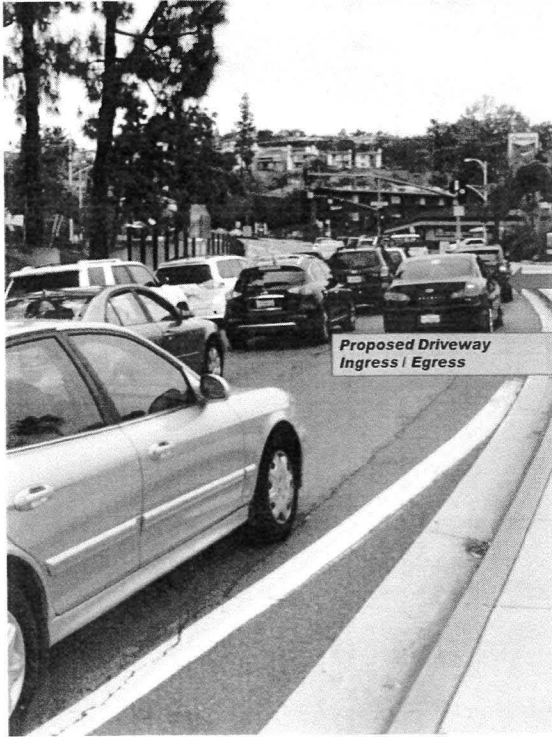
## **ADDENDUM 3**





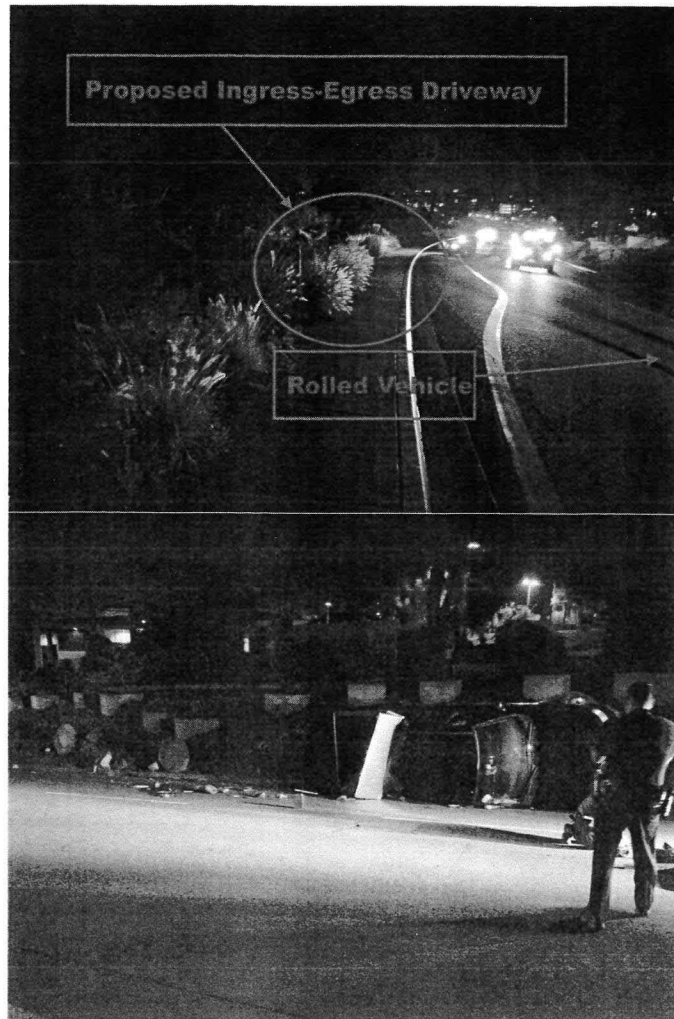
## **ADDENDUM 4**





## **ADDENDUM 5**









## **ADDENDUM 6**

# NAVAJO COMMUNITY PLANNERS, INC.

Allied Gardens-Del Cerro-Grantville-San Carlos

Meeting materials are available at [navajoplanners.org](http://navajoplanners.org)

Wednesday, July 08, 2015

Tifereth Israel Synagogue

6660 Cowles Mountain Blvd.

San Diego- 92119

[navajoplanners@cox.net](mailto:navajoplanners@cox.net)

## New Start Time

6:30 P.M.

## Agenda

### Call To Order: 6:30 P.M.

- Roll Call of Board Members

Matthew Adams (San Carlos)	March 2017x
Eric Aguilera (Grantville)	March 2016
Richard Burg (San Carlos)	March 2017x
Terry Cords (Allied Gardens)	March 2017x
Tim Flodin (San Carlos)	March 2016x
Steve Grimes (Del Cerro)	March 2017x
David Hardy (Allied Gardens)	March 2016x
John LaRaia (Grantville)	March 2017x
Douglas Livingston (Del Cerro)	March 2016x
Michael McSweeney (Del Cerro)	March 2016x 6:40
Lynn Murray (Allied Gardens)	March 2016x
Marilyn Reed (Allied Gardens)	March 2017x 6:45
Dan Smith (Grantville)	March 2016x
Daron Teemsma (Grantville)	March 2017x
Jay Wilson (Del Cerro)	March 2017x
Dan Northcutt (San Carlos)	March 2016x

- Modifications to Agenda (Informational items can be changed to action items by 2/3 vote before the agenda has been adopted): Info item- city of SD pipeline Dept. Public works sent email they will not be conducting update this evening. There is a change in project design and the City is moving all 5 laterals to other areas of city. J Wilson makes motion. S Grimes seconds. 13-0 in favor. (M. McSweeney and M. Reed not in attendance for this vote).

- Approval of the May 13, 2015, Meeting Minutes: J Wilson makes motion D Hardy seconds 13-0 in favor (M. McSweeney and M. Reed not in attendance for this vote).

### Officers Reports:

- Chair's Report: Comic Con starts tomorrow.
- Vice Chair's Report: Several calls regarding marijuana dispensaries. Questions regarding properties along SD River. Dedicated parkland behind Armstrong Garden Center. CDFW owns land along SD River not considered a park. May be able to be grandfathered in.
- Treasurer's Report: \$30.00 verified by D. Northcutt

### Elected Officials' Reports:

- Councilman Scott Sherman – (Liz Saidkhanian): Grantville plan amendment approved last month goes

RESPONSE TO COMMENT



into effect 07/23. No new projects brought forward as of yet. City website on Councilman's site can track projects at <http://www.sandiego.gov/development-services/opensd/>. Office working with 3 other Councilmembers to speed up permit process for park construction. Currently 24 steps. Neighborhood watch signs volunteer event 7/16 at AG Farmers Market. J. Wilson and M. Adams offers to assist. D. Smith asks to speed up development permit process also. M. Adams stuck in traffic on La Madra due to resurfacing is very happy. M. McSweeney asks about homeless issue at Chaparral Canyon. 7 arrests made recently and abated 9 camps. Councilman's office does not have access to NextDoor.com.

- Officer Adam McElroy (Community Relations Officer): Brought along Lt Mike Swanson – in charge of 320's (Navajo neighborhood). Crusaders soccer sign stolen along Waring and Navajo Rds. Proactive enforcement team moved from college area to deal with burglaries issues Navajo Terrace Apts. and other areas being hit hard. Closely related to transient issue in Canyon by Lake Murray. Works with Las Mesa and CHP to address situation. Looking pretty good. Violent crimes looking great, not huge problem in our area. Downward trend. Property crimes spiked in April. In May it dropped. June it dropped even further (3x less). **April-May-June** Commercial Burglaries 4-2-2, Residential Burglaries 30-17-10, Shoplifting 6-5-5, thefts 27-29-10, Car Prowls 59-51-18.
- Representative Susan Davis - (Daniel Hazzard): Passes out Davis Dispatch. Annual Appropriations bill moving through Congress. Education in workforce committee no child left behind bill being worked on. Affordability hang-up in House. Fed money follows students. Nation Defense Authorization Act being worked on also. Retirement workshop SSN and Medicare experts 8/05 and 8/11 there will be a federal grant workshop. T. Flodin asks about postal reform. Still moving forward but she is not on that committee. Trade authority bill outlines how trade bill need to be made public. Negotiations ongoing.
- Mayor Kevin Faulconer – (Anthony George): Not in attendance
- Assembly member Shirley Webber (Jannell Jackson): Not in attendance
- Senator Marty Block (Hilary Nemchik): Not in attendance
- Seth Litchney City of SD Planning Dept.: Not in attendance

**Public Comment on Non-Agenda Items (3 minutes each)**

John Pilch: Living Green Coop was on 6/25 Planning Commission but was withdrawn. San Carlos/Lake Murray Rec Council purchased double handicap access table for Lake Murray Park. Library construction completed but additional work started last week. Telecom site proposed for playing field at San Carlos Park. Proposed to have lights on pole to light field. Orchard Supply proposed for old Ralph's site.

Jay Wilson – Allied Garden Farmer Market still going 4-8. AG Farmers Market to run at least 6 more months at least.

Maggie Pound - Business to business networking. Wishes more coordination between NCPI and businesses. Meet 3<sup>rd</sup> Weds of month 7:30-9. Meggie will be group Rep.

T. Cords – Thanks local PD and others for assistance on stolen signs. Crusaders Soccer is a non-profit organization. AG Rec Council 1<sup>st</sup> Friday concerts in the park 2 more scheduled for summer. Parking lot at Rec Center closed starting 7/13 10/19 for refurbishing. Open 60 hrs. per week 97 days due to additional funding in City budget.

**Informational Presentations:**

City of San Diego Public Works Department

Navajo Pipeline Rehabilitation Update: Lisa Canning Project Engineer

**Project Presentation regarding proposal for 26 Single family detached homes on property located at the North East corner of College Avenue and I-8: Tony Pauker, ColRich Communities:**

Places poster boards showing proposed development in front of audience. SD based company for over 30 yrs. 5.6 acre parcel. Originally intended to be part of original development 1958-68. Zoned RS1-7 5,000 sq. ft. minimum lots for single family homes. Follow zoning and Navajo Community Plan. Average home in area 1650-2,000 sq. ft. majority single story. Mid-century modern style. Going to follow look of existing homes in area and same size. Access point 75' south of Chevron carwash. Private road off of College single road into development. Historically site was cleared in late 50's early 60's. soil on site is fill. Non-native grasses and ornamental plants primarily on property. Not is MSCP to mitigate will purchase mitigation credits for off-site mitigation.

Gentleman in hat- asks about construction timeframe and ditch on property (will it be filled) T. Pauker states construction would not start for at least 18 months. Grading to take approx. 4 months, houses to be built in 5 months. Removing soil in northern portion of site and fill in the southern portion. Storm drain in middle.

Lady in audience – Do you own property and easement from fence-line current owner lives in Toronto and is being worked with. T. Pauker states backyards of current homes would face backyard of new homes.

Another lad - Does not see how road would work due to current traffic conditions. T. Pauker states Traffic Engineer working on the issue and has met with City staff. Deceleration right turn lane into property.

Gentleman – Egress issue have to go 4 lanes over to make U-turn on college to go south. Block lanes trying to inch way to turn lane. Biggest concern. T. Pauker states enforcement issue and builders are being addressed with City. There is no u- turn allowed.

Gentleman – Asked if permits acquired. T. Pauker states the area is considered environmentally sensitive area. No permits yet in process of getting them. ESL (Environmentally Sensitive Lands) most of City designated need higher reviews from city and more rigorous level of review.

Young lady in front row – access issue dealing with U-turn. What is travel route from development to get to freeway? T. Pauker states he does not know, empirical question about trip generation 10 trips per home per day. Would not notice additional traffic due to current usage. Outline the process please: long range planning (NCPI) designated as single family home development site. Development services – Compliance with all zoning and codes geo, bio, hazardous, public meetings, environmental document will submit tentative map during this process and City staff to make recommendation. To take at least 9 months but most likely at least 1 yr.

Property owner on Marne Ave. for 30 yrs. States he has used the property for over 5 yrs. and looking to acquire a prescriptive easement.

Gentleman in front row – Will utilities be undergrounded? T. Pauker states, yes they will be underground.

Back row gentleman – Asks about deceleration lane? Exiting right turn area may be reduced for new access. T. Pauker states it will be increased.

Gentleman in front row – Asks about utilities. Storm drain easement, sewer easement, water main easement, unused SDGE easement, and various other easements also.

Another gentleman in red in front row – Suggests a through site plan and pad elevations roof top elevations inform zoning for area when presenting before Del Cerro Action Council. Asks if any public funding? T. Pauker states zero public funding.

Lady in back (lives on Glenmont St.)- Asks about easement in vicinity. Caltrans property goes under College in



vicinity. T. Pauker states will not be touching Caltrans land.

Gentleman in middle. Asks for additional material including overlays. States most cars coming out of development will go south to I-8. Look at neighborhood not just traffic going north on College.

Lady standing in back – What will home prices be in development? T. Pauker states low \$600,000 to approach \$700,000 depending on options.

Lady in middle row -How many feet in back of house to back yard of current residences? T. Pauker states not certain yet will know more soon.

NCPI Board:

M. McSweeney – Mid-century question build home mimicking current homes in community. Tony states build home that take cues from the community.

D. Livingston – Thanks for preliminary discussion. Lives in area, traffic will be big concern and egress also. Enforcement issued correct. Beneficial to make sure traffic studies look at intersections north of project site (Rockheast, Lambda, etc.).

M. Adams thanks for coming in early stages. When return to NCPI with more specific data. Will be at Del Cerro Action Council on 7/23. At least 2 months before returning to NCPI

**Action Items:**

**Diego Hills Public Charter, Project #412339**

CUP to convert existing 5,470 sq. ft. retail building to a Charter School for ages 14-19 located at 8776 Lake Murray Blvd

Currently operation at El Cajon/College serving High School drop outs or credit at risk and not going to graduate. Open 8-6 staggered arrival. Same requirements as SD Unified. Flexible schedule. Large group new site currently 5,000 sq. ft. (Hollywood Video) be a good community partner. Niche market. Traffic study needed according to Cycle Report. A recent National City study says traffic design significantly lower than traditional school. States not sure if traffic study needed and city currently reviewing. M. Adams asks if building being expanded. States no but will do significant interior remodeling and will do work outside if needed.

M. McSweeney makes motion motion to approve CUP as proposed. L. Murray seconds. T. Flodin asks if giving carter school is giving kids an out to not stay in traditional high school. One size fits all does not meet all kids states. J. Wilson asks 6/02 cycle letter states traffic study needed. Has that been changed? City states may not need traffic study. M Reed asks if additional handicap spaces needed. Higher percentage of kids with IEP at this school. D. Livingston at any one time how many students staff, security, admin staff on site. Similar school in Chula Vista 8 teachers, a few tutors, principal. 300 kids served say 25-30 at most at one time. Mondays/Fridays light. 9-10 busier than 8 am. T. Cords asks about public transportation in area. Bus stop right next to building. Asks about other businesses in center and how they feel. Does not allow students to loiter. Security guard goes up and around to make sure there are no problems.

J. Pilch: States they came to SCAC on 5/5 and made the same presentation and it was well received. He suggests it be approved. Couple of issue regarding traffic impact study. City requiring 76 spaces and makes no sense if people coming in by public transportation. Security guard onsite and people occupying building may preclude people hanging out at site.

Jem Doonan: mentions El Cajon site and friend works there. Site looks very nice. Why not use SD Unified buildings. Have not tried using Prop 39 because not always seen as positive. Model dealing with kids not feeling comfortable with regular high school. A good way to get kids thru school.

MJ Wagner – One of most encouraging presentation on any topic and he hopes it succeeds.

Unanimous approval all in favor 15-0

**Saint Dunston's Church, Project #418067**

Crown St. Dustan's. CUP Process 4. Wireless Communication Facility: 3 panel antennas on 3 parking lot Stands with 185 sq. ft. equipment enclosure. 6556 Park Ridge Blvd.

Currently 3 30' tall light pools 12x30 foot equipment enclosure. No changes proposed to equipment. M. McSweeney makes motion to approve CUP as presented. J. Wilson Seconded. D. Northcutt – is there a change in frequency or voltage broadcasting. No changes proposed. Unanimous vote 15-0

J. Pilch –In favor of it.

Jem Doonan - Cell phone does not work in his house. How to get whole area covered. How to get total area coverage if no new towers? Covers up to Navajo.

**Community Group Reports:**

- Grantville Stakeholders Group - Matt Adams: Group dismissed.
- Allied Gardens Community Council - Marilyn Reed: 7/28 David Akin city of SD water Dept. town hall meeting 7 pm Ascension Lutheran Church on Zion.
- Del Cerro Action Council - Jay Wilson: David Akin presenting 7/23 7 pm Temple Emanu-El.
- San Carlos Area Council - John Pilch: 9/2 6 pm San Carlos branch library. Mayor Faulkner as speaker San Carlos Rec telecom proposal at San Carlos Rec Center.
- Mission Trails Regional Park Advisory Board: New Board members to be confirmed 7/30.

Future Agenda Items Old Business New Business Adjourn

**Cortez Residence**





May 30, 2017

Courtney Holowach  
City of San Diego  
1222 1<sup>st</sup> Avenue  
San Diego, CA 92120

Sent via e-mail: DSDEAS@sanidiego.gov

Re: SCH# 2017051071, Marburn Corp TM Project, City of San Diego, Community of Navajo; San Diego County, California

Dear Ms. Holowach:

The Native American Heritage Commission (NAHC) has reviewed the Mitigated Negative Declaration prepared for the project referenced above. The review included the Project Description, the Initial Study Environmental Checklist, and the Mitigation, Monitoring, and Reporting Program prepared by the City of San Diego. We have the following concerns:

- 51 {
1. There is no documentation of **government-to-government consultation by the lead agency** under AB-52 with Native American tribes traditionally and culturally affiliated to the project area as required by statute, or that mitigation measures were developed in consultation with the tribes. Discussions under AB-52 may include the type of document prepared and proposed mitigation. Contact by consultants during the Cultural Resources Assessments is not formal consultation.

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

CEQA was amended in 2014 by Assembly Bill 52. (AB 52).<sup>4</sup> **AB 52 applies to any project for which a notice of preparation or a notice of negative declaration or mitigated negative declaration is filed on or after July 1, 2015.** AB 52 created a separate category for "tribal cultural resources"<sup>5</sup>, that now includes "a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment."<sup>6</sup> Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource.<sup>7</sup> Your project may also be subject to **Senate Bill 18 (SB 18)** (Burton, Chapter 905, Statutes of 2004), Government Code 65352.3, if it also involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space. **Both SB 18 and AB 52 have tribal consultation requirements.** Additionally, if your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966<sup>8</sup> may also apply.

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

Agencies should be aware that AB 52 does not preclude agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52. For that reason, we urge you to continue to request Native American Tribal Consultation Lists and Sacred Lands File searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>. Additional information regarding AB 52 can be found online at [http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation\\_CalEPAPDF.pdf](http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf), entitled "Tribal Consultation Under AB 52: Requirements and Best Practices".

<sup>1</sup> Pub. Resources Code § 21000 et seq.

<sup>2</sup> Pub. Resources Code § 21084.1; Cal. Code Regs., tit. 14, § 15064.5 (b); CEQA Guidelines Section 15064.5 (b)

<sup>3</sup> Pub. Resources Code § 21080 (d); Cal. Code Regs., tit. 14, § 15064 subd. (a)(1); CEQA Guidelines § 15064 (a)(1)

<sup>4</sup> Government Code 65352.3

<sup>5</sup> Pub. Resources Code § 21074

<sup>6</sup> Pub. Resources Code § 21084.2

<sup>7</sup> Pub. Resources Code § 21064.3 (a)

<sup>8</sup> 154 U.S.C. 300101, 36 C.F.R. § 800 et seq.

RESPONSE TO COMMENT

Native American Heritage Commission

May 30, 2017

- 51) Two Native American Tribes traditionally and culturally affiliated with the project area requested consultation with the City of San Diego pursuant to Public Resources Code section 21082.3 (c). The City of San Diego met with the Iipay Nation of Santa Ysabel and the Jamul Indian Village on July 14, 2017 to engage in consultation. The tribes agreed with the City's position on Tribal Cultural Resources and consultation with these tribes concluded. The project will require archaeological and Native American monitors to be present during ground disturbing activities.

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

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

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

Sincerely,



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

Attachment

cc: State Clearinghouse



**Pertinent Statutory Information:****Under AB 52:**

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a **lead agency** shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice.

A **lead agency** shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project.<sup>9</sup> and **prior to the release of a negative declaration, mitigated negative declaration or environmental impact report.** For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code § 65352.4 (SB 18)."<sup>10</sup>

The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:

- a. Alternatives to the project.
  - b. Recommended mitigation measures.
  - c. Significant effects.<sup>11</sup>
1. The following topics are discretionary topics of consultation:
- a. Type of environmental review necessary.
  - b. Significance of the tribal cultural resources.
  - c. Significance of the project's impacts on tribal cultural resources.

If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency.<sup>12</sup>

With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process **shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code sections 6254 (r) and 6254.10.** Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public.<sup>13</sup>

If a project may have a significant impact on a tribal cultural resource, **the lead agency's environmental document shall discuss** both of the following:

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

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

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

Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code section 21080.3.2 **shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program**, if determined to avoid or lessen the impact pursuant to Public Resources Code section 21082.3, subdivision (b), paragraph 2, and shall be fully enforceable.<sup>16</sup>

If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, **the lead agency shall consider feasible mitigation** pursuant to Public Resources Code section 21084.3 (b).<sup>17</sup>

An environmental impact report **may not be certified**, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:

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

<sup>9</sup> Pub. Resources Code § 21080.3.1, subds. (d) and (e)

<sup>10</sup> Pub. Resources Code § 21080.3.1 (b)

<sup>11</sup> Pub. Resources Code § 21080.3.2 (a)

<sup>12</sup> Pub. Resources Code § 21080.3.2 (a)

<sup>13</sup> Pub. Resources Code § 21082.3 (c)(1)

<sup>14</sup> Pub. Resources Code § 21082.3 (b)

<sup>15</sup> Pub. Resources Code § 21080.3.2 (b)

<sup>16</sup> Pub. Resources Code § 21082.3 (a)

<sup>17</sup> Pub. Resources Code § 21082.3 (e)

- c. The lead agency provided notice of the project to the tribe in compliance with Public Resources Code section 21080.3.1 (d) and the tribe failed to request consultation within 30 days.<sup>18</sup>  
***This process should be documented in the Tribal Cultural Resources section of your environmental document.***

**Under SB 18:**

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

- SB 18 applies to **local governments** and requires them to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: [https://www.opr.ca.gov/docs/09\\_14\\_05\\_Updated\\_Guidelines\\_922.pdf](https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf)
- **Tribal Consultation:** If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.**<sup>19</sup>
- **There is no Statutory Time Limit on Tribal Consultation under the law.**
- **Confidentiality:** Consistent with the guidelines developed and adopted by the Office of Planning and Research,<sup>20</sup> the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code sections 5097.9 and 5097.993 that are within the city's or county's jurisdiction.<sup>21</sup>
- **Conclusion Tribal Consultation:** Consultation should be concluded at the point in which:
  - The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
  - Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation.<sup>22</sup>

**NAHC Recommendations for Cultural Resources Assessments:**

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

<sup>18</sup> Pub. Resources Code § 21082.3 (d)

<sup>19</sup> (Gov. Code § 65352.3 (a)(2)).

<sup>20</sup> pursuant to Gov. Code section 65040.2,

<sup>21</sup> (Gov. Code § 65352.3 (b)).

<sup>22</sup> (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).



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

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

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

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

<sup>23</sup> (Civ. Code § 815.3 (c)).

<sup>24</sup> (Pub. Resources Code § 5097.991).

<sup>25</sup> per Cal. Code Regs., tit. 14, section 15064.5(f) (CEQA Guidelines section 15064.5(f)).

# RINCON BAND OF LUISEÑO INDIANS

## Cultural Resources Department

1 W. Tribal Road - Valley Center, California 92082  
(760) 297-2330 Fax: (760) 297-2339



May 30, 2017

Courtney Holowach  
City of San Diego  
Development Services Center  
San Diego, CA 92101

**Re: Marburn Corp TM Project No. 435483**

Dear Ms. Holowach:

52 { This letter is written on behalf of the Rincon Band of Luiseno Indians. Thank you for inviting us to submit comments on the Marburn Corp. TM Project No. 435483. Rincon is submitting these comments concerning your projects potential impact on Luiseno cultural resources.

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

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

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

Sincerely,

Destiny Colocho  
Manager  
Rincon Cultural Resources Department

RESPONSE TO COMMENT

Rincon Band of Luiseno Indians

May 30, 2017

- 52) The City of San Diego provides draft environmental documents to Native American Tribes from San Diego County when a cultural resources report has been prepared and/or archaeological monitoring is required.
- 53) The requirement for Native American monitoring is included in Section V. of the Mitigated Negative Declaration, which identifies the applicant to confer with appropriate persons/organizations when inadvertent discoveries occurs during grading activities. In addition, draft copies of the Mitigated Negative Declaration were sent to all Native American groups in San Diego County.

Bo Mazzetti  
Tribal Chairman

Tishmall Turner  
Vice Chairwoman

Steve Stallings  
Council Member

Laurie E. Gonzalez  
Council Member

Alfonso Kolb  
Council Member



**Holowach, Courtney**

**From:** Graydon K Calder <gkcalder@cox.net>  
**Sent:** Wednesday, May 31, 2017 2:35 PM  
**To:** DSD EAS  
**Subject:** Project No. 435483

To Whom it may concern:

54 { As a 52 year resident of Del Cerro, I am very concerned about the proposed 24-home development project by property developer ColRich.

55 { Over the decades that I have lived in Del Cerro there have been many attempts to develop this small sliver of land, but they have all been turned down because of traffic and safety concerns and there are even more people using this single entrance to Del Cerro than when I built my home in 1965.

56 { The difficulty with this small sliver of land is there is no logical way to enter and exit from the property and, as I recall, when the last attempt was made to develop the property many years ago, the city turned down the project and said that it was best if it just remained undeveloped land.

57 { The present proposal is to use College avenue as a way to enter and leave the property. This is totally implausible because College avenue has a landscaped center divider so that people leaving the project would either have to make a right turn on Del Cerro Blvd and then make a U turn at Madra or continue north on College Avenue to Rockhurst and make a U turn since it's illegal to make a U turn at Del Cerro Blvd.

58 { Entering the property is even more problematic if you were coming south on College Avenue. You would have to go all the way across Hwy 8, thru 2 traffic lights and make a U turn on College and cope with the SDSU traffic. I am particularly concerned about emergency vehicles entering the project that way. For example the nearest fire station is just a short distance north on College and if there was a fire in one of the proposed homes, by the time a fire engine could get to the home following this circuitous route the house would most likely have burned to the ground and possibly spread to the homes on Marne Avenue which enjoins the property immediately to the east.

60 { The vast majority of the residents of Del Cerro are opposed to this project and I urge you to strongly oppose this when it comes before the City Planning Commission.

Sincerely,

Graydon K. Calder  
6417 Norman Lane  
San Diego, CA 92120

gkcalder@cox.net

RESPONSE TO COMMENT

Graydon K. Calder

May 31, 2017

54) This comment does not raise any specific issues with respect to the adequacy of the Draft MND. No additional response is required.

55) This comment does not raise any specific issues with respect to the adequacy of the Draft MND. No additional response is required.

56) The project access was reviewed by City staff and determined to meet sight distance and turning radius requirements. The issue presented by the MND is whether the project will have potentially significant impacts as defined by CEQA. The project's Traffic Access Study analyzed the project's potential impacts including access to and from the project site to College Avenue. Analysis focuses on the operations of the transportation network within the vicinity of the proposed project under both "with" and "without" the proposed project related traffic. The analysis demonstrates that the project's access to and from College Avenue is consistent with applicable City requirements, including sight distance standards. The MND properly analyzed the project against the transportation thresholds of significance and determined that the project will not have significant impacts.

57) Please see response to comment #56.

58) See response 32 and 33. The project has been reviewed by the City of San Diego Fire-Rescue Department and access has been deemed acceptable.

59) This comment does not raise any specific issues with respect to the adequacy of the Draft MND. No additional response is required.

60) This comment does not raise any specific issues with respect to the adequacy of the Draft MND. No additional response is required.

# VIEJAS

TRIBAL GOVERNMENT

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

Phone: 6194453810  
Fax: 6194455337  
viejas.com

RESPONSE TO COMMENT

Viejas Band of Kumeyaay Indians

June 2, 2017

June 2, 2017

Courtney Holowach  
Environmental Planner  
City of San Diego  
1222 First Avenue, MS 501  
San Diego, CA 92101

**RE: Marburn Corp TM Plan Project**

Dear Ms. Holowach,

61 { The Viejas Band of Kumeyaay Indians ("Viejas") has reviewed the proposed project and at this time we have determined that the project site is has cultural significance or ties to Viejas.

62 { Viejas Band request that a Kumeyaay Cultural Monitor be on site for ground disturbing activities to inform us of any new developments such as inadvertent discovery of cultural artifacts, cremation sites, or human remains.

Please call me at 619-659-2312 or Ernest Pingleton at 619-659-2314, for scheduling or email, rteran@viejas-sns.gov or epingleton@viejas-nsn.gov. Thank you.

Sincerely,



Ray Teran, Resource Management  
VIEJAS BAND OF KUMEYAAY INDIANS

61) Comment noted.

62) Per the City of San Diego's (City) Historical Resources Guidelines (Guidelines), the applicant must provide verification that a qualified archaeologist and/or monitor has been retained to implement the Mitigation, Monitoring and Reporting Program (MMRP) as identified in Section V of the Initial Study. Further, the City's MMRP requires that a Native American Monitor be present during all ground disturbing activities associated with the project. The Native American Monitor also has specific responsibilities in the event of a discovery, including notifying the appropriate parties, assisting with determining the significance of the discovery, and isolating the discovery site. The City's MMRP is adequately developed with sufficient measures that would substantially lessen or avoid significant environmental impacts associated with Historical Resources (Archaeology). The MMRP does not specifically state that the Native American monitor would be required to be Kumeyaay; however, the common practice in the City is to include Kumeyaay monitors on all projects requiring such mitigation measures.

**Holowach, Courtney**

**From:** Sharon Hudnall <sharonannhudnall@gmail.com>  
**Sent:** Saturday, June 17, 2017 12:55 PM  
**To:** DSD EAS  
**Cc:** Councilmember Scott Sherman  
**Subject:** Project Name: MARBURN CORP TM      Project No. 435483

I am commenting on the DRAFT MITIGATED NEGATIVE DECLARATION as listed above.

63 { As a resident of Del Cerro since 1984 with a house located at 6373 Lambda Drive and a rental property at 6142 Del Cerro Blvd., both less than a half mile of the planned 24-house site, I strongly oppose this project for numerous safety, environmental and quality of life reasons.

64 { Clearly, the proposed project presents serious public safety issues. The single egress/exit connector to the project from College Avenue North would require responders from the area fire station, located roughly a mile north of the housing on Lynch Street, to make a U-turn from S. College Avenue at an intersection with a heavy level of service from Freeway 8 exits, SDSU and Alvarado Hospital. The traffic hazards and emergency response time delays posed by this 1-way access would increase safety risks to the increasing number of residents as well as to passenger and commercial vehicles, pedestrians and bicyclists on College Avenue.

65 { A second issue is the increased level of traffic on residential side streets that would most certainly result from the project. Since the City's traffic impact study was conducted, over a year ago, the number of drivers using Lambda Drive to access Madra Ave. from College Ave., to avoid the heavy commercial and residential traffic on Del Cerro Blvd. (east side) has increased alarmingly. Further, Lambda Drive is now being used as a parking lot by 20 or more cars owned by tenants residing in the over-subscribed apartments located near the intersection of College Avenue and Del Cerro Blvd. It has already become virtually impossible for vehicles to navigate in opposite directions on Lambda Drive without one vehicle having to pull over to the curb to allow the other car or truck to pass. Adding 48+ vehicles (and over 100 additional vehicle trips) to the traffic flow will add more traffic to my street as residents will inevitably attempt to bypass the vehicles backed up in the right turn access lane to the 24-house project site from College Avenue.

66 { In terms of environmental impact, this planned housing project does not align with the Mayor's Climate Action Plan; it is not "smart growth" or essential redevelopment/infill. It is not affordable housing or transit-oriented because residents purchasing homes that cost more than \$700,000 per unit would most likely not be dependent on public transportation.  
67 { The development would destroy our much valued green space and completely wipe out habitat for wildlife, in addition to permanently degrading the character and aesthetics of the community. The green space provides a vital, natural buffer between residences and high levels of pollution and traffic noise generated by Freeway 8. A required retaining wall constructed between the project site and College Ave./Interstate 8 would present yet another concrete barrier (and potential heat sink) in an area already boxed in by massive walls constructed along the freeway/trolley rails. Further, if this project moves forward, the primary gateway to Del Cerro would change radically, presenting a congested view of vehicle waiting to turn right and the backyards of the planned single family housing units, made uglier by the retaining wall, in place of what is now a safe, welcoming and green entrance to our neighborhoods.  
68 {

69 { I strongly urge the City of San Diego to fully and unconditionally decline approval of Project No. 435483.

Sincerely,

Sharon Hudnall  
6373 Lambda Drive  
San Diego, CA 92120

RESPONSE TO COMMENT

Sharon Hudnall  
June 10, 2017

- 63) This comment does not raise any specific issues with respect to the adequacy of the Draft MND. No additional response is required.
- 64) Please see responses #29, #32, and #33.
- 65) The opinion offered in this commented is noted. The access analysis prepared by LOS Engineering, Inc. evaluated the proposed access to and from College Avenue. Additionally, CEQA Section 15125 states that environmental conditions should be evaluated "as they exist at the time....the environmental analysis is commenced." The analysis is based upon conditions at the time of the project's application, per CEQA 15125. Please see responses # 36 and # 37.
- 66) See response # 23. A CAP checklist was submitted and approved by staff and it was determined that the project is in compliance with all applicable policies of the CAP. Furthermore, it is speculative to draw a conclusion based on the price of the homes and the project's ability to be consistent with the CAP.
- 67) See responses #5 and #11.
- 68) CEQA does not analyze the effects of existing conditions, such as noise and pollution on new projects. CEQA would only consider if the project would exacerbate these conditions. As, noted in response #13 the proposed project would largely maintain existing topography while constructing residential units on the previously undeveloped site. The comment that the undeveloped lot acts as a noise and pollution buffer is unsubstantiated and the change to the environment in this regard would be negligible. The construction of the homes while maintaining the existing contours, would not exacerbate noise and traffic impacts. Additionally, the project site has not been designated as a gateway or entryway.
- 69) This comment does not raise any specific issues with respect to the adequacy of the Draft MND. No additional response is required.



**Holowach, Courtney**

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**From:** George Kaplan <sgkaplan@yahoo.com>  
**Sent:** Wednesday, June 14, 2017 2:45 PM  
**To:** DSD EAS  
**Subject:** Project Name: MARBURN CORP TM Project No. 435483

RESPONSE TO COMMENT

George Kaplan

June 14, 2017

70 { I am commenting on the DRAFT MITIGATED NEGATIVE DECLARATION as listed above. The resulting traffic out of the development will produce traffic jams on an already impacted College Ave. Also it will be very difficult for fire and EMT vehicles to reach homes in the new development.  
George Kaplan

70) Please see responses #26, # 29, #32 and #39.

Sent from my iPad

**Holowach, Courtney**

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**From:** Richard Perlman <rperlman4@cox.net>  
**Sent:** Wednesday, June 14, 2017 2:53 PM  
**To:** DSD EAS  
**Subject:** Project Name: MARBURN CORP TM      Project No. 435483

I am commenting on the DRAFT MITIGATED NEGATIVE DECLARATION as listed above.

As a 40+ year resident of this area, I must question the wisdom of allowing this project to go forward. The "cost" far exceeds the benefit. Traffic in this area is bad enough now, and is likely to increase as SDSU (of which I am an alumnus) grows.

Building additional homes, with access and egress on College Avenue, will only increase these problems and could cause problems with safety. It is not an accident that similar projects have been turned down in the past.

Please just walk/drive through the area and envision the traffic flow at the end of the work day. It will either bottle up the traffic on College Avenue, or drive more traffic to Waring Road, which is already being destroyed by its own increased traffic.

Thank you

Donald R Perlman  
Camino Corto  
San Diego, 92120

RESPONSE TO COMMENT

Richard Perlman

June 14, 2017

71) The opinion offered in this comment is noted. The comment does not address the adequacy of the MND.

72) Comment noted. Please see responses #26, #29, #33 and #32.

**Holowach, Courtney**

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**From:** Hubert Kim <HKim@wilsonturnerkosmo.com>  
**Sent:** Wednesday, June 14, 2017 3:28 PM  
**To:** DSD EAS  
**Subject:** Project Name: MARBURN CORP TM      Project No. 435483

I am commenting on the DRAFT MITIGATED NEGATIVE DECLARATION as listed above.

73 { My name is Hugh Kim and I live near the proposed development on College Ave./Del Cerro Blvd. and strongly oppose the project due to the traffic and safety issues the project would create. I drive along that route (and by the vacant lot) virtually every day. When I learned that a developer was planning on building a number of residential units on the lot, it shocked me. Given existing traffic conditions (and the anticipated increase in traffic if the project is completed), as well as the layout of the roadway and the right turn lane (northbound on College Ave. to access Del Cerro Blvd.), safe ingress/egress to the site would be extremely challenging, not to mention potential safety issues caused by drivers making illegal u-turns in order to quickly access the I-8 onramps. If the City Planning Department spent even 5 minutes at the site, it would be obvious that the location is simply not suited to handle vehicles pulling directly onto College Ave. or into the site at that location. I hope that City will take this into account and reject the development proposal.

Thank you,

Hugh Kim

RESPONSE TO COMMENT

Hugh Kim

June 14, 2017

73) The issue presented by the MND is whether the project will have potentially significant impacts as defined by CEQA. As previously discussed in response #29, the MND properly analyzed the project against the transportation thresholds of significance and concluded that the project will not have significant impacts. Also, please see responses #26, #33 and #32



**Holowach, Courtney**

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**From:** Micki Schneider <micki5@cox.net>  
**Sent:** Wednesday, June 14, 2017 8:55 PM  
**To:** DSD EAS  
**Subject:** Project Name: MARBURN CORP TM      Project No. 435483

I am commenting on the DRAFT MITIGATED NEGATIVE DECLARATION as listed above.

74) This proposed development is the wrong project for this piece of property! Traffic issues alone should deem it unacceptable. While I support infill and realize that San Diego open space is limited this particular land development will create hazards not only for the current homeowners in the neighborhood but also for new homeowners. Please be reasonable! Do not approve this property for development now or ever!

Sent from my iPhone  
Micki5@cox.net


RESPONSE TO COMMENT

Micki Schneider

June 14, 2017

74) This comment does not raise any specific issues with respect to the adequacy of the Draft MND.  
No additional response is required.

76) To tear out most, if not all, of the bit of greenery at that exit off Hwy 8 is bad enough, but the danger of a big fire, medical emergency, or a dozen other tragedies that could occur with so many in a small area, boggles the mind - mainly because of the ingress/egress for emergency responders. I also fear for kids getting out on that busy College Ave. and trying to cross - it is so dangerous and Hearst School is across College. The website from Del Cerro Action Council gives great, sensible reasons too. Please don't approve Project 435483. Thank you for listening,  
Susan Pitney

 Ms. Susan R. Pitney  
6443 Rancho Park Dr  
San Diego, CA 92120-3827

14 June 2017

Re: MARBURN CORP./Project No. 435483

Dear Ms. Holowach,

I've been out of town most of June, but I think this might arrive in time to ask you to please not approve the 24 house project of the Marburn Corp.<sup>75)</sup> It is truly just an effort to make some quick money at the expense of a community - and by community - the biggest losers are the purchasers of those homes in most respects, i.e. if they actually live there with a family, I would guess they'll be rented out to college students because it is not fit for family life.

RESPONSE TO COMMENT

Susan R. Pitney

June 14, 2017

- 75) Comment noted. This comment does not raise any specific issues with respect to the adequacy of the Draft MND. No additional response is required.
- 76) Please see section IV of the MND. Section IV provides a complete analysis of the biological resources located on the project site. The City allows for impacts to natural resources through the discretionary permit process combined with adherence to the City's Biological Guidelines. See response #5.
- 77) Comment noted please see response to comment #29, #32 and #33.
- 78) Comment noted please see response to comment #33

**Holowach, Courtney**

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**From:** Steven Behar <stevebehar@gmail.com>  
**Sent:** Thursday, June 15, 2017 4:39 AM  
**To:** DSD EAS  
**Subject:** Project Name: MARBURN CORP TM      Project No. 435483

I am commenting on the DRAFT MITIGATED NEGATIVE DECLARATION as listed above.

79 { I think this project is a terrible idea and will disrupt this community's flow of traffic, as well as being environmentally irresponsible.

Steve Behar

RESPONSE TO COMMENT

Steven Behar  
June 15, 2017

79) The issue presented by the MND is whether the project will have potentially significant impacts as defined by CEQA. The project's Traffic Access Study analyzed the project's potential impacts including access to and from the project site to College Avenue. The analysis demonstrates that the project's access to and from College Avenue is consistent with applicable City requirements, including sight distance standards. The MND properly analyzed the project against the transportation thresholds of significance and determined that the project will not have significant impacts.



**Holowach, Courtney**

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**From:** Teren Ellison <terend@mac.com>  
**Sent:** Thursday, June 15, 2017 8:33 AM  
**To:** DSD EAS  
**Subject:** OPPOSED! Project Name: MARBURN CORP TM      Project No. 435483

To All Concerned:

80 { I am opposed to construction of the 24 Homes being considered at College Avenue just North of Interstate 8.  
It's a gully, a waterway. That should give pause. Environmentally we need open waterways for wildlife and plants, not more covered in concrete. Not only that, but should torrential rains become part of our new weather pattern I would certainly not want to be living over a natural waterway.

81 { The traffic will be horrific morning and evening, and with no intersection light more dangerous.

82 { Keep the space open for us all to breathe: humans, animals, trees...

Thank you for your consideration.

Teren Ellison  
5672 Delano Avenue  
San Diego, CA 92120

//

RESPONSE TO COMMENT

Teren Ellison

June 15, 2017

80) Comment noted. Section IX of the Initial Study addresses hydrology and water quality. The project site is not mapped with any rivers or streams. The City's LDR-Engineering section reviewed the project for compliance with City standards including a Drainage Study and Storm Water Quality Management Plan. LDR-Engineering staff deemed the project in compliance with all applicable standards. Also, see response #5.

81) Please see responses #28 and #29.

82) This comment does not raise any specific issues with respect to the adequacy of the Draft MND. No additional response is required.

**Holowach, Courtney**

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**From:** Wayne Daniels <wayne147@prodigy.net>  
**Sent:** Thursday, June 15, 2017 11:46 AM  
**To:** DSD EAS  
**Subject:** Project Name: MARBURN CORP TM      Project No. 435483

I am commenting on the DRAFT MITIGATED NEGATIVE DECLARATION as listed above.

Please add me to the list of people who oppose this development due to safety and an increase in traffic in the area.

Wayne Daniels  
6361 Rockhurst Dr  
San Diego, CA

Sent from my iPhone

RESPONSE TO COMMENT

Wayne Daniels

June 15, 2017

83) The MND properly analyzed the project against the transportation thresholds of significance and determined that the project will not have significant impacts. See responses # 26, #29 #32 and #39.

**Holowach, Courtney**

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**From:** Larissa Cham <larissacham@gmail.com>  
**Sent:** Thursday, June 15, 2017 9:51 AM  
**To:** DSD EAS  
**Subject:** Project Name: MARBURN CORP TM      Project No. 435483

84) I am commenting on the DRAFT MITIGATED NEGATIVE DECLARATION as listed above.  
This is once of the most impractical use of land. The traffic would back up to the freeway and cause accidents. Merging onto College Avenue off 8 Westbound is already a fiasco. I don't know how you possibly got this to go through especially with sight distances not being to code.  
Find another place and don't destroy what good we have in this small town.

RESPONSE TO COMMENT

Larissa Cham

June 15, 2017

84) Sight distance for the proposed location of the driveway on College Avenue was evaluated per the City's Street Design Manual and found to be adequate. Please see responses #26, # 29, #32 and #39



**Holowach, Courtney**

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**From:** George Huling <ghuling@dslextrreme.com>  
**Sent:** Thursday, June 15, 2017 2:38 PM  
**To:** DSD EAS  
**Subject:** Project Name: MARBURN CORP TM      Project No. 435483

RESPONSE TO COMMENT

Karen Owens

June 15, 2017

85 } I am commenting on the DRAFT MITIGATED NEGATIVE DECLARATION as listed above.  
86 } This location on College Ave just south of Del Cerro Blvd would be very unsafe for entering onto and exiting from College Ave.  
86 } It is a bunch of accidents waiting to happen.  
  
Please don't allow this traffic problem to get started here.

Thank you for your consideration.  
Karen Owens klowens99@yahoo.com

85) Please see responses # 32 and #39.

86) Please see responses # 32 and #39.

**Holowach, Courtney**

**From:** Carolina Ojeda Vanderpoel <carolinaojeda27@gmail.com>  
**Sent:** Thursday, June 15, 2017 9:30 PM  
**To:** DSD EAS  
**Subject:** Project Name: MARBURN CORP TM Project No. 435483

RESPONSE TO COMMENT

Carolina Ojeda Vanderpoel

June 15, 2017

I am commenting on the DRAFT MITIGATED NEGATIVE DECLARATION as listed above.

**I am a resident of Del Cerro and use College Ave every day on my commute.  
I oppose this project 100 percent.**

**Mainly for the Unsafe Traffic Conditions and the less than ideal location if this proposed development.**

Also it is environmentally irresponsible, We need the canyon! That's all we have left in the area!

The developer, ColRich, has repeatedly failed to address several major safety and traffic issues which were raised during their presentations by deflecting all responsibility to the City of San Diego and Police departments. Their favorite mantra of "No Significant Impact" was repeated again and again. We disagree. Statistics presented by the developer, which seemed to minimize the traffic concerns, and fit within "city guidelines", were inadequate in understanding the complete picture as well as potential future unintended consequences.

Current traffic conditions on College Avenue and the surrounding streets make safe access into and out of the proposed site impossible. Right in / Right out ONLY (ingress/egress) of the proposed development, creates intense incentive to cut through residential areas and make illegal U-turns .

As a tax payer and home owners We Demand that the City Planning Department address these concerns before approving such a ridiculous project.

Sincerely  
Vanderpoels

Sent from my iPhone

87) Please see responses # 32 and #39.

88) Please see section IV of the MND. Section IV provides a complete analysis of the biological resources located on the project site. The City allows for impacts to natural resources through the discretionary permit process combined with adherence to the City's Biological Guidelines. See response #5.

89) Comment noted. The MND properly analyzed the project against the transportation thresholds of significance and determined that the project will not have significant impacts. Please see responses # 26 and # 29.

**Holowach, Courtney**

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**From:** Larry Dawson <calexicolaw@sbcglobal.net>  
**Sent:** Saturday, June 17, 2017 8:41 PM  
**To:** DSD EAS  
**Subject:** ColRichProject bit.ly/2s39zic CEQA

RESPONSE TO COMMENT

Larry Dawson  
June 17, 2017

90) Please see responses #26 and #28.

>  
90 { This idea is insane. I ask that the commission come to the area to see the bottlenecked traffic that already exists. SDSU  
is across the road and College Ave. North at the Del Cerro intersection is often clogged. The topography of this project  
and its proximity to existing homes both show it should not even be allowed. Hopefully reasonable minds will prevail.  
The Del Cerro community does not want it. The local council has voted against it. Please do your job and reject this  
project.  
>  
> Sent from my iPad





**San Diego County Archaeological Society, Inc.**

Environmental Review Committee

17 June 2017

RESPONSE TO COMMENT

San Diego County Archaeological Society

June 17, 2017

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

Subject: Draft Mitigated Negative Declaration  
Marburn Corp TM  
Project No. 435483

91) Comment noted.

Dear Ms. Holowach:

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

91 { Based on the information contained in the DMND and its cultural resources report, we agree with the inclusion of an archaeological monitoring program as defined in the DMND.

Thank you for the opportunity to review and comment upon this project's environmental documents.

Sincerely,

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

cc: Brian F. Smith & Associates  
SDCAS President  
File

**Holowach, Courtney**

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**From:** George Kirazian <geokirazian@sbcglobal.net>  
**Sent:** Wednesday, June 21, 2017 2:30 PM  
**To:** DSD EAS  
**Subject:** Project Name: MARBURN CORP TM / Project No. 435483

Dear DSDEAS:

92 { Our family, who have lived in the area under consideration (Northeast corner of College Ave. and I-8); who have observed the ever-growing traffic patters in this area; and who have reviewed the access/exit proposals for this project, are strongly opposed to it.

We know that those who have proposed this project have their studies and opinions as to why the project should go forward. But their arguments, no doubt, are based in large part on profit--surely an understandable reason for any similar project.

93 { But regardless of their studies, the project will have an inestimably negative effect on the lives and comfort of those who live in the immediate area, Traffic jams, bottlenecks, and danger to both students (who walk to SDSU) and residents (many of whom are Seniors), would clearly theraten the peace and well-being of those who have lived in the area for decades.

For these reasons, we are emphatically against Project: MARBURN CORP TM, Project No. 435483.

Thank you very much.

Respectfully,  
George Kirazian  
Del Cerro Resident

RESPONSE TO COMMENT

George Kirazian  
June 21, 2017

92) Please see responses # 29, #32 and #39.

93) Please see responses # 26, #28, #32 and # 39.

Holowach, Courtney

**From:** Robin Kastner <robinjk3@icloud.com>  
**Sent:** Thursday, June 22, 2017 12:11 PM  
**To:** DSD EAS  
**Subject:** Project Name: MARBURN CORP TM      Project No. 435483

I am commenting on the DRAFT MITIGATED NEGATIVE DECLARATION as listed above.

I am writing regarding the above project that impacts my neighborhood dramatically. I am in firm opposition of the proposed project for the following reasons:

1) Safety concerns

The one way in and one way out create a traffic pattern that would impact college ave. and create an added incentive to make illegal u turns particularly at Lamba and Rockhurst drive. The traffic flowing south on college is downhill where speeds can easily exceed 40 miles per hour, thus increasing the chance of accidents. If someone is leaving this proposed development they would likely not want to go the whole mile north to make a legal u-turn. Additionally the impact of additional traffic into the already very congested SDSU traffic would require someone wanting to return home to go well over one mile past Montezuma to make a legal u turn. We recognize that we can not control other peoples legal or illegal behavior however this project clearly creates and incentive to do the wrong thing due to the time required to do the correct thing.

2) Emergency vehicle access

During multiple meetings with the developers the issue was addressed about how emergency vehicles would access this development. The response was that the new homes have sprinklers for fire. This does not address a life threatening emergency requiring paramedic assistance and how they would get into the complex. As I am sure you are aware during peak hours the traffic is bumper to bumper, how would this be addressed?

3) Quality of life

It is my understanding that infill projects of this sort are not part of our community plan, ie. regrading a gully and stripping all the wildlife, plants etc was opposed by the community plan created many years ago.

I hope you will consider the issues brought up and back the rejection of this project as wrong for the Del Cerro Community.

Respectfully submitted

Robin Kastner  
6331 Glenmont Street  
San Diego, Ca 92120

RESPONSE TO COMMENT

Robin Kastner

June 22, 2017

94) Comment noted. Please see response to #26, #28, #29, #32 and #39.

95) Comment noted. Please see responses #29 and #32

96) As outlined in the MND and previously discussed, the proposed project is not in conflict with the Navajo Community Plan. Navajo is an established residential community, and the Residential Element of the Navajo Community Plan encourages the development of a variety of new housing types with dwelling unit densities primarily in the low to low-medium density range. The MND concluded a proposed project for single family residential is consistent with the land use designation and allowed density for this zone.



Holowach, Courtney

From: Brian Desrosiers <romyred@yahoo.com>  
Sent: Friday, June 23, 2017 3:17 PM  
Subject: Col Rich Project/College Avenue

Greetings,

97 { Hope this message finds you well. The purpose of this email is to notify you that my wife and I do not support this project. Our basis for non support is that the un-attractiveness of the access will eventually steer these residences into mini-dorms. While it won't happen immediately, it will happen eventually. Given the absence of no access from the north, individuals investing in this area will grow frustrated and owner turnover will happen on some level. Given the unscrupulous nature of the landlords of mini dorms, and the location, this area will eventually be ripe. The traffic access is self explanatory and ask yourself if you would buy a house here given the dysfunctional access the project will have. People looking to make a buck will be buying here.

98 { When you live in a neighborhood, you think longer term. The planning division and the developer don't live here and will have no stake in the development after the profits are made and the tax assessments are in place. It is no secret that code inspection is a hit or miss endeavor at best and that as time goes on, subtle changes will take hold. We will be left holding the bag on another irresponsible development. One only has to look at the 104 units that are going up at Margerum and Mission Gorge. These people will have to drive .6 miles to u-turn .6 miles back to then drive the distance to I-15. Would you choose to live here with a 1.2 mile drive to return to the predominant direction of travel to San Diego? Not unless you had to is what most people will answer. These first time buyer homes will be disproportionately gravitating to Section 8 within our lifetime. The Col Rich development has a similar dysfunctional traffic access and will make the southside Alvarado Canyon/College Boulevard intersection function less efficiently for whatever number of trips are associated to it.

99 { In closing, we are skeptical of the city's commitment in providing a reasonable balance to some of the projects coming up in our city. This area is ripe for a mitigation open space. We understand that some of the higher density projects have to find land for this purpose and we would encourage to evaluate this as an option.

Thank you for your time in reviewing this letter.

Sincerely,

Brian and Monet Desrosiers  
5469 Chaparajos Ct  
San Diego, CA 92120

RESPONSE TO COMMENT

Brian Desrosiers

June 23, 2017

- 97) The comment speculates that there could be an impact based on past experiences. CEQA Section 15384 states that speculation does not constitute substantial evidence. Additionally, City of San Diego Municipal Code Section 123.0501 addresses issues with so called mini-dorms. Any potential issues with mini-dorms will be dealt with through Code Enforcement and the San Diego Police Department.
- 98) The MND properly analyzed the project against the transportation thresholds of significance and determined that the project will not have significant impacts. In addition, comment speculates that there could be an impact based on past experiences. As previously stated, CEQA Section 15384 states that speculation does not constitute substantial evidence.
- 99) Please see section IV of the MND. Section IV provides a complete analysis of the biological resources located on the project site. Furthermore, the project's biological consultant conducted a biological survey for the subject site which was reviewed by EAS for conformance with City standards. The project site is surrounded by development and lacks connectivity to wildlife corridors or the Multi-Habitat Planning Area (MHPA) thus making the site inappropriate for a mitigation site.

**Holowach, Courtney**

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**From:** brendanc32 <brendanc32@gmail.com>  
**Sent:** Friday, June 23, 2017 8:09 AM  
**To:** DSD EAS  
**Subject:** Project Name: MARBURN CORP TM Project No. 435483

RESPONSE TO COMMENT

Brendan Concannon

June 23, 2017

I am commenting on the DRAFT MITIGATED NEGATIVE DECLARATION as listed above:

I believe this project will be detrimental to the community. There will be higher instances of traffic accidents and greater congestion in an already congested area. I strongly encourage the city to not allow this project to move forward, for the greater benefit of the community.

-Brendan Concannon

100) The comment assumes that the project will create traffic conflicts. To the contrary, the project's Traffic Access Study prepared by LOS Engineering, Inc. demonstrates that the project's access to and from College Avenue is consistent with applicable City requirements, including sight distance standards. The same study also analyzed relevant intersections and street segments, demonstrated that the project will contribute only 270 average daily trips and determined that the project will not have any significant impacts. Please see responses #26 and #28.

Daniel J. Tomsy  
6366 Park Ridge Blvd.  
San Diego, CA 92120  
dansky18@cox.net

RESPONSE TO COMMENT

Daniel Tomsy

July 7, 2017

July 7, 2017

ATTN: Ms. Courtney Holowach, Environmental Planner  
City of San Diego Development Services Center  
1222 First Avenue – MS 501  
San Diego, CA 92101

RE: Marburn Corporation TM, Project #435483

101 { I am writing as a San Diego resident homeowner opposed to the proposed 24 home project along College Avenue between Interstate 8 and Del Cerro Blvd. My wife and I have lived in our Del Cerro home for the past 21 years. We drive by the proposed project site almost every day at both peak and quieter travel times. We have experienced the increased vehicular traffic and especially, the impact of the early 2015 opening of the Einstein Bagels shop at the northeast corner of College Ave. and Del Cerro Blvd.

102 { For many reasons I believe this project is a problematic land-use given its location. This said, I find the City of San Diego's draft Mitigated Negative Declaration (MND) does not sufficiently determine that the project will not have detrimental environmental impacts – including ecological and traffic-related negative effects.

103 { I have attended the various Del Cerro Action Council and Navajo Community Planners meetings the past two years when this project was presented. I am encouraged that both groups voted against this proposed project – following the developer's presentations, convincing community input and lengthy discussions.

104 { The currently undeveloped canyon provides an important and aesthetically pleasing buffer between the I-8 freeway and entry into San Diego's Del Cerro community. Plant and animal life there will undoubtedly be disturbed. I don't believe this has been adequately addressed in the reports supporting the MND.

105 { For this letter, I am choosing to only address the City's posted Traffic Access Analysis Report – given its outdated data and very inadequate consideration of how vehicles will enter and exit the proposed project.

106 { At none of the community presentations have the developers satisfactorily addressed my biggest concern – that being one-and-only-one ingress/egress road connecting to the one way northbound lanes of College Avenue.

101) The MND properly analyzed the project against the transportation thresholds of significance and determined that the project will not have significant impacts. Please see responses #26 and #28

102) Comment noted. Please refer to comment #1.

103) This comment does not raise any specific issues with respect to the adequacy of the Draft MND. No additional response is required.

104) Please see section IV of the MND. Section IV provides a complete analysis of the biological resources located on the project site. Additionally see response #5.

105) Please refer to comment #26, #28, and #29

106) Please refer to comment #26, #28, and #29



To keep this letter brief and simple, I'm choosing to just highlight my concerns regarding the single ingress/egress driveway being proposed off of College Avenue via these bullet points:

- 107 {  
➤ While we haven't been presented with what a needed right turn in/out lane will look like, in terms of length and proper deceleration/acceleration design, its proximity to the Chevron driveway and corner present real safety concerns given the volume and speed of existing vehicular traffic along the College Avenue frontage.
- 108 {  
➤ I have serious safety concerns about safe and timely emergency vehicle access into proposed project. Truck coming from our Del Cerro fire station (#31), about a mile north near Navajo Road, would have a serious challenge entering this project given the one-way northbound lanes they would face and/or the danger of otherwise illegal U-turns just north of the I-8 off ramps and College Ave. bridge.
- 109 {  
➤ It concerns me that proposed project with its ingress/egress location could mean the end to any possibility of a dedicated bicycle link between the College Area and Del Cerro. This despite the fact that the Navajo Community Plan and City's Bicycle Master Plan Update calls for a bike network/route along the project's College Avenue frontage, AND this bike infrastructure is an important way to support the City of San Diego's Climate Action Plan.
- 110 {  
➤ Speaking of the City's Climate Action Plan it is contradictory that anyone just north of College Avenue and Del Cerro Blvd. would have to drive a full 2 miles to enter the project. One would need to drive south to College Avenue and Lindo Paseo at the now busy SDSU Trader Joes intersection to make a U-turn onto the northbound College Ave. lanes.
- 111 {  
➤ While the project developers have told us the added traffic volume will be insignificant, they don't consider that any traffic into and out of their project is 100% a different kind of traffic we've never had. The potential of unsafe ingress and egress is significant. There are inherent traffic conflicts. The ability for those leaving the project to get to I-8 is challenging. Legal U-turns on College Ave. are several blocks further north, and the prospect of U-turns at Del Cerro Blvd. and Marne St. is problematic given existing conflicts with the entry to Windmill Farms market and Einstein Bagel traffic flows since early 2015.

In closing, please consider the above concerns as any further processing of the Marburn project proceeds. While infill projects make sense in more urban city areas with proper public transit and street grids, infill at this land-locked proposed project location does not.

Sincerely, *Dan Tomskey*

- 107) Please refer to comment #26, #28, and #29
- 108) Please refer to comment #26, #28, and #29
- 109) Please refer to comment #24.
- 110) Please refer to comment #26, #28, and #29
- 111) Please refer to comment #26, #28, and #29

**Holowach, Courtney**

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**From:** msrawlins@cox.net  
**Sent:** Wednesday, June 14, 2017 8:58 AM  
**To:** DSD EAS  
**Cc:** Tirandazi, Firouzeh  
**Subject:** Project Name: MARBURN CORP TM; Project No. 435483

Mark Rawlins

June 14, 2017

Project Name: MARBURN CORP TM  
Project No. 435483

Dear Courtney Holowach,

112 { The Del Cerro community has voiced a great deal of concern regarding the draft Mitigated Negative Declaration prepared by the City's Development Services Department. The Del Cerro Action Council hereby requests the time period for public comment regarding its adequacy be extended for an additional 30 days to allow sufficient time for members of the community to thoroughly review and adequately respond to the document.

Thank you for your consideration,

Mark Rawlins, Chair  
Del Cerro Action Council  
619 888 9140

112) On June 14, 2017 an email request was made to extend the public review period for another 30 days ending July 24, 2017. The Land Development Code, Section 128.0307 (Requests for Additional Public Review Time on the Draft Environmental Document), allows the Planning Director to provide formally recognized community planning groups an additional 14-day extension to comment on the draft environmental document. Although the request was not made by a recognized community planning group, City staff took into consideration the request. An additional 14-day extension was granted until close of business July 7, 2017. Additionally, a Public Notice for Extension of the Public Review Period was posted on the City's Web at <http://www.sandiego.gov/city-clerk/officialdocs/notices/index.shtml> under the "California Environmental Quality Act (CEQA) Notices & Documents" section. All of the technical appendices were available for review at the Development Services Department located at 1222 First Avenue, San Diego, CA 92101 during the entire public review.

July 7, 2017

Charlene Owens

July 7, 2017

Thank you for giving us a forum for expressing our concerns over this Draft MND proposal for a 24-home Development near the intersection of College Avenue and Del Cerro Blvd. Project Name: Marburn Corp. Project Number: 435483.

I am a homeowner and resident of Del Cerro and I drive by this site (as do most residents) multiple times daily. I became educated about this project after finding out what I had assumed was a natural open space and graceful gateway into Del Cerro, was in the process of being mowed down, filled in with tons of dirt and completely destroyed.

I have attended every community meeting in which the Developer has presented. Rather than answering tough questions and community concerns, they have focused each and every instance on the architecture only. From the start, ColRich representatives have done their utmost to convince us that there would only be a 1% increase in overall traffic and tried to minimize and downplay the fact that this 1% would "in no way" wreak havoc on the entire area's traffic flow (or accident rates) as those new property owners would be forced to "enter only" and "exit only" onto fast moving or (depending on time of day), completely congested Northbound College Ave. These new residents would not legally be able to U-turn for a mile in either direction. At one point the ColRich representative even blandly suggested these new homeowners would "most likely go all the way to Waring Rd" about 3 miles through congested Allied Gardens to access the very freeway that was rushing mere feet from their front doors.

Now, it's a given that we are all grown adults and we understand human nature: illegal U-turns and "creative" bypass routes put into play by fed-up residents = completely foreseen traffic conflicts that the Developer did not pay their traffic engineers to address (or conversely paid them *not* to address). In fact, a read through of the questionable traffic study mentioned in this Draft MND avoids mention at all of the conflicts and consequences of such a project.

When a member of the Navajo Planners Group asked the Developer to include potential traffic conflicts in their study and was ignored, I have to ask, Why? When concerned citizenry asked how the Developer would propose mitigating these traffic concerns, on the most overburdened and busiest thoroughfare in our entire community, he replied, "...that is for the Police to handle... I suggest you speak with your local Police force." This exchange effectively signals disinterest in anything but his payday and to heck with your safety concerns, Del Cerro! When similarly asked about emergency response vehicle access difficulties (because of the one-way street), the developer said, ".... that's their problem." Yes, it will be their problem as the first U-turn they could attempt is straight into oncoming freeway traffic as it exits up onto College Avenue and Our problem as a community. How telling. I sincerely hope you will never have to experience the disingenuous tripe we were fed at every meeting in which ColRich presented.

I recently read a quote from the American Association of State and Highway Transportation Officials (AASHTO) and I think it applies here as well: *Poorly designed or poorly located access points can impact safety and reduce the capacity of the roadway. AASHTO considers access points to be intersections. Access points should be designed with the same care and consideration as intersections.*

113) The comment assumes that the project will create traffic conflicts. To the contrary, the project's Traffic Access Study prepared by LOS Engineering, Inc. demonstrates that the project's access to and from College Avenue is consistent with applicable City requirements, including sight distance standards. The same study also analyzed relevant intersections and street segments, demonstrated that the project will contribute only 270 average daily trips and determined that the project will not have any significant impacts. Please see responses #26, #28, 29.

114) Please see responses #26, #28, 29, 32, 33, 37 and #113.



Charlene Owens

July 7, 2017

115) The City of San Diego has prepared a Draft Mitigated Negative Declaration and Initial Study. CEQA Section 15070 states that a public agency shall prepare or have prepared a proposed negative declaration or mitigated negative declaration when "the initial study identifies potentially significant effects but there is not substantial evidence, in light of the whole record before the agency, that the project as revised may have a significant effect on the environment." CEQA Section 15384 defines "substantial evidence" as enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion even though other conclusions might also be reached. The Environmental Analysis Section (EAS) of the City of San Diego has reviewed the project and has prepared the Initial Study for the proposed project. Through this review EAS determined that significant impact associated with the project was to Biological Resources, Cultural Resources (Paleontology), Cultural Resources (Archaeology), and Tribal Cultural Resources. However, appropriate mitigation was included in the Mitigation Monitoring Reporting Program (MMRP) that would reduce the significant impact to below a level of significance. All other issue areas were determined not to have a significant impact. The MND was prepared in accordance with all CEQA requirements and it was determined that significant unmitigated impacts would not occur.

116) The comment does not directly raise any issues with respect to the adequacy of the Draft MND. No additional response is required.

117) Comment noted. Please see response #115.

Please consider that the proposed access point onto College Avenue **will** impact safety **and** reduce the capacity of the existing roadway.

Finally, while I understand that City Staff must attend/and respond to many requests, it is disheartening to see no original words. Level of work on this Draft MND is relegated to mere copy/paste of sections of the City website and boilerplate phrases that appear rushed and incomplete. Documents like the Navajo Community Plan, which are cited as being in accordance with the proposed development, have clearly not even been read, digested or realized in any meaningful way. I hope you can understand how this level of work is completely disheartening to the residents you represent. You have "called-in" this Draft MND, and it shows. Were you aiming for a pre-determined outcome in favor of the Developer? If not, this is certainly how it reads. We are counting on a balanced and thoughtful review from you, our City Planning Department.

At stake is not a blighted garbage-strewn lot in the middle of the City, just waiting for "higher and better use." This sliver of land is part of the natural ecosystem, a water-worn ravine, which also happens to retain leftover blanket zoning from the original 1950's development of the area. This should not indicate a free-for-all. It was previously undeveloped due to the nature of the topography, and it is certainly not what the City of San Diego or Navajo Community Plan envisioned as "prime infill opportunity" due to the multitude of issues: ingress/egress, safety, biological, and environmental to name but a few.



As it stands, this Draft MND has shown residents that by narrowing their inquiries into mere mathematic formulae dictating "less than significant" impact, and in direct opposition to what actually exists at ground zero, is all it takes for Developers to ride roughshod over legitimate community concerns. I am asking you to *Please Do Better* by your fellow San Diegans by delving into this proposal. You cannot *ever* undo this type of damage to the natural environment or give someone back their life after it was irreparably harmed or lost due to reckless illegal behavior that was incentivized by not being able to access freeways or homes in a timely manner.

I thank you for your reasoned and thoughtful analysis.

Sincerely,

*Charlene Owen*

Del Cerro Resident

## INITIAL STUDY CHECKLIST

1. Project title/Project number: Marburn Corp TM/435483
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: Courtney Holowach/(619) 446-5187
4. Project location: 5551 1/3 College Ave. San Diego, CA 92120
5. Project Applicant/Sponsor's name and address: ColRich California Construction, 444 West Beech Street, Suite 300, San Diego, CA 92101
6. General/Community Plan designation: Navajo Community Plan Area
7. Zoning: RS-1-7
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.):

SITE DEVELOPMENT PERMIT (SDP), PLANNED DEVELOPMENT PERMIT (PDP), EASEMENT VACATIONS, and TENTATIVE MAP (TM) for the subdivision of one existing 5.99 acre vacant parcel into 24 residential lots and ~~four~~ five HOA lots located at the northeastern corner of Interstate 8 and College Avenue. City of San Diego open space is directly to the south of the proposed project site. The proposed project site is addressed at 5551 1/3 College Ave., San Diego, CA 92120. The project proposes to construct 24 residential dwelling units with garages. The newly constructed dwelling units will be one of three design plans varying between 1,881 square feet and 2,273 square feet. Planned design features of the homes include asphalt shingle roofs, wood fascia, Hardy Board siding, stucco, vinyl windows, cultured stone, metal accent awnings and roll up garage doors. The project includes construction of a private road. No additional new infrastructure would be added as a result of this project, however. The project would connect to an existing storm drain on College Avenue and to an existing water main at Del Cerro Boulevard.

The project includes 12 foot masonry walls that will be color matched to the project architecture and screened with landscaping. Proposed landscaping includes Star Jasmine, Dwarf Coyote Brush, Flame Vine, California Lilac, Russian Sage, and Agave. **LEGAL DESCRIPTION: Portion of Lot 867 of Rancho Mission of San Diego in the City of San Diego, County of San Diego, State of California, as described in the Grant Deed Recorded November 3, 1975 as document 75-306249, O.R.**



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

The undeveloped 5.99 project site is surrounded by urban development. Interstate 8 is directly to the South of the project site and Del Cerro Boulevard is located to the North of the project site. San Diego State University is located 0.6 miles southwest of the proposed project site. The project site is zoned RS-1-7 within the Navajo Community Planning Area. The site contains ~~natural steep slopes (355 to 450 ft. contour) and sensitive/potentially sensitive biological resources, both of which is are~~ regulated by the Land Development Code (LDC) as Environmentally Sensitive Lands (ESL); Airport Land Use Compatibility Overlay Zone – Airport Influence Review Area 2 – Montgomery Field. The existing slope areas along the south and west sides of the property were previously graded when College Avenue was constructed and Interstate 8 was widened. The site does not contain any environmentally sensitive lands in the form of steep hillsides as defined in SDMC Section 113.0103.” Per Land Development Code (LDC), Section 125.0410, a tentative map is required for subdivision of land. A Site Development Permit is required for subdivision of a premises that contains environmentally sensitive lands, as described in LDC Section 143.0110. Additionally, the project site is situated in a developed area currently served by existing public services and utilities.

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

None required.

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

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

Yes two Native American Tribe traditionally and culturally affiliated with the project area have requested consultation with the City of San Diego pursuant to Public Resources Code section 21082.3 (c). The City is in consultation with these tribes. The current project is located in an urbanized and developed area but in close proximity to a recorded archaeological site. The project will require archaeological and Native American monitors to be present during ground disturbing activities.

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

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

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

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

On the basis of this initial evaluation:

- ☐ The proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ The proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ The proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect (a) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (b) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required.
- ☐ Although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or

(MITIGATED) NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or (MITIGATED) NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.



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

The project site is currently undeveloped but is surrounded by urbanized residential development and roadways. City owned open space is directly to the south of the proposed project site. Construction of the project would affect the visual environment during excavation, grading, and on-site storage of equipment and materials. Although views may be altered, construction would be short term and temporary. Temporary visual impacts would include views of large construction equipment, storage areas, and any potential signage. All construction equipment would vacate the project site upon completion of the proposed project, thus making any visual obstructions temporary.

City staff reviewed the project for consistency with all applicable zoning regulations and land use plans including Navajo Community Plan. The Navajo Community Plan has not designated a view corridor through the project site or adjacent properties. Therefore, since the proposed project site is surrounded by existing residential development, is consistent with all applicable zoning regulations and because the property is not designated as a scenic vista all impacts would be less than significant.

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 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"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

There are no scenic resources such as trees, rock outcroppings or historic buildings within the project's boundaries. As mentioned above the project complies with all height and setback regulations and is not located within a state scenic highway and no impacts would occur.

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 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 site is currently undeveloped and the project would construct 24 single dwelling units. The new dwelling units would be constructed to comply with all height and bulk regulations. The proposed development is consistent with Visual Resource recommendations as outlined in the Navajo Community Plan. The structure heights are consistent with building envelope regulations which preserve public views through the height, setback, landscaping, and fence transparency parameters of the Land Development Code. These parameters limit the building profile and

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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maximize view opportunities. Therefore the project would not substantially degrade the existing visual character or the quality of the site and its surroundings. No impact would occur.

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 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"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

The project would not be predominately constructed with light reflective material and all lighting would be required to be shaded and adjusted to fall on the project's site as required in the City's municipal code. In addition the project would not be located adjacent to a light-sensitive property and therefore the single dwelling unit would not create a substantial light or glare impact. The project would also be subject to the City's Outdoor Lighting Regulations per Municipal Code Section 142.0740. No impact would occur.

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 Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

The project site is not classified as farmland by the Farmland Mapping and Monitoring Program (FMMP). Similarly, the land surrounding the project site is not in agricultural production and is not classified as farmland by the FMMP. Therefore, the residence would not convert farmland to non-agricultural uses. No impacts would occur.



Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 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"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Please see II.a the project would not conflict with the Williamson Act Contract.

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

No land within the Navajo Community Plan is designated as forest land or timberland. Therefore, the project would not conflict with existing zoning forest land and no impact would occur.

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 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"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

The project site is located within a largely developed and urbanized area of the City and is not designated as forest land. Therefore, the project would not convert forest land to non-forest use. No impact would occur.

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 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"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

No existing agricultural uses are located in the proximity of the project area that could be affected. Therefore, the project would not convert farmland to non-agricultural uses or forestland to non-forest use. No impact would occur.

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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III. AIR QUALITY – Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied on to make the following determinations – Would the project:

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Conflict with or obstruct implementation of the applicable air quality plan? | <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 (O<sub>3</sub>). 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.

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 24 new single dwelling units adjacent to a developed neighborhood of similar residential uses. The project is consistent with the General Plan, community plan, and the underlying zoning for residential development. 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"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

#### Short-term Emissions (Construction)

Project construction activities would potentially generate combustion emissions from on-site heavy duty construction vehicles and motor vehicles transporting the construction crew and

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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necessary construction materials. Exhaust emissions generated by construction activities would generally result from the use of typical construction equipment that may include excavation equipment, forklift, skip loader, and/or dump truck. 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 off-site. It is anticipated that construction equipment would be used on-site for four to eight hours a day; however, construction would be short-term and impacts to neighboring uses would be minimal and temporary.

Fugitive dust emissions are generally associated with land clearing and grading operations. Due to the nature and location of the project, construction activities are expected to create minimal fugitive dust, as a result of the disturbance associated with grading. The project would construct 24 new residences and would include standard measures as required by the City of San Diego grading permit which would reduce potential air quality impacts to less than significant. 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. Impacts related to short term emissions would be less than significant.

#### Long-term Emissions (Operational)

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 source emissions. Once construction of the project is complete, long-term air emissions would potentially result from such sources as fireplaces, heating, ventilation, and cooling (HVAC) systems, and other motorized equipment typically associated with residential uses. The project is compatible with the surrounding development and is permitted by the community plan and zone designation. Based on the residential land use, project emissions over the long-term are not anticipated to violate any air quality standard or contribute substantially to an existing or projected air quality violation. Impacts would be less than significant.

Overall, the project is not expected to generate substantial emissions that would violate any air quality standard or contribute to an existing or projected air quality violation; therefore, impacts would be less than significant.

- 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

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Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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thresholds for ozone precursors)?

As described above in response III (b), construction operations may 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 (BMP's) would reduce potential impacts related to construction activities to less than significant. Therefore, the project would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under applicable federal or state ambient air quality standards. 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)

Typical long-term operational characteristics of residential projects are not anticipated to generate odors which would affect a substantial number of people. The project would construct residential dwelling units with attached garages. Therefore, project operations would result in less than significant impact.

#### 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? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input 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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The proposed project site is not within, nor is it adjacent to, the City's Multi-habitat Planning Area (MHPA) as defined by the Multiple Species Conservation Program (MSCP). The project is mapped as having sensitive biological resources, however. Due to the presence of these resources a Biological Technical Report (BTR) was prepared for the project (Alden Environmental, Inc., Dec. 12, 2016).

According to the approved BTR three sensitive plant species were observed on site. They include graceful tar plant, San Diego County sunflower, and ashy spike moss. One sensitive animal species, orange-throated whiptail was observed on-site. In general, the potential for many sensitive animal species to occur on site is limited to the site's small size, its isolation (i.e., surrounded by development), and its location in an urban environment.

Per the approved BTR, the proposed project's impacts that require mitigation total 3.6 acres (3.0 acres of Tier II Diegan Coastal Sage Scrub and 0.6 acre of Tier IIIB non-native grassland). The site is surrounded by existing urban development and therefore has low long-term conservation value. As identified in the BTR the project is proposing to provide 3.3 acres of mitigation and would accomplish this through payment into the City's Habitat Acquisition Fund (HAF) (BIO-1). The City uses the HAF to acquire habitat critical for biodiversity preservation and for the success of the MSCP. The HAF is intended for use for the mitigation of impacts to small (generally less than five acres), isolated sites with lower long-term conservation value. Impacts will be less than significant with mitigation incorporated.

Furthermore, measures such as having a qualified biologist monitoring construction and outlined as BIO-2, will ensure that the project's impacts do not exceed the limits analyzed in the accepted BTR. Therefore, EAS finds that impacts will be less than significant with mitigation incorporated.

- 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 response IV(a) above. The project site is identified with 3.0 acres of Diegan Coastal Sage Scrub and 0.6 acre of non-native grassland, neither of which are wetland or riparian vegetation communities. Therefore, the project would not have a substantial adverse impact on any riparian habitat or other sensitive natural community identified in the Navajo Community Plan, the City of

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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San Diego General Plan, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service. 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?

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

The project site is currently undeveloped but is surrounded by an urban setting. Additionally, per the accepted BTR (Alden, Dec. 2016), there are no federally protected wetlands on site. Therefore, construction activities would not cause an impact to wetlands as defined by Section 404 of the Clean Water Act. There would be no impacts to federally protected wetlands.

- 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?

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

Per the approved BTR (Alden, Dec. 2016), the project site is located in an urbanized area of the City and is not within or adjacent to any wildlife corridor areas including the MHPA. Nor is it located within a migratory passageway for any native resident or migratory fish or wildlife species. No impact would occur.

- 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 type="checkbox"/>	<input checked="" type="checkbox"/>
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The project would be consistent with all relevant goals and policies of the City's General Plan and of the Navajo Community Plan regarding the preservation and protection of biological resources. Although the project is not within the City's MHPA, the project would be consistent with all relevant

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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goals and policies regarding the preservation and protection of biological resources, as outlined in the City's MSCP.

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Although the proposed project is not within the City's MHPA, the project would be consistent with all relevant goals and policies regarding the preservation and protection of biological resources, as outlined in the City's MSCP. No impacts would occur.

#### 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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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

The project is located in an area known to contain significant historical/archaeological resources. Additionally, the proposed project site is undeveloped. Therefore, the preparation of a cultural resources study was required (Brian F. Smith and Associates, Inc. April 2016). The study comes to the conclusion that while no prehistoric cultural resources were identified during the survey that

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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due to the presence of recorded cultural resources within a one-mile radius of the project area archaeological and Native American monitoring of all earth-moving activities are required.

Therefore, monitoring would be required for all future actions that would require excavation on the project site. The archaeological monitoring, as discussed in Section V of the MND, will serve as mitigation to reduce potential impacts below a level of CEQA significance.

#### Built Environment

The City of San Diego reviews projects requiring the demolition of structures 45 years or older for historic significance in compliance with the California Environmental Quality Act (CEQA). CEQA Section 21084.1 states that "A project that may cause a substantial adverse change in the significance of an historical resource is a project that may cause a significant effect on the environment." Historic property (built environment) surveys are required for properties which are 45 years of age or older and which have integrity of setting, location, design, materials, workmanship, feeling, and association.

The proposed project is the development of 24 dwelling units on a currently undeveloped lot. Therefore, no impacts to historical resources built environment will occur.

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

The project will require the implementation of archaeological monitoring. Please see V.a.

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

The proposed project site is underlain by the Santiago Peak Volcanic and Stadium Conglomerate formations. The Santiago Peak Volcanic is assigned a zero and the Stadium Conglomerate is assigned a high potential for fossil resources.

According to the City's CEQA Significance Threshold Guidelines grading greater than 1,000 cubic yards and cutting deeper than 10 feet in depth in a high potential formation may constitute a significant impact to paleontological resources. According to submitted grading quantities the project will exceed this threshold by grading 18,300 cubic yards at a depth of 18 feet.



Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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Paleontological monitoring will be required to mitigate impacts below a level of CEQA significance. See Section V of the MND for further details. Impacts will be less than significant with mitigation measures incorporated.

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

Refer to response V(a) above. The archaeological investigation did not identify any cemeteries, either formal or informal. However, because the whole extent of sub surface resources are not known an archaeological and Native American monitor would be required to observe all ground disturbing activities associated with the project. If human remains are discovered during the construction of the project compliance with section IV of the archaeological MMRP would ensure that impacts within this category would be less than significant.

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

The project is not located within an Alquist-Priolo Fault Zone and would utilize proper engineering design and standard construction practices in order to ensure that potential impacts in this category would remain less than significant. Therefore, risks from rupture of a known earthquake fault would not be significant.

- |                                    |                          |                          |                                     |                          |
|------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|
| ii) Strong seismic ground shaking? | <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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The project site is located within Geologic Hazards Zone 52 as shown on the City's Seismic Safety Study Geologic Hazards Maps. Zone 52 is characterized by other level areas, gently sloping to steep terrain, favorable geologic structure, low risk.

The site could be affected by seismic shaking as a result of earthquakes on major local and regional active faults located throughout the southern California area. The applicant submitted a Geologic Investigation (Geotechnical Addendum, Response to Cycle 16 Review Comments, LDR-Geology, Del Cerro Residential Development, College Avenue and Interstate 8, San Diego, California, prepared by Advanced Geotechnical Solutions, Inc., dated February 8, 2017). Qualified City staff has reviewed the submitted technical report and deemed that the geotechnical consultant has adequately addressed the soil and geologic conditions potentially affecting the proposed project. Strong seismic ground shaking would be a less than significant impact.

iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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As mentioned in the response above the site is located in an area known to contain favorable geologic structure. Per the submitted Geologic Investigation, the project site is underlain by the Santiago Peak Formation that consists of dense to medium dense, fine to medium-grained, silty to clayey sands that are not susceptible to seismically induced liquefaction or settlement. Proper engineering design and utilization of standard construction practices would ensure that impacts resulting from liquefaction would not occur.

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

The report did not indicate the presence of landslides on the site or in the immediate vicinity. Furthermore the project site is not mapped in a landslide zone and impacts in this category would not be 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"/>
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The project includes a landscape plan that has been reviewed and approved by City staff that precludes erosion of topsoil. In addition, standard construction BMPs would be in place to ensure that the project would not result in a substantial amount of topsoil erosion. 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	<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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result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

Please see Vair, proper engineering design and utilization of standard construction practices would be verified at the construction permitting stage and would ensure that impacts in this category would not occur.

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

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The soil types for project are Diablo-Urban Land Complex and Sandy Loam which are not expansive. Furthermore, the design of the project would utilize proper engineering design and standard construction practices to ensure that the potential for impacts would not occur.

- e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?

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The project does not propose the use of septic tanks. As a result, septic tanks or alternative wastewater systems would not be used. Therefore, no impact with regard to the capability of soils to adequately support the use of septic tanks or alternative wastewater disposal systems would result.

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

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

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Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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On July 12, 2016, the City of San Diego adopted the Climate Action Plan (CAP) Consistency Checklist, which requires all projects subject to discretionary review to demonstrate consistency with the Climate Action Plan. For project-level environmental documents, significance of greenhouse gas emissions is determined through the CAP Consistency Checklist.

The City's Climate Action Plan (CAP) outlines the actions that the City will undertake to achieve its proportional share of State greenhouse gas (GHG) emission reductions. A CAP Consistency Checklist (Checklist) is part of the CAP and contains measures that are required to be implemented on a project-by-project basis to ensure that the specified emission targets identified in the CAP are achieved. Projects that are consistent with the CAP as determined through the use of this Checklist may rely on the CAP for the cumulative impacts of GHG emissions.

The project is consistent with the existing General Plan and Community Plan land use and zoning designations. Further based upon review and evaluation of the completed CAP Consistency Check for the project, the project is consistent with the applicable strategies and actions of the CAP. Therefore, the project is consistent with the assumptions for relevant CAP strategies toward achieving the identified GHG reduction targets, and impacts from greenhouse gas emissions are considered less than significant. No mitigation is 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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The project would not conflict with an applicable plan, policy, or regulation adopted for the purposes of reducing the emissions of greenhouse gases. The project is consistent with the existing General Plan and Community Plan land use and zoning designations. Further based upon review and evaluation of the completed CAP Consistency Checklist for the project, the project is consistent with the applicable strategies and actions of the CAP. Therefore, the project is consistent with the assumptions for relevant CAP strategies toward achieving the identified GHG reduction targets. Impacts are considered less than significant. No mitigation is required.

#### 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?

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Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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The project is residential in nature and does not propose the use or transport of any hazardous materials beyond those used for everyday household purposes. Therefore, no such impacts would occur.

Construction of the project may require the use of hazardous materials (fuels, lubricants, solvents, etc.), which would require proper storage, handling, use and disposal; however, the project would not routinely transport, use or dispose of hazardous materials. Therefore, the project would not create a significant hazard to the public or environment.

- 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 type="checkbox"/>	<input checked="" type="checkbox"/>
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Please see VIIIa.

- 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"/>
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Please see VIIIa.

- 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"/>
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Staff assessed Geotracker and Envirostor databases, and reviewed the Cortese list.

Geotracker is a database and geographic information system (GIS) that provides online access to environmental data. It tracks regulatory data about leaking underground fuel tanks (LUFT), Department of Defense (DoD), Spills-Leaks-Investigations-Cleanups (SLIC), and Landfill sites.

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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Envirostor is an online database search and GIS tool for identifying sites that have known contamination or sites where there may be reasons to investigate further. It also identifies facilities that are authorized to treat, store, dispose or transfer (TSDTF) hazardous waste.

The Cortese List is a Hazardous Waste and Substance Sites (Cortese) List, which is a planning resource used by the State, local agencies, and developers to comply with the California Environmental Quality Act (CEQA) requirements in providing information about the location of hazardous materials release sites. Government Code section 65962.5 requires the California Environmental Protection Agency to develop, at least annually, an updated Cortese List. The Department of Toxic Substances Control (DTSC) is responsible for a portion of the information contained in the Cortese List. Other State and local government agencies are required to provide additional hazardous material release information for the Cortese List.

Based on the searches conducted, no contaminated sites are on or adjacent to the project site. 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 miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?

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Activities associated with the necessary grading, demolition, and construction would not increase the potential to result in a safety hazard for people residing or working in areas surrounding the project site. Long-term operation of the residential development would not interfere with the operations of any airport. The project site is not located within any airport land use plan, the airport environs overlay zone, or airport approach overlay zone. The project site is also located within two miles of any airport. Therefore, no significant impacts would occur, 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?

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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 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"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

The project would not impair the implementation of, or physically interfere with, an adopted emergency response plan or evacuation plan. No roadway improvements are proposed that would interfere with circulation or access, and all construction would take place on-site. No impacts would occur, and no mitigation measures are required.

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

This project is located in a developed neighborhood with no wildlands located adjacent to the site or within the adjacent neighborhood. Therefore, it would not be possible to cause wildland fires directly.

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

All runoff would be routed to the existing City of San Diego public conveyance system (curb and gutters). Compliance with the City of San Diego's Storm Water Standards along with the recommendations of the water quality study (Pasco Laret Suiter, February 2017) would ensure that water quality impacts would not occur and mitigation is not required.

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

The project would be connected to the public water supply. It would not rely directly on groundwater in the area and would not significantly deplete any resources. No impacts 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?

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Proper landscaping would prevent substantial erosion onsite. No stream or river is located on or adjacent to the site, all runoff would be routed to the existing storm drain system, and would therefore not substantially alter existing drainage patterns.

- 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?

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Please see IX.c., no flooding would occur.

- e) Create or contribute runoff water, which would exceed the

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Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?

Based on City of San Diego review, the project would be adequately served by existing municipal storm water drainage facilities, therefore no impacts would occur. Potential release of sediment or other pollutants into surface water drainages downstream from the site will be precluded by implementation of Best Management Practices (BMPs) required by City of San Diego regulations, in compliance with San Diego Regional Water Quality Control Board requirements to implement the federal Clean Water Act. Therefore, no significant surface water quality impacts are expected to result from the proposed activity. Proper irrigation and landscaping would ensure that runoff would be controlled and unpolluted. No impacts would occur.

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

See IX. e)

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 does not propose construction of any new housing in a 100 year flood hazard area and impacts in this category would not 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"/>
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The project does not propose construction of any new housing in a 100 year flood hazard area and impacts in this category would not occur.

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"/>
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Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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The project involves the construction of 24 new dwelling units which will complement the established surrounding community and will not physically divide an established community. The proposed project is consistent with the General Plan's and Navajo Community Plan's land use designation. No impacts would result.

- 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"/>
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See response X(a) above. Per Land Development Code (LDC), Section 125.0410, a tentative map is required for subdivision of land. A Site Development Permit is required for subdivision of a premises that contains environmentally sensitive lands, as described in LDC Section 143.0110. The Project will require the processing of a Planned Development Permit (PDP) for four deviations: to create buildable lots without frontage on a dedicated public right-of-way, to create residential lots which take access from a private drive, to reduce the front yard and rear yard setback for certain dwelling units, and to allow certain lots to deviate from the minimum required lot depth. The project proposes to vacate four existing public service easements. No public improvements existing within these easements and they will no longer be used once the proposed project improvements are constructed. The project is compatible with the area designated for residential development by the General Plan and Community Plan, and is consistent with the existing underlying zone and surrounding land uses. Construction of the project would occur within an urbanized neighborhood with similar development. 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 this, no impacts would result.

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

<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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As previously discussed in Section IV, although the project is not within the MHPA, the project would be consistent with all relevant goals and policies regarding the preservation and protection of biological resources, as outlined in the City's MSCP. The project does not have the potential to conflict with any habitat conservation plans. In addition, implementation of the project would be consistent with all biological resources policies outlined in the General Plan and Navajo Community Plan. Implementation of the project would not conflict with any applicable plans, and no impact would occur.

#### 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"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

This project site is located in adjacent to a developed neighborhood not suitable for mineral extraction and is not identified in the General Plan as a mineral resource locality. Therefore, the project would not result in the loss of availability of a known mineral resource. No impacts would result.

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 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"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

See XI a.

#### 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

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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An acoustical analysis for the project was completed (Davy & Associates, Inc., December 16, 2016). Per the approved analysis, the project would not expose people to a substantial increase in temporary or periodic ambient noise levels. Construction noise would result during grading, demolition, and 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.

#### Long Term

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

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| b) Generation of, excessive ground borne vibration or ground borne noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

See response XII (a) above. Potential effects from construction noise would be reduced through compliance with City restrictions. Pile driving activities that would potentially result in ground borne vibration or ground borne noise are not anticipated with construction of the project. 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 type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

See XII the project once completed would not result in any permanent significant noise increase.

- |   |                          |                          |                                     |                          |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 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"/> |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|



Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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As previously stated, an acoustical analysis for the project was completed (Davy & Associates, Inc., December 16, 2016). Per the approved analysis, the project would not expose people to a substantial increase in temporary or periodic ambient noise levels.

In addition, per the approved acoustical report, an analysis of the average daily traffic volumes for the project were conducted. The noise level generated by increased traffic due to the project would be 0.03 dB. This noise level increase will not be noticeable by the residents of the residential single family homes to the east of College Avenue or to the west of College Avenue. No mitigation is 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 type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

The project is not located within an airport land use plan or within noise contours. Therefore, residents of the new building would not be exposed to excessive noise levels from a public airport.

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 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"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

The project is not located within the vicinity of a private airstrip; therefore, people residing or working in the area of the project would not be exposed to excessive airport noise. No impacts would result.

### 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"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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The project would construct 24 new residences. The project will construct a private road that connects to existing infrastructure to serve the new residences. However, the construction of the new residences do not necessitate the extension of existing roads or other infrastructure. No impacts would occur.

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 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"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

No displacement would occur as a result of this project. The proposed project is adding to the housing stock by developing a currently vacant plot of land.

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 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"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

See XIII B above.

#### XIV. PUBLIC SERVICES

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

- |                    |                          |                          |                          |                                     |
|--------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| i) Fire Protection | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|

The City of San Diego Fire-Rescue Department (SDFD) encompasses all fire, emergency medical, lifeguard and emergency management services. SDFD serves 331 square miles, including the project site, and serves a population of 1,337,000. SDFD has 801 uniformed fire personnel and 48 fire stations available to service the project site. The closest fire station to the project site is Station 31 (approximately 1.1 miles north).

The project would construct 24 residences but would not require the alteration of any fire protection facilities and would not require any new or altered fire protection services.

- |                       |                          |                          |                          |                                     |
|-----------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| ii) Police Protection | <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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The City of San Diego Police Department (SDPD) would serve the proposed project. The project site is located within the SDPD's Northern Division, which serves a population of 225,234 people and encompasses 41.3 square miles. The project would construct 24 residences and would not require would not require any new or altered police protection services.

iii) Schools	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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The project would not physically alter any schools. Additionally, the project would not include construction of future housing or induce growth that could increase demand for schools in the area. No impacts would occur.

v) Parks	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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The nearest parks to the project site include Princess Del Cerro 1.3 miles south and Del Cerro 0.5 mile west. The project would not induce growth that would require substantial alteration to an existing park or the construction of a new park does not have a population-based park requirement.

vi) Other public facilities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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The scope of the project would not substantially increase the demand for electricity, gas, or other public facilities.

#### 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"/>
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The project proposes 24 residences but would not require any expansion of existing recreational facilities. There would be a minimal increase in the use of existing facilities in the area including parks or other recreational areas.

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

The project does not include the construction of recreational facilities nor does it require the construction or expansion of recreational 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?

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The project is estimated to generate approximately 260 daily trips including 21 during the morning peak hour and 27 during the afternoon peak hour. Although the project did not meet the City's threshold for requiring a full transportation impact study, an access analysis was required to evaluate traffic operations at the intersection of College Avenue and Del Cerro Boulevard and to ensure adequate sight distance and other applicable factors (LOS Engineering, Inc., February 3, 2016). Four scenarios were considered in the access analysis: Existing, Existing plus Project, Near Term and Near Term plus Project. Per the access analysis, the proposed project would not cause traffic patterns to substantially change. The project would not change road patterns or congestion. No project traffic impacts were identified. However, it is required that a right turn lane be provided for the project driveway. Impacts would be less than significant.

- b) Conflict with an applicable congestion management program, including, but not limited to level of service

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Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?

See XVI a.

- 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?

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The project is consistent with height and bulk regulations and is not at the scale which would result in a change in air traffic patterns.

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

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See XVI a.

- e) Result in inadequate emergency access?

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See XVI a.

- 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?

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The project includes a neighborhood with new sidewalks and pedestrian facilities. No bus stops or public transportation stops are included or proposed as part of the project. The proposed project would not have the potential to conflict with transit, bicycle or pedestrian facilities, nor would the

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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project decrease the safety or performance of these facilities. Impacts would be less than significant and no mitigation measures are required.

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"/> |
|--|--------------------------|-------------------------------------|--------------------------|--------------------------|

Refer to response V(a) above. An archaeological survey was conducted and direct evidence of an archaeological resource was not identified. No features at the site were deemed eligible for listing in any historic register. However, there is a potential that there are buried historical resources at the project site and these resources would meet the definition of tribal cultural resources.

The requirement to include monitoring will be included as a mitigation requirement within the MMRP. The MMRP is listed in Section V of the MND and would reduce impacts to archaeological resources and Tribal Cultural Resources to below a level of CEQA 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, the lead agency shall consider the significance of the resource to a California Native American tribe. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input 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 response V(a) above. The project site is located within an area of the Navajo community that requires special considerations due to the area's archaeological sensitivity and the high potential for project grading to impact unknown prehistoric resources including human remains. Although no recorded archaeological sites were located within or adjacent to the project site, there is a potential for the project to impact archaeological resources due to the project's proximity of known archaeological site and scope of work. Therefore, mitigation measures related to cultural resources (archaeology) are required.

#### XVIII. UTILITIES AND SERVICE SYSTEMS – Would the project:

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Implementation of the project would not interrupt existing sewer service to the project site or other surrounding uses. No significant increase in demand for wastewater disposal or treatment would be created by the project, as compared to current conditions. The project is not anticipated to generate significant amounts of waste water. Wastewater treatment facilities used by the project would be operated in accordance with the applicable wastewater treatment requirements of the Regional Water Quality Control Board (RWQCB). Additionally, the project site is located in an urbanized and developed area. Adequate services are already available to serve the project and no mitigation measures are required.

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

This project would not result in an increase in the intensity of the use and would not be required to construct a new water or wastewater treatment facility.

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | <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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The project would not exceed the capacity of the existing storm water drainage systems and therefore, would not require construction of new or expansion of existing storm water drainage facilities of which could 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 type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

The CEQA significance threshold for requiring the project to prepare a water supply assessment is residential development of more than 500 units. The proposed project is the development of 24 residential units. Therefore the project does not meet the CEQA significance threshold required for the project to prepare a water supply assessment. The existing project site currently receives water service from the City, and adequate services are available to serve the proposed residential dwelling units without required new or expanded entitlements.

- |   |                          |                          |                                     |                          |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 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"/> |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

Construction of the project would not adversely affect existing wastewater treatment services. Adequate services are available to serve the project site without required new or expanded entitlements. Impacts would be less than significant, and no mitigation measures are required.

- |  |                          |                          |                                     |                          |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 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"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

A Waste Management Plan (WMP) was completed for the proposed project (Pasco Laret Suiter & Associates, March 2016). The proposed project is estimated to generate approximately 78 tons of waste, including, 8 tons of asphalt concrete, 15 tons of clean wood, and 15 tons of drywall. To the greatest extent feasible, waste materials will be reviewed for reuse in construction, serving as

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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both a solid waste management and cost savings measure. Reuse will be maximized in order to achieve an overall goal of 75% reuse/post-consumer recycled materials. The contractors and subcontractors will coordinate and work closely with the SWMC to minimize the over-purchasing of construction materials to lower the amount of materials taken to recycling and disposal facilities. Ways in which the project will minimize over-purchasing is to purchase pre-cut materials, work closely amongst designers, contractors, and suppliers as well as reuse whenever possible.

The proposed project exists today as vacant land. The project site is not expected to produce waste, therefore, for the purpose of this analysis, it is expected that they Del Cerro Residential project will generate 78 tons of demolition waste.

During occupancy and after build out of the entire project, the WMP calculates that the expected annual waste to be generated from the development is approximately 78 tons per year. Waste generated from occupancy of the development would be taken to Miramar Landfill. The Miramar Landfill's maximum permitted capacity is 87,760,000 cubic yards with a maximum throughput of 8,000 tons per day. The remaining capacity for Miramar Landfill is 15,527,878 cubic yards. The WMP was prepared in conjunction with the City of San Diego's review of the Vesting Tentative Map/Site Development Permit, and it is anticipated that the Miramar Landfill would have sufficient permitted capacity to accommodate the project's solid waste disposal needs. In order to reduce the project's impact on the local landfill, the developer shall be required to implement collection of recyclables at least twice a month; collection of at least plastic and glass bottles and jars, paper, newspaper, metal containers, and cardboard; at designated recycling collection areas; and appropriate recycling containers and signage at minimum in order to comply with the City of San Diego Municipal Code Chapter 6, Article 6, Div. 7. The proposed project would divert 80% of generated materials as outlined in Table 4.3 of the WMP, which would reduce impacts on local landfills. Overall, construction and operation of the proposed project would be served by a landfill with adequate capacity and impacts would be less than significant.

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

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The project would comply with all Federal, State, and local statutes and regulations related to solid waste. The project would not result in the generation of large amounts of solid waste, nor generate or require the transport of hazardous waste materials, other than minimal amounts generated during the construction phase. All demolition activities would comply with any City of San Diego requirements for diversion of both construction waste during the demolition phase and solid waste during the long-term, operation phase. Impacts would be less than significant and no mitigation measures are required.

#### XIX. MANDATORY FINDINGS OF SIGNIFICANCE –



Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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"/>

The proposed project involves the construction of 24 dwelling units. The project site is designated for single family development. The site is surrounded by established residential neighborhoods. This analysis has determined that there is the potential of significant impacts related to Cultural Resources (Archaeology), Biological Resources, Paleontological Resources, and Tribal Cultural Resources. As such, mitigation measures included in this document would reduce these potential impacts to a less than significant level as outlined within the Mitigated Negative Declaration.

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 futures projects)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Cumulative impacts can result from individually minor but collectively significant actions taking place over time. For the purposes of this initial study, impacts associated with Cultural Resources (Archaeology), Biological Resources, Paleontological Resources and Tribal Cultural Resources are individually significant and when taken into consideration with other past projects in the vicinity, may contribute to a cumulative impact; specifically with respect to non-renewable resources. However, with implementation of the MMRP, any information associated with these resources would be collected catalogued and included in technical reports available to

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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researchers for use on future projects, thereby reducing the cumulative impact to below a level of significance.

c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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The City of San Diego conducted an Initial Study which determined that the project could have a significant environmental effect in the following areas: Cultural Resources (Archaeology), Biological Resources, Paleontological Resources, and Tribal Cultural Resources. However, with the implementation of mitigation identified in Section V of this MND the project would not have environmental effects which would cause substantial direct or indirect adverse effects on human beings.

## INITIAL STUDY CHECKLIST

### REFERENCES

#### I. Aesthetics / Neighborhood Character

- ☒ City of San Diego General Plan.
- ☒ Community Plans: Navajo Community Plan

#### II. Agricultural Resources & Forest Resources

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

#### III. Air Quality

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

#### IV. Biology

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

- \_\_\_ California Department of Fish & Game, California Natural Diversity Database, "State and Federally-listed Endangered and Threatened Animals of California, "January 2001
- \_\_\_ City of San Diego Land Development Code Biology Guidelines
- X Site Specific Report: Biological Technical Report, Alden Environmental, Inc., Dec. 12, 2016

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

- X City of San Diego Historical Resources Guidelines
- \_\_\_ City of San Diego Archaeology Library
- \_\_\_ Historical Resources Board List
- \_\_\_ Community Historical Survey:
- X Site Specific Report: Cultural Resources Survey, Brian F. Smith and Associates, Inc. April 2016

**VI. Geology/Soils**

- X 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
- X Site Specific Report: Geotechnical Addendum, Response to Cycle 16 Review Comments, LDR-Geology, Del Cerro Residential Development, College Avenue and Interstate 8, San Diego, California, prepared by Advanced Geotechnical Solutions, Inc., dated February 8, 2017).

**VII. Greenhouse Gas Emissions**

- \_\_\_ Site Specific Report:

**VIII. Hazards and Hazardous Materials**

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

**IX. Hydrology/Water Quality**

- ☐ Flood Insurance Rate Map (FIRM)
- ☒ Federal Emergency Management Agency (FEMA), National Flood Insurance Program-Flood Boundary and Floodway Map
- ☐ Clean Water Act Section 303(b) list, [http://www.swrcb.ca.gov/tmdl/303d\\_lists.html](http://www.swrcb.ca.gov/tmdl/303d_lists.html)
- ☐ Site Specific Report: Water Quality Study, Pasco Laret Suiter, February 2017

**X. Land Use and Planning**

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

**XI. Mineral Resources**

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

**XII. Noise**

- ☒ City of San Diego General Plan
- ☐ Community Plan
- ☐ San Diego International Airport - Lindbergh Field CNEL Maps
- ☐ Brown Field Airport Master Plan CNEL Maps
- ☐ Montgomery Field CNEL Maps
- ☐ San Diego Association of Governments - San Diego Regional Average Weekday Traffic Volumes



- \_\_\_ San Diego Metropolitan Area Average Weekday Traffic Volume Maps, SANDAG
- X Site Specific Report: Acoustical Analysis, Davy & Associates, Inc., December 16, 2016

### **XIII. Paleontological Resources**

- X 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
- X Kennedy, Michael P., and Gary L. Peterson, "Geology of the San Diego Metropolitan Area, California. Del Mar, La Jolla, Point Loma, La Mesa, Poway, and SW 1/4 Escondido 7 1/2 Minute Quadrangles," California Division of Mines and Geology Bulletin 200, Sacramento, 1975
- \_\_\_ Kennedy, Michael P., and Siang S. Tan, "Geology of National City, Imperial Beach and Otay Mesa Quadrangles, Southern San Diego Metropolitan Area, California," Map Sheet 29, 1977
- \_\_\_ Site Specific Report:

### **XIV. Population / Housing**

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

### **XV. Public Services**

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

### **XVI. Recreational Resources**

- \_\_\_ City of San Diego General Plan
- \_\_\_ Community Plan
- \_\_\_ Department of Park and Recreation
- \_\_\_ City of San Diego - San Diego Regional Bicycling Map
- \_\_\_ Additional Resources:

**XVII. Transportation / Circulation**

- \_\_\_ City of San Diego General Plan
- \_\_\_ Community Plan
- \_\_\_ San Diego Metropolitan Area Average Weekday Traffic Volume Maps, SANDAG
- \_\_\_ San Diego Region Weekday Traffic Volumes, SANDAG
- \_\_\_ Site Specific Report: Access Analysis, Del Cerro Residential LOS Engineering, Inc., February 3, 2016

**XVIII. Utilities**

- \_\_\_ Site Specific Report:

**XIX. Water Conservation**

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

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