

FINAL

MITIGATED NEGATIVE DECLARATION

Project No. 490737

SCH# N/A

SUBJECT: VIA DE LA VALLE RETAINING WALLS EROSION CONTROL MAINTENANCE PROJECT. MAYOR APPROVAL to allow for the removal of up to 2 feet of eroded material (approximately 750 linear feet) on, and directly behind two existing interlocking retaining wall sections located within the City of San Diego developed public right-of-way. The western wall section is approximately 360 linear feet and the eastern wall section is approximately 390 linear feet. The retaining wall systems consist of mainly double stacked 2.5 x 2.5 x 5, 2 ton blocks that provide approximately 8 square inches of drainage area per block. The walls are approximately 5 feet high with the exception of a 130 foot section of the western part of the eastern wall which is a single layer of interlocking blocks measuring approximately 2.5 feet high. Maintenance of the western wall section would require removal of approximately 53.3 cubic yards of material, and approximately 57.8 cubic yards of material would be removed from the eastern wall section. Overall, about 111.1 cubic yards of material would be removed and transported to the City's landfill.

The proposed project is located in the northwestern part of the City of San Diego, in western San Diego County. The two retaining wall maintenance areas are located within the City's developed public right-of-way next to the westbound bike lane and traffic lane on Via De La Valle, just west and east of Via del Canon. The retaining walls were installed to capture the cut exposed hillside erosion to protect bicyclists and motorists using Via De La Valle.

Applicant: City of San Diego, Transportation and Storm Water Department, Right of Way Coordination Division

- 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 projects could have a significant environmental effect in the following area(s): HISTORICAL RESOURCES (ARCHAEOLOGY/TRIBAL CULTURAL RESOURCES). The project proposal requires the implementation of specific mitigation identified in Section V of this Mitigated Negative Declaration (MND). The project as presented avoids or mitigates the potentially significant environmental effects identified, and the preparation of an Environmental Impact Report (EIR) would not be required.

- IV. DOCUMENTATION:

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

V. MITIGATION, MONITORING AND REPORTING PROGRAM:

A. GENERAL REQUIREMENTS – PART I

Plan Check Phase (prior to permit issuance)

1. Prior to the issuance Bid Opening/Bid Award 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 have been incorporated.
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/information/standtemp.shtml>

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

B. GENERAL REQUIREMENTS – PART II

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

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

Archaeologist and Native American Kumeyaay Monitor

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

CONTACT INFORMATION:

- a) The PRIMARY POINT OF CONTACT is the RE at the **Field Engineering Division – 858-627-3200**
 - b) For Clarification of ENVIRONMENTAL REQUIREMENTS, it is also required to call **RE and MMC at 858-627-3360**
2. **MMRP COMPLIANCE:** This Project, Project Tracking System (PTS) 490737, shall conform to the mitigation requirements contained in the associated Environmental Document and implemented to the satisfaction of the DSD's ED, 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 that any other agency requirements or permits have been obtained or are in process 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 for this project.*
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.
5. **OTHER SUBMITTALS AND INSPECTIONS:** The Permit Holder/Owner’s representative shall submit all required documentation, verification letters, and requests for all associated inspections to the RE and MMC for approval per the following schedule:

Document Submittal/Inspection Checklist

| <i>Issue Area</i> | <i>Document submittal</i> | <i>Associated Inspection/Approvals/Note</i> |
|-------------------|----------------------------------|---|
| General | Consultant Qualification Letters | Prior to Pre-construction Meeting |
| General | Consultant Const. Monitoring | Prior to or at the Pre-Construction Mtg |
| Archaeology | Archaeology Reports | Archaeology observation |
| Final MMRP | | Final MMRP Inspection |

I. HISTORICAL RESOURCES (ARCHAEOLOGY):

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

- A. Entitlements Plan Check
 1. Prior to permit issuance or Bid Opening/Bid Award, whichever is applicable, the Assistant Deputy Director (ADD) Environmental designee shall verify that the requirements for Archaeological Monitoring and Native American monitoring have been noted on the applicable construction documents through the plan check process.
- B. Letters of Qualification have been submitted to ADD
 1. Prior to Bid Award, the applicant shall submit a letter of verification to Mitigation Monitoring Coordination (MMC) identifying the Principal Investigator (PI) for the project and the names of all persons involved in the archaeological monitoring program, as defined in the City of San Diego Historical Resources Guidelines (HRG). If applicable, individuals involved in the archaeological monitoring program must have completed the 40-hour HAZWOPER training with certification documentation.

2. MMC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the archaeological monitoring of the project meet the qualifications established in the HRG.
3. Prior to the start of work, the applicant must obtain written approval from MMC for any personnel changes associated with the monitoring program.

II. Prior to Start of Construction

A. Verification of Records Search

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

B. PI Shall Attend Precon Meetings

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

- pipe to be replaced, depth of excavation and/or site graded to bedrock, etc., which may reduce or increase the potential for resources to be present.
5. Approval of AME and Construction Schedule
After approval of the AME by MMC, the PI shall submit to MMC written authorization of the AME and Construction Schedule from the CM.

III. During Construction

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

1. The Archaeological Monitor shall be present full-time during all soil disturbing and grading/excavation/trenching activities which could result in impacts to archaeological resources as identified on the AME. **The Construction Manager is responsible for notifying the RE, PI, and MMC of changes to any construction activities such as in the case of a potential safety concern within the area being monitored. In certain circumstances OSHA safety requirements may necessitate modification of the AME.**
2. The Native American consultant/monitor shall determine the extent of their presence during soil disturbing and grading/excavation/trenching activities based on the AME and provide that information to the PI and MMC. If prehistoric resources are encountered during the Native American consultant/monitor's absence, work shall stop and the Discovery Notification Process detailed in Section III.B-C and IV.A-D shall commence.
3. The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition such as modern disturbance post-dating the previous grading/trenching activities, presence of fossil formations, or when native soils are encountered that may reduce or increase the potential for resources to be present.
4. The archaeological and Native American consultant/monitor shall document field activity via the Consultant Site Visit Record (CSVR). The CSVR's shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (**Notification of Monitoring Completion**), and in the case of ANY discoveries. The RE shall forward copies to MMC.

B. Discovery Notification Process

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

C. Determination of Significance

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

MMC, CM and RE. ADRP and any mitigation must be approved by MMC, RE and/or CM before ground disturbing activities in the area of discovery will be allowed to resume. **Note: If a unique archaeological site is also an historical resource as defined in CEQA Section 15064.5, then the limits on the amount(s) that a project applicant may be required to pay to cover mitigation costs as indicated in CEQA Section 21083.2 shall not apply.**

- (1). Note: For pipeline trenching and other linear projects in the public Right-of-Way, the PI shall implement the Discovery Process for Pipeline Trenching projects identified below under "D."
- c. If the resource is not significant, the PI shall submit a letter to MMC indicating that artifacts will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that that no further work is required.
 - (1). Note: For Pipeline Trenching and other linear projects in the public Right-of-Way, if the deposit is limited in size, both in length and depth; the information value is limited and is not associated with any other resource; and there are no unique features/artifacts associated with the deposit, the discovery should be considered not significant.
 - (2). Note, for Pipeline Trenching and other linear projects in the public Right-of-Way, if significance cannot be determined, the Final Monitoring Report and Site Record (DPR Form 523A/B) shall identify the discovery as Potentially Significant.
- D. Discovery Process for Significant Resources - Pipeline Trenching and other Linear Projects in the Public Right-of-Way
The following procedure constitutes adequate mitigation of a significant discovery encountered during pipeline trenching activities or for other linear project types within the Public Right-of-Way including but not limited to excavation for jacking pits, receiving pits, laterals, and manholes to reduce impacts to below a level of significance:
 1. Procedures for documentation, curation and reporting
 - a. One hundred percent of the artifacts within the trench alignment and width shall be documented in-situ, to include photographic records, plan view of the trench and profiles of side walls, recovered, photographed after cleaning and analyzed and curated. The remainder of the deposit within the limits of excavation (trench walls) shall be left intact.
 - b. The PI shall prepare a Draft Monitoring Report and submit to MMC via the RE as indicated in Section VI-A.
 - c. The PI shall be responsible for recording (on the appropriate State of California Department of Park and Recreation forms - DPR 523 A/B) the resource(s) encountered during the Archaeological Monitoring Program in accordance with the City's Historical Resources Guidelines. The DPR forms shall be submitted to the South Coastal Information Center for either a Primary Record or SDI Number and included in the Final Monitoring Report.
 - d. The Final Monitoring Report shall include a recommendation for monitoring of any future work in the vicinity of the resource.

IV. Discovery of Human Remains

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

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

- D. If Human Remains are **NOT** Native American
1. The PI shall contact the Medical Examiner and notify them of the historic era context of the burial.
 2. The Medical Examiner will determine the appropriate course of action with the PI and City staff (PRC 5097.98).
 3. If the remains are of historic origin, they shall be appropriately removed and conveyed to the San Diego Museum of Man for analysis. The decision for internment of the human remains shall be made in consultation with MMC, EAS, the applicant/landowner, any known descendant group, and the San Diego Museum of Man.

V. Night and/or Weekend Work

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

VI. Post Construction

- A. Submittal of Draft Monitoring Report
1. The PI shall submit two copies of the Draft Monitoring Report (even if negative), prepared in accordance with the Historical Resources Guidelines (Appendix C/D) which describes the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program (with appropriate graphics) to MMC via the RE for review and approval within 90 days following the completion of monitoring. **It should be noted that if the PI is unable to submit the Draft Monitoring Report within the allotted 90-day timeframe as a result of delays with analysis, special study results or other complex issues, a schedule shall be submitted to MMC establishing agreed due dates and the provision for submittal of monthly status reports until this measure can be met.**
 - a. For significant archaeological resources encountered during monitoring, the Archaeological Data Recovery Program or Pipeline Trenching Discovery Process shall be included in the Draft Monitoring Report.
 - b. Recording Sites with State of California Department of Parks and Recreation

The PI shall be responsible for recording (on the appropriate State of California Department of Park and Recreation forms-DPR 523 A/B) any significant or potentially significant resources encountered during the Archaeological Monitoring Program in accordance with the City's Historical Resources Guidelines, and submittal of such forms to the South Coastal Information Center with the Final Monitoring Report.

2. MMC shall return the Draft Monitoring Report to the PI via the RE for revision or, for preparation of the Final Report.
 3. The PI shall submit revised Draft Monitoring Report to MMC via the RE for approval.
 4. MMC shall provide written verification to the PI of the approved report.
 5. MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.
- B. Handling of Artifacts
1. The PI shall be responsible for ensuring that all cultural remains collected are cleaned and catalogued
 2. The PI shall be responsible for ensuring that all artifacts are analyzed to identify function and chronology as they relate to the history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate.
- C. Curation of artifacts: Accession Agreement and Acceptance Verification
1. The PI shall be responsible for ensuring that all artifacts associated with the survey, testing and/or data recovery for this project are permanently curated with an appropriate institution. This shall be completed in consultation with MMC and the Native American representative, as applicable.
 2. When applicable to the situation, the PI shall include written verification from the Native American consultant/monitor indicating that Native American resources were treated in accordance with state law and/or applicable agreements. If the resources were reinterred, verification shall be provided to show what protective measures were taken to ensure no further disturbance occurs in accordance with Section IV – Discovery of Human Remains, Subsection C.
 3. The PI shall submit the Accession Agreement and catalogue record(s) to the RE or BI, as appropriate for donor signature with a copy submitted to MMC.
 4. The RE or BI, as appropriate shall obtain signature on the Accession Agreement and shall return to PI with copy submitted to MMC.
 5. The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC.
- D. Final Monitoring Report(s)
1. The PI shall submit one copy of the approved Final Monitoring Report to the RE or BI as appropriate, and one copy to MMC (even if negative), within 90 days after notification from MMC of the approved report.
 2. The RE shall, in no case, issue the Notice of Completion until receiving a copy of the approved Final Monitoring Report from MMC which includes the Acceptance Verification from the curation institution.

VI. PUBLIC REVIEW DISTRIBUTION:

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

City of San Diego:

Mayor's Office
Councilmember Barbara Bry - Council District 1
City Attorney
Shannon Thomas
Transportation & Storm Water Department
Edgar Puente
Monica Arredondo
Sonja Olsen
Planning Department
Myra Herrmann
Lesley Henegar
Dan Monroe
Development Services Department
Peter Kann
Library Dept. - Gov. Documents
Carmel Valley Branch Library

Other Groups and Individuals

Carmel Valley Community Planning Board (350)
City of Del Mar (96)
County of San Diego (68)
California Coastal Commission (47)
San Diego Gas and Electric (114)
San Diego Transit Corporation (112)
Carmen Lucas (206)
South Coastal Information Center (210)
San Diego Archaeological Center (212)
San Diego History Center (211)
Save our Heritage Organisation (214)
Ron Christman (215)
Clint Linton (215b)
Frank Brown (216)
San Diego County Archaeological Society (218)
Kumeyaay Cultural Heritage Preservation (223)
Kumeyaay Cultural Repatriation Society (225)
Native American Distribution (225 A-S)
Barona Group of Capitan Grande Band of Mission Indians (225A)
Campo Band of Mission Indians (225B)
Ewiiapaayp Band of Mission Indians (225C)
Inaja Band of Mission Indians (225D)
Jamul Indian Village (225E)
La Posta Band of Mission Indians (225F)
Manzanita Band of Mission Indians (225G)
Sycuan Band of Mission Indians (225H)
Viejas Group of Capitan Grande Band of Mission Indians (225I)
Mesa Grande Band of Mission Indians (225J)
San Pasqual Band of Mission Indians (225K)
Ipai Nation of Santa Ysabel (225L)
La Jolla Band of Mission Indians (225M)

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

VII. RESULTS OF PUBLIC REVIEW:

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

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



Myra Herrmann, Senior Planner
Planning Department

September 19, 2017
Date of Draft Report

April 13, 2018
Date of Final Report

Attachments:
Attachment 1 – Location Map
Attachment 2 – Project Location Aerial
Initial Study Checklist



October 5, 2017

Myra Herrmann, Environmental Planner
 City of San Diego Planning Department
 1010 Second Avenue, Suite 1200, MS 413
 San Diego, CA 92101
 Via email: PlanningCEQA@sandiego.gov

Subject: Response to the Draft Mitigated Negative Declaration (MND) for the Via de la Valle Retaining Walls Erosion Control Maintenance Project

Dear Ms. Herrmann:

San Diego Gas & Electric Company (SDG&E) appreciates the opportunity to comment on the above-referenced Draft MND. SDG&E wants to ensure that the Draft MND adequately addresses the electric utility implications of the Via de la Valle Retaining Walls Erosion Control Maintenance Project (Proposed Project). Based on Figure 2, Project Location-Aerial, of the Draft MND, the Proposed Project location is immediately adjacent to an existing SDG&E electric transmission line. SDG&E would like to clarify that no transmission pole relocations will be required line as a result of the Proposed Project and that the existing electric utility easement would not be affected by the retaining wall erosion control maintenance project. In the instance that any transmission pole relocations are required, please refer to the attached "Guidelines for Private Developer and Agency Initiated Utility Projects that Require CEQA Environmental Documents" for more information regarding any electric utility relocations required as a result of the Proposed Project.

In addition, the following information is provided for your consideration:

- Any temporary or permanent relocation of facilities or placement of facilities underground and/or associated temporary outages shall be completed at the cost of the project sponsor.
- Please note that access to any transmission and distribution facilities must be provided during and after construction.

A-1

A-2

SAN DIEGO GAS & ELECTRIC COMPANY (OCTOBER 5, 2017)

- A-1 Comment noted. As noted in the Draft and Final MND, a Native American (Kumeyaay) monitor will be on-site to monitor any ground disturbing activities associated with project implementation.
- A-2 The City will coordinate with SDGE prior to any work effort to ensure that maintenance activities would not conflict with any above-ground or below-ground utilities in the vicinity of the project; that access to SDG&E facilities will be provided during and after construction; that all work complies with SDG&E Guidelines, where and when applicable; that appropriate storm water Best Management Practices are implemented around SDG&E facilities; and that project grades are coordinated to ensure compliance with CPUC General Order 95, where applicable.

- Proposed access roads and grading must comply with SDG&E Guidelines for any encroachment to, and into any transmission rights-of-way. Furthermore, any grading to be performed within SDG&E right-of-way would require a "permission to grade letter" from SDG&E.
- Any changes in grade shall not direct drainage in a manner that increases the potential for erosion around SDG&E facilities or access roads.
- Project grades shall be coordinated to assure clearances as required by California Public Utilities Commission General Order 95.

A-2

We appreciate the opportunity to comment on this Draft MND. If you have any questions, please feel free to contact me at (858) 654-1239 or hhaskell@semprautilities.com

Sincerely,



Hilary Haskell
Environmental Specialist-Environmental Project Permitting
Cc: Edalia Olivo-Gomez-Environmental Project Permitting

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**Guidelines for
Private Developer and Agency Initiated Utility Projects
that Require CEQA Environmental Documents**

General

These guidelines are provided to assist developers and local agencies in preparing discussions of electric utility work in California Environmental Quality Act (CEQA) environmental documents (Environmental Impact Report, Mitigated Negative Declaration, Negative Declaration, or Certified Regulatory Programs) addressing the "whole of the action" for their projects. Adequately describing and addressing all project elements and impacts associated to SDG&E facilities may be of great assistance in developing an accurate and adequate CEQA document, and in expediting SDG&E's regulatory permitting process through the California Public Utilities Commission (CPUC) of the State of California.

SDG&E recommends including an accurate description and impact analysis of activities associated with the electric utility work on its facilities in CEQA documents prepared by developers or agencies. Including this discussion can support SDG&E's claim of exemption from the permitting requirements of the CPUC, General Order 131-D (GO 131-D), as discussed in more detail below.

General Order 131-D states that "...no electric public utility.... shall begin construction...modification...alteration...or addition to an existing electric transmission/power/distribution line...without first complying with the provisions of this General Order." The General Order defines "transmission lines" as operating at or above 200 kilovolts (kV), "power lines" as operating between 50 and 200 kV, and "distribution lines" as operating below 50 kV. Construction of new transmission lines requires the issuance of a Certificate of Public Convenience and Necessity (CPCN) from the CPUC, while construction of new power lines requires the issuance of a Permit to Construct (PTC). However, the CPUC has identified certain activities which may qualify for an exemption (expedited approval via what is known as an Advice Letter to the CPUC) to the General Order's PTC, which otherwise may take upwards of 18-24 months for SDG&E to obtain. The activities which are exempt from PTC requirements include, in relevant part, "the minor relocation of existing power line facilities up to 2,000 feet in length" and "power lines or substations to be relocated or constructed which have undergone environmental review pursuant to CEQA as part of a larger project, and for which the final CEQA document ... finds no significant unavoidable environmental impacts caused by the proposed line or substation." General Order 131-D Sections III.B.1.c and III.B.1.f, respectively.

If the developer or local agency prepares a CEQA document that adequately describes the electric utility work and addresses the environmental impacts as a result of electric utility work on the electrical facility in such a way that those impacts can be separately

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identified, SDG&E may be able to rely on this document to qualify for the exemption under GO131-D. SDG&E engineering and environmental staff is available for early coordination and provides the following guidelines to facilitate the timely permitting and construction of developer and agency projects that include electric utility work on SDG&E facilities.

These guidelines are not intended to provide legal advice or counsel to developers or agencies regarding compliance with CEQA. Developers and agencies should consult with their lead agency and/or own counsel for advice on compliance with CEQA. The SDG&E Environmental Project Permitting Team is available to answer any questions and to coordinate early on in order to provide the developer or agency with a project description so that they may complete their CEQA analysis of the proposed electric utility work.

Guidelines

Project Description

The overall description for the larger project should discuss the proposed electric utility work as a part of the developer's or agency's larger project.

It is imperative that a *separate* description of the proposed electric utility work is provided in the CEQA document. This description should include the following:

- An exhibit that shows the existing location of electric facilities.
- The need for the electric facility relocation.
- The length (transmission line) or size (substation) and voltage of the electric facility to be removed or relocated.*
- The number, type, and size of equipment that will be installed.*
- The location of temporary and permanent access roads required for initial construction and long-term maintenance.*
- Identification and description of any temporary areas required for the electric utility work, such as work area around structures, pulling and tensioning sites, material staging areas and temporary access roads.*
- A separate exhibit that clearly shows the preferred transmission line routing or the preferred location of the substation enclosure with associated pads and equipment.
- A diagram of a typical transmission structure or a site layout plan for the substation.*

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- A discussion of any alternative routes or locations for the electric utility work on the transmission line or substation, and an analysis of why those alternative routes or locations were not selected over the preferred transmission routing or the preferred substation location. A “no project” alternative should also be included to discuss how the larger project would be implemented without the electric utility work.*
- The types and numbers of construction equipment, and number of personnel that will be required to remove or relocate the electric facility.*
- The anticipated construction schedule including hours per day, daily start and stop times, and total duration for the electric utility work on the electric facility.*

Note: Items above marked with an asterisk* denote information that can be provided by SDG&E to the developer or agency.

Project Setting

The existing environmental conditions, natural or man-made, within the area of the proposed electric utility work should be thoroughly described in the developer’s or agency’s environmental document. The location of existing and proposed electric facilities should be indicated on a map or diagram showing existing environmental features (habitat, wetlands, cultural resources, etc.) in the project area, including any off-site work needed to accommodate the electric utility work.

Impacts

The potential environmental impacts of the proposed electric utility work should be fully analyzed per Appendix G of the *CEQA Guidelines*. The developer or agency should ensure that impacts associated with the electric utility work are described and addressed *separately* from the impacts associated with other components of the project. This separate discussion is necessary in order to ensure that the CEQA document clearly addresses which impacts are associated with the electric utility work and which impacts are a result of the other activities associated with the project. All impacts resulting from the electric utility work on the electric facility must be less than significant, and no significant, unavoidable impacts can occur for the electric utility work to be considered exempt from the GO 131-D permitting process with the CPUC. Please refer to Appendix A, CEQA Impact Areas, for a suggested listing of impacts that should be considered as part of this analysis pursuant to Appendix G of the *CEQA Guidelines*. This listing is not all-inclusive and is meant to provide guidance regarding what topics should be addressed in the impact analysis.

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Findings

A finding in the developer's or agency's CEQA document that the project as a whole does not have a significant effect on the environment is not adequate for SDG&E claim exemption from the permitting requirements of GO 131-D to the CPUC, unless the project as a whole would result in "no impact" or a "less than significant impact" for all CEQA Impact Areas (i.e., no separate finding is necessary as all impacts associated with the proposed project would have "no impact" or a "less than significant impact"). For SDG&E to claim an exemption from GO 131-D requirements, the developer's or agency's environmental document **must make a separate finding** that the proposed electric utility work on SDG&E's electric facilities as a part of the larger project does not have the potential for a significant effect on the environment. Please see below for an example finding based on the *La Pata Avenue Gap Closure and Camino Del Rio Extension Project Addendum No. 2 to Final EIR No. 610*:

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

Less than Significant Impact. As stated in the Addendum to the EIR No. 610, the project remains consistent with the goals and policies of the County of Orange's Natural Resource Element of the General Plan and the City of San Clemente's Natural and Historic/Cultural Resources Element of the General Plan. There are no local policies or ordinances protecting biological resources (e.g., a tree preservation policy or ordinance). Therefore, the proposed roadway project would not conflict with any local policies or ordinances protecting biological resources. The SDG&E utility relocation refinements would not change this finding. Therefore, impacts would remain less than significant.

In order for the electric utility work on the electric facility to no have a significant effect on the environment, the developer or agency may need to implement mitigation measures. If mitigation measures are required for the electric utility work, the developer or agency will pay all costs associated with implementing those measures. Mitigation costs would be paid for by the developer or agency if either SDG&E can claim exemption under GO 131-D or if SDG&E needs to obtain a PTC or a CPCN from the CPUC for the electric utility work as a part of the developer's or agency's larger project as a whole. Mitigation measures provided, implemented, and paid for by the developer or agency may include, but are not limited to:

- biological and/or cultural resource surveys and related analyses
- environmental monitoring during construction (air, water, biology, cultural etc.)
- environmental mitigation such as re-vegetation, habitat restoration, purchase of mitigation land, and curation/protection of cultural or historical resources
- post-project monitoring and maintenance of re-vegetation and/or habitat restoration areas

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Process

The developer or agency should use the above guidelines in preparing CEQA environmental documents for larger projects to assure that the CEQA documents contain a complete discussion of the proposed electric utility work and its potential environmental impacts. Upon the lead agency's certification of the environmental document, the developer or agency will provide SDG&E a copy of the resolution, ordinance or other acknowledgement prepared by the lead agency certifying the CEQA document.

Upon receiving lead agency certification of the CEQA document from the developer or agency, SDG&E will do one of the following:

- Prepare and file an Advice Letter with the CPUC for the electric utility work on its electric facilities for the developer or agency project claiming exemption under GO 131-D. This process requires approximately 6 months or more to complete.
- Submit the certified CEQA document to the CPUC along with an application for a PTC or an application for a CPCN. This process is lengthier than an Advice Letter, and can require years rather than months to complete.

If it is determined that the utility work required is statutorily or categorically exempt from CEQA pursuant to Section 15260 et seq. of the CEQA Guidelines, no Advice Letter is required to be filed with the CPUC. In such a case, SDG&E will retain the developer's or agency's CEQA document in the project file in support of a claim of exemption.

Permits

With the exception of any CPUC issued permits (PTC or CPCN), the developer or agency is solely responsible for obtaining all permits and approvals, and providing any mitigation required by those permits, for the electric utility work on SDG&E electrical facilities that are a component part of their larger project. This remains the sole responsibility of the agency or developer regardless of whether SDG&E claims an exemption from GO 131-D for the electric utility work as part of a larger project, or whether SDG&E is required to obtain an Advice Letter, PTC or CPCN for the electric utility work.

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Appendix A: CEQA Impact Areas

The following list of CEQA impact areas includes the topics that should be addressed in the impact analysis for a given project. This list is not intended to be exhaustive.

- **Land Use:** As part of the larger project, will the electric utility work on the electric facility be compatible or incompatible with the adjacent, proposed or existing, land uses (e.g. schools)? Describe.
- **Water Quality:** As part of the larger project, will the electric utility work on the electric facility change drainage or runoff patterns or otherwise adversely affect water quality? Describe how. The water quality impact analysis for the larger project should include electric utility work related water impacts in support of a finding of non-significance.
- **Air Quality:** As part of the larger project, will the electric utility work on the electric facility contribute to exceeding or impacting any air quality standards? The type, number, and duration of equipment used for electric utility work shall be included in the short-term air quality discussion and calculations. The air quality analysis for the larger project should include electric utility work related air quality impacts in support of a finding of non-significance.
- **Biological Resources:** As part of the larger project, will the electric utility work on the electric facility impact threatened or endangered species or their habitats? Describe the locations, type (such as coastal sage scrub, chaparral, wetlands, riparian, grassland etc.) and amounts of impacts. An exhibit should show the location of the electric facility, including any temporary work areas or permanent access roads, with relation to known sensitive habitats and endangered species sightings. The biological impact analysis for the larger project should include electric utility work related biological impacts in support of a finding of non-significance.
- **Aesthetics:** As part of the larger project, will the electric utility work on the electric facility create substantial light or glare, or have a negative aesthetic effect? Describe and depict in drawings, cross sections, or visual simulations as necessary to support. The visual impact analysis for the larger project should include electric utility work related cultural impacts in support of a finding of non-significance.
- **Cultural resources:** As part of the larger project, will the electric utility work on the electric facility have the potential to disturb or physically change any known archaeological, paleontological or historical resources? An exhibit should show the location of the electric facility with relation to known cultural resource locations. The cultural resource impact analysis for the larger project should include electric utility work related cultural impacts in support of a finding of non-significance.

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LETTER

RESPONSE

- Noise: As part of the larger project, could the electric utility work on the electric facility have the potential to substantially increase noise levels to sensitive receptors? The noise study for the larger project should include electric utility work related noise impacts in support of a finding of non-significance. SDG&E can provide informational support to the developer or agency in the preparation of noise studies for the electric utility work.

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RINCON BAND OF LUISEÑO INDIANS
Cultural Resources Department

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



September 25, 2017

Myra Herrmann
City of San Diego
Planning Department
1010 Second Avenue, Suite 1200
East Tower, MS 413
San Diego, CA 92101

Re: Via De La Valle Retaining Walls Erosion Control Maintenance Project No. 490737

Dear Ms. Herrmann:

This letter is written on behalf of the Rincon Band of Luiseño Indians. Thank you for inviting us to submit comments on the Via De La Valle Retaining Walls Erosion Control Maintenance Project No. 490737. Rincon is submitting these comments concerning your projects potential impact on Luiseño cultural resources.

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 Luiseño people. This is to inform you, your identified location is not within the Luiseño 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.

B-1

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

RINCON BAND OF LUISEÑO INDIANS (SEPTEMBER 25, 2017)

B-1 Comment noted. As noted in the Final MND, a Native American (Kumeyaay) monitor will be on-site to monitor any ground disturbing activities associated with project implementation.

Bo Mazzetti
Tribal Chairman

Tishmall Turner
Vice Chairwoman

Steve Stallings
Council Member

Laurie E. Gonzalez
Council Member

Alfonso Kolb
Council Member



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

Phone: 6194453810
Fax: 6194455337
viejas.com

September 28, 2017

Myra Herrmann
Environmental Planner
City of San Diego Planning Dept.
1010 Second Avenue, Suite 1200, East Tower, MS 413
San Diego, CA 92101

RE: Via De La Valle Retaining Walls Erosion Control No. 490737

Dear Ms. Herrmann,

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

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

B-2

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

Sincerely,

Ray Teran, Resource Management
VIEJAS BAND OF KUMEYAAY INDIANS

VIEJAS TRIBAL GOVERNMENT (SEPTEMBER 28, 2017)

B-2 Please see Response to Comment B-1 above.



San Diego County Archaeological Society, Inc.
Environmental Review Committee

27 September 2017

To: Ms. Myra Herrmann
Planning Department
City of San Diego
Suite 1200, East Tower, MS413
1010 Second Avenue
San Diego, California 92101

Subject: Draft Mitigated Negative Declaration
Via de la Valle Retaining Walls Maintenance Project
Project No. 490737


Dear Ms. Herrmann:

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

Based on the information contained in the DMND and the cultural resources report for the project, we agree with the monitoring program prescribed as cultural resources mitigation.

C-1

Thank you for offering SDCAS the opportunity to provide our comments on this project's environmental documents.

Sincerely,

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

cc: Helix Environmental
SDCAS President
File

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

SAN DIEGO COUNTY ARCHAEOLOGICAL SOCIETY (SEPTEMBER 27, 2017)

C-1 Comment noted.



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Project Location - Aerial

VIA DE LA VALLE EROSION CONTROL MAINTENANCE PROJECT

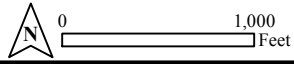


Figure 2



I:\PROJECTS\SDD\SDD-30_VaieldaValle_ECMP\Map\CR\Fig_Regional.mxd SDD-30_08/24/16-4Y

Regional Location Map

VIA DE LA VALLE EROSION CONTROL MAINTENANCE PROJECT

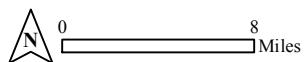


Figure 1

INITIAL STUDY CHECKLIST

1. Project Title/Project number: Via De La Valle Retaining Walls Erosion Control Maintenance Project/PTS 490737
2. Lead agency name and address: City of San Diego, Planning Department, 1010 Second Avenue, Suite 1200, East Tower, MS 413, San Diego, CA 92101
3. Contact person and phone number: Myra Herrmann, Senior Planner. (619) 446-5372
4. Project location: West and East of Via Del Canon on Via De La Valle, Del Mar, 92014, within the City of San Diego developed public right-of-way; the western wall section is within the Via De La Valle Specific Plan/Urban Reserve area, and the eastern wall section is within the North City Future Urbanizing Area Framework Plan area, in the northwestern part of the City of San Diego, in western San Diego County. The two retaining wall maintenance areas are located within the City's developed public right-of-way next to the westbound bike lane and traffic lane on Via De La Valle, just west and east of Via del Canon. The retaining walls were installed to capture the cut exposed hillside erosion to protect bicyclists and motorists using Via De La Valle.
5. Project Applicant/Sponsor's name and address: City of San Diego, Transportation and Storm Water Department, Right-of-Way Coordination Division / Monica Arredondo, Assistant Engineer, 2781 Caminito Chollas, MS 44, San Diego, CA 92105, (619) 527-7511.
6. General Plan designation: Right-of-Way (surrounding uses are Single Family Residential and Agriculture/Rural Residential)
7. Zoning: Right-of-Way, AR-1-1, western wall section is within the Coastal Overlay Zone.
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.): MAYOR APPROVAL to allow for the removal of up to 2 feet of eroded material (approximately 750 linear feet) on, and directly behind two existing interlocking retaining wall sections located within the City of San Diego developed public right-of-way. The western wall section is approximately 360 linear feet and the eastern wall section is approximately 390 linear feet. The retaining wall systems consist of mainly double stacked 2.5 x 2.5 x 5, 2 ton blocks that provide approximately 8 square inches of drainage area per block. The walls are approximately 5 feet high with the exception of a 130 foot section of the western part of the eastern wall which is a single layer of interlocking blocks measuring approximately 2.5 feet high. Maintenance of the western wall section would require removal of approximately 53.3 cubic yards of material, and approximately 57.8 cubic yards of material would be removed from the eastern wall section. Overall, about 111.1 cubic yards of material would be removed and transported to the City's landfill.
9. Surrounding land uses and setting: Mainly single-family residential, with a few parcels of neighborhood commercial, Del Mar Horse Park is located on the south side of Via de la Valle at the intersection of El Camino Real.
10. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.): None.
11. Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code (PRC) section 21080.3.1? If so, has consultation begun? Tribal consultation was conducted on April 28, 2017 with

representatives from the Iipay Nation of Santa Ysabel, and Jamul Indian Village. Consultation concluded with all parties in agreement with a recommendation for Native American Kumeyaay monitoring during all maintenance activities in the project area.

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 PRC section 21083.3.2.) Information may also be available from the California Native American Heritage Commission's Sacred Lands File per PRC section 5097.96 and the California Historical Resources Information System administered by the California Office of Historic Preservation. Please also note that PRC section 21082.3(c) contains provisions specific to confidentiality.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

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

DETERMINATION: (To be completed by Lead Agency)

On the basis of this initial evaluation:

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

- Although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or (MITIGATED) NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or (MITIGATED) NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

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

I) AESTHETICS – Would the project:

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

The proposed project would not substantially affect a scenic vista since it would be located primarily within the public right-of-way and would only include erosion control maintenance to two existing retaining walls; there would be no new construction. The project would improve the visual quality of the area by removing hillside erosion and debris sloughing over several sections of the walls and falling into the bike and traffic lanes.

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

No direct impacts to scenic resources would occur, and project implementation would not result in impacts to these resources. The project site is not located within a state scenic highway.

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

Please see I. a.

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

The proposed project would not utilize construction materials that are highly reflective, and project work would occur at approximately 2.5 and 5 feet above ground level. Project implementation would not create a new source of light or glare that would adversely affect day or nighttime views in the area.

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

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

Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. – Would the project:

- a) Converts Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

The site of the proposed project is not classified as farmland by the Farmland Mapping and Monitoring Program (FMMP). Similarly, land surrounding the proposed project is not classified as farmland by the FMMP. Therefore, the proposed project would not convert farmland to non-agricultural uses. The surrounding zoning designation is AR-1-1, Agricultural-Residential on minimum 10-acre lots; however, the proposed project is entirely located within the developed public right-of-way.

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

Please see II.a

- 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))?

The public right-of-way and land surrounding the proposed project are not zoned as forest land. Therefore, the proposed project would not conflict with existing zoning for forest land.

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

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

The proposed project is located within the developed public right-of-way and the land surrounding the proposed project is not designated forest land. Therefore, the proposed project would not convert forest land to non-forest use.

- 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?

No existing agricultural uses are located in proximity of the project site that could be affected by the proposed project.

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?

Use of the CASE 580 backhoe, Bobcat 360, and dump truck for debris removal during the proposed project could increase the amount of harmful pollutants entering the air basin. However, emissions during erosion control maintenance activities would be temporary. With the lack of operational emissions, the proposed project would not result in a conflict of air quality plans.

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

Please see III.a.

- c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?

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

As described above, erosion control maintenance activities could temporarily increase the emissions of dust and other pollutants. However, emissions from maintenance activities would be temporary and are anticipated to be level less than significant. Therefore, the proposed project would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under applicable federal or state ambient air quality standards.

- d) Expose sensitive receptors to substantial pollutant concentrations?

Erosion control maintenance activities could increase emissions of harmful pollutants, which could affect sensitive receptors adjacent to the proposed project. However, emissions during maintenance activities would be temporary over the course of several days and therefore would not be expected to expose sensitive receptors to substantial pollutant concentrations.

- e) Create objectionable odors affecting a substantial number of people?

Operation of the CASE 580 backhoe, Bobcat 360, dump truck, and other maintenance crew vehicles could generate odors associated with fuel combustion. However, these odors would only remain temporarily in proximity to the maintenance equipment and vehicles. After erosion control maintenance is complete, there would be no objectionable odors associated with the proposed project.

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?

The proposed project is not located within the City’s Multi-Habitat Planning Area (MHPA) and does not support sensitive species or habitat identified or listed in local or regional plans, policies or regulations, and therefore would not result in impacts requiring mitigation in accordance with CEQA, or a Site Development Permit pursuant to the City’s Land Development Code, Environmentally Sensitive Lands Regulation.

| Issue | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|--------------------------------|--|------------------------------|-------------------------------------|
| 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? <u>Please see IV.a above.</u> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 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? <u>Please see IV.a above.</u> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 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? <u>The proposed project is located in the developed public right-of-way and does not have the potential to interfere with the movement of any migratory species or wildlife corridors.</u> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 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 proposed project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

- | | | | | |
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| 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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The project site is located within the developed public right-of-way and therefore would not conflict with an adopted Habitat Conservation Plan or other approved local, regional or state habitat conservation plan.

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. CEQA requires that before approving discretionary projects, the Lead Agency must identify and examine the significant adverse environmental effects, which may result from that project. A project 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. Because the potential does exist for encountering cultural material during the removal of soil and debris from behind the retaining walls, an archaeological and Native American Kumeyaay monitor would be present on site during maintenance activities. Implementation of these mitigation requirements would reduce potential impacts to historical resources to below a level of significance and would not result in a substantial adverse change to the significance of an historical resource.

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| 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"/> |
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The proposed project would occur in an area where archaeological resources have been recorded. CA-SDI-16695 (also known as SDM-W-45A) and CA-SDI-16696 (also

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known as SDM-W-45) are two recorded archaeological sites extending into the project area that were classified as “slough margin middens and cave occupation”. The sites were evaluated in accordance with CEQA and the PRC for the Via De La Valle Bike Lane Project. During a 1998 cultural resources survey, the presence of marine shell indicated that a portion of CA-SDI-16696 was still present, and the potential for buried cultural resources was noted on the site record. CA-SDI-16695 was also examined in conjunction with the bike lane project, but this portion of the site was covered with fill from road construction. A 2006 site record update of CA-SDI-16695 noted a sparse scatter of shell, as well as several mano fragments, flakes, a modified flake, and fire-affected rock; however, it was unknown whether any of the cultural material was in its original context due to the disturbed nature of the site location. Furthermore, this was subject to tribal consultation in accordance with Assembly Bill 52 (AB52) and as such resulted in a recommendation for Native American Kumeyaay monitoring due to the high potential for human remains to be encountered anywhere in the project vicinity. As such, the project is required to implement the mitigation measures outlined in Section V of the MND under Historical Resources (Archaeology) which will reduce potential impacts to below a level of significance.

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

The proposed project’s erosion control maintenance activities do not call for any trenching, so depths that exceed the City of San Diego’s CEQA Significance thresholds for paleontological resources will not occur. According to the Paleontological Resource Assessment prepared for the project by the Paleo Services/San Diego Natural History Museum (September 6, 2016), the proposed work will only impact the slope wash deposits that have eroded from the abutting hillside, and any fossils contained within this material are not believed to be scientifically significant and therefore the impact is less than significant and no mitigation would be required.

- d) Disturb any human remains, including those interred outside of dedicated cemeteries?

Please refer to section V.a. Archaeological and Native American monitoring will be required during all construction/maintenance-related activities. If human remains are encountered, all provisions of the Mitigation Monitoring and Reporting Program (MMRP), the Public Resources Code, and the California Health and Safety Code will be implemented to ensure the appropriate treatment of any burials or associated grave goods.

VI. GEOLOGY AND SOILS – Would the project:

- a) Expose people or structures to potential substantial

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adverse effects, including the risk of loss, injury, or death involving:

- i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.

The project site is not located within an Alquist-Priolo Fault Zone, but the City of San Diego Seismic Safety Maps indicate the presence of a Geologic Hazard Category 12, Potentially Active (Inactive, Presumed Inactive, or Activity Unknown) fault located approximately 1,000 feet northwest of the proposed project. The proposed project does not include any structures for human occupancy and would not require any engineering or construction activities other than the removal of eroded slope wash material building up behind two existing retaining walls. Therefore, risk from rupture of a known earthquake fault in this category would be less than significant.

- ii) Strong seismic ground shaking?

See VI.a.i.

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

According to the City of San Diego Seismic Safety Maps, the proposed project is located on soil that has a low potential for liquefaction. The project does not include any structures for human occupancy. The proposed project does not require any engineering or construction activities, so the potential for impacts from liquefaction would be less than significant.

- iv) Landslides?

The proposed project is located on terrace escarpments, which are steep slopes of specific soils that are easily disturbed and prone to erosion. According to the Landslide Hazards map from the California Department of Conservation Division of Mines and Geology, the project site is adjacent to areas generally susceptible

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and mostly susceptible to landslides. However, the proposed project involves temporary erosion control maintenance that would not expose people or structures to the risk of loss, injury, or death involving landslides. The proposed project would not require any engineering or construction activities, so the potential for impacts from landslides would be less than significant.

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

The proposed project involves erosion control maintenance to contain hillside erosion and debris sloughing over several sections of the retaining walls that would take place within the developed public right of way. The proposed project would not involve any engineering or construction activities requiring protection of soils to prevent further erosion. Therefore, there would be no soil erosion or loss of topsoil.

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

The City of San Diego Seismic Safety Maps indicate the project is located within Geologic Hazard Category 32, which is defined as Low Potential, fluctuating groundwater minor drainages for liquefaction, but within 1,000 feet of a Geologic Hazard Category 12, Potentially Active fault. In addition, the project site is located on terrace escarpments that are easily disturbed and prone to erosion, and the Landslide Hazards map from the California Department of Conservation Division of Mines and Geology indicate the project site is adjacent to areas generally susceptible and mostly susceptible to landslides. Even though the project is located in an unfavorable geological structure area, it has low to moderate risk for the potential to result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse. Erosion control maintenance activities would occur in the developed public right-of-way at approximately 2.5 and 5 feet above ground level. Further, the proposed project would not involve any engineering or construction activities; therefore, potential impacts in this category based on regional geologic hazards would remain less than significant.

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

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The proposed project does not include any structures for human occupancy and erosion control maintenance activities would occur in the developed public right-of-way at approximately 2.5 and 5 feet above ground level. The proposed project not involve any engineering or construction activities; therefore, the potential for impacts from expansive soil would be less than significant.

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

The proposed project would not utilize septic tanks or alternative wastewater systems. Therefore, no impact would occur.

VII. GREENHOUSE GAS EMISSIONS - Would the project:

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

The City of San Diego, as of July 2016, is utilizing the Climate Action Plan Consistency Checklist (Checklist) to provide a streamlined review process for proposed new development projects that are subject to discretionary review and trigger environmental review pursuant to CEQA. The first step in determining CAP consistency is to assess a project's consistency with the land use assumptions used in the CAP. Specifically, in Step 1, the proposed project must be determined to be consistent with the existing General Plan and Community Plan land use and zoning designations. Since erosion control maintenance activities within developed public rights-of-way is consistent with all land use and zoning designations, the project is consistent with both the General Plan and Community Plan land use and zoning designations. Thus, the review would proceed to Step 2 of the Checklist to evaluate a project's consistency with the applicable strategies and actions of the CAP. However, Step 2 only applies to development projects that involve permits that would require a certificate of occupancy. Since an erosion control does not require a certificate of occupancy, the review is complete and the project is determined to be consistent with the CAP. The project would therefore, not cause any significant increase in GHG emissions, and no mitigation is required. Impacts would be less than significant.

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

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Please also see VII.a. It is anticipated that the proposed project would not conflict with any applicable plans, policies, or regulations related to greenhouse gases. There is no impact.

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?

Use of the CASE 580 backhoe, Bobcat 360, and dump truck to remove the debris from behind the two retaining wall sections for the proposed 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?

According to the California State Water Resources Control Board’s GeoTracker website, the project boundary does not contain any Leaking Underground Storage Tank (LUST) cleanup sites, permitted UST’s, or other cleanup sites located within 1,000 feet. While contractors are required to implement §803, “Encountering or Releasing Hazardous Substances or Petroleum Products,” of the City of San Diego Standard Specifications for Public Works Construction (“Whitebook”) in the event that construction activities encounter underground contamination to ensure the proper handling and disposal of any contaminated soils in accordance with all applicable local, state, and federal regulations, the proposed project does not include any construction activities. The project’s erosion control maintenance activities would occur in the developed public right-of-way at approximately 2.5 and 5 feet above ground level. Therefore, impacts would remain less than significant.

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

There are no schools within a quarter mile of the project boundary. Impacts would not occur.

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- 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?

The project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. No impact would occur.

- 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?

The proposed project is not located within the boundaries of an airport land use plan or an airport land use plan pending adoption. In addition, work for the proposed project would occur in the developed right of way at approximately 2.5 and 5 feet above ground level and would not introduce any new features that would create a flight hazard. There would be no impact.

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

The proposed project is not within the vicinity of a private airstrip.

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

The erosion control maintenance activities for the proposed project would temporarily affect traffic circulation within the project boundary. However, traffic control measures would be implemented during maintenance activities which would allow emergency plans to be employed. Impacts would be less than significant.

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- 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?

The project site does not contain wildlands that could pose a threat of wildland fires. As such, the proposed project would not introduce any new features that would increase the risk of fire because the project involves the removal of hillside erosion and debris from behind two retaining wall sections within the developed public right-of-way.

IX. HYDROLOGY AND WATER QUALITY - Would the project:

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

Potential impacts to existing water quality standards associated with the proposed project would include minimal short-term maintenance-related erosion/sedimentation and no long term operational storm water discharge. Conformance to the City's Storm Water Standards would prevent or effectively minimize short-term water quality impacts. Therefore, the proposed project would not violate any existing water quality standards or discharge requirements.

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

The proposed project does not propose the use of groundwater. Furthermore, the project would not introduce significant new impervious surfaces that could interfere with groundwater recharge. Therefore, the proposed project would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge.

- c) Substantially alter the existing drainage pattern of the site or

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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?

There are no streams or rivers within the project boundary. Upon completion of the erosion control maintenance, the roadway would be returned to its preexisting condition. Therefore, the proposed project would not substantially alter any 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?

Please see IX.c. Since the proposed project would not substantially alter the existing drainage patterns and would not introduce additional impermeable surfaces, the rate of surface runoff would not be increased.

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

Please see IX.c and d. Compliance with the City's Storm Water Standards would prevent or effectively minimize short-term maintenance impacts. Therefore, the proposed project would not contribute runoff water that would exceed the capacity of existing storm water systems.

- f) Otherwise substantially degrade water quality?

Compliance with the City's Storm Water Standards would prevent or effectively minimize impacts and would preclude impacts to water quality.

- g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood

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Insurance Rate Map or other flood hazard delineation map?

The proposed project does not propose construction of any new housing.

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

The proposed project is not located within the 100 year floodplain, nor does the proposed project propose any new structures that would impede or redirect flood flows. Therefore, no impact would occur.

i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?

The proposed project would not include any new features that would increase the risk associated with flooding beyond those of the existing conditions.

j) Inundation by seiche, tsunami, or mudflow?

The proposed project would not include any new features that would increase the risk associated with seiche, tsunami, or mudflow beyond those of the existing conditions.

X. LAND USE AND PLANNING – Would the project:

a) Physically divide an established community?

Implementation of the proposed project would involve erosion control maintenance within the developed public right-of-way at approximately 2.5 and 5 feet above ground level and would not introduce any features that could physically divide an established community.

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

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mitigating an environmental effect?

The proposed project is located within the developed public right-of-way and would be consistent with all applicable land use plans, policies, or regulations of an agency with jurisdiction over the project and would not conflict with any applicable land use plans. The project is exempt from the requirement to obtain a Coastal Development Permit pursuant to the San Diego Municipal Code (SDMC) Section 126.0704, Exemptions from a Coastal Development Permit, subsection (b): Repair or maintenance activities are exempt. Additionally, although the proposed project contains areas mapped as environmentally sensitive, the project will be conducted entirely within the developed public right-of-way and as such will not require a Neighborhood or Site Development Permit in accordance with SDMC Section 143.0111, Limited Exceptions from Environmentally Sensitive Lands Regulations, subsection (c): Erosion control measures are exempt from the steep hillside development area regulations in Section 143.0142(a) if they are determined to be the only feasible means of erosion control necessary to protect the existing primary structures or public improvements (the bicycle and traffic lanes).

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

The project site is not located within or adjacent to any applicable habitat or natural community conservation plans.

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?

The area surrounding the proposed project is not being used for the recovery of mineral resources. Similarly, the area surrounding the proposed project site is not designated for the recovery of mineral resources on the City of San Diego General Plan Land Use Map. Therefore, the proposed project would not result in the loss of availability of a known mineral resource.

- 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?

Please see XI.a.

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XII. NOISE – Would the project result in:

a) Exposure of persons to, or generation of, noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

The proposed project would only generate noise during erosion control maintenance activities, which would be temporary and transitory in nature. Therefore, people would not be exposed to noise levels in excess of any noise regulations.

b) Exposure of persons to, or generation of, excessive ground borne vibration or ground borne noise levels?

Please see XII.a.

c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

Please see XII.a.

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

The erosion control maintenance activities associated with the proposed project would result in a temporary increase in the ambient noise levels in the project vicinity. However, based upon the transitory nature of the project and surrounding noise levels in the area resulting from traffic along Via De La Valle, the increase in ambient noise would be less than significant.

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?

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The proposed project area is not within an airport land use plan or two miles of 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?
- | | | | | |
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| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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The proposed project area is not within the vicinity of a private airstrip.

XIII. POPULATION AND HOUSING – Would the project:

- a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?
- | | | | | |
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| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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The proposed project would remove hillside erosion and debris from behind two retaining wall sections located within the developed public right-of-way. It would not build any new housing, businesses, roadways or infrastructure that could induce growth.

- b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?
- | | | | | |
|--------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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The proposed project would remove hillside erosion and debris from behind two retaining wall sections located within the developed public right-of-way and would not remove, displace, or otherwise affect existing housing in any way that would necessitate the construction of replacement housing.

- c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?
- | | | | | |
|--------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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The proposed project would remove hillside erosion and debris from behind two retaining wall sections located within the developed public right-of-way and would not result in the displacement of people, which would necessitate the construction of replacement housing.

XIV. PUBLIC SERVICES

- a) Would the project result in substantial adverse physical

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

i) Fire Protection

Since the proposed erosion control maintenance project would not result in population growth, the project would not trigger the need to construct or alter governmental facilities including fire protection facilities.

ii) Police Protection

The proposed project would not physically alter any police protection facilities. Erosion control maintenance activities would not trigger the need to construct or alter police protection facilities.

iii) Schools

The proposed project would not trigger the need to physically alter any schools. Additionally, the proposed project would not include construction of future housing or induce growth that could increase demand for schools in the area.

v) Parks

The proposed project would not physically alter any parks. Therefore, the proposed project would not create demand for new parks or other recreational facilities.

vi) Other public facilities

The proposed project would not 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

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deterioration of the facility would occur or be accelerated?

The proposed project would remove hillside erosion and debris from behind two retaining wall sections located within the developed public right-of-way. The proposed project would not allow for improved access to existing recreation areas. The proposed project would not directly generate additional trips to existing recreation areas or induce future growth that would result in additional trips to these facilities. Therefore, the proposed project would not increase the use of existing recreational areas such that substantial physical deterioration of the facility would occur or be accelerated.

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

The proposed project does not include the construction of recreational facilities or require 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?

The erosion control maintenance activities of the proposed project would temporarily affect traffic circulation within the project boundary in the area of the retaining walls. However, traffic control measures would be implemented during maintenance so that traffic circulation would not be substantially impacted. Therefore, the project would not result in an increase of traffic which is substantial in relation to existing traffic capacity.

- b) Conflict with an applicable congestion management program, including, but not

| Issue | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
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| <p>limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?</p> <p><u>The erosion control maintenance activities of the proposed project would temporarily affect traffic circulation within the project boundary in the area of the retaining walls. However, traffic control measures would be implemented during maintenance so that traffic would not exceed cumulative or individual level of service.</u></p> | | | | |
| <p>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?</p> <p><u>The proposed project does not include any tall structures or new features that would exceed height requirements. Therefore, the project would not affect air traffic patterns or introduce new safety hazards related to air traffic.</u></p> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <p>d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?</p> <p><u>The proposed project will not increase hazards due to a design feature or incompatible uses. However, traffic control measures would be implemented during maintenance and, therefore, would meet existing levels of safety.</u></p> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <p>e) Result in inadequate emergency access?</p> <p><u>The erosion control maintenance activities of the proposed project would temporarily affect traffic circulation within the project boundary in the area of the retaining walls. However, traffic control measures would be implemented during maintenance so that there would be adequate emergency access.</u></p> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <p>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?</p> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

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The proposed project is consistent with the community plan designation and underlying zone and would not result in any conflicts regarding policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities. Once completed, the project will have contained erosion and provide safe access for bicyclists and motorists using the westbound bicycle and traffic lanes on Via De La Valle.

XVII. TRIBAL CULTURAL RESOURCES

a) 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

The proposed project would occur in an area where archaeological resources have been recorded. Sites CA-SDI-16695 and CA-SDI-16696 represent two recorded archaeological sites extending into the project area which consist mainly of a sparse shell scatter, as well as several mano fragments, flakes, a modified flake, and fire-affected rock. The sites have been evaluated in accordance with CEQA and the Public Resources Code (PRC), but do not meet the criteria for listing on the local, state or federal registers as defined in PRC Section 5020.1(k).

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.

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

As stated above, the project has a potential to impact sites CA-SDI-16695 and CA-SDI-16696, which represent recorded archaeological sites extending into the project area consisting mainly of a sparse shell scatter, as well as several mano fragments, flakes, a modified flake, and fire-affected rock. As such, Tribal Consultation in accordance with AB 52 was initiated with the Director of Cultural Resources for the Iipay Nation of Santa Ysabel, and representatives from the Jamul Indian Village to determine if the project area contains any Tribal Cultural Resources or areas of tribal importance which would require further evaluation or special consideration during the environmental review process. Confidential site information was provided during the consultation process which included reference to the presence of human remains within the vicinity of the project site. Tribal consultation also made note of this information and a recommendation was made for Native American-Kumeyaay monitoring during all maintenance activities to assure that potential impacts to Tribal Cultural Resources are reduced to below a level of significance with implementation of the archaeological monitoring program outlined in Section V of the MND.

XVIII. UTILITIES AND SERVICE SYSTEMS – Would the project:

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

The proposed project would provide erosion control maintenance within the developed public right-of-way and would not exceed the requirements of the Regional Water Quality Control Board.

- 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?

Please see XVIII.a above; the construction of new water or wastewater facilities would not be required.

- 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?

The proposed project would not result in expanded impervious surface area and would not result in substantial quantities of runoff which would require new or expanded

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

treatment facilities. Therefore, the proposed project would not require the construction of new storm water drainage facilities or expansion of existing facilities.

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

The proposed project would not require the use of any permanent water source and, therefore, would not impact existing water supplies.

- 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?

The proposed project would not generate wastewater and, therefore, would not impact an existing wastewater treatment provider.

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

The proposed project would generate waste associated with erosion control maintenance activities. The hillside erosion and debris removed from behind the two retaining wall sections would be disposed of in conformance with all applicable local and state regulations pertaining to solid waste including permitting capacity of the landfill serving the project area. Materials able to be recycled shall be done to local standards regulating such activity. Approximately 111.1 cubic yards of solid waste material would be generated from the proposed project and, therefore, would not affect the permitted capacity of the landfill serving the project area.

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

The proposed project would not generate solid waste and, therefore, would not affect solid waste statutes and regulations. Any solid waste generated during project-related maintenance activities would be recycled or disposed of in accordance with all applicable local, state and federal regulations.

XVIV. MANDATORY FINDINGS OF SIGNIFICANCE –

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

As noted above under the discussions for Cultural Resources (Section V) and Tribal Cultural Resources (Section XVII), the proposed project area is within two recorded archaeological sites. These sites have yielded information that is important to the local Kumeyaay community in that it provides evidence of native use and exploitation of shellfish resources within a marine environment prior to the development of housing in the area. As such, Tribal Consultation was conducted in accordance with AB52 which concluded that the erosion control maintenance activities associated have the potential to impact archaeological and tribal cultural resources which requires implementation of the mitigation measures outlined in Section V of the MND and would reduce potential impacts to below a level of significance.

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

When viewed in connection with the effects of other projects in the area, the erosion control maintenance activities have the potential to impact archaeological and tribal cultural resources which could incrementally contribute to a cumulative loss of non-renewable resources. However, with implementation of the mitigation measures identified in Section V of the MND, this incremental impact would be reduced 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?

As proposed, the erosion control maintenance activities of the proposed project do not have the potential to cause substantial adverse effects on human beings.

INITIAL STUDY CHECKLIST

REFERENCES

I. AESTHETICS / NEIGHBORHOOD CHARACTER

- City of San Diego General Plan.
- Community Plan.
- Local Coastal Plan.

II. AGRICULTURAL RESOURCES & FOREST RESOURCES

- City of San Diego General Plan.
- U.S. Department of Agriculture, Soil Survey - San Diego Area, California, Part I and II, 1973.
- California Agricultural Land Evaluation and Site Assessment Model (1997)
- California Department of Conservation, Farmland Mapping and Monitoring Program, <http://www.conservation.ca.gov/dlrp/fmmp/Pages/SanDiego.aspx>
- 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, "Multi-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.

___ Site Specific Report:

V. CULTURAL RESOURCES (INCLUDES HISTORICAL RESOURCES)

X City of San Diego Historical Resources Guidelines.

X City of San Diego Archaeology Library.

___ Historical Resources Board List.

___ Community Historical Survey:

X Tribal Consultation in accordance with AB52 (April 28, 2017)

X Site Specific Report: Robbins-Wade, Mary, "Via De La Valle Erosion Control Maintenance Project, Project No. 490737, Cultural Resources Survey," Helix Environmental Planning, Inc., 2016.

X Site Specific Report: Robbins-Wade, Mary, "Via De La Valle Erosion Control Maintenance Project, Project No. 490737, Confidential Appendices to the Cultural Resources Survey," Helix Environmental Planning, Inc., 2016.

VI. GEOLOGY/SOILS

X City of San Diego Seismic Safety Maps.

X U.S. Department of Agriculture Soil Survey - San Diego Area, California, Part I and II, December 1973 and Part III, 1975 via <http://websoilsurvey.nrcs.usda.gov/app/HomePage.htm>.

___ State of California Earthquake Fault Zones Maps, Point Loma Quadrangle, May 2003.

X California Department of Conservation Division of Mines and Geology, Landslide Hazards map, 1995, <http://maps.conservation.ca.gov/cgs/informationwarehouse/index.html?map=landslides>

___ Site Specific Reports:

VII. GREENHOUSE GAS EMISSIONS

___ Site Specific Report:

VIII. HAZARDS AND HAZARDOUS MATERIALS

- San Diego County Hazardous Materials Environmental Assessment Listing
- San Diego County Hazardous Materials Management Division
- FAA Determination
- California State Water Resources Control Board's GeoTracker,
<https://geotracker.waterboards.ca.gov/>
- 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, <https://msc.fema.gov/portal/search>.
- Clean Water Act Section 303(b) list.
- Site Specific Report:

X. LAND USE AND PLANNING

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

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.
- California Geological Survey - SMARA Mineral Land Classification Maps.
- Site Specific Report:

XII. NOISE

- City of San Diego General Plan.

- ___ Community Plan
- ___ San Diego International Airport Master Plan CNEI Maps.
- ___ MCAS Miramar ACLUP
- ___ Brown Field Airport Master Plan CNEI Maps.
- ___ Montgomery Field CNEI Maps.
- ___ San Diego Association of Governments - San Diego Regional Average Weekday Traffic Volumes.
- ___ San Diego Metropolitan Area Average Weekday Traffic Volume Maps, SANDAG.
- ___ City of San Diego General Plan.
- ___ Site Specific Report:

XIII. PALEONTOLOGICAL RESOURCES

- X City of San Diego Paleontological Guidelines.
- X Site Specific Report: Deméré, Thomas A., and Shelly L. Donohue, "Paleontological Resource Assessment, Via De La Valle Erosion Control Maintenance, City of San Diego, San Diego County, California, Project No. 490737" Department of PaleoServices, San Diego Natural History Museum, 2016.

XIV. POPULATION / HOUSING

- ___ City of San Diego General Plan.
- ___ Community Plan.
- ___ Series 11 Population Forecasts, SANDAG.
- ___ Other:

XV. PUBLIC SERVICES

- ___ City of San Diego General Plan.
- ___ Community Plan.

XVI. RECREATIONAL RESOURCES

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

XVII. TRANSPORTATION / CIRCULATION

- City of San Diego General Plan.
- Community Plan.
- San Diego Metropolitan Area Average Weekday Traffic Volume Maps, SANDAG.
- San Diego Region Weekday Traffic Volumes, SANDAG.
- Site Specific Report:

XVIII. TRIBAL CULTURAL RESOURCES

- City of San Diego Historical Resources Guidelines.
- City of San Diego Archaeology Library.
- Historical Resources Board List
- Tribal Consultation in accordance with AB52 (April 28, 2017)
- Site Specific Report: Robbins-Wade, Mary, "Via De La Valle Erosion Control Maintenance Project, Project No. 490737, Cultural Resources Survey," Helix Environmental Planning, Inc., 2016.
- Site Specific Report: Robbins-Wade, Mary, "Via De La Valle Erosion Control Maintenance Project, Project No. 490737, Confidential Appendices to the Cultural Resources Survey," Helix Environmental Planning, Inc., 2016.

XVIX. UTILITIES

- City of San Diego General Plan.
- Community Plan.
- Site Specific Report:

XX. WATER CONSERVATION

- City of San Diego General Plan.
- Community Plan.
- Sunset Magazine, New Western Garden Book. Rev. ed. Menlo Park, CA: Sunset Magazine.
- Site Specific Report:

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