



**FINAL
MITIGATED NEGATIVE DECLARATION**

Project No. 302218
SCH# 2016031009

SUBJECT: Hayes Avenue Storm Drain Project: SITE DEVELOPMENT PERMIT (SDP) for a The proposed storm drain line is approximately 439 feet long ~~and will to~~ replace existing storm drain facilities within existing road right-of-way, an alleyway, and the canyon. Specifically, the Project will to replace approximately 26 linear feet of existing and install a new storm drain pipe along Hayes Avenue; abandon approximately 150 linear feet of existing storm drain pipe at 820 Hayes Avenue; install approximately 250 linear feet of storm drain pipe at the alley between 906 Hayes Avenue and 930 Hayes Avenue and down the canyon; install 100 linear feet of storm drain pipe on Hayes Avenue; and within undeveloped portions of an existing canyon in the urban community of Hillcrest. The project also includes the installation of an energy dissipater (9' x 11') at the bottom of the canyon, catch basin, a box culvert at the end of Hayes Avenue, and a clean outs (3.5' in diameter) at the end of the alleyway north of Hayes Avenue (Figure 3). A new three foot-wide trench on Hayes Avenue would be excavated to install the new 18-inch reinforced concrete pipe (RCP) storm drain next to an existing 160-linear feet storm drain main. The trench would be three to ten feet deep.

Construction access paths and staging areas would be sited on Hayes Avenue. Work would be confined to a 15-foot-wide temporary construction easement where ground-disturbing activities and temporary construction staging would occur. Much of the work would occur within Hayes Avenue, although some of the work would be conducted on the north-facing slope of an undeveloped canyon in the MHPA, which supports native vegetation.

The project is located in central San Diego County, immediately west of CA State Route 163, north of Washington Street, and within a residential area within the urban community of Hillcrest (Uptown Community Planning area) in the City of San Diego. The project is within the City's MSCP Subarea Plan, and approximately 1.0 acres of the 2.6-acre study area is located within the Multi-Habitat Planning Area (MHPA). The northern region of the project is located within City-owned Assessor's Parcel Number 444-351-0700, and the southern region of the project is located along Hayes Avenue.

APPLICANT: City of San Diego – Public Works Department, Right of Way Division

UPDATE – October 20, 2016

Minor revisions have been made to the Final Mitigated Negative Declaration (MND) which appear in a ~~strikeout~~ and underlined format. Specifically, the Initial Study Checklist has been revised to include additional information regarding project features or elements and clarifications made in the revised biological resources report at the request of the California Department of Fish and Wildlife. In addition, MND Figure 2 – Project Site Plan and Biological

Resources Map has been revised accordingly. In accordance with the California Environmental Quality Act, Section 15073.5 (c)(4), the addition of new information that clarifies, amplifies, or makes insignificant modification does not require recirculation as there are no new impacts and no new mitigation identified. An environmental document need only be recirculated when there is identification of new significant environmental impact or the addition of a new mitigation measure required to avoid a significant environmental impact.

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

The City of San Diego conducted an Initial Study, which determined that the proposed project could have a significant environmental effect in the following areas(s): **Biological Resources, Land Use (MSCP/MHPA) and Historical Resources (Archaeology).**

- 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 Bid Opening/Bid Award or beginning any construction related activity on-site, the Public Works Department Environmental Designee (ED) shall review and approve all Construction Documents (CD) (plans, specification, details, etc.) to ensure that all 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/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 CITY PROJECT MANAGER (PM) of the Public Works Department is responsible to arrange and perform this meeting by

contacting the City staff from MITIGATION MONITORING COORDINATION (MMC). Attendees must also include the PM, MMC and the following monitors:

Qualified Biologist, Qualified Archaeologist, Archaeological and Native American Monitors

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 PM at the Public Works Department (619) 533-4665

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

2. **MMRP COMPLIANCE:** This Project, Project Tracking System (PTS) 302218, shall conform to the mitigation requirements contained in the associated Environmental Document and implemented to the satisfaction of the DSD's ED and MMC. 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:

The PM must alert MMC if there are any discrepancies in the plans or notes, or any changes due to field conditions. All conflicts must be approved by 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 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.
4. **MONITORING EXHIBITS:** The Qualified Biologist shall submit, to MMC, a monitoring exhibit on an 11x17 reduction of the appropriate biological site plan, 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 PM/Owner's representative shall submit all required documentation, verification letters, and requests for all associated inspections to 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 | Monitor Qualification Letter | Prior to Construction |
| General | Monitoring Exhibit | Prior to Construction |
| Biology | Gnatcatcher Survey Report | Prior to Construction |
| Biology | General Bird Nesting Survey | Prior to Construction |
| Biology | Monitoring Reports | During/Post Construction |
| Biology | Final MMRP | Final MMRP Inspection/Approval |
| Archaeology | Monitoring Reports | Final MMRP Inspection/Approval |

C. SPECIFIC MMRP ISSUE AREA CONDITIONS/REQUIREMENTS:

BIOLOGICAL RESOURCES

I. Prior to Construction

- A. **Mitigation Verification** - None
- B. **Biologist Verification** -The owner/permittee shall provide a letter to the City's Mitigation Monitoring Coordination (MMC) section stating that a Project Biologist (Qualified Biologist) as defined in the City of San Diego's Biological Guidelines (2012), has been retained to implement the project's biological monitoring program. The letter shall include the names and contact information of all persons involved in the biological monitoring of the project.
- C. **Preconstruction Meeting** - The Qualified Biologist shall attend the preconstruction meeting, discuss the project's biological monitoring program, and arrange to perform any follow up mitigation measures and reporting including site-specific monitoring, restoration or revegetation, and additional fauna/flora surveys/salvage.
- D. **Biological Documents** - The Qualified Biologist shall submit all required documentation to MMC verifying that any special mitigation reports including but not limited to, maps, plans, surveys, survey timelines, or buffers are completed or scheduled per City Biology Guidelines, Multiple Species Conservation Program (MSCP), Environmentally Sensitive Lands Regulation (ESL), project permit conditions; California Environmental Quality Act (CEQA); endangered species acts (ESAs); and/or other local, state or federal requirements.
- E. **BCME** -The Qualified Biologist shall present a Biological Construction Mitigation/Monitoring Exhibit (BCME) which includes the biological documents in D. above. In addition, include: restoration/revegetation plans, plant salvage/relocation requirements (e.g., coastal cactus wren plant salvage, burrowing owl exclusions, etc.), avian or other wildlife surveys/survey schedules (including general avian nesting and USFWS protocol), timing of surveys, wetland buffers, avian construction avoidance areas/noise buffers/ barriers, other impact avoidance areas, and any subsequent requirements determined by the Qualified Biologist

and the City ADD/MMC. The BCME shall include a site plan, written and graphic depiction of the project's biological mitigation/monitoring program, and a schedule. The BCME shall be approved by MMC and referenced in the construction documents.

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

II. During Construction

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

not encroach into biologically sensitive areas, or cause other similar damage, and that the work plan has been amended to accommodate any sensitive species located during the pre-construction surveys. Wildlife ladders for reptiles and small mammals as appropriate will be provided as a measure to prevent entrapment of these species in the construction trenches. In addition, the Qualified Biologist shall document field activity via the Consultant Site Visit Record (CSV). The CSV shall be e-mailed to MMC on the 1st day of monitoring, the 1st week of each month, the last day of monitoring, and immediately in the case of any undocumented condition or discovery.

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

III. **Post Construction Measures**

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

LAND USE - MSCP/MHPA - LAND USE ADJACENCY GUIDELINES

- I. Prior to issuance of any construction permit or notice to proceed, DSD/ LDR, and/or MSCP staff shall verify the Applicant has accurately represented the project's design in or on the Construction Documents (CD's/CD's consist of Construction Plan Sets for Private Projects and Contract Specifications for Public Projects) are in conformance with the associated discretionary permit conditions and Exhibit "A", and also the City's Multiple Species Conservation Program (MSCP) Multi-Habitat Planning Area (MHPA) Land Use Adjacency Guidelines. The applicant shall provide an implementing plan and include references on/in CD's of the following:
 - A. **Grading/Land Development/MHPA Boundaries** - MHPA boundaries on- site and adjacent properties shall be delineated on the CDs. DSD Planning and/or MSCP staff shall ensure that all grading is included within the development footprint, specifically manufactured slopes, disturbance, and development within or adjacent to the MHPA. For projects within or adjacent to the MHPA, all manufactured slopes associated with site development shall be included within the development footprint.
 - B. **Drainage** - All new and proposed parking lots and developed areas in and adjacent to the MHPA shall be designed so they do not drain directly into the MHPA. All

developed and paved areas must prevent the release of toxins, chemicals, petroleum products, exotic plant materials prior to release by incorporating the use of filtration devices, planted swales and/or planted detention/desiltation basins, or other approved permanent methods that are designed to minimize negative impacts, such as excessive water and toxins into the ecosystems of the MHPA.

- C. **Toxics/Project Staging Areas/Equipment Storage** - Projects that use chemicals or generate by-products such as pesticides, herbicides, and animal waste, and other substances that are potentially toxic or impactive to native habitats/flora/fauna (including water) shall incorporate measures to reduce impacts caused by the application and/or drainage of such materials into the MHPA. No trash, oil, parking, or other construction/development-related material/activities shall be allowed outside any approved construction limits. Where applicable, this requirement shall be incorporated into leases on publicly owned property when applications for renewal occur. Provide a note in/on the CD's that states: *"All construction related activity that may have potential for leakage or intrusion shall be monitored by the Qualified Biologist/Owners Representative or Resident Engineer to ensure there is no impact to the MHPA."*
- D. **Lighting** - Lighting within or adjacent to the MHPA shall be directed away/shielded from the MHPA and be subject to City Outdoor Lighting Regulations per LDC Section 142.0740.
- E. **Invasives**- No invasive non-native plant species shall be introduced into areas within or adjacent to the MHPA.
- F. **Noise** - Due to the site's location adjacent to or within the MHPA where the Qualified Biologist has identified potential nesting habitat for listed avian species, construction noise that exceeds the maximum levels allowed shall be avoided during the breeding seasons for the following: California Gnatcatcher (3/1-8/15). If construction is proposed during the breeding season for the species, U.S. Fish and Wildlife Service protocol surveys shall be required in order to determine species presence/absence. If protocol surveys are not conducted in suitable habitat during the breeding season for the aforementioned listed species, presence shall be assumed with implementation of noise attenuation and biological monitoring.

When applicable (i.e., habitat is occupied or if presence of the covered species is assumed), adequate noise reduction measures shall be incorporated as follows:

COASTAL CALIFORNIA GNATCATCHER (Federally Threatened)

Prior to the issuance of any grading permit (FOR PUBLIC UTILITY PROJECTS: prior to the preconstruction meeting), the City Manager (or appointed designee) shall verify that the Multi-Habitat Planning Area (MHPA) boundaries and the following project requirements regarding the coastal California gnatcatcher are shown on the construction plans:

NO CLEARING, GRUBBING, GRADING, OR OTHER CONSTRUCTION ACTIVITIES SHALL OCCUR BETWEEN MARCH 1 AND AUGUST 15, THE BREEDING SEASON OF THE COASTAL CALIFORNIA GNATCATCHER, UNTIL THE FOLLOWING REQUIREMENTS HAVE BEEN MET TO THE SATISFACTION OF THE CITY MANAGER:

- A. QUALIFIED BIOLOGIST (POSSESSING A VALID ENDANGERED SPECIES ACT SECTION 10(a)(1)(A) RECOVERY PERMIT) SHALL SURVEY THOSE HABITAT AREAS WITHIN THE MHPA THAT WOULD BE SUBJECT TO CONSTRUCTION NOISE LEVELS EXCEEDING 60 DECIBELS [dB(A)] HOURLY AVERAGE FOR THE PRESENCE OF THE COASTAL CALIFORNIA GNATCATCHER. SURVEYS FOR THE COASTAL CALIFORNIA GNATCATCHER SHALL BE CONDUCTED PURSUANT TO THE PROTOCOL SURVEY GUIDELINES ESTABLISHED BY THE U.S. FISH AND WILDLIFE SERVICE WITHIN THE BREEDING SEASON PRIOR TO THE COMMENCEMENT OF ANY CONSTRUCTION. IF GNATCATCHERS ARE PRESENT, THEN THE FOLLOWING CONDITIONS MUST BE MET:
 - I. BETWEEN MARCH 1 AND AUGUST 15, NO CLEARING, GRUBBING, OR GRADING OF OCCUPIED GNATCATCHER HABITAT SHALL BE PERMITTED. AREAS RESTRICTED FROM SUCH ACTIVITIES SHALL BE STAKED OR FENCED UNDER THE SUPERVISION OF A QUALIFIED BIOLOGIST; AND
 - II. BETWEEN MARCH 1 AND AUGUST 15, NO CONSTRUCTION ACTIVITIES SHALL OCCUR WITHIN ANY PORTION OF THE SITE WHERE CONSTRUCTION ACTIVITIES WOULD RESULT IN NOISE LEVELS EXCEEDING 60 dB (A) HOURLY AVERAGE AT THE EDGE OF OCCUPIED GNATCATCHER HABITAT. AN ANALYSIS SHOWING THAT NOISE GENERATED BY CONSTRUCTION ACTIVITIES WOULD NOT EXCEED 60 dB (A) HOURLY AVERAGE AT THE EDGE OF OCCUPIED HABITAT MUST BE COMPLETED BY A QUALIFIED ACOUSTICIAN (POSSESSING CURRENT NOISE ENGINEER LICENSE OR REGISTRATION WITH MONITORING NOISE LEVEL EXPERIENCE WITH LISTED ANIMAL SPECIES) AND APPROVED BY THE CITY MANAGER AT LEAST TWO WEEKS PRIOR TO THE COMMENCEMENT OF CONSTRUCTION ACTIVITIES. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION ACTIVITIES DURING THE BREEDING SEASON, AREAS RESTRICTED FROM SUCH ACTIVITIES SHALL BE STAKED OR FENCED UNDER THE SUPERVISION OF A QUALIFIED BIOLOGIST; OR
 - III. AT LEAST TWO WEEKS PRIOR TO THE COMMENCEMENT OF CONSTRUCTION ACTIVITIES, UNDER THE DIRECTION OF A QUALIFIED ACOUSTICIAN, NOISE ATTENUATION MEASURES (e.g., BERMS, WALLS) SHALL BE IMPLEMENTED TO ENSURE THAT NOISE LEVELS RESULTING FROM CONSTRUCTION ACTIVITIES WILL NOT EXCEED 60 dB(A) HOURLY AVERAGE AT THE EDGE OF HABITAT OCCUPIED BY THE COASTAL CALIFORNIA GNATCATCHER. CONCURRENT WITH THE COMMENCEMENT OF CONSTRUCTION ACTIVITIES AND THE CONSTRUCTION OF NECESSARY NOISE ATTENUATION FACILITIES, NOISE MONITORING* SHALL BE CONDUCTED AT THE EDGE OF THE OCCUPIED HABITAT AREA TO ENSURE THAT NOISE LEVELS DO NOT EXCEED 60 dB (A) HOURLY AVERAGE. IF THE NOISE ATTENUATION TECHNIQUES IMPLEMENTED ARE DETERMINED TO BE INADEQUATE BY THE QUALIFIED ACOUSTICIAN OR BIOLOGIST, THEN THE ASSOCIATED CONSTRUCTION ACTIVITIES SHALL CEASE

UNTIL SUCH TIME THAT ADEQUATE NOISE ATTENUATION IS ACHIEVED OR UNTIL THE END OF THE BREEDING SEASON (AUGUST 16).

* Construction noise monitoring shall continue to be monitored at least twice weekly on varying days, or more frequently depending on the construction activity, to verify that noise levels at the edge of occupied habitat are maintained below 60 dB (A) hourly average or to the ambient noise level if it already exceeds 60 dB (A) hourly average. If not, other measures shall be implemented in consultation with the biologist and the City Manager, as necessary, to reduce noise levels to below 60 dB(A) hourly average or to the ambient noise level if it already exceeds 60 dB(A) hourly average. Such measures may include, but are not limited to, limitations on the placement of construction equipment and the simultaneous use of equipment.

B. IF COASTAL CALIFORNIA GNATCATCHERS ARE NOT DETECTED DURING THE PROTOCOL SURVEY, THE QUALIFIED BIOLOGIST SHALL SUBMIT SUBSTANTIAL EVIDENCE TO THE CITY MANAGER AND APPLICABLE RESOURCE AGENCIES WHICH DEMONSTRATES WHETHER OR NOT MITIGATION MEASURES SUCH AS NOISE WALLS ARE NECESSARY BETWEEN MARCH 1 AND AUGUST 15 AS FOLLOWS:

- I. IF THIS EVIDENCE INDICATES THE POTENTIAL IS HIGH FOR COASTAL CALIFORNIA GNATCATCHER TO BE PRESENT BASED ON HISTORICAL RECORDS OR SITE CONDITIONS, THEN CONDITION A.III SHALL BE ADHERED TO AS SPECIFIED ABOVE.
- II. IF THIS EVIDENCE CONCLUDES THAT NO IMPACTS TO THIS SPECIES ARE ANTICIPATED, NO MITIGATION MEASURES WOULD BE NECESSARY.

HISTORICAL RESOURCES (ARCHAEOLOGICAL MONITORING PROGRAM)

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

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

II. Prior to Start of Construction

A. Verification of Records Search

1. The PI shall provide verification to MMC that a site specific records search (1/4 mile radius) has been completed. Verification includes, but is not limited to a copy of a confirmation letter from South Coastal Information Center, or, if the search was in-house, a letter of verification from the PI stating that the search was completed.
2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.
3. The PI may submit a detailed letter to MMC requesting a reduction to the ¼ mile radius.

B. PI Shall Attend Precon Meetings

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

III. During Construction

- A. Monitor Shall be Present During Grading/Excavation/Trenching
1. The Archaeological Monitor shall be present full-time during all soil disturbing and grading/excavation/trenching activities which could result in impacts to archaeological resources as identified on the AME. **The Construction Manager is responsible for notifying the RE, PI, and MMC of changes to any construction activities such as in the case of a potential safety concern within the area being monitored. In certain circumstances OSHA safety requirements may necessitate modification of the AME.**
 2. The Native American consultant/monitor shall determine the extent of their presence during soil disturbing and grading/excavation/trenching activities based on the AME and provide that information to the PI and MMC. If prehistoric resources are encountered during the Native American consultant/monitor's absence, work shall stop and the Discovery Notification Process detailed in Section III.B-C and IV.A-D shall commence.
 3. The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition such as modern disturbance post-dating the previous grading/trenching activities, presence of fossil formations, or when native soils are encountered that may reduce or increase the potential for resources to be present.
 4. The archaeological and Native American consultant/monitor shall document field activity via the Consultant Site Visit Record (CSVr). The CSVr's shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (**Notification of Monitoring Completion**), and in the case of ANY discoveries. The RE shall forward copies to MMC.
- B. Discovery Notification Process
1. In the event of a discovery, the Archaeological Monitor shall direct the contractor to temporarily divert all soil disturbing activities, including but not limited to digging, trenching, excavating or grading activities in the area of discovery and in the area reasonably suspected to overlay adjacent resources and immediately notify the RE or BI, as appropriate.
 2. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery.
 3. The PI shall immediately notify MMC by phone of the discovery, and shall also submit written documentation to MMC within 24 hours by fax or email with photos of the resource in context, if possible.
 4. No soil shall be exported off-site until a determination can be made regarding the significance of the resource specifically if Native American resources are encountered.
- C. Determination of Significance
1. The PI and Native American consultant/monitor, where Native American resources are discovered shall evaluate the significance of the resource. If Human Remains are involved, follow protocol in Section IV below.
 - a. The PI shall immediately notify MMC by phone to discuss significance determination and shall also submit a letter to MMC indicating whether additional mitigation is required.
 - b. If the resource is significant, the PI shall submit an Archaeological Data Recovery Program (ADRP) and obtain written approval of the program from MMC, CM and RE. ADRP and any mitigation must be approved by MMC, RE and/or CM before ground disturbing activities in the area of discovery will be allowed to resume.
Note: If a unique archaeological site is also an historical resource as defined

in CEQA Section 15064.5, then the limits on the amount(s) that a project applicant may be required to pay to cover mitigation costs as indicated in CEQA Section 21083.2 shall not apply.

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

IV. Discovery of Human Remains

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

A. Notification

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

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

V. Night and/or Weekend Work

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

VI. Post Construction

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

- a. For significant archaeological resources encountered during monitoring, the Archaeological Data Recovery Program or Pipeline Trenching Discovery Process shall be included in the Draft Monitoring Report.
 - b. Recording Sites with State of California Department of Parks and Recreation
The PI shall be responsible for recording (on the appropriate State of California Department of Park and Recreation forms-DPR 523 A/B) any significant or potentially significant resources encountered during the Archaeological Monitoring Program in accordance with the City's Historical Resources Guidelines, and submittal of such forms to the South Coastal Information Center with the Final Monitoring Report.
2. MMC shall return the Draft Monitoring Report to the PI via the RE for revision or, for preparation of the Final Report.
3. The PI shall submit revised Draft Monitoring Report to MMC via the RE for approval.
4. MMC shall provide written verification to the PI of the approved report.
5. MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.
- B. Handling of Artifacts
 1. The PI shall be responsible for ensuring that all cultural remains collected are cleaned and catalogued
 2. The PI shall be responsible for ensuring that all artifacts are analyzed to identify function and chronology as they relate to the history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate.
- C. Curation of artifacts: Accession Agreement and Acceptance Verification
 1. The PI shall be responsible for ensuring that all artifacts associated with the survey, testing and/or data recovery for this project are permanently curated with an appropriate institution. This shall be completed in consultation with MMC and the Native American representative, as applicable.
 2. When applicable to the situation, the PI shall include written verification from the Native American consultant/monitor indicating that Native American resources were treated in accordance with state law and/or applicable agreements. If the resources were reinterred, verification shall be provided to show what protective measures were taken to ensure no further disturbance occurs in accordance with Section IV – Discovery of Human Remains, Subsection C.
 3. The PI shall submit the Accession Agreement and catalogue record(s) to the RE or BI, as appropriate for donor signature with a copy submitted to MMC.
 4. The RE or BI, as appropriate shall obtain signature on the Accession Agreement and shall return to PI with copy submitted to MMC.
 5. The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC.
- D. Final Monitoring Report(s)
 1. The PI shall submit one copy of the approved Final Monitoring Report to the RE or BI as appropriate, and one copy to MMC (even if negative), within 90 days after notification from MMC of the approved report.
 2. The RE shall, in no case, issue the Notice of Completion until receiving a copy of the approved Final Monitoring Report from MMC which includes the Acceptance Verification from the curation institution.

PUBLIC REVIEW DISTRIBUTION:

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

United States Government

U.S. Fish and Wildlife Service (23)

State of California

California Department of Fish and Wildlife (32A)

Regional Water Quality Control Board (44)

State Clearinghouse (46A)

Native American Heritage Commission (56)

Resources Agency (43)

City of San Diego

Mayor's Office (MS 11A)

Council Member Gloria, District 3

City Attorney

Shannon Thomas

Public Works Department

Jason Guise

Carrie Purcell

Public Utilities Department

Dirk Smith

Eric Rubalcava

Planning Department

Susan Morrison

Myra Herrmann

Jeff Harkness

Jeanne Krosch

Historical Resources Board

Development Services Department

Helene Deisher

Joseph Stanco Jr.

Jack Canning

Park and Recreation Department

Laura Ball

Library Dept.-Gov. Documents MS 17 (81)

Mission Hills Branch Library (81Q)

Other Groups and Individuals

Sierra Club (165)

San Diego Canyonlands (165A)

San Diego Audubon Society (167)

Jim Peugh (167A)

California Native Plant Society (170)

Endangered Habitat League (182 and 182A)

Carmen Lucas (206)

Clint Linton (215B)

Ron Christman (215)

Frank Brown (216)

South Coastal Information Center (210)
 San Diego Archaeological Center (212)
 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)
 Middletown Property Owner's Association (496)
 Mission Hills Heritage (497)
 Uptown Planners (498)
 Hillside Protection Association (501)
 Banker's Hill Canyon Association (502)
 Allen Canyon Committee (504)
 UCSD Physical & Community Planning (505)
 Gene Mallin

VI. 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

February 26, 2016

Date of Draft Report

October 20, 2016

Date of Final Report

Analyst: Susan Morrison

Attachments:

Figure 1- Vicinity Map

Figure 2- Revised Project Site Plan and Biological Resources Map

Initial Study Checklist

LETTER

RESPONSE



Edmund G. Brown Jr.
Governor

STATE OF CALIFORNIA

Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



Ken Alex
Director

April 4, 2016

Susan Morrison
City of San Diego
1010 Second Avenue, Suite 1200, East Tower, MS 413
San Diego, CA 92101

Subject: Hayes Avenue Storm Drain Project
SCH#: 2016031009

Dear Susan Morrison:

The State Clearinghouse submitted the above named Mitigated Negative Declaration to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on April 1, 2016, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Enclosures

cc: Resources Agency

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

STATE CLEARINGHOUSE (APRIL 4, 2016)

A-1

A-1 Comment acknowledged. Please note that responses to the California Department of Fish and Wildlife comment letter follows this item.

LETTER

RESPONSE

**Document Details Report
State Clearinghouse Data Base**

SCH# 2016031009
Project Title Hayes Avenue Storm Drain Project
Lead Agency San Diego, City of

Type MND Mitigated Negative Declaration

Description The project would replace 26 linear feet of existing storm drain pipe on Hayes Avenue; abandon approx. 150 linear feet of existing storm drain pipe at 820 Hayes Avenue; install approx. 250 linear feet of storm drain pipe at the alley between 906 Hayes Avenue and 930 Hayes Avenue and down the canyon; install 100 linear feet of storm drain pipe on Hayes Avenue; and install an energy dissipater, catch basin, and clean outs (figure 4). A three foot-wide trench on Hayes Avenue would need to be excavated to install the new 18-inch reinforced concrete pipe (RCP) storm drain next to an existing 160 linear feet storm drain main. The trench would be three to ten feet deep.

Lead Agency Contact

Name Susan Morrison
Agency City of San Diego
Phone 619-533-6492 **Fax**
email
Address 1010 Second Avenue, Suite 1200, East Tower,
City MS 413 **State** CA **Zip** 92101
 San Diego

Project Location

County San Diego
City
Region
Lat / Long
Cross Streets Hayes Avenue, 10th Avenue
Parcel No. 445-351-0700
Township **Range** **Section** **Base**

Proximity to:

Highways I-8, SR 163
Airports SD Int'l Airport
Railways SD Trolley (University Ave)
Waterways SD River
Schools Birney ES, Roosevelt MS, Francis Parker Lower School
Land Use LU-residential, open space; Zoning-RS-1-1, RS-1-7, General Plan Designation - Single Family Residential/Multi Family Residential/Open Space

Project Issues Archaeologic-Historic; Biological Resources; Vegetation; Landuse; Other Issues

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

Date Received 03/02/2016 **Start of Review** 03/02/2016 **End of Review** 04/01/2016

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

STATE CLEARINGHOUSE (APRIL 4, 2016)

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LETTER

RESPONSE

Sheila Brown

From: Eric Weiss, Eric@Wildlife <Eric.Weiss@wildlife.ca.gov>
 Sent: Wednesday, March 23, 2016 8:17 AM
 To: PlanningCEQA@sandiego.gov
 Cc: OPP State Clearinghouse
 Subject: Hayes Avenue Storm Drain Project MND SCH#2016031009 Project No. 302218

Good afternoon Ms. Morrison,

The Department has reviewed the draft Mitigated Negative Declaration (MND) for the Hayes Avenue Storm Drain Project (proposed project), project number 302218 (SCH # 2016031009). The Department is providing the comments below on the draft MND.

The Department requests that the final MND project description fully describe and quantify the full breadth of the proposed project; for instance, the Project Description found in the MND/Bio report (Dudek, August 2015) describes the replacement of "...approximately 26 linear feet of existing storm drain pipe on Hayes Avenue; abandon approximately 150 linear feet of existing storm drain pipe at 820 Hayes Avenue; install approximately 250 linear feet of storm drain pipe at the alley between 906 Hayes Avenue and 930 Hayes Avenue and down the canyon; install 100 linear feet of storm drain pipe on Hayes Avenue; and install an energy dissipater, catch basin, and clean outs..." without providing textually describing the location or dimensions of the energy dissipater or catch basin. A graphic depicting the dimensions, type of structure (e.g. stormdrain, detention basin, etc.) and their respective impacts to habitat types should also be included (similar to Figure 4, but with structural detail), any stormwater lines that are proposed to be abandoned in place should also be reflected.

An analysis of the methods proposed to treat water conveyed by the Hayes culvert prior to being discharged into the MHPA should be included in the final MND. Additionally, discharges into MHPA should be discussed in the context of reducing downstream flow velocities as to not negatively impact MHPA.

The draft MND does not provide a discussion regarding the Hayes storm drain's location within MHPA habitat gains lands. According to our GIS records, the culvert, energy dissipater and the catch basin is located within habitat gains. The final MND should disclose that the proposed project not only impacts MHPA lands, but specifically, it would impact lands designated as habitat gains. The final MND should disclose how impacts to these habitat gain lands will be reported and tracked.

The MND does not provide alternatives for the Essential Public Project including but not limited to alternative locations outside of the MSCP, outside of the canyons, or an option which does not abandon the existing 150-linear foot stormdrain in place. In accordance with the City's Bio Guidelines, "[t]he development area must be located on the least sensitive portions of the site..." The Department requests that the final MND discuss the appropriateness of abandoning the "...old alignment..." rather than reutilizing a previously impacted site, and the reasons that made alternative location "economically unviable" or otherwise more impactful.

Given that the biological survey for the Hayes replacement culvert was conducted in November 2013, outside of the nesting and typical blooming period, the Department believes it appropriate to follow up with biological surveys for sensitive (Cooper's hawk) and listed (Ca. gnatcatcher) species prior to construction.

Thank you for the opportunity to review the Hayes Avenue Stormdrain project. Please feel free to contact me should you have any questions.

Eric Weiss
 Senior Environmental Scientist (Specialist)

1

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE (MARCH 23, 2016)

- B-1 Expanded information on the project features or elements has been included in Section 7.0 on page 25 of the revised biological resources report for the Hayes Avenue Storm Drain Project.
- B-2 Figure 3 (previously Figure 2) of the revised biology report has been modified to include the dimensions, type of structure (e.g. storm drain, box culvert, etc.), and a HabiTrak gain lands layer has been added to show their respective impacts to habitat types.
- B-3 Figure 3 (previously Figure 2) of the revised biology report has been modified to include stormwater lines that are proposed to be abandoned in place.
- B-4 An analysis of the methods proposed to treat water conveyed by the Hayes culvert prior to being discharged into the MHPA has been added to Section 8.4 on pages 33 – 35 of the revised biology report.
- B-5 A discussion of discharges into the MHPA in the context of reducing downstream flow velocities as to not negatively impact the MHPA is included in Section 8.4 on pages 34 – 35 of the revised biology report.
- B-6 The Hayes Avenue storm drain's location within MHPA HabiTrak gains lands, including the culvert, energy dissipater and the catch basin, as well as the proposed project's potential impact to lands designated as HabiTrak gains is discussed in Section 6.0 on page 23, in Section 8.4 on pages 34 – 35, and in Figure 3 (previously Figure 2) of the revised biology report.
- B-7 Further information regarding reporting of impacts to MHPA HabiTrak gain lands is addressed in Section 3.4 on pages 33-34, and Section 9.0 on pages 38-40 of the revised biology report.

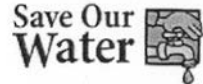
LETTER

RESPONSE

California Department of Fish and Wildlife
South Coast Region, Habitat Conservation Planning
3883 Ruffin Road
San Diego, CA 92123

Phone (858) 467-4289

Every Californian should conserve water. Find out how at:



SaveOurWater.com · Drought.CA.gov

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE (MARCH 23, 2016)

- B-8 An Essential Public Project Alternatives Analysis demonstrating that the proposed project and alignment are “located on the least sensitive portion of the site” is discussed in Section 8.5 on pages 34-35 of the revised biology report.
- B-9 As addressed in Table 4 on page 33, and in Section 9.0 on pages 37-38 of the revised biology report, protocol surveys for the federally threatened California gnatcatcher and the MSCP covered Cooper’s hawk may be required to avoid potential impacts to these avian species if construction occurs during their breeding season.

RINCON BAND OF LUISEÑO INDIANS**Environmental Department**

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



March 14, 2016

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

Re: Hayes Avenue Storm Drain Project No. 302218

Dear Ms. Morrison:

This letter is written on behalf of the Rincon Band of Luiseño Indians. Thank you for inviting us to submit comments on the Hayes Avenue Storm Drain Project No. 302218. 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.

C-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,

Vincent Whipple
Manager
Rincon Cultural Resources Department

Bo Mazzetti
Tribal Chairman

Stephanie Spencer
Vice Chairwoman

Steve Stallings
Council Member

Laurie E. Gonzalez
Council Member

Alfonso Kolb
Council Member

RINCON BAND OF LUISEÑO INDIANS (MARCH 14, 2016)

C-1 Comment noted. A Native American (Kumeyaay) monitor will be on-site to monitor any ground disturbing activities associated with project implementation.

LETTER

RESPONSE



San Diego County Archaeological Society, Inc.

Environmental Review Committee

5 March 2016

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
Hayes Avenue Storm Drain Project
Project No. 302218

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 initial study, we have the following comments:

1. We note that a records search and survey was, as it should be, conducted for this project. The initial study found no cultural resources within the project alignment. However, the report of the records search and survey has not been included in the documents provided for public review, nor is it even included in the Initial Study Checklist References. Please ensure that it is made available for this project, and this oversight does not recur for future projects. D-1
2. Other than the above, we concur with the mitigation measures as included in the DMND. D-2

Thank you for the opportunity to review and comment upon this DMND.

Sincerely,

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

cc: SDCAS President
File

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

SAN DIEGO COUNTY ARCHAEOLOGICAL SOCIETY (MARCH 5, 2016)

D-1 As described on page 13 of the Initial Study Checklist (Section V. Cultural Resources), the records search and survey was conducted by qualified City staff with negative results. A formal report was not prepared for this effort. The Initial Study Checklist References has been updated to reflect that the records search and survey was conducted as noted in the discussion section.

D-2 Comment noted.

LETTER

RESPONSE

**PALA TRIBAL HISTORIC
PRESERVATION OFFICE**

PMB 50, 35008 Pala Temecula Road
Pala, CA 92059
760-891-3510 Office | 760-742-3189 Fax



March 21, 2016

Susan Morrison
City of San Diego Planning Dept.
1010 Second Ave, Suite 1200
San Diego, CA 92101

Re: Hayes Avenue Storm Drain Project- Project No. 302218

Dear Mrs. Morrison:

The Pala Band of Mission Indians Tribal Historic Preservation Office has received your notification of the project referenced above. This letter constitutes our response on behalf of Robert Smith, Tribal Chairman.

We have consulted our maps and determined that the project as described is not within the boundaries of the recognized Pala Indian Reservation. The project is also beyond the boundaries of the territory that the tribe considers its Traditional Use Area (TUA). Therefore, we have no objection to the continuation of project activities as currently planned and we defer to the wishes of Tribes in closer proximity to the project area.

E-1

We appreciate involvement with your initiative and look forward to working with you on future efforts. If you have questions or need additional information, please do not hesitate to contact me by telephone at 760-891-3515 or by e-mail at sgaughen@palatribe.com.

Sincerely,

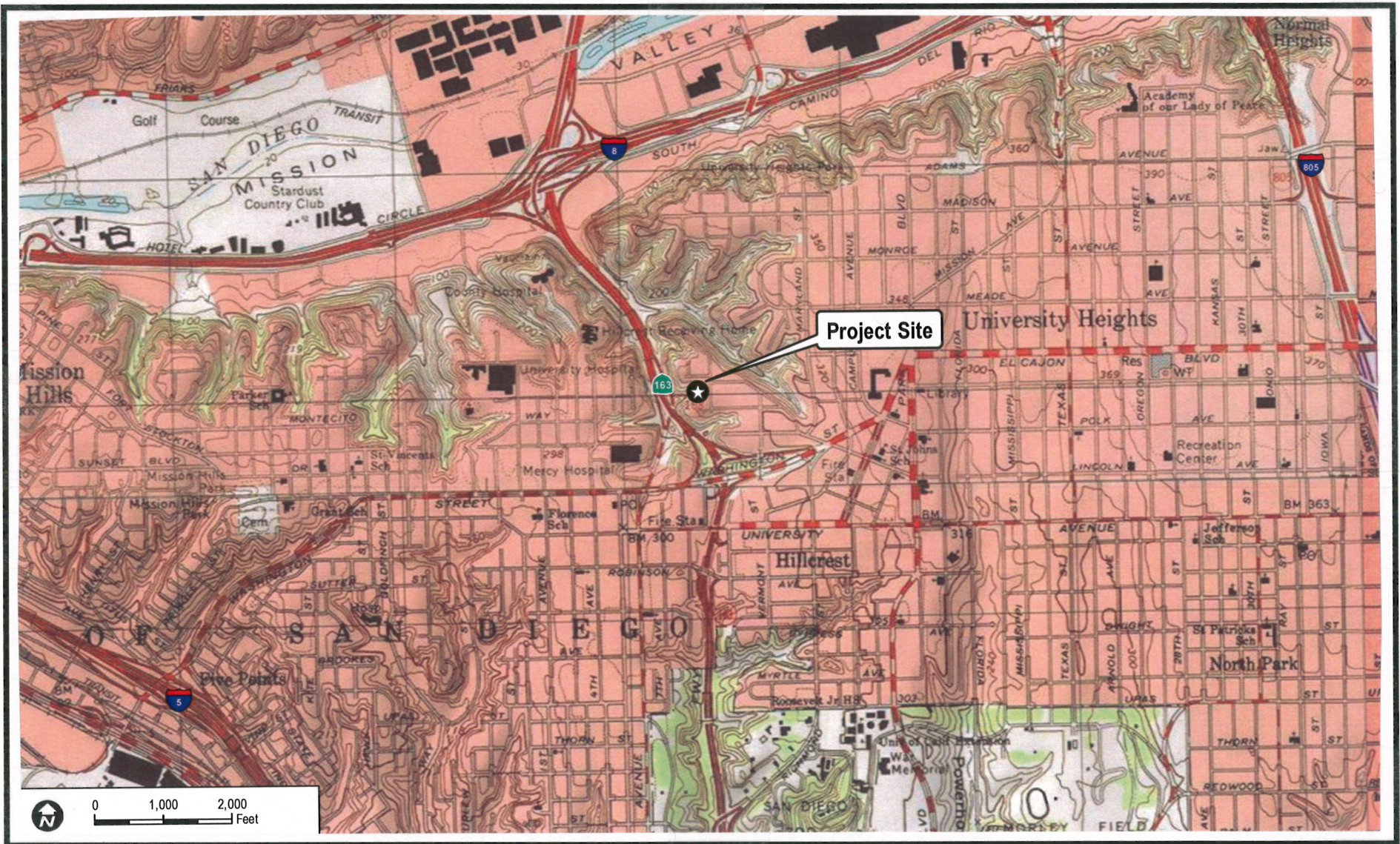
Shasta C. Gaughen, PhD
Tribal Historic Preservation Officer
Pala Band of Mission Indians

ATTENTION: THE PALA TRIBAL HISTORIC PRESERVATION OFFICE IS RESPONSIBLE FOR ALL REQUESTS FOR CONSULTATION. PLEASE ADDRESS CORRESPONDENCE TO **SHASTA C. GAUGHEN** AT THE ABOVE ADDRESS. IT IS NOT NECESSARY TO ALSO SEND NOTICES TO PALA TRIBAL CHAIRMAN ROBERT SMITH.

Consultation letter 1

PALA BAND OF MISSION INDIANS (MARCH 21, 2016)

E-1 Comment noted.



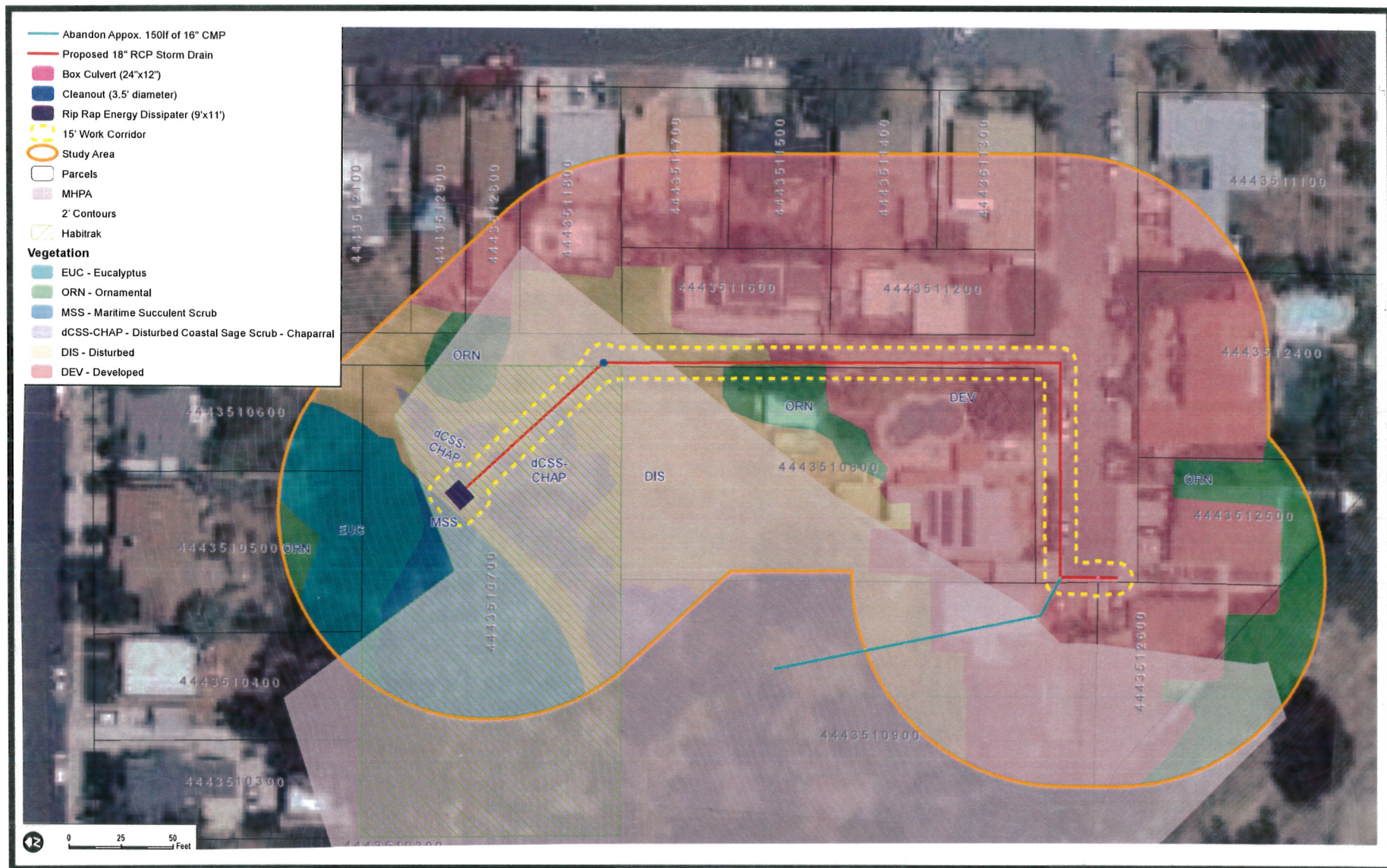
Vicinity Map

Hayes Avenue Storm Drain Project / Project No. 302218

City of San Diego – Planning Department

FIGURE

No. 1



Revised Project Site Plan and Biological Resources Map

Hayes Avenue Storm Drain Project / Project No. 302218

City of San Diego – Planning Department

FIGURE
No. 2



Project Site Plan and Biological Resources Map

Hayes Avenue Storm Drain Project / Project No. 302218

City of San Diego – Planning Department

FIGURE

No. 2

INITIAL STUDY CHECKLIST

1. Project title/Project number: Hayes Avenue Storm Drain Project/#302218
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: Susan Morrison, Associate Planner, (619) 533-6492
4. Project location: The project is located in central San Diego County, immediately west of CA State Route 163, north of Washington Street, and within a residential area within the urban community of Hillcrest (Uptown Community Planning area) in the City of San Diego. The project is within the City's Subarea Plan, and approximately 1.0 acres of the 2.6-acre study area is located within the Multi-Habitat Planning Area (MHPA). The northern region of the project is located within City-owned Assessor's Parcel Number 444-351-0700, and the southern region of the project is located along Hayes Avenue.
5. Project Applicant/Sponsor's name and address: Jason Guise, Associate Civil Engineer-Project Manager, City of San Diego – Public Works Department, Right of Way Division, 525 B Street, San Diego, CA 92101
6. General/Community Plan designation: Open Space/Single Family Residential/Multi Family Residential
7. Zoning: RS-1-1, RS-1-7, Open Space
8. Description of project: SITE DEVELOPMENT PERMIT (SDP) ~~for a~~ The proposed storm drain line is approximately 439 feet long and will to replace existing storm drain facilities within existing road right-of-way, an alleyway, and the canyon. ~~Specifically, the Project will to replace~~ approximately 26 linear feet of existing storm drain pipe ~~on~~ along Hayes Avenue; abandon approximately 150 linear feet of existing storm drain pipe at 820 Hayes Avenue; install approximately 250 linear feet of storm drain pipe at the alley between 906 Hayes Avenue and 930 Hayes Avenue and down the canyon; install 100 linear feet of storm drain pipe on Hayes Avenue; and install an energy dissipater (9' x 11') at the bottom of the canyon, catch basin, a box culvert at the end of Hayes Avenue, and a clean outs (3.5' in diameter) at the end of the alleyway north of Hayes Avenue (Figure 43). A new three foot-wide trench on Hayes Avenue would be excavated to install the new 18-inch reinforced concrete pipe (RCP) storm drain next to an existing 160-linear feet storm drain main. The trench would be three to ten feet deep.

Construction access paths and staging areas would be sited on Hayes Avenue. Work would be confined to a 15-foot-wide temporary construction easement where ground-disturbing activities and temporary construction staging would occur. Much of the work would occur within Hayes Avenue, although some of the work would be conducted on the north-facing slope of an undeveloped canyon in the MHPA, which supports native vegetation.

9. Surrounding land uses and setting: Within the project study area, the topography is relatively flat on Hayes Avenue, and moderately sloping in the north-facing canyon. The elevations in the study area range from 285 feet above mean sea level (AMSL) near the southern extent of the

alignment to 250 AMSL near the northern terminus within the canyon bottom. The project abuts a residential area supporting single-family and multifamily uses within the community of Hillcrest. The project is not within the City Coastal Zone. The project site lies within the south-central portion of the City's Multiple Species Conservation Program (MSCP) boundary. The MHPA occurs over half of the entire project study area, and HabiTrak gains areas (HGA) occur over approximately 15% of the project area, including the portion of the proposed pipeline alignment that extends into the undeveloped canyon.

10. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.): None.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

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

DETERMINATION: (To be completed by Lead Agency)

On the basis of this initial evaluation:

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

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

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

The project components are proposed underground or at ground level. No designated scenic vistas have been located on the project site, and project components would not have the potential to impact existing views. No impact would result.

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|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| b) Substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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See I.a. 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. No impact would result.

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|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| c) Substantially degrade the existing visual character or quality of the site and its surroundings? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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The project area would be revegetated per a detailed revegetation plan once the pipe installation and the construction of the energy dissipater, catch basin, and clean outs are complete. As such, the project would not substantially degrade the existing visual character or quality of the site and its surroundings. No impact would result.

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

The project would utilize construction materials that are not highly reflective. Additionally, the project work would occur mostly underground or at level with the ground, and once completed, a revegetation plan would be implemented. As such, project implementation would not create a new source of light or glare that would adversely affect day or nighttime views in the area. No impact would result.

| Issue | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
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II. AGRICULTURAL AND FOREST RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. – Would the project:

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

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

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

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See II.a. No impact would result.

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

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| Issue | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
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The project site is not zoned as forest land, and no forest land exists onsite. Therefore, the project would not conflict with existing zoning for forest land. No impact would result.

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| d) Result in the loss of forest land or conversion of forest land to non-forest use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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See II.c. No impact would result.

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|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| e) Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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The project would not involve changes in the existing environment, and thus, would not impact farmland or forestland. No impact would result.

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

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|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Conflict with or obstruct implementation of the applicable air quality plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
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The project would not generate a substantial amount of emissions (e.g., vehicle miles traveled, etc.) as a result of the proposed use. The project proposes to remove existing storm drain pipe and install a below grade 18-inch RCP storm drain and downstream energy dissipater, catch basin, and clean outs, all of which would have negligible emissions during operations. An increase in emissions would occur during construction; however, this increase would be temporary and minimal and would not conflict with implementation of the applicable air quality plan. During grading activities, dust suppression methods would be included. Impacts would be less than significant.

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|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
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Please see III.a. The project would not generate a substantial amount of emissions (e.g., vehicle miles traveled, etc.) as a result of the proposed use. The project proposes to remove

| Issue | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
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existing storm drain pipe and install a below grade 18-inch RCP storm drain and downstream energy dissipater, catch basin, and clean outs, all of which would have negligible emissions during operations. An increase in emissions would occur during construction; however, this increase would be temporary and minimal. This increase in emissions would not violate any air quality standard or contribute substantially to any air quality violations. Impacts would be less than significant.

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

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As described above, construction operations could temporarily increase the emissions of dust and other pollutants; however, construction emissions would be temporary and implementation of Best Management Practices (BMPs) would reduce temporary dust impacts. Additionally, the scope and nature of the project would not result in an increase in Vehicle Miles Traveled (VMTs) and associated emissions. Therefore, the project would not result in a cumulatively considerable net increase of any criteria pollutant for which the project is in non-attainment in the region under applicable federal or state ambient air quality standards. Impacts would be less than significant.

- d) Expose sensitive receptors to substantial pollutant concentrations?

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The project site is located within the Hayes Avenue right-of-way and within undeveloped portions of an existing canyon with open space to the west and residential uses to the north, east, and south. The project would not emit substantial pollutant concentrations to these receptors. The project proposes to remove existing storm drain pipe and install a below grade 18-inch RCP storm drain and downstream energy dissipater, catch basin, and clean outs, all of which would have negligible emissions during operations. As such, project implementation would not expose sensitive receptors to substantial concentrations of pollution. Impacts would be less than significant.

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

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| Issue | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
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The project would not create objectionable odors as it is a storm drain replacement project. The operation of construction equipment and vehicles could generate odors associated with fuel combustion; however, these odors would dissipate into the atmosphere upon release. Therefore, the project would not create substantial amounts of objectionable odors affecting a substantial number of people. Impacts would be less than significant.

IV. BIOLOGICAL RESOURCES – Would the project:

- a) Have substantial adverse effects, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

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In order to assess potential impacts associated with the project, a biological resources ~~letter~~ report was prepared (Dudek, August 2015 and updated in August 2016). A qualified Consulting Biologist surveyed the project site on November 21, 2013. The survey included vegetation mapping, a jurisdictional delineation, and a habitat assessment for special-status plant and animal species. All plant and animal observations were noted, along with general site conditions. Plant species that could not be identified immediately were brought into the laboratory for further investigation. Wildlife species detected during the field survey were identified by sight, calls, tracks, scat, or other signs such as by known habitat preference of local species and knowledge of their relative distributions in the area.

Implementation of the project would result in temporary impacts to 0.01009 acre disturbed coastal sage scrub/chaparral (Tier II), 0.09 acre of urban/developed (Tier IV), 0.05048 acre disturbed (TierIV), and 0.008 acre ornamental plantings (Tier IV), or approximately 0.16 acre of total direct temporary impacts. The impacts to Tier II habitat are less than 0.1 acre and are therefore not considered significant because they do not exceed the minimum 0.1acre threshold established in the City's Biology Guidelines (City of San Diego 2012a). No mitigation is required for these impacts. Additionally, because urban/developed lands, disturbed land, and ornamental plantings provide little native habitat value and foraging opportunities for wildlife, particularly when they occur in densely urban environments such as the project, impacts to these vegetation communities/land covers would not be considered significant.

There are currently two storm drains at the west end of Hayes Avenue, which drain north and downslope of the project study area. Runoff from this area flows toward the San Diego River, which supports a corridor of riparian vegetation and ultimately flows north of Ocean Beach to the Pacific Ocean. Implementation of stormwater regulations are expected to

| Issue | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
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| | | substantially control adverse edge effects (e.g., erosion, sedimentation, habitat conversion) during and following construction both adjacent and downstream from the site. Therefore, indirect impacts to off-site vegetation communities, including potential jurisdictional riparian areas within the San Diego River, are not expected to be significant. | | |
| | | No special-status plants were detected in the study area during the 2013 general biological reconnaissance survey. There are no special-status plant species with a moderate or high potential to occur within the study area, and given the lack of native habitats and suitable substrate, special-status plant species are not expected to occur). Therefore, no significant impacts to special-status plants are anticipated. | | |
| | | No special-status wildlife species were detected during the 2013 field assessments on site; however, there is moderate potential for Cooper's hawk (state-listed watch list species and MSCP Covered species), western bluebird (MSCP Covered species), and silver-haired bat (Western Bat Working Group medium priority species). Although these species are found in San Diego County and there is suitable habitat on site, these species are not expected to occur within the project boundary due to the proximity of the site to urban development and the limited suitable foraging, nesting, or roosting habitat found within the project study area. Based on this information, significant direct impacts to these and other special-status wildlife species are not expected to occur. Therefore, no significant impacts to special-status wildlife are anticipated. | | |
| | | Wildlife may be indirectly affected in the short-term and long-term by construction-related noise—which can disrupt normal activities and subject wildlife to higher predation risks—and adverse edge effects can cause degradation of habitat quality through the invasion of pest species. Breeding birds can be significantly affected by short-term construction-related noise, which can result in the disruption of foraging, nesting, and reproductive activities. Although the areas within the project boundary support limited suitable vegetation for bird nesting, trees associated with the street and property landscaping, particularly the eucalyptus, may support nesting habitat for raptors and songbirds protected by the Migratory Bird Treaty Act (MBTA). Indirect impacts from construction-related noise may occur to breeding wildlife if construction occurs during the breeding season (i.e., February 1 through September 15). This impact would be considered a significant impact, absent mitigation. As such, mitigation has been incorporated into the project to protect sensitive wildlife during the breeding season (Land Use – MSCP/MHPA). Implementation of these measures would reduce potential indirect impacts during construction-related activities to below a level of significance. | | |
| | | The project does not include work in areas within or adjacent to the boundaries of waters of the United States or wetlands. Thus, impacts to waters of the United States or wetlands would not occur. | | |
| | | As previously discussed, the project site lies within the south-central portion of the City's MSCP boundary. Approximately 1.0 acre of the 2.6-acre study area is located within the | | |

| Issue | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
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MHPA. Mitigation for impacts to this area would comply with the City's Biology Guidelines and implement the MHPA Land Use Adjacency Guidelines, as applicable. Therefore, the proposed project is consistent with the MSCP and cumulative impacts to uplands, sensitive plants, and sensitive wildlife would be mitigated through implementation of the plan.

The MSCP is divided into subarea plans that are implemented separately from one another. The entire project site is within the City MSCP Subarea Plan. The proposed alignment has been selected because it addresses erosion caused by the failed storm drain and associated unprotected outfall. The slope has eroded over the years since appropriate energy dissipation no longer exists at the outfall and the failed storm drain has increased the rate of the erosion. This erosion is undermining existing habitat within the MHPA and HGA, as well as causing unwanted sediment to be discharged downstream into the MHPA and HGA. As shown on Figure 3 of the revised biology report, the alignment would intersect and temporarily impact 0.05 acre of MHPA lands (as shown in Table 3 of the revised biology report) and 0.04 acre of HGA. The construction of the proposed storm drain alignment would allow for the repair and stabilization of the eroded slope, would contribute to successful restoration and protection of native habitat and reduce sediment prior to release into the MHPA and HGA. These project features would enhance the water quality tributary to the MHPA and HGA. The slope repair would reduce possible slope and storm drain failures in the future; therefore, prolonging the life of the proposed storm drain and preventing potential damage to adjacent homes. Because impacts associated with the project are temporary in nature and all lands disturbed during construction ~~would~~ will be restored improved to from pre-construction contours and conditions, the project would not conflict with the goals and objectives of the City's MSCP Subarea Plan. Thus, the Project is consistent with the guidelines and policies of the MSCP. Temporary runoff related to construction activities may have the potential to indirectly impact the MHPA (BIO-3).

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

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See IV.a. Impacts would be less than significant with mitigation incorporated, including the implementation of stormwater regulations.

| Issue | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
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- c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including but not limited to marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

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The results of the biological survey and wetland delineation concluded that there are no areas on site that meet the definition of waters of the United States and/or State, including wetlands, subject to review by the U.S. Army Corps of Engineers (ACOE), Regional Water Quality Control Board (RWQCB) and California Department of Fish and Wildlife (CDFW). No direct impacts to jurisdictional waters of the U.S./State, including wetlands, would occur as a result of project implementation. Impacts would therefore be less than significant.

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

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There is minimal suitable habitat for small wildlife species (e.g., reptiles, amphibians, and small mammals) within the study area due to the proximity to residential development and State Route 163, the steep slopes, and disturbed nature of the surrounding habitat. Overall, the diversity of wildlife species in the study area is low due to the extent of existing development and urban setting of the study area, the site's isolation, and the presence of significant human activity. In addition, the project does not include work in areas within or adjacent to the boundaries of waters of the United States or wetlands providing movement for migratory fish species. Although the project would not significantly impact established native resident or migratory wildlife corridors, because the project is partially within and adjacent to the City's MHPA, mitigation (Land Use Adjacency Guidelines) has been incorporated to reduce potential indirect impacts to below a level of significance.

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

The project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. No impact would result.

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

The project site lies within the boundaries of the City of San Diego MSCP Subarea Plan. As a part of the MSCP, MHPA areas are designated to preserve sensitive habitats, plants, and wildlife that are vital to sustain the unique biodiversity of the San Diego region. The City's MHPA is mapped both on and adjacent to the project site. Due to the presence of the MHPA, the project would be required to comply with the MHPA Land Use Adjacency Guidelines (Section 1.4.3) of the City's MSCP Subarea Plan in order to ensure that the project would not result in any indirect impacts to the MHPA. Per the MSCP, potential indirect effects from drainage, toxics, lighting, noise, barriers, invasives, and brush management from project construction and operation must not adversely affect the MHPA. Refer to Land Use Section X.c. for further details.

With implementation of the MHPA Land Use Adjacency Guidelines, the project as designed would not conflict with the goals, policies and objectives of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

V. CULTURAL RESOURCES – Would the project:

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

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

| Issue | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
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significant adverse environmental effects, which may result from that project. A project that may cause a substantial adverse change in the significance of a historical resource may have a significant effect on the environment (Sections 15064.5(b) and 21084.1). A substantial adverse change is defined as demolition, destruction, relocation, or alteration activities, which would impair historical significance (Sections 15064.5(b) (1)). Any historical resource listed in, or eligible to be listed in the California Register of Historical Resources (CRHR), including archaeological resources, is considered to be historically or culturally significant.

The project alignment is mapped within the City of San Diego's Sensitive Cultural and Historical Resources Areas Map (February 2000). As such, a records search and survey was conducted in December 2012 by qualified archaeological staff and in order to determine whether or not the project would result in an adverse change in the significance of an historical resources as defined in §15064.5. The site visit and records search, which was updated in October 2015 did not result in the identification of archaeological or historical resources within the project alignment. However, because archaeological resources can be encountered anywhere in the City of San Diego during construction related activities, monitoring will be required as further described below.

Most of the work will occur within Hayes Avenue and the alley running north between 906 Hayes Avenue and 930 Hayes Avenue. A small segment of new storm drain will be installed on a north-facing slope of an undeveloped canyon in the MHPA. The existing storm drain pipe within Hayes Avenue will be abandoned, and new pipe will be installed in an adjacent (trench). Based on the project description, trench depths will vary from three to ten feet. Therefore, because a portion of the project would require new trenching at depths up to 10 feet, archaeological monitoring would be required along Hayes Avenue and in the adjacent alley. The alignment for the canyon portion of the project falls within slopes greater than 25%, and as such, in accordance with the Historical Resources Guidelines, excavation in areas in those areas will not require monitoring. Implementation of the MMRP included in the MND will ensure that potential impacts to archaeological and historical resources would be reduced to below a level of significance. This project was deemed complete in 2012 and the determination to prepare an MND which includes archaeological and Native American monitoring was made prior to implementation of Assembly Bill 52. The requirements for monitoring in areas with a high potential to impact archaeological and Native American cultural resources is consistent with the Historic Preservation Element of the City's General Plan.

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

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See V.a.

| Issue | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
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| c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

The project area is characterized by three underlying fossil formations which each have high resource potential anywhere they are encountered: Quarternary Old Parilic (formerly known as Baypoint Formation), Mission Valley formation (Tmv), and the San Diego Formation (Tsd). All three of these geologic units have a high paleontological resource sensitivity rating. According to the construction documents, the project requires excavation to a depth of up to 10 feet. According to the City's Paleontological Guidelines, monitoring is required on linear pipeline projects when trenching would exceed depths of 10 feet or greater in high and/or moderate sensitivity formations. In addition, monitoring would also be required if fossil localities have already been encountered in the project area, regardless of the new depth. Because the project would not exceed 10 feet in depth and no previous fossil localities have been encountered in this area, monitoring is not required. Therefore, impacts would be less than significant.

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| d) Disturb and human remains, including those interred outside of formal cemeteries? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
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The potential to encounter human remains within the project APE is not likely due the steepness of the slope and existing infrastructure within the public right-of-way. Please refer to section V(a). However, the potential for encountering human remains is possible anywhere in the City of San Diego; therefore archaeological monitoring for the project will include the presence of a Native American during all ground disturbing activities within the public right-of-way where new trenching is proposed in accordance with the MMRP contained in the Section V of the MND. Monitoring will not be required for any segments within slopes exceeding 25% or greater within the open space canyon. The MMRP includes specific provisions and protocols which would be implemented should human remains be discovered during ground disturbance activities in accordance with the California Public Resources Code and the California Health and Safety Code. This process would include initiating consultation with the state designated Native American MLD, which would reduce the potential for impacts to human remains to be less than significant. In addition, compliance with the procedures set forth in the City Greenbook and as noted above would assure that any unanticipated impacts are reduced to below a level of significance.

VI. GEOLOGY AND SOILS – Would the project:

- a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:

| Issue | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
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- i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.

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The City of San Diego Seismic Safety Maps do not indicate a fault in or near the project area. The project would utilize proper engineering design and standard construction practices in order to ensure that potential impacts in this category based on regional geologic hazards would remain less than significant.

- ii) Strong seismic ground shaking?

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See VI.a.i.

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

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See VI.a.i.

- iv) Landslides?

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See VI.a.i.

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

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The project includes the replacement of approximately 439 feet of storm drain pipe, the abandonment of the existing storm drain pipe alignment and installation of the pipe in a new adjacent alignment (trench), and installation of an energy dissipater, catch basin, and clean outs. A temporary erosion control plan including Best Management Practices (BMPs) would be developed for this project and implemented to make sure no sediment leaves the work areas during construction. In addition, implementation of a habitat revegetation plan

| Issue | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
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would be developed for the project to outline the seeding/planting measures that would be conducted to promote regrowth of native plants, protect soils, and prevent erosion, particularly for the canyon area of the project. Impacts would be less than significant.

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

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The City of San Diego Seismic Safety Maps indicate the project is located in Hazard Category 53, which is defined as level or sloping terrain, unfavorable geological structure, low to moderate risk. Even though the project is located in an unfavorable geological structure area, it is low to moderate risk for the potential to result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse. Furthermore, the project would utilize proper engineering design and standard construction practices in order to ensure that potential impacts in this category based on regional geologic hazards would remain less than significant.

- 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 project is located on Terrace Escarpments, which are long, narrow, rocky areas composed of soft coastal sandstone, hard shale, or hard, weather-resistant, fine-grained sandstone that are not characterized as being expansive. In addition, please see VI.a.i. No impact would result.

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

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The project does not propose any septic tanks or alternative waste disposal methods. No impact would result.

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VII. GREENHOUSE GAS EMISSIONS – Would the project:

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

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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 public utilities such as storm drains are 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 a storm drain replacement project does not require a certificate of occupancy, the review is complete and the project is determined to be consistent with the CAP. California Air Pollution Control Officers Association (CAPCOA) report "CEQA and Climate Change" (CAPCOA 2009) to determine whether a GHG analysis would be required for submitted projects. The CAPCOA report references a 900 metric ton guideline as a conservative threshold for requiring further analysis and possible mitigation. This emission level is based on the amount of vehicle trips, the typical energy and water use associated with projects, and other factors. Based upon the scope of work, limited temporary construction and limited automobile trips, the project would not generate any substantial Greenhouse Gas (GHG) emissions. The emissions would be minimal and would fall under the 900 metric ton screening criteria. 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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See VII.a. The project is consistent with the zoning and land use designations and would not conflict with any applicable plans, policies, or regulations related to greenhouse gases. Impacts would be less than significant.

| Issue | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
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VIII. HAZARDS AND HAZARDOUS MATERIALS – Would the project:

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

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The project, when completed, would not involve the transport, use, or disposal of hazardous materials. During construction, all equipment and vehicles would be checked for fluid leaks while working in the project area. Any leaks would be cleaned and any contaminated soils would be removed from the project area and disposed of following the City's Hazardous Materials Management Program. Impacts would be less than significant.

- b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

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See VIII.a. No foreseeable upset and accident conditions involving the release of hazardous materials are anticipated for the project. Impacts would be less than significant.

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

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See VIII.a. In addition, no schools are located within a one-quarter mile of the proposed project. No impact would result.

- 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?

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The proposed project area is not included on a list of hazardous materials sites, and therefore, implementation of the project would not create a significant hazard to the public or environment. No impact would result.

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

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San Diego International Airport is located approximately two miles from the project. However, the project would not result in a safety hazard for people residing or working in the project area. No impact would result.

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

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The project is not located within the vicinity of a private airstrip. No impact would result.

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

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The project includes the replacement of approximately 439 feet of storm drain pipe, the abandonment of the existing storm drain pipe alignment and installation of the pipe in a new adjacent alignment (trench), and installation of an energy dissipater, catch basin, and clean outs. The project would not interfere with any emergency response or evacuation plans. No impact would result.

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

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The project area falls within the Very High Fire Hazard Severity Zone. Invasive species colonizing the project area could alter the conditions for wildfire. To prevent this, all impacted areas would be revegetated following construction using native species compatible with the surrounding habitat. Monitoring and management of the revegetation areas would occur for 25 months following implementation to ensure survival of the native plants following success criteria identified in the habitat revegetation plan, and to prevent the establishment of non-native invasive species. Impacts would be less than significant.

IX. HYDROLOGY AND WATER QUALITY - Would the project:

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

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A Water Pollution Control Plan (WPCP) would be prepared as part of the project that outlines storm water BMPs required for the proposed project. Prior to construction, storm water BMPs per the WPCP would be installed to prevent sediment from leaving the work areas. These BMPs would be checked regularly and monitored for efficacy; therefore, the project would not violate any existing water quality standards or discharge requirements while the project is under construction.

Once construction is completed, the project would have a beneficial effect on water quality from that of the existing condition by channeling storm water through a pipe and into an energy dissipater. These facilities would be designed to prevent erosion of the north-facing slope of the undeveloped canyon. Without the project, the project site would likely erode. With the proposed project, impacts would be less than significant.

- b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would

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| Issue | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
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drop to a level which would not support existing land uses or planned uses for which permits have been granted)?

The project does not propose the use of groundwater nor would it impact groundwater during grading activities. Furthermore, the project would not introduce new impervious surfaces that could interfere with groundwater recharge. Therefore, the project would not deplete groundwater supplies or interfere substantially with groundwater recharge. No impact would result.

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

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See IV.a. Storm water BMPs would be implemented pursuant to the WPCP that is required for this project to prevent erosion or siltation. The project area would be revegetated and would not substantially alter any existing drainage patterns. These facilities would be designed to prevent erosion of the north-facing slope of the undeveloped canyon. The project would be designed to improve the existing drainage of the site, but would not substantially alter the existing pattern. No impact would result.

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

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Please see IV.a., IX.c., and IX.e., and X.c.

| Issue | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
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| e) Create or contribute runoff water, which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <u>See X.c.</u> The project is designed to direct runoff water from the two storm drains at the west end of Hayes Avenue through a pipe to the north and downslope of the project study area. Runoff from this area flows toward the San Diego River and ultimately flows north of Ocean Beach to the Pacific Ocean. The project would not create or contribute to runoff water, but would improve the site's ability to convey existing runoff amounts. Impacts would be less than significant. | | | | |
| f) Otherwise substantially degrade water quality? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| See IX.a. through IX.e. No impact would result. | | | | |
| g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| The project does not propose any habitable structures. No impact would result. | | | | |
| h) Place within a 100-year flood hazard area, structures that would impede or redirect flood flows? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| The project does not propose any permanent structures within a 100-year flood hazard area that would impede or redirect flood flows. No impact would result. | | | | |
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

| Issue | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
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See IX.e. The project would not result in the exposure of people or structures to floods as a result of the failure of a levee or dam. The project site is not downstream from either a levee or dam. As such, no impact would occur.

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| j) Inundation by seiche, tsunami, or mudflow? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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The project would not include any new features that would increase the risk associated with seiche, tsunami, or mudflow beyond those of the existing conditions. No impact would result.

X. LAND USE AND PLANNING – Would the project:

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| a) Physically divide an established community? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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The project includes the replacement and installation of a new storm drain pipe along Hayes Avenue and within portions of an existing canyon in the urban community of Hillcrest. The project site is located within existing road right-of-way, an alleyway, and undeveloped canyon, and would not physically divide an established community. No impact would result.

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| b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
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The project includes the replacement of existing public infrastructure and is consistent with the policies, goals, and recommendations of the General Plan, the Uptown Community Plan, and the MSCP Subarea Plan. Therefore, it would not be in conflict with any land use planning document for the community. The project is subject to the City's environmental regulations through the Site Development Permit process. As such, this Initial Study is being prepared to address all environmental effects for the purpose of avoiding or mitigating those effects. Impacts in this category would be less than significant.

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| c) Conflict with any applicable habitat conservation plan or natural community conservation plan? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
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| Issue | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
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Because a portion of the project is located within the MHPA of the City's MSCP, the project is required to document compliance with the MSCP Land Use Adjacency Guidelines. As specified in the MSCP Subarea Plan, existing utility lines, including maintenance access paths and drainage improvements, are considered a compatible use within the MHPA. Current citywide storm drain design involves area-wide drainage analysis with the intent of routing pipelines in developed or non-sensitive areas and reducing the number of outfalls where possible. Storm drain replacement projects are intended to upgrade the efficiency of a deteriorated facility to serve an existing service areas. As such, no introduction or increase in urban runoff, invasive species, or toxic substances would result with project implementation.

Compliance with the Land Use Adjacency Guidelines is also ensured through implementation of the mitigation included in the MND under Land Use – MSCP/MHPA – Land Use Adjacency Guidelines. Table 4, Project Consistency Determination with MSCP Land Use Adjacency Guidelines in the biological resources report further documents how the project would comply with the MSCP Land Use Adjacent Guidelines. Thus, the project would not conflict with any applicable habitat conservation plan or natural community conservation plan. Impacts would be less than significant with mitigation incorporated.

XI. MINERAL RESOURCES – Would the project?

- a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

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The areas surrounding the project are not being used for the recovery of mineral resources; therefore, the project would not result in the loss of availability of a known mineral resource. No impact would result.

- b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

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The project would not result in the loss of the availability of a locally important mineral resource. There are no existing quarries within close proximity to the site. The project site and the surrounding area are not zoned for mineral resources. As such, project implementation would not result in the loss of availability of a locally important mineral resource. No impact would result.

| Issue | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
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XII. NOISE – Would the project result in:

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

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The project includes the replacement of approximately 439 feet of storm drain pipe, the abandonment of the existing storm drain pipe alignment and installation of the pipe in a new adjacent alignment (trench), and installation of an energy dissipater, catch basin, and clean outs. The project would not result in a permanent substantial increase in the existing noise environment. No impact would result.

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

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The project would not generate excessive ground borne vibration or ground borne noise, and therefore, would not result in people being exposed to excessive ground borne vibration or noise levels. No impact would result.

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

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The project would not permanently generate noise, so the noise conditions that exist today would be the same as with the project. No impact would result.

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

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A temporary increase in noise would occur from the operation of construction equipment at the project site; however, this is not considered a substantial increase. While the project area is immediately adjacent to residential housing, ambient vehicle noise from Hayes Avenue means the construction noise would not be substantial to the nearby residences. If construction is scheduled between February and August and active nests of listed species are detected within 300 feet of the project limits, noise reduction measures would be

| Issue | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
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necessary. A biological monitor would be on-site during construction-related activities to ensure compliance with all applicable environmental regulations. Impacts 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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No public airports or public use airports are within two miles of the project. No impact would result.

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

XIII. POPULATION AND HOUSING – Would the project:

- a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

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The project does not propose any residential structures. The project includes the replacement of storm drain pipe, and installation of an energy dissipater, catch basin, and clean outs. No impact would result.

| Issue | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
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- b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?

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Project implementation would not displace any housing. Therefore, the construction of housing elsewhere would not be necessitated. No impact would result.

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

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See XIII.b. No impact would result.

XIV. PUBLIC SERVICES

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

- i) Fire Protection

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The replacement of storm drain pipe, and installation of an energy dissipater, catch basin, and clean outs would not require any new or altered fire protection services. No impact would result.

- ii) Police Protection

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The replacement of storm drain pipe, and installation of an energy dissipater, catch basin, and clean outs would not require any new or altered police protection services. No impact would result.

- iii) Schools

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The project would not result in the need to physically alter any schools. Additionally, the project would not include construction of future housing or induce growth that could increase demand for schools in the area. No impact would result.

- v) Parks

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| Issue | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
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The project would not physically alter any parks or create new housing. The project also would not create demand for new parks or other recreational facilities. No impact would result.

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| vi) Other public facilities | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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The project would not result in the increased demand for electricity, gas, or other public facilities. This project includes the replacement of storm drain pipe, and installation of an energy dissipater, catch basin, and clean outs, and would not impact any other public facilities. No impact would result.

XV. RECREATION

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| a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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The project would not result in the construction of residential units and would therefore not result in an increase in demand for recreational facilities. No impact would result.

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| b) Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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See XV.a. The project includes the replacement of approximately 439 feet of storm drain pipe, and installation of an energy dissipater, catch basin, and clean outs. It would not negatively affect a recreational facility nor require expansion of such facilities. No impact would result.

| Issue | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
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XVI. TRANSPORTATION/TRAFFIC – Would the project?

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

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Replacement of storm drain pipe, and installation of an energy dissipater, catch basin, and clean outs would not conflict with any transportation or traffic plans or ordinances. Impacts would be less than significant.

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

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Replacement of storm drain pipe, and installation of an energy dissipater, catch basin, and clean outs would not conflict with any congestion management programs or standards. Impacts would be less than significant.

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

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Replacement of storm drain pipe, and installation of an energy dissipater, catch basin, and clean outs would not result in a change in air traffic patterns. No impact would result.

| Issue | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
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- d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

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Replacement of storm drain pipe, and installation of an energy dissipater, catch basin, and clean outs would not substantially increase hazards due to a design feature or incompatible uses. No impact would result.

- e) Result in inadequate emergency access?

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Adequate emergency access would be maintained throughout construction. No impact would result.

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

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The project would not conflict with any adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities. No impact would result.

XVII. UTILITIES AND SERVICE SYSTEMS – Would the project:

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

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See IX.a. The project would not produce wastewater, and thus, would not exceed wastewater treatment requirements of the San Diego Regional Water Quality Control Board. No impact would result.

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- 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?

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The project is for the replacement of storm drain pipe and the installation of an energy dissipater, catch basin, and clean outs. The project would not generate population growth, and thus, would not require the construction of new water or wastewater treatment facilities or the expansion of existing facilities. No impact would result.

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

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See XVII.b. The project would not result in a substantial change to the on-site drainage pattern. Runoff volume generated from the completed project would not be significantly different from the existing runoff volume; and therefore, the project would not require or result in construction of new storm water drainage facilities or the expansion of existing facilities based on a significant increase in run-off volume. Impacts would be less than significant.

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

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The project is for the replacement of storm drain pipe and the installation of an energy dissipater, catch basin, and clean outs. Therefore, the availability of water is not a factor in the implementation of the project, and no impact would result.

| Issue | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
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- e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

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The project is for the replacement of storm drain pipe and the installation of an energy dissipater, catch basin, and clean outs. Therefore, treatment capacity is not a factor in the implementation of the project, and no impact would result.

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

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Construction of the project would likely generate minimal waste. This waste 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. Operation of the project would not generate waste and, therefore, would not affect the permitted capacity of the landfill serving the project area. Impacts would be less than significant.

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

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See XVII.f. Any solid waste generated during construction related activities would be recycled or disposed of in accordance with all applicable local, state, and federal regulations. Impacts would be less than significant.

XVIII. 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

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

See IV a. A biological resources letter report was prepared for the project, dated August 2015. The report identified that project implementation would impact each of these habitats: 0.009 acre disturbed coastal sage scrub/chaparral (Tier II), 0.09 acre of urban/developed (Tier IV), 0.048 acre disturbed (Tier IV), and 0.008 acre ornamental plantings (Tier IV), or approximately 0.16 acre of total direct temporary impacts. The impacts to Tier II habitat are less than 0.1 acre and are therefore not considered significant because they do not exceed the minimum 0.1-acre threshold established in the City's Biology Guidelines (City of San Diego 2012a). No mitigation is required for these impacts; however, a temporary erosion control plan and revegetation plan has been developed for the project in accordance with the City's Land Development Code to promote regrowth of native plants, protect soils, and prevent erosion, particularly for the canyon area of the project.

No special-status plants or wildlife species were detected in the study area during the 2013 general biological reconnaissance survey. The site lacks native habitats and suitable substrate for special-status plant species to occur, and special-status species including Cooper's hawk, western bluebird, and silver-haired bat are not expected to occur due to the proximity of the site to urban development and the limited suitable foraging, nesting, or roosting habitat found within the project study area. Therefore, no significant impacts to special-status plants or wildlife are anticipated.

Although the areas within the project boundary support limited suitable vegetation for bird nesting, trees may support nesting habitat for raptors and songbirds protected by the MBTA. Indirect impacts from construction-related noise may occur to breeding wildlife if construction occurs during the breeding season (i.e., February 1 through September 15). The project requires mitigation measures to avoid indirect impacts to breeding birds. Impacts would therefore be less than significant with mitigation incorporated.

As previously discussed, approximately 1.0 acre of the 2.6-acre study area is located within the MHPA. Mitigation for potential impacts to this area would comply with the City's Biology Guidelines. Therefore, the proposed project is consistent with the MSCP, and cumulative impacts to uplands, sensitive plants, and sensitive wildlife would be mitigated through implementation of the MMRP and revegetation plan.

See V a. The project does not have the potential to eliminate important examples of the major periods of California history or prehistory. However, monitoring is required for areas where new trenching could result in potential impacts to cultural and historical resources.

| Issue | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
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- b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

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When viewed in connection with the effects of other projects in the area, the project may result in minimal dust and GHGs during the construction process; however, these emissions would be relatively minor and would not be considerable. As discussed above, with the exception of biological resources, it has been determined that the project would have no impacts, or impacts would be less than significant. Other impacts associated with the proposed project, including emissions, noise, and traffic generated by construction activities, would be temporary, largely localized to the project site itself, and less than significant. Given the temporary nature of the proposed project in both its implementation and impacts, any contribution it would have to a cumulatively considerable impact on the environment is considered less than significant.

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

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As stated previously, potentially significant impacts have been identified for Biological Resources and potential impacts to cultural resources from construction-related activities. The project is consistent with the planning objectives of the community in which it is located. Mitigation has been included in Section V of the MND to reduce impacts to below a level of significance. As such, project implementation would not result in substantial adverse impact to human beings. No impact would result.

INITIAL STUDY CHECKLIST

REFERENCES

I. Aesthetics / Neighborhood Character

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

II. Agricultural Resources & Forest Resources

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

III. Air Quality

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

IV. Biology

- ☒ City of San Diego, Multiple Species Conservation Program (MSCP), Subarea Plan, 1997
- ☐ City of San Diego, MSCP, "Vegetation Communities with Sensitive Species and Vernal Pools" Maps, 1996
- ☒ City of San Diego, MSCP, "Multiple Habitat Planning Area" maps, 1997
- ☐ Community Plan - Resource Element
- ☒ California Department of Fish and 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: Biological Resources Report for the Hayes Avenue Storm Drain Project (WBS No. S-11002.02.02), City of San Diego, California, Dudek, August 2015 and updated August 2016.

V. Cultural Resources (includes Historical Resources)

☒ City of San Diego Historical Resources Guidelines

☒ City of San Diego Archaeology Library

☐ Historical Resources Board List

☒ Records Search and Survey: December 2012, updated October 2015 (performed and conducted by qualified archaeological staff)

☐ Site Specific Report:

VI. Geology/Soils

☒ City of San Diego Seismic Safety Study

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

☐ Site Specific Report:

VII. Greenhouse Gas Emissions

☐ Site Specific Report:

VIII. Hazards and Hazardous Materials

☒ San Diego County Hazardous Materials Environmental Assessment Listing

☐ San Diego County Hazardous Materials Management Division

☐ FAA Determination

☐ State Assessment and Mitigation, Unauthorized Release Listing, Public Use Authorized

☐ Airport Land Use Compatibility Plan

☐ Site Specific Report:

IX. Hydrology/Water Quality

___ Flood Insurance Rate Map (FIRM)

X Federal Emergency Management Agency (FEMA), National Flood Insurance Program-Flood Boundary and Floodway Map

___ Clean Water Act Section 303(b) list, http://www.swrcb.ca.gov/tmdl/303d_lists.html

___ Site Specific Report:

X. Land Use and Planning

X City of San Diego General Plan

X Community Plan. Uptown Community Plan

___ Airport Land Use Compatibility Plan

X City of San Diego Zoning Maps

___ FAA Determination

___ Other Plans:

XI. Mineral Resources

___ California Department of Conservation - Division of Mines and Geology, Mineral Land Classification

___ Division of Mines and Geology, Special Report 153 - Significant Resources Maps

X California Geological Survey - SMARA Mineral Land Classification Maps.

___ Site Specific Report:

XII. Noise

X City of San Diego General Plan

X Community Plan

___ San Diego International Airport - Lindbergh Field CNEL Maps

___ Brown Field Airport Master Plan CNEL Maps

___ Montgomery Field CNEL Maps

___ San Diego Association of Governments - San Diego Regional Average Weekday Traffic Volumes

___ San Diego Metropolitan Area Average Weekday Traffic Volume Maps, SANDAG

___ Site Specific Report:

XIII. Paleontological Resources

X City of San Diego Paleontological Guidelines

___ Deméré, Thomas A., and Stephen L. Walsh, "Paleontological Resources City of San Diego," Department of Paleontology San Diego Natural History Museum, 1996

X Kennedy, Michael P., and Gary L. Peterson, "Geology of the San Diego Metropolitan Area, California. Del Mar, La Jolla, Point Loma, La Mesa, Poway, and SW 1/4 Escondido 7 1/2 Minute Quadrangles," California Division of Mines and Geology Bulletin 200, Sacramento, 1975

___ Kennedy, Michael P., and Siang S. Tan, "Geology of National City, Imperial Beach and Otay Mesa Quadrangles, Southern San Diego Metropolitan Area, California," Map Sheet 29, 1977

___ Site Specific Report:

XIV. Population / Housing

X City of San Diego General Plan

X Community Plan

___ Series 11/Series 12 Population Forecasts, SANDAG

___ Other:

XV. Public Services

X City of San Diego General Plan

X Community Plan

XVI. Recreational Resources

X City of San Diego General Plan

X Community Plan

___ Department of Park and Recreation

___ City of San Diego - San Diego Regional Bicycling Map

___ Additional Resources:

XVII. Transportation / Circulation

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

XVIII. UTILITIES

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

XIX. 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: