



MITIGATED NEGATIVE DECLARATION

Project No. 631240
SCH No. 2022040642

SUBJECT: Bella Mar Apartments: A GENERAL PLAN AMENDMENT and COMMUNITY PLAN AMENDMENT to re-designate the land use from Open Space to Medium Density Residential (allowing up to 29 dwelling units per acre); a REZONE from Agriculture-Residential (AR-1-2) and Open Space (OF-1-1) to Multiple-Unit Medium Density Residential (RM-2-5); a TENTATIVE MAP to divide one parcel into two; a SITE DEVELOPMENT PERMIT; a LOCAL COASTAL PROGRAM AMENDMENT to create consistency with the proposed Community Plan Amendment and COASTAL DEVELOPMENT PERMIT; NEIGHBORHOOD DEVELOPMENT PERMIT for proposed deviations to the San Diego Municipal Code Development Regulations; and a MULTI-HABITAT PLANNING AREA BOUNDARY LINE ADJUSTMENT to construct 380 multi-family units within two parcels (north and south neighborhood). The north neighborhood would consist of 14 three-story structures housing 280 multi-family market rate units, a ~~1,500~~ 4,350-square-foot clubhouse and leasing building office, and a ~~2,500-square-foot clubhouse/~~ cabana area with a pool and spa. The south neighborhood would include a single four-story structure with 100 affordable multi-family units. The project would also provide various on-site amenities such as a grill and dine area, fire pit area, multi-purpose area (dog park, urban garden, bocce area), and a play area. Additionally, the project would construct various off-site improvements consisting of hardscape, driveway access, landscaping, bio-swale, and a bus stop on the project's frontage. Off-site improvements along adjacent roadways are also included to address access to transit and Otay Valley Regional Park. Deviations to standard development regulations are proposed relating to building height, side setbacks, parking encroachment in front yard, and ~~fire lane~~ driveway width. The undeveloped approximately 14.62-acre project site is located at 408 Hollister Street. The site is currently designated Open Space and zoned Agriculture-Residential (AR-1-2) and Open Space (OF-1-1) within the Otay Mesa-Nestor Community Plan Area. The site is within the Coastal Overlay Zone, Coastal Overlay Zone (Deferred Certification), Parking Impact Overlay Zone, Parking Standards Transit Priority Area Overlay Zone, Transit Priority Area Overlay Zone, Airport Land Use Compatibility Overlay Zone (Brown Field), Airport Influence Area (Brown Field-Review Area 2), Federal Aviation Administration (FAA) Part 77 Noticing Area, Federal Emergency Management Administration (FEMA) Floodways/Floodplains (Floodway 100, Floodplain 500, and Floodplain 100), Brush Zones with 300 Foot Buffer, Very High Fire Severity Zone (Very High), and Outdoor Lighting Zones (Lighting Zone 3-Medium). (LEGAL DESCRIPTION: The S ½ of the NE ¼ of the SE ¼, excepting the south 40.00 feet all being in Sec. 21, T. 18 S., R. 2. W., San Bernardino

Meridian, in the City of San Diego, County of San Diego, State of California, according to the official plat thereof. Also excepting therefrom that portion thereof lying westerly of a line described as follows: Beginning at a point on the northerly line of Coughlin Subdivision, according to map thereof No. 1806, filed in the Office of the County Recorder of San Diego County, October 23, 1924, distant along said northerly line north 81°29'22" west 21.20 feet from the northeasterly corner of lot 62 of said Coughlin Subdivision; Thence north 13°22'42" west 9.09 feet; thence north 14°53'19" west 276.24 feet; thence north 06°42'47" west 411.70 feet; thence north 07°51'19" west 487.97 feet; thence north 07°19'00" west 26.73 feet to a point on the north line of distant along said last north line 89°24'21" west 1059.90 feet from the northeast corner of said south half).
APPLICANT: RTA/PHAIR HOLLISTER, LLC

UPDATE: December 5, 2022. Revisions and/or minor corrections have been made to the final document when compared to the draft Mitigated Negative Declaration. In accordance with the California Environmental Quality Act, Section 15073.5(c)(4), the addition of new information that clarifies, amplifies, or makes insignificant modifications 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 the identification of new significant environmental impacts or the addition of a new mitigation measure required to avoid a significant environmental impact. The modifications within the environmental document do not affect the environmental analysis or conclusions of the Mitigated Negative Declaration. All revisions are shown in a ~~striketrough~~ and/or underline format.

I. PROJECT DESCRIPTION:

See attached Initial Study.

II. ENVIRONMENTAL SETTING:

See attached Initial Study.

III. DETERMINATION:

The City of San Diego (City) conducted an Initial Study which determined that the project could have a significant environmental effect in the following areas(s): **BIOLOGICAL RESOURCES, HISTORICAL RESOURCES, and TRIBAL CULTURAL Resources**. Subsequent revisions in the project proposal required the specific mitigation identified in Section V of this Mitigated Negative Declaration. The project as revised now avoids or mitigates the potentially significant environmental effects that were previously identified, and the preparation of an Environmental Impact Report will not be required.

IV. DOCUMENTATION:

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

V. MITIGATION, MONITORING AND REPORTING PROGRAM:

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

1. Prior to the issuance of a Notice To Proceed (NTP) for a subdivision, or any construction permits, such as Demolition, Grading or Building, or beginning any construction related activity on-site, the Development Services Department (DSD) Director's Environmental Designee (ED) shall review and approve all Construction Documents (CD), (plans, specification, details, etc.) to ensure the Mitigation, Monitoring and Reporting Program (MMRP) requirements are incorporated into the design.
2. In addition, the ED shall verify that the MMRP Conditions/Notes that apply ONLY to the construction phases of this project are included VERBATIM, under the heading, **"ENVIRONMENTAL/MITIGATION REQUIREMENTS."**
3. These notes must be shown within the first three (3) sheets of the construction documents in the format specified for engineering construction document templates as shown on the City website:
<https://www.sandiego.gov/development-services/forms-publications/design-guidelines-templates>
5. The **TITLE INDEX SHEET** must also show on which pages the "Environmental/Mitigation Requirements" notes are provided.
5. **SURETY AND COST RECOVERY** – The Development Services Director or City Manager may require appropriate surety instruments or bonds from private Permit Holders to ensure the long-term performance or implementation of required mitigation measures or programs. The City is authorized to recover its cost to offset the salary, overhead, and expenses for City personnel and programs to monitor qualifying projects.

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

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

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

CONTACT INFORMATION:

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

2. **MMRP COMPLIANCE:** This Project, Project Tracking System (PTS) Number 631240 and/or Environmental Document Number 631240, shall conform to the mitigation requirements contained in the associated Environmental Document and implemented to the satisfaction of the DSD's Environmental Designee (MMC) and the City Engineer (RE). The requirements may not be reduced or changed but may be annotated (i.e., to explain when and how compliance is being met and location of verifying proof, etc.). Additional clarifying information may also be added to other relevant plan sheets and/or specifications as appropriate (i.e., specific locations, times of monitoring, methodology, etc).

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

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

Regional Water Quality Control Board; Federal Emergency Management Agency; California Department of Fish and Wildlife; United States Fish and Wildlife Service; Coastal Commission.

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

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

5. **OTHER SUBMITTALS AND INSPECTIONS:** The Permit Holder/Owner’s representative shall submit all required documentation, verification letters, and requests for all associated inspections to the RE and MMC for approval per the following schedule:

Document Submittal/Inspection Checklist		
Issue Area	Document Submittal	Associated Inspection/Approvals/Notes
General	Consultant Qualification Letters	Prior to Preconstruction Meeting
General	Consultant Construction Monitoring Exhibits	Prior to or at Preconstruction Meeting
Land Use - MSCP	Land Use Adjacency Issues CVSRs	Land Use Adjacency Issue Site Observations
Land Use	Noise Attenuation/Interior Noise Study	Prior to occupation
Biology	Biologist Limit of Work Verification	Limit of Work Inspection
Biology	Biological Monitoring	Biology/Habitat Restoration Inspection
Archaeology	Archaeology/ Monitoring Reports	Archaeology Site Observation
Tribal Cultural Resources	Native American monitoring reports	Tribal Cultural Site Observation
Waste Management	Waste Management Reports	Waste Management Inspections
Bond Release	Request for Bond Release Letter	Final MMRP Inspections Prior to Bond Release Letter

C. SPECIFIC MMRP ISSUE AREA CONDITIONS/REQUIREMENTS

BIOLOGICAL RESOURCES

Mitigation Measure Bio-1A – PROTECTIONS DURING CONSTRUCTION

I. Prior to Construction

- A. Biologist Verification:** The owner/permittee shall provide a letter to the City MMC section stating that a Project Biologist (Qualified Biologist) as defined in the City’s Biological Guidelines (2018), has been retained to implement the project’s biological monitoring program. The letter shall include the names and contact information of all persons involved in the biological monitoring of the project.
- B. Preconstruction Meeting:** The Qualified Biologist shall attend the preconstruction meeting, discuss the project’s biological monitoring program,

and arrange to perform any follow up mitigation measures and reporting including site-specific monitoring, restoration or revegetation, and additional fauna/flora surveys/salvage.

- C. Biological Documents:** The Qualified Biologist shall submit all required documentation to Mitigation Monitoring Coordination (MMC) verifying that any special mitigation reports including but not limited to, maps, plans, surveys, survey timelines, or buffers are completed or scheduled per the City's Biology Guidelines, Multiple Species Conservation Program (MSCP), Environmentally Sensitive Lands (ESL) Ordinance, project permit conditions; California Environmental Quality Act (CEQA); endangered species acts (ESAs); and/or other local, state, or federal requirements.
- D. Biological Construction Mitigation/Monitoring Exhibit (BCME):** The Qualified Biologist shall present a BCME, which shall include the biological documents in "C" above. In addition, it shall include restoration/revegetation plans, plant salvage/relocation requirements (coastal cactus wren plant salvage, western BUOW exclusions, etc.), BUOW and least Bell's vireo or other wildlife surveys/survey schedules (including BUOW and least Bell's vireo- nesting and U.S. Fish and Wildlife [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 Assistant Deputy Director (ADD)/MMC. The BCME shall include a site plan, written and graphic depiction of the project's biological mitigation/monitoring program, and a schedule. The BCME shall be approved by MMC and referenced in the construction documents.
- E. 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 and fauna species, including nesting BUOW and least Bell's vireo birds) during construction. Appropriate steps/care should be taken to minimize attraction of nest predators to the site.
- F. 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).

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 preconstruction surveys. In addition, the Qualified Biologist shall document field activity via the Consultant Site Visit Record. The Consultant Site Visit Record shall be e-mailed to the MMC on the first day of monitoring, the first 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 on-site (flag plant specimens for avoidance during access, etc.). If active nests or other previously unknown sensitive resources are detected, all project activities that directly impact the resource shall be delayed until species specific local, state, or federal regulations have been determined and applied by the Qualified Biologist.

III. Post Construction Measures

- A.** In the event that impacts exceed previously allowed amounts, additional impacts shall be mitigated in accordance with City Biology Guidelines, ESL and MSCP, 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.

MITIGATION MEASURE BIO-1B – AVIAN PROTECTION MITIGATION (~~BURROWING OWL AND LEAST BELLS VIREO~~)

To avoid any direct impacts to ~~(BUOW and least Bell's vireo)~~, and any avian species that is listed, candidate, sensitive, or special status species in the MSCP, 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 August 31 / March 15 and 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 (BUOW and least Bell's vireo) on the proposed area of disturbance. The pre-construction survey shall be conducted within ~~40~~30 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 (BUOW and least Bell's vireo) are detected, a letter report 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 shall be submitted to the City for review and approval and implemented to the satisfaction of the City. The City's MMC Section and Biologist shall verify and approve that all measures identified in the report are in place prior to and/or during construction.

MITIGATION MEASURE BIO-2 - BURROWING OWL

PRECONSTRUCTION SURVEY ELEMENT

Prior to Permit or Notice to Proceed Issuance:

1. As this project has been determined to be occupied by burrowing owl (*Athene cunicularia*; BUOW) or to have BUOW occupation potential, the Applicant Department or Permit Holder shall submit evidence to the Assistant Deputy Director of Entitlements and MSCP staff verifying that a Biologist possessing qualifications pursuant "Staff Report on Burrowing Owl Mitigation, State of California Natural Resources Agency Department of Fish and Game. March 7, 2012" (hereafter referred as California Department of Fish and Game (CDFG) 2012, Staff Report), has been retained to implement a BUOW construction impact avoidance program.
2. The qualified BUOW biologist (or their designated biological representative) shall attend the pre-construction meeting to inform construction personnel about the City's BUOW requirements and subsequent survey schedule.

Prior to Start of Construction:

1. The Applicant Department or Permit Holder and Qualified Biologist must ensure that initial pre-construction/take avoidance surveys of the project "site" are completed between 14 and 30 days before initial construction activities, including brushing, clearing, grubbing, or grading of the project site; regardless of the time of the year. "Site" means the project site and the area within a radius of 450 feet of the project site. The report shall be submitted and approved by the Wildlife Agencies and/or City MSCP staff prior to construction or BUOW eviction(s) and shall include maps of the project site and BUOW locations on aerial photos.
2. The pre-construction survey shall follow the methods described in CDFG 2012, Staff Report-Appendix D
3. 24 hours prior to commencement of ground disturbing activities, the Qualified Biologist shall verify results of preconstruction/take avoidance surveys. Verification shall be provided to the City's MMC and MSCP Sections. If results of the preconstruction surveys have changed and BUOW are present in areas not previously identified, immediate notification to the City and Wildlife Agencies shall be provided prior to ground disturbing activities.

During Construction:

1. **Best Management Practices shall be employed as** BUOWs are known to use open pipes, culverts, excavated holes, and other burrow-like structures at construction sites. Legally permitted active construction projects which are BUOW occupied and have followed all protocol in this mitigation section, or sites within 450 feet of occupied BUOW areas, should undertake measures to discourage BUOWs from recolonizing previously occupied areas or colonizing new portions of the site. Such measures include, but are not limited to, ensuring that the ends of all pipes and culverts are covered when they are not being worked on, and covering rubble piles, dirt piles, ditches, and berms.
2. **On-going BUOW Detection:** If BUOWs or active burrows are not detected during the pre-construction surveys, Section "A" below shall be followed. If BUOWs or burrows are detected during the pre-construction surveys, Section "B" shall be followed. NEITHER THE MSCP SUBAREA PLAN NOR THIS MITIGATION SECTION ALLOWS FOR ANY BUOWs TO BE INJURED OR KILLED OUTSIDE OR WITHIN THE MHPA; in addition, IMPACTS TO BUOWs WITHIN THE MHPA MUST BE AVOIDED.

A. Post Survey Follow Up if Burrowing Owls and/or Signs of Active Natural or Artificial Burrows Are Not Detected During the Initial Pre-

Construction Survey: Monitoring the site for new burrows is required using CDFG Staff Report 2012 Appendix D methods for the period following the -- initial pre-construction survey, until construction is scheduled to be complete and is complete (*NOTE - Using a projected completion date (that is amended if needed) will allow development of a monitoring schedule*).

- 1) If no active burrows are found but BUOWs are observed to occasionally (1-3 sightings) use the site for roosting or foraging, they should be allowed to do so with no changes in the construction or construction schedule.
- 2) If no active burrows are found but BUOWs are observed during follow up monitoring to repeatedly (4 or more sightings) use the site for roosting or foraging, the City's MMC and MSCP Sections shall be notified and any portion of the site where owls have been sites and that has not been graded or otherwise disturbed shall be avoided until further notice.
- 3) If a BUOW begins using a burrow on the site at any time after the initial pre-construction survey, procedures described in Section B must be followed.
- 4) Any actions other than these require the approval of the City and the Wildlife Agencies.

B. Post Survey Follow Up if Burrowing Owls and/or Active Natural or Artificial Burrows are detected during the Initial Pre-Construction

Survey: Monitoring the site for new burrows is required using Appendix D

CDFG 2012, Staff Report for the period following the initial pre-construction survey, until construction is scheduled to be complete and is complete (*NOTE - Using a projected completion date (that is amended if needed) will allow development of a monitoring schedule which adheres to the required number of surveys in the detection protocol*).

- 1) This section (B) applies only to sites (including biologically defined territory) wholly outside of the MHPA – **all direct and indirect impacts to BUOWs within the MHPA SHALL be avoided.**
- 2) If one or more BUOWs are using any burrows (including pipes, culverts, debris piles *etc.*) on or within 300 feet of the proposed construction area, the City's MMC and MSCP Sections shall be contacted. The City's MSCP and MMC Section shall contact the Wildlife Agencies regarding eviction/collapsing burrows and enlist appropriate City biologist for on-going coordination with the Wildlife Agencies and the qualified consulting BUOW biologist. No construction shall occur within 300 feet of an active burrow without written concurrence from the Wildlife Agencies. This distance may increase or decrease, depending on the burrow's location in relation to the site's topography, and other physical and biological characteristics.
 - a) **Outside the Breeding Season:** If the BUOW is using a burrow on site outside the breeding season (i.e., September 1 – January 31), the BUOW may be evicted after the qualified BUOW biologist has determined via fiber optic camera or other appropriate device, that no eggs, young, or adults are in the burrow. Eviction requires preparation of an Exclusion Plan prepared in accordance with CDFG Staff Report 2012, Appendix E (or most recent guidance available) for review and submittal to Wildlife Agencies. Written concurrence from the Wildlife Agencies is required prior to Exclusion Plan implementation.
 - b) **During Breeding Season:** If a BUOW is using a burrow on-site during the breeding season (February 1– August 31), construction shall not occur within 300 feet of the burrow until the young have fledged and are no longer dependent on the burrow, at which time the BUOWs can be evicted. Eviction requires preparation of an Exclusion Plan prepared in accordance with CDFG Staff Report 2012, Appendix E (or most recent guidance available) for review and submittal to Wildlife Agencies. Written concurrence from the Wildlife Agencies is required prior to Exclusion Plan implementation.
- 3) **Survey Reporting During Construction:** Details of construction surveys and evictions (if applicable) carried out shall be immediately (within 5 working days or sooner) reported to the City's MMC, and MSCP Sections and the Wildlife Agencies and must be provided in writing (as by e-mail)

and acknowledged to have been received by the required Agencies and DSD Staff member(s).

Post Construction:

1. Details of all surveys and actions undertaken on-site with respect to BUOWs (i.e., occupation, eviction, locations, etc.) shall be reported to the City's MMC Section and the Wildlife Agencies within 21 days post-construction and prior to the release of any grading bonds. This report must include summaries off all previous reports for the site; and maps of the project site and BUOW locations on aerial photos.

Mitigation Measure Bio-3 – LEAST BELL'S VIREO)

Prior to the issuance of any grading permit, the DSD Environmental Designee shall verify that the following project requirements regarding the least Bell's vireo are shown on the construction plans:

No clearing, grubbing, grading, or other construction activities shall occur between March 15 and September 15, the breeding season of the least Bell's vireo, until the following requirements have been met to the satisfaction of the City Manager:

- A. A qualified biologist (possessing a valid endangered species act section 10(a)(1)(a) recovery permit) shall survey those wetland areas that would be subject to construction noise levels exceeding 60 A-weighted decibels [dB(A)] hourly average for the presence of the least Bell's vireo. Surveys for this species shall be conducted pursuant to the protocol survey guidelines established by the USFWS within the breeding season prior to the commencement of construction. If the least Bell's vireo is present, then the following conditions must be met:
 - I. Between March 15 and September 15, no clearing, grubbing, or grading of occupied least Bell's vireo 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 15 and September 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 least Bell's vireo or 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 any 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 least Bell's vireo. 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 (September 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 least Bell's vireo 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 15 and September 15 as follows:
 - I. If this evidence indicates the potential is high for least Bell's vireo 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 (ARCHAEOLOGY)

Mitigation Measure HR-1

I. Prior to Permit Issuance

- A. Entitlements Plan Check
 1. Prior to issuance of any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building

Plans/Permits or a Notice to Proceed for Subdivisions, but prior to the first preconstruction meeting, whichever is applicable, the Assistant Deputy Director (ADD) Environmental designee shall verify that the requirements for Archaeological Monitoring and Native American monitoring have been noted on the applicable construction documents through the plan check process.

B. Letters of Qualification have been submitted to ADD

1. The applicant shall submit a letter of verification to 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 Historical Resources Guidelines (HRG). If applicable, individuals involved in the archaeological monitoring program must have completed the 40-hour Hazardous Waste Operations and Emergency Response (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 Historical Resources Guidelines.
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 (quarter 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 quarter 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. 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 Archaeological Monitoring Exhibit 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 Archaeological Monitoring Exhibit shall be based on the results of a site-specific records search as well as information regarding existing known soil conditions (native or formation).

3. When Monitoring Will Occur

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

III. During Construction

A. Monitor(s) Shall be Present During Grading/Excavation/Trenching

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

B. Discovery Notification Process

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

C. Determination of Significance

1. The PI and Native American consultant/monitor, where Native American resources are discovered shall evaluate the significance of the resource. If Human Remains are involved, follow protocol in Section IV below.
 - a. The PI shall immediately notify MMC by phone to discuss significance determination and shall also submit a letter to MMC indicating whether additional mitigation is required.
 - b. If the resource is significant, the PI shall submit an Archaeological Data Recovery Program which has been reviewed by the Native American consultant/monitor and obtain written approval from MMC. Impacts to significant resources must be mitigated before ground disturbing activities in the area of discovery will be allowed to resume. Note: If a unique archaeological site is also an historical resource as defined in CEQA, then the limits on the amount(s) that a project applicant may be required to pay to cover mitigation costs as indicated in CEQA Section 21083.2 shall not apply.
 - c. If the resource is not significant, the PI shall submit a letter to MMC indicating that artifacts will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that no further work is required.

IV. Discovery of Human Remains

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

A. Notification

1. 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 provenance of the remains.
2. The Medical Examiner, in consultation with the PI, will determine the need for a field examination to determine the provenance.
3. If a field examination is not warranted, the Medical Examiner will determine with input from the PI, if the remains are or are most likely to be of Native American origin.

C. If Human Remains ARE determined to be Native American

1. The Medical Examiner will notify the Native American Heritage Commission (NAHC) within 24 hours. By law, ONLY the Medical Examiner can make this call.
2. NAHC will immediately identify the person or persons determined to be the Most Likely Descendent (MLD) and provide contact information.
3. The MLD will contact the PI within 24 hours or sooner after the Medical Examiner has completed coordination, to begin the consultation process in accordance with CEQA Section 15064.5(e), the California Public Resources and Health & Safety Codes.
4. The MLD will have 48 hours to make recommendations to the property owner or representative, for the treatment or disposition with proper dignity, of the human remains and associated grave goods.
5. Disposition of Native American Human Remains will be determined between the MLD and the PI, and, if:
 - a. The NAHC is unable to identify the MLD, OR the MLD failed to make a recommendation within 48 hours after being granted access to the site, OR;
 - b. The landowner or authorized representative rejects the recommendation of the MLD and mediation in accordance with PRC 5097.94 (k) by the NAHC fails to provide measures acceptable to the landowner, the landowner shall reinter the human remains and items associated with Native American human remains with appropriate dignity on the property in a location not subject to further and future subsurface disturbance, THEN

- c. To protect these sites, the landowner shall do one or more of the following:
 - (1) Record the site with the NAHC;
 - (2) Record an open space or conservation easement; or
 - (3) Record a document with the County. The document shall be titled "Notice of Reinterment of Native American Remains" and shall include a legal description of the property, the name of the property owner, and the owner's acknowledged signature, in addition to any other information required by PRC 5097.98. The document shall be indexed as a notice under the name of the owner.

V. Night and/or Weekend Work

- A. If night and/or weekend work is included in the contract
 - 1. When night and/or weekend work is included in the contract package, the extent and timing shall be presented and discussed at the precon meeting.
 - 2. The following procedures shall be followed.
 - a. No Discoveries
In the event that no discoveries were encountered during night and/or weekend work, the PI shall record the information on the CSVR and submit to MMC via fax by 8 AM of the next business day.
 - b. Discoveries
All discoveries shall be processed and documented using the existing procedures detailed in Sections III-During Construction, and IV- Discovery of Human Remains. Discovery of human remains shall always be treated as a significant discovery.
 - c. Potentially Significant Discoveries
If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section III-During Construction and IV-Discovery of Human Remains shall be followed.
 - d. The PI shall immediately contact MMC, or by 8 AM 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. Preparation and Submittal of Draft Monitoring Report

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

- b. Recording Sites with State of California Department of Parks and Recreation

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

2. MMC shall return the Draft Monitoring Report to the PI for revision or, for preparation of the Final Report.
3. The PI shall submit revised Draft Monitoring Report to MMC for approval.
4. MMC shall provide written verification to the PI of the approved report.
5. MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.

B. Handling of Artifacts

1. The PI shall be responsible for ensuring that all cultural remains collected are cleaned and catalogued

2. The PI shall be responsible for ensuring that all artifacts are analyzed to identify function and chronology as they relate to the history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate.
3. The cost for curation is the responsibility of the property owner.

C. Curation of artifacts: Accession Agreement and Acceptance Verification

1. The PI shall be responsible for ensuring that all artifacts associated with the survey, testing and/or data recovery for this project are permanently curated with an appropriate institution. This shall be completed in consultation with MMC and the Native American representative, as applicable.
2. The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC.
3. When applicable to the situation, the PI shall include written verification from the Native American consultant/monitor indicating that Native American resources were treated in accordance with state law and/or applicable agreements. If the resources were reinterred, verification shall be provided to show what protective measures were taken to ensure no further disturbance occurs in accordance with Section IV – Discovery of Human Remains, Subsection 5.

D. Final Monitoring Report(s)

1. The PI shall submit one copy of the approved Final Monitoring Report to the RE or BI as appropriate, and one copy to MMC (even if negative), within 90 days after notification from MMC that the draft report has been approved.
2. The RE shall, in no case, issue the Notice of Completion and/or release of the Performance Bond for grading until receiving a copy of the approved Final Monitoring Report from MMC which includes the Acceptance Verification from the curation institution.

TRIBAL CULTURAL RESOURCES

Impacts to Tribal Cultural Resources would be reduced to below a level of significance with implementation of mitigation measures outlined under Historical Resources (Archaeology).

VI. PUBLIC REVIEW DISTRIBUTION:

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

Federal
U.S. Fish and Wildlife Service (23)

State

Caltrans, District 11 (31)
California Department of Fish and Wildlife (32)
Department of Toxic Substance Control (39)
State Clearinghouse (46)
California Coastal Commission (47)
California Native American Heritage Commission (56)

City of San Diego

Mayor's Office (91)
Councilmember LaCava, District 1 (MS 10A)
Councilmember Campbell, District 2 (MS 10A)
Councilmember Whitburn, District 3 (MS 10A)
Councilmember Montgomery, District 4 (MS 10A)
Councilmember von Wilpert, District 5 (MS 10A)
Councilmember Cate, District 6 (MS 10A)
Councilmember Campillo, District 7 (MS 10A)
Councilmember Moreno, District 8 (MS 10A)
Councilmember Elo-Rivera, District 9 (MS 10A)
Development Services Department
 Environmental Analysis Section
 Planning Review
 Landscaping
 Engineering
 Transportation
 Geology
 Fire-Plan Review
 Public Utilities Department- Water & Sewer Development
 Development Project Manager
Planning Department
 Plan-Long Range Planning
 Plan-Facilities Financing
 Plan-MSCP
Parks and Recreation Department
Environmental Services Department
San Diego Fire and Rescue Department
San Diego Police Department
Transportation Development - DSD (78)
Development Coordination (78A)
San Diego Fire - Rescue Department Logistics (80)
Library Department - Government Documents (81)
Central Library (81A)
Otay Mesa-Nestor Branch Library (81W)
Historical Resources Board (87)
San Diego Housing Commission (88)
City Attorney's Office (93C)

Other Organizations, Groups and Interested Individuals

San Diego Association of Governments (108)
San Diego Regional County Airport Authority (110)
San Diego Transit Corporation (112)
Metropolitan Transit Systems (115)
Chula Vista School District (118)
Southbay Unified School District (130)
Sweetwater Union High School District (131)
Rancho Santa Ana Botanic Garden at Claremont (161)
Sierra Club (165)
Sierra Club (165A)
San Diego Natural History Museum (166)
San Diego Audubon Society (167)
Mr. Jim Peugh (167A)
California Native Plant Society (170)
Citizens Coordinate for Century 3 (179)
Endangered Habitats League (182)
Endangered Habitats League (182A)
Carmen Lucas (206)
South Coastal Information Center (210)
San Diego Archaeological Center (212)
Save Our Heritage Organization (214)
Ron Christman (215)
Clint Linton (215B)
Frank Brown – Inter-Tribal Cultural Resources Council (216)
Campo Band of Mission Indians (217)
San Diego County Archaeological Society, Inc. (218)
Kumeyaay Cultural Heritage Preservation (223)
Kumeyaay Cultural Repatriation Committee (225)
Native American Distribution (225 A-S)
Carmel Mountain Ranch (344)
Clint Linton, Iipay Nation of Santa Ysabel
Lisa Cumper, Jamul Indian Village
John Stump
Richard Drury, Lozeau Drury LLP
Molly Greene, Lozeau Drury LLP
Mitchell M. Tsai, Attorney At law on behalf of Southwest Regional Council of Carpenters
Tim Kihm, Red Tail Acquisitions, Applicant
Kyle J. Stevens, Carrier Johnson, Agent
Lori Spar, RECON Environmental Inc., Consultant

VII. RESULTS OF PUBLIC REVIEW:

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

Copies of the Mitigated Negative Declaration, Mitigation Monitoring and Reporting Program, and associated project-specific technical appendices, if any, may be accessed on the City's CEQA webpage at <https://www.sandiego.gov/ceqa>.



E. Shearer-Nguyen
Program Manager
Development Services Department

April 29, 2022
Date of Draft Report

December 5, 2022
Date of Final Report

Analyst: Elizabeth Shearer-Nguyen

- Attachments:
- Initial Study Checklist
 - Figure 1: Regional Location
 - Figure 2: Project Location on Aerial Photograph
 - Figure 3: Site Plan
 - Figure 4: Existing MHPA Boundary
 - Figure 5: Proposed MHPA Boundary Line Adjustment

**Mitigated Negative Declaration
Bella Mar Apartments
Letters of Comment and Responses**

Letters of comment to the Draft Mitigated Negative Declaration (IS/MND) were received from the following agencies, organizations, and individuals. Based on comments received by the California Department of Fish and Wildlife, mitigation measure BIO-1 has been revised in the MND. These changes to the mitigation measure are indicated by strike-out (deleted) and underline (inserted) markings. The letters of comment and responses follow.

A	California Department of Fish and Wildlife	RTC-2
B	California Department of Transportation.....	RTC-8
C	San Diego Archaeological Society, Inc.	RTC-13
D	Mitchell M. Tsai on Behalf of Southwest Regional Council of Carpenters	RTC-14

Letter A

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

GAVIN NEWSOM, Governor
 CHARLTON H. BONHAM, Director



May 26, 2022

Elizabeth Shearer-Nguyen
 City of San Diego
 1222 First Avenue
 San Diego, CA 92101
EShearer@sandiego.gov
DSDEAS@sandiego.gov

**Subject: Bella Mar Amendment (Project), Mitigated Negative Declaration (MND),
 SCH #2022040642**

Dear Ms. Shearer-Nguyen:

A-1

The California Department of Fish and Wildlife (CDFW) received a Notice of Availability of a Mitigated Negative Declaration (MND) from the City of San Diego (City) for the Bella Mar Amendment (Project No. 631240) pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW's Role

CDFW is California's Trustee Agency for fish and wildlife resources and holds those resources in trust by statute for all the people of the State [Fish & G. Code, §§ 711.7, subdivision (a) & 1802; Pub. Resources Code, § 21070; California Environmental Quality Act (CEQA) Guidelines, § 15386, subdivision (a)]. CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (Id., § 1802). Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect state fish and wildlife resources.

CDFW is also submitting comments as a Responsible Agency under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW may need to exercise regulatory authority as provided by the Fish and Game Code, including lake and streambed alteration regulatory authority (Fish & G. Code, § 1600 *et seq.*). CDFW also administers the Natural Community Conservation Planning (NCCP) program (Fish & G. Code, § 2800 *et seq.*). The City participates in the NCCP program by implementing its approved Multiple Species Conservation Program (MSCP) Subarea Plan (SAP) and Implementing Agreement (IA). The MND for the proposed Project must ensure that all requirements and conditions of the SAP and IA are met. The MND should also address any biological issues that are not addressed in the SAP and IA, such as

¹ CEQA is codified in the California Public Resources Code in section 21000 *et seq.* The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 1500.

Conserving California's Wildlife Since 1870

A-1

Comment noted. The draft Mitigated Negative Declaration (MND) addressed all biological issues consistent with the City of San Diego's (City's) Biology Guidelines and Multiple Species Conservation Program (MSCP) Subarea Plan. The comment does not raise a specific issue relating to the adequacy or accuracy of the draft MND. Detailed responses to individual comments are provided.

LETTER

RESPONSE

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Elizabeth Shearer-Nguyen
City of San Diego
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specific impacts to and mitigation requirements for sensitive species that are not covered by the SAP and IA.

A-2 PROJECT DESCRIPTION SUMMARY

The Project proposes to develop two neighborhoods (380 residential units) with associated community buildings, outdoor amenities, and off-site improvements. Project-related activities would include grading, landscaping, utilities, and construction of internal roadways to connect with existing off-site roadways. The 14.62-acre Project site is located at 408 Hollister Street within the City's Otay Nestor Community Planning Area. The Project site is undeveloped, bounded by I-5 and residential development to the west, Hollister Street to the east, and an undeveloped parcel to the south. The Otay Valley Regional Park borders the site to the north and consists of freshwater marsh and southern willow scrub habitat. Approximately 5.5 acres of the City's Multi-Habitat Planning Area (MHPA) occurs on the northern end of the Project parcel connecting to the Regional Park. On December 18, 2020, the City proposed a MHPA Boundary Line Adjustment (BLA) that would allow the Project to impact 3.2 acres of the current MHPA and preserve the remaining 2.3 acres as open space. On June 17, 2021, CDFW provided their MHPA BLA concurrence to the City.

Per RECON's 2022 Biological Technical Report (BTR), the Project's development area and off-site improvement area consist of both disturbed land (14.63 acres) and urban/developed land (1.79 acre). General biological surveys were conducted in the Project area in April 2017 and September 2018. Special-status species that may occur within or adjacent to the Project area include burrowing owl (*Athene cunicularia*; California Species of Special Concern (SSC)), Cooper's hawk (*Accipiter cooperii*, SSC), least Bell's vireo (*Vireo belli pusillus*; Endangered Species Act (ESA)-listed Endangered, California Endangered Species Act (CESA)-listed Endangered), light-footed Ridgway's rail (*Rallus obsoletus levipes*; ESA-listed Endangered, CESA-listed Endangered, California Fully Protected species), southwestern willow flycatcher (*Empidonax traillii extimus*; ESA-listed Endangered, CESA-listed Endangered). A habitat assessment and four non-breeding protocol surveys for burrowing owl were conducted between September 2019 and January 2020 that resulted in no direct observations or signs of owl activity; however, four suitable burrows were found in the Project area along Hollister Road (RECON 2022).

A-3 COMMENTS AND RECOMMENDATIONS

CDFW offers the following comments and recommendations to assist the City in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct, and indirect impacts on fish and wildlife (biological) resources.

COMMENT #1: Nesting Birds

Nesting birds could be indirectly impacted by grading, lighting, noise, toxics, brush management, and human activity generated by Project construction and implementation (RECON 2022). While CDFW appreciates the City's plan to implement their Land Use Adjacency Guidelines and MM BIO-1A and 1B Protections, as currently written, MM BIO-1A mentions two species of birds and fails to consider other nesting birds that may occur within the Project area. In addition, MM BIO-1A is not consistent with the BTR's proposed Avian Protections Measure language for any bird that is listed, candidate, sensitive, or special status in the MSCP. Nesting birds are protected per Fish and Game Code section 3503; therefore, to

A-2

Comment noted. The comment provides a summary of the project description and biological surveys prepared for the project. To further clarify and as stated in the Biological Technical Report (RECON Environmental, Inc. [RECON] 2021a), while four burrows potentially suitable for burrowing owl were observed on the site, no direct burrowing owl observations or any sign of burrowing owls were detected on-site. Additionally, the site conditions are not conducive for burrowing owl breeding nor long-term occupation. Specifically, as detailed in the Biological Technical Report (RECON 2021a), Section 7.4 and summarized in the draft MND section IV(a), burrowing owls require ample foraging habitat to support occupancy at a particular site. A primary foraging area within a radius of approximately 600 meters (300 acres in size) is cited as being necessary for burrowing owl occupation in the Department of Fish and Game Staff Report of Burrowing Owl Mitigation published in 2012. Accordingly, the project site itself is likely not large enough to support ample foraging area to support burrowing owl breeding. In addition, most of the area within a radius of 600 meters of the site to the east of Interstate 5 (I-5) is developed and has no foraging value. The existing riparian habitat along the Otay River corridor in this eastern area is not suitable for use by burrowing owl. Of the remaining undeveloped areas east of I-5, there is little suitable foraging habitat that is comprised of grassland or open habitats preferred by the burrowing owl. These other undeveloped areas are generally disturbed and include land uses associated with nurseries or mining activities that are also not suitable for use by burrowing owl.

To the west of I-5, within 600 meters, areas to the south of Palm Avenue are developed. While some development occurs just north of Palm Avenue, adjacent to I-5, there are open shrubland and fields to the west that are part of the Otay Valley Regional Park Open Space and San Diego National Wildlife Refuge. Western burrowing owl have been documented in more open areas to the north and west of the terminus of Saturn Boulevard. Denser, less suitable burrowing owl habitat occurs to the east of this area up to I-5.

LETTER

RESPONSE

	<p>A-2 (cont.)</p> <p>There is a low probability that the burrowing owls to the west of I-5 would move east of the freeway due to vehicular traffic, associated noise, distance, and lack of large areas suitable for breeding or foraging.</p> <p>It is also noted that focused burrowing owl surveys were conducted on four separate dates: April 12, May 3, June 24, and July 15, 2022. All surveys were negative.</p> <p>A-3</p> <p>Mitigation measure BIO-1 was clarified to address potentially significant impacts associated with burrowing owl and least Bell's vireo, and any avian species that is listed, candidate, sensitive, or special status species in the MSCP.</p> <p>The project would include conditions of approval consistent with the MSCP Subarea Plan conditions of coverage to ensure the avoidance of impacts to Cooper's hawk and light-footed Ridgeway's rail would occur.</p> <p>The City does not enforce Fish and Game Code Section 3503 through its mitigation measures; however, it is acknowledged in the regulatory section of the Biology Report (RECON 2021a) that applicants are required to comply with nesting birds regulations. Text has been added to the Final MND identifying the applicant's responsibility to comply with Fish and Game Code Section 3503.</p> <p>The revisions to the Final MND clarifies the application of the standard conditions of approval that would apply to the project and does not constitute a "substantial revision" of the MND pursuant to CEQA Section 15073.5, and therefore recirculation of the MND is not required.</p>
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LETTER

RESPONSE

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avoid impacts to sensitive species, these measures as written should establish clear bird breeding survey protocols and nest buffers for other nesting birds that may be impacted by Project activities.

A-4 There is a high potential for light-footed Ridgway's to occur north of the Project impact area along Otay River based on historic occurrence records (RECON 2022). In addition to being both CESA- and ESA-listed Endangered, light-footed Ridgway's rail is also Fully Protected under Fish and Game Code section 3511(b)(9). A Fully Protected bird may not be taken at any time and any impacts to the light-footed Ridgway's rail would be considered significant.

A-5 Mitigation Measure #1:

To reduce impacts to less than significant: CDFW recommends that Project activities occur outside of the avian breeding season to adequately avoid impacts to all nesting birds (including burrowing owl and least Bell's vireo) that may occur within or adjacent to the Project area.

CDFW recommends adding a nesting bird mitigation measure to the final MND that states;

"All clearing of vegetation will occur outside of the peak avian breeding season, which generally runs from February 1 through September 15 (as early as January 1 for some raptors). If Project construction is necessary during the bird breeding season, a Qualified Biologist with experience in conducting bird breeding surveys should conduct weekly bird surveys for nesting birds, within three to five days prior to the work in the area and ensure no nesting birds in the Project area would be impacted by the Project. If an active nest is identified, a buffer shall be established between the construction activities and the nest so that nesting activities are not interrupted. For the given Project site, CDFW generally recommends a 100-foot buffer from common avian species, 300 feet for listed or highly sensitive species (that are otherwise not addressed by the MSCP), and 500 feet for raptors. The buffer should be delineated by temporary fencing and remain in effect as long as construction is occurring. No Project construction shall occur within the fenced nest zone until the young have fledged, are no longer being fed by the parents, have left the nest, and will no longer be impacted by the project. Reductions in the nest buffer distance may be appropriate depending on the avian species involved, ambient levels of human activity, screening vegetation, or possibly other factors".

A-6 Environmental Data

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a data base which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The [CNDDDB Field Survey Forms](#) can be mailed electronically to CNDDDB at the following email address: CNDDDB@wildlife.ca.gov. The types of information reported to CNDDDB can be found at the following link: [CNDDDB Plants and Animals Information](#).

A-7 FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee

A-4 It is acknowledged that the light-footed Ridgeway's rail have been recorded within the Otay Valley River Park; however, no significant impacts have been identified related to this species. As stated in the draft MND Section IV(a), light-footed Ridgeway's rail-specific avoidance measure requirements would be included as conditions of project approval.

The project description has been updated to clarify that Specific avoidance measures for the light-footed Ridgeway's rail have been included in the project and will be conditions of project approval. This revision does not constitute a "substantial revision" of the MND pursuant to CEQA Section 15073.5, and therefore recirculation of the MND is not required.

A-5 In the Final MND, mitigation measure BIO-1 has been revised to state that the pre-construction survey shall be conducted within three calendar days prior to the start of construction activities (including removal of vegetation). See responses to comments A-3 and A-4 regarding City mitigation requirements pertaining to listed, candidate, sensitive, or special status avian species in the MSCP.

A-6 Should sensitive resources be identified during project construction, the monitoring biologist would fill out and file the California Natural Diversity Database form.

A-7 Filing fees will be paid at the time of project approval and filing of the Notice of Determination.

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is required for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089).

A-8 CONCLUSION

CDFW appreciates the opportunity to comment on the NOP to assist the City in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Alison Kalinowski, Environmental Scientist, by email at Alison.Kalinowski@wildlife.ca.gov.

Sincerely,

DocuSigned by:

077084509375405

David Mayer
Environmental Program Manager
South Coast Region

ec: CDFW

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State Clearinghouse, Office of Planning and Research – State.Clearinghouse@opr.ca.gov
USFWS
Jonathan Snyder – Jonathan.D.Snyder@fws.gov

References

California Department of Fish and Wildlife. 2021. California Natural Diversity Database (CNDDDB). Available from: <https://wildlife.ca.gov/Data/CNDDDB>.

California Department of Fish and Wildlife. 2021. CNDDDB – Plants and Animals. Available from: <https://wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

California Department of Fish and Wildlife. 2021. Submitting Data to the CNDDDB. Available from: <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>.

California Environmental Quality Act (CEQA). California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

California Office of Planning and Research. 2009 or current version. CEQA: California Environmental Quality Act. Statutes and Guidelines, § 21081.6 and CEQA Guidelines, §15097, §15126.4(2).

A-8 Comment noted. Just to clarify it is noted that these comments were associated with the draft MND prepared for the project, not a Notice of Preparation.

LETTER

RESPONSE

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Elizabeth Shearer-Nguyen
City of San Diego
May 26, 2022
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City of San Diego. March 1997. City of San Diego MSCP Subarea Plan.

RECON Environmental Inc. March 2022. Biological Technical Report for the Bella Mar Project
San Diego, California.

Letter B

CALIFORNIA STATE TRANSPORTATION AGENCY

GAVIN NEWSOM, GOVERNOR

California Department of Transportation



DISTRICT 11
4050 TAYLOR STREET, MS-240
SAN DIEGO, CA 92110
(619) 709-5152 | FAX (619) 688-4299 TTY 711
www.dot.ca.gov

May 31, 2022

11-SD-5
PM 5.0
Bella Mar Amendment
MND/SCH # 2022040642

Ms. Liz Shearer-Nguyen
City of San Diego
1222 1st Avenue
San Diego, CA 92101

Dear Ms. Shearer-Nguyen:

B-1 Thank you for including the California Department of Transportation (Caltrans) in the review process for the Bella Mar Amendment project located near Interstate 5 (I-5). The mission of Caltrans is to provide a safe and reliable transportation network that serves all people and respects the environment. The Local Development Review (LDR) Program reviews land use projects and plans to ensure consistency with our mission and state planning priorities.

Caltrans has the following comments:

Complete Streets

Caltrans views all transportation improvements as opportunities to improve safety, access, and mobility for all travelers in California and recognizes bicycle, pedestrian, and transit modes as integral elements of the transportation network. Caltrans supports improved transit accommodation through the provision of Park and Ride facilities, improved bicycle and pedestrian access and safety improvements, signal prioritization for transit, bus on shoulders, ramp improvements, or other enhancements that promote a complete and integrated transportation network.

Early coordination with Caltrans in locations that may affect both Caltrans and other responsible agencies is strongly encouraged.

"Provide a safe and reliable transportation network that serves all people and respects the environment"

B-1 Introductory statement is noted.

LETTER

RESPONSE

Ms. Liz Shearer-Nguyen
May 31, 2022

B-2 Hydraulics

- Provide Caltrans' Right of Way (R/W) line on all plan sheets and hydrology maps.
- B-3** • Label existing Caltrans' V-ditch along the State's R/W.
- B-4** • Provide Caltrans' centerline and stationing at every 20 feet for future encroachment permit.
- B-5** • Provide City of San Diego approved HEC-RAS study.
- B-6** • Provide concurrence letter from the City of San Diego flood plain manager for alteration to the FEMA mapped flood plan.
- B-7** • Label storms drain-pipe material and size on the plans. Please see drainage system connecting to headwall at Caltrans' R/W.
- B-8** • Provide detail plans on concrete ditch/apron encroaching Caltrans' R/W.
- B-9** • Provide profile of storm drain at node 105 to 100 and storm drain from node 130 to the outlet at the biofiltration basin on the plans.
- B-10** • Post development at the northern existing Caltrans' 24-inch culvert shows an increase in drainage area. This constitutes a diversion of flow which is not allowed. Please revise drainage design.
- B-11** • Provide existing contours within the proposed area in the post development hydrology map.
- B-12** • Provide Flow-Master calculations for the proposed channel connecting to existing Caltrans' headwall.
- B-13** • Provide capacity calculation of the storm drain connecting to the headwall encroaching onto Caltrans.
- B-14** • Explain the change in flow paths and flow rates for Sub-Basin B in the drainage study.

"Provide a safe and reliable transportation network that serves all people and respects the environment"

B-2 While the comment does not raise a specific issue relating to the adequacy or accuracy of the draft MND, the following response is provided. The California Department of Transportation (Caltrans) right-of-way is depicted on the Civil drawings included in the Tentative Parcel Map/Civil drawings included as attachments to the technical report.

B-3 While the comment does not raise a specific issue relating to the adequacy or accuracy of the draft MND, the following response is provided. The existing Caltrans V-ditch could not be verified to exist today. It was not found during site survey and the area is overgrown without any sign of a well-defined existing V-ditch.

B-4 While the comment does not raise a specific issue relating to the adequacy or accuracy of the draft MND, the following response is provided. This information will be provided at the time of final design/encroachment permit submittal.

B-5 The Hydrologic Engineering Center-River Analysis System (HEC-RAS) study and Conditional Letters of Map Revision (CLOMR) are included as Attachment 1 to these responses to comments. The CLOMR is nearing approval with Federal Emergency Management Agency (FEMA).

B-6 The City staff reviewed and approved the required technical studies with the discretionary review process. The studies and plans describe and depict the development within the floodplain. The plans were approved with the following conditions related to the CLOMR/LOMR process as noted on sheet 3 of the tentative map:

NOTE:

1. ALL FINISHED FLOOR ELEVATIONS SHALL BE 2' ABOVE 100 YEAR WATER SURFACE ELEVATION
2. NO PERMITS SHALL BE ISSUED FOR GRADING OR OTHER WORK IN THE FLOODPLAIN OF THE OTAY RIVER UNTIL THE PERMITEE OBTAINS AN APPROVED CLOMR
3. WHEN AS-BUILT GRADING AND PUBLIC IMPROVEMENT PLANS ARE AVAILABLE, THE PERMITEE MUST SUBMIT A REQUEST FOR THE FINAL LOMA OR FINAL LOMR TO FEMA VIA THE FLOODPLAIN MANAGEMENT SECTION OF THE DEVELOPMENT SERVICES DEPARTMENT. THE PERMITEE MUST PROVIDE ALL DOCUMENTATION, ENGINEERING CALCULATIONS, AND FEES WHICH ARE REQUIRED BY FEMA
4. THE BOND FOR THIS PROJECT WILL NOT BE RELEASED UNTIL THE FINAL LOMA OR FINAL LOMR IS ISSUED BY FEMA. THE FLOODPLAIN MANAGEMENT SECTION OF THE CITY OF SAN DIEGO'S PUBLIC WORKS/ENGINEERING AND CAPITAL PROJECTS WILL NOTIFY THE DEVELOPMENT SERVICES DEPARTMENT OF SUCH ISSUANCE AS SOON AS IT IS INFORMED BY FEMA

LETTER

RESPONSE

	<p>B-6 (cont.) The CLOMR is in process with FEMA with only minor outstanding comments to be addressed.</p> <p>B-7 While the comment does not raise a specific issue relating to the adequacy or accuracy of the draft MND, the following response is provided. The preliminary drain line sizes are indicated on the legend sheet 1 of 5 on the Tentative Map. Additional detailing will be provided to Caltrans for review and approval at the time of encroachment permit request.</p> <p>B-8 While the comment does not raise a specific issue relating to the adequacy or accuracy of the draft MND, the following response is provided. Detail/construction level plans will be provided to Caltrans for review, plan check, and approval at the time of encroachment permit request</p> <p>B-9 While the comment does not raise a specific issue relating to the adequacy or accuracy of the draft MND, the following response is provided. Detail/construction level plans and storm drain profiles will be provided to Caltrans for review, plan check, and approval at the time of encroachment permit request</p> <p>B-10 As indicated in the preliminary drainage study, the change in basin area is proposed to reduce the amount of cross lot drainage discharging from the project site into the adjacent site to the south. The change in drainage area is mitigated through the detention/biofiltration basin along the west side of the project to reduce the peak flowrates to below the existing conditions. Both drainage areas confluence downstream of I-5 at the Otay River and with flows reduced through the detention basin to avoid impacts to the Caltrans facilities.</p> <p>B-11 While the comment does not raise a specific issue relating to the adequacy or accuracy of the draft MND, the following response is provided. Drainage arrows are shown to depict the proposed</p>
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LETTER

RESPONSE

	<p>B-11 (cont.) drainage patterns. The existing contours are not shown within the proposed area of the drainage map to avoid confusion with the proposed drainage patterns. Existing contours can be seen on the existing conditions drainage map.</p> <p>B-12 While the comment does not raise a specific issue relating to the adequacy or accuracy of the draft MND, the following response is provided. The connection to the Caltrans headwall (including hydraulic calculations) will be provided to Caltrans at the time of encroachment permit application for review/ plan check and approval.</p> <p>B-13 See response to comment B-12.</p> <p>B-14 Basin B flow paths in proposed conditions will be picked up at a storm drain inlet near node 200. The basin area is slightly larger in the proposed boundary since the drainage area is comingled with a portion of the project slope which explains the minor change in area and flowrate.</p>
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LETTER

RESPONSE

Ms. Liz Shearer-Nguyen
May 31, 2022

B-15 Right-of-Way

Any work performed within Caltrans' R/W will require discretionary review and approval by Caltrans, and an encroachment permit will be required for any work within the Caltrans' R/W prior to construction. As part of the encroachment permit process, the applicant must provide an approved final environmental document, corresponding technical studies, and necessary regulatory and resource agency permits, specifically, any CEQA determinations or exemptions.

If you have any questions or concerns, please contact Roger Sanchez, LDR Coordinator, at (619) 987-1043 or by e-mail sent to roger.sanchez-rangel@dot.ca.gov.

Sincerely,

Maurice A. Eaton

MAURICE EATON
Branch Chief
Local Development Review

B-15 Comment noted. An encroachment permit application will be submitted at the time of final engineering for Caltrans review and approval.

Letter C



San Diego County Archaeological Society, Inc.

Environmental Review Committee

26 May 2022

To: Ms. Elizabeth Shearer-Nguyen
Development Services Department
City of San Diego
1222 First Avenue, Mail Station 501
San Diego, California 92101

Subject: Draft Mitigated Negative Declaration
Bella Mar Amendment
Project No. 631240

Dear Ms. Shearer-Nguyen:

C-1 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 RECON's cultural resources survey report, we agree with the cultural resources impact analysis and the monitoring program as defined in the DMND.

SDCAS appreciates the opportunity to participate in this project's environmental review process.

Sincerely,


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

cc: RECON
SDCAS President
File

C-1 Comment noted.

Letter D

P: (626) 381-9248
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 E: info@mitchtsailaw.com



139 South Hudson Avenue
 Suite 200
 Pasadena, California 91101

VIA E-MAIL

May 29, 2022

Liz Shearer-Nguyen
 Senior Planner
 City of San Diego
 1222 1st Avenue
 San Diego, CA 92101

Em: Lshearer@sandiego.gov

RE: Bella Mar Amendment Project Initial Study/Mitigated Negative Declaration

Dear Liz Shearer-Nguyen

On behalf of the Southwest Regional Council of Carpenters (“**Southwest Carpenters**” or “**SWRCC**”), my Office is submitting these comments on the City of San Diego (“**City**” or “**Lead Agency**”) Initial Study/Mitigated Negative Declaration (“**IS/MND**”) (SCH No. 2022040642) for the Bella Mar Amendment Project (“**Project**”).

The Southwest Carpenters is a labor union representing more than 50,000 union carpenters in six states and has a strong interest in well ordered land use planning and addressing the environmental impacts of development projects.

Individual members of the Southwest Carpenters live, work and recreate in the City and surrounding communities and would be directly affected by the Project’s environmental impacts.

SWRCC expressly reserves the right to supplement these comments at or prior to hearings on the Project, and at any later hearings and proceedings related to this Project. Cal. Gov. Code § 65009(b); Cal. Pub. Res. Code § 21177(a); *Bakersfield Citizens for Local Control v. Bakersfield* (2004) 124 Cal. App. 4th 1184, 1199-1203; see *Galante Vineyards v. Monterey Water Dist.* (1997) 60 Cal. App. 4th 1109, 1121.

SWRCC incorporates by reference all comments raising issues regarding the IS / MND submitted prior to certification of the EIR for the Project. *Citizens for Clean*

D-1 Comment noted. The comment provides background on Southwest Carpenters and their interest in the project. Further, the City will provide notice on all CEQA actions, approvals, determinations, and hearings as requested. The comment does not raise a specific issue relating to the adequacy or accuracy of the draft MND. No further response is required.

City of San Diego – Bella Mar Amendment Project
 May 29, 2022
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Energy v City of Woodland (2014) 225 Cal. App. 4th 173, 191 (finding that any party who has objected to the Project’s environmental documentation may assert any issue timely raised by other parties).

Moreover, SWRCC requests that the Lead Agency provide notice for any and all notices referring or related to the Project issued under the California Environmental Quality Act (“CEQA”), Cal Public Resources Code (“PRC”) § 21000 *et seq*, and the California Planning and Zoning Law (“**Planning and Zoning Law**”), Cal. Gov’t Code §§ 65000–65010. California Public Resources Code Sections 21092.2, and 21167(f) and Government Code Section 65092 require agencies to mail such notices to any person who has filed a written request for them with the clerk of the agency’s governing body.

D-2 The City should require the Applicant provide additional community benefits such as requiring local hire and use of a skilled and trained workforce to build the Project. The City should require the use of workers who have graduated from a Joint Labor Management apprenticeship training program approved by the State of California, or have at least as many hours of on-the-job experience in the applicable craft which would be required to graduate from such a state approved apprenticeship training program or who are registered apprentices in an apprenticeship training program approved by the State of California.

Community benefits such as local hire and skilled and trained workforce requirements can also be helpful to reduce environmental impacts and improve the positive economic impact of the Project. Local hire provisions requiring that a certain percentage of workers reside within 10 miles or less of the Project Site can reduce the length of vendor trips, reduce greenhouse gas emissions and providing localized economic benefits. Local hire provisions requiring that a certain percentage of workers reside within 10 miles or less of the Project Site can reduce the length of vendor trips, reduce greenhouse gas emissions and providing localized economic benefits. As environmental consultants Matt Hagemann and Paul E. Rosenfeld note:

[A]ny local hire requirement that results in a decreased worker trip length from the default value has the potential to result in a reduction of construction-related GHG emissions, though the significance of the reduction would vary based on the location and urbanization level of the project site.

D-2 Comment noted. The comment does not address the adequacy or accuracy of the draft MND. No further response is required.

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March 8, 2021 SWAPE Letter to Mitchell M. Tsai re Local Hire Requirements and Considerations for Greenhouse Gas Modeling.

Skilled and trained workforce requirements promote the development of skilled trades that yield sustainable economic development. As the California Workforce Development Board and the UC Berkeley Center for Labor Research and Education concluded:

. . . labor should be considered an investment rather than a cost – and investments in growing, diversifying, and upskilling California’s workforce can positively affect returns on climate mitigation efforts. In other words, well trained workers are key to delivering emissions reductions and moving California closer to its climate targets.¹

D-3 Recently, on May 7, 2021, the South Coast Air Quality Management District found that that the “[u]se of a local state-certified apprenticeship program or a skilled and trained workforce with a local hire component” can result in air pollutant reductions.²

Cities are increasingly adopting local skilled and trained workforce policies and requirements into general plans and municipal codes. For example, the City of Hayward 2040 General Plan requires the City to “promote local hiring . . . to help achieve a more positive jobs-housing balance, and reduce regional commuting, gas consumption, and greenhouse gas emissions.”³

In fact, the City of Hayward has gone as far as to adopt a Skilled Labor Force policy into its Downtown Specific Plan and municipal code, requiring developments in its Downtown area to requiring that the City “[c]ontribute to the stabilization of regional construction markets by spurring applicants of housing and nonresidential developments to require contractors to utilize apprentices from state-approved, joint

¹ California Workforce Development Board (2020) Putting California on the High Road: A Jobs and Climate Action Plan for 2030 at p. ii, *available at* <https://laborcenter.berkeley.edu/wp-content/uploads/2020/09/Putting-California-on-the-High-Road.pdf>.

² South Coast Air Quality Management District (May 7, 2021) Certify Final Environmental Assessment and Adopt Proposed Rule 2305 – Warehouse Indirect Source Rule – Warehouse Actions and Investments to Reduce Emissions Program, and Proposed Rule 316 – Fees for Rule 2305, Submit Rule 2305 for Inclusion Into the SIP, and Approve Supporting Budget Actions, *available at* <http://www.aqmd.gov/docs/default-source/Agendas/Governing-Board/2021/2021-May7-027.pdf?sfvrsn=10>.

³ City of Hayward (2014) Hayward 2040 General Plan Policy Document at p. 3-99, *available at* https://www.hayward-ca.gov/sites/default/files/documents/General_Plan_FINAL.pdf.

D-3 Comment noted. The comment does not address the adequacy or accuracy of the draft MND. There is no CEQA provision nor any City code that mandates the City’s requirement for the hiring or use of individual development project’s construction labor. No further response is required.

City of San Diego – Bella Mar Amendment Project
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labor-management training programs, . . .”⁴ In addition, the City of Hayward requires all projects 30,000 square feet or larger to “utilize apprentices from state-approved, joint labor-management training programs.”⁵

D-4 Locating jobs closer to residential areas can have significant environmental benefits. As the California Planning Roundtable noted in 2008:

People who live and work in the same jurisdiction would be more likely to take transit, walk, or bicycle to work than residents of less balanced communities and their vehicle trips would be shorter. Benefits would include potential reductions in both vehicle miles traveled and vehicle hours traveled.⁶

In addition, local hire mandates as well as skill training are critical facets of a strategy to reduce vehicle miles traveled. As planning experts Robert Cervero and Michael Duncan noted, simply placing jobs near housing stock is insufficient to achieve VMT reductions since the skill requirements of available local jobs must be matched to those held by local residents.⁷ Some municipalities have tied local hire and skilled and trained workforce policies to local development permits to address transportation issues. As Cervero and Duncan note:

In nearly built-out Berkeley, CA, the approach to balancing jobs and housing is to create local jobs rather than to develop new housing.” The city’s First Source program encourages businesses to hire local residents, especially for entry- and intermediate-level jobs, and sponsors vocational training to ensure residents are employment-ready. While the program is voluntary, some 300 businesses have used it to date, placing more than 3,000 city residents in local jobs since it was launched in 1986. When needed, these carrots are matched by sticks, since the city is not shy about

⁴ City of Hayward (2019) Hayward Downtown Specific Plan at p. 5-24, available at <https://www.hayward-ca.gov/sites/default/files/Hayward%20Downtown%20Specific%20Plan.pdf>.

⁵ City of Hayward Municipal Code, Chapter 10, § 28.5.3.020(C).

⁶ California Planning Roundtable (2008) Deconstructing Jobs-Housing Balance at p. 6, available at <https://cproundtable.org/static/media/uploads/publications/cpr-jobs-housing.pdf>.

⁷ Cervero, Robert and Duncan, Michael (2006) Which Reduces Vehicle Travel More: Jobs-Housing Balance or Retail-Housing Mixing? Journal of the American Planning Association 72 (4), 475-490, 482, available at <http://reconnectingamerica.org/assets/Uploads/UTCT-825.pdf>.

D-4 Comment noted. The comment does not address the adequacy or accuracy of the draft MND. There is no CEQA provision nor any City code that mandates the City require the hiring or use of construction labor. No further response is required.

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negotiating corporate participation in First Source as a condition of approval for development permits.

D-5 The City should consider utilizing skilled and trained workforce policies and requirements to benefit the local area economically and mitigate greenhouse gas, air quality and transportation impacts.

The City should also require the Project to be built to standards exceeding the current 2019 California Green Building Code to mitigate the Project’s environmental impacts and to advance progress towards the State of California’s environmental goals.

D-6 I. **THE PROJECT WOULD BE APPROVED IN VIOLATION OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**

A. Background Concerning the California Environmental Quality Act

CEQA has two basic purposes. First, CEQA is designed to inform decision makers and the public about the potential, significant environmental effects of a project. 14 California Code of Regulations (“CCR” or “CEQA Guidelines”) § 15002(a)(1).⁸ “Its purpose is to inform the public and its responsible officials of the environmental consequences of their decisions *before* they are made. Thus, the EIR ‘protects not only the environment but also informed self-government.’ [Citation.]” *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal. 3d 553, 564. The EIR has been described as “an environmental ‘alarm bell’ whose purpose it is to alert the public and its responsible officials to environmental changes before they have reached ecological points of no return.” *Berkeley Keep Jets Over the Bay v. Bd. of Port Comm’rs.* (2001) 91 Cal. App. 4th 1344, 1354 (“*Berkeley Jets*”); *County of Inyo v. Yorty* (1973) 32 Cal. App. 3d 795, 810.

Second, CEQA directs public agencies to avoid or reduce environmental damage when possible by requiring alternatives or mitigation measures. CEQA Guidelines § 15002(a)(2) and (3). *See also, Berkeley Jets*, 91 Cal. App. 4th 1344, 1354; *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal. 3d 553; *Laurel Heights Improvement Ass’n v. Regents of the University of California* (1988) 47 Cal. 3d 376, 400. The EIR serves to

⁸ The CEQA Guidelines, codified in Title 14 of the California Code of Regulations, section 15000 *et seq.*, are regulatory guidelines promulgated by the state Natural Resources Agency for the implementation of CEQA. (Cal. Pub. Res. Code § 21083.) The CEQA Guidelines are given “great weight in interpreting CEQA except when . . . clearly unauthorized or erroneous.” *Center for Biological Diversity v. Department of Fish & Wildlife* (2015) 62 Cal. 4th 204, 217.

D-5 The project would, at a minimum, be required to comply with the mandatory measures included in the current 2019 California Energy Code (California Code of Regulations, Title 24, Part 6) and the 2019 California Green Building Code standards. Regulatory compliance to this degree would require the project to include energy efficiency and green building standards such as solar, water efficient landscaping, construction material diversion, low-polluting construction finishing materials, and installation of electric charging stations. This is consistent with the City’s General Plan Conservation Element and the City’s Climate Action Plan (CAP) as detailed in the project’s CAP Checklist. As specifically discussed in the draft MND, the project’s compliance with all mandatory measures would ensure impacts related to energy use would be less than significant.

Significant impacts were identified to biological and historical resources and appropriate mitigation measures were identified to reduce impacts to below a level of significance. All other issue areas were determined to be less than significant or have no impact and no mitigation would be required.

As further discussed in the draft MND, the CAP Consistency Checklist demonstrates that the project would be consistent with applicable strategies and actions for reducing greenhouse gas (GHG) emissions. This includes project features consistent with the energy and water efficient buildings strategy, as well as bicycling, walking, transit, and land use strategy.

D-6 Comment noted. The comment does not address the adequacy or accuracy of the draft MND; however, the draft MND thoroughly analyzed and disclosed the potentially significant project impacts consistent with CEQA’s information disclosure mandates. No further response is required.

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provide public agencies and the public in general with information about the effect that a proposed project is likely to have on the environment and to “identify ways that environmental damage can be avoided or significantly reduced.” CEQA Guidelines § 15002(a)(2). If the project has a significant effect on the environment, the agency may approve the project only upon finding that it has “eliminated or substantially lessened all significant effects on the environment where feasible” and that any unavoidable significant effects on the environment are “acceptable due to overriding concerns” specified in CEQA section 21081. CEQA Guidelines § 15092(b)(2)(A–B).

While the courts review an EIR using an “abuse of discretion” standard, “the reviewing court is not to ‘uncritically rely on every study or analysis presented by a project proponent in support of its position.’ A ‘clearly inadequate or unsupported study is entitled to no judicial deference.’” *Berkeley Jets*, 91 Cal. App. 4th 1344, 1355 (emphasis added) (quoting *Laurel Heights*, 47 Cal. 3d at 391, 409 fn. 12). Drawing this line and determining whether the EIR complies with CEQA’s information disclosure requirements presents a question of law subject to independent review by the courts. *Sierra Club v. Cnty. of Fresno* (2018) 6 Cal. 5th 502, 515; *Madera Oversight Coalition, Inc. v. County of Madera* (2011) 199 Cal. App. 4th 48, 102, 131. As the court stated in *Berkeley Jets*, 91 Cal. App. 4th at 1355:

A prejudicial abuse of discretion occurs “if the failure to include relevant information precludes informed decision-making and informed public participation, thereby thwarting the statutory goals of the EIR process.

The preparation and circulation of an EIR is more than a set of technical hurdles for agencies and developers to overcome. The EIR’s function is to ensure that government officials who decide to build or approve a project do so with a full understanding of the environmental consequences and, equally important, that the public is assured those consequences have been considered. For the EIR to serve these goals it must present information so that the foreseeable impacts of pursuing the project can be understood and weighed, and the public must be given an adequate opportunity to comment on that presentation before the decision to go forward is made. *Communities for a Better Environment v. Richmond* (2010) 184 Cal. App. 4th 70, 80 (quoting *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal. 4th 412, 449–450).

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D-7 B. Due to the COVID-19 Crisis, the City Must Adopt a Mandatory Finding of Significance that the Project May Cause a Substantial Adverse Effect on Human Beings and Mitigate COVID-19 Impacts

CEQA requires that an agency make a finding of significance when a Project may cause a significant adverse effect on human beings. PRC § 21083(b)(3); CEQA Guidelines § 15065(a)(4).

Public health risks related to construction work requires a mandatory finding of significance under CEQA. Construction work has been defined as a Lower to High-risk activity for COVID-19 spread by the Occupational Safety and Health Administration. Recently, several construction sites have been identified as sources of community spread of COVID-19.⁹

SWRCC recommends that the Lead Agency adopt additional CEQA mitigation measures to mitigate public health risks from the Project's construction activities. SWRCC requests that the Lead Agency require safe on-site construction work practices as well as training and certification for any construction workers on the Project Site.

In particular, based upon SWRCC's experience with safe construction site work practices, SWRCC recommends that the Lead Agency require that while construction activities are being conducted at the Project Site:

Construction Site Design:

- The Project Site will be limited to two controlled entry points.
- Entry points will have temperature screening technicians taking temperature readings when the entry point is open.
- The Temperature Screening Site Plan shows details regarding access to the Project Site and Project Site logistics for conducting temperature screening.

⁹ Santa Clara County Public Health (June 12, 2020) COVID-19 CASES AT CONSTRUCTION SITES HIGHLIGHT NEED FOR CONTINUED VIGILANCE IN SECTORS THAT HAVE REOPENED, available at <https://www.sccgov.org/sites/covid19/Pages/press-release-06-12-2020-cases-at-construction-sites.aspx>.

D-7 The draft MND identified potential impacts to biological and historical resource and determined that impacts would be reduced to below a level of significance with implementation of the identified mitigation. All other issue areas were determined as either no impact or less than significant. Therefore, the project would not cause a substantial adverse effect on humans, as impacts to health and safety were determined to be less than significant.

Regarding COVID-19, an Environmental Impact Report is required to identify and focus on the significant effects of a proposed project on the environment. Environment is defined as the "physical conditions which exist within the area which will be affected by a proposed project including land, air, water, minerals, flora, fauna, noise, [and] objects of historic or aesthetic significance." Cal. Pub. Res. Code § 21060.5; see also CEQA Guidelines § 15360. As such, effects that are subject to review under CEQA must be related to a change to the physical environment. CEQA Guidelines § 15358(b). This is further outlined in CEQA Guidelines § 15126.2, which states that in assessing impacts of a project on the environment, the lead agency is required to "limit its examination to changes in the existing physical conditions." Regardless, COVID-19 is not a physical condition as defined in Cal. Pub. Res. Code § 21060.5 and is outside the purview of CEQA. Further, no public health risk impacts were identified (refer to Section iii(c) of the draft MND) and therefore mitigation is not required.

In compliance with all public health mandates, the project would be required to adhere to all relevant State and local protocol and safety practices in place at the time of commencement of construction throughout the construction process.

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- A 48-hour advance notice will be provided to all trades prior to the first day of temperature screening.
- The perimeter fence directly adjacent to the entry points will be clearly marked indicating the appropriate 6-foot social distancing position for when you approach the screening area. Please reference the Apex temperature screening site map for additional details.
- There will be clear signage posted at the project site directing you through temperature screening.
- Provide hand washing stations throughout the construction site.

Testing Procedures:

- The temperature screening being used are non-contact devices.
- Temperature readings will not be recorded.
- Personnel will be screened upon entering the testing center and should only take 1-2 seconds per individual.
- Hard hats, head coverings, sweat, dirt, sunscreen or any other cosmetics must be removed on the forehead before temperature screening.
- Anyone who refuses to submit to a temperature screening or does not answer the health screening questions will be refused access to the Project Site.
- Screening will be performed at both entrances from 5:30 am to 7:30 am.; main gate [ZONE 1] and personnel gate [ZONE 2]
- After 7:30 am only the main gate entrance [ZONE 1] will continue to be used for temperature testing for anybody gaining entry to the project site such as returning personnel, deliveries, and visitors.

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- If the digital thermometer displays a temperature reading above 100.0 degrees Fahrenheit, a second reading will be taken to verify an accurate reading.
- If the second reading confirms an elevated temperature, DHS will instruct the individual that he/she will not be allowed to enter the Project Site. DHS will also instruct the individual to promptly notify his/her supervisor and his/her human resources (HR) representative and provide them with a copy of Annex A.

Planning

- Require the development of an Infectious Disease Preparedness and Response Plan that will include basic infection prevention measures (requiring the use of personal protection equipment), policies and procedures for prompt identification and isolation of sick individuals, social distancing (prohibiting gatherings of no more than 10 people including all-hands meetings and all-hands lunches) communication and training and workplace controls that meet standards that may be promulgated by the Center for Disease Control, Occupational Safety and Health Administration, Cal/OSHA, California Department of Public Health or applicable local public health agencies.¹⁰

The United Brotherhood of Carpenters and Carpenters International Training Fund has developed COVID-19 Training and Certification to ensure that Carpenter union members and apprentices conduct safe work practices. The Agency should require that all construction workers undergo COVID-19 Training and Certification before being allowed to conduct construction activities at the Project Site.

¹⁰ See also The Center for Construction Research and Training, North America's Building Trades Unions (April 27 2020) NABTU and CPWR COVID-19 Standards for U.S. Construction Sites, available at https://www.cpwr.com/wp-content/uploads/publications/NABTU_CPWR_Standards_COVID-19.pdf; Los Angeles County Department of Public Works (2020) Guidelines for Construction Sites During COVID-19 Pandemic, available at https://dpw.lacounty.gov/building-and-safety/docs/pw_guidelines-construction-sites.pdf.

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D-8 II. THE IS/MND IS INADEQUATE

A. The City Should Prepare an EIR for the Project

A strong presumption in favor of requiring preparation of an EIR is built into CEQA. This presumption is reflected in what is known as the "fair argument" standard, under which an agency must prepare an EIR whenever substantial evidence in the record supports a fair argument that a project may have a significant effect on the environment. *Quail Botanical Gardens Found., Inc. v. City of Encinitas* (1994) 29 Cal. App. 4th 1597, 1602; *Friends of "B" St. v. City of Hayward* (1980) 106 Cal. 3d 988, 1002.

The fair argument test stems from the statutory mandate that an EIR be prepared for any project that "may have a significant effect on the environment." Pub. Res. Code ("PRC") § 21151; *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal. App. 3d 68, 75; *Jensen v. City of Santa Rosa* (2018) 23 Cal. App. 5th 877, 884. Under this test, if a proposed project is not exempt and may cause a significant effect on the environment, the lead agency must prepare an EIR. PRC §§ 21100(a), 21151; CEQA Guidelines § 15064(a)(1), (f)(1). An EIR may be dispensed with only if the lead agency finds no substantial evidence in the initial study or elsewhere in the record that the project may have a significant effect on the environment. *Parker Shattuck Neighbors v. Berkeley City Council* (2013) 222 Cal. App. 4th 768, 785. In such a situation, the agency must adopt a negative declaration. PRC § 21080(c)(1); CEQA Guidelines §§ 15063(b)(2), 15064(f)(3).

"Significant effect upon the environment" is defined as "a substantial or potentially substantial adverse change in the environment." PRC § 21068; CEQA Guidelines § 15382. A project "may" have a significant effect on the environment if there is a "reasonable probability" that it will result in a significant impact. *No Oil, Inc. v. City of Los Angeles*, 13 Cal. 3d at 83 fn. 16; *Sundstrom v. County of Mendocino* (1988) 202 Cal. App. 3d 296, 309. If any aspect of the project may result in a significant impact on the environment, an EIR must be prepared even if the overall effect of the project is beneficial. CEQA Guidelines § 15063(b)(1). See *County Sanitation Dist. No. 2 v. County of Kern* (2005) 127 Cal. App. 4th 1544, 1580.

This standard sets a "low threshold" for preparation of an EIR. *Consolidated Irrig. Dist. V. City of Selma* (2012) 204 Cal. App. 4th 187, 207; *Nelson v. County of Kern* (2010) 190 Cal. App. 4th 252; *Pocket Protectors v. City of Sacramento* (2004) 124 Cal. App. 4th 903, 928; *Bowman v. City of Berkeley* (2004) 122 Cal. App. 4th 572, 580; *Citizen Action to Serve*

D-8 Comment noted. The comment provides general guidance on CEQA and does not raise a specific issue nor address the adequacy or accuracy of the draft MND. No further response is required.

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All Students v. Thornley (1990) 222 Cal. App. 3d 748, 754; *Sundstrom v. County of Mendocino* (1988) 202 Cal. App. 3d 296, 310. If substantial evidence in the record supports a fair argument that the project may have a significant environmental effect, the lead agency must prepare an EIR even if other substantial evidence before it indicates the project will have no significant effect. See *Jensen v. City of Santa Rosa* (2018) 23 Cal. App. 5th 877, 886; *Clews Land & Livestock v. City of San Diego* (2017) 19 Cal. App. 5th 161, 183; *Stanislaus Audubon Soc’y, Inc. v. County of Stanislaus* (1995) 33 Cal. App. 4th 144, 150; *Brentwood Ass’n for No Drilling, Inc. v. City of Los Angeles* (1982) 134 Cal. App. 3d 491; *Friends of “B” St. v. City of Hayward* (1980) 106 Cal. App. 3d 988; CEQA Guidelines § 15064(f)(1).

As explained in full below, there is a fair argument that the Project will have a significant effect on the environment. As a result, the “low threshold” for preparation of an EIR has been met and the City must prepare an EIR.

D-9 B. The MND Fails to Support Its Findings with Substantial Evidence

When new information is brought to light showing that an impact previously discussed in the EIR but found to be insignificant with or without mitigation in the EIR’s analysis has the potential for a significant environmental impact supported by substantial evidence, the EIR must consider and resolve the conflict in the evidence. See *Visalia Retail, L.P. v. City of Visalia* (2018) 20 Cal. App. 5th 1, 13, 17; see also *Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal. App. 4th 1099, 1109. While a lead agency has discretion to formulate standards for determining significance and the need for mitigation measures—the choice of any standards or thresholds of significance must be “based to the extent possible on scientific and factual data and an exercise of reasoned judgment based on substantial evidence. CEQA Guidelines § 15064(b); *Cleveland Nat’l Forest Found. v. San Diego Ass’n of Gov’ts* (2017) 3 Cal. App. 5th 497, 515; *Mission Bay Alliance v. Office of Community Inv. & Infrastructure* (2016) 6 Cal. App. 5th 160, 206. And when there is evidence that an impact could be significant, an MND cannot adopt a contrary finding without providing an adequate explanation along with supporting evidence. *East Sacramento Partnership for a Livable City v. City of Sacramento* (2016) 5 Cal. App. 5th 281, 302.

In addition, a determination that regulatory compliance will be sufficient to prevent significant adverse impacts must be based on a project-specific analysis of potential impacts and the effect of regulatory compliance. In *Californians for Alternatives to Toxics v. Department of Food & Agric.* (2005) 136 Cal. App. 4th 1, the court set aside an EIR for a

D-9 Comment noted. The comment provides general CEQA guidance and does not raise a specific issue nor address the adequacy or accuracy of the draft MND. No further response is required.

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statewide crop disease control plan because it did not include an evaluation of the risks to the environment and human health from the proposed program but simply presumed that no adverse impacts would occur from use of pesticides in accordance with the registration and labeling program of the California Department of Pesticide Regulation. *See also Ebbetts Pass Forest Watch v Department of Forestry & Fire Protection* (2008) 43 Cal. App. 4th 936, 956 (fact that Department of Pesticide Regulation had assessed environmental effects of certain herbicides in general did not excuse failure to assess effects of their use for specific timber harvesting project).

D-10 1. *The MND Fails to Support its Findings on Transportation Impacts with Substantial Evidence.*

CEQA Guidelines section 15064.3(b) requires analysis of a Project’s vehicle miles traveled (VMT) impacts as part of the environmental document’s transportation impacts analysis. A lead agency must support its findings with substantial evidence, which includes “facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts.” CEQA Guidelines § 15384(b).

The Project claims the Project’s impacts on transportation will be less than significant since the Project would generate less than 300 daily unadjusted driveway trips. However, the IS / MND merely claims that the Project would generate less than 300 daily unadjusted driveway trips without any supporting evidence.

The failure of the IS / MND to reveal the underlying data supporting its conclusions not only strongly suggests that the City does not have substantial evidence to support its conclusions, but also constitutes an omission of information. An environmental documents discussion of potentially significant effects must “provide an adequate analysis to inform the public how its bare numbers translate to create potential adverse impacts or it must adequately explain what the agency does know and why, given existing scientific constraints, it cannot translate potential health impacts further.” *Sierra Club v. County of Fresno* (2018) 6 Cal. 5th 502, 521; *see also* citing *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 405; *see also* PRC §§ 21002.1(e), 21003(b).

D-11 2. *The IS/MND’s Findings on Air Quality and Greenhouse Gases are Incomplete*

CEQA Guidelines § 15064.4 allow a lead agency to determine the significance of a project’s GHG impact via a qualitative analysis (e.g., extent to which a project

D-10 The comment misstates the conclusions as detailed in the draft MND and Local Mobility Analysis (LMA) prepared for the project (Kimley-Horn 2021). Table 4-1 of the LMA provides a trip generation summary based on the proposed land uses. The table calculates unadjusted resulting trip generation as 2,280 daily trips. Therefore, it is not stated in any of the environmental documents that the project would generate less than 300 unadjusted trips.

The project was compared against initial screening criteria to determine if the project can be considered less than significant for vehicle miles travelled (VMT) impact based on project features regarding location, size, and use. The City’s screening criteria for determining land development projects as less than significant for VMT are listed in the VMT CEQA Analysis (Kimley-Horn 2020) prepared for the project and Table 25 of the draft MND. Pursuant to the City’s screening process, a project would have less than significant transportation impacts per CEQA if the project meets any of the screening criteria. As shown in Table 25, the project is located within a VMT Efficient Location (see, Figure 3 of the VMT CEQA Analysis). Therefore, notwithstanding the generation of trips, which is well above 300, the project is presumed to have a less than significant transportation/VMT impact. The commenter submitted no substantial evidence to the contrary. Moreover, no data was omitted from disclosure and the commenter has not identified any; the draft MND and its associated technical appendices disclose all relevant data and analysis..

D-11 See response to comment 10.

The finding that the project would have a less than significant impact on GHG is based on the project’s consistency with the City’s CAP as detailed in the project-specifics CAP Consistency Checklist (Carrier Johnson + CULTURE 2020). The CAP Consistency Checklist is the City’s significance threshold utilized to ensure project-by-project consistency with the underlying assumptions in the CAP and to ensure that the City would achieve its emission reduction targets

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	<p>D-11 (cont.)</p> <p>identified in the CAP. As detailed in Section VIII(a) of the draft MND, the CAP Consistency Checklist demonstrates that the project would be consistent with applicable strategies and for reducing GHG emissions. This includes project features consistent with the energy and water efficient buildings strategy, as well as bicycling, walking, transit, and land use strategy. Based on the project's consistency with the CAP Consistency Checklist, the project's contribution of GHGs to cumulative statewide emissions would not be cumulatively considerable. Therefore, the project would have a less than significant cumulative impact regarding GHG emissions.</p> <p>The air quality analysis is based on a total trip generation of 2,280 average daily trips, not 300 trips as the commenter claims. This does not account for any trip reductions that may occur due to proximity to transit and is therefore conservative. As detailed in Section III of the draft MND, the project's criteria pollutant emissions would be less than the applicable City significance level thresholds. Therefore, the project's impacts to air quality would be less than significant.</p>
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complies with regulations or requirements of state/regional/local GHG plans), and/or a quantitative analysis (e.g., using model or methodology to estimate project emissions and compare it to a numeric threshold). So too, CEQA Guidelines allow lead agencies to select what model or methodology to estimate GHG emissions so long as the selection is supported with substantial evidence, and the lead agency “should explain the limitations of the particular model or methodology selected for use.” CEQA Guidelines § 15064.4(c).

The IS/MND concludes there would not be a significant impact on air quality and Green House Gas Emissions. However, this is based on the City’s claim there would be under 300 trips. The City has not demonstrated how it calculated it will get under 300 trips. Due to the link between Air Quality, Green House Gases and Transportation, the City cannot reach its conclusion of less than significant impact without a full analysis.

D-12

3. *The MND Defers its Biological Resources Mitigation*

CEQA mitigation measures proposed and adopted into an environmental impact report are required to describe what actions that will be taken to reduce or avoid an environmental impact. CEQA Guidelines § 15126.4(a)(1)(B) (providing “[f]ormulation of mitigation measures should not be deferred until some future time.”) While the same Guidelines section 15126.5(a)(1)(B) acknowledges an exception to the rule against deferrals, but such exception is narrowly proscribed to situations where “measures may specify performance standards which would mitigate the significant effect of the project and which may be accomplished in more than one specified way.” *Id.* Courts have also recognized a similar exception to the general rule against deferral of mitigation measures where the performance criteria for each mitigation measure is identified and described in the EIR. *Sacramento Old City Ass’n v. City Council* (1991) 229 Cal.App.3d 1011.

Impermissible deferral can occur when an EIR calls for mitigation measures to be created based on future studies or describes mitigation measures in general terms but the agency fails to commit itself to specific performance standards. *Preserve Wild Santee v. City of Santee* (2012) 210 Cal.App.4th 260, 281 (city improperly deferred mitigation to butterfly habitat by failing to provide standards or guidelines for its management); *San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645, 671 (EIR failed to provide and commit to specific criteria or standard of performance for mitigating impacts to biological habitats); see also *Cleveland Nat’l Forest Found. v San Diego*

D-12 The draft MND does not impermissibly defer mitigation but rather provides a detailed set of legally compliant mitigation measures the implementation of which would reduce potentially significant biological impacts associated with the project to a less than significant level.

Burrowing Owl

The Biological Resources Report (RECON 2021a) stated that while four burrows potentially suitable for burrowing owl were observed on the site it was concluded that not only were no direct burrowing owl observations or any sign of burrowing owl discovered on-site, but the site conditions are also not conducive for burrowing owl breeding nor long-term occupation. A detailed discussion of this conclusion can be found on in the Biological Technical Report, pages 20–21. The draft MND concludes,

There is a low probability that the burrowing owls to the west of I-5 would move east of the freeway due to vehicular traffic, associated noise, distance, and lack of large areas suitable for breeding or foraging. Therefore, while there remains a moderate potential for burrowing owl to occur on the site based on protocol survey results, that located potentially suitable, but unoccupied burrows, the disturbed habitat on-site is in general not likely to support breeding burrowing owls due to the limited area of suitable foraging habitat to support occupancy. However, in the abundance of caution, impacts to burrowing owl are determined to be potentially significant.

Mitigation measures Bio-1 and Bio-2 provide specific performance criteria as provided for under CEQA that include a prescription for precautionary, educational, monitoring, and discovery measures. Taken together the mitigation measures does not merely consist of hiring experts, but rather provides a detailed process from pre- to post-construction within specific performance criteria, the

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Ass'n of Gov'ts (2017) 17 Cal.App.5th 413, 442 (generalized air quality measures in the EIR failed to set performance standards); *California Clean Energy Comm. v City of Woodland* (2014) 225 Cal.App.4th 173, 195 (agency could not rely on a future report on urban decay with no standards for determining whether mitigation required); *POET, LLC v. State Air Resources Bd.* (2013) 218 Cal.App.4th 681, 740 (agency could not rely on future rulemaking to establish specifications to ensure emissions of nitrogen oxide would not increase because it did not establish objective performance criteria for measuring whether that goal would be achieved); *Gray v. County of Madera* (2008) 167 Cal.App.4th 1099, 1119 (rejecting mitigation measure requiring replacement water to be provided to neighboring landowners because it identified a general goal for mitigation rather than specific performance standard); *Endangered Habitats League, Inc. v. County of Orange* (2005) 131 Cal.App.4th 777, 794 (requiring report without established standards is impermissible delay).

The IS/MND bases analysis of the Project’s impact to biological resources on a report prepared by RECON. In its report, the City found potential for the burrowing owl to have significantly impacted by the Project. In addition, the City also found a high potential for Bell’s vireo to occur to the north of the site. The City’s mitigation consists of hiring experts to determine the impact to the burrowing owl. In regards to Bell’s vireo, the City states that if they are present then fencing and noise level setbacks are required. However, the City does not state what those requirements are. The City should state what the requirements are as to have a baseline for its mitigation.

D-13 II. THE PROJECT VIOLATES THE STATE PLANNING AND ZONING LAW AS WELL AS THE CITY’S GENERAL PLAN

A. Background Regarding the State Planning and Zoning Law

Each California city and county must adopt a comprehensive, long-term general plan governing development. *Napa Citizens for Honest Gov. v. Napa County Bd. of Supervisors* (2001) 91 Cal. App.4th 342, 352, citing Gov. Code §§ 65030, 65300. The general plan sits at the top of the land use planning hierarchy (See *DeVita v. County of Napa* (1995) 9 Cal. App. 4th 763, 773), and serves as a “constitution” or “charter” for all future development. *Lesber Communications, Inc. v. City of Walnut Creek* (1990) 52 Cal. App. 3d 531, 540.

General plan consistency is “the linchpin of California’s land use and development

D-12 (cont.)

implementation of which would ensure that potentially significant impacts (albeit unlikely) would be reduced to a less than significant level.

Least Bell’s Vireo

The Biological Resources Report (RECON 2021a) stated that least Bell’s vireo have historically been recorded in the project vicinity; however, this species is not expected to occur on the project site due to lack of suitable riparian habitat. Nonetheless, following the City’s MSCP-SAP specific management directives, due to the possibility of the species occur north of the site, within the riparian habitat, standard City least Bell’s vireo mitigation was included. Specifically, mitigation measures Bio-1 and Bio-3 provide detailed provisions and specific performance criteria for breeding season avoidance, pre-construction surveys, noise level setbacks or attenuation measures, and use of fencing to protect potentially breeding specimens in the adjacent MHPA land. Taken together the mitigation measures do not merely consist of fencing and noise setbacks, but rather provides a detailed process from pre- to post construction, the implementation of which would ensure that potentially significant impacts (albeit unlikely) would be reduced to a less than significant level.

D-13 Comment noted. The comment provides a general CEQA summary and does not raise a specific issue nor address the adequacy or accuracy of the draft MND. No further response is required.

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laws; it is the principle which infused the concept of planned growth with the force of law.” See *Debottari v. Norvo City Council* (1985) 171 Cal. App. 3d 1204, 1213.

State law mandates two levels of consistency. First, a general plan must be internally or “horizontally” consistent: its elements must “comprise an integrated, internally consistent and compatible statement of policies for the adopting agency.” (See Gov. Code § 65300.5; *Sierra Club v. Bd. of Supervisors* (1981) 126 Cal. App. 3d 698, 704.) A general plan amendment thus may not be internally inconsistent, nor may it cause the general plan as a whole to become internally inconsistent. See *DeVita*, 9 Cal. App. 4th at 796 fn. 12.

Second, state law requires “vertical” consistency, meaning that zoning ordinances and other land use decisions also must be consistent with the general plan. (See Gov. Code § 65860(a)(2) [land uses authorized by zoning ordinance must be “compatible with the objectives, policies, general land uses, and programs specified in the [general] plan.”]; see also *Neighborhood Action Group v. County of Calaveras* (1984) 156 Cal. App. 3d 1176, 1184.) A zoning ordinance that conflicts with the general plan or impedes achievement of its policies is invalid and cannot be given effect. See *Lesher*, 52 Cal. App. 3d at 544.

State law requires that all subordinate land use decisions, including conditional use permits, be consistent with the general plan. See Gov. Code § 65860(a)(2); *Neighborhood Action Group*, 156 Cal. App. 3d at 1184.

A project cannot be found consistent with a general plan if it conflicts with a general plan policy that is “fundamental, mandatory, and clear,” regardless of whether it is consistent with other general plan policies. See *Endangered Habitats League v. County of Orange* (2005) 131 Cal. App. 4th 777, 782-83; *Families Unafraid to Uphold Rural El Dorado County v. Bd. of Supervisors* (1998) 62 Cal. App. 4th 1332, 1341-42 (“FUTURE”).

Moreover, even in the absence of such a direct conflict, an ordinance or development project may not be approved if it interferes with or frustrates the general plan’s policies and objectives. See *Napa Citizens*, 91 Cal. App. 4th at 378-79; see also *Lesher*, 52 Cal. App. 3d at 544 (zoning ordinance restricting development conflicted with growth-oriented policies of general plan).

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D-14 1. *The MND is Required to Review the Project's Consistency with Regional Housing Plans, Sustainable Community Strategy and Regional Transportation Plans*

CEQA Guidelines section 15125(d) requires that an environmental document “discuss any inconsistencies between the proposed project and applicable general plans, specific plans and regional plans. *See also Golden Door Properties, LLC v. County of San Diego* (2020) 50 Cal. App. 5th 467, 543. The MND should thoroughly evaluate the consistency of this Project with the City’s General Plan, City’s Regional Housing Needs Assessment targets, Sustainable Community Strategy and Regional Transportation Plan. The MND fails to analyze the Project’s consistency with any of these applicable plans.

D-15 III. CONCLUSION

SWRCC request that the City revise and recirculate the IS / MND for public comment to address the aforementioned concerns. If the City has any questions or concerns, feel free to contact my Office.

Sincerely,



Mitchell M. Tsai
Attorneys for Southwest Regional Council of Carpenters

Attached:

March 8, 2021 SWAPE Letter to Mitchell M. Tsai re Local Hire Requirements and Considerations for Greenhouse Gas Modeling (Exhibit A);

Air Quality and GHG Expert Paul Rosenfeld CV (Exhibit B); and

Air Quality and GHG Expert Matt Hagemann CV (Exhibit C).

D-14 A project is consistent with the general plan if, considering all aspects, it will further the objectives and policies of the general plan and not obstruct their attainment. Generally, a project need not be in perfect conformity with each and every general plan policy. Overall, the project did not result in a land use impact and mitigation not required; therefore, impacts were determined to be less than significant. Specifically, whether the project would result in a conflict with relevant land use plans, policies and regulations is discussion in Section XI of the draft MND. Of note, the commenter provides no substantial evidence of any purported missing analysis, rather general, non-specific speculation. Speculation and conjecture do not constitute substantial evidence (CEQA Guidelines § 15384.)

Regional Plan

Section XI of the draft MND includes a discussion of the project’s consistency with the goals of San Diego Forward; The Regional Plan, which includes both the Regional Transportation Plan and Sustainable Communities Strategy. As stated therein, the project proposes a compact, walkable communities close to transit connections and consistent with smart growth principles.

City’s General Plan

The project’s consistency with the City’s General Plan is provided in detail in Table 10.

Housing

As stated in Table 10, the project is consistent with relevant goals and policies including assisting in reaching increased housing opportunities. With specific respect to City Regional Housing Needs Allocation targets, Section XIV of the draft MND, Population and Housing, discusses how the housing units proposed by the project would help to meet the existing and projected need for additional housing in the city, including the need for additional affordable housing.

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	<p>D-15 A lead agency is required to re-circulate a MND when the document must be substantially revised after public notice of its availability has previously been given, but prior to its adoption (CEQA Guidelines § 15073.5).</p>
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INITIAL STUDY CHECKLIST

1. Project title/Project number: Bella Mar Apartments / 631240
2. Lead agency name and address: City of San Diego, 1222 First Avenue, MS-501, San Diego, California, 92101
3. Contact person and phone number: E. Shearer-Nguyen / (619) 446-5369
4. Project location: 408 Hollister Street, San Diego, California 92154 (Assessor's Parcel Number 627-100-09). Refer to Figures 1 (Regional Location) and 2 (Aerial Photo).
5. Project Applicant/Sponsor's name and address: RTA/PHAIR HOLLISTER, LLC, 2082 Michaelson Drive, 4th floor, Irvine, California 92612
6. General/Community Plan designation: Open Space
7. Zoning: AR-1-2 (Agricultural - General): OF-1-1
8. Description of project (Describe the whole action involved, including but not limited to, later phases of the project, and any secondary, support, or off-site features necessary for its implementation.):

The project proposes a General Plan/Community Plan Amendment (CPA) to redesignate the project site from Open Space to Medium Density Residential and a rezone from Agriculture-Residential (AR-1-2) and Open Space (OF-1-1) to Multiple-Unit Medium Density Residential (RM-2-5). The project also includes a Tentative Map and the construction of two residential communities within two parcels. The project proposes a total of 380 multi-family units. The proposed density would be consistent with the allowable residential density of the land use designation, which allows up to 29 dwelling units per acre, and the underlying zone, which allows one dwelling unit per 1,500 square feet plus density bonuses for an affordable component. Specifically, the development would consist of two neighborhoods—a north neighborhood and south neighborhood. The north neighborhood would contain 14 separate, three-story buildings with a total of 280 market rate dwelling units, in addition to a 1,500-square-foot option leasing building and a 2,500-square-foot clubhouse/cabana area. Other amenities include a pool and play area. Parking in the northern neighborhood will be accommodated through a combination of surface parking and private enclosed garages. The south neighborhood would include a single four-story building consisting of 100 affordable housing dwelling units.

EXTERIOR USABLE OPEN SPACE

Pursuant to the San Diego Municipal Code (SDMC) Sections 131.0455 and 131.0456, the project includes both private exterior open space and common open space. At least 75 percent of all dwelling units would include a minimum of 60 square feet of private exterior area per unit, with a minimum dimension of 6 feet in any direction. Aggregate common areas would be provided to meet or exceed 25 square feet per unit as follows: Parcel 1

provides 14,000 square feet of common open space; Parcel 2 provides 2,500 square feet of common open space.

DEVIATIONS

As noted above, the project consists of 380 residential dwelling units of which 100 dwelling units will be affordable (below 65 percent area median income), per SDMC Table 143-07A, B and C. A Neighborhood Development Permit is required to approve deviations to standard development regulations. The five deviations shown in Table 1 are requested as part of the project proposal.

Table 1 Requested Deviations			
San Diego Municipal Code Regulation	Applicable Project Design	Required	Proposed Deviation
Table 131-04G	Building Height	40 feet	55 feet ¹
Section 131.0443(e)(2)(A)	Side Setbacks	10 Percent of Premises	Setback varies ²
Section 142.0510(e)	Parking Encroachment into Front Yard	Prohibited	Encroachment Allowed
Section 142.0560(j)(1) Table 142-05M	Driveway Width	Limited to 20 Feet Wide ³	Allow for 26-foot Width
<u>Deviation from City's General Plan Urban Design Policies</u>	<u>Limitation of Access to Open Space</u>	<u>Limit Physical Connectivity and Access to Open Space</u>	<u>Allow In-fill Development of Project Site.</u>
¹ Parcel 2 (Affordable Neighborhood) and Parcel 1 (Market Rate Neighborhood) buildings 1-14 ² See Site Plan and Affordable/In-fill Housing and Sustainable Buildings Expedite Program: Deviations/Incentives Request Form ³ Due to being in the Parking Impact Overlay Zone			

PARKING

Parking for the southern neighborhood will be surface parking. Figure 4-3 shows the proposed site plan. A breakdown of proposed parking is shown in Table 2. As detailed therein, the project includes a total of 316 parking spaces for the market rate housing (including ~~128~~ 129 surface spaces, ~~87~~ 74 standard garage spaces, ~~94~~ 105 tandem garage spaces, and 7 accessible) and ~~122~~ 121 spaces for the affordable homes (including ~~118~~ 117 surface spaces and 4 accessible).

A summary of the project development proposal is shown in Table 2.

Table 2 Project Development Summary					
Proposed Parcel	Gross Parcel Area (square feet)	Residential Leasable Space (square feet)	Unit Count	Minimum Parking Required	Parking Proposed
1 (Northern Neighborhood)	375,488	291,643	280	209 <u>271</u>	316
2 (Southern Neighborhood)	100,543	72,202	100	89	422 <u>121</u>

The project also provides 44 bicycle racks in Parcel 1, and 48 bicycle racks in Parcel 2.

MULTI-HABITAT PLANNING AREA BOUNDARY LINE ADJUSTMENT

The project site located within the City Multiple Species Conversation Program (MSCP), with a portion of the project site located within Multi-Habitat Planning Area (MHPA) lands. Specifically, 5.5 acres of MHPA lands occur on the northern portion of the site. The project includes an MHPA Boundary Line Adjustment (BLA) the approval of which would allow an encroachment into the current on-site MHPA boundary. A previous request for an MHPA BLA was processed and approved on July 26, 2002 for the project site under Conditional Use Permit (CUP)/MHPA BLA No. 96-7318, known as the Trolley Stop RV Park project. Thereafter, on October 5, 2006, an Extension of Time and Amendment to CUP/MHPA BLA No. 96-7318 was granted. Since the time of previous project approval, the CUP was not implemented and although an open space easement was recorded over the existing MHPA on-site, no restoration has occurred that would keep the permit active. Therefore, previous conditions of approval for CUP/MHPA BLA No. 96-7318 were not initiated and never completed. This encroachment would impact a total of 3.2 acres, which are comprised of disturbed land. Under the proposed MHPA BLA, this impact area would be removed from the current MHPA and the remaining 2.3 acres of on-site land within the MHPA would be restored with native habitat (i.e., coastal sage scrub) to compensate for the disturbed land that would be removed (see Section IV, Biological Resources, of the attached Initial Study).

A five-foot metal fence is proposed around the perimeter of the project site which includes an additionally landscaped wall adjacent to the on-site MHPA/preserved open space. Specifically, the MHPA wall would be constructed of three to six feet of stucco block with a one- to six-foot wrought iron fence atop of the stucco block. Landscaping adjacent to the on-site MHPA/preserved open space shall be consistent with City MHPA Land Use Adjacency Guidelines.

The light-footed Ridgway's rail (*Rallus obsoletus levipe*) is a state and federally-listed endangered species that has been recorded within the Otay Valley River Park. Specific avoidance measures for the light-footed Ridgway's rail have been included in the project and will be conditions of project approval.

GRADING

Proposed grading activities would disturb a total of 12.15 acres, or approximately 83 percent of the project site. Project grading would entail approximately 56,860 cubic yards of cut (for remedial grading) and approximately 78,200 cubic yards of import as fill. Excavations will extend to a maximum depth of 14 feet. Grading for the off-site improvements involves approximately 3,150 cubic yards of fill.

The project is located within the FEMA Floodplain and would require additional fill to raise the site two feet above the 100-year flood base elevations per SDMC requirements.

TRANSPORTATION IMPROVEMENTS

The project proposes the improvement of Hollister Street along the property frontage, including the addition of a 6-foot of right-of-way dedication for a proposed right-of-way of 72 feet and 48 feet of travel way, with curb and gutter on the project site side. The street would also be improved with 6-foot Class II bike lanes with 2-foot buffers in both north and southbound directions, as well as a center two-way left turn lane.

- The project also includes the re-striping of Hollister Street from Main Street to Marian Avenue and from Conifer to Palm Avenue to add a two-way left-turn lane.

The project also includes the construction of frontage and off-site multi-modal improvements including:

- Stripe buffered bike lanes along the project frontage.
- Relocate the southbound bus stop on Hollister Street for Bus Route 932 to be in front of the project site.
- Construct a bus stop on northbound Hollister Street for Bus Route 932 across from the project site.
- Construct a mid-block crossing across Hollister Street on the north side of the southern project driveway with a rectangular rapid flashing beacon.
- Construct non-contiguous sidewalk facilities along the project frontage on southbound Hollister Street.
- Construct non-contiguous sidewalk facilities along northbound Hollister Street from the proposed bus stop to the proposed mid-block crossing.
- Construct temporary accessible sidewalk along southbound Hollister Street between the project site and Conifer Avenue.
- Provide decomposed gravel path adjacent to northbound Hollister Street for connection to Otay Valley Regional Trail system

Site Access

Vehicle access to the northern neighborhood would be via a driveway located along Hollister Street that would serve the northern neighborhood. A second separate access Hollister Street driveway would serve the southern neighborhood.

Interior Circulation

The project ~~includes~~ is requesting a two-way deviation to a maximum 20-foot driveway and fire lane roadway widths of 26 feet width allowed in order the Parking Impact Overlay Zone to accommodate turning radius for fire engines and to provide adequate ladder access to buildings. These roadways are located around the perimeter and through the center of the

~~project site.~~ required 26-foot-wide fire lanes. The project would incorporate pedestrian walkways throughout the site and meet all ~~disability access~~ accessibility requirements. Pedestrian and emergency lighting are also proposed throughout the project site to enhance the walkability of the communities.

LANDSCAPING

The project is divided into five planting zones: entry and residential, courtyard and pool, riparian (bioswales), park and edge, and urban garden. Each planting zone is characterized by those plants and trees best able to accommodate the needs of the areas and to accommodate low and medium Water Use Classification of Landscape Species. The proposed landscaping also serves to screen the project from both views into the project site and to create a park-like aesthetic throughout the communities. For example, screening hedges placed along the western project boundary would buffer views in and out of the project site from Interstate 5 (I-5). Likewise, larger trees are proposed along the eastern edge of the project site, adjacent to Hollister Street to create an aesthetic entrance and a visual buffer from the street. These trees would also serve to camouflage the perimeter fence. The interior of the site would include tree-lined ~~streets~~ drives and a decorative paseo. All landscaping, brush management, and irrigation would conform to the requirements of the City Landscape Guidelines and the Land Development Manual.

ARCHITECTURE AND BUILDING DESIGN

The project architecture would be modern and earth toned including browns and taupe plaster exteriors with fiber cement trim and vinyl window trims and flat metal roofs. The community would be aesthetically connected throughout with some diversity of elevations and color modelling. Garages would be rear facing. Buildings would be comprised of one-, two-, and three-bedroom units with first-floor patios and second- and third-floor balconies. Outdoor lighting is included throughout the project site.

BRUSH MANAGEMENT

The project proposes the designation of a modified brush management program. A modified Zone One, ranging in width from 47 to 67 feet, shall be provided between the north face of buildings 1 through 5 and the MHPA boundary. There shall be no Zone Two. Alternative Compliance measures for reduced brush management zone(s) shall be provided in the form of upgraded openings to dual-glazed, dual-tempered panes along north face of buildings 1 through 5, plus a 10-foot perpendicular return along adjacent wall faces.

UTILITIES

The project would construct on-site private sewer mains, storm drains, and water mains in order to provide utility services to the development.

Sewer: The project proposes to create two separate parcels that will share a private on-site sewer system. The project's private sewer system would connect to the 10-inch proposed main in Hollister Street. The proposed main would flow north and connect to the existing 30-inch sewer on Louret Avenue.

Storm Drain: A 50-foot bioswale is proposed along the western boundary of the project site. This biofiltration basin would serve as a site design measure to hold and filter run-off flowing from the project's impervious surfaces before they enter the City's storm drain system. The project would also install a public storm drain in Hollister Street.

Water: All private water facilities on-site would be designed and constructed in accordance with the requirements of the California Uniform Plumbing Code and would connect to existing water lines in adjacent roadways.

9. Surrounding land uses and setting:

The vacant 14.62-acre project site is located at 408 Hollister Street in the community of Otay Mesa-Nestor, within the city of San Diego. The project site is located immediately west of Hollister Street, east of I-5, north of Conifer Avenue, and south of Louret Avenue, in the city of San Diego. The surrounding land uses include I-5 to the west, open space to the north, an empty lot to the south, and Hollister Street to the east. Figure 1 shows the regional location and Figure 2 shows an aerial photograph of the project site and vicinity.

The site is designated Open Space and zoned AR-1-2 (Agricultural-Residential) and OF-1-1 (Open Space). In addition, the project site is within Coastal Overlay Zone, Coastal Overlay Zone (Deferred Certification), Parking Impact Overlay Zone, Parking Standards Transit Priority Area (TPA) Overlay Zone, TPA Overlay Zone, Airport Land Use Compatibility Overlay Zone (Brown Field), Airport Influence Area (Brown Field - Review Area 2), Federal Aviation Administration (FAA) Part 77 Noticing Area, Federal Emergency Management Agency (FEMA) Floodways /Floodplains (Floodway 100, Floodplain 500, and Floodplain 100), Brush Zones with 300 Foot Buffer, Very High Fire Severity Zone (Very High), and Outdoor Lighting Zones (Lighting Zone 3 – Medium).

The existing land uses within the vicinity include commercial/industrial/office space to the north, west, and south, and open space areas to the east. The closest residential area is approximately one-quarter mile to the south of the project site. The project site is located in a developed area currently served by existing public services and utilities.

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

Regional Water Quality Control Board (RWQCB); FEMA; California Department of Fish and Wildlife (CDFW); United States Fish and Wildlife Service; Coastal Commission

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

In accordance with the requirements of Public Resources Code (PRC) section 21080.3.1, the City notified the Lipay Nation of Santa Isabel and the Jamul Indian Village, both traditionally and culturally affiliated with the project area, of the project. These tribes were notified via email on October 10, 2017. The Lipay Nation responded on October 11, 2019, within the 30-day formal notification period, concurring with staff's determination of monitoring during ground disturbing activities. This concluded their consultation process. Jamul Indian Village

did not submit a request for consultation during the 30-day formal notification period and therefore consultation was concluded.

Note: Conducting consultation early in the CEQA process allows tribal governments, lead agencies, and project proponents to discuss the level of environmental review, identify and address potential adverse impacts to tribal cultural resources, and reduce the potential for delay and conflict in the environmental review process. (See Public Resources Code section 21080.3.2.) Information may also be available from the California Native American Heritage Commission's Sacred Lands File per Public Resources Code section 5097.96 and the California Historical Resources Information System administered by the California Office of Historic Preservation. Please also note that Public Resources Code section 21082.3(c) contains provisions specific to confidentiality.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

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

DETERMINATION: (To be completed by Lead Agency)

On the basis of this initial evaluation:

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

EVALUATION OF ENVIRONMENTAL IMPACTS:

- 1) A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis.)
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.
- 4) “Negative Declaration: Less Than Significant With Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Than Significant Impact.” The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from “Earlier Analyses”, as described in (5) below, may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or (mitigated) negative declaration. *Section 15063(c)(3)(D)*. In this case, a brief discussion should identify the following:
 - a. Earlier Analysis Used. Identify and state where they are available for review.
 - b. Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c. Mitigation Measures. For effects that are “Less Than Significant With Mitigation Measures Incorporated”, describe the mitigation measures that were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project’s environmental effects in whatever format is selected.
- 9) The explanation of each issue should identify:
 - a. The significance criteria or threshold, if any, used to evaluate each question; and
 - b. The mitigation measure identified, if any, to reduce the impact to less than significant.

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
I. AESTHETICS – Except as provided in Public Resource Code Section 210099, would the project:				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Based on the SDMC the project is located within a Transit Area Overlay Zone and a 2035 TPA, and therefore is subject to PRC Section 21099. Specifically, a TPA is defined as an area within one-half mile of a major transit stop (PRC section 21099(a)(7)). Pursuant to PRC section 21099(d), aesthetic impacts of a residential project on an infill site within a TPA shall not be considered significant impacts on the environment. Notwithstanding this provision, an agency may still consider aesthetic impacts pursuant to local design review ordinances or other discretionary powers. With respect to the project site, Appendix C of the Otay Mesa-Nestor Community Plan identifies view corridors and viewpoints within the planning area which require consideration. View opportunities throughout the community planning area include Otay River Valley; the Western Salt Company's building, salt ponds and salt stacks, and the downtown San Diego skyline across San Diego Bay; and the riparian habitat, farmlands, and horse stables of the rural Tijuana River Valley terminated by the steep hillside bluffs which form the border with Mexico (City of San Diego 1997). No view corridors are located in or around the project site; two viewpoints are located across Hollister Street from the project site, with designated views to the north into the Otay Valley Regional Park (View Corridor Map, City of San Diego 1997). The project would not impede these views as no project related improvements (except for the bus stop) are proposed on this side of Hollister Street and existing views from these locations do not face towards to the project site. Thus, consistent with PRC section 21009, there would be no impact to scenic vistas.

b) Substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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The closest state highway to the project site is I-5. This highway is not a designated state scenic highway per the California Department of Transportation (Caltrans) State Scenic Highway Program. Nonetheless, the project does include screening shrubs along the western boundary of the project site to provide buffering of views both into and out of the project site. Therefore, the project would not damage scenic resources within a state scenic highway, and no impact would occur.

c) In non-urbanized areas, substantially degrade the existing visual character or quality public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage points). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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The project site is vacant and undeveloped. While construction of the project would change the appearance of the site from vacant to developed, it would not substantially degrade the visual quality of the site and its surroundings. The project would be designed consistent with all standard measures as defined by the zone including a landscape plan which would screen the project from

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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views into the site, as well as create a park-like aesthetic. Specifically, large trees are proposed along the eastern edge of the project site, adjacent to Hollister Street, to provide a landscaped perimeter.

Access to an existing Otay Valley Regional Park trail is located north of the project site. This trail leads west into the Otay Valley Regional Park. The trails would remain intact, with no impact to the views along the trails. Approval of the MHPA BLA would ensure the Otay Valley corridor would remain preserved.

Overall, the project would conform to existing City landscaping standards, and the project would not substantially degrade the existing visual character or quality of the site or its surroundings. Therefore, impacts to the visual quality surrounding the project site would be less than significant.

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

The project site is vacant and undeveloped. The construction of new multi-family residential neighborhoods would create a new source of light as compared to the existing condition. The project, however, would comply with the outdoor lighting standards contained in SDMC Section 142.0740 (Outdoor Lighting Regulations) that require all outdoor lighting be installed, shielded, and adjusted so that the light is directed in a manner that minimizes negative impacts from light pollution, including trespass, glare, and to control light from falling onto surrounding properties. Project lighting would comply with the MHPA Land Use Adjacency Guidelines as detailed in Section IV, below. Specifically, lighting for the project would be shielded and/or directed away from the MHPA as well as the adjacent Otay Valley Regional Park. Therefore, lighting installed with the project would not adversely affect day or nighttime views in the area.

While the project site is generally located within an area surrounded by existing development, sensitive biological resources are located just north of the site. Therefore, new structures associated with the project could introduce a source of glare that could affect day or nighttime views. In order to avoid glare impacts, exterior materials utilized for proposed structures would be limited to specific reflectivity ratings as required per SDMC Section 142.0730 (Glare Regulations). Thus, impacts would be less than significant.

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

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Converts Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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Based on the most recent Department of Conservation Farmland Mapping and Monitoring Program map, the project site is not classified as agricultural land and is shown as Other Land. As such, the project would not convert Farmland to a non-agricultural use, resulting in no impact.

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

The project site is currently zoned Agricultural Residential (AR-1-2) with an existing land use designation of Open Space per the Otay Mesa-Nestor Community Plan. The project is proposing a rezone to RM-2-5 and a General Plan Amendment (GPA) and CPA to re-designate the land use to Medium Density Residential, to construct a total of 380 dwelling units within the project site. The project site is not under a Williamson Act Contract. The project site has been graded and has not been in active agriculture. The rezone and GPA would allow residential uses to be constructed on-site and would not conflict with open space uses to the north. Therefore, the project would not conflict with existing zoning for agricultural use or with a Williamson Act Contract, resulting in no impact.

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

The project site is zoned Agricultural Residential (AR-1-2) and designated Park, Open Space, & Recreation in the General Plan, and Open Space per the Otay Mesa-Nestor Community Plan. The project is proposing a rezone to RM-2-5 and a GPA and CPA to re-designate the land use to Residential in the General Plan, and Medium Density Residential in order to construct a total of 380 dwelling units within the project site. The project site is not within an area zoned as forest land, timberland, or for timberland production, resulting in no impact.

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

The project site contains vacant land and does not contain any forest land as defined by PRC Section 12220(g). Therefore, the project would not result in the loss of forest land or convert forest land to non-forest use, resulting in no impact.

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

The project site is classified as Other Land on the most recent Farmland Mapping and Monitoring Program map, does not contain any forest land as defined by PRC Section 12220(g), and does not

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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contain any active agricultural operations. The existing environment surrounding the project site includes open space/conservation lands, public facilities including major roadways, and residential, commercial, and industrial development. There are no active agricultural operations or forestland within the vicinity of the project site. Therefore, the project would not result in the conversion of farmland to a non-agricultural use or convert forestland to a non-forest use, resulting in no impact.

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

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Conflict with or obstruct implementation of the applicable air quality plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

The San Diego Air Pollution Control District (SDAPCD) is the agency that regulates air quality in the San Diego Air Basin, in which the project site is located. The SDAPCD prepared the Regional Air Quality Strategy (RAQS) in response to the requirements set forth in the federal Clean Air Act and the California Clean Air Act. As such, the RAQS is the applicable regional air quality plan that sets forth the SDAPCD's strategies for achieving the National Ambient Air Quality Standards (NAAQS) and the California Ambient Air Quality Standards (CAAQS).

The San Diego Air Basin (SDAB) is designated non-attainment for the federal and state ozone standard. Accordingly, the RAQS was developed to identify feasible emission control measures and provide expeditious progress toward attaining the standards for ozone. The two pollutants addressed in the RAQS are reactive organic gases and oxides of nitrogen (NOx), which are precursors to the formation of ozone. Projected increases in motor vehicle usage, population, and growth create challenges in controlling emissions and by extension to maintaining and improving air quality. As part of the RAQS, the SDAPCD developed Transportation Control Measures which are strategies that reduce transportation-related emissions by reducing vehicle use or improving traffic flow. The RAQS, in conjunction with the Transportation Control Measures, were most recently adopted in 2016 as the air quality plan for the region.

The growth projections used by the SDAPCD to develop the RAQS emissions budgets are based on the population, vehicle trends, and land use plans developed in general plans and used by the San Diego Association of Governments (SANDAG) in the development of the Regional Transportation Plan and Sustainable Communities Strategy. As such, projects that propose development that is consistent with the growth anticipated by SANDAG's growth projections and/or the general plan would not conflict with the RAQS. In the event that a project would propose development that is less dense than anticipated by the growth projections, the project would likewise be consistent with the RAQS. In the event a project proposes development that is greater than anticipated in the growth projections, further analysis would be warranted to determine if the project would exceed the growth projections used in the RAQS for the specific subregional area. A project would be consistent with the RAQS if (1) the project would not exceed the growth assumptions used in the RAQS, and (2) the project would not result in an increase in the frequency or severity of existing air quality violations, cause or contribute to new violations, or delay timeline attainment of air quality standards.

The project site is designated as Open Space in the City's General Plan and the Otay Mesa-Nestor Community Plan and would require a GPA, CPA, and rezone to allow for the construction of a

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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residential development. According to the SANDAG Series 13 Regional Growth Forecast, the Otay Mesa-Nestor community plan area estimated 17,570 housing units in 2020 and 19,760 housing units in 2035. The addition of 380 housing units would not result in an exceedance of the regional growth projections used to develop the RAQS (SANDAG 2013). As discussed in Section XIV, Population and Housing, the project would not induce substantial population growth beyond what was anticipated for the SANDAG Series 13 Forecast. Because the project would be consistent with the growth anticipated by SANDAG, it would be consistent with the assumptions in the RAQS. Additionally, as shown in Tables 3 and 4 project emissions from construction and operation would be less than the applicable thresholds for all criteria pollutants; therefore, the project would not result in an increased air quality violation, cause or contribute to a new violation, or delay attainment of air quality standards. Thus, the project would not conflict with or obstruct implementation of the RAQS. Impacts would be less than significant.

Table 3 Summary of Worst-case Construction Emissions (pounds per day)						
Construction	Pollutant					
	ROG	NO _x	CO	SO _x	PM ₁₀	PM _{2.5}
Site Preparation	4	41	22	<1	20	12
Grading	4	46	31	<1	11	5
Building Construction	3	25	27	<1	4	2
Paving	2	11	15	<1	1	1
Architectural Coatings	36	2	4	<1	1	<1
Maximum Daily Emissions	36	46	31	<1	20	12
<i>Significance Threshold</i>	137	250	550	250	100	67
ROG = reactive organic compounds; NO _x = oxides of nitrogen; CO = carbon monoxide; SO _x = sulfur oxide; PM ₁₀ = particulate matter less than 10 microns; PM _{2.5} = particulate matter less than 2.5 microns						

Table 4 Summary of Project Operational Emissions (pounds per day)						
Source	Pollutant					
	ROG	NO _x	CO	SO _x	PM ₁₀	PM _{2.5}
Area Sources	11	<1	31	<1	<1	<1
Energy Sources	<1	1	<1	<1	<1	<1
Mobile Sources	3	14	35	<1	10	3
Total	14	15	67	<1	11	3
<i>Significance Threshold</i>	137	250	550	250	100	67
ROG = reactive organic compounds; NO _x = oxides of nitrogen; CO = carbon monoxide; SO _x = sulfur oxide; PM ₁₀ = particulate matter less than 10 microns; PM _{2.5} = particulate matter less than 2.5 microns						
NOTE: Totals may vary due to independent rounding.						

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

Construction and operational emissions associated with the project were modeled by RECON Environmental, Inc. (RECON) using the California Emissions Estimator Model (CalEEMod) software version 2016.3.2 (RECON 2020). As shown in Table 3, the project would not exceed the applicable regional emissions thresholds. These thresholds are designed to provide limits below which project emissions would not significantly change regional air quality. Therefore, as project construction emissions would be below these limits, project construction would not result in regional emissions that would exceed the NAAQS or CAAQS or contribute to existing violations.

Long-term emissions of regional air pollutants occur from operational sources. As shown in Table 4, project operation would not exceed the applicable regional emissions thresholds. Therefore, as project operation emissions would be below these limits, project operation would not result in regional emissions that would exceed the NAAQS or CAAQS or contribute to existing violations.

Overall, the project would result in a less than significant impact regarding air quality standards.

c) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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The term “sensitive receptor” is defined in both the City’s CEQA Significance Determination Thresholds and the General Plan as a person in the population who is more susceptible to health effects due to exposure to an air contaminant than the population at large or to a land use that may reasonably be associated with such a person. Examples include residences, schools, childcare centers, retirement homes, long-term health care facilities, and outdoor recreation areas, such as athletic fields.

The nearest sensitive receptor is a single-family residence located approximately 20 feet south of the southern project boundary. Other sensitive receptors include single- and multi-family residences further south and southeast of the project site. Additionally, a trail is located north of the project site, the users of which could be considered sensitive receptors.

Construction

Construction of the project would result in the generation of diesel-exhaust Diesel Particulate Matter (DPM) emissions from the use of on-site heavy-duty equipment, including off-road diesel equipment required for site grading and excavation, paving, and other construction activities and on-road diesel equipment used to bring materials to and from the project site.

All construction equipment is subject to the California Air Resources Board (CARB) In-Use Off-Road Diesel-Fueled Fleets Regulation. This regulation, which applies to all off-road diesel vehicles 25 horsepower or greater, limits unnecessary idling to five minutes, requires all construction fleets to be labeled and reported to CARB, bans Tier 0 equipment, and phases out Tier 1 and 2 equipment (thereby replacing fleets with cleaner equipment), and requires that fleets comply with Best

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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Available Control Technology requirements. The regulation is implemented and verified by CARB through mandatory reporting requirements.

Generation of DPM from construction projects typically occurs in a single area for a short period of time. Construction is anticipated to last for approximately 16 months. Due to the limited duration of construction activities the average distance to the nearest sensitive receptor, and implementation of the In-Use Off-Road Diesel-Fueled Fleets Regulation, DPM generated by project construction is not expected to create conditions where the probability is greater than 10 in 1 million of contracting cancer for the Maximally Exposed Individual or to generate ground-level concentrations of non-carcinogenic toxic air contaminants that exceed a Hazard Index greater than 1 for the Maximally Exposed Individual. Therefore, project construction would not expose sensitive receptors to substantial pollutant concentration.

Operation

A health risk assessment was prepared for the project due to its proximity to I-5. The project level health risk assessment conducted in this analysis was based on assumptions regarding emissions from diesel-fueled truck traffic on I-5. To provide an estimate of emissions to estimate a 9-year, 30-year, and 70-year exposure scenarios, emission rates were calculated from the EMFAC2014 model.

Based on the predicted ground level concentrations, the 30-year maximum excess cancer risk is anticipated to exceed 10 in a million at the buildings located closest to I-5. However, the risk to residences would be reduced by the inclusion of various project design features which would be made conditions of project approval, including planting vegetation between the freeway and project site, construction of a wall along the frontage with I-5, and the provision of heating, ventilation, and air conditioning (HVAC) units with Minimum Efficiency Reporting Value 13 (MERV-13), or better, air filters in each unit. The project would be subject to the 2019 Title 24 building code which requires that MERV-13 filters be included in all new construction. The MERV-13 filters would remove approximately 90 percent of DPM entering the indoor air, thus reducing cancer risk from diesel exhaust exposure. Thus, with the inclusion of the wall along the freeway, the landscaping proposed between the freeway and project site, and the provision of the equivalent of MERV-13, or better, air filters in the HVAC units, the potential increase in cancer risk and the non-cancer chronic risks would be less than significant.

CO Hot Spots

A carbon monoxide (CO) hotspot is an area of localized CO pollution that is caused by severe vehicle congestion on major roadways, typically near intersections. CO hotspots have the potential to violate state and federal CO standards at intersections, even if the broader basin is in attainment for NAAQS and CAAQS. The SDAB is a CO maintenance area under the federal Clean Air Act. This means that SDAB was previously a non-attainment area and is currently implementing a 10-year plan for continuing to meet and maintain air quality standards.

Due to increased requirements for cleaner vehicles, equipment, and fuels, CO levels in the state have dropped substantially. All air basins are attainment or maintenance areas for CO. Therefore, more recent screening procedures based on more current methodologies have been developed. The Sacramento Metropolitan Air Quality Management District developed a screening threshold in 2011, which states that any project involving an intersection experiencing 31,600 vehicles per hour

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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day or more will require detailed analysis. In addition, the Bay Area Air Quality Management District developed a screening threshold in 2010 which states that any project involving an intersection experiencing 44,000 vehicles per hour would require detailed analysis. This analysis conservatively assesses potential CO hot spots using the Sacramento Metropolitan Air Quality Management District screening threshold of 31,600 vehicles per hour day.

Based on the Local Mobility Analysis prepared for the project, the traffic volumes at all analyzed intersections would be significantly less than 31,600 vehicles per hour day (Kimley-Horn 2020 2021). Therefore, the project is not anticipated to result in a CO hot spot.

Therefore, the project would have less than significant impacts with respect to exposing sensitive receptors to substantial pollutant concentrations.

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| d) Result in in other emissions (such as those leading to odors adversely affecting a substantial number of people? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
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The project does not include heavy industrial or agricultural uses that are typically associated with odor complaints. During construction, diesel equipment may generate some nuisance odors. Sensitive receptors near the project site include single- and multi-family residential uses south of the project site; however, exposure to odors associated with project construction would be short term and temporary in nature. Additionally, the CARB In-Use Off-Road Diesel-Fueled Fleets Regulation outlined in Section III(c), above, would reduce construction exhaust emissions, which would also reduce construction-related odors. Impacts would be less than significant.

IV. BIOLOGICAL RESOURCES – Would the project:

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| a) Have substantial adverse effects, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
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A Biological Resource Report was prepared by RECON (RECON 2021a) to address what biological resources exist on-site. The project site lies within the boundaries of the City’s MSCP Subarea. Furthermore, the MHPA is mapped on-site and adjacent to the project site in association with the Otay Valley Regional Park.

Project site grading, construction, landscaping, and off-site improvements would impact a total of 13.63 acres (12.33 acres on-site and 1.30 off-site). The impact areas are comprised of 11.85 acres of disturbed land (11.83 acres on-site and 0.02 acre off-site) and 1.78 acres of urban/developed land (0.50 acre on-site and 1.28 acres off-site). Disturbed land and urban/develop land are considered Tier IV habitat types per the City’s Biology Guidelines, which are not considered significant. Therefore, mitigation is not required. Thus, no impacts to sensitive vegetation communities would occur.

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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No sensitive plant species were observed on the parcel or off-site improvement areas and none are expected to occur due to lack of appropriate habitat and/or soil conditions. No impacts to sensitive plant species would occur.

No sensitive wildlife species were observed on the site. Although a Cooper’s hawk (*Accipiter cooperii*) was observed flying over the site during the site survey, this species is not expected to nest on the site due to lack of suitable nesting habitat; however, there could be suitable nesting habitat in the adjacent MHPA lands. A burrowing owl habitat assessment was conducted on September 18, 2019, and four non-breeding season burrowing owl surveys were conducted between October 2019 and January 2020. Although burrows potentially suitable for burrowing owl were observed on the site, no direct burrowing owl observations or any sign of burrowing owl were discovered, and the site conditions are not conducive for burrowing owl breeding nor long-term occupation. Western burrowing owls require ample foraging habitat to support occupancy at a particular site. A primary foraging area within a radius of approximately 600 meters (300 acres in size) is cited as being necessary for burrowing owl occupation in the Department of Fish and Game Staff Report of Burrowing Owl Mitigation published in 2012. Accordingly, the project site itself is likely not large enough to support ample foraging area to support burrowing owl breeding.

In addition, most of the area within a radius of 600 meters of the site to the east of I-5 is developed and has no foraging value. The existing riparian habitat along the Otay River corridor in this eastern area is not suitable for use by burrowing owl. Of the remaining undeveloped areas east of I-5, there is little suitable foraging habitat that is comprised of grassland or open habitats preferred by the burrowing owl. These other undeveloped areas are generally disturbed and include land uses associated with nurseries or mining activities that are also not suitable for use by burrowing owl.

To the west of I-5 within 600 meters, areas to the south of Palm Avenue are developed. While some development occurs just north of Palm Avenue adjacent to I-5, there are open shrubland and fields to the west that are part of the Otay Valley Regional Park Open Space and San Diego National Wildlife Refuge. Western burrowing owl have been documented in more open areas to the north and west of the terminus of Saturn Boulevard. Denser, less suitable burrowing owl habitat occurs to the east of this area up to I-5. There is a low probability that the burrowing owls to the west of I-5 would move east of the freeway due to vehicular traffic, associated noise, distance, and lack of large areas suitable for breeding or foraging. Therefore, while there remains a moderate potential for burrowing owl to occur on the site based on protocol survey results, that located potentially suitable, but unoccupied burrows, the disturbed habitat on-site is in general not likely to support breeding burrowing owls due to the limited area of suitable foraging habitat to support occupancy. However, ~~in the abundance of caution, impacts to burrowing owl are determined to~~ could be potentially significant.

Additionally, although not expected to occur on the project site, there is a high potential for least Bell’s vireo (*Vireo bellii pusillus*) to occur to the north of the site along the Otay River within the Otay Valley Regional Park. Therefore, impacts to least Bell’s vireo would be significant. To lessen significant impacts to sensitive wildlife the project would implement mitigation measures Bio-1, Bio-2, and Bio-3.

Mitigation measure Bio-1 requires general pre-construction and construction measures including the retention of a qualified project biologist, preconstruction meetings, review of biological

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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documents, review of biological construction mitigation/monitoring exhibits, delineation of construction and avoidance areas, and an education component to ensure the construction crew is familiar with all measures. During construction, mitigation measure Bio-1 further requires on-going monitoring and the identification of subsequent biological resources that may be uncovered during construction activities. The implementation of mitigation measure Bio-1 would reduce potentially significant construction related direct and indirect impacts to sensitive species to a less than significant level.

Mitigation Measure Bio-2 provides specific measures directed at the protection of the burrowing owl. Specifically, a qualified burrowing owl biologist is required to be on-site to implement a burrowing owl construction impact avoidance program. Mitigation measure Bio-2 also requires pre-construction survey regardless of the time of year, with reporting results to be approved by the Wildlife Agencies and/or City MSCP staff. Best Management Practices (BMPs) are also required during construction activities including inspection and covering of pipes and culverts. On-going burrowing owl monitoring is also required throughout construction. The implementation of mitigation measure Bio-2 would reduce potentially significant direct and indirect impacts to on-site nesting and/or breeding burrowing owl to a less than significant level.

Mitigation measure Bio-3 provides specific measures directed at the protection of the Least Bell's vireo. Specifically, construction activities are restricted during the breeding season (March 15 through September 15) until pre-construction surveys are performed. If least Bell's vireo are present, fencing, and noise level setbacks are required. If least Bell's vireo are not detected, evidence showing such non-occupancy is required. Overall, implementation of mitigation measure Bio-3 would reduce potentially significant indirect impacts to least Bell's vireo which may be nesting/breeding within the adjacent MHPA land to a less than significant level. Therefore, a Mitigation, Monitoring and Reporting Program (MMRP), as detailed in Section V would be implemented. With implementation of the MMRP, potential impacts to sensitive species would be reduced to below a level of significance.

The project would be required to comply with California Fish and Game Code Section 3503, nesting bird regulations. No other sensitive wildlife species are expected to occur on the site; however, it is noted that the state and federally listed light-footed Ridgeway's rail (*Rallus obsoletus levipes*) have been recorded within the Otay Valley River Park. MHPA Land Use Adjacency and light-footed Ridgeway's rail specific avoidance measure requirements would be included as conditions of project approval (see Sections IV(f) and XI(b)). These specifically include breeding season avoidance, or implementation of limitations to construction activities as detailed in the project's Biological Technical Report, Section 9.1.4 (RECON 2021a). Conformance with project design measures and conditions of approval would ensure no impacts would occur to the light-footed Ridgeway's rail.

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| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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The project site does not contain any sensitive riparian habitat or other identified habitat community identified in local or regional plans, policies, and regulations or by the CDFW or U.S. Fish and Wildlife

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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Service. There is riparian habitat located to the north within the adjacent Otay Valley Regional Park/MHPA land. Indirect impacts to this off-site area would be avoided. The project includes a 100-foot open space preserve with a six-foot perimeter wall along the southern boundary of the MHPA which would buffer the off-site habitat from on-site development. No impact would occur.

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| c) Have a substantial adverse effect on state or federally protected wetlands (including but not limited to marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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The project site does not contain any jurisdictional wetlands, see Section IV(b). No impact would occur.

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| d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
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Wildlife movement corridors are defined as areas that connect suitable wildlife habitat areas in a region otherwise fragmented by rugged terrain, changes in vegetation, or human disturbance. Natural features such as canyon drainages, ridgelines, or areas with vegetation cover provide corridors for wildlife travel. MHPA lands occur on the northern portion of the site and to the north within the adjacent Otay Valley Regional Park. The project site could serve as a steppingstone to wildlife movement. As discussed in Section IV(a), the project site does have moderate potential for burrowing owl and least Bell's vireo and Cooper's hawk to reside and/or breed within the adjacent MHPA land. Likewise, while it is unlikely the project site would be adequate to support a native wildlife nursery site, the habitat on-site has been found to have moderate potential for burrowing owl. Therefore, development of the project site could result in significant impacts to the movement of native or migratory species, and to a wildlife nursery site. The project would implement mitigation measures Bio-1 through Bio-3, which would require pre-construction surveys and other measures prior to and during construction. Implementation of these mitigation measures would reduce potentially significant impacts to sensitive species travelling through or nesting within the project site to a less than significant level. Therefore, a MMRP, as detailed in Section V, would be implemented. With implementation of mitigation measures Bio-1 through Bio-3, potential impacts to sensitive species would be reduced to below a level of significance.

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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"/> |
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The site is developed and within a commercial and residential setting. The project would not conflict with any local policies or ordinances protecting biological resources. Therefore, no impacts would occur.

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

A portion of the City MHPA exists on the northern portion of the property as shown in Figure 4. Specifically, A total of 5.5 acres of MHPA land occur on the site as mapped in conjunction with the Otay Valley Regional Park. The project includes a MHPA BLA which would result in approximately 3.2 acres to be removed from the MHPA. The proposed MHPA BLA would move the MHPA boundary line north to align with the currently proposed development limits of disturbance. The remaining 2.3 acres would be placed in open space within the project boundary. This area is currently conserved having been placed in an open space easement at the time of the previous request for an MHPA BLA was processed and approved on July 26, 2002 for the project site under MHPA BLA No. 96-7318, known as the Trolley Stop RV Park project.

The proposed MHPA BLA is shown in Figure 5. Although no sensitive habitat is currently mapped within the on-site portion of the MHPA area, the project includes a habitat restoration plan to restore the area with native “up-tier” habitat (i.e., coastal sage scrub) to compensate for the disturbed land that would be removed (RECON 2021b). The restoration plan provides guidelines for the enhancement of the on-site MHPA land, to restore habitat functions and values, and ensure a functional buffer to the off-site wetland area (RECON 2021b). Implementation of the restoration plan would improve and increase on-site native sensitive habitat. Along with City approval, concurrence from the state and federal wildlife agencies is required for approval of the BLA. Concurrence was achieved on June 24, 2021.

Due to the presence of the MHPA within and adjacent to the site, the project would be required to comply with the 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. As discussed under Section IV(a), the project would be designed to comply with all aspects of the Land Use Adjacency Guidelines listed in Section 1.4.3 of the MSCP (City of San Diego 1997) as follows:

Drainage: All new and proposed parking lots and developed areas in and adjacent to the preserve must not drain directly into the MHPA. All developed and paved areas must prevent the release of toxins, chemicals, petroleum products, exotic plant materials and other elements that might degrade or harm the natural environment or ecosystem processes within the MHPA. This can be accomplished using a variety of methods including natural detention basins, grass swales or mechanical trapping devices. These systems should be maintained approximately once a year, or as often as needed, to ensure proper functioning. Maintenance should include dredging out sediments if needed, removing exotic plant materials, and adding chemical-neutralizing compounds (e.g., clay compounds) when necessary and appropriate.

- The project is designed not drain directly into the MHPA. All drainage would be treated on-site within the development footprint using site design, source control and structural BMPs in addition to pollutant control measures (on-site detention basin) as discussed under Section IX, below.

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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Toxins: Land uses, such as recreation and agriculture, that use chemicals or generate by-products such as manure, that are potentially toxic or impactful to wildlife, sensitive species, habitat, or water quality need to incorporate measures to reduce impacts caused by the application and/or drainage of such materials into the MHPA. Such measures should include drainage/detention basins, swales, or holding areas with non-invasive grasses or wetland-type native vegetation to filter out the toxic materials. Regular maintenance should be provided. Where applicable, this requirement should be incorporated into leases on publicly owned property as leases come up for renewal.

- The project would incorporate measures to reduce impacts caused by the application and/or drainage of chemicals or project generated by-products such as pesticides, herbicides, animal waste, and other substances that are potentially toxic or impactful to native habitats/flora/fauna (including water) into the MHPA. All construction-related activity that may have potential for leakage or intrusion shall be monitored by the Qualified Biologist/Owner’s Representative or Resident Engineer to ensure there is no impact to the MHPA. The project has been designed to limit post-development storm water runoff discharge rates and velocities to maintain or reduce pre-development erosion and to reduce nutrients, organic compounds, oxygen demanding substances, oil and grease, bacteria and viruses, and pesticides by applying BMPs. Construction BMPs, such as monitoring, flagging, staking, or silt/bio fencing around sensitive areas would be used to ensure toxins from construction and project implementation would not impact the MHPA.

Lighting: Lighting of all developed areas adjacent to the MHPA should be directed away from the MHPA. Where necessary, development should provide adequate shielding with non-invasive plant materials (preferably native), berming, and/or other methods to protect the MHPA and sensitive species from night lighting.

- Lighting for the project would be shielded and/or directed away from the MHPA. Lighting for the project would be responsive to the species in the area as well as the adjacent Otay Valley Regional Park. Understanding that some species rely on darkness for shelter, feeding patterns, migrating, etc., the areas adjacent to any MHPA would be especially sensitive to light exposure in order to retain native characteristics. Placement and use of lighting associated with the project would accommodate the habits of nocturnal species that prefer to move and forage in darkness. Specifically, a photometric study was completed for the proposed lighting and to assess light levels and develop a Photometric Plan. The Photometric Plan represents the level of light measured at ground level in foot-candles, which are then calculated using photometric software with the light fixture specifications listed on the plan. The higher the foot-candle, the brighter the light; a value of ‘0’ means that it is completely dark or no light is reaching the ground in that area. The calculation area within the 100-foot MHPA easement shows that the proposed light locations on the plan would not impact the MHPA.

Noise: Uses in or adjacent to the MHPA should be designed to minimize noise impacts. Berms or walls should be constructed adjacent to commercial areas, recreational areas, and any other use that may introduce noises that could impact or interfere with wildlife utilization of the MHPA. Excessively noisy uses or activities adjacent to breeding areas must incorporate noise reduction measures and be curtailed during the breeding season of sensitive species. Adequate noise reduction measures should also be incorporated for the remainder of the year.

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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- There is willow scrub habitat within the Otay River Valley MHPA to the north of the site with the potential to support least Bell's vireo and southwestern willow flycatcher (*Empidonax traillii extimus*). Protocol surveys shall be conducted to determine the presence or absence of these sensitive bird species if construction occurs within its breeding season noted above. If least Bell's vireo and/or southwestern willow flycatcher is present within the MHPA, construction noise levels at the MHPA boundary shall not exceed 60 A-weighted decibels [dB(A)] one-hour equivalent noise level (L_{eq}), or the ambient noise level if noise levels already exceed 60 dB(A) L_{eq}. Temporary noise attenuation measures (e.g., wall, berm) may be used to reduce construction noise levels reaching the MHPA. If no least Bell's vireo or southwestern willow flycatcher are detected, then no additional measures would be required.

Barriers: New development adjacent to the MHPA may be required to provide barriers (e.g., non-invasive vegetation, rocks/boulders, fences, walls, and/or signage) along the MHPA boundaries to direct public access to appropriate locations and reduce domestic animal predation.

- A barrier fence is proposed between the preserved on-site MHPA area and the adjacent development. Specifically, a 5-foot metal fence is proposed around the perimeter of the project site which includes an additionally landscaped MHPA wall adjacent to the on-site MHPA/preserved open space. The MHPA wall would be constructed of three to six feet of stucco block with a one- to six-foot, wrought iron fence atop of the stucco block.

Invasives: No invasive non-native plant species shall be introduced into areas adjacent to the MHPA.

- The planting pallet depicted on the landscape plans for the project does not include any invasive or non-native plant species within the on-site MHPA open space area. Native grasses and shrub species and hydroseed would be planted within the on-site MHPA and only temporarily irrigated until the plants have become established. It is recommended that they be irrigated using a temporary aboveground irrigation system. The plants should be installed in late winter to early spring, as this is the optimal time for native plant growth and seed germination. The project includes a 5-year restoration plan to ensure that the native plants establish successfully. Maintenance activities would involve control of non-native plant species, maintenance and removal of the temporary irrigation system, and replacement planting (if necessary). The site should be monitored by a biologist quarterly to evaluate site conditions and to recommend remedial actions, if needed (RECON 2021b).

Brush Management: New residential development located adjacent to and topographically above the MHPA (e.g., along canyon edges) must be set back from slope edges to incorporate Zone 1 brush management areas on the development pad and outside of the MHPA. Zones 2 and 3 will be combined into one zone (Zone 2) and may be located in the MHPA upon granting of an easement to the City (or other acceptable agency) except where narrow wildlife corridors require it to be located outside of the MHPA. Zone 2 will be increased by 30 feet, except in areas with a low fire hazard severity rating where no Zone 2 would be required. Brush management zones will not be greater in size that is currently required by the City's regulations. The amount of woody vegetation clearing shall not exceed 50 percent of the vegetation existing when the initial clearing is done. Vegetation clearing shall be done consistent with City standards and shall avoid/minimize impacts to covered species to the maximum extent possible. For all new development, regardless of the ownership, the brush management in the Zone 2 area will be the

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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responsibility of a homeowners association or other private party. For existing project and approved projects, the brush management zones, standards and locations, and clearing techniques will not change from those required under existing regulations.

- Generally, brush management shall be required on all premises that are within 100 feet of a structure and contain native or naturalized vegetation. The standard Brush Management Zone (BMZ) widths are 35 feet for BMZ 1 and 65 feet for BMZ 2 as stated in Table 142-04h of the SDMC. The BMZs have been tailored to be consistent with the proposed site design. Specifically, the project proposes the designation of a modified brush management program. A modified Zone One, ranging in width from 47 to 67 feet, shall be provided between the north face of buildings 1 through 5 and the MHPA boundary. There shall be no Zone Two. All BMZ areas would be outside the MHPA and no brush management activities would occur within the MHPA nor the habitat restoration/wetland buffer area. Alternative Compliance measures for reduced BMZs shall be provided in the form of upgraded openings to dual-glazed, dual-tempered panes along north face of buildings 1 through 5, plus a 10-foot perpendicular return along adjacent wall faces.

Grading/Land Development: Manufactured slopes associated with site development shall be included within the development footprint for projects within or adjacent to the MHPA.

- The proposed grading for the project does not encroach into the MHPA due to the MHPA BLA which would remove a portion of the project site from the MHPA and preserves the remainder. Additionally, there would be a 100-foot buffer between the on-site restoration area and proposed development.

The project as designed would be consistent with the MSCP Land Use Adjacency Guidelines, and as such would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. Impacts would be less than significant.

V. CULTURAL RESOURCES – Would the project:

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

The purpose and intent of the Historical Resources Regulations of the Land Development Code (LDC; Chapter 14, Division 3, and Article 2) is to protect, preserve and, where damaged, restore the historical resources of San Diego. The regulations apply to all proposed development within the city of San Diego when historical resources are present on the premises. Before approving discretionary projects, CEQA requires the Lead Agency to identify and examine the significant adverse environmental effects which may result from that project. A project that may cause a substantial adverse change in the significance of a historical resource may have a significant effect on the environment (sections 15064.5(b) and 21084.1). A substantial adverse change is defined as demolition, destruction, relocation, or alteration activities, which would impair historical significance (sections 15064.5(b)(1)). Any historical resource listed in, or eligible to be listed in the California Register of Historical Resources, including archaeological resources, is considered historically or culturally significant.

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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The project site is vacant and does not contain any structures. Therefore, the project would not result in an adverse change to a historical resource. No impact would result.

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| b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
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A Cultural Resource Survey was prepared by RECON (RECON 2020) for the project site, which included a record search and site survey.

Site record searches were requested from the California Historical Resources Information System, South Coastal Information Center at San Diego State University. The South Coastal Information Center lists a total of 49 cultural resources within the one-mile search radius. Two of these sites are recorded within the project boundaries: P-37-015894 and CA-SDI-13,464. Previously the prehistoric site was evaluated along with a dairy farm structure that has since been demolished. Due to the combined site analysis (prehistoric and dairy farm) the site is referenced as CA-SDI-13,464/H. Brian F. Smith and Associates (BFSA) evaluated the CA-SDI-13,464/H in 1998 in conjunction with the Trolley Stop RV Park project and determined that the site was not significant under CEQA or City's Historical Resources Guidelines (BFSA 1998).

During the site survey, six to eight small shell fragments were observed on the property and was labeled Scattered Surface Shell on the BFSA site form for CA-SDI-13,464/H. In addition, a single secondary fine-grained metavolcanic flake was also found in this area. Both of these areas were tested by BFSA in 1998 as part of their investigation of CA-SDI-13,464/H.

The BFSA evaluation found the prehistoric component of CA-SDI-13,464/H not significant under the City's criteria for inclusion in its Register of Historical Resources.

The material found during the current RECON survey is not abundant enough or diverse enough to change or warrant revision of the original BFSA determination. RECON concurs with the original determination that CA-SDI-13,464/H is not a significant historical resource under either CEQA (Public Resources Code Section 5024.1(g) and CEQA Guidelines Section 15064.5) or the City's CEQA Significance Determination Thresholds.

Although the discovered artifacts did not warrant a finding of significance, there is a potential that ground disturbing activities could impact unknown or previously undisturbed significant archaeological resources. Therefore, consistent with the conclusions of the 1998 BFSA study it is recommended that both archeological and Native American monitors be present during ground disturbing activities.

Therefore, a MMRP, as detailed in Section V, would be implemented. With implementation of mitigation measure HR-1, potential historical resources (archaeology) impacts would be reduced to below a level of significance.

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| c) Disturb any human remains, including those interred outside of dedicated cemeteries? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" 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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No cemeteries, formal or informal, have been identified on or adjacent to the project site. However, in the unlikely event of a discovery of human remains, the project would be handled in accordance with the California Public Resources Code (§5097.98), State Health and Safety Code (§7050.5), and California Government Code Section 27491. These regulations detail specific procedures to follow in the event of a discovery of human remains (i.e., work would be required to halt and no soil would be exported off-site until a determination could be made via the County Coroner and other authorities as required). In addition, the MMRP requires the presence of archaeological and Native American monitors during grading that would ensure that any buried human remains inadvertently uncovered during grading operations are identified and handled in compliance with these regulations (see Section V[b]). Considering compliance with regulations would preclude significant impacts to human remains, impacts would not result.

VI. ENERGY – Would the project:

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| <p>a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?</p> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

Energy use associated with a project typically includes fuel (gasoline and diesel), electricity, and natural gas, and sources include:

- Construction-related vehicle and equipment energy use;
- Transportation energy use during construction and operation; and
- Building and facility energy use of the proposed project during operation.

Construction-Related Energy Use

During construction, energy use would occur in two general categories: fuel use from vehicles used by workers commuting to and from the construction site, and fuel use by vehicles and other equipment to conduct construction activities. The construction equipment and worker trips required for the project were determined as a part of the Air Quality Analysis prepared for the project (RECON 2020). Heavy-duty construction equipment is usually diesel powered.

Fuel consumption associated with on-road worker trips and delivery trips were calculated using the total trips and trip lengths calculated in the Air Quality Analysis and EMFAC 2017 fuel consumption rates (RECON 2020). Fuel consumption associated with on-site construction equipment was calculated using the equipment quantities and phase lengths calculated in the Air Quality Analysis and CARB OFF-ROAD model (RECON 2020). Off-site and on-site fuel consumption that would occur over the entire construction period is summarized in Tables 5 and 6, respectively.

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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Table 5 Off-site Construction Vehicle Fuel Consumption			
Trip Type	Total Vehicle Miles Traveled	Total Fuel Consumption (gallons)	
		Gasoline	Diesel
Workers	1,135,944	39,498	243
Deliveries	504	--	93
Total	1,136,448	39,498	336

Table 6 On-site Construction Equipment Fuel Consumption					
Phase	Phase Length (days)	Equipment	Amount	Total Usage Hours	Total Diesel Fuel Consumption (gallons)
Site Preparation	10	Rubber Tired Dozer	3	240	1,224
		Tractors/Loaders/Backhoes	4	320	659
Grading	30	Excavators	2	480	1,488
		Graders	1	240	950
		Rubber Tired Dozer	1	240	1,224
		Tractors/Loaders/Backhoes	2	480	989
		Scrapers	2	480	4,365
Building Construction	300	Cranes	1	2,100	7,263
		Forklifts	3	7,200	7,355
		Generator Sets	1	2,400	8,562
		Tractors/Loaders/Backhoes	3	6,300	12,977
		Welders	1	2,400	2,851
Paving	20	Pavers	2	320	902
		Paving Equipment	2	320	785
		Rollers	2	320	558
Architectural Coatings	150	Air Compressors	1	900	1,934
Total					54,086

Consistent with federal requirements, all equipment was assumed to meet CARB Tier 3 In-Use Off-Road Diesel Engine Standards. There are no known conditions in the project area that would require nonstandard equipment or construction practices that would increase fuel-energy consumption above typical rates. Therefore, the project would not result in the use of excessive amounts of fuel or other forms of energy during construction, and impacts would be less than significant during construction.

Operation-Related Energy Use

During operation, energy use would be associated with transportation-related fuel use (gasoline, diesel fuel, and electric vehicles), and building-related energy use (electricity and natural gas).

Transportation-Related Energy Use

Project fuel consumption would decline over time beyond initial operational year of the project as a result of continued implementation of increased federal and state vehicle efficiency standards. There is no component of the project that would result in unusually high vehicle fuel use during

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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operation. Therefore, operation of the project would not create a land use pattern that would result in wasteful, inefficient, or unnecessary use of energy, and impacts would be less than significant.

Non-Transportation-Related Energy Use

Non-transportation energy use would be associated with electricity and natural gas. The Renewables Portfolio Standard (RPS) promotes diversification of the state’s electricity supply and decreased reliance on fossil fuel energy sources. Originally adopted in 2002 with a goal to achieve a 20 percent renewable energy mix by 2020 (referred to as the “Initial RPS”), the goal has been accelerated and increased by Executive Orders (EOs) S-14-08 and S-21-09 to a goal of 33 percent by 2020. In April 2011, Senate Bill (SB) 2 (1X) codified California’s 33 percent RPS goal. In September 2015, the California Legislature passed SB 350, which increases California’s renewable energy mix goal to 50 percent by year 2030. Renewable energy includes (but is not limited to) wind, solar, geothermal, small hydroelectric, biomass, anaerobic digestion, and landfill gas. Once operational, the project would be served by San Diego Gas & Electric (SDG&E). Based on the most recent annual report, SDG&E has already procured 44 percent (California Public Utilities Commission 2019)

The California Code of Regulations, Title 24, is referred to as the California Building Code (CBC). It consists of a compilation of several distinct standards and codes related to building construction, including plumbing, electrical, interior acoustics, energy efficiency, handicap accessibility, and so on. Of particular relevance to greenhouse gas (GHG) reductions are the CBC energy efficiency and green building standards (CALGreen) as outlined below.

The project would, at a minimum, be required to comply with the mandatory measures included in the current 2019 California Energy Code (California Code of Regulations, Title 24, Part 6) and the 2019 CALGreen standards. The mandatory standards require the following:

- solar on single- and multi-family residential buildings;
- outdoor water use requirements as outlined in local water efficient landscaping ordinances or current Model Water Efficient Landscape Ordinance standards, whichever is more stringent;
- requirements for water conserving plumbing fixtures and fittings;
- 65 percent construction/demolition waste diverted from landfills;
- inspections of energy systems to ensure optimal working efficiency;
- low-pollutant emitting exterior and interior finish materials such as paints, carpets, vinyl flooring, and particle boards;
- dedicated circuitry to facilitate installation of electric vehicle charging stations in newly constructed attached garages for single-family and duplex dwellings; and
- installation of electric vehicle charging stations for at least three percent of the parking spaces for all new multi-family developments with 17 or more units.

Similar to the compliance reporting procedure for demonstrating California Energy Code compliance in new buildings and major renovations, compliance with the CALGreen operational water reduction requirements must be demonstrated through completion of water use reporting forms for new low-rise residential and non-residential buildings. The water use compliance form must demonstrate a 20 percent reduction in indoor water use by either showing a 20 percent reduction in the overall baseline water use as identified in CALGreen or a reduced per-plumbing-fixture water use rate.

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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Electricity and natural gas service to the project site is provided by SDG&E. Once operational, the proposed residential units would use electricity and natural gas to run various appliances and equipment, including space and water heaters, air conditioners, ventilation equipment, lights, and numerous other devices. Generally, electricity use is higher in the warmer months due to increased air conditioning needs, and natural gas use is highest when the weather is colder as a result of high heating demand. Residential uses would likely require the most energy use in the evening as people return from work. As a part of the Air Quality Analysis prepared for the project (RECON 2020), CalEEMod was used to estimate the total operational electricity and natural gas consumption associated with the project. Table 7 summarizes the anticipated operational energy and natural gas use.

Total Use	
Electricity	1,582,854 kWh/Year
Natural Gas	2,822,920 BTU/Year
kWh = kilowatt hour; BTU = British thermal units	

Buildout of the project would result in an increase of operational electricity and natural gas usage when compared to the existing condition. The project would be required to meet the mandatory energy requirements of 2019 CALGreen and the California Energy Code (Title 24, Part 6 of the California Code of Regulations) and would benefit from the efficiencies associated with these regulations as they relate to building heating, ventilating, and air conditioning mechanical systems, water-heating systems, and lighting. The project would include solar panels. Further, electricity would be provided to the project by SDG&E, which currently has an energy mix that includes 44 percent renewables and is on track to achieve 50 percent by 2030 as required by RPS. Therefore, there are no project features that would support the use of excessive amounts of energy or would create unnecessary energy waste, or conflict with any adopted plan for renewable energy efficiency, and impacts would be less than significant.

- b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

The applicable state plans that address renewable energy and energy efficiency are CALGreen, the California Energy Code, and RPS. As discussed under Section VI(a), the project would be required to meet the mandatory energy requirements of CALGreen and the California Energy Code. The project would not conflict with or obstruct implementation of CALGreen and the California Energy Code, or with SDG&E's implementation of RPS. 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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VII. GEOLOGY AND SOILS – Would the project:

- a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:
 - i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.

	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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A Geotechnical Investigation was prepared for the project site (GEOCON 2019). Based on this Geotechnical Investigation, the project site is not located within a State of California Earthquake Fault Zone.

There are six known active faults located within a 50-mile radius of the project site. The closest known active faults nearest the project site are the Newport-Inglewood fault and Rose Canyon fault; both located approximately four miles northwest of the project site. These faults have the potential to generate earthquakes at a Maximum Earthquake Magnitude of 7.5 and 6.9, respectively. Earthquakes that generate from these faults or from other faults within southern California are potential generators of significant ground motion at the project site.

Development associated with the project would be required to be constructed in accordance with applicable CBC, which would reduce the potential impacts to people or structures due to seismic effects to associated with an earthquake to an acceptable level of risk. Therefore, impacts would be less than significant.

- ii) Strong seismic ground shaking?

Refer to Section VI(a)(i). Impacts would be less than significant.

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

Liquefaction generally occurs in areas where four criteria are met: the site is subject to seismic activity; on-site soil consists of cohesionless soil or silt and clay with low plasticity; groundwater is encountered within 50 feet of the surface; and soil relative densities are less than 70 percent. Seismically induced settlement can occur whether the potential for liquefaction exists or not. Within the project site, the potential for liquefaction or seismically induced settlement is considered to be high, as shown on the County of San Diego Hazard Mitigation Plan map and the City Seismic Study Geologic Hazards and Faults, Sheet 6.

A liquefaction analysis was performed for the project site which indicated that the soils to depths of 10 to 15 feet below the existing grade could be prone to between 0 and 0.9 inch of liquefaction. Development associated with the project would be required to be constructed in accordance with

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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applicable CBC, which would reduce potential impacts to people or structures due to liquefaction effects to an acceptable level of risk. Therefore, impacts would be less than significant.

iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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As identified in the Geotechnical Report (GEOCON 2019) prepared for the project, there is no observed evidence or incipient slope instability at the project site, as the topography of the site is generally flat. As such, the risk associated with landslide hazard is low. Based on the existing topography and landforms, the project would not subject people or structures to landslides. Impacts would be less than significant.

b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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All grading activities within the site would be required to comply with the City Grading Ordinance, which ensures soil erosion and topsoil loss is minimized through the issuance of a Grading Permit. Grading permits typically require projects to implement measures to prevent surface waters from damaging the face of any excavation or fill, ensuring erosion is minimized. Additionally, the project would implement BMPs to control erosion and prevent topsoil from exiting the site. Thus, impacts due to substantial soil erosion or the loss of topsoil would be less than significant.

c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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As discussed in Sections VI(a) and VI(b), the project site is not likely to be subject to landslides; however, the potential for liquefaction and subsidence is considered high. The soils underlying the site have a “very low to” expansion potential while other areas of the site have “high” expansion potential. The potential of lateral spreading in the liquefiable soil below the groundwater table is not considered an adverse impact to the proposed development due to the limited amount of liquefaction potential and the distance between the Otay River face of slope located to the north of the site and the proposed buildings. Development associated with the project would be required to be constructed in accordance with applicable CBC, which would reduce potential impacts to people or structures due to unstable soil effects to an acceptable level of risk. Therefore, impacts would be less than significant. As such, impacts due to on or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse would be less than significant.

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Based on boring tests completed on-site, soils on the project site are considered to be “expansive” (Expansive Index greater than 20) as defined by Section 1803.5.3 of the 2016 CBC. However, the majority of the soils encountered possess a “very low” to “low” expansion potential (Expansion Index of 50 or less). Development associated with the project would be required to be constructed in accordance with applicable CBC, which would reduce potential impacts to people or structures due to expansive soil effects to an acceptable level of risk. Therefore, impacts would be less than significant.

e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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The project would connect to the City’s existing sewer system. The project would not require septic tanks or alternative wastewater disposal systems. No impact would occur.

f) 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"/>
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Fossils (paleontological resources) are the remains and/or traces of prehistoric life and represent an important and nonrenewable natural resource. Impacts to paleontological resources may occur during grading activities associated with project construction where excavation would be done in previously undisturbed geologic deposits/formations/rock units. According to the Geotechnical Investigation (GEOCON 2019), the project area is underlain by undocumented fill and topsoil (about 1 to 3 feet in thickness) over alluvial sedimentary deposits. Per the City’s Significance Determination Thresholds, alluvium has a low paleontological sensitivity rating and fill has no paleontological sensitivity. As such, no impact would occur.

VIII. GREENHOUSE GAS EMISSIONS – Would the project:

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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The City has an adopted a Climate Action Plan (CAP) that outlines the actions that the City will undertake to achieve its proportional share of state GHG emissions reductions. The CAP provides for the reduction of GHG emissions in accordance with CEQA Guidelines Section 15183.5. Pursuant to CEQA Guidelines Sections 15064(h)(3) and 15130(b), a project’s incremental contribution to GHG emissions may be determined not to be cumulatively considerable if it complies with the requirements of the CAP.

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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Subsequently, the City adopted a CAP Consistency Checklist of which its purpose is to, in conjunction with the CAP, provide a streamlined review process for proposed new development projects that are subject to discretionary review and trigger environmental review pursuant to CEQA.

The CAP Consistency Checklist contains measures that are required to be implemented on a project-by-project basis to ensure that the specified emissions targets identified in the CAP are achieved. Projects consistent with the CAP as determined through the use of the CAP Consistency Checklist may rely on the CAP for the cumulative impact analysis of GHG emissions. Cumulative GHG impacts would be significant for any project that is not consistent with the CAP.

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

A CAP Consistency Checklist was prepared (Carrier Johnson 2020) and a detailed in the project-specific CAP Consistency Checklist Step 1 (Land Use Consistency), the project requires a GPA, CPA, and a rezone to allow for the proposed development. The project site is located within a Transit Priority Area and would implement CAP Strategy 3 actions in order to satisfy the requirements of the CAP.

The project site is located within one-quarter mile of the Palm Avenue Trolley Station, will increase transit-supportive residential density, and would support the City of Villages Strategy by developing a multi-family center near a regional transit system that would support the mixed-use commercial and recreational land uses around the development. The project would relocate a south-bound bus stop on Hollister Street to in front of the property and add a new northbound bus stop (and pedestrian crossing) on the other side of Hollister Street across from the project in order to allow for access to the existing bus route along Hollister Street. The project would include frontage improvements in the form of improved sidewalks adjacent to the project site where no sidewalk currently exists, and allow for internal pedestrian circulation through internal walkways, as well as provide connectivity to the Otay Valley Regional Park located to the north of the project site, linking residents to the trail network. The project would provide on-site bike racks and private bike garages for residents to use and would include frontage improvements along Hollister Street to allow for Class II bike lanes to be installed. The project would also increase the tree canopy within the project site as well. With the implementation of these CAP Strategy 3 features, the project would be consistent Step 1 of the CAP.

Furthermore, completion of Step 2 of the CAP Consistency Checklist demonstrates that the project would be consistent with applicable strategies and actions for reducing GHG emissions. This includes project features consistent with the energy and water efficient buildings strategy, as well as bicycling, walking, transit, and land use strategy. Thus, the project is consistent with the CAP.

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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Based on the project's consistency with the City's CAP Consistency Checklist, the project's contribution of GHGs to cumulative statewide emissions would be less than cumulatively considerable. Therefore, the project's direct, indirect, and cumulative GHG emissions would have a less than significant impact.

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|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| b) Conflict with the City's Climate Action Plan or another applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

Refer to Section VII(a). Impacts would be less than significant.

IX. HAZARDS AND HAZARDOUS MATERIALS – Would the project:

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|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Create a significant hazard to the public or the environment through routine transport, use, or disposal of hazardous materials? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

Construction and operation of the project may require the use of hazardous materials (fuels, lubricants, solvents, etc.), which would require proper storage, handling, use and disposal. The project would comply with all applicable local, state, and federal regulations during project construction and operation, resulting in a less than significant impact.

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|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

According to the California Department of Toxic Substances Control EnviroStor Database, State Water Board GeoTracker database, and other resources compiled pursuant to Government Code Section 65962.5, no record of leaking underground storage tank (UST) cleanup sites, permitted UST, or other hazardous sites were identified on the project site.

However, should construction activities encounter underground contamination, the contractor would be required to comply with applicable local, state, and federal regulations. Compliance with these requirements would minimize the risk to the public and the environment; therefore, impacts would be less than significant.

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

The project site is located within one-quarter mile from the Ocean View Christian Academy at 2460 Palm Avenue. Construction of the project may require the use of hazardous materials (fuels, lubricants, solvents, etc.), which would require proper storage, handling, use and disposal; however, the project would not routinely transport, use or dispose of hazardous materials. The residential

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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project would not result in the emission of hazardous materials, substances, or waste and does not propose the use or transport of any hazardous materials beyond those used for everyday household purposes. Therefore, the project would not create a significant hazard to the public or environment and impacts would be less than significant.

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|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

Historical UST listings relate to a former 550-gallon regular gasoline UST that was removed in March 1999. A Department of Environmental Health UST system closure report from March 1999 reveals no evidence of a release during the removal of the UST and Department of Environmental Health determined that the UST closure was complete, and no further action was required.

Due to the project site's history of agricultural use, a Phase I Environmental Site Assessment (ESA) was prepared to identify evidence or indications of recognized environmental conditions (REC) (GEOCON 2017). An REC is defined as the presence or likely presence of any hazardous substances or petroleum products in, on, or at a property: (1) due to release to the environment; (2) under conditions indicative of a release to the environment; or (3) under conditions that pose a material threat of a future release to the environment. As reported in the Phase I ESA, the past agricultural use of the project site suggests that persistent pesticides may have been used and therefore, associated soil contamination is considered an REC. The Phase I ESA recommended soil samples for further evaluation. A Limited Phase II ESA was then prepared to further assess on-site soils (GEOCON 2019). The findings on the Phase II ESA identified the soils did not present a significant hazard to the public or environment. Thus, no impact would occur.

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|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
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The project site is identified within the Brown Field Airport Land Use Compatibility Plan (ALUCP) Review Area 2 and would, therefore, be subject to the ALUCP regulations. The project is located outside of the 60 dB CNEL noise contour and is not located in a Safety Zone. The FAA conducted an aeronautical study under the provisions of 49 United States Code, Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning all buildings of possible concern. The aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation; therefore, the project would not result in a safety hazard or excessive noise for people residing or working in the project area. The project would comply with the safety, and airspace protection compatibility requirements in Sections 132.1510 through 132.1525 of the LDC. Therefore, the project would not subject people working or residing within the project area to a significant safety hazard and impacts would be less than significant.

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The project site is located in a developed area with access to major roadways. The project would not modify the existing roadway network in the surrounding area and would maintain access to the project site. Therefore, the project would not impair or interfere with an adopted emergency response plan or emergency evacuation plan. Thus, no impact would occur.

g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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The project site is located adjacent to and partially within a Very High Fire Hazard Severity Zone per the City Very High Fire Hazard Severity Zone Map. However, the project would be required to comply with City Brush Management Regulations, Section 142.0412 of the Municipal Code, as well as the San Diego Fire-Rescue Department Fire Prevention Bureau Policy B-08-1 and the City Fire Safety and Brush Management Guide. Compliance with these regulations would ensure impacts are less than significant. See Section XX, Wildfire.

X. HYDROLOGY AND WATER QUALITY - Would the project:

a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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The project would comply with the City's Stormwater Management and Discharge Control Ordinance (SDMC Chapter 4, Article 3, Division 3), Storm Water Runoff and Drainage Regulations (LDC Section 142.02 et al.), and other applicable storm water quality standards during and after construction. Treatment control BMPs have been selected that would ensure pollutants are not discharged to receiving waters. Proposed BMPs as outlined in the storm water quality management plan (FUSCOE Engineering [FUSCOE] 2020a) are summarized below.

The project would utilize and implement site design, source control and structural BMPs in addition to pollutant control measures. Site design BMPs include maintaining natural drainage pathways and se and hydrologic features, conserving natural areas, soils, and vegetation, minimizing impervious areas by including landscaped areas, minimizing soil compaction, dispersing the impervious areas, collecting runoff into a biofiltration basin, and use of native or drought-tolerant species for landscaping purposes. Source control BMPs include the prevention of illicit discharges into the municipal storm drain system by providing an on-site storm drain system, storm drain stenciling or signage, and the placement of trash and storage areas to prevent dispersion by rain, run-on, run-off, and wind. Structural BMPs include the use of a biofiltration basin, and a private detention basin for pollutant control.

These requirements have been reviewed by qualified City staff and would be verified during the ministerial building permit process. Adherence to applicable water quality standards would ensure adverse impacts associated with compliance with quality standards and waste discharge requirements are avoided. Impacts would be less than significant.

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The project would construct on-site water system and connect to the existing public water service line in Hollister Street and not use groundwater for any purpose. The project would increase impervious surface area within the project site; however, the project would include pervious areas in the form of landscaped and planter areas. As such, the project would not substantially deplete groundwater supplies or substantially interfere with groundwater recharge, resulting in a less than significant impact.

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

A site-specific Preliminary Drainage Study was prepared for the project (FUSCOE 2020b) that evaluated the existing and proposed drainage patterns. Existing stormwater runoff on the subject property flows from east to west and discharges into an existing 24-inch storm drain culvert which runs below the I-5 interchange bridge. The runoff eventually discharges into the Otay River and ultimately into the San Diego Bay. Per City Storm Water Standards Section 1.6, the Otay River is classified as a hydromodification exempt body of water. As determined by the City, due to discharge to a Hydromodification Plan exempt system below the 10-year water surface elevation. Therefore, the project is exempt from preparation of a Hydromodification Plan. Table 8 summarizes the existing peak flow rates at each point of compliance (POC) within the project site. Table 9 summarizes the peak flow rates at each POC under proposed development conditions.

POC	NODE	Basin	Area (acres)	Q100 (cfs)
POC-1 (24-inch culvert under I-5)	100	A+B (On-site+South Off-site)	11.11	17.75
POC-2 (Otay River)	300	C (Site along Otay River)	1.22	1.88
POC-3 (Cross Lot Drainage onto South Property)	400	D+E+F (Site Frontage+Hollister)	5.44	8.42
POC-4 (Hollister and Otay River Culvert)	600	G (Hollister)	0.31	0.63
PROJECT TOTAL			18.08	28.68

POC = point of compliance; I-5 = Interstate 5; cfs = cubic feet per second

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Table 9 Proposed Conditions: Hydrology Summary				
POC	NODE	Basin	Area (acres)	Q100 (cfs)
POC-1 (24-inch culvert under I-5)	100	A+B (On-site+South Off-site)	12.07	17.52
POC-2 (Otay River)	300	C (Site along Otay River)	2.29	3.52
POC-3 (Cross Lot Drainage onto South Property)	400	D (South Site Slope)	0.09	0.15
POC-4 (Hollister and Otay River Culvert)	600	E+F+G+H (Site Frotnage+Hollister)	3.63	5.25
PROJECT TOTAL			18.08	26.44
DIFFERENCE FROM EXISTING			0	-2.24
POC = point of compliance; I-5 = Interstate 5; cfs = cubic feet per second				

As shown in Appendix 1 of the Preliminary Drainage Study (FUSCOE 202b), the on-site basins would be realigned to adjust for the development; however, total acreage would remain the same. Currently, there are no impervious surfaces on-site. At buildout, impervious surfaces on the project site would increase from the existing 75 percent pervious condition to 8.6 acres due to the proposed hardscape areas within the project site. One additional onsite basin would be created for biofiltration purposes, and a public storm drain system in Hollister Street would be constructed to capture and convey runoff from the site. Runoff from the off-site areas will be diverted around the site using curb and gutter and a vegetated swale. Runoff will be collected and conveyed by a series of area drains, drain inlets, and storm drain throughout the site and will connect to an existing 24-inch reinforced concrete pipe storm drain system that runs west underneath I-5. These drainage improvements would improve the existing condition peak flow rate to prevent erosion and siltation off-site. As shown in Tables 8 and 9, the project results in a decrease of the total 100-year storm runoff by 2.24 cubic feet per second by implementing a private on-site detention basin and installing a public storm drain system in Hollister Street. The Hollister drainage improvements would eliminate the long-term ponding along Hollister Street and the uncontrolled conveyance of public drainage through private property (FUSCOE 2020b).

Overall, the project would result in a total net decrease of 2.24 cubic feet per second in the 100-year peak runoff from the studied area by providing an on-site private detention system and installing a public storm drain in Hollister Street. Therefore, impacts related to altering drainage would be less than significant.

- ii) substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on- or off-site?

Refer to Section X(c)(i). Impacts would be less than significant.

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

The project would match existing drainage patterns. The existing project site consists of three drainage basins, and the studied portions of Hollister Street consists of three drainage basins. The project would create an additional on-site basin to collect run-off from project development and convey the flow to a biofiltration basin for treatment before discharging into public storm drains.

A hydraulic analysis to check the capacity of the proposed storm drain system was performed to check the capacity of the proposed public storm drain in Hollister Street. The hydraulic analysis revealed that the existing storm drainpipe is 84 percent full with the addition of the project's proposed flow rates. Therefore, the project would result in a less than significant impact related to storm water drainage systems and polluted runoff. Refer also to sections X(c) and X(f).

iv) impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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As detailed in the Preliminary Drainage Study, the project would maintain existing drainage patterns to the maximum extend practical resulting in a total net decrease of 2.24 cubic feet per second in the 100-year peak runoff from the studied area (both on- and off-site improvement areas). Therefore, impacts would be less than significant. See also Section X(c)(i).

d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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The project site is located entirely outside of the floodway, but within the FEMA 100-year flood fringe of the Otay River. Fill would be placed over the project site within the fringe to raise the proposed building floor elevations two feet above Base Flood Elevation of the river. As detailed in the Preliminary Drainage Study, the project would meet City and FEMA requirements for development within the flood fringe (FUSCOE 2019). Based on the hydraulic analysis, the change in ground elevations would not have any impact to the water surface elevation from the existing condition. A No-Rise Certification is included as Appendix A of the Hydraulics Study to certify that there would be no impact to the 100-year flood elevation, floodway elevation, or floodway width.

While the project is also located within the coastal zone it is approximately 3.0 miles from the Pacific Ocean shoreline. It is not located within a mapped tsunami zone (California Department of Conservation Tsunami Inundation Map). The project includes storm water BMPs including on-site landscaping that would prevent soil erosion and reducing potential risk of polluted run-off from entering receiving water bodies including Poggi Canyon Creek, San Diego Bay/Pacific Ocean, and the Lower Otay Reservoir. Natural areas, including the open space along the northern project boundary would be preserved and revegetated to further maintain hydrologic features that would reduce potential risk of pollutants escaping the project site. Overall, the potential risk of release of pollutants from floods, tsunami, or seiche would be less than significant.

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The project would implement construction and post-construction BMPs in compliance with the City Storm Water Manual and RWQCB regulations. Typical construction BMPs are anticipated to include silt fencing, gravel bag barriers, street sweeping, solid waste management, stabilized construction entrance/exits, water conservation practices, and spill prevention and control. The project would also include operational BMPs by constructing an on-site biofiltration basin in order to remove pollutants from runoff. Additionally, the project would implement source control and site design BMPs. Implementation of these BMPs, along with regulatory compliance, would preclude any violations of applicable standards and discharge regulations. Therefore, the project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan, and impacts would be less than significant.

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 checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
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See Section X(d). A less than significant impact would occur.

h) Place within a 100-year flood hazard area, structures that would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Refer to Section X(g). A less than significant impact would occur.

XI. LAND USE AND PLANNING – Would the project:

a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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The project site is currently undeveloped and is surrounded by open space to the north, I-5 to the west, a single-family residence to the south, and agricultural operations/open space to the east. As such, construction of the housing development would not divide an established community and would not introduce any barriers or project features that could physically divide a community. Thus, the project would result in no impact related to physically dividing an established community.

b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation 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 site is currently designated Open Space and zoned AR-1-2 and OF-1-1 and proposes a GPA, CPA, and rezone to allow multi-family residential uses. The project would redesignate the project site from Park, Open Space, & Recreation to Residential in the General Plan, and would redesignate the

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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site from Open Space to Medium Density Residential in the Community Plan. A rezone to Multiple-Unit Medium Density Residential (RM-2-5) would also be included. The project would not conflict with any applicable land use plans or regulations including San Diego Forward–The Regional Plan, City’s General Plan/Otay Mesa-Nestor Community Plan, City’s LDC, Local Coastal Program, and MHPA Land Use Adjacency Guidelines. Additionally, the project would be consistent with relevant sections of the California Coastal Act.

San Diego Forward-The Regional Plan: The project would be consistent with the goals of *San Diego Forward: The Regional Plan*, prepared by SANDAG to develop compact, walkable communities close to transit connections and consistent with smart growth principles. The project includes road improvements to enhance pedestrian and bicycle movement along Hollister Street, including 5 6-foot Class II bike lanes with 3 2-foot buffers in both north and southbound direction. Additional multi-modal improvements include (but are not limited to) improvements to construction of a bus stop on northbound Hollister Street, across from the project site, sidewalk improvements, improved connections to local hiking trails. The adoption and implementation of the project would not conflict or be inconsistent with *San Diego Forward: The Regional Plan*.

General Plan: The General Plan includes 10 elements that are intended to provide guidance for future development: (1) Land Use and Community Planning Element; (2) Mobility Element; (3) Urban Design Element; (4) Economic Prosperity Element; (5) Public Facilities, Services, and Safety Element; (6) Recreation Element; (7) Conservation Element; (8) Noise Element; (9) Historic Preservation Element; and (10) Housing Element. Table 10 summarizes how the project would be consistent with the primary goals of each applicable the General Plan element.

Table 10 General Plan Consistency Analysis	
General Plan Element: Goals	Project’s Consistency
Land Use and Community Planning Element: The element contains goals related to community planning, provides policies to guide the City of San Diego’s growth and implement the City of Villages strategy within the context of San Diego’s community planning program. The following community planning/plan amendment process goals would be applicable to the community plan amendment portion of the project.	
Community plans that are clearly established as essential components of the General Plan to provide focus upon community-specific issues.	The project is consistent with the goals and policies of the Otay Mesa-Nestor Community Plan as detailed below.
Community plans that maintain or increase planned density of residential land uses in appropriate locations.	The project includes an amendment to the Community Plan to increase density within the project site. The project is located adjacent to the Palm City/Trolley Corridor of the planning area where improved transit and increased opportunities for housing would be appropriate.
Community plans that are kept consistent with the future vision of the General Plan through comprehensive updates or amendments.	The proposed amendment to the Community Plan is consistent with the City of Villages strategy. Specifically, the project would increase density in a Transit Priority Area and incorporate pedestrian-friendly amenities that link the site to the Otay Valley Regional Park.
Approve plan amendments that better implement the General Plan and community plan goals and policies.	The proposed community plan amendment would aid in the implementation of the Otay Mesa-Nestor goals relating to improving opportunities throughout the community planning area, especially within proximity of the project site. The

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Table 10 General Plan Consistency Analysis				
General Plan Element: Goals	Project's Consistency			
	project includes improved transit, trails and affordable housing while preserving and enhancing adjacent MHPA lands.			
Allow for changes that will assist in enhancing and implementing the community's vision.	The proposed community plan amendment would assist in the community reaching its vision through increased housing opportunities, improved transit, and resource protection.			
<u>Mobility Element:</u> The overall goal of the element is to further the attainment of a balanced, multimodal transportation network that gets us where we want to go and minimizes environmental and neighborhood impacts. The following policies would be applicable to the project.				
ME-A.2. Design and implement safe pedestrian routes.	The project includes internal sidewalks and pedestrian pathways. The internal routes would be lighted and landscaped to ensure safe for pedestrian use.			
ME-A.4. Make sidewalks and street crossings accessible to pedestrians of all abilities.	The project includes internal sidewalks and pedestrian pathways. However, the project also proposed <u>proposes</u> public improvements along Hollister Street including frontage improvements in the form of improved sidewalks adjacent to the project site where no sidewalk currently exists.			
ME-A.6. Work toward achieving a complete, functional and interconnected pedestrian network.	The project would improve the sidewalk along Hollister Street. Specifically, the project would construct non-contiguous sidewalk facilities along the project frontage on southbound, construct non-contiguous sidewalk facilities along northbound Hollister Street from the proposed bus stop to the proposed mid-block crossing, and construct temporary accessible sidewalk along southbound Hollister Street between the project site and Conifer Avenue.			
ME-B.3. Design and locate transit stops/stations to provide convenient access to high activity/density areas.	The project is located adjacent to the Palm City/Trolley Corridor of the planning area where improved transit and increased opportunities for housing would be appropriate. The project would relocate a south-bound bus stop on Hollister Street to in front of the property and add a new northbound bus stop (and pedestrian crossing) on the other side of Hollister Street across from the project in order to allow for access to the existing bus route along Hollister Street.			
ME-E.6. Require new development to have site designs and on-site amenities that support alternative modes of transportation. Emphasize pedestrian and bicycle-friendly design, accessibility to transit, and provision of amenities that are supportive and conducive to implementing Transportation Demand Management strategies	The project includes interior walkways and paseos connecting residential amenities to encourage pedestrian activity. The project also includes public improvements such as sidewalks and bicycle lanes, as well as an improved transit stop to support multi-modal transportation and Transportation Demand Management strategies.			
Policy ME-F.3. Maintain and improve the quality, operation, and integrity of the bikeway network and roadways regularly used by bicyclists.	The project proposes the construction of off-site multi-modal improvements including striped buffered bike lanes along the project frontage.			

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Table 10 General Plan Consistency Analysis				
General Plan Element: Goals		Project's Consistency		
<u>Urban Design Element:</u> The element emphasizes the integration of compatible land uses. In addition, this element anticipates the creation of transit-focused, walkable areas. The following policies would be applicable to the project.				
UD-A.1: Preserve and protect natural landforms and features.	The project provides a 100-foot open space buffer between development and the adjacent MHPA lands. Additionally, implementation of a revegetation plan would ensure improved habitat value and additional preservation of the open space area.			
UD-A.3: Design development adjacent to natural features in a sensitive manner to highlight and complement the natural environment in areas designated for development.	The project is located within and adjacent to the Otay Valley Regional Park. The project is designed to preserve the MHPA land located to the north.			
UD-A.5: Design buildings that contribute to a positive neighborhood character and relate to neighborhood and community context	The project architecture is designed to fit the character of the community including a landscape plan which would screen the project from views into the site, as well as create a park-like aesthetic. Specifically, the proposed architectural style could be described as contemporary/modern Spanish incorporating muted neutral tones, stone facades, and clay tiles for some of the roofs. This type of architectural style is pervasive throughout Otay Mesa-Nestor.			
UD-A.9. Incorporate existing and proposed transit stops or stations into project design	The project site is located within ¼ mile of the Palm Avenue Trolley Station. The project would install a new south-bound bus stop on Hollister Street in front of the property in order to allow for access to the existing bus route along Hollister Street. The project would include frontage improvements in the form of improved sidewalks adjacent to the project site where no sidewalk currently exists to allow for improved pedestrian activity.			
UD-A.13. Provide lighting from a variety of sources at appropriate intensities and qualities for safety	The project would comply with the outdoor lighting standards contained in SDMC Section 142.0740 (Outdoor Lighting Regulations) that require all outdoor lighting be installed, shielded, and adjusted so that the light is directed in a manner that minimizes negative impacts from light pollution, including trespass, glare, and to control light from falling onto surrounding properties, including the MHPA land to the north.			
UD-B.2. Achieve a mix of housing types within single developments	The project includes a mix of apartment products and includes both market rate and affordable units.			
<u>Public Facilities, Services, and Safety Element:</u> This element addresses facilities and services that are publicly managed and have a direct influence on the location of land uses. The following policies would be applicable to the project.				
PF-C.1. Require development proposals to fully address impacts to public facilities and services.	The project would increase demands for public facilities and service beyond that originally contemplated in the General Plan. As part of the community plan amendment process available public facilities and services were evaluated. The project would be required to pay development impact, school, and in-lieu park fees to ensure less than significant impacts associated with its proportional demand.			

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Table 10 General Plan Consistency Analysis				
General Plan Element: Goals		Project's Consistency		
<p>PF-D.13. Incorporate fire safe design into development within very high fire hazard severity zones to have fire-resistant building and site design, materials, and landscaping as part of the development review process.</p>	<p>The project site is located adjacent to and partially within a Very High Fire Hazard Severity Zone per the City Very High Fire Hazard Severity Zone Map. The project would be required to comply with City Brush Management Regulations, SDMC Section 142.0412, as well as the San Diego Fire-Rescue Department Fire Prevention Bureau Policy B-08-1 and the City of San Diego Fire Safety and Brush Management Guide. Additionally, the project would be reviewed by the City Fire Marshall to ensure all fire safety design and construction measures are included in the project's design.</p>			
<p>PF-D.15. Maintain access for fire apparatus vehicles along public streets in very high fire hazard severity zones for emergency equipment and evacuation.</p>	<p>The project includes a two-way driveway and fire lane roadway widths of 26 feet in order to accommodate turning radius for fire engines and to provide adequate ladder access to buildings. These roadways are located around the perimeter and through the center of the project site.</p>			
<p><u>Recreation Element:</u> The element seeks to preserve, protect, acquire, develop, operate, maintain, and enhance public recreation opportunities and facilities throughout the City. The following policies would be applicable to the project.</p>				
<p>RE-C.1. Protect existing parklands and open space from unauthorized encroachment by adjacent development through appropriate enforcement measures.</p>	<p>The project is located within and adjacent to the Otay Valley Regional Park. MHPA land is located directly north of the project site. The project includes a 100-foot open space buffer between development and the adjacent MHPA lands. Additionally, implementation of a revegetation plan would ensure improved habitat value and additional preservation of the open space area.</p>			
<p><u>Conservation Element:</u> The element contains policies to guide conservation of the resources that are fundamental components of the City's environment. The following policies would be applicable to the project.</p>				
<p>CE-A.2. Reduce the City's carbon footprint.</p>	<p>The project is consistent with the City's CAP as detailed in the CAP Checklist. The project includes interior walkways and paseos connecting residential amenities to encourage pedestrian activity. The project also includes public improvements such as sidewalks and bicycle lanes, as well as an improved transit stop to support multi-modal transportation. The project would be required to include design measures as detailed in the CBC including energy efficiency and green building standards such as solar, water efficient landscaping, construction material diversion, low-polluting construction finishing materials, and installation of electric charging stations.</p>			
<p>CE-A.10. Include features in buildings to facilitate recycling of waste generated by building occupants.</p>	<p>The project would participate in recycling programs.</p>			
<p>CE-A.11. Implement sustainable landscape design and maintenance.</p>	<p>All landscaping, brush management, and irrigation would conform to the requirements of the City Landscape Guidelines and the Land Development Manual. The plant palette contains drought tolerant plants and low maintenance plantings.</p>			

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Table 10 General Plan Consistency Analysis				
General Plan Element: Goals	Project's Consistency			
<p>CE-B.4. Limit and control runoff, sedimentation, and erosion both during and after construction activity.</p>	<p>The project would comply with the City's Stormwater Management and Discharge Control Ordinance (SDMC Chapter 4, Article 3, Division 3), Storm Water Runoff and Drainage Regulations (LDC Section 142.02 et al.), and other applicable storm water quality standards during and after construction. Treatment control BMPs have been selected that would ensure pollutants are not discharged to receiving waters. The project would utilize and implement site design, source control and structural BMPs in addition to pollutant control measures. Site design BMPs include maintaining natural drainage pathways and hydrologic features, conserving natural areas, soils, and vegetation, minimizing impervious areas by including landscaped areas, minimizing soil compaction, dispersing the impervious areas, collecting runoff into a biofiltration basin, and use of native or drought-tolerant species for landscaping purposes. Source control BMPs include the prevention of illicit discharges into the municipal storm drain system by providing an on-site storm drain system, storm drain stenciling or signage, and the placement of trash and storage areas to prevent dispersion by rain, run-on, run-off, and wind. Structural BMPs include the use of a biofiltration basin, and a private detention basin for pollutant control.</p>			
<p>CE-B.5. Maximize the incorporation of trails and greenways linking local and regional open space and recreation areas into planning and development review processes.</p>	<p>Access to an existing Otay Valley Regional Park trail is located north of the project site. This trail leads west into the Otay Valley Regional Park. The trails would remain intact, with no impact to the views along the trails. The project also includes improved connections to local hiking trails.</p>			
<p>CE-E.2. Apply water quality protection measures to land development projects early in the process-during project design, permitting, construction, and operations- in order to minimize the quantity of runoff generated on-site, the disruption of natural water flows and the contamination of storm water runoff.</p>	<p>The project includes pre- and post-construction stormwater protection measures. Treatment control BMPs have been selected that would ensure pollutants are not discharged to receiving waters. The project would utilize and implement site design, source control and structural BMPs in addition to pollutant control measures. Site design BMPs include maintaining natural drainage pathways and hydrologic features, conserving natural areas, soils, and vegetation, minimizing impervious areas by including landscaped areas, minimizing soil compaction, dispersing the impervious areas, collecting runoff into a biofiltration basin, and use of native or drought-tolerant species for landscaping purposes. Source control BMPs include the prevention of illicit discharges into the municipal storm drain system by providing an on-site storm drain system, storm drain stenciling or signage, and the placement of trash and storage areas to prevent dispersion by rain, run-on, run-off, and wind. Structural BMPs include the use of a biofiltration basin, and a private detention basin for pollutant control.</p>			

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Table 10 General Plan Consistency Analysis				
General Plan Element: Goals	Project's Consistency			
CE-G.1. Preserve natural habitats pursuant to the MSCP, preserve rare plants and animals to the maximum extent practicable.	The project includes a 100-foot open space buffer between development and the adjacent MHPA lands. Additionally, implementation of a revegetation plan would ensure improved habitat value and additional preservation of the open space area.			
Noise Element: The element provides policies to protect people living and working in the City of San Diego from excessive noise. The following policies would be applicable to the project.				
NE-A.2. Assure the appropriateness of proposed developments relative to existing and future noise levels by consulting the guidelines for noise-compatible land use (shown on Table NE-3) to minimize the effects on noise-sensitive land use.	The project would be consistent with the Noise Element Land Use- Noise Compatibility Guidelines. Specifically, noise measurements and modeling were prepared for the project site to evaluate construction, and future noise levels. As discussed in greater detail below (Noise Element Land Use- Noise Compatibility), noise levels at the balconies closest to I-5 would exceed the City's "conditionally compatible" level of 70 CNEL. Noise levels were modeled with incorporation of 3.5-foot-high barriers around these balconies that would be above the noise standard. With construction of these barriers, noise levels would be reduced to less than 70 CNEL. All other balcony locations would be located further away from I-5 or would be shielded from adjacent roadways by the proposed buildings and would be less than 70 CNEL.			
NE-B.1. Encourage noise-compatible land uses and site planning adjoining existing and future highways and freeways.	The project site is adjacent to the I-5 which is the main source of noise at the project site. Vehicle traffic noise level contours across the project site were calculated using SoundPLAN, the results of which is discussed in greater detail below (Noise Element Land Use- Noise Compatibility), noise levels at the common exterior use areas would range from 44 to 56, which would be compatible with the City standard; however, Noise levels at the building façades facing I-5 would exceed the City's "conditionally compatible" level of 70 CNEL. To attenuate for the noise at the incompatible balconies, the project would include 3.5 high barriers around these balconies that would be above the noise standards. With the inclusion of the balconies, noise levels would be compatible.			
CAP = Climate Action Plan; City = City of San Diego; CNEL =- Community Noise Equivalent Level; I-5 = Interstate 5; LDC = Land Development Code; MHPA = Multi-Habitat Planning Area; SDMC = San Diego Municipal Code;				

As shown in Table 10, the project, including the community plan amendment component, would be consistent with all applicable General Plan goals and policies.

General Plan Noise Element Land Use- Noise Compatibility: The main source of traffic noise at the project site is vehicle traffic on I-5 and Hollister Street. The project would be compatible with anticipated future noise levels as shown in Table NE-3 of the City's General Plan Noise Element.

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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Vehicle and Trolley Traffic

For the purpose of the future traffic noise compatibility analysis, the noisiest condition is represented as the maximum level of service (LOS) C traffic volume. This condition represents a condition where the maximum numbers of vehicles are using the roadway at the maximum speed. Table 11 summarizes the traffic parameters used in this compatibility analysis.

Roadway	Classification	Maximum LOS C Peak Hour Volume	Speed (mph)	Vehicle Mix (percent)				
				Auto	Medium Truck	Heavy Truck	Bus	Motorcycle
I-5 NB	4-Lane Freeway	5,760	65/55*	94.1	2.4	1.6	1.0	1.0
I-5 SB	4-Lane Freeway	5,760	65/55*	94.1	2.4	1.6	1.0	1.0
I-5 On-Ramp	2-Lane Ramp	1,920	65/55*	94.1	2.4	1.6	1.0	1.0
I-5 Off-Ramp	2-Lane Ramp	1,920	65/55*	94.1	2.4	1.6	1.0	1.0
Hollister Street	2-Lane Collector	1,370	30	94.1	2.4	1.6	1.0	1.0

LOS = level of service; mph = miles per hour; I-5 = Interstate 5; NB = northbound; SB = southbound
*Freeway speed limit is 65 mph for all vehicles except trucks, Truck speed limit is 55 mph

The San Diego Metropolitan Transit System Blue Line trolley is located east of the project site. Noise generated by the trolley was also modeled. The trolleys were modeled at 35 miles per hour. This is based on the distances between trolley stations and the average timing between stations obtained from published trolley schedules. Adjacent to the project site, there are 135 daytime pass-bys, 20 evening pass-bys, and 51 nighttime pass-bys on weekdays. There are fewer trolley pass-bys on Saturdays and Sundays; therefore, the worst-case weekday scenario was modeled.

Vehicle traffic noise level contours across the project site were calculated using SoundPLAN. These contours take into account shielding provided by proposed buildings, topography, and proposed grading. To determine exterior noise levels at the exterior use areas and building façades, noise levels were modeled at 35 specific receiver locations. Exterior noise levels were modeled at first-through fourth-floor elevations. The results are summarized in Table 12.

Receiver	Location	Exterior Noise Level (CNEL)			
		First Floor	Second Floor	Third Floor	Fourth Floor
1	Common Exterior Use Area	47	48	50	52
2	Common Exterior Use Area	44	45	47	50
3	Common Exterior Use Area	45	47	48	51
4	Common Exterior Use Area	53	56	57	59
5	Common Exterior Use Area	55	59	60	61
6	Common Exterior Use Area	56	58	58	60
7	Building Façade	73	75	76	76
8	Building Façade	73	75	76	76
9	Building Façade	72	74	75	75
10	Building Façade	72	74	75	75
11	Building Façade	71	74	75	75

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Table 12 Future Vehicle Traffic Noise Levels					
Receiver	Location	Exterior Noise Level (CNEL)			
		First Floor	Second Floor	Third Floor	Fourth Floor
12	Building Façade	66	69	70	70
13	Building Façade	65	67	68	69
14	Building Façade	63	65	65	66
15	Building Façade	53	56	57	59
16	Building Façade	61	64	64	65
17	Building Façade	58	61	62	63
18	Building Façade	56	60	61	62
19	Building Façade	58	60	60	60
20	Building Façade	48	50	52	53
21	Building Façade	50	53	54	56
22	Building Façade	59	60	60	61
23	Building Façade	64	65	65	65
24	Building Façade	59	60	60	60
25	Building Façade	47	49	49	51
26	Building Façade	52	54	55	56
27	Building Façade	62	63	63	63
28	Building Façade	61	63	64	64
29	Building Façade	62	64	65	65
30	Building Façade	64	66	66	66
31	Building Façade	65	67	67	67
32	Building Façade	67	69	69	69
33	Building Façade	53	55	56	58
34	Building Façade	43	44	45	51
35	Building Façade	43	43	44	48

Bold = Exceeds 70 Community Noise Equivalent Level (CNEL)

As shown in Table 12, noise levels at the common exterior use areas (Receivers 1 through 6) would range from 44 to 56, which would be compatible with the City standard. Noise levels at the building façades facing I-5 would exceed the City’s “conditionally compatible” level of 70 CNEL. Therefore, exterior noise impacts at balconies in these locations would be potentially significant.

To refine the analysis further, exterior noise levels were modeled at each proposed first-floor patio and second- and third-floor balcony locations to determine compatibility with the City’s “conditionally compatible” exterior standard of 70 CNEL. Modeled first-floor patio noise levels are summarized in Table 13.

Table 13 Future Vehicle Traffic Noise Levels at First-Floor Patios	
Receiver	First-Floor Exterior Noise Level (CNEL)
1	68
2	63
3	65
4	69
5	67
6	63

CNEL = Community Noise Equivalent Level

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As shown in Table 13, noise levels at the patios would be considered acceptable provided that interior noise levels are reduced to 45 CNEL or less. All other patio locations would be located further away from I-5 or would be shielded from adjacent roadways by the proposed buildings and would be less than 70 CNEL.

Modeled second- and third-floor balcony noise levels are summarized in Table 14.

Receiver	Second-Floor Exterior Noise Level (CNEL)		Third-Floor Exterior Noise Level (CNEL)		Barrier Height (Feet)
	Without Barrier	With Barrier	Without Barrier	With Barrier	
1	64	64	65	65	--
2	62	62	63	63	--
3	66	66	67	67	--
4	66	66	67	67	--
5	71	66	72	65	3.5
6	66	66	67	67	--
7	69	69	70	70	--
8	72	67	73	66	3.5
9	64	64	65	65	--
10	57	57	57	57	--
11	57	57	58	58	--
12	65	65	66	66	--
13	69	69	70	70	--
14	73	67	74	66	3.5
15	73	68	74	66	3.5
16	73	68	74	66	3.5
17	73	67	74	66	3.5
18	66	66	66	66	--
19	66	66	66	66	--
20	67	67	68	68	--
21	66	66	66	66	--
22	66	66	66	66	--
23	61	61	61	61	--
24	65	65	65	65	--
25	62	62	62	62	--
26	63	63	63	63	--
27	64	64	64	64	--
28	62	62	62	62	--
29	62	62	62	62	--
30	64	64	64	64	--

CNEL = Community Noise Equivalent Level
Bold = Exceeds 65 CNEL

As shown in Table 14, noise levels at the balconies closest to I-5 would exceed the City's "conditionally compatible" level of 70 CNEL. Noise levels were modeled with incorporation of 3.5-foot-high barriers around these balconies where noise levels would exceed allowable standards. With construction of these barriers, noise levels would be reduced to less than 70 CNEL. All other

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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balcony locations would be located further away from I-5 or would be shielded from adjacent roadways by the proposed buildings and would be less than 70 CNEL. Note that only the affordable housing building would be four stories and include fourth-floor balconies; however, as shown in Table 14, noise levels at this building would not exceed 70 CNEL (Receivers 16 through 21). Therefore, the project would include noise attenuating design measures in the form of 3.5-foot-high barriers constructed around those balconies where noise levels exceed noise standards. The following specific design parameters would be required. The sound attenuation barriers must be solid and free of cracks or holes. It can be constructed of masonry, wood, plastic, fiberglass, steel, plexi-glass, or a combination of those materials, as long as there are no cracks or gaps, through or below the wall. Any seams or cracks must be filled or caulked. If wood is used, it can be tongue and groove and must be at least one-inch total thickness or have a density of at least 3.5 pounds per square foot. With construction of these barriers, noise levels would be reduced to less than 70 CNEL, and potentially significant impacts would be reduced to less than significant.

The interior noise level standard for residential uses is 45 CNEL. As shown in Tables 12 and 14, exterior noise levels at the residential building façades would be as high as 76 CNEL at the buildings located closest to I-5. A noise reduction of up to 31 dB would be required to achieve an interior noise level of 45 CNEL or less. Prior to the issuance of building permits, as a condition of approval, a site-specific interior noise analysis would be prepared demonstrating that the window, door, and wall components would achieve a necessary sound transmission class rating required to reduce interior noise levels to 45 CNEL or less.

Overall, with the inclusion of balconies and interior noise study conditions, the project would be consistent with the City’s Noise Element related to future noise levels.

Otay Mesa-Nestor Community Plan: The Otay Mesa- Nestor Community Plan serves as a guide for the future development and improvement within the community. The plan identifies neighborhood centers as potential opportunity areas for improvement and economic revitalization. The plan includes topic sheets that address issues and provides strategies to implement the related community vision. Each topic sheet addresses either a geographic area within the community or a subject relevant to the entire community. The project site is addressed in the Otay Valley Regional Park Topic Sheet. As delineated in the community plan, the project is located adjacent to the Palm City/Trolley Corridor of the planning area. Specifically, Palm City is the transportation hub for the community and is characterized by the variety of land uses located along the trolley corridor, including the community’s two industrial parks. The project site is located near existing and planned residential development, in close proximity to transit, trails and commercial uses. Development of the site would be consistent with the Community Plan because it would improve housing opportunities, access to transit, and provide additional pedestrian-oriented improvements that enhance access to open space.

Pursuant to Appendix 1B of the Otay Mesa-Nestor Community Plan, the project site is located within an area designated as the Special Study Area (SSA). The SSA designation was placed on lands to require the preparation and adoption of a Special Study Report (SSR) for properties located within the SSA overlay designation prior to any land use changes. An SSR was prepared by RECON (RECON 2022) for the purpose of addressing the project site’s relationship with surrounding properties within the SSA as required by the community plan. The SSR is required to assess the biological, sensitive natural resource, natural habitat, and regional habitat and open space connectivity values. Additionally, the SSR is required to assess the hydrological conditions, describe the watershed(s) and

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drainage characteristics; determine wetland areas and provide recommendations for floodplain management to meet the needs of proposed development. Additionally, specific issues are to be addressed in the SSR to serve as the basis for establishing land uses in the Community Plan. The SSR concluded the following:

- Habitat values of the open space area adjacent to the project site would increase with the establishment of native coastal sage scrub plant species compared to the existing non-native plant dominated disturbed land.
- The project’s architecture, site design, landscaping, and signage support the vision of the Community Plan and would facilitate the revitalization of the Palm Avenue corridor.
- The project would create a positive relationship with adjacent land uses, while also increasing housing at a time the City Council has declared a Housing State of Emergency.
- Implementation and compliance with the MHPA land use adjacency guidelines would reduce or eliminate any potential indirect impacts on the river corridor, thus, maintaining the existing continuous connection between the Otay River valley and the salt works and bay to the west.
- While the proposed project would develop disturbed land, the dedication and revegetation of a 100-foot-wide buffer area within the MHPA on the site would enhance the integrity of the wetlands of the Otay River to the north without disrupting the continuity and connectivity of the wetland habitats beyond the existing condition.
- The project site would be served by the City fire and police services. Impact fees would be due prior to permit issuance.

As shown throughout the SSR, the project would be consistent with and adhere to all regulations and standards and would provide an opportunity for housing and revitalization while preserving any remaining biological value of the project site.

Local Coastal Program: The Otay Mesa-Nestor Community Plan is also the Local Coastal Program for the community. Specifically, Appendix H of the Otay Mesa-Nestor Community Plan provides the strategies for the protection of coastal resources and issues pertaining to coastal access. The project would be consistent with the applicable Local Coastal Program strategies, as follows:

- **Environmentally Sensitive Habitat Areas:** The Local Coastal Program strategy related to is to preserve and restore the natural resources and habitat in the Otay Valley and lower San Diego Bay. The project site is adjacent to land within the City MSCP, with a portion of the project site located within MHPA preserved lands. The project would create a 100-foot buffer on-site to protect the adjacent sensitive habitat. Additionally, the project would implement a restoration plan for the preserved area to restore habitat functions and values and ensure a functional buffer to the off-site sensitive habitat.
- **Impact of Buildout on Residential Development:** The Local Coastal Program strategy related to residential development focuses on opportunities for infill, revitalization, and redevelopment. The project site is vacant; however, the project would be consistent with the

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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surrounding land uses, which include single- and multi-family residential and commercial uses. While adjacent to ESL, the project site itself supports disturbed land, served by public utilities, and in close proximity to transit. Therefore, the project site would provide an opportunity for residential uses within the community.

Otay Valley Regional Park Concept Plan: The Otay Valley Regional Park Concept Plan (Concept Plan) is the result of a multi-jurisdictional planning effort in the Otay River Valley by the County of San Diego and the cities of Chula Vista and San Diego. The Concept Plan encompasses a boundary for the Otay River Valley Park and was adopted to ensure coordinated acquisition, design, and future planning of the area. The Concept Plan identifies policies relating to the following Elements: Boundary; Alternative Boundary; Open Space/Core Preserve Area; Recreational Area; Trail Corridor; Staging Area; Viewpoint and Overlook Area; Interpretive Center; and Park Study Area. While the project site is located within the Concept Plan boundary, it is not within a designated parks (Open Space) area. The project is, however, within a designated "Recreation Area." Specifically, the Concept Plan does not change existing zoning or planned land uses, or add new development regulations, nor does it preclude private development in Recreation Areas consistent with existing zoning or planned land uses. It is expected that some Recreation Areas or portions of Recreation Areas may be developed privately with uses that do not implement the Concept Plan.

Land Development Code: The project includes a request for deviations as set out in Table 1. The project includes request for approval of a Neighborhood Development Permit which is required for a project that proposes deviations from applicable LDC regulations. In addition to general findings required for a Neighborhood Development Permit (SDMC Section 126.0404(a)), the following supplemental findings are required pursuant to SDMC Section 126.0404(f):

- (1) The development will materially assist in accomplishing the goal of providing affordable housing, in-fill projects, or sustainable buildings opportunities; and
- (2) Any proposed deviations are appropriate for the proposed location.

The project provides 100 affordable housing units within the southern neighborhood. The approval of this housing development would materially assist in the City accomplishing its goal of providing affordable housing. The deviations are appropriate for the proposed location as described in the following paragraphs.

Building Height (LDC Table 131-04G) - The project includes a request to increase allowable building height from 40 feet to 55 feet. As discussed in Section I, Aesthetics, the project would have no impact on scenic vistas or scenic resources because it is not located within a designated view corridor, nor within a state scenic route. Additionally, the project height would not interfere with view into or through the site. The project would be designed consistent with all standard measures as defined by the zone including a landscape plan which would screen the project from views into the site, as well as create a park-like aesthetic. Therefore, the request for this deviation would be appropriate for the project's location.

Side Setbacks (LDC Section 131.0443(e)(2)(A)) - The project includes a request to change the side setbacks from 10 percent of the premise to variable throughout. As shown in the project's site plan, the proposed side setbacks are adequate to accommodate all required walkway, brush

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management and emergency access. Therefore, the request for this deviation would be appropriate for the project's location.

Parking Encroachment (LDC Section 142.0510(e)) - The project includes a request to allow parking encroachment into front yards. The project is comprised of two private neighborhoods which are landscaped and screened from public roads and adjacent lands. This deviation would broaden available parking within the neighborhoods. Therefore, the request for this deviation would be appropriate for the project's location.

~~*Fire Lane Driveway Width (Section 142.0560(j)(1))*~~ - The project includes a request to allow for increased fire lane driveway width. The parcel is able to accommodate all housing and amenities with the increased driveway width to accommodate the standard 26-foot-wide fire lane, which would improve fire safety and emergency access. Therefore, the request for this deviation would be appropriate for the project's location.

As all findings can be made associated with the proposed deviations, the project would be deemed consistent with the City's LDC.

MHPA Land Use Adjacency Guidelines: The MHPA has been designed to maximize conservation of sensitive biological resources, including sensitive species. When land is developed adjacent to the MHPA, there is a potential for secondary impacts that may degrade the habitat value or disrupt animals within the preserve area. These secondary effects of project development may include habitat insularization, drainage/water quality impacts, lighting, noise, exotic plant species, nuisance animal species, and human intrusion. These impacts could be short-term resulting from construction activities, or long-term. Short-term construction impacts could result in disruption of nesting and breeding thus affecting the population of sensitive species. To address these concerns, the MSCP includes a set of MHPA Land Use Adjacency Guidelines that are to be evaluated and implemented at the project level. As detailed in Section IV(f) the project would be consistent with the MHPA land use adjacency guidelines. The project requires approval of a MHPA BLA, of which Wildlife Agency concurrence was received on June 24, 2021.

California Coastal Act: Due to the project site's location within the Deferred Certification Area of the Coastal Zone, the standard of review for the development's consistency with Coastal Zone policies is the Coastal Act. Table 15 summarizes the project's consistency with relevant policies of Chapter 3 (Coastal Resources Planning and Management) of the Coastal Act.

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Table 15 California Coastal Act Consistency Analysis				
Coastal Act Policies		Project's Consistency		
Article 2: Public Access				
<p>Section 30210 Access; recreational opportunities; posting</p> <p>In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.</p>	<p>The project would result in the enhancement of multi-modal access to the coast and local recreational activities by:</p> <ul style="list-style-type: none"> • Enhancing transit access by relocating a southbound bus stop on Hollister Street for Bus Route 932 to be in front of the project site, and constructing a new bus stop on northbound Hollister Street for Bus Route 932 across from the project site; • Enhancing bicycle access to the nearby Palm Avenue Trolley Station by providing bike lanes along the project frontage; • Enhancing pedestrian access to the trolley station by providing a sidewalk and a mid-block crossing (with a rectangular rapid flashing beacon system) between the development and the station; and • Enhancing bicycle and pedestrian access to the Otay Valley Regional Park which in turn provides access to the Bayshore Bikeway, a major coastal multi-modal path. <p>These transportation enhancements would promote transit-oriented development that provides linkages and access to existing recreational opportunities including the Otay Valley Regional Park. As discussed in Table 10, the project would be consistent with all relevant City General Plan, Public Facilities, Services, and Safety Element, to ensure public safety needs are met. Additionally, as discussed in Section IV, Biological Resources, all potentially significant impacts relating to project development and operation including off-site improvements areas would be reduced to less than significant levels.</p> <p>Therefore, the project would be consistent with Coastal Act policy 30210 regarding the maintenance of coastal access and recreational opportunities without impeding safety or resulting in overuse of natural resources areas.</p>			
<p>Section 30211 Development not to interfere with access</p> <p>Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.</p>	<p>The project does not require the acquisition of coastal access rights, nor would it interfere with existing access to coastal areas. The project would result in the enhancement of multi-modal access to the coast and local recreational activities as described under Section 30210 above of this table. Furthermore, the project is not located near, nor require use of dry sand or rocky coastal beaches. Therefore, the project would be consistent with Coastal Act policy 30211 regarding preservation of coastal access.</p>			

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Table 15 California Coastal Act Consistency Analysis				
Coastal Act Policies	Project's Consistency			
Article 4: Marine Environment				
<p data-bbox="203 336 649 399">Section 30231 Biological productivity; water quality</p> <p data-bbox="203 430 706 945">The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface waterflow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.</p>	<p data-bbox="722 336 1421 661">The project site does not contain any sensitive riparian habitat or other identified habitat community identified in local or regional plans, policies, and regulations or by the CDFW or USFWS. There is riparian habitat located to the north within the adjacent Otay Valley Regional Park/MHPA land. Indirect impacts to this off-site area would be avoided as the project includes a 100-foot open space preserve with a 6-foot perimeter wall along the southern boundary of the MHPA which would buffer the off-site habitat from on-site development.</p> <p data-bbox="722 693 1404 892">For wastewater treatment, the project proposes to create a private on-site sewer system. This private sewer system would connect to the 10-inch proposed main in Hollister Street (see Section XIX) which runs along the east side of the project site. There would be no wastewater discharges that could result in adverse effects to coastal waters.</p> <p data-bbox="722 924 1412 1186">With respect to stormwater runoff, the project would comply with the City's Stormwater Management and Discharge Control Ordinance (SDMC Chapter 4, Article 3, Division 3), Storm Water Runoff and Drainage Regulations (LDC Section 142.02 et al.), and other applicable storm water quality standards during and after construction. Treatment control BMPs have been selected that would ensure pollutants are not discharged to receiving waters.</p> <p data-bbox="722 1218 1421 1375">The project would construct an on-site water system infrastructure that would connect to the existing public water service line in Hollister Street and would not use groundwater for any purpose. As such, the project would not deplete groundwater supplies.</p> <p data-bbox="722 1407 1396 1501">Therefore, the project would be consistent with Coastal Act policy 30231 regarding water quality and related protection of biological resources.</p>			

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Table 15 California Coastal Act Consistency Analysis				
Coastal Act Policies	Project's Consistency			
<p>Section 30236 Water supply and flood control</p> <p>Channelizations, dams, or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible, and be limited to (1) necessary water supply projects, (2) flood control projects where no other method for protecting existing structures in the flood plain is feasible and where such protection is necessary for public safety or to protect existing development, or (3) developments where the primary function is the improvement of fish and wildlife habitat.</p>	<p>The project does not propose to encroach into or perform channelization of the floodway; the project is entirely located within the floodway fringe, and entirely outside of the Otay River floodway. FEMA and the City's floodplain/floodway regulations allow development in the floodway fringe if encroachment does not occur within the floodway. The project is consistent with these federal and local regulations. Additionally, the project would be required to show consistency with the City's LDC protective floodplain regulations, which would be incorporated into its Local Coastal Program Amendment. This would ensure that the project would not result in any adverse hydrological effects. The project would be consistent with Coastal Act 30236 regarding flood control.</p>			
Article 5: Land Resources				
<p>Section 30240 Environmentally sensitive habitat areas; adjacent developments</p> <p>(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.</p> <p>(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.</p>	<p>The project site located within the City MSCP with a portion of the project site located within MHPA lands. The project includes an MHPA BLA which would remove a portion of the MHPA land from the project site. This portion is disturbed habitat and is not environmentally sensitive. The remaining on-site land within the MHPA would be restored with native habitat (i.e., coastal sage scrub) to compensate for the disturbed land that would be removed (see Section IV, Biological Resources). To ensure no indirect impacts to adjacent MHPA lands, the project would be consistent with all MSCP Land Use Adjacency Guidelines and be conditioned to include Mitigation Measures Bio-1 to reduce potential construction related impacts to on-site and adjacent biological resources. Consistency with the City's MSCP and implementation of mitigation measures would ensure the protection of environmentally sensitive areas, both on-site and adjacent to the project site.</p> <p>A burrowing owl habitat assessment and non-breeding season protocol surveys were performed. The habitat assessment found that the disturbed portions of the project site may provide suitable habitat for the burrowing owl, and four small burrows that could potentially be used by owls were identified. Although burrows potentially suitable for owls were observed on the site, no direct burrowing owl observations or any sign of burrowing owl were discovered, and as discussed in Section IV(a), the site conditions are not conducive for burrowing owl breeding nor long-term occupation; however, to provide adequate assurances that no potential direct or indirect impacts to burrowing owls would occur, the project includes Mitigation Measure 2 requiring pre-construction surveys and on-going monitoring during construction.</p>			

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Table 15 California Coastal Act Consistency Analysis				
Coastal Act Policies	Project's Consistency			
	The implementation of this mitigation measures would ensure that the project would be consistent with the Coastal Act policy 30240 regarding environmentally sensitive areas.			
<p>Section 30242 Lands suitable for agricultural use; conversion</p> <p>All other lands suitable for agricultural use shall not be converted to nonagricultural uses unless (1) continued or renewed agricultural use is not feasible, or (2) such conversion would preserve prime agricultural land or concentrate development consistent with Section 30250. Any such permitted conversion shall be compatible with continued agricultural use on surrounding lands</p>	<p>The project site is currently zoned Agricultural Residential (AR-1-2); however, the site has been graded and has not been in active agriculture. Based on the most recent Department of Conservation Farmland Mapping and Monitoring Program map the project site is not classified as agricultural land and is shown as Other Land. As such, the project would not convert Farmland to a non-agricultural use. The project would be consistent with Coastal Act policy 30242 regarding conversion of agricultural lands.</p>			
<p>Section 30244 Archaeological or paleontological resources</p> <p>Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.</p>	<p>As discussed in Section V(b), a Cultural Resource Survey of the project site was performed resulting in a finding that there is a potential that ground disturbing activities could impact unknown or previously undisturbed significant archaeological resources. The project would be conditioned to include Mitigation Measure HR-1 requiring construction monitoring to ensure that any archaeological or tribal cultural resources uncovered during construction would be evaluated for significance.</p> <p>According to the Geotechnical Investigation (GEOCON 2019), the project area is underlain by undocumented fill and topsoil (about 1 to 3 feet in thickness) over alluvial sedimentary deposits. Per the City's Significance Determination Thresholds, alluvium has a low paleontological sensitivity rating and fill has no paleontological sensitivity. As such, no impact would occur.</p> <p>Overall, the project would be consistent with Coastal Act policy 30244 regarding protection of archaeological and paleontological resources.</p>			
Article 6: Development				
<p>Section 30250 Location; existing developed area</p> <p>(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it</p>	<p>The project site is in close proximity to residential uses located south of the site and is served by existing public services and utilities. The project site is specifically located adjacent to the Palm City/Trolley Corridor of the Community Plan area where improved transit and increased opportunities for housing would be appropriate.</p> <p>The project site is also within a TPA and proposes improvements to the existing MTA bus stop, and construction of sidewalks and bike lanes along Hollister Street to further enhance access to and from the project site.</p>			

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Table 15 California Coastal Act Consistency Analysis				
Coastal Act Policies	Project's Consistency			
<p>will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.</p> <p>(b) Where feasible, new hazardous industrial development shall be located away from existing developed areas.</p> <p>(c) Visitor-serving facilities that cannot feasibly be located in existing developed areas shall be located in existing isolated developments or at selected points of attraction for visitors.</p>	<p>The project would not have significant adverse effects on coastal resources. The project includes improvements to existing trails connections and ensures the protection of biological resources both on-site and within the adjacent MHPA through implementation of mitigation measures (see Section IV).</p> <p>Overall, the location of the project site is consistent with Coastal Act policy 30250 regarding location of residential uses.</p>			
<p>Section 30251 Scenic and visual qualities</p> <p>The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.</p>	<p>Pursuant to the Otay Mesa-Nestor Community Plan, no view corridors are located in or around the project site; two viewpoints are located across Hollister Street from the project site, with designated views to the north into the Otay Valley Regional Park (View Corridor Map, City of San Diego 1997). The project would not impede these views as no project related improvements (except for the bus stop) are proposed on this side of Hollister Street and existing views from these locations do not face towards to the project site.</p> <p>The project would not alter natural landforms; the topography of the project site is generally flat, and the site has been previously graded. There are no scenic features within the project site. Therefore, the project would be consistent with Coastal Act policy 30251 regarding scenic and visual qualities.</p>			

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Table 15 California Coastal Act Consistency Analysis				
Coastal Act Policies	Project's Consistency			
<p>Section 30252 Maintenance and enhancement of public access</p> <p>The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.</p>	<p>The project would result in the enhancement of multi-modal access to the coast as described under Section 30210 of this table. The transportation improvements would provide non-automobile options for local residents to travel to existing commercial and recreational areas minimizing the use of local roads. The project would provide improved trail access to existing trails along with adequate parking and external useable open space consistent with the City's Municipal Code. Therefore, the project would be consistent with Coastal Act policy 30252 regarding public access to the coast.</p>			
<p>Section 30253 Minimization of adverse impacts</p> <p>New development shall do all of the following:</p> <p>(a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.</p> <p>(b) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.</p> <p>(c) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Board as to each particular development.</p>	<p>The project would not result in any significant impacts pursuant to CEQA.</p> <p>(a) The project would not result in impacts to flooding or fire. The project site is located adjacent to and partially within a Very High Fire Hazard Severity Zone per the City Very High Fire Hazard Severity Zone Map. However, the project would be required to comply with City Brush Management Regulations, Section 142.0412 of the Municipal Code, as well as the San Diego Fire-Rescue Department Fire Prevention Bureau Policy B-08-1 and the City Fire Safety and Brush Management Guide. Compliance with these regulations would ensure impacts are less than significant (see Section IX[g]). As detailed in the Preliminary Drainage Study (FUSCOE 2019), the project would maintain existing drainage patterns to the maximum extent practical to ensure off-site flooding would be less than significant (see Section X[d]).</p> <p>(b) The project would not result in substantial soil erosion or geologic instability. All grading activities within the site would be required to comply with the City Grading Ordinance, which ensures soil erosion and topsoil loss is minimized through implement BMPs (see Section VII[b]). The project has low potential to result in landslides or</p>			

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Table 15 California Coastal Act Consistency Analysis				
Coastal Act Policies	Project's Consistency			
<p>(d) Minimize energy consumption and vehicle miles traveled.</p> <p>(e) Where appropriate, protect special communities and neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational uses.</p>	<p>liquefaction of soils. Nonetheless, development associated with the project would be required to be constructed in accordance with applicable CBC, which would reduce potential impacts to people or structures due to liquefaction (see Section VII[a]).</p> <p>(c) The project would be consistent with SDAPCD plans. Specifically, because the project would be consistent with growth forecasts for the region, it would be consistent with the assumptions in the RAQS (see Section III).</p> <p>(d) The project is located within a VMT Efficient Location per the SANDAG screening map (see Figure 3 of the VMT Memorandum, Kimley-Horn <u>2021</u> 2020). The project also provides affordable housing near transit, which would exclude the affordable housing portion of the project from further VMT analysis. As a result, the project is presumed to have a less than significant transportation/VMT impact associated with transportation/VMT analysis (see Section XVII and Table 24). With respect to energy consumption, the project would not result in the use of excessive amounts of fuel or other forms of energy during project construction or operation (see Section VI).</p> <p>(e) Pursuant to Appendix 1B of the Otay Mesa-Nestor Community Plan, the project site is located within an area designated as the SSA. An SSR was prepared by RECON (RECON 2022) for the purpose of addressing the project site's relationship with surrounding properties within the SSA as required by the community plan. As detailed therein, the project would be consistent with and adhere to all City and community plan regulations and standards. Specifically, the project is located within and adjacent to the Otay Valley Regional Park. Access to an existing Otay Valley Regional Park trail is located north of the project site. The trails would remain intact, with no impact to the views along the trails. The project also includes improved connections to local hiking trails. Therefore, the project would maintain the characteristics of the project area, and ensure no adverse effects to visitor destination points. Additionally, Through regulatory compliance the project would maintain the character of the area and provide an opportunity for housing and revitalization while preserving any remaining biological value of the project site.</p> <p>Overall, the project would be consistent with Coastal Act policy 30253 regarding minimization of impacts.</p>			

Therefore, the project would not conflict with applicable land use plans, policies, or regulations of an agency with jurisdiction over the project, and 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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XII. MINERAL RESOURCES – Would the project:

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

The project site is located within an area designated as Mineral Resources Zone 2 (MRZ-2) per the California Geologic Survey Mineral Land Classification Map, Special Report 153, Plate 29. MRZ-2 zones are classified as areas where adequate information indicates that significant mineral deposits are present or where it is judged that a high likelihood for their presence exists. The areas around the project are not being used for the recovery of mineral resources and are not designated by the City's General Plan, Otay Mesa-Nestor Community Plan, or other local, state, or federal land use plan for mineral resources recovery; therefore, the project would not result in the loss of mineral resources, and no impact would occur.

- 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?

Refer to Section XI(a). A less than significant impact would occur.

XIII. NOISE – Would the project result in:

- a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

Noise measurements and modeling were prepared for the project site (RECON 2020). Noise measurements are summarized in Table 16, and existing vehicle traffic counts are summarized in Table 17. Full details relating to methodology and modelling (SoundPLAN data) are included in the Noise Analysis. The results of the modelling and analysis are summarized below. There were no traffic counts taken at measurement 2 because it is located at the center of the project site.

Measurement	Location	Time	Noise Sources	Leq	L90
1	Western property line; 100 feet east of I-5	1:09 p.m. – 1:24 p.m.	Vehicle traffic on I-5	72.7	70.9
2	Center of project site; 500 feet east of I-5	1:38 p.m. – 1:53 p.m.	Vehicle traffic on I-5	67.3	65.2
3	Eastern property line; 50 feet east of Hollister Street	2:02 p.m. – 2:17 p.m.	Vehicle traffic on I-5 and Hollister Street; Trolley passes	65.3	59.4

I-5 = Interstate 5; Leq = one-hour equivalent noise level; L90 = noise level exceeded for 90% of the time

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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Note: Noise measurement data is contained in Attachment 1 of Noise Analysis (RECON 2020).

Table 17 15-minute Traffic Counts							
Measurement	Roadway	Direction	Autos	Medium Trucks	Heavy Trucks	Buses	Motorcycles
1	I-5	Northbound	1,149	16	12	4	2
3	Hollister Street	Northbound	44	2	0	1	1
		Southbound	39	3	0	2	0

Short-Term (Construction)

Section 59.5.0404 of the City Noise Abatement and Control Ordinance restricts construction activities to between the hours of 7:00 a.m. and 7:00 p.m. and prohibits construction noise levels that exceed a 12-hour equivalent average noise level ($L_{eq[12]}$) of 75 dB(A) as assessed at or beyond the property line of a residentially zoned property.

Project construction noise would be generated by diesel engine-driven construction equipment used for site preparation and grading, removal of existing structures and pavement, loading, unloading, and placing materials and paving. Diesel engine-driven trucks also would bring materials to the site and remove the soils from excavation.

A variety of noise-generating equipment would be used during the construction phase of the project, such as graders, excavators, backhoes, front-end loaders, and concrete saws, along with others. The exact number and pieces of construction equipment required are not known at this time. Table 18 summarizes typical construction equipment noise levels. Construction equipment with a diesel engine typically generates maximum noise levels from 80 to 90 dB(A) L_{eq} at a distance of 50 feet (RECON 2020); however, hourly average noise levels would be lower when taking into account the equipment usage factors. For this analysis, the simultaneous operation of a grader, dozer, loader, excavator, and dump truck was modeled. This equipment would generate an average hourly noise level of 87 dB(A) L_{eq} at 50 feet from the center of construction activity.

Table 18 Typical Construction Equipment Noise Levels		
Equipment	Noise Level at 50 Feet [dB(A) L_{eq}] ¹	Typical Duty Cycle ²
Auger Drill Rig	85	20%
Backhoe	80	40%
Blasting	94	1%
Chain Saw	85	20%
Clam Shovel	93	20%
Compactor (ground)	80	20%
Compressor (air)	80	40%
Concrete Mixer Truck	85	40%
Concrete Pump	82	20%
Concrete Saw	90	20%
Crane (mobile or stationary)	85	20%
Dozer	85	40%
Dump Truck	84	40%
Excavator	85	40%
Front End Loader	80	40%

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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Table 18 Typical Construction Equipment Noise Levels		
Equipment	Noise Level at 50 Feet [dB(A) L_{eq}] ¹	Typical Duty Cycle ²
Generator (25 kilovolt amps or less)	70	50%
Generator (more than 25 kilovolt amps)	82	50%
Grader	85	40%
Hydra Break Ram	90	10%
Impact Pile Driver (diesel or drop)	95	20%
In situ Soil Sampling Rig	84	20%
Jackhammer	85	20%
Mounted Impact Hammer (hoe ram)	90	20%
Paver	85	50%
Pneumatic Tools	85	50%
Pumps	77	50%
Rock Drill	85	20%
Roller	74	40%
Scraper	85	40%
Tractor	84	40%
Vacuum Excavator (vac-truck)	85	40%
Vibratory Concrete Mixer	80	20%
Vibratory Pile Driver	95	20%
SOURCE: Federal Highway Administration (FHWA) 2006. dB(A) L_{eq} = A weighted decibel one-hour equivalent noise level ¹ Noise levels based on those specified in FHWA Road Construction Noise Model. ² Amount of time equipment operates at full power.		

Construction noise is considered a point source and would attenuate at approximately 6 dB(A) for every doubling of distance. To reflect the nature of grading and construction activities, equipment was modeled as an area source distributed over the project footprint. The total sound energy of the area source was modeled with all pieces of equipment operating simultaneously. Noise levels were modeled at a series of 15 receivers located at the adjacent uses and MHPA. The results are summarized in Table 19.

Table 19 Construction Noise Levels at Off-site Receivers		
Receiver	Land Use	Construction Noise Level [dB(A) L_{eq}]*
1	Residential	70
2	Residential	71
3	Residential	72
4	Residential	71
5	I-5 ROW	71
6	I-5 ROW	66
7	I-5 ROW	68
8	I-5 ROW	67
9	MHPA	62
10	MHPA	64
11	MHPA	65
12	MHPA	65

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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Table 19 Construction Noise Levels at Off-site Receivers		
Receiver	Land Use	Construction Noise Level [dB(A) L _{eq}]*
13	MHPA	64
14	Hollister Street ROW/Trolley	66
15	Hollister Street ROW/Trolley	68
dB(A) L _{eq} = A-weighted decibels equivalent noise level; I-5 = Interstate 5; ROW = right-of-way; MHPA = Multi-Habitat Planning Area		
*SoundPLAN data is contained in Attachment 3 of the Noise Analysis (RECON 2020)		

As shown in Table 19, construction noise levels are not anticipated to exceed 75 dB(A) L_{eq} at the adjacent residential uses. Although the existing adjacent residences would be exposed to construction noise levels that could be heard above ambient conditions, the exposure would be temporary. As construction activities associated with the project would comply with noise level limits from Noise Abatement and Control Ordinance Section 59.5.0404, temporary increases in noise levels from construction activities would be less than significant.

Also shown in Table 19, construction noise levels at the adjacent sensitive habitat, would range from 62 to 65 dB(A) L_{eq}. The project area is dominated by vehicle traffic noise from I-5. Existing ambient noise levels range from 65 to 73 dB(A) L_{eq} (see Table 11). During the breeding season, construction noise levels should not exceed 60 dB(A) L_{eq} or existing ambient noise level if above 60 dB(A) L_{eq}. Because construction noise levels would not exceed the existing ambient noise levels, noise impacts to the habitat would be less than significant.

Operational (Exterior Traffic)

Off-site traffic noise was modeled and calculated at 50 feet from the centerline of the affected roadways to determine the noise level increase associated with the project. The model uses various input parameters, such as traffic volumes, vehicle mix, distribution, and speed. Existing, near-term (year 2021), and horizon (year 2050) traffic volumes with and without the project were obtained from the Local Mobility Analysis (Kimley-Horn 2020 2022). Table 20 summarizes the traffic volumes for the analyzed segments of Main Street, Hollister Street, and Palm Avenue. Modeled noise levels do not account for shielding provided by intervening barriers and structures.

Table 20 Traffic Volumes						
Roadway Segment	Existing	Existing + Project	Near-Term	Near-Term + Project	Horizon	Horizon + Project
Main Street						
I-5 NB Ramps to Hollister Street	26,312	27,178	28,333	29,199	31,815	32,681
Hollister Street						
Main Street to Charles Avenue	6,372	7,455	6,857	7,940	11,675	12,758
Charles Avenue to Project Site	6,372	7,455	6,857	7,911	11,277	12,360
Project Site to Palm Avenue	6,639	7,722	7,098	8,181	11,525	12,608
Palm Avenue						
I-5 NB Ramps to Hollister Street	22,262	23,128	22,955	23,822	28,671	29,537
NB = Northbound						
SOURCE: Kimley-Horn 2021.						

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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The project would increase traffic volumes on local roadways. However, the project would not substantially alter the vehicle classifications mix on local or regional roadways nor would the project alter the speed on an existing roadway or create a new roadway. A substantial noise increase is defined as an increase of 3 dB above existing conditions as stated in the City's CEQA Significance Determination Thresholds. Table 21 presents a conservative assessment of traffic noise levels based on the existing, near-term (year 2021), near-term plus project, horizon (year 2050), and horizon plus project noise levels generated by traffic. Table 19 also summarizes the traffic noise level increases due to the project.

Roadway Segment	Existing			Near-Term (Year 2021)			Horizon (Year 2050)			Total Increase Over Existing
	Without Project	With Project	Increase	Without Project	With Project	Increase	Without Project	With Project	Increase	
Main Street										
I-5 NB Ramps to Hollister Street	71.8	71.9	0.1	72.1	72.2	0.1	72.6	72.7	0.1	0.9
Hollister Street										
Main Street to Charles Avenue	63.6	64.2	0.6	63.9	64.5	0.6	66.2	66.6	0.4	3.0
Charles Avenue to Project Site	63.6	64.2	0.6	63.9	64.5	0.6	66.0	66.4	0.4	2.8
Project Site to Palm Avenue	63.7	64.4	0.7	64.0	64.6	0.6	66.1	66.5	0.4	2.8
Palm Avenue										
I-5 NB Ramps to Hollister Street	72.2	72.4	0.2	72.4	72.5	0.1	73.3	73.5	0.2	1.3

NB = Northbound; CNEL = community noise equivalent level

As shown in Table 21, direct off-site noise level increases due to the project would be less than 1 dB. Therefore, direct off-site noise impacts associated with the project would be less than significant.

On-Site Generated Noise (Stationary Noise)

The City Noise Abatement and Control Ordinance establishes noise level limits for stationary noise sources based on the applicable zoning and time of day. The project would be rezoned for residential use. The one-hour property line noise level limit for residential properties is 50 dB(A) L_{eq} at any time of day.

The noise sources on the project site after completion of construction are anticipated to be typical of any residential complex, such as vehicles arriving and leaving and landscape maintenance machinery. The primary noise sources on-site would be rooftop HVAC equipment. The exact make

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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and model of the equipment, as well as precise locations of each HVAC unit is not known at this time. For the purposes of this analysis, to determine what general noise levels the HVAC units would generate, it was assumed that the rooftop units would be similar to a Trane split system unit with a sound power level of 72 dB(A). Noise generated by HVAC equipment would occur on an intermittent basis, primarily during the day and evening hours and less frequently during the nighttime hours. For a worst-case analysis, it was assumed that the HVAC units would operate continuously. Future projected noise levels are summarized in Table 22.

Receiver	Land Use	HVAC Noise Level [dB(A) Leq]
1	Residential	40
2	Residential	42
3	Residential	43
4	Residential	43
5	I-5 ROW	41
6	I-5 ROW	40
7	I-5 ROW	41
8	I-5 ROW	39
9	MHPA	38
10	MHPA	41
11	MHPA	41
12	MHPA	41
13	MHPA	40
14	Hollister Street ROW/Trolley	39
15	Hollister Street ROW/Trolley	40

HVAC = heating, ventilation, and air conditioning;
 dB(A) Leq = A-weighted decibels equivalent noise level; I-5 = Interstate 5;
 ROW = right-of-way; MHPA = Multi-Habitat Planning Area

As shown in Table 22, on-site generated noise levels would range from 38 to 43 dB(A) Leq. Noise levels would not exceed the applicable limits at the property lines. Noise levels would also be less than 60 dB(A) Leq at the adjacent MHPA.

Therefore, on-site generated noise would comply with the City Noise Abatement and Control Ordinance. Impacts would be less than significant.

Overall, construction and operational noise impacts would be less than significant.

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

The project may expose people to groundborne vibrations or noise levels during construction. Construction activities would be required to comply with the City Noise Abatement and Control Ordinance requirements, which allow for loud construction noise between the hours of 7:00 a.m. and 7:00 p.m. Monday through Saturday, and on Columbus Day and Presidents Day. However, construction noise and vibration would be temporary and associated only with heavy-duty

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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construction equipment. Construction vibration potential for building damage is assessed in terms of peak particle velocity (PPV) typically in units of inches per second (in/sec). Typically, the vibration threshold level for human annoyance and structural damage is 0.1 in/sec PPV and 0.2 in/sec PPV (Caltrans 2013). Groundborne vibration from typical construction activities is not typically noticeable in buildings that are farther than 25 feet from the source. No existing building would be located closer than 25 feet from construction activity, as adjacent structures are set back from property lines at least this distance, providing adequate separation. Furthermore, construction would be prohibited during evening hours (7:00 p.m. to 7:00 a.m.) in accordance with City requirements and use of vibration-inducing construction equipment such as pile drivers are not anticipated. Thus, impacts related to ground borne vibration or noise would be less than significant.

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|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| <p>c) For a project located within the vicinity of a private airstrip or 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?</p> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

As discussed in Section IX(e), the project site is identified within the Brown ALUCP Review Area 2 and would therefore be subject to the ALUCP regulations. The project is, however, located outside of the 60 dB CNEL noise contour. Thus, noise levels due to aircraft operations at Brown Field would be expected to be below 60 CNEL, and noise impacts associated with excessive airplane noise levels within the Airport Influence Area would be less than significant.

XIV. POPULATION AND HOUSING – Would the project:

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| <p>a) Induce substantial unplanned 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)?</p> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

The project would require a GPA, CPA, and a rezone to allow for higher-density residential development in an area that has been designated Open Space. Therefore, the project would add residential capacity within an area not previously identified for high-density residential development. However, the project would not induce substantial population growth beyond what based on the SANDAG Series 13 Forecast.

According to the SANDAG Series 13 Regional Growth Forecast, the Otay Mesa-Nestor community plan area population is expected to reach 62,911 in 2020. According to the latest SANDAG estimates, the population of the community plan area was 56,299 as of 2019.

Utilizing a person per household rate of 3.36, as provided by SANDAG 2018 estimates, the project is anticipated to generate approximately 1,277 residents. This additional population would not result in a significant increase in population within the area and would be consistent with the projected increase in overall population expected for the Otay Mesa-Nestor CPA. The Otay Mesa-Nestor Community Plan area is estimated to have 17,570 housing units in 2020 and 19,760 housing units in

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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2035 (SANDAG Series 13; SANDAG 2013). This increase in housing would accommodate the housing shortage recognized within the county of San Diego and throughout the state of California. According to the San Diego Housing Commission (SDHC), it is estimated that the city could fall short of its 2010-2020 Regional Housing Need Allocation (RHNA) goals (as set by SANDAG pursuant to state mandate) by as much as 50,000 units, based on past and current housing production trends. The SDHC estimates that the city will need to add between 150,000 to 220,000 housing units by 2028 (SDHC 2017). The housing units proposed by the project would help to meet the existing and projected need for additional housing in the city, including the need for additional affordable housing. Thus, the additional housing is needed to meet existing population growth and would not be expected to influence an increase in population growth in the region. Impacts would be less than significant.

- b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

There is no housing currently located on the project site; thus, no housing would be displaced. No impact would occur.

XV. 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

The project site is within the service area of Fire Station 30, located at 2265 Coronado Avenue and Fire Station 6, located at 693 Twining Avenue, both within the Otay Mesa-Nestor community plan area, as shown in Table 23.

Fire Station	Station Address	Approximate Distance to Project Site (miles)
Station 30	2265 Coronado Ave	1.4
Station 6	693 Twining Ave	2.6

The project would introduce 380 dwelling units resulting in an increase in population base within the Otay Mesa-Nestor community thereby incrementally increasing the demand for fire protection within the service area. The project would meet San Diego Fire Department/San Diego Fire-Rescue Department (SDFD/SDFRD) site design and construction design standards. The proposed residential buildings and infrastructure would be constructed per fire codes and comply with applicable City regulations. The project would provide adequate turn-around radii for fire trucks within the internal roadway network and would comply with applicable City fire-related regulations including brush management regulations. The fire stations within proximity to the project site would meet the standard response times required; there is currently adequate facilities and staffing in the project

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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area to serve the project and no additional capacity would be required. The SDFD/SDFRD indicated that a new planned fire station (Station 49) would be able to assist with increased emergency responses in the area; however, that station has not yet been built.

Overall, the project would result in a population increase that would increase fire-rescue service calls, but no new facilities or improvements to existing facilities would be required as a result of the project. Thus, the project would not result in physical impacts due to new or expanded demand for fire facilities and impacts would be less than significant.

ii) Police protection

The project site is served by the San Diego Police Department Southern Area Police Station and is located at 27th Street and Coronado Avenue. The project would result in increased residential density at the project site, which could result in increases in police service calls. The project would not trigger the need for new facility construction. Therefore, no new or expanded facilities would be required as a result of the project, and impacts would be less than significant.

iii) Schools

The project would introduce increased density at the project.

The project's student population would be served by Southwest Middle School and Southwest High School within the Sweetwater Union High School District. Based on a letter received from the district, efforts would be made to place students within the local schools; however, it may be necessary to place students in other nearby schools. Additionally, consistent with SB 50 school fees may be required to assist in relieving any affect to the schools as a result of new students. However, at this time the project would not trigger the need for new facility construction. Therefore, the project would not result in physical impacts due to new or expanded schools, and impacts would be less than significant.

iv) Parks

The project would increase density at the project site, and result in an increase in population beyond that anticipated by the General Plan/Community Plan.

Relative to park facilities, the General Plan standard for population-based parks is 2.8 useable acres per 1,000 residents, which can be achieved through a combination of neighborhood and community park acreages and park equivalencies. The most recent SANDAG household population estimates are as of May 2019 and include a household population of 56,113 residents in Otay Mesa-Nestor. This existing population estimate requires about approximately 157 acres of population-based parks.

Buildout of the project at 380 units would generate a population of 1,284 residents, utilizing the SANDAG multi-family American Community Survey persons per household rate of 3.38, which would require 3.60 acres of population-based park area. The payment of park fees in accordance with the schedule for the 100 affordable new residential units and payment of a park ad hoc fee in accordance with the Site Development Permit for the 280 market rate residential units would be

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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required as a condition of project approval. Therefore, the project would have a less than significant impact on parks and recreational facilities.

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|----------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|
| v) Other public facilities | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|----------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|

The project does not require any new or physically altered public facilities, and no additional public facilities or services would be required as a result of the implementation of the project. Impacts would be less than significant.

XVI. RECREATION

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

The project would increase density at the project site, and result in an increase in population beyond that anticipated by the General Plan/Community Plan that would require additional parks within the community plan area. However, the payment of park fees in accordance with the City's DIF schedule for new 100 affordable residential units and payment of a park ad hoc fee in accordance with the Site Development Permit for the 280 market rate residential units would be required as a condition of project approval. Therefore, the project would have a less than significant impact on parks and recreational facilities.

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

The project would increase density at the project site, and result in an increase in population beyond that anticipated by the General Plan/Community Plan that would require additional parks within the community plan area. However, the payment of park fees in accordance with the City's DIF schedule for new 100 affordable residential units and payment of a park ad hoc fee in accordance with the Site Development Permit for the 280 market rate residential units would be required as a condition of project approval. Therefore, the project would have a less than significant impact on parks and recreational facilities.

XVII. TRANSPORTATION - Would the project?

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

The San Diego Municipal Code, LDC, Trip Generation Manual (Rev. 2003) was referenced to calculate the project's estimated trip generation. Specifically, the driveway trip generation rate of 6 trips per dwelling unit for Multiple Dwelling Unit - Over 20 dwelling units/acre was used in the calculation. The resulting trip generation is 2,052 daily trips with 156 morning peak-hour trips (31 in, 125 out)

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and 176 afternoon peak-hour trips (124 in, 52 out; Kimley-Horn 2021). Table 24 summarizes the trip generation for the site.

Land Use	Units	Trip Rate	Daily Trips	AM Peak Hour			PM Peak Hour		
				In	Out	Total	In	Out	Total
Multiple Dwelling Unit – Over 20 dwelling units/acre	380 du	6/du	2,280	36	146	182	144	61	205
Trip Reductions for Proximity to the Palm Avenue Transit Station			-10%	-14%			-14%		
			-228	-5	-20	-25	-20	-9	-29
Net Trip Generation			2,052	31	126	157	124	52	176

1. du = dwelling units
2. Daily, peak-hour, and transit reduction trip generation rates referenced from the City of San Diego Land Development Code-Trip Generation Manual, May 2003.

A Local Mobility Analysis study area was determined based on the project’s trip assignment and reflects the main access routes to and from the project site, mainly providing access to I-5, Main Street, and Palm Avenue. The study area also included areas for evaluating pedestrian, bicycle, and transit facilities. The study area facilities fall under three jurisdictions: City, Caltrans, and City of Chula Vista.

Relevant programs, plans, ordinances, and policies that address circulation relative to the proposed project include the following:

- City of San Diego General Plan, Mobility Element: The City Mobility Element contains a number of policies related to developing balanced, multi-modal transportation network focused on pedestrian friendly, safe, and efficient mobility network (City of San Diego 2008). The following are examples of relevant policies the project would be required to show consistency (see Table 10):
 - Policy ME-A.2: Design and implement safe pedestrian routes.
 - Policy ME-A.4: Make sidewalks and street crossings accessible to pedestrians of all abilities.
 - Policy ME-A.6: Work toward achieving a complete, functional and interconnected pedestrian network.
 - Policy ME-B.3: Design and locate transit stops/stations to provide convenient access to high activity/density areas.
 - Policy ME-E.6: Require new development to have site designs and on-site amenities that support alternative modes of transportation. Emphasize pedestrian and bicycle-friendly design, accessibility to transit, and provision of amenities that are supportive and conducive to implementing Transportation Demand Management strategies.
 - Policy ME-F.3: Maintain and improve the quality, operation, and integrity of the bikeway network and roadways regularly used by bicyclists.
- Otay Mesa-Nestor Community Plan: The community plan includes transportation strategies relevant to the project including widening Hollister Street, and improving bicycle accessibility. The project proposes the improvement of Hollister Street along the property

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frontage, including the addition of a 6-foot of right-of-way dedication for a proposed right-of-way of 72 feet and 48 feet of travel way, with curb and gutter on the project ~~site~~ side. Additionally, the street would also be improved with 6-foot Class II bike lanes with 2-foot buffers in both north and southbound directions.

The project would be consistent with relevant plans, policies and regulations addressing the circulation system.

The project would be consistent with SANDAG's Regional Plan which aims to create sustainable, mixed-use communities conducive to public transit, walking, and biking. The project includes a number of off-site improvements to meet these goals including the improvement of Hollister Street along the property frontage, including the addition of a 6-foot of right-of-way dedication for a proposed right-of-way of 72 feet and 48 feet of travel way, with curb and gutter on the project ~~site~~ side. The street would also be improved with 6-foot Class II bike lanes with 2-foot buffers in both north and southbound directions, as well as a center two-way left turn lane. The project also includes the re-striping of Hollister Street from Main Street to Marian Avenue and from Conifer to Palm Street to add two-way left-turn lane. The project also includes the following ~~off-site~~ multi-modal improvements which would ensure safe pedestrian and other multi-modal means of transportation, adequate road widths to support traffic flow, and improved transit:

- Stripe buffered bike lanes along the project frontage (Hollister Street/project frontage improvement).
- Relocate the southbound bus stop on Hollister Street for Bus Route 932 to be in front of the project site.
- Construct a bus stop on northbound Hollister Street for Bus Route 932 across from the project site.
- Construct a mid-block crossing across Hollister Street on the north side of the southern project driveway with a rectangular rapid flashing beacon.
- Construct non-contiguous sidewalk facilities along the project frontage on southbound Hollister Street.
- Construct non-contiguous sidewalk facilities along northbound Hollister Street from the proposed bus stop to the proposed mid-block crossing.
- Construct temporary accessible sidewalk along southbound Hollister Street between the project site and Conifer Avenue.
- Provide decomposed gravel path adjacent to northbound Hollister Street for connection to Otay Valley Regional Trail system.

With the inclusion of off-site ~~road improvements and additional transportation~~ improvements for alternative modes of transportation, the project would not conflict with any plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities, Impacts would be less than significant.

- b) Conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?
-

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SB 743 was approved by the California legislature in September 2013, requiring changes to the CEQA methodology, specifically directing the Governor’s Office of Planning and Research (OPR) to develop alternative metrics to the use of vehicular (LOS for evaluating transportation projects. OPR published the Technical Advisory on Evaluating Transportation Impacts in CEQA (Technical Advisory) in December 2018 providing recommendations for the preparation of transportation impact analysis under SB 743, suggesting Vehicle Miles Traveled (VMT) to replace LOS as the primary measure of transportation impacts. The Technical Advisory requires updated transportation procedures by July 1, 2020.

The City published a Transportation Study Manual (TSM; September 2020) to comply with SB 743 requirements and provide guidance on preparing transportation studies for the City. The manual addresses the shift from LOS analysis to VMT analysis for CEQA. ~~It is assumed that the City will adopt the methodologies described in the draft TSM.~~ The City’s TSM provides VMT screening criteria, City’s CEQA Significance Determination Thresholds, analysis methodologies, and mitigation measures for land development and transportation projects under CEQA. A memorandum was prepared by Kimley-Horn and Associates, Inc. providing an analysis of the project’s VMT, the results of which are summarized herein (Kimley-Horn ~~2020b~~ 2022).

Initial Screening

Projects are compared against initial screening criteria to determine if the project can be considered less than significant for VMT impact based on project features regarding location, size, and use. The City’s screening criteria for determining land development projects as less than significant for VMT are listed in Table 25. If the project does not meet the screening criteria listed above, a detailed VMT analysis would be required.

Screening Criterion	Project Screening Evaluation	Pass?
VMT Efficient Location – Projects located in a VMT Efficient Location per the SANDAG Screening Map Residential or commercial employment – 15% or more below the base year average resident VMT/capita or employee VMT/employee Industrial employment – average or below average base year employee VMT/employee	Based on the screening map, the census tract that contains the project site (Census Tract 10107) is a VMT efficient area, with 50 to 85 percent of the regional mean VMT per capita. Specifically, the resident VMT per capita for the census tract is 13.71, which is 77.92% of the <u>SANDAG Series 13 Base Year 2012</u> regional mean	Yes
Small Project (Trip-based) – less than 300 daily unadjusted driveway trips	The project generates greater than 300 daily unadjusted driveway trips	No
Locally Serving Retail – 100,000 square feet gross floor area or less and serves a population of roughly 25,000 people or less based on a market area study	Not applicable	
Locally Serving Public Facilities – serves the surrounding community such as transit centers, public schools, libraries, post offices, park-and-ride lots, police and fire facilities, and government offices, or a public facility that is a passive use such as utility buildings, water sanitation, and waste management	Not applicable	

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Table 25 Project VMT Analysis: Initial Screening				
Screening Criterion	Project Screening Evaluation			Pass?
Affordable Housing Project – provides transit <u>transit</u> ¹ and is wholly or has a portion that <u>meets one of the following criteria: is affordable to persons with a household income equal to or less than 50% of the area median; income (as defined by California Health and Safety Code Section 50093), housing for senior citizens, or [as defined in Section 143.0720(e)], housing for transitional foster youth, disabled veterans, or homeless persons [as defined in 143.0720(f)]. The units shall remain deed restricted for a period of at least 55 years. The project shall provide no more than the minimum amount of parking per unit, per San Diego Municipal Code Section 143.0744. Only the portion of the project that meets the above criteria is screened out.</u>	Provides 100 affordable housing units and provides access to transit via sidewalk connection and new/ relocated bus stops. <u>However, the project is providing more than the minimum parking spaces required. A total of 89 parking spaces are required and 121 parking spaces are provided for the 100 affordable housing units. may be excluded from VMT analysis. Therefore, the affordable units do not screen out per the affordable housing screening criterion.</u>			Yes <u>No</u>
Mixed Use Project – can use screening criteria above for each land use	Not applicable			
Redevelopment Project - results in a net decrease in total project VMT	Not applicable			
% = percent; VMT = vehicle miles traveled ¹ <u>Access to transit is defined as transit being located within a reasonable walking distance (one-half mile) from the project driveway.</u> Source: Kimley-Horn 2020 <u>2022</u>				

The initial screening evaluation for potential VMT impact for the project is summarized in Table 25. As described in the project screening evaluation, the project is located within a VMT Efficient Location per the SANDAG screening map (see Figure 3 of the VMT Memorandum, Kimley-Horn 2022 2020). ~~The project also provides affordable housing near transit, which would exclude the affordable housing portion of the project from further VMT analysis.~~ As a result, the project is presumed to have a less than significant transportation/VMT impact associated with transportation/VMT analysis.

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

The project would include the construction of two driveways along the project frontage with Hollister Street in order to allow for access to the project site. These two driveways would not result in a new hazardous design feature to the existing roadway network. In addition, other project traffic improvements would not result in the incorporation of hazardous design features, as these improvements would ~~only~~ require restriping and widening per City design guidelines standards. Within the project site, the roadway network would be constructed to allow for internal vehicular access and fire apparatus access and would not include any design features that may generate hazardous roadway conditions, resulting in no impact.

- d) Result in inadequate emergency access?

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Project site access is provided via two driveways on Hollister Street. Both driveways would provide full access. The project would construct fire access roads lanes that would provide vehicular access around and within the project site. All fire access lanes would be capable of supporting a 75,000-pound load, and all access roads would be constructed in conformance with the California Fire Code section 503.2.1 and Appendix D, thereby ensuring that the project would have adequate emergency access. The fire department will have a master key, code, and/or transponder that will automatically grant them access to the Bella Mar development. Impacts associated with emergency access would be less than significant.

XVIII. TRIBAL CULTURAL RESOURCES – Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

- | | | | | |
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| a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

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

- | | | | | |
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| b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|-------------------------------------|--------------------------|--------------------------|

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

In accordance with the requirements of PRC section 21080.3.1, AB 52, the City notified Native American tribes that are traditionally and culturally affiliated with the project area. The tribes were sent notification letters on October 10, 2017, informing them of the proposed project and asking them of any knowledge or information about tribal cultural resources they may have about the project area. The Iipay Nation responded on October 11, 2019, within the 30-day formal notification period, concurring with staff’s determination of monitoring during ground disturbing activities. This

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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concluded their consultation process. Jamul Indian Village did not submit a request for consultation during the 30-day formal notification period and therefore consultation was concluded. No additional Tribal Cultural Resources were identified during consultation.

A Mitigation, Monitoring, and Reporting Program as detailed in Section V of the Mitigated Negative Declaration would be required. With implementation of the monitoring program, potential impacts on tribal cultural resources would be reduced to below a level of significance.

XIX. UTILITIES/SERVICE SYSTEMS – Would the project:

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|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

The project would not require the construction of new water or wastewater treatment facilities that could cause significant environmental effects. All private water facilities on-site would be designed and constructed in accordance with the requirements of the California Uniform Plumbing Code and would connect to existing water lines in adjacent roadways. All public water facilities including services and meters would be designed and constructed in accordance with current City Water Facility Design Guidelines and regulations.

For wastewater treatment, the project proposes to create a private on-site sewer system. This private sewer system would connect to the 10-inch proposed main in Hollister Street. The proposed main would flow North and connect to the existing 30-inch sewer on Louret Avenue. According to the Sewer Study prepared for the project, the depth of flow to pipe diameter ratio in the proposed Hollister Sewer Main was calculated to be 0.39, which is less than the allowable maximum of 0.50. Per Section 1.3.3.3 of the City of San Diego Sewer Design Guide, the proposed 10-inch PVC sewer main has capacity for the additional sewage generated from the project. The onsite system has also been designed to meet the above criteria.

The San Diego Metropolitan Sewerage System provides regional wastewater collection, treatment, and disposal services for the City. The Point Loma Wastewater Treatment Plant treats wastewater from residential, commercial, and industrial sources in the city of San Diego. No existing capacity issues have been identified to meet the population forecast demands. Only lateral connections and on-site realignment of the sewer main would be required for the project; no line extensions would be necessary.

The project would not require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities that would cause significant environmental effects. Existing capacity to handle water and sewer requirements are currently available to serve the proposed development. Thus, impacts would be less than significant.

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|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
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The project does not meet the criteria in the City CEQA Determination Thresholds which would require the preparation of a water supply assessment. The project would be required to implement water conservation measures and would be conditioned to present will-serve letters or submit a Utility Service Application to the City substantiating that adequate water supplies would be available. Conforming with these requirements would ensure that the project would not have a substantial adverse effect on water supplies and impacts would be less than significant.

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

Refer to XIX(a). A less than significant impact would occur.

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|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| d) Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

A site-specific Waste Management Plan (WMP) prepared by RECON (RECON 2020) identified with implementation of the applicable solid waste regulations, the project would divert 79 percent of its generated waste as illustrated in Table 26. Potential direct and cumulative impacts would be less than significant.

Table 26 Total Waste Generated, Diverted, and Disposed of By Phase			
Phase	Tons Generated	Tons Diverted	Tons Disposed
Demolition	0	0	0
Grading	0	0	0
Construction	1,048	834 (79%)	214 (21%)
Total	1,048	834 (79%)	214 (21%)

Operational Waste

The operational waste generated by the proposed project is estimated to amount to a total of 456 tons of waste per year. Table 27 summarizes the estimated occupancy phase waste generation.

Table 27 Occupancy Phase Annual Waste Generation			
Land Use	Amount (dwelling units)	Waste Generation Rate (tons per year per dwelling unit)	Waste Generated (tons)
Multi-Family Residential	380	1.2	456

The project would include 380 multi-family dwelling units, generating approximately 456 tons of waste per year; and would be required to provide a minimum of 720 square feet of exterior refuse

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area and the same amount of recyclable material storage area (total of 1,440 square feet). The applicant/applicant's successor in interest would be required to implement ongoing waste reduction measures to ensure the operation of the project complies with City ordinances, which is expected to provide a minimum recycling service volume of 40 percent for large complexes. Therefore, waste anticipated to be diverted during the operational phase of the project would be approximately 183 tons per year, leaving 273 tons destined for disposal. This would exceed the City's threshold of 60 tons of waste or more. However, with implementation of the strategies outlined in the WMP, which the City's Environmental Services Department has determined are adequate to avoid significant impacts during the operational phase of the project and compliance with all applicable City ordinances, solid waste impacts would be reduced to below a level of significance regarding collection, diversion, and disposal of waste generated from construction and demolition (C&D), grading, and occupancy. Implementation of the strategies outlined in the WMP would be conditions of project approval. Therefore, impacts would be less than significant.

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|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| e) Comply with federal, state, and local management and reduction statutes and regulation related to solid waste? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

The applicable regulations related to solid waste disposal include: AB 341, which sets a policy goal of 75 percent waste diversion by the year 2020; AB 1826, which requires businesses in California to arrange for recycling services for organic waste; the City's Recycling Ordinance, which requires on-site recyclable collection for residential and commercial uses; the City's Refuse and Recyclable Materials Storage Regulations indicates the minimum exterior refuse and recyclable material storage areas required at residential and commercial properties; the C&D Debris Deposit Ordinance requires that the majority of construction, demolition, and remodeling projects requiring building, combination, or demolition permits pay a refundable C&D Debris Recycling Deposit and divert at least 65 percent of their waste by recycling, reusing, or donating reusable materials; and the City's Zero Waste Objective, which implements the 75 percent diversion of waste target from landfills by the year 2020 and zero waste by 2040. An additional City target of 90 percent diversion by 2035 is proposed in the City's CAP.

Demolition, Grading, and Construction Waste

Based on the WMP prepared by RECON (RECON 2020), the project site is currently undeveloped and would not require any demolition. Construction of the project is estimated to generate 1,048 tons of waste, for a total demolition and construction waste generation of 1,048 tons. Grading associated with the proposed project would result in the net import of 81,350 cubic yards of soil. No net export of soil would be required.

Of the 1,048 tons estimated to be produced from demolition and construction, 834 tons would be diverted, primarily through source separation. This would result in 79 percent of the waste material from demolition and construction being diverted from the landfill for reuse. Impacts would be less than significant.

XX. WILDFIRE – If located in or near state responsibility areas or land classified s very high fire hazard severity zones, would the project:

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Substantially impair an adopted emergency response plan or emergency evacuation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
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The project site is located adjacent to and partially within a Very High Fire Hazard Severity Zone per the City Very High Fire Hazard Severity Zone Map. Additionally, the project site is adjacent to vacant land where wildfires could originate and spread to the developed areas resulting in the need for evacuation. However, the project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency response plan or emergency evacuation plan. The City and County Emergency Operations Plans guide the integration and coordination within other governmental agencies that are required during an emergency to serve the existing and future public safety needs in the city. The Emergency Operations Plans identify evacuation routes, emergency facilities, and personnel, and describes the overall responsibilities of federal, state, regional, and city entities. The City has adopted and implemented programs to reduce and prevent risks associated with wildfire including SDMC Section 51.0101, et seq (Public Emergency Procedures), SDMC Section 55.0101, et seq (Fire Code), and SDMC Section 55.0901, et seq (Fire Protection Systems). The project would be required to meet the mandatory requirements related to the prevention of wildfire impacts including compliance with emergency access design standards as part of new construction of roads to provide sufficient access for emergency equipment. The Fire Code also sets standards for road dimension, design, grades, and other fire safety features. Additionally, more stringent CBC standards would apply regarding new construction and development of emergency access. The project would be required to comply with the regulations described above to maintain adequate availability of emergency services during an emergency response or an emergency evacuation which would prevent impairment of an adopted emergency response plan or emergency evacuation plan. As a result, the project would not substantially impair an adopted local or countywide emergency response or evacuation plan and impacts would be less than significant.

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| <p>b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?</p> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

The project would adhere to all SDMC regulations, fire code standards, and brush management requirements. Therefore, the project would not fire exacerbate wildfire risks nor expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire. Impacts would be less than significant.

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|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| <p>c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines, or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?</p> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

The project consists of the development of two residential neighborhoods and road construction associated with access and project frontage improvements. The project would not require the installation or maintenance of infrastructure that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment. As a result, no impacts would occur.

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

As described above, the project site is located adjacent to and partially within a Very High Fire Hazard Severity Zone per the City Very High Fire Hazard Severity Zone Map adjacent to vacant land. Therefore, the natural environment of the project site would be prone to wildfires and downslope or downstream flooding as a result of runoff, post-fire instability or drainage. The project would be reviewed by the approved by the City Fire Marshal to ensure that the project comply with local, state, and federal standards for land use, zoning, and construction. Adherence to County and City regulations, and emergency and evacuation plans (including the countywide Multi-Jurisdiction Hazard Mitigation Plan that identifies risks and ways to minimize damage by natural and manmade disasters) would reduce the potential for impacts to people or structures from significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes. Therefore, impacts would be less than significant.

XXI. MANDATORY FINDINGS OF SIGNIFICANCE – Does the project:

a) Have the potential to substantially 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, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Project site grading, construction, landscaping, and off-site improvements would impact a total of 13.63 acres (12.33 acres on-site and 1.30 off-site). The impact areas are comprised of 11.85 acres of disturbed land (11.83 acres on-site and 0.02 acre off-site) and 1.78 acres of urban/developed land (0.50 acre on-site and 1.28 acres off-site). The project would not disturb any sensitive habitat. As such, the project would not reduce the habitat of a fish or wildlife species eliminate a plant or animal community or cause a fish or wildlife population to drop below a self-sustaining level. However, it has been identified that potentially significant indirect impact could occur to sensitive species residing within or in close proximity to the project site including burrowing owls and least Bell's vireo. The project includes mitigation measures Bio-1 through Bio-3 as detailed in the project's MMRP. The implementation of these mitigation measures would reduce potentially significant impacts to sensitive species to below a level of significance.

The project site contains 5.5 acres within an MHPA designated area and would require a BLA removing 3.2 acres from MHPA. The project would implement design measures to ensure the project conforms to the MHPA Land Use Adjacency Guidelines (Section 1.4.3). The project site and MHPA is part of the Otay River Valley wildlife corridor within the Otay Valley Regional Park; however, the project would retain 2.3 areas of MHPA land adjacent to the corridor. These 2.3 acres of on-site

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land within the MHPA would be restored with native “up-tier” habitat (i.e., coastal sage scrub) to compensate for the disturbed land that would be removed. Through these measures, impacts to this wildlife corridor would be less than significant, and would not restrict the range of species within the corridor.

The project would also have the potential to disturb undiscovered cultural resources and tribal cultural resources the damage and loss of could be considered significant. The project includes mitigation measure Cul-1 as detailed in the project’s MMRP. The implementation of this mitigation measure would reduce potentially significant impacts to cultural resources and tribal cultural resources to below a level of significance.

The project has a potential to result in impacts to sensitive biological resources, historical resources (archaeology), and tribal cultural resources, as described in the applicable sections of this Initial Study. However, implementation of the mitigation measures identified in Section V of the MND would reduce all impacts to below a level of significance.

- b) 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)?

CEQA Guidelines Section 15064(i) states that a Lead Agency shall consider whether the cumulative impact of a project is significant and whether the effects of the project are cumulatively considerable. The assessment of the significance of the cumulative effects of a project must, therefore, be conducted in connection with the effects of past projects, other current projects, and probable future projects. Cumulative environmental impacts are those impacts that by themselves are not significant, but when considered with impacts occurring from other projects in the vicinity would result in a cumulative impact. Related projects considered to have the potential of creating cumulative impacts in association with the project consist of projects that are reasonably foreseeable and that would be constructed or operated during the life of the project. The project would be located in a developed area that is largely built out.

As documented in this Initial Study, the project may have the potential to degrade the environment as a result of Biological Resources, Historical Resources (Archaeology), and Tribal Cultural Resources impacts, which may have cumulatively considerable impacts when viewed in connection with the effects of other potential projects in the area. As such, mitigation measures have been identified to fully mitigate and reduce impacts to a less than significant level. Other future projects within the surrounding area would be required to comply with applicable local, State, and Federal regulations to reduce potential impacts to less than significant, or to the extent possible. As such, the project is not anticipated to contribute to potentially significant cumulative environmental impacts. Project impacts would be less than significant.

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

As discussed throughout this document, it is not anticipated that the construction and operation of the project would cause environmental effects that would significantly directly or indirectly impact human beings. All impacts identified as being significant have been mitigated to below a level of significance. For this reason, all environmental effects fall below the thresholds established by the City. 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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**INITIAL STUDY CHECKLIST
REFERENCES**

I. Aesthetics

- City of San Diego General Plan
- Otay Mesa-Nestor Community Plan, adopted May 6, 1997, amended 2014 and 2016 (City of San Diego 1997).

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 Strategy (RAQS) – APCD
- Site Specific Report:
Air Quality Analysis for the Bella Mar Project, San Diego, CA, RECON Environmental, Inc., December 17, 2020 (RECON 2020)
Bella Mar Transportation Impact Analysis, Kimley-Horn, 2019.
Series 13 Regional Growth Forecast-Nestor Community Planning Area, City of San Diego, San Diego Association of Governments, October 2013 (SANDAG 2013)

IV. Biological Resources

- City of San Diego, Multiple Species Conservation Program (MSCP), Subarea Plan, 1997
- City of San Diego, MSCP, "Vegetation Communities with Sensitive Species and Vernal Pools" Maps, 1996
- City of San Diego, MSCP, "Multiple Habitat Planning Area" maps, 1997
- Community Plan - Resource Element
- California Department of Fish and Game, California Natural Diversity Database, "State and Federally-listed Endangered, Threatened, and Rare Plants of California," January 2001
- California Department of Fish and Game, California Natural Diversity Database, "State and Federally-listed Endangered and Threatened Animals of California," January 2001
- City of San Diego Land Development Code Biology Guidelines
- Site Specific Report:
Biological Technical Report for the Bella Mar Project, San Diego, California, RECON Environmental Inc., March 26, 2021 (RECON 2021a)
Native Plant Restoration Plan for MHPA Land on the Bella Mar Project San Diego, California, RECON Environmental Inc., March 26, 2021(RECON 2021b)
Habitat Assessment and Western Burrowing Owl Focused Survey Results at the Bella Mar Survey Area, January 13, 2020 (RECON 2020)

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
V. Cultural Resources (includes Historical Resources)				
<input checked="" type="checkbox"/>				
City of San Diego Historical Resources Guidelines				
<input type="checkbox"/>				
City of San Diego Archaeology Library				
<input type="checkbox"/>				
Historical Resources Board List				
<input type="checkbox"/>				
Community Historical Survey:				
<input checked="" type="checkbox"/>				
Site Specific Report:				
Results of Cultural Resources Survey of the Bella Mar Apartments Project, San Diego, CA, RECON Environmental, Inc., December 17, 2020 (RECON 2020)				
An Archaeological /Historical Survey and Evaluation for the Trolley Stop RV Park Project, San Diego, California, Brian F. Smith and Associates, Unpublished report on file at the South Coastal Information Center, San Diego State University, 1998 (BFS 1998)				
VI. Energy				
<input type="checkbox"/>				
Site Specific Report:				
Air Quality Analysis for the Bella Mar Project, San Diego, CA, RECON Environmental, Inc., December 17, 2020 (RECON 2020)				
Annual Report, California Public Utilities Commission, 2019.				
ftp://ftp.cpuc.ca.gov/AnnualReports/2019%20Annual%20Report.pdf (CPUC 2019)				
VII. Geology/Soils				
<input type="checkbox"/>				
City of San Diego Seismic Safety Study				
<input type="checkbox"/>				
U.S. Department of Agriculture Soil Survey - San Diego Area, California, Part I and II, December 1973 and Part III, 1975				
<input checked="" type="checkbox"/>				
Site Specific Report:				
Geotechnical Investigation, Bella Mar 408 Hollister Street, San Diego, CA, GEOCON, Inc., April 24, 2019 (GEOCON 2019)				
VIII. Greenhouse Gas Emissions				
<input checked="" type="checkbox"/>				
Bella Mar Apartments CAP Consistency Checklist, Carrier Johnson + CULTURE (Carrier Johnson + CULTURE 2020)				
IX. Hazards and Hazardous Materials				
<input type="checkbox"/>				
San Diego County Hazardous Materials Environmental Assessment Listing				
<input type="checkbox"/>				
San Diego County Hazardous Materials Management Division				
<input type="checkbox"/>				
FAA Determination				
<input type="checkbox"/>				
State Assessment and Mitigation, Unauthorized Release Listing, Public Use Authorized				
<input checked="" type="checkbox"/>				
Brown Field Airport Land Use Compatibility Plan				
<input checked="" type="checkbox"/>				
California Department of Toxic Substances Control EnviroStor Database				
<input checked="" type="checkbox"/>				
California State Water Resources Control Board GeoTracker Database				
<input type="checkbox"/>				
Site Specific Report:				
Phase 1 Environmental Site Assessment, Mach 2017, GEOCON (GEOCON 2017)				
Limited Phase II ESA, September 2019, GEOCON (GEOCON 2019)				

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
X. Hydrology/Water Quality				
<input checked="" type="checkbox"/>				
<input checked="" type="checkbox"/>				
<input type="checkbox"/>				
<input checked="" type="checkbox"/>				
XI. Land Use and Planning				
<input checked="" type="checkbox"/>				
<input checked="" type="checkbox"/>				
<input checked="" type="checkbox"/>				
<input checked="" type="checkbox"/>				
<input type="checkbox"/>				
<input type="checkbox"/>				
XII. Mineral Resources				
<input checked="" type="checkbox"/>				
<input checked="" type="checkbox"/>				
<input type="checkbox"/>				
XIII. Noise				
<input checked="" type="checkbox"/>				
<input type="checkbox"/>				
<input type="checkbox"/>				
<input type="checkbox"/>				
<input type="checkbox"/>				
<input type="checkbox"/>				

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Transportation and Construction Vibration Guidance Manual, Brown Field Municipal Airport Land Use Compatibility Plan September, available at: http://www.dot.ca.gov/hq/env/noise/pub/TCVGM_Sep13_FINAL.pdf (ALUCP 2010)				

- Site Specific Report:
Noise Analysis for the Bella Mar Project, San Diego, CA, RECON Environmental, Inc., December 21, 2020 (RECON 2020)
Bella Mar Local Mobility Analysis, Kimley-Horn, May 2020 (Kimley-Horn 2021)

XIV. Population / Housing

- City of San Diego General Plan
- Otay Mesa-Nestor Community Plan
- Series 13 Population Forecasts, SANDAG
- Other:
 Addressing The Housing Affordability Crisis, San Diego Housing Production Objectives 2018-2028, San Diego Housing Commission, September 2016 (SDHC 2016)

XV. Public Services

- City of San Diego General Plan
- Otay Mesa-Nestor Community Plan

XVI. Recreation

- City of San Diego General Plan
- Otay Mesa-Nestor Community Plan
- Department of Park and Recreation
- City of San Diego - San Diego Regional Bicycling Map
- Additional Resources:

XVII. Transportation

- City of San Diego General Plan
- University Community Plan
- San Diego Metropolitan Area Average Weekday Traffic Volume Maps, SANDAG
- San Diego Region Weekday Traffic Volumes, SANDAG
- Site Specific Report:
Bella Mar Local Mobility Analysis, Kimley-Horn, January 2021 (Kimley-Horn 2021)
Bella Mar Development, PTS #631240, CPA/RZ/SDP/CDP Transportation VMT CEQA Analysis, Kimley-Horn, December 2020 (Updated November 2022) (Kimley-Horn ~~2020~~ 2022)

XVIII. Tribal Cultural Resources

- Site Specific Report:

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

- City of San Diego Urban Water Management Plan 2015 (2015 UWMP)
- Community Plan
- 2006 Waste Disposal and Diversion Findings for Selected Industry Groups. California Environmental Protection Agency, Integrated Waste Management Board. June.
- Site Specific Report:
Waste Management Plan for the Bella Mar Apartments Project, San Diego, CA, RECON Environmental Inc., December 17, 2020 (RECON 2020)

XX. Wildfire

- Site Specific Report:



Regional Location

Bella Mar Apartments/Project No. 8575

City of San Diego – Development Services Department

FIGURE
No. 1

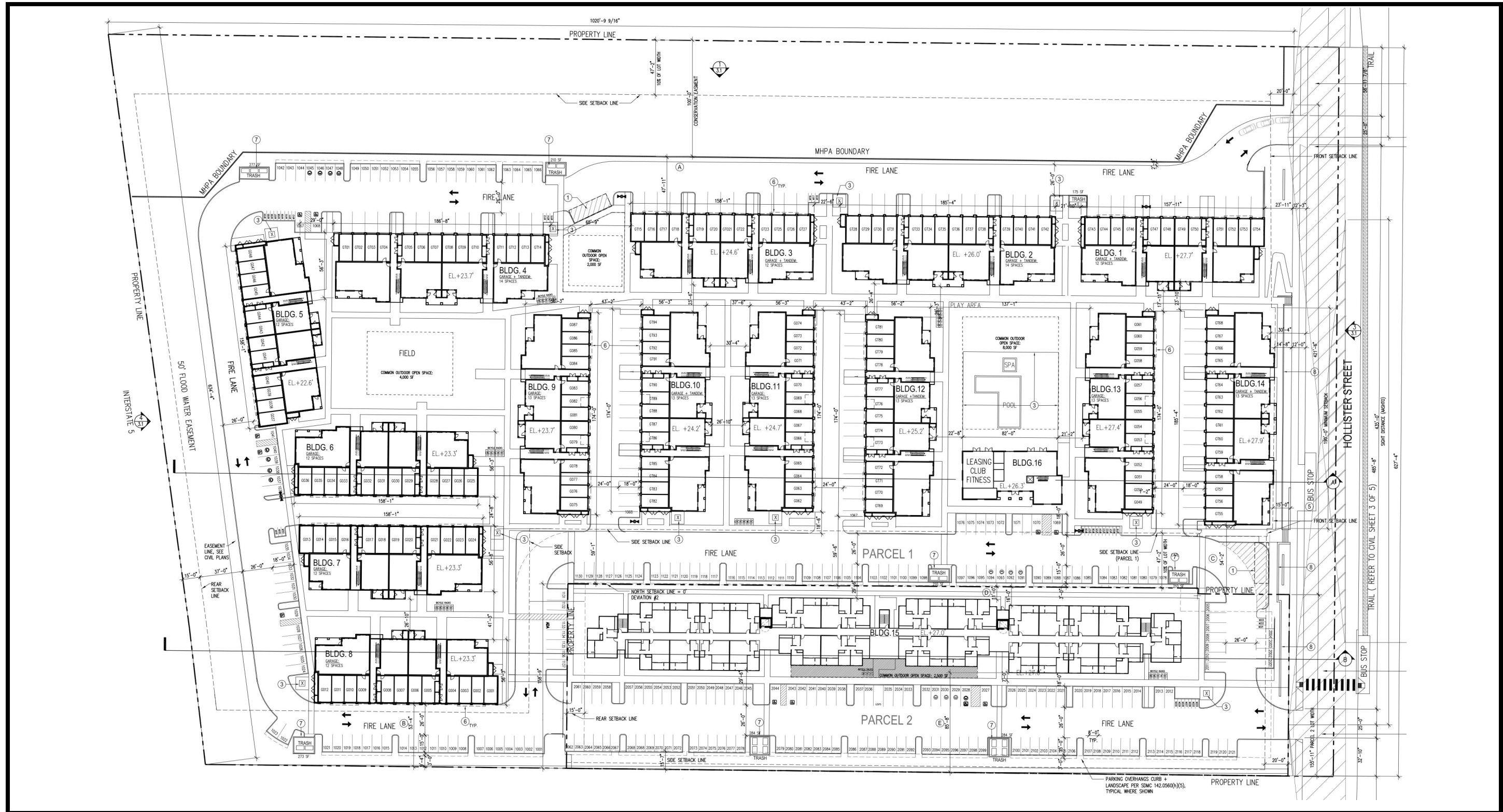


Project Location on Aerial Photograph

Bella Mar Apartments/Project No. 8575

City of San Diego – Development Services Department

FIGURE
No. 2



Site Plan
 Bella Mar Apartments No. 8575
 City of San Diego - Development Services Department

FIGURE
No. 3



Existing MHPA Boundary

Bella Mar Apartments/Project No. 8575

City of San Diego – Development Services Department

**FIGURE
No. 4**



- Project Boundary
- Off-site Improvement Area
- Existing MHPA Boundary
- MHPA Deletion

Proposed MHPA Boundary Line Adjustment

Bella Mar Apartments/Project No. 8575
 City of San Diego – Development Services Department

**FIGURE
No. 5**

