



THE CITY OF SAN DIEGO

ENVIRONMENTAL IMPACT REPORT

PRJ-0698277
SCH No. 2022060468

SUBJECT: **Palm & Hollister Apartments:** A COMMUNITY PLAN AMENDMENT (CPA), REZONE, NEIGHBORHOOD DEVELOPMENT PERMIT (NDP) for deviations to base zone regulations, SITE DEVELOPMENT PERMIT due to floodplains and Multi-Habitat Planning Area (MHPA) on the premise, San Diego Gas and Electric EASEMENT VACATION, and VESTING TENTATIVE MAP (VTM) to demolish a vacant residential structure and out-buildings to construct a total of 198 residential units, including eight affordable units, in 13 buildings. The project would require an amendment to the Otay Mesa-Nestor Community Plan (OMNCP) to change the existing land use from Open Space to Medium-High Density (30 – 44 du/ac) and remove View and Access Points A and B from OMNCP Appendix C, as well as a Rezone to change the existing zone from AR-1-2, RM-1-1, and RS-1-5 to RM-2-6. The proposed CPA and Rezone would allow for the site to be developed with up to 206 residential units. The project would include supporting recreational amenities and infrastructure. The project is also requesting a MHPA Boundary Line Adjustment. The 5.92-acre site located at 555 Hollister Street San Diego, CA 92154 (APN: 628-050-2500) is within Multiple Habitat Planning Area; Airport Influence Area (Brown Field, Imperial Beach NOLF, and NAS North Island/Review Area 2); Airport Land Use Compatibility Overlay Zone; FAA Part 77 Review Area (NOLF Imperial Beach); Parking Standards Transit Priority Area; Transit Area Overlay Zone; and Transit Priority Area within the Otay Mesa-Nestor Community Plan Area. (LEGAL DESCRIPTION: The north quarter of the west half of the southwest quarter and the north 5 acres of the east half of the southwest quarter of Section 22, Township 18 South, Range 2 West, San Bernardino Meridian, in the City of San Diego, County of San Diego, State of California). The site is not included on any Government Code listing of hazardous waste sites.

UPDATE: **August 2024. Clarifications, revisions, additional information, and/or typographical corrections have been made to the final Environmental Impact Report when compared to the draft environmental document. In accordance with Section 15088.5 of the California Environmental Quality Act (CEQA), the addition of new information that clarifies, amplifies, or makes insignificant modifications and would not result in new impacts or no new mitigation does not require recirculation.**

Pursuant to Section 15088.5(a) of the CEQA Guidelines: "Significant new information" requiring recirculation includes, for example, a disclosure or additional data or other information showing that:

- (1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.
- (2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
- (3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project's proponents decline to adopt it.
- (4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

The modifications made to the final environmental document do not affect the analysis or conclusions of the Environmental Impact Report. All revisions are shown in a strikethrough and/or underline format.

ENVIRONMENTAL DETERMINATION:

This document has been prepared by the City of San Diego's Environmental Analysis Section under the direction of the Development Services Department and is based on the City's independent analysis and conclusions made pursuant to 21082.1 of the California Environmental Quality Act (CEQA) Statutes and Sections 128.0103(a), 128.0103(b) of the San Diego Land Development Code.

Based on the analysis conducted for the project described above, the City of San Diego, as the Lead Agency, has prepared the following Environmental Impact Report. The analysis addressed the following issue area(s) in detail: **Land Use, Transportation and Circulation, Air Quality, Biological Resources, Energy, Geologic Conditions, Greenhouse Gas Emissions, Health and Safety, Historical Resources, Hydrology, Noise, Population and Housing, Public Services and Facilities, Public Utilities, Tribal Cultural Resources, Visual Effects and Neighborhood Character, Water Quality, and Wildfire.**

The EIR concluded that the project would result in significant but mitigated environmental impacts to **Air Quality (direct and cumulative), Historical Resources (Archaeology) (direct), and Tribal Cultural Resources (direct)**. All other impacts analyzed in the draft EIR were determined to be less than significant. Historical Resource and Tribal Cultural Resource impacts would be mitigated to below a level of significance. While Air Quality impacts would be mitigated to below a level of significance for the proposed development, the CPA and Rezone would allow for future development to proceed ministerially without mitigation, and air quality impacts would remain potentially significant and unmitigated.

The purpose of this document is to inform decision-makers, agencies, and the public of the significant environmental effects that could result if the project is approved and implemented, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project.

PUBLIC REVIEW DISTRIBUTION:

The following agencies, organizations, and individuals were distributed either the Public Notice or a copy of the draft Environmental Impact Report:

Federal

US Fish & Wildlife Service (23)

State

Caltrans, District 11 (31)
California Department of Fish and Wildlife (32)
State Clearinghouse (46)
California Native American Heritage Commission (56)
California Transportation Commission (51)
California Dept of Transportation (51a)
California Dept of Transportation (51b)

County of San Diego

County of San Diego, Department of Parks and Recreation (69)

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)
Council Office, District 4 (MS 10A)
Councilmember von Wilpert, District 5 (MS 10A)
Councilmember Kent Lee, 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

City 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
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)
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 Gas and Electric (114)
Metropolitan Transit Systems (112)
Metropolitan Transit Systems (115)
Otay Valley Regional Park Committee
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)
Environmental Health Coalition (169)
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)
County of San Diego, Department of Parks and Recreation (232)
Otay Mesa – Nestor Community Planning Group (228)Clint Linton, Iipay Nation of Santa Ysabel
Lisa Cumper, Jamul Indian Village
Angelina Gutierrez, San Pasqual Band of Mission Indians
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
Jeff Modrzejewski, SEED SD
Max Argoud
Andrew Meyer
Lesley Handa
Cristina Santa Maria
Jim Peugh
Duncan Budinger, Applicant
KLR Planning, Consultant
Crystal Benham, County Department of Parks and Recreation
James W. Royle Jr., San Diego County Archaeological Society
Padma Jagannathan et al., San Diego Audubon Society
Randy Slabbers, National Community Renaissance

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 Environmental Impact Report, the Mitigation Monitoring and Reporting Program, and any technical appendices are available in the office of the Development Services Department for review, or for purchase at the cost of reproduction.



Dawna Marshall
Senior Planner
Development Services Department

March 15, 2024
Date of Draft Report

August 12, 2024
Date of Final Report

Analyst: Marshall

PALM & HOLLISTER APARTMENTS PROJECT DRAFT EIR COMMENT LETTERS

A total of four comment letters were received from agencies, organizations, and individuals during the public review of the Draft Environmental Impact Report (DEIR). Table 1 includes a list of the received letters. A copy of each comment letter along with corresponding responses are included herein. In addition, Master Responses were provided when more than one comment was received on the same topic. In response to comments, changes were also made to the Draft EIR. These changes to the text are indicated by ~~strikeout~~ (deleted) and underline (inserted) format.

Table 1. Comment Letters Received

| Letter | Author | Date | Page Number of Letter |
|-----------------------------------------------|----------------------------------------------------------------------|----------------|-----------------------|
| LOCAL AGENCIES | | | |
| A | Crystal Benham County Department of Parks and Recreation | May 2, 2024 | 2 |
| ORGANIZATIONS, GROUPS, AND INDIVIDUALS | | | |
| B | James W. Royle, Jr. San Diego County Archaeological Society, Inc. | April 13, 2024 | 5 |
| C | Padma Jaganathan San Diego Audubon Society | April 26, 2024 | 6 |
| D | Randy Slabbers National Community Renaissance | April 23, 2024 | 12 |

Marshall, Dawna

From: Orozco, Juliette <Juliette.Orozco@sdcounty.ca.gov>
Sent: Friday, May 3, 2024 3:54 PM
To: DSD EAS
Cc: Oakes, Chelsea; Gaiband, Charles; Saul, Annette; Wildburger, Camille L
Subject: [EXTERNAL] Palm & Hollister Apartments Project Draft EIR Comment Letter CoSD Dept. of Parks and Rec
Attachments: Comment Letter on CISD Draft EIR Palm and Hollister Apartments signed.pdf

****This email came from an external source. Be cautious about clicking on any links in this email or opening attachments.****

Dear Ms. Marshall,

Thank you for the opportunity to review and comment on the Draft Environmental Impact Report (EIR) for the Palm & Hollister Apartments Project. Attached you will find comments from the County of San Diego Department of Parks and Recreation.

If you have any questions, please contact me directly.

Best,

Juliette Orozco (she/her)
Land Use/Environmental Planner III | Resource Management Division
619.777.3203 | Juliette.Orozco@sdcounty.ca.gov




<https://www.sdparks.org/>



A-1

A-1 This introductory comment is noted. The attached comment letter was received, and responses are provided below.

| | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <div style="text-align: center;">  <p>DEPARTMENT OF PARKS AND RECREATION 5500 OVERLAND AVENUE, SUITE 410, SAN DIEGO, CALIFORNIA 92123 (858) 565-3600 www.sdparks.org</p> </div> <p>BRIAN ALBRIGHT DIRECTOR</p> <p>May 2, 2024</p> <p>Dawna Marshall City of San Diego Development Services Department</p> <p>Via email to: DSDEAS@san Diego.gov</p> <p>COMMENTS ON THE PALM & HOLLISTER APARTMENTS PROJECT</p> <p>Dear Ms. Marshall,</p> <p>The County of San Diego, Department of Parks and Recreation (County DPR) received the City of San Diego's (City) Notice of Availability of an Environmental Impact Report (EIR) for the Palm & Hollister Apartments Project (Project). County DPR appreciates the opportunity to review the Project and offers the following comments for your consideration.</p> <p>GENERAL COMMENTS</p> <p>Otay Valley Regional Park (OVRP) is a multi-jurisdictional planning effort by the County of San Diego and the cities of San Diego and Chula Vista. Portions of the Project intersect with OVRP, specifically the northern border of the project is directly adjacent to trails within the Active Recreation Area #3, as shown in the 2016 OVRP Concept Plan. This portion of the Project includes landscaping improvements, as well as stormwater and runoff control facilities. Additionally, this portion of the Project overlaps with an existing County of San Diego easement.</p> <ul style="list-style-type: none"> • Please coordinate with OVRP Joint Staff and County DPR for trail connections between the proposed Project and the existing trail system in OVRP. • Please coordinate with County DPR and County of San Diego Department of General Services (County DGS) staff for any portions of the Project proposed to encroach on existing County-held easements. <p style="text-align: center;">SANDIEGOCOUNTY.GOV</p> | <p>A-2 This introductory comment is noted.</p> <p>A-3 Comment noted. This comment accurately identifies the project site environmental setting (see EIR pages 2-2, 2-7 to 2-8), and the project description (see EIR Chapter 3).</p> <p>A-4 This comment does not address the adequacy of the EIR or provide any specific comment related to project impacts on the environment. The Otay Valley Regional Park (OVRP) Concept Plan (County of San Diego, et al., 2016) is a concept plan and is not required to be implemented by the project. The project site is located adjacent to the <i>Interstate 5 to Interstate 805</i> Segment of the Concept Plan Boundary, immediately south of Recreation Area #3. A trailhead located north of the Palm Avenue trolley station and the project site provides access to the Palm Avenue Trail that serves hikers and bikers. The project would provide a trail connection to the southwest of the project site, as shown on EIR Figure 3-5 and consistent with Figure 3 of the OVRP Concept Plan. The applicant has been coordinating with the County of San Diego Department of Parks and Recreation staff, Juliette Orozco, and will continue to coordinate with San Diego County Parks and Recreation prior to the construction of trail connections. Any trail connections between the project and the OVRP would be in compliance with the County's trail requirements and guidelines (County of San Diego, October 2003).</p> <p>A-5 This comment does not address the adequacy of the EIR or provide any specific comment related to project impacts on the environment. The applicant has been coordinating directly with County of San Diego Department of Parks and Recreation staff Juliette Orozco. E-mail dated February 3, 2024, between the project applicant (Duncan Budinger) and Juliette Orozco, acknowledges the need to enter into an encroachment agreement for work conducted within the County easement located along the northern border and concurrence from County staff.</p> |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

| | | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>A-6</p> | <ul style="list-style-type: none"> • Please consider how the Project, specifically new landscaping, would be used and impacted by unsheltered activity, and how potential impacts on trail users and trail connections would be addressed. | <p>A-6 The entire project site would be developed with the construction of the 198-unit apartment complex, associated parking and resident amenities, and landscaping. The development area would be fully fenced, which would preclude unsheltered activity occurring within the development.</p> |
| <p>A-7</p> | <ul style="list-style-type: none"> • Please take into consideration requirements of the Public Park Preservation Act of 1971 (Public Resources Code Sections 5400-5409). In the event the Proposed Plan results in "take" of any County MSCP Preserve Lands, this would be considered "take" of designated park land and may require land or other compensation for loss of park land. | <p>Landscaping proposed within the 10-foot wide County easement would be comprised of low-fuel native plant material, such as manzanita, California sage brush, coyote brush, and buckwheat. All landscaping would be maintained by the property management. No landscaping would be within the proposed access point to the future OVRP. The OVRP area to the north of the project site is currently an active nursery. No impacts from unsheltered activity related to the project would occur.</p> |
| <p>CEQA COMMENTS</p> | | |
| <p>A-8</p> | <ul style="list-style-type: none"> • Section 3.2.5 Landscape Concept Plan <ul style="list-style-type: none"> ○ The EIR states: <p>"The project also includes landscaping within the 10-foot-wide County easement, located along the project site's north property boundary, as well as with the off-site access easement through the MTS property. Landscaping in County easement area would include low fuel native plant materials such as manzanita, California sagebrush, coyote bush, and sea cliff buckwheat. Landscaping in the off-site access easement through the MTS property would include adding trees and shrubs."</p> <p>Please coordinate with County DPR and County DGS staff for any portions of the Project proposed to encroach on existing County-held easements. Please also coordinate with County DPR staff on the plant palette and placement of landscaping proposed within the easement area.</p> | <p>A-7 The project does not propose any "take" of County MSCP land.</p> |
| <p>A-9</p> | <ul style="list-style-type: none"> • Section 11.0 Mitigation Monitoring and Reporting Program <ul style="list-style-type: none"> ○ Please coordinate with OVRP Joint Staff for mitigation necessitated by impacts within the OVRP and/or Otay River. | <p>A-8 Please see Response A-5. The encroachment agreement with the County would address proposed landscaping within the 10-foot-wide County easement.</p> |
| <p>A-10</p> | <p>We appreciate your consideration of the above comments. If you have any questions regarding these comments, please contact Juliette Orozco, Land Use/Environmental Planner, at (619) 777-3203, or via email at Juliette.Orozco@sdcounty.ca.gov.</p> | <p>A-9 As detailed in the EIR, there are no significant impacts to the OVRP and/or Otay River. The project would implement the City's MHPA Land Use Adjacency Guidelines that preclude significant indirect impacts to biological resources within the MHPA (EIR pages 5.4-17 to -21). As no impacts to the OVRP or Otay River would occur, no mitigation is required per CEQA.</p> |
| <p>Sincerely, <small>Crystal.Benham@sdcounty.ca.gov</small> <small>Digitally signed by Crystal Benham, DN: cn=Crystal Benham, o=San Diego County, ou=Resource Management Division, email=Crystal.Benham@sdcounty.ca.gov, c=US</small> <small>Date: 2024.05.03 14:35:59 -0700</small></p> <p>Crystal Benham Chief, Resource Management Division County Department of Parks and Recreation</p> | | |
| <p>SANDIEGOCOUNTY.GOV</p> | | |



San Diego County Archaeological Society, Inc.

Environmental Review Committee

13 April 2024

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

Subject: Draft Environmental Impact Report
Palm & Hollister Apartments
Project No. PRJ-0698277

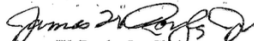
Dear Ms. Marshall:

I have reviewed the cultural resources aspects of the subject DEIR on behalf of this committee of the San Diego County Archaeological Society.

Based on the information contained in the DEIR and its Appendix M, we agree with the proposed archaeological monitoring program to mitigate any potential impacts that might result for earth-disturbing activities related to project implementation.

Thank you for making this project's environmental documents available for public review.

Sincerely,


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

cc: ASM Affiliates
SDCAS President
File

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

B-1

B-1 This comment agreeing with the conclusion of the DEIR and Appendix M is noted.

From: [Padmapriya Jagannathan](#)
To: [DSD_FAS](#)
Cc: [Jim Peugh](#); [Les H. Andrew Meyer](#); [Savannah Stallings](#); [Muriel Spooner](#); [Padmapriya Jagannathan](#)
Subject: [EXTERNAL] Comments on Palm & Hollister Apartments / PRJ – 0698277 / Draft Environmental Impact Report / SCH No. 2022060468
Date: Friday, April 26, 2024 6:54:53 AM
Attachments: [2024-04-26_PalmHollisterEIR_CityDSD_SDAS.pdf](#)

****This email came from an external source. Be cautious about clicking on any links in this email or opening attachments.****

Hello Ms.Marshall,

Please find attached the San Diego Audubon Society's comments on the Draft EIR for the Palm & Hollister Apartments (PRJ – 0698277 / Draft Environmental Impact Report / SCH No. 2022060468). Kindly acknowledge the receipt of the letter.

Thank you,
Padma Jagannathan
Conservation Committee
San Diego Audubon Society


--
Spring Migration is here! Reduce light pollution and help migrating birds
<https://www.sandiegoaudubon.org/what-we-do/lights-out-san-diego-english.html>

"It is too hard and life is too short to spend your time doing something 'cos someone else has said it is important. You must feel the thing yourself"

"A lot of mothers will do anything for their children, except let them be themselves"

C-1

C-1 This introductory comment is noted and responses to the attached letter are provided below.



Fostering the protection and appreciation of birds, other wildlife, and their habitats...

April 26, 2024
 Attn: Dawna Marshall
 City of San Diego Development Services Department
 1222 First Avenue, MS 501, San Diego, CA 92101
 (submitted via email to DSDeAS@sandiego.gov)

Subject: Comment on (Otay Nestor) Palm & Hollister Apartments / PRJ – 0698277 / Draft Environmental Impact Report / SCH No. 2022060468

Dear Ms.Marshall:

The San Diego Audubon Society (SDAS) is a 3,000+ member non-profit organization with a mission to foster the protection and appreciation of birds, other wildlife, and their habitats, through education and study, and to advocate for a cleaner, healthier environment. We have been involved in conserving, restoring, managing, and advocating for wildlife and their habitat in the San Diego region since 1948. San Diego Audubon Society offers these comments and concerns on the Draft EIR of the Palm & Hollister Apartments project.

While we laud the effort to provide housing near transit, the proximity of the location to the MHPA of Otay Valley Regional Park (OVRP) raises a number of questions in terms of the environmental impact.

1. **Boundary Adjustment:** Page 211 of the EIR states that the proposed adjustment would result in the preservation of 8.8 acres and suggests a 4:1 ratio of conservation for the 2.2 acres of land deleted. However, 75% of the Najor parcel is already slated for conservation and only 25% is slated for development. The report also states that the 2.2 acres for this project will come from the 25% slated for development (2.48 acres total). Can you please clarify how the 8.8 acres is accounted for? Is it coming from the area already allocated for conservation? Is the company not holding the remaining acres of the Najor parcel for future developmental projects and not specifically for Palm & Hollister? Will the 2.2 acres be permanently conserved for mitigation against this project?
2. **Wildlife corridor vs Buffer:** As per section 5.5.5. Of Appendix F, the 2.2 acres of land that is going to be deleted from the MHPA was identified not as a wildlife corridor but as a buffer and therefore no mitigation measures are deemed necessary. We would like to call to attention that buffers are incredibly important to protected areas as they provide separation from disturbances. Loss of this buffer can lead to impacts on sensitive species within the protected area driven by noise pollution, light pollution, people going into

858-273-7800 • 4010 Morena Blvd., Suite 100, San Diego, CA 92117 • Fax 858-273-7801 • www.sandiegoaudubon.org

C-2

C-3

C-4

C-5

C-2 This introductory comment is noted.

C-3 This introductory comment is noted.


C-4 The EIR has been revised, specifically sections 3.3.6, 5.1.3.2, and 5.4.3.3, to further clarify the MHPA Boundary Line Adjustment as approved by the City and Wildlife agencies. The project proposes to delete 2.2 acres of disturbed habitat from the MHPA located within the project site and replace it via preservation of the Najor Parcel located in Mission Trails Regional Park. The Najor Parcel is located within the 75 percent baseline conservation area, meaning that at least 25 percent would be allowed to be developed per the Land Development Code Environmentally Sensitive (ESL) Regulations. The project would conserve the entire 9.92-acre Najor Parcel, which would eliminate the potential for 25 percent development. The project proposes to offset the deletion of 2.2 acres of disturbed habitat with the additional preservation of 2.48 acres of Diegan coastal sage scrub and sage scrub habitats in the MHPA on the Najor Parcel. The MHPA Boundary Line Adjustment would result in the conservation of higher quality habitat and an improved habitat preservation configuration

Ultimately, the entire Najor parcel would be dedicated in fee title to the City as a part of the project. The City would manage and maintain the 9.92-acre Najor Parcel as a part of the overall City's preserve system consistent with the MSCP Management Framework Plan and Natural Resource Management Plan for Mission Trails Regional Park (City of San Diego, 2019). The comment identifies this as mitigation, but the provision of the Najor parcel is a part of the project. No remaining acres would be held for other developments.

C-5 This comment implies the adjacent OVRP area contains sensitive habitat; however, the adjacent OVRP area is developed as a nursery and is intended to be an active recreation sports complex in the future per the OVRP Concept Plan (County of San Diego et. al., 2016). See the Otay Valley Regional Park Concept Plan discussion in EIR Section 2.2, and Figures 2-3 and 5.1-3 for more details. The project site does not serve as a wetland buffer or otherwise directly buffer sensitive habitat considering no such habitat is in the immediate area. The existing MHPA area on-site consists

| | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <div data-bbox="315 243 966 373" style="text-align: center;"> <p>Fostering the protection and appreciation of birds, other wildlife, and their habitats...</p> </div> <p>C-5 cont. protected areas, people allowing dogs and cats to go into protected areas, invasives entering protected areas etc. We request more details be provided on how this buffer is safeguarded against the edge effects listed above beyond just providing a chain link fence. We urge that any wildlife support value that is lost because of these edge effects be fully offset by some action that will increase the wildlife support value in the vicinity of the project. Please provide justification for not providing mitigation for the loss of this buffer zone.</p> <p>C-6 3. Lighting: In recent years there have been more and more studies that show the impact of light pollution on wildlife - specifically birds and other pollinators. Light pollution causes bird collisions and is one of the main contributors for bird mortality. While adhering to the lighting code 142.0740 is necessary, it is not sufficient especially given the proximity to a sensitive habitat. We recommend that the project adopt Dark Sky standards for lighting and commit to choosing warmer colors in the range of 2000 to 3000K for exterior lights while striving to minimize perimeter lighting. All lights should be shielded, face away from the MHPA, and be on a timer or motion-sensitive. Reducing glare, spillage, or light trespass has also been shown to increase safety and security for humans. We urge that during Spring and Fall migration these measures are strictly implemented.</p> <p>C-7 4. Brush Management Plan: The EIR's language regarding Brush Management needs further clarification. Page 216 of the EIR states "brush management and alternative compliance is not needed". However Page 118 promises ongoing landscape maintenance will ensure no native highly flammable plants will revegetate the site. Given the loss of the buffer area due to this project it is critical to ensure adequate brush management for two reasons 1) fire management 2) making sure invasive vegetation and non-native weeds do not spread into the OVRP from the project or from project induced activities. Please provide specific details on how the project will address both of these concerns through regular maintenance.</p> <p>C-8 5. Noise Pollution: The EIR minimizes the impact of human caused noise pollution claiming residential housing is not "excessively noisy use" when compared to the vehicular traffic in Hollister street. However, the project is a dense residential plan with 198 residential units and a number of recreational areas planned within the project area to "take advantage of the view" offered by the OVRP. Given the density of housing one can expect increased noise levels both directly because of human density and indirectly due to increased traffic in the area. Coupled with the loss of the buffer between the MHPA and the project, the EIR as it stands does not take into consideration the impact of the additional noise pollution on the wildlife in the MHPA.</p> <p style="text-align: center; font-size: small;">858-273-7800 • 4010 Morena Blvd., Suite 100, San Diego, CA 92117 • Fax 858-273-7801 • www.sandiegoaudubon.org</p> | <p>of graded, landscaped, and disturbed area used as an active construction machinery storage area. The adjacent MHPA area located immediately to the north consists of agricultural and developed land associated with the Terra Bella Nursery. As such, the MHPA on-site and immediately off-site does not support native habitat. The MHPA at this location also is disjunct from the Otay River to the north. There is an intervening, active quarry site that is not within the MHPA located between the nursery and the Otay River. Nonetheless, the project would comply with the MHPA Land Use Adjacency Guidelines as detailed in EIR pages 5.4-17 to 21. As no significant impacts would occur, no mitigation is required. Refer to EIR Section 5.4 for additional details.</p> <p>This comment does not demonstrate that the site is a wildlife corridor. Appendix F states, while the OVRP Concept Plan identifies the site as a "buffer to that corridor; it does not provide for wildlife movement." To clarify, the site is not specifically identified as a buffer in the OVRP. The site does not currently function as a wildlife corridor, as addressed throughout Section 5.4.3.2. As shown on Figure 5.1-3, the site is currently south of a commercial nursery and the OVRP Concept Plan identifies that the area to the north would be developed with a sports complex. The site is not connected to any significant native habitat areas currently or conceptually planned by the OVRP to be connected to native habitat areas. It is further noted that the OVRP Concept Plan is a "concept plan", and states: "Much of the land within the Concept Plan is privately owned and has development potential based on existing zoning, land use plans, and other development regulations. The Concept Plan does not change existing zoning or land use plans, or add new development regulations. It does not preclude private development." Considering the nursery and quarry continue to be located between the site and the Otay River Valley corridor, as well as the project's consistency with the Land Use Adjacency Guidelines, the loss of the proposed project site as a part of that buffer would not result in any significant biological resource impact.</p> <p>Refer to Response C-4. In summary, the project includes a Boundary Line Adjustment to delete the 2.2 acres of disturbed habitat and offset the loss to the MHPA by acquiring and dedicating the entire 9.92-acre Najor Parcel. This parcel is within the larger City East Elliot preserve area. The National Wetlands Inventory riverine feature on the Najor Parcel provides a natural corridor for wildlife movement north and south through that portion of the preserve; and the surrounding upland</p> |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

| | |
|--|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | <p>habitats provide connectivity to other preserved habitat to the north, south, east, and west. The preservation of this parcel through the MHPA Boundary Line Adjustment would maintain habitat linkages and opportunities for wildlife movement and result in a greater biological value in the MHPA. Refer to EIR Section 5.4.3.3 for additional details.</p> <p>C-6 Refer to Response C-5; the area to the north is developed with a commercial nursery. As stated in EIR Section 5.4.3.3, night lighting of the project would be shielded to prevent light from spilling into the MHPA. Lighting of the project would be directed away from the MHPA. The project would adhere to the City's Outdoor Lighting Regulations (San Diego Municipal Code 142.0740). As previously stated, the project would be in conformance with the MHPA Land Use Adjacency Guidelines and the associated lighting requirements. Impacts related to lighting would be less than significant and no further measures are required.</p> <p>C-7 There are no sensitive habitats adjacent to the project site. The project site is adjacent to the Terra Bella Nursery and other developed areas that do not contain any natural vegetation that would require Brush Management. The project would avoid invasive plant and other indirect biological impact issues through compliance with the MHPA Land Use Adjacency Guidelines that would preclude indirect biological impacts, detailed in EIR Section 5.4.3.3. This comment references pages 216 and 118. The EIR does not contain such page numbers and it is unclear what text this comment is referring to. As such, no further response can be provided.</p> <p>C-8 The EIR considers the effects of the project noise on wildlife in the MHPA in Section 5.4 <i>Biological Resources</i>, page 5.4-19. As discussed in Responses C-5 to C-7, the site is not located adjacent to sensitive habitat with sensitive species. None-the-less, the project would be located adjacent to the MHPA and would comply with the noise requirements of the MHPA Land Use Adjacency Guidelines as detailed in EIR Section 5.4.3.3. The MHPA to the north consists of agriculture and developed land associated with the nursery. The noise generated from the project would not have an effect on wildlife in the MHPA.</p> |
|--|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

| | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: center;">  </p> <p>C-9 6. Bird Friendly Building Standards: Amendments to the California Green Building Standards Code, specifically sections AR.107.1 through AR.107.3 regarding bird-friendly building design, are scheduled to be finalized in July, and as such, we strongly encourage the incorporation of these standards in the project's design and construction phases. A newly constructed building shall comply with the bird-friendly building design elements and features in Sections A5.107.1 through A5.107.3 of the California Energy Code and the fire hazard severity zone regulations in Chapter 7A of the California Building Code. These codes are critical to reduce bird mortality considering one billion birds die annually from building collisions due to window strikes, as this project is adjacent to the MHPA and implementation of this project will contribute to loss of the buffer zone.</p> <p>C-10 Overall, the draft EIR's conclusion that no mitigation measures are necessary as the 2.2 acres was only a buffer zone which did not support any sensitive species, minimizes the role of buffers next to sensitive habitats. The loss of the buffer coupled with the introduction of 195 residential units and recreational areas adjacent to MHPA is very likely to result in a significant impact to the species found within the MHPA. The EIR provides no information to justify its statement that no significant impact will occur. These impacts should be clearly identified and minimized. The unavoidable impacts should be fully mitigated to protect the wildlife support value of the area.</p> <p>C-11 Reducing an MHPA will negatively impact wildlife and habitat by increasing edge effects and increasing the chances of island effects, degrade habitat quality by reducing acreage, and increase vulnerabilities to unwanted habitat changes that may require additional management. In these smaller protected areas, wildlife and habitat will be less resistant to resilience and more vulnerable to Climate Change. It is essential that the project conducts surveys to obtain the baseline data of wildlife use of the nearby MHPA a few years prior to any project activity. That assessment should be continued through the construction, post construction, and during initial years of the project. We urge that data be used to determine if additional mitigation will be required to fully offset the negative impacts of the project on wildlife near the project, especially in the MHPA.</p> <p>C-12 Climate change poses challenges for wildlife and habitat and we should take appropriate measures to ensure that we are planning for the unique biodiversity in our region to be here in the future. The City of San Diego has a responsibility to ensure the quality of the MHPAs are maintained and not degraded. We greatly appreciate the opportunity to comment on this project and thank you for your time and consideration.</p> <p style="text-align: center; font-size: small;">858-273-7800 • 4010 Morena Blvd., Suite 100, San Diego, CA 92117 • Fax 858-273-7801 • www.sandiegoaudubon.org</p> | <p>C-9 The project building plans would comply with applicable building codes and standards at the time of building permit issuance.</p> <p>C-10 This comment provides an overall summary of Comments C-4 to C-8. Refer to the above Responses C-4 to C-8. The project does not impact sensitive habitats; as such, no habitat mitigation is required.</p> <p>C-11 As detailed in Response C-4, the project includes a MHPA Boundary Line Adjustment in accordance with the Biology Guidelines and the subtraction of the MHPA would be offset by the acquisition and dedication of the Najor parcel. The project would not result in significant impacts to biological resources and is in compliance with required environmental regulations. The project would be located adjacent to the MHPA and would comply with the requirements of the MHPA Land Use Adjacency Guidelines that avoid significant indirect impacts, as detailed in EIR Section 5.4.3.3. As such, no additional studies or surveys are warranted.</p> <p>C-12 This conclusory comment regarding climate change is noted. Refer to Responses C-4 to C-11 above.</p> |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|



James Peugh
Conservation Chair
San Diego Audubon Society



Lesley Handa
Lead Ornithologist
San Diego Audubon Society



Padma Jagannathan
Conservation Committee
San Diego Audubon Society

858-273-7800 • 4010 Morena Blvd., Suite 100, San Diego, CA 92117 • Fax 858-273-7801 • www.sandiegoaudubon.org

Marshall, Dawna

From: Shearer-Nguyen, Elizabeth
Sent: Wednesday, May 1, 2024 10:06 AM
To: Randy Slabbers
Cc: Marshall, Dawna
Subject: Re: EIR Public Comment - Palm & Hollister Apartments

Hello Randy,

My turn to apologize for the delayed response. I wanted to let you know that City staff is in receipt of your comment on the EIR, and it will be incorporated.

Thank you,

From: Randy Slabbers <rslabbers@nationalcore.org>
Sent: Tuesday, April 23, 2024 7:40 AM
To: Shearer-Nguyen, Elizabeth <EShearer@sandiego.gov>
Cc: DSD EAS <DSDEAS@sandiego.gov>
Subject: [EXTERNAL] EIR Public Comment - Palm & Hollister Apartments

****This email came from an external source. Be cautious about clicking on any links in this email or opening attachments.****

Hi Elizabeth, sorry for the delay I wanted to reflect the parking count as accurate a snap shot today as possible.

RE: EIR Public Comment
 Palm & Hollister Apartments
 PRJ-0698277
 SCH No: 2022060468
 Community Plan Area: Otay Nestor
 Council District: 8

Hi Elizabeth,
 Per our conversation on page 18 of Appendix S Evacuation Plan, it is stated that our project is 390 multi-family units with 191 parking spaces in addition to some retail and a childcare center. We can confirm that this at one time was a published estimate of the project metrics. As the project has matured and funding opportunities have changed, we've modified those metrics to adapt to the latest opportunities. Our current estimates put the count at 504 multi-family units with 161 parking spaces, in addition to some retail and a childcare center. This is our best guess at the latest count for our project, but it may change again in the future.

Thank you for your help.

D-1

D-1 Through coordination with this commentator, the EIR has been updated to the current development plans for the MTS Palm Station Transit Oriented Development project. Additionally, a Technical Memorandum (dated July 1, 2024, and included as Appendix W to the Final EIR) has been prepared to address changes to the MTS Palm Station Transit Oriented Development project with respect to technical issue areas evaluated in the Transportation and Health and Safety sections of the EIR; and the Air Quality Technical Report (Appendix E) and Emergency Evacuation Plan (Appendix S) have also been updated. Updates relative to the MTS Palm Station Transit Oriented Development project have been made to the following chapters and sections of the Final EIR:

- Chapter 2.0, Environmental Setting
- Chapter 3.0, Project Description,
- Section 5.1 Land Use
- Section 5.3, Air Quality
- Section 5.8, Health and Safety
- Section 5.16, Visual Effects and Neighborhood Character
- Chapter 6.0, Cumulative Effects

The updated information does not affect the conclusions in the EIR. Refer to the aforementioned technical reports and EIR sections for further details.

Randy



Randy Slabbers | Senior Development Manager | (310) 562-5165
National Community Renaissance | 9692 Haven Avenue Suite 100 | Rancho Cucamonga, CA 91730 | www.nationalcore.org

National CORE is Hiring! [Check open positions](#) 

This email message and any attachments are for the sole use of the intended recipient(s) and contain confidential and/or privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message and any attachments.

PALM & HOLLISTER APARTMENTS PROJECT

Final Environmental Impact Report

SCH No. 2022060468

PRJ-0698277

August 2024



Prepared for:

City of San Diego
Development Services Department
Land Development Review
1222 First Avenue, MS 501
San Diego, CA 92101-4155

TABLE OF CONTENTS

List of Acronyms and Abbreviations

| | |
|---------------------------------------------------------|-------------|
| EXECUTIVE SUMMARY | ES-1 |
| 1.0 INTRODUCTION | 1-1 |
| 1.1 EIR Purpose | 1-1 |
| 1.1.1 EIR Legal Authority | 1-1 |
| 1.1.2 Intended Use of the EIR | 1-1 |
| 1.1.3 Responsible and Trustee Agencies | 1-2 |
| 1.1.4 Type of EIR | 1-2 |
| 1.1.5 Notice of Preparation/Scoping Meeting | 1-2 |
| 1.1.6 EIR Organization | 1-3 |
| 1.2 Availability and Public Review Process | 1-5 |
| 2.0 ENVIRONMENTAL SETTING | 2-1 |
| 2.1 Project Location | 2-1 |
| 2.1.1 Regional Setting | 2-1 |
| 2.1.2 Project Location | 2-1 |
| 2.2 Environmental Setting | 2-2 |
| 2.2.1 Project Site | 2-2 |
| 2.2.2 Surrounding Environment | 2-2 |
| 2.3 Public Services | 2-3 |
| 2.3.1 Police | 2-3 |
| 2.3.2 Fire Safety | 2-3 |
| 2.3.3 Library Services | 2-3 |
| 2.3.4 School Services | 2-3 |
| 2.3.5 Recreation | 2-4 |
| 2.4 Planning Context | 2-4 |
| 2.4.1 City of San Diego General Plan | 2-4 |
| 2.4.2 Otay Mesa-Nestor Community Plan | 2-4 |
| 2.4.3 Zoning | 2-4 |
| 2.4.4 Regional Plans | 2-5 |
| 3.0 PROJECT DESCRIPTION | 3-1 |
| 3.1 Purpose and Objectives of the Project | 3-1 |
| 3.1.1 Project Purpose | 3-1 |
| 3.1.2 Project Objectives | 3-1 |
| 3.2 Project Components | 3-2 |
| 3.2.1 Residential | 3-2 |
| 3.2.2 Architectural Design | 3-2 |
| 3.2.3 Common Space Amenities | 3-2 |
| 3.2.4 Vehicular and Pedestrian Access | 3-3 |

| | | |
|------------|--------------------------------------------|--------------|
| 3.2.5 | Landscape Concept Plan..... | 3-4 |
| 3.2.6 | Demolition, Grading, and Construction..... | 3-5 |
| 3.3 | Discretionary Actions..... | 3-7 |
| 3.3.1 | Community Plan Amendment..... | 3-7 |
| 3.3.2 | Rezone..... | 3-8 |
| 3.3.3 | Vesting Tentative Map..... | 3-8 |
| 3.3.4 | Site Development Permit..... | 3-8 |
| 3.3.5 | Neighborhood Development Permit..... | 3-9 |
| 3.3.6 | MHPA Boundary Line Adjustment..... | 3-9 |
| 3.3.7 | Utility Easements..... | 3-10 |
| 4.0 | HISTORY OF PROJECT CHANGES..... | 4-1 |
| 5.0 | ENVIRONMENTAL ANALYSIS..... | 5-1 |
| 5.1 | Land Use..... | 5.1-1 |
| 5.1.1 | Existing Conditions..... | 5.1-1 |
| 5.1.2 | Regulatory Framework..... | 5.1-2 |
| 5.1.3 | Impact Analysis..... | 5.1-12 |
| 5.2 | Transportation and Circulation..... | 5.2-1 |
| 5.2.1 | Existing Conditions..... | 5.2-1 |
| 5.2.2 | Regulatory Framework..... | 5.2-5 |
| 5.2.3 | Impact Analysis..... | 5.2-7 |
| 5.3 | Air Quality..... | 5.3-1 |
| 5.3.1 | Existing Conditions..... | 5.3-1 |
| 5.3.2 | Regulatory Framework..... | 5.3-6 |
| 5.3.3 | Impact Analysis..... | 5.3-16 |
| 5.4 | Biological Resources..... | 5.4-1 |
| 5.4.1 | Existing Conditions..... | 5.4-1 |
| 5.4.2 | Regulatory Framework..... | 5.4-5 |
| 5.4.3 | Impact Analysis..... | 5.4-10 |
| 5.5 | Energy..... | 5.5-1 |
| 5.5.1 | Existing Conditions..... | 5.5-1 |
| 5.5.2 | Regulatory Framework..... | 5.5-4 |
| 5.5.3 | Impact Analysis..... | 5.5-12 |
| 5.6 | Geologic Conditions..... | 5.6-1 |
| 5.6.1 | Existing Conditions..... | 5.6-1 |
| 5.6.2 | Regulatory Framework..... | 5.6-4 |
| 5.6.3 | Impact Analysis..... | 5.6-5 |
| 5.7 | Greenhouse Gas Emissions..... | 5.7-1 |
| 5.7.1 | Existing Conditions..... | 5.7-1 |
| 5.7.2 | Regulatory Framework..... | 5.7-5 |
| 5.7.3 | Impact Analysis..... | 5.7-19 |

| | |
|-------------------------------------------------------|---------------|
| 5.8 Health and Safety | 5.8-1 |
| 5.8.1 Existing Conditions | 5.8-1 |
| 5.8.2 Regulatory Framework | 5.8-4 |
| 5.8.3 Impact Analysis | 5.8-14 |
| 5.9 Historical Resources | 5.9-1 |
| 5.9.1 Existing Conditions | 5.9-1 |
| 5.9.2 Regulatory Framework | 5.9-3 |
| 5.9.3 Impact Analysis | 5.9-8 |
| 5.10 Hydrology | 5.10-1 |
| 5.10.1 Existing Conditions | 5.10-1 |
| 5.10.2 Regulatory Framework | 5.10-3 |
| 5.10.3 Impact Analysis | 5.10-7 |
| 5.11 Noise | 5.11-1 |
| 5.11.1 Existing Conditions | 5.11-1 |
| 5.11.2 Regulatory Framework | 5.11-4 |
| 5.11.3 Impact Analysis | 5.11-6 |
| 5.12 Population and Housing | 5.12-1 |
| 5.12.1 Existing Conditions | 5.12-1 |
| 5.12.2 Regulatory Framework | 5.12-1 |
| 5.12.3 Impact Analysis | 5.12-5 |
| 5.13 Public Services and Facilities | 5.13-1 |
| 5.13.1 Existing Conditions | 5.13-1 |
| 5.13.2 Regulatory Framework | 5.13-3 |
| 5.13.3 Impact Analysis | 5.13-5 |
| 5.14 Public Utilities | 5.14-1 |
| 5.14.1 Existing Conditions | 5.14-1 |
| 5.14.2 Regulatory Framework | 5.14-5 |
| 5.14.3 Impact Analysis | 5.14-13 |
| 5.15 Tribal Cultural Resources | 5.15-1 |
| 5.15.1 Existing Conditions | 5.15-1 |
| 5.15.2 Regulatory Framework | 5.15-3 |
| 5.15.3 Impact Analysis | 5.15-7 |
| 5.16 Visual Effects and Neighborhood Character | 5.16-1 |
| 5.16.1 Existing Conditions | 5.16-1 |
| 5.16.2 Regulatory Framework | 5.16-6 |
| 5.16.3 Impact Analysis | 5.16-8 |
| 5.17 Water Quality | 5.17-1 |
| 5.17.1 Existing Conditions | 5.17-1 |
| 5.17.2 Regulatory Framework | 5.17-2 |
| 5.17.3 Impact Analysis | 5.17-7 |
| 5.18 Wildfire | 5.18-1 |
| 5.18.1 Existing Conditions | 5.18-1 |
| 5.18.2 Regulatory Framework | 5.18-3 |
| 5.18.3 Impact Analysis | 5.18-11 |

| | | |
|-------------|------------------------------------------------------------|-------------|
| 6.0 | CUMULATIVE EFFECTS | 6-1 |
| 6.1 | Plans Considered for Cumulative Effects Analysis | 6-2 |
| 6.1.1 | General Plan | 6-2 |
| 6.1.2 | Otay Mesa-Nestor Community Plan | 6-2 |
| 6.2 | Projects Considered for Cumulative Effects Analysis | 6-3 |
| 6.2.1 | Bella Mar Apartments (Project Number 631240) | 6-3 |
| 6.2.2 | MTS Palm Avenue Trolley Station Project | 6-3 |
| 6.2.3 | Salt Bay Design District | 6-3 |
| 6.3 | Cumulative Effects Analysis | 6-3 |
| 6.3.1 | Land Use | 6-3 |
| 6.3.2 | Transportation and Circulation | 6-4 |
| 6.3.3 | Air Quality | 6-5 |
| 6.3.4 | Biological Resources | 6-8 |
| 6.3.5 | Energy | 6-8 |
| 6.3.6 | Geologic Conditions | 6-9 |
| 6.3.7 | Greenhouse Gas Emissions | 6-10 |
| 6.3.8 | Health and Safety | 6-10 |
| 6.3.9 | Historical Resources | 6-11 |
| 6.3.10 | Hydrology | 6-11 |
| 6.3.11 | Noise | 6-12 |
| 6.3.12 | Population and Housing | 6-12 |
| 6.3.13 | Public Services and Facilities | 6-13 |
| 6.3.14 | Public Utilities | 6-13 |
| 6.3.15 | Tribal Cultural Resources | 6-14 |
| 6.3.16 | Visual Effects and Neighborhood Character | 6-14 |
| 6.3.17 | Water Quality | 6-16 |
| 6.3.18 | Wildfire | 6-16 |
| 7.0 | EFFECTS FOUND NOT TO BE SIGNIFICANT | 7-1 |
| 7.1 | Agricultural Resources and Forestry | 7-1 |
| 7.2 | Mineral Resources | 7-1 |
| 7.3 | Paleontological Resources | 7-2 |
| 8.0 | SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL CHANGES | 8-1 |
| 8.1 | Introduction | 8-1 |
| 8.2 | Impacts Related to Nonrenewable Resources | 8-1 |
| 8.3 | Other Environmental Changes | 8-2 |
| 9.0 | GROWTH INDUCEMENT | 9-1 |
| 9.1 | Short-term Effects | 9-1 |
| 9.2 | Long-term Effects | 9-2 |
| 10.0 | PROJECT ALTERNATIVES | 10-1 |
| 10.1 | Introduction | 10-1 |

| | |
|-------------------------------------------------------------------------------------------------------------|--------------|
| 10.2 Project Objectives | 10-1 |
| 10.3 Significant Impacts of the Project | 10-2 |
| 10.4 Alternatives Considered but Rejected | 10-2 |
| 10.4.1 Location Alternative..... | 10-2 |
| 10.4.2 Avoidance of Historic (Archaeological) and Tribal Cultural Resources Alternative..... | 10-2 |
| 10.4.3 Avoidance of Air Quality (Health Risk) Alternative..... | 10-3 |
| 10.5 Alternatives Considered | 10-3 |
| 10.6 Alternatives Analysis | 10-4 |
| 10.6.1 Alternative 1 - No Project/No Build..... | 10-4 |
| 10.6.2 Alternative 2 - No Project/ Build Under Existing Land Use Designation and Zoning Alternative..... | 10-13 |
| 10.7 Environmentally Superior Alternative | 10-24 |
| | |
| 11.0 MITIGATION MONITORING AND REPORTING PROGRAM | 11-1 |
| 11.1 Monitoring Activities | 11-1 |
| | |
| 12.0 REFERENCES | 12-1 |
| | |
| 13.0 INDIVIDUALS AND AGENCIES CONSULTED | 13-1 |

APPENDICES

- Appendix A – Notice of Preparation and Letters of Comment
- Appendix B – FAA Determination of No Hazard to Air Navigation Letters
- Appendix C – VMT Assessment
- Appendix D – Local Mobility Analysis
- Appendix E – Air Quality Technical Report
- Appendix F – Biological Technical Report
- Appendix G – Letters/Responses to Service Providers
- Appendix H – Preliminary Geotechnical Investigation and Design Recommendations
- Appendix I – Supplemental Geotechnical Investigation and Design Recommendations
- Appendix J – Phase I Environmental Site Assessment
- Appendix K – Phase II Environmental Site Assessment
- Appendix L – Envirofacts Database Search, GeoTracker Search, and Cortese List Results
- Appendix M – Negative Survey Report Using the Archaeological Resource Report Form
- Appendix N – Drainage Study
- Appendix O – Exterior Noise Analysis Report
- Appendix P – Waste Management Plan
- Appendix Q – Sewer Study
- Appendix R – Storm Water Quality Management Plan
- Appendix S – Evacuation Plan
- Appendix T – Geotechnical Addendum
- Appendix U – Conditional Letter of Map Revision
- Appendix V – Energy Calculations
- Appendix W – Transportation Technical Memorandum: Palm & Hollister Apartments (PRJ-0698277) – Response to EIR Comment

TABLES

| | | |
|---------------|--------------------------------------------------------------------------------------------|--------|
| Table ES-1. | Summary of Environmental Impacts and Mitigation Measures..... | ES-10 |
| Table 5.1-1. | City of San Diego General Plan Consistency..... | 5.1-36 |
| Table 5.1-2. | Otay Mesa-Nestor Community Plan Consistency..... | 5.1-46 |
| Table 5.1-3. | Deviation Summary..... | 5.1-18 |
| Table 5.1-4. | City of San Diego Noise Compatibility Guidelines..... | 5.1-48 |
| Table 5.2-1. | Existing AM/PM Peak Hour Intersection LOS..... | 5.2-4 |
| Table 5.2-2. | VMT Screening Criteria – Project Applicability..... | 5.2-13 |
| Table 5.3-1. | San Diego County Federal and State Attainment Status..... | 5.3-4 |
| Table 5.3-2. | Ambient Air Background Pollutant Concentrations..... | 5.3-5 |
| Table 5.3-3. | National and State Ambient Air Quality Standards..... | 5.3-31 |
| Table 5.3-4. | Significance Criteria for Air Quality Impacts..... | 5.3-19 |
| Table 5.3-5. | Construction Schedule for the Palm & Hollister Apartments Project..... | 5.3-19 |
| Table 5.3-6. | Maximum Daily Construction Emissions – Full Buildout..... | 5.3-21 |
| Table 5.3-7. | Maximum Annual Construction Emissions – Full Buildout..... | 5.3-21 |
| Table 5.3-8. | Maximum Daily Operational Emissions – Full Buildout..... | 5.3-22 |
| Table 5.3-9. | Maximum Annual Operational Emissions – Full Buildout..... | 5.3-22 |
| Table 5.3-10. | Maximum Daily Operational Emissions – Partial Buildout..... | 5.3-23 |
| Table 5.3-11. | Maximum Annual Operational Emissions – Partial Buildout..... | 5.3-23 |
| Table 5.3-12. | AERSCREEN Modeling Parameters..... | 5.3-25 |
| Table 5.3-13. | Screening HRA Risk Impacts from Construction DPM..... | 5.3-26 |
| Table 5.3-14. | Screening HRA Risk Impacts form Construction DPM with Mitigation..... | 5.3-28 |
| Table 5.4-1. | Vegetation Communities and Land Cover Types On-site..... | 5.4-2 |
| Table 5.5-1. | Construction Worker Gasoline Demand..... | 5.5-15 |
| Table 5.5-2. | Construction Vendor Diesel Fuel Demand..... | 5.5-15 |
| Table 5.5-3. | Construction Haul Diesel Fuel Demand..... | 5.5-16 |
| Table 5.5-4. | Construction Equipment Diesel Fuel Demand..... | 5.5-16 |
| Table 5.5-5. | Construction Worker Gasoline Demand – Full Buildout under RM-2-6..... | 5.5-18 |
| Table 5.5-6. | Construction Vendor Diesel Fuel Demand– Full Buildout under RM-2-6..... | 5.5-19 |
| Table 5.5-7. | Construction Haul Diesel Fuel Demand– Full Buildout under RM-2-6..... | 5.5-19 |
| Table 5.5-8. | Construction Equipment Diesel Fuel Demand– Full Buildout under RM-2-6..... | 5.5-20 |
| Table 5.7-1. | Global Warming Potentials and Atmospheric Lifetimes of GHGs..... | 5.7-3 |
| Table 5.7-2. | State of California GHG Emissions by Sector..... | 5.7-3 |
| Table 5.8-1. | Existing Roadway Estimated Hourly Vehicle Capacities..... | 5.8-22 |
| Table 5.8-2. | Population and Evacuation Vehicle Estimates for the Project and Vicinity Land Uses..... | 5.8-23 |
| Table 5.8-3. | Evacuation Routes and Scenarios 1 & 2..... | 5.8-23 |
| Table 5.8-4. | Evacuation Time Calculation..... | 5.8-24 |
| Table 5.8-5. | Calculations for Shelter in Place..... | 5.8-25 |

| | | |
|---------------|------------------------------------------------------------------------------------------------------------------------------|--------|
| Table 5.10-1. | Summary of 100-Yer Peak Discharge Rates..... | 5.10-8 |
| Table 5.11-1. | Sound Levels of Typical Noise Sources and Noise Environments..... | 5.11-2 |
| Table 5.11-2. | Sound Level Measurements (dBA)..... | 5.11-4 |
| Table 5.11-3. | Table of Applicable Limits..... | 5.11-5 |
| Table 5.11-4. | Grading Noise Source Levels..... | 5.11-8 |
| Table 5.13-1. | Public Schools Serving the Project Area..... | 5.13-7 |
| Table 5.13-2. | Estimated Generation Rates for Palm & Hollister Apartments Project..... | 5.13-7 |
| Table 10-1. | Development Intensities with Project and No Project/Building Under Existing Land Use Designation and Zoning Alternative..... | 10-15 |
| Table 10-2. | Comparison of Alternatives to Proposed Project..... | 10-25 |

FIGURES

| | | |
|---------------|--------------------------------------------------------------------------------------------|--------|
| Figure 2-1. | Regional Map..... | 2-9 |
| Figure 2-2. | Project Location Map..... | 2-10 |
| Figure 2-3. | Surrounding Land Uses and Development..... | 2-11 |
| Figure 2-4. | Existing Site Conditions..... | 2-12 |
| Figure 2-5. | City of San Diego General Plan Land Use and Street System Map..... | 2-13 |
| Figure 2-6. | Otay Mesa-Nestor Community Plan Land Use Map..... | 2-14 |
| Figure 2-7. | Existing Zoning..... | 2-15 |
| Figure 2-8. | Transit Priority Area Map..... | 2-16 |
| Figure 2-9. | Brown Field ALUCP Airport Influence Area..... | 2-17 |
| Figure 2-10. | NOLF Imperial Beach ALUCP Airport Influence Area..... | 2-18 |
| Figure 2-11. | NAS North Island ALUCP Influence Area..... | 2-19 |
| Figure 2-12. | MHPA Exhibit..... | 2-20 |
| | | |
| Figure 3-1. | Palm and Hollister Apartments Site Plan..... | 3-11 |
| Figure 3-2a. | Project Elevations – Building A Elevation..... | 3-12 |
| Figure 3-2b. | Project Elevations – Building B Elevation..... | 3-13 |
| Figure 3-2c. | Project Elevations – Building C Elevation Building 2..... | 3-14 |
| Figure 3-2d. | Project Elevations – Building C Elevation Building 4..... | 3-15 |
| Figure 3-2e. | Project Elevations – Building D Elevation..... | 3-16 |
| Figure 3-2f. | Project Elevations – Building E Elevation..... | 3-17 |
| Figure 3-2g. | Project Elevations – Rec/Leasing Building Elevation..... | 3-18 |
| Figure 3-2h. | Project Elevations – Rec/Leasing Building Elevation..... | 3-19 |
| Figure 3-3. | Off-site Access Plan..... | 3-20 |
| Figure 3-4. | Landscape Development Plan..... | 3-21 |
| Figure 3-5. | Grading Plan..... | 3-22 |
| Figure 3-6. | Proposed Rezone..... | 3-23 |
| | | |
| Figure 5.1-1. | Otay Mesa-Nestor Multiple Habitat Planning Area Map..... | 5.1-50 |
| Figure 5.1-2. | Otay Valley Regional Park Concept Plan – Overview Map..... | 5.1-51 |
| Figure 5.1-3. | Otay Valley Regional Park Concept Plan Segment Map -Interstate 5 to Interstate 805..... | 5.1-52 |
| Figure 5.1-4. | Future Exterior Composite Noise Levels..... | 5.1-53 |
| | | |
| Figure 5.2-1. | Existing Bicycle and Pedestrian Facilities..... | 5.2-17 |
| Figure 5.2-2. | Existing Transit Routes..... | 5.2-18 |
| Figure 5.2-3. | Existing Daily ADT & AM/PM Peak Hour Traffic Volumes..... | 5.2-19 |
| | | |
| Figure 5.4-1. | Biological Resources..... | 5.4-26 |
| Figure 5.4-2. | Najor Parcel..... | 5.4-27 |
| | | |
| Figure 5.8-1. | Project Access..... | 5.8-32 |
| Figure 5.8-2. | Primary and Secondary Evacuation Routes..... | 5.8-33 |
| Figure 5.8-3. | Shelter-In-Place Location..... | 5.8-34 |

| | | |
|-----------------|------------------------------------------------------------------------------|---------|
| Figure 5.8-4. | NOLF Imperial Beach Airport Airspace Protection Boundary..... | 5.8-35 |
| Figure 5.8-5. | NAS North Island Airport Compatibility Policy Map: Overflight..... | 5.8-36 |
| Figure 5.8-6. | Brown Field Airport Compatibility Policy Map: TERPS Airspace Protection..... | 5.8-37 |
| Figure 5.10-1. | Existing Drainage Condition Exhibit..... | 5.10-11 |
| Figure 5.10-2. | Proposed Drainage Condition Exhibit..... | 5.10-12 |
| Figure 5.11-1. | Sound Level Measurement Locations..... | 5.11-11 |
| Figure 5.11-2. | Future Exterior Composite Noise Levels..... | 5.11-12 |
| Figure 5.13-1. | Location of Public Services..... | 5.13-10 |
| Figure 5.14-1. | Existing and Proposed Water Facilities..... | 5.14-22 |
| Figure 5.14-1. | Existing and Proposed Sewer Facilities..... | 5.14-23 |
| Figure 5.16-1. | Existing Site Conditions – Close Up..... | 5.16-22 |
| Figure 5.16-2. | Otay Valley Regional Park Trail Map..... | 5.16-23 |
| Figure 5.16-3. | Views of the Project site from OVRP Trailhead and Trail..... | 5.16-24 |
| Figure 5.16-4. | Views from the Palm Avenue (Blue Line) Trolley Station..... | 5.16-25 |
| Figure 5.16-5. | Views from the SD&AE Railroad/Blue Line Trolley Track..... | 5.16-26 |
| Figure 5.16-6a. | Obstructed Views of the Project Site..... | 5.16-27 |
| Figure 5.16-6b. | Obstructed Views of the Project Site..... | 5.16-28 |
| Figure 5.16-7. | Otay Mesa-Nestor Community View Corridors..... | 5.16-29 |
| Figure 5.16-8. | Views and Access Points Proximate to the Project Site..... | 5.16-30 |
| Figure 5.16-9. | Landscape Development Plan..... | 5.16-31 |
| Figure 5.16-10. | Retaining Wall Section..... | 5.16-32 |
| Figure 5.18-1. | Regional Very High Fire Hazard Severity Zone Map, CALFIRE..... | 5.18-19 |
| Figure 5.18-2. | Regional Very High Fire Hazard Severity Zone Map, City of San Diego..... | 5.18-20 |
| Figure 5.18-3. | Site Topography..... | 5.18-21 |
| Figure 6-1. | General Location of Cumulative Projects..... | 6-18 |
| Figure 10-1. | Development Under Existing Community Plan Land Use Designation..... | 10-27 |
| Figure 10-2. | Development Under Existing Zoning..... | 10-28 |

LIST OF ACRONYMS AND ABBREVIATIONS

| | |
|--------------------|----------------------------------------------------|
| AB | Assembly Bill |
| ACHP | Advisory Council on Historic Preservation Act |
| A.D. | Anno Domini |
| ADA | Americans with Disabilities Act |
| ADC | alternative daily cover |
| ADD | Assistant Deputy Director |
| ADRP | Archaeological Data Recovery Program |
| ADT | Average Daily Trips |
| AES | Advantage Environmental Consultants |
| AEOZ | Airport Environs Overlay Zone |
| AFY | acre-feet per year |
| AGS | Advanced Geotechnical Solutions, Inc. |
| AHM | Acutely Hazardous Material |
| AIA | Airport Influence Area |
| ALUC | Airport Land Use Commission |
| Alquist-Priolo Act | Alquist-Priolo Earthquake Fault Zoning Act |
| ALUCP | Airport Land Use Compatibility Plan |
| AM/am | morning |
| AME | Archaeological Monitoring Exhibit |
| AMSL | above mean sea level |
| APCD | Air Pollution Control District |
| APE | area of potential effect |
| ATCM | Airborne Toxic Control Measure |
| ATS | advanced treatments systems |
| Basin Plan | water quality control plan for the San Diego Basin |
| B.C. | Before Christ |
| BI | Building Inspector |
| BMP(s) | Best Management Practice(s) |
| BMZ | brush management zone |
| B.P. | before present |
| BTR | Biological Technical Report |
| BTU | British Thermal Units |
| CAA | Federal Clean Air Act |
| CAAQS | California Ambient Air Quality Standards |
| CAC | California Administrative Code |
| CalEPA | California Environmental Protection Agency |

| | |
|-------------------|-------------------------------------------------------------------------|
| CAL FIRE | California Department of Forestry and Fire Protection |
| CalGreen | California's Green Building Standards |
| CALNAGPRA | California Native American Graves Protection and Reparation Act of 2001 |
| Caltrans | California Department of Transportation |
| CAP | Climate Action Plan |
| CARB | California Air Resources Board |
| CASQA | California Stormwater Quality Association |
| CBC | California Building Code |
| CCAA | California Clean Air Act |
| CCR | California Code of Regulations |
| CD | construction documents |
| CDFW | California Department of Fish and Wildlife |
| CE | Conservation Element |
| CEC | California Energy Commission |
| CEQA | California Environmental Quality Act |
| CERCLA | Comprehensive Environmental Response Compensation |
| CFR | Code of Federal Regulations |
| CF/cf | cubic feet |
| CFC | California Fire Code |
| CGC | California Government Code |
| Checklist | San Diego Climate Action Plan Consistency Checklist |
| CHRIS | California Historic Resources Information System |
| CGC | California Government Code |
| CH ₄ | methane |
| CHRIS | California Historic Resources Information System |
| City | City of San Diego |
| CLUP | Comprehensive Land Use Plan |
| cm | centimeters |
| CM | Construction Manager |
| CMP | Congestion Management Program |
| CMU | concrete block wall |
| CNEL | community noise equivalent level |
| CNPS | California Native Plant Society |
| CO | carbon monoxide |
| CO ₂ | carbon dioxide |
| CO ₂ e | carbon dioxide equivalents |
| COG | Council of Governments |
| CPA | Community Plan Amendment |
| CPTED | Crime Prevention Through Environmental Design |
| CPUC | California Public Utilities Commission |

| | |
|--------|----------------------------------------------|
| CRA | California River Aqueduct |
| CRHR | California Register of Historic Resources |
| CSVR | Consultant Site Visit Record |
| CWA | Clean Water Act |
| CY | Calendar Year |
| cy | cubic yards |
| | |
| dB | decibel |
| dba | A-weighted decibel |
| DEH | County Department of Environmental Health |
| ° | degrees, as in degrees Fahrenheit |
| DIF | Development Impact Fee |
| DNL | day-night average sound level |
| DPF | diesel particulate filter |
| DPM | diesel particulate matter |
| DPR | Department of Recreation |
| DSD | Development Services Department |
| du/ac | dwelling units per acre |
| du/nra | dwelling unit per net residential acre |
| DWR | State Department of Water Resources |
| | |
| EAP | Energy Action Plan |
| EAS | Environmental Analysis Section |
| ED | Environmental Document |
| EEP | Emergency Evacuation Plan |
| EIR | Environmental Impact Report |
| EISA | Energy Independence and Security Act of 2007 |
| EMTs | emergency medical technicians |
| EO | Executive Order |
| EOC | City's Emergency Operations Center |
| EOP | Emergency Operations Plan |
| EPA | Environmental Protection Agency |
| ERIS | Environmental Risk Information Services |
| ESA | Environmental Site Assessment |
| ESA | Endangered Species Act |
| ESD | Environmental Services Department |
| ESL | Environmentally Sensitive Lands |
| EV | |
| | |
| F | Fahrenheit |
| FAA | Federal Aviation Administration |

| | |
|------------------|-----------------------------------------------------------|
| FESA | Federal Endangered Species Act |
| FHWA | Federal Highway Administration |
| FHZA | Fire Hazard Severity Zones |
| FTA | Federal Transit Administration |
| FY | Fiscal Year |
| | |
| GCC | global climate change |
| GHG | greenhouse gas |
| gpd | gallons per day |
| GPS | Global Positioning System |
| GWh | gigawatt hours |
| GWP | global warming potential |
| | |
| H&SC | California Health and Safety Code |
| HAPs | Hazardous Air Pollutants |
| HE | Housing Element |
| HFC(s) | hydrofluorocarbons |
| HFE | hydrofluorinated ethers |
| HMMD | Hazardous Materials Management Division |
| hr | hour |
| H.R. | House Resolution |
| HRAs | health risk assessments |
| HRG | Historic Resources Guidelines |
| H ₂ S | hydrogen sulfide |
| HU | hydraulic unit |
| HVAC | heating, ventilation, and air conditioning |
| Hz | hertz |
| | |
| I- | Interstate, as in I-5 |
| IA | Implementing Agreement |
| IBC | International Building Code |
| IPCC | Intergovernmental Panel on Climate Change |
| ISO | California Independent System Operator |
| ISTEA | Intermodal Surface Transportation Efficiency Acts of 1991 |
| | |
| kBTU | thousand British thermal units |
| kV | kilovolt |
| | |
| LCFS | low carbon fuel standard |
| LDC | Land Development Code |
| LDM | Land Development Manual |

| | |
|----------------------|--------------------------------------------------------------|
| Ldn | day-night average level |
| LEED | Leadership in Energy and Environmental Design |
| Leq | equivalent continuous sound level |
| LMA | Local Mobility Analysis |
| LOS | Level of Service |
| LTRP | long-term energy resource plan |
| | |
| MBTA | Migratory Bird Treaty Act |
| MEP | maximum extent practicable |
| mgd | million gallons per day |
| MHMP | San Diego County Multi-jurisdictional Hazard Mitigation Plan |
| MHPA | Multi Habitat Planning Area |
| MLD | Most Likely Descendent |
| MMC | Mitigation Monitoring Coordination |
| MMR | Mitigation Monitoring Report |
| MMRP | Mitigation Monitoring Reporting Program |
| MMT | millions of metric tons |
| MND | mitigated negative declaration |
| MPH | miles per hour |
| MRZ | mineral resources zone |
| MS4s | municipal separate storm sewer systems |
| MSCP | Multiple Species Conservation Program |
| MSE | mechanically stabilized earth |
| MT | metric tons |
| MT CO ₂ e | million metric tons equivalent |
| MTS | Metropolitan Transit System |
| MW | megawatt |
| MWD | Metropolitan Water District |
| MWS | Modular Wetland System |
| | |
| N ₂ O | nitrous oxide |
| NAAQS | National Ambient Air Quality Standards |
| NADB | National Archaeological Database |
| NAGPRA | California Native American Graves and Reparation Act |
| NAHC | Native American Heritage Commission |
| NAS | Naval Air Station |
| NDP | Neighborhood Development Permit |
| NHL | National Historic Landmarks |
| NHPA | National Historic Preservations Act |
| NOC | Notice of Completion |
| NOLF | Naval Outlying Landing Field |

| | |
|-------------------|---------------------------------------------------------|
| NOP | Notice of Preparation |
| NO _x | oxides of nitrogen |
| NO ₂ | nitrogen dioxide |
| NPDES | National Pollution Discharge Elimination System |
| NRHP | National Register of Historic Places |
| NTP | Notice to Proceed |
| | |
| O ₃ | ozone |
| OCA | off-site consequence analysis |
| OEHHA | Office of Environmental Health Hazard Assessment |
| OPR | Office of Planning and Research |
| OSHA | Occupational Safety and Health Administration |
| OVRP | Otay Valley Regional Park |
| | |
| Pb | lead |
| PFC(s) | perfluorocarbons |
| PF-E | Public Facilities, Services and Safety Element |
| PI | Principal Investigator |
| PM/pm | afternoon |
| PM _{2.5} | particulate matter less than 2.5 microns in diameter |
| PM ₁₀ | particulate matter of 10 microns in diameter or smaller |
| PRC | Public Resources Code |
| PTS | Project Tracking System |
| PUD | Public Utilities Department |
| | |
| RAQS | Regional Air Quality Strategy |
| RCP | Regional Comprehensive Plan |
| RE | Resident Engineer |
| REC(s) | Recognized Environmental Condition(s) |
| Regional Plan | San Diego Forward: The Regional Transportation Plan |
| RFS | renewable fuels |
| RHNA | regional housing needs assessment |
| RM | Residential-Multiple |
| RMPP | Risk Management Prevention Plan |
| ROG | Reactive Organic Gas |
| RPS | Renewable Portfolio Standard |
| RS | Residential Single |
| RTP | Regional Transportation Plan |
| RWQCB | Regional Water Quality Control Board |

| | |
|-----------------|------------------------------------------------------------|
| SAFE | Safer, Affordable, Fuel-Efficient |
| SANDAG | San Diego Association of Governments |
| SARA | Superfund Amendments and Reauthorization Act |
| SB | Senate Bill |
| SCIC | South Coastal Information Center |
| SCS | Sustainable Communities Strategy |
| SD | San Diego |
| SD&AE | San Diego & Arizona Eastern |
| SDAB | San Diego Air Basin |
| SDAPCD | San Diego Air Pollution Control District |
| SDCGHGI | San Diego Greenhouse Gas Inventory |
| SDCRAA | San Diego County Regional Airport Authority |
| SDCWA | San Diego County Water Authority |
| SDFD | San Diego Fire-Rescue Department |
| SDG&E | San Diego Gas and Electric |
| SDMC | San Diego Municipal Code |
| SDP | Site Development Permit |
| SDPD | San Diego Police Department |
| SDPL | San Diego Public Library |
| SEL | sound exposure level |
| SF ₆ | sulfur hexafluoride |
| SHPO | State Historic Preservation Office |
| SIP | State Implementation Plan |
| SLCP | short-lived climate pollutants |
| SLF | Sacred Lands File |
| SO ₂ | sulfur dioxide |
| SOI | Secretary of Interior |
| SOV | single-occupancy vehicle |
| SR | State Route, as in SR 75 |
| STC | sound transmission class |
| SWIS | Solid Waste Information Systems |
| SWP | State Water Project |
| SWPPP | Storm Water Pollution Prevention Plan |
| SWQMP | Storm Water Quality Management Plan |
| SWRCB | State Water Resources Control Board |
| TAC(s) | Toxic Air Contaminant(s) |
| TCR | Tribal Cultural Resource |
| TEA-21 | Transportation Equity Act for the 21 st Century |
| TERPS | Terminal Instrument Procedures |
| TLV-TWA | Threshold Limit Value-Time Weighted Average |

| | |
|----------|-------------------------------------------------|
| TLV-STEL | Threshold Limit Value-Short Term Exposure Limit |
| TOD | transit oriented development |
| TPA | Transit Priority Area |
| TPQ | Threshold Planning Quantity |
| TSM | Transportation Study Manual |
| UBC | Uniform Building Code |
| UC | University of California |
| UFC | Uniform Fire Code |
| USACOE | United States Army Corps of Engineers |
| USFWS | U.S. Fish and Wildlife Service |
| USGBC | United States Green Building Council |
| UTC | University Town Center |
| UWMP | Urban Water Management Plan |
| VCP | vitrified clay pipe |
| VHFHSZ | Very High Fire Hazard Severity Zone |
| VMT | vehicle miles traveled |
| VOC | Volatile Organic Compounds |
| VTM | Vesting Tentative Map |
| WLAs | waste load allocations |
| WMP | Waste Management Plan |
| WMS | modular wetland systems |
| WQBELs | water quality based effluent limitations |
| WSA | Water Supply Assessment |
| ZEV | zero emission vehicles |

ES EXECUTIVE SUMMARY

This Environmental Impact Report (EIR) has been prepared for the Palm & Hollister Apartments project (project), a private development located in the Otay Mesa-Nestor area. This document analyzes the potential environmental effects associated with the implementation of the project. The EIR was prepared under the direction of the City of San Diego's (City) Environmental Analysis Section and reflects the independent judgment of the City as lead agency pursuant to the California Environmental Quality Act (CEQA) (California Public Resources Code (PRC), Section 21000 et seq.) and the CEQA Guidelines (14 CCR 15000 et seq.).

ES.1 Purpose and Scope of the EIR

This EIR has been prepared in accordance with, and complies with, all criteria, standards, and procedures of the California Environmental Quality Act (CEQA) of 1970 as amended (PRC 21000 et seq.), State CEQA Guidelines (CAC 15000 et seq.), and City of San Diego's EIR Preparation Guidelines. Per Section 21067 of CEQA and Sections 15367 and 15050 through 15053 of the State CEQA Guidelines, the City of San Diego is the *Lead Agency* under whose authority this document has been prepared. As an informational document, this EIR is intended for use by the City of San Diego decision-makers and members of the general public in evaluating the potential environmental effects of the Palm & Hollister Apartments project.

This EIR provides decision-makers, public agencies, and the public in general with detailed information about the potential significant adverse environmental impacts of the Palm & Hollister project. By recognizing the environmental impacts of the project, decision-makers will have a better understanding of the physical and environmental changes that would accompany the project should it be approved. The EIR includes mitigation measures which, when implemented, would provide the Lead Agency with ways to substantially lessen or avoid significant effects of the project on the environment, whenever feasible. Alternatives to the project are presented to evaluate alternative development scenarios that can further reduce or avoid significant impacts associated with the project.

Based on the analysis contained in Chapter 5.0, *Environmental Analysis*, of this EIR, the project could result in significant impacts to air quality, historical resources and tribal cultural resources. Mitigation has been provided for all potentially significant impacts to reduce impacts related to the proposed development component of the project to below a level of significance, air quality impacts would remain significant for the proposed CPA and rezone project component. The proposed CPA and Rezone would allow for the site to be developed in the future with up to 206 residential units ministerially. As there would be no mechanism to require future ministerial development projects on the site to implement mitigation to reduce the potentially significant air quality impact, this impact would remain significant.

ES.2 Project Location and Setting

Encompassing approximately 5.92 acres, the Palm & Hollister Apartments project site is situated north of the Palm Avenue Trolley Station, south of the Otay Valley Regional Park (OVRP), and east of Hollister Street. Interstate 5 is approximately one mile west of the project site. A nursery operates immediately north of the project site within the OVRP; and the Palm Avenue Trolley Station parking lot, mobile home park and Ocean View Christian Academy sports field are to the south of the project site. To the west lies the San Diego & Arizona Eastern (SD&AE) Railroad line and Hollister Street. The project site is located within and adjacent to the City's Multi-Habitat Planning Area. The site is designated for Open Space, Mixed Use, Residential Low Density [$5 < \text{dwelling units per acre (du/ac)}$] in the Otay Mesa-Nestor Community Plan. The existing zones are RM-1-1 (Residential – Multiple Unit), RS-1-7 (Residential – Single Unit), and AR-1-2 (Agricultural-Residential).

The project site has been previously graded for prior agricultural use and includes an unoccupied residential structure, a garage, canopy structure, and two storage containers. Landscaping is minimal, consisting of non-native plant species, and is mostly confined to the perimeter of the property. The project site has been and is currently being used for staging by the Metropolitan Transit System (MTS) and some delivery services. A 10-foot-wide County of San Diego easement runs along the northern boundary of the project site. Access to the project site would be provided via an easement located at the southwest corner of the project site, connecting the project site to Palm Avenue through the MTS Palm Avenue Trolley Station site. The driveway also serves the adjacent Palm Avenue Trolley Station and associated parking lot.

ES.3 Project Objectives

The project objectives associated with the Palm & Hollister Apartments project and related actions are:

1. Assist the City in meeting State and local housing goals by providing rental housing stock and contributing to a diverse range of housing opportunities and affordabilities.
2. Provide affordable housing on-site in a location proximate to employment and institutional uses, multi-modal transit, and regional transportation amenities, thereby reducing reliance on the personal automobile to go about daily life.
3. Maximize site utilization by providing medium-high density residential uses that contribute to meeting the dual housing affordability/availability needs of the City.
4. Create a coherent and cohesive site design for the project with low rise buildings to provide a transition between existing and planned development to the south and the Otay Valley Regional Park to the north.
5. Provide for infill redevelopment of an underutilized site within an urbanizing area, where public facilities and amenities are readily available.
6. Increase recreational opportunities for residents and the community by providing a public trail that connects the project site to the future trail system within the OVRP.

ES.4 Project Description

Located within a Transit Priority Area, the Palm & Hollister project proposes development of multi-family housing proximate to the Palm Avenue Trolley Station. A total of 198 residential units, including eight affordable housing units, would be provided in 13 buildings. The unit mix would include one bedroom/one bath, two bedroom/two bath, and three bedroom/two bath units. Buildings would be one to three stories with tuck-under garages, as well as one-level units over carports. The project would provide a total of 262 parking spaces in garages (100 spaces), carports (48 spaces), and surface parking (114 spaces). Ten percent, or 27 of the parking spaces provided, would be electric vehicle parking spaces. The project would also provide 48 bicycle parking spaces and 50 percent of the minimum 46 bicycle parking spaces required, or 23 spaces, would be supplied with individual outlets for electric charging of e-bikes.

The main resident amenities would be provided in the western and central portions of the project site, and would include a pool, spa, fire pits, playground, patio/bar-b-que areas, fitness center, co-working spaces, and the leasing office. A private pedestrian landscaped walkway along the top of the northern slope provides views of the river valley and a continuous connection from the residential buildings to the project amenity areas.

Access to the project site is proposed from the south through property owned by the MTS. An access easement has been established with MTS, which would allow for ingress and egress from Palm Avenue through the Palm Avenue Trolley Station parking lot. Pedestrian and bicycle access would also be provided within the MTS easement. The project would include upgrading the existing curb return where the drive aisle and Palm Avenue meet to comply with Americans with Disabilities Act (ADA) requirements, replacing curb ramps, restriping portions of the drive aisle, and addition of a six-inch curb along the eastern side of the drive aisle. The easement would also allow for utility connections and project signage, as well as the addition of landscaping along the eastern border of the drive aisle. A five-foot-wide concrete east-west sidewalk parallel to the project site and project's southwestern property line within a nine-foot-wide pedestrian access easement would tie into the existing MTS sidewalk at the northwest corner of the MTS parking lot. Within the access easement drive aisle, the project would also provide a five-foot-wide running track that runs from the project site's southern property line along a portion of the eastern side of the drive aisle through the MTS parcel.

A ten-foot access easement exists to the north of the project site for pedestrian access to the OVRP. An access point to the OVRP to the west of the project site would be provided within a nine-foot pedestrian access easement proposed by the project.

The project would require connection to SDG&E utilities to provide electricity service to the project. Additionally, the project would remove and/or relocate existing SDG&E utilities and easements that occur on-site to accommodate the project.

The project proposes a Community Plan Amendment to the Otay Mesa-Nestor Community Plan to change the existing land use from Open Space, Mixed Use, and Residential Low Density [5-<10 dwelling units per acre (du/ac)], Mixed-Use, and Open Space to Residential Medium-High Density (20 - 35 du/ac) to allow for increased residential density adjacent to transit. The project also proposes a rezone from Residential Multiple (RM-1-1), Residential Single (RS-1-7), and Agricultural Residential (AR-1-2) to Residential Multiple (RM-2-6 zone) in order to provide 198 residential units on the 5.92-acre project site. The RM-2-6 zone permits a maximum density of one dwelling unit for each 1,250 square feet of lot area, which would permit up to a maximum density of 34.85 du/ac and would support up to 206 dwelling units on the proposed project site. As the project would include a rezone that would allow for up to 206 units on the site, for issue areas related to development intensity, the analysis completed within this EIR also addresses the maximum site buildout of 206 units in the event the rezone is approved, and the proposed permits are not implemented.

ES.5 Summary of Environmental Impacts and Mitigation

Table ES-1, *Summary of Environmental Impacts and Mitigation Measures*, summarizes the potential environmental impacts of the Palm & Hollister Apartments project by issue area, as analyzed in Chapter 5.0, *Environmental Analysis*, of this EIR. The table also provides a summary of the mitigation measures proposed to avoid or reduce significant adverse impacts. The significance of environmental impacts after implementation of the recommended mitigation measures is provided in the last column of Table ES-1. Responsibilities for monitoring compliance with each mitigation measure are provided in Chapter 11.0, *Mitigation Monitoring and Reporting Program*, of the EIR. As shown in Table ES-1, impacts related to air quality, historical resources, and tribal cultural resources would be significant and require mitigation to reduce the proposed development impacts to below a level of significance. The proposed CPA and Rezone would allow for the site to be developed ministerially with up to 206 residential units. If the proposed project permits (i.e., Site Development Permit and Neighborhood Development Permit) are not utilized and future development proceeds ministerially, As there would be no mechanism to require future ministerial development to implement mitigation and the air quality impact would remain significant.

ES.6 Potential Areas of Controversy

Pursuant to CEQA Guidelines Section 15123(b)(2), an EIR shall identify areas of controversy known to the Lead Agency, including issues raised by the agencies and the public, and issues to be resolved, including the choice among alternatives and whether and how to mitigate for significant effects. The Notice of Preparation (NOP) for the EIR was distributed on June 22, 2023, for a 30-day public review and comment period.

Issues of controversy raised in response to the NOP prepared and circulated for the Draft EIR focus on the need to address the project's relationship with the adjacent Otay Valley Regional Park (OVRP), including providing connections to the Park's trails and future recreation facilities, managing stormwater runoff entering the Park, and emergency and fire access; the need for California Native

American Tribes consultation; the importance of evaluating impacts to biological resources and addressing the Multi-Habitat Planning Area; addressing nearby transit and local mobility opportunities; and that air quality and health risk be evaluated in the EIR. The NOP and comment letters are included as Appendix A to this EIR.

ES.7 Issues to be Resolved by the Decision-Making Body

The City Council must review the project and this EIR and determine if the project or one of the alternatives presented in Chapter 10.0, *Alternatives*, should be approved and implemented. If the project is selected for approval, the City Council will be required to certify the Final EIR, determine whether and how to mitigate significant impacts, and adopt associated Findings pursuant to CEQA Guidelines Section 15091 for the following significant impacts identified in the EIR:

- Air Quality (Direct and Cumulative)
- Historical Resources (Direct)
- Tribal Cultural Resources (Direct)

ES.8 Project Alternatives

CEQA requires that EIRs contain an analysis of alternatives to the project that would avoid or substantially lessen environmental impacts. Section 15126.6(a) of the CEQA Guidelines states that an EIR should “describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project, but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives” (14 CCR 15000 et seq.). The selection of alternatives is governed by a “rule of reason” that requires an EIR to evaluate only those alternatives necessary to permit a reasoned choice (Section 15126.6(f)). The EIR should identify any alternatives that were considered by the lead agency but were rejected as infeasible during the scoping process and briefly explain the reasons for that determination (Section 15126.6(c)). Additionally, CEQA requires discussion of a No Project Alternative to give decision makers the ability to compare impacts of approving the project with those of not approving the project (Section 15126.6(e)). Pursuant to the CEQA Guidelines, a range of alternatives for Palm & Hollister is considered in this EIR, and the alternatives discussion provides a description of alternatives considered and an analysis of whether the alternatives meet most of the objectives of the project.

Per CEQA Guidelines, Sections 15126.6 (b) and (c), the focus of this analysis is to determine (1) whether alternatives are capable of avoiding or substantially lessening the significant environmental effects of the project, (2) the feasibility of alternatives, and (3) whether an alternative meets all or most of the basic project objectives. The analysis also considers alternatives that are capable of reducing or eliminating significant environmental impacts, even if they would impede the attainment of some project objectives or would be more costly. In accordance with Section 15126.6 (f)(1) of the CEQA Guidelines, the factors that may be taken into account when addressing the feasibility of an alternatives are site suitability; economic viability; availability of infrastructure; general plan

consistency; other plans or regulatory limitations; jurisdictional boundaries; and whether the project proponent can reasonably acquire, control, or otherwise have access to an alternative site.

ES.8.1 Alternatives Considered but Rejected

ES.8.1.1 Alternative Location Alternative

Otay Mesa-Nestor is essentially a built-out community. While there may be smaller sites in the Otay Mesa-Nestor community where redevelopment could occur in a manner similar to the project, there are no other sites under the applicant's control to allow development of a residential project that meets the project's objectives. In accordance with CEQA Guidelines Section 15126.6(f)(2)(A), alternative locations for the project would be considered if "any of the significant effects of the project would be avoided or substantially lessened by putting the project in another location. Only locations that would avoid or substantially lessen any of the significant effects of the project need be considered for inclusion in the EIR." If the project were developed on an alternative site in the community or other areas of the City or County, significant environmental impacts could result that would not occur with the proposed development of the project site. There are no native habitats or known wildlife resources located on the project site. Thus, impacts to biological resources that could occur at another location are avoided with the project. The project site has easy access to transit (the Palm Avenue Trolley Station); and is already served by existing public facilities, services, and utilities. A similar level of intensity as the project constructed at another site could potentially have increased levels of impacts relative to air quality, traffic, and greenhouse gas (GHG) emissions, as another site may not have the same or similar developed characteristics, walkability, and multi-modal transportation opportunities. Other sites may contain significant sensitive resources, and development on another site could result in significant impacts, which would not occur at the project site. For these reasons, there are no other alternative locations for the project that would meet the project's objectives. Therefore, the *Alternative Location* alternative was rejected from further analysis.

ES.8.1.2 Avoidance of Historic (Archaeological) and Tribal Cultural Resources Alternative

While no artifacts or other cultural features were observed during conduct of the cultural resources survey for the project, the possibility remains that intact cultural deposits may exist subsurface of the project site and could be encountered during grading and excavation activities. Therefore, impacts to potential subsurface resources would be considered a significant impact of the project.

Any development on the project site has the potential to impact unknown cultural resources. Due to the extent of possible unknown subsurface resources, a smaller development footprint would not avoid and may not reduce the potential for impacts. Therefore, there are no alternatives, except the *No Project/No Build* alternative, that could reduce or avoid impacts associated with historic resources (archaeological) and tribal cultural resources. The *No Project/No Build* alternative is discussed in

detail below. Thus, an alternative that would avoid or reduce significant impacts to historic resources (archaeological) and tribal cultural resources has been rejected from further analysis.

ES.8.1.3 Avoidance of Air Quality (Health Risk) Alternative

Based on the analysis contained in Section 5.0, implementation of the project would result in significant impacts to air quality, as it relates to generation of diesel particulates during construction. Mitigation measure AQ-1 would be implemented to reduce health risk impacts of the proposed development to less than significant. The proposed CPA and Rezone would allow for the site to be developed ministerially with up to 206 residential units. If the proposed project permits (i.e., Site Development Permit and Neighborhood Development Permit) are not utilized and future development proceeds ministerially, As there would be no mechanism to require future ministerial development to implement mitigation and the air quality impact would remain significant.

Two possible project construction alternatives were considered to potentially avoid or further reduce health impacts from construction vehicle emissions: 1) electrify of all construction vehicles instead of using Tier 4 diesel equipment; and 2) create a buffer zone for construction vehicle traffic so that nearby residents are further away from the construction activities. The use of electric construction vehicles is not realistic at this time, because most construction vehicles such as graders and dump trucks, are currently not available in fully-electric form. Of the feasible construction equipment choices, use of Tier 4 construction equipment, which is required by Mitigation measure AQ-1, is the feasible option to use for reducing health impacts on nearby residents. A buffer zone would not be feasible, given the size and configuration of the access roads and construction areas. The project is a long narrow site. Staging construction to occur a distance from nearby resident does not afford sufficient area for construction operations. Additionally, the project is accessed by a single drive off Palm Avenue, requiring that construction be staged throughout the site to allow for movement and maneuvering of construction equipment. Thus, an alternative that would potentially avoid or further reduce health impacts from construction vehicle emissions is not feasible and has been rejected from further analysis.

ES.8.2 Alternatives Considered

ES.8.2.1 Alternative 1 - No Project/No Build

CEQA Guidelines Section 15126.6(e) requires that an EIR evaluate a “no project” alternative along with its impacts. The purpose of describing and analyzing a no project alternative is to allow a lead agency to compare the impacts of approving the project to the impacts of not approving it. Specifically, Section 15126.6(e)(3)(B) requires that an EIR for a development project on an identifiable property address the no project alternative as “circumstances under which the project does not proceed.” In other words, the no project assumes that the project site would not be developed with the project.

Under the No Project/No Build alternative, the project would not be implemented on the site. The existing vacant structure and outbuildings would not be demolished; and the site would be left as it exists today. No redevelopment of the site to include residential buildings, amenities, associated landscaping, and other improvements would occur. As no changes would occur, the No Project/No Development would avoid all significant impacts of the project. The No Project/No Development Alternative would not meet any of the project objectives, as it would not include housing or any development.

ES.8.2.2 No Project/Build Under Existing Land Use Designation and Zoning Alternative

As previously mentioned, CEQA Guidelines Section 15126.6(e)(3) states: *when the project is the revision of an existing land use or regulatory plan, policy or ongoing operation, the “no project” alternative will be the continuation of the existing plan, policy or operation into the future.* Therefore, Alternative 2 consists of the *No Project/Build Under Existing Land Use Designation and Zoning Alternative*.

The project site is designated as Mixed Use, Low Density Residential, and Open Space in the Otay Mesa-Nestor Community Plan (see Figure 2-6, Otay Mesa-Nestor Community Plan Land Use Map). The site is also zoned AR-1-2, RM-1-1 and RS-1-7 (see Figure 2-7, Existing Zoning). The RM-1-1 zone allows for residential development of up to one dwelling unit per a minimum lot size of 3,000 square-feet (14.52 du/ac). The RS-1-7 zone allows for residential development of one dwelling unit per minimum 5,000 square foot lot (8.71 du/ac). The AR-1-2 zone allows for one dwelling unit per a minimum one-acre lot (one du/ac). The *No Project/Build Under Existing Land Use Designation and Zoning Alternative* was considered to evaluate what project effects could be reduced or avoided with compliance with the current land use designation and zones in effect on the property.

The *No Project/Build Under Existing Land Use Designation and Zoning Alternative* would result in a maximum of 32 units, composed of three custom home sites, 12 units, and 17 single family lots; and approximately 2.92 acres of open space. Overall, when compared to the project, the *No Project/Build Under Existing Land Use Designation and Zoning Alternative* would result in less environmental effects. This alternative would result in a smaller construction footprint and therefore would expose sensitive receptors to reduced pollutant concentrations; however, air quality impacts would remain significant, and mitigation would be required. ~~and mitigation would not be required.~~ The *No Project/Build Under Existing Land Use Designation and Zoning Alternative* would reduce environmental effects associated with GHG, energy, and noise, as less construction and traffic would occur under this alternative. Under this alternative, impacts to tribal cultural resources would remain significant and mitigation would be required as this alternative would result in a development project, albeit at a reduced scale from the similar site as the project. Due to less development intensity under this alternative, there would also be less impacts to public services and public utilities. However, based on the analysis in this EIR, none of those effects would be regarded as significant under the project.

The *No Project/Build Under Existing Land Use Designation and Zoning Alternative* would meet most of the project objectives. Specifically, this alternative would meet Objective 1 and Objective 2 by providing much needed housing in a range of affordability levels near regional transportation amenities (Palm Avenue Trolley Station). This alternative would be designed similarly to the project utilizing architecture and design elements and would therefore meet Objective 4 by creating a coherent and cohesive site design and Objective 6 by ensuring high quality design and aesthetics. This alternative would also meet Objective 5 by providing infill redevelopment on an underutilized site. Lastly, the *No Project/Build Under Existing Land Use Designation and Zoning Alternative* would meet Objective 7 as it would provide the trail connections from the site to the existing trail system.

With regard to Objective 3, this alternative would not meet the project's goal to maximize site efficiency by providing medium-high density residential uses that contribute to meeting the dual housing affordability/availability needs of the City. Instead, this alternative would result in 84 percent fewer residential units, yielding 32 residential dwelling units, including two affordable units.

ES.8.3 Environmentally Superior Alternative

The environmental analysis of alternatives presented above is summarized in Table 10-2, *Comparison of Alternatives to Proposed Project*. CEQA requires that the EIR identify the environmentally superior alternative among all of the alternatives considered, including the project. If the No Project alternative is selected as environmentally superior, then the EIR shall also identify an environmentally superior alternative among the other alternatives.

For the project, the *No Project/No Build* alternative would be selected as the environmentally superior alternative, as the *No Project/No Build* alternative would result in less environmental effects. However, this alternative would not meet any of the project objectives.

CEQA requires that, if the No Project alternative is selected as environmentally superior, then the EIR shall also identify an environmentally superior alternative among the other alternatives. For the project, the Reduced Intensity Development alternative would be selected as the environmentally superior alternative to the project. The *No Project/Build Under Existing Land Use Designation and Zoning Alternative* would reduce, although not avoid, the project's significant impacts. This alternative would not result in an efficient use of an infill site, located proximate to transit and well-served by existing infrastructure, and also would not provide for the amount of market rate and affordable housing as the project would, thereby reducing the effect of redeveloping the project site to create much needed housing opportunities in the Otay Mesa-Nestor community and the City.

Table ES-1. Summary of Environmental Impacts and Mitigation Measures

| Environmental Impacts | Mitigation Measures | Level of Significance After Mitigation |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Air Quality (Direct and Cumulative Impact) The project would result in significant air quality impacts associated with potential cancer risks for sensitive receptors to diesel exhaust emissions due to project construction activities.</p> | <p>MM AQ-1: Air Quality Prior to the issuance of a grading permit, during construction activities, efforts shall be made to reduce diesel exhaust emissions from all construction equipment greater than 100 hp with use of Tier 4 Final equipment, including equipment with an installed diesel particulate filter (DPF), where feasible, and by use of other emission reduction practices. Construction equipment greater than 100 hp that is certified less than Tier 4 Final may only be used if unavailable from vendors, in which case equipment with DPFs installed shall be used whenever possible. Additionally, measures shall be employed to reduce DPM emissions, that may include, but would not be limited to, reduction in the number and/or horsepower rating of construction equipment, limiting the number of daily construction haul truck trips to and from the proposed Project using cleaner vehicle fuel, and/or limiting the number of individual construction Project components occurring simultaneously. These measures would be used to ensure that health risk impacts from construction do not exceed significance levels.</p> | <p>Mitigated to below a level of significance for the proposed development.</p> <p>The proposed CPA and Rezone would allow for the site to be developed ministerially with up to 206 residential units. As there would be no mechanism to require future ministerial development to implement mitigation, the air quality impact would remain significant.</p> |
| <p>Historical Resources (Direct Impact) The project would result in potentially significant impacts to unknown subsurface archaeological resources.</p> | <p>MM HIS-1: Archaeological Resources</p> <p>I. Prior to Permit Issuance</p> <p>A. Entitlements Plan Check</p> <ol style="list-style-type: none"> 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. <p>B. Letters of Qualification have been submitted to ADD</p> <ol style="list-style-type: none"> 1. The applicant shall submit a letter of verification to Mitigation Monitoring Coordination (MMC) identifying the Principal Investigator (PI) for the project and the names of all persons involved in the archaeological monitoring program, as defined in the City of San Diego Historical Resources Guidelines (HRG). If applicable, individuals involved in the archaeological monitoring program must have completed the 40-hour HAZWOPER training with certification documentation. | <p>Mitigated to below a level of significance.</p> |

| Environmental Impacts | Mitigation Measures | Level of Significance After Mitigation |
|-----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------|
| | <p>2. MMC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the archaeological monitoring of the project meet the qualifications established in the HRG.</p> <p>3. Prior to the start of work, the applicant must obtain written approval from MMC for any personnel changes associated with the monitoring program.</p> <p>II. Prior to Start of Construction</p> <p>A. Verification of Records Search</p> <p>1. The PI shall provide verification to MMC that a site-specific records search (1/4 mile radius) has been completed. Verification includes, but is not limited to a copy of a confirmation letter from South Coastal Information Center, or, if the search was in-house, a letter of verification from the PI stating that the search was completed.</p> <p>2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.</p> <p>3. The PI may submit a detailed letter to MMC requesting a reduction to the ¼ mile radius.</p> <p>B. PI Shall Attend Precon Meetings</p> <p>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.</p> <p>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.</p> <p>2. Identify Areas to be Monitored</p> <p>a. Prior to the start of any work that requires monitoring, the PI shall submit an Archaeological Monitoring Exhibit (AME) (with verification that the AME</p> | |

| Environmental Impacts | Mitigation Measures | Level of Significance After Mitigation |
|-----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------|
| | <p>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.</p> <ul style="list-style-type: none"> b. The AME shall be based on the results of a site-specific records search as well as information regarding existing known soil conditions (native or formation). <p>3. When Monitoring Will Occur</p> <ul style="list-style-type: none"> 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. <p>III. During Construction</p> <ul style="list-style-type: none"> A. Monitor(s) Shall be Present During Grading/Excavation/Trenching <ul style="list-style-type: none"> 1. The Archaeological Monitor shall be present full-time during all soil disturbing and grading/excavation/trenching activities which could result in impacts to archaeological resources as identified on the AME. The Construction Manager is responsible for notifying the RE, PI, and MMC of changes to any construction activities such as in the case of a potential safety concern within the area being monitored. In certain circumstances OSHA safety requirements may necessitate modification of the AME. 2. The Native American consultant/monitor shall determine the extent of their presence during soil disturbing and grading/excavation/trenching activities based on the AME and provide that information to the PI and MMC. If prehistoric resources are encountered during the Native American | |

| Environmental Impacts | Mitigation Measures | Level of Significance After Mitigation |
|-----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------|
| | <p>consultant/monitor's absence, work shall stop and the Discovery Notification Process detailed in Section III.B-C and IV.A-D shall commence.</p> <ol style="list-style-type: none"> 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. <p>B. Discovery Notification Process</p> <ol style="list-style-type: none"> 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. <p>C. Determination of Significance</p> <ol style="list-style-type: none"> 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. | |

| Environmental Impacts | Mitigation Measures | Level of Significance After Mitigation |
|-----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------|
| | <p>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.</p> <p>b. If the resource is significant, the PI shall submit an Archaeological Data Recovery Program (ADRP) 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.</p> <p>c. If the resource is not significant, the PI shall submit a letter to MMC indicating that artifacts will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that that no further work is required.</p> <p>IV. Discovery of Human Remains</p> <p>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:</p> <p>A. Notification</p> <ol style="list-style-type: none"> 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. <p>B. Isolate discovery site</p> <ol style="list-style-type: none"> 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 | |

| Environmental Impacts | Mitigation Measures | Level of Significance After Mitigation |
|-----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------|
| | <p>determination can be made by the Medical Examiner in consultation with the PI concerning the provenance of the remains.</p> <ol style="list-style-type: none"> 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. <p>C. If Human Remains ARE determined to be Native American</p> <ol style="list-style-type: none"> 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: <ol style="list-style-type: none"> 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: | |

| Environmental Impacts | Mitigation Measures | Level of Significance After Mitigation |
|-----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------|
| | <p>(1) Record the site with the NAHC;</p> <p>(2) Record an open space or conservation easement; or</p> <p>(3) Record a document with the County. The document shall be titled "Notice of Reinternment 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.</p> <p>V. Night and/or Weekend Work</p> <p>A. If night and/or weekend work is included in the contract</p> <ol style="list-style-type: none"> 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. <ol style="list-style-type: none"> a. No Discoveries In the event that no discoveries were encountered during night and/or weekend work, the PI shall record the information on the CSV and submit to MMC via fax by 8AM of the next business day. b. Discoveries All discoveries shall be processed and documented using the existing procedures detailed in Sections III - During Construction, and IV - Discovery of Human Remains. Discovery of human remains shall always be treated as a significant discovery. c. Potentially Significant Discoveries If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section III - During Construction and IV- Discovery of Human Remains shall be followed. d. The PI shall immediately contact MMC, or by 8AM of the next business day to report and discuss the findings as indicated in Section III-B, unless other specific arrangements have been made. <p>B. If night and/or weekend work becomes necessary during the course of construction</p> <ol style="list-style-type: none"> 1. The Construction Manager shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin. | |

| Environmental Impacts | Mitigation Measures | Level of Significance After Mitigation |
|-----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------|
| | <p>2. The RE, or BI, as appropriate, shall notify MMC immediately.</p> <p>C. All other procedures described above shall apply, as appropriate.</p> <p>VI. Post Construction</p> <p>A. Preparation and Submittal of Draft Monitoring Report</p> <p>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.</p> <p>a. For significant archaeological resources encountered during monitoring, the Archaeological Data Recovery Program shall be included in the Draft Monitoring Report.</p> <p>b. Recording Sites with State of California Department of Parks and Recreation</p> <p>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.</p> <p>2. MMC shall return the Draft Monitoring Report to the PI for revision or, for preparation of the Final Report.</p> <p>3. The PI shall submit revised Draft Monitoring Report to MMC for approval.</p> <p>4. MMC shall provide written verification to the PI of the approved report.</p> <p>5. MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.</p> <p>B. Handling of Artifacts</p> | |

| Environmental Impacts | Mitigation Measures | Level of Significance After Mitigation |
|-----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------|
| | <ol style="list-style-type: none"> 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. <p>C. Curation of artifacts: Accession Agreement and Acceptance Verification</p> <ol style="list-style-type: none"> 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. <p>D. Final Monitoring Report(s)</p> <ol style="list-style-type: none"> 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. | |

| Environmental Impacts | Mitigation Measures | Level of Significance After Mitigation |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------|---------------------------------------------|
| Tribal Cultural Resources (Direct and Cumulative Impact) The project would result in potentially significant impacts to unknown subsurface tribal cultural resources. | See MM HIS-1: Archaeological Resources above | Mitigated to below a level of significance. |

1.0 INTRODUCTION

This chapter provides a brief scope of the project, the purpose and legal authority for this Environmental Impact Report (EIR), the EIR scope and process, and an explanation of how the EIR is organized.

1.1 EIR Purpose

The purpose of a project EIR is to:

- Inform governmental decision makers and the general public of the potentially significant environmental effects of the proposed project.
- Identify the ways that environmental impacts can be avoided or significantly reduced.
- Reduce environmental impacts by identifying changes in the proposed project through the use of alternatives or mitigation measures.

1.1.1 *EIR Legal Authority*

The City of San Diego (City) is the Lead Agency as defined per Section 21067 of the California Environmental Quality Act (CEQA). CEQA is “the public agency which has the principal responsibility for carrying out or approving a project which may have a significant effect upon the environment.” This document complies with the criteria, standards, and procedures of CEQA (California Public Resources Code (PRC), Section 21000 et seq.) and the State CEQA Guidelines (14 CCR 15000 et seq.). Further, this document has been prepared as a project EIR pursuant to Section 15161 of the State CEQA Guidelines.

The EIR has been prepared in accordance with the City’s EIR Preparation Guidelines (City of San Diego 2005) and the City’s CEQA Significance Determination Thresholds (City of San Diego 2022). This document represents the independent judgement of the City as Lead Agency (State CEQA Guidelines Section).

1.1.2 *Intended Use of the EIR*

The EIR is informational in nature and is intended for use by City decision makers; other responsible, trustee, or interested agencies; and the general public in evaluating the potential environmental effects, mitigation measures, and alternatives of the project. This EIR provides detailed information about the potential significant adverse environmental impacts of the project. By recognizing the environmental impacts of the project, decision makers will have a better understanding of the physical environmental changes that would accompany the approval of the project. The EIR includes recommended mitigation measures which, when implemented, would substantially lessen or avoid significant effects of the project on the environment to the extent feasible. Alternatives to the project are presented to evaluate alternative development scenarios that can further reduce or avoid significant impacts associated with the project.

1.1.3 Responsible and Trustee Agencies

State law requires that all EIRs be reviewed by responsible and trustee agencies. A Responsible Agency, defined pursuant to State CEQA Guidelines Section 15381, includes all public agencies other than the Lead Agency that have discretionary approval power over the project. A Trustee Agency is defined in Section 15386 of the CEQA Guidelines as a state agency having jurisdiction by law over natural resources affected by a project that are held in trust for the people of the state of California. Trustee and responsible agencies for the proposed project include United States Fish and Wildlife Services, California Department of Fish and Wildlife, and the California Public Utilities Commission (CPUC). The CPUC is a regulatory agency that regulates privately owned public utilities in the state of California, including electric power, telecommunications, natural gas and water companies. The project applicant would be required to coordinate with the CPUC for public utility easement vacations associated with San Diego Gas and Electric (SDG&E) facilities. There are no United States Army Corps of Engineer or California Department of Fish and Wildlife regulated impacts that would occur as part of the proposed project.

1.1.4 Type of EIR

This EIR has been prepared as a project EIR, as defined in Section 15161 of the CEQA Guidelines. A project EIR should “focus primarily on the changes in the environment that would result from the development project.” Furthermore, a project EIR should “examine all phases of the project including planning, construction and operation.” The proposed project and other related actions are described in Chapter 3.0, *Project Description*. Where this EIR has determined that certain environmental impacts would be potentially significant, mitigation measures directed at reducing or avoiding significant adverse environmental effects have been identified, to the extent feasible. In addition, feasible alternatives to the project have been developed. An analysis of the impacts of project alternatives compared to those of the project provides a basis for consideration by decision-makers.

1.1.5 Notice of Preparation/Scoping Meeting

The City, as Lead Agency, conducted a preliminary review of the Palm & Hollister Apartments project pursuant to CEQA Guidelines Section 15060. In accordance with CEQA Section 15060(d), the City determined that an EIR will be clearly required for the project since the project could result in potentially significant environmental effects. As Lead Agency, the City prepared a Notice of Preparation (NOP) pursuant to CEQA Section 15082, which was distributed to responsible and trustee agencies, as well as various other governmental agencies and interested organizations and individuals on June 22, 2022. The purpose of the NOP was to solicit comments on the scope and analysis to be included in the EIR for the project.

During the public review period of the NOP, a total of six comment letters were received. A copy of the NOP and letters received during its review are included in Appendix A. Comment letters received during public review of the NOP expressed the need to address the project’s relationship with the adjacent Otay Valley Regional Park (OVRP), including providing connections to the Park’s trails and

future recreation facilities, managing stormwater runoff entering the Park, and emergency and fire access; the need for California Native American Tribes consultation; the importance of evaluating impacts to biological resources and addressing the Multi-Habitat Planning Area; addressing nearby transit and local mobility opportunities; and that air quality and health risk be evaluated in the EIR. These concerns are addressed in Chapter 5.0, *Environmental Analysis*, of this EIR. More specifically, the OVRP and the project are discussed in 5.1 *Land Use*, 5.17, *Water Quality*, 5.8 *Health and Safety* and 5.18 *Wildfire*. Consultation with Native American tribes is addressed in sections 5.9 *Historical Resources* and 5.15 *Tribal Cultural Resources*. The project's impact to biological resources and a discussion of the MHPA are presented in section 5.4 *Biological Resources*. Transit and local mobility opportunities are addressed in 5.2 *Transportation and Circulation*; and air quality risk is addressed in section 5.3 *Air Quality*.

Based on initial review of the project by the City and comments received during review of the NOP and at the public scoping meeting, the City determined that the EIR for the project should address the following environmental issues.

- Land Use
- Transportation and Circulation
- Air Quality
- Biological Resources
- Energy
- Geologic Conditions
- Greenhouse Gas Emissions
- Health and Safety
- Historical Resources
- Hydrology
- Noise
- Population and Housing
- Public Services and Facilities
- Public Utilities
- Tribal Cultural Resources
- Visual Effects and Neighborhood Character
- Water Quality
- Wildfire

1.1.6 ***EIR Organization***

In accordance with Sections 15120 through 15132 of the State CEQA Guidelines, the EIR is formatted to address the required contents of an EIR. Technical studies have been summarized within individual environmental issue sections. The EIR has been organized in the following manner:

- **Executive Summary** is provided at the beginning of this document, which includes the conclusions of the environmental analysis, identifies each significant effect and associated proposed mitigation measures, as applicable; and a comparative summary of the project with the alternatives analyzed in the EIR, as well as areas of controversy and any issues to be resolved.
- **Chapter 1.0, Introduction**, introduces the intended uses of the EIR, includes the scope and format of the EIR and provides a discussion of the public review process.
- **Chapter 2.0, Environmental Setting**, provides a description of the project location and the environment of the project site, as well as the vicinity of the project site, as it exists at the time the NOP was published (June 2022).

- **Chapter 3.0, Project Description**, details the physical and operational characteristics of the project, provides the purpose and objectives of the project, and presents the required discretionary actions.
- **Chapter 4.0, History of Project Changes**, chronicles any changes that have been made to the project in response to environmental concerns raised during the City's review of the project.
- **Chapter 5.0, Environmental Analysis**, includes a description of the existing conditions relevant to each environmental topic; presents the threshold(s) of significance, based on the *City's California Environmental Quality Act Significance Determination Thresholds* (December 2022), for the particular issue area under evaluation; identifies an issue statement or issue statements; assesses any impacts associated with implementation of the project; provides a summary of the significance of any project impacts; and presents recommended mitigation measures and mitigation monitoring and reporting, as appropriate, for each significant issue area.
- **Chapter 6.0, Cumulative Effects**, addresses the cumulative impacts caused by the project in combination with other past, present, and reasonably foreseeable future development in the area.
- **Chapter 7.0, Effects Found Not to be Significant**, presents a brief discussion of the environmental effects of the project that were evaluated and were found not to be potentially significant.
- **Chapter 8.0, Significant Irreversible Environmental Changes**, discusses any significant irreversible environmental changes that would be caused by the project, should it be implemented.
- **Chapter 9.0, Growth Inducement**, discusses the ways in which the project could foster economic or population growth.
- **Chapter 10.0, Alternatives**, provides a description and evaluation of alternatives to the project that could avoid or reduce potentially significant environmental impacts associated with implementation of the project.
- **Chapter 11.0, Mitigation Monitoring and Reporting Program**, documents the various mitigation measures required as part of the project.
- **Chapter 12.0, References**, includes a list of the reference materials consulted in the course of the EIR's preparation.
- **Chapter 13.0, Individuals and Agencies Consulted**, includes a list of agencies and individuals contacted during preparation of the EIR and lists those persons and agencies responsible for the preparation of the EIR.

Tables and figures are provided as necessary to illustrate and support text within this EIR. All tables and figures are located at the end of the chapter or section in which they are introduced, with tables followed by figures, as applicable.

Technical Appendices

Technical reports have been used as a basis for much of the environmental analysis in the EIR in accordance with Section 15147 of the CEQA Guidelines, and are included as appendices to this EIR. The technical reports prepared for the proposed project and their location in the EIR are listed in the table of contents.

Incorporation by Reference

As permitted by CEQA Guidelines Section 15150, this EIR references several technical studies and reports. Information from these documents is briefly summarized in this EIR, and their relationship to this EIR is described in the respective chapters. All reference materials are included in Chapter 12.0 *References* and are hereby incorporated by reference.

1.2 Availability and Public Review Process

This EIR has been made available for review to members of the public and public agencies for 45 calendar days (from March 26, 2024 to May 9, 2024) to provide comments “on the sufficiency of the document in identifying and analyzing the possible impacts on the environment and ways in which the significant effects of the project might be avoided or mitigated” (14 California Code of Regulations [CCR] 15204). The Draft EIR and associated technical appendices were placed on the City’s CEQA webpage:

<https://www.sandiego.gov/ceqa/draft>

The City, as Lead Agency, will consider the written comments received on the Draft EIR following the end of the public review period. Responses to the public review comments relevant to the adequacy and completeness of the Draft EIR are prepared and compiled into the Final EIR. In addition, any changes to the Draft EIR that result from comments will be incorporated into the Final EIR, with deletions shown as strike-out text and additions shown as underlined text. All persons who comment on the EIR will be notified of the availability of the Final EIR and the date of the public hearing before the decision-maker.

2.0 ENVIRONMENTAL SETTING

This section provides a description of the existing physical conditions for the Palm & Hollister Apartments project site, as well as an overview of the local and regional environmental setting per Section 15125 of the California Environmental Quality Act (CEQA) Guidelines. Also provided in this section is a general discussion of public services serving the project site and the planning context within which the project is evaluated. Greater details relative to the setting of each environmental issue area addressed in this Environmental Impact Report (EIR) are provided at the beginning of each impact area discussion presented in the various sections of Chapter 5.0, *Environmental Analysis*, of this EIR.

CEQA Guidelines Section 15125(a) guides the discussion of the environmental setting for the proposed project and advises in the establishment of the project baseline. According to CEQA, an EIR must include a description of the physical environmental conditions in the vicinity of the project. The purpose of this requirement is to give the public and decision-makers the most accurate and understandable picture practically possible of the project's likely near-term and long-term impacts.

2.1 Project Location

2.1.1 Regional Setting

The project site is located in the Otay Mesa-Nestor community of the City of San Diego, within San Diego County (see Figure 2-1, *Regional Map*). The City of San Diego covers approximately 206,989 acres in the southwestern section of San Diego County, in Southern California. The Otay Mesa-Nestor community is located in the southern portion of the City of San Diego, immediately east of Imperial Beach and south of Chula Vista. The project site is identified as within the Palm City Neighborhood of the Otay Mesa-Nestor community.

2.1.2 Project Location

The 5.92-acre Palm & Hollister Apartments project site is located at 555 Hollister Street. As shown in Figure 2-2, *Project Location Map*, the project site is situated north of the Palm Avenue Trolley Station, south of the Otay Valley Regional Park (OVRP), and east of Hollister Street. A nursery operates immediately north of the project site within the OVRP; and the Palm Avenue Trolley Station parking lot, mobile home park and Ocean View Christian Academy sports field are to the south of the project site. To the west lies the San Diego & Arizona Eastern (SD&AE) Railroad line and Hollister Street. Regional access to the site is provided by Interstate 5 (I-5), approximately one mile west of the project site. Local access to the site is via Palm Avenue through the Palm Avenue Trolley Station Metropolitan Transit System (MTS) site.

2.2 Environmental Setting

2.2.1 Project Site

The Palm & Hollister Apartments project site encompasses approximately 5.92 acres. The site has been previously graded for prior agricultural use and is undeveloped, with the exception of a vacant residential structure, a garage, a canopy structure, and two storage containers. Landscaping is minimal, consisting of non-native plant species, and is mostly confined to the perimeter of the property. A water supply well is located in the northernmost portion of the project site. Elevations on the site range from 23 feet to 54 feet above mean sea level (AMSL). The project site has been and is currently partially used for staging by the Metropolitan Transit System (MTS) and some delivery services. A 10-foot-wide County of San Diego easement runs along the northern boundary of the project site. The purpose of this easement is to provide access to the OVRP. Figure 2-4, *Existing Site Conditions*, depicts the current condition of the project site.

Access to the project site is provided via an easement located at the southwest corner of the project site, connecting the project site to Palm Avenue. The easement also serves the adjacent Palm Avenue Trolley Station and associated parking lot.

2.2.2 Surrounding Environment

The project site is located within an urban community in the City of San Diego. Figure 2-3, *Surrounding Land Uses and Development*, identifies development located adjacent to the project site.

Currently, the area north and east of the project site is occupied by the Terra Bella Nursery. This area to the north is located within the OVRP, which is discussed below under Section 2.4.4, *Regional Plans*, below.

Along Palm Avenue south of the project site, located between the project site and Palm Avenue, is the La Palma Mobile Estates. The Ocean View Church and Ocean View Christian Academy are located east of La Palma Mobile Estates. Athletic fields serving the Ocean View Christian Academy immediately abut the southern border of the project site. Farther south across Palm Avenue are single-family homes, mostly one-story with a few two-story homes.

Immediately west of the project site are the SD&AE rail lines, Blue Line Trolley track and Hollister Street. On the west side of Hollister Street is Golf Laboratories, Inc., which creates and manufactures robots to conduct independent testing of golf equipment, with the I-5 freeway lying beyond that. The area west of Hollister Street and east of I-5 is the location of the ~~recently approved~~ proposed Bella Mar Apartments project (Project Number 631240). The Bella Mar Apartments project involves the construction of 380 multi-family units, including 100 affordable units on a 14.62-acre site. West of the I-5 freeway are commercial uses including a small two-story shopping center with stores and a pizza restaurant. Farther along Hollister Street to the southwest of the project site are one-story commercial businesses and single-family residential development.

MTS property is located immediately south of the project site's southwest corner. The MTS property is currently developed with the Palm Avenue Trolley Station and associated parking lot. The MTS board has approved future development of its property with an approximately ~~390-504~~ multi-family unit project with 304 affordable units and 200 middle income units, to include 2,505 square feet of retail space and a 5,000 square foot childcare center, that is in the early design stages. Single-family residences are located across Palm Avenue farther to the south of the project site. Commercial uses are located along portions of Palm Avenue, between Hollister Street and I-5.

2.3 Public Services

Below is a brief summary of public services in the project vicinity. Refer to Section 5.13, *Public Services and Facilities* for additional details.

2.3.1 Police

The Otay Mesa-Nestor community is served by beat 724 of the Southern Division facility, located at 1120 27th Street, approximately one mile south from the project site. The Southern Division serves the communities and neighborhoods of Egger Highlands, Nestor, Ocean Crest, Otay Mesa, Otay Mesa West, and Palm City.

2.3.2 Fire Safety

The project site is served by two fire stations of the San Diego Fire-Rescue Department: Fire Station 6 and Fire Station 30. Fire Station 6 is located at 693 Twining Avenue, approximately 2.4 miles east of the project site, and Fire Station Number 30 is located at 2265 Coronado Avenue, approximately 1.8 miles south of the project site.

2.3.3 Library Services

The project site is located in the service area of the City of San Diego Library System. The nearest library to the project site is the Otay Mesa-Nestor Branch Library located at 3003 Coronado Avenue, approximately 1.5 miles southeast of the project site. The library is 15,000 square feet in size and provides library materials, a large community room, a computer lab, reading alcoves, and a peaceful outdoor space.

2.3.4 School Services

Public school service would be provided by South Bay Union School District (for elementary and middle school) and Sweetwater School District (for high school). Specifically, public schools serving the project area are Mendoza Elementary School, located at 2050 Coronado Avenue; Montgomery Middle School, located at 1051 Picador Boulevard, and Montgomery High School, located at 3250 Palm Avenue.

2.3.5 Recreation

The General Plan's Recreation Element addresses the preservation, protection, acquisition, development, operation, maintenance, and enhancement of public recreation opportunities and facilities throughout the City of San Diego for all users. The Otay Mesa-Nestor Community contains multiple public recreational amenities, with two City parks located near the project site. Sunnyslope Neighborhood Park, located less than one mile from the project site, contains a basketball court, playground, and tot lot. Montgomery-Waller Community Park, one mile east of the project site, contains a gymnasium, kitchen, multipurpose room, a baseball field, two basketball courts, comfort station, concession stand, two multipurpose fields, two playgrounds, four softball fields, and a tot lot. In addition, the OVRP area is located immediately north and east of the project site.

2.4 Planning Context

This section provides a brief overview of the plans, policies, and regulations that are applicable to the project.

2.4.1 City of San Diego General Plan

The City's General Plan sets forth a comprehensive, long-term plan that prescribes overall goals and policies for development within the City of San Diego. The General Plan contains the following Elements: Land Use and Community Planning; Mobility; Urban Design; Economic Prosperity; Public Facilities, Services, and Safety; Recreation; Conservation; Noise; and Historic Preservation. While the Housing Element is an element of the City's General Plan, it is provided under separate cover from the rest of the General Plan due to the need for frequent Housing Element updates to facilitate compliance with the State reporting requirements. The project site is located in the Park, Open Space, & Recreation, Residential, and Multiple Use General Plan land use categories. (Figure 2-5, *City of San Diego General Plan Land Use Map*). For a detailed discussion of land use, zoning, and planning policies and regulations that apply to the project site, see Section 5.1, *Land Use*.

2.4.2 Otay Mesa-Nestor Community Plan

The project site is governed by the Otay Mesa-Nestor Community Plan, which was adopted in 1997. The Otay Mesa-Nestor Community Plan area encompasses approximately 4,500 acres. The community is an urbanized community primarily developed with residential land uses. According to the adopted Otay Mesa-Nestor Community Plan, the project site is designated as Open Space, Mixed Use, and Residential (5 - <10 dwelling units per net acre). (See Figure 2-6, *Otay Mesa-Nestor Community Plan Land Use Map*.)

2.4.3 Zoning

Zoning for the site is governed by the City's Land Development Code (LDC) which is a part of the San Diego Municipal Code (SDMC). The base zones on the site are AR-1-2 (Agricultural- Residential); RM-1-1 (Residential - Multiple Unit); and RS-1-5 (Residential - Single Unit) (see Figure 2-7, *Existing Zoning*).

The project site is located within a Transit Priority Area (TPA), Parking Standards TPA, and Transit Area Overlay Zone as shown in Figure 2-8, *Transit Priority Area Map*. See Section 5.2, *Transportation and Circulation* for a discussion of the project's relationship with the TPA and these related overlay zones.

Airport Influence Areas

The project site is located in an area that is affected by three Airport Land Use Compatibility Plans (ALUCP): Brown Field Municipal Airport, the Naval Outlying Landing Field (NOLF) Imperial Beach Airport, and Naval Air Station (NAS) North Island Airport. These plans are described in Section 2.4.4, *Regional Plans*, below. See Section 5.1, *Land Use*, for a detailed discussion of the project's compatibility with the ALUCP for each of these airfields.

Environmentally Sensitive Lands

The City's Environmentally Sensitive Lands (ESL) Regulations include sensitive biological resources, steep hillsides, coastal beaches, sensitive coastal bluffs, and 100-year floodplains. The project site does not contain coastal beaches or sensitive coastal bluffs. It does contain sensitive biological resources (Multi-Habitat Planning Area).

2.4.4 Regional Plans

In accordance with Section 15125(d) of the CEQA Guidelines, this environmental setting discussion includes statements relative to conformance with applicable regional plans. In addition to the City's General Plan and Community Plan described above, the following regional plans are assessed for consistency.

Brown Field Municipal Airport Land Use Compatibility Plan

Brown Field Municipal Airport is a general aviation airport that includes private, corporate, charter, air ambulance, law enforcement, fire rescue, flight training, cargo, skydiving, banner towing and airships. The project site is located approximately 8 miles to the west and is within the Airport Influence Area (AIA) Review Area 2 identified in the ALUCP for Brown Field Municipal Airport (Figure 2-9, *Brown Field ALUCP Airport Influence Area*).

Naval Outlying Landing Field Imperial Beach Airport Land Use Compatibility Plan

NOLF is a United States Navy facility for helicopters and its mission is to handle the overflow of helicopter squadron traffic from NAS North Island and is located approximately 2.5 miles southwest of the project site. The project site is located within the AIA Review Area 2 identified in the ALUCP for NOLF Imperial Beach (October 2015) (Figure 2-10, *NOLF Imperial Beach ALUCP Airport Influence Area*).

Naval Air Station North Island Airport Land Use Compatibility Plan

NAS North Island is located at the north end of Coronado and is the host of 23 aviation squadrons of the United States Navy. The project site is located approximately 11 miles southeast of NAS North

Island. The project site is within the AIA for NAS North Island as noted in the ALUCP (October 2020) (Figure 2-11, *NAS North Island ALUCP Airport Influence Area*).

San Diego Regional Air Quality Strategy

The San Diego Regional Air Quality Strategy (RAQS) was developed to identify feasible emission control measures and provide expeditious progress toward attaining the State ozone standards. The two pollutants addressed in the RAQS are volatile organic compounds (VOC) and oxides of nitrogen (NOx), which are precursors to the formation of ozone. The San Diego County Air Pollution Control District (APCD) is responsible for RAQS development and implementation. See Section 5.7, *Air Quality*, for a complete analysis of project compliance with the RAQS.

San Diego Forward: The Regional Plan

Every four years, San Diego Association of Governments (SANDAG) prepares and updates a Regional Plan in collaboration with the 18 cities and County of San Diego along with regional, state, and federal partners. San Diego Forward: The Regional Plan (Regional Plan) was adopted by SANDAG on December 10, 2021. This plan will guide the region through 2050 and is being developed through a new data-driven process to transform the way people and goods move. The RP serves as a blueprint for how the San Diego region will grow and how SANDAG will invest in transportation infrastructure to provide more transportation choices, strengthen the economy, promote a healthy environment, and support thriving communities. The transportation decisions detailed in the RP serve an overarching goal: create more transportation choices, which ultimately will lead to healthier communities, healthier people, and a healthier environment. The 2021 Regional Plan envisions a transportation system that does not rely on any single mode of transportation but offers a complete and integrated systems to ensure that all San Diego County residents have access to safe transportation choices that protect the environment and support the regional economy.

Water Quality Control Plan for the San Diego Basin

The San Diego Regional Water Quality Control Board's Water Quality Control Plan for the San Diego Basin [(Basin Plan, California Regional Water Quality Control Board 1994 (amended September 1, 2021))] is designed to preserve and enhance water quality and protect the beneficial uses of all regional waters. Specifically, the Basin Plan: (1) designates beneficial uses for surface and ground waters; (2) sets narrative and numerical objectives that must be attained or maintained to protect the designated beneficial uses and conform to the State's anti-degradation policy; (3) describes implementation programs to protect the beneficial uses of all waters in the region; and (4) describes surveillance and monitoring activities to evaluate the effectiveness of the Basin Plan. Additionally, the Basin Plan incorporates by reference all applicable State and Regional Board plans and policies. See Section 5.13, *Water Quality*, for a complete analysis of project compatibility with the applicable water quality control regulations.

Multiple Species Conservation Program Subarea Plan/Multi-Habitat Planning Area

In March 1997, the City of San Diego adopted the Multiple Species Conservation Program (MSCP) Subarea Plan, a comprehensive habitat conservation planning program for southwestern San Diego County. The MSCP preserves a network of habitat and open space, protecting biodiversity and enhancing the region's quality of life. An Implementing Agreement (IA) was signed in July 1997 between the City of San Diego, United States Fish and Wildlife Service (USFWS), and California Department of Fish and Wildlife (CDFW), which identified roles and responsibilities of the parties to implement the MSCP Subarea Plan. Based on the Subarea Plan and IA, the City of San Diego was granted authorization by the USFWS and the CDFW to approve projects that serve to implement the plan.

The Multi-Habitat Planning Area (MHPA) was developed by the City in cooperation with the wildlife agencies, property owners, developers, and environmental groups and delineates core biological resource areas and corridors targeted for open space conservation. Within the MHPA, limited development may occur. The MSCP Subarea Plan and implementing regulations provide development guidelines for areas within and adjacent to the MHPA. Section 1.4.3 of the City of San Diego MSCP Subarea Plan provides Land Use Adjacency Guidelines for development adjacent to the MHPA that addresses the proximity of drainage, lighting, noise, barriers, invasives, grading/land development, brush management, and toxins to the MHPA. (see Section 5.4 *Biological Resources* for a detailed discussion of MSCP and MHPA.)

The Palm & Hollister Apartments project site is located within the City's MSCP area, which covers 206,124 acres within the City's jurisdiction; the northern portion of the project site is mapped within the MHPA. The project site includes MHPA area, as shown in Figure 2-12, *MHPA Exhibit*. This area consists of developed land disturbed habitat and does not contain native habitat with the ability to support a diversity of sensitive plant and animal life.

Otay Valley Regional Park Concept Plan

The OVRP is a multi-jurisdictional planning effort by the County of San Diego and the cities of San Diego and Chula Vista. The *Otay Valley Regional Park Concept Plan* (County of San Diego, 2016) was approved in December 2016. The regional park concept area extends about 11 miles inland from the southeastern edge of the salt ponds at the mouth of the Otay River, through the Otay River Valley, to the land surrounding both Lower and Upper Otay Lakes Reservoir. Future development of the regional park is conceptually planned to include playing fields, picnic areas, hiking, biking, and horse trails, and will include areas for the protection of open space, wildlife, historic, agricultural, and archaeological resources. The Concept Plan identifies the project site as Open Space/Preserve. As this is a concept plan, it does not change land use or zoning or otherwise commit land to the future concepts noted in this plan at this stage.

The 45-acre area to the north of the project site that is currently developed with the Terra Bella Nursery is planned as Recreation Area #3 in the Concept Plan (County of San Diego, 2016). The ~~ORVP~~ OVRP Concept Plan shows this area to be developed as an active recreation sports complex. The OVRP identifies the Palm Avenue Trail, which traverses Recreation Area #3, to serve hikers and bikers. The Palm Avenue Trail starts with a trailhead south of the river, north of Palm Avenue, and west of the project site. The trailhead is identified as a View and Access Point in the Community Plan.

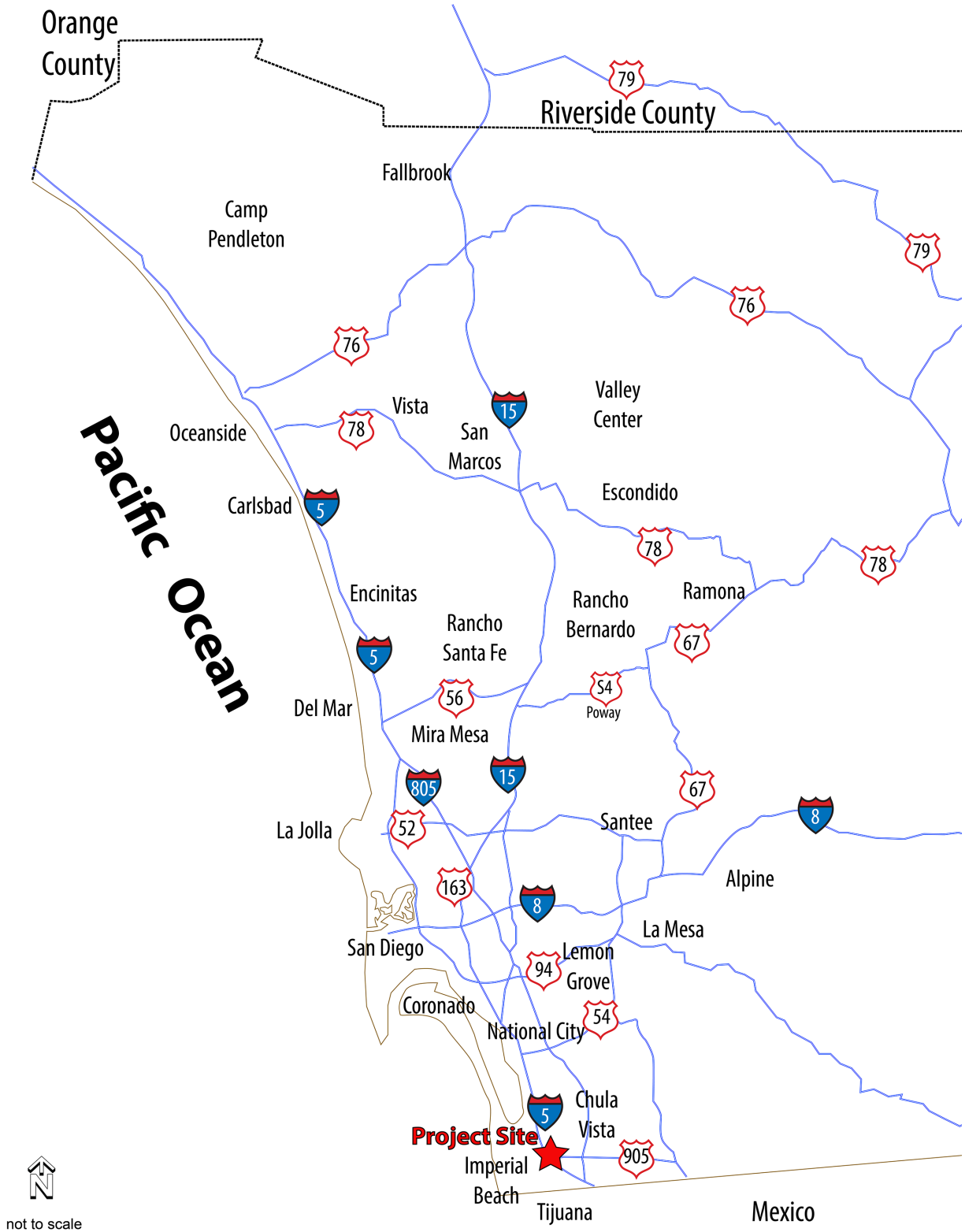


Figure 2-1. Regional Map



Figure 2-2. Project Location Map

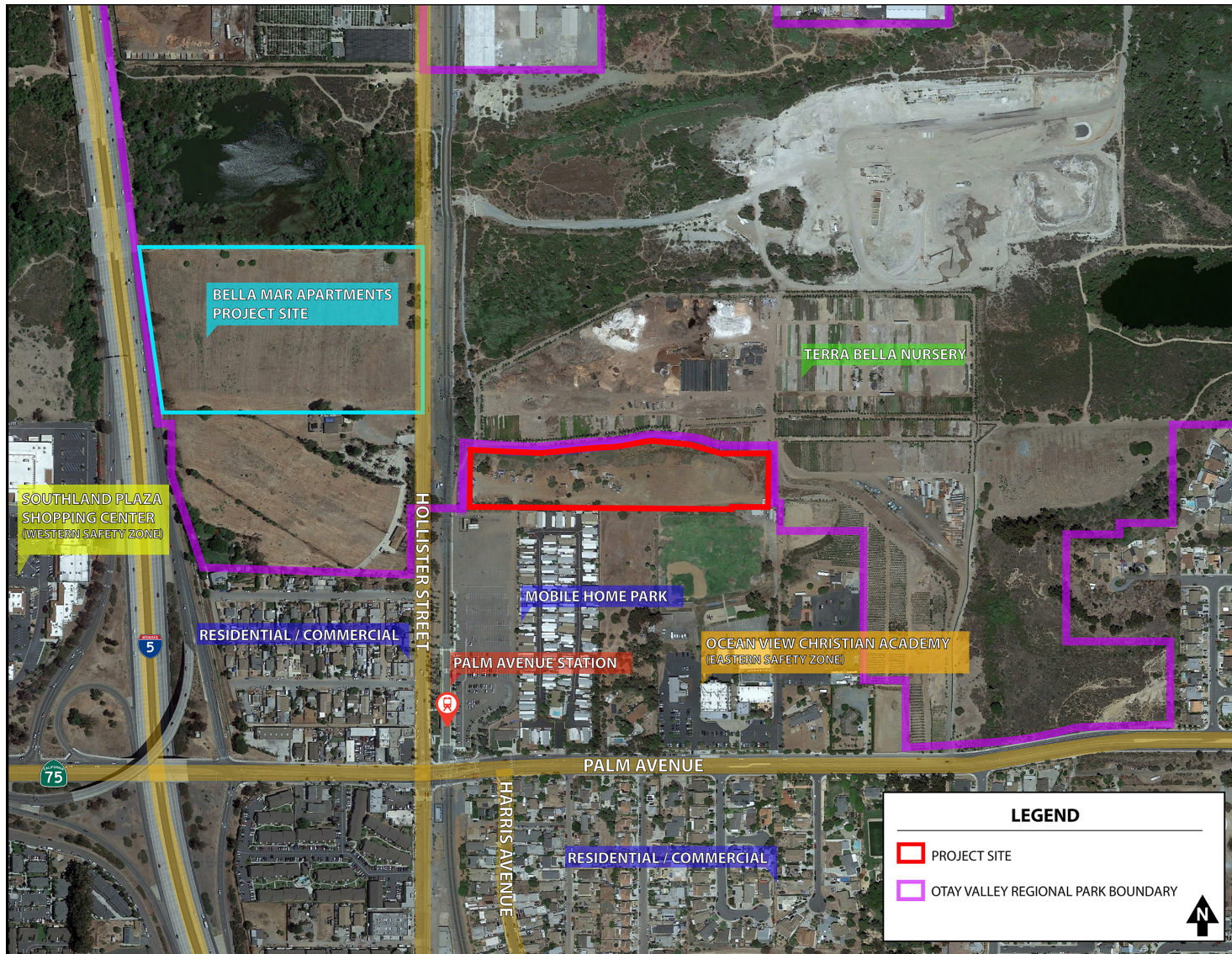


Figure 2-3. Surrounding Land Uses and Development



Figure 2-4. Existing Site Conditions

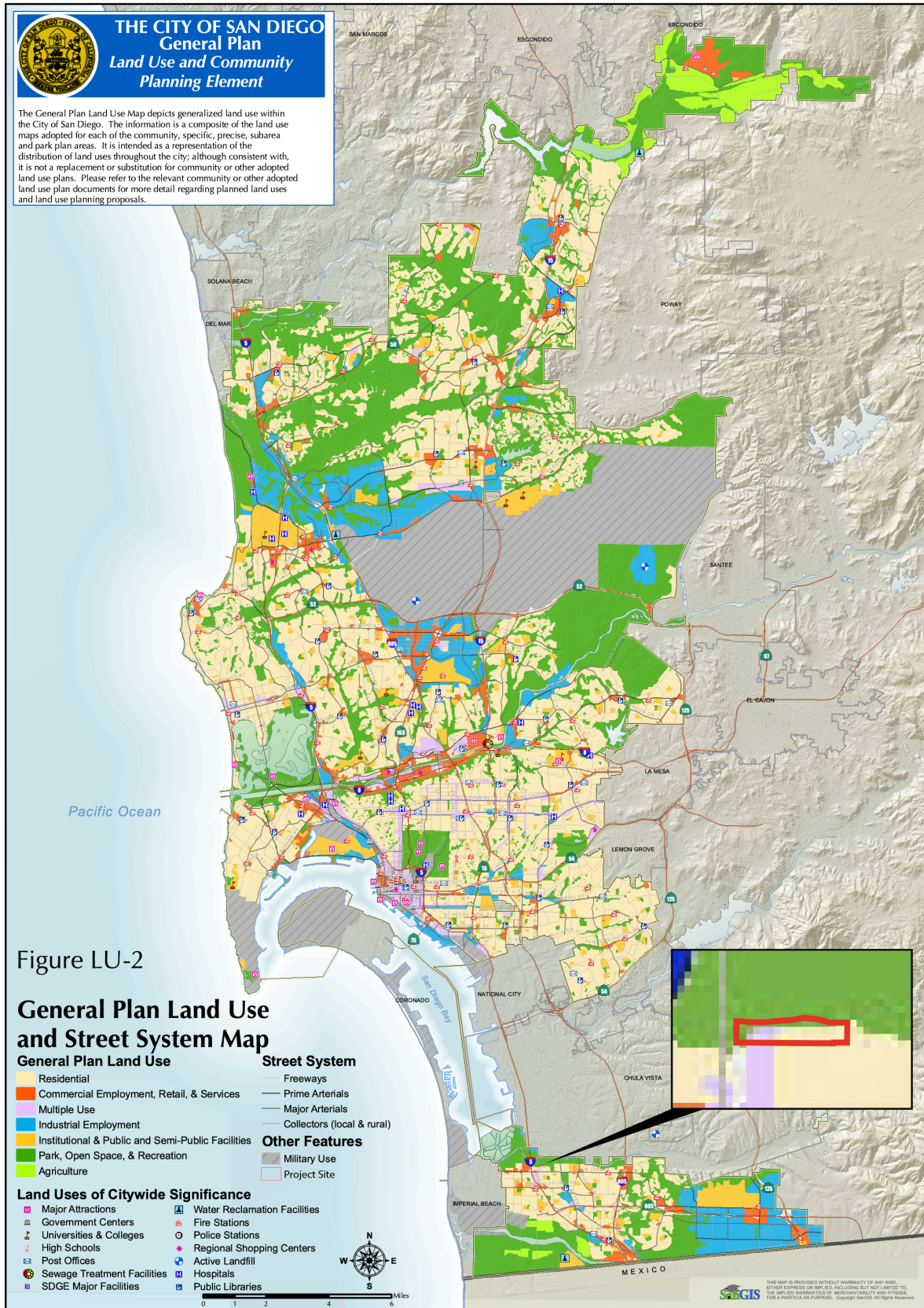


Figure 2-5. City of San Diego General Plan Land Use and Street System Map

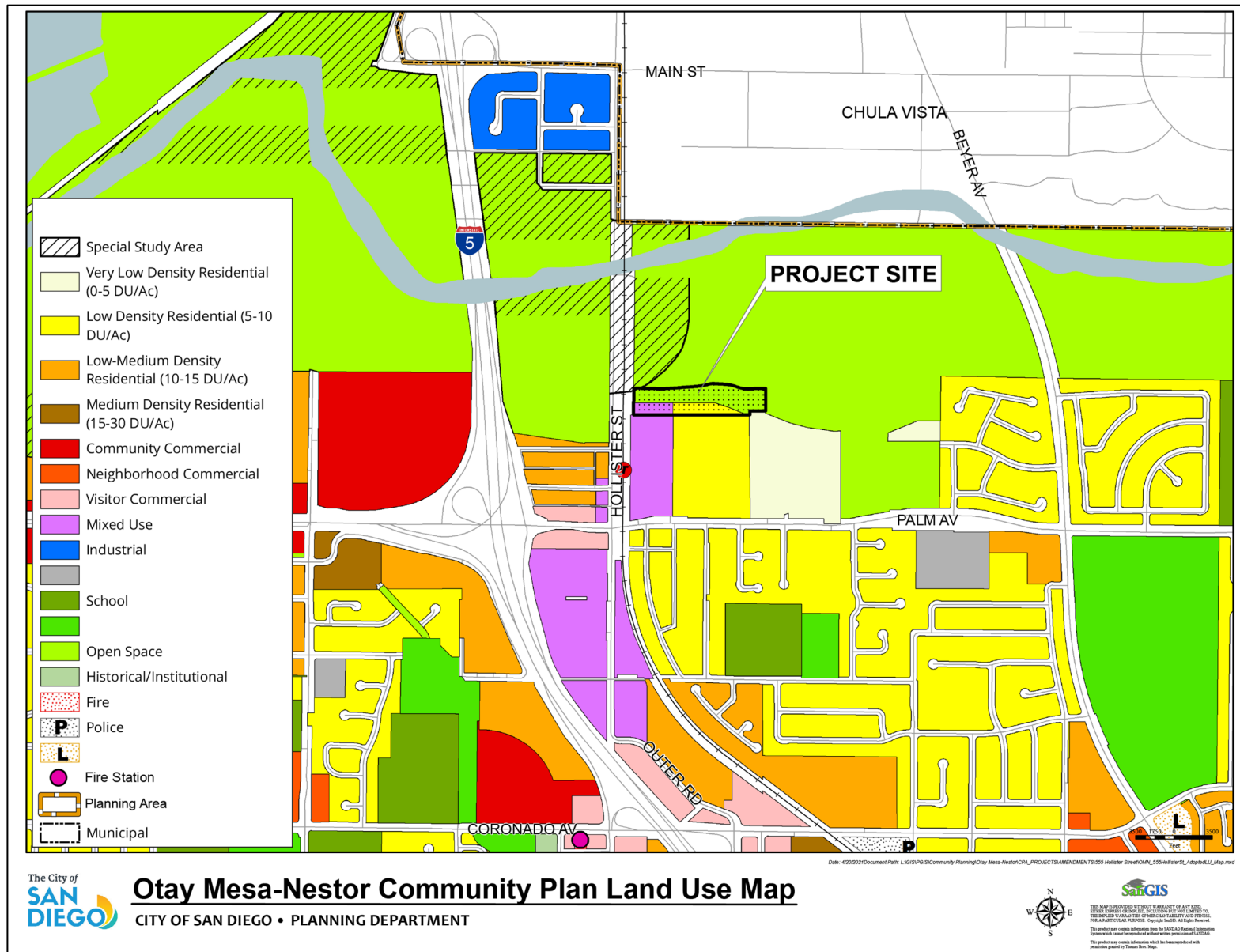


Figure 2-6. Otay Mesa-Nestor Community Land Use Map

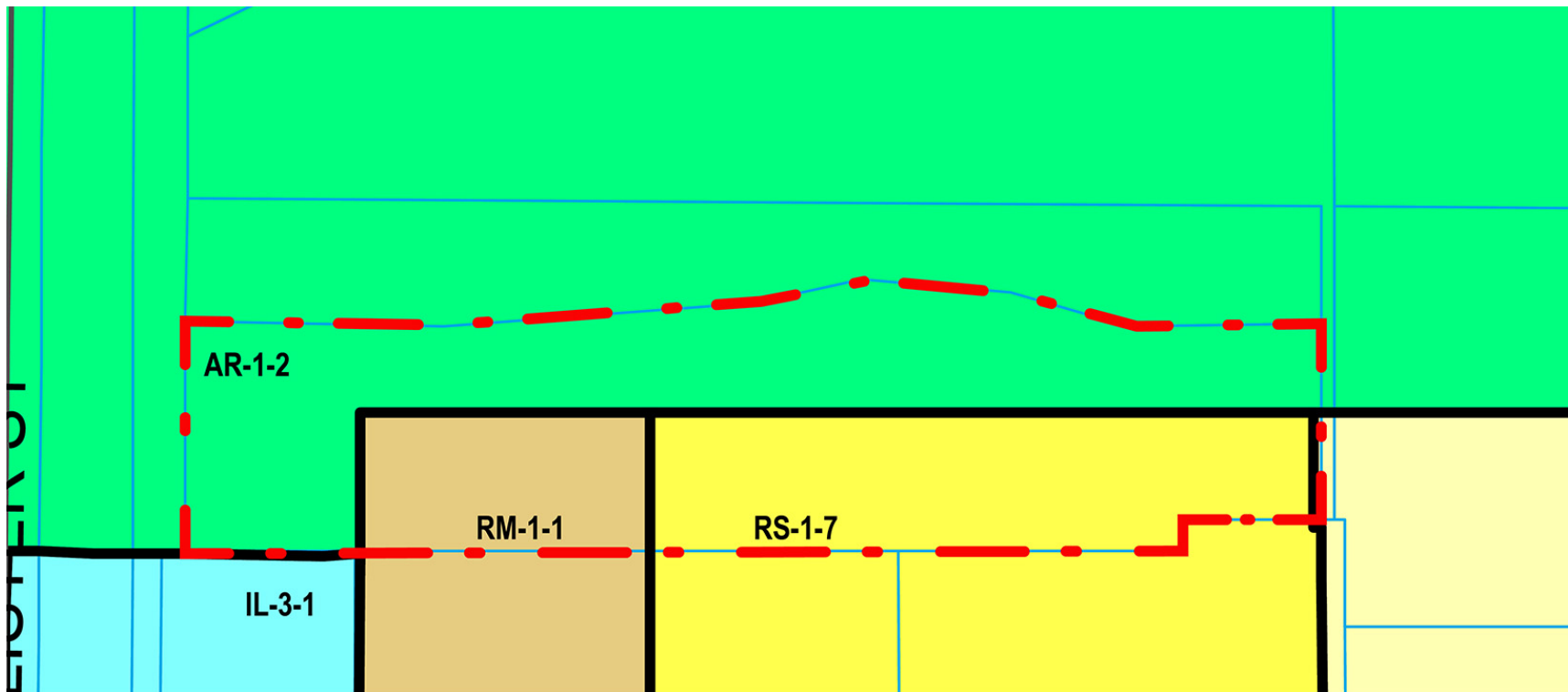


Figure 2-7. Existing Zoning

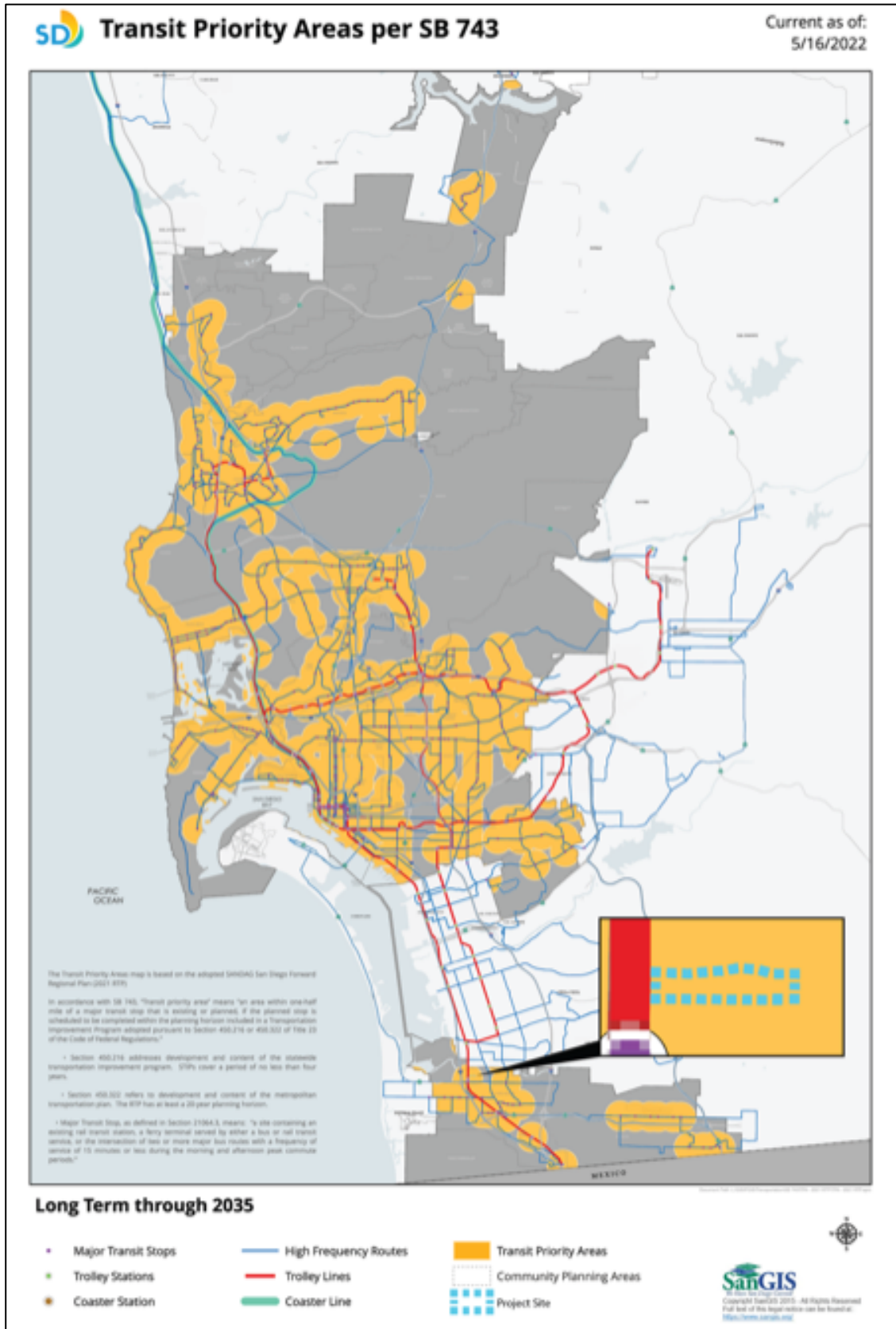


Figure 2-8. Transit Priority Area Map

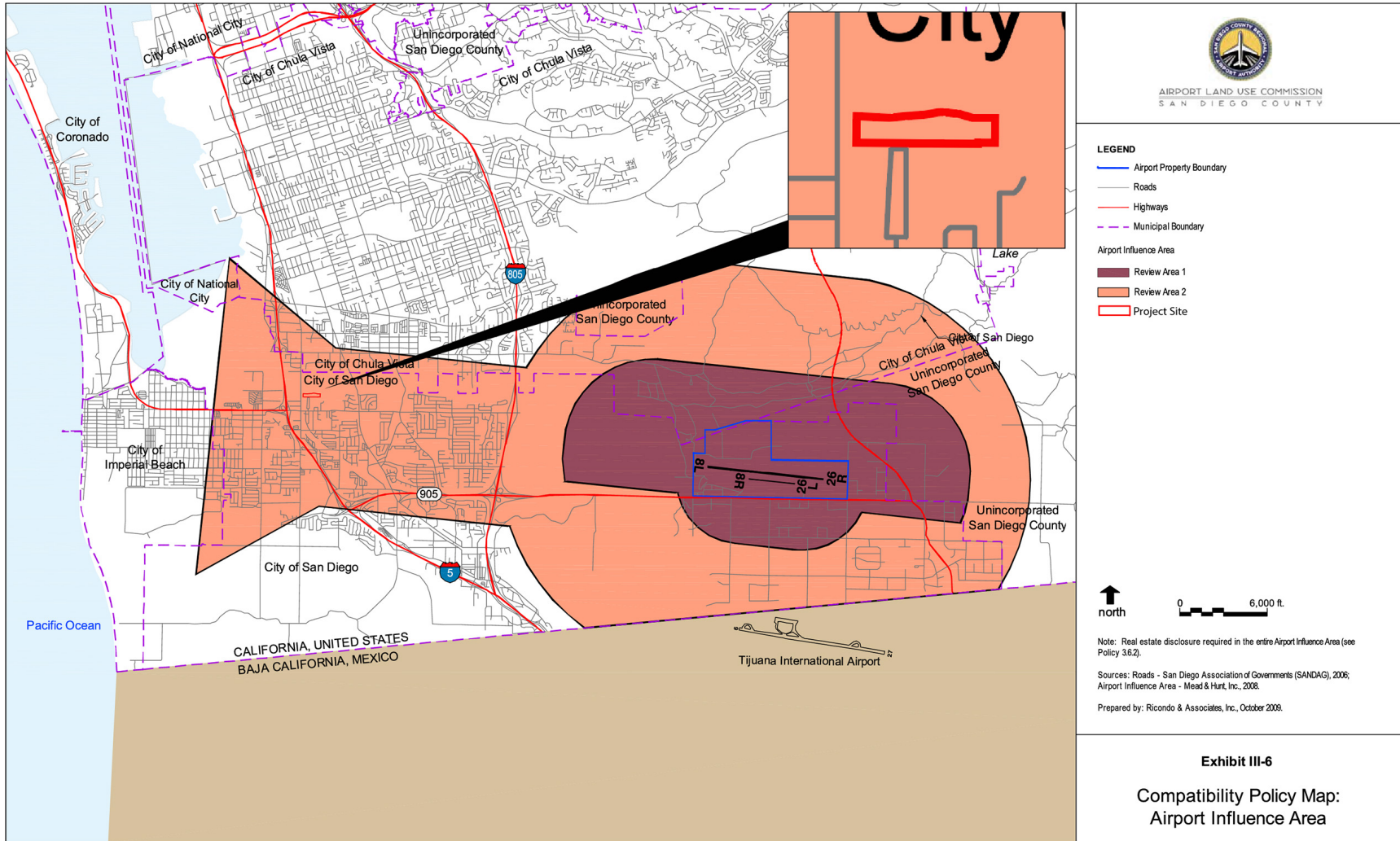


Figure 2-9. Brown Field ALUCP Airport Influence Area

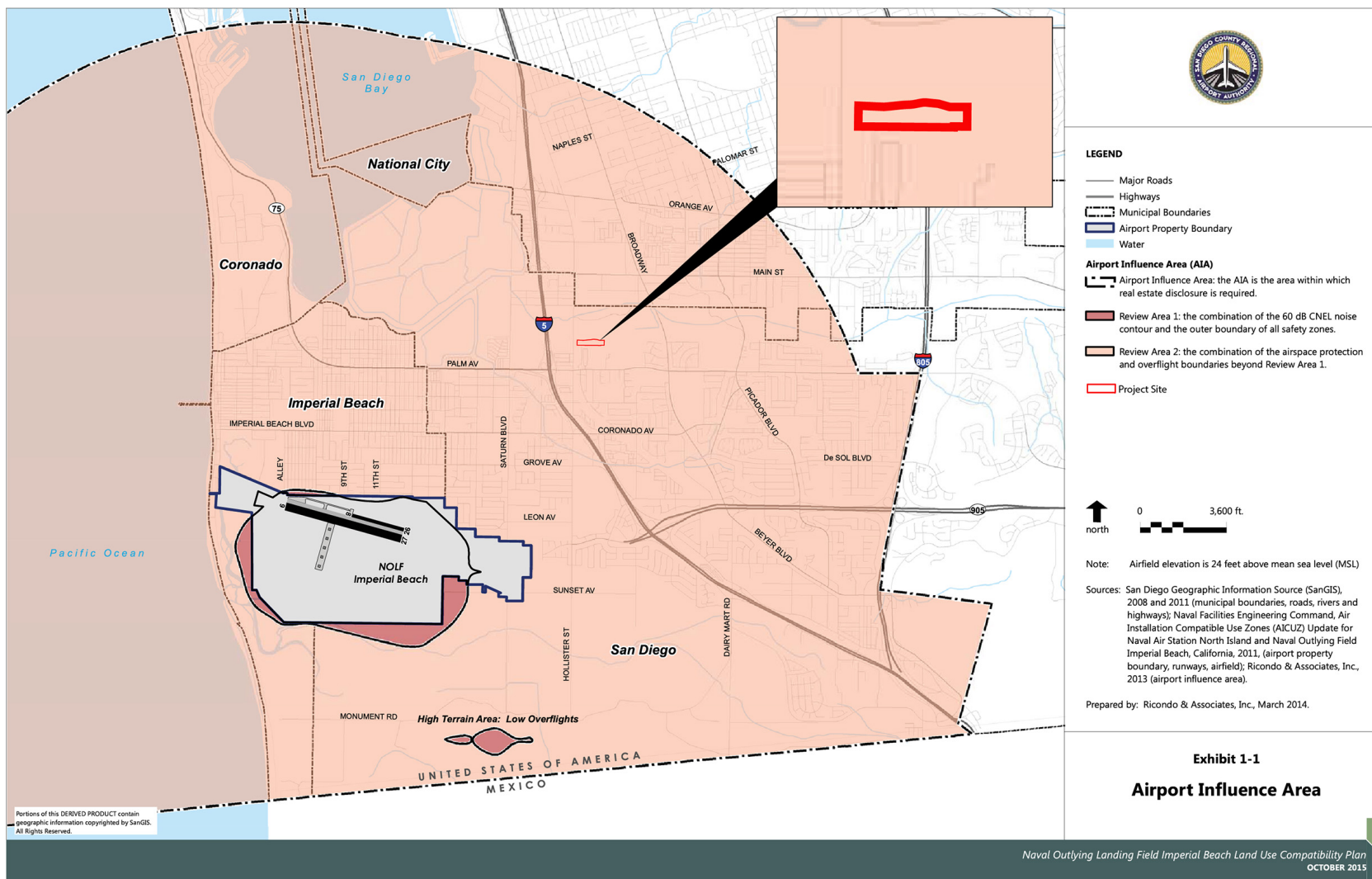


Figure 2-10. NOLF Imperial Beach ALUCP Airport Influence Area

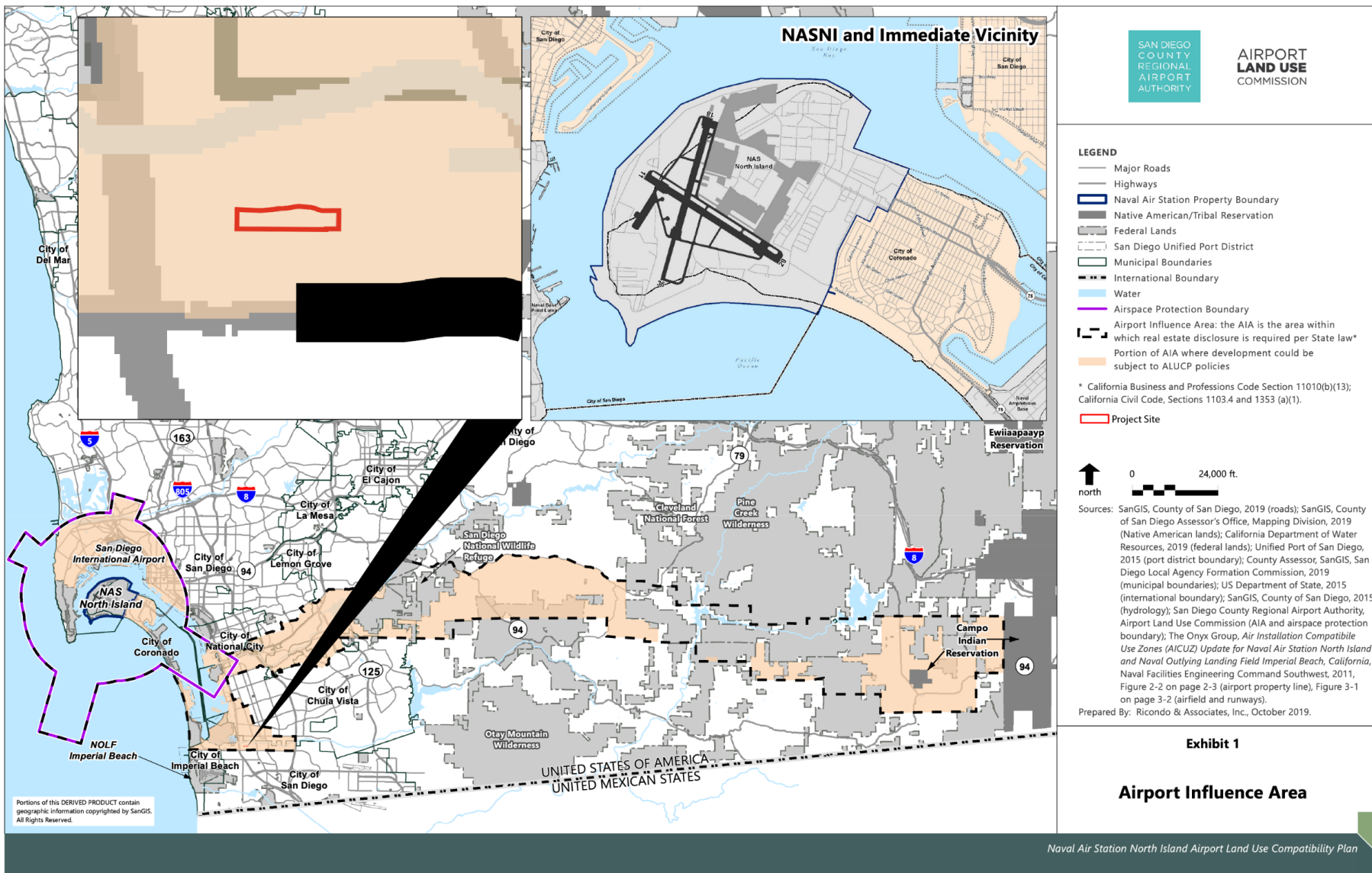


Figure 2-11. NAS North Island ALUCP Airport Influence Area



Figure 2-12. MHPA Exhibit

3.0 PROJECT DESCRIPTION

This chapter provides a statement of project goals and objectives, describes the specific characteristics of the proposed Palm & Hollister project, discusses project construction and operation, and identifies the discretionary actions necessary to implement the project. This chapter has been prepared pursuant to Section 15124 of the California Environmental Quality Act (CEQA) Guidelines.

3.1 Purpose and Objectives of the Project

CEQA Guidelines require that the Project Description include a statement of the objectives sought by the project. A clearly defined written statement of the objectives helps the Lead Agency develop a reasonable range of alternatives to evaluate in the Environmental Impact Report (EIR) and aids decision-makers in preparing findings and overriding considerations, as necessary. The statement of objectives also needs to include the underlying purpose of the project [CEQA Guidelines Section 15124(b)].

3.1.1 Project Purpose

The purpose of the project is to create a transit-oriented residential development that would provide market rate and affordable housing units to help the City meet its housing goals and to accommodate the emerging trends in the Otay Mesa-Nestor community. Specifically, the additional housing would assist the City in meeting its critical housing needs, would support Otay Mesa-Nestor's current and future employment centers, and would provide ridership for the adjacent trolley. The project's location within a Parking Standards Transit Priority Area (TPA) and proposed uses would provide residential development in a location where all utilities and public services, including transit, are readily available.

3.1.2 Project Objectives

1. Assist the City in meeting State and local housing goals by providing rental housing stock and contributing to a diverse range of housing opportunities and affordabilities.
2. Provide affordable housing on-site in a location proximate to employment and institutional uses, multi-modal transit, and regional transportation amenities, thereby reducing reliance on the personal automobile to go about daily life.
3. Maximize site utilization by providing medium-high density residential uses that contribute to meeting the dual housing affordability/availability needs of the City.
4. Create a coherent and cohesive site design for the project; with low-rise buildings to provide a transition between existing and planned development to the south and the Otay Valley Regional Park to the north.

5. Provide for redevelopment of an underutilized site within an urbanizing area, where public facilities and amenities are readily available.
6. Increase recreational opportunities for residents by providing a public trail at the southwest corner of the project site, connecting off-site to the future public trail system within the OVRP.

3.2 Project Components

3.2.1 Residential

The project proposes 198 residential units in 13 buildings. The project includes eight affordable housing units, to be distributed throughout the project, which would be provided at 30 percent to 60 percent Average Median Income. Residential units for the project would be provided in one-bedroom, two-bedroom, and three-bedroom configurations. All units would have private outdoor space in the form of balconies or patios. Buildings would be one, two, and three levels with tuck-under garages and one-level units over carports. (See Figure 3-1, *Palm & Hollister Apartments Site Plan*).

3.2.2 Architectural Design

As shown in Figures 3-2a through 3-2h, *Project Elevations*, the Palm & Hollister project would feature architectural elements that are intended to provide identifiable features, such as varying building heights and setbacks, providing relief to building façades and creating focal points around the project. Articulated entries to the buildings embellished with proposed evergreen trees allow pedestrians and visitors to easily find their destinations.

Architectural features also include varied building materials and finishes. An exterior materials palette of wood fascia, stucco, stone veneer, and horizontal siding allows for visual interest on the site with pops of color to accentuate project design elements and minimize bulk and scale of buildings. Neutral shades of white, gray, black, and brown allow for definition of the project while complementing and blending with project surroundings. The project would additionally include vinyl windows and metal guard rails on balconies to punctuate the elevation façade.

3.2.3 Common Space Amenities

The common space amenities would be provided in the western and central portions of the project site. The project would include a separate stand-alone building for residential amenities in the western portion of the project site and would feature fitness center, co-working spaces, and the leasing office. Exterior amenities adjacent to the proposed amenity building would include a pool, spa, fire pit, and patio/bar-b-que areas. An additional resident amenity area would be provided in the central portion of the project site, incorporated as an open courtyard in the center of the largest building. This resident amenity would feature a bar-b-que pavilion, fire table, turf area incorporating a nature playground, game courts, and sofa seating areas. A pedestrian landscaped walkway along

the top of the northern slope would provide a continuous connection from the residential buildings to the project amenity areas. In total, 20,967 square feet of common open space would be provided.

3.2.4 Vehicular and Pedestrian Access

Off-site Access

As illustrated in Figure 3-3, *Off-Site Access Plan*, access to the project site is proposed from the south through property owned by the Metropolitan Transit System (MTS). An existing access easement has been established with MTS to allow for vehicular and pedestrian access to and from Palm Avenue through the Palm Avenue Trolley Station parking lot to the project entrance. Bicycle access to the Palm Avenue Trolley Station and Palm Avenue would also be provided within the access easement along the drive aisle through MTS property.

The project would provide access improvements to the drive aisle within the MTS easement. These include upgrading the existing curb return where the drive aisle and Palm Avenue meet to comply with Americans with Disabilities Act (ADA) requirements, replacing curb ramps, restriping portions the drive aisle, and addition of a six-inch curb along the eastern side of the drive aisle. The easement would also allow for utility connections and project signage, as well as the addition of landscaping along the eastern border of the drive aisle.

Pedestrian access would also be provided within the MTS easement. The project would provide a five-foot-wide concrete sidewalk parallel to the project site and project property line within a nine-foot-wide pedestrian access easement that would tie into the existing MTS sidewalk. The MTS sidewalk runs through the MTS property and connects to existing sidewalks on Palm Avenue. Within the access easement drive aisle, the project would provide a five-foot-wide running track that runs from the project site property line along a portion of the eastern side of the drive aisle through the MTS parcel.

A 10-foot access easement exists to the north of the project site for pedestrian access to the OVRP. An additional access point to the OVRP to the west of the project site would be provided within the nine-foot pedestrian access easement proposed by the project.

On-Site Circulation

Access into the project would be provided through a vehicular gate at the project entrance. The project's interior drive aisles provide interior circulation throughout the project site, leading to each building and parking areas. (See Figure 3-3.)

Parking

The project would provide a total of 262 parking spaces, where none are required by SDMC Section 142.0525. The parking spaces would be provided in garages (100 spaces), carports (48 spaces), and surface parking (114 spaces). Ten percent, or 27 of the parking spaces provided, would be electric

vehicle parking spaces. The project would also provide 48 bicycle parking spaces and 50 percent of the required 46 bicycle spaces, or 46²³ spaces, would be supplied with individual outlets for electric charging of e-bikes.

3.2.5 Landscape Concept Plan

The proposed landscape plan (Figure 3-4, *Landscape Development Plan*) includes the use of low water use plant materials and meets all current codes and requirements. Landscaping would include a mix of trees, shrubs, and accent planting. Trees would be utilized to define spaces and create a sense of place. Evergreen trees such as the New Zealand Christmas tree and Australian willow would line the parking areas and would provide shade and canopy for surface parking areas. Accent trees such as the Chinese elm, bronze loquat trees, and hollyleaf cherry trees would be located throughout the project. Evergreen theme trees such as the queen palm and bay laurel would line the southern project border and be located throughout the courtyards. The use of shrubs such as kangaroo paw, New Zealand wax, purple verbena, and coyote brush for screening and demarcation would be utilized, as well as bougainvillea and lantana for groundcover.

The outdoor common amenity spaces would include landscaping. Landscaping surrounding the pool area would include evergreen theme trees such as Brisbane box, small flowering accent trees such as Indian hawthorn and ornamental shrubs like kangaroo paw, pineapple guava, and coastal rosemary as well as turf areas. The central recreation area is a courtyard in Building D and includes turf game courts, patios, turf play area and gardens. Landscaping includes large accent trees such as sycamore or Chinese elm and evergreen theme trees such as queen palm or bay laurel create borders to separate areas within the courtyard. Small flowering trees such as dwarf jacaranda or bronze loquat border the game courts and ornamental shrubs such as dwarf bottle brush, coyote brush and blue hibiscus fill in the ground level borders. The central recreation area also includes a butterfly and hummingbird children's garden, as well as a children's nature playground with dry creek bed, bridge, flagstone and climbing boulders. The third amenity area is located on the north side of Building B. This area includes a turf play area, outdoor kitchen and dining area and seat walls overlooking the OVRP. Landscaping in this area includes three large accent trees such as tipu tree or Chinese Elm and small flowering accent trees such as bronze loquat or Indian hawthorn to create shade. Ornamental shrubs such as aloe, foxglove agave, lantana and orange bells fill in the area.

The project also includes landscaping within the 10-foot-wide County easement, located along the project site's north property boundary, as well as with the off-site access easement through the MTS property. Landscaping in County easement area would include low fuel native plant materials such as manzanita, California sagebrush, coyote bush, and sea cliff buckwheat. Landscaping in the off-site access easement through the MTS property would include adding trees and shrubs.

3.2.6 Demolition, Grading, and Construction

The project involves the demolition of existing structures at the site. The structures consist of a vacant residential building and garage totaling 1,737 square feet, canopy structure, and two storage containers, which are not currently being used.

The *Grading Plan* for the project is shown in Figure 3-5. The project would grade 5.50 acres of the 5.92-acre site, involving 15,000 cubic yards of cut and 38,500 cubic yards of fill. Approximately 23,500 cubic yards of material would be imported to the site. Import material would likely come from construction in the area, but the precise source/location would not be determined until closer to actual project construction. Maximum depth of cut would be 13 feet and would occur at the southeast corner of the site, on the east side of the proposed retaining wall. Maximum depth of fill would be 25 feet and would occur along the north edge of the site, on the south side of the proposed retaining wall. See discussion below regarding proposed retaining walls. The existing water supply well would be abandoned during earthwork activities. Access to the project site would be off-site through the adjacent MTS property. No grading would occur in that area, with the exception of trenching to connect with public utilities.

The project includes grading within a 10-foot-wide County of San Diego easement that runs along the northern property boundary. The project proposes storm water outfall structures and riprap at two locations within the easement: one at the northern property boundary in the western portion of the project site and the other at the northern property boundary in the eastern portion of the project site. A small area of riprap associated with each outfall structure would affect about four feet of the 10-foot-wide easement. The remaining easement area would be landscaped with native plant species and would be maintained by the project.

The project proposes retaining walls on the west, north, and east perimeters of the development area for a total length of 1,870 feet. Specifically, the project proposes 1,360 feet of plantable mechanically stabilized earth (MSE) retaining wall and 510 feet of concrete block (CMU) wall. The MSE retaining wall would start at the western side of Building A and would have a maximum height of 18 feet. A CMU wall would be located on the south side of Building B with a maximum height of five feet.

Security and safety fencing would be provided throughout the project. Specifically, a 42-inch tubular steel fence along would be placed west and north of the sidewalk around the pool and recreation area at the leasing office (Building A); and a 42-inch-tall tubular steel fence would be placed atop plantable retaining walls along the northern property line and slope, north of Building C and Building B. On the eastern perimeter of the project site, the project proposes a similar 42-inch-tall tubular steel fencing atop plantable retaining wall.

Project grading activities would be completed in compliance with San Diego Air Pollution Control District (SDAPCD) Rule 55, which identifies fugitive dust standards. The following measures 1

through 5, which generally reduce fugitive dust emissions, would be included for site preparation and grading phases of construction. Measure 6 would be included for the architectural coating phase of construction. These measures would become conditions of project approval.

1. Minimization of Disturbance. Construction contractors should minimize the area disturbed by clearing, grading, earth moving, or excavation operations to prevent excessive amounts of dust.
2. Soil Treatment. Construction contractors should treat all graded and excavated material, exposed soil areas, and active portions of the construction site, including unpaved on-site roadways, to minimize fugitive dust. Treatment shall include, but not necessarily be limited to, periodic watering, application of environmentally safe soil stabilization materials, and/or roll compaction as appropriate. Watering shall be done as often as necessary, and at least three times daily, preferably at the start of each morning, mid-day, and after work is completed for the day. For modeling purposes, it was assumed that watering would occur three times daily, during the construction of this development.
3. Soil Stabilization. Construction contractors should monitor all graded and/or excavated inactive areas of the construction site at least weekly for dust stabilization. Soil stabilization methods, such as water and roll compaction, and environmentally safe dust control materials shall be applied to portions of the construction site that are inactive for over four days. If no further grading or excavation operations are planned for the area, the area shall be seeded and watered until landscape growth is evident, or periodically treated with environmentally safe dust suppressants, to prevent excessive fugitive dust.
4. No Grading During High Winds. Construction contractors should stop all clearing, grading, earth moving, and excavation operations during periods of high winds.
5. Street Sweeping. Construction contractors should sweep all on-site driveways and adjacent streets and roads at least once per day, preferably at the end of the day, if visible soil material is carried over to adjacent streets and roads.
6. Architectural Coatings. Construction contractors shall use low-VOC paint (50 gallons/liter (g/L) for interior and exterior coatings for residential and non-residential buildings, and 100 g/L for parking lot paint) as required by SDAPCD Rule 67.0.1, which became effective on January 1, 2022.

Because the project would occur adjacent to the City's Multi Habitat Planning Area (MHPA) located off-site to the north and northeast (following the MHPA Boundary Line Adjustment), conformance with the adjacency guidelines would be required. See Section 5.3.6, MHPA Boundary Line Adjustment. The project, as designed, complies with adjacent guidelines pertaining to barriers, invasives, brush management and general land development. See Section 5.1, Land Use, for a detailed discussion of the project site's relationship with the MHPA. The following MHPA Land Use Adjacency Guidelines measures would become conditions of project approval:

Drainage

During construction, the project shall employ the use, as applicable, of structural and non-structural Best Management Practices (BMPs), Best Available Technology, and sediment catchment devices downstream of paving activities to reduce potential drainage impacts associated with construction.

Toxics

No trash, oil, parking, or other construction/development related material/activities shall be located outside approved project impact limits. All construction related debris shall be removed off-site to an approved disposal facility.

Lighting

Night lighting shall be shielded, as necessary, to prevent light from spilling into the MHPA. Shielding shall consist of the installation of fixtures that physically direct light away from the MHPA or landscaping, berms, or other barriers that prevent such light overspill. Lighting shall adhere to the City's Outdoor Lighting Regulations (SDMC §142.0740).

Construction would include several phases and would include a five-day workweek with no overlap between the construction phases. Demolition would be the first phase of construction and is estimated to take approximately one month. Site preparation is the next phase and would take approximately four months. Grading would follow site preparation and last for approximately four months. Building construction would follow grading for encompass an approximate period of two months followed by paving/architectural coating phase lasting for approximately two months to complete project construction. Construction is assumed to begin in late 2023 with the start of site grading. Building construction would begin about May 2024. First units would become available for lease in September/October 2025 and anticipated to be fully leased by May 2026.

3.3 Discretionary Actions

This EIR is intended to provide environmental documentation pursuant to CEQA to evaluate the potential environmental effects associated with the proposed project discretionary actions. As such, it covers all discretionary permits proposed as part of the project. The discretionary approvals are summarized below.

3.3.1 Community Plan Amendment

The project would require an amendment to the Otay Mesa-Nestor Community Plan to change the existing land use from Open Space, Mixed Use, and Residential Low Density [5-<10 dwelling units per acre (du/ac)], Mixed-Use, and Open Space to Residential Medium-High Density (20 - 35 du/ac) to allow for increased residential density adjacent to transit. The Residential Medium-High Density (20-35 du/ac) land use designation would allow between 118 and 207 units on the proposed project site.

The proposed 198 units would result in a density of 33.44 du/ac and is consistent with the proposed Residential Medium-High Density (20-35 du/ac) land use designation.

Additionally, the Community Plan Amendment includes modifications to Appendix C, *View Corridors and View and Access Points*, of the Community Plan. Appendix C describes the community's view corridors and view and access points. The current Community Plan identifies two View and Access Points proximate to the project site:

A. Palm Avenue Transit Center/Park-and-Ride: Provide a viewpoint overlooking the valley, north of the trolley station parking lot. Provide physical access, via a stairway, into the valley.

B. Midway Baptist Church¹: Encourage the Church to provide a public viewpoint overlooking the valley.

The amendment to the Community Plan includes removing View and Access Points A and B from Appendix C.

3.3.2 Rezone

The project site is zoned Residential Multiple (RM-1-1), Residential Single (RS-1-7), and Agricultural Residential (AR-1-2). The project requires a rezone to the Residential Multiple (RM-2-6 zone) in order to provide 198 residential units on the 5.92-acre project site. The RM-2-6 zone permits a maximum density of one dwelling unit for each 1,250 square feet of lot area, which would permit up to a maximum density of 34.85 du/ac and would support up to 206 dwelling units on the proposed project site. See Figure 3-6, *Proposed Rezone*. As the project would include a rezone that would allow for up to 206 units on the site, the analysis completed herein also addresses the maximum site buildout of 206 units in the event the rezone is approved, and the proposed permits are not implemented.

3.3.3 Vesting Tentative Map

A Vesting Tentative Map (VTM) is included as part of the project's discretionary actions. ~~The VTM results in the creation of one developable lot.~~

3.3.4 Site Development Permit

A Site Development Permit (SDP) is required to allow for development of the project within Environmentally Sensitive Land (ESL) and floodplain. ESL regulations specify development requirement inside and outside if the Multi-Habitat Planning Area (MHPA). The northern portion of the project site is mapped within the MHPA. The northerly edge of the project site encroaches into the Otay River floodplain.

¹ Midway Baptist Church is now known as Ocean View Christian Church.

3.3.5 Neighborhood Development Permit

A Neighborhood Development Permit (NDP) is required for the project to allow for deviations to the base RM-2-6 zone. These deviations are listed below:

Municipal Code Section 142.0340(d)(1)

- Two retaining walls with a maximum height of six feet each are permitted in the required side and rear yard if the two retaining walls are separated by a minimum horizontal distance equal to the height of the upper wall. The project includes a deviation from the Municipal Code for the proposed single retaining wall up to 24.5 feet in height.

Municipal Code Section 131.0443(e)(1)(A)

- Up to 50 percent of the width of the building envelope may observe the minimum 15-foot front setback, provided the remaining percentage of the building envelope width observes the standard 20-foot setback. This may occur on a floor-by-floor basis. The project proposes a deviation to allow for 100 percent of the building envelope to observe the minimum 15-foot front setback.

Municipal Code Section 131.0443(e)(2)(A)

- The minimum side setback is five feet or 10 percent of the premises width, whichever is greater. The project includes a deviation for the proposed building encroachment into the required side setback where 7.9 feet is proposed.

Municipal Code Section Table 131-04G

- Maximum structure height is 40-feet. The project proposes a maximum structure height of 59 feet, six inches (from existing grade structure height).

3.3.6 MHPA Boundary Line Adjustment

MHPA lands are mapped in the northern part of the project site totaling 2.2 acres of disturbed land. (See Figure 2-12, *MHPA Exhibit*.) Pursuant to Sections 143.0142 and 131.0250(b) of the Land Development Code and pages 13-15 of the City's Biology Guidelines, if a project would encroach into the MHPA beyond the allowable development area, an MHPA boundary line adjustment is required. Under the City's Multiple Species Conservation Program (MSCP) Subarea Plan, an adjustment to the City's MHPA boundary is allowed only if the new MHPA boundary results in an exchange of lands that are functionally equivalent or higher in biological value. A determination of functionally equivalent or higher biological value is based on site-specific information (both quantitative and qualitative) that addresses six boundary adjustment criteria outlined in Section 5.4.3 of the Final MSCP Plan (August 1998).

The project would develop the entire site; therefore, an MHPA boundary line adjustment is proposed as a part of the project to remove the 2.2 acres of disturbed land from the MHPA on-site on site and preserve higher quality habitat in the MHPA off site on the 9.92-acre Najor Parcel (APN 366-031-12) located in the East Elliott preserve area in the City. The parcel supports coastal scrub

and Diegan coastal sage scrub. The Najor Parcel is entirely within the MHPA and is designated as 75 percent baseline conservation (25 percent developable). Thus, 2.48 acres of the Najor Parcel would be allowed to be developed. The project proposes to preserve 100 percent of the Najor Parcel and dedicate it in fee-title to the City to offset the proposed deletion of 2.2 acres of disturbed habitat from the MHPA. This increase of 2.48 acres of preserved coastal scrub and Diegan coastal sage scrub would more than offset the proposed MHPA deletion of 2.2 acres of disturbed land, and would result in an equivalent or better overall MHPA habitat value. The City would manage and maintain the 9.92-acre Najor Parcel as a part of the overall City's preserve system consistent with the MSCP Management Framework Plan and Natural Resource Management Plan for Mission Trails Regional Park (City of San Diego, 2019). The parcel supports coastal scrub and Diegan coastal sage scrub. Specifically, 2.2 acres within a 25 percent portion of the Najor Parcel where development would be allowed (which totals 2.48 acres) would be used for this land exchange.

3.3.7 Utility Easements

The project would require connection to SDG&E utilities to provide electricity service to the project. Additionally, the project would remove and/or relocate existing SDG&E utilities and easements that occur on-site to better serve the project and SDG&E.

Public Utilities Code Sections 851-857 requires SDG&E to seek California Public Utilities Commission (CPUC) approval prior to disposing of SDG&E property or allowing encroachments within SDG&E easements. Because the project would require modification to SDG&E facilities and easements, the CPUC will make a determination regarding such modifications.

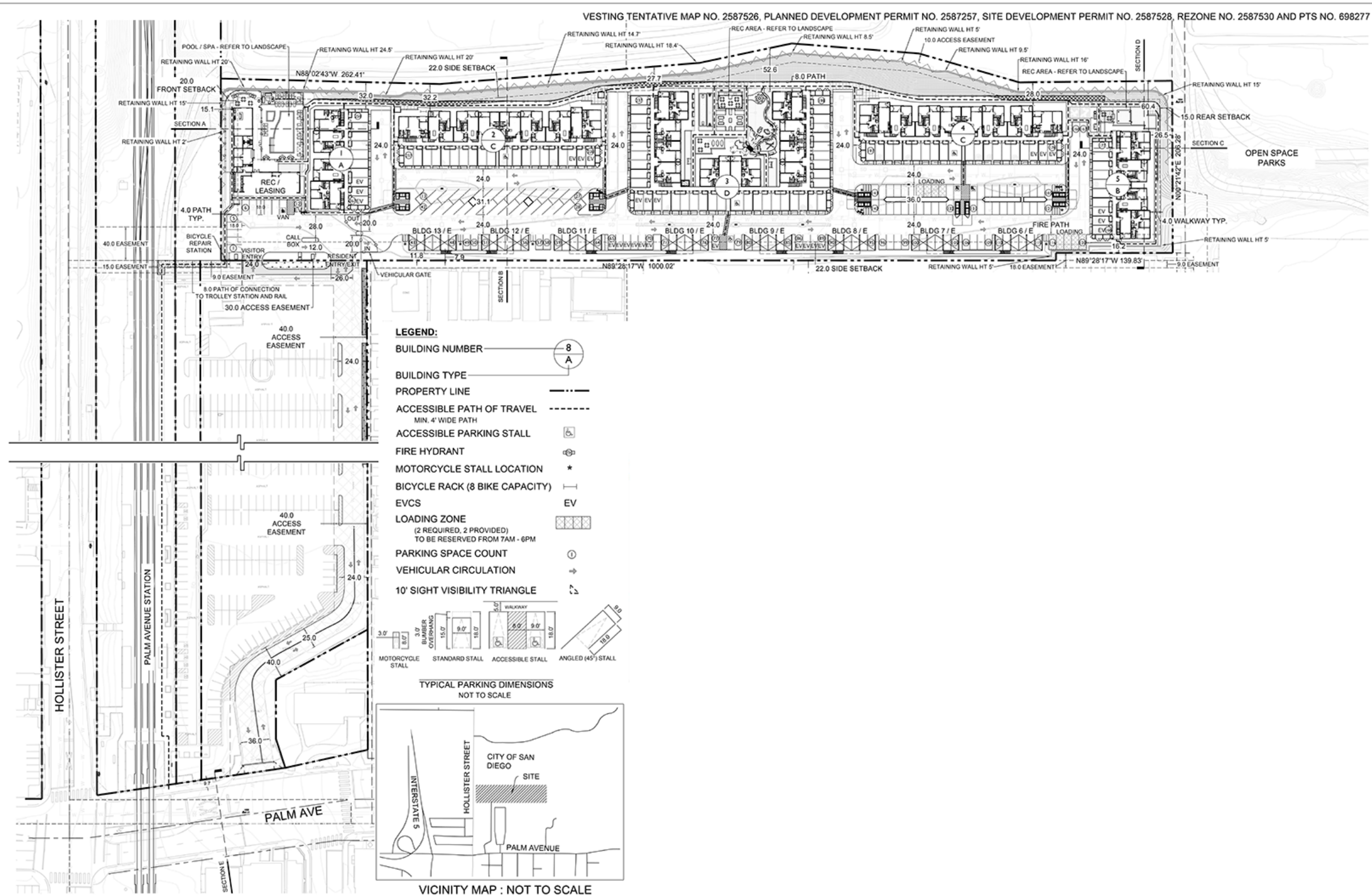


Figure 3-1. Palm & Hollister Apartments Site Plan



Figure 3-2a. Project Elevations – Building A Elevation



Figure 3-2b. Project Elevations – Building B Elevation



Figure 3-2c. Project Elevations – Building C Elevation Building 2



Figure 3-2d. Project Elevations –Building C Elevation Building 4



Figure 3-2e. Project Elevations – Building D Elevation

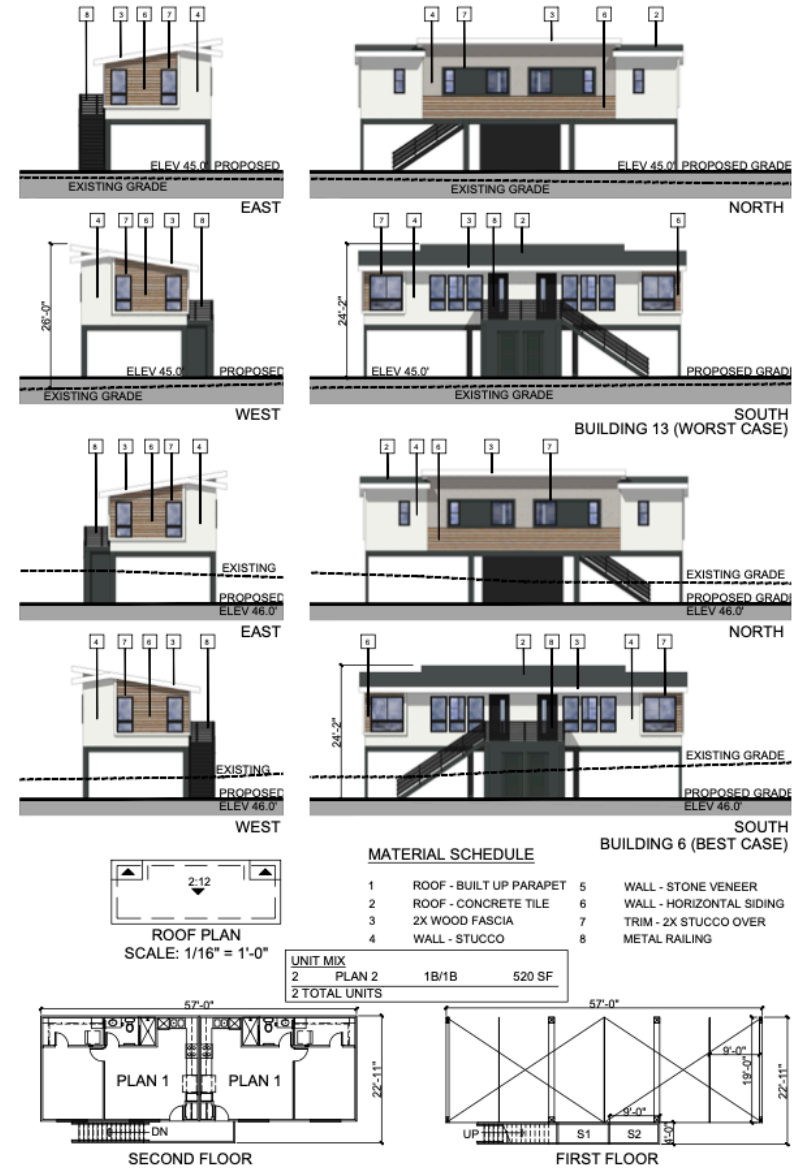


Figure 3-2f. Project Elevations – Building E Elevation



Figure 3-2g. Project Elevations – Rec/Leasing Building Elevation



Figure 3-2h. Project Elevations – Rec/Leasing Building Elevation

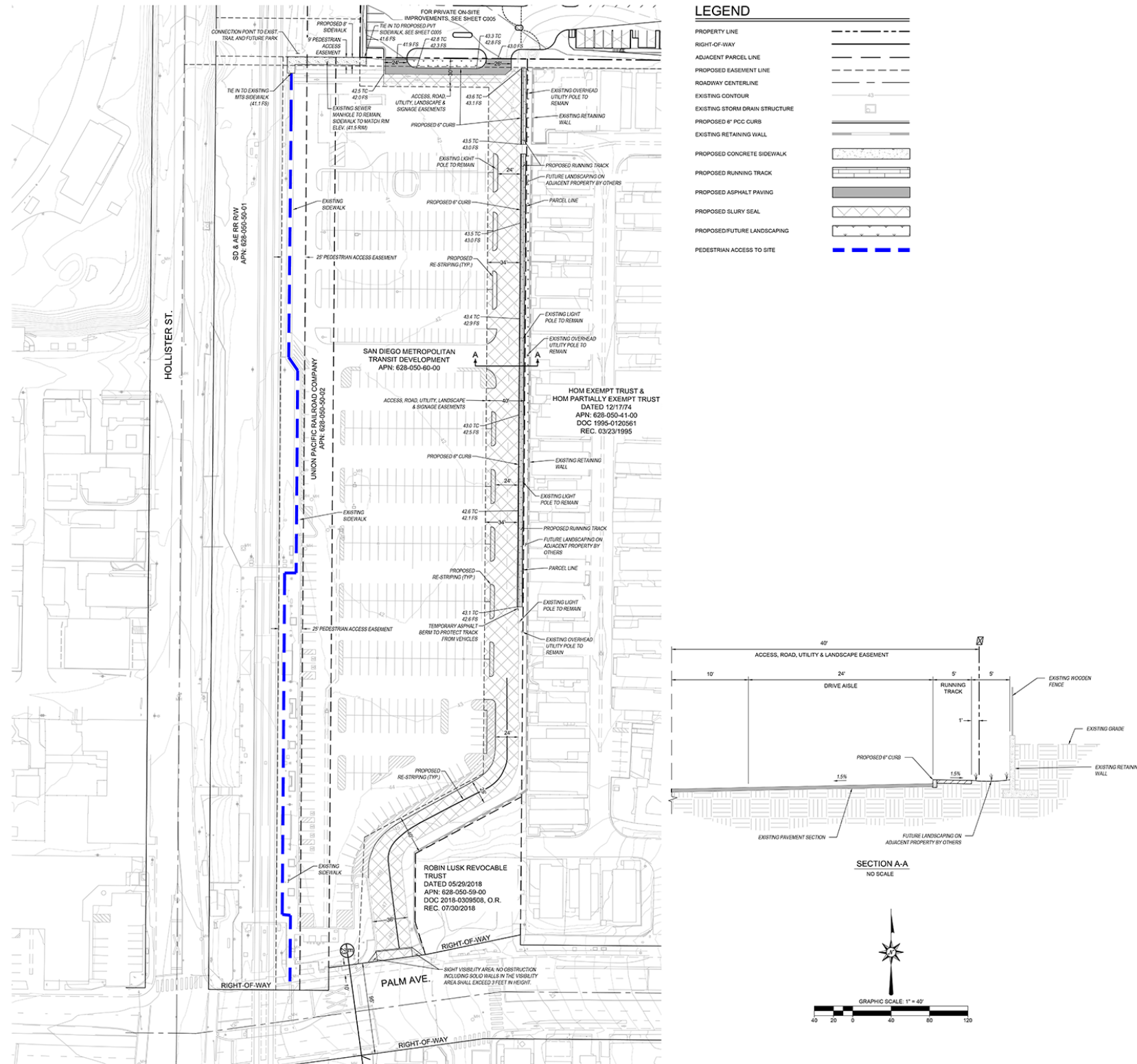


Figure 3-3. Off-Site Access Plan

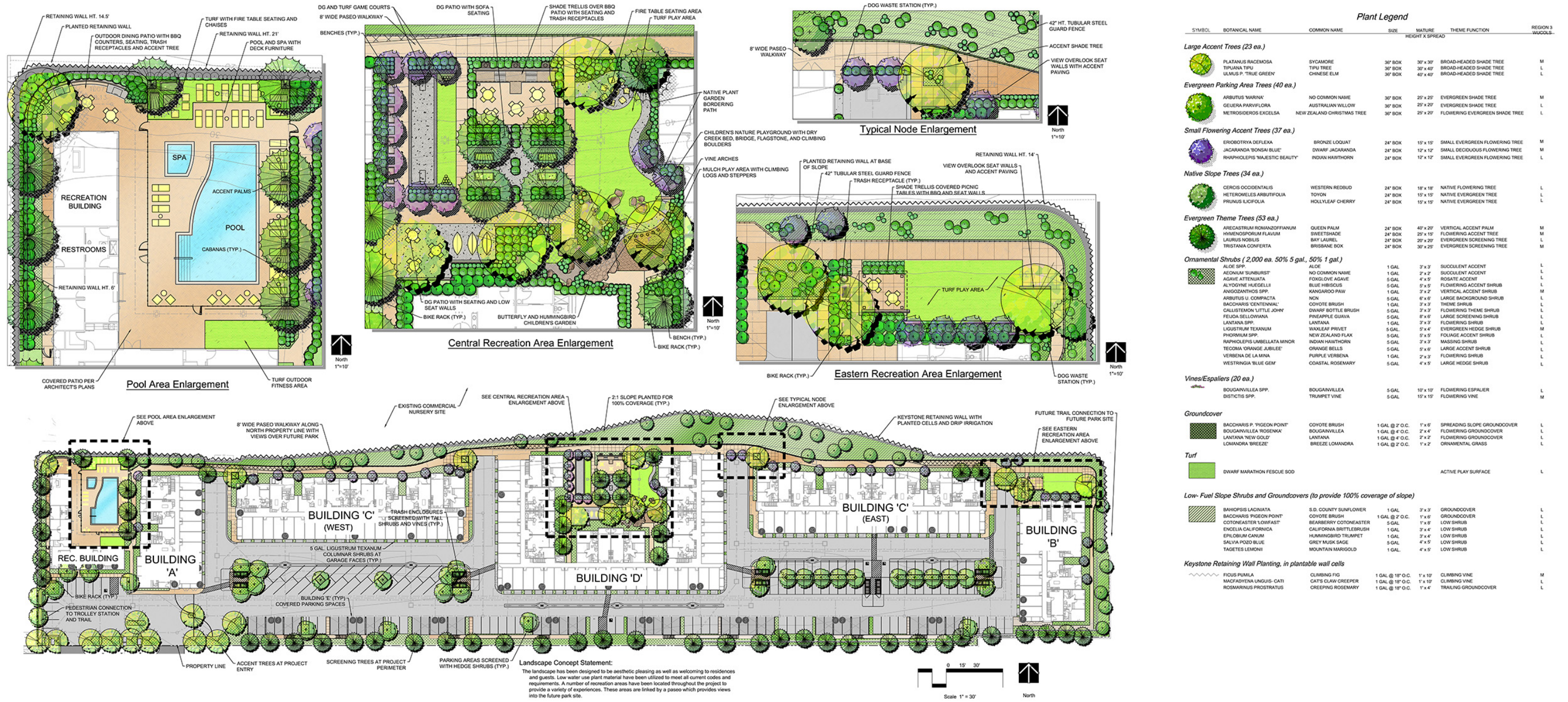
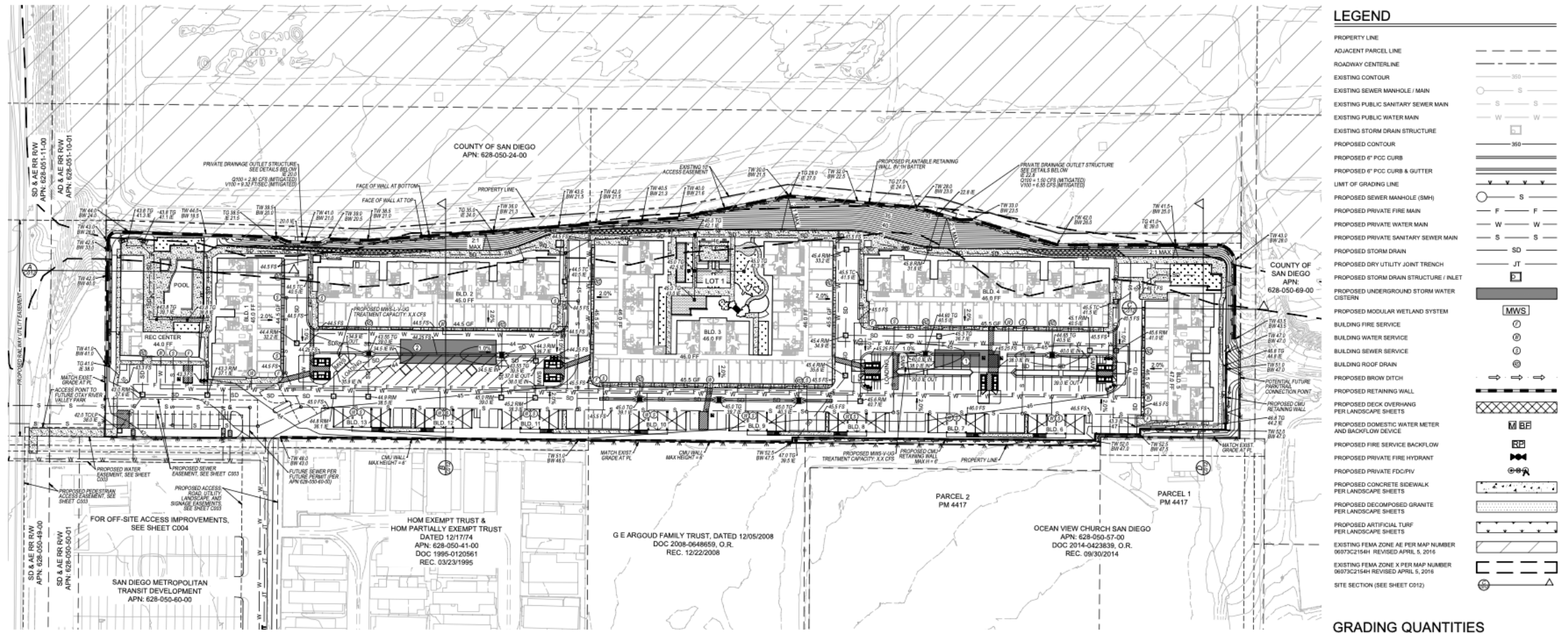


Figure 3-4. Landscape Development Plan

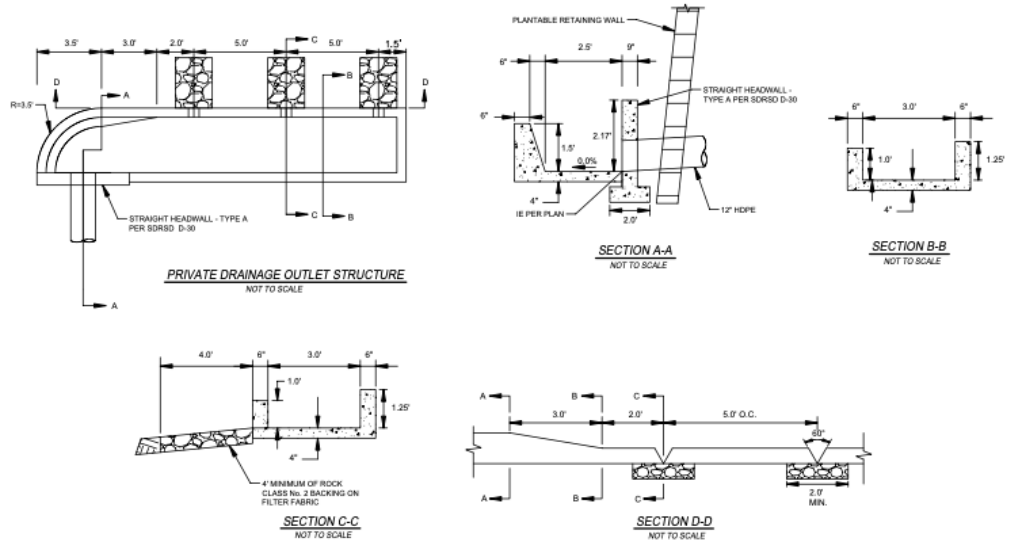


LEGEND

- PROPERTY LINE
- ADJACENT PARCEL LINE
- ROADWAY CENTERLINE
- EXISTING CONTOUR
- EXISTING SEWER MANHOLE / MAIN
- EXISTING PUBLIC SANITARY SEWER MAIN
- EXISTING PUBLIC WATER MAIN
- EXISTING STORM DRAIN STRUCTURE
- PROPOSED CONTOUR
- PROPOSED 6" FCC CURB
- PROPOSED 6" FCC CURB & GUTTER
- LIMIT OF GRADING LINE
- PROPOSED SEWER MANHOLE (SMH)
- PROPOSED PRIVATE FIRE MAIN
- PROPOSED PRIVATE WATER MAIN
- PROPOSED PRIVATE SANITARY SEWER MAIN
- PROPOSED STORM DRAIN
- PROPOSED DRY UTILITY JOINT TRENCH
- PROPOSED STORM DRAIN STRUCTURE / INLET
- PROPOSED UNDERGROUND STORM WATER CISTERN
- PROPOSED MODULAR WETLAND SYSTEM
- BUILDING FIRE SERVICE
- BUILDING WATER SERVICE
- BUILDING SEWER SERVICE
- BUILDING ROOF DRAIN
- PROPOSED BROW DITCH
- PROPOSED RETAINING WALL
- PROPOSED DECK OVERHANG PER LANDSCAPE SHEETS
- PROPOSED DOMESTIC WATER METER AND BACKFLOW DEVICE
- PROPOSED FIRE SERVICE BACKFLOW
- PROPOSED PRIVATE FIRE HYDRANT
- PROPOSED PRIVATE FDI/PIV
- PROPOSED CONCRETE SIDEWALK PER LANDSCAPE SHEETS
- PROPOSED DECOMPOSED GRANITE PER LANDSCAPE SHEETS
- PROPOSED ARTIFICIAL TURF PER LANDSCAPE SHEETS
- EXISTING FEMA ZONE AE PER MAP NUMBER 0807C215A4 REVISED APRIL 5, 2018
- EXISTING FEMA ZONE X PER MAP NUMBER 0807C215A4 REVISED APRIL 5, 2018
- SITE SECTION (SEE SHEET C012)

GRADING QUANTITIES

- ACRES
- 10 CY
- 15 CY
- 20 CY
- 25 CY
- 30 CY
- 35 CY
- 40 CY
- 45 CY
- 50 CY
- 55 CY
- 60 CY
- 65 CY
- 70 CY
- 75 CY
- 80 CY
- 85 CY
- 90 CY
- 95 CY
- 100 CY



| BMP ID | BMP TYPE | STRUCTURAL BMP ID | OWNER |
|--------|----------------|-------------------|------------------|
| 1 | CISTERN (H2-1) | BMP 1 | AMBIENT COMMUNIT |
| 2 | CISTERN (H2-1) | BMP 2 | AMBIENT COMMUNIT |

* BMP VOLUMES INCLUDE A 2" GRAVEL LAYER FOR

| UTILITY TYPE | UTILITY STATUS | |
|--------------|----------------|---|
| WATER | UNDERGROUND | I |
| SEWER | UNDERGROUND | I |
| STORM DRAIN | UNDERGROUND | I |
| FIRE | UNDERGROUND | I |
| ELECTRICAL | UNDERGROUND | I |
| GAS | UNDERGROUND | I |

NOTE: THE SUBDIVIDER SHALL ENSURE THAT ALL UNDERGROUNDED WITH THE APPROPRIATE PERM

Figure 3-5. Grading Plan

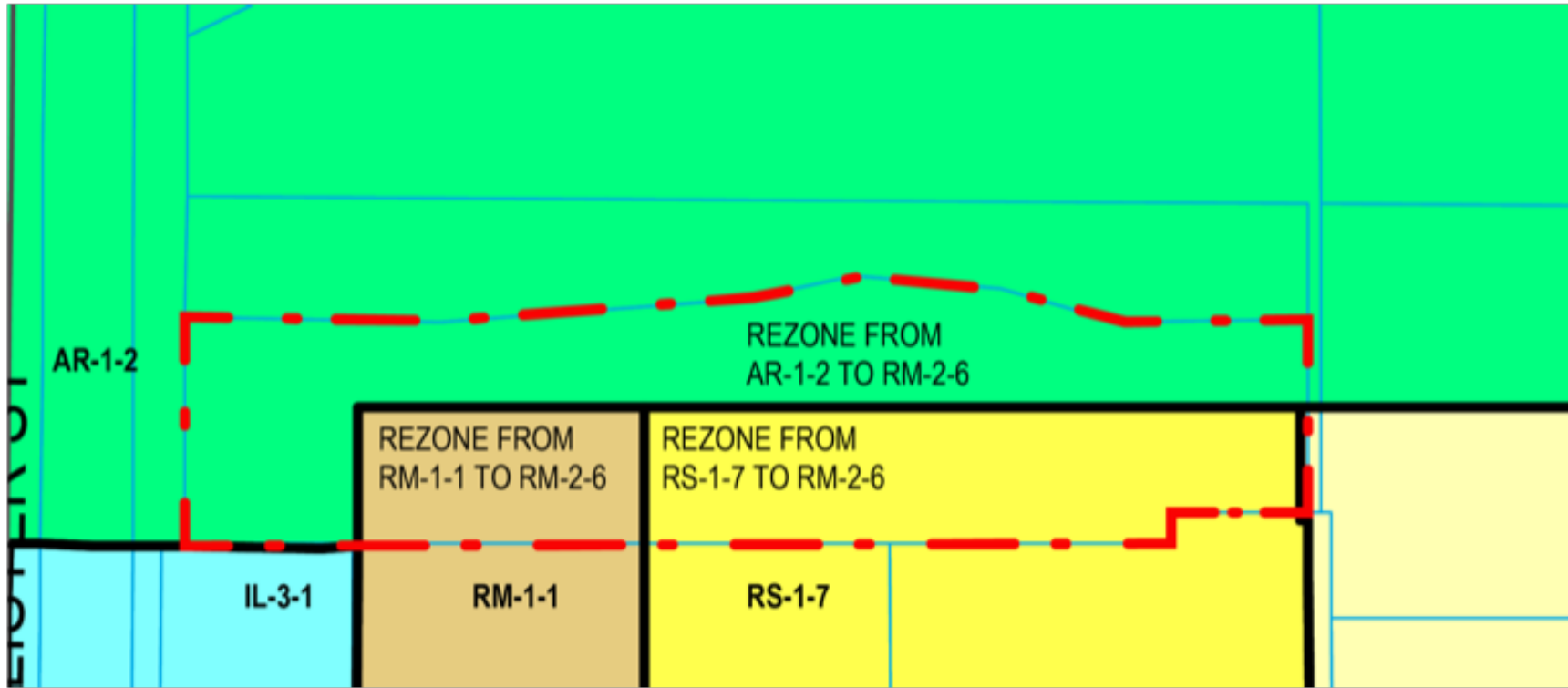


Figure 3-6. Proposed Rezone

4.0 HISTORY OF PROJECT CHANGES

This section chronicles the physical changes that have been made to the project in response to revisions requested by City staff, as well as through the project review and refinement process. These changes are described below.

- As a result of coordination with staff assigned to the Otay Valley Regional Park Citizen's Advisory Committee, the project added drought tolerant, fire-resistant landscaping within the 10-foot-wide, County easement located on-site and adjacent to the northern property boundary.

5.0 ENVIRONMENTAL ANALYSIS

The following sections analyze the potential environmental impacts that may occur as a result of project implementation. Issue areas subject to detailed analysis include those that were identified by the City of San Diego as potentially causing significant environmental impacts through the initial study and scoping process and issues which were identified in response to the Notice of Preparation (NOP) and the public scoping meeting as having potentially significant impacts. The NOP and letters submitted in response to the NOP are included in Appendix A. The following environmental issues are addressed in this Section:

- Land Use
- Transportation/Circulation
- Air Quality
- Biological Resources
- Energy
- Geological Resources
- Greenhouse Gas Emissions
- Health and Safety
- Historical Resources
- Hydrology
- Noise
- Population and Housing
- Public Services and Facilities
- Public Utilities
- Tribal Cultural Resources
- Visual Effects/Neighborhood Character
- Water Quality
- Wildfire

5.1 Land Use

The following section describes the existing land use and planning conditions, identifies policies and regulatory requirements applicable to the project, evaluates potential impacts, and identifies mitigation measures, if applicable, related to project implementation.

5.1.1 Existing Conditions

Physical Conditions

The project site is located in the northern portion of the Palm City neighborhood of the Otay Mesa-Nestor community in the City of San Diego. Situated north of the Palm Avenue Trolley Station, south of the Otay Valley Regional Park, and east of Hollister Street, the approximately 5.92-acre project site is developed with a vacant residential structure, a garage, canopy structure, and two storage containers. Landscaping is minimal, consisting of non-native plant species, and is mostly confined to the perimeter of the property. The project site has been and is currently being used for staging by the Metropolitan Transit System (MTS) and some delivery services. (See Figures 2-4, *Existing Site Conditions*.)

Regional access to the project area is provided by Interstate (I-) 5, which runs north-south adjacent to the project area and allows for access to the greater San Diego region, as well as the United States/Mexico border crossing to the south. Local access is provided by Palm Avenue, to the south of the project site, which transitions into State Route (SR) 75 providing access to coastal points west of the project. In addition, the MTS Palm Avenue Trolley Station is located to the immediate south of the project site.

Surrounding Land Uses

Surrounding land uses consist of the Otay Valley Regional Park (OVRP), including the Terra Bella Nursery, to the north and east; the Palm Station (Blue Line) Trolley and the San Diego & Arizona Eastern (SD&AE) Railroad and Blue Line trolley and Hollister Street directly to the west; and La Palma Mobile Estates residences and a ball field associated with the Ocean View Christian Academy immediately south. The Interstate 5 (I-5) freeway is located approximately one mile west of the project site. (See Figure 2-3, *Surrounding Land Uses and Development*.)

Site Land Use and Zoning

The General Plan designates the project site as Park, Open Space, & Recreation; Residential; and Multiple Use. (See Figure 2-5. *City of San Diego General Plan Land Use and Street System Map*.) The project site is located in the Otay Mesa-Nestor Community Plan (Community Plan) area. The Community Plan. An amendment to the Community Plan was approved by City Council on July 25, 2023 and is pending approval by the California Coastal Commission. The City approved draft Community Plan designates the project site as Open Space, Mixed Use, and Residential Low Density

[5-<10- dwelling units per net acre (du/ac)]. (See Figure 2-6, *Otay Mesa-Nestor Community Land Use Map*.)

The project site is zoned RM-1-1 (Residential – Multiple Unit), RS-1-7 (Residential – Single Unit), and AR-1-2 (Agricultural-Residential). The RM-1-1 zone allows for residential development of up to one dwelling unit per a minimum lot size of 3,000 square-feet (14.52 du/ac). The RS-1-7 zone allows for residential development of one dwelling unit per minimum 5,000 square foot lot (8.71 du/ac). The AR-1-2 zone allows for one dwelling unit per a minimum one-acre lot (one du/ac). (See Figure 2-6, *Existing Zoning*).

Existing Noise Land Use Compatibility

The primary noise sources affecting the project site are rail operations on the SD&AE Railroad line, light rail on the MTS Trolley tracks, and roadway traffic noise on I-5. The project site is exposed to aircraft noise levels less than 60 A-weighted decibel (dBA) community noise equivalent level (CNEL) from operations associated with the Brown Field Municipal Airport, Naval Outlying Field (NOLF) Imperial Beach, and the Tijuana International Airport.

Aircraft Noise

The project site is within the airport influence areas (AIAs) of the NOLF Imperial Beach, Naval Air Station (NAS) North Island, and Brown Field Airport. Although noise associated with aircraft operations may be periodically audible on the project site or within the project buildings, the project site is exposed to aircraft noise levels less than 60 dBA CNEL from operations associated with the NOLF, and the Brown Field Municipal Airport.

5.1.2 Regulatory Framework

This section addresses designated land uses and adopted plans with goals, objectives, and/or guidelines used to make land use decisions in the City with specific applicability to the project. For that reason, it addresses City land use planning documents (e.g., the General Plan and Community Plan), as well as relevant regional plans addressing focused environmental issues (e.g., habitat planning and conservation, regional transit planning, regional air quality and water quality planning, regional airport planning, etc.) that affect the project.

Federal

Federal Aviation Administration Noticing Requirements

The Federal Aviation Administration (FAA), under Code of Federal Regulations (CFR) Title 14, Part 77, *Safe, Efficient Use and Preservation of the Navigable Airspace*, requires submittal of a Notice of Construction or Alteration for applicable projects within identified airport Noticing Surface Areas. Specific requirements for such notices include structures more than 200 feet above the ground surface, construction or alteration that extends within identified (theoretical) slopes projecting from airport runways (or other applicable locations), all airport projects, and certain other transportation

projects. After submittal of the required notice, the FAA conducts an aeronautical review prepared under the provisions of 49 US Code Section 44718 and, if applicable, Title 14 of CFR, Part 77. Objects determined to be an obstruction or hazard by Part 77 or Terminal Instruction Procedures, or create change to flight operations, approach minimums, or departure routes would be considered incompatible. Proposed developments may be incompatible and would require evaluation if they would generate other obstructions, such as release of any substance that would impair visibility (e.g., dust, smoke, or steam); emit or reflect light that could interfere with air crew vision; produce emissions that would interfere with aircraft communication systems, navigation systems, or other electrical systems; or attract birds or waterfowl. Upon completion of the aeronautical review, the FAA issues either a Determination of Hazard to Navigation (i.e., if a project would exceed an obstruction standard and result in a “substantial aeronautical impact”) or a Determination of No Hazard to Navigation. In the latter case, the FAA may include site-specific conditions or limitations to ensure that potential hazards are avoided (e.g., noticing requirements or lighting restrictions). The project site is located within the FAA Part 77 certification of non-obstruction area for the NOLF Imperial Beach Airport.

State

California Building Code Title 24

California Building Code Title 24, also known as the California Building Standards Code, establishes building standards applicable to all occupancies throughout the state. The code provides acoustical regulations for both exterior-to-interior sound insulation, as well as sound and impact isolation between adjacent spaces of various occupied units. Title 24 regulations state that interior noise levels generated by exterior noise sources shall not exceed 45 dBA CNEL/day-night average noise level (L_{dn}) with windows closed, in any habitable room for general residential use. The project would be required to comply with Title 24 Regulations for interior noise levels.

Native American Coordination

Native American involvement in the development review process is addressed by several State laws. Senate Bill (SB) 18 includes detailed requirements for local agencies to consult with identified California Native American Tribes early in the planning and/or development process. The California Native American Graves Protection and Repatriation Act (2001) ensures that Native American human remains and cultural items are treated with respect and dignity during all phases of the archaeological evaluation process in accordance with California Environmental Quality Act (CEQA) and any applicable local regulations. The project would be subject to SB 18.

Local

San Diego Forward: The Regional Plan

San Diego Association of Governments (SANDAG's) San Diego Forward: The Regional Plan (Regional Plan) (2021) is a regional transportation and sustainability plan that aims to provide a blueprint for a more livable, equitable, and innovative future. It combines and updates two previous plans, the

Regional Comprehensive Plan and the Regional Transportation Plan/Sustainable Communities Strategy, into one document that looks toward 2050. The Regional Plan covers a broad range of topics including air quality, borders and tribal nations, climate change, economic prosperity, emerging technologies, energy and fuels, habitat preservation, healthy communities, public facilities, shoreline preservation, transportation, and water quality.

The Regional Plan emphasizes the importance of choice of transportation in the future, such as biking, skateboarding, walking, riding a wheeled device, trolley, Sprinter, COASTER, bus, or driving. It places special emphasis on active transportation, such as walking and biking, and reducing car use in order to minimize greenhouse gas (GHG) emissions, diminish air pollution, and maximize public health. The Regional Plan also includes a Sustainable Communities Strategy, which identifies five main strategies to complement the goal of sustainability. The strategies are to focus on job growth and housing in urbanized areas with existing public transportation options, preserve open space, invest in a transit network that caters to everyone and includes many options, reduce GHG emissions, address housing needs for all economic segments of the population, and implement the Regional Plan through incentives and collaboration.

Every four years, SANDAG updates the Regional Plan in collaboration with the 18 cities of San Diego County and the County of San Diego, along with other regional, state, and federal partners. SANDAG's Board of Directors adopted the Final 2021 Regional Plan on December 10, 2021. This plan will guide the region through 2050 and is being developed through a new data-driven process to transform the way people and goods move. The goals of this transformation are to provide people with more travel choices, protect the environment, create healthy communities, and stimulate economic growth for the benefit of all San Diegans. The project would be subject to the policies of the Regional Plan.

Regional Air Quality Strategy

The San Diego Air Pollution Control District (SDAPCD) and SANDAG are responsible for developing and implementing the clean air plan for attainment and maintenance of the ambient air quality standards in the San Diego Air Basin (SDAB). The Regional Air Quality Strategy (RAQS) was updated most recently in 2022. The RAQS outlines SDAPCD's plans and control measures designed to attain the State air quality standards for ozone. The SDAPCD has also developed the air basin's input to the State Implementation Plan (SIP), which is required under the Federal Clean Air Act (CAA) for areas that are out of attainment of air quality standards. The SIP, approved by the United States Environmental Protection Agency (EPA) in 1996, includes the SDAPCD's plans and control measures for attaining the ozone national standard.

The RAQS relies on information from California Air Resources Board (CARB) and SANDAG, including mobile and area source emissions, as well as information regarding projected growth in the County, to project future emissions and then determine from that the strategies necessary for the reduction

of emissions through regulatory controls. The SIP relies on the same information from SANDAG to develop emission inventories and emission reduction strategies that are included in the attainment demonstration for the air basin. The SIP also includes rules and regulations that have been adopted by the SDAPCD to control emissions from stationary sources. These SIP-approved rules may be used as a guideline to determine whether a project's emissions would have the potential to conflict with the SIP and thereby hinder attainment of the national air quality standard for ozone. The project would be subject to the RAQS. (Project impacts relative to implementing the RAQS are discussed in Section 5.3, *Air Quality*.)

Water Quality Control Plan for the San Diego Basin

The Regional Water Quality Control Board (RWQCB) adopted the San Diego Basin Plan in 1994 (updated in 2021) that recognizes and reflects regional differences in existing water quality, the beneficial uses of the region's ground and surface waters, and local water quality conditions and problems. The Basin Plan is designed to preserve and enhance water quality and protect the beneficial uses of all regional waters. The project is subject to the RWQCB and the Basin Plan. (Project impacts relative to the RWQCB and San Diego Basin Plan are discussed in Section 5.17, *Water Quality*.)

City of San Diego General Plan

The City's General Plan is a comprehensive, long-range vision document that sets forth the policy framework for how the City should plan for projected growth and development. The City's General Plan emphasizes the need for maintaining the character of its communities, preserving its natural resources and amenities, and providing adequate public services. It underscores implementation of the City of Villages Strategy, which focuses on growing mixed-use activity centers that are pedestrian-friendly, centers of community that are multi-modal, and linked to the regional transit system. The strategy draws upon the character and strengths of the City's natural environment, neighborhoods, commercial centers, institutions, and employment centers. The strategy is designed to sustain the long-term economic, environmental, and social health of the City and its many communities. It recognizes the value of the City's distinctive neighborhoods and open spaces that together form the City as a whole. The General Plan comprises a Strategic Framework section and the following 10 elements, each with its own Citywide policies: Land Use and Community Planning; Mobility; Urban Design; Economic Prosperity; Public Facilities, Services and Safety; Recreation; Conservation; Historic Preservation; Noise; and Housing. These elements are summarized below.

- **Land Use and Community Planning Element (Updated 06/29/2015)** – The Land Use and Community Planning Element (Land Use Element) of the General Plan guides future growth and development into a sustainable citywide development pattern, while maintaining or enhancing the quality of life. This element provides policies to implement the City of Villages strategy and establishes a framework to guide and govern the preparation of community plans tailored to each community.

One major component of the Land Use Element that guides not only land use goals and policies, but also provides the overall vision for the General Plan is the *City of Villages Strategy*. The City of Villages strategy focuses growth into mixed-use activity centers that are pedestrian-friendly, centers of community, and linked to the regional transit system. The strategy draws upon the strengths of San Diego's natural environment, neighborhoods, commercial centers, institutions, and employment centers and focuses on the long-term economic, environmental, and social health of the City and its many communities. The City of Villages Strategy recognizes the value of San Diego's distinctive neighborhoods and open spaces that together form the City as a whole. Implementation of the City of Villages strategy is an important component of the City's strategy to reduce local contributions to GHG emissions, because the strategy makes it possible for larger numbers of people to make fewer and shorter automobile trips.

- **Mobility Element (Updated 06/29/2015)** – The Mobility Element of the General Plan provides the framework to improve mobility through development of a balanced, multi-modal transportation network that is efficient and minimizes environmental and neighborhood impacts. It is closely linked to the Land Use Element and the City of Villages Strategy. Project-relevant policies contained within the Mobility Element address the need to improve walkability and the bicycle network, increase transit use, improve performance and efficiency of the street and freeway system, and provide sufficient parking facilities.
- **Urban Design Element (01/31/2023)** – The General Plan's Urban Design Element addresses the integration of new development into the natural landscape and/or existing community. The element discusses an Urban Design Strategy, or framework, for development as envisioned in the City of Villages Strategy.
- **Economic Prosperity Element (Updated 01/19/2023)** – The Economic Prosperity Element of the General Plan links economic prosperity goals with land use distribution and employment land use policies. Its purpose is to increase wealth and the standard of living of all San Diegans with policies that support a diverse, innovative, competitive, entrepreneurial, and sustainable local economy. This element primarily deals with various industrial, commercial, and other employment uses within the City.
- **Public Facilities, Service, and Safety Element (Updated 01/31/2023)** – The General Plan's Public Facilities, Services, and Safety Element addresses facilities and services that are publicly managed and have a direct influence on the location of land uses.
- **Recreation Element (Updated 08/03/2021)** – The General Plan's Recreation Element addresses the preservation, protection, acquisition, development, operation, maintenance,

and enhancement of public recreation opportunities and facilities throughout the City for all users.

- **Conservation Element (03/10/2008)** – The Conservation Element of the General Plan contains policies to guide the conservation of resources that are fundamental components of San Diego’s environment, that help define the City’s identity, and that are relied upon for continued economic prosperity. Sustainable development and climate change issues are also addressed through the Conservation Element.
- **Noise Element (Updated 06/29/2015)** – The Noise Element of the General Plan is intended to protect people living and working in the City of San Diego from excessive noise. The most prevalent noise source in the City is motor vehicle traffic. Goals and policies provided in the Noise Element guide compatible land uses and the incorporation of noise attenuation measures for new uses to protect people from an excessive noise environment. Specific goals and policies of the Noise Element applicable to the project include noise and land use compatibility, motor vehicle traffic noise, trolley and train noise, commercial and mixed-use activity noise, construction and public activity noise, and noise attenuating measures are provided to guide development.
- **Historic Preservation Element (03/10/2008)** – The Historic Preservation Element guides the preservation, protection, restoration, and rehabilitation of historical and cultural resources. This element seeks to improve the quality of the built environment, encourage appreciation of the City’s history and culture, maintain the character and identity of communities, and contribute to the City’s economic vitality through historic preservation.
- **Housing Element (Updated 06/16/2020)** – The General Plan’s Housing Element is the City of San Diego’s housing plan. The City, along with all California cities and counties, is required to adequately plan to meet the housing needs of everyone in the community, and to update its plan every eight years.

The General Plan’s elements each contain a variety of goals and policies that address numerous environmental issues. The project is subject to the goals and policies of the General Plan. The relevant goals and policies of the General Plan to the project are included in Table 5.1-1, *City of San Diego General Plan Consistency*.

City of San Diego Climate Action Plan

The City adopted its Climate Action Plan (CAP) in December 2015 to outline the actions to be taken by the City to achieve its proportional share of State GHG emission reductions, consistent with CARB requirements associated with Executive Order (EO) S-3-05, AB 32, EO B-30-15, SB 32, AB 197, AB 1493, EO S-01-07, SB 375, and related laws and regulations discussed in Section 5.7, *Greenhouse Gas*

Emissions, of this Environmental Impact Report (EIR). The CAP serves as mitigation for the CEQA GHG/climate change impacts of the City's General Plan identified in the General Plan EIR. The CAP bolsters implementation of the General Plan by supporting changes to the urban land use form, providing greater transportation choices, and transforming how energy is used and produced. The General Plan calls for the City to reduce its carbon footprint through actions including adopting new or amended regulations, programs, and incentives. Additionally, the CAP serves as a "Qualified GHG Reduction Plan" for purposes of tiering under CEQA. The CAP quantifies baseline GHG emissions for 2010; provides emissions forecasts for 2020 and 2035; establishes reduction targets for 2020 and 2035; identifies strategies and measures to reduce GHG levels; and provides guidance for monitoring progress on an annual basis. Implementation of the CAP relies on compliance with various policies within the General Plan and consistency with the underlying land use assumptions in the CAP.

In August 2022, the City Council approved an update to the CAP to expand its approach and strategies for achieving the goal of net zero emissions by 2035 (City of San Diego 2022). As such, the 2022 CAP establishes a new goal, targets, and actions that go beyond the 2015 CAP goal. The six strategies include: decarbonization of the built environment; access to clean and renewable energy; mobility and land use; circular economy and clean communities; resilient infrastructure and healthy ecosystems; and emerging climate actions.

In 2022, the City adopted Climate Action Plan Consistency Regulations added to the City's Municipal Code as Chapter 14, Article 3, Division 14. The Climate Action Plan Consistency Regulations are intended to ensure that new development is consistent with the City's Climate Action Plan. The CAP Consistency Regulations contain measures – such as enhancing tree coverage and ensuring that development contributes to an active and healthy transportation environment to create a more sustainable future for all San Diegans – 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 for new development that are consistent with the CAP, as determined through compliance with the CAP Consistency Regulations and well as land use consistency analysis, may rely on the CAP for the cumulative impacts analysis of GHG emissions. Projects for new development that are not consistent with the CAP and land use analysis must prepare a comprehensive project-specific analysis of GHG emissions, including quantification of existing and projected GHG emissions and incorporation of the measures in the CAP Consistency Regulations to the extent feasible. Cumulative GHG emissions impacts would be significant for any project that is not consistent with the CAP. The project is subject to the CAP and CAP Consistency Regulation Measures. The project is subject to the CAP and CAP regulations and project impacts relative to the CAP are discussed in Section 5.7, *Greenhouse Gas Emissions*.)

Otay Mesa-Nestor Community Plan

The Otay Mesa-Nestor Community Plan was adopted by the City Council on May 6, 1997, as an update to the 1979 Otay Mesa-Nestor Community Plan. The Community Plan was most recently updated in 2023. The Otay Mesa-Nestor community's planning history as part of the City of San Diego began in 1957 when the area was annexed to the City from the County of San Diego. In 1957, there were less than 1,000 housing units in the area, but by the late 1960s, residential development had accelerated dramatically. The Otay Mesa-Nestor Community Plan was most recently amended in 2022. The Otay and Tijuana River valleys define the northern and southern boundaries of the planning area and are characterized by wetlands and riparian habitats influenced by seasonal rains and stream flow. The Otay Mesa-Nestor community is comprised of several neighborhoods, including Nestor, Egger Highlands, Palm City, and Otay Mesa. The project site is located within the Palm City neighborhood.

The Otay Mesa-Nestor Community Plan focuses on specific geographic areas and communitywide issues in a comprehensive manner, unlike more traditional community plans that address land uses and services in independent elements. The community plan addresses six topics: Otay Valley Regional Park and Salt Ponds, Neighborhood Centers, Housing, Community Facilities, Public Safety and Enforcement, and Transportation Facilities.

As shown in Figure 2-6, *Otay Mesa-Nestor Community Plan Land Use Map*, the project site is designated as Open Space, Mixed Use, Open Space, Residential Low Density (5-<10 du/acre). Table 5.1-2, *Otay Mesa-Nestor Community Plan Consistency*, includes the goals and policies relevant to the project.

In addition to the Guidelines contained in the Community Plan, Appendix C, *View Corridors and View and Access Points*, describes the community's view corridors and view and access points. According to the Community Plan, *[v]iew corridors may be any length, and include streets, alleys, street rights-of-way and edges of development*. Within the current Community Plan, there are two View and Access Points proximate to the project site:

- *Palm Avenue Transit Center/Park-and-Ride: Provide a viewpoint overlooking the valley, north of the trolley station parking lot. Provide physical access, via a stairway, into the valley.*
- *Midway Baptist Church¹: Encourage the Church to provide a public viewpoint overlooking the valley.*

The amendment to the Community Plan includes removing View and Access Points A and B from Appendix C. See Section 5.16, *Visual Effects and Neighborhood Character*, for a detailed discussion of View and Access Points relative to the project.

¹ Midway Baptist Church is now known as Ocean View Christian Church.

San Diego Municipal Code

The San Diego Municipal Code (SDMC) contains many of the City's ordinances. Chapters 11, 12, 13, and 14 of the City of San Diego Municipal Code are known collectively, and may be referred to, as the Land Development Code (LDC). The LDC sets forth the procedures used in the application of land use regulations, the types of review of development, and the regulations that apply to the use and development of land in the City of San Diego. The intent of these procedures and regulations is to facilitate fair and effective decision-making and to encourage public participation.

The underlying base zones for the project site are RM-1-1 located in the south-central portion of the project site; RS-1-7, located on the project boundary in the southeastern portion of the site; AR-1-2, located in the northern portion of the site. (See Figure 2-7, *Existing Zoning*.)

The purpose of the RM zones is to provide for multiple dwelling unit development at varying densities. The RM zones individually accommodate developments with similar densities and characteristics. Each of the RM zones is intended to establish development criteria that consolidates common development regulations, accommodates specific dwelling types, and responds to locational issues regarding adjacent land uses. The RM-1-1 zone allows for a residential density up to 14.52 du/ac.

The purpose of the City's RS zones is to provide appropriate regulations for the development of single dwelling units that accommodate a variety of residential dwelling types and which promote neighborhood quality, character, and livability. It is intended that these zones provide for flexibility in development regulations that allow reasonable use of property while minimizing adverse impacts to adjacent properties. The RS-1-7 zone allows for a residential density up to 8.71 du/ac.

The purpose of the AR zones is to accommodate a wide range of agricultural uses while also permitting the development of single dwelling unit homes at a very low density (one du/ac). The agricultural uses are limited to those of low intensity to minimize the potential conflicts with residential uses. This zone is applied to lands that are in agricultural use or that are undeveloped and not anticipated to be appropriate for more intense zoning. Residential development opportunities are permitted with a Planned Development Permit at various densities that would preserve land for open space or future development at urban intensities when and where appropriate.

City of San Diego Multiple Species Conservation Program Subarea Plan

The Multiple Species Conservation Program (MSCP) is a comprehensive plan that has been established to preserve a network of habitat and open space in the region. The MSCP identifies an Multi Habitat Planning Area (MHPA) in which the permanent MSCP preserve is assembled and managed for its biological resources. In accordance with the MSCP, the City has developed a Subarea Plan to implement the MSCP and habitat preserve within the City of San Diego. The

northern portion of the project site is located within the MHPA as shown in Figure 5.1-1, *Otay Mesa-Nestor Multiple Habitat Planning Area Map*.

Airport Land Use Compatibility Plans

The basic function of Airport Land Use Compatibility Plans (ALUCPs) is to promote compatibility between airports and the land uses that surround them to the extent that these areas are not already devoted to incompatible uses. With limited exception, California law requires the preparation of an ALUCP for each public-use and military airport in the state. Most counties have established an Airport Land Use Commission (ALUC), as provided for by law, to prepare compatibility plans for the airports in that county and to review land use plans and development proposals, and certain airport development plans, for consistency with the compatibility plans. In San Diego County, the ALUC function rests with the San Diego County Regional Airport Authority (SDCRAA), as provided in Section 21670.3 of the California Public Utilities Code. The project site is within the AIAs for the NOLF Imperial Beach Airport, NAS North Island Airport, and Brown Field Municipal Airport ALUCPs.

The project site is located within the Airport Influence Area Review Area 2, the Airspace Protection Boundary, and the FAA Part 77 certification of non-obstruction area for the NOLF Imperial Beach Airport. (See Figure 2-10, *NOLF Imperial Beach ALUCP Airport Influence Area*.) As such, the project is required to obtain a FAA Part 77 Notice of Determination letter. The project site is outside of all other NOLF policy maps.

The project site is located within the Airport Influence Area Review Area 2 and the Terminal Instrument Procedures (TERPS) Airspace Protection area for the Brown Field. (See Figure 2-19, *Brown Field ALUCP Airport Influence Area*.) The project site is outside of all other Brown Field policy maps.

The project site is located in the portion of the NAS North Island Airport AIA where development is subject to ~~ALCUP~~ ALUCP policies and the Overflight Notification Area. (See Figure 2-11, *NAS North Island ALUCP Airport Influence Area*.) The project site is outside of all other NAS North Island policy maps.

Otay Valley Regional Park

The Otay Valley Regional Park Concept Plan (County of San Diego 2016) was approved for the OVRP in December 2016. The OVRP Concept Plan is a multi-jurisdictional planning effort by the County of San Diego and the cities of San Diego and Chula Vista. The Concept Plan “. . . does not change existing zoning or land use plans, or add new development regulations. It does not preclude private development. It provides policy direction for the jurisdictions for coordinated land acquisition and development for the Regional Park, within this framework of private property rights” and, therefore, does not preclude development of private properties located within the Concept Plan area. The OVRP Concept Plan is intended to encourage a mix of active and passive recreational activities, protect environmentally sensitive area, protect cultural and scenic resources, and encourage

compatible agricultural uses in the OVRP. Passive recreational areas, including 8.3 miles of non-motorized multi-use trails, as well as seven staging areas, seven ponds, and birdwatching opportunities, are currently provided. Future recreational amenities will include turf areas, hard-court play areas, children's play areas, and pavilions.

The planning area for the OVRP is located four miles north of the International Border and extends about 11 miles inland from the southeastern edge of the salt ponds at the mouth of the Otay River through the Otay River Valley to the land surrounding both Lower and Upper Otay Lakes Reservoir. The Concept Plan is divided into five Segments, as shown in Figure 5.1-2, *Otay Valley Regional Park Concept Plan – Overview Map*. The project site is located in the *Interstate 5 to Interstate 805* Segment and is shown as Open Space/Preserve (see Figure 5.1-3, *Segment Map – Interstate 5 to Interstate 805*). The OVRP is located immediately north and east of the project site (See Figure 2-3, *Surrounding Land Uses and Development*).

Lying immediately north of the project site is Recreation Area #3 of the OVRP. Recreation Area #3 encompasses about 45 acres. A portion of this area is currently being leased to Terra Bella Nursery, with conceptual plans to develop an active recreation sports complex. The OVRP identifies the Palm Avenue Trail, which traverses Recreation Area #3, to serve hikers and bikers. The Palm Avenue Trail starts with a trailhead on the south of the river, north of Palm Avenue. The project site is within the concept plan boundary and is identified as Open Space/Preserve, but is not included a part of the OVRP. The concept plan does not contain specific guidance relative to the project site. However, the project would be subject to the policies of the OVRP.

Development Policies of the OVRP relevant to the project include:

POLICY: Support private development within the boundary of the Park that implements Elements of the Plan.

POLICY: Encourage private development that occurs within or adjacent to OVRP to provide linkages with OVRP trails and, as appropriate, to provide open space, recreational facilities, and staging and viewing areas in conjunction with the Regional Park.

5.1.3 Impact Analysis

5.1.3.1 Issue 1 and Issue 2

Issue 1: Would the project require a deviation or variance, and the deviation or variance would in turn result in a physical impact on the environment?

Issue 2: Would the project result in a conflict with the environmental goals, objectives, or recommendations of the Community Plan in which it is located?

Impact Threshold

According to the City of San Diego's CEQA Significance Determination Thresholds (2022), an inconsistency with a plan is not by itself a significant impact; the inconsistency would have to relate

to an environmental issue (i.e., cause a direct or indirect physical and adverse change in the environment) to be considered significant under CEQA. Land use policy impacts may be significant if a project would be:

- Inconsistent or conflict with an adopted land use designation or intensity and result in indirect or secondary environmental impacts;
- Inconsistent or conflict with the environmental goals and/or objectives of a community or general plan;
- Substantially incompatible with an adopted plan; or
- Development or conversion of general plan or community plan designated open space or prime farmland to a more intensive land use.

Analysis

As described in Section 5.1.2.3, the project is subject to the City's General Plan and the Otay Mesa-Nestor Community Plan. Additionally, the project is subject to the LDC and is influenced by the OVRP Concept Plan.

The project is intended to implement overarching General Plan policies in the project area through site-specific implementation of citywide goals and policies, as additionally detailed in the Otay Mesa-Nestor Community Plan. Additionally, the project has been evaluated with regard to the proposed rezone of the project site to RM-2-6 and proposed deviations from regulations of the City's LDC. Further, the project has been evaluated with regard to the OVRP Concept Plan. As documented below, the project would be consistent with the noted planning documents. Additionally, proposed deviations from strict conformance with the proposed zone would not result in substantial adverse impacts upon the environment.

General Plan Consistency

As has been previously described, the General Plan land use designations for the project site are Park, Open Space, & Recreation; Residential; and Multiple Use. The Community Plan land use designations for the site are Open Space, Mixed Use, and Residential Low Density (5-<10 du/ac). The project proposes a Community Plan Amendment that would change the land use designation in the Otay-Nestor Community Plan to Medium-High Density Residential (20 – 35 du/ac). Because the Community Plan is a part of the General Plan, a General Plan Amendment would be required to incorporate the project's proposed changes to the Otay-Nestor Community Plan and to change the land use to Residential.

The project would convert land designated as open space in the General Plan and the Otay Mesa-Nestor Community plan to a more intensive land use. A portion of the project site is designated as Park, Open Space & Recreation. The other portions of the project site are designated as residential and multiple use which allow residential uses. In addition, the project site is currently developed with a vacant residential structure and two outbuildings. The impacts associated with the increase in

use intensity proposed by the project are analyzed and addressed throughout this EIR. As demonstrated in Table 5.1-1, *City of San Diego General Plan Consistency*, and summarized below, the project would be consistent with the applicable goals and policies of the City of San Diego General Plan.

Relative to the Land Use Element, the project would be served by existing transit services as it is adjacent to the Palm Avenue Transit Center. Architecturally, the project would provide in-fill housing that is sensitive to the character and quality of the existing neighborhood, while creating a distinct identity on-site. The project would provide on-site recreational opportunities for residents and would implement sustainable design and operation strategies.

The purpose of the Mobility Element is to improve mobility through development of a balanced, multi-modal transportation network. The project would increase safety and comfort for pedestrians by providing contiguous and non-contiguous sidewalks with landscaping that meet all Code requirements to ensure accessibility to pedestrians of all abilities. The project includes a pedestrian easement to and within the adjacent MTS property, providing pedestrian access to the Palm Avenue Transit Center via new sidewalks. The project site supports alternative transportation modes, emphasizes pedestrian accessibility, and provides bicycle facilities.

The Urban Design Element includes policies and goals relating to the existing urban form and achieving a compact and environmentally sensitive pattern of development as envisioned in the City of Villages Strategy. The project would assist in creating a more positive neighborhood character for the Palm City neighborhood. The project contributes to making Otay Mesa-Nestor a balanced community by providing for a variety of housing types and sizes and by including affordable units. The project would include native, drought-tolerant landscaping that would enhance project structures. The project would employ sustainable building methods consistent with Title 24, the City's CAP, and waste management requirements. See Section 5.16, *Visual Effects and Community Character*, for a detailed discussion of the project's effects relative to urban design.

The purpose of the Public Facilities, Services, and Safety Element is to provide the public facilities and services needed to serve the existing population and new growth. The project would be consistent with the Public Facilities, Services, and Safety Element by providing a residential development within easy walking, bicycling, and transit distance for its residents to area and regional employment, commercial, recreation, and entertainment opportunities. The project is located adjacent to an existing transit center, which provides trolley and bus service. As detailed in Section 5.13, *Public Services and Facilities*, the project would be adequately served by public facilities and services.

The purpose of the Recreation Element is to preserve, protect, acquire, develop, operate, maintain, and enhance public recreation opportunities and facilities throughout the City for all users. The

project would provide multiple recreational amenity areas for its residents on-site, as well as future trail connections to the OVRP. As detailed in Section 5.13, the project would be adequately served by recreational facilities. The project would pay the Citywide Park Development Impact Fee.

The purpose of the Conservation Element is to provide for the long-term conservation and sustainable management of the rich natural resources that help define the City of San Diego. The project site includes 2.2 acres of disturbed land that is mapped within the MHPA. The project proposes a boundary line adjustment to remove the 2.2-acres from the MHPA on-site and preserve higher quality habitat in the MHPA off-site on a 9.92-acre parcel located in the East Elliot preserve area in the City. See Section 5.4, *Biological Resources*, for a detailed discussion of impacts associated with biological resources. The project would utilize recycled content where possible during construction and on-going maintenance, would reduce its construction and demolition waste, and would adhere to all Citywide recycling regulations. See Section 5.14, *Public Utilities*, for a detailed discussion of impacts associated with solid waste. The project would implement sustainable landscape design and maintenance including a centralized irrigation system and irrigation monitoring technology to provide water efficiency; use of native and naturalized drought tolerant plant palettes; use of light in determining appropriate plant materials; use of bio-filtration retention basins that allow for storm water capture and treatment; use of trees and planting to provide shade; and use of recycled materials for hardscape, landscape, and site furnishing materials.

The Noise Element's purpose is to protect people living and working in the City of San Diego from excessive noise. Relative to the Noise Element, a noise study has been prepared that indicated noise from construction of the project would not exceed the applicable limit of 75 dBA. Project operation would not exceed City thresholds, and no mitigation measures would be necessary. (See Section 5.6, *Noise*, for a detailed discussion of noise impacts associated with the project.)

The Housing Element is provided under separate cover from the General Plan. This element focuses on implementing the City of Villages Strategy and directs development patterns, programs, and concepts citywide. The project furthers the City's ability to meet its housing needs in a manner that provides transit-oriented housing. The project provides a range of affordability by providing housing in a variety of forms and by including affordable units.

The Historic Preservation Element guides the preservation, protection, restoration, and rehabilitation of historical and cultural resources. There are no historic resources on the project site, and no artifacts or other cultural features were observed during the cultural resources survey conducted for the project. However, as presented in Section 5.9, *Historic Resources*, the possibility remains that intact cultural deposits may exist subsurface of the project site and could be encountered during grading and excavation activities. Therefore, implementation of mitigation measure HIS-1 would reduce potential impacts to below a level of significance.

Other elements of the General Plan do not have direct applicability to the project. For example, the Economic Prosperity Element of the General Plan addresses employment land use policies. While the project would provide housing that can serve the City's workforce, the project would not provide an employment land use.

As discussed above, the project would include features and strategies that are compatible with the Land Use; Mobility; Urban Design; Public Facilities, Services and Safety; Recreation; Conservation; Noise; Housing; and Historic Preservation Elements of the General Plan. Additionally, the project would not result in any secondary land use impacts.

Otay-Nestor Community Plan Consistency

The project site is in Open Space, Mixed Use, and Residential Low Density (5-10 du/ac) land use designated areas of the Community Plan. The Community Plan differs in its approach as compared to more traditional community plans and focuses on specific geographic areas and community wide issues in a comprehensive manner instead of addressing land uses and services in independent elements. Because Otay Mesa-Nestor is a mostly built out, urbanized community, the Community Plan introduces the concept of neighborhood centers as potential opportunity areas for improvement and revitalization. The project site is within the Palm City neighborhood. The Palm City neighborhood is recognized as a neighborhood center.

The project proposes a Community Plan Amendment to redesignate the project site as Medium-High Density Residential (20 – 35 du/ac). The Community Plan Amendment would also remove the View and Access Point from the site, and one located on church property. The change in residential density would be consistent with the Community Plan as the Palm City neighborhood is identified as a neighborhood center that should provide residential opportunities. The project's consistency with the Community Plan is demonstrated in Table 5.1-2, *Otay Mesa-Nestor Community Plan Consistency*. As shown in Table 5.1-2, the project would be consistent with the applicable goals and policies of the Otay Mesa-Nestor Community Plan. The project would not affect pedestrian access into the OVRP provided at the north end of the trolley station parking lot, as recommended for View and Access Point A, and would include a pedestrian easement connecting the project to that access point. Views into the valley would be afforded at that location. However, development of the project site would interrupt eastward views into the valley. Additionally, relative to View and Access Point B, public views on the church property do not exist. Therefore, the amendment to the Community Plan includes removing View and Access Points A and B from Appendix C. The removal of the View and Access Points results in consistency with Community Plan Appendix C.

The project would be consistent with the strategy and guidelines of the Palm City Neighborhood Center Topic of the Community Plan. The project would redevelop a vacant site and construct a residential development improving the project area through rehabilitation and economic revitalization of the project site. The project would also be consistent with the Otay Valley Regional

Park Topic and its guidelines, as the project would be designed with materials and colors that blend with the natural landscape of the adjacent open space that will be the future OVRP. The project would also include fencing that would permit views into the OVRP and provide architectural interest in its rear elevations for views from the OVRP.

The project complies with all applicable polices and goals of the Otay Mesa-Nestor Community Plan.

Land Development Code Consistency

The project site is zoned RM-1-1, RS-1-7, and AR-1-2. The project proposes a rezone of the entire project site to RM-2-6 to allow for the 198 residential units proposed by the project. Under this rezone, the site could be developed with up to 206 units. The project would be consistent with the relevant regulations of the LDC with the exception of retaining wall height, setbacks, and maximum structure height for which deviations are requested. Table 5.1-3, Deviations Summary, provides a detailed summary of the project's deviations.

Relative to wall height, the project proposes a deviation from LDC Section 142.0340(d)(1) to provide one retaining wall up to 24.5 feet in height that would wrap around the west, north, and east perimeters of the development area where two retaining walls with a maximum wall height of six feet are allowed. The retaining wall would be landscaped to provide visual relief and soften the massing and would not result in a negative effect on the visual quality of the area surrounding the site or to views from the adjacent OVRP (See Section 5.16 Visual Quality 5.16.3.1).

Relative to setbacks, the project proposes deviations to required front and side setbacks. LDC Section 131.0443(e)(1)(A) allows for up to 50 percent of the width of the building envelope to observe a minimum 15-foot front setback, provided the remaining percentage of the building envelope width observes the standard 20-foot setback. The project proposes 100 percent of the building envelope to observe the minimum 15-foot front setback for more efficient use of the project site, to provide much needed housing and affordable housing, and to reinforces the site's proximity transit and multi-modal orientation of by bringing the building envelope closer to the property line and the transit center.

LDC Section 131.0443(e)(2)(A) requires a minimum side setback of five feet or 10 percent of the premises width (which would be 22 feet for the project), whichever is greater. The project proposes a deviation to allow the building to encroach into the side setback, resulting in a side setback of 7.9 feet. Like the front setback deviation, the side setback deviation allows for the more efficient and maximal use of the previously disturbed site area and allows for minimal grading of the site. Placing the building closer to the side ~~year yard~~ also ~~reinforces~~ reinforces the transit and multi-modal orientation of the site by bringing the building envelope closer to the property line and the transit center. Building placement would also highlight the proximity of planned pedestrian facilities, such as trails, that will occur to the east and west of the site as the OVRP develops in the project area. (See Section 5.16 *Visual Quality* 5.16.3.2)

Table 5.1-3. Deviation Summary

| Deviation Description | Deviation from SDMC | Required | Proposed | Purpose for Deviation |
|--------------------------|---------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Retaining Wall Height | §142.0340(d)(1) | Two retaining walls with a maximum height of six feet each. | One retaining wall up to 24.5 feet in height. | This retaining wall wraps around the west, north, and east perimeters of the development area and would be below the site elevation on 2:1 slopes. <u>The purpose of the retaining walls is to reduce the grading footprint while maximizing the efficient use of the property.</u> The retaining walls would not create a negative effect on the visual quality of the OVRP area, the area surrounding the site, or views from the park into the project site. Walls would be planted to screen them from view. |
| Front Setback | §131.0443(e)(1)(A) | Up to 50 percent of the width of the building envelope may observe the minimum 15-foot front setback, provided the remaining percentage of the building envelope width observes the standard 20-foot setback. | 100 percent of the building envelope observes the minimum 15-foot front setback. | This deviation allows for more efficient and maximal use of the previously disturbed site area, allows for more minimal grading of the site, and reenforces the transit and multi-modal orientation of the site by bringing the building envelope closer to the property line and, therefore, the transit center. |
| Side Setback | §131.0443(e)(2)(A) | The minimum side setback is 5 feet or 10 percent of the premises width (22 feet), whichever is greater. | Building encroach into the required side setback 7.9 feet proposed | This deviation allows for the more efficient and maximal use of the previously disturbed site area, allows for more minimal grading of the site, and reenforces the transit and multi-modal orientation of the site by bringing the building envelope closer to the property line and, therefore, the transit center, as well as other pedestrian facilities, such as trails, that may occur to the east or west of the site as the OVRP develops in the project area. |
| Maximum Structure Height | Table 131-04G | Maximum structure height: 40 feet | Maximum structure height: 59 feet, six inches (from existing grade) | The maximum structure height of the project is 59.6 feet, measured from existing grade. However, when measured from finished grade, project structures would be 40 feet in height or less. <u>The deviation would allow for increased building height, while building heights would be perceived to be at the height required by the zone, and the</u> |

| | | | |
|--|--|--|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | | | <p>construction of As such, this deviation would allow for needed housing as an in-fill project that also providing provides affordable housing opportunities.</p> |
|--|--|--|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

Relative to maximum structure height, development on portions of the site would be a maximum of 59 feet six inches, when measured from existing grade, and would exceed the maximum structure height of 40 feet per Table 131-04G of the LDC. The project's maximum structure height when measured from finished grade would be 40 feet in height or less. Surrounding development includes building heights of one to two stories. South of the project site the mobile home park includes single story mobile homes and the Ocean View Church includes buildings one and two stories in height. Further south across Palm Avenue single family homes of mostly one story with a few two-story homes exist. West of the project site, across Hollister Street, there is a two-story commercial building as well and multiple one-story commercial buildings and a few one-story single-family homes. The project area also includes two-story multi family dwelling units further southwest of the project site along Hollister street. Thus, the proposed height of the buildings associated with the project would not be incompatible with the surrounding development. This deviation would allow for development that ultimately is visually consistent with the surrounding development See Section 5.16 *Visual Quality* 5.16.3.2.

Project deviations would not result in significant environment impacts.

Consistency with the Otay Valley Regional Park Concept Plan

The project would be consistent with the OVRP's *Development Policies* and would be compatible with future development within the OVRP. The project implements elements of the Plan, including trail connections from the project site to the existing trail system within the OVRP. Furthermore, the project includes landscape treatments along the northern project boundary intended to soften and screen the appearance of the project from within the OVRP. A pedestrian landscaped walkway along the top of the northern slope provides views of the Otay River Valley.

Significance of Impacts

The project would be consistent with the City of San Diego General Plan and Otay Mesa-Nestor Community Plan. The project would require deviations to the City's LDC; however, proposed deviations would not result in a significant environmental impact. The project would be compatible with the OVRP. The project would not result in significant land use impacts.

Mitigation Measures

No mitigation measures are required.

5.1.3.2 Issue 3

Issue 3: Would the project conflict with the provisions of the City's MSCP Subarea Plan or other approved local, regional, or state habitat conservation plan?

Impact Threshold

Based on the City's CEQA Significance Determination Thresholds, a project could have a significant land use impact if it would:

- Result in an inconsistency/conflict with adopted environmental plans of an area.

Analysis

A Biological Technical Report (BTR) has been prepared for the project (Appendix F) that addresses the project's land use impacts relative to the MSCP. That analysis forms the basis for the discussion below. For a more detailed discussion of the project's biological resources and associated impacts, see Section 5.4, *Biological Resources*.

MHPA Boundary Line Adjustment

If a project would encroach into the MHPA beyond the allowable development area pursuant to Sections 143.0142 and 131.0250(b) of the LDC and pages 13 to 15 of the City's Biology Guidelines, an MHPA boundary line adjustment is required. Under the City's MSCP Subarea Plan, an adjustment to the City's MHPA boundary is allowed only if the new MHPA boundary results in an exchange of lands that are functionally equivalent or higher in biological value.

Approximately 2.2 acres of the 5.9-acre project site, which supports disturbed land, are in the MHPA. The project proposes to develop the entire site; therefore, an MHPA boundary line adjustment is proposed to remove the 2.2 acres of disturbed land from the MHPA on-site and preserve higher quality habitat in the MHPA off site on the 9.92-acre Najor Parcel (APN 366-031-12) located in the East Elliott preserve area in the City.

An equivalency analysis for the proposed MHPA removal and the addition of land contiguous to the MHPA has been conducted and is included in the Biological Technical Report prepared for the project (Appendix F). A determination of functionally equivalent or higher biological value has been conducted based on site-specific information (both quantitative and qualitative) that addresses six boundary adjustment criteria outlined in Section 5.4.3 of the Final MSCP Plan, as presented below.

MHPA Boundary Adjustment Criteria/Equivalency Analysis

1. *Effects on significantly and sufficiently conserved habitats (i.e., the exchange maintains or improves the conservation, configuration, or status of significantly and sufficiently conserved habitats, as defined in Section 3.4.2 [of the MSCP Plan]).*

The project proposes to delete 2.2 acres of disturbed habitat from the MHPA located within the project site and replace it via preservation of the Najor Parcel. The Najor Parcel is entirely within the MHPA and is designated as 75 percent baseline conservation (25 percent developable). Thus, 2.48 acres of the Najor Parcel would be allowed to be developed. The project proposes to preserve 100 percent of the Najor parcel and dedicate it in fee-title to the City to offset the proposed deletion of 2.2 acres of disturbed habitat from the MHPA. This increase of 2.48 acres of preserved coastal scrub and Diegan coastal sage scrub would more than offset the proposed MHPA deletion of 2.2 acres of disturbed land, and would result in an equivalent or better overall MHPA habitat value. The proposed boundary adjustment would result in the preservation of 8.8 acres, which would result in no decrease of habitat within the MHPA. The project proposes to remove 2.2 acres of Tier IV disturbed land from the MHPA and proposes to conserve 8.8 acres of higher quality habitat. Therefore, the exchange would improve the conservation, configuration, or status of significantly and sufficiently conserved habitats.

2. *Effects on covered species (i.e., the exchange maintains or increases the conservation of covered species).*

The 2.2 acres of disturbed land located on the project site and to be removed do not support any covered species. The ~~8.8992~~ acres of land to be conserved (addition of 2.48 acres of preserved land to the MHPA) on the Najor Parcel may support one or more covered species, including willowy monardella and coastal California gnatcatcher. Therefore, the exchange has potential to increase the conservation of covered species.

3. *Effects on habitat linkages and function of preserve areas (i.e., the exchange maintains or improves any habitat linkages or wildlife corridors).*

The project site is not a wildlife corridor, nor is it part of the Otay River Valley corridor. Rather, it is designated as a buffer to that corridor; it does not provide for wildlife movement.

The Najor Parcel, on the other hand, is part of the East Elliott preserve. The National Wetlands Inventory riverine feature on the Parcel provides a natural corridor for wildlife movement north and south through that portion of the preserve; and the surrounding upland habitats provide connectivity to other preserved habitat to the north, south, east, and west. Therefore, the exchange would maintain habitat linkages and opportunities for wildlife movement.

4. *Effects on preserve configuration and management (i.e., the exchange results in similar or improved management efficiency and/or protection of biological resources).*

Since the Najor Parcel is already part of the City's East Elliott preserve and in the MHPA, the exchange would result in similar management efficiency and protection of biological resources. The City of San Diego Open Space Division would be granted fee title to the property and the property would be management consistent with the MSCP Management Framework Plan and Mission Trails Regional Park Natural Resource Management Plan.

5. *Effects on ecotones or other conditions affecting species diversity (i.e., the exchange maintains topographic and structural diversity and habitat interfaces of the preserve).*

The exchange would not occur on the Palm & Hollister project site; thus this adjustment criterion is not applicable. However, the land on the Najor Parcel would not be altered; therefore, the topographic and structural diversity and habitat interfaces of the East Elliott preserve would be maintained.

6. *Effects on species of concern not on the covered species list (i.e., the exchange does not significantly increase the likelihood that an uncovered species will meet the criteria for listing under either the federal or state ESAs).*

The exchange would remove disturbed land that does not support covered or uncovered sensitive species and would replace it with habitat of higher quality (coastal scrub/Diegan coastal sage scrub) that is known to support both covered species (e.g., willowy monardella and coastal California gnatcatcher) and uncovered species (e.g., red-diamond rattlesnake and prairie falcon). Therefore, the exchange would not increase the likelihood that an uncovered species would meet the criteria for listing under either the Federal or State ESAs.

In conclusion, the proposed MHPA boundary adjustment would result in greater biological function and value than maintaining the MHPA on the project site.

Land Use Adjacency Guidelines

Because the project would occur adjacent to the MHPA located off-site to the north and northeast (following the MHPA Boundary Line Adjustment), conformance with the adjacency guidelines would be required. Development adjacent to the MHPA must ensure that indirect impacts to the MHPA are minimized. Sections 1.4.2 and 1.4.3 of the City's MSCP Subarea Plan outline the requirements to address indirect effects related to drainage and toxics, lighting, noise, public access, invasive plant species, brush management, and grading/land development.

The following addresses the guidelines and how the project complies with them. All of the required MHPA Land Use Adjacency Guidelines measures would become conditions of project approval.

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.

During construction, the project would employ the use, as applicable, of structural and non-structural Best Management Practices (BMPs), Best Available Technology, and sediment catchment devices downstream of paving activities to reduce potential drainage impacts associated with construction. Additionally, the project design complies with the Standard Urban Stormwater Management Plan and Municipal Stormwater Permit criteria of the State Water Resources Control Board and City.

Hardscape associated with the built project would result in runoff, which could significantly impact water quality in the MHPA. However, the project would provide stormwater treatment through two Modular Wetland Systems (WMS) and two underground stormwater cisterns. Stormwater on the site would be directed to the two WMS, which use filters, wetland vegetation, and biological processes to remove contaminants from the water before entering the cisterns. The vegetation used in the WMS are non-invasive wetland associated species, appropriate for the designated filtration uses. The western cistern would have a storage volume of 11,942 cubic feet (cf); the storage volume of the eastern cistern would be 5,933 cf. Each cistern would detain the water and allow it to flow from the site through two outfalls at a regulated rate, equivalent to the pre-project runoff condition. The stormwater outlets would include energy dissipators to reduce discharge velocities and minimize the potential for erosion, and the project would not result in any increase in off-site discharge of stormwater runoff. Therefore, the project is in conformance with this Land Use Adjacency Guideline. More information regarding stormwater treatment is provided in the Storm Water Quality Management Plan (SWQMP) for the project (Appendix R), as well as Section 5.17, *Water Quality*.

Toxics

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.

No trash, oil, parking, or other construction/development related material/activities would be located outside approved project impact limits. While there are no specific staging/storage areas identified for construction, specific staging/storage areas would only be located within the project impact footprint and, as required, would incorporate appropriate BMPs to ensure that there are no indirect effects to the adjacent MHPA. All construction related debris would be removed off-site to an approved disposal facility. Therefore, the project is in conformance with this Land Use Adjacency Guideline.

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.

Night lighting would be shielded, as necessary, to prevent light from spilling into the MHPA. Shielding would consist of the installation of fixtures that physically direct light away from the MHPA or landscaping, berms, or other barriers that prevent such light overspill. The lighting used would adhere to the City's Outdoor Lighting Regulations (SDMC §142.0740). Therefore, the project is in conformance with this Land Use Adjacency Guideline.

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.

The MHPA, which is north of the project site, is already subject to noisy uses such as the trolley and vehicular use of Hollister Street and the I-5 freeway that create noise, as well as the commercial nursery located within the MHPA. (The MHPA to the north consists of agricultural and developed land associated with the Terra Bella Nursery.) The project primarily involves residential housing, which is not an excessively noisy use. The project

would also include a bar-b-que pavilion, fire table, turf area incorporating a nature playground, game courts, sofa seating areas, and a pedestrian landscaped walkway along the top of the northern slope connecting the residential buildings to these amenities, which would be situated to take advantage of views of the OVRP to the north. Noise generated from the use of these amenities is not expected to be excessive or long lasting, and there are no sensitive species breeding areas in the adjacent MHPA. Vehicular access to the project would be from the south and not adjacent to the MHPA. Therefore, the project is in conformance with this Land Use Adjacency Guideline.

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.

The project would install a six-foot-high, chain link fence along the site's northern boundary, which would be adjacent to the MHPA after the boundary line adjustment. Therefore, the project is in conformance with this Land Use Adjacency Guideline.

Invasives

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

The project would follow SDMC Landscape Standards (Section 1.3) and not use invasive species in landscaping adjacent to the MHPA, which would prevent their introduction to areas adjacent to the MHPA. The *Landscape Development Plan* (Figure 3-4) prepared for the project does not include any invasive species, which would prevent the spread of invasive species to the MHPA. The palette includes natives and native hybrids along the northern project boundary, adjacent to the MHPA. The palette component areas adjacent to the MHPA include low-fuel shrubs and groundcovers, low-fuel planting along the northern retaining wall, and low-fuel native groundcovers within the County easement along the northern property boundary adjacent to the MHPA after the boundary line adjustment. Specific non-native species are included in the interior of the project, away from the MHPA and would not pose an invasive threat to the MHPA. Given the lack of invasive species and use of natives/native hybrids along the MHPA boundary, the project is in conformance with this Land Use Adjacency Guideline.

Brush Management

New 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 pad and outside of the MHPA. Zone 2 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. Brush management zones will not be greater in size than is currently

required by the City's regulations. Initial thinning of woody vegetation shall not exceed 50 percent coverage of the existing vegetation prior to implementation of Brush Management activities. Additional thinning and pruning shall be done consistent with City standards to obtain minimum vertical and horizontal clearances and shall avoid/minimize impacts to covered species to the maximum extent possible. For all new development, regardless of the ownership, brush management in the Zone 2 area will be the responsibility of a homeowners association or other private party. For existing and approved projects, the brush management zones, standards and locations, and clearing techniques will not change from those required under existing regulations.

The project site contains both developed and disturbed lands. The site was previously developed and is comprised of unoccupied residential buildings and a small area in the site's southeast corner used for storage. The disturbed lands are comprised of either ruderal or nonnative plant species. Considering the lack of fuel that would remain on the site and immediate vicinity, a brush management plan was not warranted. The construction of the project would ensure that no native, highly flammable wildland fuels would revegetate the site in the future by providing ongoing landscape maintenance of the site and along access roads. Therefore, the project is in conformance with this Land Use Adjacency Guideline.

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 project incorporates all slopes on the site and within the development footprint. Therefore, the project is in conformance with this Land Use Adjacency Guideline.

General Planning Policies and Design Guidelines

Section 1.4.2 of the City's Subarea Plan includes *General Planning Policies and Design Guidelines* that apply in the review and approval of development projects within or adjacent to the MHPA. Due to the boundary line adjustment, there would be no MHPA on-site. The site would still be adjacent to the MHPA where it occurs on the site immediately to the north. Therefore, an evaluation of the project's consistency with the MSCP's *General Planning Policies and Design Guidelines* for the City's Subarea Plan is provided below.

Roads and Utilities – Construction and Maintenance Policies

This section of the Subarea Plan includes eight guidelines/policies. Each is summarized below, along with an explanation describing how the project complies with the guidelines/policies where it occurs adjacent to the MHPA.

1. *All proposed utility lines should be designed to avoid or minimize intrusion into the MHPA.*

There are no utility lines proposed off-site in the MHPA.

- 2. All new development for utilities and facilities within or crossing the MHPA shall be planned, designed, located, and constructed to minimize environmental impacts. If avoidance is infeasible, mitigation would be required.*

No new development for utilities and facilities would occur within or crossing the MHPA.

- 3. Temporary construction areas and roads, staging areas, or permanent access roads must not disturb existing habitat unless determined to be unavoidable.*

Areas of temporary disturbance for construction would occur on the site, which does not support existing habitat.

- 4. Construction and maintenance activities in wildlife corridors must avoid significant disruption of corridor usage.*

The project site is not in a wildlife corridor.

- 5. Roads in the MHPA will be limited to those identified in Community Plan Circulation Elements, essential collector streets, and necessary maintenance/emergency access roads.*

The project does not include roadway construction, beyond site access driveways. The project site would be removed from the MHPA with the Boundary Line Adjustment and, as such, these access drives would not be located within the MHPA.

- 6. Development of roads in canyon bottoms should be avoided whenever feasible. If an alternative location outside the MHPA is not feasible, then the road must be designed to cross the shortest length possible, and if a road crosses the MHPA, it should provide for fully-functional wildlife movement capability.*

The project does not include roadway construction, beyond site access driveways. The project site would be removed from the MHPA with the Boundary Line Adjustment and, as such, these access drives would not be located within the MHPA.

- 7. Where possible, roads within the MHPA should be narrowed from existing design standards to minimize habitat fragmentation and disruption of wildlife movement and breeding areas. Roads must be located in lower quality habitat or disturbed areas to the extent possible.*

The project does not include roadway construction, beyond site access driveways. The project site would be removed from the MHPA with the Boundary Line Adjustment and, as such, these access drives would not be located within the MHPA.

8. *Existing roads and utility lines are usually considered a compatible use in the MHPA.*

The project does not include any existing roads or utility lines in the MHPA.

Fencing, Lighting, and Signage

This section of the Subarea Plan includes three guidelines/policies. Each is summarized below along with an explanation as to how the project complies where it occurs adjacent to the MHPA.

1. *Fencing or other barriers will be used where it is determined to be the best method to achieve conservation goals and adjacent to land uses incompatible with the MHPA.*

There are no incompatible land uses adjacent to the MHPA associated with the project. However, the project would install a six-foot-high, chain link fence along the site's northern boundary separating the site from the adjacent MHPA.

2. *Lighting shall be designed to avoid intrusion in the MHPA.*

Lighting adjacent to the off-site MHPA would be directed away/shielded and would be consistent with City Outdoor Lighting Regulations per LDC Section 142.0740.

3. *Signage will be limited to access, litter control, and educational purposes.*

Signage would be installed on the project's side of the project site's northern boundary fencing to note that entry to the MHPA is prohibited.

Materials Storage

Storage of materials (e.g., hazardous or toxic chemicals, equipment, etc.) shall not be located within the MHPA, and proper storage of such materials is required per applicable regulations in any areas that may impact the MHPA, especially due to potential leakage.

No trash, oil, parking, or other construction/development related material/activities would be located outside approved construction limits. No staging/storage areas for equipment and materials would be located adjacent to the MHPA. All construction related debris would be removed off site to an approved disposal facility.

General Management Directives

The following summarized *General Management Directives* for all areas of the City's MSCP Subarea Plan are applicable to the project. Those directives not applicable include Invasives Exotics Control and Removal (except Invasives; discussion above regarding *Invasives*) and Flood Control (since there are no flood control channels on site).

Mitigation shall be performed in accordance with ESL Regulations and the City's Biology Guidelines.

The project would not result in significant impacts to biological resources. Therefore, no mitigation is required.

Restoration or revegetation undertaken in the MHPA shall be performed in a manner acceptable to the City.

No restoration or revegetation in the MHPA is proposed for the project.

Public Access, Trails, and Recreation. This directive includes requirements for trail signage, type, location, design, and use.

There are no trails associated with the project. The project would provide for future trail connections to the OVRP, which would be meet the recommendations of the OVRP Concept Plan.

Litter/Trash and Materials Storage. This directive includes requirements for trash removal and permanent materials storage in the MHPA.

Trash and other construction related materials would be kept within approved construction limits, and no storage areas would be located adjacent to the MHPA. All construction related debris would be removed off site to an approved disposal facility. There would be no permanent materials storage of any kind adjacent to the MHPA. The project would include trash and recyclable storage in the form of large dumpsters, as required by the LDC, as well as pedestrian-scaled receptacles in key areas, such as the project's amenities and along the northern perimeter walkway. All refuse and recyclable materials storage would be emptied at an appropriate interval.

Conditions and Area Specific Management Directives for MSCP Covered Species

There are no MSCP Covered Species with moderate or high potential to occur on the project site. Therefore, no conditions for *Covered Species or Area Specific Management Directives for Covered Species* apply.

Significance of Impacts

The proposed MHPA boundary adjustment would provide functionally equivalent biological value to that being impacted. The project would be consistent with the MHPA Land Use Adjacency Guidelines and indirect impacts to the MHPA would be avoided. Therefore, the project, as designed, 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.

Mitigation Measures

No mitigation measures are required.

5.1.3.3 Issue 4

Issue 4: Would the project physically divide an established community?

Impact Threshold

Based on the City's Thresholds, a project could have a significant land use impact if:

- The project would physically divide an established community.

Analysis

Currently, the project site is developed with a residential structure and outbuildings. Surrounding land uses consist of the OVRP, including the Terra Bella Nursery, to the north and east; the Palm Avenue Trolley Station and the SD&AE Railroad line to the west; and La Palma Mobile Estates residences and a ball field associated with the Ocean View Christian academy to the south. Single-family homes and commercial uses exist to the southwest across Hollister Street, and additional single-family homes are located across Palm Avenue to the south. The I-5 freeway is located approximately one mile west of the project site. (See Figure 2-3, *Surrounding Land Uses and Development*.)

The project would not construct structures that have the ability to physically divide an established community, as the structures would be located on a site that does not serve to connect two areas. The project site does not front any streets and is bordered by the trolley tracks and the Palm Avenue Transit Station. There is no public access existing through the project site. Relative to access to the OVRP located immediately north of the project site, the project would provide trail connection from the project site to the trail system within the OVRP.

The amendment to the Community Plan includes removing View and Access Points A and B from Appendix C. The project would not affect pedestrian access into the OVRP provided at the north end of the trolley station parking lot, as recommended for View and Access Point A, and would include a pedestrian easement connecting the project to that access point. Access into the valley would be afforded at that location. View and Access Point B is located at the Oceanview Christian Church and is not on the project site. Nonetheless, that View and Access Point does not provide for public

access, as it is located on private property. Therefore, the amendment to the Community Plan includes removing View and Access Points A and B from Appendix C. The removal of the View and Access Points would not result in physically dividing an established community.

Overall, development of the project site would not physically divide an established community. No impacts relative to physically dividing a community would occur.

Significance of Impacts

The project would not physically divide an established community. Therefore, no impacts would occur.

Mitigation Measures

No mitigation measures would be required.

5.1.3.4 Issue 5

Issue 5: Would the project result in land uses which are not compatible with an adopted Airport Land Use Compatibility Plan (ALUCP)?

Impact Threshold

Based on the City's Significance Determination Thresholds (2022), a project could have a significant land use compatibility impact if the project results in:

- Incompatible uses as defined in the airport land use plan or an inconsistency with an airport's land use compatibility plan as adopted by the Airport Land Use Commission to the extent that the inconsistency is based on valid data.
- If the project is proposed within the Airport Environs Overlay Zone (AEOZ) as defined in Chapter 13, Article 2, Division 3 of the San Diego Municipal Code, the potential exterior noise impacts from aircraft noise would not constitute a significant environmental impact.

Noise impacts of the environment on the project are land use planning compatibility issues, and are not impacts of the project on the environment. Information regarding land use compatibility is included herein for disclosure purposes but is not considered a significant environmental impact unless a secondary physical environmental impacts occur as a result. Such secondary impacts may include, but are not limited to the construction of a noise barrier that result in aesthetic, biological resource, or other physical significant environmental impact.

Analysis

The project site is located within AIAs of NOLF Imperial Beach, NAS North Island, and Brown Field. Relative to NOLF Imperial Beach, the project site is located within Review Area 2, Airspace Protection

Boundary, and the FAA Part 77 certification of non-obstruction area (see Figures 2-9, *NOFL Imperial Beach Airport ALUCP Airport Influence Area*, and Figure 5.8-2, *NOLF Imperial Beach Airport Airspace Protection Boundary*). Relative to NAS North Island, the project site is located in the Overflight Notification Area (see Figure 2-10, *NAS North Island Airport ALUCP Airport Influence Area*, and Figure 5.8-1 *NAS North Island Import Compatibility Map: Overflight*). The project site is within Review Area 2 and the TERPS Airspace Protection area Runway 8L Global Positioning System (GPS) approach for Brown Field (see Figure 2-8, *Brown Field ALUCP Airport Influence Area*, and Figure 5.8-3 *Brown Field Airport Compatibility Policy Map: TERPS Airspace Protection*). The project site is not within any other zones for Brown Field, NOFL Imperial Beach, or NAS North Island.

The project has also been issued *Determination of No Hazards to Air Navigation* from the FAA, based on conceptual building heights and locations, demonstrating no risk relative to obstruction of aircraft (see Appendix B of this EIR). As such, the project would not result in obstruction to airport operations from NOLF Imperial Beach, NAS North Island, or Brown Field. Separate FAA notifications would be required at the time of building permits for future structures.

Significance of Impacts

The project would not result in a land use that would be incompatible with either NOLF Imperial Beach, NAS North Island, or Brown Field. Therefore, impacts would be less than significant.

Mitigation Measures

No mitigation would be required.

5.1.3.5 Issue 6

Issue 6: Would the project result in the exposure of sensitive receptors to current or future noise levels that would exceed standards established in the Noise Element of the General Plan?

Impact Threshold

A land use incompatibility would occur if a project would expose new development to noise levels at exterior use areas or interior areas in excess of the noise compatibility guidelines established in the City General Plan Noise Element (shown in Table 5.1-4, *City of San Diego Noise Compatibility Guidelines*). As shown in Table 5.1-4, the compatible exterior noise level for the project land uses is 60 dBA CNEL for multi-family residential, and conditionally compatible for multi-family residences between 60-70 dBA CNEL provided that interior noise levels of 45 dBA CNEL can be achieved and outdoor use areas are attenuated to acceptable levels. If a noise land use incompatibility leads to the requirement for physical improvements, and those physical improvements result in significant environmental impacts, then the project would be considered to have a significant land use compatibility impact.

Analysis

An *Exterior Noise Analysis Report* (Noise Report) was prepared by dB Associates, Inc. (April 5, 2023) for the project and is included as Appendix O to this EIR. The Noise Report included an evaluation of the project's land use compatibility relative to primary noise sources affecting the project site, including rail operations on the SD&AE Railroad, located immediately west of the project site, and roadway traffic on I-5, located approximately one mile west of the project site.

The project proposes multifamily residential uses. As shown in Table 5.1-4, in the Residential – Multiple Units land use category, noise levels up to 60 dBA CNEL are considered Compatible with outdoor use areas; noise levels up to 70 dBA CNEL are considered Conditionally Compatible. The building structure must attenuate exterior noise in occupied areas to 45 dBA CNEL or below.

Noise affecting the project site includes rail operations from the SD&AE Railroad line and roadway traffic. Freight train and light rail traffic projections are not available. As such, the existing rail noise environment is considered applicable to describe the future rail noise environment. Noise levels from freight train movements would range from below 60 dBA CNEL at the eastern façade of Building 5 to approximately 63 dBA CNEL at the western façade of the recreation/leasing building. Freight train horn noise levels were estimated using the rail horn noise model developed by the Federal Railroad Administration. Noise levels from freight train horns would range from below 60 dBA CNEL at the eastern façade of Building 5 to approximately 72 dBA CNEL at the western façade of the recreation/leasing building. Noise levels from light rail traffic would range from below 60 dBA CNEL at the eastern façade of Building 5 to approximately 60 dBA CNEL at the western façade of Building A.

Future exterior composite noise levels at the proposed project site would range from below 60 dBA CNEL at the eastern façade of Building 5 to approximately 73 dBA CNEL at the western façade of the recreation/leasing building, as shown on Figure 5.11-2, *Future Exterior Composite Noise Levels*.

The project includes the following common outdoor usable areas: a pool/spa recreation/leasing building courtyard, a recreation area in the Building 3 courtyard, and a recreation area north of Building 5. Proposed Building 5 and the proposed recreation/leasing building would be closest to the noise sources and, therefore, would experience the highest noise levels from these sources. See Figure 3-1, *Palm and Hollister Apartments Site Plan*, for the location of proposed buildings. Future exterior composite noise levels would be 65 dBA CNEL or below at all common outdoor spaces in the project and would be considered conditionally compatible.

Because future exterior composite noise levels would exceed 60 dBA CNEL at some project building façades, interior noise levels in occupied areas could exceed the City of San Diego General Plan Noise Compatibility Guidelines and California Building Code (CBC) Section 1206.4 requirement of 45 dBA CNEL in residences.

As a standard condition of project approval, an interior noise analysis would be required to be approved by the City's Building Inspection Department upon application for a building permit. This interior noise analysis must identify the sound transmission loss requirements for building façade elements (windows, walls, doors, and exterior wall assemblies) necessary to limit interior noise to 45 dBA CNEL in habitable residential rooms. Upgraded windows and/or doors with sound transmission class (STC) ratings of 35 or higher may be necessary. If the interior noise limit can be achieved only with the windows closed, the building design must include mechanical ventilation that meets CBC requirements.

Future exterior composite noise levels, including rail, light rail, and vehicle traffic, at the proposed project site would range from below 60 dBA CNEL at the eastern façade of Building 5 to approximately 73 dBA CNEL at the western façade of the recreation/leasing building, as shown in Figure 5.1-4, *Future Exterior Composite Noise Levels*.

Because future exterior composite noise levels would exceed 60 dBA CNEL at some project building façades, interior noise levels in occupied areas could exceed the City of San Diego General Plan Noise Compatibility Guidelines and California Building Code (CBC) Section 1206.4 requirement of 45 dBA CNEL in residences.

To avoid a potential land use impact, as a condition of project approval, an interior noise analysis would be required to be approved by the City's Building Inspection Department upon application for a building permit. The interior noise analysis would identify appropriate sound attenuation measures to achieve a 45 dBA CNEL interior noise level, if necessary. Typical attenuation measures, such as mechanical ventilation, walls, and windows with a minimum sound transmission class rating, would be identified and implemented to assure a 45 dBA CNEL interior noise level.

The project includes the following common outdoor usable areas: a pool and spa in the recreation/leasing building courtyard, a recreation area in the Building D courtyard, and a recreation area north of Building B. These areas are included in the usable common open space required for the project. As shown in Figure 5.1-4, *Future Exterior Composite Noise Levels*, the future noise level conditions at these courtyards would be 65 dBA CNEL or below at all common outdoor recreational spaces in the project.

In the Residential – Multiple Units land use category, per the Noise Element, noise levels up to 60 dBA CNEL are considered Compatible with outdoor use areas; noise levels between 60-70 dBA CNEL are considered Conditionally Compatible. A 65 dbA Community Noise Equivalent Level (CNEL) is considered an acceptable noise level for the exterior outdoor uses, as the noise compatibility guidelines indicate "Parks, Active and Passive Recreation" are compatible with noise levels up to 70 dBA CNEL.

As designed, future exterior composite noise levels at all required outdoor spaces in the project would be 65 dBA CNEL or lower, and would be considered Conditionally Compatible.

Significance of Impacts

The project may result in interior noise levels in excess of the City's Noise Compatibility Guidelines requirements. As a condition of project approval, an exterior to interior noise analysis would be required during building permit issuance to ensure that appropriate attenuation measures are implemented to achieve a 45 dBA ~~CENL~~ CNEL interior noise level. The interior noise analysis would identify sound transmission loss requirements for building elements exposed to exterior noise levels exceeding 60 dBA CNEL. If the interior 45 dBA CNEL limit can be achieved only with the windows closed, the residence design would include mechanical ventilation that meets applicable CBC requirements. Impacts would be less than significant.

Mitigation Measures

Mitigation would not be required.

Table 5.1-1. City of San Diego General Plan Consistency

| General Plan Components | Project Consistency |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Land Use and Community Planning Element | |
| <i>City of Villages Strategy</i> | |
| <i>Policy LU-A.4.</i> Locate village sites where they can be served by existing or planned public facilities and services, including transit services. | The project site is adjacent to the Palm Avenue Trolley Station, which provides light rail transit service connecting to destinations throughout the County. As such, the project is served by the existing trolley service. |
| <i>Policy LU-A.7.b.</i> Achieve transit-supportive density and design, where such density can be adequately served by public facilities and services. | |
| <i>Policy LU-A.10.</i> Design infill projects along transit corridors to enhance or maintain a “Main Street” character through attention to site and building design, land use mix, housing opportunities, and streetscape improvements. | The project is an infill development location within walking distance to the Palm Avenue Transit Center. The project would provide housing opportunities as it would develop with 198 residential dwelling units designed in a manner that would enhance the character and neighborhood feel of the project area. |
| Balanced Communities and Equitable Development | |
| Goal: Ensure diverse and balanced neighborhoods and communities with housing available for households of all income levels. | The project contributes to making Otay Mesa-Nestor a balanced community by providing for a variety of housing types and sizes within the same development. By providing a mix of one-bedroom, two-bedroom, and three-bedroom units, the project contributes to the existing variety of housing in the area and provides for a range of affordability. The project would also include eight affordable units, which would provide affordable housing opportunities in the community. The unit mix also accommodates the needs of a variety of potential residents, as they can select a unit that meets their size and budgetary needs. |
| <i>Policy LU-H.1.</i> d. Ensure that neighborhood development and redevelopment addresses the needs of older people, particularly those disadvantaged by age, disability, or poverty. e. Provide affordable housing opportunities within the community to help offset the displacement of the existing population. | |
| <i>Policy LU-H.2.</i> Provide affordable housing throughout the City so that no single area experiences a disproportionate concentration. | |
| <i>Policy LU-H.3.</i> Provide a variety of housing types and sizes with varying levels of affordability in residential and village developments. | The project would provide a mix of one-bedroom, two-bedroom, and three-bedroom units contributing to the existing variety of housing in the area and provides for a range of affordability, by including eight affordable units. |
| <i>Policy LU-H.6.</i> Provide linkages among employment sites, housing, and villages via an integrated transit system and a well-defined pedestrian and bicycle network. | The project would provide housing within walking distance of the light rail and bus transit system, as well as the future trail connections from the project site to the existing trail system and to the OVRP, which provides safe travel opportunities for pedestrians. |
| Mobility Element | |
| <i>Walkable Communities</i> | |
| Goal. A safe and comfortable pedestrian environment. | The project would improve pedestrian connectivity through the provision of sidewalks with landscaping, |

| General Plan Components | Project Consistency |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | including pedestrian connections to the Palm Avenue Trolley Station. Project improvements to the pedestrian network would increase comfort for the users. |
| Goal. A complete, functional, and interconnected pedestrian network, that is accessible to pedestrians of all abilities. | Pedestrian improvements would be constructed to meet all Code requirements to ensure accessibility to pedestrians of all abilities. |
| Goal. Greater walkability achieved through pedestrian-friendly street, site and building design. | The project would improve pedestrian connectivity through the provision of contiguous and non-contiguous sidewalks with landscaping. Project buildings would be oriented toward the pedestrian to the extent possible, facilitating wayfinding and supporting walkability within the project and connecting to improved pedestrian access. |
| <p><i>Policy ME-A.2.d.</i> Implement Crime Prevention Through Environmental Design (CPTED) measures to reduce the threat and incidence of crime in the pedestrian environment.</p> <p><i>Policy ME-A.2.f.</i> Provide adequate levels of lighting for pedestrian safety and comfort.</p> | <p>The provision of residential units around the entire site ensures greater “eyes on the street,” acting as passive threat reduction and crime deterrent.</p> <p>The project would provide lighting in accordance with Municipal Code regulations to ensure pedestrian safety in the evening hours. Lighting would be hierarchical, with pedestrian-level lighting provided along pedestrian travel ways and crossings. Lighting would be provided at all pedestrian access points to ensure safety.</p> |
| <i>Policy ME-A.6.a.3.</i> Design grading plans to provide convenient and accessible pedestrian connections from new development to adjacent uses and streets. | Grading for the project would create a generally flat pad within the project boundary. Connectivity to adjacent uses would be provided through a new connection point to the existing MTS sidewalk through a pedestrian access easement. |
| <i>Policy ME-A.6.b.</i> Link sidewalks, pedestrian paths and multi-purpose trails into a continuous region-wide network where possible | The project includes future trail connection from the project site to the existing trail system and to the OVRP. |
| Bicycling | |
| <p><i>Policy ME-F.4.</i> Provide safe, convenient, and adequate short- and long-term bicycle parking facilities and other bicycle amenities for employment, retail, multifamily housing, schools and colleges, and transit facility uses.</p> <p>a. Continue to require bicycle parking in commercial and multiple unit residential zones.</p> <p>b. Provide bicycle facilities and amenities to help reduce the number of vehicle trips.</p> | <p>The project would provide bicycle parking in compliance with the City’s CAP Consistency Regulations and Code requirements. The project also includes amenities to support bicycle travel, such as on-site bicycle parking.</p> <p>Pedestrian/bicyclist connectivity to the Palm Avenue Trolley Station would be provided by a pedestrian access easement and a new sidewalk from the project site connecting to the existing MTS sidewalk.</p> |
| Parking Management | |
| Goal. Increased land use efficiencies in the provision of parking. | The project would provide parking in surface spaces, as well as tuck-under garages and carports located under one-level units, for an increased land use efficiency. |

| General Plan Components | Project Consistency |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Urban Design Element | |
| <i>General Urban Design</i> | |
| <p><i>Goal:</i> A pattern and scale of development that provides visual diversity, choice of lifestyle, opportunities for social intersection, and that respects desirable community character and context.</p> | <p>Project design would provide visual diversity that is articulated 360 degrees with features that range from varying building heights to recessed/protruding design elements to diverse finish materials and color palette. Opportunities for social interaction would be provided for project residents and their guests in the project recreation/amenity areas.</p> |
| <p><i>Policy UD-A.4.</i> Use sustainable building methods in accordance with the sustainable development policies in the Conservation Element.</p> | <p>The project would employ sustainable building methods consistent with Title 24, the City's CAP, and waste management requirements. (See Section 5.7 for a discussion of the project's compliance with CAP Consistency Regulations and Section 5.14 for a discussion of the project's Waste Management Plan.)</p> |
| <p><i>Policy UD-A.5.</i> Design buildings that contribute to a positive neighborhood character and relate to neighborhood and community context.</p> <ul style="list-style-type: none"> b. Encourage designs that are sensitive to the scale, form, rhythm, proportions, and materials in proximity to commercial areas and residential neighborhoods that have a well established, distinctive character. c. Provide architectural features that establish and define a building's appeal and enhance the neighborhood character. d. Encourage the use of materials and finishes that reinforce a sense of quality and permanence. e. Provide architectural interest to discourage the appearance of blank walls for development. This would include not only building walls, but fencing bordering the pedestrian network, where some form of architectural variation should be provided to add interest to the streetscape and enhance the pedestrian experience. For example, walls could protrude, recess, or change in color, height or texture to provide visual interest. f. Design building wall planes to have shadow relief, where pop-outs, offsetting planes, overhangs and recessed doorways are used to provide visual interest at the pedestrian level. i. Maximize natural ventilation, sunlight, and views. | <p>The project proposes development that would vary in height from one to three stories in 13 buildings. Project design would provide visual diversity that is articulated 360 degrees, from varying building heights to recessed/protruding design elements to finish materials and color palette. The project would feature architectural elements such as window and balconies; varied building mass and rooflines; and varied finishes and materials including stucco siding, stone veneer siding, horizontal siding, painted metal railings, wood fascia, and vinyl windows. The project's architectural elements are intended to provide interesting and identifiable features, which would allow pedestrians and the motoring public to easily find their destination. Architectural features such as varied building material, heights, and setbacks would provide vertical relief to the façades and would create focal points around the project for both pedestrians and passing vehicles. The project's massing, colors, and materials have been selected to complement the adjacent developments.</p> <p>The project proposes 13 separate buildings that would allow for natural ventilation and sunlight through the project site. The project also includes recreational courtyards that create areas for ventilation and light to flow through the project and provides views to and from the project. Additionally, the project's varied building heights and setbacks would further maximize ventilation, sunlight, and views.</p> |
| <p><i>Policy UD-A.8.</i> Landscape materials and design should enhance structures, create and define public and private spaces, and provide shade, aesthetic appeal, and environmental benefits.</p> | <p>The project's landscape plan includes the planting of approximately 187 trees throughout the project site. The landscaping plan includes the planting of large accent trees, as well as evergreen and small</p> |

| General Plan Components | Project Consistency |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><i>Policy UD-A.8.a.</i> Maximize the planting of new trees, street trees and other plants for their shading, air quality, and livability benefits.</p> <p><i>Policy UD-A.8.b.</i> Use water conservation through the use of drought-tolerant landscape, porous materials, and reclaimed water where available.</p> <p><i>Policy UD-A.8.c.</i> Use landscape to support storm water management goals for filtration, percolation and erosion control.</p> <p><i>Policy UD-A.8.e.</i> Landscape materials and design should complement and build upon the existing character of the neighborhood.</p> <p><i>Policy UD-A.8.h.</i> Shade paved areas, especially parking lots.</p> <p><i>Policy UD-A.8.i.</i> Demarcate public, semi-public/private, and private spaces clearly through the use of landscape, walls, fences, gates, pavement treatment, signs, and other methods to denote boundaries and/or buffers.</p> <p><i>Policy UD-A.8.j.</i> Use landscaped walkways to direct people to proper entrances and away from private areas.</p> | <p>flowering accent trees, to create a unique aesthetic on the project site and define project entries; demarcate public, semi-public, and private spaces; and identify public access points.</p> <p>Landscaping would include native, native-friendly, drought-tolerant, and low water demand plant material. Porous materials and biofiltration would be provided within the landscape plan, which support storm water management goals.</p> <p>Parking would be shaded. Surface parking adjacent would include trees for shading at regular intervals consistent with Municipal Code requirements.</p> |
| <p><i>Policy UD-A.9.</i> Incorporate existing and proposed transit stops or stations into project design (see also Mobility Element, Policies ME-B.3 and ME-B.9).</p> <ol style="list-style-type: none"> Provide attractively designed transit stops and stations that are adjacent to active uses, recognizable by the public, and reflect desired neighborhood character (see also Land Use Element, Policy LU-I.11). Design safe, attractive, accessible, lighted, and convenient pedestrian connections from transit stops and stations to building entrances and street network (see also Land Use Element, Policy LU-I.10). Provide generous rights-of-way for transit, transit stops or stations. Locate buildings along transit corridors to allow convenient and direct access to transit stops/stations. | <p>The project site is adjacent to the Palm Avenue Transit Center and would include new sidewalks that connect to existing sidewalks on the MTS property through a pedestrian easement providing safe and convenient pedestrian connections to the transit center.</p> |
| <p><i>Policy UD-A.13.</i> Provide lighting from a variety of sources at appropriate intensities and qualities for safety.</p> | <p>Any new lighting would be placed in a manner that reduces the illumination standard and provides appropriate levels of illumination. Lighting would be</p> |

| General Plan Components | Project Consistency |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> a. Provide pedestrian-scaled lighting for pedestrian circulation and visibility. b. Use effective lighting for vehicular traffic while not overwhelming the quality of pedestrian lighting. c. Use lighting to convey a sense of safety while minimizing glare and contrast. d. Use vandal-resistant light fixtures that complement the neighborhood and character. e. Focus lighting to eliminate spill-over so that lighting is directed, and only the intended use is illuminated. | <p>provided at the appropriate scale for the intended user (pedestrian-scaled lighting in pedestrian areas versus vehicular-focused lighting in vehicle circulation areas).</p> |
| <p><i>Policy UD-A.17.</i> Incorporate Crime Prevention Through Environmental Design (CPTED) measures, as necessary, to reduce incidences of fear and crime, and design safer environments.</p> <ul style="list-style-type: none"> a. Design projects to encourage visible space and “eyes on the street” security that will serve as a means to discourage and deter crime through the location of physical features, activities and people to maximize visibility. b. Define clear boundaries between public, semi-public/private, and private spaces. c. Promote regulations, programs, and practices that result in the proper maintenance of the measures employed for CPTED surveillance, access control, and territoriality. d. Consider pedestrian scale lighting and indirect techniques to provide adequate security but not glare and flood-light conditions. | <p>The project’s provision of residential units ensures greater “eyes on the street,” acting as passive threat reduction and crime deterrents. The project would provide lighting in accordance with Municipal Code regulations to ensure pedestrian safety in the evening hours. Lighting would be hierarchical, with pedestrian-level lighting provided along pedestrian travel ways and crossings. Lighting would be provided at all pedestrian access points to ensure safety.</p> |
| <i>Distinctive Neighborhoods and Residential Design</i> | |
| <p><i>Goal:</i> Infill housing, roadways and new construction that are sensitive to the character and quality of existing neighborhoods.</p> | <p>The project provides for in-fill redevelopment within an established portion of Otay Mesa-Nestor. The project proposes development that would vary in height from one to three stories.</p> |
| <p><i>Policy UD-B.1.a.</i> Integrate new construction with the existing fabric and scale of development in surrounding neighborhoods. Taller or denser development is not necessarily inconsistent with older, lower-density neighborhoods but must be designed with sensitivity to existing development. For example, new development should not cast shadows or create wind tunnels that will significantly impact existing development and should not restrict vehicular or pedestrian movements from existing development.</p> | <p>Project design would provide visual diversity that is articulated 360 degrees, from varying building heights to recessed/protruding design elements to finish materials and color palette. The project would feature architectural elements such as window and balconies; varied building mass and rooflines; and varied finishes and materials including stucco siding, stone veneer siding, horizontal siding, painted metal railings, wood fascia, and vinyl windows. The project’s architectural elements are intended to provide interesting and identifiable features, which would allow pedestrians and the motoring public to easily find their destinations. Architectural features</p> |

| General Plan Components | Project Consistency |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | <p>such as varied building material, heights, and setbacks would provide vertical relief to the façades and would create focal points around the project for both pedestrians and passing vehicles. The project’s massing, colors, and materials have been selected to complement the adjacent development.</p> <p>The project would consist of low-scale buildings that would not cast substantial shading. Additionally, due to the location of the tallest project elements in the northern portion of the project site and the location of existing developments primarily to the south of the project, shadows would not be cast on existing developments.</p> |
| <p><i>Policy UD-B.2.a.</i> Incorporate a variety of unit types in multifamily projects.</p> | <p>The project contributes to making Otay Mesa-Nestor a balanced community by providing for a variety of housing types and sizes within the same development. By providing a mix of, one-bedroom, two-bedroom, and three-bedroom units, including eight affordable units, the project contributes to the existing variety of housing in the area and provides for a range of affordability. The unit mix also accommodates the needs of older people, as they can select a unit that meets their size and budgetary accessibility needs.</p> |
| <p><i>Policy UD-B.8.</i> Provide useable open space for play, recreation, and social or cultural activities in multifamily as well as single-family projects.</p> | <p>The project includes a number of useable open space elements. The project includes three recreational area courtyards offering various degrees of activity, from a passive gathering spaces to a pool courtyard, as well as turf play areas and game courts. These courtyards reinforce the project identity and provide abilities for residents and guests to gather. The project also includes a paseo walkway along the norther border of the project site.</p> |
| <p>Public Facilities, Services, and Safety Element</p> | |
| <p><i>Goal:</i> Protection of public health and safety through abated structural hazards and mitigated risks posed by seismic conditions.</p> | <p>As discussed in Section 5.6, <i>Geologic Conditions</i>, the project would comply with all City and State structural engineering standards relative to seismicity. Additionally, the project site is not located within a high seismic risk area.</p> |
| <p><i>Goal:</i> Development that avoids inappropriate land uses in identified seismic risk areas.</p> | |
| <p>Recreation Element</p> | |
| <p><i>Policy RE.A.10.</i> Encourage private development to include recreation facilities, such as children’s play areas, rooftop parks and courts, useable public plazas, and mini-parks to supplement population-based parks.</p> | <p>The project would provide many amenity areas. The project includes three recreational area courtyards offering various degrees of activity, from a passive gathering spaces to a pool courtyard, as well as turf play areas and game courts. These courtyards reinforce the project identity and provide abilities for residents and guests to gather. The project also includes a paseo walkway along the norther border of the project site.</p> |

| General Plan Components | Project Consistency |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><i>Policy RE-D.6.</i> Provide safe and convenient linkages to, and within, park and recreation facilities and open space areas.</p> <p><i>Policy RE-D.6.a.</i> Provide pedestrian and bicycle paths between recreation facilities and residential development.</p> | <p>The project site borders what will be the future OVRP. The project would provide future trail connections to the existing trail network and to the OVRP.</p> |
| <p>Conservation Element</p> | |
| <p><i>Climate Change and Sustainable Development</i></p> | |
| <p><i>Policy CE-A.5.</i> Employ sustainable or “green” building techniques for the construction and operation of buildings.</p> <p>(a) Develop and implement sustainable building standards for new and significant remodels of residential and commercial buildings to maximize energy efficiency, and to achieve overall net zero energy consumption by 2020 for new residential buildings and 2030 for new commercial buildings. This can be accomplished through factors including, but not limited to:</p> <ul style="list-style-type: none"> Designing mechanical and electrical systems that achieve greater energy efficiency with currently available technology; Minimizing energy use through innovative site design and building orientation that addresses factors such as sun-shade patterns, prevailing winds, landscape, and sun-screens; Employing self-generation of energy using renewable technologies; Combining energy efficient measures that have longer payback periods with measures that have shorter payback periods; Reducing levels of non-essential lighting, heating and cooling; and <p>Using energy efficient appliances and lighting</p> | <p>The project would be designed to meet Title 24 and CAP Consistency Regulations requirements, which address sustainable development. The project would also incorporate sustainable building and site design by designing buildings that meet CALGreen, California Green Building Standards Code, reduce energy use through building orientation, construct and operate buildings using materials and methods that promote healthful indoor air quality, consider re-use of building materials, low wattage and/or LED light features, and use of low flow shower heads, faucets, and toilets.</p> |
| <p><i>Policy CE-A.9.</i> Reuse building materials, use materials that have recycled content, or use materials that are derived from sustainable or rapidly renewable sources to the extent possible, through factors including:</p> <ul style="list-style-type: none"> • Scheduling time of deconstruction and recycling activities to take place during project demolition and construction phases; • Using life cycle costing in decision-making for materials and construction techniques. Life cycle costing analyses the costs and benefits over the | <p>A Waste Management Plan has been approved for the project. Per the project’s approved Waste Management Plan, the project would divert 96 percent of the demolition materials. The project would achieve 89 percent landfill diversion for construction materials. Additionally, the project would implement a target of 20 percent recycled materials. The project would provide required refuse and recyclable material storage space, as well as recyclable collection areas, in all project components.</p> |

| General Plan Components | Project Consistency |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| life of a particular product, technology, or system. <ul style="list-style-type: none"> • Removing code obstacles to using recycled materials in buildings and for construction; and • Implementing effective economic incentives to recycle construction and demolition debris (see also Public Facilities Element, Policy PF-I.2). | |
| <p><i>Policy CE-A.10.</i> include features in buildings to facilitate recycling of waste generated by building occupants and associated refuse storage areas.</p> <p>a. Provide permanent, adequate, and convenient space for individual building occupants to collect refuse and recyclable material.</p> <p>b. Provide a recyclables collection area that serves the entire building or project. The space should allow for the separation, collection and storage of paper, glass, plastic, metals, yard waste and other materials as needed.</p> | Consistent with the regulations of SDMC Chapter 14, Article 2, Division 8, <i>Refuse, Organic Waste, and Recyclable Materials Storage Regulations</i> , the project would provide storage area on-site for refuse and recyclable materials. Additionally, smaller receptacles would be located throughout the campus to allow for recycling and refuse and organic waste disposal. |
| <p><i>Policy CE-A.11.</i> Implement sustainable landscape design and maintenance.</p> | Landscaping would include native, native-friendly, drought-tolerant, and low water demand plant material. Porous materials and biofiltration would be provided within the landscape plan, which support storm water management goals. |
| Air Quality | |
| Goal: Regional air quality which meets state and federal standards. | As discussed in Section 5.3, <i>Air Quality</i> , emissions associated with the project would meet Regional Air Quality Standards. |
| Goal: Reduction in greenhouse gas emissions effecting climate change. | As discussed in Section 5.7, <i>Greenhouse Gas Emissions</i> , the project was found to be in compliance with the City's CAP Consistency Regulations. |
| <p><i>Policy CE-F.4.</i> Preserve and plant trees, and vegetation that are consistent with habitat and water conservation policies and that absorb carbon dioxide and pollutants.</p> | The project provides an extensive and varied landscape palette that includes an array of drought-tolerant plants, including native and native-friendly trees. Vegetation would be consistent with water conservation policies and absorb carbon dioxide and pollutants. |
| Noise Element | |
| Noise and Land Use Compatibility | |
| <p><i>Policy NE-A.2.</i> 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 uses.</p> | As discussed in Section 5.11, <i>Noise</i> , the project would avoid noise impacts to the extent practicable and would minimize impacts through project design features such that no significant impacts occur. As such, the project would be consistent with General Plan Table NE-3. |
| <p><i>Policy NE-A.3.</i> Limit future residential and other noise-sensitive land uses in areas exposed to high levels of noise.</p> | As discussed in Section 5.11, <i>Noise</i> , the project would avoid noise impacts to the extent practicable, and would minimize unavoidable impacts through project design features such that no significant impacts occur. Project features would be provided to reduce noise impacts on residential units facing the |

| General Plan Components | Project Consistency |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | light rail line to allow for the efficient use of an in-fill project on the site. |
| <p><i>Policy NE-A.4.</i> Require an acoustical study consistent with Acoustical Study Guidelines (Table NE-4) for proposed developments in areas where the existing or future noise level exceeds or would exceed the “compatible” noise level thresholds as indicated on the Land Use-- Noise Compatibility Guidelines (Table NE-3), so that noise mitigation measures can be included in the project design to meet the noise guidelines.</p> | <p>A noise study was completed and is included as Appendix O. As discussed in Section 5.11, <i>Noise</i>, the project would avoid noise impacts to the extent practicable and would minimize unavoidable impacts through project design features such that no significant impacts occur. As such, the project would be consistent with General Plan Table NE-3.</p> |
| <p>Motor Vehicle Traffic Noise</p> | |
| <p><i>Goal:</i> Minimal excessive motor vehicle traffic noise on residential and other noise-sensitive land uses.</p> | <p>As discussed in Section 5.11, <i>Noise</i>, the project would avoid noise impacts to the extent practicable, and would minimize unavoidable impacts through project design features such that no significant impacts occur. Project features would be provided to reduce noise impacts on residential units facing the light rail line to allow for the efficient use of an in-fill project on the site.</p> |
| <p>Construction, Refuse Vehicles, Parking Lot Sweepers, and Public Activity Noise</p> | |
| <p><i>Goal:</i> Minimal exposure of residential and other noise-sensitive land uses to excessive construction refuse vehicles, parking lot sweeper-related noise and public noise.</p> <p><i>Policy NE-G.1.</i> Implement limits on the hours of operation for non-emergency construction and refuse vehicle and parking lot sweeper activity in residential area and areas abutting residential areas.</p> <p><i>Policy NE-G.2.</i> Implement limits on excessive public noises that a person could reasonably consider disturbing and/or annoying in residential areas and areas abutting residential areas.</p> | <p>As discussed in Section 5.11, <i>Noise</i>, the project’s construction activities would occur during allowable times and generate sound levels below 75 dBA Leq (12 hours), in compliance with Section 59.5.404 of the City of San Diego Municipal Code.</p> |
| <p>Typical Noise Attenuation Methods</p> | |
| <p><i>Goal:</i> Attenuate the effect of noise on future residential and other noise-sensitive land uses by applying feasible noise mitigation measures.</p> <p><i>Policy NE-I.1.</i> Require noise attenuation measures to reduce the noise to an acceptable noise level for proposed developments to ensure an acceptable interior noise level, as appropriate, in accordance with California’s noise insulation standards (CCR Title 24) and Airport Land Use Compatibility Plans.</p> <p><i>Policy NE-I.2.</i> Apply CCR Title 24 noise attenuation measures requirements to reduce the noise to an acceptable noise level for proposed single-family,</p> | <p>As discussed in Section 5.11, <i>Noise</i>, the project would comply with CCR Title 24 noise attenuation measures. Additionally, as discussed in Section 5.8, <i>Health and Safety</i>, the project would be consistent with the ALUCPs for NOLF Imperial Beach, NAS North Island, and Brown Field. The project site is located outside the noise contours for all applicable airports.</p> |

| General Plan Components | Project Consistency |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>mobile homes, senior housing, and all other types of residential uses not addressed by CCR Title 24 to ensure an acceptable interior noise level, as appropriate.</p> | |
| Housing Element | |
| <p><i>Goal:</i> Ensure the provision of sufficient housing for all income groups to accommodate San Diego's anticipated share of regional growth over the next housing element cycle, 2013-2020, in a manner consistent with the development pattern of the Sustainable Communities Strategy (SCS), that will help meet regional GHG targets by improving transportation and land use coordination and jobs/housing balance, creating more transit-oriented, compact and walkable communities, providing more housing capacity for all income levels, and protecting resource areas.</p> <p><i>Goal:</i> Cultivate the City as a sustainable model of development.</p> <p><i>Objective:</i> Promote the reduction of GHG in accordance with SB 375 and the California Long-Term Energy Efficiency Strategic Plan; and promote consistency with the General Plan's City of Villages Strategy and other Citywide planning efforts.</p> <p><i>Policy HE-J.3.</i> Seek to locate higher-density housing principally along transit corridors, near employment opportunities, and in proximity to village areas identified elsewhere in community plans.</p> | <p>The project furthers the City's ability to meet its housing needs in a manner that provides for housing that is transit-oriented. By providing housing in a variety of forms, from one-bedroom to three-bedroom and eight affordable units, the project provides a range of affordability within its housing capacity. The project would promote the reduction of GHG emissions through project location (close to light rail and bus transit).</p> |

Table 5.1-2. Otay Mesa-Nestor Community Plan Consistency

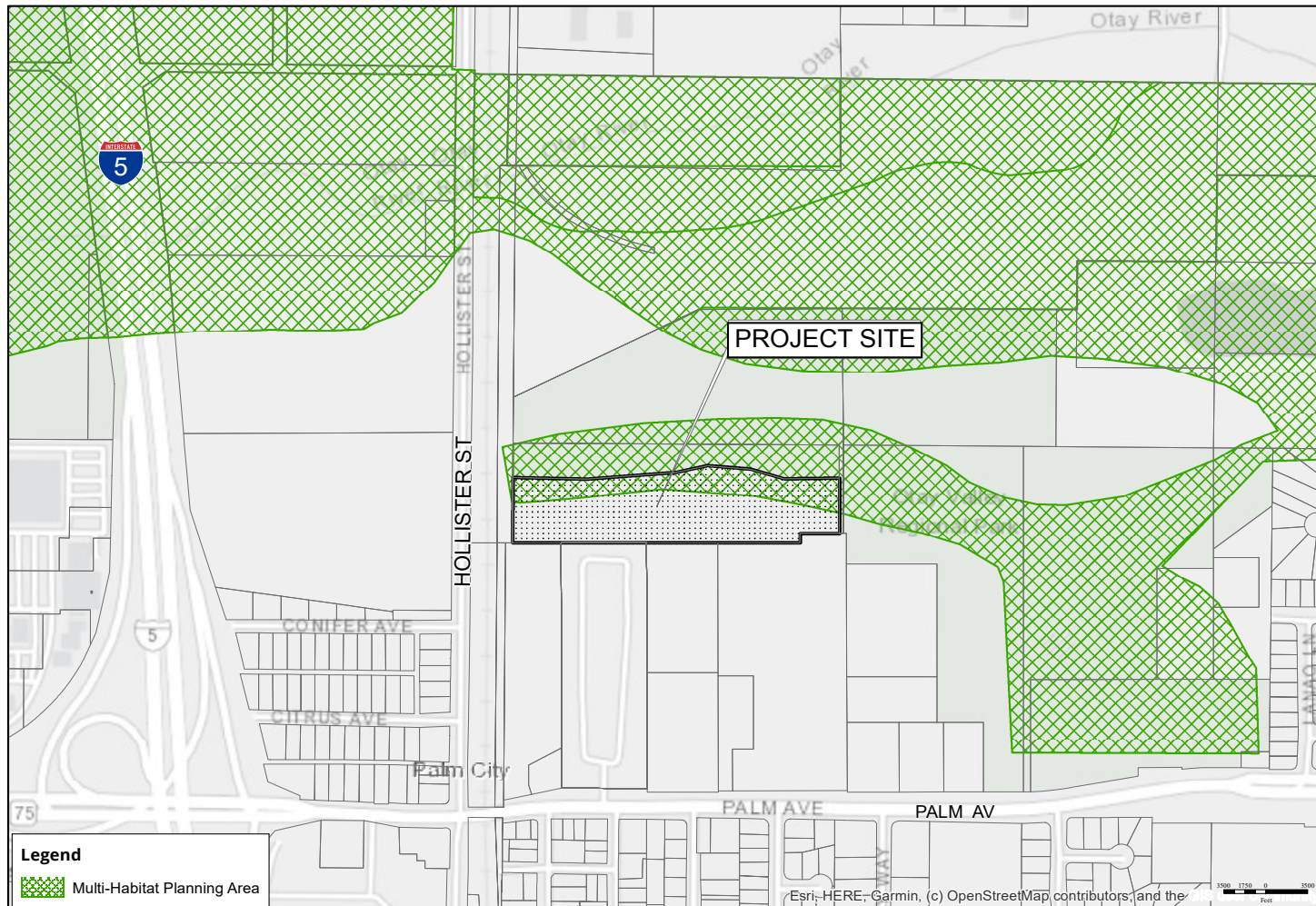
| Community Plan Components | Project Consistency |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Otay Valley Regional Park Topic | |
| GUIDELINES | |
| <p>The Community Plan states: Design of future development shall be sensitive to, oriented towards, and enhance adjacent natural open space and includes the following design guidelines that apply to all development within or adjacent to the Otay Valley:</p> | |
| <p>Guideline. Public views from proposed developments to the bay, valley and steep hillsides shall be preserved.</p> | <p>Appendix C of the Community Plan identifies two View and Access Points proximate to the project site; one at the Palm Avenue Transit Center/Park-and-Ride lot (A) and one at the Midway Baptist Church (now Oceanview Christian Church) (B). Relative to View and Access Point A, while views into the valley would be afforded at the northern end of the Palm Avenue Transit Center/Park-and-Ride lot, development of the project site would interrupt eastward views into the valley. Relative to View and Access Point B, public views on the church property do not exist. Therefore, the project's amendment to the Community Plan includes removing View and Access Points A and B from Appendix C.</p> |
| <p>Guideline. Proposed development shall be designed sensitively to blend with the natural landscape.</p> | <p>The project site is located adjacent to the Terra Bella Nursery, which occupies land within the OVRP. Separated from the nursery by a county easement and manufactured slope vegetated in non-native vegetation, the project site is not surrounded by a natural landscape. The project would result in construction of a retaining wall planted with native vegetation along the slope area. Additionally, native landscaping would occur within the County easement area. Thus, the project is designed to create a natural landscape adjacent to the OVRP.</p> |
| <p>Guideline. Incorporate non-building view lots into site plans to provide public visual access to adjacent natural features. These sites shall occur at the ends of streets or cul-de-sacs where possible.</p> | <p>The project is not located at the end of a public street or cul-de-sac. Thus, this Guidelines does not apply.</p> |
| <p>Guideline. Proposed development shall be designed sensitively to blend with the natural landscape.</p> | <p>The project buildings are designed with materials and colors that blend with the natural landscape of the project area.</p> |
| <p>Guideline. Building elevations, including rear elevations, which face natural open space shall be designed to provide architectural interest and articulation.</p> | <p>Rear elevations of the buildings that face the open space and future OVRP are designed to provide architectural interest and articulation through the use of varied building materials and building facades.</p> |
| <p>Guideline. Fencing shall be attractive from both the development and open space sides; fencing shall not present a blank wall to the open space. Fencing design shall permit views to and from adjacent open space.</p> | <p>The project proposes 42-inch tubular steel fencing along the project east, north, and west border of the project site. This fencing would permit views into the open space and future OVRP.</p> |

| Community Plan Components | Project Consistency |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <i>Trail Access and Parking</i> | |
| Guideline. Provide trails and trail access through or adjacent to the Otay Valley, where appropriate. Trails shall be coordinated with the Otay Valley Regional Park plans. | The project would provide a trail within the project site to connect to the ORVP trail located west of the project site. |
| Guideline. Provide public automobile and bicycle parking for, and bicycle and pedestrian access to, established or future trail systems. | |
| Neighborhood Centers | |
| <i>Palm City</i> | |
| Strategy. Improve this area as one of the community's key mixed-use neighborhood centers through physical rehabilitation and economic revitalization. | The project would redevelop a vacant site in the Palm City neighborhood and construct a residential development rehabilitating the project site and creating an opportunity for economic revitalization. |
| Strategy. Develop the Palm Avenue transit center site, including the Park-and-Ride lot and, if possible, other adjoining parcels, as the cornerstone of the Palm City neighborhood center. | The project site is adjacent to the Palm Avenue Transit Center and would be redeveloped as a multi-family residential development that would provide pedestrian access to the transit center. |
| Guideline. Development of sites located north of Palm Avenue, adjacent to the Otay Valley shall be required to meet specific development criteria. (see Topic 1a, Otay Valley Regional Park). | The project site is located north of Palm Avenue and the northern project boundary borders the Otay Valley. As discussed above, under OVRP Topic, the project would meet all specific development criteria. |

Table 5.1-4. City of San Diego Noise Compatibility Guidelines

| Land Use Category | Exterior Noise Exposure (dBA CNEL) | | | | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|----|-----|----|--|
| | 60 | 65 | 70 | 75 | |
| | | | | | |
| <i>Parks and Recreational</i> | | | | | |
| Parks, Active and Passive Recreation | | | | | |
| Outdoor Spectator Sports, Golf Courses; Water Recreational Facilities; Indoor Recreation Facilities | | | | | |
| <i>Agricultural</i> | | | | | |
| Crop Raising and Farming; Community Garden, Aquaculture, Dairies; Horticulture Nurseries & Greenhouses; Animal Raising, Maintain & Keeping; Commercial Stables | | | | | |
| <i>Residential</i> | | | | | |
| Single Dwelling Units; Mobile Homes | | 45 | | | |
| Multiple Dwelling Units *For uses affected by aircraft noise, refer to Policies NE-D.2. & NE-D.3. | | 45 | 45* | | |
| <i>Institutional</i> | | | | | |
| Hospitals; Nursing Facilities; Intermediate Care Facilities; Kindergarten through Grade 12 Educational Facilities; Libraries; Museums; Child Care Facilities | | 45 | | | |
| Other Educational Facilities Including Vocational/Trade Schools; Colleges and Universities | | 45 | 45 | | |
| Cemeteries | | | | | |
| <i>Retail Sales</i> | | | | | |
| Building Supplies/Equipment; Food, Beverages & Groceries; Pets & Pet Supplies; Sundries, Pharmaceutical & Convenience Sales; Wearing Apparel & Accessories | | | 50 | 50 | |
| <i>Commercial Services</i> | | | | | |
| Building Services; Business Support; Eating & Drinking; Financial Institutions; Maintenance & Repair; Personal Services | | | 50 | 50 | |
| Assembly & Entertainment (includes public and religious assembly); Radio & Television Studios; Golf Course Support | | | | | |
| Visitor Accommodations | | 45 | 45 | 45 | |
| <i>Offices</i> | | | | | |
| Business & Professional; Government; Medical, Dental & Health Practitioner; Regional & Corporate Headquarters | | | 50 | 50 | |
| <i>Vehicle and Vehicular Equipment Sales and Service Use</i> | | | | | |
| Commercial or Personal Vehicle Repair & Maintenance; Commercial or Personal Vehicle Sales & Rentals; Vehicle Equipment & Supplies Sales & Rentals; Vehicle Parking | | | | | |
| <i>Wholesale, Distribution, Storage Use Category</i> | | | | | |
| Equipment & Materials Storage Yards; Moving & Storage Facilities; Warehouse; Wholesale Distribution | | | | | |
| <i>Industrial</i> | | | | | |
| Heavy Manufacturing; Light Manufacturing; Marine Industry; Trucking & Transportation Terminals; Mining & Extractive Industries | | | | | |
| Research & Development | | | | 50 | |

| Land Use Category | | | Exterior Noise Exposure (dBA CNEL) | | | |
|-------------------|---------------------------------|---------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------|----|----|----|
| | | | 60 | 65 | 70 | 75 |
| | Compatible | Indoor Uses | Standard constructions methods should attenuate exterior noise to an acceptable indoor noise level. Refer to Section I. | | | |
| | | Outdoor Uses | Activities associated with the land use may be carried out. | | | |
| 45, 50 | Conditionally Compatible | Indoor Uses | Building structure must attenuate exterior noise to the indoor noise level indicated by the number (45 or 50) for occupied areas. Refer to Section I. | | | |
| | | Outdoor Uses | Feasible noise mitigation techniques should be analyzed and incorporated to make the outdoor activities acceptable. Refer to Section I. | | | |
| | Incompatible | Indoor Uses | New construction should not be undertaken. | | | |
| | | Outdoor Uses | Sever noise interference makes outdoor activities unacceptable. | | | |



Otay Mesa-Nestor Multiple Habitat Planning Area Map

CITY OF SAN DIEGO • PLANNING DEPARTMENT



DATE: 4/18/2023 10:00 AM Path: L:\GIS\GIS Community Planning\City Mesa-Nestor\CH_PROJECTS\AMENDMENTS\555 Habitat - Site\CH\555Habitat_S1_APRR_Map.mxd
This map was prepared by the City of San Diego Planning Department. It is not intended to be used for any other purpose. All rights reserved.
This map was prepared using data from Esri, HERE, Garmin, OpenStreetMap, and other contributors. All rights reserved.

Figure 5.1-1. Otay Mesa-Nestor Multiple Habitat Planning Area Map

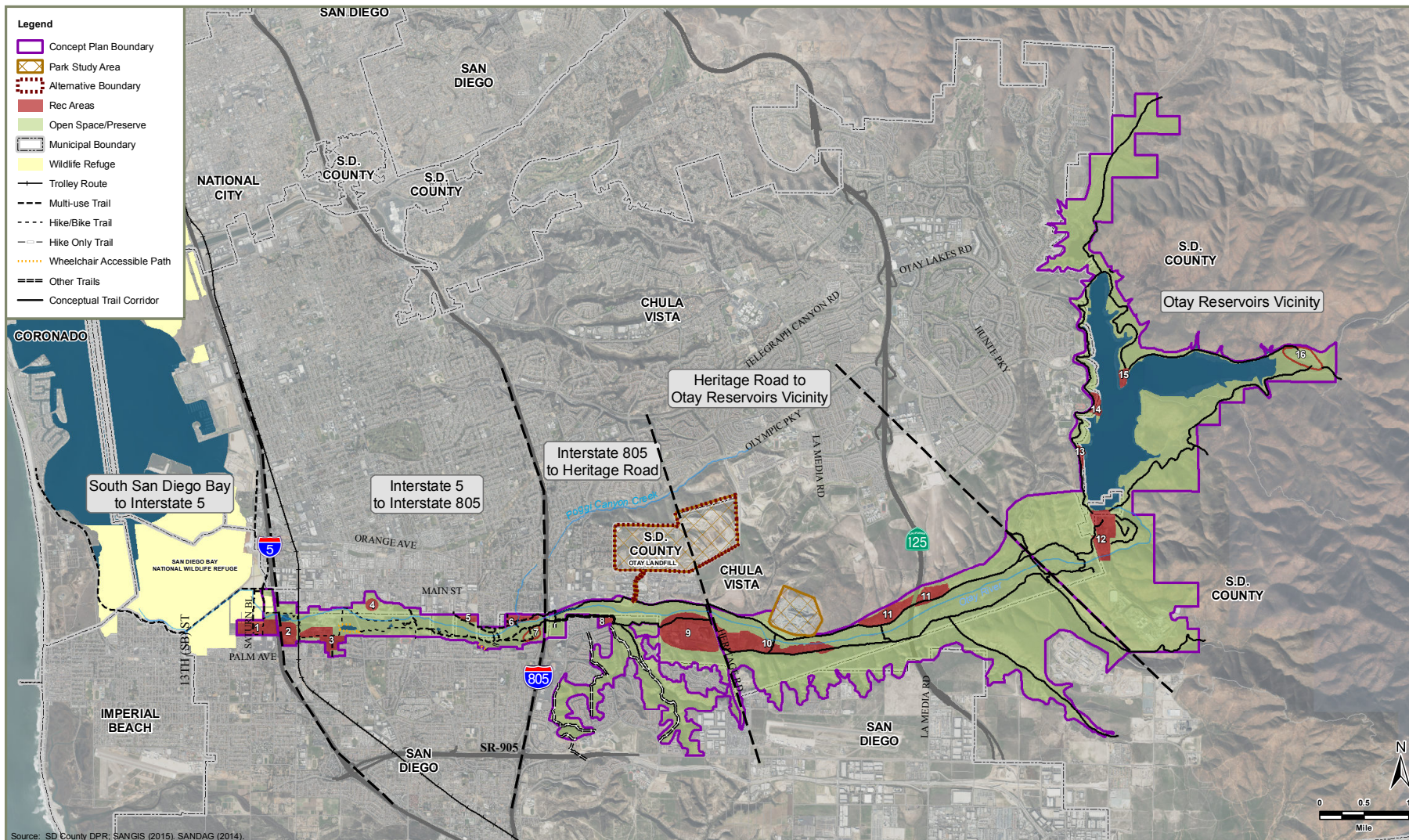


Figure 5.1-2. Otay Valley Regional Park Concept Plan - Overview Map

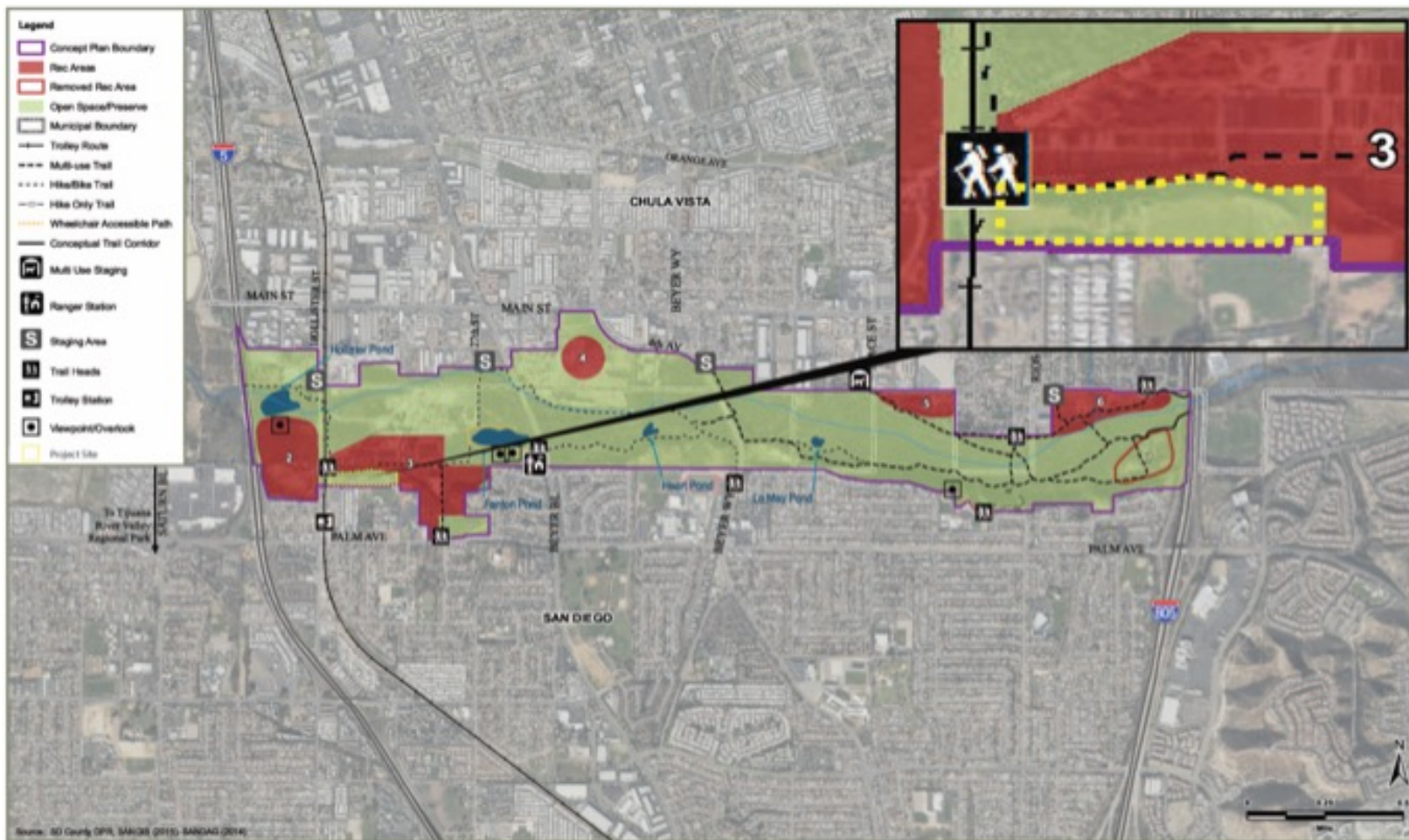


Figure 5.1-3. Otay Valley Regional Park Concept Plan Segment Map – Interstate 5 to Interstate 805

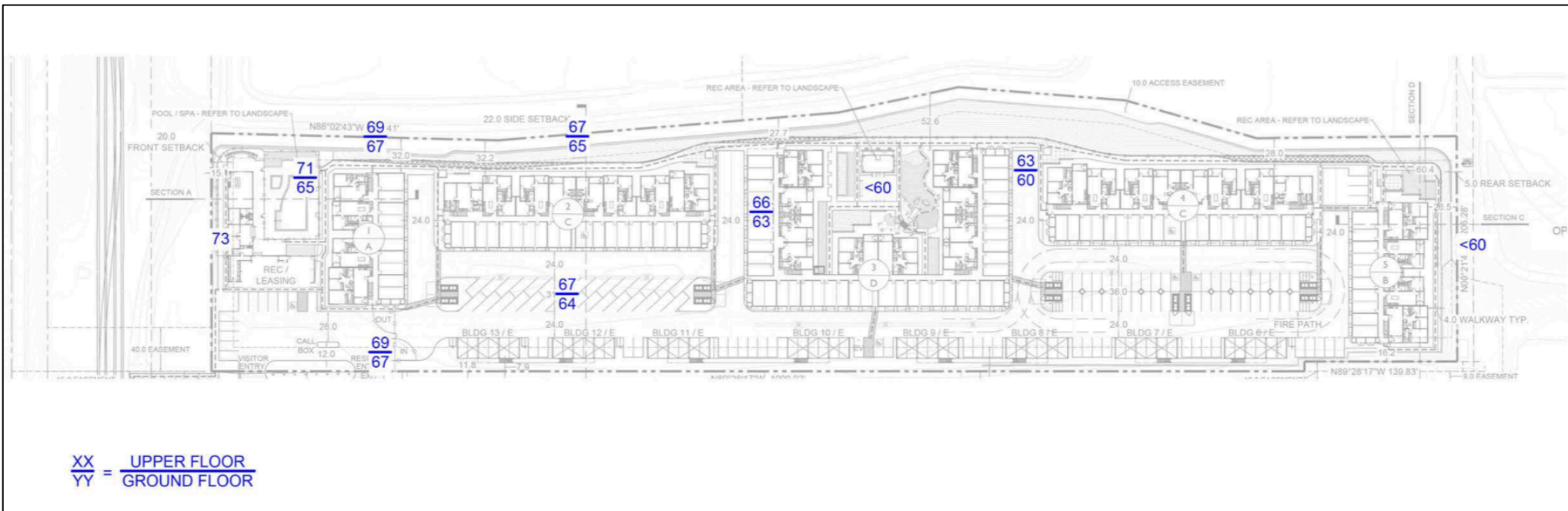


Figure 5.1-4. Future Exterior Composite Noise Levels

5.2 Transportation and Circulation

The following section describes the existing transportation conditions, identifies policies and regulatory requirements applicable to the project, evaluates potential impacts, and identifies mitigation measures, if applicable, related to project implementation. The discussion is based on a *Vehicle Miles Traveled Assessment* (March 27, 2022) and a *Local Mobility Analysis* (January 20, 2023) prepared by Michael Baker International, which are included as Appendices C and D, respectively.

Additionally, a Technical Memorandum (dated July 17, 2024, and included as Appendix W to the Final EIR) has been prepared to address changes to the proposed MTS Palm Avenue Trolley Station Transit Oriented Development project that occurred after publication of the Draft EIR. Changes involved increasing the proposed unit count of that project from 390 multi-family units to 504, decreasing the retail space from 3,400 square feet to 2,505 square feet, and increasing the square footage of the proposed childcare facility from 2,750 square feet to 5,000 square feet. The Technical Memorandum demonstrates that changes to the MTS Palm Avenue Trolley Station Transit Oriented Development project would not affect the analysis of transportation effects associated with the project, and no public improvements beyond those addressed in the Local Mobility Analysis would be required.

5.2.1 Existing Conditions

The 5.92-acre site in the Otay Mesa-Nestor Community Plan area, situated north of the Palm Avenue Trolley Station, south of the Otay Valley Regional Park (OVRP), and east of Hollister Street. The Metropolitan Transit System (MTS) Blue Trolley tracks and the San Diego & Arizona East (SD&AE) railroad parallel the western project border. The project site has been previously graded and is developed with a residential structure and outbuildings.

5.2.1.1 Roadway Network

The primary roadway network serving the project site includes Interstate-5 (I-5), Palm Avenue, and Hollister Street. These existing roadways are described below.

Interstate 5

I-5 is located west of the project site and links major cities throughout San Diego County. South of Palm Avenue, I-5 connects to the United States (U.S.) -Mexican border at the San Ysidro Port of Entry, one of the busiest border crossings in the world.

Palm Avenue

Palm Avenue is an east-west divided roadway that provides direct access from the I-5 freeway to the project site. From the I-5 southbound off-ramp to I-5 northbound off-ramp, Palm Avenue is functionally and ultimately classified as a four-lane Major Arterial in accordance with the Otay Mesa-Nestor Community Plan. From the I-5 northbound off-ramp to the access to the Palm Avenue Trolley Station (Harris Avenue), Palm Avenue is functionally classified as a four-lane collector. A raised median exists between the I-5 southbound and northbound ramps and between Hollister Street and Harris Avenue. A striped median is provided between the I-5 northbound ramps and Hollister Street.

Contiguous sidewalks are provided along the north side of the bridge over the I-5 freeway and along both sides of Palm Avenue between the I-5 northbound ramps and the Palm Avenue Trolley Station access intersection. Class II bike facilities are not provided along Palm Avenue between the I-5 southbound ramps and Harris Avenue, except on the south side of the bridge over I-5 between the I-5 southbound and northbound ramps. In the project area, on-street parking is permitted only along the north side of Palm Avenue, between the I-5 Northbound ramps and Hollister Street. The posted speed limit for Palm Avenue is 45 miles per hour (MPH).

Hollister Street

Hollister Street is a two-lane north-south undivided roadway north and south of Palm Avenue. Hollister Street runs parallel to the Blue Trolley Line and is functionally and ultimately classified as a two-lane collector according to the Otay Mesa-Nestor Community Plan. North of Palm Avenue, sidewalks are provided along both sides of Hollister Street for approximately 200 feet. Bike facilities are not provided on Hollister Street. South of Palm Avenue, sidewalks are provided on only the west side of the road. The posted speed limit is 30 MPH and parking is permitted on both sides of Hollister Street.

5.2.1.2 Bicycle Network

Within the one-half mile radius of the project site, Class II bike lanes are provided on both sides of Palm Avenue, east of Harris Avenue. There is an existing Class II bike lane on the south side of the bridge over I-5 between the I-5 southbound and northbound ramps.

5.2.1.3 Pedestrian Network

The project site generally has good pedestrian accessibility and connectivity to the surrounding community. Contiguous sidewalks are currently provided on both sides of Palm Avenue within a 0.5-mile radius of the project site, with the exception of the south side of the bridge over I-5. Figure 5.2-1, *Existing Bicycle and Pedestrian Network*, shows the nearby sidewalks on the major roadways within the project area. North of Palm Avenue, sidewalks are provided on both sides of Hollister Street for approximately 200 feet. On the east side of Hollister, the sidewalk leads to a set of stairs to the Palm Avenue Trolley Station platform. South of Palm Avenue on Hollister, a sidewalk exists on the west side for approximately 850 feet and then terminates. At the signalized intersection of Palm Avenue/Harris Avenue-Palm Avenue Station Access, marked crosswalks are provided on the north, south, and east legs of the intersection with pedestrian countdown signal heads. At Palm Avenue/Hollister Street, marked crosswalks are provided on all four legs of the intersection with pedestrian countdown signal heads.

5.2.1.4 Transit

The existing public transit network within the project vicinity consists of bus and trolley service provided by the MTS. The bus routes serving the immediate project area include MTS Routes 932, 933, and 934. The Blue Line Palm Avenue Trolley Station is located on the adjacent site. See Figure 5.2-2, *Existing Transit Network*, for the existing transit network within the project vicinity.

Blue Line Trolley

The project site is located approximately 600 feet north of the Palm Avenue Trolley Station that serves the Blue Line. The University of California (UC) San Diego Blue Line Trolley (Blue Line) is a 15.4-mile light rail line that currently operates between Downtown San Diego and San Ysidro, at the U.S. border with Mexico. On November 21, 2021, the Blue Line extension opened and expanded the San Diego Trolley system from Downtown San Diego to the University Town Center (UTC) Transit Center, serving nine new trolley stations. The Blue Line operates between 4:02 morning (AM) and 1:43 AM on weekdays with eight-minute headways throughout the day with the exception of 15-minute headways from 8:28 AM to 3:28 (afternoon) PM. On Saturdays and Sundays, the Blue Line operates between 4:17 AM and 1:43 AM, with 15-minute headways from 6:58 AM to 8:58 PM and 30-minute headways at other times.

Bus Transit

Bus Route 932 runs north/south between Eighth Street Transit Center located in National City and the Iris Avenue Transit Center. Route 932 currently runs between 4:32 AM and 12:20 AM on weekdays, 4:38 AM and 12:20 AM on Saturdays, and 5:38 AM and 8:19 PM on Sundays. This route runs at 15-minute headways during its peak period and 30-minute headways during off-peak periods.

Bus Route 933 runs counterclockwise from the Iris Avenue Transit Center and the Palm Avenue Trolley Station. Route 933 currently runs between 4:41 AM and 12:57 AM on weekdays and Saturdays, and between 5:07 AM and 7:09 PM on Sundays/Holidays. Route 933 runs at 12-minute headways during its peak period and 15-minute headways during off-peak periods.

Bus Route 934 runs clockwise from the Iris Avenue Transit Center and the Palm Avenue Trolley Station. This route runs between 4:41 AM and 1:13 AM on weekdays and Saturdays, and between 6:57 AM and 8:56 PM on Sundays/Holidays. Route 934 runs at 12-minute headways during its peak period and 15-minute headways during off-peak periods.

5.2.1.5 Existing Intersection and Segment Traffic Volumes and Levels of Service

According to the City's TSM, intersections where 50 or more peak hour final primary trips from the project are added in any direction should be analyzed. As such, the following four intersections in the vicinity of the project site were evaluated during the AM and PM peak hours:

1. Palm Avenue / I-5 Southbound Ramps
2. Palm Avenue / I-5 Northbound Ramps
3. Palm Avenue / Hollister Street
4. Palm Avenue / MTS Access-Harris Avenue

Figure 5.2-3, *Existing ADT & AM/PM Peak Hour Traffic Volumes*, shows the existing peak hours volumes in the project study area. Table 5.2-1, *Existing Peak Hours Study Intersection Levels of Service*, summarizes existing conditions AM/PM peak hour level of service for all study intersections.

Table 5.2-1 Existing AM/PM Peak Hour Intersection LOS

| Study Intersection | Approach | Movement | Existing (AM Peak Hour) | | Existing (PM Peak Hour) | |
|----------------------------------------------------------------------------|---------------------|----------|------------------------------|-------------|------------------------------|-------------|
| | | | Delay/veh (sec) ¹ | HCM LOS | Delay/veh (sec) ¹ | HCM LOS |
| Palm Avenue & I-5 Southbound Ramps | All | | 35.8 | D | 29.7 | C |
| Palm Avenue & I-5 Northbound Rams | All | | 15.6 | B | 13.1 | B |
| Palm Avenue & Hollister Street | Eastbound | Left | 51.5 | D | 53.9 | D |
| | | Through | 17.0 | B | 23.8 | C |
| | | Right | 15.0 | B | 20.4 | C |
| | Westbound | Left | 70.7 | E | 69.8 | E |
| | | Through | 6.5 | A | 9.4 | A |
| | | Right | 4.6 | A | 5.0 | A |
| | Northbound | Left | 42.0 | D | 36.0 | D |
| | | Through | 36.1 | D | 24.7 | C |
| | | Right | 15.9 | B | 20.2 | C |
| | Southbound | Left | 45.8 | D | 40.4 | D |
| | | Through | 22.9 | C | 33.7 | C |
| | | Right | 15.5 | B | 18.3 | C |
| | Intersection | | | 21.9 | C | 23.5 |
| Palm Avenue & Harris Avenue- Palm Avenue Trolley Station Access | Eastbound | Left | 19.8 | B | 32.0 | C |
| | | Through | 15.8 | B | 17.6 | B |
| | | Right | 11.8 | B | 13.7 | B |
| | Westbound | Left | 27.8 | C | 25.9 | C |
| | | Through | 14.2 | B | 17.6 | B |
| | | Right | 6.5 | A | 14.2 | B |
| | Northbound | Left | 18.5 | B | 17.0 | B |
| | | Through | - | - | - | - |
| | | Right | 14.1 | B | 3.4 | A |
| | Southbound | Left | 25.3 | C | 21.6 | C |
| | | Through | 28.8 | C | 17.4 | B |
| | | Right | 23.8 | C | 11.4 | B |
| | Intersection | | | 15.0 | B | 17.3 |

¹ Average seconds of delay per vehicle. Source: Appendix D.

LOS = Level of Service

| Signalized LOS Criteria | |
|-------------------------|-----|
| A | 10 |
| B | 20 |
| C | 35 |
| D | 55 |
| E | 80 |
| F | >80 |

Per the TSM, roadway segment analysis should be evaluated for any roadway segment that has identified improvements in the Community Plan and the project is expected to add 1,000 or more daily final primary trips (cumulative trips) if consistent with the Community Plan, or 500 or more

daily final primary trips (cumulative trips) if inconsistent with the Community Plan. No affected segments in the immediate area have identified improvements in the Community Plan. Therefore, no roadway segments were analyzed.

Existing Peak Hour Study Intersection Levels of Service

As shown in Table 5.2-1, the intersections within the project area are currently operating at Level of Service (LOS) D or better. (LOS D is considered acceptable intersection operations for intersections within the City of San Diego, and LOS E and F are considered deficient intersection operating conditions.) However, there are several turning movements at the Palm Avenue / Hollister Street and Palm Avenue Trolley Station Access-Harris Avenue intersections that are operating at LOS E or F. (See Appendix D, *Local Mobility Analysis*.)

At the Palm Avenue / Hollister Street intersection, the westbound left-turn lane is currently operating at LOS E in the AM and PM peak hour due to the limited left turn pocket available at the trolley crossing (approximately 60 feet). When a train activates the crossing gates at the intersection, a green signal indication is displayed for the westbound approach, allowing vehicles to clear the queue and rail crossing area before the train arrives. The distance between the two signals at Hollister Street and the Palm Avenue Trolley Station Access is approximately 170 feet (limit line to limit line), providing storage for only two to three vehicles per signal cycle in the left-turn lane.

At the Palm Avenue / Harris Avenue-Palm Avenue Trolley Station Access intersection, the eastbound left-turn lane is currently operating at LOS E during the AM and PM peak hours. (See Appendix D, *Local Mobility Analysis*.) The existing vehicle storage for the eastbound left-turn lane is approximately 50 feet or two vehicles.

5.2.2 Regulatory Framework

5.2.2.1 Regional

San Diego Association of Governments (SANDAG) San Diego Forward: The Regional Plan

The Regional Plan is an update of the Regional Comprehensive Plan (RCP) for the San Diego Region and the 2050 Regional Plan/Sustainable Communities Strategy (SCS), combined into one document. The Regional Plan provides a blueprint for San Diego's regional transportation system in order to effectively serve existing and projected workers and residents within the San Diego region. In addition to long-term projections, the Regional Plan includes an SCS, in compliance with SB 375. The SCS aims to create sustainable, mixed-use communities conducive to public transit, walking, and biking by focusing future growth in the previously developed, western portion of the region along the major existing transit and transportation corridors. The current 2021 Regional Plan has a horizon year of 2050, projects regional growth, and contains recommended transportation projects over this time period.

Congestion Management Program (CMP)

State Proposition 111, passed by voters in 1990, established a requirement that urbanized areas prepare and regularly update a CMP, which is a part of SANDAG's RTP. The purpose of the CMP is to monitor the performance of the region's transportation system, develop programs to address near-term and long-term congestion, and better integrate transportation and land use planning. SANDAG provided regular updates to the State CMP from 1991 through 2008. In October 2009, the San Diego region elected to be exempt from the State CMP and, since this decision, SANDAG has been abiding by 23 Code of Federal Regulations (CFR) 450.320 to ensure the region's continued compliance with the federal congestion management process. San Diego Forward: The Regional Plan, the region's long-range transportation plan and SCS, meets the requirements of 23 CFR 450.320 by incorporating the following federal congestion management process: performance monitoring and measurement of the regional transportation system, multimodal alternatives and non single-occupancy vehicle (SOV) analysis, land use impact analysis, the provision of congestion management tools, and integration with the RTP process.

SANDAG Regional Bike Plan

The SANDAG Regional Bike Plan, Riding to 2050 (SANDAG 2010), provides a regional strategy to make riding a bike a useful form of transportation for everyday travel. The plan will help San Diego meet its goals to reduce greenhouse gas (GHG) emissions and improve mobility. Goals of the Regional Bike Plan include increasing levels of bicycling; improving bicycling safety; encouraging Complete Streets; supporting reductions in emissions; and increasing community support. In September 2013, the SANDAG Board of Directors approved funding to implement the Regional Bike Plan Early Action Program, which focuses on the region's highest-priority projects. Priority is chosen in part based on proximity to smart growth areas, taking into account that bikeways would be used more often if they connect high-density activity hubs within a short distance of each other, and on whether a project would fill key gaps in the regional bike networks.

5.2.2.2 Local

City of San Diego General Plan

The General Plan's Mobility Element (City of San Diego June 29, 2015) identifies the proposed transportation network and strategies needed to support the anticipated General Plan land uses. The Mobility Element's policies promote a balanced, multi-modal transportation network that gets people where they want to go while minimizing environmental and neighborhood impacts. The Mobility Element contains policies that address walking, streets, transit, regional collaboration, bicycling, parking, the movement of goods, and other components of a transportation system. Together, these policies advance a strategy for relieving congestion and increasing transportation choices.

City of San Diego Bicycle Master Plan

The 2013 City of San Diego Bicycle Master Plan (City of San Diego, 2013), which updates the City's 2002 plan, presents a bicycle network, projects, policies, and programs for improving bicycling through 2030 and beyond, consistent with the City's 2008 General Plan mobility, sustainability, health, economic, and social goals. The goals of the Bicycle Master Plan are to create: a city where bicycling is a viable travel choice, particularly for trips of less than five miles; a safe and comprehensive local and regional bikeway network; and environmental quality, public health, recreation and mobility benefits through increased bicycling. These goals are supported by twelve key policies to help bicycling become a more viable transportation mode for trips of less than five miles, to connect to transit, and for recreation. The Bicycle Master Plan addresses existing bicycling conditions, the relationship of the Plan to other plans and policies, a bicycle needs analysis, bicycle facility recommendations, bicycle program recommendations, and implementation and funding issues.

City of San Diego Pedestrian Master Plan

The City of San Diego developed a Pedestrian Master Plan to guide the planning and implementation of pedestrian improvement projects in the City. The Master Plan will help the City enhance neighborhood quality and mobility options by facilitating pedestrian improvement projects and will identify and prioritize improvement projects based on technical analysis and community input, as well as improve the City's ability to receive grant funding for implementation of pedestrian projects. The City developed the Master Plan Citywide Framework Report (December 2006), which provides a foundation for identifying and prioritizing projects in each community and inventoried communities in the city to understand pedestrian needs, identify problems, and create a prioritized list of pedestrian projects specific to each community.

Transportation Study Manual

In 2020, the City changed the Traffic Impact Study Manual to the TSM to implement Senate Bill 743 that requires the shift from LOS analysis to VMT CEQA analysis and to better address all transportation modes (City of San Diego 2022). The purpose of the TSM is to provide guidance on how to prepare transportation studies in the City of San Diego and to ensure consistency among consultants, predictability in preparation, consistency among reviewers, and conformance with all applicable City and State regulations, including CEQA. Specifically, the TSM provides guidance for the City's CEQA Significance Threshold and screening criteria and methodology for conducting VMT analysis and preparation of LMAs.

5.2.3 Impact Analysis

5.2.3.1 Issue 1

Issue 1: Would the project conflict with an adopted program, plan, ordinance, or policy addressing the transportation system, including transit, roadways, bicycle, and pedestrian facilities?

Impact Threshold

According to the City's Significance Determination Thresholds (2022), transportation impacts may be significant if a project would conflict with adopted policies, plans, or programs supporting alternative transportation modes (e.g., bus turnouts, bicycle racks). A significant transportation impact could occur if the proposed project would conflict with the General Plan Mobility Element or other adopted transportation programs, plans, ordinances, or policies, such as the City's Bicycle Master Plan.

Analysis

The project would be consistent with the Mobility Element of the General Plan (as previously demonstrated in Table 5.1-1) and other adopted policies and plans (including the Otay Mesa-Nestor Community Plan, as previously demonstrated in Table 5.1-2). The project strives to improve mobility through a balanced, multi-modal transportation network by proposing improvements to pedestrian and bicycle facilities, as detailed in Section 3.2.4, Vehicular and Pedestrian Access.

Transportation (Roadway) Analysis

As described in Section 5.1, Land Use, the project has demonstrated consistency with the City's General Plan, and Community Plan related transportation goals and policies (refer to Tables 5.1-1 and 5.1-2). The project does not propose to construct or realign existing roadways within the City. The project's internal drive would connect to the Palm Avenue Trolley Station parking lot and drive aisle through an existing easement with MTS. The project would provide access improvements to the drive aisle within the MTS easement. These include upgrading the existing curb return where the drive aisle and Palm Avenue meet to comply with Americans with Disabilities Act (ADA) requirements, replacing curb ramps, restriping portions of the drive aisle, and addition of a six-inch curb along the western side of the drive aisle. The easement would also allow for utility connections and project signage, as well as the addition of landscaping along the eastern border of the drive aisle.

Thus, the project would not result in the construction of a roadway that is inconsistent with the General Plan and/or a Community Plan or propose a roadway that would not properly align with other existing or planned roadways.

Pedestrian Facilities

Sidewalks are currently provided on both sides of Palm Avenue with the exception of the south side of the bridge over I-5. North of Palm Avenue, sidewalks are provided on both sides of Hollister Street for approximately 200 feet. On the east side of Hollister Street, the sidewalk leads to a set of stairs to the Palm Avenue Trolley Station platform. South of Palm Avenue on Hollister Street, a sidewalk exists on the west side for approximately 850 feet and terminates. Marked pedestrian crosswalks and ADA-compliant curb ramps are provided at both the Palm Avenue/Hollister Street intersection and Palm Avenue/Harris Avenue-Palm Avenue Trolley Station Access intersection. To improve the

walkability near the project site, the following improvements are proposed by the project at Palm Avenue/Hollister Street:

- Install a blank-out NO RIGHT TURN sign on the northbound and southbound approach on Hollister Street to be displayed during the existing lead pedestrian interval. This would help reduce conflicts between vehicles and pedestrians that are crossing the street.
- Install a blank-out NO LEFT TURN sign on the southbound approach at Palm Avenue/Hollister Street to be displayed during preemption limited service. This would notify drivers that left-turn movements are prohibited when a train is crossing and help reduce conflicts between vehicles and pedestrians crossing the street.
- Install High Visibility Pedestrian Crossings (Marked Continental Crosswalks) at each leg of the Palm Avenue/Hollister intersection
- Install High Visibility Pedestrian Crossing (Marked Continental Crosswalks) at each leg of the Palm Avenue/Harris Avenue-MTS Access intersection, except at the west leg where pedestrian crossing is prohibited.

The pedestrian improvements proposed by the project would be consistent with the plans and polices of the General Plan and the Otay Mesa-Nestor Community plan.

Bicycle Facilities

Class II (striped) bike lanes are currently provided on both sides of Palm Avenue east of Harris Avenue-Palm Avenue Trolley Station Access. West of the Palm Avenue/Harris Avenue-Palm Avenue Trolley Station Access intersection, Class II bike lanes are not provided. Bicycle Detection is currently provided at the signalized intersections at Palm Avenue/Hollister Street and Palm Avenue/Harris Avenue-Palm Avenue Trolley Station Access in the eastbound and westbound approaches.

To improve bicycle facilities near the project site, the following improvements are proposed by the project:

- At Palm Avenue/Hollister Street and Palm Avenue/Harris Avenue-Palm Avenue Trolley Station Access, replace the existing vehicle and bicycle inductive loop detectors in the eastbound and westbound approaches with new bicycle loop detectors to improve the detection of motorcyclists and bicyclists on Palm Avenue to the satisfaction of the City Engineer.

This improvement would be consistent with the plans and polices of the General Plan and Community plan as well as the City's Bicycle Master Plan.

Transit Facilities

Transit service in this area is operated and maintained by MTS. The UC San Diego Blue Line Trolley is a light rail line that currently operates between University Town Center (UTC) and San Ysidro. The

project site is located approximately 600 feet north of the Palm Avenue Trolley Station that serves the Blue Line. The project does not propose any improvements to the existing transit service or facilities. An access easement has been established with MTS to allow for vehicular and pedestrian access to and from Palm Avenue through the Palm Avenue Trolley Station parking lot to the project entrance. The project would add a concrete sidewalk at the southwest corner of the project site that ties into the existing MTS sidewalk for pedestrian access to the transit station. The access easement and additional sidewalk would be consistent with plans and policies of the General Plan, Community Plan, and MTS.

Consistency with Adopted Alternative Transportation Mode Plans and Policies

Alternative transportation mode plans and policies in the vicinity of the project are governed by the City's General Plan and SANDAG's Regional Plan. Specifically, the project would be consistent with the City's Mobility Element, which supports multi-modal transportation, and the Urban Design Element, which supports integrating transit facilities into project design, and improvements to walkability, bicycling, and transit integration. Refer to Section 5.1, Land Use, of this Environmental Impact Report (EIR) and Table 5.1-1 for details on General Plan consistency.

General Plan Mobility Element

The purpose of the General Plan Mobility Element is to improve mobility through development of a balanced, multi-modal transportation network. The project would increase safety and comfort for pedestrians by providing contiguous and non-contiguous sidewalks with landscaping to ensure accessibility to pedestrians of all abilities. See Table 5.1-1, City of San Diego General Plan Consistency, for details on the project's consistency with the General Plan Mobility Element's goals and policies.

General Plan Urban Design Element

The purpose of the General Plan Urban Design Element is to guide physical development toward a desired scope and character that is consistent with the social, economic and aesthetic values of the City. The project would develop a residential building with 198 units and allow for up to 206 units consistent with the values of the City and providing residential uses adjacent to transit. See Table 5.1-1, City of San Diego General Plan Consistency, for details on the project's consistency with the General Plan Urban Design Element's goals and policies.

The project would be consistent with the applicable goals and policies of the General Plan's Mobility Element and Urban Design Element.

Significance of Impacts

The project would be consistent with the Mobility Element and Urban Design Element of the General Plan and other adopted policies, plans (including the Otay Mesa-Nestor Community Plan), and programs supporting the transportation system, including pedestrian and bicycle facilities. The project design includes improvements that would encourage access to existing transit and improve

bicycle, and pedestrian transportation facilities. As a result, the project would not conflict with any adopted program, plan, ordinance, or policy addressing the transportation system. No significant impacts would occur.

Mitigation Measures

Mitigation would not be required.

5.2.3.2 Issue 2

Issue 2: Would the project result in Vehicle Miles Traveled (VMT) exceeding thresholds identified in the City of San Diego Transportation Study Manual?

Impact Threshold

According to the TSM (City of San Diego 2022), a project that meets at least one of the following screening criteria would be presumed to have a less than significant VMT impact due to the project characteristics and/or location:

- 1. Resident or Commercial Project Located in a VMT-Efficient Area:** The project is a residential or commercial employment project located in a VMT-efficient area (15 percent or more below the regional average household VMT/capita or VMT/employee) based on the applicable location-based screening map produced by SANDAG.
- 2. Industrial Project Located in a VMT-Efficient Area:** The project is an industrial employment project located in a VMT-efficient area (in an area with average or below average base year VMT/employee) based on the applicable location-based screening map produced by SANDAG.
- 3. Small Project:** The project is a small project defined as generating less than 300 daily unadjusted driveway trips using the City of San Diego trip generation rates/procedures.
- 4. Locally Serving Retail/Recreational Project:** The project is a locally serving retail/recreational project defined as having 100,000 square feet gross floor area or less **and** demonstrates through a market area study that the market capture area for the project is approximately three miles (or less) and serves a population of roughly 25,000 people or less. Locally serving retail is consistent with the definitions of Neighborhood Shopping Center in the SDMC LDC Trip Generation Manual. Locally serving recreation is consistent with the land uses listed in Appendix B of the draft TSM, given that it meets the square footage and market capture area above. Adding retail/recreation square footage (even if it is 100,000 square feet gross floor area or less) to an existing regional retail shopping area is **not** screened out.
- 5. Locally Serving Public Facility:** The project is a locally serving public facility defined as a public facility that serves the surrounding community or a public facility that is a passive use. The following are considered locally serving public facilities: transit centers, public schools, libraries, post offices, park-and-ride lots, police and fire facilities, and government offices. Passive public uses include communication and utility buildings, water sanitation, and waste management.

- 6. Affordable housing:** The project has access to transit and is wholly or has a portion that meets one of the following criteria: is affordable to persons with a household income equal to or less than 50 percent of the area median income (as defined by California Health and Safety Code Section 50093), housing for senior citizens, housing for transitional foster youth, disabled veterans, or homeless persons. 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 SDMC Section 143.0744. Only the portion of the project that meets the above criteria is screened out.
- 7. Mixed-Use Project Screening Considerations:** The project's individual land uses should be compared to the screening criteria above. It is possible for some of the mixed-use project's land uses to be screened out and some to require further analysis. For purposes of applying the small project screening criteria, the applicant would only include the trip generation for portions of the project that are not screened out based on other screening criteria.
- 8. Redevelopment Project Screening Considerations:** The project is a redevelopment project that demonstrates that the project's total VMT is less than the existing land use's total VMT. Exception: if a project replaces affordable housing with a smaller number of moderate-income or high-income residential units, the project is not screened out and must analyze VMT impacts.

If a project is not screened out based on the above, additional criteria is used to determine the methodology for completing a VMT analysis. Per the TSM, transportation VMT analysis for CEQA shall be conducted using SANDAG Regional Travel Demand Model, which provides base year VMT data. By utilizing the SANDAG screening maps, the Resident VMT per Capita and Employee VMT per Employee can be estimated. Definitions of these metrics are described below per the TSM:

Resident VMT per Capita: Includes all vehicle-based resident trips grouped and summed to the home location of individuals on the trip. It includes all trips: home-based and non-home-based trips. The VMT for each home is then summed for all homes in a particular census tract and divided by the population of that census tract to arrive at Resident VMT per Capita.

Employee VMT per Employee: Includes all vehicle-based employee trips grouped and summed to the work location of individuals on the trip. This includes all trips, not just work-related trips. The VMT for each work location is then summed for all work locations in a particular census tract and divided by the number of employees of that census tract to arrive at employee VMT per employee.

Analysis

The Palm & Hollister Apartments project proposes the demolition of existing residential structure and outbuildings and the construction of 13 multi-family residential buildings consisting of 198 dwelling units. The trip generation rates for the project were based on the *City of San Diego Trip Generation Manual, May 2003*. The City's TSM states that driveway trip reductions can be applied for

residential, employment, and retail projects within one-half mile of a major transit stop. The project is located immediately adjacent to the Palm Avenue Trolley Station; thus, transit credits for residential reductions of 10 percent daily and 14 percent for the AM and PM peak hours were applied to the project. With the driveway trip reductions applied, the project is expected to generate approximately 1,070 new daily vehicle trips with 82 AM peak hour trips and 92 PM peak hour trips.

In conformance with SB 743, the project’s vehicular impacts were evaluated using a VMT metric, pursuant to the latest direction from the OPR Technical Advisory and consistent with the City’s Transportation Study Manual (2022). Based on the screening criteria described above, the project is located in a VMT efficient area.

As described in Table 5.2-2, none of the screening criteria apply to the project with the exception of “Residential or Commercial Project Located in a VMT Efficient Area.” The project is a residential project. Pursuant to the SANDAG screening map (Series 14 Base Year 2016 ABM 2+), the project is located within census tract 101.07 with a residential VMT per capita of 15.4, which is 80.9 percent of the regional mean of 19.0 VMT per resident. Therefore, because the project site’s residential VMT per resident is more than 15 percent below the regional average employee VMT per resident, the project does screen out from the preparation of a detailed transportation VMT analysis. The project would be presumed to have a less than significant VMT impact.

Table 5.2-2. VMT Screening Criteria – Project Applicability

| Screening Criteria ¹ | Applicable to the Project? | Does the Project Screen Out? |
|----------------------------------------------------------------------|----------------------------|------------------------------|
| 1. Residential or Commercial Project Located in a VMT Efficient Area | Yes | Yes |
| 2. Industrial Project Located in a VMT Efficient Area | No | N/A |
| 3. Small Project | No | N/A |
| 4. Locally Serving Retail/Recreational Project | No | N/A |
| 5. Locally Serving Public Facility | No | N/A |
| 6. Affordable Housing | No | N/A |
| 7. Mixed-Use Project Screening Considerations | No | N/A |
| 8. Redevelopment Project Screening Considerations | No | N/A |

Footnotes:

1. City of San Diego TSM, September 2022.

Relative to full buildout under the proposed zone, Residential Multiple (RM-2-6), like the project no significant VMT impacts would occur. The RM-2-6 zone permits a maximum density of one dwelling unit for each 1,250 square feet of lot area, which would permit up to a maximum density of 34.85 du/ac and would support up to 206 dwelling units, or eight additional units, on the proposed project site. The project site is located in a VMT efficient area with a VMT/capita of 80.9 percent of the regional average, which is at least 15 percent below the regional threshold. The addition of eight

residential units would not change that. Therefore, maximum development under the RM-2-6 zone would be presumed to have a less than significant VMT transportation impact.

Significance of Impacts

The project is located in a VMT efficient area with a VMT/capita of 80.9 percent of the regional average, which is at least 15 percent below the regional threshold. Therefore, the project would not exceed the VMT threshold for residential projects as identified in the TSM. Based on the project specific VMT significance thresholds in accordance with the TSM, the project would be presumed to have a less than significant VMT transportation impact.

Mitigation Measures

Mitigation would not be required.

5.2.3.3 Issue 3

Issue 3: Would the project substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

Impact Threshold

According to the City's Thresholds, transportation impacts may be significant if a project would increase traffic hazards to motor vehicles, bicyclists, or pedestrians due to proposed non-standard design features.

Analysis

Vehicular access to the project would be from the south via an existing easement that is located along the southwestern portion of the project site through the Palm Avenue Trolley Station site and connecting to Palm Avenue. Pedestrian and bicycle access to the Palm Avenue Trolley Station and Palm Avenue would be provided within the existing access easement and also directly to the trolley platform at the southwestern corner of the site via an existing pedestrian access easement.

The project would provide site access in a design that is safe for all users. Vehicular access to the project would be from the south along in the western portion of the project site via an existing access easement through the adjacent MTS property. Residents of the Palm & Hollister development would use the eastern driveway to enter the property. The driver would then activate the main security gate using a remote-control gate opener. Residents exiting the Palm & Hollister development would make an immediate left turn using the eastern driveway. Residents exiting the Palm & Hollister development would travel south to access the signalized intersection at Palm Avenue.

Visitors of the Palm & Hollister development would enter the site using the driveway, which leads directly to the parking area designated for the leasing office and recreational facility. Visitors

entering the property through the security gate would use the call box to contact a resident for access through the security gate. When exiting the property, the security gate would open automatically when a vehicle is detected. Visitors would then exit using the driveway traveling south towards the signal at Palm Avenue. Property owners for both the project and the MTS property would be responsible for enforcing parking restrictions on their own properties.

The project would include off-site pedestrian improvements. Access to the project site from the south would be provided an existing access easement through the adjacent MTS property. An additional existing pedestrian easement provides pedestrian access to the Palm Avenue Trolley Station and Palm Avenue from the project site. The off-site easement includes asphalt pavement, a six-inch curb, and landscaping just outside the property line at the entrance to the project site. Improvements to the pedestrian access easement includes the addition of a five-foot concrete sidewalk parallel to the project site and project property line within a nine-foot pedestrian access easement that would tie into the existing MTS sidewalk. The MTS sidewalk runs through the MTS property and connects to existing sidewalks on Palm Avenue. An existing sewer manhole would remain within the proposed concrete sidewalk, and the sidewalk would match the rim elevation for pedestrian safety.

On the eastern boundary of the MTS property, the project proposes a six-inch curb on the inner edge of the proposed five-foot running track that runs along a portion of the eastern side of the drive aisle through the MTS parcel. The project would provide a five-foot landscaping buffer in between the running track and parcel line abutting an existing wooden fence and retaining wall.

All transportation facilities would be designed in accordance with applicable City standards, satisfactory to the City Engineer. The project does not propose non-standard design features and is not expected to increase traffic hazards to motor vehicles, bicyclists, or pedestrians.

Significance of Impacts

The project does not propose non-standard design features and would not substantially increase hazards due to design features or incompatible uses. Impacts related to the increase of traffic hazards as a result of the project would be less than significant.

Mitigation Measures

Mitigation would not be required.

5.2.3.4 Issue 4

Issue 4: Would the project result in inadequate emergency access?

Impact Threshold

According to Appendix G of the CEQA Guidelines, transportation impacts may be significant if a project would result in inadequate emergency access.

Analysis

The project site has been designed with adequate emergency access. Additionally, according to information provided through correspondence with the City's Police Department and the Fire-Rescue Department, included as Appendix G of this EIR, emergency response times to all portions of the site would be adequate. Public safety facilities (e.g., Fire and Police) are located within a four-mile radius of the project site. Additional emergency requirements, such as fire hydrants, fire hydrant markers (i.e., blue reflectors installed in the roadway), adequate vertical clearances, adequate turning radii, and fire ladder clearances, would be provided in accordance with City requirements. The project has been designed in accordance with SDMC Fire Code and would not impede emergency access on- or off-site.

Relative to full buildout under the proposed zone, Residential Multiple (RM-2-6), like the project no significant impacts would occur. The RM-2-6 zone permits a maximum density of one dwelling unit for each 1,250 square feet of lot area, which would permit up to a maximum density of 34.85 du/ac and would support up to 206 dwelling units, or eight additional units, on the proposed project site. Full buildout of the project site with 206 units would require the addition of a secondary emergency access point. Development under the RM-2-6 zone would be designed to meet emergency, safety, and evacuation policies of the surrounding community and would not interfere with emergency access. Impacts would be less than significant.

Significance of Impacts

The project would be designed in accordance with applicable safety standards. The project would not result in inadequate emergency access. Impacts would be less than significant.

Mitigation Measures

Mitigation would not be required.



Figure 5.2-1. Existing Bicycle and Pedestrian Facilities



Figure 5.2-2. Existing Transit Routes

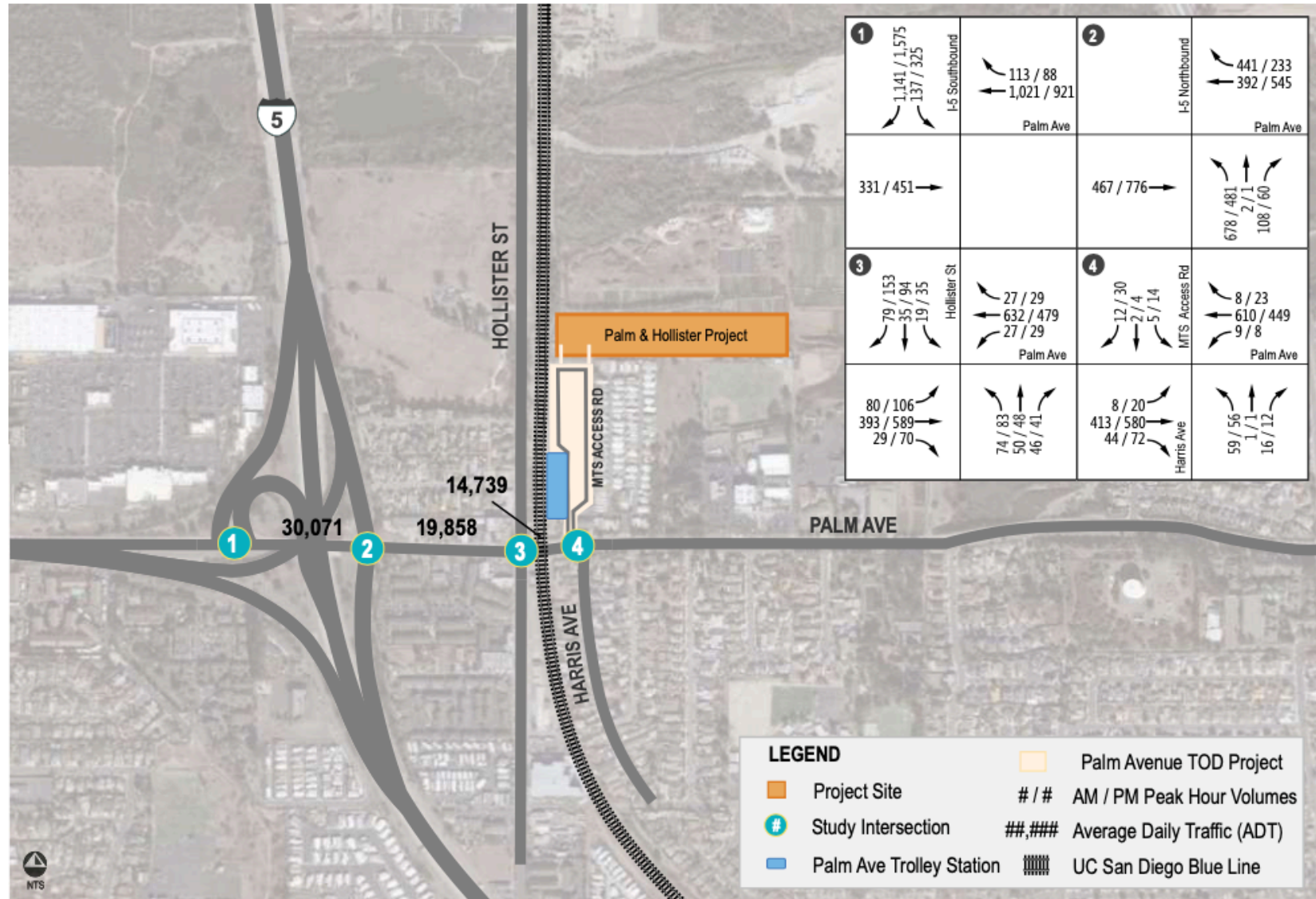


Figure 5.2-3. Existing Daily ADT & AM/PM Peak Hour Traffic Volumes

5.3 Air Quality

The following section describes the existing air quality conditions, identifies policies and regulatory requirements applicable to the project, evaluates potential impacts, and identifies mitigation measures, if applicable, related to project implementation. The discussion is based on an *Air Quality Technical Report* prepared by BlueScape Environmental (~~April 6, 2023~~ June 7, 2024), which is included as Appendix E.

5.3.1 Existing Conditions

5.3.1.1 Regional Climate and Meteorology

The Otay Mesa area, like the rest of San Diego County's coastal areas, has a Mediterranean climate characterized by warm, dry summers and mild, wet winters. The mean annual temperature for the project area is 62 degrees Fahrenheit (°F). The average annual precipitation is 12 inches, falling primarily from November to April. Winter low temperatures in the project area average about 41°F, and summer high temperatures average about 78°F.

The dominant meteorological feature affecting the region is the Pacific High-Pressure Zone, which produces the prevailing westerly to northwesterly winds. These winds tend to blow pollutants away from the coast toward the inland areas. Consequently, air quality near the coast is generally better than that which occurs at the base of the coastal mountain range.

Fluctuations in the strength and pattern of winds from the Pacific High-Pressure Zone interacting with the daily local cycle produce periodic temperature inversions that influence the dispersal or containment of air pollutants in the San Diego Air Basin (SDAB). Beneath the inversion layer pollutants become "trapped" as their ability to disperse diminishes. The mixing depth is the area under the inversion layer. Generally, the morning inversion layer is lower than the afternoon inversion layer. The greater the change between the morning and afternoon mixing depths, the greater the ability of the atmosphere to disperse pollutants.

The prevailing westerly wind pattern is sometimes interrupted by regional "Santa Ana" conditions. A Santa Ana occurs when a strong high-pressure system develops over the Nevada-Utah area and overcomes the prevailing westerly coastal winds, sending strong, steady, hot, dry northeasterly winds from the east over the mountains and out to sea.

Strong Santa Anas tend to blow pollutants out over the ocean, producing clear days. However, at the onset or during breakdown of these conditions, or if the Santa Ana is weak, local air quality may be adversely affected. In these cases, emissions from the South Coast Air Basin (including Los Angeles) to the north are blown out over the ocean, and low pressure over Baja California draws this pollutant-laden air mass southward. As the high pressure weakens, prevailing northwesterly winds reassert themselves and send this cloud of contamination ashore in the SDAB. When this event does

occur, the combination of transported contaminants from Los Angeles and Mexico, in addition to locally produced contaminants, produces the worst air quality measurements recorded in the basin.

5.3.1.2 Pollutants of Concern

Criteria air pollutants are defined as pollutants for which the federal and state governments have established ambient air quality standards (criteria) for outdoor concentrations to protect public health. The seven criteria air pollutants defined by state and federal law as a risk to the health and welfare of the general public are as follows: ozone (O₃), carbon monoxide (CO), nitrogen dioxide (NO₂), respirable particulate matter (or particulate matter with an aerodynamic diameter of 10 microns or less, PM₁₀), fine particulate matter (or particulate matter with an aerodynamic diameter of 2.5 microns or less, PM_{2.5}), sulfur dioxide (SO₂), and lead (Pb). Criteria pollutants can be emitted directly from sources (primary pollutants such as CO, SO₂, PM₁₀, PM_{2.5}, and lead) or they may be formed through chemical and photochemical reactions of precursor pollutants in the atmosphere (secondary pollutants such as ozone, NO₂, PM₁₀ and PM_{2.5}). PM₁₀ and PM_{2.5} can be both primary and secondary pollutants. The principal precursor pollutants of concern are reactive organic gases (ROG) also known as VOC, and NO_x. The federal standards are known as the National Ambient Air Quality Standards (NAAQS).

CARB sets the laws and regulations for air quality on the state level. The California Ambient Air Quality Standards (CAAQS) are either the same as or more restrictive than the NAAQS and also set limits for four additional contaminants: Visibility Reducing Particles, sulfates, hydrogen sulfide (H₂S) and vinyl chloride.

5.3.1.3 Toxic Air Contaminants

A substance is considered toxic if it has the potential to cause adverse health effects in humans, including increasing the risk of cancer upon exposure, or acute and/or chronic non-cancer health effects. A toxic substance released into the air is considered a Toxic Air Contaminant (TAC). TACs are identified by federal and state agencies based on a review of available scientific evidence. In the State of California, TACs are identified through a two-step process that was established in 1983 under the Toxic Air Contaminant Identification and Control Act. This two-step process of risk identification and risk management and reduction was designed to protect residents from the health effects of toxic substances in the air.

In addition, the California Air Toxics "Hot Spots" Information and Assessment Act, Assembly Bill (AB) 2588, was enacted by the legislature in 1987 to address public concern over the release of TACs into the atmosphere. The law requires facilities emitting toxic substances to provide local air pollution control districts with information that will allow an assessment of the air toxics problem, identification of air toxics emissions sources, location of resulting hotspots, notification of the public exposed to significant risk, and development of effective strategies to reduce potential risks to the public over five years. Examples include certain aromatic and chlorinated hydrocarbons, certain

metals, and asbestos. TACs are generated by a number of sources, including stationary sources, such as dry cleaners, gas stations, combustion sources, and laboratories; mobile sources, such as automobiles; and area sources, such as landfills.

Adverse health effects associated with exposure to TACs may include carcinogenic (i.e., cancer-causing) and noncarcinogenic effects. Noncarcinogenic effects typically affect one or more target organ systems and may be experienced on either short-term (acute) or long-term (chronic) exposure to a given TAC.

5.3.1.4 Diesel Particulate Matter

DPM is part of a complex mixture that makes up diesel exhaust. Diesel exhaust is composed of two phases, gas and particle, both of which contribute to health risks. More than 90 percent of DPM is less than one micrometer in diameter (about 1/70th the diameter of a human hair) and, thus, is a subset of PM_{2.5} (CARB 2021). DPM is typically composed of carbon particles (“soot,” also called black carbon) and numerous organic compounds, including over 40 known cancer-causing organic substances. Examples of these chemicals include polycyclic aromatic hydrocarbons, benzene, formaldehyde, acetaldehyde, acrolein, and 1,3-butadiene (CARB 2021). On August 27, 1998, CARB and Office of Environmental Health Hazard Assessment (OEHHA) identified “particulate emissions from diesel-fueled engines” (i.e., DPM) as a TAC, based on data linking diesel particulate emissions to increased risks of lung cancer and respiratory disease (CalEPA 1998).

DPM is emitted from a broad range of diesel engines, including on-road diesel engines from trucks, buses, and cars; and off-road diesel engines from locomotives, marine vessels, and heavy-duty construction equipment, among others. Approximately 70 percent of all airborne cancer risk in California is associated with DPM (CARB 2000). To reduce the cancer risk associated with DPM, CARB adopted a diesel risk reduction plan in 2000 (CARB 2000). Because it is part of PM_{2.5}, DPM also contributes to the same non-cancer health effects as PM_{2.5} exposure. These effects include premature death; hospitalizations and emergency department visits for exacerbated chronic heart and lung disease, including asthma; increased respiratory symptoms; and decreased lung function in children. Several studies suggest that exposure to DPM may also facilitate development of new allergies (CARB 2021). Those most vulnerable to non-cancer health effects are children whose lungs are still developing and the elderly who often have chronic health problems.

5.3.1.5 Odorous Compounds

Odors are generally regarded as an annoyance rather than a health hazard. Manifestations of a person’s reaction to odors can range from psychological (e.g., irritation, anger, or anxiety) to physiological (e.g., circulatory and respiratory effects, nausea, vomiting, and headache). The ability to detect odors varies considerably among the population and, overall, is quite subjective. People may have different reactions to the same odor. An odor that is offensive to one person may be perfectly acceptable to another (e.g., coffee roaster). An unfamiliar odor is more easily detected and is more

likely to cause complaints than a familiar one. In a phenomenon known as odor fatigue, a person can become desensitized to almost any odor, and recognition may only occur with an alteration in the intensity. The occurrence and severity of odor impacts depend on the nature, frequency, and intensity of the source; wind speed and direction; and the sensitivity of receptors.

5.3.1.6 San Diego Air Basin Attainment Status

The SDAPCD is required to monitor air pollutant levels to ensure that air quality standards are met and, if they are not met, to develop strategies to meet the standards. Depending on whether the standards are met or exceeded, the local air basin is classified as being in “attainment” or “non-attainment.” San Diego County is listed as a Federal non-attainment area for ozone (eight-hour) and a State non-attainment area for ozone (one-hour and eight-hour standards), PM₁₀, and PM_{2.5}. As shown in Table 5.3-1, *San Diego Air Basin Federal and State Attainment Status*, the SDAB is in attainment for the State and Federal standards for NO₂, CO, SO₂, and lead.

Table 5.3-1. San Diego County Federal and State Attainment Status

| Criteria Pollutant | Federal Designation | State Designation |
|--------------------|---------------------|-------------------|
| Ozone (1-hour) | Attainment* | Non-Attainment |
| Ozone (8-hour) | Non-Attainment | Non-Attainment |
| Carbon Monoxide | Attainment | Attainment |
| PM ₁₀ | Unclassifiable** | Non-Attainment |
| PM _{2.5} | Attainment | Non-Attainment |
| Nitrogen Dioxide | Attainment | Attainment |
| Sulfur Dioxide | Attainment | Attainment |
| Lead | Attainment | Attainment |
| Sulfates | No Federal Standard | Attainment |
| Hydrogen Sulfide | No Federal Standard | Unclassified |
| Visibility | No Federal Standard | Unclassified |

*The Federal 1-hour standard of 12 ppm was in effect from 1979 through June 1, 2005. The revoked standard is referenced here because it was used for such a long period and because this benchmark is addressed in SIPs.

**At the time of designation, if the available data does not support a designation of attainment or non-attainment, the area is designated as unclassifiable.

Source: Appendix E

5.3.1.7 Monitored Air Quality

The SDAPCD monitors air quality conditions at locations throughout the SDAB. The purpose of the monitoring stations is to measure ambient concentrations of pollutants, including criteria pollutants, ozone precursors and TACs, and to determine whether the CAAQS and NAAQS are met. The monitors closest to the project site are the San Diego Sherman Elementary School and the Chula Vista monitoring stations, located approximately three miles south and 9.3 miles south of the project site, respectively. The Sherman Elementary monitoring site only has 2019 data for ozone, so the 2017 and 2018 data for ozone, PM₁₀, and PM_{2.5} and the 2019 data for PM₁₀ and PM_{2.5} are from

Chula Vista monitoring station. A summary of the data recorded at the two monitoring stations from 2017 through 2019 is presented in Table 5.3-2, *Ambient Air Background Pollutant Concentrations*.

Table 5.3-2. Ambient Air Background Pollutant Concentrations

| Pollutant | 2019 | 2020 | 2021 |
|----------------------------------------------------------------------------|---------------------------------|---------------------------------|---------------------------------|
| Ozone (O₃) | | | |
| State maximum 1-hour concentration (ppm) | 0.090 | 0.106¹ | 0.084 ¹ |
| National maximum 8-hour concentration (ppm) | 0.076¹ | 0.086¹ | 0.066 ¹ |
| State maximum 8-hour concentration (ppm) | 0.077¹ | 0.086¹ | 0.067 ¹ |
| <i>Number of Days Standard Exceeded</i> | | | |
| CAAQS 1-hour (>0.09 ppm) | 0 ¹ | 1 ¹ | 0 ¹ |
| CAAQS 8-hour (>0.070 ppm)/ NAAQS 8-hour (>0.070 ppm) | 2/2 ¹ | 4/4 ¹ | 0/0 ¹ |
| Respirable Particulate Matter (PM₁₀) | | | |
| National maximum 24-hour concentration (µg/m ³) | 68.2 ¹ | 68 ² | 46 ² |
| State maximum 24-hour concentration (µg/m ³) | 69.4¹ | 68² | 46 ² |
| State annual average concentration (µg/m ³) | 19.0 ² | 24.8² | 23.9² |
| <i>Annual or Days Standard Exceeded*</i> | | | |
| NAAQS 24-hour (>150 µg/m ³) | 0 ¹ | 0 ² | 0 ² |
| CAAQS 24-hour (>50 µg/m ³)/ Annual (>20 µg/m ³) | 1 ¹ /No ² | **/Yes ² | 0/Yes ² |
| Fine Particulate Matter (PM_{2.5}) | | | |
| National maximum 24-hour concentration (µg/m ³) | 18.6 ¹ | 46.7¹ | 24.9 ¹ |
| Annual average concentration (µg/m ³) | 8.1 ² | 10.7 ² | 9.5 ² |
| <i>Annual or Days Standard Exceeded*</i> | | | |
| NAAQS 24-hour (>35 µg/m ³)/Annual (>12 µg/m ³) | 0 ¹ /No ² | 6 ¹ /No ² | 0 ¹ /No ² |
| CAAQS Annual (>12 µg/m ³) | No ² | No ² | No ² |

Notes:

µg/m³ = micrograms per cubic meter; ppb = parts per billion; ppm = parts per million; N/A = Not available.
 CAAQS = California Ambient Air Quality Standard; NAAQS = National Ambient Air Quality Standard.

BOLD value indicates greater than standard.

1. Measured at the Chula Vista station (80 E. J St., Chula Vista, approximately 3.25 miles northeast of the Project site) using iADAM Top 4 Summary.
2. Measured at the Chula Vista station (80 E. J St., Chula Vista, approximately 3.25 miles northeast of the Project site) using SDAPCD 5-Year Air Quality Summary, as there was not a complete set of data for local stations on iADAM.

* In the case of an Annual standard a No or Yes response is provided. And, where applicable, number of days presented are the Estimated Number of days as provided in iADAM (as sampling not performed continuously)

** Number of exceedances are not available in SDAPCD summary.

Source: Appendix E

5.3.2 Regulatory Framework

Air pollutants are regulated at the national, State, and air basin level; each agency has a different degree of control. The EPA regulates at the national level; the CARB regulates at the State level; and the SDAPCD regulates air quality in San Diego County.

5.3.2.1 Federal

Clean Air Act

The Federal air quality standards were developed per the requirements of the Clean Air Act (CAA), which is a federal law that was passed in 1970 and further amended in 1990. This law provides the basis for the national air pollution control effort. An important element of the act included the development of NAAQS for major air pollutants.

National Ambient Air Quality Standards

The CAA established two types of air quality standards known as primary and secondary standards for the following criteria air pollutants: O₃, CO, NO₂, SO₂, PM₁₀, PM_{2.5}, and lead. Primary standards set limits for the intention of protecting public health, which includes sensitive populations such as people with asthma, children and elderly. Secondary standards set limits to protect public welfare to include the protection against decreased visibility, damage to animals, crops, vegetation and buildings. Areas that do not meet the NAAQS for a particular pollutant are considered to be “non-attainment areas” for that pollutant. States that have these non-attainment areas must prepare a State Implementation Plan (SIP) that demonstrates how those areas will attain the standards within mandated time frames.

The 1977 federal CAA amendments required the EPA to identify national emission standards for hazardous air pollutants to protect public health and welfare. Hazardous air pollutants include certain VOCs, pesticides, herbicides, and radionuclides that present a tangible hazard, based on scientific studies of exposure to humans and other mammals. Under the 1990 CAA amendments, which expanded the control program for hazardous air pollutants, 189 substances and chemical families were identified as hazardous air pollutants.

5.3.2.2 State

California Ambient Air Quality Standards

The Federal CAA delegates the regulation of air pollution control and the enforcement of the NAAQS to the states. In California, the task of air quality management and regulation has been legislatively granted to CARB, with subsidiary responsibilities assigned to air quality management districts and air pollution control districts at the regional and county levels. CARB, which became part of the California Environmental Protection Agency (CalEPA) in 1991, is responsible for ensuring implementation of the California Clean Air Act of 1988, responding to the CAA and regulating emissions from motor vehicles and consumer products. CARB has established the CAAQS, which are generally more restrictive than the NAAQS. The CAAQS describe adverse conditions; that is, pollution

levels must be below these standards before a basin can attain the standard. Air quality is considered “in attainment” if pollutant levels are continuously below the CAAQS and violate the standards no more than once each year. The CAAQS for O₃, CO, SO₂ (1-hour and 24-hour), NO₂, PM₁₀, PM_{2.5}, and visibility-reducing particles are values that are not to be exceeded. All others are not to be equaled or exceeded. Table 5.3-3, National and State Ambient Air Quality Standards shows the ambient air quality standards for NAAQS and CAAQS.

In addition to the above responsibilities, CARB assembles the State Implementation Plan (SIP) for areas that are out of attainment of the NAAQS; this planning document satisfies Federal Clean Air Act requirement. Since the San Diego area is out of attainment of the Federal ozone standard, the APCD must submit input to the SIP in the form of ozone-related plans and control measures for bringing the area into attainment. The SIP is typically updated on a triennial basis; however, the latest SIP update was submitted by the CARB to the EPA in 2016; CARB is currently assembling strategy documentation for its 2022 SIP submittal. The latest APCD revisions to the SIP were submitted in 2020: October 2020 “2020 Plan for Attaining the National Ambient Air Quality Standards for Ozone in San Diego County”.

Tanner Toxics Act (AB 1807) and the Air Toxics Hot Spots Information and Assessment Act of 1987 (AB 2588)

A TAC is defined by California law as an air pollutant that may cause or contribute to an increase in mortality or an increase in serious illness, or which may pose a present or potential hazards to human health. Federal laws use the hazardous air pollutants to refer to the same types of compounds that are referred to as TACS under state law. California regulates TACs primarily through the Tanner Toxics Act (AB 1807) and the Air Toxics Hot Spots Information and Assessment Act of 1987 (AB 2588), AB 1807 sets forth a formal procedure for CARV to designate substances as TACS. This includes research, public participation, and scientific peer review before CARB can designate a substance as TAC. Pursuant to AB 2588, existing facilities that emit air pollutants above specified levels are required to (1) prepare a TAC emission inventory plan and report; (2) prepare a risk assessment if TAV emissions were significant; (3) notify the public of significant risk levels; and (4) if health impacts were above specified levels, prepare and implement risk reduction measures.

Idling of Commercial Heavy-Duty Trucks (13 CCR 2485)

In July 2004, CARB adopted an Airborne Toxic Control Measure (ATCM) to control emissions from idling trucks. The ATCM prohibits idling for more than five minutes for all commercial trucks with a gross vehicle weight rating over 10,000 pounds. The ATCM contains an exception that allows trucks to idle while queuing or involved in operational activities.

In-Use Off-Road Diesel-Fueled Fleets (13 CCR 2449 et seq.)

In July 2007, CARB adopted an ATCM for in-use off-road diesel vehicles. This regulation requires that specific fleet average requirements are met for NO_x emissions and for particulate matter emissions.

Where average requirements cannot be met, best available control technology requirements apply. The regulation also includes several recordkeeping and reporting requirements.

In response to AB 8 2X, which was signed into law to provide economic relief and to preserve jobs in the construction industry, the regulations were revised in July 2009 (effective December 3, 2009) to allow a partial postponement of the compliance schedule in 2011 and 2012 for existing fleets. On December 17, 2010, CARB adopted additional revisions to further delay the deadlines reflecting reductions in diesel emissions due to the poor economy and overestimates of diesel emissions in California. The revisions delayed the first compliance date until no earlier than January 1, 2014, for large fleets, with final compliance by January 1, 2023. The compliance dates for medium fleets were delayed until an initial date of January 1, 2017, and final compliance date of January 1, 2023. The compliance dates for small fleets were delayed until an initial date of January 1, 2019, and final compliance date of January 1, 2028. Correspondingly, the fleet average targets were made more stringent in future compliance years. The revisions also accelerated the phaseout of older equipment with newer equipment added to existing large and medium fleets over time, requiring the addition of Tier 2 or higher engines starting on March 1, 2011, with some exceptions: Tier 2 or higher engines on January 1, 2013, without exception; and Tier 3 or higher engines on January 1, 2018 (January 1, 2023, for small fleets).

On October 28, 2011 (effective December 14, 2011), the Executive Officer approved amendments to the regulation. The amendments included revisions to the applicability section and additions and revisions to the definition. The initial date for requiring the addition of Tier 2 or higher engines for large and medium fleets, with some exceptions, was revised to January 1, 2012. New provisions also allow for the removal of emission control devices for safety or visibility purposes. The regulation also was amended to combine the particulate matter and NO_x fleet average targets under one, instead of two, sections. The amended fleet average targets are based on the fleet's NO_x fleet average, and the previous section regarding particulate matter performance requirements was deleted completely. The best available control technology requirements, if a fleet cannot comply with the fleet average requirements, were restructured and clarified. Other amendments to the regulations included minor administrative changes to the regulatory text.

In-Use On-Road Diesel-Fueled Vehicles (13 CCR 2025)

On December 12, 2008, CARB adopted an ATCM to reduce NO_x and particulate matter emissions from most in-use on-road diesel trucks and buses with a gross vehicle weight rating greater than 14,000 pounds. The original ATCM regulation required fleets of on-road trucks to limit their NO_x and particulate matter emissions through a combination of exhaust retrofit equipment and new vehicles. The regulation limited particulate matter emissions for most fleets by 2011, and limited NO_x emissions for most fleets by 2013. The regulation did not require any vehicle to be replaced before 2012 and never required all vehicles in a fleet be replaced.

In December 2009, the CARB Governing Board directed staff to evaluate amendments that would provide additional flexibility for fleets adversely affected by the struggling California economy. On December 17, 2010, CARB revised this ATCM to delay its implementation along with limited relaxation of its requirements. Starting on January 1, 2015, lighter trucks with a gross vehicle weight rating of 14,001 to 26,000 pounds with 20-year-old or older engines need to be replaced with newer trucks (2010 model year emissions equivalent as defined in the regulation). Trucks with a gross vehicle weight rating greater than 26,000 pounds with 1995 model year or older engines needed to be replaced as of January 1, 2015. Trucks with 1996 to 2006 model year engines must install a Level 3 (85 percent control) diesel particulate filter starting on January 1, 2012, to January 1, 2014, depending on the model year, and then must be replaced after eight years. Trucks with 2007 to 2009 model year engines have no requirements until 2023, at which time they must be replaced with 2010 model year emissions-equivalent engines, as defined in the regulation. Trucks with 2010 model year engines would meet the final compliance requirements. The ATCM provides a phase-in option under which a fleet operator would equip a percentage of trucks in the fleet with diesel particulate filters, starting at 30% as of January 1, 2012, with 100% by January 1, 2016. Under each option, delayed compliance is granted to fleet operators who have or will comply with requirements before the required deadlines.

On September 19, 2011 (effective December 14, 2011), the Executive Officer approved amendments to the regulations, including revisions to the compliance schedule for vehicles with a gross vehicle weight rating of 26,000 pounds or less to clarify that all vehicles must be equipped with 2010 model year emissions equivalent engines by 2023. The amendments included revised and additional credits for fleets that have downsized; implement early particulate matter retrofits; incorporate hybrid vehicles, alternative-fueled vehicles, and vehicles with heavy-duty pilot ignition engines; and implement early addition of newer vehicles. The amendments included provisions for additional flexibility, such as for low-usage construction trucks, and revisions to previous exemptions, delays, and extensions. Other amendments to the regulations included minor administrative changes to the regulatory text, such as recordkeeping and reporting requirements related to other revisions.

California Health and Safety Code Section 41700

Section 41700 of the California Health and Safety Code states that a person shall not discharge from any source whatsoever quantities of air contaminants or other material that cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or that endanger the comfort, repose, health, or safety of any of those persons or the public, or that cause, or have a natural tendency to cause, injury or damage to business or property. This section also applies to sources of objectionable odors.

5.3.2.3 Local

San Diego County Air Pollution Control District Standards and Regulations

While CARB is responsible for the regulation of mobile emission sources within the state, local air quality management districts and air pollution control districts are responsible for enforcing

standards and regulating stationary sources. The project site is located within the SDAB and is subject to the guidelines and regulations of the SDAPCD.

In San Diego County (County), O₃ and particulate matter are the pollutants of main concern, since exceedances of state ambient air quality standards for those pollutants have been observed in most years. For this reason, the SDAB has been designated as a non-attainment area for the state PM₁₀, PM_{2.5}, and O₃ standards. The SDAB is also a federal O₃ attainment (maintenance) area for the 1997 8-hour O₃ standard, an O₃ non-attainment area for the 2008 8-hour O₃ standard, and a CO maintenance area (western and central part of the SDAB only, including the project site area).

Federal Attainment Plans

In October 2020, the SDAPCD adopted an update to the Eight-Hour Ozone Attainment Plan for San Diego County (2008 O₃ NAAQS), which indicated that local controls and state programs would allow the region to reach attainment of the Federal eight-hour O₃ standard (2015 O₃ NAAQS) by August 2024 (SDAPCD 2020a). In this plan, SDAPCD relies on the RAQS to demonstrate how the region will comply with the Federal O₃ standard. The RAQS details how the region will manage and reduce O₃ precursors (NO_x and VOC) by identifying measures and regulations intended to reduce these pollutants. The control measures identified in the RAQS generally focus on stationary sources; however, the emissions inventories and projections in the RAQS address all potential sources, including those under the authority of CARB and the EPA. Incentive programs for reduction of emissions from heavy duty diesel vehicles, off-road equipment, and school buses are also established in the RAQS.

Currently, the County is designated as serious non-attainment for the 2008 NAAQS and moderate non-attainment for the 2015 NAAQS. As documented in the 2020 Plan (SDAPCD 2020a), the County needs to demonstrate how the region will further reduce air pollutant emissions in order to attain the current NAAQS for ozone by specified dates. Although total regionwide NO_x and VOC emissions (precursors for ozone formation) were reduced by over 60 percent and 50 percent, respectively, during the 2000-2018 time period, and large portions of the region meet both Federal ozone standards, there are a few areas of the County that do not. These region-wide air quality improvements are the result of increasingly stringent air pollution regulations over the years that address issues such as the transition to low-emission cars, stricter new source review rules, and continuing the requirement of general conformity for military growth and the San Diego International Airport. The County will continue emission control measures, including ongoing implementation of existing regulations in O₃ precursor reduction to stationary and area-wide sources, subsequent inspections of facilities and sources, and the adoption of laws requiring best available retrofit control technology for control of emissions. Nevertheless, in order to attain the Federal ozone standards, the region still requires further reductions of air pollutants, especially from mobile sources as they contribute 65 percent of all ozone-forming pollutants emitted in San Diego County in 2020 (SDAPCD 2020a).

Air pollution is largely a cumulative impact. The non-attainment status of regional pollutants is a result of past and present development, and the SDAPCD develops and implements plans for future attainment of ambient air quality standards. Based on these considerations, project-level thresholds of significance for criteria pollutants are relevant in the determination of whether a project's individual emissions would have a cumulatively significant impact on air quality.

The SDAB is designated under the California and National AAQS as non-attainment for O₃ and under the CAAQS as non-attainment for PM₁₀ and PM_{2.5} (SDAPCD 2021a). The poor air quality in the SDAB is the result of cumulative emissions from motor vehicles, off-road equipment, commercial and industrial facilities, and other emission sources. Projects that emit these pollutants or their precursors (i.e., VOCs and NO_x for O₃) potentially contribute to poor air quality. In analyzing cumulative impacts from a project, the analysis must specifically evaluate the project's contribution to the cumulative increase in pollutants for which the SDAB is designated as non-attainment for the CAAQS and NAAQS. If the project does not exceed thresholds and is determined to have less-than-significant project-specific impacts, it may still contribute to a significant cumulative impact on air quality if the emissions from the project, in combination with the emissions from other proposed or reasonably foreseeable future projects, exceed established thresholds. However, a project would only be considered to have a significant cumulative impact if the project's contribution accounts for a significant proportion of the cumulative total emissions (i.e., it represents a "cumulatively considerable contribution" to the cumulative air quality impact).

State Attainment Plans

The SDAPCD and the SANDAG are responsible for developing and implementing the clean air plan for attainment and maintenance of the ambient air quality standards in the SDAB. The RAQS for the SDAB was initially adopted in 1991 and is updated on a triennial basis, most recently in 2020 (SDAPCD 2020a). The RAQS outlines SDAPCD's plans and control measures designed to attain the state air quality standards for O₃. The RAQS relies on information from CARB and SANDAG, including mobile and area source emissions, as well as information regarding projected growth in the County and the cities in the County, to forecast future emissions and then determine from that the strategies necessary for the reduction of emissions through regulatory controls. CARB mobile source emission projections and SANDAG growth projections are based on population, vehicle trends, and land use plans developed by the County and the cities in the County as part of the development of their general plans (SANDAG 2013, 2021a).

In December 2016, the SDAPCD adopted the revised RAQS for the County. The SDAPCD expects to continue reductions of ozone precursors through 2035 (SDAPCD 2016). Past reductions have been achieved through implementation of six VOC control measures and three NO_x control measures adopted in the SDAPCD's 2009 RAQS (SDAPCD 2009a). The SDAPCD is considering additional measures, including three VOC measures and four control measures to reduce 0.3 daily tons of VOC and 1.2 daily tons of NO_x, provided they are found to be feasible region-wide. In addition, SDAPCD

has implemented nine incentive-based programs, has worked with SANDAG to implement regional transportation control measures, and has reaffirmed the state emission offset repeal.

In December 2005, the SDAPCD prepared a report titled "Measures to Reduce Particulate Matter in San Diego County" to address implementation of SB 656 in the County (SB 656 required additional controls to reduce ambient concentrations of PM₁₀ and PM_{2.5}) (SDAPCD 2005). In the report, SDAPCD evaluated implementation of source-control measures that would reduce particulate matter emissions associated with residential wood combustion; various construction activities including earthmoving, demolition, and grading; bulk material storage and handling; carry-out and track-out removal and cleanup methods; inactive disturbed land; disturbed open areas; unpaved parking lots/staging areas; unpaved roads; and windblown dust (SDAPCD 2005).

The RAQS outlines SDAPCD's plans and control measures designed to attain the CAAQS for ozone. In addition, the SDAPCD relies on the SIP, which includes the SDAPCD's plans and control measures for attaining the ozone NAAQS. These plans accommodate emissions from all sources, including natural sources, through implementation of control measures, where feasible, on stationary sources to attain the standards. Mobile sources are regulated by the CalEPA and the CARB, and the emission and reduction strategies related to mobile sources are considered in the RAQS and SIP.

The RAQS relies on information from CARB and SANDAG, including projected growth in the County, and mobile, area, and all other source emissions in order to project future emissions and determine from that the strategies necessary for the reduction of stationary source emissions through regulatory controls. The CARB's mobile source emission projections and SANDAG's growth projections are based on population and vehicle trends, and land use plans developed by the cities and by the County. As such, projects that propose development that is consistent with the growth anticipated by these land use plans would be consistent with the RAQS. In the event that a project proposes development which is less dense than anticipated within the adopted land use plans, the project would likewise be consistent with the RAQS. If a project proposes development that is greater than that anticipated in the adopted land use plans and SANDAG's growth projections upon which the RAQS is based, the project would be in conflict with the RAQS and SIP and could have a potentially significant impact on air quality. This situation would warrant further analysis to determine if the proposed project and the surrounding projects would exceed the growth projections used in the RAQS for the specific subregional area.

SDAPCD Rules and Regulations

As stated above, the SDAPCD is responsible for planning, implementing, and enforcing federal and state ambient standards in the SDAB. The following rules and regulations apply to all sources in the jurisdiction of SDAPCD and would apply to any proposed projects on the project site.

SDAPCD Regulation IV: Prohibitions; Rule 51: Nuisance: This rule prohibits the discharge, from any source, of such quantities of air contaminants or other materials that cause or

have a tendency to cause injury, detriment, nuisance, annoyance to people and/or the public, or damage to any business or property (SDAPCD 1976). Any criteria air pollutant emissions, TAC emissions, or odors that would be generated during construction or operation of any development project in the parcel area would be subject to SDAPCD Rule 51. Violations can be reported to the SDAPCD in the form of an air quality complaint by telephone, email, and online form. Complaints are investigated by the SDAPCD as soon as possible.

SDAPCD Regulation IV: Prohibitions; Rule 55: Fugitive Dust: This rule regulates fugitive dust emissions from any commercial construction or demolition activity capable of generating fugitive dust emissions, including active operations, open storage piles, and inactive disturbed areas, as well as track-out and carry-out onto paved roads beyond a project area (SDAPCD 2009b). Construction activities, primarily during earth-disturbing activities, may result in fugitive dust emissions that would be subject to SDAPCD Rule 55. Fugitive dust emissions are not anticipated during onsite operation of the development.

SDAPCD Regulation IV: Prohibitions; Rule 67.0.1: Architectural Coatings: This rule requires manufacturers, distributors, and end users of architectural and industrial maintenance coatings to reduce VOC emissions from the use of these coatings, primarily by placing limits on the VOC content of various coating categories (SDAPCD 2021b). Construction and operation activities would include application of architectural coatings (e.g., paint and other finishes), which are subject to SDAPCD Rule 67.0.1. Architectural coatings used in the reapplication of coatings during operation of the development would be subject to the VOC content limits identified in SDAPCD Rule 67.0.1, which applies to coatings manufactured, sold, or distributed within the County.

SDAPCD Regulation XII: Toxic Air Contaminants; Rule 1206: Asbestos Removal: This rule requires owners and operators of any renovation or demolition operation (with a few exceptions) to perform a facility survey to determine the presence or absence of Asbestos Containing Material (ACM), regardless of the age of the facility, prior to the renovation or demolition of the building(s) (SDAPCD 2017). Owners or operators are required to notify the District prior to the demolition and removal of ACM, and to hire a trained ACM removal firm to remove and dispose of any ACM per the rule. This rule is applicable to the project.

San Diego Forward: The Regional Plan

SANDAG is the regional planning agency for the County and serves as a forum for regional issues relating to transportation, the economy, community development, and the environment. SANDAG serves as the federally designated metropolitan planning organization for the County. With respect to air quality planning and other regional issues, SANDAG has prepared San Diego Forward: The Regional Plan (Regional Plan) for the San Diego Region (SANDAG 2021a). The Regional Plan combines

the big-picture vision for how the region will grow over the next 30 years with an implementation program to help make that vision a reality. The Regional Plan, including its SCS, is built on an integrated set of public policies, strategies, and investments to maintain, manage, and improve the transportation system so that it meets the diverse needs of the San Diego region through 2050.

In regard to air quality, the Regional Plan sets the policy context in which SANDAG participates in and responds to the air district's air quality plans and builds off the air district's air quality plan processes that are designed to meet health-based criteria pollutant standards in several ways (SANDAG 2021a). First, it complements air quality plans by providing guidance and incentives for public agencies to consider best practices that support the technology-based control measures in air quality plans. Second, the Regional Plan emphasizes the need for better coordination of land use and transportation planning, which heavily influences the emissions inventory from the transportation sectors of the economy. This also minimizes land use conflicts, such as residential development near freeways, industrial areas, or other sources of air pollution.

On February 26, 2021, SANDAG's Board of Directors adopted the final 2021 Regional Transportation Improvement Program, which is a multibillion-dollar, multiyear program of proposed major transportation projects in the San Diego region. Transportation projects funded with federal, state, and TransNet (the San Diego transportation sales tax program) must be included in an approved Regional Transportation Improvement Program. The programming of locally funded projects also may be programmed at the discretion of the agency. The 2021 Regional Transportation Improvement Program covers five fiscal years and incrementally implements the Regional Plan (SANDAG 2021c).

City of San Diego Municipal Code

The San Diego Municipal Code (SDMC) addresses air quality and odor impacts in Chapter 14, Article 2, Division 7 paragraph 142.0710, "Air Contaminant Regulations," which states that air contaminants including smoke, charred paper, dust, soot, grime, carbon, noxious acids, toxic fumes, gases, odors, and particulate matter, or any emissions that endanger human health, cause damage to vegetation or property, or cause soiling shall not be permitted to emanate beyond the boundaries of the premises upon which the use emitting the contaminants is located (City of San Diego 2010).

The San Diego Municipal Code also addresses the hazards of lead-based paint in Chapter 5, Article 4, Division 10, which states that any disturbance or removal of paint from any surface on the interior or exterior of a building constructed prior to January 1, 1979, or from any surface on a steel structure, shall use lead-safe work practice standards, unless a Certified Lead Inspector/Assessor determines, prior to paint removal or disturbance, that the lead concentration in the paint is below 1000 parts per million (ppm) or 0.5 milligrams/centimeter² (City of SD 2008). This rule applies to the project, since some of the buildings to be demolished were built before 1979.

San Diego General Plan

The City of San Diego's General Plan is comprised of 10 elements that provide a comprehensive slate of citywide policies and further the City of Villages smart growth strategy for growth and development. The General Plan was comprehensively updated by unanimous vote of the City Council in 2008. The City Council also certified the General Plan Program Environmental Impact Report and adopted associated amendments to the Land Development Code. Various updates to the General Plan have occurred since 2008. The General Plan update did not include land use designation or zoning changes, which is the purview of the City's community plans. The General Plan designates the project site as Park, Open Space & Recreation; Residential; and Multiple Use. The specific goals and polices of the General Plan relative to air quality that pertain to the project are listed below.

- ME-E.7. Consider TDM programs with achievable trip reduction goals as partial mitigation for development project traffic and air quality impacts.
- ME-G.5 Implement parking strategies that are designed to help reduce the number and length of automobile trips. Reduced automobile trips would lessen traffic and air quality impacts, including greenhouse gas emissions (see also Conservation Element, Section A). Potential strategies include, but are not limited to those described on Table ME-3.
- Conservation Element Goal: Regional Air Quality which meets state and federal standards

Otay Mesa-Nestor Community Plan

Community plans, such as the Otay Mesa-Nestor Community Plan, work together with the General Plan to provide location-based policies and recommendations in the City's fifty-plus community planning areas. Community plans are written to refine the General Plan's citywide policies, designate land uses and housing densities, and provide additional site-specific recommendations as needed. The Otay Mesa-Nestor Community Plan designates the Project site as Open Space, Mixed Use and Residential Low Density (5-<10 du/ac). The Otay Mesa-Nestor Community Plan does not contain specific policies and/or goals that address air quality.

5.3.2.4 Regional and Local Air Quality Conditions

San Diego Air Basin Attainment Designation

Pursuant to the 1990 Federal CAA amendments, the EPA classifies air basins (or portions thereof) as "attainment" or "non-attainment" for each criteria air pollutant, based on whether the NAAQS have been achieved. Generally, if the recorded concentrations of a pollutant are lower than the standard, the area is classified as "attainment" for that pollutant. If an area exceeds the standard, the area is classified as "non-attainment" for that pollutant. If there is not enough data available to determine whether the standard is exceeded in an area, the area is designated as "unclassified" or "unclassifiable." The designation of "unclassifiable/attainment" means that the area meets the standard or is expected to be meet the standard despite a lack of monitoring data. Areas that achieve the standards after a non-attainment designation are redesignated as maintenance areas

and must have approved maintenance plans to ensure continued attainment of the standards. The California Clean Air Act (CCAA), like its federal counterpart, calls for the designation of areas as “attainment” or “non-attainment,” but based on the CAAQS rather than the NAAQS. A complete listing of the current attainment status with respect to both federal and state non-attainment status by pollutants for the SDAB is shown in Table 5.3-1.

Local Ambient Air Quality

The SDAPCD monitors air quality conditions at locations throughout the SDAB. The purpose of the monitoring stations is to measure ambient concentrations of pollutants, including criteria pollutants, ozone precursors and TACs, and to determine whether the CAAQS and the NAAQS are met. The monitor closest to the project site is the Chula Vista monitoring station, located approximately 3.25 miles northeast of the project site. A summary of the data recorded at the Chula Vista monitoring station from 2019 through 2021 is presented in Table 5.3-2.

5.3.3 Impact Analysis

5.3.3.1 Issue 1

Issue 1 Would the project result in a conflict with or obstruct implementation of the applicable air quality plan?

Impact Threshold

The SDAPCD is required, pursuant to the Federal CAA, to reduce emissions of criteria pollutants for which the SDAB is in nonattainment. Strategies to achieve these emissions reductions are developed in the RAQS and SIP, prepared by the APCD for the region.

The CARB mobile source emission projections and SANDAG growth projections that are used to develop the RAQS and SIP are based on population and vehicle trends and land use plans developed by the cities and by the County. As such, projects that propose development that is consistent with or propose less density than the growth anticipated by local community or general plans would be consistent with the RAQS. If a project proposes development that is greater than that anticipated in the local plan and SANDAG’s growth projections upon which the RAQS is based, the project would be in conflict with the RAQS and SIP and may have a potentially significant impact on air quality. This situation would warrant further analysis to determine if the project and the surrounding projects exceed the growth projections used in the RAQS for the specific subregional area.

Analysis

The applicable air quality plans consist of the SIP and RAQs. The RAQS relies on information from CARB and SANDAG, including projected growth in the County, mobile, area, and all other source emissions to project future emissions and determine from that the strategies necessary for the reduction of stationary source emissions through regulatory controls. Projects that propose

development that is consistent with the growth anticipated by the General Plan are consistent with the SIP, AQMP, and RAQS.

The project site is located in the Otay Mesa-Nestor Community Plan area and is designated as Open Space, Mixed Use, and Residential Low Density (5-<10 du/ac). The site is designated Park, Open Space, and Recreation, Residential, and Multiple Use in the General Plan. The project requires an amendment to the Otay Mesa-Nestor Community plan to change the land use to Medium-High Density (20 – 35 du/ac). The Community Plan Amendment would allow for an increase in density. The project also requires a rezone to the RM-2-6 zone. The RM-2-6 zone permits a maximum density of one dwelling unit for each 1,250 square feet of lot area. The proposed zoning would ultimately allow up to 206 units on the site, even though only 198 are currently proposed. The rezoning could generate up to 564 people based on 2.74 persons per household (SANDAG 2013). The expected population change, which did not include the conversion of open space to medium density residential in the City of San Diego is expected to result in the addition of 246,204 residents by 2050. As discussed above, a project that proposes development greater than that anticipated in the local plan and SANDAG's growth projections upon which the RAQS is based would be in conflict with the RAQS and SIP, and may have a potentially significant impact on air quality.

The City is currently in urgent need for housing and is experiencing a housing shortage, as discussed in the City of San Diego General Plan Housing Element 2021-2029 that was approved in 2020 by the City Council and in September 2021 by the California Department of Housing and Community Development. SANDAG's 2050 Regional Growth Forecast, adopted in December 2021 estimates that the City will have 592,143 housing units in 2025 and 676,236 units in 2035, an increase of 84,093 units or about 8,409 units added per year. The City of San Diego's portion of the County's Regional Housing Needs Assessment (RHNA) target for the 2021-2029 Housing Element period is 108,036 homes (City of San Diego 2020). While the City is planning for additional housing to meet the need and targeted to permit more than 88,000 new housing units between 2010 – 2020, less than half of those units were constructed (42,275) as of December 2019 (City of San Diego 2020). Considering this, the proposed construction of 198 or up to 206 units is not anticipated to result in a population increase considering there is a shortage of housing for the existing and planned population. The proposed housing would be growth accommodating and would not be growth inducing beyond planned growth for the City. While the project would include higher density residential than previously planned for this site in the OMNCP, the City is in need of residential units to meet anticipated growth. Therefore, the proposed project would not conflict with SANDAG's regional growth forecast for the City.

Any development at the proposed project site is expected to be required to implement policies, actions, and design guidelines that support General Plan concepts such as increased walkability, enhanced pedestrian and bicycle networks, improved connections to transit, and sustainable development and green building practices. These goals are in line with the RAQS intent to reduce ozone emissions. Any development would be consistent with the SDAPCD's regional goals of

improving the balance between jobs and housing, and integrating land uses near major transportation corridors such as the Interstate 5 (I-5) freeway. The RAQS are implemented via the SDAPCD's Rules. The project would be required to be consistent with Rules, such as Rules pertaining to architectural coatings and water heaters. Therefore, the proposed amendment to the Otay Mesa-Nestor Community Plan would be consistent with the RAQS and SIP.

As discussed above, the City of San Diego has a housing shortage and is in need of additional housing to meet growth projections. The proposed housing would accommodate an addition of 542 or 564 people to the area and the project would assist the City in meeting its Regional Housing Needs and is not anticipated to be inducing growth beyond that planned by SANDAG. Therefore, projects that propose development that is consistent with the growth anticipated by local plans would be consistent with the SIP and RAQS and would not be considered to result in cumulatively considerable impacts. Eight additional units beyond the 198 proposed for the project would not result in significant regional growth that is not accounted for within the RAQS. As a result, full development under the RM-2-6 zone would not result in a cumulatively considerable contribution to pollutant emissions and would result in a less than significant impact under CEQA.

Significance of Impacts

Although the project proposes development greater than that anticipated in the Otay Mesa community Plan at this particular site, the project would be providing needed housing units to accommodate planned growth in the region. Considering the shortage of housing and that the City is not meeting the assumed housing unit growth needed to meet planned population growth needs, the project would not be bringing new population to the City but instead would accommodate planned growth. As such, no additional physical impact related to increased emissions beyond that assumed in the RAQS would result from the proposed project and the project would not conflict with the SIP or RAQS. The project would also implement SDAPCD's Rules and policies and goals of the General Plan, and emissions would be below air quality standards threshold as discussed below. Impacts would be less than significant.

Mitigation Measures

Mitigation would not be required.

5.3.3.2 Issue 2 and Issue 5

Issue 2 *Would the project result in a violation of any air quality standard or contribute substantially to an existing or projected air quality violation?*

Issue 5 *Would the project exceed 100 pounds per day of Particulate Matter (PM) dust?*

Impact Threshold

A significant adverse air quality impact may occur when a project individually or cumulatively interferes with progress toward the attainment of the ozone standard by generating emissions that

equal or exceed the established long-term quantitative thresholds for pollutants or exceed a Federal or State ambient air quality standard for any criteria pollutant.

Table 5.3-4. Significance Criteria for Air Quality Impacts

| Pollutant | Daily Threshold (Lb/Day) | Annual Threshold (Tons/Year) |
|---------------------------------------------------|--------------------------|------------------------------|
| Respirable Particulate Matter (PM ₁₀) | 100 | 15 |
| Fine Particulate Matter (PM _{2.5}) | 67 | 10 |
| Oxides of Nitrogen (NO _x) | 250 | 40 |
| Oxides of Sulfur (SO _x) | 250 | 40 |
| Carbon Monoxide (CO) | 550 | 100 |
| Reactive Organic Gases (ROG) ¹ | 137 | 15 |
| Toxic Air Contaminants | | |
| Cancer Risk Threshold | 10 in one million | |
| Non-cancer Chronic and Acute Risk Threshold | 1.0 HHI | |

Sources: SDAPCD Rule 20.2; City of San Diego CEQA Thresholds (City of SD 2022); SDAPCD 2022.

1. For purpose of this analysis, Reactive Organic Gases (ROGs) are considered to be equivalent to Volatile Organic Compounds (VOCs).

Analysis

Construction Emissions

Construction of the development would generate temporary air pollutant emissions. These impacts are associated with fugitive dust (PM₁₀ and PM_{2.5}) from soil disturbance and exhaust emissions (NO_x, CO, and SO₂) from heavy construction vehicles. As noted, construction would generally consist of demolition, site preparation and lot grading, construction of the buildings and related improvements, and the application of architectural coating (painting). Table 5.3-5, *Construction Schedule for the Palm & Hollister Apartments Project*, shows the construction schedule assumed for each of the construction phases at the site. A five-day workweek was assumed with no overlap between the construction phases. CalEEMod default values were assumed for the number and types of construction phase.

Table 5.3-5. Construction Schedule for the Palm & Hollister Apartments Project

| Construction Phase | Estimated Dates |
|------------------------------|--------------------------------------|
| Demolition | June 1, 2023 – June 30, 2023 |
| Site Preparation | July 3, 2023 – October 27, 2023 |
| Grading | October 30, 2023 – February 28, 2024 |
| Building Construction | March 1, 2024 – April 30, 2025 |
| Paving/Architectural Coating | May 1, 2025 – June 30, 2025 |

Source: Appendix E

Site preparation, and grading would involve the greatest concentration of heavy equipment use and the highest potential for fugitive dust emissions. The project would be required to comply with SDAPCD Rule 55, which identifies fugitive dust standards and is required to be implemented at all construction sites located within the SDAB. Therefore, the following standard conditions, which are

required to reduce fugitive dust emissions, were included in emissions modeling for site preparation and grading phases of construction:

Minimization of Disturbance. Construction contractors should minimize the area disturbed by clearing, grading, earth moving, or excavation operations to prevent excessive amounts of dust.

- 1. Soil Treatment.** Construction contractors should treat all graded and excavated material, exposed soil areas and active portions of the construction site, including unpaved on-site roadways to minimize fugitive dust. Treatment shall include, but not necessarily be limited to, periodic watering, application of environmentally safe soil stabilization materials, and/or roll compaction as appropriate. Watering shall be done as often as necessary, and at least three times daily, preferably at the start of each morning and after work is done for the day. For modeling purposes, it was assumed that watering would occur three times daily, during the construction of this development.
- 2. Soil Stabilization.** Construction contractors should monitor all graded and/or excavated inactive areas of the construction site at least weekly for dust stabilization. Soil stabilization methods, such as water and roll compaction, and environmentally safe dust control materials shall be applied to portions of the construction site that are inactive for over four days. If no further grading or excavation operations are planned for the area, the area shall be seeded and watered until landscape growth is evident, or periodically treated with environmentally safe dust suppressants, to prevent excessive fugitive dust.
- 3. No Grading During High Winds.** Construction contractors should stop all clearing, grading, earth moving, and excavation operations during periods of high winds.
- 4. Street Sweeping.** Construction contractors should sweep all on-site driveways and adjacent streets and roads at least once per day, preferably at the end of the day, if visible soil material is carried over to adjacent streets and roads.
- 5. Architectural Coatings.** Construction contractors shall use low-VOC paint (50 g/l for interior and exterior coatings for residential and non-residential buildings, and 100 g/l for parking lot paint) as required by SDAPCD Rule 67.0.1, which became effective on January 1, 2022.

For the purpose of estimating emissions, it was assumed that 5.5 acres of the 5.92-acre parcel would be disturbed and developed for overall construction. As noted, construction would generally consist of demolition, site preparation, grading, building construction, paving, and application of architectural coatings (painting).

As stated above, site preparation and grading would involve the greatest concentration of heavy equipment use and the highest potential for fugitive dust emissions. Soil needed for cut and fill activities on the site due to site preparation and grading would require import of 23,500 cubic yards of soil. In addition, grading would involve 15,000 cubic yards of cut at depths up to 13 feet. Any development would be required to comply with SDAPCD Rule 55, which identifies fugitive dust standards and is required to be implemented at all construction sites located within the SDAB.

Construction is assumed to begin in late 2023 with the start of site grading. Building construction would begin about May 2024. First units would become available for lease in September/October 2025 and anticipated to be fully leased by May 2026. Because the construction of both scenarios (partial buildout and full buildout) are almost identical, the emissions of criteria pollutants are almost identical. For this reason, Table 5.3-6, *Maximum Daily Construction Emissions*, shows modeled maximum daily emissions occurring during the construction period at the site for the scenario with the higher emissions (full buildout scenario), with a comparison of daily impacts to the City of San Diego CEQA screening level thresholds. Table 5.3-7, *Maximum Annual Construction Emissions*, shows modeled maximum annual impacts of criteria pollutants at the project site by year throughout the assumed construction period for the full buildout scenario, with a comparison of each year’s annual impacts to the City of San Diego CEQA screening level thresholds.

As shown in Tables 5.3-6 and 5.3-7, all criteria pollutant emissions are below the daily and annual screening level thresholds, as analyzed for each year of construction of the full buildout scenario.

Table 5.3-6. Maximum Daily Construction Emissions – Full Buildout

| Year | ROG | NOx | CO | SO ₂ | Total PM ₁₀ | Total PM _{2.5} |
|-------------------------------------|------------|------------|------------|-----------------|------------------------|-------------------------|
| | lb/day | | | | | |
| 2023 | 2.71 | 27.6 | 20.0 | 0.05 | 8.56 | 5.09 |
| 2024 | 1.92 | 21.6 | 19.9 | 0.05 | 3.93 | 2.20 |
| 2025 | 25.5 | 13.7 | 19.6 | 0.04 | 1.93 | 0.88 |
| Screening Threshold (lb/day) | 137 | 250 | 550 | 250 | 100 | 67 |
| Exceeds Threshold? (Yes/No)? | No | No | No | No | No | No |

See Appendix A of Air Quality Report for CalEEMod ver. 2020.4.0 computer model output for the daily emissions shown. The higher lb/day value between Winter and Summer results is shown for each pollutant.

Source Appendix E.

Table 5.3-7. Maximum Annual Construction Emissions – Full Buildout

| Year | ROG | NOx | CO | SO ₂ | PM ₁₀ | PM _{2.5} |
|-------------------------------------|-----------|-----------|------------|-----------------|------------------|-------------------|
| | tons/year | | | | | |
| 2023 | 0.18 | 1.91 | 1.38 | 0.003 | 0.47 | 0.28 |
| 2024 | 0.24 | 2.07 | 2.50 | 0.006 | 0.30 | 0.15 |
| 2025 | 0.62 | 0.80 | 1.21 | 0.002 | 0.10 | 0.05 |
| Screening Threshold (lb/day) | 15 | 40 | 100 | 40 | 15 | 10 |
| Exceeds Threshold? (Yes/No)? | No | No | No | No | No | No |

See Appendix A of Air Quality Report for CalEEMod ver. 2020.4.0 computer model output for the annual emissions shown

Source: Appendix E.

Operational Emissions

Operational emissions would include emissions from electricity consumption (energy sources), vehicle trips (mobile sources), area sources, landscape equipment, and evaporative emissions as the

structures are repainted over the life of the development. The majority of operational emissions are associated with vehicle trips to and from the site. Average daily trips (ADTs) from the Local Mobility Analysis (MBI 2023) were used in the CalEEMod modeling. Table 5.3-8, *Maximum Daily Operational Emissions – Full Buildout*, and Table 5.3-9, *Maximum Annual Operational Emissions - Full Buildout*, summarize emissions associated with operation of the project site at full buildout. Tables 5.3-10, *Maximum Daily Operational Emissions – Partial Buildout*, and 5.3-11 *Maximum Annual Operational Emissions – Partial Buildout* summarize emissions associated with operation of the project site at partial buildout.

Table 5.3-8. Maximum Daily Operational Emissions – Full Buildout

| Category | ROG | NOx | CO | SO ₂ | PM ₁₀ | PM _{2.5} |
|-------------------------------------|-------------|-------------|-------------|-----------------|------------------|-------------------|
| | lb/day | | | | | |
| Area (Total) | 5.30 | 0.33 | 17.0 | 0.002 | 0.11 | 0.11 |
| Energy (Natural Gas) | 0.05 | 0.40 | 0.18 | 0.003 | 0.03 | 0.03 |
| Mobile (Total) | 2.85 | 3.06 | 26.1 | 0.05 | 6.06 | 1.64 |
| Total | 8.20 | 3.79 | 43.3 | 0.06 | 6.20 | 1.78 |
| Screening Threshold (lb/day) | 137 | 250 | 550 | 250 | 100 | 67 |
| Exceeds Threshold? (Yes/No)? | No | No | No | No | No | No |

See Appendix A of Air Quality Report for CalEEMod ver. 2020.4.0 computer model output. The higher lb/day value between Winter and Summer results is shown for each pollutant.

Source: Appendix E

Table 5.3-9. Maximum Annual Operational Emissions – Full Buildout

| Category | ROG | NOx | CO | SO ₂ | PM ₁₀ | PM _{2.5} |
|-------------------------------------|-------------|-------------|-------------|-----------------|------------------|-------------------|
| | lb/day | | | | | |
| Area (Total) | 0.92 | 0.03 | 1.53 | 0.0002 | 0.009 | 0.009 |
| Energy (Natural Gas) | 0.008 | 0.07 | 0.03 | 0.0005 | 0.006 | 0.006 |
| Mobile (Total) | 0.51 | 0.55 | 4.64 | 0.01 | 1.08 | 0.29 |
| Total | 1.44 | 0.65 | 6.21 | 0.01 | 1.09 | 0.31 |
| Screening Threshold (lb/day) | 15 | 40 | 100 | 40 | 15 | 10 |
| Exceeds Threshold? (Yes/No)? | No | No | No | No | No | No |

See Appendix A of Air Quality Report for CalEEMod ver. 2020.4.0 computer model output

Source: Appendix E

Table 5.3-10. Maximum Daily Operational Emissions – Partial Buildout

| Category | ROG | NOx | CO | SO ₂ | PM ₁₀ | PM _{2.5} |
|-------------------------------------|-------------|-------------|-------------|-----------------|------------------|-------------------|
| | lb/day | | | | | |
| Area (Total) | 5.10 | 0.32 | 16.4 | 0.002 | 0.10 | 0.10 |
| Energy (Natural Gas) | 0.04 | 0.38 | 0.17 | 0.002 | 0.03 | 0.03 |
| Mobile (Total) | 2.82 | 2.94 | 25.0 | 0.05 | 5.82 | 1.58 |
| Total | 7.96 | 3.65 | 41.6 | 0.06 | 5.96 | 1.71 |
| Screening Threshold (lb/day) | 137 | 250 | 550 | 250 | 100 | 67 |
| Exceeds Threshold? (Yes/No)? | No | No | No | No | No | No |

See Appendix A of Air Quality Report for CalEEMod ver. 2020.4.0 computer model output. The higher lb/day value between Winter and Summer results is shown for each pollutant.

Source: Appendix E

Table 5.3-11. Maximum Annual Operational Emissions – Partial Buildout

| Category | ROG | NOx | CO | SO ₂ | PM ₁₀ | PM _{2.5} |
|-------------------------------------|-------------|-------------|-------------|-----------------|------------------|-------------------|
| | lb/day | | | | | |
| Area (Total) | 0.88 | 0.03 | 1.47 | 0.0002 | 0.009 | 0.009 |
| Energy (Natural Gas) | 0.008 | 0.07 | 0.03 | 0.0005 | 0.006 | 0.006 |
| Mobile (Total) | 0.49 | 0.53 | 4.46 | 0.01 | 1.04 | 0.28 |
| Total | 1.38 | 0.63 | 5.97 | 0.01 | 1.05 | 0.30 |
| Screening Threshold (lb/day) | 15 | 40 | 100 | 40 | 15 | 10 |
| Exceeds Threshold? (Yes/No)? | No | No | No | No | No | No |

See Appendix A of Air Quality Report for CalEEMod ver. 2020.4.0 computer model output

Source: Appendix E

As shown in Tables 5.3-8 and 5.3-9, the operational emissions associated with full buildout of this development would not exceed the City of San Diego CEQA screening level thresholds for ROG, NOx, CO, SOx, PM₁₀ or PM_{2.5}. Table 5.3-10 and 5.3-11 show that operational emissions associated with partial buildout of the development are slightly lower than those for full buildout.

Relative to full buildout of the proposed zone, Residential Multiple (RM-2-6), like the project impacts would be less than significant. The RM-2-6 zone permits a maximum density of one dwelling unit for each 1,250 square feet of lot area, which would permit up to a maximum density of 34.85 du/ac and would support up to 206 dwelling units, or eight additional units, on the proposed project site. Adding eight dwelling units would not be substantially different than what would occur with the project as proposed, because emissions of criteria pollutants for full buildout of the project site are only slightly higher or identical to emissions for partial buildout of the project site, and both scenarios would be below the City's air quality thresholds for construction and operations.

Additionally, requirements that have been made conditions of approval for the discretionary actions associated with the project requiring compliance with SDAPCD Rule 55 would not occur. Thus, impacts would be significant regarding fugitive dust generation during construction.

Regarding long-term cumulative operational emissions in relation to consistency with local air quality plans, the SIP and RAQS serve as the primary air quality planning documents for the state and SDAB, respectively.

Significance of Impacts

Construction of the proposed project would not exceed the SDAPCD regional daily and annual construction emission thresholds for criteria pollutant emissions, including PM₁₀. Air quality impacts related to construction emissions would be less than significant.

Emissions of all criteria pollutants from project operation are below all applicable daily and annual screening thresholds of significance, including PM₁₀. Therefore, air quality impacts related to operational emissions would be less than significant.

Mitigation Measures

No mitigation measures are required.

5.3.3.3 Issue 3

Issue 3 *Would the project result in exposing sensitive receptors to substantial pollutant concentrations?*

Impact Threshold

Based on the City's Threshold, a project would have a potentially significant air quality environmental impact if it would:

- Expose sensitive receptors (including, but not limited to, residences, schools, hospitals, resident care facilities, or day-care centers) to substantial pollutant concentrations

Analysis

Based on a desktop review of the project vicinity, the adjacent sensitive receptors are the residents of La Paloma Mobile Estates (approximately 35 meters south of the center of the project site); the workers and children/students at the Ocean View Christian Academy Preschool and K-12 school located approximately 85 meters southeast of the center of the project site; and a single-family house located approximately 230 meters southwest of the center of the project site. Additionally, the MTS Palm Avenue Trolley Station project is proposed for development south of the project site.

TACs that would potentially be emitted during construction activities would be DPM emitted from heavy-duty construction equipment and heavy-duty trucks. DPM has established cancer risk factors and relative exposure values for long-term chronic health hazard impacts. According to the OEHHA, health risk assessments (HRAs) should be based on a 30-year exposure duration based on typical residency period; however, such assessments should be limited to the period/duration of activities associated with the project (OEHHA 2015). Thus, the duration of proposed construction activities

(approximately 24 months) would only constitute a small percentage of the total long-term exposure period and would not result in exposure of proximate sensitive receptors to substantial TACs. After proposed construction is completed, there would be no long-term source of TAC emissions during operations.

A screening HRA to evaluate the health risk from diesel exhaust emissions due to construction activities was performed using Lakes Software AERSCREEN View, version 4.0.0. A single rectangular area source covering the entire project site was used in AERSCREEN to model concentrations of DPM at nearby off-site receptors. The modeling parameters are shown in Table 5.3-12, *AERSCREEN Modeling Parameters*.

Table 5.3-12. AERSCREEN Modeling Parameters

| Parameter | Details |
|-------------------------------------|--------------------------------------------------------------------------------------------------|
| Source Type | AREA RECT |
| Source Elevation | 14 meters |
| Release Height | 5 meters |
| Initial Vertical Dimension | 1.16 meters |
| Dispersion Option | Urban (Population of Otay Mesa Nestor = 66,032) |
| Emission Rate | 1 g/sec |
| Meteorology Parameters | Min. Temp. = 277 K Max. Temp. = 303 K Min. Wind Speed = 0.5 m/sec Anemometer Ht. = 10 m |
| Surface Characteristics | User Specified: Land Use Type = Desert Shrubland, Annual Avg. |
| Flagpole Receptors? | No |
| Min. Distance to Ambient Air | Distance from Center of Source to Fenceline = 30 meters |
| Max. Distance to Downwind Receptors | 500 meters |
| Additional Receptors | 35 meters, 85 meters, and 230 meters |
| Fumigation Options | None |

Source: Appendix E

Table 5.3-13, *Screening HRA Risk Impacts from Construction DPM*, summarizes modeled cancer and chronic risk impacts and compares them to SDAPCD significance thresholds. Cancer and chronic risk calculations and AERSCREEN output are included in Appendix C of the Air Quality Technical Report. As shown, non-cancer chronic risk impacts at off-site sensitive receptors are well below the SDAPCD significance thresholds. However, cancer risk impacts to residents at La Paloma, residents at a single-family house southwest of the site, students/children at Ocean View School, and future residents, employees, and daycare children at the MTS Palm Avenue Trolley Station project would exceed the 1- in a million cancer risk.

Operational emissions from the proposed residential uses would be negligible and would not have the potential to impact sensitive receptors.

Table 5.3-13. Screening HRA Risk Impacts from Construction DPM

| Receptor | Risk Results | Threshold | Exceed Threshold? |
|---------------------------------------------------|---------------------|-------------------|-------------------|
| Resident 30-year Cancer Risk | | | |
| Resident at La Paloma | 53.6 in one million | 10 in one million | Yes |
| Resident at Single Family House Southwest of Site | 33.8 in one million | | Yes |
| Student/Child at Ocean View School | 11.1 in one million | | Yes |
| Worker 25-year Cancer Risk | | | |
| Worker at Ocean View School | 3.40 in one million | 10 in one million | No |
| Non-cancer Chronic Risk | | | |
| Resident at La Paloma | 0.03 | 1.0 HI | No |
| Resident at Single Family House Southwest of Site | 0.02 | | No |
| Worker/Child at Ocean View School | 0.03 | | No |

Source: Appendix E

Based on the City's Significance Determination Thresholds (City of San Diego 2022), a residential project has potential to result in a CO hotspot that could create health concerns if it would generate traffic equivalent to 950 single-family units (9,500 ADT) or cause a roadway to deteriorate to LOS E or worse. The project would include 198 units and would generate up to 1,070 ADT (MBI 2023). In combination with the adjacent ~~390~~504 units of the Palm Avenue Transit Oriented Development (TOD) project that would generate ~~2,462~~2,722 ADT, this access roadway would not exceed 9,500 ADT and is not anticipated to result in a CO hotspot. As indicated in the Local Mobility Analysis (MBI 2023), the I-5 ramps at Palm Avenue, Palm Avenue and Hollister Street intersection and Palm Avenue and Harris Avenue-MTS Access operate at LOS D or better overall in the opening year 2024 plus Project conditions. Thus, the project is not anticipated to result in a CO hotspot.

The RM-2-6 zone permits a maximum density of one dwelling unit for each 1,250 square feet of lot area, which would permit up to a maximum density of 34.85 du/ac and would support up to 206 dwelling units, or eight additional units, on the proposed project site. As stated above, the nearest sensitive receptor to the project is the La Paloma mobile homes development that is adjacent to the access road to the project site, as well children/students at the Ocean View Christian Academy Preschool and K-12 school located approximately 85 meters southeast of the center of the project site; and a single-family house located approximately 230 meters southwest of the center of the project site. Additionally, the MTS Palm Avenue Trolley Station project is proposed for development south of the project site. Development under the RM-2-6 zone would allow 206 residential units and would generate up to 1,112 ADT (MBI 2023). In combination with the adjacent ~~390~~504 units of the

Palm Avenue Transit Oriented Development (TOD) project that would generate ~~2,722~~ ~~2,462~~ ADT, this access roadway would not exceed 9,500 ADT and is not anticipated to result in a CO hotspot.

Relative to DPM emissions associated with project construction, full buildout of the proposed zone, Residential Multiple (RM-2-6), like the project would be significant. However, if development were to occur ministerially in accordance with the RM-2-6 zone and without a discretionary action and, therefore, CEQA review, an air quality analysis would not be required and there would be no requirement for mitigation relative to cancer risk impacts due to DPM emissions from construction activities. Thus, with regard to DMP emissions, impacts would be significant and unmitigated.

Significance of Impacts

The project would not result in a CO hotspot and impacts would be less than significant. The project would expose sensitive receptors to substitutional pollutant concentrations specifically, DPM emissions associated with project construction. Impacts from construction-related DPM emissions would be significant.

Mitigation Measures

To reduce impacts to below a level of significance, the project would implement Mitigation Measure AQ-1:

Mitigation Measure AQ-1: Prior to the Notice to Proceed (NTP) for any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits, the Development Services Department (DSD) Director's Environmental Designee shall verify the construction plans include a note requiring the Owner/Permittee reduce diesel exhaust emissions from all construction equipment greater than 100 hp with use of Tier 4 Final equipment, including equipment with an installed diesel particulate filter (DPF). Construction equipment greater than 100 hp that is certified less than Tier 4 Final may only be used if unavailable from vendors, in which case equipment with DPFs installed shall be used whenever possible and other measures shall be employed to reduce DPM emissions to achieve a below 10 in one million cancer risk from construction DPM to the satisfaction of the Mitigation Monitoring Coordinator. Such additional measures may include, but would not be limited to, reduction in the number and/or horsepower rating of construction equipment and use of construction haul trucks that utilize cleaner vehicle fuel (generates less DPM).

Significance of Impacts with Mitigation Measures

Cancer risk thresholds are exceeded at three nearby sensitive receptor locations, and DPM emissions associated with project construction would need to be reduced by approximately 85 percent to avoid the significant impact. As indicated above in Mitigation Measure AQ-1, the project proposes to utilize Tier 4 equipment instead of Tier 2 or 3 equipment to reduce cancer risk. To demonstrate how the use of Tier 4 equipment affects cancer risk impacts at off-site sensitive

receptors, a CalEEMod run was completed (Table 5.13-14, *Screening HRA Risk Impacts from Construction DPM with Mitigation*). This Tier 4 CalEEMod run shows that this mitigation measure reduces exhaust PM_{2.5} emissions by 91.5 percent, which exceeds the minimum 85 percent reduction needed to reduce cancer impacts to below the significance threshold. With Mitigation Measure AQ-1 in place to reduce DPM emissions from construction, the off-site sensitive receptors would not be exposed to significant cancer or chronic risk impacts. With implementation of Mitigation Measure AQ-1, impacts would be less than significant.

Table 5.3-14. Screening HRA Risk Impacts from Construction DPM with Mitigation

| Receptor | Risk Results | Threshold | Exceed Threshold? |
|---------------------------------------------------|---------------------|-------------------|-------------------|
| Resident 30-year Cancer Risk | | | |
| Resident at La Paloma | 5.09 in one million | 10 in one million | No |
| Resident at Single Family House Southwest of Site | 3.21 in one million | | No |
| Student/Child at Ocean View School | 1.05 in one million | | No |
| Worker 25-year Cancer Risk | | | |
| Worker at Ocean View School | 0.32 in one million | 10 in one million | No |

Source: Appendix E

The proposed CPA and Rezone would allow for the site to be developed in the future with up to 206 residential units ministerially. If development were to occur ministerially in accordance with the RM-2-6 zone and without a discretionary action and, therefore, CEQA review, an air quality analysis would not be required and there would be no requirement for mitigation relative to cancer risk impacts due to DPM emissions from construction activities. As there would be no mechanism to require future ministerial development projects on the site to implement mitigation to reduce the potentially significant air quality impact, this impact would remain significant.

5.3.3.4 Issue 4

Issue 4 Would the project create objectionable odors affecting a substantial number of people?

Impact Threshold

Per the City's Thresholds, determining the significance of potential odor impacts should be based on what is known about the quantity of the odor compound(s) that would result from the project's proposed use(s), the types of neighboring uses potentially affected, the distance(s) between the project's point source(s) and the neighboring uses such as sensitive receptors, and the resultant concentration(s) at receptors.

For a project proposing placement of sensitive receptors near an existing odor source, a significant odor impact will be identified if the project site is closer to the odor source than any existing sensitive receptor where there has been more than one confirmed or three confirmed complaints

per year (averaged over a three-week period) about the odor source. Projects proposing placement of sensitive receptors near a source of odors where there are currently no nearby existing receptors, the determination of significance should be based on the distance and frequency at which odor complaints from the public have occurred in the vicinity of a similar odor source at another location.

Analysis

The closest sensitive receptors to the project site are the single-family housing community, located directly south of the project site, and children at the Ocean View Christian Academy, also directly south of the project site.

Construction of the project would involve the use of diesel-powered construction equipment. Diesel exhaust odors may be noticeable temporarily at adjacent properties; however, construction activities would be temporary and are not considered significant. The proposed future residential land use designation of the site would not include industrial or agricultural uses that are typically associated with objectionable odors. The project site is located about 100 feet south of an existing plant nursery, separated by a row of trees and a paved 2-lane road. Typical odors from plant nurseries, such as moist soil and tree/flower odors, are not deemed offensive to most people. The row of trees that separates the nursery from the road and project site also act to buffer odor impacts at the project site, as odors would dissipate. Prevailing winds in the area are from offshore (west to east) which blow perpendicular to the project site, and not from the nursery toward the project site. Therefore, impacts associated with objectionable odors would be less than significant.

The RM-2-6 zone permits a maximum density of one dwelling unit for each 1,250 square feet of lot area, which would permit up to a maximum density of 34.85 du/ac and would support up to 206 dwelling units, or eight additional units, on the proposed project site. Like the project, development under the RM-2-6 zone would not result in impacts due to objectionable odors. Diesel exhaust odors from construction activities would be temporary and are not considered significant. Impacts would be less than significant.

Significance of Impacts

The project would not result in significant air quality impacts associated with odors.

Mitigation Measures

Mitigation would not be required.

5.3.3.5 Issue 6

Issue 6 Would the project result in substantial alteration of air movements in the area of the project?

Impact Threshold

Impacts would be significant if the project results in a substantial alteration of air movement in the area of the project.

Analysis

A project that places high structures in proximity to one-another can result in tunneling of air movement in an area that was previously unobstructed. Surrounding land uses include the Palm Avenue Trolley Station and a mobile home park to the south and open space to the north. Commercial uses up to two stories are located to the west across Hollister Street. The project would construct 13 residential structures ranging in height from 26 feet to 39 feet. The project would also provide recreational amenity areas on the north- west, -central and -east portions of the project site, as well as a pedestrian trail along the northern property line. These open areas would help to retain general air flow patterns and result in air flow that would follow natural geographic patterns through the project site. The project buildings would not be substantially tall in height and the building layout would not result in air-flow issues. The project would not result in substantial alteration of air movement.

Significance of Impacts

Impacts relating to substantial alternations of air movement would be less than significant.

Mitigation Measures

Mitigation would not be required.

Table 5.3-3. National and State Ambient Air Quality Standards

| Pollutant | Averaging Time | California Standards ¹ | | National Standards ² | | |
|----------------------------------------------------------------------|----------------------------|---------------------------------------|--------------------------------------------------------------|-------------------------------------------------|--------------------------------------|---------------------------------------------------------------------------------|
| | | Concentration ³ | Method ⁴ | Primary ^{3,5} | Secondary ^{3,6} | Method ⁷ |
| Ozone (O ₃) ⁸ | 1-hour | 0.09 ppm (180 µg/m ³) | Ultraviolet Photometry | -- | Same as Primary Standard | Ultraviolet Photometry |
| | 8-hour | 0.070 ppm (137 µg/m ³) | | 0.070 ppm (137 µg/m ³) | | |
| Respirable Particulate Matter (PM ₁₀) ⁹ | 24-Hour | 50 µg/m ³ | Gravimetric or Beta Attenuation | 150 µg/m ³ | Same as Primary Standard | Inertial Separation and Gravimetric Analysis |
| | Annual Arithmetic Mean | 20 µg/m ³ | | -- | | |
| Fine Particulate Matter (PM _{2.5}) ⁹ | 24-Hour | -- | -- | 35 µg/m ³ | Same as Primary Standard | Inertial Separation and Gravimetric Analysis |
| | Annual Arithmetic Mean | 12 µg/m ³ | Gravimetric or Beta Attenuation | 12.0 µg/m ³ | | |
| Carbon Monoxide (CO) ¹⁰ | 1-Hour | 20 ppm (23 mg/m ³) | Non-Dispersive Infrared Photometry (NDIR) | 35 ppm (40 mg/m ³) | -- | Non-Dispersive Infrared Photometry (NDIR) |
| | 8-Hour | 9.0 ppm (10 mg/m ³) | | 9 ppm (10 mg/m ³) | -- | |
| | 8-Hour (Lake Tahoe) | 6 ppm (7 mg/m ³) | | -- | -- | |
| Nitrogen Dioxide (NO ₂) ¹⁰ | 1-Hour | 0.18 ppm (339 µg/m ³) | Gas Phase Chemiluminesc e | 100 ppb (188 µg/m ³) | -- | Gas Phase Chemiluminescence |
| | Annual Arithmetic Mean | 0.030 ppm (57 µg/m ³) | | 0.053 ppm (100 µg/m ³) | Same as Primary Standard | |
| Sulfur Dioxide (SO ₂) ¹¹ | 1-Hour | 0.25 ppm (655 µg/m ³) | Ultraviolet Fluorescence | 75 ppb (196 µg/m ³) | -- | Ultraviolet Fluorescence; Spectrophotometry (Pararosaniline Method) |
| | 3-Hour | -- | | -- | 0.5 ppm (1300 µg/m ³) | |
| | 24-Hour | 0.04 ppm (105 µg/m ³) | | 0.14 ppm (for certain areas) | -- | |
| | Annual Arithmetic Mean | -- | | 0.030 ppm (for certain areas) | -- | |
| Lead ^{12,13} | 30-day Average | 1.5 µg/m ³ | Atomic Absorption | -- | -- | High Volume Sampler and Atomic Absorption |
| | Calendar Quarter | -- | | 1.5 µg/m ³ (for certain areas) | Same as Primary Standard | |
| | Rolling 3-Month Average | -- | | 0.15 µg/m ³ | | |
| Visibility Reducing Particles ¹⁴ | 8-Hour | -- | Beta Attenuation and Transmittance through Filter Tape | No National Standards | | |

| Pollutant | Averaging Time | California Standards ¹ | | National Standards ² | | |
|------------------------------|----------------|-------------------------------------|--------------------------|---------------------------------|--------------------------|---------------------|
| | | Concentration ³ | Method ⁴ | Primary ^{3,5} | Secondary ^{3,6} | Method ⁷ |
| Sulfates | 24-Hour | 25 µg/m ³ | Ion Chromatography | | | |
| Hydrogen Sulfide | 1-Hour | 0.03 ppm (42 µg/m ³) | Ultraviolet Fluorescence | | | |
| Vinyl Chloride ¹² | 24-Hour | 0.01 ppm (26 µg/m ³) | Gas Chromatography | | | |

- California standards for ozone, carbon monoxide (except 8-hour Lake Tahoe), sulfur dioxide (1 and 24 hour), nitrogen dioxide, and particulate matter (PM10, PM2.5, and visibility reducing particles), are values that are not to be exceeded. All others are not to be equaled or exceeded. California ambient air quality standards are listed in the Table of Standards in Section 70200 of Title 17 of the California Code of Regulations.
- National standards (other than ozone, particulate matter, and those based on annual arithmetic mean) are not to be exceeded more than once a year. The ozone standard is attained when the fourth highest 8-hour concentration measured at each site in a year, averaged over three years, is equal to or less than the standard. For PM10, the 24-hour standard is attained when the expected number of days per calendar year with a 24-hour average concentration above 150 µg/m³ is equal to or less than one. For PM2.5, the 24-hour standard is attained when 98 percent of the daily concentrations, averaged over three years, are equal to or less than the standard. Contact the U.S. EPA for further clarification and current national policies.
- Concentration expressed first in units which it was promulgated. Equivalent units given in parenthesis are based upon a reference temperature of 25°C and a reference pressure of 760 torr. Most measurements of air quality are to be corrected to a reference temperature of 25°C and a reference pressure of 760 torr; ppm in this table refers to ppm by volume, or micromoles of pollutant per mole of gas.
- Any equivalent measurement method which can be shown to the satisfaction of the ARB to give equivalent results at or near the level of the air quality standard may be used.
- National Primary Standards: The levels are of air quality necessary, with an adequate margin of safety to protect the public health.
- National Secondary Standards: The levels of air quality necessary to protect the public welfare from any known or anticipated adverse effects of a pollutant.
- Reference method as described by the U.S. EPA An "equivalent method" of measurement may be used but must have a "consistent relationship to the reference method" and must be approved by the U.S. EPA.
- On October 1, 2015, the national 8-hour ozone primary and secondary standards were lowered from 0.075 to 0.070 ppm.
- On December 14, 2012, the national annual PM2.5 primary standard was lowered from 15 µg/m³ to 12.0 µg/m³. The existing national 24-hour PM2.5 standards (primary and secondary) were retained at 35 µg/m³, as was the annual secondary standard of 15 µg/m³. The existing 24-hour PM10 standards (primary and secondary) of 150 µg/m³ also were retained. The form of the annual primary and secondary standards is the annual mean, averaged over 3 years.
- To attain the 1-hour national standard, the 3-year average of the annual 98th percentile of the 1-hour daily maximum concentrations at each site must not exceed 100 ppb. Note that the national 1-hour standard is in units of parts per billion (ppb). California standards are in units of parts per million (ppm). To directly compare the national 1-hour standard to the California standards the units can be converted from ppb to ppm. In this case, the national standard of 100 ppb is identical to 0.100 ppm.
- On June 2, 2010, a new 1-hour SO₂ standard was established and the existing 24-hour and annual primary standards were revoked. To attain the 1-hour national standard, the 3-year average of the annual 99th percentile of the 1-hour daily maximum concentrations at each site must not exceed 75 ppb. The 1971 SO₂ standards (24-hour and annual) remain in effect until one year after an area is designated for the 2010 standard, except that in areas designated nonattainment for the 1971 standards, the 1971 standards remain in effect until implementation plans to attain or maintain the 2010 standards are approved. Note that the national 1-hour standard is in units of parts per billion (ppb). California standards are in units of parts per million (ppm). To directly compare the national 1-hour standard to the California standards the units can be converted from ppb to ppm. In this case, the national standard of 75 ppb is identical to 0.075 ppm.
- The ARB has identified lead and vinyl chloride as 'toxic air contaminant' with no threshold level of exposure for adverse health effects determined. These actions allow for the implementation of control measures at levels below the ambient concentrations specified for these pollutants.
- The national standard for lead was revised on October 15, 2008 to a rolling 3-month average. The 1978 lead standard (1.5 µg/m³ as a quarterly average) remains in effect until one year after an area is designated for the 2008 standard, except that in areas designated nonattainment for the 1978 standard, the 1978 standard remains in effect until implementation plans to attain or maintain the 2008 standard are approved.
- In 1989, the ARB converted both the general statewide 10-mile visibility standard and the Lake Tahoe 30-mile visibility standard to instrumental equivalents, which are "extinction of 0.23 per kilometer" and "extinction of 0.07 per kilometer" for the Statewide and Lake Tahoe Air Basin standards, respectively.
 Source: Appendix E

5.4 Biological Resources

The following section describes the existing biological resources conditions, identifies policies and regulatory requirements applicable to the project, evaluates potential impacts, and identifies mitigation measures, as applicable, related to project implementation. The discussion is based on a *Biological Technical Report* prepared by Alden Environmental Inc. (~~March 22~~ May 2, 2024), which is included as Appendix F.

5.4.1 Existing Conditions

The Palm & Hollister project is located on a 5.92-acre site in the Otay Mesa-Nestor Community Plan area. The project site has been previously graded and is undeveloped, with the exception of a vacant residential structure and out-buildings. To the north of the site lies the Otay Valley Regional Park (OVRP), where a plant nursery and a paved access road to the nursery currently exist. The Metropolitan Transit System (MTS) Blue Line Trolley tracks and the Palm Avenue Trolley Station, SD&AE Railroad, and Hollister Street lie to the west of the site. To the east, the land has been disturbed but is undeveloped and is a part of the OVRP. South of the site lies a baseball diamond associated with Ocean View Christian Academy, an undeveloped lot, a mobile home park, and large parking lots associated with a commercial property and the Palm Avenue Trolley Station. Elevations on site range from 22 feet to 58 feet above mean sea level (AMSL). According to the Natural Resource Conservation Service Soil Survey, the soils on site include Huerhuero loams and Visalia gravelly sandy loam.

The site was surveyed for biological resources on April 22, 2021 by a biologist. The survey consisted of mapping vegetation, searching for special status plant species, compiling lists of plant and animal species observed or detected, and taking representative photographs of the site. Special attention was paid to the northern portion of the site that is within the mapped Multi Habitat Planning Area (MHPA) (i.e., the City's preserve) of the City's Multiple Species Conversation Program (MSCP) Subarea Plan and the Baseline Conservation Area of the City's Vernal Pool Habitat Conservation Plan. Figure 5.4-1, *Biological Resources On-site*, identified the various biological resources occurring on the project site.

No vernal pool resources were found during the site-specific survey (and no impervious soils are mapped on site) and the National Wetland Inventory and National Hydrography Dataset does not show wetland resources on or connected to the site. Therefore, it has been determined that no vernal pool resources are present on site, and the VPHCP does not apply.

Vegetation Communities

The entire site is mapped as disturbed Land and developed as described in Table 5.4-1, *Vegetation Communities/Land Cover Types On-Site*.

Table 5.4-1. Vegetation Communities and Land Cover Types On-Site

| Vegetation Community/ Land Cover Type ¹ | Acres Outside the MHPA | Acres Inside the MHPA | Total Acres |
|-------------------------------------------------------|---------------------------|--------------------------|-------------|
| Disturbed Land (Tier IV) | 3.4 | 2.2 | 5.6 |
| Developed (No tier) | 0.3 | 0.0 | 0.3 |
| TOTAL | 3.7 | 2.2 | 5.9 |

¹Tier IV (other upland) is not considered sensitive by the City. Developed is a land cover type that is not assigned to a tier of sensitivity by the City.

Source: Appendix F

Disturbed Land

Disturbed land includes land cleared of vegetation, containing a preponderance of non-native plant species, or showing signs of past or present usage that does not provide viable wildlife habitat. Almost the entire site is disturbed land that comprises areas cleared and being used as a construction staging area or that supports area predominated by non-native plant species. Typical plant species in disturbed land on site include garland daisy (*Glebionus coronaria*), Hottentot’s fig (*Carpobrotus edulis*), black mustard (*Brassica nigra*), and star thistle (*Centaurea melitensis*). Disturbed land is considered Tier IV (other upland) by the City and is not sensitive.

Developed

Developed land is where permanent structures, landscaping, and/or pavement have been placed, which prevents the growth of native vegetation. On site, developed land is comprised of unoccupied residential buildings and a small area in the site’s southeast corner used for storage. Developed land is not assigned to a tier by the City and is not sensitive.

Plant Species

Thirty-seven species of plants have been observed on site. A list of these plant species is included as Appendix A of the BTR.

Animal Species

Nine species of animals have been observed or detected on-site. A list of these plant species is included as Appendix B of the BTR.

Sensitive Biological Resources

According to City Municipal Code (Chapter 11, Article 3, Division 1) and the City’s Biology Guidelines (City 2018), sensitive biological resources refers to upland and/or wetland areas that meet any one of the following criteria:

- (a) Lands that have been included in the City’s MSCP Preserve (i.e., the MHPA);
- (b) Wetlands;

- (c) Lands outside the MHPA that contain Tier I, Tier II, Tier IIIA, or Tier IIIB habitats;
- (d) Lands supporting species or subspecies listed as rare, endangered, or threatened under Section 670.2 or 670.5, Title 14, California Code of Regulations, or the Federal Endangered Species Act (FESA), Title 50, Code of Federal Regulations, Section 17.11 or 17.12, or candidate species under the California Code of Regulations;
- (e) Lands containing habitats with MSCP Narrow Endemic species as listed in the Biology Guidelines; or
- (f) Lands containing habitats of MSCP Covered Species as listed in the Biology Guidelines.

Sensitive Vegetation Communities

In addition to City Municipal Code (Chapter 11, Article 3, Division 1) and the City's Biology Guidelines (City 2018), sensitive vegetation communities are those considered rare within the region or sensitive by California Department of Fish and Wildlife (CDFW) (Holland 1986). These communities, in any form (e.g., disturbed), are considered sensitive because they have been historically depleted, are naturally uncommon, or support sensitive species. The project site does not support any sensitive vegetation communities.

Sensitive Plant Species

Sensitive plant species are those that are considered federal, state, or California Native Plant Society (CNPS) rare, threatened, or endangered; MSCP Covered Species; or MSCP Narrow Endemic species. More specifically, if a species is designated with any of the following statuses (a-c below), it is considered sensitive per City Municipal Code (Chapter 11, Article 3, Division 1):

- (a) A species or subspecies is listed as rare, endangered, or threatened under Section 670.2 or 670.5, Title 14, California Code of Regulations, or the FESA, Title 50, Code of Federal Regulations, Section 17.11 or 17.12, or candidate species under the California Code of Regulations;
- (b) A species is a Narrow Endemic as listed in the Biology Guidelines in the Land Development Manual; and/or
- (c) A species is a Covered Species as listed in the Biology Guidelines in the Land Development Manual.

A species may also be considered sensitive if it is included in the CNPS Inventory of Rare and Endangered Plants. California Rare Plant Rank 1 includes plants that are rare, threatened or endangered in California. California Rare Plant Rank 2 includes plants that are rare, threatened or endangered in California but more common elsewhere. California Rare Plant Rank 3 includes plants that are eligible for State listing as rare, threatened or endangered. California Rare Plant Rank 4 plants are locally significant but few, if any, are eligible for State listing.

Sensitive plant status is often based on one or more of three distributional attributes: geographic range, habitat specificity, and/or population size. A species that exhibits a small or restricted geographic range (such as those endemic to the region) is geographically rare. A species may be

more or less abundant but occur only in very specific habitats. Lastly, a species may be widespread but exists naturally in small populations.

The database queries returned a single report of special status plant species, *Singlewhorl burrobrush*, potentially from the site in 1936. No sensitive plant species were observed on site, and none are expected to occur due to the disturbed and developed condition of the site.

Sensitive Animal Species

Sensitive animal species are those that are considered Federal or State threatened or endangered; MSCP Covered Species; or MSCP Narrow Endemic species. More specifically, if a species is designated with any of the following statuses (a-c below), it is considered sensitive per City Municipal Code (Chapter 11, Article 3, Division 1):

- (a) A species or subspecies is listed as endangered or threatened under Section 670.2 or 670.5, Title 14, California Code of Regulations, or the FESA, Title 50, Code of Federal Regulations, Section 17.11 or 17.12, or candidate species under the California Code of Regulations;
- (b) A species is a Narrow Endemic as listed in the Biology Guidelines in the Land Development Manual; and/or
- (c) A species is a Covered Species as listed in the Biology Guidelines in the Land Development Manual.

A species may also be considered sensitive if it is included on the CDFW Special Animals List as a State Species of Special Concern, State Watch List species, State Fully Protected species, or Federal Bird of Conservation Concern.

No sensitive animal species were observed on site, and none is likely to occur due to the disturbed and developed condition of the site. Of the sensitive species with any potential to occur, only the burrowing owl was assessed as having a low potential (non-significant) to occur. There are no database records for the burrowing owl within one mile of the site. No burrowing owl or active burrows were observed during the four surveys conducted in late 2019/early 2020 for that project. No potential burrowing owl burrows were observed on the Palm & Hollister site. Most of the site currently supports a graded pad being used as a construction staging area for materials and heavy equipment, and the site was previously used for agricultural uses and is partially developed. Soils on the site are compacted and disturbed from previous agricultural use, current development, and current use as a construction staging area. No burrowing owls or potentially suitable burrows were observed during biological fieldwork. In addition, the adjacent lands are mostly developed and not considered to be burrowing owl habitat (open non-native grassland fields).

The disturbed/developed site also does not support significant foraging or nesting resources for bumble bees, as the site lacks substantial nectar sources and locations for nests. As such, the site is not suitable for the Crotch's bumble bee and the potential for it to occur is low. (Greg Mason

Personal Communication, August 22, 2023). Thus, the site is not significant nesting or foraging habitat for Crotch's bumble bee.

Waters of the U.S., Waters of the State, and City Wetlands

No potential Waters of the U.S., Waters of the State, and/or City Wetlands were found during the literature review of current and historic aerial imagery of the site and its surroundings as well as National Wetland Inventory and National Hydrography Dataset mapping for potential wetlands and waterways on or connected to the site. Additionally, no potential jurisdictional features were found on site during the site survey.

Wildlife Corridors

One of the objectives of the MHPA is to delineate core corridors targeted for conservation while acknowledging that limited development may occur. The MHPA on the project site is shown in Figure 5.4-1, *Biological Resources*, and also depicted on Figure 11 of the MSCP Subarea Plan. This area is included in the MHPA-Southern Area and mapped as agriculture. The site currently supports disturbed and developed land. The site immediately adjacent to the north of the project site (and closer to the Otay River Valley) is an active plant nursery (Terra Bella Nursery, Inc.), which is mapped on the aforementioned Figure 11 as agriculture and developed.

Available aerial imagery of the project site from 1953 through 2016 shows the site as relatively unchanged from its current disturbed and developed condition; although, for many of the years during that period the current disturbed portions of the site were in active agriculture. Portions of the project site (and Terra Bella Nursery) are currently designated open space in the Otay Mesa-Nestor Community Plan, as a result of preserve design serving as resource buffer to Otay River Valley.

The project site is essentially surrounded by existing development and disturbance. The project site does not function as a wildlife corridor and is not part of the Otay River Valley corridor. The site does not provide for wildlife movement.

5.4.2 Regulatory Framework

This section summarizes Federal, State, and local regulations that govern biological resources potentially impacted by the project.

5.4.2.1 Federal Endangered Species Act

Administered by the United State Fish and Wildlife Service (USFWS), the FESA provides the legal framework for the listing and protection of species (and their habitats) that are identified as being endangered or threatened with extinction. Actions that jeopardize endangered or threatened species and the habitats upon which they rely are considered take under the FESA. Section 9(a) of

the FESA defines take as “to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to engage in any such conduct.” “Harm” and “harass” are further defined in Federal regulations and case law to include actions that adversely impair or disrupt a listed species’ behavioral patterns. No Federal-listed species were observed or detected on-site and based on the habitat area and/or conditions on site (disturbed and developed), none is expected to occur.

Migratory Bird Treaty Act

All migratory bird species that are native to the U.S. or its territories are protected under the Federal Migratory Bird Treaty Act (MBTA), as amended under the Migratory Bird Treaty Reform Act of 2004. The MBTA is intended to protect migratory birds but it does not mandate specific protections. Typically, protection of migratory birds through the MBTA is provided through restrictions on disturbance of active bird nests during the nesting season (February 1 to September 15). In addition, the USFWS commonly places restrictions on disturbances allowed near active raptor nests. The project must comply with the MBTA.

Clean Water Act

Pursuant to Section 404 of the Clean Water Act (CWA), United States Army Corps of Engineers (USACE) is authorized to regulate any activity that would result in the discharge of dredged or fill material into jurisdictional waters of the U.S., which include those waters listed in 33 Code of Federal Regulations (CFR) Part 328 (Definitions). USACE, with oversight by Environmental Protection Agency (EPA), has the principal authority to issue CWA Section 404 Permits. Pursuant to Section 401 of the CWA, the Regional Water Quality Control Board (RWQCB), Region 9, certifies that any discharge into jurisdictional waters of the U.S. will comply with State water quality standards. RWQCB, as delegated by EPA, has the principal authority to issue a CWA Section 401 water quality certification or waiver. No potential Waters of the U.S. were identified on or connected to the site.

5.4.2.2 State

California Endangered Species Act

The California Endangered Species Act (ESA) is similar to the FESA in that it contains a process for listing of species and regulating potential impacts to listed species. Section 2081 of the California ESA authorizes the CDFW to enter into a memorandum of agreement for take of listed species for scientific, educational, or management purposes. No State-listed species were observed or detected on site and based on the habitat area and/or conditions on site (disturbed and developed), none is expected to occur.

California Fish and Game Code

California Fish and Game Code (Sections 1600 through 1603) requires a CDFW agreement for projects affecting riparian and wetland habitats (Waters of the State) through issuance of a Streambed Alteration Agreement. The project would not affect any wetland/riparian habitat as none is present. In addition, any project that requires a Section 404 Permit also would require a Water

Quality Certification by the RWQCB under Section 401 of the CWA. The project would not affect any Waters of the U.S. on site that would be subject to Section 401 since none is present.

Pursuant to California Fish and Game Code Section 3503, it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by this code or any regulation made pursuant thereto. Raptors and owls and their active nests are protected by California Fish and Game Code Section 3503.5, which states that it is unlawful to take, possess, or destroy any birds of prey or to take, possess, or destroy the nest or eggs of any such bird unless authorized by the CDFW. Section 3513 states that it is unlawful to take or possess any migratory non-game bird as designated in the MBTA. These regulations could require that construction activities (particularly vegetation removal or construction near nests) be reduced or eliminated during critical phases of the nesting cycle unless surveys by a qualified biologist demonstrate that nests, eggs, or nesting birds will not be disturbed, subject to approval by CDFW and/or USFWS. Avian species protected by California Fish and Game Code may nest on the project site. The project must comply with California Fish and Game Code.

Porter-Cologne Water Quality Control Act of 1970

The Porter-Cologne Water Quality Control Act of 1970 grants the State Water Resource Control Board and its regional offices power to protect water quality and is the primary vehicle for implementation of the State's responsibilities under Section 401 of the Clean Water Act. The Porter-Cologne Act grants the State Water Resource Control Board authority and responsibility to adopt plans and policies, regulate discharges to surface and groundwater, regulate waste disposal sites, and require cleanup of discharges of hazardous materials and other pollutants. Typically, the State Water Resource Control Board and Regional Water Quality Control Board act in concert with the Corps under Section 401 of the Clean Water Act in relation to permitting fill of Waters of the U.S. As indicated above, no Waters of the U.S. are present within the site.

5.4.2.3 Local Multiple Species Conservation Program

The MSCP is a comprehensive habitat conservation planning program for San Diego County. Local jurisdictions, including the City, implement their portions of the MSCP through subarea plans, which describe specific implementing mechanisms. The City's MSCP Subarea Plan, approved in March 1997, is a plan and process for the issuance of permits under the Federal and State Endangered Species Act and the California Natural Communities Conservation Planning Act of 1991. The primary goal of the MSCP Subarea Plan is to conserve viable populations of sensitive species and to conserve regional biodiversity while allowing for reasonable economic growth. In July 1997, the City signed an Implementing Agreement with the USFWS and the CDFW. The Implementing Agreement serves as a binding contract between the City, the USFWS, and the CDFW that identifies the roles and responsibilities of the parties to implement the MSCP and Subarea Plan. The agreement allows the City to issue incidental take authorizations under the provisions of the MSCP. Applicable State and Federal permits are still required for wetland and listed species that are not covered by the MSCP.

Multi-Habitat Planning Area

One of the primary objectives of the MSCP is to identify and maintain a preserve system, which allows for animals and plants to exist at both the local and regional levels. The MSCP has identified large blocks of native habitat having the ability to support a diversity of plant and animal life known as “core biological resource areas.” “Linkages” between these core areas provide for wildlife movement. These lands have been determined to provide the necessary habitat quality, quantity, and connectivity to sustain the unique biodiversity of the San Diego region. Input from responsible agencies and other interested participants resulted in creation of the City’s MHPA. The MHPA is the area within which the permanent MSCP preserve would be assembled and managed for its biological resources. MHPA lands are considered by the City to be sensitive biological resources. In accordance with the MSCP, for parcels located outside the MHPA, there is no limit on encroachments into sensitive biological resources, with the exception of wetlands and listed noncovered species’ habitat. Regardless, impacts to sensitive biological resources are to be assessed, and mitigation, where necessary, must be provided in conformance with the City’s Biology Guidelines (City of San Diego 2018).

To address the integrity of the MHPA, guidelines were developed to manage land uses adjacent to the MHPA. The adjacency guidelines are intended to be addressed on a project-by-project basis either in the planning or management stage. These guidelines address the issues of drainage, toxics, lighting, noise, invasives, brush management, access to MHPA, and grading/land development.

As described above, MHPA lands are those that have been included within the City’s MSCP Subarea Plan for habitat conservation. These lands have been determined to provide the necessary habitat quality, quantity, and connectivity to sustain the unique biodiversity of the San Diego region. MHPA lands are considered by the City to be a sensitive biological resource.

MHPA Land Use Adjacency Guidelines

The MHPA Land Use Adjacency Guidelines are guidelines that will be addressed on a project-by-project basis, during either the planning (new development) or management (new and existing development) stages to minimize land use impacts and maintain the function of the MHPA. These guidelines are in Section 1.4.3 of the City’s MSCP Subarea Plan (March 1997) and include the following issues areas: 1) drainage, 2) toxics, 3) lighting, 4) noise, 5) barriers, 6) invasive species, 7) brush management and 8) grading/land development. For premises that are located within or adjacent to the City’s MHPA, the project must demonstrate compliance with the MHPA land use adjacency guidelines to address potential indirect effects to the MHPA through features incorporated into the project and/or permit conditions.

MHPA Boundary Adjustments

Adjustments to the MHPA and/or preserve boundaries can be made without the need to amend the MSCP Plan or subarea plan if the adjustment will result in the same or higher biological value of the preserve. The determination of biological value of the proposed change is made by the local

jurisdiction and must have the concurrence of the wildlife agencies. No amendment of the subarea plan is needed for an approved equivalent exchange. The comparisons of biological value will be based on the following biological factors:

- Effects on significantly and sufficiently conserved habitats (i.e., the exchange maintains or improves the conservation, configuration, or status of significantly or sufficiently conserved habitats, as defined in Section 4.2.4);
- Effects to covered species (i.e., the exchange maintains or increase the conservation of covered species);
- Effects on habitat linkages and function of preserve area (i.e., the exchange maintains or improves a habitat linkage or wildlife corridor);
- Effects on preserve configuration and management (i.e., the exchange results in similar or improved management efficiency and/or protection for biological resources);
- Effects on ecotones or other conditions affecting species diversity (i.e., the exchange maintains topographic and structural diversity and habitat interfaces of the preserve); and/or
- Effects to the species of concern not on recovered species list (i.e., the exchange does not significantly increase the likelihood that an uncovered species will meet the criteria for listing under either the federal or state Endangered Species Acts).

Any agreed upon modification of the MHPA or preserve boundaries should be reported to the entity responsible for the regional preserve system accounting and to adjacent jurisdiction, if the modification might affect their portion of the preserve.

City of San Diego Environmentally Sensitive Lands Regulations

Mitigation requirements for significant impacts to sensitive biological resources follow the requirements of the City's Biology Guidelines (2018) as outlined in the City's Municipal Code Environmentally Sensitive Lands (ESL) Regulations (Chapter 14, Article 3, Division 1). ESL include sensitive biological resources, steep hillsides, coastal beaches, sensitive coastal bluffs, and 100-year floodplains.

The ESL regulations also specify development requirements inside and outside of the MHPA. The northern portion of the site is mapped within the MHPA. According to ESL regulations, development inside the MHPA must be located in the least sensitive portion of a given site.

Biology Guidelines

The City's Biology Guidelines (2018) have been formulated by the Development Services Department to aid in the implementation and interpretation of the ESL Regulations; San Diego Land Development Code (LDC), Chapter 14, Division 1, Section 143.0101 et seq; and the Open Space Residential (OR-1-2) Zone, Chapter 13, Division 2, Section 131.0201 et seq. Section III of the Biology Guidelines (Biological Impact Analysis and Mitigation Procedures) also serves as standards for the determination of impact and mitigation under California Environmental Quality Act (CEQA). The

Biology Guidelines are the baseline biological standards for processing permits issued pursuant to ESL Regulations.

5.4.3 Impact Analysis

5.4.3.1 Issue 1, Issue 2, and Issue 3

- Issue 1* Would the project result in a substantial adverse impact, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in the MSCP or other local or regional plans, policies or regulations, or by the California Department of Fish and Wildlife (CDFW) or U.S. Fish and Wildlife Service (USFWS)?
- Issue 2* Would the project result in a substantial adverse impact on any Tier I Habitats, Tier II Habitats, Tier IIIA Habitats, or Tier IIIB Habitats as identified in the Biology Guidelines of the Land Development manual or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFW or USFWS?
- Issue 3* Would the project result in a substantial adverse impact on wetlands (including, but not limited to, marsh, vernal pool, riparian, etc.) through direct removal, filling, hydrological interruption, or other means?

Impact Thresholds

According to the City's Significance Determination Thresholds, potential impacts to biological resources are assessed through review of the project's consistency with the City's Environmentally Sensitive Lands Regulations, Biology Guidelines, and MSCP Subarea Plan. Before a determination of the significance of an impact can be made, the presence and nature of the biological resources must be established. Thus, significance determination, pursuant to the City's Significance Determination Thresholds, proceeds in two steps: (1) determine if significant biological resources are present; and (2) determine the sensitivity of identified biological resources in terms of direct, indirect, and cumulative impacts that would result from project implementation.

1. Sensitive biological resources are defined by the City of San Diego Municipal Code (SDMC) as:
 - Lands that have been included in the MHPA as identified in the City of San Diego MSCP Subarea Plan (City of San Diego 1997);
 - Wetlands (as defined by the Municipal Code, Section 113.0103);
 - Lands outside the MHPA that contain Tier I Habitats, Tier II Habitats, Tier IIIA Habitats, or Tier IIIB Habitats as identified in the Biology Guidelines (July 2002 or current edition) of the Land Development manual;
 - Lands supporting species or subspecies listed as rare, endangered, or threatened;
 - Lands containing habitats with narrow endemic species as listed in the Biology Guidelines of the Land Development manual; and
 - Lands containing habitats of covered species as listed in the Biology Guidelines of the Land Development manual.

2. Occurrence of any of the following situations associated with identified biological resources may indicate significant direct and indirect biological impacts.

A. Direct Impacts

- Any encroachment in the MHPA is considered a significant impact to the preservation goals of the MSCP. Any encroachment into the MHPA (in excess of the allowable encroachment by a project) would require a boundary adjustment, which would include a habitat equivalency assessment to ensure that what would be added to the MHPA is at least equivalent to what would be removed.
- Lands containing Tier I, II, IIIA, and IIIB habitats and all wetlands are considered sensitive and declining habitats. Impacts to these resources may be considered significant.
- Impacts to individual sensitive species, outside of any impacts to habitat, may also be considered significant based upon the rarity and extent of impacts. Impacts to State or Federally listed species and all narrow endemics should be considered significant.
- Certain species covered by the MSCP and other species not covered by the MSCP may be considered significant on a case-by-case basis taking into consideration all pertinent information regarding distribution, rarity, and the level of habitat conservation afforded by the MSCP.

B. Indirect Impacts

The Significance Determination Thresholds indicate that depending on the circumstances, indirect effects of a project may be as significant as the direct effects of the project. Indirect effects include, but are not limited to, the following impacts:

- Introduction of urban meso-predators into a biological system
- Introduction of urban runoff into a biological system
- Introduction of invasive exotic plant species into a biological system
- Noise and lighting impacts
- Alteration of a dynamic portion of a system, such as stream flow characteristics or fire cycles
- Loss of a wetland buffer that includes no environmentally sensitive lands.

Analysis

Direct Impacts

Vegetation Communities

Vegetation communities occurring on the project site are shown in Figure 5.4-1, *Biological Resources*. The project would develop the entire 5.92-acre site, directly impacting 5.6 acres of disturbed land and 0.3 acre of developed land. Because disturbed land and developed are not sensitive, the impacts would be less than significant, and no mitigation is required.

As noted in Table 5.4-1, *Vegetation Communities and Land Cover Types On-Site*, 2.2 acres of the 5.92-acre project site, which supports disturbed land, are in the MHPA. Sections 143.0142 and 131.0250(b) of the Land Development Code and pages 13-15 of the City's Biology Guidelines

establish allowable encroachment into the MHPA. Where a project would encroach into the MHPA beyond the allowable development area, as would occur with the proposed project, an MHPA Boundary Line Adjustment is required. Therefore, the project includes an MHPA Boundary Line Adjustment. See discussion below under *Issue 5 and Issue 6* for a discussion of the Boundary Line Adjustment.

Sensitive Plant Species

No impacts to sensitive plant species are anticipated since no sensitive plant species were observed, and none is expected to occur.

Sensitive Animal Species

No sensitive animal species were observed or are expected to occur. Considering the project site conditions, the site is not expected to provide nesting or foraging habitat for the Crotch's bumble bee. In addition, other than one species with low potential to occur (burrowing owl), no sensitive animal species is expected to occur. As there are no sensitive animal species on the site or expected to occur, impacts to sensitive animal species are not anticipated.

Waters of the U.S., Waters of the State, and City Wetlands

No impacts to potential Waters of the U.S., Waters of the State, and/or City Wetlands would occur as none is present. As such, the project does not require agency permitting or City Wetland deviation findings.

Wildlife Corridors

The project site is not a wildlife corridor nor is it part of the Otay River Valley corridor. Therefore, the project would not impact wildlife movement.

Indirect Impacts

Development adjacent to the MHPA must ensure that indirect impacts to the MHPA are minimized. Because the project would occur adjacent to the MHPA located off-site to the north and northwest (following the MHPA Boundary Line Adjustment that is included as a part of the project), conformance with the MSCP's Land Use Adjacency Guidelines, described above in 5.4.2, *Regulatory Setting*, would be required as a condition of approval. See the discussion below under *Issue 5 and Issue 6* for a discussion of the project's indirect impacts to the MHPA and requirements relative to the Land Use Adjacency Guidelines. Like lighting or noise, which are indirect impacts addressed by the Land Use Adjacency Guidelines, indirect impacts of a project may also include the secondary effects of fugitive dust. Fugitive dust produced by construction can disperse onto nearby vegetation. A continual cover of dust may reduce the overall vigor of individual plants by reducing their photosynthetic capabilities and increasing their susceptibility to pests or diseases. This, in turn, could affect animals that are dependent on these plants (e.g., seed-eating rodents). Fugitive dust may also make plants unsuitable as habitats for insects and birds.

Construction of the project would adhere to applicable construction dust control measures prescribed by the City and Air Pollution Control District standards, as detailed in Section 5.3, *Air Quality*. These measures include, for example, reduced driving speeds on unpaved roads and regular watering of dirt surfaces.

Significance of Impacts

The project would not have significant impacts on sensitive vegetation, as none is present. The project would not have significant impacts on sensitive plant or animal species, as none is present or expected to occur. There would be no impacts to potential jurisdictional areas, as none is present.

The project site is adjacent to the MHPA. The project would be required to adhere to the MSCP's Land Use Adjacency Guidelines as a standard condition of approval and would avoid the potential for significant indirect impacts on sensitive biological resources. Impacts on the MHPA would be less than significant.

Mitigation Measures

No mitigation would be required.

5.4.3.2 Issue 4

Issue 4 Would the proposal 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?

Impact Thresholds

In accordance with the City's Significance Determination Thresholds, the project would have a significant impact if it would:

- Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, including linkages identified in the MSCP Plan, or impede the use of native wildlife nursery sites.

Analysis

The project would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, including linkages identified in the MSCP Plan, or impede the use of native wildlife nursery sites. As discussed in Section 5.4-1, the project site is surrounded by existing development and land disturbance. The project site is not a wildlife corridor, nor is it part of the Otay River Valley corridor. The project site does not provide for wildlife movement or serve as a habitat linkage or nursery site for wildlife species.

Significance of Impacts

No direct or indirect impacts to wildlife movement, wildlife corridors, or nursery sites are expected with implementation of the project. No impacts would occur.

Mitigation Measures

Mitigation would not be required.

5.4.3.3 Issue 5 and Issue 6

Issue 5 *Would the proposal conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, other approved local, regional, or state habitat conservation plan, either within the MSCP plan area or in the surrounding region?*

Issue 6 *Would the proposal introduce a land use within an area adjacent to an MHPA that would result in adverse edge effects?*

Impact Threshold

In accordance with the City's Significance Determination Thresholds, the project would have a significant impact if it would:

- Result in a conflict with the provisions of an adopted Habitat Conservation Plan, NCCP, or other approved local, regional, or state habitat conservation plan, either within the MSCP plan area or in the surrounding region;
- Introduce land use within an area adjacent to the MHPA that would result in adverse edge effects.

Analysis

MHPA lands are large blocks of native habitat that have the ability to support a diversity of plant and animal life and, therefore, have been included within the City's Subarea Plan for conservation. The MHPA also delineates core biological resource areas and corridors targeted for conservation as these lands have been determined to provide the necessary habitat quality, quantity, and connectivity to sustain the unique biodiversity of the San Diego region. The northern portion of the site is mapped within the MHPA (Figure 5.4-1, Biological Resources).

While the City's MHPA mapping shows the northern portion of the project site within the MHPA, this area does not contain native habitat with the ability to support a diversity of plant and animal life, and it has not done so since some time prior to the early 1950s. Available aerial imagery of the site from 1953 through 2016 shows the site as relatively unchanged from its current disturbed and developed condition; although, for many of the years during that period the current disturbed portions of the site were in active agriculture. In order to remove the area of the project site from the MHPA, the project proposes an MHPA Boundary Line Adjustment.

Boundary Line Adjustment

Pursuant to Sections 143.0142 and 131.0250(b) of the Land Development Code and pages 13-15 of the City's Biology Guidelines, if a project would encroach into the MHPA beyond the allowable development area, an MHPA boundary line adjustment is required. Under the City's MSCP Subarea Plan, an adjustment to the City's MHPA boundary is allowed only if the new MHPA boundary results in an exchange of lands that are functionally equivalent or higher in biological value.

Approximately 2.2 acres of the 5.9-acre project site, which supports disturbed land, are in the MHPA. The project proposes to develop the entire site; therefore, an MHPA boundary line adjustment is proposed to remove the 2.2 acres of disturbed land from the MHPA on-site and preserve higher quality habitat in the MHPA off-site on the 9.92-acre Najor Parcel (APN 366-031-12) located in the East Elliott preserve area in the City (see Figure 5.4-2). The Najor Parcel is entirely within the MHPA and is designated as 75 percent baseline conservation (25 percent developable). Thus, 2.48 acres of the Najor Parcel would be allowed to be developed. According to San Diego Association of Governments (SANDAG) (2012), the parcel supports coastal scrub and Diegan coastal sage scrub. The National Wetlands Inventory and National Hydrography Dataset show that the parcel supports a riverine feature and stream/river feature, respectively. Database records (USFWS, California Natural Diversity Database, SanBios) of sensitive species on the parcel include willow monardella (*Monardella viminea*; Federal and State endangered), red-diamond rattlesnake (*Crotalus ruber*; State species of special concern), prairie falcon (*Falco mexicanus*; State watch list), and coastal California gnatcatcher (*Polioptila californica californica*; Federal threatened, State species of special concern). The project would result in the additional preservation of preserve the 25 percent developable area to add 2.48~~2~~ acres of land being preserved in the MHPA. The entire 9.92-acre Najor Parcel would be dedicated in-fee title to the City as a condition of approval, and the City would manage and maintain the parcel as a part of the City's preserve system consistent with the MSCP Management Framework Plan and Natural Resource Management Plan for Mission Trails Regional Park (City of San Diego, 2019).

An equivalency analysis for the proposed MHPA removal and the exchange land is provided below and summarized in Table 5.1-4, *MHPA Exchange*.

A determination of functionally equivalent or higher biological value has been conducted based on site-specific information (both quantitative and qualitative) that addresses six boundary adjustment criteria outlined in Section 5.4.3 of the Final MSCP Plan, as presented below.

MHPA Boundary Adjustment Criteria/Equivalency Analysis

1. *Effects on significantly and sufficiently conserved habitats (i.e., the exchange maintains or improves the conservation, configuration, or status of significantly and sufficiently conserved habitats, as defined in Section 3.4.2 [of the MSCP Plan]).*

The project proposes to delete 2.2 acres of disturbed habitat from the MHPA located

~~within the project site, and replace it via preservation of the Najor parcel. The proposed boundary adjustment would result in the preservation of 8.8 acres. The Najor Parcel is located within the 75 percent baseline conservation area and 25 percent would be allowed to be developed. Thus, 2.48 acres of the Najor parcel would be allowed to be developed. Thus, the project would conserve 8.8 acres (4:1 ratio for the 2.2 acres being deleted) the entire 9.92-acre Najor parcel, which would result in an addition of 2.48 acres of preserved sensitive habitat within the MHPA. As the project proposes to offset the deletion of 2.2 acres of disturbed habitat with the additional preservation of 2.48 of Diegan coastal sage scrub and sage scrub habitats in the MHPA, the project boundary line adjustment would result in the conservation of higher quality habitat and an improved habitat preservation configuration recognizing a boundary line adjustment exchange for a property currently located inside the MHPA.~~

2. *Effects on covered species (i.e., the exchange maintains or increases the conservation of covered species).*

The 2.2 acres of disturbed land located on the project site and to be removed do not support any covered or sensitive species. The ~~additional 2.482~~ 2.48 acres of land to be conserved on the Najor Parcel may support one or more covered species, including willow monardella and coastal California gnatcatcher. Therefore, the exchange has potential to increase the conservation of covered species.

3. *Effects on habitat linkages and function of preserve areas (i.e., the exchange maintains or improves any habitat linkages or wildlife corridors).*

As explained in Section 5.5.5, *Wildlife Corridors*, the project site is not a wildlife corridor, nor is it part of the Otay River Valley corridor. Rather, it is designated as a buffer to that corridor; it does not provide for wildlife movement.

The Najor Parcel, on the other hand, is part of the East Elliott preserve. The National Wetlands Inventory riverine feature on the parcel provides a natural corridor for wildlife movement north and south through that portion of the preserve; and the surrounding upland habitats provide connectivity to other preserved habitat to the north, south, east, and west. Therefore, the exchange would maintain habitat linkages and opportunities for wildlife movement.

4. *Effects on preserve configuration and management (i.e., the exchange results in similar or improved management efficiency and/or protection of biological resources).*

Since the Najor Parcel is already part of the City's East Elliott preserve and in the MHPA, the exchange would result in similar management efficiency and protection of biological resources. The City of San Diego Open Space Division would be granted fee title to the property and the property would be managed consistent with the MSCP

Management Framework Plan and Natural Resource Management Plan for Mission Trails Regional Park (City of San Diego, 2019).

5. *Effects on ecotones or other conditions affecting species diversity (i.e., the exchange maintains topographic and structural diversity and habitat interfaces of the preserve).*
The land on the Najor Parcel would not be altered; therefore, the topographic and structural diversity and habitat interfaces of the East Elliot preserve would be maintained.

6. *Effects on species of concern not on the covered species list (i.e., the exchange does not significantly increase the likelihood that an uncovered species will meet the criteria for listing under either the federal or state ESAs).*

The exchange would remove disturbed land that does not support covered or uncovered sensitive species and would replace it with habitat of higher quality (coastal scrub/Diegan coastal sage scrub) that is known to support both covered species (e.g., willowy monardella and coastal California gnatcatcher) and uncovered species (e.g., red-diamond rattlesnake and prairie falcon). Therefore, the exchange would not increase the likelihood that an uncovered species would meet the criteria for listing under either the Federal or State Endangered Species Acts.

In conclusion, the proposed MHPA boundary adjustment would result in greater biological function and value than maintaining the MHPA on the project site.

Land Use Adjacency Guidelines

Because the project would occur adjacent to the MHPA located off-site to the north and northwest (following the MHPA Boundary Line Adjustment), conformance with the adjacency guidelines would be required. Development adjacent to the MHPA must ensure that indirect impacts to the MHPA are minimized. Sections 1.4.2 and 1.4.3 of the City's MSCP Subarea Plan outline the requirements to address indirect effects related to drainage and toxics, lighting, noise, public access, invasive plant species, brush management, and grading/land development.

The following addresses the guidelines and how the project complies with them. All of the required MHPA Land Use Adjacency Guidelines measures would become conditions of project approval.

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.

During construction, the project would employ the use, as applicable, of structural and non-structural Best Management Practices (BMPs), Best Available Technology, and sediment catchment devices downstream of paving activities to reduce potential drainage impacts associated with construction. Additionally, the project design complies with the Standard Urban Stormwater Management Plan and Municipal Stormwater Permit criteria of the State Water Resources Control Board and City.

Hardscape associated with the built project would result in runoff, which could significantly impact water quality in the MHPA. However, the project would provide stormwater treatment through two modular wetland systems (MWS) and two underground stormwater cisterns. Stormwater on the site would be directed to the two MWS, which use filters, wetland vegetation, and biological processes to remove contaminants from the water before entering the cisterns. The vegetation used in the MWS are non-invasive wetland associated species, appropriate for the designated filtration uses. The western cistern would have a storage volume of 11,942 cubic feet (cf), and storage volume of the eastern cistern would be 5,933 cf. Each cistern would detain the water and allow it to flow from the site through two outfalls at a regulated rate, equivalent to the pre-project runoff condition. The stormwater outlets would include energy dissipators to reduce discharge velocities and minimize the potential for erosion, and the project would not result in any increase in off-site discharge of stormwater runoff. Therefore, the project is in conformance with this Land Use Adjacency Guideline. More information regarding stormwater treatment is provided in the Storm Water Quality Management Plan (SWQMP) for the project (Appendix R), as well as Section 5.17, *Water Quality*.

Toxics

Land uses, such as recreation and agriculture, that use chemicals or generate by-products such as manure, that are potentially toxic or impactive 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.

No trash, oil, parking, or other construction/development related material/activities would be located outside approved project impact limits. While there are no specific

staging/storage areas identified for construction, specific staging/storage areas would only be located within the project impact footprint and, as required, would incorporate appropriate BMPs to ensure that there are no indirect effects to the adjacent MHPA. All construction related debris would be removed off-site to an approved disposal facility. Therefore, the project is in conformance with this Land Use Adjacency Guideline.

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.

Night lighting would be shielded, as necessary, to prevent light from spilling into the MHPA. Shielding would consist of the installation of fixtures that physically direct light away from the MHPA or landscaping, berms, or other barriers that prevent such light overspill. The lighting used would adhere to the City's Outdoor Lighting Regulations (San Diego Municipal Code §142.0740).

Therefore, the project is in conformance with this Land Use Adjacency Guideline.

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.

The MHPA, which is north of the project site, is already subject to noisy uses such as the trolley and vehicular use of Hollister Street and the I-5 freeway that create noise. The project primarily involves residential housing, which is not an excessively noisy use. The project would also include a bar-b-que pavilion, fire table, turf area incorporating a nature playground, game courts, sofa seating areas, and a pedestrian landscaped walkway along the top of the northern slope connecting the residential buildings to these amenities, which would be situated to take advantage of views of the OVRP to the north. Noise generated from the use of these amenities is not expected to be excessive or long lasting, and there are no sensitive species breeding areas in the adjacent MHPA. (The MHPA to the north consists of agricultural and developed land associated with the Terra Bella Nursery.) Vehicular access to the project would be from the south and not adjacent to the MHPA. Therefore, the project is in conformance with this Land Use Adjacency Guideline.

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.

The project would install a six-foot high, chain link fence along the site's northern boundary, which would be adjacent to the MHPA after the boundary line adjustment. Therefore, the project would be in conformance with this Land Use Adjacency Guideline.

Invasives

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

The project would follow SDMC Landscape Standards (Section 1.3) and not use invasive species in landscaping adjacent to the MHPA, which would prevent their introduction to areas adjacent to the MHPA. The *Landscape Development Plan* (Figure 3-4) prepared for the project does not include any invasive species, which would prevent the spread of invasive species to the MHPA. The palette includes natives and native hybrids along the northern project boundary, adjacent to the MHPA. The palette component areas adjacent to the MHPA include low-fuel shrubs and groundcovers, low-fuel planting along the northern retaining wall, and low-fuel native groundcovers within the County easement along the northern property boundary adjacent to the MHPA after the boundary line adjustment. Specific non-native species are included in the interior of the project, away from the MHPA and would not pose an invasive threat to the MHPA. Given the lack of invasive species and use of natives/native hybrids along the MHPA boundary, the project is in conformance with this Land Use Adjacency Guideline.

Brush Management

New 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 pad and outside of the MHPA. Zone 2 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. Brush management zones will not be greater in size than is currently required by the City's regulations. Initial thinning of woody vegetation shall not exceed 50 percent coverage of the existing vegetation prior to implementation of Brush Management activities. Additional thinning and pruning shall be done consistent with City standards to obtain minimum vertical and horizontal clearances and shall avoid/minimize impacts to covered species to the maximum extent possible. For all new development, regardless of the ownership, brush management in the Zone 2 area will be the responsibility of a homeowners association or other private party. For existing and approved projects, the brush management zones, standards and locations, and clearing techniques will not change from those required under existing regulations.

City staff determined that due to the project site being adjacent to an existing plant nursery and the future OVRP, brush management and alterative compliance was not needed for the project site. Therefore, the project is in conformance with this Land Use Adjacency Guideline.

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 project incorporates all slopes on the site and within the development footprint. Therefore, the project is in conformance with this Land Use Adjacency Guideline.

General Planning Policies and Design Guidelines

Section 1.4.2 of the City's Subarea Plan includes *General Planning Policies and Design Guidelines* that apply in the review and approval of development projects within or adjacent to the MHPA. Due to the boundary line adjustment, there would be no MHPA on site. The site would still be adjacent to the MHPA where it occurs on the site immediately to the north. Therefore, an evaluation of the project's consistency with the MSCP's *General Planning Policies and Design Guidelines* for the City's Subarea Plan is provided below.

Roads and Utilities – Construction and Maintenance Policies

This section of the Subarea Plan includes eight guidelines/policies. Each is summarized below along with an explanation describing how the project complies with the guidelines/policies where it occurs adjacent to the MHPA.

- 1. All proposed utility lines should be designed to avoid or minimize intrusion into the MHPA.*
There are no utility lines proposed off site in the MHPA.
- 2. All new development for utilities and facilities within or crossing the MHPA shall be planned, designed, located, and constructed to minimize environmental impacts. If avoidance is infeasible, mitigation would be required.*
No new development for utilities and facilities would occur within or crossing the MHPA.
- 3. Temporary construction areas and roads, staging areas, or permanent access roads must not disturb existing habitat unless determined to be unavoidable.*
Areas of temporary disturbance for construction would occur on the site, which does not support existing habitat.
- 4. Construction and maintenance activities in wildlife corridors must avoid significant disruption of corridor usage.*
The project site is not in a wildlife corridor.

5. *Roads in the MHPA will be limited to those identified in Community Plan Circulation Elements, essential collector streets, and necessary maintenance/emergency access roads. The project does not include roadway construction in the MHPA.*
6. *Development of roads in canyon bottoms should be avoided whenever feasible. If an alternative location outside the MHPA is not feasible, then the road must be designed to cross the shortest length possible, and if a road crosses the MHPA, it should provide for fully-functional wildlife movement capability. The project does not include roadway construction in the MHPA.*
7. *Where possible, roads within the MHPA should be narrowed from existing design standards to minimize habitat fragmentation and disruption of wildlife movement and breeding areas. Roads must be located in lower quality habitat or disturbed areas to the extent possible. The project does not include roadway construction in the MHPA.*
8. *Existing roads and utility lines are usually considered a compatible use in the MHPA. The project does not involve use of any roads or utility lines existing in the MHPA.*

Fencing, Lighting, and Signage

This section of the Subarea Plan includes three guidelines/policies. Each is summarized below along with an explanation as to how the project complies where it occurs adjacent to the MHPA.

1. *Fencing or other barriers will be used where it is determined to be the best method to achieve conservation goals and adjacent to land uses incompatible with the MHPA. There are no incompatible land uses adjacent to the MHPA associated with the project. However, the project would install a six-foot high, chain link fence along the site's northern boundary separating the site from the adjacent MHPA.*
2. *Lighting shall be designed to avoid intrusion in the MHPA. Lighting adjacent to the off-site MHPA would be directed away/shielded and would be consistent with City Outdoor Lighting Regulations per LDC Section 142.0740.*
3. *Signage will be limited to access, litter control, and educational purposes. Signage would be installed on the project's side of the project site's northern boundary fencing to note that entry to the MHPA is prohibited.*

Materials Storage

Storage of materials (e.g., hazardous or toxic chemicals, equipment, etc.) shall not be located within the MHPA, and proper storage of such materials is required per applicable regulations in any areas that may impact the MHPA, especially due to potential leakage.

No trash, oil, parking, or other construction/development related material/activities would be located outside approved construction limits. No staging/storage areas for equipment and materials would be located adjacent to the MHPA. All construction related debris would be removed off site to an approved disposal facility.

General Management Directives

The following summarized *General Management Directives* for all areas of the City's MSCP Subarea Plan are applicable to the project. Those directives not applicable include Invasives Exotics Control and Removal (except Invasives; discussion above regarding *Invasives*) and Flood Control (since there are no flood control channels on site).

1. Mitigation shall be performed in accordance with ESL Regulations and the City's Biology Guidelines.

The project would not result in significant impacts to biological resources. Therefore, no mitigation is required.

2. Restoration or revegetation undertaken in the MHPA shall be performed in a manner acceptable to the City.

No restoration or revegetation in the MHPA is proposed for the project.

3. Public Access, Trails, and Recreation. This directive includes requirements for trail signage, type, location, design, and use.

The project would provide a connection to the MTS Palm Avenue Trolley Station and public trails to the future OVRP, within the project site. However, the on-site connection would be for resident use and would not be a public trail.

4. Litter/Trash and Materials Storage. This directive includes requirements for trash removal and permanent materials storage in the MHPA.

Trash and other construction related materials would be kept within approved construction limits, and no storage areas would be located adjacent to the MHPA. All construction related debris would be removed off site to an approved disposal facility. There would be no permanent storage of any kind adjacent to the MHPA.

Conditions and Area Specific Management Directives for MSCP Covered Species

There are no MSCP Covered Species with moderate or high potential to occur on the project site. Therefore, no conditions for *Covered Species or Area Specific Management Directives for Covered Species* apply.

Significance of Impacts

The proposed MHPA boundary adjustment would provide functionally equivalent biological

value to that being impacted. The project would be consistent with the MHPA Land Use Adjacency Guidelines and indirect impacts to the MHPA would be avoided. Therefore, the project, as designed, 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.

Furthermore, the project would not result in impacts that would conflict with the provisions of the MSCP. The project proposes a Boundary Line Adjustment to the MHPA such that the impact footprint associated with the project would not occur within designated MHPA lands. The project would be subject to the City's MSCP Land Use Adjacency Guidelines, which would ensure that no significant adverse edge effects would occur.

Overall, impacts would be less than significant.

Mitigation Measures

No mitigation measures are required.

5.4.3.4 Issue 7

Issue 7 Would the project conflict with any local policies or ordinances protecting biological resources?

Impact Threshold

In accordance with the City's Significance Determination Thresholds (2016a), the project would have a significant impact if it would:

- Result in a conflict with any local policies or ordinances protecting biological resources.

Analysis

The project would comply with the City's ESL Regulations and Biology Guidelines as discussed under Issues 1 through 6 above. As discussed under Land Use, the project would be consistent with applicable plans and policies including the City's General Plan and Otay Mesa-Nestor Community Plan related to biological resources. The project would also comply with all Land Use Adjacency Guidelines of the MHPA as well as the MSCP Subarea Plan policies.

Significance of Impacts

The project would be consistent with the City's policies and ordinances, impacts would be less than significant.

Mitigation Measures

No mitigation would be required.

5.4.3.5 Issue 8

Issue 8 *Would the project introduce invasive species of plants into natural open space area?*

Impact Threshold

In accordance with the City's Significance Determination Thresholds (2016a), the project would have a significant impact if it would:

- Introduce invasive species of plants into natural open space area.

Analysis

The project site is located adjacent to the OVRP, which is developed as a nursery and planned to be developed with active recreation. None-the-less, the project would follow SDMC Landscape Standards and not use invasive species in project landscaping. The *Palm & Hollister Landscape Development Plan* was reviewed by City staff to confirm that it does not include any invasive species, and the project would not result in the spread of invasive species of plants into natural open space areas. No long-term direct or indirect impacts associated with invasive species would occur.

Significance of Impact

The project would not result in impacts related to the introduction of invasive plant species to natural open space area. Impacts would be less than significant.

Mitigation Measures

No mitigation would be required.

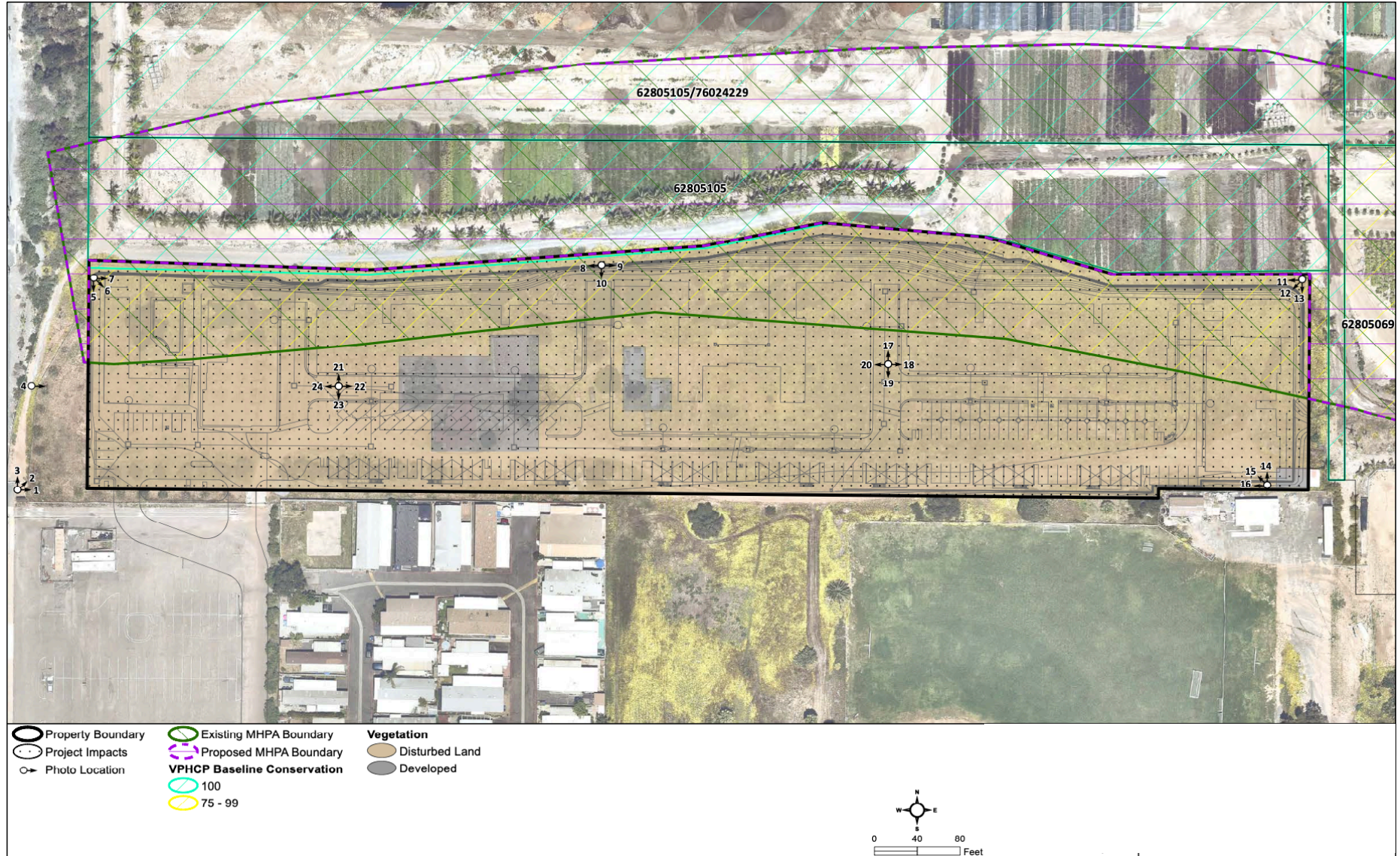


Figure 5.4-1, Biological Resources

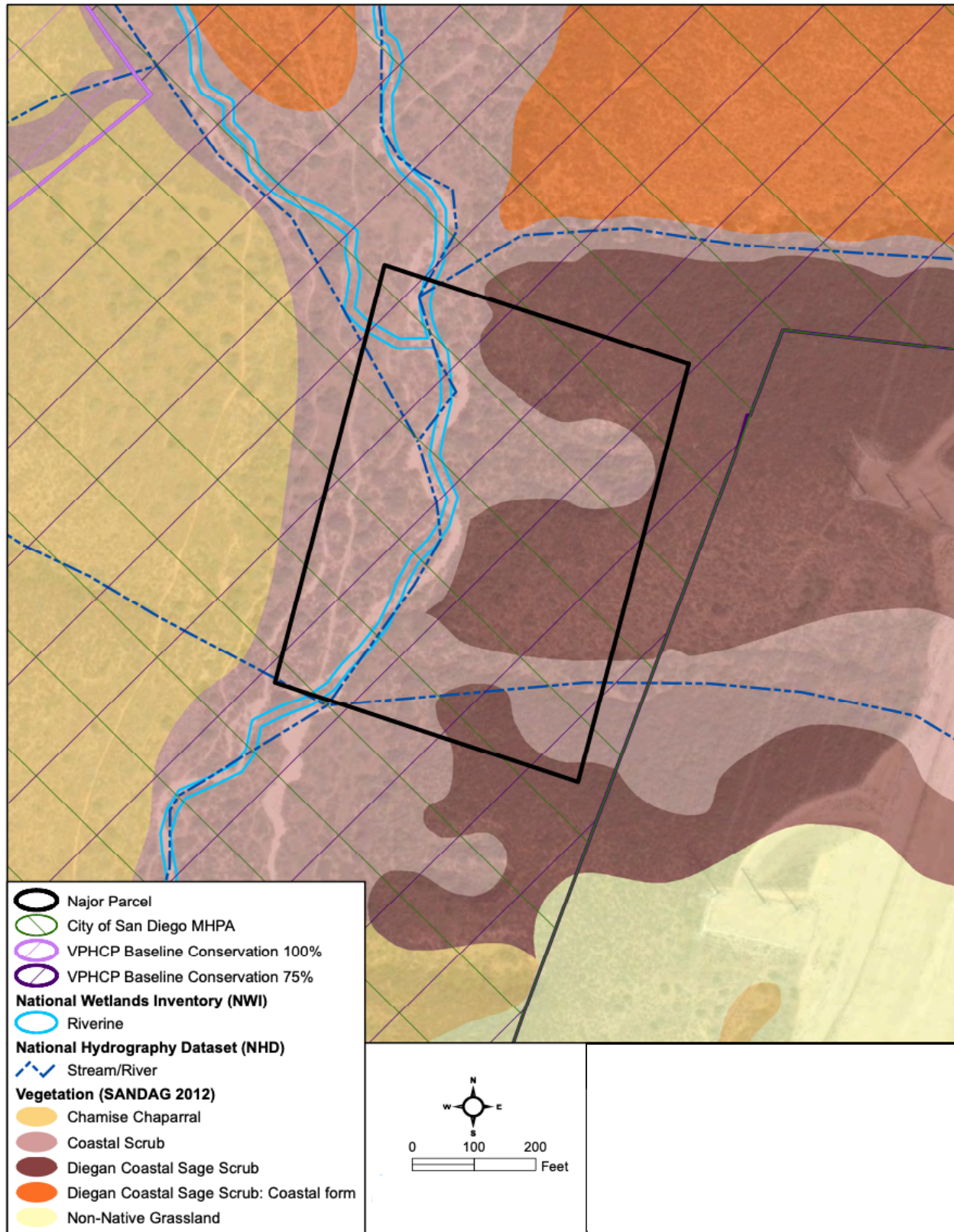


Figure 5.4-2, Najor Parcel

5.5 Energy

This section discusses energy production/consumption conditions and potential energy use policies that are applicable to the project, identifies associated regulatory requirements, evaluates potential impacts, and identifies mitigation measures, if applicable, related to project implementation. The discussion is based in part on information from the *Energy Calculations* prepared by BlueScape Environmental (January 12, 2024) and from information provided by San Diego Gas & Electric Company (SDG&E) Appendices V and G.

5.5.1 Existing Conditions

Physical Setting

The project site is undeveloped with the exception of a vacant residential structure and out-buildings. The site is characterized by developed/disturbed land comprised of graded areas dominated by non-native plant species. As the project site is vacant and is not currently occupied, there is only minimal energy use occurring on-site associated with site maintenance and security.

Site Planning

The project site is designated Park, Open Space, & Recreation; Residential; and Multiple Use. The project site is currently designated as Open Space, Mixed Use, and Low Density Residential by the Otay-Mesa Nestor Community Plan. The project site is zoned RM-1-1, RS-1-7, and AR-1-2. Overall, the site is designated for open space and low density residential while zoning indicates residential uses.

Environmental Setting

The environmental setting for the proposed project related to electricity, natural gas, and petroleum, including associated service providers, supply sources, and estimated consumption, is discussed below. In summary, in 2021 (the latest calendar era for which data is uniformly available for all three types of energy sources), California's estimated annual energy use in 2021 included the following:

- Approximately 280,738 gigawatt hours of electricity
- Approximately 11,922 million therms of natural gas
- Approximately 16 billion gallons of gasoline

Energy is regulated by Title 24, Part 6, of California's Energy Efficiency Standards for Residential and Nonresidential Buildings. The Energy Efficiency Standards for Residential and Nonresidential Buildings were established in 1978 in response to a legislative mandate to reduce California's energy consumption. New standards went into effect in October 2005. The existing structures on the site were constructed prior to these dates and were not subject to these regulations at the time of construction.

Appendix F of the CEQA Guidelines requires that Environmental Impact Reports (EIRs) include a discussion of the potential energy impacts of a proposed project, with particular emphasis on

avoiding or reducing inefficient, wasteful, and unnecessary consumption of energy. According to Appendix F, the means of achieving energy conservation corresponds to decreasing overall per capita energy consumption, decreasing reliance on natural gas and oil, and increasing reliance on renewable energy sources.

Electricity

SDG&E, a subsidiary of Sempra Energy, provides electricity service to the project site. SDG&E provides electrical services to 3.6 million customers through 1.4 million electric meters and 873,000 natural gas meters through the 4,100-square-mile service area in San Diego County (County) and southern Orange County. SDG&E forecasts future natural gas and power consumption demand on a continual basis, primarily for installation of transmission and distribution lines. In situations where projects with large power loads are planned, this is considered together with other loads in the project vicinity, and electrical substations are upgraded as necessary. Direct impacts to electrical and natural gas facilities are addressed and managed by SDG&E at the time incoming development projects occur.

According to the California Energy Commission's (CEC) California Energy Consumption Database, California used approximately 280,738 gigawatt hours (GWh) of electricity in 2021, which is the most recent year of data available; up 0.5 percent, or 1,228 GWh, from 2021. The CEC reported an annual electrical consumption of approximately 7,480 millions of kilowatt hours (kWh) in 2021 for residential use.

Electricity usage in California for different land uses varies substantially by the type(s) of uses in a building, type(s) of construction materials used in a building, and the efficiency of all electricity-consuming devices within a building. Due to the State's energy efficiency standards and efficiency and conversion programs, California's per capita electricity use had remained stable for more than 30 years, which the national average has steadily increased.

The California Independent System Operator (ISO) governs the transmission of electricity from power plants to utilities. Electricity to San Diego County is transferred via 138 kilo volts (kV) lines at Camp Pendleton, and a 500 kV line near Jacumba. Additionally, there are two operating power plants within San Diego County: Encina (Cabrillo Power) - 965 megawatt (MW), and the Palomar Energy Power Plant, Escondido (SDG&E) - 550 MW, which began operating in the summer of 2006.

SDG&E receives electric power from a variety of sources. In 2017, 44 percent of SDG&E's power came from eligible renewable sources, including biomass/waste, geothermal, small hydroelectric, solar, and wind sources. This is an improvement of nine percent renewable energy portfolio that SDG&E achieved in 2015.

Each year, SDG&E allocates capital funds for the purposes of converting overhead electric distribution lines. Under provisions of Rule 20A established by the California Public Utilities

commission, the City may designate major streets for undergrounding the overhead lines. In general, all new commercial, industrial, and residential developments are required to accept the underground service.

In addition, a variety of energy conservation programs are provided by SDG&E to City residents and businesses. These programs include:

- Conducting surveys to determine energy use and recommending energy efficiency measures to reduce energy use;
- Providing discounts for retrofitting lighting, refrigeration, and mechanical equipment with energy efficient technologies; and
- Incentives for using energy during non-peak hours to reduce peak-hours demand.

Title 24 of the California Administrative Code sets efficiency standards for new construction, regulating energy consumed for heating, cooling, ventilations, water heating, and lighting. These building efficiency standards are enforced through the City's building permit process.

Natural Gas

CPUC regulates natural gas utility service for approximately 10.8 million customers who receive natural gas from Pacific Gas & Electric, Southern California Gas (SoCalGas), SDG&E, Southwest Gas, and several smaller natural gas utilities. The CPUC also regulates independent storage operators (Lodi Gas Storage, Wild Goose Storage, Central Valley Storage, and Gill Ranch Storage). SDG&E provides natural gas service to San Diego and Orange Counties. SDG&E is a wholesale customer of SoCalGas and currently receives all of its natural gas from the SoCalGas system.

Natural gas is available from a variety of in-state and out-of- state sources, and is provided throughout the state in response to market supply and demand. Most of the natural gas used in California comes from out-of-state natural gas basins and is delivered into California through the interstate natural gas pipeline system. CPUC has regulatory jurisdiction over 150,000 miles of utility-owned natural gas pipelines, which transported 82 percent of the natural gas delivered to California's gas consumers in 2012.

Pacific Gas & Electric and SoCalGas own and operate several natural gas storage fields that are located in Northern and Southern California. These storage fields and four independently owned storage utilities— Lodi Gas Storage, Wild Goose Storage, Central Valley Storage, and Gill Ranch Storage—help meet peak- season natural gas demand and allow California natural gas customers to secure natural gas supplies more efficiently. High-pressure gas transmission lines enter San Diego County from the north inland area (Rainbow area). A 30-inch transmission line veers to the coast, and a 16-inch line continues inland.

Petroleum

There are more than 35 million registered vehicles in California, and those vehicles consumed an estimated 18 billion gallons of petroleum and diesel each year, according to the California Energy Commission. Gasoline and other vehicle fuels are commercially provided commodities, and would be available to the project via commercial outlets.

Petroleum accounts for approximately 92 percent of California's transportation energy sources. Technological advances, market trends, consumer behavior, and government policies could result in significant changes to fuel consumption by type and total. At the Federal and State levels, various policies, rules, and regulations have been enacted to improve vehicle fuel efficiency, promote the development and use of alternative fuels, reduce transportation-source air pollutants and GHG emissions, and reduce vehicle miles traveled (VMT). Market forces have driven the price of petroleum products steadily upward, and technological advances have made use of other energy resources or alternative transportation modes increasingly feasible.

Largely as a result of and in response to these multiple factors, gasoline consumption within the state has declined in recent years, and availability of other alternative fuels and energy sources has increased. The quantity, availability, and reliability of transportation energy resources have increased in recent years, and this trend may likely continue and accelerate (CEC 2017). Increasingly available and diversified transportation energy resources act to promote continuing reliable and affordable means to support vehicular transportation within the state.

Currently, the Palm and Hollister project site is undeveloped except for a vacant residential structure and several outbuildings (see Figure 2-4, *Existing Site Conditions*). There is no electricity and natural gas use associated with existing development. SDG&E facilities surround the project site within public streets. The closest facilities to serve the project are located in Palm Avenue.

5.5.2 Regulatory Framework

5.5.2.1 Federal

Federal Energy Regulatory Commission

The Federal Energy Regulatory Commission is an independent agency that regulates the transmission and sales of electricity, natural gas, and oil in interstate commerce, licensing of hydroelectric projects, and oversight of related environmental matters. The setting and enforcing of interstate transmission sales is also regulated by Federal Energy Regulatory Commission.

Federal Energy Policy and Conservation Act

In 1975, Congress enacted the Federal Energy Policy and Conservation Act to serve the nation's energy demands and promote feasibly attainable conservation methods. This act established the first fuel economy standards for on-road motor vehicles in the United States. Pursuant to the act, the National Highway Traffic Safety Administration is responsible for establishing additional vehicle

standards. In 2012, new fuel economy standards were approved for model year 2017 passenger cars and light trucks at 54.5 miles per gallon. Fuel economy is determined based on each manufacturer's average fuel economy for the fleet of vehicles available for sale in the United States.

Intermodal Surface Transportation Efficiency Act of 1991

The Intermodal Surface Transportation Efficiency Acts of 1991 (ISTEA) promoted the development of intermodal transportation systems to maximize mobility, as well as address national and local interests in air quality and energy. ISTEA contained factors that metropolitan planning organizations were to address in development transportation plans and programs, including some energy-related factors. To meet the new ISTEA requirements, metropolitan planning organizations adopted explicit policies defining the social, economic, energy, and environmental values guiding transportation decisions.

The Transportation Equity Act for the 21st Century

The Transportation Equity Act for the 21st Century (TEA-21) was signed into law in 1998 and builds on the initiatives established in the ISTEA legislation, discussed above. TEA-21 authorizes highway, highway safety, transit, and other efficient surface transportation programs. TEA-21 continues the program structure established for highways and transit under ISTEA, such as flexibility in the use of funds, emphasis on measures to improve the environment, and focus on a strong planning process as the foundation of good transportation decisions. TEA-21 also provides for investment in research and its application to maximize the performance of the transportation system through, for example, deployment of Intelligent Transportation Systems, to help improve operations and management of transportation systems and vehicle safety.

Energy Policy Act of 2005

The Energy Policy Act of 2005 addresses energy production in the United States, including (1) energy efficiency; (2) renewable energy; (3) oil and gas; (4) coal; (5) tribal energy; (6) nuclear matters and security; (7) vehicles and motor fuels, including ethanol; (8) hydrogen; (9) electricity; (10) energy tax incentives; (11) hydropower and geothermal energy; and (12) climate change technology. The act includes provisions such as increasing the amount of biofuel that must be mixed with gasoline sold in the United States and loan guarantees for entities that develop or use innovative technologies that avoid the by-production of GHGs.

Energy Independence and Security Act of 2007

On December 19, 2007, the Energy Independence and Security Act of 2007 (EISA) was signed into law. In addition to setting increased Corporate Average Fuel Economy standards for motor vehicles, the EISA includes other provisions related to energy efficiency:

- Renewable Fuel Standard (RFS) (Section 202)
- Appliance and Lighting Efficiency Standard (Sections 301-325)

- Building Energy Efficiency (Sections 411-441)

This Federal legislation requires ever-increasing levels of renewable fuels – the RFS – to replace petroleum. The Federal Environmental Protection agency (FEPA) is responsible for developing and implementing regulations to ensure that transportation fuel sold in the United States contains a minimum volume of renewable fuel. The RFS program regulations were developed in collaboration with refiners, renewable fuel producers, and many other stakeholders.

The RFS program was created under the Environmental Policy Act of 2005 and established the first renewable fuel volume mandate in the United States. As required under the Act, the original RFS program (RFS1) required 7.5 billion gallons of renewable fuel to be blended into gasoline by 2012. Under the EISA, the RFS program was expanded in several key ways that lay the foundation for achieving significant reductions of GHG emissions from the use of renewable fuels, for reducing imported petroleum, and encouraging the development and expansion of the nation’s renewable fuels sector. The updated program is referred to as RFS2 and includes the following:

- EISA expanded the RFS program to include diesel, in addition to gasoline.
- EISA increased the volume of renewable fuel required to be blended into transportation fuel from nine billion gallons in 2008 to 36 billion gallons by 2022.
- EISA established new categories of renewable fuel and set separate volume requirements for each one.
- EISA required the FEPA to apply lifecycle greenhouse gas (GHG) performance threshold standards to ensure that each category of renewable fuel emits fewer GHGs than the petroleum fuel it replaces.

Additional provisions of the EISA address energy savings in government and public institutions, promoting research for alternative energy, additional research in carbon capture, international energy programs, and the creation of “green” jobs.

Leadership in Energy and Environmental Design

The U.S. Green Building Council (USGBC) is committed to transforming the way buildings are designed, constructed, and operated through the Leadership in Energy and Environmental Design (LEED) certification program. LEED acts as a certification program for buildings and communities to guide their design, construction, operations and maintenance toward sustainability. LEED is based on prerequisites and credits that a project meets in order to achieve a certification level or Certified, Silver, Gold, or Platinum.

5.5.2.2 State

Warren-Alquist Act

The California Legislature passed the Warren-Alquist Act in 1974. The Warren-Alquist Act created the CEC and incorporated the following three key provisions designed to address the demand side of the energy equation:

- It directed the CEC to formulate and adopt the nation's first energy conservation standards for both buildings constructed and appliances sold in California.
- It removed the responsibility of electricity demand forecasting from the utilities, which had a financial interest in high-demand projections, and transferred it to a more impartial CEC.
- It directed the CEC to embark on an ambitious research and development program, with a particular focus on fostering what were characterized as non-conventional energy sources.

Senate Bill 1078 (2002)

SB 1078 established the California Renewables Portfolio Standard (RPS) Program and required that a retail seller of electricity purchase a specified minimum percentage of electricity generated by eligible renewable energy resources as defined in any given year, culminating in a 20 percent standard by December 31, 2017. These retail sellers include electrical corporations, community choice aggregators, and electric service providers. The bill relatedly required the CEC to certify eligible renewable energy resources, design and implement an accounting system to verify compliance with the RPS by retail sellers, and allocate and award supplemental energy payments to cover above-market costs of renewable energy.

Senate Bills 107 (2006), X1-2 (2011), 350 (2015), and 100 (2018)

SB 107 (2006) accelerated the RPS established by SB 1078 by requiring that 20 percent of electricity retail sales be served by renewable energy resources by 2010 (not 2017). Additionally, SB X1-2 (2011) requires all California utilities to generate 33 percent of their electricity from eligible renewable energy resources by 2020. Specifically, SB X1-2 sets a three-stage compliance period: by December 31, 2013, 20 percent had to come from renewables; by December 31, 2016, 25 percent had to come from renewables; and by December 31, 2020, 33 percent will come from renewables.

SB 350 (2015) requires retail seller and publicly owned utilities to procure 50 percent of their electricity from eligible renewable energy resources by 2030, with interim goals of 40 percent by 2024 and 45 percent by 2027.

SB 100 (2018) increased the standards set forth in SB 350 by establishing targets for the total electricity sold to retail customers in California per year be secured from qualifying renewable energy sources on the following schedule: 44 percent by December 31, 2024; 52 percent by December 31, 2027; and 60 percent by December 31, 2030. SB 100 states that it is the policy of the state that eligible renewable energy resources and zero- carbon resources supply 100 percent of the

retail sales of electricity to California. This bill requires that the achievement of 100 percent zero-carbon electricity resources do not increase the carbon emissions elsewhere in the western grid and that the achievement not be achieved through resource shuffling.

Consequently, utility energy generation from nonrenewable resources is expected to be reduced based on implementation of the 60 percent RPS in 2030. Therefore, any project's reliance on nonrenewable energy sources would also be reduced.

Assembly Bill 1007 (2005)

AB 1007 (2005) required CEC to prepare a statewide plan to increase the use of alternative fuels in California (State Alternative Fuels Plan). CEC prepared the plan in partnership with the CARB and in consultation with other state agencies, plus federal and local agencies. The State Alternative Fuels Plan assessed various alternative fuels and developed fuel portfolios to meet California's goals to reduce petroleum consumption, increase alternative fuels use, reduce GHG emissions, and increase in-state production of biofuels without causing a significant degradation of public health and environmental quality.

Assembly Bill 32 (2006) and Senate Bill 32 (2016)

In 2006, the State Legislature enacted AB 32, the California Global Warming Solutions Act of 2006. AB 32 requires California to reduce its GHG emissions to 1990 levels by 2020. In 2016, the Legislature enacted SB 32, which extended the horizon year of the state's codified GHG-reduction planning targets from 2020 to 2030, requiring California to reduce its GHG emissions to 40 percent below 1990 levels by 2030. In accordance with AB 32 and SB 32, CARB prepares scoping plans to guide the development of statewide policies and regulations for the reduction of GHG emissions. Many of the policy and regulatory concepts identified in the scoping plans focused on increasing energy efficiencies, using renewable resources, and reducing the consumption of petroleum-based fuels (e.g., gasoline and diesel). As such, the state's GHG emissions-reduction planning framework creates co-benefits for energy-related resources.

California Code of Regulations Title 13, Section 2449(d)(3) and 2485

CARB is responsible for enforcing CCR Title 13 Sections 2449(d)(3) and 2485, which limit idling from both on-road and off-road diesel-powered equipment.

California's Energy Efficiency Standards for Residential and Nonresidential Buildings

Located in CCR Title 24, Part 6 and commonly referred to as "Title 24," these energy efficiency standards were established in 1978 in response to a legislative mandate to reduce California's energy consumption. The goal of Title 24 energy standards is the reduction of energy use. The standards are updated periodically to allow consideration and possible incorporation of new energy efficiency technologies and methods. On August 11, 2021, the CEC adopted the 2022 Building and Energy Efficiency Standards with the effective date of the 2022 Standards beginning January 1, 2023.

The 2022 Building Energy Efficiency Standards builds on California's technology innovations, encouraging energy efficient approaches to encourage building decarbonization, emphasizing in particular on heat pumps for space heating and water heating, and also strengthens ventilation standards to improve indoor air quality. This update provides crucial steps in the state's progress toward 100 percent clean carbon neutrality by midcentury.

Title 24 also includes Part 11, known as California's Green Building Standards (CALGreen). The CALGreen standard took effect in January 2011 and instituted mandatory minimum environmental performance standards for all ground-up new construction of commercial, low-rise residential, and State-owned buildings, as well as schools and hospitals. The 2022 CALGreen standards became effective on January 1, 2023.

Energy Action Plan II

The CEC, California Power Authority, and CPUC adopted an Energy Action Plan (EAP) to establish goals for California's energy future and a means to achieve these goals. EAP II supports and expands on the commitment of State agencies to cooperate and reflect on the energy actions since original EAP adoption. EAP II includes a coordinated implementation plan for state energy policies that have been articulated through EOs, instructions to agencies, public positions, and appointees' statements; CEC's Integrated Energy Policy Report; CPUC and CEC processes; agencies' policy forums; and legislative direction.

Integrated Energy Policy Report

The CEC is responsible for preparing Integrated Energy Policy Reports, which identify emerging trends related to energy supply, demand, conservation, public health and safety, and the maintenance of a healthy economy. The CEC's 2022 Integrated Energy Policy Report Update discusses the State's goal of carbon neutrality by 2045.

Renewable Portfolio Standards

As most recently amended by Senate Bill 350, the Renewable Portfolio Standard requires an annual increase in renewable energy generation by utility providers equivalent to at least 33 percent by 2020 and 50 percent by 2050. (Interim Renewable Portfolio Standard targets also are set between 2020 and 2030.)

State Vehicle Standards

The California Air Resources Board (CARB) Advanced Clean Cars program for passenger vehicles – cars and light trucks – serves to reduce petroleum consumption by increasing the operating efficiencies of vehicles and accelerating the penetration of plug-in hybrid and zero-emission vehicles in California. CARB has also adopted regulations that enhance the operating efficiencies of various types of construction equipment. While such regulations primarily are adopted to reduce air pollution, co-benefits – in the form of reduced petroleum consumption – are common.

Sustainable Communities Strategy

The Sustainable Communities and Climate Protection Act of 2008, or Senate Bill 375, coordinates land use planning, regional transportation plans, and funding priorities to help California meet its GHG emissions reduction mandates. As specifically codified in Government Code Section 65080, SB 375 requires the Metropolitan Planning Organization relevant to the project area [in this case, San Diego Association of Governments (SANDAG)] to include a sustainable communities strategy (SCS) in its RTP. (See discussion of San Diego Forward: The Regional Plan in section 5.5.2.3 *Local*, below). While the main focus of the SCS is to plan for growth that will ultimately reduce GHG emissions, the strategy is also part of a bigger effort to address many other development issues within the general vicinity, including transit and VMT.

5.5.2.3 Local

San Diego Forward: The Regional Plan

SANDAG is the regional planning agency for the County and serves as a forum for regional issues relating to transportation, the economy, community development, and the environment. SANDAG serves as the federally designated metropolitan planning organization for the County. SANDAG has prepared San Diego Forward: The Regional Plan (Regional Plan) for the San Diego Region (SANDAG 2021a). The Regional Plan combines the Regional Transportation Plan, Sustainable Communities Strategy, and Regional Comprehensive Plan. The Regional Plan must comply with specific state and federal mandates, including as SCS, per Senate Bill 375, that achieves greenhouse gas emission reduction targets set by the California Air Resources Board (CARB); compliance with federal civil rights requirements (Title VI); and environmental justice considerations, air quality conformity, and a public participation process.

The SCS is included as Chapter 2 of the Regional Plan and describes coordinated transportation and land use planning that exceeds the state's target for reducing per capita GHG emissions set by the CARB. The state-mandated target is a 19 percent reduction in per capita GHG emissions from cars and light-duty trucks by 2035. The 2021 Regional Plan achieves a 20 percent reduction by 2035. The 2021 Regional Plan also puts forth a forecasted development pattern that is driven by regional goals for sustainability, mobility, housing affordability, and economic prosperity.

The SCS uses areas in the region called Mobility Hubs to concentrate future development. Mobility Hubs are communities with high concentrations of people, destinations, and travel choices. They offer on-demand travel options and supporting infrastructure that enhance connections to high-quality Transit Leap services, while also helping people make short trips to local destinations around the community using Flexible Fleets. Mobility Hubs can span one, two, or a few miles based on community characteristics, and they are uniquely designed to fulfill a variety of travel needs while strengthening a sense of place. In the SCS land use pattern, forecasted growth for housing and jobs are within these areas of the region. Additionally, this SCS land use pattern identifies areas within

the region that are sufficient to house the 6th Cycle Regional Housing Need Assessment Plan allocations.

SDG&E Long-Term Resource Plan

In 2004, SDG&E filed a long-term energy resource plan (LTRP) with the CPUC, which identifies how SDG&E will meet the future energy needs of customers in the service area. The LTRP identifies several energy demand reduction (i.e., conservation) targets, as well as goals for increasing renewable energy supplies, new local power generation, and increased transmission capacity.

The LTRP set a standard for acquiring 20 percent of SDG&E's energy mix from renewables by 2010 and 33 percent by 2020. The LTRP also calls for greater use of in-region energy supplies, including renewable energy installations. By 2020, the LTRP states that SDG&E intends to achieve and maintain the capacity to generate 75 percent of summer peak demand with in-county generation. The LTRP also identifies the procurement of 44 percent of its renewables to be generated and distributed in-region by 2020.

City of San General Plan

The City of San Diego adopted an updated General Plan in 2008. The following policies contained in the Conservation Element of the General Plan are applicable to the project:

- **CE-A.2.** Reduce the City's carbon footprint. Develop and adopt new or amended regulations, programs, and incentives as appropriate to implement the goals and policies set forth in the General Plan to:
 - Create sustainable and efficient land use patterns to reduce vehicular trips and preserve open space;
 - Reduce fuel emission levels by encouraging alternative modes of transportation and increasing fuel efficiency;
 - Improve energy efficiency, especially in the transportation sector and buildings and appliances;
 - Reduce the Urban Heat Island effect through sustainable design and building practices;
 - Reduce waste by improving management and recycling programs.
- **CE-A.5.** Employ sustainable or "green" building techniques for the construction and operation of buildings.
 - Develop and implement sustainable building standards for new and significant remodels of residential and commercial buildings to maximize energy efficiency, and to achieve overall net zero energy consumption by 2020 for new residential buildings and 2030 for new commercial buildings.

Climate Action Plan

The City of San Diego adopted a Climate Action Plan (CAP) in 2022 (City of San Diego 2022). The CAP quantifies GHG emissions, establishes community-wide reduction goal of net zero emissions by 2035, identifies strategies and measures to reduce GHG levels, and provides guidance for monitoring progress on an annual basis. The City of San Diego CAP identifies a comprehensive set of goals and actions, including ordinances, policies, resolutions, programs, and incentives, that the City can use to reduce GHG emissions.

5.5.3 Impact Analysis

5.5.3.1 Issue 1

Issue 1 Would the project result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during the project construction or operation?

Impact Thresholds

Consistent with CEQA Guidelines Appendix G, a project would result in a significant impact to energy conservation if it would:

- Result in wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation.

Analysis

Project Need

The City is currently in urgent need for housing and is experiencing a housing shortage, as discussed in the City of San Diego General Plan Housing Element 2021-2029 that was approved in 2020 by the City Council and in September 2021 by the California Department of Housing and Community Development. The City of San Diego's portion of the County's Regional Housing Needs Assessment (RHNA) target for the 2021-2029 Housing Element period is 108,036 homes (City of San Diego 2020). While the City is planning for additional housing to meet the need and had targeted to permit more than 88,000 new housing units between 2010 – 2020, less than half of those units were constructed (42,275) as of December 2019 (City of San Diego 2020). Considering this, the proposed construction of 198 units or the construction of the maximum allowed 206 units, is necessary to address the shortage of housing for the existing and planned population. The energy use required to meet this housing need is not considered unnecessary energy use.

Electricity

Construction

Temporary electrical power for as-necessary lighting and electronic equipment, such as computers inside temporary construction trailers, would be provided by SDG&E. The amount of electricity used during construction would be minimal because typical demand stems from the use of several construction trailers that are used by managerial staff during the hours of construction activities in

addition to electrically powered hand tools. The electricity used for such activities would be temporary and not considered wasteful, inefficient, or unnecessary.

Operation

The project would require connection to SDG&E utilities to provide electricity service to the project. Additionally, the project would remove and/or relocate existing SDG&E utilities and easements that occur on-site to better serve the project and SDG&E.

According to the energy calculations prepared for the project by BlueScape Environmental (January 2023), the project would generate the demand for approximately 808,485 kWh of annual energy use, based on the CalEEMod default values. SDG&E has indicated that the current energy system would be sufficient to service the project, and that SDG&E would serve the project. A letter from SDG&E states SDG&E gas and electric services can be made available for the project (see Appendix G). No adverse effects to non-renewable energy resources are anticipated with development of the project site as proposed by the project.

Furthermore, the project would not result in the use of excessive amounts of fuel or electricity and would not result in the need to develop additional sources of energy. While energy use at the project would not be excessive, the project would incorporate several measures directed at minimizing energy use. These include:

- ENERGYSTAR® Windows and kitchen appliances
- Energy Efficient Air Conditioning and Heating
- 3rd Party Performance Testing and Inspections of Design and Equipment
- Retrofit for Ceiling Fans in all living areas
- Energy Efficient Lighting
- Programmable Thermostats

Overall, electrical use during project operations would not be considered wasteful, inefficient, or unnecessary.

Natural Gas

Construction

Natural gas is not anticipated to be required during construction of the project. Fuels used for construction would primarily consist of diesel and gasoline, which are discussed under the “petroleum” subsection, below. Any minor amounts of natural gas that may be consumed as a result of project construction would be temporary and negligible and would not have an adverse effect.

Operation

The project would require connection to SDG&E utilities to provide natural gas to the project. Natural gas would be directly consumed throughout the operation of the project, primarily through building heating, water heating, and cooking.

Natural gas consumption was estimated for the project based on the CalEEMod default values. Based on these calculations, the project is estimated to consume approximately 1,515,172 British thermal units (kBtu) of natural gas per year during operation. As such, the project would result in a long-term increase in demand for natural gas. However, the project would be designed to comply with Title 24, Part 6, of the CCR, as well as LEED Silver for Homes and the CAP. Due to the size and scale of the project, natural gas consumption would be appropriate and not place a significant burden on SDG&E's services. Overall, operational natural gas use would not be considered wasteful, inefficient, or unnecessary.

Petroleum

Construction

Petroleum would be consumed throughout construction of the project. Fuel consumed by construction equipment would be the primary energy resource expended over the course of construction, while VMT associated with the transportation of construction materials and construction worker commutes would also result in petroleum consumption. Heavy-duty equipment used for project construction would rely on diesel fuel, as would haul trucks involved in off-hauling materials from demolition and excavation. Construction workers would travel to and from the project site throughout the duration of construction. It is assumed that construction workers would travel to and from the project site in gasoline-powered passenger vehicles. There are no unusual project characteristics or construction processes that would require the use of equipment that would be more energy intensive than is used for comparable activities or use of equipment that would not conform to current emissions standards (and related fuel efficiencies).

Heavy-duty construction equipment of various types would be used during each phase of construction. CalEEMod was used to estimate construction equipment usage. Fuel consumption from construction equipment was estimated by converting the total carbon dioxide (CO₂) emissions from each construction phase to gallons using the conversion factors shown in the tables below.

Table 5.5-1, *Construction Worker Gasoline Demand*, illustrates the demand of gasoline for construction worker trips to and from the site for the various construction phases. Construction worker demand equals a total of 12,482 gallons of gasoline.

Table 5.5-2, *Construction Vendor Diesel Fuel Demand*, illustrates the demand of diesel fuel for construction vendor trips to and from the site. These trips are associated with the delivery of construction materials during the construction phase. Construction vendor demand equals a total of 5,093 gallons of diesel fuel.

Table 5.5-1. Construction Worker Gasoline Demand

| Year | Phase | Days/Phase | Total /Phase | VMT/Phase | Kg CO ₂ e/Phase | Kg CO ₂ /Gal* | Gallons Gasoline Demand | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|------------|--------------|-----------|----------------------------|--------------------------|-------------------------|---------------|
| 2024 | Demolition | 20 | 15 | 162 | 947.6 | 8.78 | 114 | |
| | Site Preparation | 10 | 18 | 194 | 568.6 | 8.78 | 68 | |
| | Grading | 20 | 15 | 162 | 947.6 | 8.78 | 114 | |
| | Building Const. | 213 | 133 | 1,436 | 96,432 | 8.78 | 5,623 | |
| 2025 | Building Const. | 17 | 11 | 119 | 7,985 | 8.78 | 6,751 | |
| | Paving | 20 | 15 | 162 | 924.2 | 8.78 | 111 | |
| | Arch. Coating | 20 | 29 | 313 | 1,787 | 8.78 | 214 | |
| *GHG EFs: https://www.epa.gov/system/files/documents/2023-03/ghg_emission_factors_hub.pdf | | | | | | | Total - 2024 | 11,264 |
| | | | | | | | Total - 2025 | 1,218 |
| | | | | | | | Project Total | 12,482 |

Table 5.5-2. Construction Vendor Diesel Fuel Demand

| Year | Phase | Days/Phase | Trips/Phase | VMT/Phase | Kg CO ₂ e/Phase | Kg CO ₂ /Gal* | Gallons Diesel Demand | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|------------|-------------|-----------|----------------------------|--------------------------|-----------------------|--------------|
| 2024 | Demolition | 20 | 0 | 0 | 0 | 10.21 | 0 | |
| | Site Preparation | 10 | 0 | 0 | 0 | 10.21 | 0 | |
| | Grading | 20 | 0 | 0 | 0 | 10.21 | 0 | |
| | Building Const. | 213 | 133 | 97 | 47,998 | 10.21 | 4,701 | |
| 2025 | Building Const. | 17 | 11 | 80 | 3,998 | 10.21 | 392 | |
| | Paving | 20 | 0 | 0 | 0 | 10.21 | 0 | |
| | Arch. Coating | 20 | 0 | 0 | 0 | 10.21 | 0 | |
| *GHG EFs: https://www.epa.gov/system/files/documents/2023-03/ghg_emission_factors_hub.pdf | | | | | | | Total - 2024 | 4,701 |
| | | | | | | | Total - 2025 | 392 |
| | | | | | | | Project Total | 5,093 |

Table 5.5-3, *Construction Haul Diesel Fuel Demand*, illustrates the demand of diesel fuel for construction hauler trips to and from the site. These trips are associated with the hauling away of materials during the demolition phase. Construction haul diesel demand equals a total of 8,706 gallons of diesel fuel.

Table 5.5-3. Construction Haul Diesel Fuel Demand

| Year | Phase | Days/Phase | Trips/Phase | VMT/Phase | Kg CO ₂ e/Phase | Kg CO ₂ /Gal* | Gallons Diesel Demand | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|------------|-------------|-----------|----------------------------|--------------------------|-----------------------|--------------|
| 2024 | Demolition | 20 | 0 | 0 | 0 | 10.21 | 0 | |
| | Site Preparation | 10 | 0 | 0 | 0 | 10.21 | 0 | |
| | Grading | 20 | 2,875 | 57,500 | 88,884 | 10.21 | 8,706 | |
| | Building Const. | 213 | 0 | 0 | 0 | 10.21 | 0 | |
| 2025 | Building Const. | 17 | 0 | 0 | 0 | 10.21 | 0 | |
| | Paving | 20 | 0 | 0 | 0 | 10.21 | 0 | |
| | Arch. Coating | 20 | 0 | 0 | 0 | 10.21 | 0 | |
| *GHG EFs: https://www.epa.gov/system/files/documents/2023-03/ghg_emission_factors_hub.pdf | | | | | | | Total - 2024 | 8,706 |
| | | | | | | | Total - 2025 | 0 |
| | | | | | | | Project Total | 8,706 |

Table 5.5-4, *Construction Equipment Diesel Fuel Demand*, illustrates the demand of diesel fuel for construction vehicles on-site during the various construction phases. Construction equipment diesel demand equals a total of 36,074 gallons of diesel fuel.

Table 5.5-4. Construction Equipment Diesel Fuel Demand

| Year | Phase | Days/Phase | Equipment Units | Kg CO ₂ e/Phase | Kg CO ₂ /Gal* | Gallons | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|------------|-----------------|----------------------------|--------------------------|----------------------|---------------|
| 2024 | Demolition | 20 | 6 | 34,234 | 10.21 | 3,353 | |
| | Site Preparation | 10 | 7 | 16,864 | 10.21 | 1,652 | |
| | Grading | 20 | 6 | 26,275 | 10.21 | 2,573 | |
| | Building Const. | 213 | 9 | 247,213 | 10.21 | 24,213 | |
| 2025 | Building Const. | 17 | 9 | 20,995 | 10.21 | 2,056 | |
| | Paving | 20 | 6 | 20,181 | 10.21 | 1,977 | |
| | Arch. Coating | 20 | 1 | 2,557 | 10.21 | 250 | |
| *GHG EFs: https://www.epa.gov/system/files/documents/2023-03/ghg_emission_factors_hub.pdf | | | | | | Total - 2022 | 31,791 |
| | | | | | | Total - 2023 | 4,283 |
| | | | | | | Project Total | 36,074 |

Petroleum use is necessary to operate construction equipment. Additionally, energy used during construction of the project would be limited to the construction period, and would not involve long-term petroleum use. As such, energy consumption during construction activities would not be considered excessive, inefficient, or unnecessary. Demand for jobs in the project vicinity and the proposed housing demonstrates that the proposed construction would not be considered unnecessary.

As noted above, there are no unusual project characteristics or construction processes that would require the use of equipment that would be more energy intensive than is used for comparable activities or use of equipment that would not conform to current emissions standards (and related fuel efficiencies). Thus, project construction would not consume petroleum in a wasteful or inefficient manner.

Operation

The project would have an estimated annual average of 390,550 trips. The project's total average daily trips would be approximately 1,070 trips. Total mobile source CO₂e is 898 Metric Tons (MT). CalEEMod assumes 92.5 percent of VMT burns gasoline while the remaining 7.5 percent burn diesel. Thus, of the 898 MT of mobile emissions, 830 MT is generated by gasoline combustion and 67 MT is generated from diesel combustion. The project would have an annual gasoline demand of 94,570 gallons and an annual diesel demand of 6,594 gallons.

Over the lifetime of the project, the fuel efficiency of vehicles in use is expected to increase, as older vehicles within the fleet mix are replaced with newer, more efficient models. Thus, the amount of petroleum consumed as a result of vehicle trips to and from the project site during operation would decrease over time. There are numerous regulations in place that require and/or encourage increased fuel efficiency. For example, CARB has adopted a new approach to passenger vehicles by combining the control for smog-causing pollutants and GHG emissions into a single coordinated package of standards. The new approach also includes efforts to support and accelerate the numbers of plug-in hybrids and zero-emissions vehicles in California. As such, operation of the project is expected to use decreasing amounts of petroleum over time, due to advances in fuel economy.

In summary, although the project would result in an increase in petroleum use during construction and operation compared to the existing conditions, the project would implement measures required under the City's CAP regarding VMT. Additionally, project-specific petroleum use would be expected to diminish over time as fuel efficiency improves and due to the project's walkability and proximity to transit and active transportation networks. Given these considerations, petroleum consumption associated with the project operation would not be considered excessive.

Relative to full buildout of the proposed zone Residential Multiple (RM) 2-6, and as shown in Tables 5.5-5 through 5.5-8, the increase of eight units (or four percent) is nominal and would not result in a

significant impact to energy conservation. Development with 206 units would result in an annual gasoline demand of 93,132 gallons and an annual diesel demand of 6,494 gallons. With regard to energy use and consumption, like the project, any development on the project site would require adherence to the Uniform Building Code and Title 24, which require a variety of sustainable features and compliance for building materials and insulation in order to reduce unnecessary loss of energy. Additionally, any development under the RM-2-6 would implement all applicable measures City's CAP Consistency Regulations, which would further minimize use of energy from the project. As such, like the project, development would not result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during the project construction or operation. Therefore, impacts would be less than significant.

Table 5.5-5. Construction Worker Gasoline Demand – Full Buildout under RM-2-6

| Year | Phase | Days/Phase | Trips/Phase | VMT/Phase | Kg CO ₂ e/Phase | Kg CO ₂ /Gal* | Gallons Gasoline Demand |
|----------------------------|------------------|------------|-------------|-----------|----------------------------|--------------------------|-------------------------|
| 2024 | Demolition | 22 | 15 | 162 | 1,022 | 8.78 | 116 |
| | Site Preparation | 85 | 18 | 194 | 4,736 | 8.78 | 539 |
| | Grading | 88 | 15 | 162 | 4,086 | 8.78 | 465 |
| | Building Const. | 66 | 42 | 454 | 30,647 | 8.78 | 3,491 |
| 2025 | Building Const. | 238 | 108 | 1,166 | 106,729 | 8.78 | 12,156 |
| | Paving | 23 | 8 | 86 | 1,031 | 8.78 | 117 |
| | Arch. Coating | 23 | 16 | 173 | 2,063 | 8.78 | 235 |
| 2026 | Paving | 20 | 7 | 76 | 869 | 8.78 | 99 |
| | Arch. Coasting | 20 | 14 | 151 | 1,737 | 8.78 | 198 |
| Total - 2024 | | | | | | | 4,612 |
| Total - 2025 | | | | | | | 12,508 |
| Total - 2026 | | | | | | | 297 |
| Full Buildout Total | | | | | | | 17,417 |

*GHG EFs: https://www.epa.gov/system/files/documents/2023-03/ghg_emission_factors_hub.pdf

Table 5.5-6. Construction Vendor Diesel Fuel Demand – Full Buildout under RM-2-6

| Year | Phase | Days/Phase | Trips/Phase | VMT/Phase | Kg CO ₂ e/Phase | Kg CO ₂ /Gal* | Gallons Gasoline Demand |
|----------------------------|------------------|------------|-------------|-----------|----------------------------|--------------------------|-------------------------|
| 2024 | Demolition | 22 | 0 | 0 | 0 | 10.21 | 0 |
| | Site Preparation | 85 | 0 | 0 | 0 | 10.21 | 0 |
| | Grading | 88 | 0 | 0 | 0 | 10.21 | 0 |
| | Building Const. | 66 | 6 | 44 | 15,622 | 10.21 | 1,530 |
| 2025 | Building Const. | 238 | 17 | 124 | 55,261 | 10.21 | 5,412 |
| | Paving | 23 | 0 | 0 | 0 | 10.21 | 0 |
| | Arch. Coating | 23 | 0 | 0 | 0 | 10.21 | 0 |
| 2026 | Paving | 20 | 0 | 0 | 0 | 10.21 | 0 |
| | Arch. Coasting | 20 | 0 | 0 | 0 | 10.21 | 0 |
| Total – 2024 | | | | | | | 1,530 |
| Total – 2025 | | | | | | | 5,412 |
| Total – 2026 | | | | | | | 0 |
| Full Buildout Total | | | | | | | 6,942 |

*GHG EFs: https://www.epa.gov/system/files/documents/2023-03/ghg_emission_factors_hub.pdf

Table 5.5-7. Construction Haul Diesel Fuel Demand – Full Buildout under RM-2-6

| Year | Phase | Days/Phase | Trips/Phase | VMT/Phase | Kg CO ₂ e/Phase | Kg CO ₂ /Gal* | Gallons Gasoline Demand |
|----------------------------|------------------|------------|-------------|-----------|----------------------------|--------------------------|-------------------------|
| 2024 | Demolition | 22 | 14 | 280 | 433 | 10.21 | 42 |
| | Site Preparation | 85 | 0 | 0 | 0 | 10.21 | 0 |
| | Grading | 88 | 2,938 | 58,760 | 90,832 | 10.21 | 8,896 |
| | Building Const. | 66 | 0 | 0 | 0 | 10.21 | 0 |
| 2025 | Building Const. | 238 | 0 | 0 | 0 | 10.21 | 0 |
| | Paving | 23 | 0 | 0 | 0 | 10.21 | 0 |
| | Arch. Coating | 23 | 0 | 0 | 0 | 10.21 | 0 |
| 2026 | Paving | 20 | 0 | 0 | 0 | 10.21 | 0 |
| | Arch. Coasting | 20 | 0 | 0 | 0 | 10.21 | 0 |
| Total – 2024 | | | | | | | 8,939 |
| Total – 2025 | | | | | | | 0 |
| Total – 2026 | | | | | | | 0 |
| Full Buildout Total | | | | | | | 8,939 |

*GHG EFs: https://www.epa.gov/system/files/documents/2023-03/ghg_emission_factors_hub.pdf

Table 5.5-8. Construction Equipment Diesel Fuel Demand – Full Buildout under RM-2-6

| Year | Phase | Days/Phase | Equipment Units/Phase | Kg CO ₂ e/Phase | Kg CO ₂ /Gal* | Gallons Gasoline Demand |
|----------------------------|------------------|------------|-----------------------|----------------------------|--------------------------|-------------------------|
| 2024 | Demolition | 22 | 6 | 37,657 | 10.21 | 3,688 |
| | Site Preparation | 85 | 7 | 143,342 | 10.21 | 14,039 |
| | Grading | 88 | 6 | 115,609 | 10.21 | 11,323 |
| | Building Const. | 66 | 9 | 76,963 | 10.21 | 7,538 |
| 2025 | Building Const. | 238 | 9 | 277,606 | 10.21 | 27,190 |
| | Paving | 23 | 6 | 23,208 | 10.21 | 2,273 |
| | Arch. Coating | 23 | 1 | 2,940 | 10.21 | 288 |
| 2026 | Paving | 20 | 6 | 20,181 | 10.21 | 1,977 |
| | Arch. Coasting | 20 | 1 | 2,557 | 10.21 | 250 |
| Total - 2024 | | | | | | 36,589 |
| Total - 2025 | | | | | | 29,751 |
| Total - 2026 | | | | | | 2,227 |
| Full Buildout Total | | | | | | 68,567 |

*GHG EFs: https://www.epa.gov/system/files/documents/2023-03/ghg_emission_factors_hub.pdf

Significance of Impacts

The project would increase demand for energy in the project area and SDG&E’s service area. However, no adverse effects on non-renewable resources are anticipated. Considering the City is in need of housing, the expenditure of energy to construct and operate housing is not considered unnecessary. The project would follow Uniform Building Code (UBC) and Title 24 requirements for energy efficiency and would incorporate sustainable design features directed at reducing energy consumption. Petroleum consumption associated with the project operation would not be considered excessive.

Mitigation Measures

Mitigation would not be required.

5.5.3.2 Issue 2

Issue 2 Would the project conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

Impact Thresholds

Consistent with CEQA Guidelines Appendix F, a project would result in a significant impact to energy conservation if it would:

- Cause the use of large amounts of electricity and natural gas in a manner that is wasteful or otherwise inconsistent with adopted plans or policies.

Analysis

Title 24 of the California Code of Regulations contains energy efficiency standards for residential and nonresidential buildings based on a state mandate to reduce California's energy demand. Specifically, Title 24 addresses a number of energy efficiency measures that impact energy used for lighting, water heating, heating, and air conditioning, including the energy impact of the building envelope such as windows, doors, skylights, wall/floor/ceiling assemblies, attics, and roofs.

Part 6 of Title 24 specifically establishes energy efficiency standards for residential and nonresidential buildings constructed in the State of California in order to reduce energy demand and consumption. The proposed project would comply with Title 24, Part 6, per state regulations. In addition, Title 24, Part 11, contains voluntary and mandatory energy measures that are applicable to the proposed project under the CALGreen Code. As discussed under the previous threshold, the proposed project would result in an increased demand for electricity, natural gas, and petroleum. In accordance with Title 24, Part 11, mandatory compliance, the applicant would: (a) divert 50 percent of its construction and demolition waste from landfills, (b) include roofing materials with a minimum 3-year aged solar reflection and thermal emittance or solar reflection index equal to or greater than the values specified in the voluntary measures under California Green Building Standards Code (this may include green roofs), (c) use low pollutant-emitting exterior and interior finish materials, and (d) include low-flow fixtures and appliances. Compliance with all of these mandatory measures would decrease the consumption of electricity, natural gas, and petroleum. Additionally, irrigation of the project site, where practical, would use low precipitation rate spray heads, drip emitters, or other highly efficient systems.

In accordance with the City's General Plan Conservation Element, the project would reduce its "environmental footprint" through a variety of sustainable features and compliance with the Uniform Building Code and Title 24 requirements for building materials and insulation in order to reduce unnecessary loss of energy. As discussed in Issue 1, the project would implement all applicable measures City's CAP Consistency Regulations, which would further minimize use of energy from the project. As such, the proposed project would not conflict with the City's CAP.

Relative to full buildout of the proposed zone Residential Multiple (RM) 2-6, the increase of eight units (or four percent) is nominal and would not result in a significant impact to energy efficiency. Like the project, any development on the project site would require adherence to the Uniform Building Code and Title 24, which require a variety of sustainable features and compliance for building materials and insulation in order to reduce unnecessary loss of energy. Additionally, any development under the RM-2-6 would implement all applicable measures City's CAP Consistency Regulations, which would further minimize use of energy from the project. As such, like the project,

development would not conflict with or obstruct with any state or local plan for renewable energy or energy efficiency. Therefore, impacts would be less than significant.

Significance of Impacts

Because the proposed project would comply with Title 24, Part 6 and Part 11, the project would be consistent with the City's General Plan Conservation Element policies pertaining to energy use, and would implement the required components identified City's CAP Consistency Regulations, no conflict with existing energy standards and regulations would occur. Therefore, impacts would be less than significant.

Mitigation Measures

Mitigation would not be required.

5.6 Geologic Conditions

The following section describes the existing geologic conditions, identifies policies and regulatory requirements applicable to the project, evaluates potential impacts, and identifies mitigation measures, if applicable, related to project implementation. The discussion is based on the *Preliminary Geotechnical Investigation and Design Recommendations* (January 29, 2020), *Supplemental Geotechnical Investigation and Design Recommendations* (August 26, 2021), and the *Geotechnical Addendum* (March 28, 2022) prepared by Advanced Geotechnical Solutions Inc., which are included as Appendices H, I and T respectively.

5.6.1 Existing Conditions

The project site is a rectangular shaped parcel that covers approximately 5.92 acres and currently supports a vacant residential and several outbuildings. The surrounding area includes a nursery that operates immediately north of the project site; and the Palm Avenue Trolley Station parking lot, mobile home park, and Ocean View Christian Academy sports field are to the south of the project site. To the west lies the San Diego & Arizona Eastern (SD&AE) Railroad line, Metropolitan Transit System (MTS) Blue Line trolley, and Hollister Street. Single-family residences are located across Palm Avenue farther to the south of the project site and commercial uses are located to the west across Hollister Street. The elevations within the project site range from 23 to 54 feet above mean sea level (AMSL). Drainage across the site generally flows to the north and west.

Soil and Geologic Conditions

The project site is situated within the western portion of the Peninsular Ranges Geomorphic Province. The Peninsular Ranges province occupies the southwestern portion of California, extending southward from the Transverse Ranges and Los Angeles Basin to the southern tip of Baja California. In general, the province consists of young, steeply sloped, northwest trending mountain ranges underlain by metamorphosed Late Jurassic to Early Cretaceous-aged extrusive volcanic rock and Cretaceous-aged igneous plutonic rock of the Peninsular Ranges Batholith. The westernmost portion of the province is predominantly underlain by younger marine and non-marine sedimentary rocks. The Peninsular Ranges' dominant structural feature is northwest-southeast trending crustal blocks bounded by active faults of the San Andreas transform system. The site has been mapped as being underlain by topsoil, artificial fill, Young Alluvial Flood-Plain Deposits and Old Paralic Deposits, as described below. The geologic structure is considered neutral to favorable with respect to the proposed development.

Topsoil

A relatively thin veneer of topsoil ranging in thickness from approximately one to four feet was observed within several test pits. As encountered, the topsoil generally consists of brown to dark red brown silty to clayey fine-grained sand in a moist and loose condition.

Artificial Fill – Undocumented (afu)

Artificial fill was encountered in the majority of test pits and anticipated across the site with locally deeper deposits within the northeasterly portion of the site. Generally, the fill ranged in depth from approximately two to six feet below existing ground surface (bgs). However, deeper undocumented fill materials were encountered within the northeasterly portion of the site. Within this area fills were encountered to a depth of 13 feet but are anticipated to be locally deeper. As encountered, the fill materials can generally be described as gray brown clayey sand with gravel and cobble in a moist and loose condition. Abundant trash and construction debris were encountered including piping, plastic, glass, metal, wood, and concrete.

Young Alluvial Flood-Plain Deposits (Qya)

Holocene and late Pleistocene young alluvial flood-plain deposits were encountered primarily within the northern portion of the site. The young alluvium was found to underlie the fill or topsoil and ranged in thickness from six feet to 15+ feet. As encountered, the young alluvial deposits can generally be described as dark yellow brown to gray brown silty to clayey fine- to coarse-grained sand with abundant sub-rounded gravel and cobble in a moist to very moist and loose condition. Caving within these materials was observed in several trench excavations.

Old Paralic Deposits (Qop6)

Late to middle Pleistocene aged old paralic deposits (Unit 6), formerly known as the Baypoint Formation, were generally encountered beneath the artificial fill, topsoil and young alluvium at 1.5 to nine feet. These materials predominantly consist of silty fine-grained micaceous sand interbedded with coarser grained gravel and cobble rich lenses. The old paralic deposits were generally yellow brown to dark gray brown with common iron oxide development in a slightly moist and dense and weakly to moderately cemented condition. Carbonate nodules and stringers were commonly observed.

Groundwater

Groundwater was encountered at depths of 10 and 6.5 feet bgs in borings B-5 and B-7 drilled at the toe of the northerly descending slope. Based on these observations, the groundwater level was at approximate elevation 12.5 feet AMSL during our subsurface exploration. No natural groundwater condition is known to exist at the site that would preclude the proposed development; however, groundwater would be encountered during remedial grading activities extending into the lower, northern portion of the site. It should be noted that localized perched groundwater may develop at a later date, most likely at or near fill/bedrock contacts, due to fluctuations in precipitation, irrigation practices, or factors not evident at the time of our field exploration.

Seismic Hazards

The site is located in the tectonically active Southern California area and would therefore likely experience shaking effects from earthquakes. The type and severity of seismic hazards affecting the

site are to a large degree dependent upon the distance to the causative fault, the intensity of the seismic event, and the underlying soil characteristics. The seismic hazard may be primary, such as surface rupture and/or ground shaking, or secondary, such as liquefaction or dynamic settlement.

The project site is located within Grid Tile 6 of the San Diego Seismic Safety Study and is mapped as Geologic Hazard Category 53 within the southern portion of the site and Geologic Hazard Category 31 within the northern. Geologic Hazard Category 53 is identified as 'Level or sloping terrain, unfavorable geologic structure, low to moderate risk'. Geologic Hazard Category 31 is identified as 'High Liquefaction Potential – shallow groundwater, major drainages, hydraulic fill'.

Below is a summary of site-specific ground motion parameters, earthquake-induced landslide hazards, settlement, and liquefaction.

Surface Fault Rupture

No known active faults have been mapped within the project site. The nearest known active surface fault is the Silver Strand section of Newport-Inglewood-Rose Canyon fault zone which is approximately four miles west of the project site. Accordingly, the potential for surface fault rupture on the subject site is very low.

Seismicity

As noted, the site is within the tectonically active southern California area and is approximately four miles east from the active Newport-Inglewood-Rose Canyon fault zone. The potential exists for strong ground motion.

Liquefaction

Liquefaction is the phenomenon where seismic agitation of loose, saturated sands and silty sands can result in a buildup of pore pressures that, if sufficient to overcome overburden stresses, can produce a temporary quick condition. City of San Diego has mapped the northern portion of the site as having a high liquefaction potential and the southern portion of the site as low to moderate risk of liquefaction.

Dynamic Settlement

Dynamic settlement occurs in loose sandy earth materials in response to an earthquake event. Loose alluvial soils were encountered within the northern portion of the site and are considered potentially susceptible to dynamic settlement.

Seismically Induced Landsliding

Based on the analysis in the geotechnical investigation, landslides are not present on the project site or nearby. The risk associated with landsliding is considered very low.

5.6.2 Regulatory Framework

5.6.2.1 Federal

International Building Code

The International Building Code (IBC) is a model building code developed by the International Code Council. It has been adopted for use as a base code standard by most jurisdictions in the United States. The code provisions are intended to protect public health and safety while avoiding both unnecessary costs and preferential treatment of specific materials or methods of construction.

U.S. Geological Survey National Landslide Hazards Program

In fulfillment of the requirements of Public Law 106-113, the U.S. Geological Survey created the National Landslide Hazards Program in the mid-1970s. According to the U.S. Geological Survey, the primary objective of the National Landslide Hazards Program is to reduce long-term losses from landslide hazards by improving understanding of the causes of ground failure and suggesting mitigation strategies. The federal government takes the lead role in funding and conducting this research, whereas the reduction of losses due to geologic hazards is primarily a state and local responsibility.

5.6.2.2 State

Alquist–Priolo Earthquake Fault Zoning Act

The Alquist–Priolo Earthquake Fault Zoning Act (Alquist–Priolo Act) was passed in 1972 to mitigate the hazard of surface faulting to structures for human occupancy. In accordance with this act, the state geologist established regulatory zones, called “earthquake fault zones,” around the surface traces of active faults, and published maps showing these zones. Earthquake fault zones are designated by California Geological Survey and are delineated along traces of faults where mapping demonstrates that surface fault rupture has occurred within the past 11,700 years. Construction within these zones cannot be permitted until a geologic exploration has been conducted to prove that a building planned for human occupancy would not be constructed across an active fault. These types of site evaluations address the precise location and recency of rupture along traces of the faults, and are typically based on observations made in trenches excavated across fault traces.

California Building Code

The California Building Code (CBC) (24 CCR Part 2) is administered by the California Building Standards Commission, which is responsible for coordinating all building standards. Under state law, all building standards must be centralized in Title 24 or they are not enforceable. The purpose of the CBC is to establish minimum standards to safeguard the public health, safety, and general welfare through structural strength, means of egress, and general stability by regulating and controlling the design, construction, quality of materials, use and occupancy, location, and maintenance of all building and structures within its jurisdiction. The CBC is based on the IBC, published by the International Code Conference. The CBC contains California amendments based on

the American Society of Civil Engineers Minimum Design Standards 7-05, which provides requirements for general structural design and includes means for determining earthquake loads and other loads (such as wind loads) for inclusion into building codes. The provisions of the CBC apply to the construction, alteration, movement, replacement, and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures throughout California

5.6.2.3 Local

City of San Diego Municipal Code (Seismic Safety Maps)

San Diego Municipal Code (SDMC) Article 5, Division 18, Section 145.1803 and Appendix D of the City Land Development Manual outline specific requirements related to the nature and level of required geotechnical investigations for new development. Requirements include incorporation of appropriate recommendations for mitigation of geologic hazards, when identified, and incorporation of these recommendations into the design of the project, before issuance of a building permit. In addition to the regulatory standards listed above, City requirements related to geologic and geotechnical issues include obtaining a grading permit (SDMC Article 9, Division 6, Section 129.0601, et seq.), and conformance with applicable elements of the City Storm Water Standards Manual and related documents (San Diego Municipal Code Article 3, Division 3, Section 43.0301, et seq.), with stormwater standards discussed in more detail in Section 5.10, Hydrology, and Section 5.17, *Water Quality*, of this Environmental Impact Report (EIR).

5.6.3 Impact Analysis

5.6.3.1 Issue 1

Issue 1 Would the project expose people or structures to geologic hazards such as earthquakes, landslides, mudslides, ground failure, or similar hazards?

Impact Threshold

Based on the City's Significance Determination Thresholds (City of San Diego 2022), impacts related to geology and soils would be significant if a project would:

- Expose people or structures to geologic hazards such as earthquakes, landslides, mudslides, ground failure, or similar hazards.

Analysis

As described above, the project site is not located on any known active, potentially, active, or inactive fault traces. The nearest known active surface fault is the Silver Strand section of Newport-Inglewood-Rose Canyon fault zone, which is approximately four miles west of the project site. In the event of a major earthquake on the referenced faults or other significant faults in the southern California and northern Baja California area, the site could be subjected to moderate to severe ground shaking. With respect to this hazard, the site is considered comparable to others in the

general vicinity. Additionally, seismic design of the proposed structures would be performed in accordance with guidelines currently adopted by the City of San Diego and CBC.

The liquefaction analysis performed for the project indicates that much of the site is young alluvial flood-plain deposits consisting of silty to clayey fine- to coarse-grained sand with abundant sub-rounded gravel and cobble in a moist to very moist and loose to medium dense condition extending to depths ranging between six to 15 feet. Old paralic deposits underlie young alluvium and consist of slightly moist to moist, silty, fine-grained micaceous sand interbedded with coarse-grained gravel and cobble-rich lenses in a medium dense to dense and weakly to moderately cemented condition. The potential for liquefaction was found in one of the borings conducted in the analysis. Removal of the alluvial materials at the toe of the descending slope and the undocumented fill on the slope and recompaction would be made a condition of the project required through adherence to the final geotechnical investigation approved by the City Geologist, thus reducing any liquefaction potential on site and the potential consequences of soil liquefaction on the proposed development.

Additionally, lateral ground spreading can occur when viscous liquefied soils flow downslope, usually towards a river channel or shoreline. The removal and recompacting measures for the liquefaction potential would also reduce the potential for lateral spreading.

Seismically induced landsliding is considered very low for the project site considering the required remedial grading. Remedial grading proposed for the project would avoid any potential impacts associated with landsliding. Overall, adherence to the final geotechnical investigation grading requirements and design recommendations prepared to meet CBC and City requirements would reduce potential geologic hazard risks.

Significance of Impacts

The recommendations of the geotechnical report would be incorporated into the grading, design and construction of the project to reduce the site geologic hazards to an acceptable level. The project would adhere to the CBC and City requirements pertaining to grading and building. The proposed project would not expose people or property to potentially substantial effects including the risk of life, injury, or death due to hazards such as earthquakes, landslides, mudslides, ground failure, or similar hazard. Impacts related to geologic hazards would be less than significant.

Mitigation Measures

No mitigation would be required.

5.6.3.2 Issue 2

Issue 2 Would the project result in a substantial increase in wind or water erosion of soils, either on or off the site?

Impact Threshold

Based on the City's Significance Determination Thresholds (City of San Diego 2022), impacts related to geology and soils would be significant if a project would result in a substantial increase in wind or water erosion of soils.

Analysis

Construction of the project would temporarily increase the potential for erosion and sedimentation impacts through activities such as excavation, grading, and removal of surface stabilizing features (e.g., vegetation and pavement). The project proposes development of the project site with structures, hardscape, driveways, parking garage, surface parking, and extensive landscaping. The project site is currently vacant except for a residential structure and outbuildings and sparse landscaping. The project would stabilize the site through the addition of structures/hardscape and drought-tolerant, native, naturalized landscaping. Short-term erosion and sedimentation impacts would be addressed through conformance with applicable elements of the City stormwater program and related National Pollution Discharge Elimination System (NPDES) standards as well as conformance with applicable City regulatory codes as outlined above in Section 5.6.2 and the NPDES Construction General Permit. As presented in Section 5.10, *Hydrology*, and Section 5.17, *Water Quality*, drainage for the site would be adequately controlled such that substantial runoff would not occur, and storm drains have been sized to handle storm water runoff and best management practices including measures to address erosion and sedimentation would be adhered to.

Significance of Impacts

The proposed project would not result in a substantial increase in wind or water erosion of soils, either on or off the site. Impacts related to erosion would be less than significant.

Mitigation Measures

No mitigation would be required.

5.6.3.3 Issue 3

Issue 3 *Would the project 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?*

Impact Threshold

Based on the City Significance Determination Thresholds (City of San Diego 2022), impacts related to geology and soils would be significant if a project would be located on a geological unit or soil that is unstable or that would become unstable as a result of the project and potentially result in on-site or off-site landslides, lateral spreading, subsidence, liquefaction, or collapse.

Analysis

As discussed in Section 5.6.1 and the *Preliminary Geotechnical Investigation and Design Recommendations* prepared for the project in Appendix H, the project site is underlain by topsoil, artificial fill, Young Alluvial Flood-Plan Deposits and Old Paralic Deposits. The City has mapped the northern portion of the project site as having a “high liquefaction potential”. The geotechnical report includes grading recommendations that the proposed project would be required to implement via standard City conditions of approval, which include specific requirements for remedial grading and recompacting of soils that would reduce potential impacts resulting from unstable soils and minimize the potential for landslides lateral spreading, subsidence, liquefaction or collapse. Additionally, the proposed project would comply with the SDMC, CBC and applicable geologic hazards regulations.

Significance of Impacts

As a standard City condition of approval, the project would be conditioned to adhere to a final geotechnical investigation prepared pursuant to CBC and City requirements. Through implementation of associated design/construction recommendations set forth in the project geotechnical investigation, and mandatory conformance with applicable regulatory/industry standard and codes, including the IBC/CBC and pertinent City criteria would reduce the risk of potential effects from geologic hazards to acceptable levels. Therefore, impacts related to unstable geologic units would be less than significant.

Mitigation Measures

No mitigation would be required.

5.7 Greenhouse Gas Emissions

The following section describes existing greenhouse gas emissions conditions, identifies policies and regulatory requirements applicable to the project, evaluates potential impacts, and identifies mitigation measures, if applicable, related to project implementation.

5.7.1 Existing Conditions

5.7.1.1 Background

Global Climate Change (GCC) refers to any significant change in measures of climate, such as temperature, precipitation, or wind patterns that last for an extended period of time. The earth's temperature depends on the balance between energy entering and leaving the planet's system. Many factors, both natural and human, can cause changes in earth's energy balance, including variations in the sun's energy that reaches Earth, changes in the reflectivity of Earth's atmosphere and surface, and changes in the greenhouse effect, which affects the amount of heat retained by Earth's atmosphere.

The greenhouse effect is the trapping and buildup of heat in the atmosphere (troposphere) near the earth's surface. The greenhouse effect traps heat in the troposphere through a threefold process as follows: short-wave radiation emitted by the sun is absorbed by the earth, the earth emits a portion of this energy in the form of long-wave radiation, and greenhouse gas emissions (GHGs) in the upper atmosphere absorb this long-wave radiation and emit it into space and toward earth. The greenhouse effect is a natural process that contributes to regulating the earth's temperature.

Human activities that emit additional GHGs to the atmosphere increase the amount of infrared radiation absorbed before escaping into space; thus, enhancing the greenhouse effect and causing the earth's surface temperature to rise. The scientific record of the earth's climate shows that the climate system varies naturally over a wide range of time scales, and that in general, climate changes prior to the Industrial Revolution in the 1700s can be explained by natural causes, such as changes in solar energy, volcanic eruptions, and natural changes in GHG concentrations. However, recent climate changes, specifically the warming observed over the past century, cannot be explained by natural causes alone. Rather, human activity may have been the dominant cause of warming since the mid-twentieth century and are thought to be a significant driver of observed climate change. Human influence on the climate system is evident from the increasing GHG concentrations in the atmosphere, positive radiative forcing, observed warming and improved understanding of the climate system. The atmospheric concentrations of GHGs have increased primarily from fossil fuel emissions and secondarily from emissions associated with land use changes. Continued emissions of GHGs may cause further warming and changes in all components of the climate system.

Global Climate Change (GCC) and GHGs have been at the center of a widely-contested political, economic, and scientific debate. Although the conceptual existence of GCC is generally accepted, the

extent to which GHGs generally and anthropogenic-induced GHGs contribute to it remains a source of debate. The State of California has been at the forefront of developing solutions to address GCC.

The United Nations Intergovernmental Panel on Climate Change (IPCC) constructed several emission trajectories of GHGs needed to stabilize global temperatures and climate change impacts. The IPCC concluded that a stabilization of GHGs at 400 to 450 ppm carbon dioxide (CO₂) equivalent concentration is required to keep global mean warming below 3.6° Fahrenheit (2° Celsius), which is assumed to be necessary to avoid dangerous climate change.

State law defines greenhouse gases as any of the following compounds: CO₂, methane (CH₄), nitrous oxide (N₂O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF₆) [California Health and Safety Code Section 38505(g)]. CO₂, followed by CH₄ and N₂O, are the most common GHGs that result from human activity.

5.7.1.2 Sources and Global Warming Potentials of GHG

Anthropogenic sources of CO₂ include combustion of fossil fuels (coal, oil, natural gas, gasoline, and wood). CH₄ is the main component of natural gas and also arises naturally from anaerobic decay of organic matter. Accordingly, anthropogenic sources of CH₄ include landfills, fermentation of manure, and cattle farming. Anthropogenic sources of N₂O include combustion of fossil fuels and industrial processes such as nylon production and production of nitric acid. Other GHGs are present in trace amounts in the atmosphere and are generated from various industrial or other uses.

GHGs have varying global warming potential (GWP). The GWP is the potential of a gas or aerosol to trap heat in the atmosphere; it is the “cumulative radiative forcing effect of a gas over a specified time horizon resulting from the emission of a unit mass of gas relative to a reference gas” (EPA 2006). The reference gas for GWP is CO₂; therefore, CO₂ has a GWP of one. The other main greenhouse gases that have been attributed to human activity include CH₄, which has a GWP of 28, and N₂O, which has a GWP of 265. Table 5.7.1, *Global Warming Potentials and Atmospheric Lifetimes of GHGs*, presents the GWP and atmospheric lifetimes of common GHGs. In order to account for each GHG's respective GWP, all types of GHG emissions are expressed in terms of CO₂ equivalents (CO₂e) and are typically quantified in metric tons (MT) or millions of metric tons (MMT).

California Air Resources Board (CARB) compiled a statewide inventory of anthropogenic GHG emissions and sinks that includes estimates for CO₂, CH₄, N₂O, SF₆, HFCs, and PFCs, and is summarized in Table 5.7-2, *State of California GHG Emissions by Sector*. Data sources used to calculate this GHG inventory include California and Federal agencies, international organizations, and industry associations. The calculation methodologies are consistent with guidance from the IPCC. The 1990 emissions level is the sum total of sources and sinks from all sectors and categories in the inventory. The inventory is divided into seven broad sectors and categories in the inventory: Agriculture, Commercial, Electricity Generation, Forestry, Industrial, Residential, and Transportation.

Table 5.7-1. Global Warming Potentials and Atmospheric Lifetimes of GHGs

| GHG | Formula | 100-Year Global Warming Potential | Atmospheric Lifetime (Years) |
|----------------------|------------------|-----------------------------------|------------------------------|
| Carbon Dioxide | CO ₂ | 1 | Variable |
| Methane | CH ₄ | 28 | 12 |
| Nitrous Oxide | N ₂ O | 265 | 121 |
| Sulfur Hexafluoride | SF ₆ | 23,500 | 3,200 |
| Hydrofluorocarbons | HFCs | 100 to 12,000 | 1 to 100 |
| Perfluorocarbons | PFCs | 7,000 to 11,000 | 3,000 to 50,000 |
| Nitrogen Trifluoride | NF ₃ | 16,100 | 500 |

Source: First Update to the Climate Change Scoping Plan, ARB 2014

Table 5.7-2. State of California GHG Emissions by Sector

| Sector | Total 1990 Emissions (MMTCO ₂ e) | Percent of Total 1990 Emissions | Total 2012 Emissions (MMTCO ₂ e) | Percent of Total 2012 Emissions |
|----------------------------|---------------------------------------------|---------------------------------|---------------------------------------------|---------------------------------|
| Agriculture | 23.4 | 5 percent | 37.86 | 8% |
| Commercial | 14.4 | 3% | 14.20 | 3% |
| Electricity Generation | 110.6 | 26% | 95.05 | 21% |
| Forestry (excluding sinks) | 0.2 | <1% | Not reported | -- |
| Industrial | 103.0 | 24% | 89.16 | 19% |
| Residential | 29.7 | 7% | 28.09 | 6% |
| Transportation | 150.7 | 35% | 167.38 | 36% |
| Recycling and Waste | Not reported | -- | 8.49 | 2% |
| High GWP Gases | Not reported | -- | 18.41 | 4% |
| Forestry Sinks | (6.7) | -- | Not reported | -- |

Source: CARB 2014.

In its Climate Action Plan, the City identified the 2010 baseline for GHG emissions of 13,091,591 million metric tons equivalent CO₂ (MT CO₂e). Based on the community-wide emissions inventory, 55 percent of the baseline emissions are attributable to transportation, 23 percent are attributable to electricity use, 17 percent are attributable to natural gas use, and five percent are attributable to solid waste and wastewater handling and treatment.

5.7.1.3 Typical Adverse Effects

The Climate Scenarios Report (2006) uses a range of emissions scenarios developed by the IPCC to project a series of potential warming ranges (i.e., temperature increases) that may occur in California during the 21st Century. Three warming ranges were identified: lower warming range (3.0 °F to 5.5 °F); medium warming range (5.5 to 8.0 °F); and higher warming range (8.0 °F to 10.5 °F). The Climate Scenarios Report then presents an analysis of the future projected climate changes in California under each warming range scenario.

According to the report, substantial temperature increases would result in a variety of impacts to the people, economy, and environment of California. These impacts would result from a projected increase in extreme conditions, with the severity of the impacts depending upon actual future emissions of GHGs and associated warming. These impacts described in the Climate Scenarios Report (2006) are summarized below.

Public Health

Higher temperatures are expected to increase the frequency, duration, and intensity of conditions conducive to air pollution formation. For example, days with weather conducive to ozone (O₃) formation are projected to increase by 25 to 35 percent under the lower warming range and 75 to 85 percent under the medium warming range. In addition, if global background O₃ levels increase as is predicted in some scenarios, it may become impossible to meet local air quality standards. An increase in wildfires could also occur, and the corresponding increase in the release of pollutants including PM_{2.5} could further compromise air quality. The Climate Scenarios Report (IPCC 2006) indicates that large wildfires could become up to 55 percent more frequent of GHG emissions are not significantly reduced.

Potential health effects from GCC may arise from temperature increases, climate-sensitive diseases, extreme events, and air quality. There may be direct temperature effects through increases in average temperature leading to more extreme heat waves and less extreme cold spells. Those living in warmer climates are likely to experience more stress and heat-related problems (e.g., heat rash and heat stroke). In addition, climate sensitive diseases (such as malaria, dengue fever, yellow fever, and encephalitis) may increase, such as those spread by mosquitoes and other disease-carrying insects.

Water Resources

A vast network of reservoirs and aqueducts capture and transport water throughout the State from northern California rivers and the Colorado River. The current distribution system relies on Sierra Nevada mountain snowpack to supply water during the dry spring and summer months. Rising temperatures, potentially compounded by decreases in precipitation, could severely reduce spring snowpack, increasing the risk of summer water shortages. In addition, if temperatures continue to rise more precipitation would fall as rain instead of snow, further reducing the Sierra Nevada spring snowpack by as much as 70 to 90 percent. The State's water resources are also at risk from rising sea levels. An influx of seawater would degrade California's estuaries, wetlands, and groundwater aquifers.

Agriculture

Increased GHG and associated increases in temperature are expected to cause widespread changes to the agricultural industry, reducing the quantity and quality of agricultural products statewide. Significant reductions in available water supply to support agriculture would also impact production.

Crop growth and development would change as would the intensity and frequency of pests and diseases.

Ecosystems/Habitats

Continued global warming would likely shift the ranges of existing invasive plants and weeds, thus altering competition patterns with native plants. Range expansion is expected in many species while range contractions are less likely in rapidly evolving species with significant populations already established. Continued global warming is also likely to increase the populations of and types of pests. Continued global warming would also affect natural ecosystems and biological habitats throughout the State.

Wildland Fires

Global warming is expected to increase the risk of wildfire and alter the distribution and character of natural vegetation. If temperatures rise into the medium warming range, the risk of large wildfires in California could increase by as much as 55 percent, which is almost twice the increase expected if temperatures stay in the lower warming range. However, since wildfire risk is determined by a combination of factors including precipitation, winds, temperature, and landscape and vegetation conditions, future risks would not be uniform throughout the State.

Rising Sea Levels

Rising sea levels, more intense coastal storms, and warmer water temperatures would increasingly threaten the State's coastal regions. Under the high warming scenario, sea level is anticipated to rise 22 to 35 inches by 2100. A sea level risk of this magnitude would inundate coastal areas with salt water, accelerate coastal erosion, threaten levees and inland water systems, and disrupt wetlands and natural habitats.

Sea levels rose approximately seven inches during the last century and the State of California predicts an additional rise of 10 to 17 inches by 2050 and a rise of 31 to 69 inches by 2100, depending on the future levels of GHG emissions. If this occurs, resultant effects could include increased coastal flooding. Sea level rise adaptation strategies include strategies that involve construction of hard structures as barriers, such as seawalls and levees; soft structure strategies such as wetland enhancement, detention basins, and other natural strategies; accommodation strategies that include grade elevations, elevated structures, and other building design options; and withdrawal strategies that limit development to areas unaffected by sea level rise.

5.7.2 Regulatory Framework

All levels of government have some responsibility for the protection of air quality, and each level (federal, state, and regional/local) has specific responsibilities relating to air quality regulation. GHG emissions and the regulation of GHGs is a relatively new component of this air quality regulatory framework. The relevant GHG regulations are discussed below.

5.7.2.1 Federal

Massachusetts v. U.S. Environmental Protection Agency

In *Massachusetts v. EPA* (April 2007), the U.S. Supreme Court directed the Environmental Protection Agency (EPA) administrator to determine whether GHG emissions from new motor vehicles cause or contribute to air pollution that may reasonably be anticipated to endanger public health or welfare, or whether the science is too uncertain to make a reasoned decision. In December 2009, the administrator signed a final rule with the following two distinct findings regarding GHGs under Section 202(a) of the Clean Air Act:

- The administrator found that elevated concentrations of GHGs—CO₂, CH₄, N₂O, HFCs, PFCs, and SF₆—in the atmosphere threaten the public health and welfare of current and future generations. This is the “endangerment finding.”
- The administrator further found the combined emissions of GHGs—CO₂, CH₄, N₂O, and HFCs—from new motor vehicles and new motor vehicle engines contribute to the GHG air pollution that endangers public health and welfare. This is the “cause or contribute finding.”

These two findings were necessary to establish the foundation for regulation of GHGs from new motor vehicles as air pollutants under the Clean Air Act.

Energy Independence and Security Act

The Energy Independence and Security Act of 2007, among other key measures, would do the following, which would aid in the reduction of national GHG emissions (EPA 2007):

- Increase the supply of alternative fuel sources by setting a mandatory Renewable Fuel Standard requiring fuel producers to use at least 36 billion gallons of biofuel in 2022.
- Set a target of 35 miles per gallon for the combined fleet of cars and light trucks by model year 2020 and direct the National Highway Traffic Safety Administration (NHTSA) to establish a fuel economy program for medium- and heavy-duty trucks and create a separate fuel economy standard for work trucks.
- Prescribe or revise standards affecting regional efficiency for heating and cooling products and procedures for new or amended standards, energy conservation, energy efficiency labeling for consumer electronic products, residential boiler efficiency, electric motor efficiency, and home appliances.

Federal Vehicle Standards

In response to the *Massachusetts v. EPA* ruling, the George W. Bush Administration issued Executive Order (EO) 13432 in 2007 directing EPA, the Department of Transportation, and the Department of Energy to establish regulations that reduce GHG emissions from motor vehicles, non-road vehicles, and non-road engines by 2008. In 2009, National Highway Traffic Safety Administration (NHTSA) issued a final rule regulating fuel efficiency and GHG emissions from cars and light-duty trucks for

model year 2011. In 2010, EPA and NHTSA issued a final rule regulating cars and light-duty trucks for model years 2012 through 2016 (75 FR 25324–25728).

In 2010, President Obama issued a memorandum directing the Department of Transportation, Department of Energy, EPA, and NHTSA to establish additional standards regarding fuel efficiency and GHG emissions reduction, clean fuels, and advanced vehicle infrastructure. In response to this directive, EPA and NHTSA proposed stringent, coordinated federal GHG emissions and fuel economy standards for model years 2017 through 2025 light-duty vehicles. The proposed standards projected to achieve 163 grams/mile of CO₂ in model year 2025, on an average industry-fleet-wide basis, which is equivalent to 54.5 miles per gallon if this level were achieved solely through fuel efficiency. The final rule was adopted in 2012 for model years 2017 through 2021 (77 FR 62624–63200), and NHTSA intends to set standards for model years 2022 through 2025 in a future rulemaking.

In addition to the regulations applicable to cars and light-duty trucks described above, in 2011, EPA and NHTSA announced fuel economy and GHG standards for medium- and heavy-duty trucks for model years 2014 through 2018. The standards for CO₂ emissions and fuel consumption are tailored to three main vehicle categories: combination tractors, heavy-duty pickup trucks and vans, and vocational vehicles. According to EPA, this regulatory program will reduce GHG emissions and fuel consumption for the affected vehicles by 6 percent to 23 percent over the 2010 baselines (76 FR 57106–57513).

In August 2016, EPA and NHTSA announced the adoption of the phase two program related to the fuel economy and GHG standards for medium- and heavy-duty trucks. The phase two program will apply to vehicles with model year 2018 through 2027 for certain trailers and model years 2021 through 2027 for semi-trucks, large pickup trucks, vans, and all types of sizes of buses and work trucks. The final standards are expected to lower CO₂ emissions by approximately 1.1 billion MT and reduce oil consumption by up to 2 billion barrels over the lifetime of the vehicles sold under the program (EPA and NHTSA 2016).

On September 19, 2019, NHTSA and EPA issued a final action entitled the “One National Program Rule” to enable the federal government to provide nationwide uniform fuel economy and GHG emission standards for automobiles and light-duty trucks. This action finalizes critical parts of the Safer, Affordable, Fuel-Efficient (SAFE) Vehicles Rule that was first proposed in August 2018. This action makes clear that federal law preempts state and local tailpipe GHG emissions standards as well as zero emission vehicle (ZEV) mandates. California and other states have challenged federal actions that would delay or eliminate GHG emissions reduction measures and have committed to cooperating with other countries to implement global climate change initiatives. The timing and consequences of these types of federal decisions and subsequent challenges are speculative at this time.

5.7.2.2 State

The following subsections describe regulations and standards that have been adopted by the State of California to address GCC issues.

Executive Order S-3-05

On June 1, 2005, EO S-3-05 proclaimed that California is vulnerable to climate change impacts. It declared that increased temperatures could reduce snowpack in the Sierra Nevada, further exacerbate California's air quality problems, and potentially cause a rise in sea levels. In an effort to avoid or reduce climate change impacts, Executive Order S-3-05, signed by Governor Schwarzenegger on June 1, 2005, calls for a reduction in GHG emissions to 1990 levels by 2020 and for an 80 percent reduction in GHG emissions by 2050. Executive Order S-3-05 also calls for the CalEPA to prepare biennial science reports on the potential impact of continued GCC on certain sectors of the California economy. The first of these reports, *Our Changing Climate: Assessing Risks to California*, and its supporting document *Scenarios of Climate Change in California: An Overview* were published by the California Climate Change Center in 2006.

Assembly Bill 32, the California Global Warming Solutions Act of 2006

The California Global Warming Solutions Act of 2006, widely known as AB 32, requires that CARB develop and enforce regulations for the reporting and verification of statewide GHG emissions. CARB is directed to set a GHG emission limit, based on 1990 levels, to be achieved by 2020. The bill requires CARB to adopt rules and regulations in an open public process to achieve the maximum technologically feasible and cost-effective GHG reductions.

Executive Order S-01-07

Executive Order S-01-07 was enacted by the Governor on January 18, 2007, and mandates that: 1) a statewide goal be established to reduce the carbon intensity of California's transportation fuels by at least ten percent by 2020; and 2) a low carbon fuel standard (LCFS) for transportation fuels be established for California. According to the San Diego County Greenhouse Gas Inventory (SDCGHGI), the effects of the LCFS would be a ten percent reduction in GHG emissions from fuel use by 2020. On April 23, 2009, the ARB adopted regulations to implement the LCFS.

Senate Bill 97

Senate Bill 97, enacted in 2007, amends the California Environmental Quality Act (CEQA) statute to clearly establish that GHG emissions and the effects of GHG emissions are appropriate subjects for CEQA analysis. It directs OPR to develop draft CEQA guidelines "for the mitigation of greenhouse gas emissions or the effects of greenhouse gas emissions" by July 1, 2009, and directs the Resources Agency to certify and adopt the CEQA guidelines by January 1, 2010.

Assembly Bill 1109

Enacted in 2007, AB 1109 required the California Energy Commission (CEC) to adopt minimum energy efficiency standards for general-purpose lighting to reduce electricity consumption 50 percent for indoor residential lighting and 25 percent for indoor commercial lighting.

Executive Order S-13-08

EO S-13-08 (November 2008) is intended to hasten California's response to the impacts of global climate change, particularly sea-level rise. Therefore, EO S-13-08 directs state agencies to take specified actions to assess and plan for such impacts. The final 2009 California Climate Adaptation Strategy report was issued in December 2009 [California Natural Resources Agency (CNRA) NRA 2009b], and an update, *Safeguarding California: Reducing Climate Risk*, followed in July 2014 (CNRA 2014). To assess the State's vulnerability, the report summarizes key climate change impacts to the State for the following areas: agriculture, biodiversity and habitat, emergency management, energy, forestry, ocean and coastal ecosystems and resources, public health, transportation, and water. Issuance of the *Safeguarding California: Implementation Action Plans* followed in March 2016 (CNRA 2016). In January 2018, the CNRA released the *Safeguarding California Plan: 2018 Update*, which communicates current and needed actions that State government should take to build climate change resiliency (CNRA 2018).

Senate Bill 375

SB 375 (2008) finds that GHG from autos and light trucks can be substantially reduced by new vehicle technology, but even so it would be necessary to achieve significant additional greenhouse gas reductions from changed land use patterns and improved transportation. Without improved land use and transportation policy, California would not be able to achieve the goals of AB 32. Therefore, SB 375 requires that regions with metropolitan planning organizations adopt sustainable communities strategies, as part of their regional transportation plans, which are designed to achieve certain goals for the reduction of GHG emissions from mobile sources.

SB 375 also includes CEQA streamlining provisions for "transit priority projects" that are consistent with an adopted sustainable communities strategy. As defined in SB 375, a "transit priority project" shall: (1) contain at least 50 percent residential use, based on total building square footage and, if the project contains between 26 and 50 percent nonresidential uses, a floor area ratio of not less than 0.75; (2) provide a maximum net density of at least 20 dwelling units per acre; and (3) be within 0.5 mile of a major transit stop or high quality transit corridor.

CARB's Scoping Plan

On December 11, 2008, CARB adopted the Scoping Plan (CARB 2008) as directed by AB 32. The Scoping Plan proposes a set of actions designed to reduce overall GHG emissions in California to the levels required by AB 32. Measures applicable to development projects include those related to energy-efficiency building and appliance standards, the use of renewable sources for electricity

generation, regional transportation targets, and green building strategy. Relative to transportation, the Scoping Plan includes nine measures or recommended actions related to reducing vehicle miles traveled and vehicle GHGs through fuel and efficiency measures. These measures would be implemented statewide rather than on a project-by-project basis.

In response to EO B-30-15 and SB 32, all state agencies with jurisdiction over sources of GHG emissions were directed to implement measures to achieve reductions of GHG emissions to meet the 2030 and 2050 targets. CARB was directed to update the Scoping Plan to reflect the 2030 target and released this update in December 2017. The 2017 Climate Change Scoping Update, Proposed Strategy for Achieving California's 2030 Greenhouse Gas Target-reflects the 2030 target set by EO B-30-15 and codified by SB 32. In moving forward with the update process, the 2022 Scoping Plan for Achieving Carbon Neutrality was adopted December 2022. The 2022 Scoping Plan Update lays out a path to achieve targets for carbon neutrality and reduce anthropogenic greenhouse gas emissions by 85 percent below 1990 levels no later than 2045.

Executive Order S-21-09

Executive Order S-21-09 was enacted by Governor Schwarzenegger on September 15, 2009. Executive Order S-21-09 requires that the CARB, under its AB 32 authority, adopt a regulation by July 31, 2010, that sets a 33-percent renewable energy target as established in Executive Order S-14-08. Under Executive Order S-21-09, the CARB would work with the Public Utilities Commission and California Energy Commission to encourage the creation and use of renewable energy sources, and would regulate all California utilities. The CARB would also consult with the Independent System Operator and other load balancing authorities on the impacts on reliability, renewable integration requirements, and interactions with wholesale power markets in carrying out the provisions of the Executive Order. The order requires the CARB to establish highest priority for those resources that provide the greatest environmental benefits with the least environmental costs and impacts on public health.

Senate Bill 1368

SB 1368 (2006) required CEC to develop and adopt regulations for GHG emission performance standards for the long-term procurement of electricity by local publicly owned utilities. This effort helps protect energy customers from financial risks associated with investments in carbon-intensive generation by allowing new capital investments in power plants whose GHG emissions are as low as or lower than new combined-cycle natural gas plants by requiring imported electricity to meet GHG performance standards in California and by requiring that the standards be developed and adopted in a public process.

Senate Bill 1078, Senate Bill 107, and Executive Order S-14-08

SB 1078 initially set a target of 20 percent of energy to be sold from renewable sources by the Year 2017. The schedule for implementation of the Renewables Portfolio Standard (RPS) was accelerated

in 2006 with the Governor's signing of SB 107, which accelerated the 20 percent RPS goal from 2017 to 2010. On November 17, 2008, the Governor signed Executive Order S-14-08, which requires all retail sellers of electricity to serve 33 percent of their load with renewable energy by 2020. The Governor signed Executive Order S-21-09 on September 15, 2009, which directed Air Resources Board (ARB) to implement a regulation consistent with the 2020 33 percent renewable energy target by July 31, 2010. The 33 percent RPS was adopted in 2010.

Senate Bill X1 2

SB X1 2 (2011) expanded the RPS by establishing that 20 percent of the total electricity sold to retail customers in California per year be secured from qualified renewable energy sources by December 31, 2013, and 33 percent by December 31, 2020, and in subsequent years. Under SB X1 2, a renewable electrical generation facility is one that uses biomass, solar thermal, photovoltaic, wind, geothermal, fuel cells using renewable fuels, small hydroelectric generation of 30 megawatts or less, digester gas, municipal solid waste conversion, landfill gas, ocean wave, ocean thermal, or tidal current, and that meets other specified requirements with respect to its location. In addition to the retail sellers previously covered by the RPS, SB X1 2 added local, publicly owned electric utilities to the RPS.

Assembly Bill 939 and Assembly Bill 341

In 1989, AB 939, known as the Integrated Waste Management Act (California Public Resources Code, Sections 40000 et seq.), was passed because of the increase in waste stream and the decrease in landfill capacity. The statute established the California Integrated Waste Management Board, which oversees a disposal reporting system. AB 939 mandated a reduction of waste being disposed of, in which jurisdictions were required to meet diversion goals of all solid waste through source reduction, recycling, and composting activities of 25 percent by 1995 and 50 percent by the year 2000.

AB 341 (2011) amended the California Integrated Waste Management Act of 1989 to include a provision declaring that it is the policy goal of the State that not less than 75 percent of solid waste generated be source- reduced, recycled, or composted by the year 2020, and annually thereafter. In addition, AB 341 required the California Department of Resources Recycling and Recovery to develop strategies to achieve the State's policy goal. The California Department of Resources Recycling and Recovery has conducted multiple workshops and published documents that identify priority strategies that it believes would assist the State in reaching the 75 percent goal by 2020 (CalRecycle 2015). In July 2020, commercial recycling requirements went into effect requiring businesses to provide organics and recycling containers at front-of-house to collect waste generated from products purchased and consumed on the premises.

Executive Order B-16-12

EO B-16-12 (2012) directs State entities under the Governor's direction and control to support and facilitate development and distribution of ZEVs. This EO also sets a long-term target of reaching 1.5 million ZEVs on California's roadways by 2025. On a statewide basis, EO B-16-12 also establishes a GHG emissions reduction target from the transportation sector equaling 80 percent less than 1990 levels by 2050. In furtherance of this EO, the Governor convened an interagency working group on ZEVs that has published multiple reports regarding the progress made on the penetration of ZEVs in the statewide vehicle fleet. paper.

Senate Bill 605 and Senate Bill 1383

SB 605 (2014) required CARB to complete a comprehensive strategy to reduce emissions of short-lived climate pollutants (SLCPs) in the State, and SB 1383 (2016) required CARB to approve and implement the SLCP Reduction Strategy. SB 1383 also established specific targets for the reduction of SLCPs (40 percent below 2013 levels by 2030 for CH₄ and HFCs, and 50 percent below 2013 levels by 2030 for human-caused black carbon), and provided direction for reductions from dairy and livestock operations and landfills. Accordingly, and as mentioned above, in March 2017 CARB adopted its SLCP Reduction Strategy, which established a framework for the statewide reduction of emissions of black carbon, CH₄, and fluorinated gases. SB 1383 also states that starting in 2022 all jurisdictions must provide organic waste collection services to all residents and businesses. Jurisdictions can select from a variety of organic waste collection services to match their unique communities and local infrastructure, while producing clean streams of organic feedstock that can be recycled into high-quality, marketable recycled products, including compost, renewable natural gas, electricity, and paper.

Executive Order B-29-15

In response to the ongoing drought in California, EO B-29-15 (April 2015) set a goal of achieving a statewide reduction in potable urban water usage of 25 percent relative to water use in 2013. The term of the executive order extended through February 28, 2016, although many of the directives have since become permanent water-efficiency standards and requirements. EO B-29-15 includes specific directives that set strict limits on water usage in the State. In response to EO B-29-15, the California Department of Water Resources has modified and adopted a revised version of the Model Water Efficient Landscape Ordinance, that, among other changes, significantly increases the requirements for landscape water use efficiency and broadens its applicability to include new development projects with smaller landscape areas.

Executive Order B-30-15

On April 29, 2015, executive Order B-30-15 established an interim GH emission reduction goal for the State of California to reduce GHG emissions to 40 percent below 1990 levels by the Year 2030. This Executive Order directs all state agencies with jurisdiction over GHG-emitting sources to implement measures designed to achieve the new interim 2030 goal, as well as the pre-existing,

long-term 2050 goal identified in Executive Order S-3-05 to reduce GHG emissions to 80 percent below 1990 levels by the Year 2050. The Executive Order directs ARB to update its Scoping Plan to address the 2030 goal. It is anticipated that ARB would develop statewide inventory projection data for 2030 and commence efforts to identify reduction strategies capable of securing emission reductions that allow for achievement of the new interim goal for 2030.

Senate Bill 350

In 2015, SB 350—the Clean Energy and Pollution Reduction Act—was enacted into law, further expanding the RPS by establishing that 50 percent of the total electricity sold to retail customers in California per year by December 31, 2030, be secured from qualified renewable energy sources. In addition, SB 350 included the goal of doubling the energy efficiency savings in electricity and natural gas final end uses (such as heating, cooling, lighting, or classes of energy uses on which an energy efficiency program is focused) of retail customers through energy conservation and efficiency. The bill also required the California Public Utilities Commission, in consultation with the CEC, to establish efficiency targets for electrical and gas corporations consistent with this goal. As one of its elements, SB 350 established a statewide policy for widespread electrification of the transportation sector, recognizing that such electrification is required for achievement of the State's 2030 and 2050 reduction targets (see California Public Utilities Code, Section 740.12). In April 2020, CARB's Enforcement Policy was updated to include a mechanism pursuant to PUC section 399.30 (o), under Appendix B: Enforcement Policy for the Renewables Portfolio Standard Program.

Assembly Bill 1236

AB 1236 (2015) requires local land use jurisdictions to approve applications for the installation of EV charging stations, as defined, through the issuance of specified permits unless there is substantial evidence in the record that the proposed installation would have a specific adverse impact on public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact. The bill provides for appeal of that decision to the planning commission, as specified. AB 1236 requires local land use jurisdictions with a population of 200,000 or more residents to adopt an ordinance, by September 30, 2016, that creates an expedited and streamlined permitting process for EV charging stations, as specified. The City added Section 86.0151, Electric Vehicle Parking Regulations, to the San Diego Municipal Code in August 2015 in response to the AB 1236 requirements.

Executive Order B-48-18

EO B-48-18 (2018) launched an 8-year initiative to accelerate the sale of EVs through a mix of rebate programs and infrastructure improvements. The order also set a new electric vehicle (EV) target of 5 million EVs in California by 2030. EO B-48-18 included funding for multiple State agencies, including CEC, to increase EV charging infrastructure and for CARB to provide rebates for the purchase of new EVs and purchase incentives for low-income customers.

Executive Order B-55-18

EO B-55-18 (September 2018) established a new statewide goal “to achieve carbon neutrality as soon as possible, and no later than 2045, and achieve and maintain net negative emissions thereafter.” This executive order directed CARB to “work with relevant State agencies to ensure future Scoping Plans identify and recommend measures to achieve the carbon neutrality goal.”

Senate Bill 100

SB 100 (2018) increased the standards set forth in SB 350, which established that 44 percent of the total electricity sold to retail customers in California per year be secured from qualified renewable energy sources by December 31, 2024; 52 percent by December 31, 2027; and 60 percent by December 31, 2030. Under SB 100, it is the policy of the State that eligible renewable energy resources and zero-carbon resources supply 100 percent of the retail sales of electricity to California. This bill requires that achievement of 100 percent zero-carbon electricity resources not increase the carbon emissions elsewhere in the western grid and that achievement of this goal not occur through resource shuffling.

State Standards Addressing Vehicular Emissions

California Assembly Bill 1493 (Pavley) enacted on July 22, 2002, required the ARB to develop and adopt regulations that reduce greenhouse gases emitted by passenger vehicles and light duty trucks. Regulations adopted by ARB would apply to 2009 and later model year vehicles. ARB estimated that the regulation would reduce climate change emissions from light duty passenger vehicle fleet by an estimated 18 percent in 2020 and by 27 percent in 2030. Once implemented, emissions from new light duty vehicles are expected to be reduced in San Diego County by up to 21 percent by 2020.

The ARB has adopted amendments to the Pavley regulations that reduce GHG emissions in new passenger vehicles from 2009 through 2016. The amendments, approved by the ARB Board on September 24, 2009, are part of California’s commitment toward a nation-wide program to reduce new passenger vehicle GHGs from 2012 through 2016, and prepare California to harmonize its rules with the Federal rules for passenger vehicles.

Advanced Clean Cars Program

In January 2012, CARB approved the Advanced Clean Cars program, a new emissions control program for model years 2015 through 2025. The program combines the control of smog- and soot-causing pollutants and GHG emissions into a single coordinated package. The package includes elements to reduce smog-forming pollution, reduce GHG emissions, promote clean cars, and provide the fuels for clean cars (CARB 2011b). To improve air quality, CARB has implemented new emission standards to reduce smog-forming emissions beginning with 2015 model year vehicles. It is estimated that in 2025, cars will emit 75 percent less smog-forming pollution than the average new car sold before 2012. To reduce GHG emissions, CARB, in conjunction with EPA and NHTSA, has

adopted new GHG standards for model year 2017 to 2025 vehicles that are estimated to reduce GHG emissions by 34 percent in 2025. The ZEV program will act as the focused technology of the Advanced Clean Cars program by requiring manufacturers to produce increasing numbers of ZEVs and plug-in hybrid electric vehicles (EVs) in the 2018 to 2025 model years.

California Code of Regulations Title 24

Although not originally intended to reduce greenhouse gas emissions, California Code of Regulations Title 24 Part 6: California's Energy Efficiency Standards for Residential and Nonresidential Buildings were first established in 1978 in response to a legislative mandate to reduce California's energy consumption. The standards are updated periodically to allow consideration and possible incorporation of new energy efficiency technologies and methods. Title 24 was updated 2022. The 2022 standards continue to improve upon the 2019 standards for new construction of, and additions and alterations to, residential and nonresidential buildings. The 2022 standards went into effect on January 1, 2023. Energy efficient buildings require less electricity, natural gas, and other fuels. Electricity production from fossil fuels and on-site fuel combustion (typically for water heating) results in greenhouse gas emissions. Therefore, increased energy efficiency results in decreased greenhouse gas emissions.

Title 24 also includes Part 11, known as California's Green Building Standards (CALGreen). The CALGreen standard took effect in January 2011 and instituted mandatory minimum environmental performance standards for all ground-up new construction of commercial, low-rise residential, and State-owned buildings, as well as schools and hospitals. The 2022 CALGreen standards became effective on January 1, 2023.

Title 20 of the California Code of Regulations

Title 20 of the California Code of Regulations requires manufacturers of appliances to meet State and Federal standards for energy and water efficiency. Performance of appliances must be certified through CEC to demonstrate compliance with standards. New appliances regulated under Title 20 include refrigerators, refrigerator-freezers, and freezers; room air conditioners and room air-conditioning heat pumps; central air conditioners; spot air conditioners; vented gas space heaters; gas pool heaters; plumbing fittings and plumbing fixtures; fluorescent lamp ballasts; lamps; emergency lighting; traffic signal modules; dishwashers; clothes washers and dryers; cooking products; electric motors; low-voltage dry-type distribution transformers; power supplies; televisions and consumer audio and video equipment; and battery charger systems. Title 20 presents protocols for testing for each type of appliance covered under the regulations, and appliances must meet the standards for energy performance, energy design, water performance, and water design. Title 20 contains three types of standards for appliances: Federal and State standards for federally regulated appliances, State standards for federally regulated appliances, and State standards for non-federally regulated appliances.

5.7.2.3 Local

San Diego Forward: The Regional Plan

Every four years, San Diego Associations of Governments (SANDAG) prepares and updates a Regional Plan in collaboration with the 18 cities and County of San Diego along with regional, state, and federal partners. The Regional Plan was adopted by SANDAG on December 10, 2021. This plan will guide the region through 2050 and is being developed through a new data-driven process to transform the way people and goods move. The RP serves as a blueprint for how the San Diego region will grow and how SANDAG will invest in transportation infrastructure to provide more transportation choices, strengthen the economy, promote a healthy environment, and support thriving communities. The transportation decisions detailed in the RP serve an overarching goal: create more transportation choices, which ultimately will lead to healthier communities, healthier people, and a healthier environment. The 2021 Regional Plan envisions a transportation system that does not rely on any single mode of transportation but offers a complete and integrated systems to ensure that all San Diego County residents have access to safe transportation choices that protect the environment and support the regional economy.

City of San Diego General Plan

The City's General Plan includes various goals and policies designed to help result in a reduction in GHG emissions. Climate change and GHG reduction policies are addressed in multiple chapters of the General Plan. The goal and policies related to GHG emissions relevant to the project are as follows:

Goal: To reduce the City's overall carbon dioxide footprint by improving energy efficiency, increasing use of alternative modes of transportation, employing sustainable planning and design techniques, and providing environmentally-sound waste management.

Policy CE-A.5 Employ sustainable or "green" building techniques for the construction and operation of buildings.

(a) Develop and implement sustainable building standards for new and significant remodels of residential and commercial buildings to maximize energy efficiency, and to achieve overall net zero energy consumption by 2020 for new residential buildings and 2030 for new commercial buildings. This can be accomplished through factors including, but not limited to:

- Designing mechanical and electrical systems that achieve greater energy efficiency with currently available technology;*
- Minimizing energy use through innovative site design and building orientation that addresses factors such as sun-shade patterns, prevailing winds, landscape, and sun-screens;*
- Employing self-generation of energy using renewable technologies;*

- *Combining energy efficient measures that have longer payback periods with measures that have shorter payback periods;*
- *Reducing levels of non-essential lighting, heating and cooling; and*
- *Using energy efficient appliances and lighting.*

Policy CE-A-7 Construct and operate buildings using materials, methods, and mechanical and electrical systems that ensure a healthful indoor air quality. Avoid contamination by carcinogens, volatile organic compounds, fungi, molds, bacteria, and other known toxins.

(a) Eliminate the use of chlorofluorocarbon-based refrigerants in newly constructed facilities and major building renovations and retrofits for all heating, ventilation, air conditioning, and refrigerant-based building systems.

(b) Reduce the quantity of indoor air contaminants that are odorous or potentially irritating to protect installers and occupants' health and comfort. Where feasible, select low-emitting adhesives, paints, coatings, carpet systems, composite wood, agrifiber products, and others.

Policy CE-A.8 Reduce construction and demolition waste in accordance with Public Facilities Element, Policy PF-I.2, or be renovating or adding on to existing buildings, rather than constructing new buildings.

Policy CE-A.9 Reuse building materials, use materials that have recycled content, or use materials that are derived from sustainable or rapidly renewable sources to the extent possible, through factors including:

- *Scheduling time for deconstruction and recycling activities to take place during project demolition and construction phases;*

Policy CE-A.10 Include features in buildings to facilitate recycling of waste generated by building occupants and associated refuse storage areas.

- Provide permanent, adequate, and convenient space for individual building occupants to collect refuse and recyclable material.*
- Provide a recyclables collection area that serves the entire building or project. The space should allow for the separation, collection and storage of paper, glass, plastic, metals, yard waste, and other materials as needed.*

Policy CE-A.11 Implement sustainable landscape design and maintenance.

- Use integrated pest management techniques, where feasible, to delay, reduce, or eliminate dependence on the use of pesticides, herbicides, and synthetic fertilizers.*
- Decrease the amount of impervious surfaces in developments, especially where public places, plazas and amenities are proposed to serve as recreation opportunities.*

- d. *Strategically plant deciduous shade trees, evergreen trees, and drought tolerant native vegetation, as appropriate, to contribute to sustainable development goals.*
- e. *Reduce use of lawn types that require high levels of irrigation.*
- f. *Strive to incorporate existing mature trees and native vegetation into site designs.*
- h. *Implement water conservation measures in site/building design and landscaping.*
- i. *Encourage the use of high efficiency irrigation technology, and recycled site water to reduce the use of potable water for irrigation. Use recycled water to meet the needs of development projects to the maximum extent feasible.*

Policy CE-A.12 Reduce the San Diego Urban Heat Island through actions as:

- *Using cool roofing materials, such as reflective, low heat retention tiles, membranes and coatings, or vegetated eco-roofs to reduce heat build-up;*
- *Planting trees and other vegetation, to provide shade and cool air temperatures. In particular, properly position trees to shade buildings, air conditions units, and parking lots; and*
- *Reducing heat build up in parking lots through increased shading or use of cool paving materials as feasible.*

City of San Diego Climate Action Plan

The City of San Diego adopted a Climate Action Plan (CAP) in 2022 (City of San Diego 2022). The CAP quantifies GHG emissions, establishes community-wide reduction goal of net zero emissions by 2035, identifies strategies and measures to reduce GHG levels, and provides guidance for monitoring progress on an annual basis. The City of San Diego CAP identifies a comprehensive set of goals and actions, including ordinances, policies, resolutions, programs, and incentives, that the City can use to reduce GHG emissions. The CAP includes six strategies: (1) decarbonization of the built environment; (2) access to clean and renewable energy; (3) mobility and land use; (4) circular economy and clean communities; and (5) resilient infrastructure and healthy ecosystems; and (6) emerging climate actions.

Climate Action Plan Consistency Regulations

The City's Climate Action Plan Consistency Regulations were adopted by the City Council on September 21, 2022 and added to the City's Municipal Code as Chapter 14, Article 3, Division 14. The Climate Action Plan Consistency Regulations are intended to ensure that new development is consistent with the City's Climate Action Plan.

The CAP Consistency Regulations contain measures – such as enhancing tree coverage and ensuring that development contributes to an active and healthy transportation environment to create a more sustainable future for all San Diegans – 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 for new development that are consistent with the CAP, as determined through compliance with the CAP

Consistency Regulations and land use, may rely on the CAP for the cumulative impacts analysis of GHG emissions. Projects for new development that are not consistent with the CAP and land use must prepare a comprehensive project-specific analysis of GHG emissions, including quantification of existing and projected GHG emissions and incorporation of the measures in the CAP Consistency Regulations to the extent feasible. Cumulative GHG emissions impacts would be significant for any project that is not consistent with the CAP.

Blueprint San Diego

~~Blueprint San Diego (SD) is a new approach for the City of San Diego's General Plan and community planning that will align with climate and housing goals and promote sustainable growth. It is an effort to create a sustainable framework for growth including more homes, jobs, and better transportation options to support current and future San Diegans. The purpose of Blueprint SD is to help achieve climate action goals and create more walkable neighborhoods, meet housing goals, and create more meaningful engagement opportunities. Blueprint SD will benefit the City by showing where housing is needed to create a City where San Diegan can walk, bike, or take transit to get where they need to go. Blueprint SD would allow the City to update more community plans over the long term empowering more residents to help direct the distribution of new housing, public spaces and infrastructure. Blueprint SD is in the draft phase with a Draft General Plan Amendment and Draft Program Environmental Impact Report in process. Plans to implement Blueprint SD is set to be implemented through public hearings and adoption and community plan updates towards the end of 2023.~~

5.7.3 Impact Analysis

5.7.3.1 Issue 1

Issue 1 Would the project generate greenhouse gas emission, either directly or indirectly, that may have a significant impact on the environment?

Impact Threshold

According to the City's Significance Determination Thresholds, project level significance is determined through (a) land use consistency and (b) project compliance with the regulations set forth in the San Diego Municipal Code Chapter 14, Article 3, Division 14, CAP Consistency Regulations.

Analysis

Land Use Consistency

The project site is within the Otay Mesa-Nestor Community Plan area and is designated as Open Space, Mixed Use, and Residential Low Density [5-10 dwelling units per net acre (du/ac)] and zoned RM-1-1, RS-1-7, and AR-1-2. The project proposes a Community Plan Amendment to redesignate the project site as Medium-High Density Residential (20-35 du/ac) and a rezone to the RM-2-6 zone to

allow for multi-family uses. The project site is located within a Transit Priority Area (TPA). Thus, the Community Plan Amendment and Rezone would allow for an increase in density within a TPA. Therefore, the project would be consistent with subsection ii above. Impacts would be less than significant.

CAP Consistency Regulations

The project would be consistent with the applicable CAP Consistency Regulations. Specifically, the project would comply with the *Mobility and Land Use Regulations* of the CAP Consistency Regulations by providing at least 50 percent of all required bicycle parking spaces with individual outlets for charging EV bikes. The project would not be subject to other *Mobility and Land Use Regulations*, including those requiring pedestrian enhancements on property abutting a public right-of way and public accessible pedestrian amenities, because the project site does not abut a public street. Additionally, the project would comply with the *Resilient Infrastructure and Healthy Ecosystems Regulations* by providing two trees for every 5,000 square feet of lot area. The project lot area is approximately 5.92 acres (approximately 257,875 square feet) in size and would require the planting of 103 trees per the CAP Consistency Regulations. The project's *Landscape Development Plan* (see Figure 3-4) provides for planting 187 trees, which would exceed the CAP Consistency Regulations by providing 84 trees more than required.

Relative to full buildout under the proposed zone Residential Multiple (RM-2-6 zone), like the project, no significant impacts would result. The RM-2-6 zone permits a maximum density of one dwelling unit for each 1,250 square feet of lot area, which would permit up to a maximum density of 34.85 du/ac and would support up to 206 dwelling units, or eight additional units, on the proposed project site. Such development would require compliance with the City's CAP Consistency Regulations and, thus, would not result in a cumulatively significant generation of GHG emissions. Impacts would be less than significant.

Significance of Impacts

The project would comply with the City's CAP Consistency Regulations. Therefore, the project would not result in a cumulatively significant generation of GHG emissions. Thus, impacts would be less than significant.

Mitigation Measures

No mitigation would be required.

5.7.3.2 Issue 2

Issue 2 *Would the project conflict with the City's Climate Action Plan or another applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?*

Impact Threshold

A project could result in a significant impact on greenhouse gas emissions if it would:

- Conflict with the City's Climate Action Plan or any applicable plan, policy, or regulation adopted for the purpose of reducing emissions of greenhouse gases.

Analysis

As discussed in Issue 1 above, the project would comply with the City's CAP Consistency Regulations and land use. Based on the project's consistency with the CAP Consistency Regulations and land use, the project's contribution of GHG emissions to cumulative Statewide emissions would be less than cumulatively considerable. Overall, the project would be consistent with the CAP.

As detailed in Section 5.7.2, numerous plans, policies, and regulations have been developed for the purpose of reducing GHG emissions. The project does not conflict with or inhibit implementation of those plans and regulations.

The City General Plan includes policies to reduce GHG emissions, delineated in Section 5.7.2.3. The project's consistency with these policies is analyzed in Table 5.1-1, *General Plan Consistency*. As shown in Table 5.1-1, the project would be consistent with the City's General Plan policies for reducing GHG emissions.

Relative to full buildout under the proposed zone Residential Multiple (RM-2-6 zone), like the project, no significant impacts would result. The RM-2-6 zone permits a maximum density of one dwelling unit for each 1,250 square feet of lot area, which would permit up to a maximum density of 34.85 du/ac and would support up to 206 dwelling units, or eight additional units, on the proposed project site. Such development would require compliance with the City's CAP Consistency Regulations and, thus, would be in compliance with the City's CAP. The addition of eight units would not create a substantial change from the proposed 198 units of the project and would be consistent with the City's General Plan policies relative to GHG emissions. Impacts would be less than significant.

Significance of Impacts

The project would not conflict with the CAP or any other applicable plan, policy, or regulation adopted for the purpose of reducing emissions of greenhouse gases. Impacts would, therefore, be less than significant.

Mitigation Measures

No mitigation would be required.

5.8 Health and Safety

The following section describes the existing health and safety conditions (OR hazardous conditions), identifies policies and regulatory requirements applicable to the project, evaluates potential impacts, and identifies mitigation measures, if applicable, related to project implementation. The discussion is based on the *Phase I Environmental Site Assessment* (January 20, 2020) and the *Phase II Environmental Site Assessment* (January 20, 2020) prepared by Advantage Environmental Consultants, LLC, which are included as Appendix J and Appendix K, respectively. A *Cortese List* search was undertaken (August 2023), which is included as Appendix L. In addition, an *Evacuation Plan* (March 2024/July 2024) was prepared by FIREWISE2000, which is included as Appendix S.

5.8.1 Existing Conditions

Current and Historical Development

The Palm & Hollister Apartments project site is located at 555 Hollister Street in San Diego, California. The site is a reported 5.92 acres in size and is situated to the east of Hollister Street and north of Palm Avenue. Metropolitan Transit System (MTS) Trolley tracks are adjacent to the west of the site. The project site and its adjacent/nearby properties are situated in an area comprised primarily of public roadways, residential, agricultural, and commercial land uses. The project site is north of the Palm Avenue Trolley Station, south of the OVRP, and east of Hollister Avenue. The surrounding area consists of residential and commercial property to the south and west. Immediately east of the site are residential and commercial developments. North of the project, between the northern property line and the southern boundary of the Otay River, is an area within the OVRP used as a nursery, a recycling center, and a large commercial soils manufacturing and storage area. The Palm Avenue Trolley Station parking lot, mobile home park, and Ocean View Christian Academy sports field are to the south of the project site. To the west lies the San Diego & Arizona Eastern (SD&AE) Railroad line and the MTS trolley tracks and Hollister Street. (See Figure 2, *Surrounding Land Uses/Development*.) Approximately nine miles east of the project site is the Otay Open Space Preserve, maintained by the County of San Diego Parks Department, and the Otay Mountain Wilderness Area, a wilderness area managed by the Department of Interior, Bureau of Land Management preserving 18,500 acres under the protection of the Federal Wilderness Act. Less than one mile northeast of the project site is the Otay Valley Regional Park, a part of the Lower Otay River Watershed.

The project site is currently developed with one vacant residential structure, a garage, canopy structure, and two storage containers. Landscaping is minimal, consisting of non-native plant species, and is mostly confined to the perimeter of the property. Chain link fencing surrounds most of the site. The project site has been and is currently being used for staging by the MTS and some delivery services. Access to the site is provided from a gate located at the northeastern corner of the southern adjacent trolley parking lot.

A site reconnaissance was conducted on December 10, 2019 as a part of the Phase I Environmental Site Assessment (ESA) evaluation (Appendix J). The site is described in the ESA as having one vacant residential structure and a garage. Storage containers are located in the central and eastern portions of the site. The remainder of the site consist of exposed soil and vegetation.

The project site consists of disturbed land and developed area per the Biological Technical Report (Appendix F). Almost the entire site is disturbed land that comprises areas cleared and being used as a construction staging area or that supports area predominated by non-native plant species. The remainder of the site can be classified as developed land, land where permanent structures, landscaping, and/or pavement have been placed, which prevents the growth of native vegetation. The site previously was developed and is comprised of unoccupied residential buildings and a small area in the site's southeast corner used for storage.

The nearest area to the project site with large tracts of wildland vegetation is the 200-acre OVRP, which follows the Otay River basin and includes multiple plant species that grow along the riverbed and banks of several ponds. Heavy highly flammable wildland vegetation is found in the Otay Wilderness area, located nine miles east of the project site. Plant materials within the Wilderness area consist of Southern California coastal sage scrub, shrubs and oak trees in the creek basins. The southern California region in general is prone to wildfire. In the vicinity of the Palm and Hollister Apartments project area, a 10-acre vegetation fire occurred one-mile southeast of the project site in 2020, as noted by City News Service (Appendix S). The northwestern boundary is bordered by existing commercial activities where the native wildland fuels have been removed. The OVRP abuts the northern and northeast boundaries, separated from the project site by a developed wholesale nursery.

A review of historical aerial photographs and topographic maps indicates that the site was vacant from 1904 through 1941. Around approximately 1953, the site was developed with a residential structure (similar to the current structure) with nearby ancillary structures in the center of the site and two outbuildings in the eastern portion of the site. Agricultural use is evident on-site for this period as well. In photographs from 1964 and 1966 the two outbuildings towards the eastern portion of the site are no longer visible. According to city directories provided by Historical Information Gatherers, the project site is listed for residential purposes (personal names) beginning in 2001. In 2002, two structures appear on the map similar in location to the current house and garage. An unimproved road leads to these structures from the west at Hollister Street. Adjacent and nearby property listings indicate general commercial, agricultural and residential uses that are not considered to be of environmental concern to the site.

The current uses of the site and its adjacent properties are not indicative of the use, treatment, storage, disposal or generation of significant quantities of hazardous substances or petroleum products (based on visual observations and regulatory database review) that have adversely impacted the site.

The area surrounding the project site consists of public roadways, residential and commercial properties. Adjacent property uses include agricultural to the north, a trolley parking lot, mobile home park, residential lot and a church to the south. Agricultural property to the east, and MTS Trolley right of way and Hollister Street to the west. The adjacent properties appear to be undeveloped until 1980 when the mobile home park, residential property and church/school similar to their current configuration appear to the south of the site on aerial photographs. Between 1989 and 2005 the adjacent trolley station and parking lot appear in photographs and the northern property appear as a plant nursery.

Current development adjacent to the project site includes the Terra Belle Nursery and Otay Valley Regional Park (OVRP) to the north, the Palm Avenue Trolley Station and parking lot to the southwest, a mobile home park and Ocean View Christian Academy and sports fields to the south. To the west lies the San Diego & Arizona Eastern (SD&AE) Railroad line and Hollister Street.

Sensitive Receptors and Areas

The Ocean View Christian Academy Preschool and K-12 school is located approximately 280 feet southeast of the center of the project site. The La Paloma Mobile Estates are located approximately 115 feet from the center of the project site and a single-family residence is located approximately 755 feet to the southwest of the center of the project site.

Hazardous Materials Database Search

A review of Federal, State, and local environmental databases was performed by Environmental Risk Information Services (ERIS) December 5, 2019 (Appendix L). This review searched for information pertaining to documented and/or suspected releases of regulated hazardous substances and/petroleum produce within specified search distances. The project site is not listed on any of the standard databases searched by ERIS. An updated search was completed in August 2023 and did not yield the project site in the search results.

Potential Airport Hazards

The project site is located within Airport Influence Areas (AIAs) of Naval Air Station (NAS) North Island, Brown Field, and Naval Outlying Field (NOLF) Imperial Beach. The AIA is “the area in which current or future airport related noise, overflight, safety, or airspace protection factors may significantly affect land uses or necessitate restrictions on those uses.” The project site is located within Review Area 2 of both the NOLF Imperial Beach and Brown Field AIAs and the AIA for NAS North Island.

The project site is located within the Airspace Protection Boundary for the NOLF Imperial Beach Airport and within the Federal Aviation Administration (FAA) Part 77 certification of non-obstruction area. Part 77 Height Notification Boundary extends 20,000 feet from the nearest point of any runway. Within the boundary, Part 77, Subpart B requires that the FAA be notified of any proposed

construction of alteration having a height greater than an imaginary surface extending 100 feet outward and one foot upward (slope of 100 to one) from the runway elevation.

Fire Hazards

According to the VHFHSZ map, edges of the project site in the southwest fall into the VHFHSZ. The project site is also bordered on the north, portions of the south and west by VHFHSZ. Inclusion in these zones is based on vegetation density, slope severity, and other relevant factors that contribute to fire severity.

5.8.2 Regulatory Framework

Numerous Federal, State, and local laws and regulations regarding hazardous materials have been developed with the intent of protecting public health, the environment, surface water, and groundwater resources. Over the years, the laws and regulation have evolved to deal with different aspects of the handling, treatment, storage, and disposal of hazardous substances. Relevant laws and regulations are discussed below.

Federal Regulations

Comprehensive Environmental Response, Compensation and Liability Act and Superfund Amendments and Reauthorization Act

The Federal Resource Conservation and Recovery Act of 1976 established the authority of the Environmental Protection Agency (EPA) to develop regulations to track and control hazardous substances from their production, through their use, to their disposal. The EPA also administers the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) of 1980, also known as "Superfund," and the Superfund Amendments and Reauthorization Act (SARA) of 1986 (amended CERCLA, SARA Title III). CERCLA, SARA Title III provide a federal framework for setting priorities for cleanup of hazardous substances released to air, water and land. This framework provides for the regulation of the cleanup process, cost recovery, response planning, and communication standards and set the precedent for states and local authorities to do the same. Applicable regulatory agencies have kept records on hazardous materials storage, use, and disposal, and make these lists publicly available. Locally, these include the San Diego County Environmental Assessment Listing and the State Department of Toxic Substance Control List.

Federal Response Plan

The Federal Response Plan of 1999 is a signed agreement among 27 federal departments and agencies, including the American Red Cross, that (1) provides the mechanism for coordinating delivery of federal assistance and resources to augment efforts of state and local governments overwhelmed by a major disaster or emergency; (2) supports implementation of the Robert T. Stafford Disaster Relief and Emergency Act (Stafford Act), as well as individual agency statutory authorities; and (3) supplements other federal emergency operations plans developed to address specific hazards. The Federal Response Plan is implemented in anticipation of a significant event

likely to result in a need for federal assistance or in response to an actual event requiring federal assistance under a presidential declaration of a major disaster or emergency.

Hazardous Materials Transportation Act

The U.S. Department of Transportation regulates hazardous materials transportation under Title 49 of the Code of Federal Regulations. The California Highway Patrol and the California Department of Transportation are the state agencies with primary responsibility for enforcing federal and state regulations and responding to hazardous materials transportation emergencies. These agencies also govern permitting for hazardous materials transportation. Title 49 of the Code of Federal Regulations reflects laws passed by Congress as of January 2, 2006.

National Emissions Standards for Hazardous Air Pollutants Program

Under federal law, 188 substances are listed as hazardous air pollutants. Major sources of specific hazardous air pollutants are subject to the requirements of the EPA's National Emissions Standards for Hazardous Air Pollutants program. The EPA establishes regulatory schemes for specific source categories, and requires implementation of maximum achievable control technologies for major sources of hazardous air pollutants in each source category. State law has established the framework for California's Toxic Air Contaminant Identification and Control Program, which is generally more stringent than the federal program, and is aimed at hazardous air pollutants that are a problem in California. The state has formally identified more than 200 substances as toxic air contaminants, and is adopting appropriate control measures for each. Once adopted at the state level, each local air district will be required to adopt a measure that is equally or more stringent.

Occupational Safety and Health Act

Congress passed the Occupational Safety and Health Act to ensure worker and workplace safety. Its goal was to make sure employers provide their workers a place of employment free from recognized hazards to safety and health, such as exposure to toxic chemicals, excessive noise levels, mechanical dangers, heat or cold stress, or unsanitary conditions. In order to establish standards for workplace health and safety, the Occupational Safety and Health Act also created the National Institute for Occupational Safety and Health as the research institution for the Occupational Safety and Health Administration (OSHA). OSHA is a division of the U.S. Department of Labor that oversees the administration of the Occupational Safety and Health Act and enforces standards in all 50 states. Because California has an approved state plan, only California Occupational Safety and Health Administration (Cal/OSHA) standards apply to the project site.

Risk Assessment and Regional Screening Levels

EPA and Department of Toxic Substances Control (DTSC) use risk assessments to characterize the nature and magnitude of health risks to humans and ecological receptors from chemical contaminants and other stressors that may be present in the environment. In general terms, risk depends on the following three factors: how much of a chemical is present in an environmental

medium (air, soil, or water); how much contact (exposure) a person or ecological receptor has with the contaminated environmental medium; and the inherent toxicity of the chemical. EPA developed regional screening levels (RSLs) that provide a unified set of screening level/preliminary remediation goals for all EPA regions for screening chemical contaminants at Superfund sites. The RSLs replaced the preliminary remediation goals (PRGs) in 2008. The RSLs are calculated using the latest toxicity values, default exposure assumptions, and physical and chemical properties. The EPA considers RSLs to be protective for humans (including sensitive groups) over a lifetime. Under most circumstances, the presence of a chemical in soil, soil gas, or indoor air at concentrations below the corresponding RSLs can be assumed to not pose a significant health risk to people who may live (residential RSLs) or work (commercial/industrial RSLs) at the site. The EPA RSL tables were most recently updated in November 2018.

The DTSC Human and Ecological Risk Office (HERO) incorporated the EPA RSLs into the HERO human health risk assessment. The HERO review of the EPA RSLs determined that the revised RSLs included some levels that were substantially higher, and therefore less protective, than the previous PRGs. HERO therefore created Human Health Risk Assessment Note 3, which incorporates HERO recommendations and DTSC-modified screening levels based on review of the EPA RSLs. The DTSC-modified screening levels should be used in conjunction with the EPA RSLs to evaluate chemical concentrations in environmental media at California sites and facilities. The HERO Human Health Risk Assessment Note 3 was most recently updated in April 2019.

State Regulations

Hazardous Waste and Substances Sites List

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

Hazardous Materials Release Response Plans and Inventory

Two programs found in California Health and Safety Code Chapter 6.95 are directly applicable to the CEQA issue of risk due to hazardous substances release: the Hazardous Materials Business Plan program and the California Accidental Release Prevention (CalARP) Program. In the San Diego region, California Department of Environmental Health (DEH) is responsible for implementing the Hazardous Materials Business Plan program and the CalARP Program, which provide threshold quantities for regulated hazardous substances. When the indicated quantities are exceeded, a hazardous materials business plan or risk management plan is required pursuant to the regulation. Congress requires EPA Region 9 to make risk management plan information available to the public

through the EPA's Envirofacts data warehouse. Envirofacts is considered the single point of access to select EPA environmental data.

Title 14, Division 1.5 of the California Code of Regulations

Title 14, Division 1.5 of the California Code of Regulations establishes the regulations for California Department of forestry and Fire Protection (CAL FIRE) and is applicable in all State Responsibility Areas where CAL FIRE is responsible for wildfire protection. Development within State Responsibility Areas must comply with these regulations. Among other things, Title 14 establishes minimum standards for emergency access, fuel modification, project site line setbacks, signage, and water supply.

Underground Storage Tank Act

The Underground Storage Tank Act monitoring and response program is required under Chapter 6.7 of the California Health and Safety Code and Title 23 of the California Code of Regulations. The program was developed to ensure that facilities meet regulatory requirements for design, monitoring, maintenance, and emergency response in operating or owning Underground Storage Tanks (USTs). DEH is the administering agency for this program in the project area.

California Air Resources Board Air Quality and Land Use Handbook

California Air Resources Board's (CARB) primary goal in developing this document is to provide information that will help keep California's children and other vulnerable populations out of harm's way with respect to nearby sources of air pollution. CARB encourages consideration of the health impacts associated with TAC emissions from freeways and high-traffic roadways on sensitive receptors sited within 500 feet.

California Occupational Safety and Health Administration

California Occupational Safety and Health Administration (Cal/OSHA) is the primary agency responsible for worker safety in the handling and use of chemicals in the workplace. Cal/OSHA standards are required to be "as effective as" federal regulations. The employer is required to monitor worker exposure to listed hazardous substances and notify workers of exposure (8 CCR 330 et seq.). The regulations specify requirements for employee training, availability of safety equipment, accident prevention programs, and hazardous substance exposure warnings. The employer is also required, among other things, to have an illness and injury prevention program.

California Department of Public Health

The California Department of Public Health enforces lead laws and regulations related to the prevention of lead poisoning in children, prevention of lead poisoning in occupational workers, accreditation and training for construction-related activities, lead exposure screening and reporting, disclosures, and limitations on the amount of lead found in products. Accredited lead specialists are

required to find and abate lead hazards in a construction project and to perform lead-related construction work in an effective and safe manner.

Cal/OSHA Asbestos and Carcinogen Unit

The Cal/OSHA Asbestos and Carcinogen Unit enforces asbestos standards in construction, shipyards, and general industry. This includes identification and removal requirements of asbestos in buildings, as well as health and safety requirements of employees performing work under the Asbestos-In-Construction regulations (8 CCR 1529). Only a Cal/OSHA-certified asbestos consultant can provide asbestos consulting (as defined in Business and Professions Code Sections 7180–7189.7 and triggered by the same size and concentration triggers as for registered contractors). These services include building inspection, abatement project design, contract administration, supervision of site surveillance technicians, sample collection, preparation of asbestos management plans, and clearance air monitoring.

California Health and Safety Code Section 41700

Obnoxious uses are regulated under Section 41700 of the State Health and Safety Code, under the “Nuisance Rule.” For the project site, this would be enforced by the County Department of Environmental Health. The regulation states that “a person shall not discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance or annoyance to any considerable number of persons or to the public or which endanger the comfort, repose, health or safety of any such persons or the public or which cause or have a natural tendency to cause injury or damage to business or property.” The number of people in the area that are affected is not limited to a specific distance from the source of the nuisance, as long as it can be proven that the business is the true source. In other words, there is no direct distance relationship between an obnoxious source and its impact on a sensitive receptor.

California Health and Safety Code Section 25532

Hazardous materials regulation is discussed under Section 25532(g) of the State Health and Safety Code. The regulation states that facilities that store, handle, or use regulated substances as defined in the California Health and Safety Code Section 25532(g) in excess of threshold quantities shall prepare a risk management plan for determination of risk to the community. As identified in the California Health and Safety Code, Section 25532(g), the term, “regulated substances” is defined as any substance that is comprised of the following:

1. A regulated substance that is listed in Section 68.130 of Title 40 of the Code of Federal Regulations pursuant to paragraph (3) of subsection (r) of Section 112 of the Clean Air Act (42 U.S.C. Sec. 7412(r)(3)).
2. An extremely hazardous substance listed in Appendix A of Part 355 of Subchapter J of Chapter I of Title 40 of the Code of Federal Regulations that is any of the following:
 - a. A gas at standard temperature and pressure

- b. A liquid with a vapor pressure at standard temperature and pressure equal to or greater than ten millimeters mercury
 - c. A solid that is (a) in solution or in molten form, (b) in powder form with a particle size less than 100 microns, or (c) reactive with a National Fire Protection Association rating of 2, 3, or 4.
3. On or before June 30, 1997, the office shall, in consultation with the Office of Environmental Health Hazard Assessment, determine which of the extremely hazardous substances listed in Appendix A of Part 355 of Subchapter J of Chapter I of Title 40 of the Code of Federal Regulations do either of the following:
 - a. May pose a regulated substances accident risk, with consideration of the factors specified in subdivision (g) of Section 25543.1, and should remain on the list of regulated substances until completion of the review conducted pursuant to subdivision (a) of Section 25543.3.
 - b. The office shall adopt, by regulation, a list of the extremely hazardous substances identified pursuant to clause (i). Extremely hazardous substances placed on the list are regulated substances for the purpose of this article.

Local Regulations

County of San Diego Department of Environmental Health

DEH, Hazardous Materials Management Division (HMMD) administers the above State program and issues Unified Facility Program Permits to regulate businesses that may impact public health and safety. These include businesses that use hazardous materials, dispose of hazardous wastes, have underground storage tanks, and/or generate medical waste. The goal of the HMMD is to protect human health and the environment by ensuring hazardous materials, hazardous waste, medical waste, and underground storage tanks are properly managed. This is determined on a project specific basis.

All applications for businesses which use, handle, or store hazardous materials, including hazardous waste, must be reviewed by DEH, HMMD. The purpose of this review is to determine if a Hazardous Materials Business Plan or a Risk Management and Prevention Plan (RMPP) is required to be submitted or updated by the business, and if a DEH permit is required. If a business meets any of the following, a Hazardous Materials Business Plan will be required to be completed prior to final occupancy:

1. The quantity of hazardous materials at any one time is equal to or greater than a total weight of 500 pounds, or a total volume of 55 gallons, or 200 cubic feet at standard temperature and pressure for a compressed gas; or
2. The quantity of any Acutely Hazardous Material (AHM) will be equal or greater than its Threshold Planning Quantity (TPQ); or

3. Any amount of the material is a carcinogen, reproductive toxin, a hazardous gas with a Threshold Limit Value-Time Weighted Average (TLV-TWA) or Threshold Limit Value-Short Term Exposure Limit (TLV-STEL) of 110 ppm or less.

In addition, if the business handles any quantity of an Acutely Hazardous Materials (AHM), the business must submit an AHM Registration Form to the Department of Environmental Health prior to issuance of the construction permit. If the business will use or store any AHMs in excess of specified quantities (TPQs), the DEH is required to conduct a site-specific computer screening prior to issuance of the construction permit. The purpose of this screening is to determine if an off-site consequence would likely result from the sudden release of the AHMs. If the probability of a release exists, the business must prepare a Risk Management and Prevention Plan.

San Diego Air Pollution Control District

Per the California Air Toxics "Hot Spots" Information and Assessment Act (AB 2588), toxic air emissions in the region are regulated by the San Diego Air Pollution Control District (SDAPCD). A toxic air contaminant is defined as an "air pollutant that may increase a person's risk of developing cancer and/or other serious health effects." Approximately 800 chemical compounds have been identified as having potential adverse health effects.

Hazardous air polluters in San Diego include the following types of businesses: chromium electroplating and anodizing; dry cleaning; aerospace manufacturing and rework facilities; shipbuilding and repair operations; halogenated solvent cleaning; ethylene oxide sterilizing; and miscellaneous organic chemicals process. Other types of businesses are considered hazardous air polluters; however, they are not expected to be major contributors in San Diego. These include: gasoline distribution (bulk terminals), wood furniture manufacturing, boat manufacturing, printing and publishing, research and development facilities, and off-site waste and recovery operations.

The SDAPCD requires a review of businesses which may emit air contaminants from non-vehicular sources. The purpose of this review is to determine whether an Authority to Construct and Permit to Operate are required for certain equipment at the business. In addition, the review will determine whether notification is required for demolition and renovation projects involving asbestos. Permits and notifications help San Diego County protect the public health by attaining and maintaining ambient air quality standards and preventing public nuisance.

There are no set initial limitations or prohibited types of business in relation to closeness to sensitive receptors; however, during the permitting process some issues may arise that would need to be addressed or changed in order for standards to be met, though these are on a case specific basis. The only exception to this rule is, should the business dealing with hazardous materials be in the vicinity of a school (K-12), it must be a minimum distance of 1,000 feet away from the school. Notification of such use to the parents of each child in the school is also required.

Under Regulation XI, Subpart M – National Emission Standards for Asbestos, Rule 361.145 – Standard for Demolition and Renovation, the San Diego Air Pollution Control District requires that the proponent of a proposed demolition or renovation project submit an asbestos demolition or renovation operational plan notice of intention at least 10 days prior to the onset of any asbestos stripping or removal work. It should be noted that the notice of intention is required for all demolition projects, regardless of the presence of asbestos.

County of San Diego Office of Emergency Services

The Unified San Diego County Emergency Services Organization has primary responsibility for preparedness and response activities, and addresses disasters and emergency situations within the unincorporated area of the County. The County of San Diego Office of Emergency Services serves as staff to the Unified Disaster Council, the governing body of the Unified San Diego County Emergency Services Organization. Emergency response and preparedness plans include the County Emergency Operations Plan and the County Multi-Jurisdictional Hazard Mitigation Plan (MHMP).

Multi-Jurisdictional Hazard Mitigation Plan

The City of San Diego is a participating jurisdiction in the County MHMP, a County-wide plan that identifies risks and minimizes damage from natural and human-caused disasters. The MHMP includes an overview of the risk assessment process, vulnerability assessments, and identifies hazards present in each jurisdiction of the County. Hazards profiled in the plan include wildfire, structure fire, flood, coastal storms, erosion, tsunamis, earthquakes, liquefaction, rain-induced landslide, dam failure, hazardous materials incidents, nuclear materials release, and terrorism. The MHMP sets forth a variety of objectives and actions based on a set of broad goals, including the following: (1) promoting disaster-resistant future development; (2) increasing public understanding and support for effective hazard mitigation; (3) building support of local capacity and commitment to become less vulnerable to hazards; (4) enhancing hazard mitigation coordination and communication with federal, state, local and tribal governments; and (5) reducing the possibility of damage and losses to existing assets, particularly people, critical facilities or infrastructure, and County-owned facilities, due to dam failure, earthquake, coastal storm, erosion, tsunamis, landslides, floods, structural fire/wildfire, and human-caused hazards.

San Diego County Emergency Operations Plan

The San Diego County Emergency Operation Plan's (EOP) operational area consists of 19 jurisdictions that range in population from several thousand to more than one million, with a total estimated population of more than 3.3 million. To foster a regional approach, the cities and the County joined together in 1961 to form an operational area and entered into a joint powers authority. The joint powers authority establishes procedures and protocols for participants to assist one another in the event of a disaster or major emergency exceeding the capabilities of any single jurisdiction.

City of San Diego

At the local level, the San Diego Fire Department screens inventories of substances and inspects sites. All businesses applying for a permit which use, handle, or store any quantity of hazardous materials shall be reviewed by the San Diego Fire Department through the completion and submittal of the Fire Department's Hazardous Materials Information form. The purpose of this review is to classify the building occupancy in accordance with the California Building Code.

Emergency Response/Evacuation

The San Diego Emergency Plan was adopted by the City Council in June 1974 subsequent to the City Council enacting the Emergency Services Ordinance in February of 1974. The plan provides for the effective mobilization of all the resources of San Diego, both public and private, to meet any condition constituting a local emergency and provide for the organization, powers and duties, services, and staff of the emergency organization. The purpose of the plan is to:

- Provide a basis for the conduct and coordination and the management of critical resources during emergencies.
- Establish a mutual understanding of the authority, responsibilities, functions, and operations of civil government in San Diego during an emergency.
- Provide a basis for incorporating emergency organization into those non-governmental agencies and organizations having resources necessary to meet foreseeable emergency requirements.

During peacetime and wartime emergencies, the emergency plan sets forth operational concepts and schedules, and assigns tasks and responsibilities to each of the units of the emergency organization. The plan takes effect if:

- A state of war emergency exists.
- The governor has proclaimed a state of emergency in an area including San Diego.
- The mayor or the director of emergency services orders, provided that the existence or threatened existence of a local emergency has been proclaimed in accordance with the provisions of the Emergency Services Ordinance.

The Office of Emergency Services coordinates the overall county response to disasters and is responsible for alerting and notifying appropriate agencies when disaster strikes, coordinating all agencies that respond, ensuring resources are available and mobilized in times of disaster, developing plans and procedures for response to and recovery from disasters, and developing and providing preparedness materials for the public.

City of San Diego Municipal Code

Hazardous Materials

The Hazardous Waste Establishment division of the San Diego Municipal Code (SDMC, Chapter 4, Article 2, Division 8) enables the City's health officer to establish a program to monitor

establishments where hazardous wastes are produced, stored, handled, disposed of, treated, or recycled, and to provide health care information and other appropriate technical assistance on a 24-hour basis to emergency responders in the event of a hazardous waste incident involving community exposure. The Disclosure of Hazardous Materials division (SDMC Chapter 4, Article 2, Division 9) establishes a system for the provision of information on potential hazards or hazardous materials in the community, including appropriate education and training for use of information. Elements of the system include the health officer's ability to seek advice from the Hazardous Materials Advisory Committee, the filing of a hazardous substance disclosure form, the content of the disclosure form, emergency response information, and penalties for violations.

High Fire Severity Zones

The San Diego Municipal Code contains the fire hazard severity zone maps and identifies the fire protection VHFHSZs and local agency VHFHSZs for the City area of responsibility. The adopted Fire Hazard Severity Zone Maps from CAL FIRE are maintained and codified in SDMC Sections 55.9401 and 145.0703(a)(2).

The VHFHSZs are located throughout the City. Inclusion within these zones is based on five factors: density of vegetation, slope severity, 5-minute fire department response time, road class/proximity and proximity to fire hydrants, and CAL FIRE's vegetation cover and fire behavior/fuel spread model. Based on these factors, the VHFHSZs encompass a large portion of the City, including most land use designations, major freeways and roads, various structures, and major utilities and essential public facilities.

The City's Wildland Management and Enforcement program provides information and guidelines on brush management and weed abatement in Fire Hazard Severity Zone (FHSZs). The City's Fire Safety and Brush Management Guide summarizes guidelines for brush management in canyon areas and landscape standards. SDMC 142.0412 regulates brush management and requires 100 feet of defensible space between structures and native wildlands. The City's Landscape Standards acknowledge fire safety is achieved by reducing flammable fuel adjacent to structures. Requirements of the landscape standards are included for pruning and thinning native and naturalized vegetation, and revegetation with low-fuel-volume plantings.

Airport Land Use Compatibility Zone

The San Diego Municipal Code addresses issues related to safety compatibility in the airport land use compatibility overlay zone. Chapter 13 Article 2, Division 15 establishes the Airport Land Use Compatibility Overlay Zone, which ensures that new development located within an airport. The project site is located within the Airport Influence Areas (AIAs) of NOLF Imperial Beach, NAS North Island, and Brown Field.

5.8.3 Impact Analysis

5.8.3.1 Issue 1

Issue 1 *Would the project expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including when wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?*

Impact Threshold

Per the City's Significance Determination Thresholds (City of San Diego, 2022), impacts related to wildfire hazards would be significant if a project would expose people or structures to significant risk of loss, injury, or death involving wildland fires.

Analysis

Because of its proximity to VHFHSZs an Evacuation Plan was prepared and is included as Appendix S of this Environmental Impact Report (EIR). As demonstrated in the Evacuation Plan, the Palm and Hollister Apartments site is not rated as within the VHFHSZ, except for a very small semi-circle area in the western portion of the project site, along the south border. Portions of the proposed site are adjacent to areas rated as Very High on the City of San Diego Fire-Rescue Department's VHFHSZ Map. A portion of the proposed site access route is located through a VHFHSZ. The site topography ranges from nearly level to a steep slope on the northern boundary leading to the OVRP. As stated above under *Existing Conditions*, the project site is disturbed land or area that supports non-native plant species and was previously developed and is comprised of unoccupied residential buildings and a small area in the site's southeast corner used for storage. Considering the lack of fuel that would remain on the site and immediate vicinity, a brush management plan was not warranted. The construction of the project would ensure that no native highly flammable wildland fuels would revegetate the site in the future by providing ongoing landscape maintenance of the site and along access roads.

The project is not located in a wildlands interface area or an area with large amounts of highly flammable wildland fuels. The project site is located within existing or planned residential and commercial developments on all but the northern boundary. The project includes the construction of a masonry wall along the boundary, which would provide a non-flammable surface to blowing embers and radiant heat. All structures would have fire sprinkler systems installed, improving the safety of structures. Each building would be constructed with multiple locations where fire roof access would be less than 30 feet, improving fire department access and firefighter safety. Evacuation route signs would be posted within the apartment complex directing occupants and guests to the safest evacuation route. Evacuation and Shelter-in-Place plans would be reviewed with new occupants by management personnel. The evacuation route would be posted on the community bulletin board. These design features would lessen the risk of a wildland fire on occupants, guests, management personnel and structures.

The project incorporates a series of design features, which would provide for a residential development that has the capacity to withstand the threat of a wildland fire and provide the means and methods necessary to protect its residents, guests, and employees.

- All units would include an automatic fire extinguishing systems (interior sprinklers) as a project condition. This is a design feature provides a substantial reduction in risk from a wildfire.
- Each building would be constructed with multiple locations where fire roof access would be less than 30 feet, improving fire department access and firefighter safety.
- On-site access roads and drive aisles have been designed and would be constructed to meet the California Fire Code Section 503 and SDFR Fire Prevention Bureau Policy A-4-1. Specifically, interior vehicular access has been designed to support fire apparatus-imposed loads of at least 75,000 pounds and includes standardized turning radius widths to accommodate emergency vehicles and fire engines.
- The threat of an ignition due to ember cast by fires during strong Santa Ana winds will be reduced by maintenance of clearance surrounding all structures and through the use of low fire fuel load plant materials as part of the project's landscape plan.

In addition, the project includes a landscaping plan that would plant drought-tolerant native plants and irrigation. For more information see Section 5.18, *Wildfire*.

Relative to full buildout of the proposed zone, RM-2-6 zone would support up to 206 dwelling units, or eight additional units, on the proposed project site. As stated above, the project is not located in a wildlands interface area or an area with large amounts of highly flammable wildland fuels. The project site is located within existing or planned residential and commercial developments on all but the northern boundary. The northwestern boundary is bordered by existing commercial activities where the native wildland fuels have been removed. The OVRP abuts the northern and northeast boundaries, separated from the project site by a developed wholesale nursery. Any development of the project site would require compliance with all fire regulations. Thus, impacts relative to wildfire would be minimized. Additionally, any development would require incorporation of emergency safety standards and requirements pursuant to local regulations and standards, including standard implementation of a traffic control plan during the construction period. Specifically, when a project constructs over 200 units a secondary emergency vehicle access would be required.

Significance of Impacts

The project would not expose people or structures to a significant risk of loss, injury, or death involving wildland fires. Impacts due to wildland fire would be less than significant. No mitigation measures are required.

Mitigation Measures

Mitigation would not be required.

5.8.3.2 Issue 2

Issue 2 Would the proposal result in hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within a quarter-mile of an existing or proposed school?

Impact Threshold

- Projects which propose the handling, storage and treatment of hazardous materials, e.g., a Hazardous Waste Facility, falling under Municipal Code Section 141.1001 Hazardous Waste Research Facilities and Section 141.1002.

Analysis

The Ocean View Christian Academy, a private school serving 350 students preschool through 12th grade, is located one quarter-mile southeast of the project site. The project proposes the construction of a residential development with associated parking (surface and structured). As such, no hazardous emissions or handling of hazardous materials would occur that would have an adverse effect on the school.

There is an existing residential structure and outbuildings on the project site. These buildings are to be demolished. Building demolition would follow regulatory guidelines and laws in place, as well as state-of-the-industry practices, to protect workers and others involved in construction of the project. More specifically, if asbestos containing materials (AMCs) are detected, disposal must be in compliance with California Code of Regulations, Article 4, Section 1529, pertaining to Asbestos Construction Safety Orders; South Coast Air Quality Management District (SCAQMD) Rule 1403; CCR Title 8, Industrial Relations; Cal/OSHA Asbestos and Carcinogen Unit; California Department of Public Health; California Department of Resources, Recycling, and Recovery; and EPA National Emission Standards for Hazardous Air Pollutants. In addition, if the structures on-site are found to contain lead-based paint, project demolition and disposal would adhere to the California Department of Public Health's lead laws and regulations to ensure proper and safe handling and disposal of these materials. Health risks would be minimized to the extent possible.

Grading would disturb on-site soils, and particulates would become air bourn and inhalable. The soil samplings detected lead, Title 22 metals, and organochlorine concentrations. Excavation near the potentially contaminated area could release these hazardous materials into the air resulting in emissions near a school. According to the Phase II ESA, the levels of lead, Title 22 metals, and organochlorine concentrations were below residential screening levels. As stated in Section 5.3, Air Quality, the project would be subject to SDAPCD Rule 55, Fugitive Dust Control. This rule requires that the project take steps to restrict emissions of fugitive dust beyond the property line. Compliance with Rule 55 would limit fugitive dust generated during grading and construction activities. The applicant and the contractor would comply with all federal, state, and local regulations and requirements that protect surrounding uses and on-site workers.

The construction of the project would require the transport, temporary storage, and use of asphalt fuels, paints, and solvents which could potentially be released and result in exposure to these chemicals. The use and handling of materials associated with the construction of the project would follow all applicable Federal, State, and local regulations, including Cal OSHA, California Department of Transportation (Caltrans), and Department of Health, Hazardous Materials Division. The project would comply with all applicable State and local regulations for hazardous materials and waste management during project construction.

Significance of Impacts

The project is within a quarter-mile of an existing or proposed school. However, the project would not handle hazardous materials or result in hazardous emissions. The project would adhere to all regulations and guidelines in place for handling of asbestos and lead as well as air emissions of particulates from soil disturbance. Industry standards in place would insure no risk to workers by hazardous materials during demolition and construction. Therefore, there is no impact to sensitive receptors at schools

Mitigation Measures

Mitigation would not be required.

5.8.3.3 Issue 3

Issue 3 Would the proposal impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?

Impact Threshold

- Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.

Analysis

Construction

A traffic control plan and haul route plan would be prepared and implemented as a standard City requirement during project construction. With implementation of these plans, the project would not impede access to publicly or privately owned land and would not interfere with emergency response during construction. Additionally, emergency access to all surrounding properties would be maintained throughout the construction period.

Operation

Emergency Access

The Palm and Hollister Apartments project is located within the City of San Diego, adjacent to I-5. Fire and police services are provided by the City. The project would provide adequate emergency

access within the site. Access to the project site is sufficient to allow for safe fire apparatus turning, thereby reducing the potential for backing accidents in the project site. All interior access roads and drive aisle would meet City and SDFRD standard requirements for width, slope, load capacity, and surfaces; Knox key/switch access would be provided if any gates are installed. Apartment management staff would follow the guidelines provided for assisting with evacuation or Shelter-in-Place, as directed by fire or police officials.

Evacuation

The project would provide a single access point in the southwest corner of the project. (See Figure 5.8-1, *Project Access*.) According to the California Fire Code, Section D106.2 and D106.3, a secondary access route would be required for projects exceeding 200 units. The Palm and Hollister Apartments project proposes 198 units and, therefore, requires a single access/egress road. The SDFRD has determined that the access road within the apartment complex would provide adequate emergency evacuation for the planned population within the development.

The project requires a rezone to the Residential Multiple (RM-2-6 zone) to allow for 198 residential units on the 5.92-acre project site. The RM-2-6 zone permits a maximum of up to 206 dwelling units on the proposed project site. In the event the proposed project is not constructed following approval of the rezone, and a new project is brought forward that results in 200 units or more, a secondary emergency access road would be required and located no less than half the overall diagonal length of the site from the primary access road.

The primary access and egress route upon leaving the Palm and Hollister Apartments project would travel through the MTS Palm Avenue Trolley Station parking lot, connecting to Palm Avenue. MTS is proposing to develop the parking lot as an infill apartment project (the Palm Avenue Transit Oriented Development), similar to the Palm and Hollister Apartments, that would provide approximately 390-504 affordable, mixed-income, housing units including 304 affordable units, and 200 middle income units, as well as 2,505 square feet of retail space and a 5,000 square foot childcare center on the existing transit station parking lot. Traveling south through the parking lot on the roadway easement, the area's main thoroughfares such as Palm Avenue, Hollister Street, I-5, and Saturn Boulevard would be accessed.

Both the Palm and Hollister Apartments and Palm Avenue Transit Oriented Development project would share the same evacuation route through the current trolley station parking lot. During and following construction of the multi-phase Palm Avenue Transit Oriented Development project, all access/egress roads would remain open for residents, employees, and guests of both apartment complexes and riders of the trolley system.

The transportation facilities identified in the adopted Otay Mesa-Nestor Community Plan (City of San Diego 2023) would provide emergency access and evacuation routes within the community. During

an emergency evacuation, the primary and secondary roadways adjoining the development would be shared with responding emergency vehicles and the community.

For the project vicinity, the primary emergency access and evacuation roadways are expected to be Palm Avenue, Hollister Street, and I-5. (See Figure 5.8-2, *Primary and Secondary Evacuation Routes*.) During an evacuation order for a wildfire approaching from the north or east, Palm Avenue to I-5 would be designated as the primary evacuation route (see Figure 5.8-2, *Primary and Secondary Evacuation Routes*). Secondary routes would involve Saturn Boulevard and would convey residents to designated safety zones.

Two possible emergency evacuation locations were selected based on the following criteria:

1. Locations known to residents, limiting confusion due to the limited time required to arrive at the specified locations
2. Reduction in vehicles crossing traffic lanes
3. Availability for evacuees to seek food, restrooms, etc. during daytime hours
4. Ability of location to handle numerous evacuees and vehicles
5. Evacuating people away from potential freeway incidents

The on-scene Incident Commander will select the appropriate evacuation locations based on the time available, incident type, and ability to support evacuees until personnel from Red Cross or other agency arrive and begin to provide support.

The egress route from the Palm and Hollister Apartments would travel through the MTS property and the planned Palm Avenue Transit Oriented Development on dedicated easements, which would also serve the MTS project. Considering the proposed project would share an access driveway with the future Palm Avenue Transit Oriented Development, evacuation planning requires coordination of the evacuation plans for both the Palm and Hollister Apartments project and the MTS project.

Primary Evacuation Route. The Evacuation Plan (Appendix S) identifies I-5 as the primary evacuation route. The primary evacuation route is based on a wildland fire approaching from the northeast and would require evacuating people from in front of the approach fire. Evacuees would be directed either northbound or southbound on I-5, based on fire conditions. These evacuation routes could be used during more localized emergencies based on the needs of the local Incident Commander.

Secondary Evacuation Routes. Recent fire history in San Diego County has shown highways and freeways are vulnerable to closure due to wind driven wildland fires. The Witch Fire in 2007 and the Cedar Fire in 2003 both required the closure of Interstate 15. The potential of the closing of I-5 led to the development of two alternative evacuation routes based on the nature and location of the emergency. During a Santa Ana wind driven fire event, any fire located to the north and east of the project will be pushed toward the development. Therefore, evacuation to the west to the Southland

Plaza shopping center is preferred under most situations. If the freeway is impacted in both directions, evacuees would be directed to travel west on Palm Avenue, travel under I-5 and turn right on Saturn Boulevard, and then right into the Home Depot parking lot at the Southland Plaza shopping center. For emergencies on I-5, such as traffic accidents with hazardous materials spills, natural gas leaks, or trolley line emergencies, evacuees would be advised to turn left on Palm Avenue at the traffic signal and travel east until reaching the Ocean View Church parking lot located just east of the project site. These evacuation routes were chosen in response to a more localized emergency, such as a gas main break, a mulch fire north of the project site or a hazardous materials incident on the railroad or freeway. However, as previously stated, the on-scene Incident Commander is ultimately responsible for determining the need for evacuation and the routes of travel in consultation with cooperating agencies.

See Figure 5.8-2, *Primary and Secondary Evacuation Routes* for an illustration of the evacuation routes listed above for the project.

Evacuation Procedures

The Palm and Hollister Apartments project has a single shared ingress and egress point, which permits travel via Palm Avenue to emergency evacuation routes leading to the west and east. The main access route is a two-way drive aisle through the development leading into the Palm Transit Center parking lot. Access to Palm Avenue is through a dedicated road easement through the transit center parking lot.

Traveling south through the parking lot, the access road intersects with Palm Avenue, which is the off-site Primary Emergency Evacuation route. Traffic would be directed north or south onto I-5. Should I-5 be closed, evacuees would continue west on Palm Avenue and, after passing underneath I-5, turn right onto Saturn Boulevard. A right turn at the entrance to the Southland Plaza parking lot, where sufficient parking will be available for sheltering evacuated residents and employees in an area in front of the Home Depot. This temporary evacuation point is located less than one mile from Palm and Hollister Apartments development. The parking lot provides a significant sheltering area for evacuees. Also available during the daytime and evening are restroom and feeding facilities at the Southland Plaza shopping center, if the local facilities are open for business. Other resources for care and sheltering of evacuees include the American Red Cross and Salvation Army.

Thus, as shown in Figure 5.8-2, the primary evacuation routes for the residents and guests of the Palm and Hollister Apartments project consist of:

1. On-site access road through the Palm Avenue MTS Transit Center parking lot access road;
2. Right turn at the intersection of Palm Avenue/Harris Avenue-MTS Access;
3. Turn right on I-5 for northbound evacuation; or
4. Turn left at the southbound ramp to I-5 for southbound evacuation

The secondary evacuation route for residents and guests should I-5 be impacted by an approaching wildfire or an emergency on the freeway itself would be:

1. On-site access road through the Palm Avenue MTS Transit Center parking lot access road;
2. Right turn at the intersection of Palm Avenue/Harris Avenue-MTS Access;
3. Turn right at Saturn Boulevard;
4. Turn right on Southland Plaza driveway into the Home Depot parking lot at Southland Plaza Parkway, the western designated safety zone.

An additional secondary evacuation route that could be used for emergencies other than a wildfire would consist of:

1. On-site access road through the Palm Avenue MTS Transit Center parking lot access road;
2. Left turn at the intersection of the access road and Palm Avenue;
3. Left turn into the Ocean View Church parking lot.

Should a wildfire exist that threatens the property or safety of people at the site, the following actions specific to the Palm and Hollister Apartments shall be implemented:

- Depending on the situation, the authorities in charge of the evacuation may direct people to safe zones first and then escort cars out of the Palm and Hollister Apartments development. Emergency personnel will make the determination as to how many vehicles at a time will be escorted from the facility by traveling through the Palm Avenue MTS parking lot using the access road easement. Further direction on exiting onto Palm Avenue should be provided by the City's Police Department or Fire-Rescue Department on-scene Incident commanders, based on the location and nature of the emergency and time available for safe evacuation of the apartment complex.
- In the event that evacuation is no longer a safe and viable option, residents and guests shall follow the instructions of emergency personnel as to shelter-in-place options within the development until the SDFRD or other authorities deem it safe to leave. The structures within the Palm and Hollister Apartments development would be constructed to Type VA wood framed construction standards, with exterior walls, floors ceilings, and roofs fire rated for up to one hour. The apartments are sprinklered and would be relatively safe, allowing emergency personnel to make the final determination of which safe zones, parking areas, and structures, if any, shall be used as shelter-in-place locations.

Evacuation Emergency Access and Timing

The Palm and Hollister Apartment project proposes development of 198 multi-family residential units in the Otay Mesa-Nestor Community Plan area. Primary evacuation routes for the project would be via Palm Avenue and I-5. Evacuation routes would also be used by two other nearby projects [Bella Mar (380 multi-family units) and the MTS Transit Oriented Development (~~390-504~~ multi-family units, 2,505 square feet of retail space, and a 5,000 square foot childcare center)] that are in the planning process and would be constructed about the same time as the Palm and

Hollister Apartments. Together, a total of ~~968~~1,082 new residences could require evacuation in times of an emergency.

Each roadway classification has a different capacity based on level of service, with freeways having the highest capacities. Using the Highway Capacity Manual methodology for calculating adjusted saturation flow rates, road that would be most likely available to existing and Project residents were analyzed and the hourly capacities are presented in Table 5.8-1, *Existing Roadway Estimated hourly Vehicle Capacities*.

Table 5.8-1. Existing Roadway Estimated Hourly Vehicle Capacities

| Roadway | Segment | Lanes & Direction | Estimated Roadway Capacity (vehicles per hour) ¹ | | |
|-------------|-----------------------------------|-------------------|-------------------------------------------------------------|-------|-------|
| | | | East | West | Total |
| Palm Avenue | MTS Driveway to I-5 Freeway Ramps | 2 EB/ 2 WB | 3,500 | 3,500 | 7,000 |
| Palm Avenue | MTS Driveway to Ocean View Church | 2 EB/ 2 WB | 3,500 | 3,500 | 7,000 |

¹ Road capacity was determined through professional judgement, which considered existing data that utilized Synchro, which uses the Highway Capacity Manual methodology for calculating adjusted flow rates for the same or similar roadways and coordination with the project’s traffic consultant Michael Baker.

Using these averages, the length of time it will take for an area to evacuate can be estimated by dividing the population by the average vehicle occupancy and then dividing by the roadway capacity as shown in the travel time formula below.

For this analysis, the evacuation area was assumed to be bound by the I-5 freeway to the west, Desty Street to the east, Golf Laboratories/Project Site to the north, and Elm Avenue to the south. Table 5.8-2, *Population and Evacuation Vehicle Estimates for the Project and Vicinity Land Uses*, provides a summary of the calculated number of evacuating vehicles and assumptions for the existing and Project populations. The existing populations, which considers neighborhoods in the vicinity of the Project are assumed to utilize Palm Avenue as an evacuation route. This evacuation plan assumes a worst-case scenario based on evening time when the majority of residents are home. This worst-case scenario analysis assumes MTS retail and daycare are not in use considering the time of day. The scenario with the majority of residents at home in the evening would generate more evacuation traffic than the daytime conditions when only some residents are home and the retail and daycare uses are open.

Based on the San Diego Associations of Governments (SANDAG) 2025 Regional Growth Forecast for the Otay Mesa-Nestor community, the persons per household estimate is 3.11. The Palm and Hollister Apartments project plus Bella Mar and the Palm Avenue Transit Oriented Development (TOD) project would result in a total of ~~4,582~~1,082-residential units, 2,500 square feet of retail, and 5,000 square feet of childcare center.

Table 5.8-2. Population and Evacuation Vehicle Estimates for the Project and Vicinity Land Uses

| | Existing | Commercial ¹ | Palm & Hollister Project | Cumulative Projects ² | Combined |
|-------------------------------------------------|----------|-------------------------|--------------------------|----------------------------------|---------------------------|
| Dwelling Units (residences) | 614 | N/A | 198 | 770 884 | 1,582 1,696 |
| Persons per Unit | 3.11 | N/A | 3.11 | 3.11 | N/A |
| Calculated Population | 1,910 | 444 | 616 | 2,395 2,749 | 5,365 |
| Vehicles per Unit | 2 | N/A | 2 | 2 | N/A |
| Parking Spaces | N/A | 222 | N/A | N/A | 222 |
| Worst Case Number of Vehicles Evacuating | 1,228 | 222 | 396 | 1,540 1,768 | 3,386 3,614 |

¹ Commercial includes retail, gas stations, auto-repair shops, restaurants and Sunnyslope Elementary School parking spaces with 2 persons per vehicle.

² Cumulative Projects assumes 380-unit Bella Mar project and ~~390~~504-unit Palm Avenue TOD/MTS project for a total of ~~770~~884 residential dwelling units.

Table 5.8-3, *Evacuation Routes and Scenarios 1 & 2*, shows the two scenarios assumed in this evacuation plan which includes ~~existing opening year~~ conditions and ~~existing opening year~~ conditions plus project. For each condition, there are two evacuation routes identified where all traffic evacuates onto Palm Avenue towards the west onto I-5 or all traffic evacuates to the east at the Ocean View Church.

Table 5.8-3. Evacuation Routes and Scenarios 1 & 2

| Evacuation Route Using Palm Ave. | Existing Opening Year Conditions (Scenario 1) | | Existing Opening Year Conditions Plus Project (Scenario 2) | |
|-----------------------------------|-----------------------------------------------|-----------------------------|------------------------------------------------------------|-------------------------------------------------------------|
| | Percent of Vehicles | Total Vehicles ¹ | Percent of Vehicles | Total Vehicles |
| MTS Driveway to I-5 Freeway | 100% | 2,990 3,218 | 100% | 3,386 (2,990 + 396) 3,614 (3,218 + 396) |
| MTS Driveway to Ocean View Church | 100% | 2,990 3,218 | 100% | 3,386 (2,990 + 396) 3,614 (3,218 + 396) |

¹ Under ~~Existing Opening Year~~ Conditions, total vehicles include Existing residences (1,228), Commercial (222), and Cumulative Projects (~~1,540~~1,768) for a total of ~~2,990~~3,218 vehicles.

As shown in Table 5.8-3, the total number of vehicles assumed to evacuate on Palm Avenue under existing conditions is ~~2,990~~3,218. The ~~existing Opening Year scenario conditions~~ assumes existing residential traffic, commercial traffic, and cumulative project traffic under Scenario 1. Under

Scenario 2 (~~Existing Conditions~~Opening Year Plus Project), the Palm and Hollister project traffic is added to the ~~existing Opening Year conditions scenario~~ traffic.

Based on the preceding assumptions and the travel time formula, the time estimates for the ~~existing condition~~Opening Year scenario and ~~existing condition~~Opening Year Plus Project scenario are summarized in Table 5.8-4, *Evacuation Time Calculation*.

Table 5.8-4. Evacuation Time Calculation

| Evacuation Route | Existing Condition (vehicles) | Existing Condition Plus Project (vehicles) | Minimum Road Capacity (veh/hr) | Existing Condition Estimated Evacuation Timeframe | Existing Condition Plus Project Estimated Evacuation Timeframe ¹ | Travel Time Increase With Project |
|-----------------------------------|----------------------------------|--------------------------------------------|--------------------------------|-------------------------------------------------------------------|-----------------------------------------------------------------------------|-----------------------------------|
| MTS Driveway to I-5 Freeway | 2,990 <u>3,218</u> | 3,386 <u>3,614</u> | 3,500 | 0.85 hours (51.3 min) <u>0.92 hours (55.2 min)</u> | 0.97 hours (58.0 min) <u>1.03 hours (61.9 min)</u> | 0.12 hours (6.75 min) |
| MTS Driveway to Ocean View Church | 2,990 <u>3,218</u> | 3,386 <u>3,614</u> | 3,500 | 0.85 hours (51.3 min) <u>0.92 hours (55.2 mins)</u> | 0.97 hours (58.0 min) <u>1.03 hours (61.9 min)</u> | 0.12 hours (6.75 min) |

¹ Estimated evacuation travel timeframe is calculated by dividing the maximum number of vehicles using each evacuation route by the route’s vehicle capacity i.e. 3,500 vehicles per hour.

The project evacuation scenario results in a worst case calculated ~~0.97~~1.03 hours or ~~5861.9~~ minutes travel time to fully evacuate all evaluated populations near the project site. With the Project, there is an increase in the calculated evacuation travel time of up to 6.75 minutes for both evacuation routes. It may be noted that both evacuation sites have similar distances from the project site.

Shelter in Place

In an instance where the Palm and Hollister Apartments development is threatened by a fire located miles away, evacuation is the preferred means of protecting lives. Should a wildfire be threatening the development, shelter-in-place is preferred. The determination for which approach to implement would be made by on-site managers in consultation with SDFRD, the SDPD, and/or the incident commander overseeing emergency operations.

Members of the Palm and Hollister Apartments design team, including wildland fire consultants, evaluated all the structures within the Palm and Hollister Apartments project and found that the Recreation/Leasing Office building or areas within those buildings and adjoining parking areas are the most suitable location for shelter-in-place (see Figure 5.8-4, *Shelter-In-Place Location*). The evaluation considered but was not limited to type of building construction, location within the property, means of access and egress, building size, and interior measures that would be needed to protect people while housed. The apartment buildings would be wood framed, Type VA “protected frame” construction with sprinkler systems throughout each building as required by the fire code. As

shown in Table 5.8-5, *Calculations for Shelter-in-Place*, identified shelter-in-place locations accommodate about 278 people. The parking area directly south and east of the recreation/leasing structure would accommodate an additional 406 individuals, with these locations, sheltering space should be adequate for the anticipated number of individuals within the Palm and Hollister Apartment complex. The outdoor locations for sheltering evacuees could be used for incidents other than wildfires that may require localized sheltering including emergencies on Interstate 5 or on the railroad right-of-way. Parking lots have been effective sheltering locations during major wildland fires where escape routes have been compromised.

Table 5.8-5 Calculations for Shelter-in Place

| Building | Total Area (Square Feet) | Maximum Persons Sheltered |
|-----------------------------------------------|---------------------------------|----------------------------------|
| Leasing/Office Areas | 750 | 50 |
| Fitness Area- 1 st Floor | 576 | 38 |
| Fitness Area- Mezzanine | 220 | 14 |
| Outdoor Recreation Area- Next to Office Area* | 1930 | 128 |
| Lounge | 726 | 48 |
| TOTAL | | 278 |

* Sheltering outdoors, though not the first option, has been shown to be effective in recent fires.
 Source: Appendix S

Procedures for shelter-in-place:

- If there are customers, visitors, or clients at the facility, provide for their safety by asking them to remain at the facility until directed by emergency personnel.
- Unless there is an immediate threat, ask employees, guests, residents, and visitors to call their emergency contact to let them know where they are and that they are safe.
- Quickly close all windows, air vents, and fireplace dampers. Have employees familiar with the buildings mechanical systems turn off all fans, heating and air conditioning systems and clothes dryers.
- Gather essential disaster supplies such as battery powered radios, bottled water, cell phones and chargers, flashlights, and spare batteries.
- Maintain a hard-wired telephone connection as cellular systems are likely to be overwhelmed or damaged during an emergency.
- Staff to create a list of all the people in the room.
- Listen to the radio, watch television, or use the internet for further instructions until you are told all is safe or it is time to evacuate.
- Should the room designated for evacuation have an opening to the outside, masks, eye protection and water to be provided by Property Management and emergency response team to protect the individuals from smoke and ash.

A shelter-in-place location would likely only be utilized for approximately 60 minutes, as a wildfire burning under a Santa Ana wind condition could spread at a rapid rate based on typical fire behavior calculations. Given the limited duration of time residents are expected to shelter, the location specified should be sufficient to shelter 684 residents which is the maximum expected number of residents that will be on site on average at a time. There also could be spot fires that would occur, often over one mile in advance of the flaming front. Shelter-in-place may also be utilized in any other number of emergencies, including police activities and hazardous materials spills or leaks when deemed appropriate by the local authority having jurisdiction.

The Palm and Hollister development would incorporate a series of design features, which would provide for a residential development that has the capacity to withstand the threat of a wildland fire and provide the means and methods necessary to protect its residents, guests, and employees. Every safety feature identified by fire experts and reviewed and approved by the City of San Diego during the planning process shall be implemented. The buildings would be constructed with fire-resistant materials and the elimination of flammable materials on the exterior of each structure which provides a substantial reduction in risk from a wildfire. In addition, design features such as minimum water supplies, automatic fire extinguishing systems (interior sprinklers) and internal private drives with adequate width, reduce the threat of an ignition due to ember cast by fires in strong Santa Ana winds and improve access and egress from the development.

Significance of Impacts

Construction

City emergency safety standards and requirements pursuant to local regulations and standards are incorporated into the project design, including standard implementation of a traffic control plan during the construction period. Therefore, public safety impacts related to emergency services would be less than significant during construction.

Operation

The project Evacuation Plan (Appendix S) demonstrates that timely evacuation of the site is feasible and would be improved by the roadway and emergency egress connections that would be provided by the project. Potential impacts related to impairment of or interference with adopted emergency response and evacuation plans from implementation of the project would, therefore, be less than significant. Emergency safety standards and requirements relevant to structure design, drive aisle width, etc. required by the City pursuant to local regulations and standards are incorporated into the project design. As a result, impacts would be less than significant with respect to fire-related issues.

Mitigation Measures

Mitigation would not be required.

5.8.3.4 Issue 4

Issue 4 Would the proposal 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, create a significant hazard to the public or environment?

Impact Threshold

- Located on or near known contamination sources.
- Located within 1,000 feet of a known contamination site.
- Located within 2,000 feet of a known —border zone property (also known as a “Superfund” site) or a hazardous waste property subject to corrective action pursuant to the Health and Safety Code.
- DEH site file closed.
- Located in Centre City San Diego, Barrio Logan, or other areas known or suspected to contain contamination sites.
- Located on or near an active or former landfill.
- A site that has been historically developed with industrial or commercial uses which involved dewatering (the removal of groundwater during excavation), in conjunction with major excavation in an area with high groundwater (such as downtown).

Analysis

A search of all databases and lists included in the Cortese List (Government Code Section 65962.5) was conducted for the project site (Appendix L) and updated in 2023 via this EIR. This list includes Envirofacts, GeoTracker, list of solid waste disposal sites identified by Water Board with waste constituents above hazardous waste levels outside the waste management unit, the list of “active” CDO and CAO from Water Board, and the list of hazardous waste facilities subject to corrective action pursuant to Section 25187.5 of the Health and Safety Code did not yield the project site in the search results. The project is a residential development and would not generate hazardous waste.

The Phase I ESA conducted for the project concluded that there is no evidence of Recognized Environmental Conditions (RECs) associated with the project site. As part of the ESA a review of historical aerial photographs and topographic maps was conducted and indicated that the site was historically utilized for agricultural crop production. During historical agricultural activities throughout the State of California, various pesticides and more specifically organochlorine pesticides were commonly applied during the normal course of agricultural operations. Such compounds have since been banned from production and use in the United States. Section 105215 of the California Health and Safety Code discusses the regulatory reporting of incidents that pertain to pesticide spills and accidental releases of pesticide products. Based on the regulatory and historical research completed during the preparation of this assessment, no information has been revealed that would lead to the belief that an accidental spill or release of pesticide products has occurred at the site. In addition, neither stressed vegetation, nor evidence of the storage of

pesticides was observed on the property during the site reconnaissance or based on regulatory and historical research reviews. As such, the former agricultural use of the project site is not considered to be a recognized environmental condition in connection with the site.

The project site and its adjacent/nearby properties are situated in an area comprised primarily of public roadways, residential development, agricultural and open land, and commercial land uses. The site is developed with one vacant residential structure and outbuildings. Storage containers are located in the central and eastern portions of the site. The remainder of the site consists of exposed soil and sparse vegetation. The current uses of the site and its adjacent properties are not indicative of the use, treatment, storage, disposal or generation of significant quantities of hazardous substances or petroleum products (based on visual observations and regulatory database review) that have adversely impacted the site. In addition, the site was examined for evidence of wells, septic systems/cesspools and underground storage tanks and none were observed or noted on the project site. Regardless, soil sampling and analysis was completed concurrent with this Phase I ESA.

A Phase II ESA was completed as a precautionary measure. Soil sampling and analysis were conducted due to the presence of buried debris and undocumented fill material in the eastern area of the site and the former use of the site for agricultural purposes. The soil samplings detected lead, Title 22 metals, and organochlorine concentrations; however, the levels did not exceed their respective residential or commercial screening levels. As such, soil in the areas sampled are not considered to be significant.

As discussed above in section 5.8.3.2, *Issue 2*, the project would comply with all regulations for asbestos and lead including California Code of Regulations, Article 4, Section 1529, pertaining to Asbestos Construction Safety Orders; SCAQMD Rule 1403; CCR Title 8, Industrial Relations; Cal/OSHA Asbestos and Carcinogen Unit; California Department of Public Health; California Department of Resources, Recycling, and Recovery; EPA National Emission Standards for Hazardous Air Pollutants, and the California Department of Public Health's lead laws and regulations to ensure proper and safe handling and disposal of these materials. In addition, due to the potential of contaminants in the soil being released into the air through grading and soil disturbance activities, the project would be subject to SDAPCD Rule 55, Fugitive Dust Control. Compliance with Rule 55 would limit fugitive dust generated during grading and construction activities. Health risks would be minimized to the extent possible.

Significance of Impacts

The project site is not located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5, and a significant hazard to the public or environment would not result. Soil sampling found that there is no contamination from previous agricultural uses on the site. The project would adhere to all regulations and guidelines in place for handling of asbestos and lead as well as air emission particulates from soil disturbance. Impacts would be less than significant.

Mitigation Measures

Mitigation would not be required.

5.8.3.5 Issue 5

Issue 5 *Would the proposal expose people to toxic substances, such as pesticides and herbicides, some of which have long-lasting ability, applied to the soil during previous agricultural uses?*

Impact Threshold

- Located on a site presently or previously used for agricultural purposes.

Analysis

As discussed under Issue 4 above and in the Phase I ESA, the project site was historically used for agricultural crops production. There is no evidence or information that an accidental spill or release of pesticide products has occurred at the site. The former agricultural use of the site is not considered to be a recognized environmental condition in connection with the site. As a precaution, soil sampling was conducted on the site. The soil samplings detected lead, Title 22 metals, and organochlorine concentrations; however, the levels did not exceed their respective residential or commercial screening levels. As such, soil in the areas sampled are not considered to be significant.

Grading would disturb on-site soils, and particulates would become air bourn and inhalable. The soil samplings detected lead, Title 22 metals, and organochlorine concentrations. Excavation near the potentially contaminated area could release these hazardous materials into the air resulting in emissions. The project would be subject to SDAPCD Rule 55, Fugitive Dust Control. This rule requires that the project take steps to restrict emissions of fugitive dust beyond the property line. Compliance with Rule 55 would limit fugitive dust generated during grading and construction activities. The applicant and the contractor would comply with all federal, state, and local regulations and requirements. Therefore, no significant risk of exposure to toxic substances such as pesticides and herbicides would result.

Significance of Impacts

Former agricultural uses on the project site did not adversely impact the project site. Fugitive dust control measures would be adhered to and would limit air emission particulates. Therefore, impacts would be less than significant.

Mitigation Measures

Mitigation would not be required.

5.8.3.6 Issue 6 and Issue 7

Issue 6 Would the proposal result in a safety hazard for people residing or working in a designated airport influence area?

Issue 7 Would the proposal result in a safety hazard for people residing or working within two miles of a private airstrip or a private airport or helicopter facility that is not covered by an adopted Airport Land Use Compatibility Plan?

Impact Threshold

Project sites that meet one or more of the following criteria may result in a significant impact.

- Be located in a designated airport influence area and where the FAA has reached a determination of "hazard" through FAA Form 7460- 1, "Notice of Proposed Construction or Alteration" as required by FAA regulations in the Code of Federal Regulations (CFR) Title 14 §77.13 ;
- Be inconsistent with an Airport Land Use Compatibility Plan (ALUCP) could be a significant impact.
- Result in a safety hazards for people residing or working within 2.0 miles of a private airstrip or heliport facility that is not covered by an adopted ALUCP.

Analysis

The project site is not located within two miles of a private airstrip or private airport or helicopter facility not covered by an adopted ALUCP. The project site is located within AIAs of NAS North Island, Brown Field, and NOLF Imperial Beach. The AIA is "the area in which current or future airport related noise, overflight, safety, or airspace protection factors may significantly affect land uses or necessitate restrictions on those uses."

- To facilitate implementation and reduce unnecessary referrals of projects to the ALUC, the AIA is divided into Review Area 1 and Review Area 2. The project site is located within Review Area 2 of both the NOLF Imperial Beach and Brown Field AIAs (see Figure 2-8, *Brown Field ALUCP Airport Influence Area*, and Figure 2-9, *NOFL Imperial Beach Airport ALUCP Airport Influence Area*).

Review Area 2 consists of locations beyond Review Area 1 but within the airspace protection and/or overflight areas depicted on the associated maps in the ALUCP and limits the heights of structures, particularly in areas of high terrain. The project site is located in the AIA for NAS North Island (see Figure 2-10, *NAS North Island Airport ALUCP Airport Influence Area*).

As shown in Figure 5.8-4, *NOLF Imperial Beach Airport Airspace Protection Boundary*, the project site is located within the Airspace Protection Boundary for the NOLF Imperial Beach Airport and within the FAA Part 77 certification of non-obstruction area. Part 77 Height Notification Boundary extends

20,000 feet from the nearest point of any runway. Within the boundary, Part 77, Subpart B requires that the FAA be notified of any proposed construction of alteration having a height greater than an imaginary surface extending 100 feet outward and one foot upward (slope of 100 to one) from the runway elevation. The project's tallest structures would 38 feet in height and 85 feet AMSL. The project would not result in obstruction to airport operations NOLF Imperial Beach. A No Hazard Determination was received from the FAA on May 25, 2022 (see Appendix B). The project would not exceed obstruction standards and would not be a hazard to air navigation. The project site is located outside all other zones for the NOLF Imperial Beach Airport.

The ALUCP contains four principal compatibility concerns: noise (exposure to aircraft noise), safety (land use factors that affect safety both for people on the ground and occupants of aircraft), airspace protection (protection of airport airspace), and overflight (annoyance or other general concerns related to aircraft overflights). The project site is located within the Overflight Notification Area of the NAS North Island, as shown in Figure 5.8-5, *NAS North Island Airport Compatibility Policy Map: Overflight*. An Overflight Notification is a buyer awareness tool that ensures prospective buyers of residential land use development near an airport are informed about the airport's potential impact on the property. The project does not propose for-sale residential land uses; therefore, this notification area is not applicable. The project site is located outside all other zones for the NAS North Island Airport.

The project site is within the Terminal Instrument Procedures (TERPS) Airspace Protection area Runway 8L GPS approach for Brown Field (See Figure 5.8-6, *Brown Field Municipal Airport TERPS Airspace Protection Boundary*). These surfaces establish the maximum height that objects on the ground can reach without potentially creating constraints or hazards to the use of the airspace by aircraft approaching, departing, or maneuvering in the vicinity of the airport. The project site received a No Hazard Determination from the FAA (see Appendix B) and would not result in an obstruction to airport operations for Brown Field.

Significance of Impacts

Although the project site is within the AIAs of NOLF Imperial Beach, NAS North Island, and Brown Field the project would not result in impacts associated with the four compatibility concern areas. As a result, impacts would be less than significant.

Mitigation Measures

Mitigation would not be required.

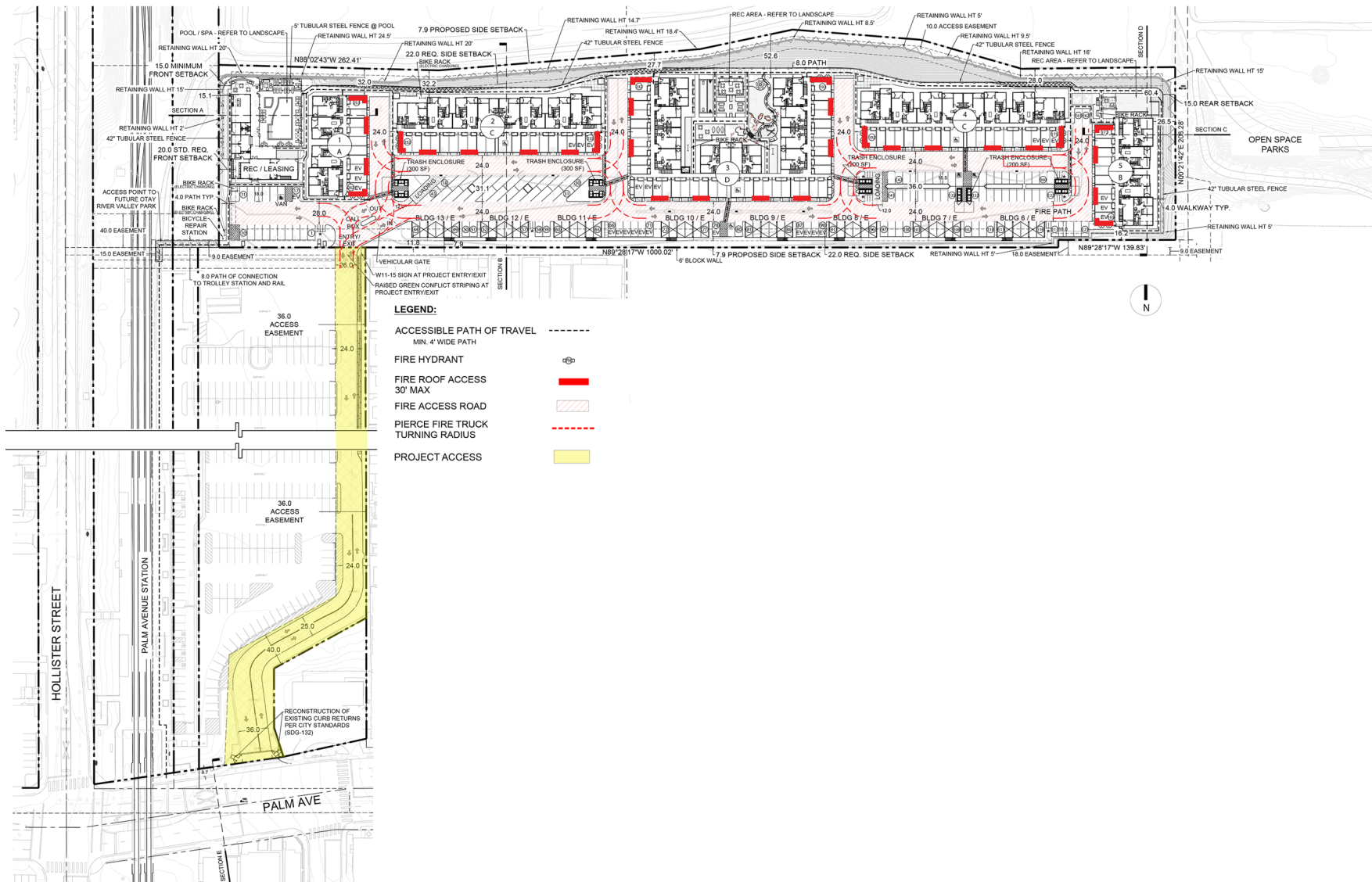


Figure 5.8-1, Project Access

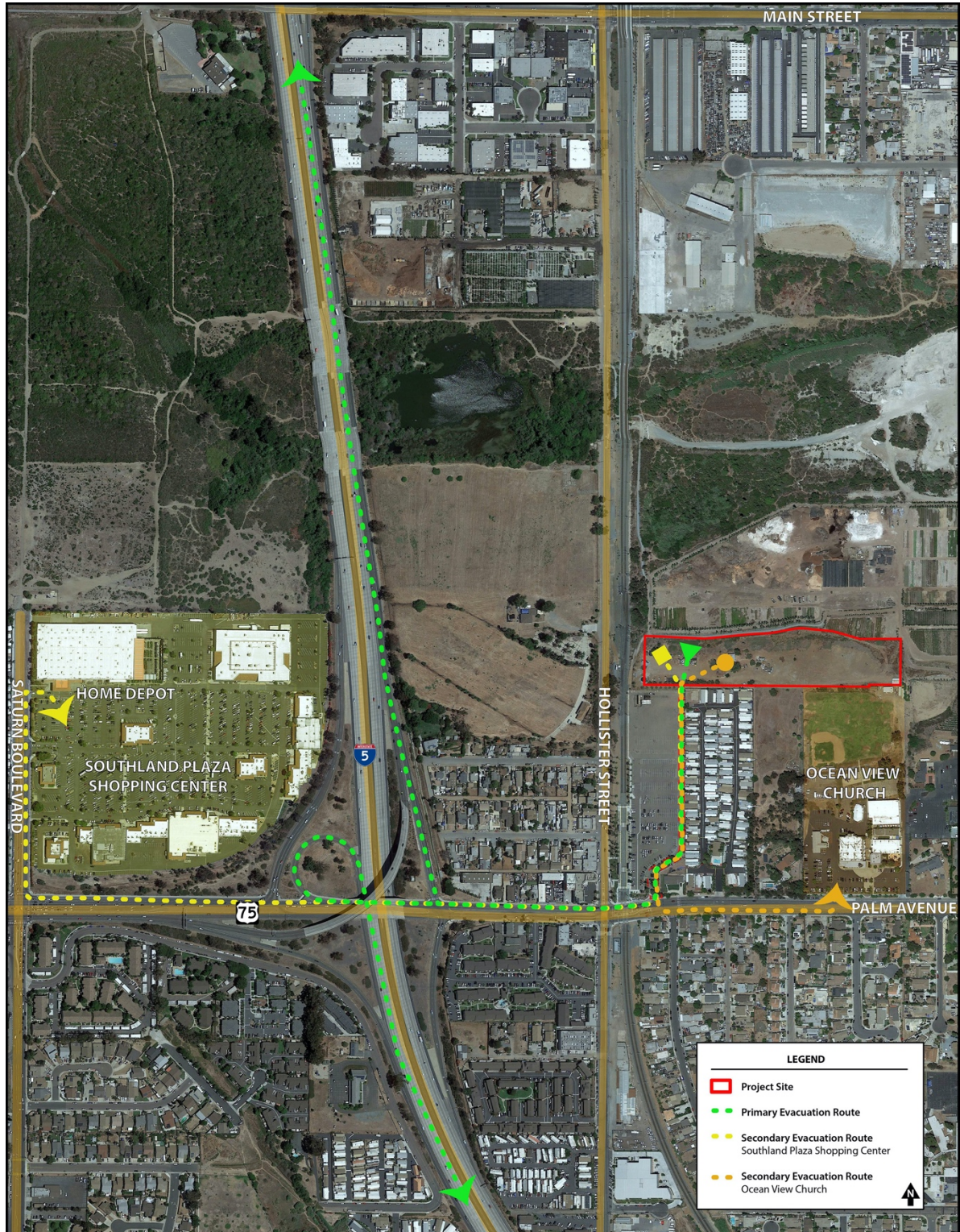


Figure 5.8-2. Primary and Secondary Evacuation Routes

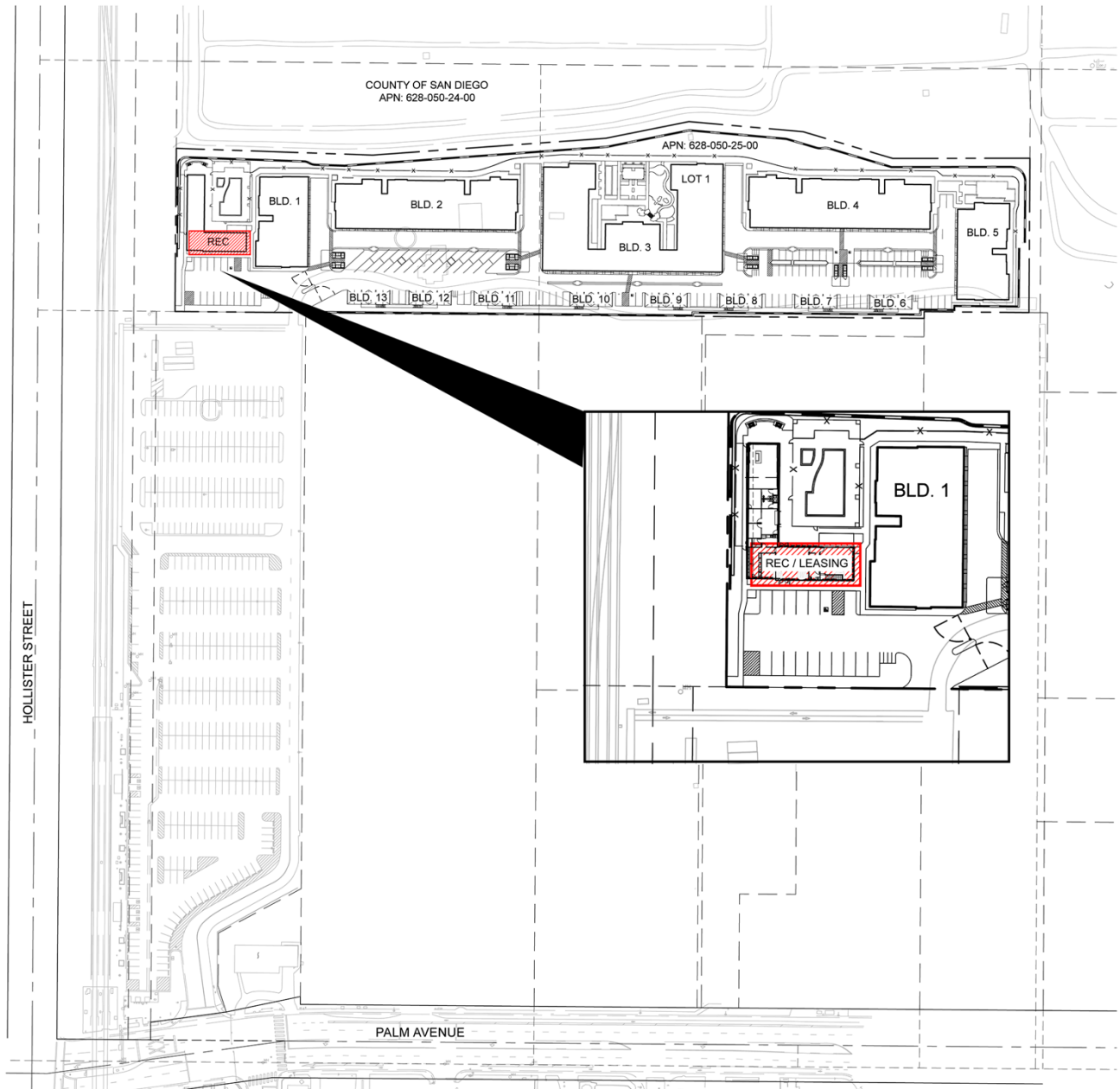


Figure 5.8-3. Shelter-In-Place Location

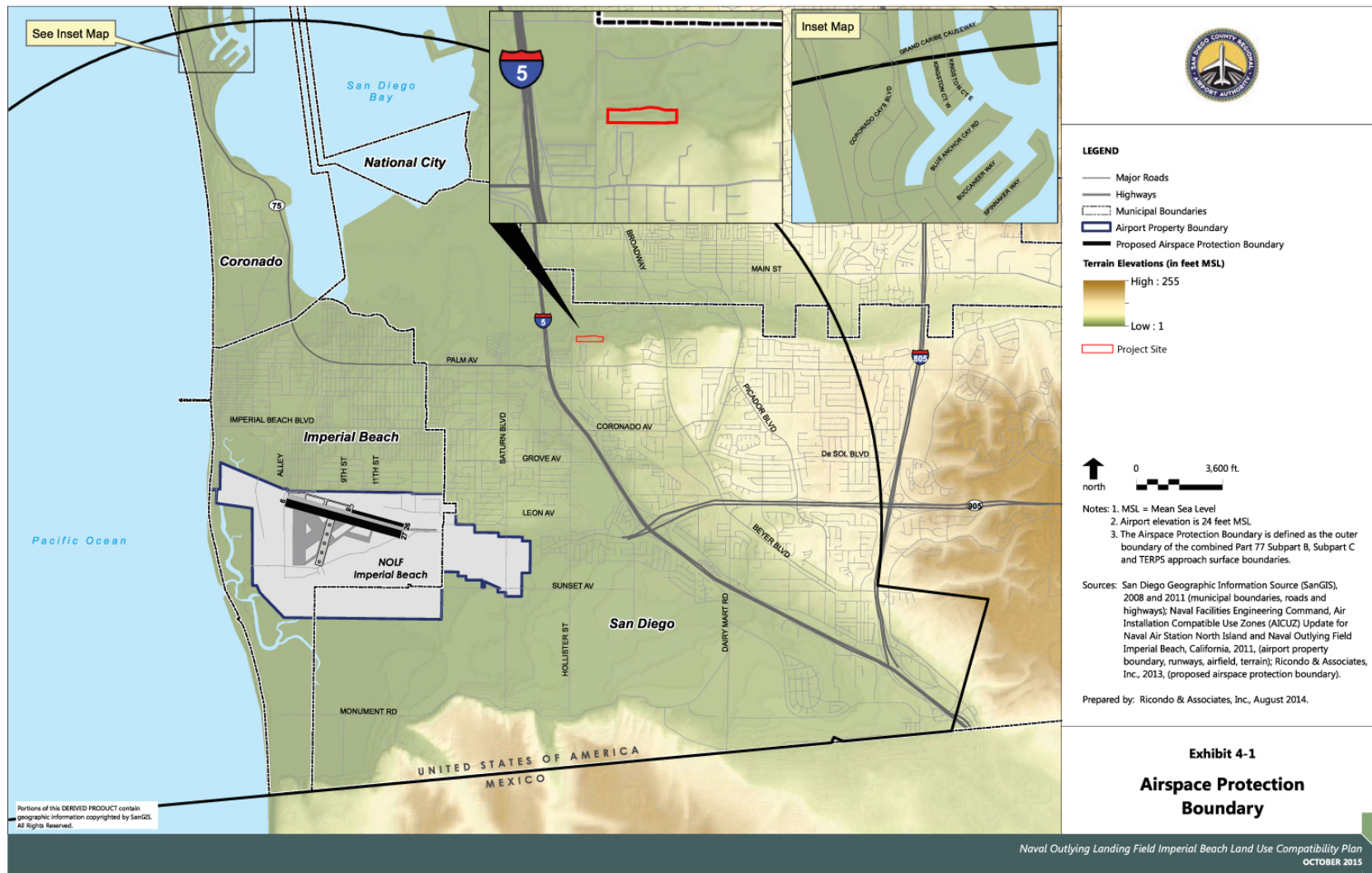


Figure 5.8-4. NOLF Imperial Beach Airport Airspace Protection Boundary

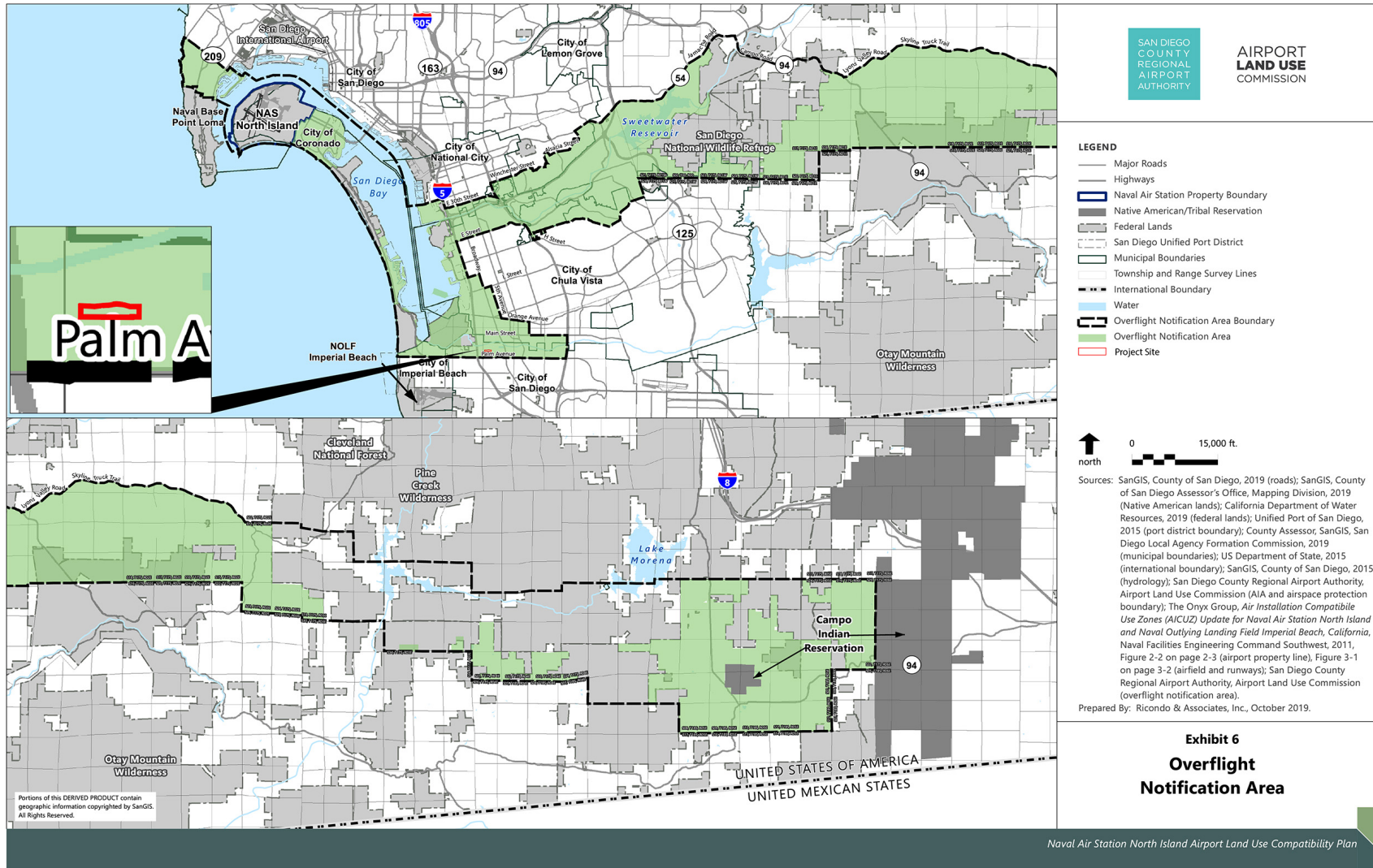


Figure 5.8-5. NAS North Island Airport Compatibility Policy Map: Overflight

CHAPTER 3 BROWN FIELD MUNICIPAL AIRPORT POLICIES AND MAPS

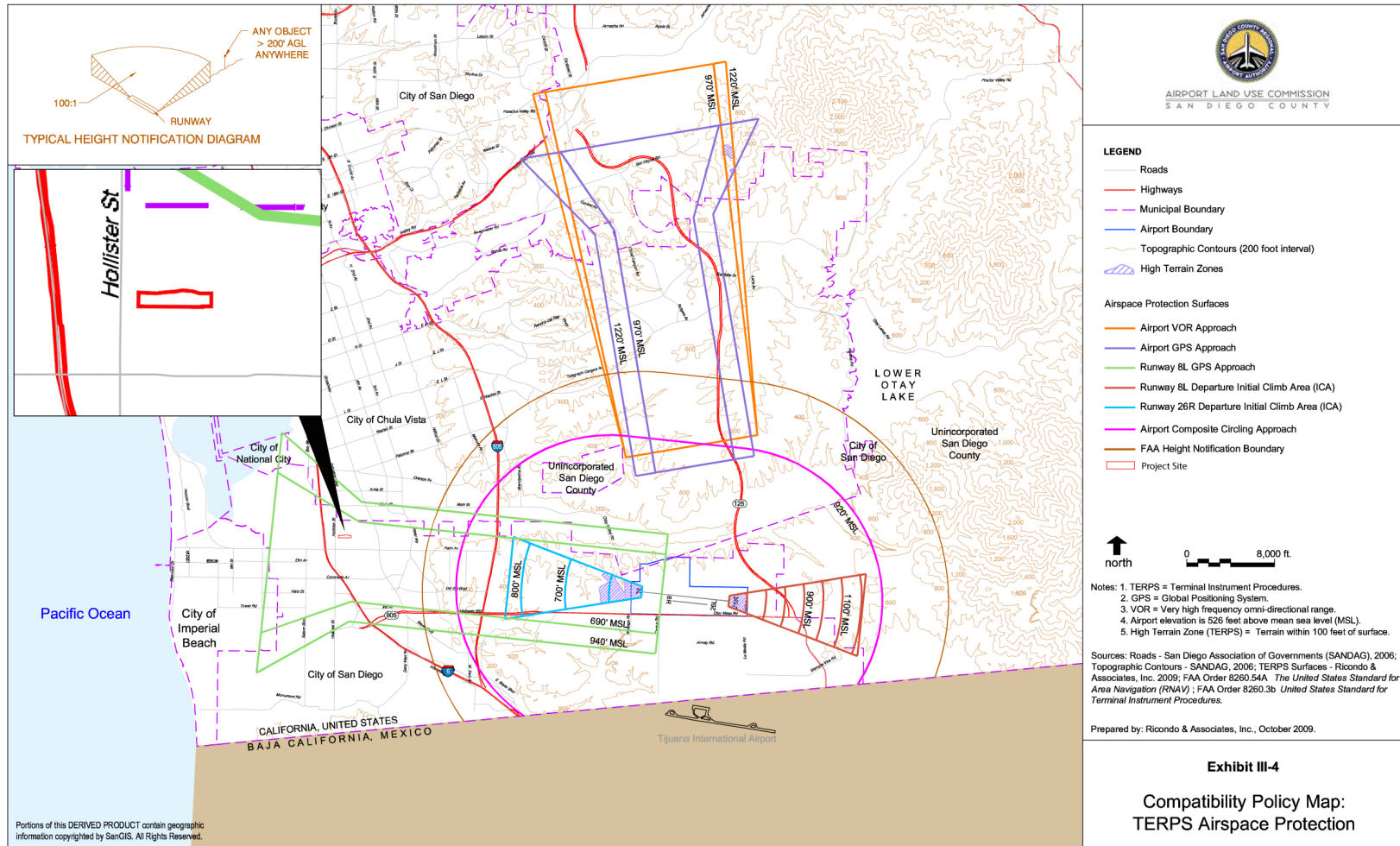


Figure 5.8-6. Brown Field Airport Compatibility Policy Map: TERPS Airspace Protection

5.9 Historical Resources

The following section describes the existing historical resource conditions, identifies policies and regulatory requirements applicable to the project, evaluates potential impacts, and identifies mitigation measures, if applicable, related to project implementation. The discussion is based on the *Negative Survey Report Using the Archaeological Resource Report Form for the Palm and Hollister Project* prepared by ASM Affiliates (November 29, 2022), which is included as Appendix M.

5.9.1 Existing Conditions

The project site is located at 555 Hollister Street and is comprised of approximately 5.92 acres, of which 5.5 acres are planned for grading activities associated with construction for the project. The site is developed with a vacant residential structure, a garage, canopy structure, and two storage containers. Landscaping is minimal, consisting of non-native plant species, and is mostly confined to the perimeter of the property. The project site has been and is currently being used for staging by the Metropolitan Transit System (MTS) and some delivery services.

Built Environment

The residential structure and outbuildings currently present on-site were reviewed by the City to determine if the structures are historically significant and eligible for local designation. Due to several alterations to the property and structures, it was determined that the property does not retain the historic integrity necessary to meet local designation criteria as an individually significant resource under any adopted Historical Resources Board Criteria (Development Services, Preliminary Review, June 18, 2021.) The structures on site were determined not eligible for the national, state, or local registers and therefore not considered historical resources for the purposes of California Environmental Quality Act (CEQA) compliance.

Archaeology

Region

The prehistory of San Diego County has most frequently been divided chronologically into three or four major periods. An Early Man stage, perhaps dating back tens of thousands of years, has been proposed, but no widely accepted evidence of human occupation of North America dating prior to about 12,000 Before Christ (B.C.) has emerged. More generally accepted divisions include a Terminal Pleistocene/Early Holocene period (ca. 12,000-6000 B.C.), a Middle/Late Holocene period (ca. 6000 B.C.-Anno Domini (A.D.) 800), and a Late Prehistoric period (ca. A.D. 800-1769). For the Terminal Pleistocene/Early Holocene period (ca. 12,000-6000 B.C.), the earliest chronologically distinctive archaeological evidence is the Clovis pattern. Dated elsewhere in North America to around 11,500 B.C., Clovis assemblages are distinguished primarily by large fluted projectile points. At least three isolated fluted points have been reported within San Diego County. The most widely recognized archaeological pattern within this period is termed San Dieguito and has been dated from at least as early as 8500 B.C. to perhaps around 6000 B.C. Archaeological evidence from the Middle/Late Holocene Period (ca. 6000 B.C.-A.D. 800) period in the coastal San Diego region has been

characterized as belonging to the Archaic stage, Millingstone horizon, Encinitas tradition, or La Jolla pattern. Distinctive characteristics of the La Jolla pattern include extensive shell middens, portable ground stone metates and manos, crudely flaked cobble tools, occasional large expanding stemmed projectile points (Pinto and Elko forms) and flexed human burials. A Late Prehistoric period (ca. A.D. 800-1769) in coastal San Diego County has been distinguished, primarily on the basis of three major innovations: the use of small projectile points, brownware pottery, and the practice of human cremation. Labels applied to the archaeological manifestations of this period include Yuman, Cuyamaca, Patayan, and Hakataya. Traits characterizing the Late Prehistoric period include a shift toward greater use of inland rather than coastal settlement locations, greater reliance on acorns as an abundant but labor-expensive food resource, a greater emphasis on hunting of both large and small game, a greater amount of interregional exchange, more elaboration of nonutilitarian culture, and possibly denser regional populations.

In ethnohistoric times, central and southern San Diego County was occupied by speakers of a Yuman language or languages, variously referred to as Kumeyaay, Diegueño, Tipai, and Ipai. Kumeyaay territory extended from south of Agua Hedionda Lagoon, Escondido, and Lake Henshaw to south of Ensenada in northern Baja California, and east nearly as far as the lower Colorado River. The Kumeyaay inhabited a diverse environment that included littoral, valley, foothill, mountain, and desert resource zones. A large number of village sites have been identified throughout San Diego County. The diet of the Kumeyaay included both plant and animal foods have utilized several ecological niches varying by altitude.

Project Site

The project site is currently developed with a vacant residential structure and several outbuildings. The project area is currently being used as a storage yard for construction equipment and supplies. Approximately one-quarter of the project site, along the northern property boundary, slopes downward to the north.

The archeological study conducted a records search of the California Historical Resources Information System (CHRIS) at the South Coastal Information Center (SCIC) to determine whether any previously recorded cultural resources intersect the project area. The records search included a search radius of one-mile around the area of potential effect (APE). A total of 77 technical and research reports are on file at the SCIC that present the results of studies conducted within a one-mile radius of the project area. Of those reports, six address the Palm & Hollister Apartments project area. These six reports include various archaeological and historical properties surveys and significance evaluations for large-scale projects in the area. The records search results also identified 38 previously recorded cultural resources and 20 historic addresses within the one-mile search radius. None of those resources intersect the project area. Additionally, all of the cultural resources are at least 150 meters from the project area.

An intensive pedestrian survey of the project site provided no evidence for the presence of cultural resources. A small scatter of fragmented shellfish remains was observed. However, it was found in a highly disturbed context in association with beach sand and appeared to be recently deposited, indicating that it is likely non-cultural shell imported to the site in fill or sandbags.

5.9.2 Regulatory Framework

Federal, State, and local criteria have been established for the determination of historical resource significance. The criteria for determining a resource's significance generally focus on a resource's integrity and uniqueness, its relationship to similar resources, and its potential to contribute important information to scholarly research. Some resources that do not meet federal significance criteria may be considered significant under state or local criteria.

5.9.2.1 Federal

National Historic Preservation Act

The National Historic Preservation Act (NHPA) establishes the Federal government policy on historic preservation and the programs – including the National Register of Historic Places (NRHP) – through which this policy is implemented. Under the NHPA, significant cultural resources, referred to as historic properties, include any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the NRHP. Historic properties also include resources determined to be National Historic Landmarks (NHL). NHLs are nationally significant historic places designated by the Secretary of the Interior (SOI) because they possess exceptional value or quality in illustrating or interpreting United States heritage. A property is considered historically significant if it meets one of the NRHP criteria and retains sufficient historic integrity to convey its significance. This act also established the Advisory Council on Historic Preservation (ACHP), an independent agency responsible for implementing Section 106 of NHPA by developing procedures to protect cultural resources included on, or eligible for inclusion, on the NRHP. Regulations are published in 36 Code of Federal Regulations (CFR) Part 60 and 63, and 36 CFR, Part 800. A property is considered historically significant if it meets one of the NRHP criteria listed below and retains sufficient historic integrity to convey its significance:

- A. That are associated with events that have made a significant contribution to the broad patterns of our history; or
- B. That are associated with the lives of persons significant in our past; or
- C. That embody the distinctive characteristics of a type, period, or method of construction. Or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- D. That have yielded, or may be likely to yield, information important in prehistory or history.

Ordinarily cemeteries, birthplaces, or graves of historical figures, properties owned by religious institutions or used for religious purposes, structures that have been moved from their original locations, reconstructed historic buildings, properties primarily commemorative in nature, and properties that have achieved significance within the past 50 years shall not be considered eligible for the National Register. However, such properties will qualify individually if they fall within the following categories:

- A. A religious property deriving primary significance from architectural or artistic distinction or historical importance; or
- B. A building or structure removed from its original location but which is significant primarily for architectural value, or which is the surviving structure most importantly associated with a historic person or event; or
- C. A birthplace or grave of a historical figure of outstanding importance if there is no appropriate site or building directly associated with his productive life; or
- D. A cemetery which derives its primary significance from graves of persons of transcendent importance, from age, from distinctive design features, or from association with historic events; or
- E. A reconstructed building when accurately executed in a suitable environment and presented in a dignified manner as part of a restoration master plan, and when no other building or structure with the same association has survived; or
- F. A property primarily commemorative in intent, if design, age, tradition, or symbolic value has invested it with its own exceptional significance; or
- G. A property achieving significance within the past 50 years if it is of exceptional importance.

5.9.2.2 State

California Register of Historic Resources

The California Register of Historic Resources (CRHR) was established in 1992. Similar to the NRHP, the CRHR program encourages public recognition and protection of resources of architectural, historical, archaeological, and cultural significance; identifies resources for planning purposes; determines eligibility of state historic grant funding; and provides certain protections under CEQA. A property is eligible for listing on the State register if it meets one of the following designation criteria:

1. Associated with events that have made a significant contribution to the broad patterns of local or regional history or the cultural heritage of California or the United States.
2. Associated with the lives of persons important to local, California, or national history.
3. Embodies the distinctive characteristics of a type, period, region, or method of construction or represents the work of a master or possesses high artistic values.
4. Has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California, or the nation.

CEQA was amended in 1992 to define “historical resources” as a resource listed in or determined eligible for listing on the California Register; a resource included in a local register of historical resources or identified as significant in a historical resource survey that meets certain requirements; and any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be significant. Some resources that do not meet these criteria may still be historically significant for the purposes of CEQA.

CEQA sections 15064.5 and 21083.2(g) define the criteria for determining the significance of historical resources. Archaeological resources are considered “historical resources” for the purposes of CEQA. Most archaeological sites that qualify for the CRHR do so under criterion 4 (i.e., research potential). Since resources that are not listed or determined eligible for the State or local registers may still be historically significant, their significance shall be determined if they are affected by a project.

California Public Resources Code

Sections 5097 through 5097.6 of the Public Resources Code (PRC) outline the requirements for cultural resource analysis prior to the commencement of any construction project on State lands. The state agency proposing the project may conduct the cultural resource analysis or they may contract with the State Department of Parks and Recreation. In addition, this section stipulates that the unauthorized disturbance or removal of archaeological, historical, or paleontological resources located on public lands is a misdemeanor. It prohibits the knowing destruction of objects of antiquity without a permit (expressed permission) on public lands and provides for criminal sanctions. This section was amended in 1987 to require consultation with the NAHC whenever Native American graves are found. Violations for the taking or possessing of remains or artifacts are felonies.

California Health and Safety Code

Section 7052 of the California Health and Safety Code (H&SC) makes the willful mutilation, disinterment, or removal of human remains a felony. Section 7050.5 requires that construction or excavation be stopped in the vicinity of discovered human remains until the coroner can determine whether the remains are those of a Native American. If determined to be Native American, the coroner must contact the NAHC. H&SC Section 8010-8030 constitutes the California Native American Graves Protection and Repatriation Act of 2001 (CALNAGPRA). CALNAGPRA, like the Federal act, ensures that Native American human remains and cultural items are treated with respect and dignity during all phases of the archaeological evaluation process in accordance with CEQA and any applicable local regulations. The code provides a process and requirements for the identification and repatriation of collections of human remains or cultural items to the appropriate tribes from any State agency or museum that receives State funding.

California Government Code Section 65040.2(g)

California Government Code Section 65040.2(g) provides guidelines for consulting with Native American tribes for the following: (1) the preservation of, or the mitigation of impacts to places, features, and objects described in sections 5097.9 and 5097.993 of the Public Resources Code; (2) procedures for identifying through the NAHC the appropriate California Native American tribes; (3) procedures for continuing to protect the confidentiality of information concerning the specific identity, location, character, and use of those places, features, and objects; and (4) procedures to facilitate voluntary landowner participation to preserve and protect the specific identity, location, character, and use of those places, features, and objects.

Native American Burials (PRC Section 5097 et seq)

State law addresses the disposition of Native American burials in archaeological sites and protects such remains from disturbance, vandalism, or inadvertent destruction; establishes procedures to be implemented if Native American skeletal remains are discovered during construction of a project; and designates the NAHC to resolve disputes regarding the disposition of such remains. The Native American Historic Resource Protection Act (PRC Sections 5097.993 through 5097.994) makes it a misdemeanor punishable by up to a year in jail to deface or destroy a Native American historic or cultural site that is listed or may be eligible for listing in the CRHR. In 2006, AB 2641 (Coto) amended the PRC to provide for the protection of human remains when discovered, as well as conferral with descendants to make recommendations or preferences for treatment of human remains. A landowner, upon discovery of human remains, is required to ensure that the immediate vicinity, as described, is not damaged or disturbed, until specific conditions are met, including discussing and conferring, as defined, with the descendants regarding their preferences for treatment. The amended PRC, along with the California NAGPRA of 2001 (Health and Safety Code Sections 8010 through 8011) ensures that Native American human remains and cultural items are treated with respect and dignity.

5.9.2.3 Local

City of San Diego General Plan

The Historical Preservation Element of the City of San Diego's General Plan was adopted in 2008. The principal purpose of the Historic Preservation Element is to guide the preservation, protection, restoration, and rehabilitation of historical and cultural resources and maintain a sense of the City. The Historic Preservation Element additionally seeks to improve the quality of the built environment, encourage appreciation for the City's history and culture, maintain the character and identity of communities, and contribute to the City's economic vitality through historic preservation. The Historic Preservation Element includes goals and policies to guide historical resources management activities.

Land Development Manual

Historical Resources Regulations

The purpose and intent of the City's 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, which include historical buildings, historical structures or historical objects; important archaeological sites; historical districts; historical landscapes; and traditional cultural properties. These regulations are intended to ensure that development occurs in a manner that protects the overall quality of historical resources. The Historic Resources Regulations require that development affecting designated historical resources or historical districts shall provide full mitigation for the impact to the resource, in accordance with the Historical Resources Guidelines of the Land Development Manual (LDM), as a condition of approval. If development cannot, to the maximum extent feasible, comply with the development regulations for historical resources, then a project would require a Site Development Permit.

Historical Resources Guidelines

The Historical Resources Guidelines (HRG), located in the City's LDM, provide property owners, the development community, consultants, and the general public explicit guidance for the management of historical resources located within the City's jurisdiction. These guidelines are designed to implement the historical resources regulations and guide the development review process. The guidelines also address the need for a survey and how impacts are to be assessed, available mitigation strategies, and reporting requirements. They also include appropriate methodologies for treating historical resources located in the City.

City of San Diego Historical Resources Register

The City of San Diego also maintains a Historical Resources Register. Per the City, any improvement, building, structure, sign, interior element and fixture, feature, site, place, district, area, or object may be designated as historic by the HRB if it meets any of the following criteria:

- Exemplifies or reflects special elements of the City's, a community's, or a neighborhood's historical, archaeological, cultural, social, economic, political, aesthetic, engineering, landscaping, or architectural development;
- Is identified with persons or events significant in local, State, or national history;
- Embodies distinctive characteristics of a style, type, period, or method of construction or is a valuable example of the use of indigenous materials or craftsmanship;
- Is representative of the notable work of a master builder, designer, architect, engineer, landscape architect, interior designer, artist, or craftsman;
- Is listed or has been determined eligible by National Park Service for listing on the National Register of Historic Places or is listed or has been determined eligible by the State Historic Preservation Office (SHPO) for listing on the State Register of Historical Resources; or
- Is a finite group of resources related to one another in a clearly distinguishable way or is a geographically definable area or neighborhood containing improvements which have a

special character, historical interest, or aesthetic value or which represent one or more architectural periods or styles in the history and development of the City.

Historical Resources Board Historic Context

According to the Guidelines for the Application of Historical Resources Board (HRB) Designation Criteria, the significance of a historic property can be judged and explained only when it is evaluated in its historic context. Historic contexts are those patterns or trends in history by which a specific occurrence, property, or site is understood and its meaning (and ultimately its significance) within history is made clear. In order to decide whether a property is significant within its historic context, the following things must be determined:

- 1) Identify the themes, geographical limits, and chronological period that the property represents;
- 2) Determine how the theme of the context is significant in the history of the local area;
- 3) Determine what the property type is and whether it is important in illustrating the historic context;
- 4) Determine how the property represents the context through HRB Criteria; and
- 5) Determine what physical features the Subject Property must possess for it to reflect the significance of the historic context.

5.9.3 Impact Analysis

5.9.3.1 Issue 1

Issue 1 Would the proposal result in an alteration, including adverse physical or aesthetic effects, and/or the destruction of a prehistoric or historic building (including an architecturally significant building, structure, object, or site)?

Impact Thresholds

As discussed in the Significance Determination Thresholds (City of San Diego 2022), the City's determination of significance of impacts on historical resources is based on criteria found in Section 15064.5 of the State CEQA Guidelines. Section 15064.5 clarifies the definition of a substantial adverse change in the significance of a historical resources as physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resources would be materially impaired.

Analysis

Built Environment

The site is developed with a vacant residential structure, a garage, canopy structure, and two storage containers. These buildings were previously assessed and determined by City staff not to be an historic resource due to alterations to the property (City of San Diego, 2021). Specifically, a porch enclosure, modification of the detached garage, and loss of several out-building from what was listed on the building record. Therefore, the property does not meet local designation criteria as an

individually significant resource under any adopted Historical Resources Board Criteria. The structures on site were determined not eligible for the National, State, or local registers and therefore not considered historical resources for the purposes of CEQA compliance. Therefore, no historic resource is present on the property and the project would not adversely affect an historic resource.

Archaeology

As discussed in Section 5.9.2 above, the cultural resources survey conducted for the project was negative for historical resources. The records search identified 38 previously recorded cultural resources within the one-mile search radii. None of these resources intersect the project area. However, due to the presence of cultural resources in the area of the project site, the possibility remains that intact cultural deposits may exist subsurface of the project site and could be encountered during grading and excavation activities, including trenching for utility connections in the off-site easement owned by MTS.

Significance of Impacts

Built Environment

The property does not meet local criteria as an individually significant resource under the adopted Historic Resources Board Criteria. The site is not on or eligible for the State or National Register of Historic Places. Therefore, no historic resources (built) are present on the property. No impact would result.

Archaeology

While there are no known significant archaeological resources on the site or off-site impact areas, there is a potential for buried significant cultural resources that would meet the significance criteria in Section 15064.5 of the State CEQA Guidelines. Therefore, impacts to historical resources (archaeology) would be potentially significant.

Mitigation Measures

Construction monitoring by a qualified archaeologist and Native American monitor would be required for ground disturbing activities during the project construction phase.

MM HIS-1

ARCHAEOLOGICAL RESOURCES

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

II. Prior to Start of Construction

- A. Verification of Records Search
 - 1. The PI shall provide verification to MMC that a site-specific records search (1/4 mile radius) has been completed. Verification includes, but is not limited to a copy of a confirmation letter from South Coastal Information Center, or, if the search was in-house, a letter of verification from the PI stating that the search was completed.
 - 2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.
 - 3. The PI may submit a detailed letter to MMC requesting a reduction to the ¼ mile radius.
- B. PI Shall Attend Precon Meetings
 - 1. Prior to beginning any work that requires monitoring; the Applicant shall arrange a Precon Meeting that shall include the PI, Native American consultant/monitor (where Native American resources may be impacted), Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The qualified Archaeologist and Native American Monitor shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the Archaeological Monitoring program with the Construction Manager and/or Grading Contractor.
 - a. If the PI is unable to attend the Precon Meeting, the Applicant shall schedule a focused Precon Meeting with MMC, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.
 - 2. Identify Areas to be Monitored

- a. Prior to the start of any work that requires monitoring, the PI shall submit an Archaeological Monitoring Exhibit (AME) (with verification that the AME has been reviewed and approved by the Native American consultant/monitor when Native American resources may be impacted) based on the appropriate construction documents (reduced to 11x17) to MMC identifying the areas to be monitored including the delineation of grading/excavation limits.
 - b. The AME shall be based on the results of a site-specific records search as well as information regarding existing known soil conditions (native or formation).
3. When Monitoring Will Occur
- a. Prior to the start of any work, the PI shall also submit a construction schedule to MMC through the RE indicating when and where monitoring will occur.
 - b. The PI may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification to the monitoring program. This request shall be based on relevant information such as review of final construction documents 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 OSHA safety requirements may necessitate modification of the AME.
 2. The Native American consultant/monitor shall determine the extent of their presence during soil disturbing and grading/excavation/trenching activities based on the AME and provide that information to the PI and MMC. If prehistoric resources are encountered during the Native American consultant/monitor's absence, work shall stop and the Discovery Notification Process detailed in Section III.B-C and IV.A-D shall commence.
 3. The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition such as modern disturbance post-dating the previous grading/trenching activities, presence of fossil formations, or when native soils are encountered that may reduce or increase the potential for resources to be present.

4. The archaeological and Native American consultant/monitor shall document field activity via the Consultant Site Visit Record (CSVr). The CSVr's shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (Notification of Monitoring Completion), and in the case of ANY discoveries. The RE shall forward copies to MMC.
- B. Discovery Notification Process
1. In the event of a discovery, the Archaeological Monitor shall direct the contractor to temporarily divert all soil disturbing activities, including but not limited to digging, trenching, excavating or grading activities in the area of discovery and in the area reasonably suspected to overlay adjacent resources and immediately notify the RE or BI, as appropriate.
 2. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery.
 3. The PI shall immediately notify MMC by phone of the discovery, and shall also submit written documentation to MMC within 24 hours by fax or email with photos of the resource in context, if possible.
 4. No soil shall be exported off-site until a determination can be made regarding the significance of the resource specifically if Native American resources are encountered.
- C. Determination of Significance
1. The PI and Native American consultant/monitor, where Native American resources are discovered shall evaluate the significance of the resource. If Human Remains are involved, follow protocol in Section IV below.
 - a. The PI shall immediately notify MMC by phone to discuss significance determination and shall also submit a letter to MMC indicating whether additional mitigation is required.
 - b. If the resource is significant, the PI shall submit an Archaeological Data Recovery Program (ADRP) 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 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 Reinternment 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 CSV and submit to MMC via fax by 8AM of the next business day.
 - b. Discoveries
All discoveries shall be processed and documented using the existing procedures detailed in Sections III - During Construction, and IV - Discovery of Human Remains. Discovery of human remains shall always be treated as a significant discovery.
 - c. Potentially Significant Discoveries
If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section III - During Construction and IV- Discovery of Human Remains shall be followed.
 - d. The PI shall immediately contact MMC, or by 8AM of the next business day to report and discuss the findings as indicated in Section III-B, unless other specific arrangements have been made.
- B. If night and/or weekend work becomes necessary during the course of construction
 - 1. The Construction Manager shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin.

2. The RE, or BI, as appropriate, shall notify MMC immediately.
- C. All other procedures described above shall apply, as appropriate.

VI. Post Construction

- A. 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.

Implementation of this monitoring program would ensure that development of the Palm & Hollister Apartment project would mitigate direct project impacts to cultural resources to below a level of significance.

Significance of Impacts After Mitigation

With implementation of Mitigation Measure HIS-1, impacts to historical resources would be reduced to below a level of significance.

5.9.3.2 Issue 2

Issue 2 Would the proposal result in any impact to existing religious or sacred uses within the potential impact area?

Impact Thresholds

In accordance with the City's Significance Determination Thresholds. (City of San Diego 2022), prehistoric and historic resource impacts may be significant if the project would result in:

- A religious property deriving primary significance from architectural or artistic distinction or historical importance.

- A site associated with a burial or cemetery; religious, social, or traditional activities of a discrete ethnic population; an important person or event as defined by a discrete ethnic population; or the belief system of a discrete ethnic population.

Analysis

The project site is undeveloped except for a vacant residential structure, a garage, canopy structure, and two storage containers. Based on the SCIC record search for the project, the project site does not contain any existing or religious sacred uses. Additionally, the NAHC Sacred Lands File did not identify sacred lands within the project site. Due to the lack of existing religious or sacred uses, the project would not result in impacts under this issue. However, there is a very low probability that religious cultural resources could be found during ground disturbing activities.

Significance of Impacts

No existing religious or sacred uses are located on the project site or within the immediate project vicinity. However, unknown subsurface resources could be found during grading and excavation and could result in a significant impact. Therefore, project impacts to religious or sacred uses would be potentially significant.

Mitigation Measures

Implementation of Mitigation Measure HIS-1, as described above, impacts would be reduced to less than significant.

5.9.3.3 Issue 3

Issue 3 Would the proposal result in the disturbance of any human remains, including those interred outside formal cemeteries?

Impact Threshold

In accordance with the City's Significance Determination Thresholds. (City of San Diego 2022), prehistoric and historic resource impacts may be significant if the project would result in:

- Discovery of human remains shall always be treated as a significant discovery.

Analysis

Should human remains be discovered during construction of the project, work would be required to halt until a determination could be made regarding the provenance of the human remains via the County Coroner and Native American representative, as required. The project would be required to treat human remains uncovered during construction in accordance with the California Public Resources Code (Sec. 5097.98) and State Health and Safety Code (Sec. 7050.5).

Significance of Impacts

Impacts to human remains would be less than significant.

Mitigation Measures

Mitigation would not be required.

5.10 Hydrology

The following section discusses hydrology polices that are applicable to the project, identifies associated regulatory requirements, evaluates potential impacts, and identifies mitigation measures, if applicable, related to implementation of the project. Pasco Laret Suiter & Associates, Inc. conducted a *Drainage Study* for the Palm & Hollister Apartments project (April 2023). The results of the hydrology investigation are presented in this section; the complete *Drainage Study*, is included in Appendix N.

5.10.1 Existing Conditions

The project site consists of a previously graded large flat open area composed mainly of dirt with some vegetation, a vacant residential structure, a garage, canopy structure, and two storage containers. A water supply well is located in the northern most portion of the project site. There is a steep northward facing vegetated slope along the north side of the site. Storm water flows overland from the southeastern corner of the site in a northerly direction and discharges along the northeastern border. As discussed below, the project site contains two major drainage basins, a smaller basin – Drainage Basin 100 – including the eastern portion of the site, and a larger basin – Drainage Basin 200 – occupying the majority of the site from the central and western portion. Off-site runoff from a small area south of the site runs onto the site along the southeastern border.

The project site is underlain with Hydrologic Soil Group A and D soils, including Huerhuero loams and Visalia gravelly sandy loam as described below:

- Group A. Soils have a moderate infiltration rate when thoroughly wet and chiefly consist of moderately deep or deep, moderately well drained or well drained soils with a fine texture of moderately coarse texture; these soils have a moderate water of water transmission.
- Group D soils have a very slow infiltration rate with a high runoff potential when thoroughly wet and consist chiefly of clays with a high shrink-swell potential, soils with a high water table, soils that have a claypan or clay layer near the surface and soils that are shallow over nearly impervious material; these soils have a very slow rate of water transmission.

The project is situated south of the southerly edge of the Otay River. The Otay River begins at San Miguel Mountain and conveys flow through the upper and lower Otay reservoirs from east to west, through the Otay River floodplain north of the project site, and into the San Diego Bay. Water transiting through the Otay River Valley corridor north of the site would move from the east to the west through the floodplain currently being utilized as a nursery and out towards the coastal plain and harbor (California Regional Water Quality Control Board, October 2020). The effective 100-year floodplain width varies from approximately 2,300 to 3,100 feet predominantly north of the site. The maximum floodplain encroachment from the project is approximately 20 feet or less than 1 percent.

5.10.1.1 Surface Water

The proposed project site is located within the Otay Hydraulic Unit (HU), Otay Valley Hydrologic Area, Otay Valley Hydrologic Subarea, Basin Number 10.20, as identified in the Basin Plan. The main receiving water body in this Hydrologic Subarea is the San Diego Bay (California Regional Water Quality Control Board, September 2021 J).

Otay HU is a club-shaped area of about 160 square miles. The major stream system traversing the area is the Otay River and its tributaries. The Lower Otay Reservoir is the terminus of the second San Diego Aqueduct. Major population centers include the communities of Imperial Beach in the coastal area and Dulzura inland. The annual precipitation generally increases landward from the coast and varies from less than 11 to 19 inches. According to the most recent Flood Insurance Rate Maps, the project site is located in Zone X, area of minimal flood hazard.

Basin Number 10.20 is exempted from Municipal and Domestic Water Supply uses. It has the potential for Industrial Service Supply and Contact Water Recreation uses with existing uses including Agricultural Supply, Non-contact Water Recreation, Warm Freshwater Habitat, and Wildlife habitat. (California Regional Water Quality Control Board September 2021 J.)

5.10.1.2 Drainage

The project site consists of a previously graded large flat area composed mainly of exposed soil, with sparse vegetation, a vacant residential structure, and two out buildings. There is a steep northward facing slope along the northern project side border, with non-native vegetation, which transitions down into the floodplain of the Otay River Valley corridor outside the project boundary. Elevations on site range from 23 feet at the northwest corner to 54 feet Above Mean Sea Level (AMSL) at the south east corner.

In the existing condition, the site consists of two drainage basins.

- Drainage Basin 100 is the smaller of the two basins and includes 1.5 acres of the eastern portion of the site. Storm water flows overland (i.e., surface flows) from the southeastern corner of the site in a northerly direction and discharges along the northeastern border.
- Drainage Basin 200 consists of the remainder 4.0 acres of the site, the central and western portions. Stormwater surface flows from the southern border of the site in a northwesterly direction and discharges along the northern border. Off-site runoff from a small area south of the site runs onto the site along the southeastern border. Figure 5.10-1, *Existing Condition Hydrology*, shows the locations of the existing drainage basins and discharge points. Table 5.10-1, *Summary of 100-Year Peak Discharge Rates*, summarizes the existing condition hydrologic data.

Runoff from the site currently flows into the Otay River basin and contribute to uses potentially including Industrial, Contact Water Recreation, as well as Agricultural Supply, Non-Water Recreation, warm freshwater habitat and wildlife habitat. As indicated above, site drainage ultimately flows to the San Diego Bay.

5.10.1.3 Groundwater

Based on the drainage study prepared for the project, groundwater was encountered at depths of 6.5 feet and 10 feet below existing ground surface (bgs) in borings drilled at the toe of the northerly descending slope. Based on these observations, the groundwater level was at approximate elevation 12.5 feet. No natural groundwater condition is known to exist at the site that would preclude the proposed development; however, groundwater would be encountered during remedial grading activities extending into the lower, northern portion of the site. Additionally, localized perched groundwater may develop at a later date, most likely at or near fill/bedrock contacts, due to fluctuations in precipitation, irrigation practices, or factors not evident at the time of the field exploration conducted for the project's geotechnical report (Appendix I). An existing water supply well is located in the northerly descending slope which would be abandoned during earthwork activities for the project (Appendix R).

5.10.2 Regulatory Framework

5.10.2.1 Federal

Federal Emergency Management Agency

The Federal Emergency Management Agency (FEMA) maintains flood maps to show which areas have the highest risk of flooding. Flood hazard areas identified on the Flood Insurance Rate Maps (FIRMs) are identified as a Special Flood Hazard Area (SFHA). SFHA are defined as the area that will be inundated by the flood event having a 1-percent chance of being equaled or exceeded in any given year. The 1-percent annual chance flood is also referred to as the base flood or 100-year flood. SFHAs are labeled as Zone A, Zone AO, Zone AH, Zones A1-A30, Zone AE, Zone A99, Zone AR, Zone AR/AE, Zone AR/AO, Zone AR/A1-A30, Zone AR/A, Zone V, Zone VE, and Zones V1-V30. Moderate flood hazard areas, labeled Zone B or Zone X (shaded) are also shown on the FIRM, and are the areas between the limits of the base flood and the 0.2-percent-annual-chance (or 500-year) flood. The areas of minimal flood hazard, which are the areas outside the SFHA and higher than the elevation of the 0.2-percent-annual-chance flood, are labeled Zone C or Zone X (unshaded).

According to available FEMA FIRM maps, the northern edge of the site is within the one percent annual chance flood area (Zone AE) with average water surface elevations ranging from 29 feet to 31 feet msl. The effective 100-year floodplain width varies from approximately 2,300 to 3,100 feet along the site. The southern portion of the site is not in a FEMA identified flood hazard area (Appendix R).

National Pollutant Discharge Elimination System Permit Program Phase I

In November 1990, under Phase I of the urban runoff management strategy, the U.S. Environmental Protection Agency published National Pollutant Discharge Elimination System (NPDES) permit application requirements for municipal, industrial, and construction discharges. The application requirements for municipalities were directed at those municipalities that own and operate separate storm drain systems service populations of 100,000 or more, or that contribute significant pollutants to waters of the United States, and require such agencies to obtain coverage under municipal stormwater NPDES permits.

Municipalities were required to develop and implement urban runoff management programs to reduce pollutants in urban runoff and stormwater discharges that were contributing a substantial pollutant load to their systems. Rather than establishing numeric effluent limits, the U.S. Environmental Protection Agency established narrative effluent limits for urban runoff, including the requirement to implement appropriate Best Management Practices (BMPs).

National Pollutant Discharge Elimination System Permit Program Phase II

The Phase II Final Rule, published in the Federal Register on December 8, 1999, required NPDES permit coverage for stormwater discharges from the following:

- Certain regulated small municipal separate storm sewer systems (MS4s)
- Construction activity disturbing between 1 and 6 acres of land (i.e., small construction activities)

In addition to expanding the NPDES program, the Phase II Final Rule included minor revisions for certain industrial facilities. As with Phase I, the Phase II program requires the development and implementation of stormwater management plans to reduce pollutant discharges.

5.10.2.2 State

Groundwater Management Act

The Sustainable Groundwater Management Act (SGMA) requires medium- and high-priority groundwater basins to be sustainably managed by local public agencies. The State has designated three of San Diego County's basins as medium- or high-priority and subject to SGMA:

- Borrego Valley (Borrego Springs Subbasin)
- San Luis Rey Valley (Upper San Luis Rey Valley Subbasin)
- San Pasquael Valley

All three of these basins occupy the northern half of San Diego County, while the project is located in the lower southern half of San Diego County. The project site is a low priority groundwater basin. Additionally, the County Sustainable Groundwater Management Team is not currently monitoring the project site or any adjacent properties. (San Diego County Sustainable Groundwater Management, n.d.)

National Pollutant Discharge Elimination System Permits

In California, the State Water Resources Control Board and its Regional Water Quality Control Boards administer the NPDES permit program. The NPDES permits cover all construction and subsequent drainage improvements that disturb 1 acre or more, industrial activities, and municipal separate storm drain systems. Construction and industrial activities are typically regulated under statewide general permits that are issued by the State Water Resources Control Board, which also issued a statewide general small MS4 stormwater NPDES permit for public agencies that fall under the Phase II NPDES regulations.

The NPDES permit system was established in the Clean Water Act to regulate both point-source discharges (i.e., a municipal or industrial discharge at a specific location or pipe) and nonpoint-source discharges (i.e., diffused runoff of water from adjacent land uses) to surface waters of the United States. For point-source discharges, each NPDES permit contains limits on allowable concentrations and mass emission of pollutants contained in the discharge. For nonpoint-source discharges, the NPDES program establishes a comprehensive water quality program to manage urban stormwater and minimize pollution of the environment to the maximum extent practicable. The NPDES program consists of characterizing receiving water quality, identifying harmful constituents, targeting potential sources of pollutants, and implementing a comprehensive stormwater management program.

The reduction of pollutants in urban stormwater discharge to the maximum extent practicable through the use of structural and nonstructural BMPs is one of the primary objectives of the water quality regulations for MS4s. BMPs typically used to manage runoff water quality include controlling roadway and parking lot contaminants by installing filters with oil and grease absorbents at storm drain inlets, cleaning parking lots on a regular basis, incorporating peak-flow reduction and infiltration features (such as grass swales, infiltration trenches, and grass filter strips) into landscaping, and implementing educational programs.

5.10.2.3 Local Stormwater Standards

The City of San Diego has outlined Stormwater Standards (City Of San Diego, May 2021) to address water quality issues in urban areas of the City caused by runoff pollution negatively impacting receiving creeks, and coastal waters. These standards require development planning and the BMPs for construction and post-construction phases of the project, which require control of stormwater-related pollution prior to discharging to receiving waters.

Municipal Stormwater Permit

The City currently operates under the NPDES Municipal Stormwater Permit issued on January 24, 2007 (Permit Order No. R9-2007-0001), which requires that stormwater BMPs be incorporated into the permanent design of public and private development projects. On May 8, 2013, the San Diego

Regional Water Quality Control Board approved a regional MS4 permit for San Diego, southern Orange, and southwestern Riverside Counties, which became effective on June 27, 2013. The region-wide NPDES permit (commonly referred to as the Regional MS4 Permit) sets the framework for responsible agencies to implement a collaborative watershed-based approach to restore and maintain the health of surface waters. The Regional MS4 Permit required development of Water Quality Improvement Plans that will allow watershed stakeholders to prioritize and address pollutants through an appropriate suite of BMPs in each watershed.

City Stormwater Runoff and Drainage Regulations

Drainage regulations are enforced under San Diego Municipal Code Sections 142.0201 through 142.0230 (Article 2: General Development Regulations, Division 2: Storm Water Runoff and Drainage Regulations) and Sections 143.0145 and 143.0146 (Article 3: Supplemental Development Regulations, Division 1: Environmentally Sensitive Lands Regulations). The primary purposes of drainage regulations are to regulate the development of, and impacts to, drainage facilities; to limit water quality impacts from development; to minimize hazards due to flooding while minimizing the need for construction of flood control facilities; to minimize impacts to environmentally sensitive lands; to implement the provisions of federal and state regulations; and to protect the public health, safety, and welfare. The drainage regulations apply to all development in the City, regardless of whether a permit or other approval is required.

City of San Diego Drainage Design Manual

The primary purpose of the City's Drainage Design Manual, dated January 2017, is to provide policies and procedures to secure standardization of drainage design throughout the City. The manual establishes design standards and design procedures for stormwater conveyance and hydrology analysis for flood management and water quality facilities in the City (City of San Diego 2017).

City of San Diego Grading Ordinance

The City of San Diego Municipal Code, Chapter 14, Article 2, Division 1 (Section 142.0101), addresses the City's Grading Regulations. The purpose of the regulations is to address slope stability, protection of property, erosion control, water quality, landform preservation, and paleontological resources preservation, and to protect the public health, safety, and welfare of persons, property, and the environment. The Grading Regulations require permittees provide adequate erosion control or drainage devices, debris basins, or other safety devices, and take all safety precautions reasonably necessary to protect persons and property.

City of San Diego General Plan

The City General Plan provides a number of goals and policies related to hydrology and water quality concerns in the Public Facilities, Services, and Safety Element; and the Conservation Element, as summarized below.

- Public Facilities, Services, and Safety Element. This element includes a number of goals and policies related to the provision of adequate public facilities and services for existing and proposed development. For storm water, these involve efforts to provide appropriately designed and sized infrastructure and ensure adequate conveyance capacity, protect water quality, and provide conformance with applicable regulatory standards (such as the NPDES).
- Conservation Element. The Conservation Element provides a number of goals and policies related to preserving and protecting watersheds and natural drainage features, minimizing runoff and related pollutant generation during and after construction activities, and protecting drinking water resources.

5.10.3 Impact Analysis

5.10.3.1 Issue 1

Issue 1 Would the project result in a substantial increase in impervious surfaces and associated increased runoff?

Issue 2 Would the project result in a substantial alteration to on- and off-site drainage patterns due to changes in runoff flow rates or volumes?

Impact Threshold

The City's Significance Determination Thresholds (2022) identify potentially significant impacts related to runoff if a project would:

- Result in increased flooding on- or off-site there may be significant impacts on upstream or downstream properties and to environmental resources;
- Result in decreased aquifer recharge or result in extraction from an aquifer resulting in a net deficit in the aquifer volume or reduction in the local groundwater table;
- Grade, clear, or grub more than 1.0 acre of land, especially into slopes over a 25 percent grade and drain into a sensitive water body or stream, causing uncontrolled runoff that results in erosion and subsequent sedimentation of downstream water bodies; or
- Modify existing drainage patterns such that environmental resources, including biological communities or archaeological sites, would be adversely affected.

Analysis

The project site is currently developed with a vacant residential structure and two outbuildings, with the remainder of the area consisting of exposed soil and sparse non-native vegetation. The project would develop the project site as a multi-family development. The proposed project consists of the grading and construction of 13 multi-family buildings, walkways, parking areas, drive aisles, landscaping, and amenities including a pool, barbeque pavilion area, fitness center, co-working spaces, nature playground, game courts and seating areas. Impervious features of the project include buildings, drive aisles, parking areas, walkways, game courts and hardscape. The proposed project would result in increasing the impervious area from 0.07 acres to 4.39 acres.

The project proposes two major drainage basins to mimic the site’s existing drainage conditions. Drainage Basin 100 is the smaller of the two basins and includes the eastern 1.5-acre portion of the site. On-site storm water from the majority of Drainage Basin 100, except for landscaped perimeter slopes, would be captured in a proposed storm drain and conveyed to an underground vault located in the central area of Drainage Basin 100. The underground vault would provide storage for the 100-year storm event. Flow from the vault would be conveyed northerly and would discharge along the northeastern border as in the existing condition. Runoff from the landscaped perimeter slopes would not be conveyed to the vault and would discharge along the northeastern border.

Runoff rates and volumes are shown in Table 5.10-1, *Summary of 100-Year Peak Discharge Rates*. Runoff rates within Drainage Basin 100 would reduce from 1.76 cubic feet per second (cfs) under the existing 100-year storm event conditions to 1.55 cfs under the proposed 100-year storm event conditions with detention (discussed below). The 100-year storm event velocity for Drainage Basin 100 would be increased from 1.71 feet per second to 6.99 feet per second with the implementation of the proposed project with detention (see Table 5.10-1). The velocity would be dissipated with outfall structures and riprap pads so that no adverse impacts would occur downstream. As a result, environmental resources would not be adversely impacted by the modified drainage patterns.

Table 5.10-1, Summary of 100-Year Peak Discharge Rates

| Existing | | | | | Proposed | | | | | Proposed Detained | |
|----------------|-----------|-----------------|------------|---------------|----------------|-----------|-----------------|------------|---------------|-------------------|---------------|
| Discharge Node | Area (ac) | Runoff Coeff. C | Q100 (cfs) | V100 (ft/sec) | Discharge Node | Area (ac) | Runoff Coeff. C | Q100 (cfs) | V100 (ft/sec) | Q100 (cfs) | V100 (ft/sec) |
| 115 | 1.5 | 0.35 | 1.76 | 1.71 | 150 | 1.9 | 0.95 | 6.94 | 10.94 | 1.55 | 6.99 |
| 215 | 4.0 | 0.35 | 3.55 | 1.39 | 265 | 3.7 | 0.95 | 13.44 | 14.77 | 3.24 | 10.19 |

Source: Appendix N

Drainage Basin 200 consists of the remainder of the site, the central and western portions. On-site storm water from Drainage Basin 200, except for an impervious dispersion area and landscaped perimeter slopes, would be captured in the proposed storm drain and conveyed to an open-bottom underground vault located in the central area of Drainage Basin 200. The underground vault would provide storage for the 100-year storm event. Flow from the vault would be conveyed northerly and discharge along the northern border as in the existing condition. Runoff from the impervious dispersion area and landscaped perimeter slopes would not be conveyed to the vault and would discharge along the northern border. Runoff rates within Drainage Basin 200 would reduce from 3.55 cfs under the existing 100-year storm event conditions to 3.24 cfs under the proposed 100-year storm event conditions with detention (discussed below). The 100-year storm event velocity for Drainage Basin 200 would increase from 1.39 feet per second to 10.19 feet per second with the implementation of the proposed project with detention (see Table 5.10-1). As with Drainage Basin 100, the velocity would be dissipated with outfall structures and riprap pads so that no adverse impacts would occur downstream.

Existing offsite runoff from a small area south of the site that runs onto the site along the southeastern border would be captured in the proposed storm drain and bypassed through the site and would discharge at the Drainage Basin 100 discharge location.

The proposed underground storage vaults are proposed to manage the 100-year storm event peak discharge. The vaults are sized to provide additional detention for flow from the areas that bypass the vaults so that the final discharge is less than the existing condition. Each vault would be open-bottom above a gravel layer to provide partial infiltration per the Geotechnical Report recommendation.

Based on the results of the analysis for the 100-year storm event peak flow rate, detention would be provided resulting in the peak flow rate below that of the existing condition in the proposed condition. Vault 1, located on the east half of the site is 1,100 square feet, 5.67 feet high, and includes a 26-inch-deep gravel layer below the vault discharge pipe, providing a total storage volume of 7,192 cubic feet. Vault 2, located on the west half of the site, is 2,300 square feet, 5.67 feet high and includes a 23-inch gravel layer below the vault discharge pipe, providing a total storage volume of 14,651 cubic feet. For the locations of the proposed drainage basins and discharge points see Figure 5.10-2, *Proposed Condition Hydrology Exhibit*.

As shown in Table 5.10-1, *Summary of 100-Year Peak Discharge Rates*, under the proposed detained condition, the 100-year storm event peak discharge rates are lower than the existing flow rates. The proposed detained 100-year velocity would be dissipated below existing condition rates with large outfall structures and riprap pads as detailed on the grading plans.

The project would not have adverse impacts to downstream drainage facilities. The project would not modify existing drainage patterns in a manner that would impact environmental resources, biological communities or archeological sites. The existing drainage pattern flows off the north of the property into the Otay River basin, which is identified as a low propriety basin. The project would not cause uncontrolled runoff into sensitive water bodies.

The project site is relatively flat, with a manufactured slope along the project's northern border. The project would not result in disturbance of steep hillside or create manufactured slopes steeper than 2:1 and would not result in a change in elevation of steep hillsides, as defined by the SDMC Section 113.0103. Grading would not substantially alter the existing landform.

A *Conditional Letter of Map Revision (CLOMR)* was prepared for the project by Chang Consultants (July 10, 2023) and is included as Appendix U of this Environmental Impact Report (EIR). The Otay River flows in a westerly direction along the ~~project~~project site and as discussed above only the lower portion of the ~~project~~project site is within the one-~~ercent~~percent FEMA floodplain of the Otay River. The ~~project~~project proposes grading and a plantable retaining wall within the existing hillside that

would affect the southerly edge of the Otay River floodplain thus hydraulic analyses were prepared in the CLOMR to determine the impacts. The hydraulic analyses show that the project would not alter the existing condition base flood elevations and the remapping would not change off-site properties. The project would not cause off-site impacts.

An existing water supply well is located on the project site. The well would be abandoned during earthwork activities. No natural groundwater condition is known to exist at the project site that would preclude proposed development. The project would not result in decreased aquifer recharge and as such would not modify existing drainage patterns such that environmental resources, including biological communities or archaeological sites, would be adversely affected downstream.

Significance of Impacts

The project is designed to mimic the existing condition discharge locations and flow rates, and there are no negative impacts to the downstream system or adjacent properties. Even with the increase in impervious surfaces, storm water runoff rates would decrease from existing conditions. Impacts would be less than significant. The project would not cause uncontrolled runoff into sensitive water bodies and would not significantly impact aquifer recharge.

Mitigation Measures

No mitigation measures are necessary.

| DESCRIPTION | SYMBOL |
|----------------------------------------------|-----------------------------|
| PROPERTY LINE | --- |
| BASIN BOUNDARY | — |
| BASIN SUBAREA BOUNDARY | - - - |
| FLOW PATH | → |
| BASIN SUBAREA | (A=1.58) |
| BASIN SUMMARY Q100 EXISTING (PRE MITIGATION) | (XX) 2.00 1.00 AC CFS |

HYDROLOGIC SOIL GROUP

HYDROLOGIC SOIL TYPE: A & D

DEPTH TO GROUNDWATER

5 FT < GROUNDWATER DEPTH > 10 FT

PROJECT CHARACTERISTICS

TOTAL SITE AREA: 5.92 AC
 EXISTING IMPERVIOUS AREA: 0.07 AC
 EXISTING LANDSCAPE AREA: 5.85 AC

SUMMARY OF EXISTING CONDITIONS

| EXIST. DRAINAGE BASIN | EXIST. DRAINAGE AREA (AC) | RUNOFF COEFFICIENT, C | Q100 (CFS) |
|-----------------------|---------------------------|-----------------------|------------|
| (A1) | 1.5 | 0.35 | 1.76 |
| (A2) | 4.0 | 0.35 | 3.55 |

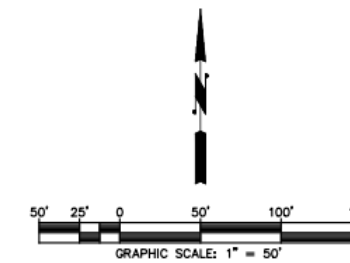
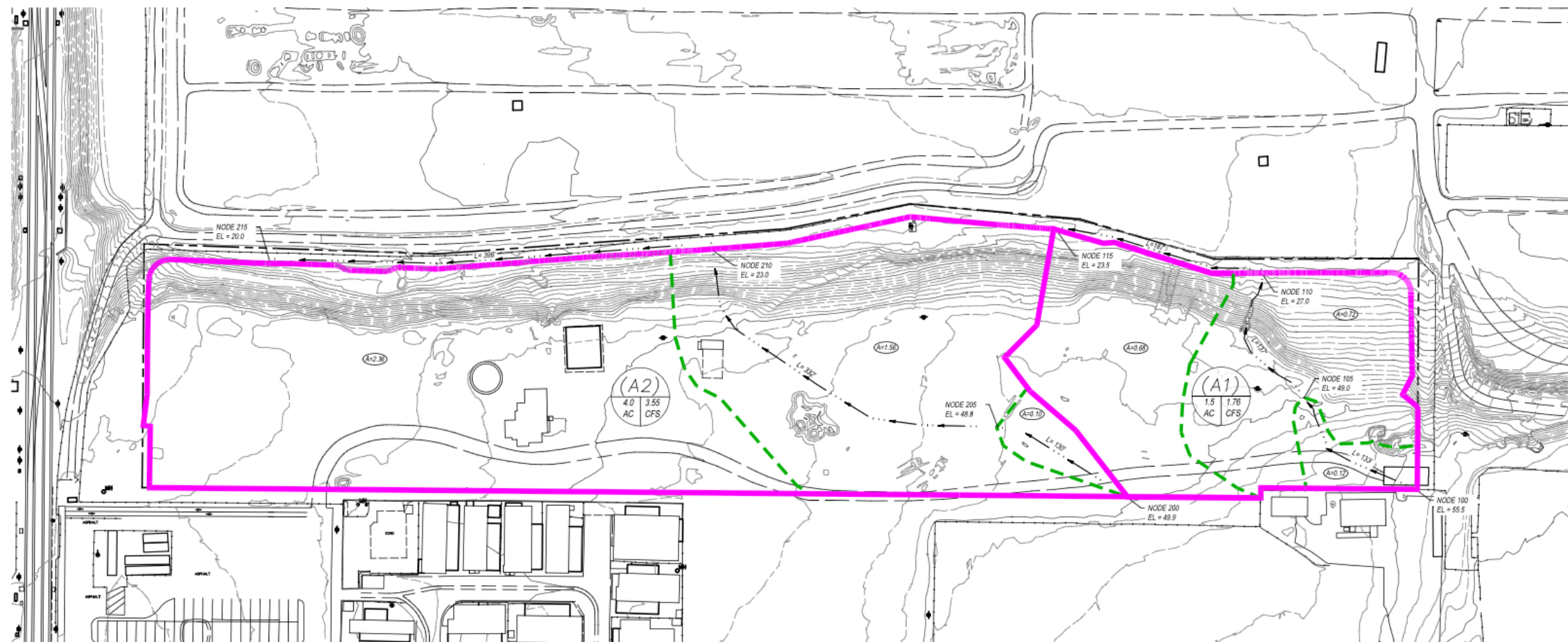
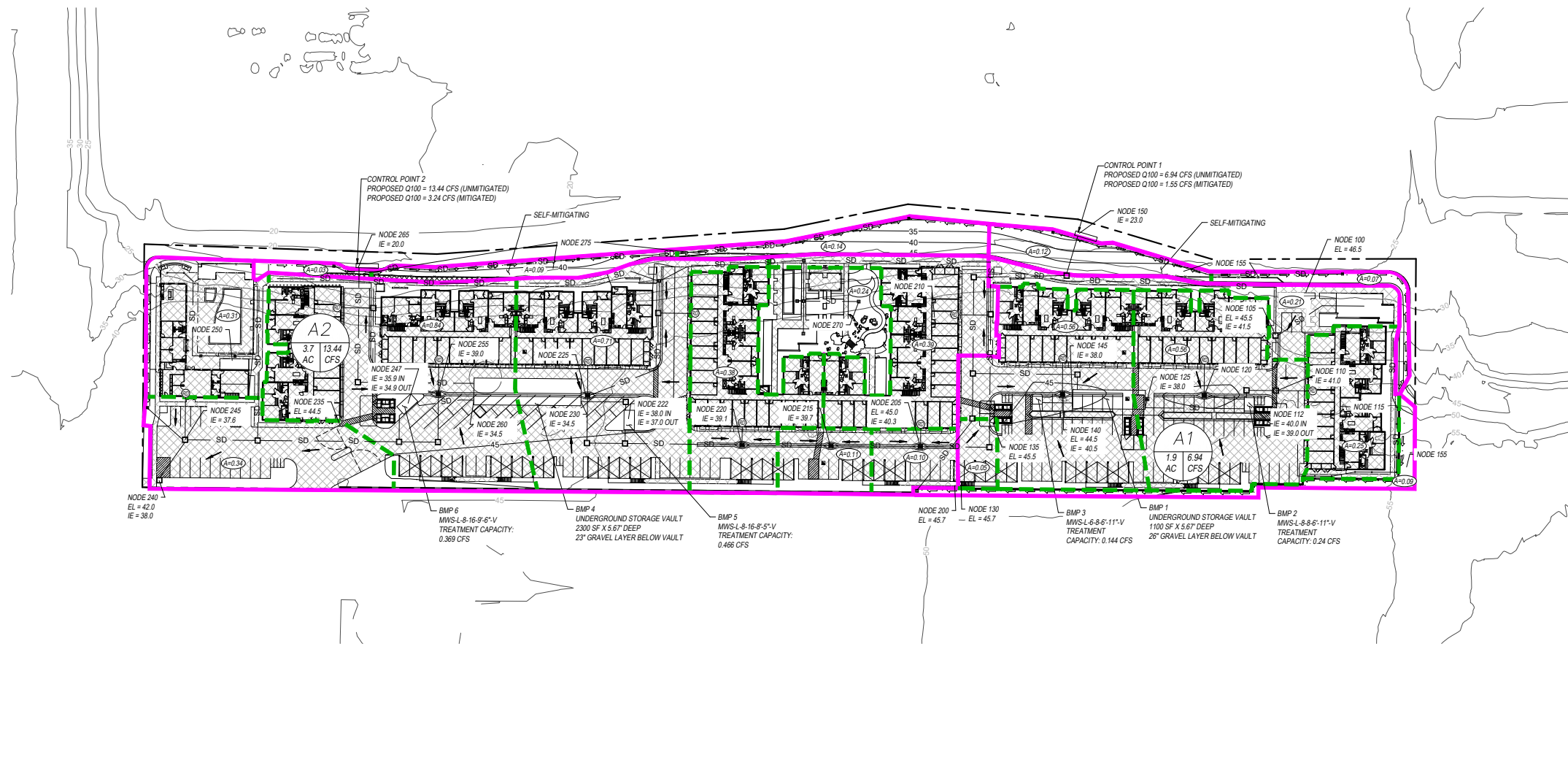


Figure 5.10-1, Existing Drainage Condition Exhibit



LEGEND

| DESCRIPTION | SYMBOL |
|--------------------------|---------------------------|
| PROPERTY LINE | --- --- |
| BASIN BOUNDARY | — (thick pink line) |
| BASIN SUBAREA BOUNDARY | — (dashed green line) |
| FLOW DIRECTION | → |
| PROPOSED IMPERVIOUS AREA | ▨ (hatched pattern) |
| BASIN SUBAREA | (A=1.55) |
| BASIN SUMMARY Q100 | (XX XXX XXX XX CFS) |

HYDROLOGIC SOIL GROUP
 HYDROLOGIC SOIL TYPE: A & D

DEPTH TO GROUNDWATER
 5 FT < GROUNDWATER DEPTH > 10 FT

PROJECT CHARACTERISTICS

| | |
|---------------------------|---------|
| TOTAL SITE AREA: | 5.92 AC |
| PROPOSED DISTURBED AREA: | 5.59 AC |
| PROPOSED IMPERVIOUS AREA: | 4.28 AC |
| PROPOSED LANDSCAPE AREA: | 1.31 AC |

SUMMARY OF PROPOSED CONDITIONS

| DRAINAGE BASIN | DRAINAGE AREA (AC) | RUNOFF COEFFICIENT, C | Q100 (CFS) | Q100 DETAINED (CFS) |
|----------------|--------------------|-----------------------|------------|---------------------|
| A1 | 1.9 | 0.95 | 6.94 | 1.55 |
| A2 | 3.7 | 0.95 | 13.44 | 3.24 |

Figure 5.10-2, Proposed Drainage Condition Exhibit

5.11 Noise

The following section describes the existing noise conditions, identifies policies and regulatory requirements applicable to the project, evaluates potential impacts, and identifies mitigation measures, if applicable, related to project implementation. The following discussion is based on the *Exterior Noise Analysis Report* (Noise Report) prepared by dBF Associates, Inc. (April 5, 2023), which is included as Appendix O.

5.11.1 Existing Conditions

5.11.1.1 Noise Background Information

Noise is generally defined as loud, unpleasant, unexpected, or undesired sound that is typically associated with human activity and that interferes with or disrupts normal activities. The human environment is characterized by a certain consistent noise level that varies by location and is termed ambient noise. Although exposure to high noise levels has been demonstrated to cause hearing loss, the principal human response to environmental noise is annoyance. The response of individuals to similar noise events is diverse and influenced by the type of noise, perceived importance of the noise and its appropriateness in the setting, time of day and type of activity during which the noise occurs, and sensitivity of the individual.

Sound is a physical phenomenon consisting of minute vibrations that travel through a medium, such as air, and are sensed by the human ear. Sound is generally characterized by several variables, including frequency and intensity. Frequency describes the sound's pitch and is measured in cycles per second, or hertz (Hz), whereas intensity describes the sound's loudness and is measured in decibels (dB). Decibels are measured using a logarithmic scale. A sound level of 0 dB is approximately the threshold of human hearing and is barely audible under extremely quiet listening conditions. Normal speech has a sound level of approximately 60 dB. Sound levels above about 120 dB begin to be felt inside the human ear as discomfort and eventually as pain at still higher levels. The minimum change in the sound level of individual events that an average human ear can detect is about three dB. The average person perceives a change in sound level of about 10 dB as a doubling (or halving) of the sound's loudness; this relation holds true for sounds of any loudness. Sound levels of typical noise sources and environments are provided in Table 5.11-1, *Sound Levels of Typical Noise Sources and Noise Environments*.

The normal human ear can detect sounds that range in frequency from about 20 Hz to 20,000 Hz. However, all sounds in this wide range of frequencies are not heard equally well by the human ear, which is most sensitive to frequencies in the range of 1,000 Hz to 4,000 Hz. This frequency dependence can be taken into account by applying a correction to each frequency range to approximate the human ear's sensitivity within each range. This is called A-weighting and is commonly used in measurements of community environmental noise. The A-weighted sound pressure level (abbreviated as dBA) is the sound level with the "A-weighting" frequency correction. In

practice, the level of a noise source is conveniently measured using a sound level meter that includes a filter corresponding to the dBA curve.

Table 5.11-1. Sound Levels of Typical Noise Sources and Noise Environments

| Noise Source (at Given Distance) | Noise Environment | A-Weighted Sound Level | Human Judgment of Noise Loudness (Relative to Reference Loudness of 70 Decibels*) |
|---------------------------------------------------------------------------------------|-----------------------------------------------------------|---------------------------|-----------------------------------------------------------------------------------------------|
| Military Jet Takeoff with Afterburner (50 ft) | Carrier Flight Deck | 140 Decibels | 128 times as loud |
| Civil Defense Siren (100 ft) | | 130 | 64 times as loud |
| Commercial Jet Take-off (200 ft) | | 120 | 32 times as loud Threshold of Pain |
| Pile Driver (50 ft) | Rock Music Concert Inside Subway Station (New York) | 110 | 16 times as loud |
| Ambulance Siren (100 ft) Newspaper Press (5 ft) Gas Lawn Mower (3 ft) | | 100 | 8 times as loud Very Loud |
| Food Blender (3 ft) Propeller Plane Flyover (1,000 ft) Diesel Truck (150 ft) | Boiler Room Printing Press Plant | 90 | 4 times as loud |
| Garbage Disposal (3 ft) | Noisy Urban Daytime | 80 | 2 times as loud |
| Passenger Car, 65 mph (25 ft) Living Room Stereo (15 ft) Vacuum Cleaner (10 ft) | Commercial Areas | 70 | Reference Loudness Moderately Loud |
| Normal Speech (5 ft) Air Conditioning Unit (100 ft) | Data Processing Center Department Store | 60 | 1/2 as loud |
| Light Traffic (100 ft) | Large Business Office Quiet Urban Daytime | 50 | 1/4 as loud |
| Bird Calls (distant) | Quiet Urban Nighttime | 40 | 1/8 as loud Quiet |
| Soft Whisper (5 ft) | Library and Bedroom at Night Quiet Rural Nighttime | 30 | 1/16 as loud |
| | Broadcast and Recording Studio | 20 | 1/32 as loud Just Audible |
| | | 0 | 1/64 as loud Threshold of Hearing |

Source: Compiled by dBF Associates, Inc.

A metric known as the community noise equivalent level (CNEL) adds a 5-dB adjustment to sound levels during evening hours (7:00 afternoon (PM) to 10:00 PM) in addition to a 10-dB adjustment to sound levels during nighttime hours [10:00 PM to 7:00 morning (AM)]. CNEL is used by the State of California to evaluate land-use compatibility with regard to noise. Sound Transmission Class (STC) is

a single-number rating of the effectiveness of a material or construction assembly to impede the transmission of airborne sound.

Sound Exposure Level (SEL) is the total sound energy of a measurement normalized to a one-second time duration.

5.11.1.2 Existing Noise Environment

The project site is located approximately 1,000 feet north of Palm Avenue, east of Hollister Street, in the Palm City neighborhood of the Otay Mesa-Nestor Community, City of San Diego. The project site is currently developed with a single-family residence and several outbuildings. Surrounding land uses consist of the Otay Valley Regional Park (OVRP), including the Terra Bella Nursey, to the north and east; the Palm Avenue Trolley Station and the San Diego & Arizona Eastern (SD&AE) Railroad line to the west; and La Palma Mobile Estates residences, a single-family residence, and a ball field associated with the Ocean View Christian academy to the south. Single-family homes and commercial uses exist to the southeast across Hollister Street, and additional single-family homes are located across Palm Avenue to the south. The Interstate-5 (I-5) freeway is located approximately one mile west of the project site. The primary noise sources affecting the project site are rail operations on the SD&AE Railroad line and roadway traffic on I-5. Main sources of noise at the project site and vicinity include rail and roadway, as discussed below.

Rail

The project site is adjacent to the SD&AE Railroad line, which parallels the project site's western border. The northbound and southbound tracks are approximately 85 feet and 99 feet from the western project property line, respectively.

Freight Rail

In a 24-hour period, up to two freight trains travel in each direction, during nighttime hours, with one locomotive and 30 cars, at up to 40 miles per hour (mph). Freight train noise levels were estimated using the noise predictions methodology in the Federal Transit Administration (FTA) Transit Noise and Vibration Impact Assessment Manual (FTA 2018). The FTA manual does not address train horn noise. Freight train horn noise levels were estimated using the rail horn noise model developed by the Federal Railroad Administration (FTA 2018).

Light Rail

The project site is approximately 500 feet north of the Palm Avenue Station of the Metropolitan Transit System (MTS) Blue Line, which carries San Diego Trolley light rail traffic. The existing average San Diego Trolley volume near the project site is 95 daytime trolleys and 26 nighttime trolleys (northbound), and 94 daytime trolleys and 23 nighttime trolleys (southbound). Each trolley generates an average SEL of approximately 81 dBA at 100 feet. At an hourly average volume of approximately 13/6 daytime/ nighttime trolleys, the hourly total trolley noise levels are

approximately 56/53 dBA equivalent continuous sound level (Leq) at 100 feet. The corresponding noise level is 60 dBA CNEL at 100 feet.

Roadway

I-5 is a two-way eight-lane Freeway roadway with a speed limit of 65 mph. The centerline of I-5 is approximately 1,250 feet west of the western project property line. The maximum existing hourly I-5 noise level at the project site is estimated to be as high as approximately 62 dBA Leq.

5.11.1.3 Sound Level Measurements

Short-term sound level measurements were conducted at the project site on Wednesday, January 5, 2022, to quantify the existing on-site acoustical environment. Measurement results are summarized in Table 5.11-2, *Sound Level Measurements*, and correspond to the locations depicted on Figure 5.11-1, *Sound Level Measurement Locations*. A review of the table shows that the measured sound level was approximately 60 dBA Leq, with the primary noise sources being vehicular roadway traffic and light rail traffic.

Table 5.11-2. Sound Level Measurements (dBA)

| Measurement Location | Date / Time | Leq | Lmin | Lmax | L10 | L50 | L90 |
|---------------------------------------------------------------------------|-------------|------|------|------|------|------|------|
| ML1: ~100 feet from rail centerline ~1,250 feet from I-5 centerline | 2022-01-05 | 60.4 | 52.1 | 74.1 | 60.0 | 57.6 | 54.2 |

Source: Appendix O

5.11.2 Regulatory Framework

5.11.2.1 State

California Building Code

California Building Code (CBC), Chapter 12: Interior Environment, Section 1206: Sound Transmission regulates noise levels in buildings with multiple habitable units. Relevant portion is reproduced below.

1206.4 Allowable interior noise levels. Interior noise levels attributable to exterior sources shall not exceed 45 dB in any habitable room. The noise metric shall be either the day-night average sound level (Ldn) or the CNEL, consistent with the noise element of the local general plan.

5.11.2.2 Local

City of San Diego General Plan

The Noise Element of the General Plan provides noise-related land use planning guidance. Per the Noise Element, noise-sensitive land uses include, but are not necessarily limited to residential uses, hospitals, nursing facilities, intermediate care facilities, child educational facilities, libraries,

museums, and childcare facilities. Noise-sensitive land uses in the project vicinity include the homes in the La Palma Mobile Estates development, one single-family residence, and the Ocean View Christian Academy (Midway Baptist School) to the south, and single-family residences across Hollister Street to the northwest and southwest.

The City of San Diego requires new projects to meet noise level standards as established in the Noise Element of the General Plan [City of San Diego 2008, Amended 2015: Policy NE-A.4]. In the Residential – Multiple Units land use category, noise levels up to 60 dBA CNEL are considered Compatible with outdoor use areas; noise levels up to 70 dBA CNEL are considered Conditionally Compatible. The building structure must attenuate exterior noise in occupied areas to 45 dBA CNEL or below. In the conditionally compatible noise conditions, feasible measures should be analyzed and incorporated to make the outdoor activities acceptable. Noise levels exceeding 70 dBA CNEL are considered incompatible with multi-family residential uses.

Municipal Code

Operational Noise

Operational noise within the City is governed by San Diego Municipal Code (SDMC) Section 59.5.401: Sound Level Limits. This code section prohibits one-hour average sound levels that exceed the *Table of Applicable Limits* (Table 5.11-3) limitations.

Table 5.11-3. Table of Applicable Limits

| Land Use | Time of Day | One-Hour Average Sound Level (decibels) |
|-----------------------------------------------------------------|---------------|-----------------------------------------|
| 1. Single Family Residential | 7 AM to 7 PM | 50 |
| | 7 PM to 10 PM | 45 |
| | 10 PM to 7 AM | 40 |
| 2. Multi-Family Residential (up to a maximum density of 1/2000) | 7 AM to 7 PM | 55 |
| | 7 PM to 10 PM | 50 |
| | 10 PM to 7 AM | 45 |
| 3. All other Residential | 7 AM to 7 PM | 60 |
| | 7 PM to 10 PM | 55 |
| | 10 PM to 7 AM | 50 |
| 4. Commercial | 7 AM to 7 PM | 65 |
| | 7 PM to 10 PM | 60 |
| | 10 PM to 7 AM | 60 |
| 5. Industrial or Agricultural | any time | 75 |

Source: Appendix O

The sound level limit at a location on a boundary between two zoning districts is the arithmetic mean of the respective limits for the two districts. Permissible construction noise level limits shall be governed by Section 59.5.0404 of this article. The project site would include multi-family residences and would have a density higher than one unit per 2,000 square feet of lot area. Surrounding land

uses include agricultural land, a school sports field, a parking lot, vacant land, a single-family residence, and a mobile home park with a density lower than one unit per 2,000 square feet of lot area. Noise limits for “all other residential” uses were considered applicable to the school land use.

At the south project property line shared with the mobile home park, the operational sound level limits are:

- 57.5 dBA Leq during daytime hours (7:00 AM to 7:00 PM),
- 52.5 dBA Leq during evening hours (7:00 PM to 10:00 PM), and
- 47.5 dBA Leq during nighttime hours (10:00 PM to 7:00 AM).

At the south project property line shared with the single-family residence, the operational sound level limits would be:

- 55 dBA Leq during daytime hours (7:00 a.m. to 7:00 p.m.),
- 50 dBA Leq during evening hours (7:00 p.m. to 10:00 p.m.), and
- 45 dBA Leq during nighttime hours (10:00 p.m. to 7:00 a.m.).

At the south project property line shared with the school, the operational sound level limits would be:

- 60 dBA Leq during daytime hours (7:00 a.m. to 7:00 p.m.),
- 55 dBA Leq during evening hours (7:00 p.m. to 10:00 p.m.), and
- 50 dBA Leq during nighttime hours (10:00 p.m. to 7:00 a.m.).

Construction Noise

Construction noise within the City is governed by SDMC Section 59.5.0404: Construction Noise. This code section prohibits construction between the hours of 7:00 PM and 7:00 AM; on legal holidays as specified in Section 21.04 of the SDMC, with some exceptions; or on Sundays. Additionally, construction is prohibited from causing noise in excess of 75 dB during the 12-hour period from 7:00 AM to 7:00 PM at or beyond the property lines of any property zoned residential.

Refuse Vehicles and Parking Lot Sweepers

Refuse vehicle and parking lot sweeper noise within the City is governed by SDMC 59.5.0406: Refuse Vehicles and Parking Lot Sweepers. Per this code section, refuse compacting, processing, or collection vehicles cannot operate in any residential area unless a permit has been applied for and granted between 7:00 P.M. and 6:00 A.M. Parking lot sweepers may not operate in any residential area unless a permit has been applied for and granted between 7:00 PM and 7:00 AM.

5.11.3 Impact Analysis

5.11.3.1 Issue 1 and Issue 2

Issue 1 *Would the project result in or create a significant increase in the existing ambient noise levels?*

Issue 2 *Would the project result in the exposure of people to noise levels which exceed the City's adopted noise ordinance or are incompatible with Table K-4?*

Impact Threshold

Based on the City's California Environmental Quality Act (CEQA) Significance Determination Thresholds (2022), a project would have a potentially significant noise impact if it would result in:

- Generate noise levels that exceed the City's adopted Noise Ordinance, SDMC, Section 59.5.0404 (i.e., 75db(A) Leq [12-hour]). Additionally, construction noise that would substantially interfere with normal business communications or affect sensitive receptors may be significant per the City's CEQA Significance Determination Thresholds (2022).
- Exposure of people to noise levels that exceed the City's adopted Noise Ordinance, SDMC, Section 59.5.0401 as identified in Table 5.11-3; or,
- An increase in transportation noise by 3 db that results in the exposure of people to transportation noise levels that exceed the General Plan Noise Element land use-noise compatibility guidelines (Table 5.1.5).

As the project is not seeking to receive U.S. Department of Housing and Urban Development (HUD) funding, the associated HUD analysis included in the City's CEQA Significance Determination Thresholds is not warranted or included herein.

In accordance with CEQA Statute section 21083, project noise impacts on the environment are considered in CEQA impact analysis. Noise impacts of the environment on the project are land use planning compatibility issues, and are discussed further in Section 5.1, Land Use, specifically, 5.1.3.4 and 5.1.3.5.

Analysis

Demolition, Grading and Construction Noise

Demolition, grading and construction of the project would generate short-term temporary increases in noise in the project area. The increase in noise levels would be primarily experienced close to the noise source. The magnitude of the impact would depend on the type of activity, noise level generated by various pieces of equipment, duration of the phase, acoustical shielding, and distance between the noise source and receiver.

Noise from demolition would require the use of heavy equipment such as backhoes and excavators. However, for demolition, fewer pieces of equipment would be needed at any given time, and the activity would be further from project property lines relative to grading activities. Noise levels generated by proposed project's demolition activities would be lower than project noise levels during grading.

The project would implement conventional construction techniques and equipment. Standard equipment such as scrapers, graders, backhoes, loaders, tractors, cranes, and miscellaneous trucks would be used for project construction. Construction activity and delivery of construction materials and equipment would be limited to between 7:00 AM and 7:00 PM, except on Sundays or holidays. Sound levels of typical construction equipment range from approximately 65–95 dBA at 50 feet from the source. Worst-case noise levels are typically associated with grading. Noise sources associated with grading of the proposed project, and associated noise levels, are shown in Table 5.11-4, *Grading Noise Source Levels*.

Table 5.11-4. Grading Noise Source Levels

| Noise Source | Noise Level | Number |
|--------------|---------------------|--------|
| Bulldozer | 86 dBA at 10 meters | 1 |
| Scraper | 82 dBA at 10 meters | 1 |
| Backhoe | 69 dBA at 10 meters | 1 |
| Water Truck | 81 dBA at 10 meters | 1 |
| Roller | 84 dBA at 10 meters | 1 |

Source: DEFRA, 2005.

The closest noise sensitive receptors are occupied residential properties in the La Palma Mobile Estates located adjacent to the project site on the south. Additionally, the MTS Palm Avenue Trolley Station project is proposed for development south of the project site, approximately the same distance from the project. Construction of the project would produce noise levels up to approximately 71 dBA Leq (12 hours) at the property lines of the residences.

Construction would occur during the days and hours proscribed by the City of San Diego Municipal Code. Construction noise levels at residential property lines would not exceed the 75 dBA Leq (12 hour) sound level allowed by the SDMC. Project construction noise impacts would be less than significant.

Project Generated Traffic Noise

The proposed project would generate vehicular traffic, primarily on the MTS access road and Palm Avenue. The Federal Highway Administration (FHWA) Traffic Noise Model version 2.5 was used to estimate traffic noise levels. The project would add 82 trips (17 in, 65 out) to the existing AM peak-hour volume of 36 trips (17 in, 19 out) on the MTS access road. This would increase the noise level at the nearest sensitive receptor, La Palma Mobile Estates homes (approximately 20 feet from the centerline) from approximately 50 dBA CNEL to approximately 55 dBA CNEL. The project would add 69 trips (48 in, 21 out) to the existing PM peak-hour volume of 1,207 trips (672 eastbound, 535 westbound) on Palm Avenue west of the MTS access road. This would increase the noise level at adjacent land uses by less than one dBA CNEL. The project would generate fewer absolute and relative trips along all other roadway segments.

Operational Noise

The residential project buildings would have rooftop Heating, Ventilation, and Cooling (HVAC) units. There would be one unit per residence. It was assumed that the recreation/leasing building would have ten units. The unit sizes are not currently specified; however, it was assumed that three-ton units would be used. A typical three-ton HVAC condenser produces a sound power level of approximately 77 dBA.

The project would produce operational noise levels up to approximately 42 dBA Leq at the property lines of the adjacent off-site residences and school to the south, and below 30 dBA Leq at the single-family residences across Hollister Street to the northwest and southwest. All other adjacent land uses are not noise-sensitive.

The operational sound level limits at the south property line shared with the mobile home park are 57.5 dBA Leq for daytime hours and 52.5 for evening hours. At the south property line shared with the single-family residence, the operational sound level limits would be 55 dBA Leq during daytime hours and 50 dBA Leq during evening hours. At the south property line shared with the school, the operational sound level limits would be 60 dBA Leq during daytime hours and 55 dBA Leq during evening hours. Project operation would not exceed the property line sound levels allowed by the City of San Diego Municipal Code.

Relative to full buildout under the proposed zone of Residential Multiple (RM-2-6), like the project impacts would be less than significant. The RM-2-6 would support up to 206 dwelling units, or eight additional units, on the proposed project site. Noise impacts associated with maximum development under the RM-2-6 zone would not be significant. Relative to construction noise, any development of the project site would be required to adhere to noise requirements in the City of San Diego Municipal Code. Such noise impacts would be less than significant. HVAC units would be included with each of the additional eight units, which could increase property line noise levels by roughly 1 dBA. Like the project, the increase in noise would not be significant. Maximum development under the RM-2-6 zone would increase traffic generation by approximately four percent. This would increase project-generated traffic noise by approximately 0.2 dBA. Like the project, this increase would be less than 3 dB and would not exceed the General Plan Noise Element and land use-noise compatibility guidelines. The impact of project-generated traffic noise would be less than significant.

Significance of Impacts

Construction

Construction noise levels at residential property lines would not exceed the 75 dBA Leq (12 hour) sound level allowed by the City of San Diego Municipal Code. Project construction noise impacts would be less than significant.

Project Generated Traffic Noise

The project would not result in a transportation noise increase of 3dB or noise levels that exceed the General Plan Noise Element and land use-noise compatibility guidelines. The impact of project-generated traffic noise would be less than significant.

Operation

Project operation would not exceed the property line sound levels allowed by the City of San Diego Municipal Code. As the project would not expose people to noise levels that exceed the City's adopted Noise Ordinance, project operation noise impacts would be less than significant.

Mitigation Measures

No mitigation measures are necessary.

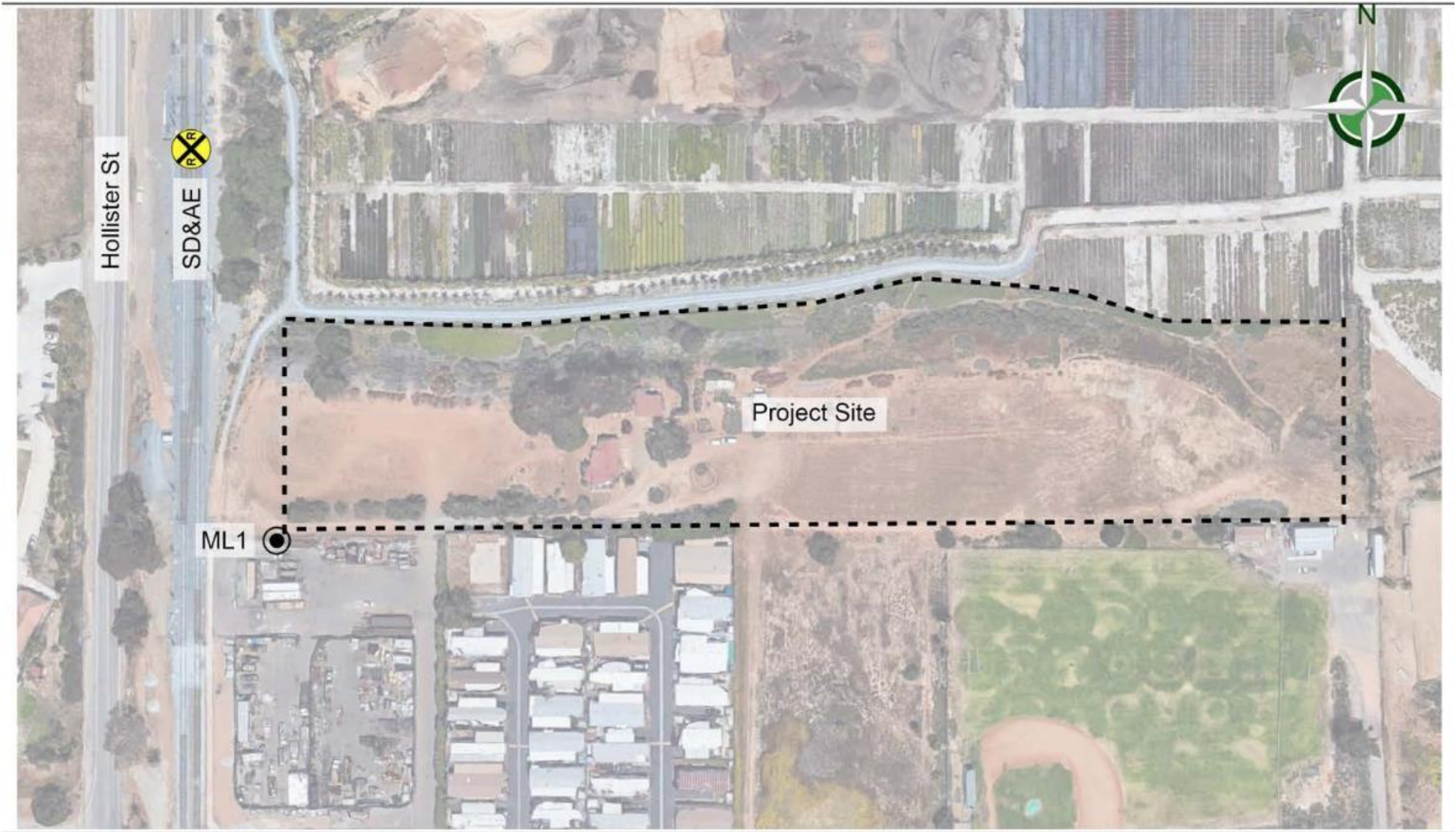
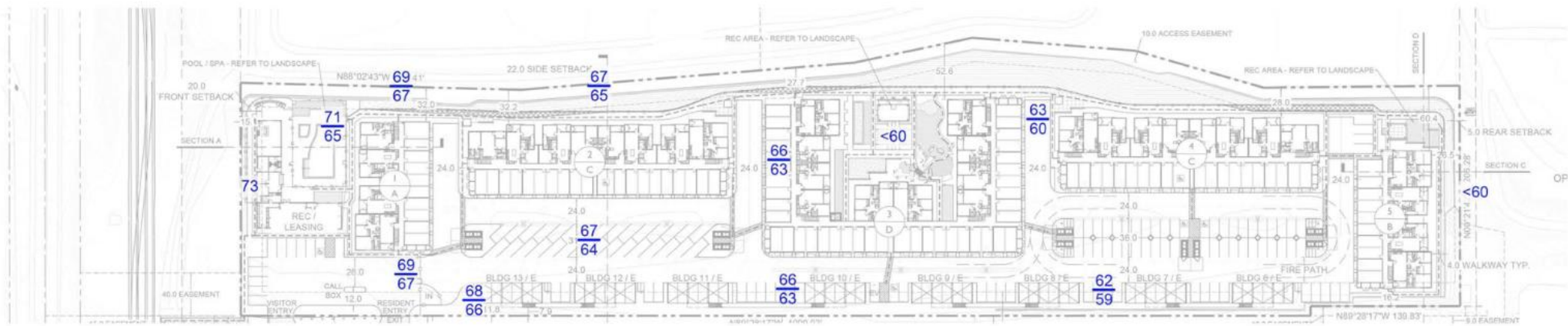


Figure 5.11-1. Sound Level Measurement Locations



$\frac{XX}{YY} = \frac{\text{UPPER FLOOR}}{\text{GROUND FLOOR}}$

Figure 5.11-2. Future Exterior Composite Noise Levels

5.12 Population and Housing

The following section describes the existing population and housing conditions, identifies policies and regulatory requirements applicable to the project, evaluates potential impacts, and identifies mitigation measures, if applicable, related to project implementation.

5.12.1 Existing Conditions

Physical Conditions

The site is primarily characterized by disturbed land and developed land. Currently, the 5.92-acre project site is developed with a vacant residential structure, a garage, canopy structure, and two storage containers. Landscaping is minimal, consisting of non-native plant species, and is mostly confined to the perimeter of the property. The project site has been and is currently being used for staging by the Metropolitan Transit System (MTS) and some delivery services. The surrounding area includes a nursery that operates immediately north of the project site; the Palm Avenue Trolley Station parking lot, mobile home park, and Ocean View Christian Academy sports field are to the south of the project site. To the west of the site is the San Diego & Arizona Eastern (SD&AE) Railroad line and Hollister Street. Single-family residences are located across Palm Avenue farther to the south of the project site and commercial uses are located to the west across Hollister Street.

Site Planning

The project site is designated Park, Open Space, & Recreation; Residential; and Multiple Use in the General Plan. The Otay Mesa-Nestor Community Plan designated the site as Open Space, Mixed Use, and Residential Low Density [5-<10 dwelling units per acre (du/ac)]. The project site is zoned RM-1-1 (Residential-Multiple Unit), which allows for one dwelling unit for each square feet of lot area; RS-1-7 (Residential-Single Unit), which allows for one dwelling unit per minimum 5,000 square foot lot; and AR-1-2 (Agricultural Residential), which allows for one dwelling unit for each one-acre lot.

5.12.2 Regulatory Framework

5.12.2.1 State

California Planning and Zoning Law

The legal framework within which California counties and cities exercise local planning and land use functions is provided in the California Planning and Zoning Law (Sections 65000 through 66499.58 of the California Government Code). Under that law, each county and city must adopt a comprehensive, long-term general plan. The law gives counties and cities wide latitude in how a jurisdiction may create a general plan, but there are fundamental requirements that must be met. The requirements include seven mandatory elements described in the California Government Code. Each element must contain text and descriptions setting forth objectives, principles, standards, policies, and plan proposals; diagrams and maps that incorporate data and analysis; and implementation measures.

The General Plan is the local government's long-term blueprint for future development. Pursuant to State law, the General Plan must accommodate the required amount of projected population growth the State of California estimates for each city. Zoning ordinances implement General Plan policies through detailed development regulations, such as specific types of uses and building requirements. Zoning implements the General Plan with greater specificity as to what can be built where, development standards, parking requirements, etc.

Once the general plan of a county or city is adopted, it should be construed as a dynamic document, for which adaptability is a key component. Each jurisdiction frequently reviews its general plan for consistency and to ensure it addresses growth-related issues in a comprehensive manner. State law allows up to four general plan amendments per general plan element per year.

Regional Housing Needs Assessment

A regional housing needs assessment (RHNA) is mandated by State housing law as part of the periodic process of updating local housing elements of the General Plan. The RHNA is updated by the California Department of Housing and Community Development in coordination with the region's Council of Governments (COG). The RHNA quantifies the need for housing within each jurisdiction during specified planning periods.

Jurisdictions use the RHNA in land use planning, in prioritizing local resource allocation, and in deciding how to address identified existing and future housing needs resulting from population, employment, and household growth. The RHNA does not necessarily encourage or promote growth, but rather allows communities to anticipate growth, so that collectively the region and subregion can grow in ways that enhance quality of life, improve access to jobs, promote transportation mobility, and address social equity and fair share housing needs.

5.12.2.2 Local

San Diego Association of Governments

San Diego Association of Governments (SANDAG) is a public agency composed of 18 cities and the County of San Diego that builds strategic plans guiding the San Diego region in land use, growth, economics, and the environment. SANDAG also provides population and housing estimates for the region, which are based, in part, on local jurisdictional planning data, and inform regional planning.

The SANDAG Regional Comprehensive Plan, adopted in 2004, provides a long-term planning framework for the San Diego region. The Regional Comprehensive Plan identified smart growth and sustainable development as important strategies to direct the region's future growth toward compact, mixed-use development in urbanized communities that already have existing and planned infrastructure, and then toward connecting those communities with a variety of transportation choices.

In 2011, SANDAG approved the 2050 RTP/SCS. This approval marked the first time SANDAG's RTP included an SCS, consistent with the Sustainable Communities and Climate Protection Act of 2008, also known as Senate Bill 375. This RTP/SCS provided a blueprint to improve mobility, preserve open space, and create communities, all with transportation choices to reduce greenhouse gas emissions and meet specific targets set by the California Air Resources Board as required by the 2008 Sustainable Communities Act.

SANDAG is required by law to update its regional transportation plan every four years. In December 2021, SANDAG adopted the latest update to its RTP/SCS. SANDAG's 2021 RTP/SCS, known as San Diego Forward: The Regional Plan or simply the Regional Plan, integrates the elements of the prior Regional Comprehensive Plan and combines those elements with the Regional Plan.

The Regional Plan updates growth forecasts and is based on the most recent planning assumptions considering currently adopted land use plans, including the City of San Diego's General Plan and other factors from the cities in the region and the County. SANDAG's Regional Plan changes in response to the ongoing land use planning of the City and other jurisdictions. For example, the City's General Plan, and other local general plans, may change based on general plan amendments initiated by the jurisdiction or landowner applicants. The general plan amendments may result in increases in development densities by amending the regional category designations or zoning classifications. Accordingly, the latest forecasts from the SANDAG RTP/SCS of future development in the San Diego region, including location, must be coordinated closely with each jurisdiction's ongoing land use planning because that planning is not static, as recognized by the need for updates to SANDAG's RTP/SCS every four years.

Regional Growth Forecast

SANDAG estimates future population, housing, land use, and economic growth throughout San Diego County and its cities, including the City of San Diego. In 2021, SANDAG accepted the Series 13: 2050 Regional Growth Forecast, the most recent growth forecast for the region. This forecast serves as the foundation for the Regional Plan and other planning documents across the region. It should also be noted that the 2050 Regional Growth Forecast is not intended to be an exact formula utilized to determine growth in the region and comprising jurisdictions; rather it should be utilized as a starting point for regional planning. For the City of San Diego, the forecast is based on build-out of the City's community plans. Thus, for the project site, the forecast would assume development of the project site at a density of less than 10 dwelling units per acre, or 47 units.

Regional Housing Needs Assessment

On November 22, 2019, the SANDAG Board of Directors formally adopted the final regional housing assessment methodology for the sixth Housing Element cycle (2021–2029) for the San Diego region and released the RHNA allocation for this cycle (SANDAG 2019).

Based on a methodology that weighs a number of factors (i.e., projected population growth, employment, commute patterns, and available sites), SANDAG determined quantifiable needs for housing units in the region according to various income categories. The RHNA allocates housing needs in four income categories (very low, low, moderate, and above moderate) for each jurisdiction that will be used in local housing elements; the City further splits the lowest category into extremely low and very low. The RHNA allocation for the 2021–2029 Housing Element cycle for the City of San Diego is 108,036 housing units.

City of San Diego General Plan Housing Element

As described above, SANDAG adopted the RHNA allocation for the next housing cycle (2021–2029) in November 2019. The City’s RHNA allocation for 2021–2029 is 108,036 housing units. This is the sixth update to the Housing Element and is referred to as the sixth cycle. For the sixth Housing Element cycle, the City must identify enough potentially developable land zoned for residential use to meet the City’s new RHNA capacity/production target and must develop policies and programs that create opportunities to increase housing production.

On June 16th, 2020, the San Diego City Council adopted the 2021-2029 Housing Element (Housing Element). The inventory for the Housing Element demonstrates that the City has enough sites zoned appropriately to meet the City’s RHNA target of 108,036 new units (City of San Diego 2020). There are sufficient properties Citywide that are presumed (according to State requirements) to be suitable for lower-income housing to meet the City’s RHNA target of 44,880 housing units for very low and low-income households. The City identified capacity to construct 174,678 housing units through the Adequate Sites Inventory for the Housing Element. The Adequate Site Inventory for the Housing Element identifies a total capacity of approximately 873 housing units for the Otay Mesa-Nestor community, with 66 of those identified as lower-income capacity. The current Housing Element does not identify the project site as part of the housing sites inventory (City of San Diego 2020).

Otay Mesa-Nestor Community Plan

The Otay Mesa-Nestor Community Plan identifies the project site for Open Space, Mixed Use, and Low-Density Residential land uses. Thus, the Community Plan identified the portion of the project site designated as Low Density Residential and Mixed Use for residential uses. Otay Mesa-Nestor is an urbanized community that is almost completely built out with an estimated 95 percent of the residential land identified as developed. According to the Community Plan, it is estimated that when undeveloped and vacant lots are developed, those sites would add an estimated 700 residential units. The Otay Mesa-Nestor Community Plan does not identify the site as a vacant site that would be developed to provide additional residential units.

5.12.3 Impact Analysis

5.12.3.1 Issue 1

Issue 1: Would the project 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 and other infrastructure)?

Impact Threshold

Consistent with California Environmental Quality Act (CEQA) Guidelines Appendix G, a project would result in a significant impact to housing and population if the project would induce substantial unplanned population growth in an area, either directly or indirectly, and such additional growth would lead to significant environmental impacts.

Analysis

Indirect Growth Potential

The project contains an unoccupied residential structure and outbuildings, and is located within an existing primarily developed community that is served by utilities and infrastructure. Any proposed new infrastructure needed to serve the project would be constructed by the project and connected to existing water, sewer, drainage, and dry utilities (such as gas, electricity, and telecommunications systems) infrastructure. Public roadways provide access to the surrounding areas under the existing conditions and the project would only provide access improvements that would service the project site and adjacent Metropolitan Transit System (MTS) site that is already separately planned for redevelopment. The proposed project would not indirectly induce a growth in population as no extension of infrastructure is proposed beyond what is required to adequately serve the project. Additionally, the majority of the surrounding area is developed. Development of the project site would not encourage additional indirect growth in the area. The project would not otherwise result in the extension of infrastructure to an area that is currently undeveloped or underdeveloped, thereby removing barriers to growth. As such, the project would not induce substantial unplanned indirect growth.

Direct Growth Potential

As described previously, the project site is currently unoccupied. Therefore, development of the proposed site would result in direct population growth potential at the project site.

The project site is designated Park, Open Space, and Recreation; Multiple Use; and Residential in the General Plan. The project site is designated in the Community Plan as Open Space, Mixed Use, and Low Density Residential. The project site is zoned RM-1-1, RS-1-7, and AR-1-2; all of these zones allow residential development at various density levels. Approximately 0.84 acres of the site is zone RM-1-1 which would allow for 12 units. The 1.90 acres zones RS-1-7 allows for 17 units and the 3.18 acres zoned AR-1-2 allows for three units. Development under the existing zones could result in up to 32 residential units. As detailed in Section 3.3.6, *Discretionary Actions*, the project proposes a

Community Plan Amendment to redesignate the project site to Medium-High Density Residential. The project proposes to rezone the site to RM-2-6, which allows for a density of 34.85 dwelling units per acre. Considering the site is 5.92 acres, the site could be developed with a total of 206 units. Thus, the project could add up to 205 more residential units than currently exist on the site. Considering the site was planned to allow 32 residential units under the existing zoning, the project would result in 174 residential units more than planned under the existing zones.

Based on SANDAG's 2050 Regional Growth Forecast rate for the Otay Mesa Community for year 2035, the population rate coefficient is 3.81 persons per household. Under the existing zoning for the project site, which allows for up to 32 units, the population would be 122 people. The 206-unit development that would be allowed under the proposed zone could introduce an estimated 784 people to the area, an increase of 662 beyond what could occur with the existing zones.

The City of San Diego's portion of the County's RHNA target for the 2021-2029 Housing Element period is 108,036 homes. While the City had planned for additional housing to meet the need and targeted to permit more than 88,000 new housing units between 2010 – 2020, less than half of those units were constructed (42,275) as of December 2019 (City of San Diego 2020). Considering this, the proposed construction of 198 units and rezone that would allow up to 206 units is anticipated to help accommodate the existing and planned population and population growth anticipated in the City and help with the existing housing shortage. With the inclusion of eight affordable housing units, the project would also contribute toward addressing the City's housing affordability crisis.

The proposed housing provided by the project would be growth accommodating, as it would serve the current critical need for housing in the City. Thus, although the project would result in additional housing beyond that planned for this particular site, because the project would provide housing to assist with the City's housing shortage and affordability crisis, this would be considered growth accommodating. In addition, all environmental impacts of the project are addressed within this Environmental Impact Report (EIR). Therefore, the project would not directly induce substantial unplanned population growth to the area that would result in significant environmental impacts.

Significance of Impacts

The project would be growth accommodating considering the housing shortage in the City and the need for additional housing to accommodate planned growth. In addition, all environmental impacts of the project are addressed within this EIR. The project would not indirectly or directly induce substantial unplanned population growth to the area that would result in significant environmental impacts beyond those addressed throughout this EIR. Impacts would be less than significant.

Mitigation Measures

Mitigation would not be required.

5.12.3.2 Issue 2

Issue 2: Would the project displace substantial numbers of existing people or housing necessitating the construction of replacement housing elsewhere?

Impact Threshold

Consistent with State CEQA Guidelines Appendix G, a project would result in a significant impact to housing and population if the project would displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere.

Analysis

The project site includes a vacant residential structure and outbuildings. The project site does not contain any existing residents. The project would remove this uninhabited structure and the project would develop 198 housing units, resulting in a net gain of 197 housing units. Therefore, the project would not result in the displacement of any number of existing people or housing and would not necessitate the construction of replacement housing elsewhere.

Significance of Impacts

The project would not result in the displacement of existing housing or people. No impact would occur.

Mitigation Measures

Mitigation would not be required.

5.13 Public Services and Facilities

The following section describes the existing public services and facilities conditions, identifies policies and regulatory requirements applicable to the project, evaluates potential impacts, and identifies mitigation measures, if applicable, related to project implementation. The discussion is based on correspondence with service providers, which is included as Appendix G.

5.13.1 Existing Conditions

Police Protection

Police protection for the project is provided by the San Diego Police Department (SDPD). The SDPD is divided into nine divisions. The project site is serviced by the Southern Division. The project is located on beat 724. The Southern Division, located at 1120 27th Street, approximately 1.2 miles south of the project site. The Southern Division serves the communities and neighborhoods of Egger Highlands, Nestor, Ocean Crest, Otay Mesa West, and Palm City.

The SDPD currently utilizes a five-level priority call dispatch system, which includes priority zero (Emergency), one, two, three, and four. The calls are prioritized by the phone dispatcher and routed to the radio operator for dispatch to the field units. The priority system is designed as a guide, allowing the phone dispatcher and the radio dispatcher discretion to raise or lower the call priority as necessary based on the information received. The SDPD sets response time goals for the different levels of emergencies. Average response time guidelines are as follows: Priority zero calls (imminent threat to life) within seven minutes; Priority one calls (serious crimes in progress) within 14 minutes; Priority two calls (less serious crimes with no threat to life) within 27 minutes; Priority three calls (minor crimes/requests that are not urgent) within 80 minutes; Priority four calls (minor requests for police service) within 90 minutes. The SDPD's general goal for responding to emergency calls is seven minutes and the staffing goal is to maintain 1.48 officers per 1,000 population ratio. The SDPD is meeting or exceeding these response times for Fiscal Year 2021 for priority zero and four calls.

Fire/Life Safety Protection

Fire protection and emergency services are provided by the San Diego Fire-Rescue Department (SDFD), which serves a total area of approximately 343 square miles, a population of over 1.4 million, and 17 miles of coastline extending three miles offshore. If additional support is needed, SDFD relies on automatic aid agreements with jurisdictions adjacent to the City. These agreements ensure that the closest engine company or medic unit is available to respond to an incident, regardless of jurisdiction.

SDFD is a multi-faceted organization that provides the City with fire and life-saving services including fire protection, emergency medical services, and lifeguard protection at San Diego beaches, as well as safety education to ensure the protection of life, property and the environment, including education about vegetation management to protect properties from wildfires in canyon areas. SDFD

has 52 fire stations. The Otay Mesa-Nestor Community is served primarily by Station 6, located at 693 Twining Avenue, approximately 2.4 miles east of the project site and Station 30, located at 2265 Coronado Avenue, approximately 1.2 miles south of the project site. Station 6 is equipped with a fire engine. Fire Station 30 is equipped with a fire engine and paramedic unit.

The City of San Diego has established a first responder arrival on emergencies response time of 6.5 minutes, 90 percent of the time from the assignment of the responder by dispatch to arrival on scene of emergency. Based on data collected by the City, for Fiscal Year 2020, this goal was met 79 percent of the time; and in Fiscal Year 2021, 76 percent of the time.

Emergency medical services are provided to the project site and throughout the city through a public/private partnership between the City's emergency medical service (EMS) Falck USA, which provides additional personnel and some ambulances. EMS has ambulances, paramedics, and emergency medical technicians (EMTs) who respond to emergency calls. Calls are prioritized from Level 1 (most serious) to Level 4 (non-emergency).

Fire Hazard Severity Zones

Responsibility for wildland fire protection in California is divided between the State, local government, and the Federal government. The California Department of Forestry and Fire Protection (CAL FIRE) adopted Fire Hazard Severity Zone maps for State Responsibility Areas in 2007, as well as recommended maps for Very High Fire Hazard Severity Zones in Local Responsibility Areas. Local Responsibility Areas include incorporated cities, cultivated agriculture lands, and portions of the desert. The CAL FIRE recommendations are not the same as actual zones, which do not go into effect unless adopted by local agencies (CAL FIRE 2012). In San Diego County, CAL FIRE has made recommendations on 13 cities, including the City of San Diego. The County of San Diego Wildland Hazard Map tool provides local designations based on CAL FIRE's recommendations (SDFD 2009). Fire Hazard Severity Zones are based on increasing fire hazard and are designated as "No Designation," "Moderate," "High," or "Very High."

The Palm and Hollister Apartments site is not rated as within the VHFHSZ, except for a very small semi-circle area in the western portion of the project site, along the south border (See Figure 5.18-2, *Regional Very High Fire Hazard Severity Zone Map, City of San Diego*.) For the City of San Diego Local Responsible Areas (LRA), CALFIRE shows that the off-site area north of the project boundary rated by the SDFRD as a VHFHSZ. Farther north, south and east are LRA areas that are rated as a VHFHS.

Schools

Public school service would be provided South Bay Union (elementary schools) and Sweetwater Union (middle and high schools) school districts. Specifically, public schools serving the project area are Mendonza Elementary School, located at 2050 Coronado Avenue; Montgomery Middle School, located at 1051 Picador Boulevard; and Montgomery High School located, at 3250 Palm Avenue. There are also multiple charter schools located in the project area: Nestor Language Academy

Charter School, located at 1455 Hollister Street in the Nestor community; Imperial Beach Charter School, located at 650 Imperial Beach Boulevard in the Imperial Beach community; Options Secondary School, located at 3250 Palm Avenue ; Sweetwater Community Day School located at 1355 2nd Avenue, in the Chula Vista community; and East Hills Academy located at 1791 Rock Mountain Road, in the Chula Vista community.

Library

Library services are provided by the San Diego Public Library (SDPL). Otay Mesa-Nestor is served by the Otay Mesa-Nestor Branch of the SDPL, located 3003 Coronado Avenue, approximately one and a half miles southeast of the project site. The Otay Mesa-Nestor Branch library is a 15,000-square-foot facility that reopened in 2006 following a \$4.6 million expansions and renovation. The library includes a large community meeting room and conference room, a computer lab, reading alcoves, and a peaceful outdoor space.

Parks or Other Recreational Facilities

The Otay Mesa-Nestor community contains multiple public recreational amenities, with two City parks located near the project site. Sunnyslope Neighborhood Park is located less than one mile from the project site and contains a basketball court, playground and tot lot. Montgomery-Waller Community Park, located one mile east of the project site contains a gymnasium, kitchen, multipurpose room, a baseball field, two basketball courts, comfort station, concession stand, two multipurpose fields, two playgrounds, four softball fields, and a tot lot. In addition, the Otay Valley Regional Park area is located immediately north of the project site. Included as part of the Otay Valley Regional Park are passive recreational areas, including 8.3 miles of non-motorized, multi-use trails, as well as seven staging areas, seven ponds and birdwatching opportunities. There are plans for future multi-use areas and the continuation of the trail system within the park boundaries.

5.13.2 Regulatory Framework

5.13.2.1 State

State Fire Regulations

State fire regulations are set forth in Sections 13000 et seq. of the California Health and Safety Code, which include regulations concerning building standards (as also set forth in the CBC), fire protection and notification systems, fire protection devices such as extinguishers and smoke alarms, high-rise building and childcare facility standards, and fire suppression training. The State Fire Marshal enforces these regulations and building standards in all state-owned building, state-occupied buildings, and State institutions throughout California.

California Mutual Aid Plan

The California Mutual Aid Plan establishes policies, procedures, and responsibilities for requesting and providing inter- and intra-agency assistance in emergencies. The plan directs local agencies to

develop automatic or mutual aid agreements, or to enter into agreements for assistance by hire where local needs are not met by the framework established by the Mutual Aid Plan.

5.13.2.2 Local

City of San Diego General Plan

The City's General Plan contains a Public Facilities, Services, and Safety Element (2021) to address publicly managed and provided facilities and services. This element provides policies for financing, prioritization, developer, and City funding responsibilities for public facilities in the City.

Fire Services Deployment

Fire response deployment is about the speed and weight of attack. Speed calls for first-due, all-risk intervention units (engines, trucks, and/or rescue ambulances) strategically located across a community responding in an effective travel time. These units are tasked with controlling moderate emergencies without the incident escalating to second alarm or greater size, which unnecessarily depletes departmental resources as multiple requests for service occur. Weight is about multiple-unit response for serious emergencies such as a room and contents structure fire, a multiple-patient incident, a vehicle accident with extrication required, or a heavy rescued incident. In these situations, enough firefighters must be assembled within a reasonable timeframe to safely control the emergency, thereby keeping it from escalating to greater alarms. The science of fire crew deployment is to spread crews out across a community for quick response to keep emergencies small with positive outcomes, without spreading the crews so far apart that they cannot amass together quickly enough to be effective in major emergencies (Citygate 2017).

Distribution of Fire Stations

To treat medical patients and control small fires, the first responding unit should arrive within seven minutes and 30 seconds from the time of the 9-1-1 call receipt in fire dispatch. This equates to a one-minute dispatch time, one minute and 30 seconds for company turnout time, and a five-minute drive time in the most populated areas (City of San Diego General Plan, Policy PF-D.1, 2021).

Multiple-Unit Effective Response Force for Serious Emergencies

To confine fires near the room of origin, to confine wildland fires to fewer than three acres when noticed promptly, or to treat up to five medical patients at once, the goal is for a multiple-unit response of at least 17 personnel to arrive within 10 minutes and 30 seconds from the time of the 9-1-1 call receipt in fire dispatch, 90 percent of the time. This equates to a one-minute dispatch time, a one minute and 30 seconds company turnout time, and an eight-minute drive time spacing for multiple units in the most populated areas (City of San Diego General Plan, Policy PF-D.1 2021).

Adopted Fire Station Location Measures

To direct fire station location timing and crew size planning as the community grows, the adopted fire unit deployment performance measures are based on population density zones listed in the

Public Facilities, Services and Safety Element (updated 2021) Table PF-D.2 of the General Plan. Structure fires in urban areas over 1,000 people per square mile would require a response standard of five minutes for first due travel time, 7.5 minutes for total reflex time, eight minutes for first alarm travel time, and 10.5 minutes for first alarm total reflex. Reflex time is the total time from receipt of a 9-1-1 call to arrival of the required number of emergency units (Citygate 2017).

Aggregate Population Definitions

Standards listed in Table PF-D.2 of the General Plan guide the determination of response time measures and the need for fire stations. The first-due unit travel time goal for metropolitan areas of over 200,000 people is four minutes. Urban-suburban areas of less than 200,000 people would require a goal of five minutes (City of San Diego General Plan, 2021).

5.13.3 Impact Analysis

5.13.3.1 Issue 1

Issue 1 Would the project have an effect upon, or result in a need for new or altered governmental services in any of the following areas: Police protection; Fire/Life Safety protection; Libraries; Parks or other recreational facilities; maintenance of public facilities, including roads; and Schools?

Impact Threshold

- Result in the need for new or expanded public facilities, including fire protection, police protection, health, social services, emergency medical, libraries, schools, and parks;
- 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; or
- Include recreational facilities or require the construction or expansion of recreation facilities, which might have an adverse physical effect on the environment.

Analysis

The project would be consistent with the relevant goals and policies of the City of San Diego General Plan and Otay Mesa-Nestor Community Plan. The analysis presented in this section is intended to evaluate those public services and facilities needed to specifically serve the project.

Police

The project would develop 198 multi-family residential units and would introduce new residents to the project area. New residents would likely already reside locally or regionally and would already be included in the projected City population figures in the area. Although the project could result in an increase in service calls, the SDPD has facilities and staffing in the project area to adequately serve the project, ongoing funding for police services is provided by the City General Fund; and no new facilities or improvements to existing facilities would be required. Furthermore, development impact fees would be paid prior to building permit issuance, which would be used to maintain, as well as

fund, future facilities. Therefore, no new or expanded facilities would be required as a result of the project and impacts relative to Police Services would not be significant.

Fire-Rescue

The project site is served by existing Fire Stations 30 and 6. The project would introduce 198 dwelling units to the project site, resulting in an increase in population within the Otay Mesa-Nestor community and fire protection service area. While this would increase the demand for fire protection and emergency services in the service area Fire Stations 30 and 6 would be able to meet the standard response times and the project would not result in adverse effects to the department's current response times and ability to serve the area. DFD has facilities and staffing in the project area to serve the project and no additional capacity would be required.

In addition, the project would be constructed in accordance with applicable fire codes and would comply with applicable City regulations. The project would provide fire safety features, such as installation of fire sprinklers. The project would not conflict with the Otay Mesa-Nestor Community Plan in terms of number, size, and location of existing or planned Fire-Rescue facilities. The Fire-Rescue Department has facilities and staffing in the project area to adequately serve the project and the project would not affect response times of the SDFD.

Although the project could result in an increase in service calls, no new or expanded facilities or improvements to existing facilities would be required as a result of the project. Furthermore, development impact fees, which would be used to maintain as well as fund future facilities, would be paid prior to building permit issuance. Therefore, no new or expanded facilities would be required as a result of the project, and impacts to Fire Protection would not be significant.

Schools

Public school service within the project area is provided by South Bay Union School District for Elementary education and Sweetwater Union School District for Middle and High School. Mendoza Elementary School, Montgomery Middle School, and Montgomery High School, as listed in Table 5.13-1, *Public Schools Serving the Project Area*. Based on correspondence with the school districts, there are no identified deficiencies at these schools. Both South Bay Union and Sweetwater school districts currently do not have plans for new or expanded school facilities that would serve the project site.

Table 5.13-1, Public Schools Serving the Project Area

| School | Address |
|--------------------------|-----------------------------------------------|
| Mendoza Elementary | 2050 Coronado Avenue San Diego, CA 92154 |
| Montgomery Middle School | 1051 Picador Boulevard San Diego, CA 92154 |
| Montgomery High School | 3250 Palm Avenue San Diego, CA 92154 |

Source: South Bay Union School District, March 24, 2022.

Student generation rates vary based on the type of project, number of units, bedroom mix, neighborhood, and other factors. South Bay Union School District utilizes a student generation rate of 0.5 students/dwelling unit. There are no district standard rates for Sweetwater Union School District. In order to estimate the number of students generated by this project, Sweetwater Union referenced existing similar developments in the project vicinity, as well as additional projects that have been proposed in the area. The student generation rates are the average from the existing developments and proposed developments, with a low and high range and are shown in Table 5.13-2, *Estimated Generation Rates for Palm & Hollister Apartments Project*. Based on the estimated student generation, the project would generate approximately 104 to 107 students.

Table 5.13-2, Estimated Generation Rates for Palm & Hollister Apartments Project

| Proposed Development | Address | Number of Units | Student Generation Rate | Estimated Number of Students |
|-------------------------------------|---------------------------------------------|-----------------|---------------------------------------------------|----------------------------------|
| Palm & Hollister Apartments Project | 555 Hollister Street San Diego, CA 92154 | 198 | K-6: 0.5 6-8: 0.006-0.012 9-12: 0.009-0.018 | K-6: 99 6-8: 2-3 9-12: 2-5 |
| TOTAL | | | | K-12: 103 – 107 |

Source: South Bay Union School District, March 24, 2022.

South Bay Union and Sweetwater School Districts concluded that the project is not specifically expected to have an adverse impact on district schools. The existing schools have sufficient capacity in the near-term to serve these students, and the project would not result in the need for new or expanded school facilities.

Senate Bill 50 (SB 50), also known as the “Class Size Reduction Bill,” was enacted in 1998. While SB 50 authorizes the collection of developer fees for school facilities construction, it also establishes a maximum cap on such fees (and indexes for inflation). Developer fees collected pursuant to SB 50 are “deemed to be full and complete mitigation” (California Government Code Section (CGC) 65995 *et seq*). SB 50 also prohibits local agencies from denying land use approvals on the basis of inadequate school facilities, so long as the project proposed pays the developer fees if required to do so (CGC, Section 65995 *et seq*). The project would be required to pay school fees in compliance

with CGC Section 65995 et seq. With payment of the school facilities fee, impacts would be less than significant as stipulated by CGC Section 65995.

Library

Library services are provided by the SDPL. The City's General Plan establishes goals and policies for the library system facilities. Per the General Plan, a library system should contribute to the quality of life through technologically improved services and welcoming environments. Branch libraries should be 15,000 square feet or larger and include features and services that address community-specific needs.

The project would result in the addition of 198 dwelling units. Even with the population increase projected to be generated by the project, existing library systems would not be impaired, nor would additional or expanded library facilities be required. Because residents may use the Otay Mesa-Nestor Library or any branch library that is part of the San Diego Public Library system, the existing branches could adequately serve the increase in residents from the project, and no new or altered facilities would be required. Furthermore, development impact fees, which would be used to maintain as well as fund future facilities, would be paid prior to building permit issuance. Impacts to library service would be less than significant.

Parks or Other Recreational Facilities

The Parks Master Plan was adopted in August 2021 by the City of San Diego and establishes a new Recreational Value-Based Park Standard to represent the recreational opportunities that are required to serve the City's population-based park requirements. The new Park Standard is 100 Recreation Value Points per 1,000 residents. The Recreation Value-based Park Standard measures the recreational opportunities and amenities at a park and quantifies the activities and recreational opportunities that will serve the City's population. The City's focus on recreation value rather than acreage allows the City to activate park spaces regardless of their size. It also provides a metric to determine opportunities for upgrading existing parks by adding new recreation-based amenities that will serve larger residential populations. The Recreation Value Points Scoring Matrix (Appendix D in the Parks Master Plan) details the point scoring methodology and how Recreation Value Points can be achieved within the categories of Amenities and Recreation Opportunities, Access/Connectivity, and Activation and Engagement.

The Otay Mesa-Nestor community contains multiple public recreational amenities, with two City parks located near the project site. Sunnyslope Neighborhood Park, located less than one mile from the project site, and contains a basketball court, playground and tot lot. Montgomery-Waller Community Park, located one mile east of the project site, contains a gymnasium, kitchen, multipurpose room, a baseball field, two basketball courts, comfort station, concession stand, two multipurpose fields, two playgrounds, four softball fields and a tot lot. The Otay Mesa-Nestor Community Plan identifies a need for new neighborhood parks at Los Altos and Southwest and new

joint-use facilities at Berry Elementary, Nestor Elementary and Los Altos Elementary. The Los Altos and Southwest parks are planned but still undeveloped.

In addition, the OVRP area is located immediately north of the project site. Planned conceptually as part of the OVRP are passive recreational areas, including 8.3 miles of non-motorized, and multi-use trails, as well as seven staging areas, seven ponds and birdwatching opportunities. There are plans for future multi-use areas and the continuation of the trail system within the park boundaries. See Figures 5.1.2, *Overview – Otay Valley Regional Park Concept Plan*, and 5.1-3, *Otay Valley Regional Park Concept Plan – Segment Map*.

The project would introduce 198 dwelling units at the site, and would allow for up to 206 units per the proposed land use designation and zoning. The project is a residential project and could increase the need for population-based parks. The project would pay a Park Impact Fee at the time of building permit issuance that would be used to provide for public facilities required to support the proposed population including population-based parks, recreation centers, and aquatic complexes. No mitigation is required.

Additionally, the project would provide private recreational amenities on-site for the project's residents only in the form of a pool/spa area, fitness center, game courts, and pedestrian walkway, as well as passive recreation space in the additional project courtyards, (See Figure 3-4, *Landscape Development Plan*).

Relative to full buildout under the proposed RM-2-6 zone, similar to the project, the development of the project site with 206 dwelling units would not result in significant impacts to police protection, fire/life safety protection, libraries, parks, or other recreation facilities, and schools and no new facilities would be required. Any development of the project site would be required to pay development impact fees and school fees. which would be used to maintain, as well as fund, future facilities. Like the project, significant impacts to public services and facilities would not occur.

Significance of Impacts

The project would not result in significant impacts to police protection, fire/life safety protection, libraries, parks, or other recreation facilities, and schools.

Mitigation Measures

Mitigation would not be required.



Figure 5.13-1. Location of Public Services

5.14 Public Utilities

The following section describes the existing public utilities conditions, evaluates policies and regulatory requirements applicable to the project, evaluates potential impacts, and identifies mitigation measures, if applicable, related to project implementation. The discussion is based on correspondence with utility company providers, a *Waste Management Plan* prepared by KLR Planning (June 2022), and a *Sewer Study* prepared by Dexter Wilson Engineering, Inc. (April 13, 2023), which are included as Appendices G, P, and Q respectively.

5.14.1 Existing Conditions

Public utilities include water, sewer, storm water drainage, and solid waste management on a community-wide basis. These services would be provided to future residents of the project. Public utilities also include the provision of electricity and natural gas resources which would provide energy to the project. San Diego Gas & Electric (SDG&E) would provide electricity and natural gas service to the project. Please see Section 5.5, *Energy*, for a discussion of SDG&E's ability to serve the project and the project's potential impact on energy resources.

5.14.1.1 Water Facilities

Water service to the project site is provided by the City's Public Utilities Department (PUD). The PUD serves nearly 1.4 million people in an area containing a water system that extends over more than 404 square miles with numerous treated water storage facilities and a capacity of more than 200 million gallons of potable water. The PUD maintains a complex water system that includes nine surface reservoirs, three drinking water treatment plants, 29 reservoirs/storage tanks, approximately 49 pump stations, and more than 3,000 miles of pipeline (City of San Diego, 2023). The project is served by a water main in Palm Avenue. Existing connections to the main are via water lines that extend north through the adjacent MTS property.

The PUD has developed a separate recycled water system to offset the demand for potable water. The goal is to reduce the City's dependence on imported water and increase reliability by providing non-potable water supplies. Recycled water service is available through the North City Water Reclamation Plant (northern service area) and the South Bay Water Reclamation Plant (southern service area). The project site is not located in an area where recycled water is available to serve the project.

Water Supply

The SDCWA is recognized as the lead agency for procuring imported water to meet the present and long-term needs of the City and the San Diego region. The SDCWA purchases much of its water from the Metropolitan Water District (MWD). As a member agency of SDCWA, the City of San Diego assists SDCWA as needed in working with the MWD, the State Department of Water Resources (DWR), the County of San Diego, other local water agencies, and the private sector in efforts to satisfy the future water supplies and demands of the region. Below is a summary of these water supply sources.

Metropolitan Water District of Southern California

MWD is a consortium of 26 public member agencies that provides imported water to nearly 19 million people in parts of Los Angeles, Orange, San Diego, Riverside, San Bernardino, and Ventura counties (City of San Diego 2021). MWD currently delivers an average of 1.5 billion gallons of water per day to a 5,200-square-mile service area. MWD imports its water from two main sources: the Colorado River [via the Colorado River Aqueduct (CRA) and the Sacramento and San Joaquin Rivers (via the State Water Project (SWP))]. The CRA is owned and operated by MWD and extends approximately 242 miles from the Colorado River at Lake Havasu to Lake Mathews in Riverside County. From there, a series of canals, siphons, pipelines, and pump stations moves water west to several MWD reservoirs for local distribution. The principal structure conveying water south through the SWP is the California Aqueduct, which extends approximately 444 miles south from the Sacramento-San Joaquin Delta to Lake Perris in Riverside County (City of San Diego 2021). Additional water sources currently or potentially available to MWD include local supplies, groundwater banking, water transfers, seawater desalination, and water recycling.

San Diego County Water Authority

The SDCWA is an independent public agency that serves as a wholesale water supplier to its 24 member agencies. The SDCWA serves approximately 3.3 million residents in a service area of 923,778 acres¹. The SDCWA operates and maintains a regional water delivery system that consists of two major aqueducts and numerous related facilities, including approximately 310 miles of pipeline² and over 100 flow control facilities.

MWD is SDCWA's largest supplier, but SDCWA has pursued strategies over the last two decades to diversify San Diego's regional water supply portfolio and reduce the region's dependence on water deliveries from MWD, including through purchases from the Imperial Irrigation District (IID) and development of the Carlsbad Desalination Plant. In 1998, the SDCWA entered into a water conservation and transfer agreement with the IID, an agricultural district in neighboring Imperial County that receives Colorado River water (SDCWA 2021). The agreement gave SDCWA a higher priority water right to Colorado River water, and includes strategies to provide SDCWA with a larger share of Colorado River water. These strategies involve voluntary conservation measures by Imperial Valley farmers, a canal lining project on the All American and Coachella Canals, and the transfer of water conserved by these measures directly to SDCWA. This agreement, along with amendments related to the 2003 Quantification Settlement Agreement, is expected to provide over 200,000 acre-feet per year (AFY) in 2021. In addition to developing its own regional supplies of water, SDCWA has also encouraged the development of additional local water supply projects, such as water recycling and groundwater projects.

¹ <https://www.sdcwa.org/wp-content/uploads/2020/11/overview-fs.pdf>

² <https://www.sdcwa.org/wp-content/uploads/2020/11/overview-fs.pdf>

In December 2015, SDCWA added desalinated water to its supply portfolio, with the completion of a seawater desalination facility capable of providing 50 million gallons per day (mgd) of potable water. SDCWA purchases up to 56,000 AFY of desalinated water from the Carlsbad Desalination Plant for their direct use or use by identified member agencies (SDCWA 2021).

By 2018, SDCWA had reduced its dependency on MWD water purchases from 95 percent to 32 percent. SDCWA continues to pursue strategies for water supply diversification and reliability, such as additional seawater desalination projects, groundwater utilization, increased recycled water use, and the recent dam raise on the San Vicente Reservoir, which doubled its storage capacity. By 2020, local suppliers were projected to meet more than a quarter of the region's water demand.

In coordination with its 24 member agencies, the SDCWA developed its most recent Urban Water Management Plan (UWMP) to demonstrate regional water supply reliability over the next 25 years (2020 to 2045). Main components of the plan are the baseline demand forecasts under varying future climate conditions, conservation savings estimates, water demand projections, a water supply assessment for the region, supply reliability analysis, and scenario planning.

Conservation

California American Water (CWA) provides water service the project site and surrounding area. CWA encourages San Diego district customers to follow the City of San Diego's water conservation measures to minimize water demand and avoid excessive water use. The Water Conservation Program implemented by the City of San Diego Public Utilities Department aims to reduce water use in San Diego by offering various rebate programs, landscaping classes, education, and free water conservation surveys for property owners and tenants. Water conservation continues to be a priority throughout California, and water suppliers are tasked with adopting programs and policies designed to promote water conservation practices and implementing comprehensive public information and educational campaigns.

The City and its regional partners face significant issues with water supply and wastewater treatment. The region's reliance on imported water causes the water supply to be vulnerable to shortages and susceptible to price increases beyond the control of the City. The Pure Water San Diego Program will provide a safe, secure and sustainable local drinking water supply for San Diego through the use of advanced water purification technology to produce potable water from recycled water.

5.14.1.2 Wastewater

Wastewater treatment service is provided by the PUD, which operates the Metropolitan Sewerage System (Metro System). Facilities in the Metro System include the Point Loma Wastewater Treatment Facility, ocean outfall pipes, pump stations, interconnecting interceptor sewers, and the North City and South Bay Water Reclamation Plants. The Metro System provides wastewater transportation,

treatment, and disposal services to the San Diego region. The system serves a population of two million from 16 cities and districts generating approximately 190 million gallons per day (mgd) of wastewater. Planned improvements to the existing facilities will increase wastewater treatment capacity to serve an estimated population of 2.9 million through the year 2050.

The project is served by existing sewer lines that are tributary to the San Ysidro Trunk Sewer up to the 42-inch connection at the Elm Avenue and Raedel Drive intersection, located approximately one-half mile southwest of the project site. From that point, the San Ysidro Trunk Sewer conveys sewer westward to the South Metro Interceptor. Existing public sewer lines near the project site include an eight-inch public gravity sewer line located in Hollister Street and eight-inch public gravity sewer lines within Palm Avenue. See Figure 5.14-2, *Existing and Proposed Sewer Utilities*, for a map of existing sewer utilities public main.

5.14.1.3 Solid Waste

Solid waste management in the project area is provided by the City Environmental Services Department (ESD) and private collectors. The City provides refuse collection for residences located on dedicated public streets, provide adequate safe space and access for storage collection, and comply with regulations set forth in the San Diego Municipal Code (SDMC) and Waste Management Guidelines (City of San Diego 2013). Other customers pay for services by City franchised private hauling companies.

City of San Diego ESD pursues waste management strategies that emphasize waste reduction and recycling, composting, and environmentally-sound landfill management to meet the City's long-term management needs.

Refuse collected from the area is generally taken to the Miramar Landfill, located just north of State Route (SR) 52, between Interstate (I-) 805 and SR 163. According to the Solid Waste Information System (SWIS) database maintained by CalRecycle, the Miramar Landfill had a remaining capacity of approximately 11,080,871 cubic yards of solid waste as of January 30, 2020. Based on the remaining capacity and disposal rates, the Miramar Landfill is expected to close January 1, 2031 (CalRecycle n.d); however, the amount of waste managed at the landfill is expected to decrease while the amount of composting and recycling will increase over time as the City strives to achieve the target 75 percent diversion rate identified in Assembly Bill (AB) 341 and the City's Zero Waste Plan. (City of San Diego Zero Waste Plan, 2015.)

Currently, only two other landfills provide disposal capacity within the urbanized region of San Diego: the Sycamore and Otay Landfills. The Sycamore Landfill contains 349 disposal acres on a 491-acre site and is located to the east of Miramar, within the City of San Diego's boundaries. The Otay Landfill contains 230 disposal acres on a 464-acre site and is located within an unincorporated island of County land in the City of Chula Vista. The Sycamore and Otay Landfills are privately owned by Allied Waste Industries, Inc. The Sycamore Landfill is permitted to receive a maximum of 5,000 tons

per day (CalRecycle n.d.a.). The remaining capacity as of December 31, 2016 was 113,972,637 cubic yards. This landfill is projected to cease operation on December 31, 2042. The Otay Landfill is permitted to receive 6,700 tons per day (CalREcycle n.d.b). It has a remaining capacity of 21,194,008 cubic yards as of May 31, 2016. It is estimated that the Otay Landfill will cease operation on February 28, 2030.

5.14.2 Regulatory Framework

5.14.2.1 Federal

Safe Drinking Water Act

Passed in 1974 and amended in 1986 and 1996, the Safe Drinking Water Act grants the U.S. Environmental Protection Agency the authority to set drinking water standards. Drinking water standards apply to public water systems, which provide water for human consumption through at least 15 service connections, or regularly serve at least 25 individuals. There are two categories of drinking water standards, (1) the National Primary Drinking Water Regulations and (2) the National Secondary Drinking Water Regulations. The National Primary Drinking Water Regulations are legally enforceable standards that apply to public water systems. These standards protect drinking water quality by limiting the levels of specific contaminants that can adversely affect public health and are known or anticipated to occur in water. The National Secondary Drinking Water Regulations are non-mandatory guidelines for certain substances that do not present a risk to public health.

5.14.2.2 State

California Assembly Bill 1881

AB 1881, the Water Conservation in Landscaping Act of 2006, requires the DWR to prepare an updated Model Water Efficient Landscaping Ordinance (Model Ordinance) in accordance with specified requirements to conserve water through efficient irrigation and landscaping. By January 1, 2010, local agencies were to adopt either the updated Model Ordinance or a local landscape ordinance that is at least as effective in conserving water as the Model Ordinance. Pursuant to state law, the City amended its Landscape Regulations (SDMC Chapter 14, Article 2, Division 4) and Landscape Standards in April 2016 to expand water conservation in landscaping. The Landscape Standards implement the requirements of the Landscape Regulations. All landscape plans and installations are required to be in compliance with the Landscape Standards.

California Integrated Waste Management Act (AB 939)

The California Integrated Waste Management Act was enacted by the California Legislature in 1989 with the goal of reducing dependence on landfills for the disposal of solid waste and to ensure an effective and coordinated system for the safe management of all solid waste generated within the state. Assembly Bill (AB) 939 mandated a reduction in the amount of solid waste disposed of by jurisdictions and required diversion goals of 25 percent by 1995 and 50 percent by the year 2000. The Integrated Waste Management Act established a hierarchy of preferred waste management practices, which include (1) source reduction, (2) recycling and composting, and (3) environmentally

safe disposal by transformation or landfilling. It addresses all aspects related to solid waste regulation, including the details regarding the lead enforcement agency's requirements and responsibilities; the permit process, including inspections and denials of permits; enforcement; and site clean-up and maintenance. It requires that each county prepare a countywide integrated waste management plan that is reviewed at least once every 5 years to assure that waste management practices remain consistent with the practices defined in the California Public Resources Code. In 2013, AB 341 increased the waste diversion target to 75 percent by 2020.

AB 1826

In October 2014, Governor Brown signed AB 1826, Chesbro (Chapter 727, Statutes of 2014), which requires businesses to recycle their organic waste on and after April 1, 2016, depending on the amount of waste they generate per week. Organic waste means food waste, green waste, landscape and pruning waste, nonhazardous wood waste, and food-soiled paper waste that is mixed in with food waste. For businesses that generate eight or more cy of organic waste per week, this requirement began April 1, 2016, while those that generate four cy of organic waste per week must have an organic waste recycling program in place beginning January 1, 2017. This law also requires that on and after January 1, 2016, local jurisdictions across the state implement an organic waste recycling program to divert organic waste generated by businesses, including multi-family residential dwellings that consist of five or more units. Mandatory recycling of commercial organics would be phased in over time, and an exemption process is available for rural counties. As of January 1, 2019, changes to AB 1826 require more sites to have organics collection service. Businesses and institutions that generate four or more cubic yards of solid waste per week must have organics collection service. Materials that must be composted include food waste, green waste, landscape and pruning waste, non-hazardous wood waste, and food-soiled paper.

AB 1594

"Alternative daily cover" (ADC) is cover material other than earthen material placed on the surface of the active face of a municipal solid waste landfill at the end of each operating day to control vectors, fires, odors, blowing litter, and scavenging. CalRecycle has approved 11 ADC material types that can currently be reported as diversion: ash and cement kiln dust, treated auto shredder waste, construction and demolition waste, compost, green material, contaminated sediment, sludge, and shredded tires. Generally, these materials must be processed so that they do not allow gaps in the exposed landfill face (CalRecycle 2015a).

Pursuant to California Public Resources Code Section 41781.3 and AB 1594, beginning January 1, 2020, the use of green material as ADC will not constitute diversion through recycling and will be considered disposal. "Green material" is defined as any plant material that is either separated at the point of generation, or separated at a centralized facility that employs methods to minimize contamination. Green material includes, but is not limited to, yard trimmings, untreated wood wastes, paper products, and natural fiber products. Green material does not include treated wood waste, mixed demolition or mixed construction debris, or manure and plant waste from the food

processing industry, alone or blended with soil. As of August 1, 2018, local jurisdictions are required to include information in an annual report on how the local jurisdiction intends to address the diversion requirements and divert green material that is being used as ADC. A jurisdiction that does not meet certain diversion requirements as a result of not being able to claim diversion for the use of green material as ADC would be required to identify and address, in an annual report, barriers to recycling green material and, if sufficient capacity at facilities that recycle green material is not expected to be operational before a certain date, to include a plan to address those barriers.

California Solid Waste: Diversion (AB 341)

AB 341, adopted in 2011, amended AB 939 by making a legislative declaration that it is the policy goal of the State of California that not less than 75% of solid waste generated be reduced, recycled, or composted by the year 2020. While a policy goal may not be legally enforceable, city and/or county ordinances and other mechanisms make AB 341 provisions enforceable within their jurisdictions. AB 341 also required a business (defined to include a commercial or public entity) that generates more than 8 cubic yards of commercial solid waste per week or is a multifamily residential dwelling of five units or more to arrange for recycling services, starting July 1, 2012.

Short-Lived Climate Pollutants: Organic Waste Methane Emissions Reductions (SB 1383)

In September 2016, Governor Brown signed into law Senate Bill (SB) 1383 (Lara, Chapter 395, Statutes of 2016), establishing methane emissions reduction targets in a statewide effort to reduce emissions of Short-Lived Climate Pollutants (SLCP) in various sectors of California's economy. The new law codifies the California Air Resources Board's Short-Lived Climate Pollutant Reduction Strategy PDF download , established pursuant to SB 605 (Lara, Chapter 523, Statutes of 2014), to achieve reductions in the statewide emissions of short-lived climate pollutants. Actions to reduce short-lived climate pollutants are essential to address the many impacts of climate change on human health, especially in California's most at-risk communities, and on the environment.

As it pertains to CalRecycle, SB 1383 establishes targets to achieve a 50 percent reduction in the level of the statewide disposal of organic waste from the 2014 level by 2020 and a 75 percent reduction by 2025. The law grants CalRecycle the regulatory authority required to achieve the organic waste disposal reduction targets and establishes an additional target that not less than 20 percent of currently disposed edible food is recovered for human consumption by 2025.

California Urban Water Management Act

As part of this Act, UWMPs are prepared, adopted, and administered by urban water suppliers and submitted to the California Department of Water Resources. These plans support the suppliers' long-term resource planning to ensure that adequate water supplies are available to meet existing and future water needs over a 20-year planning time-frame. The plans describe and evaluate sources of supply, reasonable and practical efficient uses, reclamation, and demand management

activities. Within UWMPs, urban water suppliers must assess the reliability of water sources over a 20-year planning time frame, describe demand management measures and water shortage contingency plans.

AB 1668 and SB 606

In May 2018, Governor Jerry Brown signed into law Assembly Bill 1668 and Senate Bill 606, imposing a number of new or expanded requirements on state water agencies and local water suppliers and providing for significantly greater state oversight of local water suppliers' water use, even in non-drought years. Among other things, AB 1668 and SB 606 require the State Water Resources Control Board (SWRCB), in coordination with the DWR, to establish long-term urban water use efficiency to include components for indoor residential use, outdoor residential use, water losses and other uses. Each retail water supplier across the state will have a water use target based on efficiency standards for indoor residential water use, landscape irrigation, and water loss. These targets are currently being developed and projected to be adopted in 2022. Retail water suppliers will be required to meet demand targets by 2027 or face penalties set by SWRCB.

Senate Bill 610 Water Supply Assessment

The SB 610 Water Supply Assessment (SB 610 WSA) is intended to be internally consistent with the Urban Water Management Plan and applicable City General Plan Elements. WSAs are intended to closely link the demands of a set of proposed land uses contained in a proposed project with the water supplies available for that development and evaluate cumulative demands in the water service area. The standard for the certainty and reliability of water supplies sufficient to meet the demands of the proposed development is more exacting than that required for the Urban Water Management Plan; a foundational document to the SB 610 WSA.

Ultimately, because the SB 610 WSA is a source document for an Environmental Impact Report (EIR) prepared for a proposed project pursuant to CEQA, it must provide detailed evidence showing that sufficient water will be available to meet water demands for the water purveyor's existing and planned land uses over a 20-year planning horizon, including single and multiple dry years, provide a discussion of increased demands and may evaluate practical efficient use of alternative water sources. The types of projects subject to SB 610 are the following:

- Residential developments of more than 500 units;
- Shopping centers or businesses employing more than 1,000 people or having more than 500,000 square feet of floor space;
- Commercial office buildings employing more than 1,000 people or having more than 250,000 square feet of floor space;
- Hotels or motels having more than 500 rooms;
- Industrial, manufacturing, or processing plants or industrial parks planned to house more than 1,000 people or having more than 650,000 square feet of floor space;
- Mixed-use projects that include one or more of the above types of projects; and

- Projects that would demand an amount of water equivalent to, or greater than, the amount of water required by a 500-dwelling unit project.

California Public Utilities Commission Code Sections 851 – 857

Public Utilities Code Sections 851 - 857 requires SDG&E to seek California Public Utilities Commission (CPUC) approval prior to disposing of SDG&E property or allowing encroachments within SDG&E easements. Because the project would require modifications to SDG&E facilities and easements, the CPUC will make a determination regarding such modifications.

California Green Building Standards Code

The California Green Building Standards Code (CALGreen Code) is set forth in California Code of Regulations, Title 24, Part 11, and establishes voluntary and mandatory standards pertaining to the planning and design of sustainable site development and water conservation, among other issues. Under the CALGreen Code, all water closets (i.e., flush toilets) are limited to 1.28 gallons per flush, and urinals are limited to one-half gallon per flush. In addition, maximum flow rates for faucets are established as follows: two gallons per minute (gpm) at 80 pounds per square inch for showerheads; 1.5 gpm at 60 per square inch for residential lavatory faucets; and 1.8 gpm at 60 per square inch for kitchen faucets. The CALGreen Code also includes Section 4.408.2, a Construction Waste Management Plan. This plan identifies which waste created during construction could be sorted on site, or bulked and then transported to diversion facilities.

5.14.2.3 Local

City of San Diego Public Utilities Department

In June 2021, the City issued its most recent UWMP, which outlines current and future water supplies and demands in the City's service area. The City is engaged in several strategies to increase water reliability, including the development of local groundwater supplies; increased utilization of recycled water, or potable reuse; continued conservation efforts; and ongoing strategic water resources planning. The UWMP projects water supply reliability for average years, single dry years, and multiple dry years and concludes that the PUD will have sufficient water supplies to serve the City through the year 2045 (City of San Diego 2021).

Pure Water Program

The Pure Water Program is a 20-year (2015-2035) multi-phased water and wastewater capital improvement initiative that is expected to create 83 mgd of locally controlled water upon full implementation in 2035. The Pure Water Program will divert treated water from the Point Loma Wastewater Treatment Plant (WWTP) ocean outfall and recycle a valuable and limited resource that is currently discharged to the ocean. Phase 1 is expected to be online in Calendar Year (CY) 2025. Production is expected to be a staged ramp-up in flow with 30 mgd produced by the end of CY 2027 (City of San Diego, n.d.). This will allow the City to reduce the amount of water it purchases in Fiscal

Year (FY) 2027 and beyond. By 2035, Pure Water's Phase 2 will expand repurified water production from 30 to 83 mgd.

City of San Diego General Plan

The City's General Plan includes The Conservation Element (CE), Public Facilities, Services and Safety Element (PF-E) and Housing Element (HE). These Elements present respective water resource, climate change adaptation, sustainability, water efficiency and conservation policies and goals. Examples include policies that call for drought resistant landscaping, optimization of the use of imported water supplies and improve reliability by increasing alternative sources (PF-H.1), and the long-range planning and integrated management of groundwater and surface water resources and protecting those resources by implementing guidelines for future development (CE-D-2).

Drought Restrictions

The City of San Diego has year-round permanent mandatory water restrictions in place (City of San Diego n.d.a). These restrictions are designed to promote water conservation as a permanent way of life in San Diego.

In July 2016, the City moved from a Level 2 Drought Alert to a Level 1 Drought Watch (Resolution R-310598), lifting some of the water-use restrictions that were put in place to mitigate the multi-year drought that California had been experiencing. A Level 1 Drought Watch includes voluntary water-use restrictions that limit landscape watering and the washing of mobile equipment. Additionally, permanent mandatory water use restrictions are in place, with the goal of promoting water conservation as a way of life in San Diego.

Effective June 10, 2022, the City of San Diego once again began implementing more stringent water restrictions for all water customers following a statewide order from Governor Gavin Newsom (SWRCB 2022). At the governor's direction, the SWRCB adopted an emergency water conservation regulation calling on local water agencies to take appropriate action that will conserve water throughout California. Level 2 water restrictions include the following actions for all City of San Diego water customers:

- Areas with no irrigation system must use a hand-held hose with a shutoff nozzle, hand-held container or a garden hose sprinkler system on a timer.
- Irrigation is prohibited during and within 48 hours of a rain event.
- Landscape irrigation is limited to no more than three days per week before 10 a.m. or after 6 p.m. This does not apply to commercial growers or nurseries, nor to the irrigation of golf course greens and trees.
- Use of recycled or non-potable water, when available, is required for construction purposes.
- Prohibition of irrigating non-functional turf with potable water.
- Washing of vehicles at residences is prohibited. Washing is still permitted at commercial car washes.

City of San Diego Policy for a Sustainable Water Supply (CP 400-15)

CP 400-15 includes policies to assure an adequate water supply for the City. For example, it is the policy of the City Council to:

- Support economically sound activities that create an affordable and reliable water supply to attract, retain and expand business, and promote an excellent quality of life for residents.
- Support decisions that are aligned with the City's Urban Water Management Plan and the Conservation Element of the City's General Plan.
- Support the use of Water Supply Assessments related to land-use decisions.
- Support and encourage low-water use plumbing, landscaping and irrigation materials in public and private development.
- Support economically sound activities that reduce the City's reliance on imported sources of water and increase local supplies.
- Support the economically sound development of a diverse portfolio of local water supplies to meet the City's present and future needs.
- Support cost-effective programs to recharge, protect and improve the yield from local and regional groundwater basins.

City of San Diego Ordinance O-17327 (Mandatory Water Reuse Ordinance)

This ordinance, adopted by the City Council in 1989, requires that "recycled water shall be used within the City where feasible and consistent with the legal requirements, preservation of public health, safety, and welfare, and the environment." All development projects are required to install an additional water pipeline reserved for reclaimed water, based on the project's location within an existing or proposed recycled water service area. Compliance with this ordinance for new development is made a condition of tentative maps, land use permits, etc. Furthermore, it is the policy of the City that use of potable water for non-domestic uses shall be contrary to the City policy and shall not be considered the most beneficial use of a natural resource and shall be avoided to the maximum extent possible.

Zero Waste Plan

State of California regulations for solid waste (California Public Resources Code, Section 41700 et seq.) require that each region have a plan with adequate capacity to manage or dispose of solid waste for at least 15 years into the future. The City of San Diego's Zero Waste Plan (City of San Diego 2015b) establishes goals to target 75 percent diversion by 2020, 90 percent diversion by 2035, and "zero" by 2040 and outlines potential diversion strategies to help the City achieve these goals. The City's Zero Waste Plan, a component of the City's 2015 CAP, was approved and adopted by the City Council on July 13, 2015. The Zero Waste Plan lays out strategies to be implemented by the City to accomplish the following goals:

- Target 75 percent diversion by 2020, 90 percent diversion by 2035, and "zero waste" by 2040 by identifying potential diversion strategies for future action. To increase the City's waste

diversion rate to 75 percent will require an estimated additional 332,000 tons per year to be diverted from landfill disposal;

- Demonstrate continuous improvement towards a goal of zero waste to landfills;
- Emphasize education by renewing City public information efforts;
- Promote local policies and ordinances and legislation at the state level that encourage manufacturers, consumers, and waste producers to be responsible for waste;
- Investigate appropriate new technologies; and
- Re-emphasize market development at the local and State level.

The City's ESD estimates that compliance with existing City codes and ordinances alone (including the Refuse and Recyclable Materials Storage Regulations [SDMC Chapter 14, Article 2, Division 8], Recycling Ordinance [SDMC Chapter 6, Article 6, Division 7], and the Construction and Demolition Debris Deposit Ordinance [SDMC Chapter 6, Article 6, Division 6]) would achieve only an approximate 40 percent diversion rate, which is substantially below the current 75 percent diversion level targeted by the state and the goals of the City's Zero Waste Plan.

The Recycling Ordinance requires all single-family, multi-family, and commercial uses to participate in a recycling program by separating recyclable materials from other solid waste and depositing the recyclable materials in the approved recycling containers. The Construction and Demolition Debris Deposit Ordinance requires project applicants to submit a Waste Management Form with the building permit or demolition/removal permit, to provide a general estimate of the total waste generated by the project including how much will be recycled. The code requires a minimum diversion rate of 50 percent for building permits or demolition/removal permits issued within 180 calendar days of the effective date of the ordinance, and a minimum diversion rate of 75 percent for building permits or demolition/removal permits issued after 180 calendar days from the effective date of the ordinance, provided that a certified recycling facility which accepts mixed construction and demolition debris is operating within 25 miles of the City Administrative Building.

City of San Diego Climate Action Plan

In 2022 the City of San Diego released an update to the 2015 Climate Action Plan that has a community-wide goal of net zero emissions by 2035. In February 2023, the City released a draft Implementation Plan as an accompaniment to the Climate Action Plan. This draft Implementation Plan includes six strategies to assist in reaching the community-wide goal of net zero emissions. Strategy 4: Circular Economy and Clean Communities includes a 2030 target of 82 percent Waste Diversion Rate and 85 percent Landfill Gas Capture rate and a 2035 target of 90 percent waste diversion rate and 90 percent landfill gas capture. (City of San Diego, 2023.)

5.14.3 Impact Analysis

5.14.3.1 Issue 1

Issue 1 Would the proposal result in the need for new systems, or require substantial alterations to existing utilities, the construction of which would create physical impacts with regard to the following utilities: natural gas, water, sewer, communications systems, and solid waste disposal?

Impact Thresholds

Based on the City's Significance Determination Thresholds (2022), impact analysis of public utilities should focus on the physical impacts associated with the construction or expansion of existing utilities. Impacts to public utilities would be significant if the removal, construction, and/or relocation of the utility would:

- Result in direct impacts from the construction of new or expanded public utilities needed to serve the project, and/or
- Construct, demolish, or renovate 1,000,000 square feet or more of building space, which would generate approximately 1,500 tons or more of waste. For projects over 1,000,000 square feet, a significant impact would result if compliance with the City's waste management ordinances, and the Waste Management Plan fails to reduce impacts of such projects to below a level of significance and/or if a Waste Management Plan for the project is not prepared and conceptually approved by ESD prior to distribution of the draft environmental document for public review.

Additionally, the City Thresholds note the following guidance should be considered in determining whether the utility work could have significant environmental impacts.

Would removal, construction, and/or relocation of the utility:

- Be compatible with existing and adjacent land uses?
- Change drainage or affect water quality/runoff?
- Affect air quality?
- Affect biological resources including habitat? Consider access road locations.
- Have a negative aesthetic effect? Visual simulations might be necessary.
- Impact historical resources?
- Increase noise levels to sensitive receptors?

Analysis

Water

The project is located within an urbanized area in the Otay Mesa-Nestor community. Water service is provided by CWA. There are existing water facilities that serve the existing residence on the project site, as well as adjacent developed areas. CWA has reviewed the project and has determined the size and capacity of these existing utilities would be adequate to serve the project. No new systems or

alterations to the existing utilities would be required. Development of the project would not trigger the need for new water facilities or the expansion of those facilities beyond what is proposed for the project. Adequate services are available to serve the project. Impacts would be less than significant. See Figure 5.14-1, *Existing and Proposed Water Facilities*, serving the project.

Wastewater

The project's private sewer system has been designed in general conformance with the City of San Diego Sewer Design Guide (Appendix Q). The project is proposing to connect all 198 multi-family residential units to the existing eight-inch diameter gravity sewer line located in Hollister Street to the west of the project site. The project would extend the existing eight-inch gravity sewer in Hollister Street approximately 100 feet north to a new manhole. The private eight-inch sewer lateral from the project would connect to the new manhole. The project's private eight-inch diameter sewer lateral would be aligned under the existing San Diego & Arizona Easterns (SD&AE) railroad right-of-way between the project boundary and Hollister Street. The existing eight-inch, ten-inch, and twelve-inch public gravity sewer lines downstream of the project site up to the 42-inch diameter. San Ysidro Trunk Sewer connection can accommodate both existing sewer flow and the sewer flows of the proposed project. See Figure 5.14-2, *Existing and Proposed Sewer Facilities*, serving the project.)

Solid Waste

A Waste Management Plan (WMP) was prepared for the project pursuant to the City Determination Thresholds. The WMP for the project is designed to implement and adhere to all city ordinance and regulations with regards to waste management, as detailed in the WMP (Appendix P). Provided below is a discussion of solid waste generation associated with demolition, grading, construction, and operation of the project based on information in the WMP (Appendix P) prepared for the project.

Demolition

The project proposes demolition of the existing main building and ~~several~~ two outbuildings totaling approximately 2,684 square feet. Approximately 395 tons of waste are expected to be generated during demolition. Of this total, 379 tons of demolition material would be recycled, to include trees, concrete, asphalt, foundations, building structure, masonry walls, curb and gutter, and switch gear and cable. Approximately 16.17 tons of demolition debris would be disposed in a landfill, to include non-useable lumber, drywall, glass, miscellaneous trash, roofing paper, broken roof tiles, and floor tile.

Grading

The project would require approximately 15,000 cubic yards of cut and 38,500 cubic yards of fill. The project would not require any material to be exported, and no grading waste would be generated by the project.

Construction

Construction of the project would occur over two years. Construction activities would generate packaging materials and unpainted wood, including wood pallets, and other miscellaneous debris. Construction debris would be separated on-site into material-specific containers to facilitate reuse and recycling and to increase the efficiency of waste reclamation, and/or would be collected by a contracted waste hauler and separated at the facility.

Management of construction material and recycling would adhere to industry standards such that refuse that cannot be reused or recycled is disposed of at appropriate facilities. Provided below is a list of general procedures which would be implemented such that 75 percent of construction waste, in accordance with AB 341 and current City diversion targets for project-specific waste management plans, would be diverted from disposal in landfills in accordance with City requirements.

- Recycling, salvage, reuse, and disposal options would be determined before each job begins.
- Materials that can be reused would be donated to charities and nonprofit agencies, when practical.
- Advertisements would be placed in local newspapers announcing salvageable and reusable materials for sale or donation.
- Refuse haulers and recycling facilities would be selected based on their responsiveness to the recycling plan, fees, and geographic proximity to the job site.
- Solid waste management coordinator will be responsible for educating contractors and subcontractors regarding waste management plan requirements.
- Recycling areas would be clearly identified with large bilingual signs to ensure contamination rates in bins are below five percent by weight.
- Recycling bins would be placed in areas that would minimize misuse or contamination by employees and the public (location to be approved by ESD staff).
- Reuse building materials, use materials that have recycled content, or use materials that are derived from sustainable or rapidly renewable sources to the extent possible.
- Scheduling time for deconstruction and recycling activities to take place during project construction phase.

To facilitate management of construction materials, as individual developments come forward, the developer shall identify one person or agency connected with the proposed development to act as Solid Waste Management Coordinator, whose responsibility it becomes to work with all contractors and subcontractors to ensure material separation and coordinate proper disposal and diversion of waste generated. The Solid Waste Management Coordinator would help to ensure all diversion practices outlined in this Waste Management Plan are upheld and communicate goals to all contractors involved efficiently.

The responsibilities of the Solid Waste Management Coordinator, include, but are not limited to, the following:

- Review the Solid Waste Management Plan including responsibilities of Solid Waste Management Coordinator.
- Work with contractors to estimate quantities of each type of material that would be salvaged, recycled, or disposed of as waste, then assist contractors with documentation.
- Review and update procedures as needed for material separation and verify availability of containers and bins needed to avoid delays.
- Review and update procedures for periodic solid waste collection and transportation to recycling and disposing facilities.

The contractors would perform daily inspections of the construction site to ensure compliance with the requirements of the Waste Management Plan and all other applicable laws and ordinances and report directly to Solid Waste Management Coordinator. Daily inspections would include verifying the availability and number of dumpsters based on amount of debris being generated, correct labeling of dumpsters, proper sorting and segregation materials, and salvaging of excess materials.

Construction debris would be separated onsite into material-specific containers, corresponding to the materials types to facilitate reuse and recycling and to increase the efficiency of waste reclamation. In accordance with City WMP requirements, the City's Construction and Demolition Ordinance, the City's current diversion targets, and AB 341, 89 percent of the construction materials generated by the project are targeted for diversion.

Occupancy

While the construction phase for each building constructed within the project occurs as a one-time waste generation event, occupancy requires an on-going plan to manage waste disposal to meet the waste reduction goals established by the City and state. Future developments within the project will comply with the City's Recycling Ordinance. In addition to refuse and recycling bins, the project would provide green organic waste bins in support of SB 1383's waste diversion targets. All recyclable materials will be delivered to an appropriate recycling facility(s), such as the Miramar Recycling Center, located at 5165 Convoy Street, San Diego, California 92111.

The project proposes 198 multi-family residential dwelling units. Per Refuse and Recyclable Materials Storage Regulations [SDMC Chapter 14, Article 2, Division 8], the project would require a minimum of 384 square feet refuse storage area, 384 square feet of organic waste storage area, and a minimum of 384 square feet recyclable material storage area for a total of approximately 1,152 square feet minimum of exterior refuse, organic waste, and recyclable material storage area.

On-site recycling services shall be provided to all residents within the proposed project. Residents that receive solid waste collection service shall participate in a recycling program by separating recyclable materials from other solid waste and depositing the recyclable materials in their recycling container. Recycling services are required by Section 66.0706 of the City of San Diego Land Development Code. Based on current requirements, these services shall include the following:

- Continuous assessment of new technologies for recycling, composting, cogeneration, and disposal to maximize efficient use of resources and environmental protection;
- Collection of recyclable materials at least two times per month;
- Collection of plastic bottles and jars, paper, newspaper, metal containers, cardboard, and glass containers;
- Utilization of recycling receptacles or containers which comply with the standards in the Container and Signage Guidelines established by the City of San Diego Environmental Services Department;
- Designated recycling collection and storage areas; and
- Signage on all recycling receptacles, containers, chutes, and/or enclosures which complies with the standards described in the Container and Signage Guidelines established by the City of San Diego Environmental Services Department

For multi-family residential facilities within the project (as required by Section 66.0706 of the City of San Diego Land Development Code), the building management or other designated personnel shall ensure that occupants are educated about the recycling services as follows:

- Information, including the types of recyclable materials accepted, the location of recycling containers, and the occupants' responsibility to recycle shall be distributed to all occupants annually;
- All new occupants shall be given information and instructions upon occupancy; and
- All occupants shall be given information and instructions upon any change in recycling service to the commercial facility.

The project would implement all measures and requirements in the WMP to the fullest degree of accuracy and efficiency. Additionally, the WMP (Appendix P) for the project is designed to implement and adhere to all City ordinance and regulations with regards to waste management.

Communications Systems

The project site is located within an urbanized portion of the City of San Diego currently serviced by a number of communications providers. Facilities are in place to continue communications services in the Otay Mesa-Nestor community.

Relative to full buildout under the proposed Residential Multiple (RM-2-6) zone, like the project, impacts to water, sewer, solid waste, and communications systems would be less than significant. All required utilities would be included as part of any project or are existing to serve development of the project site. Impacts would be less than significant.

Significance of Impacts

The project would not result in significant impacts to water, sewer, solid waste, and communications systems. All required utilities would be included in the project or are existing. Impacts of all

proposed project utilities is included herein. Impacts would be less than significant, as detailed below for each utility.

Water

On-site water infrastructure would be designed and sized to meet the project's water needs in conformance with City standards. The physical construction of these facilities has been analyzed within the various sections of this EIR, as all facilities would be a part of the project's proposed grading and construction plans. Development of the project would not significantly increase the demand for water or services, and as such, would not trigger the need for new water facilities or the expansion of those facilities beyond what is proposed. Therefore, project impacts to water infrastructure would be less than significant.

Wastewater

Based on the available capacity of existing sewer facilities, the increase in demand associated with wastewater utilities would not be significant. Construction of wastewater facilities to serve the project would be subject to standard industry measures and the SDMC (Appendix Q). The physical construction of these facilities has been analyzed within the various sections of this EIR, as all facilities would be a part of the project's proposed grading and construction plans. The project would not adversely affect existing wastewater treatment services, and adequate services are available to serve the project without requiring new or expanded entitlements. Impacts related to wastewater infrastructure would be less than significant.

Solid Waste

The project would generate solid waste during the demolition, grading, construction, and operational phases. However, with implementation of the strategies outlined in the project-specific WMP (Appendix P) through conditions of approval, as well as compliance with applicable City regulations related to solid waste, the project would not require new or expansion of solid waste facilities, including landfills. Therefore, impacts would be less than significant.

Communication Systems

Facilities are in place for communications services in the Otay Mesa-Nestor community. Minor connections to existing lines would be completed as a part of the project. Impacts would be less than significant.

Mitigation Measures

Mitigation would not be required.

5.14.3.2 Issue 2 and Issue 3

Issue 2 *Would the project result in the use of excessive amounts of fuel or energy (e.g.) natural gas?*

Issue 3 *Would the project result in the use of excessive amounts of power?*

Impact Thresholds

Analysis

As analyzed in section 5.5, *Energy*, the project would not use an excessive amount of fuel, energy, or power. The project would increase demand for energy in the project area and SDG&E's service area. However, no adverse effects on non-renewable resources are anticipated. The project would follow UBC and Title 24 requirements for energy efficiency and would incorporate sustainable design features directed at reducing energy consumption. Because the proposed project would comply with Title 24, Part 6 and Part 11, would be consistent with the City's General Plan Conservation Element policies pertaining to energy use, and would implement the required components identified within Step 2 and Step 3 of the City's CAP Checklist, no conflict with existing energy standards and regulations would occur. Therefore, impacts would be less than significant.

Relative to full buildout under the proposed Residential Multiple (RM-2-6) zone, like the project, impacts would be less than significant. All required utilities would be included as part of any project or are existing to serve development of the project site. Additionally, as evaluated in Section 5.5, *Energy*, maximum development under the RM-2-6 zone would not result in the use of excessive amounts of fuel, energy, or power. Impacts would be less than significant.

Significance of Impacts

The project would not result in the use of excessive amounts of fuel, energy, or power. Impacts would be less than significant.

Mitigation Measures

Mitigation would not be required.

5.14.3.3 Issue 4 and Issue 5

Issue 4 *Would the proposal result in the use of excessive amounts of water?*

Issue 5 *Does the proposal propose landscaping which is predominantly non-drought resistant vegetation?*

Impact Thresholds

Based on the City Thresholds, a project could have a significant public utilities impact related to water if it would:

- Use an excessive amount of potable water; or
- Propose predominately non-drought resistant landscaping and excessive water usage for irrigation and other purposes.

Analysis

The project would not result in the use of excessive amounts of potable water. The project would develop in accordance with Title 24 of the CCR.

The project would incorporate water conservation measures, such as planting native and drought-tolerant landscape materials and plant species, and providing low-flush toilets, low-flow faucets, low-flow sprinkler heads, drip irrigation, and smart irrigation with automatic controllers in irrigation systems to reduce water usage. These items comply with the California Green Building Standards Code and CAP, and are required project elements that comprise project conditions.

Overall, the project would include native and naturalized drought-tolerant species consistent with the Landscape regulations. All landscape and irrigation would conform to the city-wide landscape regulations, the City of San Diego Land Development Manual, Landscape Standards, and all other landscape-related City and regional standards. An automatic, electrically controlled irrigation system would be provided, as required by LDC 142.0403(c).

Additionally, all irrigation design and maintenance would conform to the City of San Diego's latest water use restrictions, and the project's irrigation system has been designed to meet the City's water efficient landscape ordinance contained within Chapter 14, Article 2, Division 4, *Landscape Regulations*, of the Municipal Code.

Use of drought-tolerant plants in accordance with the City's LDC, and incorporation of smart irrigation technology and hardscape elements would avoid the need for excessive irrigation. The project would also be required to comply with the mandatory measures associated with the City's Water Conservation Program. Impacts related to water usage for irrigation would therefore be less than significant.

With use of these features, the project would not result in the use of excessive amounts of water. Impacts to water would be less than significant.

Relative to full buildout under the proposed Residential Multiple (RM-2-6) zone, like the project, impacts would be less than significant. Any development on the project site would be required to incorporate water sustainable design features, techniques, and materials that would reduce water consumption in accordance with Title 24; and landscaping would be consistent with the City's Landscape Regulations, including use of drought tolerant vegetation and water efficient irrigation systems. Impacts would be less than significant.

Significance of Impacts

The project would incorporate water sustainable design features, techniques, and materials that would reduce water consumption. Impacts would be less than significant.

The project would include landscaping consisting of native and naturalized drought-tolerant species consistent with the Landscape regulations. Impacts would be less than significant.

Mitigation Measures

Mitigation would not be required.

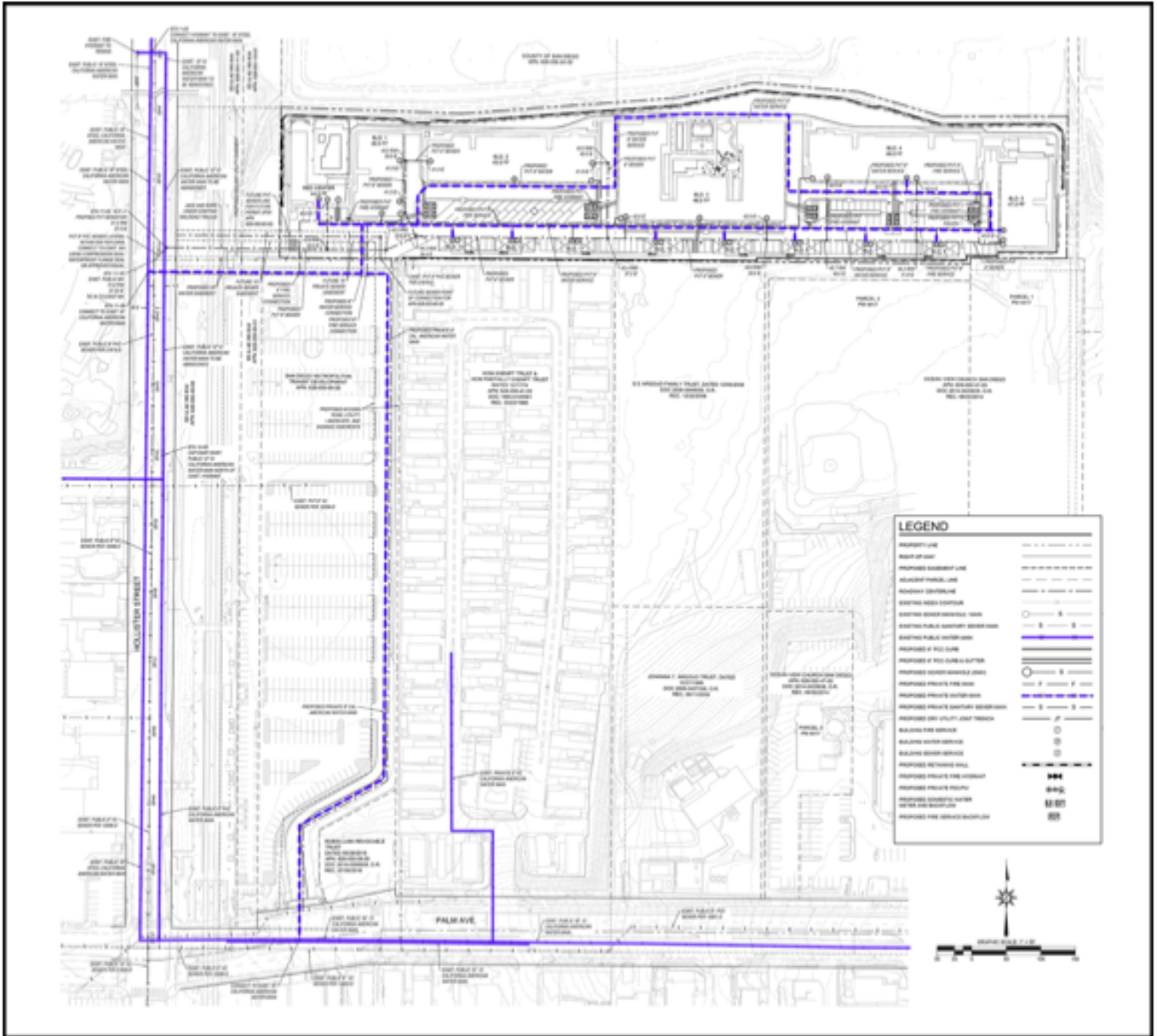


Figure 5.14-1, Existing and Proposed Water Facilities

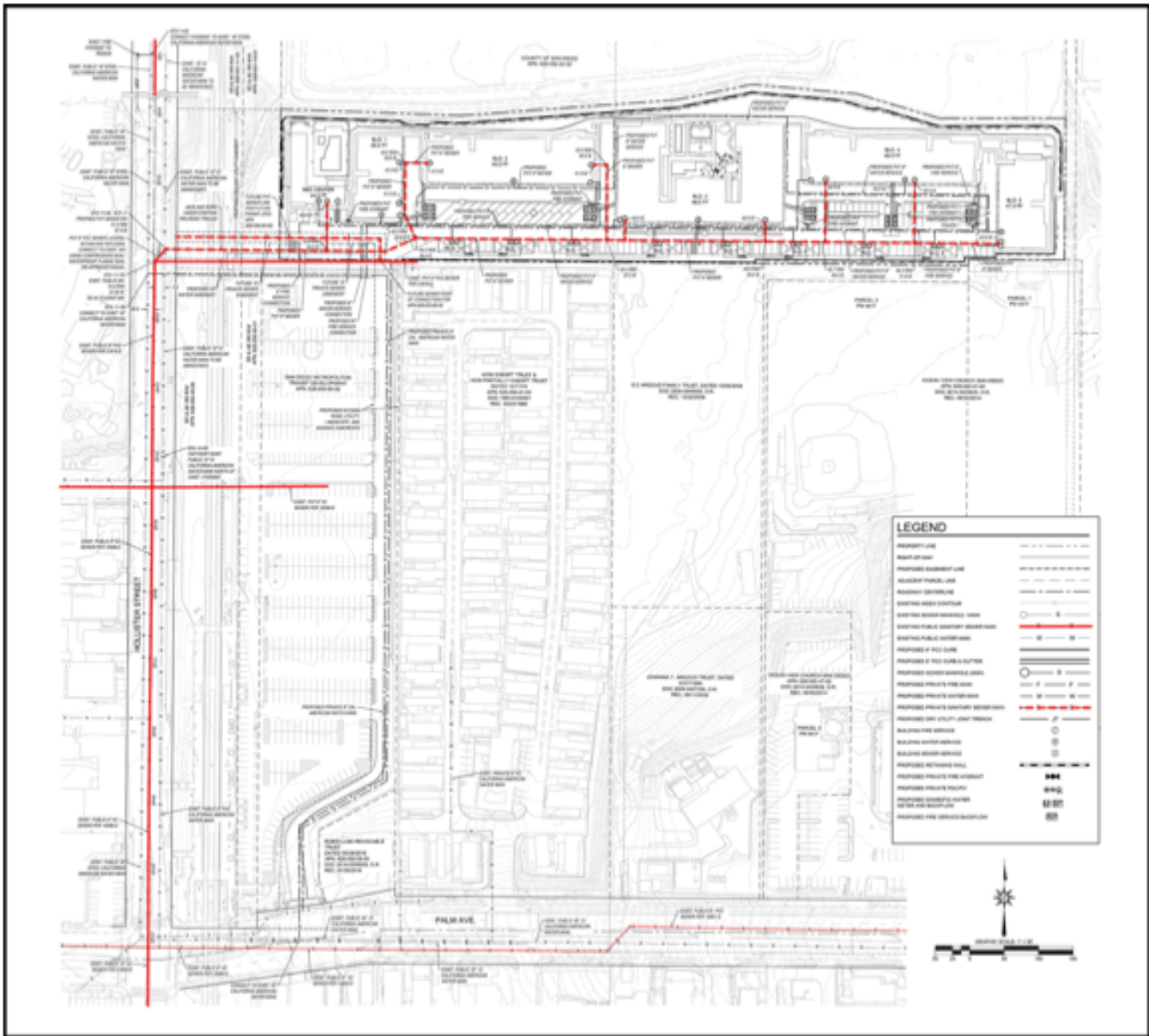


Figure 5.14-2, Existing and Proposed Sewer Facilities

5.15 Tribal Cultural Resources

The following section describes the existing tribal cultural resource conditions, evaluates policies and regulatory requirements applicable to the project, evaluates potential impacts, and identifies mitigation measures, if applicable, related to project implementation. The discussion is based on a *Negative Survey Report Using the Archaeological Resources Report Form* prepared by ASM Affiliates (November 29, 2022), which is included as Appendix M and consultation with California Native American tribes traditionally and culturally affiliated with the project area who have requested consultation pursuant to Public Resources Code (PRC) Section 21080.31.

5.15.1 Existing Conditions

Physical Conditions

As described previously, the project site is developed with a vacant residential structure and outbuildings. The site is characterized by disturbed and developed land being used as a construction staging area or that supports area predominated by non-native plant species. Historically the site was used for agricultural purposes. The site is located near the Otay River, which is an undeveloped corridor that extends from Otay Lakes to the San Diego Bay. The site is located in an urban area, with the Palm Avenue Trolley Station to the south and Hollister Avenue to the west. A plant nursery operates to the north of the project site within the Otay River Valley Park (OVRP). The Palm Avenue Trolley parking lot, a mobile home park and the Ocean View Christian Academy sports field are to the south of the project site.

The project is located within the coastal plains province of San Diego County. The project area is underlain by late Cenozoic sedimentary rocks, including the Pleistocene Bay Point Formation and Pliocene San Diego Formation (Appendix M). To the east in the foothills of the Peninsular Ranges are Mesozoic metamorphic and granitic rocks, which provided material for milling tools used by the prehistoric inhabitants of the region, and quartz dikes within the granitic rocks provided a local material for manufacturing flaked stone tools. The region's prime source of material for flaked stone tools was the metavolcanic rock of the Santiago Peak Volcanics, which is available in streambeds in low-lying areas approximately 20 kilometers to the southwest.

As described in Section 5.6, *Geologic Conditions*, the project area is underlain by artificial fill, Young Alluvial Flood-plain deposits and Old Paralic deposits. There are no known tribal cultural resources on the project site (Appendix M).

Ethnographic, Religious, And Cultural Context

Many areas of San Diego County, including mesas and the coast, are known for intense and diverse prehistoric occupation and important archaeological and historical resources. The prehistory of San Diego County has most frequently been divided chronologically into three or four major periods. An Early Man stage, perhaps dating back tens of thousands of years, has been proposed, but no widely accepted evidence of human occupation of North America dating prior to about 12,000 Before Christ

(B.C.) has emerged. More generally accepted divisions include a Terminal Pleistocene/Early Holocene period (ca. 12,000-6000 B.C.), a Middle/Late Holocene period (ca. 6000 B.C.- Anno Domini (A.D.) 800), and a Late Prehistoric period (ca. A.D. 800-1769).

For the Terminal Pleistocene/Early Holocene period (ca. 12,000-6000 B.C.), the earliest chronologically distinctive archaeological evidence is the Clovis pattern. Dated elsewhere in North America to around 11,500 B.C., Clovis assemblages are distinguished primarily by large fluted projectile points. At least three isolated fluted points have been reported within San Diego County. The most widely recognized archaeological pattern within this period is termed San Dieguito and has been dated from at least as early as 8500 B.C. to perhaps around 6000 B.C.

Archaeological evidence from the Middle/Late Holocene Period (ca. 6000 B.C.-A.D. 800) period in the coastal San Diego region has been characterized as belonging to the Archaic stage, Millingstone horizon, Encinitas tradition, or La Jolla pattern. Distinctive characteristics of the La Jolla pattern include extensive shell middens, portable ground stone metates and manos, crudely flaked cobble tools, occasional large expanding stemmed projectile points (Pinto and Elko forms) and flexed human burials.

A Late Prehistoric period (ca. A.D. 800-1769) in coastal San Diego County has been distinguished, primarily on the basis of three major innovations: the use of small projectile points, brownware pottery, and the practice of human cremation. Labels applied to the archaeological manifestations of this period include Yuman, Cuyamaca, Patayan, and Hakataya. Traits characterizing the Late Prehistoric period include a shift toward greater use of inland rather than coastal settlement locations, greater reliance on acorns as an abundant but labor-expensive food resource, a greater emphasis on hunting of both large and small game, a greater amount of interregional exchange, more elaboration of nonutilitarian culture, and possibly denser regional populations.

In ethnohistoric times, central and southern San Diego County was occupied by speakers of a Yuman language or languages, variously referred to as Kumeyaay, Diegueño, Tipai, and Ipai. Kumeyaay territory extended from south of Agua Hedionda Lagoon, Escondido, and Lake Henshaw to south of Ensenada in northern Baja California, and east nearly as far as the lower Colorado River. The Kumeyaay inhabited a diverse environment that included littoral, valley, foothill, mountain, and desert resource zones. A large number of village sites have been identified throughout San Diego County. The diet of the Kumeyaay included both plant and animal foods, and groups residing near Mission Valley could have utilized several ecological niches varying by altitude.

Native American Heritage Commission Sacred Lands File

ASM requested a Native American Heritage Commission Sacred Lands File (NAHC) search of its Sacred Lands (SLF) File on March 22, 2022, for the project site. On May 3, 2022, the NAHC provided a list with the results of its search of Native American tribes and individuals/organizations that might

have knowledge of cultural resources in or near the project site. The NAHC search of their SLF was negative for this project area.

AB 52 Outreach

The City conducted government-to-government consultation with Native American tribes under Assembly Bill (AB) 52. The City provided formal consultation notification to the San Pasqual Band of Mission Indians, Jamul Indian Village and Lipay Nation of Santa Ysabel. Formal notification letters were sent to aforementioned tribes on March 22, 2023 describing the location of the project site, identifying the positive record search on the California Historic Resources Information System (CHRIS) digital database, and provided a copy of the site-specific archaeological report. No tribes requested consultation or provided comment within the 30-day period.

5.15.2 Regulatory Framework

5.15.2.1 Federal

United States Code, Title 25, Section 3100 et seq.

The Native American Graves Protection and Repatriation Act is a federal law passed in 1990 that provides a process for museums and Federal agencies to return certain Native American cultural items, such as human remains, funerary objects, sacred objects, or objects of cultural patrimony, to lineal descendants and culturally-affiliated Indian tribes.

National Historic Preservation Act of 1966 and National Register of Historic Places

The National Register of Historic Places (NRHP) is the official list of the nation's historic places worthy of preservation. The NRHP, as authorized by the National Historic Preservation Act of 1966, is part of a national program to coordinate and support public and private efforts to identify, evaluate, and protect America's historic and archaeological resources. Once listed in the NRHP, a resource or property is officially recognized as historically significant to the nation, the state, or the community. Properties listed (or potentially eligible for listing) in the NRHP must meet certain significance criteria and possess integrity of form, location, or setting. Barring exceptional circumstances, resources generally must be at least 50 years old to be considered for listing in the NRHP.

Criteria for listing in the NRHP are stated in the Code of Federal Regulations (36 CFR 60). A resource may qualify for listing if there is quality of significance in American history, architecture, archaeology, engineering, and culture present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and where such resources:

1. Are associated with events that have made a significant contribution to the broad patterns of history.
2. Are associated with the lives of persons significant in the past.

3. Embody the distinctive characteristics of a type, period, or method of construction; represent the work of a master; possess high artistic values; or represent a significant and distinguishable entity whose components may lack individual distinction.
4. Have yielded, or may be likely to yield, information important in prehistory or history.

Eligible properties must meet at least one of the NRHP criteria and exhibit integrity, measured by the degree to which the resource retains its historical properties and conveys its historical character, the degree to which the original historic fabric has been retained, and the reversibility of changes to the property. The fourth criterion is typically reserved for archaeological and paleontological resources.

5.15.2.2 State

California Register of Historical Resources (California Public Resources Code, Section 5020 et seq.)

In California, the term “cultural resource” includes but is not limited to “any object, building, structure, site, area, place, record, or manuscript which is historically or archaeologically significant, or is significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California” (California Public Resources Code, Section 5020.1[j]). In 1992, the California legislature established the California Register of Historical Resources (CRHR) “to be used by state and local agencies, private groups, and citizens to identify the state’s cultural resources and to indicate what properties are to be protected, to the extent prudent and feasible, from substantial adverse change” (California Public Resources Code, Section 5024.1[a]). A resource is eligible for listing in the CRHR if the State Cultural Resources Commission determines that it is a significant resource and that it meets any of the following NRHP criteria (California Public Resources Code, Section 5024.1[c]):

1. Associated with events that have made a significant contribution to the broad patterns of California’s history and cultural heritage.
2. Associated with the lives of persons important in our past.
3. Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values.
4. Has yielded, or may be likely to yield, information important in prehistory or history.

Resources less than 50 years old are not considered for listing in the CRHR but may be considered if it can be demonstrated that sufficient time has passed to understand the historical importance of the resource (see 14 CCR 4852[d][2]).

The CRHR protects cultural resources by requiring evaluations of the significance of prehistoric and historic resources. The criteria for the CRHR are nearly identical to those for the NRHP, and properties listed or formally designated as eligible for listing on the NRHP are automatically listed on the CRHR, as are the state landmarks and points of interest. The CRHR also includes properties

designated under local ordinances or identified through local cultural resource surveys. The State Historic Preservation Office maintains the CRHR.

Native American Historic Cultural Sites (California Public Resources Code Section 5097 et seq.)

The Native American Historic Resources Protection Act (California Public Resources Code, Section 5097 et seq.) addresses the disposition of Native American burials in archaeological sites and protects such remains from disturbance, vandalism, or inadvertent destruction; establishes procedures to be implemented if Native American skeletal remains are discovered during construction of a project; and establishes the NAHC to resolve disputes regarding the disposition of such remains. In addition, the Native American Historic Resources Protection Act makes it a misdemeanor punishable by up to 1 year in jail to deface or destroy an Indian historic or cultural site that is listed or may be eligible for listing in the CRHR.

California Native American Graves Protection and Repatriation Act

The California Native American Graves Protection and Repatriation Act, enacted in 2001, requires all state agencies and museums that receive state funding and that have possession or control over collections of human remains or cultural items, as defined, to complete an inventory and summary of these remains and items on or before January 1, 2003, with certain exceptions. The act also provides a process for the identification and repatriation of these items to the culturally affiliated tribes.

California Health and Safety Code, Section 7050.5

This code requires that if human remains are discovered in the project site, disturbance of the site shall halt and remain halted until the coroner has conducted an investigation into the circumstances, manner, and cause of any death, and the recommendations concerning the treatment and disposition of the human remains have been made to the person responsible for the excavation, or to his or her authorized representative. If the coroner determines that the remains are not subject to his or her authority and recognizes or has reason to believe the human remains are those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission.

California Public Resources Code, Sections 5020-5029.5

This code continued the former Historical Landmarks Advisory Committee as the State Historical Resources Commission. The commission oversees the administration of the California Register of Historical Resources and is responsible for the designation of State Historical landmarks and Historical Points of Interest.

California Public Resources Code, Section 5024.1

The CRHR is the State version of the NRHP program. The CRHR was enacted in 1992 and became official January 1, 1993. The CRHR was established to serve as an authoritative guide to the State's significant historical and archaeological resources. Resources that may be eligible for listing include buildings, sites, structures, objects, and historic districts. California Environmental Quality Act (CEQA) identifies a historic resource as a property that is listed on – or eligible for listing on – the NRHP, CRHR, or local registers. NRHP-listed properties are automatically included on the CRHR.

The CRHR also includes properties that: have been formally determined eligible for listing or are listed in the NRHP; are registered State Historical Landmark Number 770 and above; are points of historical interest that have been reviewed and recommended to the State Historical Resources Commission for listing; or are City- or County-designated landmarks or districts (if criteria for designation are determined by California's Office of Historic Preservation (OHP) to be consistent with CRHR criteria).

Assembly Bill 52

The Native American Historic Resource Protection Act sets forth a proactive approach intended to reduce the potential for delay and conflicts between Native American and development interests. Projects subject to AB 52 are those that file a notice of preparation for an Environmental Impact Report (EIR) or notice of intent to adopt a negative or mitigated negative declaration on or after July 1, 2016. AB 52 adds tribal cultural resources (TCR) to the specific cultural resources protected under CEQA. Under AB 52, a TCR is defined as a site, feature, place, cultural landscape (must be geographically defined in terms of size and scope), sacred place, or object with cultural value to a California Native American tribe that is either included or eligible for inclusion in the California Register or included in a local register of historical resources. A Native American tribe or the lead agency, supported by substantial evidence, may choose at its discretion to treat a resource as a TCR. AB 52 also mandates lead agencies to consult with tribes, if requested by the tribe, and sets the principles for conducting and concluding consultation. An EIR was prepared for the project, and the project is subject to AB 52.

Senate Bill 18

California SB 18, which took effect on March 1, 2005, requires local (city and county) governments to consult with California Native American tribes identified by the NAHC for the purpose of protecting, and/or mitigating impacts to cultural places in creating or amending general plans, including specific plans and general plan amendments converting open space (Government Code section 65352.3). The project requires a SB 18 consultation.

5.15.3 Impact Analysis

5.15.3.1 Issue 1

Issue 1 Would the project cause a substantial adverse change in the significance of a tribal cultural resources, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place or object with cultural value to a California Native American tribe, and that is:

- a) Listed of 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*
- 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 Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.*

Impact Thresholds

The City of San Diego has not yet prepared thresholds of significance for potential impacts to Tribal Cultural Resources. Therefore, for purposes of this EIR, guidance provided by issue questions listed in CEQA Appendix G are utilized to evaluate the potential for significant impacts to Tribal Cultural Resources:

- Listed of 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
- 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 Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

Analysis

AB 52 requires meaningful consultation with California Native American tribes on potential impacts to TCRs, as defined in Public Resources Code Section 21074. TCRs are sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either eligible of listed in the California Register of Historic Resources or local register of historical resources.

The project area is located within an area identified as archaeologically sensitive on the City of San Diego Historical Resources Sensitivity Maps; furthermore, there are recorded cultural resources within a one-mile radius of the site. A total of 77 technical and research reports are on file at the SCIC that present the results of studies conducted within a one-mile radius of the project area. Six of

these address the project area. These six reports appear to include various archaeological and historical properties surveys and significance evaluations for large-scale projects within a one-mile radius of the project site. The record search results identified 38 previously recorded cultural resources and 20 historic addresses within the one-mile search radius. None of these resources intersect the project area.

The majority of the project area is comprised of flat land with variable amounts of ground surface visibility. The ground surface that was visible has been previously disturbed by agricultural activities, grading, and the addition of angular gravel. The project area is currently being used as a storage yard for construction equipment and supplies. Approximately one-quarter of the project site, along the northern property boundary, slopes downward to the north and has poor ground surface visibility due to dense vegetation in that area. The project includes off-site access easements through the property owned by MTS. These off-site easements areas have been previously graded and developed with concrete sidewalks, asphalt paving, curbs, and landscaping.

The intensive pedestrian survey of the project site provided no evidence for the presence of cultural resources. A dilapidated residential structure and associated outbuilding were observed during the survey. However, these buildings were previously assessed, determined by City staff not to be an historic resource, and are not included in this investigation. (Development Services, Preliminary Review, June 18, 2021.) A small scatter of fragmented shellfish remains was observed. However, it was found in a highly disturbed context in association with beach sand and appeared to be recently deposited, indicating that it is likely non-cultural shell imported to the site in fill or sandbags.

The cultural resources survey conducted for the Palm & Hollister project by ASM was negative for historical resources. No artifacts or other cultural features were observed during the survey, except for the previously assessed buildings that were not included in the present study. The possibility remains that intact subsurface cultural deposits may exist within the proposed project site considering the sensitivity rating of the area and that cultural resources have been identified in the area of the project site. Proposed grading would potentially disturb or destroy such subsurface resources.

Significance of Impacts

The project area is located within an area identified as sensitive on the City of San Diego Historical Resources Sensitivity Maps. In addition, the Kumeyaay tribes are affiliated traditionally and culturally with the project area. The project area has the possibility for potential TCR (in the form of unknown subsurface archaeological resources). Therefore, there is the potential for inadvertent discovery of a resource that could be impacted by project grading activities. Impacts to a TCR would potentially significant.

Mitigation Measures

Construction monitoring by a qualified archaeologist and Native American monitor would be required for ground disturbing activities during the project construction phase. Impacts to TCRs would be reduced to below a level of significance with implementation of mitigation measure (MM) HIS-1 outlined under Historical Resources (Archaeology).

Significance of Impacts Following Implementation of Mitigation Measures

Impacts to TCRs, with implementation of MM-HIS-1 that requires a monitoring program during grading, would be reduced to below a level of significance.

5.16 Visual Effects and Neighborhood Character

The following section describes the existing visual conditions, evaluates policies and regulatory requirements applicable to the project, evaluates potential impacts, and identifies mitigation measures, if applicable, related to project implementation.

5.16.1 Existing Conditions

5.16.1.1 Site Conditions

The approximately 5.92-acre site is currently developed with a vacant residential structure and outbuildings (see Figure 2-1, *Existing Site Conditions*, and Figure 5.16-1, *Existing Site Conditions – Close-up*.) The residential structure is in a state of disrepair with most windows broken, missing and boarded up. The one outbuilding appears to have been a garage and is in Spanish style architecture with beige stuccos, white garage doors and dark brown entry door on the side of the structure. The other outbuildings are also in disrepair, covered in graffiti, and surrounding by trash and building debris. Landscaping consists of non-native ornamental vegetation and disturbed land that is being used as a construction station area. Construction staging consists of concrete tubes, and piping, various piles of soil, multiple storage containers, and construction equipment and vehicles. Chain link fencing surround most of the project site.

The majority of the site is generally flat. An exception is along the northern border, which slopes down towards the off-site nursery. The site slopes from the northwest to the southeast, with elevations on-site ranging from 23 feet above mean sea level (AMSL) in the northwest corner to 54 feet AMSL in the southeast corner. No natural slopes exist on the project site.

5.16.1.2 Surrounding Conditions

Existing surrounding development includes building heights of one to two stories, and varying lot coverages. South of the project site are the La Palma Mobile Home Estates and the Ocean View Church and Academy. La Palma Mobile Home Estates is comprised of single-story mobile homes with interior drives to serve the homes. Mobile homes are aligned side-by-side in a uniform manner cover the majority of the project site. The Ocean View Church and Academy features a large, central building complex with smaller buildings off-set from that, surface parking, and an athletic field. Buildings are one and two stories in height and generally cover half of the site, with the open parking lot and athletic field occupying the other half. Further south across Palm Avenue, are single family homes consisting of mostly one story with a few two-story homes and garages. Lot coverage is similar to a traditional single family neighborhood. Farther south, along Palm Avenue between Hollister and the I-5 freeway, development consists of a mix of commercial uses and single and multi-family homes. Buildings are one and two stories in height and cover the majority of the lots. West of the project site, across Hollister Street, is Golf Laboratories, Inc., which creates and manufactures robots to conduct independent testing of golf equipment. The development is predominantly an open grass field with a large central two-story building. Beyond that is the I-5

freeway. North of the project site is the OVRP. Terra Bella Nursery occupies property immediately north of the project site within the OVRP.

5.16.1.3 Public Views of the Site

The project site is situated in the Palm City neighborhood in the Otay Mesa-Nestor community (see Figure 2-2, *Project Location Map*). Public views of the project site from public roadways, such as Palm Avenue and Hollister Street, are limited due to the site's location, distance, the intervening San Diego & Arizona Eastern (SD&AE) railroad tracks and berms, and existing development. Public views of the site are available from a trailhead at the Otay Valley Regional Park (OVRP), located just beyond the northwest corner of the project site, and from the SD&AE rail lines. Public access to the trailhead is from the northern end of the Palm Avenue Trolley parking lot and trolley station, as discussed below.

Views from the OVRP Trailhead

A trailhead to the OVRP is located just beyond the northwest corner of the project site. (See Figure 5.16-2, *Otay Valley Regional Park Trail Map*.) This viewpoint is at the north end of the Metropolitan Transit System (MTS) Palm Avenue Trolley parking lot. Views associated with this area include the trolley and rail tracks, station, parking lot, and storage containers in the rear of the parking lot, as well as the mobile home park adjacent to the eastern side of the parking lot. Public views of the project site from the trailhead consist of the construction staging area, which includes various construction vehicles, soil piles, storage containers, and large pipes all behind a chain linked fence at the project site border. Descending the trail into the OVRP and looking east, views are of the adjacent nursery and the northern slopes of the project site (see Figure 5.16-3, *Views of the Project Site from OVRP Trailhead and Trail*).

Views from the Palm Avenue (Blue Line) Trolley Station

Public views of the project site from the south are provided from the Palm Avenue Trolley Station. The site is not discernable from the entrance to the trolley station. However, there are views at the north end of the trolley station of the site and those views include the chain link fence that surrounds the project site, trees, and construction materials being stored on the project site (see Figure 5.16-4, *Views from the Palm Avenue (Blue Line) Trolley Station Parking Lot*). Associated views from this location include the trolley station parking lot and station to the south and mobile home park to the east. To the west, SD&AE rail lines and Blue Line Trolley track are visible, as well as commercial uses across Hollister Street.

Views from the SD&AE Railroad/Blue Line Trolley Track

Views of the project site from the west are provided from the SD&AE rail lines and Blue Line Trolley track, located between the project site and Hollister Street. These views are of the disturbed land, and consist primarily of bare ground, non-native vegetation and bushes. (See Figure 5.16-5, *Views*

from the SD&AE Railroad/Blue Line Trolley Track.) Hollister Street, single family residences and a large open field and manufacturing are visible to the west.

Obstructed Views

Figures 5.16-6a and 5.16b, *Obstructed Views of the Project Site*, show obstructed views of the project site. Views from Palm Avenue and Hollister Street are not possible due to intervening vegetation, structures and/or topography. From Palm Avenue, intervening development, including the La Palma Mobile Estates and Ocean View Church and Academy, as well as landscaping along Palm Avenue, preclude views of the project site. From Hollister Street looking east toward the project site, the berm for the SD&AE/Blue Line Trolley tracks block views of the project site. While views from Palm Avenue through the Palm Avenue Trolley parking lot and trolley station northward toward the project site are available, the project site is set at such a distance that the site would not be discernable.

5.16.1.4 Scenic Resources and Scenic Vistas

The project site includes mature trees, open areas, and a single-family residence with supporting structures. The project site is made up of disturbed land and does not include native habitat. Mature trees and open areas provide scenic value.

The nearest officially designated State scenic highway is State Route (SR) 75 located approximately two miles west of the project site. Portions of SR-75 within one-half mile of the project site are eligible for designation as a State scenic highway. Due to the distance to the project site, the project site is not visible from the portion designated as a State scenic highway nor the portions that are eligible for designation.

As stated above, the project site is currently developed with a vacant residential structure and outbuildings. City staff reviewed these structures and determined them not to be considered historically significant as the buildings have been modified and do not retain the historic integrity necessary to meet local designation criteria.

A Guideline of the Otay Mesa-Nestor Community Plan (Community Plan) states: *Public views from proposed developments to the bay, valley and steep hillsides shall be preserved* (Otay Mesa-Nestor Community Plan, 2016). Appendix C, *View Corridors and View and Access Points*, of the Community Plan describes the community's view corridors and view and access points. According to the Community Plan, *[v]iew corridors may be any length, and include streets, alleys, street rights-of-way and edges of development*. The Community Plan identifies the site as containing two view and access point areas of the OVRP as shown on Figure 5.16-7, *Otay Mesa-Nestor Community View Corridors*, and Figure 5.16-8, *View and Access Points Proximate to the Project Site*. The view and access points on the site include the following:

- *Palm Avenue Transit Center/Park-and-Ride: Provide a viewpoint overlooking the valley, north of the trolley station parking lot. Provide physical access, via a stairway, into the valley.*
- *Midway Baptist Church¹: Encourage the Church to provide a public viewpoint overlooking the valley.*

View and Access Points *are designated in areas where view corridors do not exist and are intended as places that encourage and invite public use* (Otay Mesa-Nestor Community Plan, 2016). The Community Plan further describes View and Access Points as:

- *View points should be developed with seating and lighting. Signage should be provided at access points indicating the location of parking areas, trailheads, public stairways, and public parks and open spaces, as appropriate.*
- *Several Otay River Valley view and access points are proposed as amenities to augment the Otay Valley Regional Park (Topic 1a). These locations may provide opportunities for incorporating access, trailheads, and passive viewing areas into the future park.*

(Otay Mesa-Nestor Community Plan, 2016.)

Overall, the project is a part of a scenic vista that includes mature trees and open areas.

5.16.1.5 Neighborhood Character

The 5.92-acre site is located within the Palm City neighborhood of the Otay Mesa-Nestor community. The Palm City neighborhood is located in the central portion of the Otay Mesa-Nestor community. There are no community identification symbols or landmarks in the area. Historically, the Palm City neighborhood has been the transportation hub for the community and is characterized by the variety of land uses located along the trolley corridor. Land use designation, zones, and existing uses within the Palm City neighborhood are varied and land divisions are comprised of many small, irregularly shaped lots. Existing development includes light industrial and warehousing, automobile repair shops, a variety of commercial uses, single-family and multifamily residential, and mobile home parks. No single architectural theme or unified building design theme is present within the Palm City neighborhood or adjacent Nestor neighborhood. There is no general consistency in the visual appearance of development, as the quality of existing development ranges from poorly maintained to well maintained. Surrounding structures are of a variety of bulk and scale, including single- and two-story auto-oriented strip commercial structures (typically in a multi-tenant strip mall orientation) and single- and two-story residential structures. Landscaping, including street trees, is minimal; and a variety of signage types contributes to the general lack of visual cohesiveness.

Existing surrounding development includes building heights of one to two stories, and varying lot coverages. Low density housing in the form of a mobile home park (La Palma Mobile Home Estates) and the Ocean View Church and Academy occur south of the project and separate the project from Palm Avenue. Along Palm Avenue between Hollister and the I-5 freeway, development consists of a

¹ Midway Baptist Church is now Ocean View Christian Church.

mix of commercial uses and single and multi-family homes. Buildings are one and two stories in height and cover the majority of the lots. Farther south across Palm Avenue, are single family homes consisting of mostly one story with a few two-story homes and garages, with structures covering the majority of lots. West of the project site, across Hollister Street, is a manufacturing company (Golf Laboratories, Inc.). The development is predominantly an open grass field with a large central two-story building. Beyond that is the I-5 freeway. North of the project site is the OVRP. Terra Bella Nursery occupies property immediately north of the project site within the OVRP.

Along Palm Avenue south of the project site, located between the project site and Palm Avenue, is the La Palma Mobile Estates. The mobile home park takes access off Palm Avenue and is surrounded by a mix of chain link and wood panel fencing. The top portions of the mobile homes are visible over the fence. To the west of the mobile home park is the Palm Avenue Trolley station, which consists of the trolley station platform, a parking lot, covered benches, and rails lines lined by palm trees. The Ocean View Church and Ocean View Christian Academy, located east of La Palma Mobile Estates, is two stories in height and consists of white and tan stucco buildings. Athletic fields serving the Ocean View Christian Academy immediately abut the southern border of the project site. Farther south across Palm Avenue are single family homes, mostly one story with a few two-story homes included. These homes range in style and materials with various types fencing lining the properties.

MTS property is located immediately south of the project site's southwest corner. The MTS property is currently developed with the Palm Avenue Trolley Station and associated parking lot. The MTS board has approved future development of its property with an approximately ~~390-504~~ multi-family unit project, with 2,505-square feet of retail space and a 5,000 square foot childcare center, that is in the early design stages, which is further discussed in Chapter 6.0, Cumulative Effects. Single-family residences are located across Palm Avenue farther to the south of the project site. Commercial uses are located along portions of Palm Avenue, between Hollister Street and I-5.

Immediately west of the project site are the SD&AE rail lines and Blue Line Trolley track and Hollister Street. On the west side of Hollister Street is Golf Laboratories, Inc., which creates and manufactures robots to conduct independent testing of golf equipment, with the I-5 freeway lying beyond that. On west of the I-5 freeway are commercial uses including a small two-story shopping center with stores and a pizza restaurant. Farther along Hollister Street to the south are one story commercial businesses in buildings that are tan stucco with dark brown accents. Single family homes are located farther west and are one to two stories and a mix of materials with designs featuring stucco and wood siding materials. The homes are also lined by various materials and forms of fencing. Finally, a manufacturing company specializing in a one story, white stucco and Spanish tile roof main building exists surrounded by a chain link fence.

The OVRP is located north and east of the project site. Currently, the area of the regional park immediately north and east of the project site is the location of the Terra Bella Nursery.

5.16.1.6 Light/Glare/Shading

The area includes several existing light sources. Lighting sources include security lighting from light industrial uses, commercial offices, retail establishments, and single-family and multi-family residential development, as well as street lighting on public streets and freeways. As with the majority of the City, the project site is located within the City's Energy Code Lighting Zone 3, which allows for medium ambient lighting.

Because the majority of development in the project area is comprised of one-story commercial and residential developments, glare from an expanse of windows is minimal. Relative to shading, there are no existing buildings in the immediate project area that can cast substantial shadows on the project site for extended periods of time.

5.16.2 Regulatory Framework

5.16.2.1 City of San Diego General Plan

Table 5.1-2, *General Plan Consistency Analysis*, in Section 5.1, *Land Use*, describes the Urban Design Element (City of San Diego 2023) of the General Plan and contains the goals, recommendations, and urban design objectives that relate to visual issues and community and neighborhood character pertaining to the project. Project consistency with these goals and policies is described in detail in Table 5.1-1. Relevant to the discussion of Visual Effects and Neighborhood Character are the General Urban Design goals and policies, as well as the Distinctive Neighborhoods and Residential Design goals and policies.

General Urban Design goals address the pattern and scale of development, as well as the creation of distinctive districts, communities, neighborhoods, and village centers within the City. Policies address sustainability (including conservation and passive temperature regulation) and sustainable building methods, contribution of new development to existing community contexts, architectural features and finishes, and articulated buildings elevations. Demarcation of public and private space is included within these policies, as well as placement of development elements, such as parking, pedestrian entrances, and walkways.

The Distinctive Neighborhoods and Residential Design goals and policies address the desire for in-fill housing to be sensitive to the character and quality of existing neighborhoods. This is addressed through policies aimed at integrating new construction into the existing community fabric, providing transitions in scale between higher-density development and lower-density neighborhoods, incorporating a variety of unit types in multi-family projects, and providing usable open space.

5.16.2.2 San Diego Municipal Code

Chapters 11 through 15 of the San Diego Municipal Code (SDMC) are referred to as the Land Development Code (LDC), as they contain the City's Land Development Regulations that dictate how

land is to be developed and used within the City. Relevant regulations regarding zoning, lighting and glare are provided below.

Zoning

The existing zoning on the project site is Agricultural Residential (AR-1-2), Residential Single (RS-1-7), and Residential Multiple (RM-1-1). Under the AR-1-2 zone the maximum permitted residential density is one dwelling unit per lot with a minimum lot area of one acre and a maximum structure height of 30 feet. Under the RS-1-7 zone the maximum permitted residential density is one dwelling unit per lot with a minimum lot area of 5,000 square feet and a maximum structure height of 30 feet. Under the RM-1-1 zone the maximum permitted residential density is 3,00 square feet per dwelling unit with a minimum lot area of 6,000 square feet and a maximum structure height of 30 feet.

The project requires a rezone to the Residential Multiple (RM-2-6 zone) in order to provide 198 residential units on the 5.92-acre project site. The RM-2-6 zone permits a maximum density of 1,250-square feet per dwelling unit, a minimum lot are of 6,000 square feet, and a maximum height structure of 40 feet.

Lighting Regulations

Outdoor lighting is regulated by Section 142.0740 of the City of San Diego LDC. The purpose of the City's outdoor lighting regulations is to minimize negative impacts from light pollution including light trespass, glare, and urban sky glow in order to preserve enjoyment of the night sky and minimize conflict caused by unnecessary illumination. Regulation of outdoor lighting is also intended to promote lighting design that provides for public safety and conserves electrical energy. New outdoor lighting fixtures must minimize light trespass in accordance with the Green Building regulations where applicable, or otherwise shall direct, shield, and control light to keep it from falling onto surrounding properties. No direct-beam illumination is permitted to leave the premises. The City's lighting regulations require that most outdoor lighting be turned off between 11:00 PM and 6:00 AM with some exceptions (such as lighting provided for commercial uses that continue to be fully operational after 11:00 PM, adequate lighting for public safety, etc.).

Glare Regulations

Glare within the City is controlled by SDMC, Section 142.0730 (Glare Regulations). The City's Glare Regulations (City of San Diego 2012) include the following:

- A maximum of 50 percent of the exterior of a building may be comprised of reflective material that has a light-reflectivity factor greater than 30 percent (Section 142.0730 (a)).
- Reflective building materials shall not be permitted where the City Manager determines that their use would contribute to potential traffic hazards, diminished quality of riparian habitat, or reduced enjoyment of public open space (Section 142.0730 (b)).

5.16.2.3 Otay Mesa-Nestor Community Plan

The Neighborhood Centers topic of the Community Plan contains guidance relative to the development of the Palm City Neighborhood. Relevant strategies and guidelines of the Palm City Neighborhood Centers topic of the Community Plan are included in Table 5.1-2, *Otay Mesa-Nestor Community Plan Consistency*.

As described in Section 5.16.1.3, *Scenic Resources and Scenic Vistas*, the Community Plan identifies two View and Access Points for the Otay River Valley that include the project site: Palm Avenue Transit Center/Park and Ride and Midway Baptist Church (now called Ocean View Christian Church) (see Figure 5.16-7, *Otay Mesa-Nestor Community View Corridors*). In addition, the Palm Avenue view and access point to the Otay River Valley is nearby. For a complete and detailed list of all goals and policies relevant to the project, see Section 5.1-2, *Land Use*, and Table 5.1-2, *Otay Mesa-Nestor Community Plan Consistency*.

5.16.2.4 OVRP

The OVRP is a multi-jurisdictional planning effort by the County of San Diego and the cities of San Diego and Chula Vista. The *Otay Valley Regional Park Concept Plan* (County of San Diego, 2016) was approved in December 2016. The regional park concept area extends about 11 miles inland from the southeastern edge of the salt ponds at the mouth of the Otay River, through the Otay River Valley, to the land surrounding both Lower and Upper Otay Lakes Reservoir. The 45-acre area to the north of the project site is identified as Recreation Area #3 in the OVRP Concept Plan (County of San Diego, 2016). The OVRP Concept Plan shows this area to develop as an active recreation sports complex. The OVRP identifies the Palm Avenue Trail, which traverses Recreation Area #3, to serve hikers and bikers. The Palm Avenue Trail starts with a trailhead on the south of the river, north of Palm Avenue and west of the project site.

5.16.3 Impact Analysis

5.16.3.1 Issue 1

Issue 1 *Would the project result in a substantial obstruction of any vista or scenic view from a public viewing area as identified in the community plan?*

Impact Thresholds

The City's Thresholds address potential impacts to public views from designated open space areas, roads, or parks, and for project impacts to visual landmarks or scenic vistas. In order for a project to result in a significant impact, one or more of the following conditions must apply:

- The project would substantially block a view through a designated public view corridor as shown in an adopted community plan, the General Plan, or the Local Coastal Program;

- The project would cause substantial view blockage from a public viewing area of a public resource (such as the ocean) that is considered significant by the applicable community plan; or
- The project exceeds the allowed height or bulk regulations, and this excess results in a substantial view blockage from a public viewing area.

Analysis

The Community Plan identifies the Otay River Valley, located immediately north of the project site, as a *view opportunity* (Otay Mesa-Nestor Community Plan, Appendix C, 2016.) Appendix C of the Community Plan includes a discussion of views and shows the locations of View Corridors and View and Access points in Figure 9, *View Corridors Map*, of the Community Plan (reproduced in this text as Figure 5.16-7, *Otay Mesa-Nestor Community View Corridors*). The Community Plan identifies two view and access points to the Otay River Valley on the project site or within the project vicinity as shown in Figures 5.16-7, *Otay Mesa-Nestor Community View Corridors*, and 5.16-8, *View and Access Point Proximate to the Project Site*. As part of the project's Community Plan Amendment, these view opportunity locations have been removed, as they would be inconsistent with the proposed land use designation change from Open Space, Mixed Use, and Residential Low Density (5-<10 du/acre) to Medium-High Density Residential (20 – 35 du/ac). This component of the Community Plan Amendment is a feature of the project and reflects a logical revision to the Community Plan, as public views would not be afforded through a private medium-high density residential development. With adoption of the Community Plan Amendment, there are no designated public view corridors or public viewing areas through the project site. As such, no impacts would occur.

The project does exceed the allowed height of the proposed zone. The maximum structure height allowed in the RM-2-6 zone is 40 feet. Based on building height calculation occurring from existing grade per SDMC standards, the maximum structure height would be 59.5 feet. However, when measured from finished grade with proposed site fill, the structures would be less than 40 feet in all instances. Therefore, although in calculation the structures on-site would exceed the allowed height of the proposed zone, requiring a deviation, developed structure heights would be within the allowed height of the zone. Nonetheless, structures on-site would not result in substantial view blockage from a public viewing area, as no such viewing areas would exist on or near the site with adoption of the proposed Community Plan Amendment.

The project requires a rezone to the Residential Multiple (RM-2-6) zone in order to provide 198 residential units on the 5.92-acre project site. The RM-2-6 zone permits a maximum density of one dwelling unit for each 1,250 square feet of lot area, which would permit up to a maximum density of 34.85 du/ac and would support up to 206 dwelling units, or eight additional units, on the proposed project site. Approval of the project also involves a Community Plan Amendment that would remove from Appendix C of the Community Plan the two view and access points in the project vicinity. With that change to the Community Plan, ministerial review and development of the project site under

the RM-2-6 zone as 206 multi-family project would not result in a substantial obstruction of any vista or scenic view from a public viewing area as identified in the community plan.

Significance of Impact

With adoption of the proposed Community Plan Amendment, no view and access points are located on or proximate to the project site. Therefore, the project would not cause substantial view blockage from a public viewing area of a public resource. While the project proposes a deviation to building heights, the project would result in building heights that would block view from public viewing areas, as no such areas are located on-site. No significant impacts would result.

Mitigation Measures

Mitigation would not be required.

5.16.3.2 Issue 2

Issue 2 Would the project result in the creation of a negative aesthetic site or project?

Impact Thresholds

Based on the City's Significance Determination Thresholds (2022), a project could result in a significant impact associated with visual quality and neighborhood compatibility if it would:

- Create a disorganized appearance and would substantially conflict with City codes (e.g., a sign plan which proposes extensive signage beyond the City's sign ordinance allowance).
- Significantly conflict with the height, bulk, or coverage regulations of the zone and does not provide architectural interest (e.g., a tilt-up concrete building with no offsets or varying window treatment).
- Include crib, retaining, or noise walls greater than six feet in height and 50 feet in length with minimal landscape screening or berming where the walls would be visible to the public.
- The project is large and would result in an exceeding monotonous visual environment (e.g., a large subdivision in which all the units are virtually identical).

Analysis

The project would involve redevelopment of the project site, where an abandoned single-family residence and outbuildings are located, with 198 residential units in 13 buildings, as described in Chapter 3.0 *Project Description* of this Environmental Impact Report (EIR). The project is low-scale density in design, with buildings spread over the 5.92-acre site and interrupted by breaks between structures, open surface parking, landscape areas, and resident amenities. The Site Plan (Figure 3-1, *Palm & Hollister Apartments Site Plan*) and architecture (Figures 3-2a through 3-2h, *Project Elevations*) create variations in building design and site layout. Architectural elements provide identifiable features, such as varying building heights and setbacks, relief to building façades and create focal points around the project. Articulated entries to the buildings embellished with proposed evergreen trees allow pedestrians and visitors to easily find their destinations.

The project would be visually denser than existing surrounding developments and would result in an increase the development intensity on-site. The project is visually isolated from public roadways, and public views of the project would be primarily in conjunction with the future development of the OVRP to the north and east of the project site, as well as the Palm Avenue Trolley Station and Blue Line Trolley. (See discussion under Issue 1.) Additionally, the project development would include buildings of varying heights, from one- to three-stories, with proposed development spread across 13 buildings. This creates a lower bulk and scale to the project, which, coupled with the location of the site generally isolated from public roadways, public views, and surrounding development, diminishes the visual effect of the project.

The project does exceed the allowed height of the proposed zone. The maximum structure height allowed in the RM-2-6 zone is 40 feet. Based on building height calculation occurring from existing grade per SDMC standards, the maximum structure height would be 59.5 feet. However, when measured from finished grade with proposed site fill, the structures would be less than 40 feet in all instances. Therefore, although in calculation the structures on-site would exceed the allowed height of the proposed zone, requiring a deviation, developed structure heights would be within the allowed height of the zone. As such, the height deviation is generally an exercise on paper and does not reflect the reality of the proposed site conditions. Because no structure would exceed the allowed height from finished grade, the proposed deviation would not result in a negative visual impact.

Additionally, the project's architectural elements are intended to provide interesting and identifiable features, which would allow pedestrians and motorists to easily find their destinations. The project's buildings would be constructed with the use of a variety of colors and textured materials that are compatible with surrounding development to articulate buildings facades and architectural features. The color scheme would utilize natural earth tone colors that complement existing architecture, vegetation, and open space. Architectural features such as varied building material, heights, and stepbacks would provide vertical relief to the façades and would create focal points around the project for both pedestrians and passing vehicles. Project design includes recessed and protruding elements, such as windows and overhangs, to add visual interest and character to the project site. Building mass and rooflines would be varied, as would be proposed finishes and materials. The project would not create a negative aesthetic site or property, nor would it create a disorganized appearance.

The project includes extensive landscaping. Plant materials would be used at the ground level to not only create interest, but also integrate architectural forms within the site. Paths, walkways, and buildings would include a variety of materials and colors to create visual interest, as shown in Figure 5.16-9, *Landscape Development Plan*. The proposed project landscaping would not result in a negative visual effect.

The project proposes retaining walls on the west, north, and east perimeters of the development area for a total length of 1,870 feet. Specifically, the project proposes 1,360 feet of plantable mechanically stabilized earth (MSE) retaining wall and 510 feet of concrete block (CMU) wall. The MSE retaining wall would start at the western side of Building A and would have a maximum height of 18 feet. A CMU wall would be located on the south side of Building B with a maximum height of five feet. The retaining wall along the northern property edge would be visible to views within the adjacent OVRP. Although, current views would be hindered by the existing Terra Bella nursery and nursery stock stored project to the hillside, the retaining wall would be planted with trailing vine (California morning glory and southern honeysuckle) to soften its appearance and to blend with the valley slopes. (See Figure 5.16-10, *Retaining Wall Section*.) Considering the wall would be screened, the retaining wall would not result in a significant visual effect.

Security and safety fencing would be provided throughout the project. Specifically, a 42-inch tubular steel fence along would be placed west and north of the sidewalk around the pool and recreation area at the leasing office (Building A); and a 42-inch-tall tubular steel fences would be placed atop plantable retaining walls along the northern property line and slope, north of Building C and Building B. On the eastern perimeter of the project site, the project proposes a similar 42-inch-tall tubular steel fencing atop plantable retaining wall. Fencing would not create a significant visual effect, due to the clean modern style and open nature of the fencing.

The project would require a rezone from RM-1-1, RS-1-7, and AR-1-2 to the RM-2-6 to allow for the 198 residential units proposed by the project. The project would be consistent with all regulations of the underlying zone, with the exception of retaining wall heights, setbacks, and structure heights. As analyzed above, the retaining wall would not result in significant adverse visual impacts, as it would be landscaped to provide visual relief and soften the massing and would not result in a negative effect on the visual quality of the area surrounding the site or to views from the adjacent OVRP.

Relative to setbacks, SDMC Section 131.0443(e)(1)(A) allows up to 50 percent of the width of the building envelope to observe the minimum 15-foot front setback, provided the remaining percentage of the building envelope width observes the standard 20-foot setback. The project would be developed with 100 percent of the building envelope observing the minimum 15-foot setback. This deviation allows for more efficient and maximal use of the previously disturbed site area, allows for more minimal grading of the site, and reinforces the transit and multi-modal orientation of the site by bringing the building envelope closer to the property line and, therefore, the transit center. This deviation still allows for a rather large setback, generally fulfilling the intention of the underlying regulation, and would not result in a negative visual effect.

Also relative to setbacks, per SDMC Section 131.0443(e)(2)(A), the minimum side setback is five feet or 10 percent of the premises width (resulting in a 22-foot setback), whichever is greater. The project includes a deviation for the building to encroach into the required side setback, which would be provided at 7.9 feet. Like the front setback deviation, this deviation allows for the more efficient and

maximal use of the previously disturbed site area, allows for more minimal grading of the site, and reinforces the transit and multi-modal orientation of the site by bringing the building envelope closer to the property line and, therefore, the transit center, as well as other pedestrian facilities, such as trails, that may occur to the east or west of the site as Otay Valley Regional Park develops in the project area. As such, this deviation would not result in a negative visual effect.

Relative to structure height, development on portions of the site would be a maximum of 59 feet six inches, when measured from existing grade, and would exceed the maximum structure height of 40 feet (three stories). The project's maximum structure height when measured from finished grade would be 40 feet in height or less. Structures on the project site would be developed as one- to three-story buildings. As described above, existing buildings in the surrounding community are one to two stories. The proposed building heights of one to three stories would be visually consistent with the existing character of one- and two-story buildings, especially when considering that the tallest structures would be located within the northern portion of the site, farthest from existing development. The project building height would not substantially differ from existing building heights. Thus, the project's proposed deviations from zone requirements would not result in significant adverse visual effects.

The project requires a rezone to the Residential Multiple (RM-2-6) zone in order to provide 198 residential units on the 5.92-acre project site. The RM-2-6 zone permits a maximum density of one dwelling unit for each 1,250 square feet of lot area, which would permit up to a maximum density of 34.85 du/ac and would support up to 206 dwelling units, or eight additional units, on the proposed project site. The increase of eight units is considered a negligible increase relative to visual effects. While it is speculative to presume the design and layout of a 206-unit project, any development of the project site would need to be consistent with the underlying zone. Zoning regulations are intended to create high quality development that would not negatively affect surrounding neighborhoods. Therefore, similar to the project, development of a 206-unit residential project would not result in the creation of a negative aesthetic site or project and impacts would be less than significant.

Significance of Impacts

The project would not result in the creation of a negative aesthetic site or project. Therefore, impacts would be less than significant.

Mitigation Measures

Mitigation would not be required.

5.16.3.3 Issue 3 and 4

Issue 3 Would the project's bulk, scale, materials, or style be incompatible with surrounding development?

Issue 4 Would the project result in substantial alteration to the existing or planned character of the area, such as could occur with the construction of a subdivision in a previously underdeveloped area? Note: for substantial alteration to occur, new development would have to be of a size scale or design that would markedly contrast with the character of the surrounding area.

Impact Thresholds

Based on the City's Significance Determination Thresholds (2022), a project could result in a significant impact associated with visual quality and neighborhood compatibility if it would:

- Exceed the allowable height or bulk regulations and the height and bulk of the existing patterns of development in the vicinity of the project by a substantial margin.
- Have an architectural style or use building materials in stark contrast to adjacent development where the adjacent development follows a single or common architectural theme (e.g., Gaslamp Quarter, Old Town).
- Result in the physical loss, isolation or degradation of a community identification symbol or landmark (e.g., a stand of trees, coastal bluff, historic landmark) which is identified in the General Plan, applicable community plan or local coastal program.
- Be located in a highly visible area (e.g., on a canyon edge, hilltop, or adjacent to an interstate highway) and would strongly contrast with the surrounding development or natural topography through excessive height, bulk, signage, or architectural projections.

The project proposes 198 residential units in 13 buildings. As shown in Figures 3-2a through 3-2g, *Project Elevations*, buildings would be one level, two levels, and three levels with tuck-under garages and one-level units over carports. Heights of proposed buildings range from approximately 24 feet to 59 feet six inches when measured from the existing grade. When measured from finished grade, building heights would be under 40 feet. Lot coverage would be 32 percent. Architectural features include varied building materials and finishes. Exterior materials would use wood fascia, stucco, stone veneer, and horizontal siding with pops of color to accentuate project design elements and minimize bulk and scale of buildings. Vinyl windows and metal guard rails on balconies would be used to punctuate the elevation façade. The project would feature neutral shades of white, gray, black, and brown project.

Existing surrounding development includes building heights of one to two stories, and varying lot coverages. Materials vary and are reflective of a buildings age, time it was constructed, and maintenance.

As described in the existing conditions, the surrounding area is urbanized with a mix of low-density structures of varying visual appearance and age. Currently, two multi-family developments are planned in the immediate vicinity of the project that would result in building heights taller than the proposed project. The Palm Avenue Trolley Station, located immediately adjacent to and south of the project site, is the location for the MTS Palm Avenue Trolley Station project, planned to include ~~5,000~~2,505 square feet of ~~commercial-retail area, and 390-504~~ multi-family residential units, and a 5,000 square foot childcare center. The project would include three buildings up to seven stories in height. The Bella Mar Apartments project is an ~~anticipated~~approved project located directly west and north of the project site, across the trolley tracks. That project will construct of two residential communities, totaling 380 multi-family units, with private enclosed garages.

The project's maximum structure height when measured from finished grade would be 40 feet in height or less. As described above, existing buildings in the surrounding community are one- to two stories. Buildings associated with the future MTS Project and Bella Mar Apartments project would be seven and three stories, respectively. The project building height would not substantially differ from existing and planned building heights. Thus, the project's proposed deviations from zone requirements would not result in significant adverse visual effects.

The project site is generally flat, except for steep slopes along the northern property boundary. Grading would be required for the project, involving 15,000 cubic yards of cut and 38,500 cubic yards of fill, to provide a level building pad. (See Figure 3-5, *Grading Plan*.) The project would not strongly contrast with the natural topography. No significant impacts would result.

The project site does not front any streets and is not located in an area of high visibility and is visually isolated from most public roadways. As described under Issue 1, public views of the project would be primarily in conjunction with the future development of the OVRP to the north and east of the project site, as well as the Palm Avenue Trolley Station and Blue Line Trolley. The project would not cause substantial view blockage from a public viewing area of a public resource. No significant impacts would result.

The project would require deviations relative to maximum structure height, setbacks, and retaining wall height. The project site features a steep existing grade and retaining walls would deviate from the maximum of six feet to accommodate the natural sloping features of the site. Retaining walls would range in height from 15 to 24 feet in height but would be below the proposed grade and pad level of the buildings. The retaining walls would be visible from the OVRP; however, retaining walls would feature plantable wall cells with flowering vines to create visual interest and cohesion with the native landscape. No significant impacts would result.

The Community Plan does not identify community identification symbols or landmarks for the project site or in the project vicinity. The Community Plan identifies the Western Salt Company's 1930s era wooden salt processing building and the specimen eucalyptus tree located in the 15th

Street right-of-way between Elder Avenue and Coronado Avenue as a local landmarks and the Methodist Church on Flower Street south of Coronado Avenue as a historical landmark – all of which are a distance from the project site. Thus, the project would not result in the physical loss, isolation or degradation of a community identification symbol or landmark.

The project requires a rezone to the Residential Multiple (RM-2-6) zone in order to provide 198 residential units on the 5.92-acre project site. The RM-2-6 zone permits a maximum density of one dwelling unit for each 1,250 square feet of lot area, which would permit up to a maximum density of 34.85 du/ac and would support up to 206 dwelling units, or eight additional units, on the proposed project site. While it is speculative to presume the design and layout of a 206-unit project, any development of the project site would need to be consistent with the underlying zone. Zoning regulations are intended to create high quality development that would not negatively affect surrounding neighborhoods. Development would be of a height and scale that would not negatively contrast with existing surrounding development through excessive height or bulk, or result in an architectural style or building materials in contrast with surrounding development. Bulk and scale would be compatible with what exists within the surrounding community, as well asa future nearby projects.

Significance of Impact

The project would not degrade the visual character of the project site or its surroundings. The project would not negatively contrast with existing surrounding development through excessive height or bulk, or result in an architectural style or building materials in contrast with surrounding development. Bulk and scale would be compatible with what exists within the surrounding community, as well a future nearby projects.

Mitigation Measures

Mitigation would not be required.

5.16.3.4 Issue 5

Issue 5 Would the project result in the loss of any distinctive or landmark tree(s), or stand of mature trees as identified in a community plan? (Normally, the removal of non-native trees within a wetland as part of a restoration project would not be considered significant.)

Impact Thresholds

According to the City's Significance Determination Thresholds (2022), a project is considered to have a significant impact if the project would result in the physical loss, isolation, or degradation of a community identification symbol or landmark (e.g., a stand of trees, coastal bluff, historic landmark) that is identified in the General Plan, applicable community plan, or local coastal program.

Analysis

The Otay Mesa-Nestor Community Plan and the City's General Plan do not identify any distinctive or landmark tree(s), or any stand of mature trees for the project site or, adjacent to, or near the project site. Vegetation on-site is sparse, ornamental in nature, and includes some mature trees that would be removed by the project. Mature trees located on the project site are not designated as distinctive, landmark, or a mature stand in a local planning document. In addition, project landscaping includes an extensive palette of interior and street trees to be provided with development, including the planting of 187 new trees. Therefore, implementation of the project and development of the site as proposed would not result in the loss of any distinctive or landmark trees. No impact related to a loss of any distinctive or landmark tree(s) or stand of mature trees as identified in the community plan would occur.

Significance of Impact

No distinctive, landmark, or stand of mature trees is identified on the project site. No impacts would occur.

Mitigation Measures

Mitigation would not be required.

5.16.3.5 Issue 6

Issue 6 Would the project result in a substantial change in the existing landform?

Impact Threshold

According to the City's Thresholds, a project is considered to have a significant impact if a project would result in more than 2,000 cubic yards (cy) of earth per graded acre by either excavation or fill. In addition, one or more of the following conditions (1 through 4) must apply to meet this significance threshold:

1. The project would disturb steep hillsides in excess of the encroachment allowances of the Environmentally Sensitive Lands regulations (LDC Chapter 14, Article 3, Division 1). In evaluating this issue, environmental staff should consult with permit staff.
2. The project would create manufactured slopes higher than ten feet or steeper than 2:1 (50 percent).
3. The project would result in a change in elevation of steep hillsides as defined by the SDMC Section 113.0103 from existing grade to proposed grade of more than 5 feet by either excavation or fill, unless the area over which excavation or fill would exceed 5 feet is only at isolated points on the site. (A continuous elevation change of 5 feet may be noticeable in relation to surrounding areas. In addition, such a change may require retaining walls and other features to stabilize slopes, potentially resulting in a manufactured appearance.)
4. The project design includes mass terracing of natural slopes with cut or fill slopes in order to construct flat-pad structures.

However, the above conditions may not be considered significant if one or more of the following apply:

1. The grading plans clearly demonstrate, with both spot elevations and contours, that the proposed landforms will very closely imitate the existing on-site landform and/or the undisturbed, pre-existing surrounding neighborhood landforms. This may be achieved through “naturalized” variable slopes.
2. The grading plans clearly demonstrate, with both spot elevations and contours, that the proposed slopes follow the natural existing landform and at no point vary substantially from the natural landform elevations.
3. The proposed excavation or fill is necessary to permit installation of alternative design features such as step-down or detached buildings, non-typical roadway or parking lot designs, and alternative retaining wall designs which reduce the project’s overall grading requirements.

Analysis

The project site is relatively flat, with a steep manufactured slope occurs along the projects northern border. The site is currently covered by a light growth of grass and weeds and supports a vacant residential structure and outbuildings. Elevations on-site range from a high of 54 AMSL at the southeast corner to a low of 23 AMSL in the northwest corner.

Redevelopment of the project site would be primarily on the southern flat portions of the property, and the northerly descending slope would remain. Grading techniques would be utilized to develop 11 to 12 flat pads and an access road on the southern portion of the property. Grading of the project site would require a cut amount of 15,000 cy at a maximum depth of 13 feet and 38,500 cy of fill at a depth of 25 feet. The manufactured slopes would be constructed at a 2:1 slope ratio. (Figure 3-5, *Grading Plan*). Project grading would result in more than 2,000 cy of earth per graded acre. However, the project would not result in disturbance of steep hillside or create manufactured slopes steeper than 2:1. The project would not result in a change in elevation of steep hillsides as defined by the SDMC Section 113.0103 from existing grade to proposed grade of more than 5 feet by either excavation or fill. Grading would not substantially alter the existing landform.

None of the conditions identified above in the Significance Determination Thresholds (2022) would apply to the project. The project would not disturb slopes that are defined as steep hillsides in the City’s Environmentally Sensitive Lands regulations (LDC Chapter 14, Article 3, Division 1), as the northern slope is manufactured and not a natural slope. The project would not create manufactured slopes steeper than 2:1 (50 percent). The project would not result in a change in elevation of steep hillsides as defined by the SDMC Section 113.0103. The project design does not include mass terracing of natural slopes with cut or fill slopes in order to construct flat-pad structures, as no natural slopes are present on-site. Since the project would not meet any of the primary conditions, the secondary criteria delineated above does not apply. No significant impacts would result.

The project requires a rezone to the Residential Multiple (RM-2-6) zone in order to provide 198 residential units on the 5.92-acre project site. The RM-2-6 zone permits a maximum density of one dwelling unit for each 1,250 square feet of lot area, which would permit up to a maximum density of 34.85 du/ac and would support up to 206 dwelling units, or eight additional units, on the proposed project site. The project site does not contain steep hillsides and is relatively flat. Ministerial approval and development of the site with 206 multi-family residential units and would not involve grading that would substantially alter the existing site topography. Impacts to landform alteration would be less than significant.

Significance of Impact

The development area of the project site does not contain steep hillsides and would not involve grading that exceeds the secondary significance thresholds relative to grading. Impacts to landform alteration would be less than significant.

5.16.3.6 Issue 7

Issue 7 Would the project create substantial light or glare that would adversely affect daytime or nighttime views in the area?

Impact Thresholds

Based on the City's Significance Determination Thresholds (2022), a project could result in a significant impact associated with light and glare if it would:

- Be moderate to large in scale, more than 50 percent of any single elevation of a building's exterior is built with a material with a light reflectivity greater than 30 percent, and the project is adjacent to a major public roadway or public area.
- Shed substantial light onto adjacent, light-sensitive property or land use, or would emit a substantial amount of ambient light into the nighttime sky. Uses considered sensitive to nighttime light include, but are not limited to, residential, some commercial and industrial uses, and natural areas.

Analysis

Lighting

The project site is located in an urbanized area that contains existing lighting sources, from streetlights along roadways, surrounding developments, and associated parking lighting. Development of the project would introduce lighting to a site that is currently vacant and contains minimal lighting for the single-family residence. New lighting at the project site would include lighting for parking areas, residential amenity areas, and internal walkways. In addition, the project would introduce interior and exterior lighting within proposed residential units, lighting within proposed on-site roadways, and proposed signage.

The project would not create a new source of substantial light that would adversely affect daytime or nighttime views in the area. Outdoor lighting would be regulated by compliance with Section 142.0740 of the City LDC and would not trespass onto adjacent properties or into the nighttime sky.

In addition, the project would comply with the MHPA Land Use Adjacency Guidelines relative to lighting by shielding night lighting, as necessary, to prevent light from spilling into the Multi Habitat Planning area (MHPA). Shielding would consist of installation of barriers or fixtures that prevent light overspill. Refer to Section 5.4, *Biological Resources*, for more details regarding project consistency with the MHPA Land Use Adjacency Guidelines lighting control requirements.

Glare

Glare within the project would be regulated by the LDC to ensure no impact would occur relative to glare. Glare impacts would be avoided in accordance with Section 142.0730 of the LDC. Less than 50 percent of the proposed building façades would incorporate glass or other reflective material that would cause glare effects on surrounding roadways and properties. Where glass is incorporated, it would be non-reflective in nature and meet the 30 percent reflectivity factor requirement. In addition, the site is not located where glare from the project site would be highly visible from public locations such as roadways.

Shadow

The project would develop 198 residential units in 13 buildings over the project site. Buildings would be low-rise with two and three stories. As such, shadows cast by the buildings would not be extensive and would fall adjacent to the structures. The project would not result in substantial shading over long periods of time, and no shadows would fall on to structures outside the project limits.

The project requires a rezone to the Residential Multiple (RM-2-6) zone in order to provide 198 residential units on the 5.92-acre project site. The RM-2-6 zone permits a maximum density of one dwelling unit for each 1,250 square feet of lot area, which would permit up to a maximum density of 34.85 du/ac and would support up to 206 dwelling units, or eight additional units, on the proposed project site. Development of the project site as a multi-family residential project with 206 units would not result in significant lighting, glare, or shading impacts and would create a new source of substantial light that would adversely affect daytime or nighttime views in the area, as the project lighting would be in conformance with the City's outdoor lighting regulations. Glare impacts would not occur because the project would consist of less than 50 percent reflective materials in compliance with the City's glare regulations. Because buildings would be low-rise and would not cast substantial shadows for long periods of time, the impact of shading by the project would not be considered significant.

Significance of Impacts

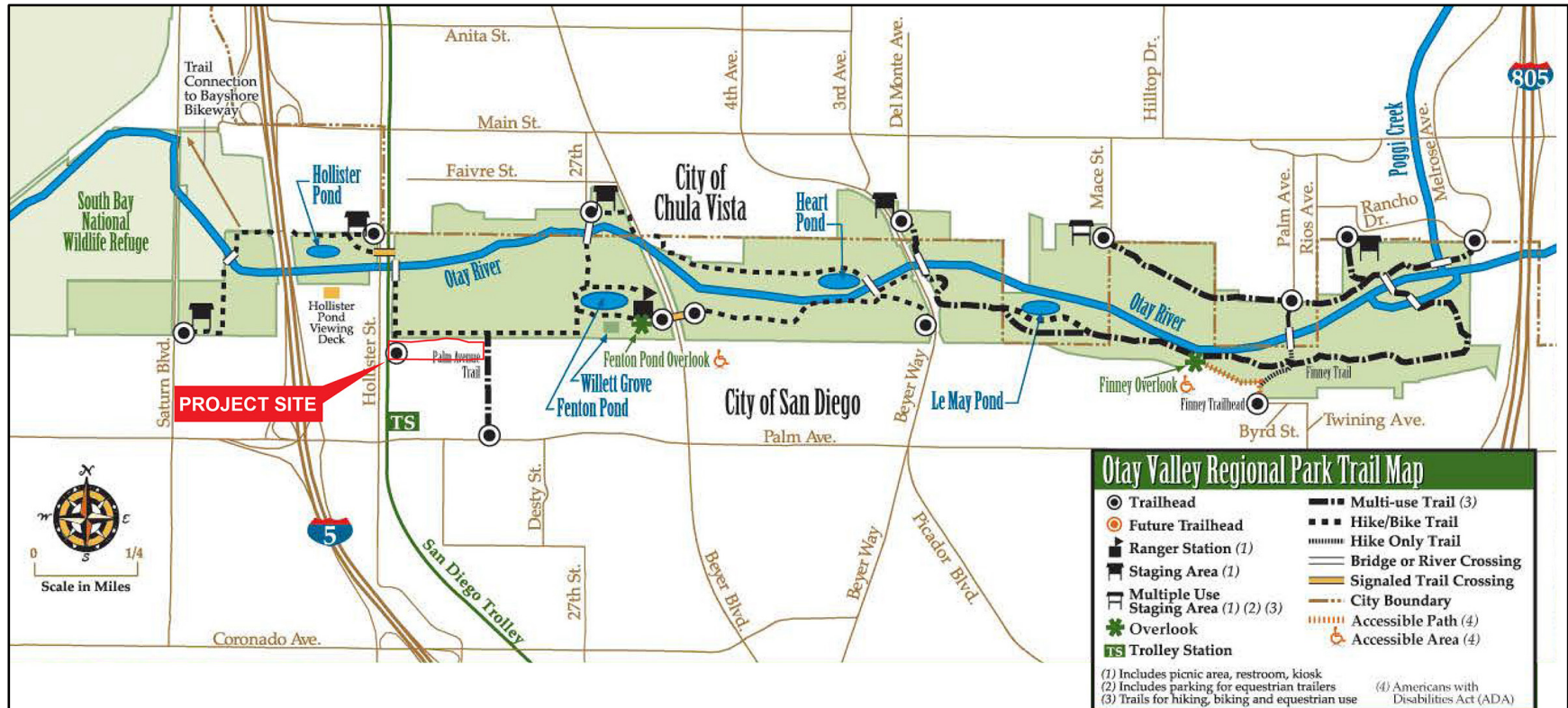
The project would not result in significant lighting, glare, or shading impacts. The project is not anticipated to create a new source of substantial light that would adversely affect daytime or nighttime views in the area, as the project lighting would be in conformance with the City's outdoor lighting regulations in the LDC as well as the MHPA Land Use Adjacency Guidelines. Glare impacts would not occur because the project would consist of less than 50 percent reflective materials in compliance with the City's glare regulations. Because the buildings would be low-rise and would not cast substantial shadows for long periods of time, the impact of shading by the project would not be considered significant.

Mitigation Measures

Mitigation would not be required.



Figure 5.16-1. Existing Site Conditions - Close-up



Source: <https://www.sandiego.gov/sites/default/files/legacy/park-and-recreation/pdf/OVRPmapWebView.pdf>

Figure 5.16-2. Otay Valley Regional Park Trail Map



Figure 5.16-3. Views of the Project Site from OVRP Trailhead and Trail



View Looking into Trolley Station from Palm Avenue (Project Site is outside view to the north).



View of Project Site from North End of Trolley Station Parking Lot

Figure 5.16-4. Views from the Palm Avenue (Blue Line) Trolley Station



Figure 5.16-5. Views from the SD&AE Railroad/Blue Line Trolley Track



La Palma Mobile Estates (Project site lies to the north.)



Ocean View Christian Church and Academy (Project site Lies to the north.)

Figure 5.16-6a. *Obstructed Views of the Project Site*



SD&AE/Trolley Track Berm (Project site Lies to the east.)

Figure 5.16-6b. *Obstructed Views of the Project Site*

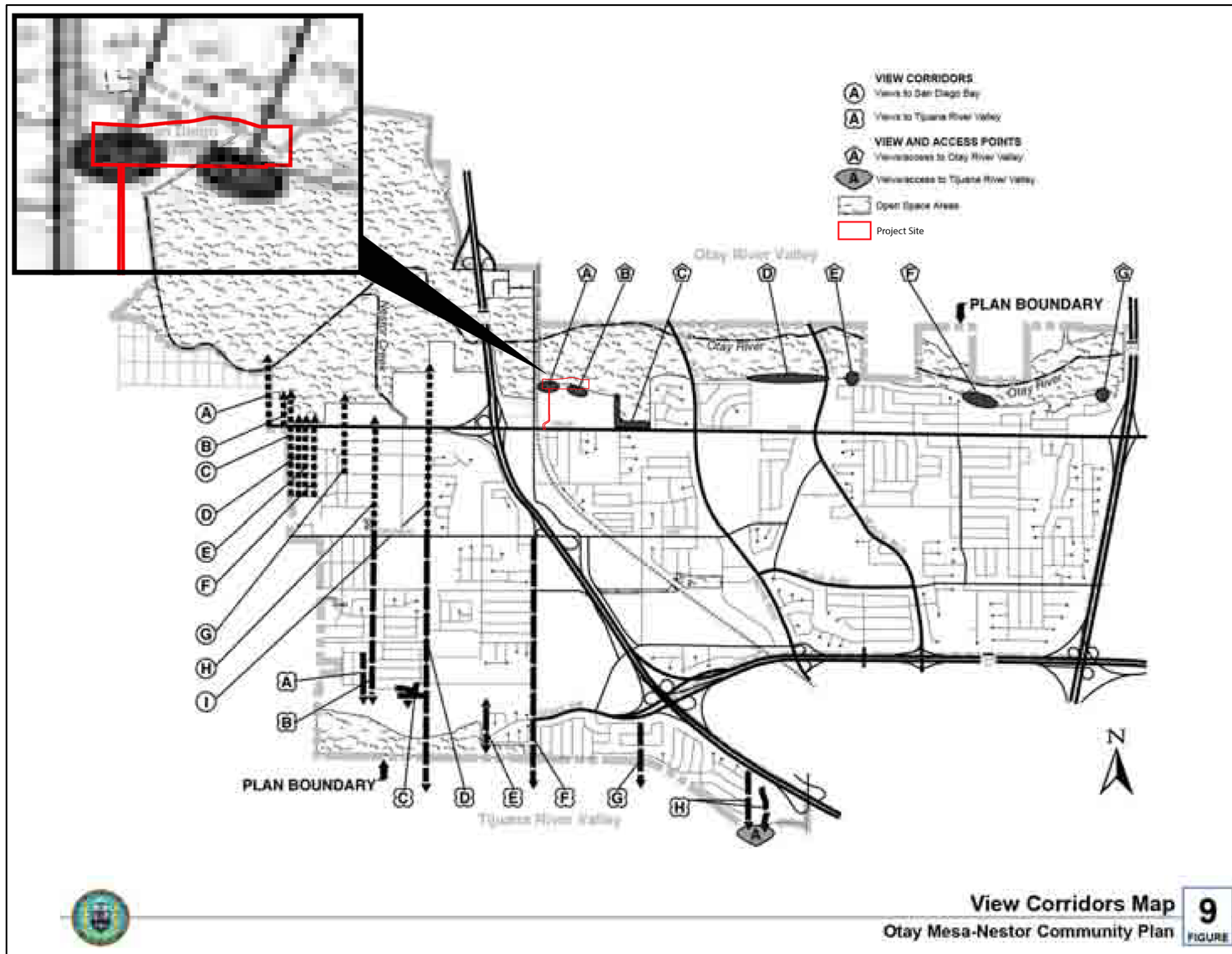


Figure 5.16-7. Otay Mesa-Nestor Community View Corridors



Figure 5.16-8. View and Access Points Proximate to the Project Site

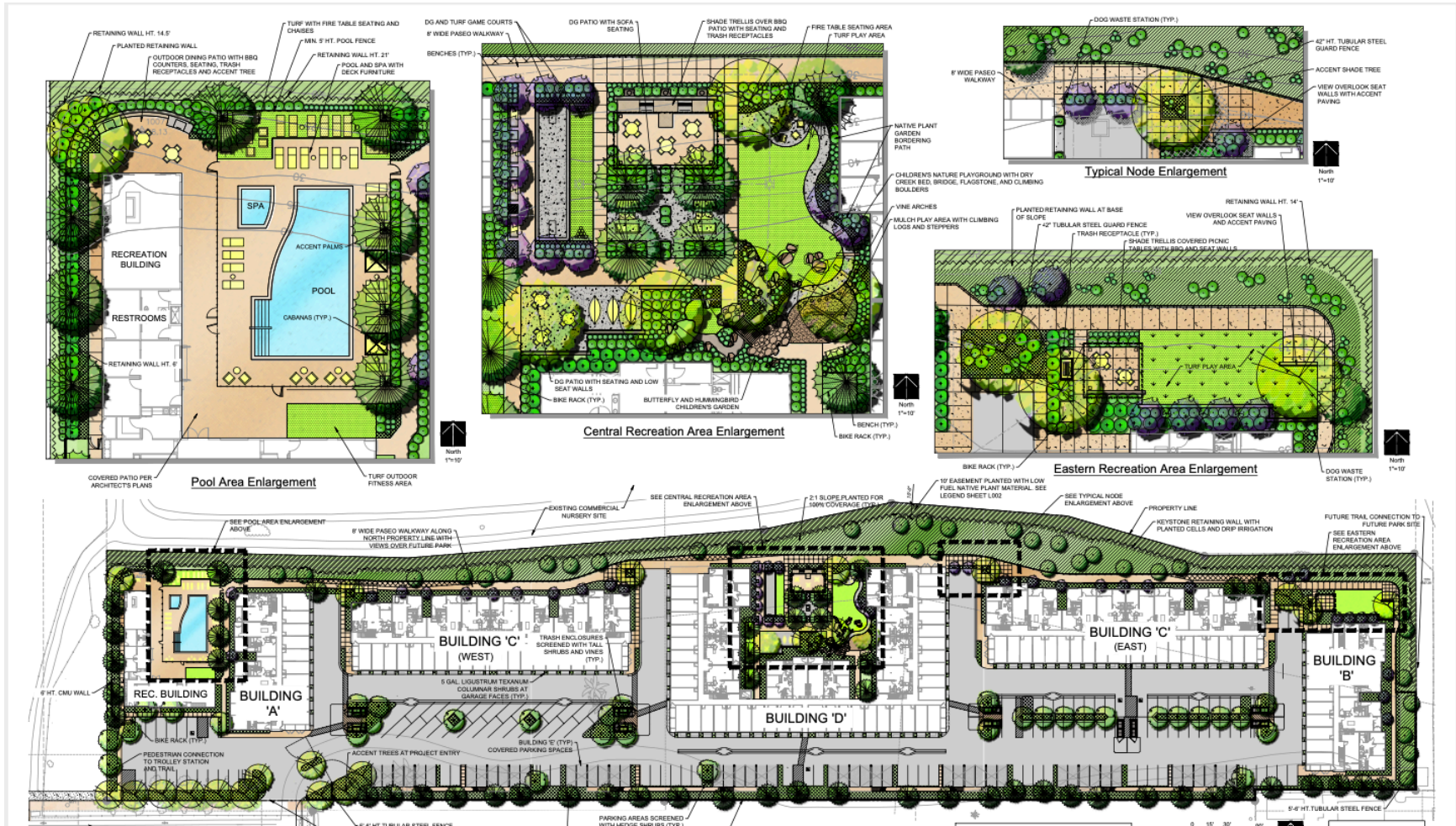


Figure 5.16-9. Landscape Development Plan

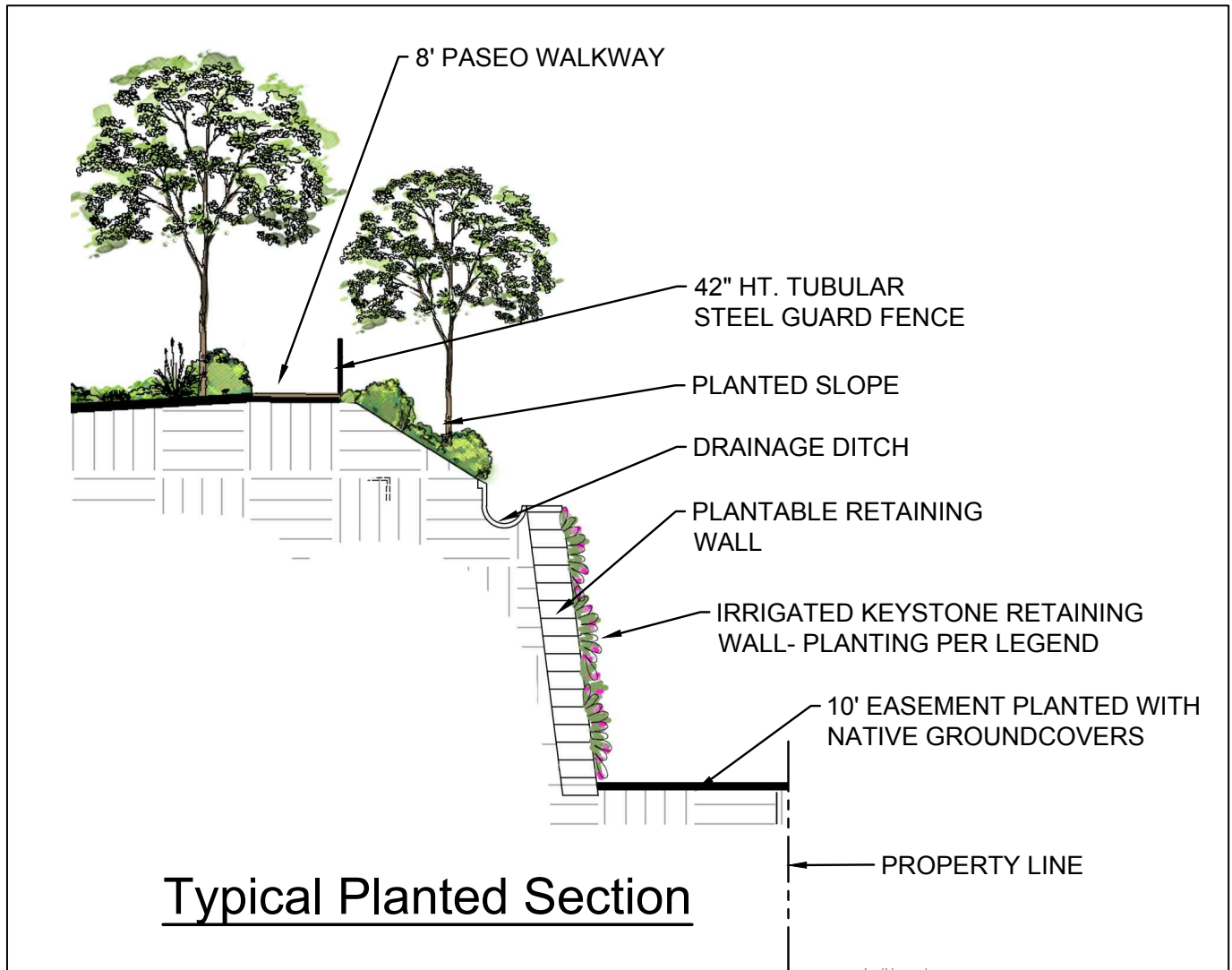


Figure 5.16-10. Retaining Wall Section

5.17 Water Quality

The following section describes the existing water quality conditions, evaluates policies and regulatory requirements applicable to the project, evaluates potential impacts, and identifies mitigation measures, if applicable, related to project implementation. The discussion is based on a *Storm Water Quality Management Plan* prepared by Pasco Laret Suiter & Associates Inc. (April 2023), which is included in Appendix R.

5.17.1 Existing Conditions

Water quality is affected by sedimentation caused by erosion, by runoff carrying contaminants, and by direct discharge of pollutants. The increase in impervious surfaces generally associated with the development of land leads to increased opportunity for contaminated runoff that carries oils, heavy metals, pesticides, fertilizers, and other contaminants to enter a watershed.

The project site is located at 555 Hollister Street and is east of Hollister Street, north of Palm Avenue and the Palm Avenue transit station. It is situated within the Otay Hydraulic Unit, Otay Valley Hydrologic Area, Otay Valley Hydrologic Subarea, Basin Number 10.20, as identified in the Water Quality Control Plan for the Basin Plan (California Regional Water Quality Control Board, September 2021.)

California Water Code section 13050(f) requires the consideration of beneficial uses for surface waters as designated under the Clean Water Act section 303 in accordance with regulations contained in 40 CFR 131. The State is required to specify appropriate water uses to be achieved and protected. The beneficial use designation of surface waters of the State must take into consideration the use and value of water for public water supplies, protection and propagation of fish, shellfish and wildlife, recreation in and on the water, agricultural, industrial and other purposes including navigation.

The Water Quality Control Plan for the San Diego Basin (Basin Plan) designates beneficial uses for water bodies in the San Diego Region and establishes water quality objectives and implementation plans to protect those beneficial uses. Basin Number 10.20 is excepted from Municipal and Domestic Beneficial Use. It provides an existing beneficial Agricultural Supply, Non-contact Water Recreation, Warm Freshwater Habitat, and Wildlife Habitat benefit. Additionally, it has potential beneficial use in respect to Industrial Service Supply and Contact Water Recreation.

The main receiving water body in this Hydrologic Subarea is the San Diego Bay. Storm water flows along the northern border of the site, flows westerly then northerly along the eastern side of the train tracks to the Otay River which flows westerly and discharges to the San Diego Bay. The San Diego Bay is included on the list of Clean Water Act Section 303(d) List of Water Quality Segments, and per that list, San Diego Bay is impaired with mercury, polycyclic aromatic hydrocarbons, and polychlorinated biphenyls.

Based on the drainage study prepared for the project (Appendix R), groundwater was encountered at depths of 6.5 feet and 10 feet below existing ground surface (bgs) in borings drilled at the toe of the northerly descending slope. Based on these observations, the groundwater level was at approximate elevation 12.5 feet. There is potential for localized perched groundwater. An existing water supply well is located in the northerly descending slope which would be abandoned during earthwork activities for the project (Appendix R).

5.17.2 Regulatory Framework

5.17.2.1 Federal

Clean Water Act of 1972

The Federal Clean Water Act of 1972 is the principal law governing pollution control and water quality of the Nation's waterways. The objective of this Act is to restore and maintain the chemical, physical and biological integrity of the Nation's waters (33 U.S.C. 1251). Section 402 of the Clean Water Act controls water pollution through the NPDES, by regulating point sources that discharge pollutants into waters of the U.S. Implementation of the act is the responsibility of the EPA, which has delegated much of that authority to State and regional agencies.

5.17.2.2 State

NPDES

Projects that involve land disturbance of one acre or more (or that are part of a larger plan of development that would disturb one or more acres) are subject to pertinent requirements under the Construction General permit 2009-0009-DWQ (effective July 1, 2010) Specific conformance requirements include implementing a SWPPP, an associated CSMP, employee training, and minimum BMPs, as well as a REAP for applicable projects (e.g., those in Risk Categories 2 or 3, as described below).

Under the Construction General Permit, project sites are designated as Risk Level 1 through 3 based on site-specific criteria (e.g., sediment erosion and receiving water risk), with Risk Level 3 sites requiring the most stringent controls. Based on the site-specific risk level designation, the SWPPP and related plans/efforts identify detailed measures to prevent and control the discharge of pollutants in storm water runoff. Depending on the risk level, these may include efforts such as minimizing/stabilizing disturbed areas, mandatory use of technology-based action levels, effluent and receiving water monitoring/reporting, and advanced treatment systems (ATS). Specific pollution control measures require the use of BAT and/or BCT levels of treatment, with these requirements implemented through applicable BMPs.

While site-specific measures vary with conditions such as risk level, proposed grading, and slope/soil characteristics, detailed guidance for construction-related BMPs is provided in the permit and related City standards (as outlined below), as well as additional sources including the EPA National Menu of best Management Practices for Storm Water Phase II – Construction (EPA 2018), and the

Construction Storm Water Best Management Practices Handbook (California Stormwater Quality Association [CASQA] 2015). Specific requirements for the project under this permit would be determined during SWPPP development, after completion of project plans and applicable submittal to the SWRCB.

NPDES Groundwater Permit

Shallow groundwater is expected to occur on site, as previously described. If project-related construction activities entail the discharge of extracted groundwater into receiving waters, the applicable would be required to obtain coverage under the Groundwater Permit (Order R9-2015-0013). Conformance with this permit is generally applicable to all temporary and certain permanent groundwater discharge activities, with exceptions as noted in the permit fact sheet. Specific requirements for permit conformance include: (1) submittal of appropriate application materials and fees; (2) implementation of pertinent (depending on site-specific conditions) monitoring/testing, disposal alternative, and treatment programs; (3) provision of applicable notification to the associated local agency prior to discharging to a municipal storm drain system; (4) conformance with appropriate effluent standards (as outlined in the permit); and (5) submittal of applicable documentation (e.g., monitoring reports).

NPDES Municipal Permit

The Municipal Permit MS4 (Order No. R9-2013-0001, as amended by Order Nos. R9-2015-001 and R9-2015-0100) implements a regional strategy for water quality and related concerns and mandates a watershed-based approach that often encompasses multiple jurisdictions. The overall permit goals include: (1) providing a consistent set of requirements for all co-permittees; and (2) allowing the co-permittees to focus their efforts and resources on achieving identified goals and improving water quality, rather than just completing individual actions (which may not adequately reflect identified goals). Under this approach, the co-permittees are tasked with prioritizing their individual water quality concerns, as well as providing implementation strategies and schedules to address those priorities.

Municipal Permit conformance entails considerations such as receiving water limitations (e.g., Basin Plan criteria as outlined below), waste load allocations (WLAs), and numeric water quality based effluent limitations (WQBELs). Specific efforts to provide permit conformance and reduce runoff and pollutant discharges to the maximum extent practicable (MEP) involve methods such as: (1) using jurisdictional planning efforts (e.g., discretionary General Plan approvals) to provide water quality protection; (2) requiring coordination between individual jurisdictions to provide watershed-based water quality protection; (3) implementing appropriate BMPs, including LID measures, to avoid, minimize, and/or mitigate effects such as increased erosion and off-site sediment transport (sedimentation), hydromodification and the discharge of pollutants in urban runoff; and (4) using appropriate monitoring/assessment, reporting, and enforcement efforts to ensure proper implementation, documentation, and (as appropriate) modification of permit requirements. The City

has implemented a number of regulations to ensure conformance with these requirements, as outlined below under local standards.

Porter-Cologne Water Quality Control Act

The Porter-Cologne Water Quality Control Act (Porter-Cologne Act) established the principal legal and regulatory framework for water quality control in California. The Porter-Cologne Act is updated periodically, and was most recently amended in January 2023. This Act is embodied in the California Water Code Division 7, which authorizes the SWRCB to implement the provisions of the federal CWA as previously described. The Porter-Cologne Act also provides for the development and periodic review of water quality control plans that designate beneficial uses for surface waters, groundwater basins, and coastal waters, and establish water quality objectives for applicable waters as outlined below under the *Water Quality Control Plan for the San Diego Basin* heading.

The Porter-Cologne Act establishes the responsibility of the RWQCBs for adopting, implementing, and enforcing water quality control plans, which set forth the state's water quality standards (i.e., beneficial uses of surface waters and groundwater) and the objectives or criteria necessary to protect those beneficial uses. The State of California is divided into nine regions governed by RWQCBs, which implement and enforce provisions of the California Water Code and the CWA under the oversight of the SWRCB. The City is located within the purview of the San Diego RWQCB (Region 9). The Porter-Cologne Act also provides for the development and periodic review of basin plans that designate beneficial uses for surface waters, groundwater basins, and coastal waters, and establish water quality objectives such as those described above for the Otay River HA.

5.17.2.3 Local

RWQCB

The RWQCB regulates waste discharge and reclaimed water use to minimize and control adverse effects on the quality and beneficial uses of the Region's ground and surface waters. The Regional Board issues permits, called "waste discharge requirements" and "master reclamation permits" which require that waste and reclaimed water not be discharged in a manner that would cause an exceedance of applicable water quality objectives or adversely affect beneficial uses designated in the Basin Plan. The Regional Boards enforce these permits through a variety of administrative means.

The San Diego Regional Board's Basin Plan (California Regional Water Quality Control Board, 2021) is designed to preserve and enhance water quality and protect the beneficial uses of all regional waters. Specifically, the Basin Plan: (1) designates beneficial uses for surface and ground waters; (2) sets narrative and numerical objectives that must be attained or maintained to protect the designated beneficial uses and conform to the state's antidegradation policy; (3) describes implementation programs to protect the beneficial uses of all waters in the Region; and (4) describes surveillance and monitoring activities to evaluate the effectiveness of the Basin Plan [California

Water Code sections 13240 thru 13244, and section 13050(j)]. Additionally, the Basin Plan incorporates by reference all applicable State and Regional Board plans and policies. The Basin Plan is the Regional Board's plan for achieving the balance between competing uses of surface and ground waters in the San Diego Region.

Water Board Order No. R9-2007-0001, NPDES Permit No. CAS0108758

The California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) regulates discharges from Phase MS4s in the San Diego Region under the Regional MS4 Permit. The Regional MS4 Permit covers 39 municipal, county government, and special district entities (referred to jointly as Co-permittees) located in San Diego County, southern Orange County, and southwestern Riverside County who own and operate large MS4s which discharge storm water (wet weather) runoff and non-storm water (dry weather) runoff to surface waters throughout the San Diego Region. The Regional MS4 Permit, Order No. R9-2013-0001, was adopted on May 8, 2013, and initially covered the San Diego County Co-permittees. Order No. R9-2015-0001 was adopted on February 11, 2015, amending the Regional MS4 Permit to extend coverage to the Orange County Co-permittees. Finally, Order No. R9-2015-0100 was adopted on November 18, 2015, amending the Regional MS4 Permit to extend coverage to the Riverside County Co-permittees.

City of San Diego Jurisdictional Urban Runoff Management Program

The City of San Diego Jurisdictional Urban Runoff Management Program is implemented via the City of San Diego Jurisdictional Runoff Management Plan (JRMP; City of San Diego 2023). This document is a total account of how the City of San Diego plans to protect and improve the water quality of rivers, bays and the ocean in the region in compliance with the Water Board permit referenced above. The document describes how the City incorporates storm water best management practices into land use planning, development review and permitting, City capital improvement program project planning and design, and the execution of construction contracts.

Construction of any project in the City of San Diego is subject to the requirements of erosion control in the City's Grading Ordinance and is also required to comply with the SWRCB regulations, including the Regional MS4 Permit Order No. R9-2013-0001, and Order No. R9-2015-0100 amending the Regional MS4 Permit. To comply with this permit, the applicant must obtain a construction permit, which requires conformance with applicable BMPs and development of a SWPPP and monitoring program plan.

Water Quality Improvement Plans

As a part of the City of San Diego JRMP (City of San Diego 2023) and pursuant to the Regional MS4 Permit, the Stormwater Department of the City of San Diego has prepared six Water Quality Improvement Plans (WQIP) for each of the basins within its jurisdiction. This includes the San Dieguito River, Peñasquitos, Mission Bay/La Jolla, San Diego River, San Diego Ba, and Tijuana River. Each WQIP identifies the highest priority water quality condition(s), or problems, and the

corresponding numeric goals, strategies, and schedules to address those problems. All strategies from the six WQIPs are included in the JRMP. The project site is located in the San Diego Bay basin.

Drainage Design Manual

Pursuant to SDMC Chapter 14 Article 2 Division 2, Storm Water Runoff and Drainage Regulations, drainage regulations apply to all development in the City, whether or not a permit or other approval is required.

Drainage design policies and procedures for the City are provided in the Drainage Design Manual (City 2017), which is incorporated into the Land Development Manual as Appendix B. The Drainage Design Manual provides design guidelines for drainage and drainage-related facilities associated with development in the City, including criteria for determining watersheds, storm discharge, and applicable storm drain structure types and capacities.

Storm Water Standards Manual

The City has adopted a jurisdiction-specific Storm Water Standards Manual (City of San Diego, 2021) to reflect related NPDES standards. The Storm Water Manual provides direction for associated regulatory compliance, including identification of construction and post-construction storm water requirements for Standard Projects and Priority Development Projects, pursuant to the Regional MS4 Permit. Specifically, the manual identifies regulatory requirements and provides detailed performance standards and monitoring/maintenance efforts for: (1) construction BMPs; (2) overall storm water management design; (3) site design (LID) and source control BMPs applicable to all projects; (4) pollutant (or treatment) control and hydromodification management BMPs applicable to Priority Development Projects; (5) operation and maintenance requirements for applicable BMPs; and (6) specific direction and guidance to provide conformance with City and related NPDES storm water standards.

Grading Ordinance

The City Grading Ordinance (SDMC Section 142.0101 et seq.) incorporates a number of requirements related to hydrology and water quality, including BMPs necessary to control storm water pollution from sources such as erosion/sedimentation and construction materials during project construction and operation. Specifically, these include elements related to slope design, erosion/sediment control, revegetation requirements, and material handling/control.

San Diego General Plan

The City General Plan provides a number of goals and policies related to water quality concerns in the Conservation Element (City of San Diego 2008). The Conservation Element provides a number of goals and policies related to preserving and protecting watersheds and natural drainage features, minimizing runoff and related pollutant generation during and after construction activities, and protecting drinking water resources. Conservation Element goals and policies relevant to water quality include the following:

Climate Change & Sustainable Development

- CE-A. 10. Included features in buildings to facilitate recycling of waste generated by building occupants and associated refuse storage areas.
- CE-A.11. Implement sustainable landscape design and maintenance.
- CE-B.4. Limit and control runoff, sedimentation and erosion both during and after construction activity.
- CE-F.4. Preserve and plant trees, and vegetation that are consistent with habitat and water conservation policies that absorb carbon dioxide and pollutants.
- CE-H.1. Use a watershed planning approach to preserve and enhance wetlands.

5.17.3 Impact Analysis

5.17.3.1 Issue 1, Issue 2, and Issue 3

Issue 1 Would the project adhere to the City's Stormwater Standards?

Issue 2 Would the project result in an increase in pollutant discharge to receiving waters during or following construction or discharge identified pollutants to an already impaired water body?

Issue 3 Would short-term and long-term effects would the proposal have on local and regional water quality? What types of pre-and post-construction Best Management Practices (BMPs) would be incorporated into the proposal to preclude impacts to local and regional water quality?

Impact Threshold

Based on the City's CEQA Significance Determination Thresholds (City of San Diego 2022), adherence to the City's Stormwater Standards is the Water Quality threshold. Compliance with the Water Quality Standards is assured through permit conditions provided by LDR Engineering. Adherence to the City storm water standards is thus considered adequate to preclude surface water quality impacts, unless substantial evidence supports a fair argument that a significant impact will occur as a result of the project.

Analysis

The City's Significance Determination Thresholds (City of San Diego 2022) note that compliance with applicable City Water Quality Standards is assured through permit conditions provided by LDR Engineering. The project does not involve activities that could directly affect groundwater quality (e.g., underground fuel storage tanks or septic systems) and potential impacts to groundwater quality are limited to the percolation of project-related surface runoff and associated pollutants (e.g., in pervious portions of the proposed storm drain system). Accordingly, the project would adhere to the City's Stormwater Standards (City of San Diego 2021).

Any pollutant discharge offsite would flow to the Otay River downstream of the Lower Otay Reservoir Dam and eventually to San Diego Bay. As identified previously, implementation of the plan would be in proximity to a 303(d) listed water body (San Diego Bay) that is impaired by mercury, PAHs and PCBs. Otay River is exempt from watershed management area analysis. Development

near this impaired water body could potentially generate pollutants that would exacerbate existing impairments, cause additional pollution, and impact water quality if not properly controlled. Water quality is affected by sedimentation caused by erosion, by runoff-carrying contaminants, and by direct discharge of pollutants. Potential project-related pollutant discharge and water quality impacts are associated with both short-term construction activities and long-term operation and maintenance of buildout, as described below.

Short-term (Construction)

Project-related excavation, grading, and construction activities could potentially result in generation of pollutants that could affect receiving waters, including impaired water bodies like the San Diego Bay. Project activities would involve the removal of surface stabilizing features such as structures and vegetation and site grading, which can result in increased erosion and sediment transport. Implementation of the project would also involve the demolition of existing on-site facilities, including structures and pavement. The introduction of demolition-related debris into local drainages or storm drain systems could result in downstream water quality impacts, potentially including pollutants contributing to identified downstream water quality impairments. Additionally, project construction would involve the on-site use and/or storage of hazardous materials such as fuels, lubricants, solvents, concrete, paint, and portable septic system wastes. The accidental discharge of such materials during construction could potentially result in significant impacts if these pollutants reach downstream receiving waters, particularly materials such as petroleum compounds that are potentially toxic to aquatic species in low concentrations. Potential High Priority Pollutants include Mercury (Total Maximum Daily Load [TMDL] expected 2027 per 303[d]), PAHs (TMDL expected 2025 per 303[d]) and PCBs (TMDL expected 2019 per 303[d]) (*Storm Water Quality Management Plan*).

Short-term water quality effects from construction would be addressed through adherence to the City's Grading Ordinance and conformance with City storm water standards and the related NPDES Construction General Permit. This would include implementing an authorized SWPPP for proposed construction/demolition including (but not limited to) erosion and sedimentation BMPs and BMPs associated with use and storage of construction-related hazardous materials.

Long-term (Operational)

The increase in impervious surfaces generally associated with the development of land leads to increased opportunity for contaminated runoff that carries oils, heavy metals, pesticides, fertilizers, and other contaminants to enter a watershed. On-site runoff would be directed to on-site pollutant control BMPs including biofiltration basins and Modular Wetland System (MWS) underground storage facilities, and be treated and conveyed to storm drain systems within the project site. The project would also implement BMPs directed at precluding impacts to local and regional water quality. This would include efforts such as the use of flow regulation/water quality (detention and biofiltration) facilities and drainage facility maintenance (e.g., to remove accumulated sediment).

With the implementation of these BMPs, the project is not expected to affect the quality of storm water runoff leaving the site in the near- or long-term.

Maximum Development Under RM-2-6 Zone

Relative to full buildout under the proposed Residential Multiple (RM-2-6) zone, like the project, impacts would be less than significant. The RM-2-6 zone would support up to 206 dwelling units, or eight additional units, on the proposed project site. Maximum development under the RM-2-6 zone would require adherence to the City storm water standards. Like the project, short-term water quality effects from construction would be addressed through adherence to the City's Grading Ordinance and conformance with City storm water standards and the related NPDES Construction General Permit. Once the project is constructed, on-site runoff would be directed to on-site pollutant control BMPs including biofiltration basins and MWS underground storage facilities. With the implementation of these BMPs, development of the project site is not expected to affect the quality of storm water runoff leaving the site in the near- or long-term. Impacts would be less than significant impacts to water quality.

Significance of Impacts

The project would adhere to the City storm water standards. Short-term water quality effects from construction would be addressed through adherence to the City's Grading Ordinance and conformance with City storm water standards and the related NPDES Construction General Permit. Once the project is constructed, on-site runoff would be directed to on-site pollutant control BMPs including biofiltration basins and MWS underground storage facilities. With the implementation of these BMPs, the project is not expected to affect the quality of storm water runoff leaving the site in the near- or long-term. The project would result in less than significant impacts to water quality.

Mitigation Measures

No mitigation measures are necessary.

5.18 Wildfire

The following section describes the existing wildfire conditions, evaluates policies and regulatory requirements applicable to the project, evaluates potential impacts, and identifies mitigation measures, if applicable, related to project implementation. The discussion is based on an *Evacuation Plan* prepared by FIREWISE2000, (~~March 2024~~July 2024), which is included as Appendix S.

5.18.1 Existing Conditions

Physical Conditions

Currently, the project site is developed with a vacant residential structure, a garage, canopy structure, and two storage containers. The project site has been and is currently being used for staging by the Metropolitan Transit System (MTS) and some delivery services. The site is primarily characterized by disturbed land and developed land. Landscaping is minimal, consisting of non-native plant species, and is mostly confined to the perimeter of the property. The elevations within the project site range from 23 to 54 feet above mean sea level (AMSL). The surrounding area includes a nursery that operates immediately north of the project site; the Palm Avenue Trolley Station parking lot, mobile home park, and Ocean View Christian Academy sports field are to the south of the project site. To the west of the site is the San Diego & Arizona Eastern (SD&AE) Railroad line and Hollister Street. Single-family residences are located across Palm Avenue farther to the south of the project site and commercial uses are located to the west across Hollister Street.

The project site is within the San Diego Fire-Rescue Department (SDFD) jurisdiction and is served by Fire Station 6 located approximately 2.4 miles east of the project site and Fire Station 30 located approximately 1.2 miles south of the project site. Fire Station 6 is equipped with a fire engine. Fire Station 30 is equipped with a fire engine and paramedic unit.

Wildfire is a continuous threat in Southern California and is particularly concerning in the wildland-urban interface, the geographic area where urban development either abuts or intermingles with wildland or vegetative fuels. Due to climate, vegetation, and topography, the City of San Diego is subject to both wildland and urban fires. The region's climate and increasingly severe dry periods result in large areas of dry vegetation that provides fuel for wildland fires. Late summer and fall are the most critical seasons for wildland fires when Santa Ana winds bring hot, dry desert air from the east into the region. When the high air temperature, low humidity, and powerful winds combine with dry vegetation, the result can be large-scale fire events. Since these winds push wildland fires westward toward denser development, Santa Ana wind-driven fires have the potential to result in a greater risk of property damage. The City contains over 900 linear miles of wildland-urban interface due to established development along the open space areas and canyons within urban and suburban areas (City of San Diego 2008).

Fire Hazard Mapping

The California Department of Forestry and Fire Protection (CAL FIRE) adopted Fire Hazard Severity Zone (FHFZ) maps for State Responsibility Areas in 2007, as well as recommended maps for Very High Fire Hazard Severity Zones (VHFHSZs) in Local Responsibility Areas. Local Responsibility Areas include incorporated cities, cultivated agriculture lands, and portions of the desert. The fire hazard severity zone maps prepared by CALFIRE for State and Federal responsible areas identify the project site is shown as a Non-VHFHSZ (See Figure 5.18-1, *Regional Very High Fire Hazard Severity Zone Map, CALFIRE*). Fire Hazard Severity Zones are based on increasing fire hazard and are designated as “No Designation,” “Moderate,” “High,” or “Very High.” Fire hazard severity classifications take into account vegetation, topography, weather, crown fire production, and ember production and movement. As shown in Figure 5.18-2, *Regional Very High Fire Hazard Severity Zone Map, City of San Diego*, the Palm and Hollister Apartments site is not rated as within the VHFHSZ, except for a very small semi-circle area in the western portion of the project site, along the south border For the City of San Diego Local Responsible Areas (LRA), CALFIRE shows that the off-site area north of the project boundary rated by the SDFRD as a VHFHSZ. Farther north, south and east are LRA areas that are rated as a VHFHS.

Fire History

Fire history data provides valuable information regarding fire spread, fire frequency, ignition sources, and vegetation/fuel mosaics across a given landscape. Fire frequency, behavior, and ignition sources are important for fire response and planning purposes. It is advantageous to know which areas may have burned recently and, therefore, may provide a tactical defense position, or what type of fire burned on the site and how a fire may have spread. Over the last several years, a number of large and tragic fires have occurred in San Diego County including The Cedar and Paradise Fires in October of 2003 which burned a combined total of over 400,000 acres, caused the evacuation of over 600,000 people, and which contributed to the loss of more than 2,500 homes. At the same time, the Otay Fire, east of Chula Vista consumed over 45,000 acres in medium to heavy brush. More recently, the Harris Ranch Fire in 2007 consumed over 90,000 acres and was stopped just east of the Chula Vista city boundaries. This fire caused 5 fatalities and over 200 homes were consumed. August 7, 2020, a 10-acre vegetation fire in Chula Vista occurred just one-mile southeast of the project site.

Vegetation Communities and Land Covers

The project site consists of disturbed land and developed area as show in Figure 5.4-1, *Biological Resources*. A detailed description of the vegetation communities and land cover types are discussed in Section 5.4, *Biological Resources*, and the project’s biological technical report (Appendix F).

Topography and Terrain

Fire behavior movement and spread is affected by topography. Steep terrain typically results in faster fire spread due to pre-heating (and drying) of uphill vegetation. Flat areas typically result in slower fire spread, absent of windy conditions. Topography may form unique conditions which

result in concentrated winds or localized fire funneling, such as saddles, canyons, and chimneys (land formations that collect and funnel heated air upward along a slope). Similarly, terrain may slow the spread of fire. For example, fire generally moves slower downslope than upslope. Terrain may buffer or redirect winds away from some areas based on canyons or formations on the landscape.

Topography within the project site consisting of level terrain in the southern portions with descending slopes on the northern portion. Elevations range from a high of 54 AMSL at the southeast corner to a low of 23 AMSL in the northwest corner. (See Figure 5.18-3, *Site Topography*.)

Climate, Weather, and Wind

Like the rest of lowland San Diego County, the project area has a semi-arid climate with Mediterranean characteristics, though the winter rainfall is too low and erratic to qualify as an actual Mediterranean climate. The summers are short, warm, arid, and mostly clear and the winters are long, cool, and partly cloudy. Over the course of the year, the temperature typically varies from 48°F to 78°F and is rarely below 42°F or above 84°F.

Typically, the highest fire danger is produced by the high-pressure systems that occur in the Great Basin, which result in the Santa Ana winds of Southern California. Sustained wind speeds recorded during recent major fires in San Diego County exceeded 30 miles per hour (mph) and 50 mph during extreme conditions. The Santa Ana wind conditions are a reversal of the prevailing southwesterly winds that usually occur on a region-wide basis during late summer and early fall. Santa Ana winds are warm winds that flow from the higher desert elevations in the north through the mountain passes and canyons. As they converge through the canyons, their velocities increase. Consequently, peak velocities are highest at the mouths of canyons and dissipate as they spread across valley floors or mesas. Santa Ana winds generally coincide with the regional drought period and the period of highest fire danger. The project site is affected by Santa Ana winds. Winds funneled through mountains and onto the flat mesas dissipate and produce lower average wind conditions.

5.18.2 Regulatory Framework

5.18.2.1 Federal

National Fire Protection Association Codes, Standards, Practices, and Guides

National Fire Protection Association codes, standards, recommended practices, and guides are developed through a consensus standards development process approved by the American National Standards Institute. This process brings together professionals representing varied viewpoints and interests to achieve consensus on fire and other safety issues. National Fire Protection Association standards are recommended guidelines and nationally accepted good practices in fire protection, but are not laws or codes unless adopted as such or referenced as such by the California Fire Code (CFC) or the local fire agency.

Federal Wildland Fire Management Policy

The Federal Wildland Fire Management Policy was developed in 1995, updated in 2001, and again in 2009 by the National Wildfire Coordinating Group, a federal multi-agency group that establishes consistent and coordinated fire management policy across multiple federal jurisdictions. An important component of the Federal Wildland Fire Management Policy is the acknowledgment of the essential role of fire in maintaining natural ecosystems. The Federal Wildland Fire Management Policy is based on the following guiding principles, found in the Guidance for Implementation of Federal Wildland Fire Management Policy (National Wildfire Coordinating Group 2009):

- Firefighter and public safety are the first priority in every fire management activity.
- The role of wildland fire as an essential ecological process and natural change agent will be incorporated into the planning process.
- Fire management plans, programs, and activities support land and resource management plans and their implementation.
- Sound risk management is a foundation for all fire management activities.
- Fire management programs and activities are economically viable, based upon values to be protected, costs, and land and resource management objectives.
- Fire management plans and activities are based upon the best available science.
- Fire management plans and activities incorporate public health and environmental quality considerations.
- Federal, state, tribal, local, interagency, and international coordination and cooperation are essential.
- Standardization of policies and procedures among federal agencies is an ongoing objective.

National Fire Plan

The National Fire Plan, officially titled *Managing the Impacts of Wildfire on Communities and the Environment: A Report to the President in Response to the Wildfires of 2000*, was a presidential directive in 2000 as a response to severe wildland fires that had burned throughout the United States. The National Fire Plan focuses on reducing fire impacts on rural communities and providing assurance for sufficient firefighting capacity in the future. The plan addresses five key points: firefighting, rehabilitation, hazardous fuels reduction, community assistance, and accountability. The plan provides technical, financial, and resource guidance and support for wildland fire management across the United States. United States Forest Service and the Department of the Interior are working to successfully implement the key points outlined in the plan (DOI/USDA 2000).

International Fire Code

Created by the International Code Council, the International Fire Code addresses a wide array of conditions hazardous to life and property, including fire, explosions, and hazardous materials handling or usage. The International Fire Code places an emphasis on prescriptive and performance-based approaches to fire prevention and fire protection systems. Updated every three years, the International Fire Code uses a hazards classification system to determine the appropriate

measures to be incorporated to protect life and property (often times these measures include construction standards and specialized equipment). The International Fire Code uses a permit system (based on hazard classification) to ensure that required measures are instituted (ICC 2021).

5.18.2.2 State

California Government Code

California Government Code, Sections 51175 through 51189 provide guidance for classifying lands in California as fire hazard areas and requirements for management of property within those lands. CAL FIRE is responsible for classifying FHSZs based on statewide criteria, and makes the information available for public review. Further, local agencies must designate, by ordinance, VHFHSZs within their jurisdiction based on the recommendations of CAL FIRE.

Section 51182 sets forth requirements for maintaining property within fire hazard areas, such as defensible space, vegetative fuels management, and building materials and standards. Defensible space around structures in fire hazard areas must consist of 100 feet of fuel modification on each side of a structure, but not beyond the property line unless findings conclude that the clearing is necessary to significantly reduce the risk of structure ignition in the event of a wildfire. Clearance on adjacent property shall only be conducted following written consent by the adjacent owner. Further, trees must be trimmed from within 10 feet of the outlet of a chimney or stovepipe, vegetation near buildings must be maintained, and roofs of structures must be cleared of vegetative materials. Exemptions may apply for buildings with an exterior constructed entirely of nonflammable materials.

California Code of Regulations

Title 14 Natural Resources

Title 14, Division 1.5, Chapter 7, Subchapter 3, Fire Hazard, also sets forth requirements for defensible space if the distances specified above cannot be met. For example, options that have similar practical effects include noncombustible block walls or fences, five feet of noncombustible material horizontally around the structure, installing hardscape landscaping or reducing exposed windows on the side of the structure with a less-than-30-foot setback, or additional structure hardening such as those required in the California Building Code (CBC)—California Code of Regulations Title 24, Part 2, Chapter 7A.

Title 24 California Building Standards Code

Part 2 of Title 24 contains the California Building Code. Chapter 7A of the California Building Code regulates building materials, systems, and/or assemblies used in the exterior design and construction of new buildings located within a fire hazard area. Fire hazard areas as defined by the California Building Code include areas identified as a FHSZ within a State Responsibility Area or a wildland-urban interface fire area. The purpose of Chapter 7A is to establish minimum standards for the protection of life and property by increasing the ability

of structures located in a fire hazard area to resist the intrusion of flames or burning embers projected by a wildfire, and to contribute to a systematic reduction in structural losses from a wildfire. New buildings located in such areas must comply with the ignition-resistant construction standards outlined in Chapter 7A.

California Fire Code

Part 9 of Title 24 contains the California Fire Code (CFC), which incorporates by adoption the International Fire Code with necessary California amendments. The purpose of the CFC is to establish the minimum requirements to safeguard the public health, safety, and general welfare from the hazards of fire, explosion, or dangerous conditions in new and existing buildings, structures, and premises, and to provide safety and assistance to firefighters and emergency responders during emergency operations. Chapter 49 of the CFC contains minimum standards for development in the wildland-urban interface and fire hazard areas.

The CFC and Office of the State Fire Marshal provide regulations and guidance for local agencies in the development and enforcement of fire safety standards. The CFC is updated and published every three years by the California Building Standards Commission. The 2022 CFC took effect on January 1, 2023.

California Public Resources Code

California Public Resources Code, Section 4290, requires minimum fire safety standards related to defensible space that are applicable to residential, commercial, and industrial building construction in State Responsibility Area lands and lands classified and designated as VHFHSZs. These regulations include road standards for fire apparatus access, standards for signs identifying roads and buildings, fuel breaks and green belts, and minimum water supply requirements. It should be noted that these regulations do not supersede local regulations that equal or exceed minimum regulations required by the state.

California Public Resources Code, Section 4291, requires a reduction of fire hazards around buildings located adjacent to a mountainous area, forest-covered lands, brush-covered lands, grass-covered lands, or land that is covered in flammable material. Section 4291 requires 100 feet of defensible space around all sides of a structure, but not beyond the property line unless required by state law, local ordinance, rule, or regulations. Further, California Public Resources Code, Section 4291 requires the removal of dead or dying vegetative materials from the roof of a structure, and trees and shrubs must be trimmed from within 10 feet of the outlet of a chimney or stovepipe. Exemptions may apply for buildings with an exterior constructed entirely of nonflammable materials.

Fire Hazard Severity Zones

CAL FIRE maps FHSZs based on fuel loading, slope, fire history, weather, and other relevant factors as directed by California Public Resources Code, Sections 4201–4204, and California Government Code, Sections 51175–51189. FHSZs are ranked from Moderate to Very High and are categorized for fire protection within a Federal Responsibility Area, State Responsibility Area, or Local Responsibility Area under the jurisdiction of a federal agency, CAL FIRE, or local agency, respectively. The map identifies areas within and adjacent to the project site as local responsibility area.

California Strategic Fire Plan

The 2018 Strategic Fire Plan for California reflects CAL FIRE’s focus on fire prevention and suppression activities to protect lives, property, and ecosystem services, and natural resource management to maintain the state’s forests as a resilient carbon sink to meet California’s climate change goals and to serve as important habitat for adaptation and mitigation. The Strategic Fire Plan for California provides a vision for a natural environment that is more fire resilient, buildings and infrastructure that are more fire resistant, and a society that is more aware of and responsive to the benefits and threats of wildland fire, all achieved through local, State, Federal, tribal, and private partnerships (CAL FIRE 2018). Plan goals include the following:

1. Identify and evaluate wildland fire hazards and recognize life, property and natural resource assets at risk, including watershed, habitat, social and other values of functioning ecosystems. Facilitate the collaborative development and sharing of all analyses and data collection across all ownerships for consistency in type and kind.
2. Promote and support local land use planning processes as they relate to: (a) protection of life, property, and natural resources from risks associated with wildland fire, and (b) individual landowner objectives and responsibilities.
3. Support and participate in the collaborative development and implementation of local, county and regional plans that address fire protection and landowner objectives.
4. Increase fire prevention awareness, knowledge and actions implemented by individuals and communities to reduce human loss, property damage and impacts to natural resources from wildland fires.
5. Integrate fire and fuels management practices with landowner/land manager priorities across jurisdictions.
6. Determine the level of resources necessary to effectively identify, plan and implement fire prevention using adaptive management strategies.
7. Determine the level of fire suppression resources necessary to protect the values and assets at risk identified during planning processes.
8. Implement post-fire assessments and programs for the protection of life, property, and natural resource recovery.

Mutual Aid Agreements

The California Disaster and Civil Defense Master Mutual Aid Agreement, as provided by the California Emergency Services Act, provides statewide mutual aid between and among local jurisdictions and the state. The statewide mutual aid system exists to ensure that adequate resources, facilities, and other supports are provided to jurisdictions whenever resources prove to be inadequate for a given situation. Each jurisdiction controls its own personnel and facilities but can give and receive help whenever needed.

California Natural Disaster Assistance Act

The California Natural Disaster Assistance Act provides financial aid to local agencies to assist in the permanent restoration of public real property, other than facilities used solely for recreational purposes, when such real property has been damaged or destroyed by a natural disaster. The California Natural Disaster Assistance Act is activated after a local declaration of emergency, after the California Emergency Management Agency gives concurrence with the local declaration, or after the governor issues a proclamation of a state emergency. Once the California Natural Disaster Assistance Act is activated, local government is eligible for certain types of assistance, depending on the specific declaration or proclamation issued.

State Fire Regulations

State fire regulations are set forth in Sections 13000 et seq. of the California Health and Safety Code and include regulations concerning building standards (as also set forth in the CBC), fire protection and notification systems, fire protection devices such as extinguishers and smoke alarms, high-rise building and childcare facility standards, and fire suppression training. The State fire marshal enforces these regulations and building standards in all state-owned buildings, state-occupied buildings, and state institutions throughout California.

Best Practices for Analyzing and Mitigating Wildfire Impacts of Development Projects Under California Environmental Quality Act (Bonta Memo)

In October of 2022 California Attorney General Rob Bonta issued guidance laying out mitigation measures and best practices for local governments considering approval of development projects in fire-prone areas (State of California, 2022). The guidance provides suggestions for how best to comply with CEQA when analyzing and mitigating a proposed project's impact on wildfire ignition risk, emergency access, and evacuation. It is aimed at proposed development projects, such as residential, recreational, or commercial developments. The guidance does not impose additional requirements on local governments or alter any applicable laws or regulations. Rather, it is intended to provide guidance on some of the issues, alternatives, and mitigation measures that should be considered during the environmental review process. The guidance sets out best practices and mitigation measures for topics including:

- **Project Density:** Project density influences how likely a fire is to start or spread, and how likely it is that the development and its occupants will be in danger when a fire starts. Local

governments should strive to increase housing density and consolidate design, relying on higher density infill developments as much as possible.

- **Project Location:** Project placement in the landscape relative to fire history, topography, and wind patterns also influences wildfire risk. Local governments should limit development along steep slopes and amidst rugged terrain to decrease exposure to rapid fire spread and increase accessibility for fire-fighting.
- **Water Supply and Infrastructure:** As part of evaluating a project's wildfire risk impacts, local governments should analyze the adequacy of water supplies and infrastructure to address fire-fighting within the project site. Local governments should consider requiring on-site water supply or storage to augment ordinary supplies that may be lost during a wildfire.
- **Evacuation and Emergency Access:** Evacuation modeling and analysis should be completed prior to the development's approval and include evaluation of the capacity of surrounding roadways, project impacts on existing evacuation plans, and proximity to existing fire services, among other factors. Local governments should consider placing developments close to existing road and evacuation infrastructure, and where appropriate, constructing additional roads to facilitate evacuations.
- **Fire Hardening Structures and Homes:** Home hardening has been shown to be an extremely effective measure for preventing structure loss during a wildfire. Local governments should require developers to upgrade building materials and use installation techniques to increase the development's resistance to heat, flames, and embers beyond what is required in applicable building codes.

5.18.2.3 Local

County of San Diego Office of Emergency Services

The Unified San Diego County Emergency Services Organization has primary responsibility for preparedness and response activities in the County of San Diego (County). The County Office of Emergency Services serves as staff to the Unified Disaster Council, the governing body of the Unified San Diego County Emergency Services Organization. Emergency response and preparedness plans include the Operational Area Emergency Operations Plan and the County Multi-Jurisdictional Hazard Mitigation Plan, as described below.

Operational Area Emergency Operations Plan

The San Diego County Emergency Operations Plan was approved by the County Board of Supervisors on August 30, 2022. The plan is used by all key partner agencies within the county to respond to major emergencies and disasters. It describes the roles and responsibilities of all county departments (including many city departments), and the relationship between the County and its departments and the jurisdictions within the county. The Operational Area Emergency Operations Plan describes a comprehensive emergency management system which provides for a planned response to disaster situations associated with natural disasters, technological incidents, terrorism and nuclear-related incidents. It delineates operational concepts relating to various emergency

situations, identifies components of the Emergency Management Organization, and describes the overall responsibilities for protecting life and property and assuring the overall wellbeing of the population. The plan also identifies the sources of outside support which might be provided (through mutual aid and specific statutory authorities) by other jurisdictions, state and federal agencies and the private sector.

Multi-Jurisdictional Hazard Mitigation Plan

The City is a participating jurisdiction in the Multi-Jurisdictional Hazard Mitigation Plan, a Countywide plan that identifies risks, minimizes damage from natural and human-made disasters, and is generally intended to provide compliance with regulatory requirements associated with emergency response efforts. The Multi-Jurisdictional Hazard Mitigation Plan includes an overview of the risk assessment process, vulnerability assessments, and identifies hazards present in each jurisdiction of the County. Hazards profiled in the plan include wildfire, structure fire, flood, coastal storms, erosion, tsunami, earthquakes, liquefaction, rain-induced landslide, dam failure, hazardous materials incidents, nuclear materials release, and terrorism. The plan sets forth a variety of objectives and actions based on a set of broad goals including the following: (1) promoting disaster-resistant future development; (2) increased public understanding and support for effective hazard mitigation; (3) building support of local capacity and commitment to become less vulnerable to hazards; (4) enhancement of hazard mitigation coordination and communication with federal, state, local and tribal governments; and (5) reducing the possibility of damage and losses to existing assets, particularly people, critical facilities or infrastructure, and County-owned facilities, due to dam failure, earthquake, coastal storm, erosion, tsunami, landslides, floods, structural fire/wildfire, and human-made hazards.

As part of the emergency response efforts, the City of San Diego Office of Health and Safety oversees emergency preparedness and response services for disaster-related measures, including administration of the City Emergency Operations Center and alternate Emergency Operations Center (County of San Diego 2017).

City of San Diego Municipal Code

The San Diego Municipal Code contains the fire hazard severity zone maps and identifies the fire protection VHFHSZs and local agency VHFHSZs for the City area of responsibility. The adopted Fire Hazard Severity Zone Maps from CAL FIRE are maintained and codified in San Diego Municipal Code Sections 55.9401 and 145.0703(a)(2).

The VHFHSZs are located throughout the City. Inclusion within these zones is based on five factors: density of vegetation, slope severity, 5-minute fire department response time, road class/proximity and proximity to fire hydrants, and CAL FIRE's vegetation cover and fire behavior/fuel spread model. Based on these factors, the VHFHSZs encompass a large portion of the City, including most land use

designations, major freeways and roads, various structures, and major utilities and essential public facilities.

The City's Wildland Management and Enforcement program provides information and guidelines on brush management and weed abatement in FHSZs. The City's Fire Safety and Brush Management Guide summarizes guidelines for brush management in canyon areas and landscape standards. San Diego Municipal Code Section 142.0412 regulates brush management and requires 100 feet of defensible space between structures and native wildlands. The City's Landscape Standards acknowledge fire safety is achieved by reducing flammable fuel adjacent to structures. Requirements of the landscape standards are included for pruning and thinning native and naturalized vegetation, and revegetation with low-fuel-volume plantings.

Brush Management

The City's Brush Management Regulations (San Diego Municipal Code Section 142.0412) are intended to minimize wildland fire hazards through prevention activities and programs. These regulations require the provision of mandatory setbacks, irrigation systems, regulated planting areas, and plant maintenance in specific zones, and are implemented at the project level through the grading and building permit process.

Brush management is required in all base zones on publicly or privately owned premises that are within 100 feet of a structure and contain native or naturalized vegetation. Brush management is intended to reduce the risk of significant loss, injury, or death involving wildland fires. Unless otherwise approved by the City Deputy Fire Marshal, the brush management would consist of two separate and distinct zones, as follows:

- Zone One: 35-foot width; the area adjacent to structures where flammable materials would be minimized through the use of pavement and/or permanently irrigated ornamental landscape plantings. This zone is not allowed on slopes with a gradient greater than 4:1 unless the property received tentative map approval before November 15, 1989
- Zone Two: 65-foot width; the area between Zone One and any area of native or naturalized vegetation. This zone would consist of thinned native or naturalized vegetation.

No native vegetation is located within 100 feet of the site and therefore no brush management is required for the site.

5.18.3 Impact Analysis

5.18.3.1 Issue 1

Issue 1: Would the project substantially impair an adopted emergency response plan or emergency evacuation plan?

Impact Threshold

Based on the City's Significance Determination Thresholds (City of San Diego 2022), a project would result in a significant impact if it would interfere with an adopted emergency response plan or emergency evacuation plan.

Analysis

As discussed in Section 5.8 *Health and Safety*, Section 5.8.3.3, the project would provide adequate emergency access within the project site and would be designed in accordance with applicable safety standards, including the preparation of a site-specific emergency evacuation plan. City emergency safety standards and requirements pursuant to local regulations and standards are incorporated into the project design, including standard implementation of a traffic control plan during the construction period. As a result, no significant construction-period impacts related to fire hazards are identified.

The Palm & Hollister Apartments Evacuation Plan includes an estimate of evacuation times based on evacuation routes studied. The project Evacuation Plan (Appendix S) demonstrates that timely evacuation of the site is feasible and would be improved by the additional roadway and emergency egress connections provided by the project. Emergency safety standards and requirements relevant to structure design, road width, etc. required by the City pursuant to local regulations and standards are incorporated into the project design.

As discussed above, in Section 5.18.2, Regulatory Framework, the City is a participating entity in the San Diego County Multi-jurisdictional Hazard Mitigation Plan (MHMP) (County of San Diego 2017), which is generally intended to provide compliance with regulatory requirements associated with emergency response efforts. The Emergency Operations Plan (EOP) (County of San Diego 2018) identifies a broad range of potential hazards and a response plan for public protection. The EOP identifies major interstates and highways within San Diego County that could be used as primary routes for evacuation. As part of the emergency response efforts, the San Diego Office of Homeland Security oversees emergency preparedness and response services for disaster-related measures, including administration of the City Emergency Operations Center (EOC) and alternate EOC (County of San Diego 2017). For emergency evacuation, the EOP identifies I-5 and SR-75 as emergency evacuation routes in the vicinity of the project site. The project site is located just east of I-5 to the east and is approximately 0.50 miles west of SR-75. Per the Vehicle Miles Traveled (VMT) and Local Mobility Analysis (LMA) Analyses [Appendices C and D of this Environmental Impact Report (EIR)], the proposed project is anticipated to add 1,070 new daily trips to and from the project site.

In addition, private access driveways and alleyways would be constructed in accordance with San Diego Municipal Code Sections 55.8701 and 55.8703, which outline the requirements for fire apparatus access roads and gates to ensure adequate emergency access within the project site.

Therefore, the proposed project would not impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan.

Primary evacuation routes consist of the major interstates, highways, and prime arterials within the City. For emergency evacuation, the EOP identifies I-5 and SR-75 as emergency evacuation routes in the vicinity of the project site. A County of San Diego Emergency Plan, including an Evacuation Annex, is in place to provide for the effective mobilization of all the resources of San Diego.

Relative to full buildout under the proposed RM-2-6 zone, any development of the project site would require compliance with all fire regulations and incorporation of emergency safety standards and requirements pursuant to local regulations and standards, including standard implementation of a traffic control plan during the construction period. Thus, it is not anticipated that development of the project site would impair or physically interfere with an adopted emergency response or evacuation. Impacts would be less than significant.

Significance of Impacts

The project would not impair or physically interfere with an adopted emergency response or evacuation plan and impacts would be less than significant.

Mitigation Measures

Mitigation would not be required.

5.18.3.2 Issue 2

Issue 2: Would the project, 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 wildfire??

Impact Threshold

Consistent with State CEQA Guidelines Appendix G, a project would result in a significant impact to wildfire if due to slope, prevailing winds, and other factor exacerbate wildfire risks and thereby expose project occupants to pollutant concentration from wildfire or the uncontrolled spread of a wildfire.

Analysis

As shown in Figure 5.18-2, surrounding areas, including the access roadway to the site, are within a VHFHSZ. As discussed in Section 5.18.1, *Existing Conditions*, the project site consists of mostly level terrain in the southern portions with descending slopes to on the northern portion with elevations ranging from a high of 54 AMSL at the southeast corner to a low of 23 AMSL in the northwest corner. The project would grade the project site to develop 11 to 12 relatively level pads. Grading would

result in cuts up to 13 feet and fills up to 25 feet. Retaining walls with heights ranging from five feet to 24.5 feet are planned along the west, north and eastern site perimeters. Retaining walls would be below the site elevation on 2:1 slopes. All recommendations outlined in the geotechnical report prepared for the project (Appendix I) would be implemented to ensure slope stability and avoid over-steepened of slopes.

Prevailing winds in the project area are from the west/southwest (on-shore), during the day, and at night winds are from the northeast (land), averaging 3 mph (Appendix E). During the summer season, the diurnal winds may average higher wind speeds (approximately 18 mph). Surface winds can also be influenced locally by topography and slope variations. The project would not create new slopes such that slopes would alter wind patterns and fire risk exacerbated by project conditions.

In areas where the public might be experiencing wildfire smoke, the EPA recommends that public health and air quality agencies provide advice on strategies to limit exposure, which include staying indoors; limiting physical activity; reducing indoor air pollution sources; effectively using air conditioners and air filters or cleaners; creating cleaner air shelters; and using respiratory protection appropriately. The most common advisory during a smoke episode is to stay indoors, where people can better control their environment. All proposed units would be equipped with heating, ventilation and cooling (HVAC) units with filters. Whether at home or in a public space, indoor environments that have filtered air and climate control can provide relief from smoke and heat (EPA 2019).

Relative to full buildout under the proposed RM-2-6 zone, maximum development of the project site would not exacerbate wildfire risks, due to slope, prevailing winds, or other factors, thereby exposing project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire Impacts would be less than significant.

Significance of Impacts

The project would not exacerbate wildfire risks, due to slope, prevailing winds, or other factors, thereby exposing project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire. Impacts would be less than significant.

Mitigation Measures

Mitigation would not be required.

5.18.3.3 Issue 3

Issue 3: Would the project require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines of other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?

Impact Threshold

Consistent with State CEQA Guidelines Appendix G, a project would result in a significant impact to wildfire if the project would 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.

Analysis

Construction

The project would involve the construction of 198 multifamily residential units in 13 buildings and associated amenities and infrastructure, including interior driveways/alleyways and parking, and connections to existing water, sewer, electricity, and gas infrastructure. The proposed zoning would allow up to 206 residential units. The project does not include any linear infrastructure improvements or other utilities through wildland areas, as all are proposed within the proposed development pad and MTS access easement. As such, no ongoing maintenance or installation beyond that within the development pad area and adjacent developed site would occur. Utility connections would be required to comply with the current California Code of Regulations, Title 24 Parts 1-12, as well as City regulations which would require review and approval through the building permit process. Additionally, the project would include vegetation management prior to construction of the project as described above in Section 5.18.3.2. All construction activities would be conducted in accordance with state and local guidelines related to fire prevention and safety.

Operation

Utilities

The project would connect to existing utilities and operation of utility infrastructure would be underground, within the project site, and would not exacerbate fire risks.

Roads

Access to the project would be provided by an easement through the adjacent MTS property and connecting to Palm Avenue. Residential units would be accessed via interior drives and pedestrian walkways. All interior drives would be constructed in accordance with San Diego Municipal Code Sections 55.8701 and 55.8703, which outline the requirements for fire apparatus access roads and gates to ensure adequate emergency access within the project site. Additionally, the project is subject to review by the SDFD and the San Diego Police Department (SDPD) to ensure compliance with applicable safety standards.

Landscaping and Brush Management

Two locations on the project site (northwest corner and southeast corner) are within 100 feet of existing naturalized off-site slope planting. On-site planting in both locations would include low fuel shrubs and groundcovers that would provide 100 percent coverage of the slope. Areas of the project site that are adjacent to the future Otay Valley Regional Park would include low-fuel native

groundcovers. The retaining wall would include low-fuel wall plantings such as California Morning glory or southern honeysuckle. In order to reduce flame lengths of an approaching wildfire and avoid exacerbating wildfire risk, all landscape areas on-site would have a permanent automatic irrigation system and would be maintained in a regular basis, including pruning, thinning and weeding. As required per a condition of approval, a detailed landscape plan and plant palette would be submitted to the Landscape Section and SDFD for review and approval prior to the issuance of building permits. This review would include a check to ensure no plants that are highly flammable would be used within the proposed landscaping.

Construction activities involved with installation or maintenance of associated infrastructure would require ground disturbance and the use of heavy machinery associated with trenching, grading, site work, and other construction and maintenance activities and the installation of related infrastructure could potentially result in temporary impacts to the environment or exacerbate wildfire risks. However, the installation access roads and internal drives, service utilities, drainage and water quality improvements, and vegetation management activities are within the residential development pad of the project analyzed herein and would not be traversing wildland areas. Additionally, the project would be required to comply with all regulatory requirements associated with trenching, grading, site work, and the use of heavy machinery. No adverse physical effects beyond those already disclosed in this EIR would occur as a result of implementation of the project's associated infrastructure.

Relative to full buildout under the proposed RM-2-6 zone, any development of the project site would require compliance with all fire regulations and incorporation of emergency safety standards and requirements pursuant to local regulations and standards, including standard implementation of a traffic control plan during the construction period. Thus, installation and maintenance of an infrastructure associated with development is not anticipated to increase wildfire risk during construction or operation, or result in temporary or ongoing impacts to the environment beyond those disclosed within this EIR, and impacts would be less than significant.

Significance of Impacts

The installation and maintenance of associated infrastructure would not exacerbate wildfire risk during construction or operation, or result in temporary or ongoing impacts to the environment beyond those disclosed within this EIR, and impacts would be less than significant.

Mitigation Measures

Mitigation would not be required.

5.18.3.4 Issue 4

Issue 4: Would the project 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?

Impact Threshold

Consistent with State CEQA Guidelines Appendix G, a project would result in a significant impact to wildfire if the project would 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.

Analysis

As discussed in Section 5.6, *Geologic Conditions*, and the geotechnical investigation, risk of seismically induced landsliding is considered very low. Topographically, the project site consists of level terrain, with slopes along the northern site boundary. Compliance with building and land development code requirements for any existing or manufactured slopes would minimize potential slope instability.

As discussed in Section 5.10, *Hydrology*, the Drainage Report prepared for the project concludes that development of the project would result in an overall increase in impervious area and site runoff, but peak flows after detention would be below the existing condition peak flow at the project outfall. The project would control runoff and discharge into the MS4. No fires have recently occurred at the project site. Flooding as a result of runoff or drainage changes under post-fire conditions would not expose people or structures to significant risk considering this.

Due to the proposed development of the site, lack of evidence of previous landslides, and improved runoff conditions, it is unlikely that the project would expose people or structures to downstream flooding or landslides as a result of runoff, post-fire slope instability, or drainage changes.

Relative to full buildout under the proposed RM-2-6 zone, the project site is not subject to downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes would not 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. Impacts would be less than significant.

Significance of Impacts

The project would not 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. Impacts would be less than significant.

Mitigation Measures

Mitigation would not be required.

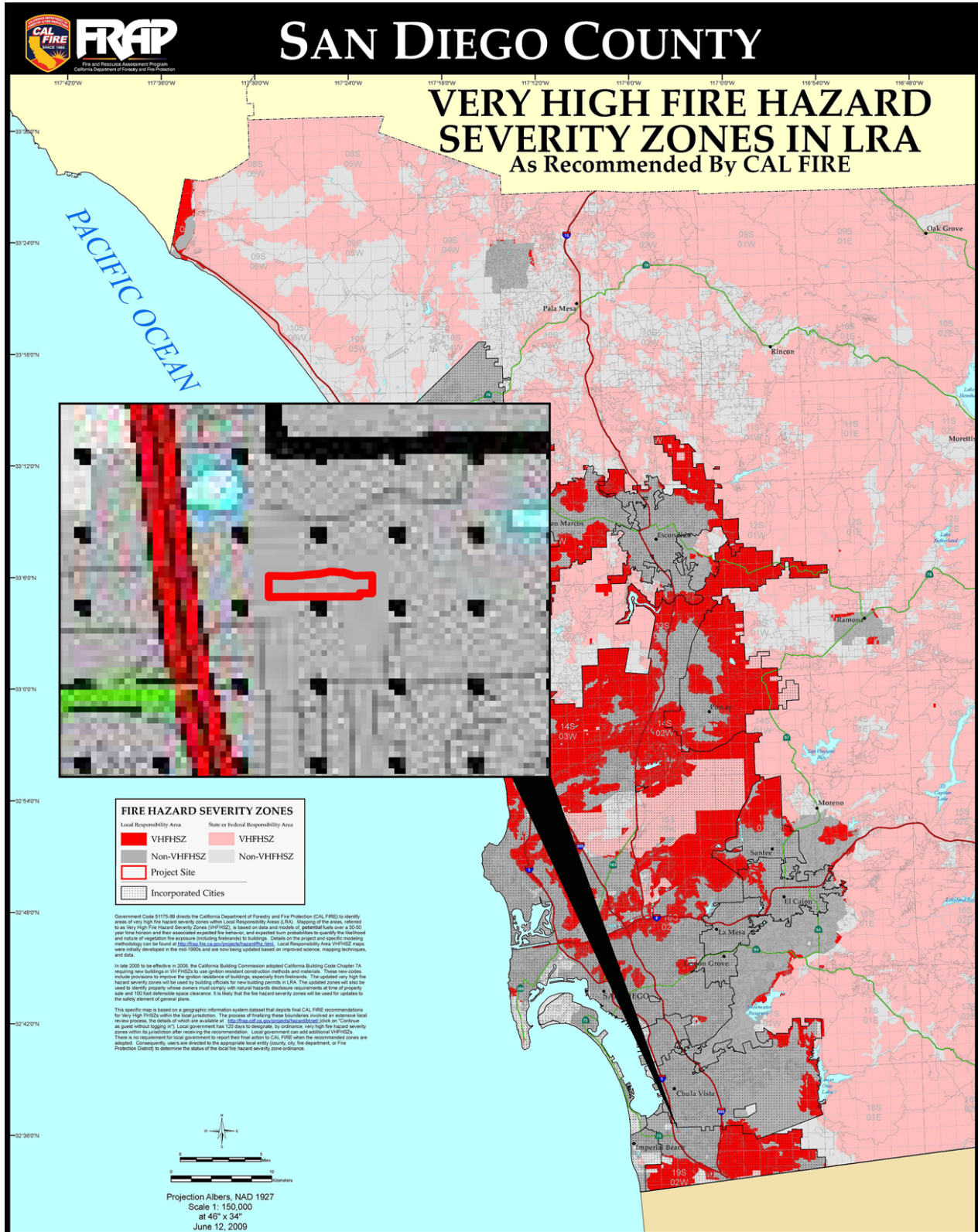


Figure 5.18-1. Regional Very High Fire Hazard Severity Zone Map, CAL FIRE

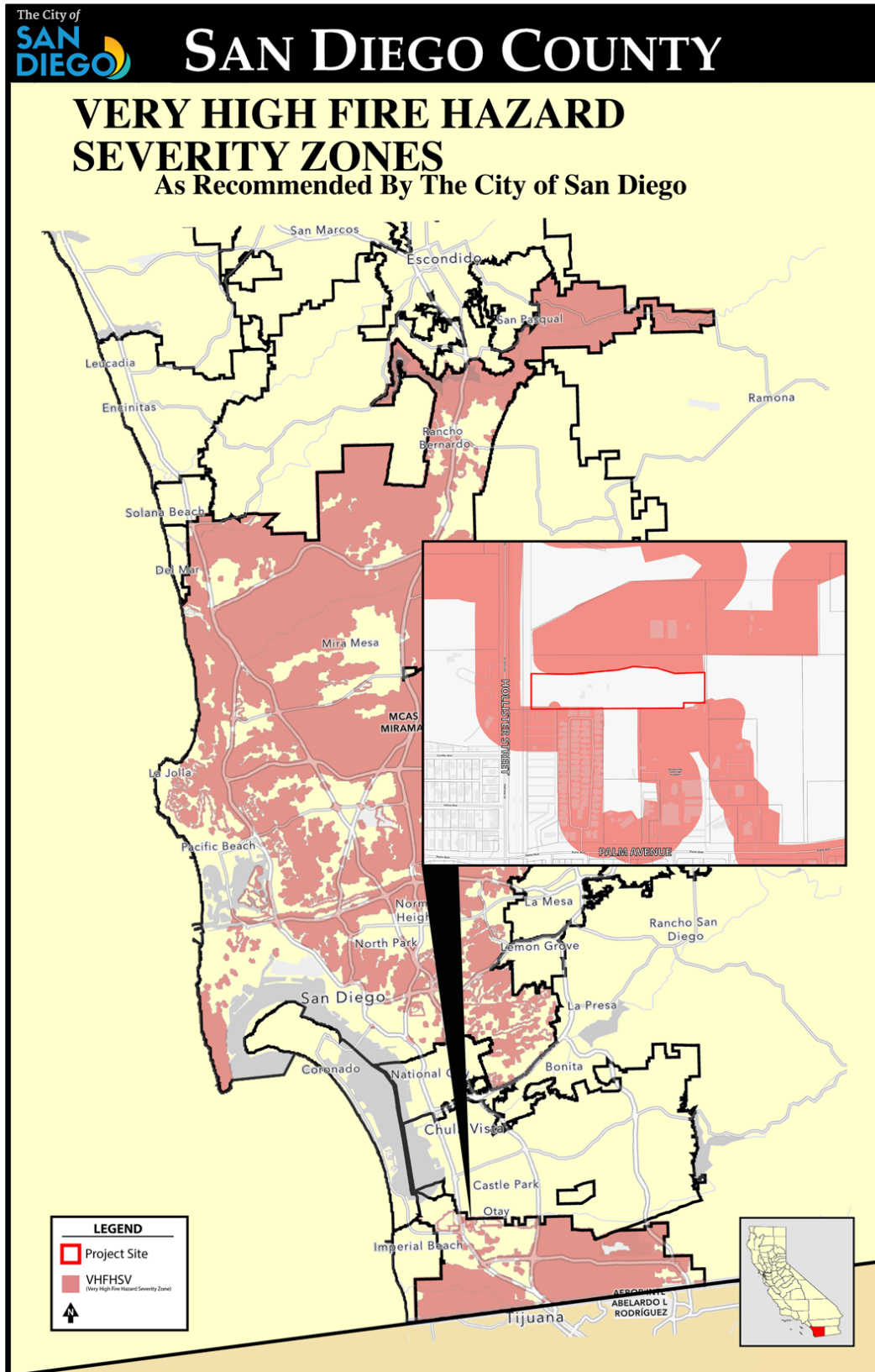


Figure 5.18-2. Regional Very High Fire Hazard Severity Zone Map, City of San Diego

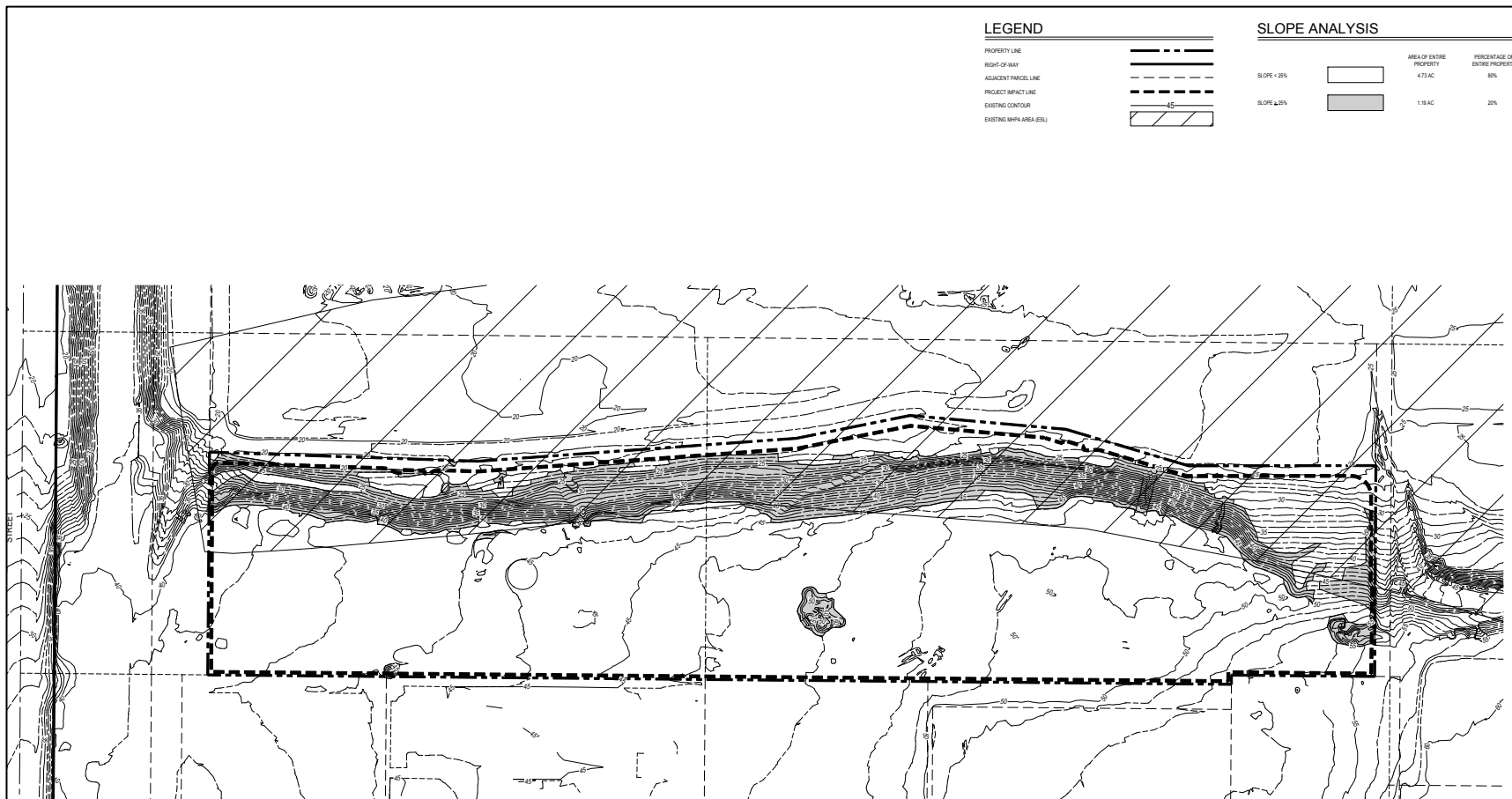


Figure 5.18-3. Site Topography

6.0 CUMULATIVE EFFECTS

Section 15355 of the California Environmental Quality Act (CEQA) Guidelines defines “cumulative impacts” as two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts. These individual effects may be changes resulting from a single project or a number of separate projects and can result from individually minor but collectively significant projects taking place over a period of time.

The CEQA Guidelines Section 15130 provides guidance for analyzing cumulative impacts and requires that an EIR address cumulative impacts of a project when the project’s incremental effect would be cumulatively considerable. Cumulatively considerable, as defined in Section 15065(a)(3), means that the incremental effects of the individual project are considerable when viewed in connection with the effects of past projects, other current projects, and the effects of probable future projects. Where a lead agency determines the project’s incremental effect would not be cumulatively considerable, a brief description of the basis for such a conclusion must be included. In addition, the CEQA Guidelines allow for a project’s contribution to be rendered less than cumulatively considerable with implementation of appropriate mitigation.

According to Section 15130(b) of the CEQA Guidelines, the discussion of cumulative impacts shall reflect the severity of the impacts and their likelihood of occurrence, but the discussion need not provide as great detail as is provided for the effects attributable to the project alone. The discussion should be guided by the standards of practicality and reasonableness, and should focus on the cumulative impact to which the identified other projects contribute rather than the attributes of other projects which do not contribute to the cumulative impact. The evaluation of cumulative impacts is to be based on either:

- A list of past, present and probable future projects producing related or cumulative impacts including, if necessary, those projects outside the control of the agency; or
- A summary of projections contained in an adopted general plan or related planning document, or in a prior environmental document which has been adopted or certified, which described or evaluated region- or area-wide conditions contributing to the impacts, including, if necessary, those projects outside the control of the agency; or cumulative impact. Any such planning document shall be referenced and made available to the public at a location specified by the lead agency.

The basis and geographic area for the analysis of cumulative impacts is dependent on the nature of the issue and the project. For analysis of cumulative impacts which are localized (e.g., traffic and public services), a list of past, approved, and pending projects known at the time of the Draft EIR was issued for public review was identified. The location of these projects is illustrated on Figure 6-1, *General Location of Cumulative Projects*.

The evaluation of the project's cumulative effects is based on the latter approach and provides an analysis of the project's potential cumulative effects when considered with build-out of the Otay Mesa-Nestor Community Plan and build-out of the General Plan as it relates to the Otay Mesa-Nestor community. Provided below is a description of the planning documents used in this analysis of cumulative effects, as well as the development projects that have been individually evaluated for their contribution to cumulative effects.

The project requires a rezone to the Residential Multiple (RM-2-6 zone) in order to provide 198 residential units on the 5.92-acre project site. The RM-2-6 zone permits a maximum density of one dwelling unit for each 1,250 square feet of lot area, which would permit up to a maximum density of 34.85 du/ac and would support up to 206 dwelling units, or eight additional units, on the proposed project site. Thus, the cumulative effects analysis assumes maximum development of the project site with 206 units.

6.1 Plans Considered for Cumulative Effects Analysis

6.1.1 General Plan

The project is located within the City of San Diego. The City of San Diego's General Plan (City of San Diego, 2008) sets forth a comprehensive, long-term plan for development within the City of San Diego. As such, the General Plan and development guidelines identified in the General Plan pertain to the project site. San Diego comprises 219,241 acres (approximately 342 square miles); less than four percent of this land remains vacant and developable. The City expects to reach an estimated population of 1,542,324 by the Year 2020 and 1,690,232 by the end of 2030. Future development will require the City to reinvest in existing communities to plan for greater urbanization of infill sites. The City of San Diego General Plan identifies the project site as Park, Open Space & Recreation, Residential, and Multiple Use.

6.1.2 Otay Mesa-Nestor Community Plan

The Otay Mesa-Nestor Community Plan (City of San Diego Planning Department, 2023) is utilized in this cumulative effects analysis. The Otay Mesa-Nestor Community Plan provides a long-range guide for the future physical development of the community. Based on the San Diego Association of Governments (SANDAG) Series 14 Regional Growth Forecast, the Community Plan household population is projected to be area 53,900 in 2025. (SANDAG, 2022.) The Otay Mesa-Nestor Community Plan designates the site as Open Space, Mixed Use, and Residential Low Density (5-<10 dwelling units per acre). As demonstrated in Section 5.1, *Land Use*, the project requires a Community Plan Amendment to change the land use to Medium-High Density Residential to allow for 198 units.

As stated above, the past, present, and probable future projects considered in this cumulative analysis would produce related or cumulative impacts when evaluated in relation to the potential impacts of the project. Descriptions of development projects that have been individually evaluated for their contribution to cumulative effects are provided below.

6.2 Projects Considered for Cumulative Effects Analysis

6.2.1 *Bella Mar Apartments (Project Number 631240)*

The Bella Mar Apartments project proposes a General Plan/Community Plan Amendment (CPA) to redesignate a 14.62-acre 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 includes a Tentative Map for the construction of two residential communities, totaling 380 multi-family units, including 100 affordable housing units, within two parcels. On-site amenities include a pool and play area. Parking would be accommodated through a combination of surface parking and private enclosed garages.

A Mitigated Negative Declaration (MND) was prepared for the project by the City of San Diego (Final MND dated December 5, 2022.) The Initial Study included with the MND documented that the Bella Mar Apartments project may have the potential to degrade the environment as a result of project impacts to biological resources, historical resources (archaeology), and tribal cultural resources, which may have cumulatively considerable impacts when viewed in connection with the effects of other potential projects in the area. Mitigation measures would be implemented to fully mitigate and reduce impacts to a less than significant level. Cumulative Impacts would be less than significant with implementation of mitigation measures.

6.2.2 *MTS Palm Avenue Trolley Station Project*

The Metropolitan Transit System (MTS) Project is located immediately south of the project site and is in early design stage. Anticipated to include approximately 390-504 multi-family units with 16294 parking spaces, 2,505 square feet of retail space, and a 5,000 square foot childcare facility would also be provided. An environmental document has not yet been prepared for the MTS project.

6.2.3 *Salt Bay Design District*

The Salt Bay Design Project would develop a 27.5-acre project site bounded by Main Street, the MTS rail line right of way, and the boundary between the City of Chula Vista and the City of San Diego with 550,000 square feet of industrial/business park uses and a 50,000- square feet of restaurant space. The project is currently under review by the City, and an environmental document has not yet been prepared.

6.3 Cumulative Effects Analysis

6.3.1 *Land Use*

As discussed in Section 5.1, *Land Use*, development on the project site is governed by the City's General Plan, the Otay Mesa-Nestor Community Plan, and the City's Land Development Code. Additionally, the project site is regulated by the Brown Field Airport Land Use Compatibility Plan (ALUCP), Naval Air Station (NAS) North Island ALUCP, and the Naval Outlying Field (NOLF) ALUCP, and

is within the City's Multiple Species Conservation Program (MSCP) area. For a detailed discussion and analysis of all these plans, refer to Section 5.1, *Land Use*.

The project would be consistent with all applicable goals, policies, and objectives of the General Plan. The project proposes a Community Plan Amendment to redesignate the project site as Medium-High Density Residential (20 – 35 du/ac). The Community Plan Amendment would also remove the View and Access Points from the site, as well as one located on church property. The project would comply with all applicable policies and goals of the Otay Mesa-Nestor Community Plan. The project would require deviations to the City's LDC; however, proposed deviations would not result in a significant environmental impact. The project would be compatible with the OVRP.

The project would not contribute to a cumulatively significant land use impact. Other discretionary projects that could occur in the Otay Mesa-Nestor Community Plan area would be required to adhere to City regulations. The project is anticipated to be constructed prior to the MTS Palm Avenue Trolley Station project and would not result in any impacts as the MTS project would not be occupied during project construction. Therefore, when considered in conjunction with the effects of past projects, other current projects, and the effects of probable future projects, cumulatively significant noise impacts would not result.

6.3.2 Transportation and Circulation

As discussed in Section 5.2, Transportation/Circulation, the proposed project would not conflict with adopted policies, plans, or programs addressing the transportation system and would not result in inadequate emergency access or create hazardous design features. The project would also not exceed vehicle miles traveled (VMT) thresholds identified in the Transportation Study Manual (TSM).

The project would be consistent with the Mobility Element of the General Plan and other adopted policies, plans (including the Otay Mesa-Nestor Community Plan), and programs supporting the transportation system, including pedestrian, bicycle, and transit facilities. The project design includes improvements that would enhance existing bicycle and pedestrian transportation modes on and around the site and facilitate access to and use of public transit. As a result, the project would be consistent with the City's multi-modal transportation policies. As no policy conflicts have been identified, cumulative impacts related to transportation policy would be less than significant.

The project site is a residential project located in a VMT efficient area located in Census Tract 101.07 with a VMT/capita (Series 14 ABM 2+ Base Year 2016) that is 80.9 percent of the regional average of 19.0 VMT/capita, which is at least 15 percent below the regional average; therefore, the project screens out from the preparation of a detailed transportation VMT analysis. The project would not result in VMT exceeding thresholds identified in the TSM and would have a less than significant transportation VMT impact.

Cumulative impacts associated with increased hazards due to design features and emergency access would be less than significant, as the proposed project would include improvements to facilitate the movement of motorists, bicyclists, and pedestrians within the site and would provide connections to the surrounding areas including the adjacent Palm Avenue Trolley Station project. All transportation facilities would be designed in accordance with applicable City standards, satisfactory to the City Engineer. The project does not propose non-standard design features and is not expected to increase traffic hazards to motor vehicles, bicyclists, or pedestrians. Impacts would be less than significant.

6.3.3 Air Quality

Air pollution is largely a cumulative impact. The nonattainment status of regional pollutants is a result of past and present development, and the San Diego Air Pollution Control District (SDAPCD) develops and implements plans for future attainment of ambient air quality standards. Based on these considerations, project-level thresholds of significance for criteria pollutants are relevant in the determination of whether a project's individual emissions would have a cumulatively significant impact on air quality.

In general, the San Diego Air Basin (SDAB) is used as the geographic scope for evaluating cumulative air quality impacts. It is appropriate to consider the entire air basin as air emissions can travel substantial distances and are not confined by jurisdictional boundaries; rather, they are influenced by large-scale climatic and topographical features. While some air quality emissions can be localized, such as a carbon monoxide (CO) hotspots or odor, the overall consideration of cumulative air quality is typically more regional.

The SDAB has been designated as a Federal nonattainment area for ozone (O₃) and a state nonattainment area for O₃, particulate matter of 10 microns in diameter or smaller (PM₁₀), and particulate matter less than 2.5 microns in diameter (PM_{2.5}). The air quality in the SDAB is the result of cumulative emissions from motor vehicles, off-road equipment, commercial and industrial facilities, and other emission sources. Projects that emit these pollutants or their precursors (i.e., Volatile Organic Compounds (VOCs) and oxides of nitrogen (NO_x) for O₃) potentially contribute to worsened air quality. In analyzing cumulative impacts from a project, the analysis must specifically evaluate the project's contribution to the cumulative increase in pollutants for which the SDAB is designated as nonattainment for the California Ambient Air Quality Standards (CAAQS) and National Ambient Air Quality Standards (NAAQS). If the project does not exceed thresholds and is determined to have less-than-significant project-specific impacts, it may still contribute to a significant cumulative impact on air quality if the emissions from the project, in combination with the emissions from other proposed or reasonably foreseeable future projects, are in excess of established thresholds. However, a project would only be considered to have a significant cumulative impact if the project's contribution accounts for a significant proportion of the cumulative total emissions (i.e., it represents a "cumulatively considerable contribution" to the cumulative air quality impact).

Construction Emissions

Regarding short-term construction impacts, the SDAPCD thresholds of significance are used to determine whether the project may have a short-term cumulative impact. As described in Section 5.4, *Air Quality*, construction of the proposed project would not exceed the SDAPCD regional daily and annual construction emission thresholds for criteria pollutant emissions. Air quality impacts related to construction emissions would be less than significant. Therefore, the project would not have a cumulatively considerable impact to air quality from construction emissions.

Operational Air Emissions

For the SDAB, the Regional Air Quality Strategy (RAQS) serves as the long-term regional air quality planning document for the purpose of assessing cumulative operational emissions in the basin to ensure the SDAB continues to make progress toward NAAQS- and CAAQS-attainment status. As such, cumulative projects located in the San Diego region would have the potential to result in a cumulative impact to air quality if, in combination, they would conflict with or obstruct implementation of the RAQS. Similarly, individual projects that are inconsistent with the regional planning documents upon which the RAQS is based would have the potential to result in cumulative operational impacts if they represent development and population increases beyond regional projections.

For the project, operational air quality impacts were found not to be significant, as presented in Section 5.4, *Air Quality*. Project emissions of all criteria pollutants from project operation are below all applicable daily and annual screening thresholds of significance. Cumulative air quality impacts related to operational emissions would be less than significant.

Regarding long-term cumulative operational emissions in relation to consistency with local air quality plans, the state implementation plans (SIP) and RAQS serve as the primary air quality planning documents for the state and SDAB, respectively. The SIP and RAQS rely on the San Diego Association of Governments (SANDAG) growth projections based on population, vehicle trends, and land use plans developed by the cities and the County as part of the development of their general plans. Therefore, projects that propose development that is consistent with the growth anticipated by local plans would be consistent with the SIP and RAQS and would not be considered to result in cumulatively considerable impacts from operational emissions. Although the project proposes development greater than that anticipated in the Otay Mesa-Nester Community Plan and requires a Community Plan Amendment it would provide much needed housing for the existing and planned population and would not conflict with the SIP, RAQS, or SANDAG's regional growth forecast. The City is currently in urgent need for housing and is experiencing a housing shortage, as discussed in the City of San Diego General Plan Housing Element 2021-2029 that was approved in 2020 by the City Council and in September 2021 by the California Department of Housing and Community Development. While the City is planning for additional housing to meet the need and targeted to permit more than 88,000 new housing units between 2010 – 2020, less than half of those units were

constructed (42,275) as of December 2019 (City of San Diego 2020). The project in conjunction with Bella Mar would provide new housing that would not exceed the amount needed or planned for in the City's Housing Element. As such, cumulatively the project and cumulative projects would not increase emissions beyond that assumed in the RAQs and the proposed project would not result in a cumulatively considerable contribution to pollutant emissions. As a result, the proposed project would not result in a cumulatively considerable contribution to pollutant emissions.

Odors

Construction activities from the project would be temporary and are not considered significant. Furthermore, any odors emitted during construction would be short-term, and intermittent in nature, and would cease upon the completion of the respective phase of construction. Thus, the project would not create objectionable odors affecting a substantial number of people during construction, and impacts would be less than significant. The project does not include industrial or agricultural uses that are typically associated with objectionable odors. Furthermore, the project would be required to comply with SDAPCD Rule 51, which prohibits the discharge of odorous emissions that would create a public nuisance. Therefore, impacts associated with objectionable odors would be less than significant. The project would not result in significant cumulative impacts associated with odors.

Sensitive Receptors

The closest sensitive receptors to the project site are the residential neighborhoods located south of the project site and the Ocean View Christian Academy and mobile home park located directly south of the project site. Additionally, the MTS Palm Avenue Trolley Station project is proposed for development south of the project site. If construction of the MTS Palm Avenue Trolley Station project were to occur during the time the project is under construction, cumulatively significant impacts to sensitive receptors could occur. Due to the short-term construction duration and the limited construction emissions, there is very low potential for fugitive dust or diesel particulate matter (DPM) due to construction activities to impact sensitive receptors. However, because cancer risk thresholds are exceeded at all sensitive receptor locations, DPM emissions associated with project construction would be significant and would need to be reduced by approximately 85 percent. With implementation of Mitigation Measure AQ-1, cumulative impacts would be less than significant.

The proposed CPA and Rezone would allow for the site to be developed in the future with up to 206 residential units ministerially. If development were to occur ministerially in accordance with the RM-2-6 zone and without a discretionary action and, therefore, CEQA review, an air quality analysis would not be required and there would be no requirement for mitigation relative to cancer risk impacts due to DPM emissions from construction activities. As there would be no mechanism to require future ministerial development projects on the site to implement mitigation to reduce the potentially significant DPM emissions air quality impact, this impact would remain significant.

The project would not result in a considerable contribution to cumulative effects associated with air quality except the aforementioned sensitive receptor impact related to DPM emissions during construction. Therefore, when considered with past, other current projects, and probable future projects that could occur with build-out of the Otay Mesa-Nestor community, cumulative air quality impacts associated with air quality development of the project would be less than significant with implementation of mitigation measures and would remain significant and unmitigated for the CPA and rezone.

6.3.4 Biological Resources

Cumulative impacts consider how a project may affect biological resources on a regional scale. As discussed in Section 5.4, *Biological Resources*, the project would not result in potentially significant direct impacts to sensitive vegetation communities or sensitive animal species. No wetlands, streambeds or waters of the United States would be impacted by the project. The project includes a Multi Habitat Planning Area (MHPA) Boundary Line Adjustment, which would result in contributing higher quality lands to the MHPA than occur on the project site, and the project would comply with the MHPA Land Use Adjacency Guidelines to avoid and minimize indirect effects on the MHPA. The project would be consistent with the City's Biology Guidelines (City of San Diego 2018). The project would not result in impacts related to the introduction of invasive plant species to natural open space area. Impacts to wildlife corridors, habitat conservation plans, natural community conservation plan, or other approved local regional or state habitat conservation plan, or any local policies or ordinances would be less than significant. Impacts related to the introduction of invasive plant species to natural open space area would also be less than significant.

Overall, the project would not result in any impacts to sensitive biological resources or habitat. The project would not result in a considerable contribution to cumulative effects associated with biological resources.

6.3.5 Energy

Part 6 of Title 24 specifically establishes energy efficiency standards for residential and non-residential buildings constructed in the State of California in order to reduce energy demand and consumption. The proposed project, in addition to all cumulative projects, would be required to comply with Title 24, Part 6, per state regulations. In accordance with Title 24 Part 6, the proposed project would have (a) sensor-based lighting controls—for fixtures located near windows, the lighting would be adjusted by taking advantage of available natural light—and (b) efficient process equipment—improved technology offers significant savings through more efficient processing equipment. Similar energy efficiency equipment would be required for the other cumulative projects as well.

Title 24, Part 11, contains voluntary and mandatory energy measures that are applicable to the proposed project, and all other cumulative projects as well, under the California Green Building

Standards Code. Cumulative projects would result in an increased demand for electricity, natural gas, and petroleum. However, in accordance with Title 24, Part 11, mandatory compliance, each project applicant would have (a) 50 percent of its construction and demolition waste diverted from landfills; (b) mandatory inspections of energy systems to ensure optimal working efficiency; (c) low pollutant-emitting exterior and interior finish materials, such as paints, carpets, vinyl flooring, and particle boards; and (d) a 20 percent reduction in indoor water use. Compliance with all of these mandatory measures would decrease the consumption of electricity, natural gas, and petroleum.

As discussed in Section 5.6, *Energy*, the project proposes a change in use from what has been developed on the site. However, the project would not result in a substantial increase in energy consumption or significant cumulative impacts associated with energy use. The project would not use power in excess of that anticipated for the proposed uses. No adverse effects on non-renewable resources are anticipated. The project would follow UBC and Title 24 requirements for energy efficiency in effect at the time of construction that would reduce the project's overall demand for energy. As such, the project would operate more efficiently than existing development constructed on the project site and would not result in a cumulatively considerable contribution on energy demand.

Other projects developed within Otay Mesa-Nestor would be required to follow current or future Uniform Building Code (UBC) and Title 24 requirements for energy efficiency that are applicable at the time individual projects come forward. Therefore, when considered with past, other current projects, and probable future projects that could occur with build-out of the Otay Mesa-Nestor community, a cumulatively considerable impact on energy supplies would not result.

6.3.6 Geologic Conditions

As discussed in Section 5.6, *Geologic Conditions*, based on the geotechnical investigation, the project would not result in a geologic impact issue. The recommendations of the geotechnical report would be incorporated into the design and construction of the project would reduce the site geologic hazards to an acceptable level. The proposed project would not expose people or property to potentially substantial effects including the risk of life, injury, or death due to hazards such as earthquakes, landslides, mudslides, ground failure, or similar hazard. In addition, the project would conform with all applicable regulatory/industry standard and codes, including the International Building Code/California Building Code and pertinent City criteria. No significant environmental impacts would occur.

All cumulative development in the Otay Mesa-Nestor community would be subject to similar requirements to those implemented for the proposed project and would be required to adhere to applicable local and State regulations, standards, and procedure. As such, when considered with past, other current projects, and probable future projects that could occur with build-out of the Otay Mesa-Nestor community, the project would not result in cumulatively considerable geologic impacts.

6.3.7 Greenhouse Gas Emissions

The geographic scope of consideration for greenhouse gas (GHG) emissions is global, and as such emissions contribute, on a cumulative basis, to global climate change. By nature, GHG impacts are cumulative as they are the result of combined worldwide emissions over many years, and additional development would incrementally contribute to this cumulative impact. The discussion presented in Section 5.7, *Greenhouse Gas Emissions*, also serves as the project's cumulative impact analysis.

As discussed in Section 5.7, the project would be consistent with City's Climate Action Plan (CAP) as determined by the CAP Consistency Regulations and land use consistency, and would not have an impact on GHG emissions. GHG and associated global climate change is inherently a cumulative issue. Impacts from GHG emissions would not be cumulatively considerable. Therefore, when considered with past, other current projects, and probable future projects that could occur with build-out of the Otay Mesa-Nestor community, the project would not result in cumulatively significant GHG emissions impacts.

6.3.8 Health and Safety

As discussed in Section 5.8, *Health and Safety*, the project site was not found in the Cortese list searches conducted for the project. In addition, the Phase 1 Environmental Site Assessment (ESA) for the project concluded that there is no evidence of Recognized Environmental Condition (REC) associated with the project site. A Phase II ESA was completed as a precautionary measure and soil sampling analysis found that all levels are within screening thresholds and are not considered to be significant.

The project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. The project would not 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. The project is within a quarter-mile of an existing or proposed school. However, the project would not handle hazardous materials or result in hazardous emissions. Industry standards in place would insure no risk to workers by hazardous materials during demolition and construction. Although the project site is within the Airport Influence Areas (AIAs) of NAS North Island, Brown Field and NOLF Imperial Beach, the project would not result in impacts associated with noise, safety, overflight or airspace protection. The project would be designed in accordance with applicable safety standards. The project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. The project site is located within a developed portion of the City. The project would include adequate evacuation in the event of an emergency such as wildfire (Appendix S) and would not result in the exposure of people or structures to significant risk.

Other past, other current projects, and probable future projects that could occur with build-out of the Otay Mesa-Nestor community would also be required to demonstrate compliance with City

policies relative to health and safety, as well as with applicable ALUCPs. Other projects would analyze health and safety effects on the project relative to emergency response and wildland fire and would be required to implement measures to ensure that significant health and safety impacts do not occur. No cumulatively significant impacts are anticipated.

6.3.9 Historical Resources

For historical resources, the geographic scope is the Otay Mesa-Nestor Community Plan area, given its importance for both archaeological and historic resources, as well as the greater San Diego region based on the cultural richness and significance of cultural resources in this area. Cumulative impacts to historical resources are expected to be limited by the fact that the project, as well as other projects that could occur with build-out of the Otay Mesa-Nestor community, would be required to comply with City and County requirements (i.e., archaeology and historical resources monitoring and data recovery programs) applied to projects which could impact significant historical resources. These mitigation measures require information associated with these sites to be recorded before impacts may occur.

As stated in Section 5.9, *Historical Resources*, a historical review of existing buildings on the project site was conducted by City Staff (City of San Diego, 2021). As concluded by City staff, the project site does not meet local criteria as an individually significant resources under the Historic Resource Board Criteria. There are no potentially significant structures on the property. However, there is the potential for buried cultural resources that may not be visible on the surface. The implementation of mitigation measures HIS-1 would reduce impacts to less than significant and the project would not result in significant cumulative impacts to historical resources.

Other discretionary projects that could occur with build-out of the Otay Mesa-Nestor community would be required to evaluate historic resources and either demonstrate that no significant impacts would result or implement mitigation measures similar to the proposed project to ensure significant impacts would be reduced to below a level of significance. Therefore, when considered in conjunction with the effects of past projects, other current projects, and the effects of probable future projects, cumulatively significant impacts to historic resources would not result.

6.3.10 Hydrology

As discussed in Section 5.10, *Hydrology*, development of the project and cumulative projects would result in an increase of impervious surfaces in the area. The proposed project was designed to honor the existing condition discharge locations and flow rates and there are no negative impacts to the downstream system or adjacent properties. Even with the increase in impervious surfaces, storm water runoff rates would be decreased from existing conditions. Impacts would be less than significant.

Other development projects in the area would be required to engineer the project sites to ensure surface runoff flows would not impact drainage systems. The proposed project would not result in a cumulative impact to hydrology. Therefore, the proposed project's contribution to a cumulative hydrology impact would not be cumulatively considerable.

6.3.11 Noise

As presented in Section 5.11, *Noise*, the project would not generate significant noise levels affecting ambient off-site noise levels. Furthermore, the project would not generate noise that, when added to noise generated by other projects considered as part of this cumulative effects evaluation, would be regarded as cumulatively significant. Construction activity would occur during allowable times and generate sound levels below 75 A-weighted decibel (dBA) Leq (12 hours) at residential zones, in compliance with Section 59.5.404 of the City of San Diego Municipal Code. Project operation would not exceed the property line sound levels allowed by the City of San Diego Municipal Code.

The closest noise sensitive receptors are occupied residential properties in the La Palma Mobile Estates located adjacent to the project site on the south. Additionally, the MTS Palm Avenue Trolley Station project is proposed for development south of the project site, approximately the same distance from the project. Construction of the project would produce noise levels up to approximately 71 dBA Leq (12 hours) at the property lines of the La Palma Mobile Home Estates and the future MTS Palm Avenue Trolley Station project. Construction noise levels at residential property lines would not exceed the 75 dBA Leq (12 hour) sound level allowed by the City of San Diego Municipal Code. Additionally, the project and future projects within Otay Mesa-Nestor community, such as the MTS Palm Avenue Trolley Station project, would be required to adhere to the federal, state, and local standards and regulations, and standard construction noise reduction design measures to comply with City noise standards. Project construction noise impacts would not be cumulatively significant.

Should impacts occur relative to operational impacts, those would be localized to a project and would require implementation of conditions or mitigation measures to ensure that noise impacts are reduced to below a level of significance. Therefore, when considered in conjunction with the effects of past projects, other current projects, and the effects of probable future projects, cumulatively significant noise impacts would not result.

6.3.12 Population and Housing

As discussed in Section 5.12, *Population and Housing*, the proposed rezone of the project site allows for development of up to 206 units and could add an estimated 784 people to the project site. The project would not induce substantial growth considering the housing shortage in the City and the need for additional housing to accommodate planned growth. The project would not indirectly or directly induce substantial unplanned population growth to the area. The project would not result in the displacement of any number of existing housing or people. Impacts would be less than

significant. The project would not result in cumulatively considerable impact to population and housing.

6.3.13 Public Services and Facilities

As discussed in Section 5.13, *Public Services and Facilities*, public services and facilities include population-based uses, including schools, libraries, and parks, as well as police and fire protection. No cumulatively significant impacts to public services and facilities would occur. The project is located within an area of San Diego that is developed and contains the necessary police and fire-rescue infrastructure. The project does not necessitate the need to expand or provide new facilities. Relative to parks, the project would be required to pay a Park Impact Fee that provides for public facilities required to support the proposed population including parks, recreation centers and aquatic complexes. The project would not result in a significant impact to these services' ability to serve the community and no new or expanded public service facilities would be required as a result of the project.

Relative to schools, public school service within the project area is provided by Sweetwater Union School District and South Bay Union School District. Correspondence with districts indicates that, although the project would not have an adverse impact upon school districts. The existing schools have sufficient capacity in the near-term to serve these students, and the project would not result in the need for new or expanded school facilities. In addition, the project would be required to pay school fees in compliance with California Government Code (CGC) Section 65995 et seq. With payment of the school facilities fee, impacts would be less than significant as stipulated by CGC Section 65995.

Future cumulative projects that could result in developments within the Otay Mesa-Nestor Community would be evaluated to ensure adequate police and fire-rescue services are available at the time individual projects come forward. Additionally, future projects would be required to address any significant impacts to population-based resources, such as schools, libraries, and parks. These requirements would ensure that no cumulative impacts to public services and facilities would occur. The project would not result in a considerable contribution to cumulative effects associated with public services.

6.3.14 Public Utilities

As discussed in Section 5.14, *Public Utilities*, the project would not result in the need to construct or substantially alter public utility systems or infrastructure. Existing off-site infrastructure currently serving the area would be sufficient to serve the project. The project would not result in the need for new or altered off-site water systems. The project's water and sewer systems would be designed in conformance with City's standards. All projects in the City of San Diego would be required to comply with the City's Recycling Ordinance. For discretionary project that generates 60 tons of waste or more, a Waste Management Plan (WMP) would be required to show waste diversion measures as is

required by the regional Integrated WMP. As indicated in the City of San Diego Significance Determination Thresholds (City of San Diego 2022), requirements are directed at ensuring cumulative impacts associated with solid waste would not be cumulatively significant. Relative to the project's modifications to San Diego Gas & Electric (SDG&E) facilities, the physical construction of connections to electrical and gas facilities has been analyzed as part of the project's proposed construction plans and no impacts would result. Thus, the project impact on public utilities and SDG&E services has been analyzed and would not result in cumulative effects associated with public utilities.

6.3.15 Tribal Cultural Resources

As discussed in Section 5.15, *Tribal Cultural Resources*, while no cultural resources have been identified within the project site or area of potential effect, the area is considered sensitive for potential tribal cultural resources (i.e., cultural resources and/or subsurface deposits, cultural views/landscapes, or sacred values). Therefore, there is the potential for discovery of unknown subsurface tribal cultural resources that could be impacted during grading activities for the project. Implementation of mitigation measure HIS-1 would reduce impacts to below a level of significance.

Other discretionary projects that could occur with build-out of the Otay Mesa-Nestor community would be required to evaluate potential impacts to tribal cultural resources and either demonstrate that no significant impacts would result or implement mitigation measures similar to the proposed project to ensure significant impacts would be reduced to below a level of significance. Therefore, when considered in conjunction with the effects of past projects, other current projects, and the effects of probable future projects, cumulatively significant impacts to tribal cultural resources would not result.

6.3.16 Visual Effects and Neighborhood Character

As discussed in Section 5.16, *Visual Effects and Neighborhood Character*, the project would redevelop a site that is currently developed with a vacant residential structure, a garage, canopy structure, and two storage containers. Existing site landscaping is minimal, consisting of non-native plant species, and is mostly confined to the perimeter of the property. The project site has been and is currently being used for staging by the MTS and some delivery services.

The surrounding area is changing from the relative low density of existing development to a focus on high density transit oriented residential and mixed-use projects that benefit from the area's location adjacent to the Palm Avenue Transit station. Currently, two multi-family developments are planned in the immediate vicinity of the project that would result in greater intensity development than the project. The Palm Avenue Trolley Station, located immediately adjacent to and south of the project site, is the location for the MTS Palm Avenue Trolley Station project, planned to include 5,000~~2,505~~ square feet of commercial area, and 390~~504~~ multi-family residential units, and a 5,000~~square foot~~ childcare center. The project would include three buildings up to seven stories in height.

The Bella Mar Apartments project is an ~~approved-anticipated~~ project located directly west and north of the project site, across the trolley tracks. That project will construct two residential communities, totaling 380 multi-family units, with private enclosed garages. Buildings within the project would be a mix of two and three stories and would appear as a transition between existing low-rise development in the surrounding area and mid-rise development that would occur in the future as a result of developments such as MTS Palm Avenue Trolley Station project and Bella Mar Apartments.

The project would not open up an area for new development, but rather would redevelop property surrounded by urban development on three sides and a nursery operating in an area of the Otay Valley Regional Park (OVRP) program for development with active park uses. The project would result in a positive effect on the overall community character, replacing the current vacant site largely surrounded by chain link fence with barbed wire with a residential development that would be designed in a manner that complements surrounding development. As part of the project's Community Plan Amendment two view points from the Community Plan Appendix C would be removed as they would be inconsistent with the proposed land use designation of Medium-High Density Residential (20-35 du/ac). With adoption of the Community Plan Amendment, there are no designated public view corridors or public viewing areas through the project site. The project does not exceed the allowed height of the proposed zone. The maximum structure height allowed in the RM-2-6 zone is 40 feet. Based on building height calculation occurring from existing grade per SDMC standards, the maximum structure height would be 59.5 feet. However, when measured from finished grade with proposed site fill, the structures would be less than 40 feet in all instances. Therefore, although in calculation the structures on-site would exceed the allowed height of the proposed zone, requiring a deviation, developed structure heights would be within the allowed height of the zone. Nonetheless, structures on-site would not result in substantial view blockage from a public viewing area, as no such viewing areas would exist on or near the site with adoption of the proposed Community Plan Amendment.

The project's effect on neighborhood character are limited to the immediate project area. The project would appear denser than existing surrounding developments and would result in an increase the development intensity on-site, but this increase in development intensity would not result in a significant adverse visual effect. As discussed above, as part of the project's Community Plan Amendment the two viewpoints in the project area identified in the Community Plan would be removed as they would be inconsistent with the proposed land use designation. With adoption of the Community Plan Amendment, there are no designated public view corridors or public viewing areas through the project site. The project is visually isolated from most public roadways, and public views of the project would be primarily in conjunction with the future development of the OVRP to the north and east of the project site, as well as the Palm Avenue Trolley Station and Blue Line Trolley. Buildings within the project would be a mix of two and three stories and would appear as a transition between existing low-rise development in the surrounding area and mid-rise development that would occur in the future as a result of developments such as MTS Palm Avenue Trolley Station project and Bella Mar Apartments. Cumulatively significant impacts to neighborhood character

would not occur. When considered with other projects in the Palm City neighborhood of Otay Mesa-Nestor, the project would not result in a considerable contribution to cumulatively adverse impacts associated with visual effects and neighborhood character.

The project would not result in significant lighting and glare impacts and would not create a new source of substantial light that would adversely affect daytime or nighttime views in the area. Lighting would be in conformance with Section 142.0740 of the City of San Diego Land Development Code, and impacts from glare would be avoided by complying with Section 142.0730 of the City of San Diego Land Development Code. Other projects in the Otay Mesa-Nestor community would also be subject to City ordinances regulating lighting and glare. Cumulative impacts would not result.

6.3.17 Water Quality

The project would implement source control, site design, and treatment-control BMPs that would preclude significant impacts to water quality from storm water runoff. Additionally, as noted in the City Significance Determination Thresholds, compliance with applicable City (and related) water quality standards is assured through required permit conditions. Adherence to the City stormwater standards is thus considered adequate to preclude surface water quality impacts, unless substantial evidence supports a fair argument that a significant impact will occur. Accordingly, conformance with the City stormwater standards would preclude potential water quality impacts from occurring. In addition, preparation of a stormwater pollution prevention plan, which would be implemented during construction, and preparation of project-specific stormwater quality management plan, which would be implemented during operation, would preclude potentially significant water quality impacts from occurring.

Other projects that could occur as the Otay Mesa-Nestor community builds out would be required to demonstrate compliance with State and local water quality regulations. If projects are not compliant, mitigation measures would be required in order to ensure water quality impacts do not occur. Therefore, when considered in conjunction with the effects of past projects, other current projects, and the effects of probable future projects, cumulatively water quality impacts associated with the project would not result in be cumulatively considerable effects.

6.3.18 Wildfire

As discussed in Section 5.18, *Wildfire*, the project site is not rated as within the VHFHSZ, except for a very small semi-circle area in the western portion of the project site, along the south border outside of the proposed building footprints. All projects proposed within the urban/wildland interface would be required to meet minimum fire fuel modification and/or clearing requirements in addition to meeting the standards of the various fire codes in effect at the time of building permit issuance. Currently, that is the Consolidated Fire Code, California Building Code, San Diego County requirements for Enhanced Building Construction, and California State Fire Marshal requirements for fire resistive construction; in addition to meeting the requirements for Brush Management

specified within the San Diego Municipal Code. For projects within the City, these requirements are implemented through preparation of and compliance with a Brush Management Plan as applicable, which is reviewed and approved by the Fire Marshal and City Landscape Section.

A review of Evacuation Times/Routes was prepared as part of the Evacuation Plan for the project. This review included Opening Day and Opening Day Plus Project Scenarios, and considered cumulative projects. The Opening Day would have an evacuation time of 0.92 hours to get from the project area to either the I-5 freeway or Ocean View Church, and Opening Day Plus Project would have an evacuation time of 1.03 hours or 61.9 minutes for the same routes. Thus, the project would increase the evacuation travel time by 6.75 minutes for both evacuation routes. Refer to EIR Section 5.8.3.3 and Appendix S for additional details. ~~The first estimated evacuation time was completed for existing traffic conditions and showed that it would take current traffic 1.4 minutes to travel to the Home Depot parking lot at the South Bay Mall from the project driveway. Traffic from the same location to the Oceanview Church would take less than 1/2 minute. The second scenario created evacuation time estimates based on current traffic volumes with the addition of only the Palm and Hollister Apartments vehicles. The evacuation time to Home Depot would increase to 5.5 minutes, approximately four minutes longer than traffic without the project. The evacuation time to the Oceanview Church would increase to 1.5 minutes with the increased traffic volume from Palm and Hollister Apartments project, an increase of just over one minute. The third evacuation time scenario estimated the evacuation time required for the current traffic volumes, traffic from the Palm and Hollister Apartments, and the increased traffic volumes from the Bella Mar Apartments and the MTS Transit Oriented Development. The estimated evacuation time for traffic from the combined projects in addition to current traffic volume to the Home Depot parking lot would increase to 26.9 minutes for the 0.68-mile drive. The evacuation time to the Oceanview Church would increase to 7.1 minutes for the 0.18-mile drive. According to the evacuation plan prepared for the project, the project has adequate emergency access and has a project specific evacuation plan in place and would not impair implementation of an adopted emergency response plan or emergency evacuation plan (Appendix S).~~

When considered with past, other current projects, and probable future projects that could occur with build-out of the Otay Mesa-Nestor community, through compliance with existing regulations and similar project design features as the project, as applicable, cumulative impacts to wildfire would not be avoided. Therefore, the project would not result in a cumulatively considerable impact associated with wildfire.



Figure 6-1, General Location of Cumulative Projects

7.0 EFFECTS NOT FOUND TO BE SIGNIFICANT

Section 15128 of the State California Environmental Quality Act (CEQA) Guidelines requires that an Environmental Impact Report (EIR) briefly describe potential environmental effects that were determined not to be significant and therefore, were not discussed in detail in the EIR. Based on the initial environmental review, the following issue areas would not have the potential to cause adverse effects.

7.1 Agricultural Resources and Forestry

The project site is currently developed with vacant residential structures and outbuildings. Based on a review of historical aerial photographs and topographic maps conducted for the Phase I Environmental Site Assessment prepared for the project (Appendix J), the site was historically used for agricultural crop production but ceased agricultural operations prior to 1964. The project site is designated Park, Open Space, and Recreation, Multiple Use, and Residential in the City's General Plan, whereas the Otay Mesa-Nestor Community Plan designates the site as Open Space, Mixed Use, and Low Density Residential. The project site is zoned AR-1-2, RM-1-1, and RS-1-7. Although the project contains parcels in the agricultural zone, the site does not contain land that is designated as prime agricultural soils by the Soils Conservation Service, nor does it contain prime farmlands designated by the California Department of Conservation. The site is not subject to, nor is it near, a Williamson Act contract site pursuant to Sections 51200-51207 of the California Government Code. The project site and surrounding area are designated as urban and built-up land. There is no farmland located in proximity to the project site. Therefore, there would be no impacts associated with agricultural resources.

7.2 Mineral Resources

The City's General Plan Figure CE-6, *Generalized Mineral Land Classification*, designates the project site as a combination of mineral resources zone (MRZ)-2 and MRZ-3 (City of San Diego 2008). MRZ-2 are lands where adequate information indicates that significant mineral deposits are present, or where it is judged that a high likelihood exists for their presence. MRZ-3 are areas containing mineral deposits, the significance of which cannot be evaluated from available data. However, the area surrounding the project site has experienced increased development and urbanization with residential and commercial land uses that are not compatible with mineral extraction and processing operations. In addition, the project site and surrounding area are historically and currently designated by the City's General Plan and zoned for uses that would preclude mineral resource operations. Therefore, while the project would result in development of MRZ-2 lands, it would not result in the loss of mineral resources of statewide or local importance. No impact would result.

7.3 Paleontological Resources

Paleontological resources, or fossils, are the remains and/or traces of prehistoric plant and animal life. Fossils provide direct evidence of ancient organisms and document the patterns of organic evolution and extinction that have characterized the history of life. Fossil remains, such as bones, teeth, shells, and wood, are found in the geologic deposits (sedimentary rock formations) within which they were originally buried in deep bedrock layers of sandstone, mudstone, or shale. Paleontological resources contain not only the actual fossil remains but also the localities where those fossils are collected and the geologic formations containing the localities.

The potential for fossil remains at a location can be predicted through previous correlations that have been established between the fossil occurrence and the geologic formations within which they are buried. For this reason, knowledge of the geology of a particular area and the paleontological resource sensitivity of particular rock formations makes it possible to predict where fossils will or will not be encountered.

Paleontological resource sensitivity is typically rated from high to zero depending upon the impacted formations. The sensitivity of the paleontological resource determines the significance of a paleontological impact. As described in Section 5.6, *Geologic Conditions*, the project area is underlain by artificial fill, Young Alluvial Flood-plain deposits and Old Paralic deposits. These geologic formations have a low sensitivity rating per the City of San Diego Significance Determination Thresholds (2022) and are not likely to contain important paleontological resources. Paleontological monitoring is not required for areas of low sensitivity pursuant to San Diego Municipal Code section 142.0151. Therefore, the project does not have the potential to disturb or destroy paleontological resources during grading. Impacts to paleontological resources would be less than significant.

8.0 SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL CHANGES

This section addresses irreversible environmental changes that would be involved should the project be implemented.

8.1 Introduction

As required by Section 15126.2(c) of the California Environmental Quality Act (CEQA) Guidelines, the significant irreversible environmental changes of a project shall be identified. Irreversible commitments of non-renewable resources are evaluated to assure that their use is justified. Irreversible environmental changes typically fall into three categories: primary impacts, such as the use of nonrenewable resources; secondary impacts, such as highway improvements that provide access to previously inaccessible areas; and environmental accidents associated with a project. Section 15126.2(d) of the CEQA Guidelines states that irretrievable commitments of resources should be evaluated to ensure that the current consumption of resources is justified.

8.2 Impacts Related to Nonrenewable Resources

Development would occur as a result of the project, which would entail the commitment of energy and natural resources. (See Section 5.5, *Energy*, for a discussion of energy use associated with the project.) The primary energy sources would be electricity, natural gas, and fossil fuels. The use of electricity, natural gas, and fossil fuels represents an irreversible commitment of these resources. Construction of the project would also require the use of various raw materials, including cement, concrete, lumber, steel, etc. These resources would also be irreversibly committed. Once constructed, the operation of the project would entail a further commitment of energy resources in the form of fossil fuels and electricity. This commitment would be a long-term obligation since the project would result in the development of structures that are likely to have a useful life of 20 to 30 years or more.

As presented in Section 5.5, *Energy*, the project would increase demand for energy in the project area and San Diego Gas & Electric's (SDG&E) service area. However, no adverse effects on non-renewable resources are anticipated. The project would follow Uniform Building Code (UBC) and Title 24 requirements for energy efficiency and would incorporate sustainable design features directed at reducing energy consumption. The impact of increased energy usage would not result in a significant adverse environmental impact.

Additionally, the project would be consistent with the City's Climate Action Plan (CAP) (2022) by complying with the CAP Consistency Regulations. Specifically, the project would comply with the *Mobility and Land Use Regulations* of the CAP Consistency Regulations by providing at least 50 percent of all required bicycle parking spaces with individual outlets for charging electric bikes. The project

would not be subject to other *Mobility and Land Use Regulations*, including those requiring pedestrian enhancements on property abutting a public right-of-way and publicly accessible pedestrian amenities, because the project site does not abut a public street. Additionally, the project would comply with the *Resilient Infrastructure and Healthy Ecosystems Regulations* by providing two trees for every 5,000 square feet of lot area. The project lot area is approximately 5.92 acres (approximately 257,875 square feet) in size and would require the planting of 103 trees per the CAP Consistency Regulations. The project's *Landscape Development Plan* (see Figure 3-4) provides for planting 187 trees, which would exceed the CAP Consistency Regulations by providing 84 trees more than required.

8.3 Other Environmental Changes

As evaluated in Chapter 7.0, *Effects Found Not to be Significant*, implementation of the project would not result in significant irreversible impacts on agricultural, mineral resources, and paleontological resources. The project site is currently accessible via regional transportation facilities and local roadways. The immediate vicinity is a mostly developed, urbanized area of the City with a transit parking lot to the east, a mobile home park, and school sports fields to the south, and single-family residential across Palm Avenue to the south and commercial uses to the west beyond Hollister Street. No new freeways or roadways are proposed that would provide access to currently inaccessible areas. Therefore, implementation of the project would not result in a significant irreversible commitment with regard to unplanned land use.

9.0 GROWTH INDUCEMENT

In accordance with Section 15126(d) of the State California Environmental Quality Act (CEQA) Guidelines, an Environmental Impact Report (EIR) must include an analysis of the growth-inducing impacts of the project. The growth inducement analysis must address (1) the ways in which the project could foster economic or population growth, or the construction of additional housing, either directly or indirectly in the surrounding environment; and (2) the potential for the project to encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively. This second issue involves the potential for the project to induce further growth by the expansion or extension of existing services, utilities, or infrastructure. The State CEQA Guidelines further state that “[i]t must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment” (Section 15126.2[d]). The City of San Diego’s CEQA Significance Determination Thresholds state that a project would have a significant impact related to growth inducement if it would:

1. Induce substantial population growth in an area;
2. Substantially alter the planned location, distribution, density, or growth rate of the population of an area; or
3. Induce extensions of roads or other infrastructure not assumed in the community plan or adopted Capital Improvement Project list, when such infrastructure exceeds the needs of the project and could accommodate future development.

Relative to growth inducement and based on the City’s Significance Determination Thresholds (2022), the EIR must analyze the consequences of growth. According to Section 15126.2 (d) of the CEQA Guidelines, it must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment. In general, the analysis must avoid speculation and focus on probable growth patterns or projections. Conclusions must also be presented that determine whether this impact is significant and/or unavoidable and provide for mitigation or avoidance, as necessary.

9.1 Short-term Effects

During construction activities associated with the project, demand for various construction trade skills and labor would increase. However, it is anticipated that this demand would be met by the local labor force and would not require the importation of a substantial number of workers, which could cause an increased demand for temporary or permanent housing in this area. Further, construction of the project would be short-term and temporary. It would not lead to an increase in employment on-site that would stimulate the need for additional housing or services. Therefore, no associated substantial short-term growth-inducing effects would result.

9.2 Long-term Effects

As discussed in Section 5.1, *Land Use*, the project site is designated as Open Space, Mixed-Use, and Low-Density Residential in the Otay Mesa-Nestor Community Plan. The project site is zoned RM-1-1, RS-1-7, and AR-1-2. The project would require a Community Plan Amendment and a Rezone to allow for the proposed residential development on-site. The proposed rezone would allow up to 206 units. The project proposes the construction of 198 multi-family dwelling units in 13 buildings with amenities.

Based on SANDAG's 2050 Regional Growth Forecast rate for the Otay Mesa Community for the year 2035, the population rate coefficient is 3.81 persons per household. Thus, the 198-unit development would introduce an estimated 754 people to the site. The full buildout of the site per the rezone would include 206 units and would introduce an estimated 784 people to the site. As discussed in Section 5.12, *Population and Housing*, the project would help accommodate the existing and planned population and population growth anticipated in the City and would aid the existing housing shortage by providing market-rate and affordable rental units. The proposed project would not directly induce substantial growth through the development of residential land uses.

The City of San Diego is experiencing a housing shortage as discussed in the City of San Diego General Plan Housing Element 2021-2029. ~~The City's~~ The City of San Diego's portion of the County's RHNA target for the 2021-2029 Housing Element period is 108,036 homes (City of San Diego 2020). While the City is planning for additional housing to meet the need and targeted to permit more than 88,000 new housing units between 2010 – 2020, less than half of those units were constructed (42,275) as of December 2019 (City of San Diego 2020). The project's proposed construction of 198 units is anticipated to help accommodate the existing and planned population and population growth anticipated in the City and help with the existing housing shortage. Therefore, the project would not directly induce substantial unplanned population growth in the area.

The project would not induce extensions of roads or other infrastructure. The project site is surrounded by residential and commercial development to the east, south and west that is served by existing public services and utility infrastructure. The proposed project would connect to existing utilities and include improvements that only service the project. No new major infrastructure facilities are required to accommodate the proposed project. The project would not remove an obstacle to growth or expand public services and facilities to accommodate additional economic or population growth beyond that proposed for the site. Roadways already exist to serve the project and no improvements would be needed as a result of the project. Additionally, the project site would be fully served by public services and would not introduce any public services that are currently an obstacle to growth.

The project would not result in a substantial alteration to the planned location, distribution, density, or growth rate of the Otay Mesa-Nestor community, adjacent communities, or the City as a whole. The project would not result in significant impacts associated with growth inducement.

10.0 PROJECT ALTERNATIVES

10.1 Introduction

In accordance with Section 15126.6(a) of the California Environmental Quality Act (CEQA) Guidelines, an Environmental Impact Report (EIR) must contain a discussion of "a range of reasonable alternatives to the project, or to the location of a project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives." Section 15126.6(f) further states that "the range of alternatives required in an EIR is governed by a 'rule of reason' that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice." Thus, the following discussion focuses on project alternatives that are capable of eliminating significant environmental impacts or substantially reducing them as compared to the project, even if the alternative would impede the attainment of some project objectives, or would be more costly. In accordance with Section 15126.6(f)(1) of the State CEQA Guidelines, among the factors that may be taken into account when addressing the feasibility of alternatives are: (1) site suitability; (2) economic viability; (3) availability of infrastructure; (4) general plan consistency; (5) other plans or regulatory limitations; (6) jurisdictional boundaries; and (7) whether the proponent can reasonably acquire, control, or otherwise have access to the alternative site.

10.2 Project Objectives

As required in CEQA Guidelines Section 15126.6(a), in developing the alternatives to be addressed in this section, consideration was given regarding an alternative's ability to meet most of the basic objectives of the project. These objectives are presented in Section 3.0, *Project Description*, and are re-printed below for reference:

1. Assist the City in State and local housing goals by providing rental housing stock and contributing to a diverse range of housing opportunities and affordabilities.
2. Provide affordable housing on-site in a location proximate to employment and institutional uses, multi-modal transit, and regional transportation amenities, thereby reducing reliance on the personal automobile to go about daily life.
3. Maximize site utilization by providing medium-high density residential uses that contribute to meeting the dual housing affordability/availability needs of the City.
4. Create a coherent and cohesive site design for the project; with low-rise buildings to provide a transition between existing and planned development to the south and the Otay Valley Regional Park to the north.
5. Provide for redevelopment of an underutilized site within an urbanizing area, where public facilities and amenities are readily available.
6. Increase recreational opportunities for residents by providing a public trail at the southwest corner of the project site, connecting off-site to the future public trail system within the OVRP.

10.3 Significant Impacts of the Project

Based on the analysis contained in Section 5.0, implementation of the project would result in significant impacts to air quality, historic resources (archaeology) and tribal cultural resources. Mitigation measures have been identified that would reduce impacts to below a level of significance. The project alternatives evaluated below were developed to address the project's significant impacts when compared to the project, to evaluate to what extent each alternative would reduce or avoid impacts, and to consider if an alternative would result in new or greater impacts on the environment.

10.4 Alternatives Considered but Rejected

10.4.1 Location Alternative

Otay Mesa-Nestor is essentially a built-out community. While there may be smaller sites in the Otay Mesa-Nestor community where redevelopment could occur in a manner similar to the project, there are no other sites under the applicant's control to allow the development of a residential project that meets the project's objectives.

In accordance with CEQA Guidelines Section 15126.6(f)(2)(A), alternative locations for the project would be considered if "any of the significant effects of the project would be avoided or substantially lessened by putting the project in another location. Only locations that would avoid or substantially lessen any of the significant effects of the project need be considered for inclusion in the EIR." If the project were developed on an alternative site in the community or other areas of the City or County, significant environmental impacts could result that would not occur with the proposed development of the project site. There are no native habitats or known wildlife resources located on the project site. Thus, impacts to biological resources that could occur at another location are avoided with the project. The project site has easy access to transit (the Palm Avenue Trolley Station); and is already served by existing public facilities, services, and utilities. A similar level of intensity as the project constructed at another site could potentially have increased levels of impacts relative to air quality, traffic, and greenhouse gas (GHG) emissions, as another site may not have the same or similar developed characteristics, walkability, and multi-modal transportation opportunities. Other sites may contain significant sensitive resources, and development on another site could result in significant impacts which would not occur at the project site.

For these reasons, there are no other alternative locations for the project that would meet the project's objectives. Therefore, the *Alternative Location* alternative was rejected from further analysis.

10.4.2 Avoidance of Historic (Archaeological) and Tribal Cultural Resources Alternative

While no artifacts or other cultural features were observed during the cultural resources survey for the project, the possibility remains that intact cultural deposits may exist subsurface of the project

site and could be encountered during grading and excavation activities. Therefore, impacts to potential subsurface resources would be considered a significant impact of the project.

Any development on the project site has the potential to impact unknown cultural resources. Due to the extent of possible unknown subsurface resources, a smaller development footprint would not avoid and may not reduce the potential for impacts. Therefore, there are no alternatives, except the *No Project/No Build* alternative, that could reduce or avoid impacts associated with historic resources (archaeological) and tribal cultural resources. The *No Project/No Build* alternative is discussed in detail below. Thus, an alternative that would avoid or reduce significant impacts to historic resources (archaeological) and tribal cultural resources has been rejected from further analysis.

10.4.3 Avoidance of Air Quality (Health Risk) Alternative

Based on the analysis contained in Section 5.0, implementation of the project would result in significant impacts to air quality, as it relates to generation of diesel particulates during construction. Mitigation measure AQ-1 would be implemented to reduce health risk impacts of the proposed development to less than significant. The proposed CPA and Rezone would allow for the site to be developed ministerially with up to 206 residential units. As there would be no mechanism to require future ministerial development to implement mitigation, the air quality impact would remain significant.

Two possible project construction alternatives were considered to potentially avoid or further reduce health impacts from construction vehicle emissions: 1) electrify of all construction vehicles instead of using Tier 4 diesel equipment; and 2) create a buffer zone for construction vehicle traffic so that nearby residents are further away from the construction activities. The use of electric construction vehicles is not realistic at this time, because most construction vehicles such as graders and dump trucks, are currently not available in fully-electric form. Of the feasible construction equipment choices, use of Tier 4 construction equipment, which is required by Mitigation measure AQ-1, is the feasible option to use for reducing health impacts on nearby residents. A buffer zone would not be feasible, given the size and configuration of the access roads and construction areas. The project is a long narrow site. Staging construction to occur a distance from nearby resident does not afford sufficient area for construction operations. Additionally, the project is accessed by a single drive off Palm Avenue, requiring that construction be staged throughout the site to allow for movement and maneuvering of construction equipment. Thus, an alternative that would potentially avoid or further reduce health impacts from construction vehicle emissions is not feasible and has been rejected from further analysis.

10.5 Alternatives Considered

Alternatives to the project are considered and discussed in this section. These include the “No Project” alternative that is mandated by CEQA and an alternative that was developed in the course

of project planning and environmental review for the project. Specifically, the following project alternatives are addressed in this EIR:

- Alternative 1: No Project/No Build Alternative
- Alternative 2: No Project/Build Under Existing Land Use Designation and Zoning Alternative

Relative to the requirement to address a “No Project” alternative, CEQA Guidelines Section 15126.6(e) states that: *When the project is the revision of an existing land use or regulatory plan, policy or ongoing operation, the “no project” alternative will be the continuation of the existing plan, policy or operation into the future. If the project is other than a land use or regulatory plan, for example a development project on identifiable property, the “no project” alternative is the circumstance under which the project does not proceed.*

Therefore, the alternatives addressed in this section include the discussion of two No Project alternatives– one which is the *circumstance under which the project does not proceed* (i.e., the *No Project/No Build* alternative) and one which is the *continuation of the existing plan, policy, or operation* (i.e., *No Project/Build Under Existing Land Use Designation* and the *No Project/Building under Existing Zoning* sub-alternatives).

10.6 Alternatives Analysis

In accordance with Section 15126.6(c) of the State CEQA Guidelines, the following analysis of project alternatives is preceded by a brief description of the rationale for selecting the alternatives to be discussed. In addition, alternatives that were considered and rejected have also been identified (see Section 10.1, *Alternatives Considered but Rejected*). The impacts of each alternative are analyzed and the review of each alternative includes an evaluation to determine if any specific environmental characteristic would have an effect that is “substantially less” than the project. A significant effect is defined in Section 15382 of the CEQA Guidelines as “a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project.” As analyzed in Section 5.0, *Environmental Analysis*, the project could result in potentially significant impacts associated with Historic Resources (Archaeological) and Tribal Cultural Resources.

10.6.1 Alternative 1 – No Project/No Build

CEQA Guidelines Section 15126.6(e) requires that an EIR evaluate a “no project” alternative along with its impacts. The purpose of describing and analyzing a no project alternative is to allow a lead agency to compare the impacts of approving the project to the impacts of not approving it. Specifically, Section 15126.6(e)(3)(B) requires that an EIR for a development project on an identifiable property address the no project alternative as “circumstances under which the project does not proceed.” In other words, the no project assumes that the project site would not be developed with the project.

Under the *No Project/No Build* alternative, the project would not be implemented on the site. The existing vacant structure and out buildings would not be demolished; and the site would be left as it exists today. No redevelopment of the site to include residential buildings, amenities, associated landscaping, and other improvements would occur.

Environmental Analysis

Land Use

The project would be consistent with all applicable goals, policies, and objectives of the General Plan. The project proposes a Community Plan Amendment to redesignate the project site as Medium-High Density Residential (20 – 35 du/ac). The Community Plan Amendment would also remove the View and Access Points from the site, as well as one located on church property. The project would be consistent with the Otay Mesa-Nestor Community Plan's (City of San Diego Planning Department 2023) objectives, proposals, and development guidelines relative to residential use and would be compatible with the OVRP Concept Plan. Removal of the View and Access Points would not result in significant environmental impacts. Deviations proposed as part of the project would not result in significant environmental impacts. Aircraft noise would not be expected to exceed 60 A-weighted decibel (dBA) community noise equivalent level (CNEL) at the project site; no mitigation to any structures or sensitive land uses due to aircraft are required. Thus, the project would result in less than significant land use impacts.

Under the *No Project/No Build* alternative, the existing uses on-site would remain. The Community Plan land use designations for the site are Open Space, Mixed Use, and Low Density Residential (5-10 dwelling unit per acre[du/ac]). The General Plan land use designations for the project site are Park, Open Space, & Recreation; Residential; and Multiple Use. The existing residential unit on the project site is consistent with the Community Plan and General Plan residential land use designations. Additionally, the existing development is consistent with the underlying zone (RS-1-7).

The *No Project/No Build* alternative would avoid the need for a land use plan amendment and rezone that is associated with the project. However, the project's proposed change in land use and zone would not result in significant direct or secondary land use impacts. While the project would result in a less than significant land use impact, the *No Project/No Build* alternative would result in no land use impact.

Transportation/Circulation

The project would not result in significant impacts associated with transportation and circulation. The project would be consistent with the Mobility Element and Urban Design Element of the General Plan and other adopted policies, plans (including the Otay Mesa-Nestor Community Plan), and programs supporting the transportation system, including pedestrian and bicycle facilities. The project design includes improvements that would encourage access to existing transit and improve bicycle, and pedestrian transportation facilities. As a result, the project would not conflict with any

adopted program, plan, ordinance, or policy addressing the transportation system. The project is calculated to be lower than 80.9 percent of the regional average, which is at least 15 percent below the regional threshold, and would not result in vehicle miles traveled (VMT) exceeding thresholds identified in the City's Transportation Study Manual (TSM). Based on the project-specific VMT significance thresholds in accordance with the TSM, the project would not result in a significant transportation impact relative to VMT. The project does not propose non-standard design features and would not substantially increase hazards due to design features or incompatible uses and the project would be designed in accordance with applicable safety standards. The project would not result in inadequate emergency access.

The *No Project/No Build* alternative would not result in new impacts associated with traffic circulation because no project trips would occur. The project site is developed with a vacant single-family resident and several out buildings. As such, under current conditions, no traffic is generated from the project site. While the project would result in a less than significant transportation impact, the *No Project/No Build* alternative would result in no transportation impact.

Air Quality

The project is consistent with applicable air quality control plans, including the Regional Air Quality Strategy (RAQS), the State implementation Plan (SIP), and San Diego Association of Governments (SANDAG's) Transportation Control Measures. Operational emissions would be below the significance thresholds for all pollutants. Additionally, carbon monoxide (CO) impacts would be less than significant because no CO "hot spots" would result from the project. Construction impacts would be temporary and for a short duration. Therefore, air quality impacts associated with project operations and construction would not be significant. However, the project would expose sensitive receptors to substantial pollutant concentrations and mitigation is required. With implementation of Mitigation Measures AQ-1, impacts would be less than significant. If development were to occur ministerially in accordance with the RM-2-6 zone and without a discretionary action and, therefore, CEQA review, an air quality analysis would not be required and there would be no requirement for mitigation relative to cancer risk impacts due to DPM emissions from construction activities. Thus, with regard to DMP emissions, impacts would be significant and unmitigated.

The *No Project/No Build* alternative would not result in any changes to the existing site conditions. No development, construction, or grading would occur under the *No Project/No Build* alternative. Therefore, the *No Project/No Build* alternative would not have the potential to cause any increase in air emissions that would result during construction and operation of the project. The *No Project/No Build* alternative would result in fewer environmental effects associated with air quality, because less vehicular emissions would be generated under this alternative and no new construction would occur, which would not expose sensitive receptors to Toxic Air Contaminants (TACs). As such, a screening health risk assessment (HRA) would not be needed and the *No Project/No Build* alternative would not require mitigation measures to reduce impacts from exposure or diesel particulate

matter (DPM) emissions associated. Thus, the *No Project/No Build* alternative would avoid the proposed project potential air quality impact.

Biological Resources

The project would not have significant impacts on sensitive plant or animal species as none is present or are not expected to occur. There would be no impacts to potential jurisdictional areas as no such area is present. No direct or indirect impacts to wildlife movement, wildlife corridors, or nursery sites are expected with implementation of the project. The project has the potential to result in indirect impacts to the Multi Habitat Planning Area (MHPA). However, the project would be required to adhere to the Multiple Species Conservation Plan's (MSCP) Land Use Adjacency Guidelines, and would, therefore, avoid the potential for significant indirect impacts to sensitive biological resources. Furthermore, the project would not result in impacts that would conflict with the provisions of the MSCP and would be consistent with the City's Environmentally Sensitive Lands (ESL) Regulations and Biology Guidelines. The project proposes a Boundary Line Adjustment to the MHPA such that the impact footprint associated with the project would not occur within designated MHPA lands and would provide functionally equivalent biological value to that being impacted. Impacts would be less than significant.

The *No Project/No Build* alternative would result in no impacts to biological resources, as no changes would occur. A MHPA Boundary Line Adjustment would not be associated with this alternative, and thus this alternative would not result in replacing affected on-site MHPA lands with equivalent or better biological value lands. While the project would result in a less than significant biological resource impact, the *No Project/No Build* alternative would result in no biological resource impact.

Energy

The project would increase demand for energy in the project area and San Diego Gas & Electric's (SDG&E) service area. However, no adverse effects on non-renewable resources are anticipated. The project would follow Uniform Building Code (UBC) and Title 24 requirements for energy efficiency and would be consistent with the Climate Action Plan (CAP) by incorporating sustainable design features directed at reducing energy consumption.

Under the *No Project/No Build* alternative, energy consumption would remain as it is today, which is essentially no energy use associated with the vacant residential structure and unused out buildings. While the project would result in a less than significant energy impact, the *No Project/No Build* alternative would result in no energy impact.

Geologic Conditions

The proposed project would not result in significant impacts associated with geologic conditions. Additionally, the project would not create or lead to the creation of substantial increase in wind or water erosion of soils, either on or off the site. Through implementation of associated

design/construction recommendations set forth in the project Geotechnical Investigation, and mandatory conformance with applicable regulatory/industry standard and codes, including the International Building Code (IBC)/California Building Code (CBC) and pertinent City criteria, the project would reduce the risk of potential effects from geologic hazards to acceptable levels. Therefore, impacts would be less than significant.

The *No Project/No Build* alternative would result in no impact to geologic conditions, as no change relative to the existing conditions would occur. While the project would result in a less than significant geologic impact, the *No Project/No Build* alternative would result in no geologic conditions impact.

Greenhouse Gas Emissions

The project would not conflict with the CAP or any other applicable plan, policy, or regulation adopted for the purpose of reducing emissions of greenhouse gases. The project would not result in a significant impact relative to plans, policies, or regulations aimed at reducing GHG emissions. Impacts associated with GHG emissions would, therefore, be less than significant with the project.

The *No Project/No Build* alternative would not generate GHG emissions as a result of construction, because no new construction would occur. The *No Project/No Build* alternative would also not contribute to global climate change through the generation of greenhouse gas emissions associated with operations and vehicle trips, because no use of the property currently occurs. Therefore, impacts associated with greenhouse gas emissions would be less under this alternative than those associated with the project. While the project would result in a less than significant greenhouse gas impact, the *No Project/No Build* alternative would result in no greenhouse gas impact.

Health and Safety

The project site is not located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5, and a significant hazard to public environment would not result. The project would not handle hazardous materials or result in hazardous emissions. Industry standards in place would insure no risk to workers by hazardous materials during demolition and construction.

The project site and surrounding area does not contain substantial brush, and brush management is not required for the project. However, the site is surrounded by Very High Fire Hazard Severity Zones (VHFHSZs) and the project proposes an increase in land use density with a single access through the Metropolitan Transit System (MTS) site to Palm Avenue. The Evacuation Plan for the project (Appendix S) found that impacts related to evacuation would be less than significant. The project would not impair implementation of, or physically interfere with, emergency response plans or emergency evacuation plans.

Although the project site is within the Airport Influence Areas (AIAs) of Naval Outlying Field (NOLF) Imperial Beach, Naval Air Station (NAS) North Island, and Brown Field, the project would not result in impacts associated with the four compatibility concern areas. As a result, project impacts associated with health and safety would be less than significant.

The *No Project/No Build* alternative would result in no impacts relative to toxic emissions or hazards. This alternative would also not impair implementation of, or physically interfere with, emergency response plans or emergency evacuation plans and would be compatible with the NOLF Imperial Beach, NAS North Island, and Brown Field Airport Land Use Compatibility Plans (ALUCPs). While the project would result in a less than significant health and safety impact, the *No Project/No Build* alternative would result in no health and safety impact.

Historic Resources

There are no historic resources on the project site, and no existing religious or sacred uses are located on the project site or within the immediate project vicinity. However, unknown subsurface resources could be found during excavation and grading for the project. Therefore, the project could result in a significant impact to historic resources (archeology). Mitigation measures would be implemented to reduce project impacts to below a level of significance.

Under the *No Project/No Build* alternative, no grading or construction would occur. Therefore, there would be no potential for unknown subsurface resources to be encountered. The project would result in significant but mitigated impacts to archaeological resources. Impacts to historic resources (archeology) would be avoided under the *No Project/No Build* alternative.

Hydrology

The project is designed to retain the existing condition discharge locations and flow rates, and there are no negative impacts to the downstream system or adjacent properties. Even with the increase in impervious surfaces proposed with the project, storm water runoff rates would decrease from existing conditions. Impacts would be less than significant.

Under the *No Project/No Build* alternative, no grading or construction would occur. Existing hydrology conditions would not be altered; no new runoff would be generated and drainage patterns would remain unchanged. The *No Project/No Build* alternative would result in no impacts to hydrology. While the project would result in a less than significant hydrology impact, the *No Project/No Build* alternative would result in no hydrology impact.

Noise

The project would not result in the exposure of people to noise levels that exceed the City's adopted noise ordinance or are incompatible with the City's noise guidelines. The project would not cause exposure of people to current or future transportation noise levels that exceed standards

established in the Transportation Element of the General Plan. The project's direct contributions to off-site roadway noise increases associated with project-generated traffic would not cause any significant impacts to any existing or future noise sensitive land uses. Noise levels associated with project construction would not exceed City standards, and no impacts would occur.

Under the *No Project/No Build* alternative, no noise impacts would result. Existing uses include a vacant residential structure and out buildings. As such, existing uses do not generate noise, much less noise levels that exceed City standards. Because no new construction or grading would occur with the *No Project/No Build* alternative, noise associated with these activities would be avoided, although such impacts would not be significant under the project. While neither this alternative nor the project would result in significant noise impacts, noise associated with this alternative would be considered less than what would occur with the project due to no need for demolition and construction.

Population and Housing

The project would not indirectly or directly induce substantial unplanned population growth to the area. Impacts would be less than significant. The *No Project/No Build* alternative would have no effect on population and housing, as it would not generate new housing or other development. While the project would result in a less than significant population and housing impact, the *No Project/No Build* alternative would result in no population and housing impact.

Public Services and Facilities

The project site is served by public service facilities, such as fire/life safety protection and police protection. The project would not result in significant impacts to police protection, fire/life safety protection, libraries, parks or other recreation facilities, or schools.

As existing uses include a vacant residential structure and unused out building, the *No Project/No Build* alternative would have no demand on public services for police protection and fire/life safety. This alternative would not generate school-aged children and would not create a resident population that would use school, library, or recreational services. Because no new development would occur under the *No Project/No Build* alternative that could result in an increase in population, impacts on public services and facilities would be less under the *No Project/No Build* alternative. While the project would result in a less than significant public services impact, the *No Project/No Build* alternative would result in no public services impact.

Public Utilities

The project would not result in significant impacts to water, sewer, solid waste, and communications systems. All required utilities would be included in the project or are existing. Development of the project would not significantly increase the demand for water or services, and as such, would not trigger the need for new water facilities or the expansion of those facilities beyond what is

proposed. Based on the available capacity of existing sewer facilities, the increase in demand associated with wastewater utilities would not be significant. The project would implement strategies outlined in the project-specific WMP through conditions of approval, as well as compliance with applicable City regulations related to solid waste, the project would not require new or expansion of solid waste facilities, including landfills. Facilities are in place for communications services in the Otay Mesa-Nestor community.

The *No Project/No Build* alternative would not result in any changes to the existing site conditions. Like the project, public utilities are provided to serve the existing uses; however, with existing development including a vacant residential structure and unused out building, the existing development does not result in any impacts to water, sewer, storm water drainage, and solid waste. Therefore, although the project would result in less than significant impacts to public utilities, the *No Project/No Build* alternative would result in less demand on public utilities and no impact.

Tribal Cultural Resources

The project area has the potential for unknown subsurface tribal cultural resources. Therefore, there is the potential for impacts to a tribal cultural resource during grading activities at the site. Project impacts to tribal cultural resources would be potentially significant. Mitigation HIS-1 would be implemented to reduce project impacts to below a level of significance.

The *No Project/No Build* alternative does not have the potential to affect tribal cultural resources, because neither grading nor construction would occur on the project site. Impacts to Tribal Cultural Resources under the *No Project/No Build* alternative would be less than those associated with the project, and would be avoided under this alternative.

Visual Effects and Neighborhood Character

The project's impact on the visual character and quality of the surrounding environment is considered less than significant. The project would not result in a substantial degradation of the existing visual character or quality of the site or its surroundings. The project's associated Community Plan Amendment would require the removal of view and access points adjacent to the site. Thus, the project would have less than significant impact. The project would not result in bulk, scale, materials, or style that are incompatible with surrounding development. The project would not result in significant lighting and glare impacts.

Under the *No Project/No Build* alternative, the existing vacant residential structure and out buildings would remain as they do today. The site has been previously graded for prior agricultural use and is undeveloped. Landscaping is minimal, consisting of non-native plant species, and is mostly confined to the perimeter of the property. The existing development is less compatible visually and from a neighborhood character perspective than what is proposed by the project. However, visually, the existing use does not represent a significant visual quality or neighborhood character impact. This

alternative would not require the component of the Community Plan Amendment relative to the removal of view and access points. While the project would result in a less than significant visual impact, the *No Project/No Build* alternative would result in no visual impact.

Water Quality

The project would adhere to the City storm water standards. Short-term water quality effects from construction would be addressed through adherence to the City's Grading Ordinance and conformance with City storm water standards and the related National Pollution Discharge Elimination System (NPDES) Construction General Permit. Once the project is constructed, on-site runoff would be directed to on-site pollutant control best management practices (BMPs). The project impacts to water quality would be less than significant.

The *No Project/No Build* alternative would also not result in significant impacts associated with Water Quality. Although currently the project site does not contain any storm water management devices, such as BMPs, it also does not have a substantial amount of impervious features. Instead, the majority of the site is characterized as an undeveloped state, with minimal storm water runoff potential that could carry urban pollutants. While the project would result in a less than significant water quality impact, the *No Project/No Build* alternative would result in no water quality impact.

Wildfire

The project would not exacerbate wildfire risks, due to slope, prevailing winds, or other factors, and would not expose people or structures to significant risks. The Evacuation Plan for the project (Appendix S) found that the project would not impair or physically interfere with an adopted emergency response or evacuation plan. Impacts due to wildfire would be less than significant for the project.

The project site is developed with a single residential unit and several out buildings. Vegetation is sparse. Surrounding the project site is developed land, the Blue Line trolley tracks and the San Diego & Arizona Eastern (SD&AE) Railroad, and a large nursery. Thus, the surrounding area does not pose a high risk to wildfire. While the project would result in a less than significant wildfire impact, the *No Project/No Build* alternative would result in no wildfire impact as no change would occur.

Cumulative Effects

The project would not result in cumulative impacts which, when considered together with other past, present, and reasonably foreseeable future projects, are considerable or which compound or increase other environmental impacts. Under the *No Project/No Build* alternative, the project site would remain as it is developed today, with a vacant residential structure and out buildings. This alternative would not result in any new significant impacts. While the project would result in less than significant cumulative impacts, the *No Project/No Build* alternative would result in no cumulative impact since no change would occur.

Evaluation of Alternative

When compared to the project, the *No Project/No Build* alternative would eliminate the potential for impacts to air quality, historical resources (archaeology) and tribal cultural resources associated with the project, as no grading or construction would occur. The *No Project/No Build* alternative would not expose sensitive receptors to substantial pollutant concentrations and no mitigation would be required. The *No Project/No Build* alternative would also avoid environmental effects associated with transportation and circulation, geologic conditions, GHG, health and safety, water quality, hydrology, energy, noise, biological resources, population and housing, wildfire, and visual effects and neighborhood character. There would also be less impacts to public services and public utilities, as well as no impacts to schools, libraries, and recreation, as no residential development would occur. However, based on the analysis in this EIR, none of those effects would be regarded as significant under the project.

The *No Project/No Build* alternative would not meet any of the project objectives. This alternative would not provide additional market rate and affordable housing to serve the urgent needs of the City and where transit is immediately available, and would not result in community benefits such as a future trail connection.

10.6.2 **Alternative 2 – No Project/Build Under Existing Land Use Designation and Zoning Alternative**

As previously mentioned, CEQA Guidelines Section 15126.6(e)(3) states: *when the project is the revision of an existing land use or regulatory plan, policy or ongoing operation, the “no project” alternative will be the continuation of the existing plan, policy or operation into the future.* Therefore, Alternative 2 consists of the *No Project/Build Under Existing Land Use Designation and Zoning Alternative*.

The project site is designated as Mixed Use, Low Density Residential, and Open Space in the Otay Mesa-Nestor Community Plan (see Figure 2-6, Otay Mesa-Nestor Community Plan Land Use Map). The site is also zoned AR-1-2, RM-1-1 and RS-1-7 (see Figure 2-7, Existing Zoning). The RM-1-1 zone allows for residential development of up to one dwelling unit per a minimum lot size of 3,000 square-feet (14.52 du/ac). The RS-1-7 zone allows for residential development of one dwelling unit per minimum 5,000 square foot lot (8.71 du/ac). The AR-1-2 zone allows for one dwelling unit per a minimum one-acre lot (one du/ac).

The *No Project/Build Under Existing Land Use Designation and Zoning* alternative was considered to evaluate what project effects could be reduced or avoided with compliance with the current land use designation and zones in effect on the property. Figure 10-1, *Development Under Existing Zoning*, and Figure 10-2, *Development Under Existing Zoning*, show the current land use designations and zones for the project site. The Community Plan further defines the Mixed-Use land use category as the following:

The Mixed-Use designated areas of Otay Mesa-Nestor shall be developed as TODs. A wide range of uses are permitted in these areas. Land uses which are encouraged include the following:

- *Medium-Density Residential development (maximum 29 du/ac). Residential development shall only be permitted as an element of a commercial project. Senior housing opportunities are encouraged.*
- *Typical land uses that serve transit commuters and pedestrians are recommended within these areas, and include: day care center, news stand, record and video sales/rental, bakery and donut shops, butcher, produce, florist, shoe repair, dry cleaning, drug store, convenience/sundries, photocopying/printing, a post office or mailing service, and banks or automated teller machines (ATMs).*
- *Additional permitted uses that will add variety and vitality to the TODs include: Restaurants, drinking establishments, coffee houses, sidewalk cafes, artists' studios and galleries, public buildings and parks.*

Based on the existing zones, the project could be developed with three lots (equaling three units) within the portion of the site zoned AR-1-2, 12 units could occur in the area zoned RM-1-1, and 17 units could occur in the area zoned RS-1-7 for a total of 32 residential units. The Mixed Use land use designated portion of the project site (approximately 1.05 acres) would allow a maximum of 31 multi-family residential units (29 dwelling units per 1.05 acres), and the Low Density land use category (approximately 1.95 acres) would allow five to less than 10 units per acre for a maximum of 20 units. Thus, the current land use designations would allow up to 51 dwelling units. However, in order to be consistent with the underlying zone, this alternative assumes a maximum of 32 units, as that is the maximum permitted when all existing zones are considered. Development within the AR-1-2 zone would occur as three custom home sites; the 12 units that would occur in the RM-1-1 zone would be attached rental units; and 17 lots that could occur in the RS-1-7 zone would be detached homes on approximately 5,000 square foot lots; similar to a typical urban subdivision. Although the Mixed-Use land use category allows commercial uses, due to the very low development potential that could occur under this alternative and the project site's location a distance from a public street, this alternative assumes no commercial space. Additionally, for the Open Space area (approximately 2.92 acres), this alternative assumes no development would occur, as the Community Plan does not identify any use of the Open Space designated areas of the Community, other than specific recommendations for the OVRP and the Salt Ponds.

Table 10-1, *Development Intensities with Project and No Project/Build Under Existing Land Use Designation and Zoning Alternative*, summarizes the development intensity for this alternative.

Table 10-1. Development Intensities with Project and No Project/Build Under Existing Land Use Designation and Zoning Alternative

| Project | Alternative 2: No Project/Build Under Existing Land Use Designation and Zoning |
|------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 198 multi-family units Includes 8 affordable units provided on-site | 32 units: <ul style="list-style-type: none"> • 3 custom home sites • 12 attached rental units • 17 single family home lots Includes 2 affordable units provided on-site or payment of in lieu fee |

This alternative would be designed to be consistent with Community Plan guidelines and requirements of the City’s LDC and ordinances. Additionally, like the project, this alternative would be designed with breaks between buildings to allow for views over Otay Valley and would also in a trail connection off-site to the west, to allow connection to future trails in the OVRP and also afford views into the Otay Valley. Affordable housing would be provided by paying an in-lieu fee or providing the current six percent affordable units (two units) on-site. For purposes of this alternative, it was assumed that the same area would be graded as proposed for grading with the project.

Access under this alternative would be the same as with the project (i.e., from the south along the western portion of the project site via an existing access easement through property owned by MTS). (See Figure 3-3, *Off-Site Access Plan*.) Like the project, a private internal drive would connect uses within the development areas of this alternative to the access easement. This alternative would also provide some of the pedestrian and bicycle improvements proposed with the project, including pedestrian and bicycle access to the Palm Avenue Trolley Station and Palm Avenue through the access easement, as well as providing a pedestrian easement for access into the future OVRP trail at the southwest corner of the project site. This alternative would not include the internal circulation system provided by the project that links the various buildings and amenities; nor would it include the on-site path along the northern edge of the development area.

Environmental Analysis

Land Use

The project would be consistent with all applicable goals, policies, and objectives of the General Plan. The project proposes a Community Plan Amendment to redesignate the project site as Medium-High Density Residential (20 – 35 du/ac). The Community Plan Amendment would also remove the View and Access Points from the site, as well as one located on church property. The project would be consistent with the Otay Mesa-Nestor Community Plan’s objectives, proposals, and development guidelines relative to residential use and would be compatible with the OVRP Concept Plan. Removal of the View and Access Points would not result in significant environmental impacts.

Deviations proposed as part of the project would not result in significant environmental impacts. Aircraft noise would not be expected to exceed 60 dBA CNEL at the project site; no mitigation to any structures or sensitive land uses due to aircraft are required. Thus, the project would not result in significant land use impacts.

The *No Project/Build Under Existing Land Use Designation and Zoning Alternative* would result 32 residential dwelling units, with 12 multi-family units and 20 single family units. Approximately 2.92 acres would remain in open space. The open space area roughly approximates the 2.2-acre MHPA on the project site, with approximately 0.72 acre outside the MHPA. Thus, this alternative would not require an MHPA boundary line adjustment. Development would be consistent with the Community Plan and underlying zone; no Community Plan Amendment or rezone would be required. Like the project, this alternative would not result in significant land use impacts.

Transportation/Circulation

The project would not result in significant impacts associated with transportation and circulation. The project would be consistent with the Mobility Element and Urban Design Element of the General Plan and other adopted policies, plans (including the Otay Mesa-Nestor Community Plan), and programs supporting the transportation system, including pedestrian and bicycle facilities. The project design would include improvements that would encourage access to existing transit and improve bicycle, and pedestrian transportation facilities. As a result, the project would not conflict with any adopted program, plan, ordinance, or policy addressing the transportation system. The residential project is calculated to be lower than 80.9 percent of the regional average, which is at least 15 percent below the regional threshold, and would not result in VMT exceeding thresholds identified in the City's TSM. Based on the project-specific VMT significance thresholds in accordance with the TSM, the project would not result in a significant transportation impact relative to VMT. The project does not propose non-standard design features and would not substantially increase hazards due to design features or incompatible uses and the project would be designed in accordance with applicable safety standards. The project would not result in inadequate emergency access.

The *No Project/Build Under Existing Land Use Designation and Zoning Alternative* would also be expected to result in less than significant impacts to transportation and circulation.

Based on the San Diego Association of Governments (SANDAG) Senate Bill 743 vehicle miles traveled (VMT) maps, the project site is located within Census Tract 101.07 (Series 14 ABM 2+Base Year 2016) with a resident VMT per capita of 15.4 miles, which is 80.9 percent of the regional average of 19.0 miles per capita. Since the project site is located within a VMT efficient area at less than 85 percent of the regional VMT/capita, the project is screened out from needing to prepare a detailed transportation VMT analysis. This alternative would similarly screen out and, like the project, would be presumed to have a less-than-significant VMT impact on the environment.

Air Quality

The project is consistent with applicable air quality control plans, including the RAQS, the SIP, and SANDAG's Transportation Control Measures. Operational emissions would be below the significance thresholds for all pollutants. Additionally, CO impacts would be less than significant because no CO "hot spots" would result from the project. Construction impacts would be temporary and for a short duration. Therefore, air quality impacts associated with project operations and construction would not be significant. However, the project would expose sensitive receptors to substantial pollutant concentrations and mitigation is required. With implementation of Mitigation measure AQ-1, impacts would be less than significant.

The *No Project/Build Under Existing Land Use Designation and Zoning Alternative* would result in less construction and less traffic due to less development intensity. Emissions would be reduced under this alternative. Because the *No Project/Build Under Existing Land Use Designation and Zoning Alternative* is much smaller in size and scope than the project, emissions due to construction and operation of the project alternative would be lower than emissions from the project. More specifically, grading and building construction would be reduced from what would be required for the 198-unit project to 32 units under this alternative. Proximity to residential receptors would be the same for both the project alternative and the project, but emission impacts would be less for this alternative. If development were to occur ministerially and without a discretionary action and, therefore, CEQA review, an air quality analysis would not be required and there would be no requirement for mitigation relative to cancer risk impacts due to DPM emissions from construction activities. Thus, with regard to DPM, impacts would be significant and unmitigated.

Biological Resources

The project would not have significant impacts on sensitive plant or animal species as none is present or are not expected to occur. There would be no impacts to potential jurisdictional areas as no such area is present. No direct or indirect impacts to wildlife movement, wildlife corridors, or nursery sites are expected with implementation of the project. The project has the potential to result in indirect impacts to the MHPA. However, the project would be required to adhere to the MSCP's Land Use Adjacency Guidelines, and would, therefore, avoid the potential for significant indirect impacts to sensitive biological resources. Furthermore, the project would not result in impacts that would conflict with the provisions of the MSCP and would be consistent with the City's ESL Regulations and Biology Guidelines. The project proposes a Boundary Line Adjustment to the MHPA such that the impact footprint associated with the project would not occur within designated MHPA lands and would provide functionally equivalent biological value to that being impacted. Impacts would be less than significant.

The *No Project/Build Under Existing Land Use Designation and Zoning Alternative* would result in development of a portion of the project site where development areas are shown in the Community Plan. Additionally, an MHPA Boundary Line Adjustment would not be required to move the MHPA

line from development areas. Approximately 2.92 acres would be left as open space under this alternative could remain within the MHPA. The open space area roughly approximates the 2.2-acre MHPA on the project site, with approximately 0.72 acre outside the MHPA. Thus, this alternative would not require an MHPA boundary line adjustment. This alternative would not require replacing affected on-site MHPA lands with equivalent or better biological value lands. Under both the project and this alternative, impacts would be less than significant.

Energy

The project would increase demand for energy in the project area and SDG&E's service area. However, no adverse effects on non-renewable resources are anticipated. The project would follow UBC and Title 24 requirements for energy efficiency and would be consistent with the CAP by incorporating sustainable design features directed at reducing energy consumption.

Under the *No Project/Build Under Existing Land Use Designation and Zoning Alternative*, energy consumption would be less than what would occur with the project, because less development would occur. Although energy use would be less than the project, like the project, impacts relative to energy would not be significant under this alternative.

Geologic Conditions

The proposed project would not result in significant impacts associated with geologic conditions. Additionally, the project would not create a substantial increase in wind or water erosion of soils, either on or off the site. Through implementation of associated design/construction recommendations set forth in the project Geotechnical Investigation, and mandatory conformance with applicable regulatory/industry standard and codes, including the IBC/CBC and pertinent City criteria, the risk of potential effects from geologic hazards would be reduced to acceptable levels. Therefore, impacts would be less than significant.

Both the project and the *No Project/Build Under Existing Land Use Designation and Zoning Alternative* would be subject to the geologic hazards, and both would require adherence to associated design/construction recommendations set forth in a project-specific Geotechnical Investigation and mandatory conformance with applicable regulatory/industry standard and codes, including the IBC/CBC and pertinent City criteria. As such, the risk of potential effects from geologic hazards would be reduced to acceptable levels. Thus, like the project, the *No Project/Build Under Existing Land Use Designation and Zoning Alternative* would also result in less than significant impacts to geologic conditions.

Greenhouse Gas Emissions

The project would not conflict with the CAP, CAP Consistency Regulations, or any other applicable plan, policy, or regulation adopted for the purpose of reducing emissions of greenhouse gases. The project would not result in a significant impact relative to plans, policies, or regulations aimed at

reducing GHG emissions. Impacts associated with GHG emissions would therefore be less than significant with the project.

The *No Project/Build Under Existing Land Use Designation and Zoning Alternative* would generate less GHG emissions as a result of operations and vehicle trips, because less development would occur. However, this alternative would still contribute to global climate change through the generation of greenhouse gas emissions. Development under this alternative would, like the project, require consistency with the CAP and CAP Consistency Regulations. Both the project and this alternative would result in less than significant impacts associated with greenhouse gas emissions.

Health and Safety

The project is not located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5, and a significant hazard to public environmental would not result. The project would not handle hazardous materials or result in hazardous emissions. Industry standards in place would ensure no risk to workers by hazardous materials during demolition and construction. The Evacuation Plan for the project (Appendix S) found that impacts due to wildland fire would be less than significant. The project would not impair implementation of, or physically interfere with, emergency response plans or emergency evacuation plans. Although the project site is within the AIAs of NOLF Imperial Beach, NAS North Island, and Brown Field, the project would not result in impacts associated with the four compatibility concern areas. As a result, project impacts associated with health and safety would be less than significant.

The *No Project/Build Under Existing Land Use Designation and Zoning Alternative* would also not result in significant impacts relative to toxic emissions or hazards. This alternative would also not impair implementation of, or physically interfere with, emergency response plans or emergency evacuation plans and would be compatible with the NOLF Imperial Beach, NAS North Island, and Brown Field ALUCPs. As a result, like the project, *No Project/Build Under Existing Land Use Designation and Zoning Alternative* impacts associated with health and safety would be less than significant.

Historic Resources

There are no historic resources on the project site, and no existing religious or sacred uses are located on the project site or within the immediate project vicinity. However, unknown subsurface resources could be found during excavation and grading for the project. Therefore, the project could result in a significant impact to historic resources (archeology). Mitigation measures would be implemented to reduce impacts to below a level of significance.

Grading and construction would occur under the *No Project/Build Under Existing Land Use Designation and Zoning Alternative*, which could affect unknown subsurface prehistoric resources and result in the potential for the same significant impacts as the project. This alternative would require

implementation of the same mitigation measures as the project. Thus, impacts to historic resources (archeology) would be the same under this alternative as with the project.

Hydrology

The project is designed to retain the existing condition discharge locations and flow rates, and there are no negative impacts to the downstream system or adjacent properties. Even with the increase in impervious surfaces, storm water runoff rates would decrease from existing conditions. Project impacts would be less than significant.

Under the No Project/Build Under Existing Land Use Designation and Zoning Alternative, grading and construction would occur over the less of the project site, as a portion of the site would remain undeveloped to reflect the Community Plan's Open Space designation. None-the-less, there is the potential for existing hydrology conditions to be altered in a manner similar to the project. Storm water runoff would be less, due to less development area, and development under this alternative would likely result in a decrease in storm water runoff from existing conditions, because less impervious surfaces would occur. Like the project, the No Project/Build Under Existing Land Use Designation and Zoning Alternative impacts would be less than significant.

Noise

The project would not result in the exposure of people to noise levels that exceed the City's adopted noise ordinance or are incompatible with the City's noise guidelines. The project would not cause exposure of people to current or future transportation noise levels that exceed standards established in the Land Use Element of the General Plan. The project's direct contributions to off-site roadway noise increase associated with project-generated traffic would not cause any significant impacts to any existing or future noise sensitive land uses. Noise levels associated with project construction would not exceed City standards; no impacts would occur.

The No Project/Build Under Existing Land Use Designation and Zoning Alternative would generate less construction noise than the project due to a reduced development intensity, and less vehicular noise would occur because less traffic would be generated. Stationary noise sources would also be reduced, as fewer heating and ventilation air conditioning units would be provided. While neither this alternative nor the project would result in significant noise impacts, noise associated with this alternative would be considered less than what would occur with the project.

Population and Housing

The project would not indirectly or directly induce substantial unplanned population growth to the area. The project would result in less than significant impacts. Like the project, the *No Project/Build Under Existing Land Use Designation and Zoning Alternative* would also result in a less than significant impact relative to population and housing.

Public Services and Facilities

The project site is served by public service facilities, such as fire/life safety protection and police protection. The project would result in less than significant impacts to police protection, fire/life safety protection, libraries, parks or other recreation facilities, and schools.

The *No Project/Build Under Existing Land Use Designation and Zoning Alternative* would result in uses that would be served by public services and facilities. Due to the reduced intensity of development, the alternative would result in less demand. Impacts to public services and facilities would be reduced under this alternative, but neither the project nor this alternative would result in significant impacts to public services and facilities.

Public Utilities

The project would not result in significant impacts to water, sewer, solid waste, and communications systems. All required utilities would be included in the project or are existing. Development of the project would not significantly increase the demand for water or services, and as such, would not trigger the need for new water facilities or the expansion of those facilities beyond what is proposed. Based on the available capacity of existing sewer facilities, the increase in demand associated with wastewater utilities would not be significant. The project would implement strategies outlined in the project-specific WMP through conditions of approval, as well as compliance with applicable City regulations related to solid waste, the project would not require new or expansion of solid waste facilities, including landfills. Facilities are in place for communications services in the Otay Mesa-Nestor community.

The *No Project/Build Under Existing Land Use Designation and Zoning Alternative* would also require connections to and service from public water and sewer utilities and would generate solid waste. Due to the reduced development intensity that could occur under this alternative, impacts would be less than what would occur with the project. However, both the project and this alternative would result in less than significant impacts to public services.

Tribal Cultural Resources

The project area has the potential for unknown subsurface tribal cultural resources. Therefore, there is the potential for impacts to a tribal cultural resource during grading activities at the site. Project impacts to tribal cultural resources would be potentially significant. Mitigation measure HIS-1 would be implemented to reduce project impacts to below a level of significance.

The *No Project/Build Under Existing Land Use Designation and Zoning Alternative* has the same potential to affect Tribal Cultural Resources and impacts would be potentially significant. As with the project, mitigation HIS-1 would be required to reduce potential impacts. However, because less grading would be required for this alternative, impacts would be less than with the project.

Visual Effects and Neighborhood Character

The project's impact on the visual character and quality of the surrounding environment is considered less than significant. The project would not result in a substantial degradation of the existing visual character or quality of the site or its surroundings. The project's associated Community Plan Amendment would require the removal of view and access points adjacent to the site, which would result in a less than significant impact. The project would not result in bulk, scale, materials, or style that are incompatible with surrounding development. The project would not result in significant lighting and glare impacts.

The *No Project/Build Under Existing Land Use Designation and Zoning Alternative* would be designed to be consistent with Community Plan guidelines and requirements of the City's LDC and ordinances. Like the project, this alternative's impact on the visual quality and quality of the surrounding neighborhood is not expected to be significantly adverse; would not result in a substantial degradation of the existing visual character or quality of the site or its surroundings; and would be designed in such a manner that bulk, scale, materials, and style would be compatible with the character of the surrounding neighborhood. This alternative would not require the component of the Community Plan Amendment relative to the removal of view and access points. Thus, this alternative would have the same no impact on visual quality and neighborhood character as the project.

Water Quality

The project would adhere to the City storm water standards. Short-term water quality effects from construction would be addressed through adherence to the City's Grading Ordinance and conformance with City storm water standards and the related NPDES Construction General Permit. Once the project is constructed, on-site runoff would be directed to on-site pollutant control BMPs in accordance with the LDC requirements. The project would not result in significant impacts to water quality.

The *No Project/Build Under Existing Land Use Designation and Zoning Alternative* would also not result in significant impacts associated with water quality. Like the project, this alternative would be required to adhere to the City's Grading Ordinance, City storm water standards and the related NPDES Construction General Permit. Therefore, both the *No Project/Build Under Existing Land Use Designation and Zoning Alternative* and the project would have the same level of less than significant impact to water quality.

Wildfire

The project would not exacerbate wildfire risks, due to slope, prevailing winds, or other factors, and would not expose people or structures to significant risks. The Evacuation Plan for the project (Appendix S) found that the project would not impair or physically interfere with an adopted

emergency response or evacuation plan. Project impacts due to wildfire would be less than significant.

Similarly, the *No Project/Build Under Existing Land Use Designation and Zoning Alternative* would also not result in significant impacts associated with wildfire. Like the project, this alternative would not exacerbate wildfire risks, due to slope, prevailing winds, or other factors; would not expose people or structures to significant risks; and would not impair or physically interfere with an adopted emergency response or evacuation plan. Thus, *No Project/Build Under Existing Land Use Designation and Zoning Alternative* would have the same less than significant impact due to wildfire as the project.

Cumulative Effects

The project would not result in cumulative impacts which, when considered together with other past, present, and reasonably foreseeable future projects, are considerable or which compound or increase other environmental impacts. The *No Project/Build Under Existing Land Use Designation and Zoning Alternative* would result in less development intensity than the project and, therefore, would result in less contribution to cumulative effects. Like the project, this alternative would result in less than significant contributions to cumulative environmental impacts.

Evaluation of Alternative

The *No Project/Build Under Existing Land Use Designation and Zoning Alternative* would result in a maximum of 32 units, composed of three custom home sites, 12 units, and 17 single family lots; and approximately 2.92 acres of open space. Overall, when compared to the project, the *No Project/Build Under Existing Land Use Designation and Zoning Alternative* would result in less environmental effects. This alternative would result in a smaller construction footprint, because a portion of the project would be developed with three custom homesite, and therefore would expose sensitive receptors to reduced pollutant concentrations and mitigation would not be required. The *No Project/Build Under Existing Land Use Designation and Zoning Alternative* would reduce environmental effects associated with GHG, energy, and noise, as less construction and traffic would occur under this alternative. Under this alternative, impacts to tribal cultural resources would remain significant and mitigation would be required as this alternative would result in a development project, albeit at a reduced scale from the project. Due to less development intensity under this alternative, there would also be less impacts to public services and public utilities. However, based on the analysis in this EIR, none of those effects would be regarded as significant under the project or this alternative.

The *No Project/Build Under Existing Land Use Designation and Zoning Alternative* would meet most of the project objectives. Specifically, this alternative would meet Objective 1 and Objective 2 by providing much needed housing in a range of affordability levels near regional transportation amenities (Palm Avenue Trolley Station). This alternative would be designed similarly to the project

utilizing architecture and design elements and would therefore meet Objective 4 by creating a coherent and cohesive site design and Objective 6 by ensuring high quality design and aesthetics.

This alternative would also meet Objective 5 by providing infill redevelopment on an underutilized site. Lastly, the *No Project/Build Under Existing Land Use Designation and Zoning Alternative* would meet Objective 7 as it would provide the trail connections from the site to the existing trail system.

This alternative would not meet the project's goal to maximize site efficiency by providing medium-high density residential uses that contribute to meeting the dual housing affordability/availability needs of the City. Instead, this alternative would result in 84 percent fewer residential units, yielding 32 residential dwelling units, including two affordable units.

10.7 Environmentally Superior Alternative

The environmental analysis of alternatives presented above is summarized in Table 10-2, *Comparison of Alternatives to Proposed Project*. CEQA requires that the EIR identify the environmentally superior alternative among all of the alternatives considered, including the project. If the No Project alternative is selected as environmentally superior, then the EIR shall also identify an environmentally superior alternative among the other alternatives.

For the project, the *No Project/No Build* alternative would be selected as the environmentally superior alternative, as the *No Project/No Build* alternative would result in less environmental effects. However, this alternative would not meet any of the project objectives.

CEQA requires that, if the No Project alternative is selected as environmentally superior, then the EIR shall also identify an environmentally superior alternative among the other alternatives. For the project, the *No Project/Build Under Existing Land Use Designation and Zoning Alternative* ~~Reduced Intensity Development alternative~~ would be selected as the environmentally superior alternative to the project. The *No Project/Build Under Existing Land Use Designation and Zoning Alternative* would reduce, although not avoid, the project's significant impacts. This alternatives would not result in an efficient use of an infill site, located proximate to transit and well-served by existing infrastructure, and also would not provide for the amount of market rate and affordable housing as the project would, thereby reducing the effect of redeveloping the project site to create much needed housing opportunities in the Otay Mesa-Nestor community and the City.

Table 10-2. Comparison of Alternatives to Proposed Project

| Environmental Issue Area Proposed Project | Proposed Project | Alternative 1 No Project/No Build | Alternative 2 No Project/Build Under Existing Land Use Designation and Zoning |
|------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Land Use | No significant impacts. | Same as project. | Same as project. |
| Transportation/ Circulation | No significant impacts. | No impacts because no traffic generated. | Same as project. |
| Air Quality | Less than Significant Impacts with Mitigation, unless development occurred ministerially under maximum build-out of the RM-2-6 zone. Under ministerial review, impacts would remain significant. | Less than project, because no traffic generated and no construction would occur thus no impact or mitigation. | Less than the project because less development would occur, but would be significant Same as the project, as development could occur through ministerial approval and no mitigation would be required. |
| Biological Resources | No significant impacts. | Same as project. | Same as project. |
| Energy | No significant impacts. | Less than project, because no development would occur. | Less than project, because less development would occur. |
| Geologic Conditions | No significant impacts. | Less than project, because no development would occur. | Same as project. |
| Greenhouse Gas Emissions | No significant impacts. | Less than project, because no traffic generated. | Less than project, because less traffic generated. |
| Health and Safety | No significant impacts. | Less than project, because no development would occur. | Less than project, because less development would occur. |
| Historic Resources | Potentially significant impact to unknown subsurface archeological resources that could be encountered during grading and excavation. | Less than project, because no development would occur. | Less than project, because reduced development area. |
| Hydrology | No significant impacts. | Less than project, because no development would occur. | Less than project, because less development area and less development would occur. |
| Noise | No significant impacts. | Less than project, because no traffic generated and no construction noise. | Less than project, because less traffic generated and less construction noise. |
| Population and Housing | No significant impacts. | Same as project. | Same as project. |

| | | | |
|---------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------|----------------------------------------------------------|
| Public Services and Facilities | No significant impacts. | Less than project, because no new development. | Less than project, because less new development. |
| Public Utilities | No significant impacts. | Less than project, because no new development. | Less than project, because less new development. |
| Tribal Cultural Resources | Potentially significant impact to unknown subsurface tribal cultural resources that could be encountered during grading and excavation. | Less than project, because no development would occur. | Less than project, because reduced development. |
| Water Quality | No significant impacts. | Less than project, because no development would occur. | Less than project, because less development would occur. |
| Wildfire | No significant impacts. | Same as project. | Same as project. |
| Cumulative Effects | No significant impacts. | Less than project, because no development would occur. | Less than project, because no development would occur. |

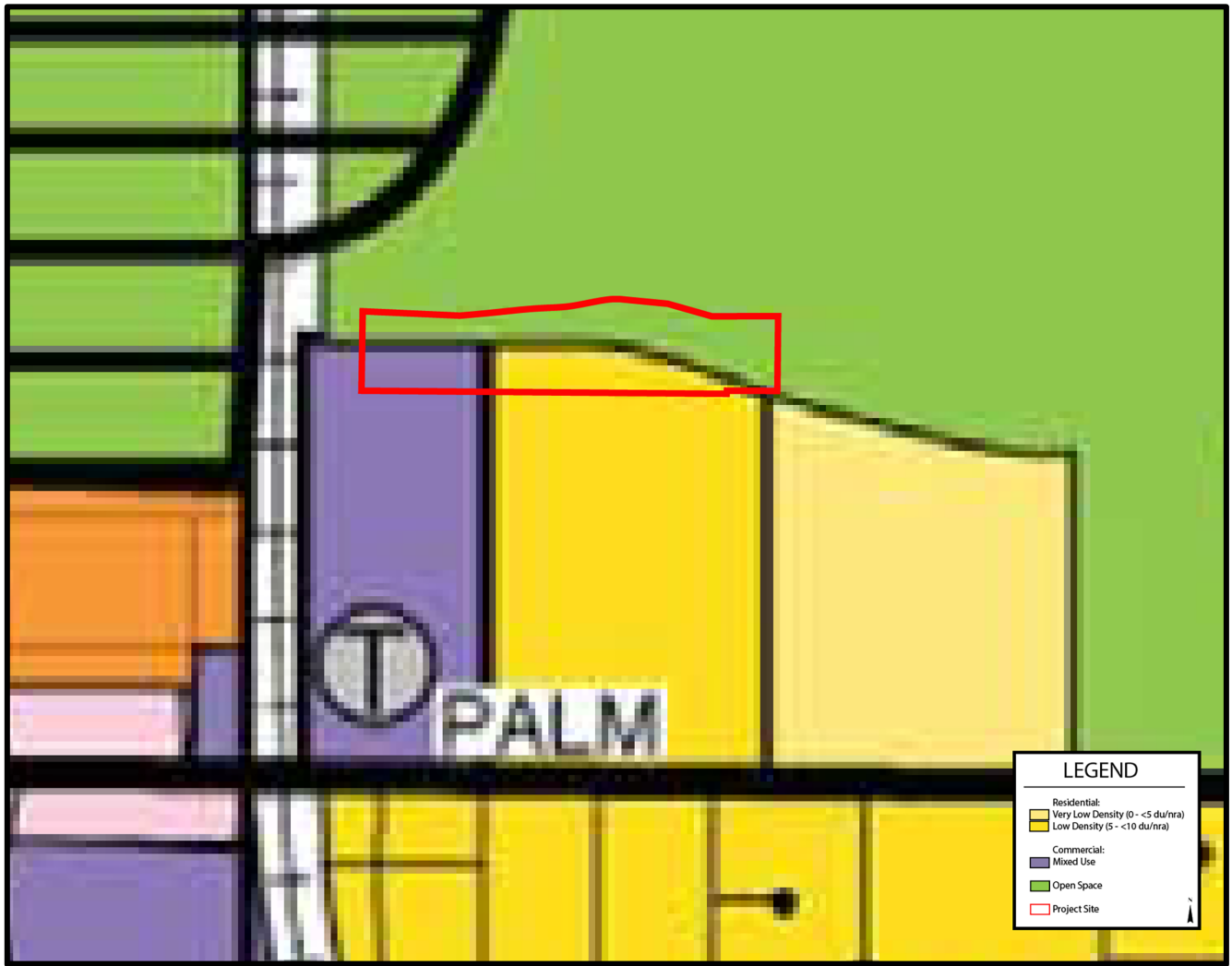


Figure 10-1. Development Under Existing Community Plan Land Use Designation

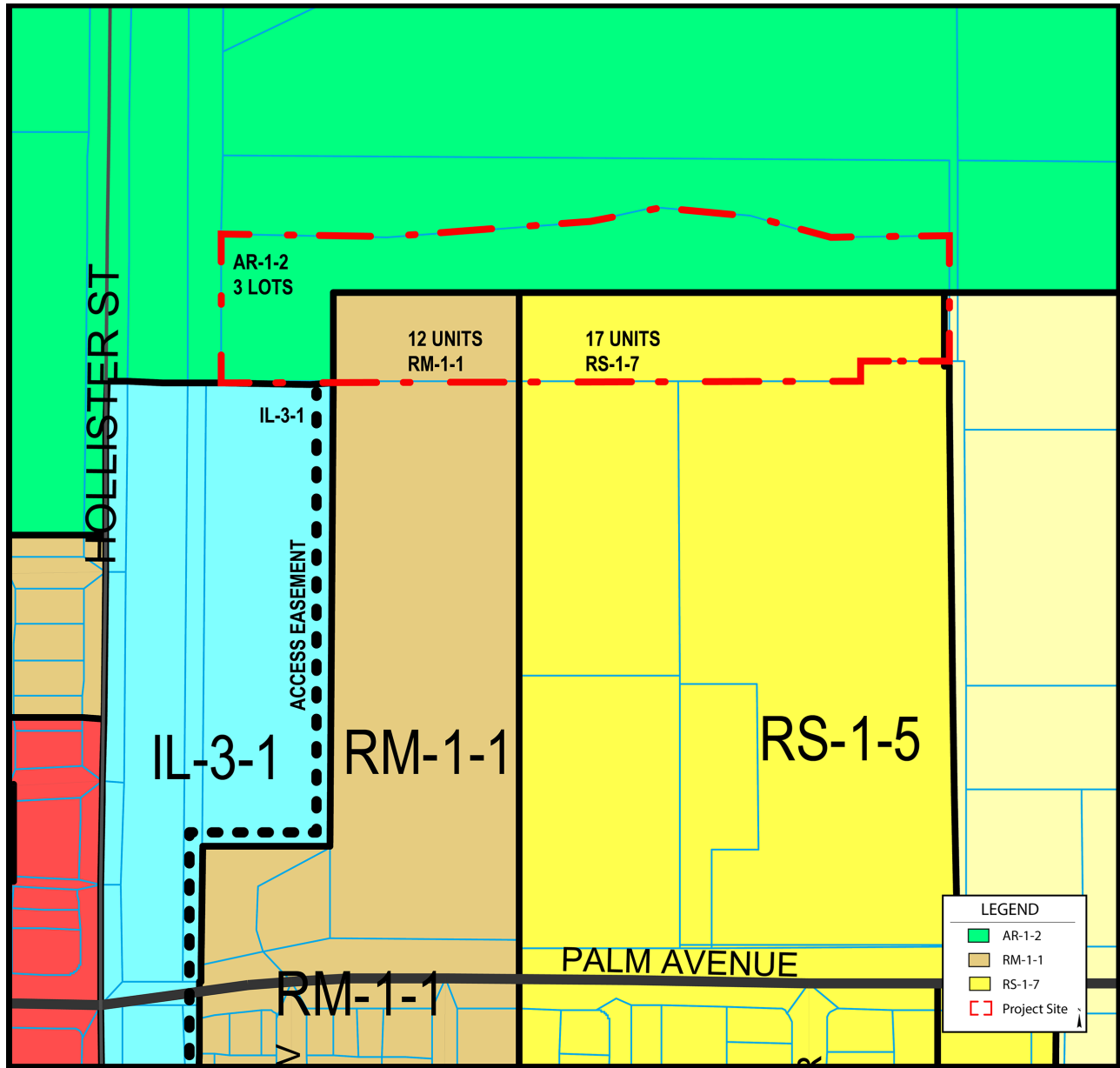


Figure 10-2. Development Under Existing Zoning

11.0 MITIGATION MONITORING AND REPORTING PROGRAM

The California Environmental Quality Act (CEQA), Section 21081.6, requires that a mitigation monitoring and reporting program (MMRP) be adopted upon certification of an Environmental Impact Report (EIR) to ensure that the mitigation measures are implemented. The mitigation monitoring and reporting program specifies what the mitigation is, the entity responsible for monitoring the program, and when in the process it should be accomplished.

The EIR, incorporated herein as referenced, focuses on issues determined to be potentially significant by the City of San Diego. The issues addressed in the EIR include land use, transportation/circulation, air quality, biological resources, energy, geologic conditions, greenhouse gas emissions, health and safety, historical resources, hydrology, noise, population and housing, public services and facilities, public utilities, tribal cultural resources, visual effects and neighborhood character, and wildfire.

PRC section 21081.6 requires the monitoring of measures proposed to mitigate significant environmental effects. Issues related to air quality, historical resources, and tribal cultural resources, were determined to be potentially significant and require mitigation as described in this EIR. Mitigation has been provided for all potentially significant impacts to reduce impacts related to the proposed development component of the project to below a level of significance, air quality impacts would remain significant for the proposed CPA and rezone project component.

The MMRP for the project is under the jurisdiction of San Diego and other agencies as specified below. The MMRP for the project addresses only the issue areas identified above as potentially significant. The following is an overview of the mitigation monitoring and reporting program to be completed for the project.

11.1 Monitoring Activities

Monitoring activities would be accomplished by individuals identified in the *Document Submittal/ Inspection Checklist* table, below. Specific consultant qualifications will be determined by the City of San Diego.

Mitigation Measures

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

1. Prior to the issuance of a Notice To Proceed (NTP) for a subdivision, or any construction permits, such as Demolition, Grading or Building, or beginning any construction related activity on-site, the Development Services Department (DSD) Director's Environmental Designee (ED) shall review and approve all Construction

Documents (CD), (plans, specification, details, etc.) to ensure the MMRP requirements are incorporated into the design.

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

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

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

3. The **TITLE INDEX SHEET** must also show on which pages the "Environmental/Mitigation Requirements" notes are provided.
4. **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 the MITIGATION MONITORING COORDINATOR (MMC). Attendees must also include the Permit Holder's Representative(s), Job Site Superintendent and the following consultants:

Qualified Archaeological 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, applicant is also required to call **RE and MMC at 858-627-3360.**

2. **MMRP COMPLIANCE:** This Project, Project Tracking System (PTS) Number 581984 and/or Environmental Document Number 581984, 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:
 - N/A
4. **MONITORING EXHIBITS:** All consultants are required to submit, to RE and MMC, a monitoring exhibit on a 11"x17" reduction of the appropriate construction plan, such as site plan, grading, landscape, etc., marked to clearly show the specific areas including the **LIMIT OF WORK**, scope of that discipline's work, and notes indicating when in the construction schedule that work will be performed. When necessary for clarification, a detailed methodology of how the work will be performed shall be included.

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

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

| DOCUMENT SUBMITTAL/INSPECTION CHECKLIST | | |
|------------------------------------------------|---------------------------------------------|-----------------------------------------------------|
| Issue Area | Document Submittal | Associated Inspection/Approvals/Notes |
| General | Consultant Qualification Letters | Prior to Preconstruction Meeting |
| General | Consultant Construction Monitoring Exhibits | Prior to or at Preconstruction Meeting |
| Air Quality | Grading Plans | Grading Permit Issuance |
| Archaeology | Records Search/Monitoring Report(s) | Archaeology/Historic Site Observation |
| Tribal Cultural Resources | Archaeology Reports | Archaeology/Historic Site Observation |
| Bond Release | Request for Bond Release Letter | Final MMRP Inspections Prior to Bond Release Letter |

C. SPECIFIC MMRP ISSUE AREA CONDITIONS/REQUIREMENTS

MM AQ-1: Air Quality

Prior to the Notice to Proceed (NTP) for any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits, and Building Plans/Permits, the Development Services Department (DSD) Director’s Environmental Designee shall verify the construction plans include a note requiring the Owner/Permittee reduce diesel exhaust emissions from all construction equipment greater than 100 hp with use of Tier 4 Final equipment, including equipment with an installed diesel particulate filter (DPF). Construction equipment greater than 100 hp that is certified less than Tier 4 Final may only be used if unavailable from vendors, in which case equipment with DPFs installed shall be used whenever possible and other measures shall be employed to reduce DPM emissions to achieve a below 10 in one million cancer risk from construction DPM to the satisfaction of the Mitigation Monitoring Coordinator. Such additional measures may include, but would not be limited to, a reduction in the number and/or horsepower rating of construction equipment and the use of construction haul trucks that utilize cleaner vehicle fuel (generates less DPM).

MM HIS-1: Archaeological Resources

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

II. Prior to Start of Construction

- A. Verification of Records Search
 - 1. The PI shall provide verification to MMC that a site-specific records search (1/4 mile radius) has been completed. Verification includes, but is not limited to a copy of a confirmation letter from South Coastal Information Center, or, if the search was in-house, a letter of verification from the PI stating that the search was completed.
 - 2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.
 - 3. The PI may submit a detailed letter to MMC requesting a reduction to the ¼ mile radius.
- B. PI Shall Attend Precon Meetings
 - 1. Prior to beginning any work that requires monitoring; the Applicant shall arrange a Precon Meeting that shall include the PI, Native American consultant/monitor (where Native American resources may be impacted), Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The qualified Archaeologist and Native American Monitor shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the Archaeological Monitoring program with the Construction Manager and/or Grading Contractor.
 - a. If the PI is unable to attend the Precon Meeting, the Applicant shall schedule a focused Precon Meeting with MMC, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.

2. Identify Areas to be Monitored
 - a. Prior to the start of any work that requires monitoring, the PI shall submit an Archaeological Monitoring Exhibit (AME) (with verification that the AME has been reviewed and approved by the Native American consultant/monitor when Native American resources may be impacted) based on the appropriate construction documents (reduced to 11x17) to MMC identifying the areas to be monitored including the delineation of grading/excavation limits.
 - b. The AME shall be based on the results of a site-specific records search as well as information regarding existing known soil conditions (native or formation).
3. When Monitoring Will Occur
 - a. Prior to the start of any work, the PI shall also submit a construction schedule to MMC through the RE indicating when and where monitoring will occur.
 - b. The PI may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification to the monitoring program. This request shall be based on relevant information such as review of final construction documents 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 OSHA safety requirements may necessitate modification of the AME.
 2. The Native American consultant/monitor shall determine the extent of their presence during soil disturbing and grading/excavation/trenching activities based on the AME and provide that information to the PI and MMC. If prehistoric resources are encountered during the Native American consultant/monitor's absence, work shall stop and the Discovery Notification Process detailed in Section III.B-C and IV.A-D shall commence.
 3. The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition such as modern disturbance post-dating the previous grading/trenching activities, presence of fossil formations, or when native soils are encountered that may reduce or increase the potential for resources to be present.

4. The archaeological and Native American consultant/monitor shall document field activity via the Consultant Site Visit Record (CSV). The CSV's shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (Notification of Monitoring Completion), and in the case of ANY discoveries. The RE shall forward copies to MMC.
- B. Discovery Notification Process
1. In the event of a discovery, the Archaeological Monitor shall direct the contractor to temporarily divert all soil disturbing activities, including but not limited to digging, trenching, excavating or grading activities in the area of discovery and in the area reasonably suspected to overlay adjacent resources and immediately notify the RE or BI, as appropriate.
 2. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery.
 3. The PI shall immediately notify MMC by phone of the discovery, and shall also submit written documentation to MMC within 24 hours by fax or email with photos of the resource in context, if possible.
 4. No soil shall be exported off-site until a determination can be made regarding the significance of the resource specifically if Native American resources are encountered.
- C. Determination of Significance
1. The PI and Native American consultant/monitor, where Native American resources are discovered shall evaluate the significance of the resource. If Human Remains are involved, follow protocol in Section IV below.
 - a. The PI shall immediately notify MMC by phone to discuss significance determination and shall also submit a letter to MMC indicating whether additional mitigation is required.
 - b. If the resource is significant, the PI shall submit an Archaeological Data Recovery Program (ADRP) 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 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 Reinternment 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 CSV and submit to MMC via fax by 8AM of the next business day.
 - b. Discoveries
All discoveries shall be processed and documented using the existing procedures detailed in Sections III - During Construction, and IV - Discovery of Human Remains. Discovery of human remains shall always be treated as a significant discovery.
 - c. Potentially Significant Discoveries
If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section III - During Construction and IV- Discovery of Human Remains shall be followed.
 - d. The PI shall immediately contact MMC, or by 8AM of the next business day to report and discuss the findings as indicated in Section III-B, unless other specific arrangements have been made.
- B. If night and/or weekend work becomes necessary during the course of construction
 - 1. The Construction Manager shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin.

2. The RE, or BI, as appropriate, shall notify MMC immediately.
- C. All other procedures described above shall apply, as appropriate.

VI. Post Construction

A. 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.

12.0 REFERENCES

A list of the reference materials consulted in the course of the EIR's preparation is included in this section.

California Air Resources Board, *California Ambient Air Quality Standards*. May 2016.
<https://ww2.arb.ca.gov/resources/california-ambient-air-quality-standards>

California Air Resources Board, *San Diego Air Quality Management Plans*. December 2016.

California Department of Resources Recycling and Recovery. *Solid Waste Information System (SWIS) Database*. <https://www2.calrecycle.ca.gov/SolidWaste/Site/Search>. Accessed March 25, 2022.

California Environmental Protection Agency, 2006. <https://calepa.ca.gov>

California Energy commission. *"Electricity Consumption by County."* Accessed March 1, 2023.
www.ecdms.energy.ca.gov/elecbycounty.aspx

California Energy commission. *"Gas Consumption by County."* Accessed March 1, 2023.
www.ecdms.energy.ca.gov/gasbycounty.aspx

California Regional Water Quality Control Board San Diego Region. *Water Quality Control Plan for the San Diego Basin*. September 1, 2021.
https://www.waterboards.ca.gov/sandiego/water_issues/programs/basin_plan/.

California Regional Water Quality Control Board, San Diego Region. *San Diego Basin Plan Map*. October 12, 2020.
<https://gispublic.waterboards.ca.gov/portal/apps/webappviewer/index.html?id=1f58bd97fdc45329a5e16e373ede24d>

CalRecycle n.d. *"SWIS Facility/Site Activity Details – West Miramar Landfill"*. Accessed September 6, 2023. <https://www2.calrecycle.ca.gov/SolidWaste/SiteActivity/Details/1795?siteID=2868>

CalRecycle n.d.a. *"SWIS Facility/Site Activity Details – Sycamore Landfill"*. Accessed September 6, 2023. <https://www2.calrecycle.ca.gov/SolidWaste/SiteActivity/Details/1790?siteID=2863>

CalRecycle n.d.b. *"SWIS Facility/Site Activity Details – Otay Landfill"*. Accessed September 6, 2023. <https://www2.calrecycle.ca.gov/SolidWaste/SiteActivity/Details/1790?siteID=2863>

- City of San Diego. *2020 Urban Water Management Plan*. June 2021.
https://www.sandiego.gov/sites/default/files/city_of_san_diego_2020_uwmp_final_6_29_2021_send.pdf
- City of San Diego. *City of San Diego Bicycle Master Plan*. December 2013.
https://www.sandiego.gov/sites/default/files/legacy/planning/programs/transportation/mobility/pdf/bicycle_master_plan_final_dec_2013.pdf
- City of San Diego, *Climate Action Plan*. 2015.
https://www.sandiego.gov/sites/default/files/final_july_2016_cap.pdf
- City of San Diego, *Climate Action Plan*. 2022.
https://www.sandiego.gov/sites/default/files/san_diegos_2022_climate_action_plan_0.pdf
- City of San Diego. *Climate Action Implementation Plan*. April 27, 2023.
https://www.sandiego.gov/sites/default/files/draft_climate_action_implementation_plan_022823.pdf
- City of San Diego, *Drainage Design Manual*. January 2017.
https://www.sandiego.gov/sites/default/files/drainage_design_manual_jan2017.pdf
- City of San Diego, *Environmental Impact Report Guidelines*. 1992; Revised 2005.
- City of San Diego, *Fiscal Year 2022 Adopted Budget, Fire-Rescue*.
https://www.sandiego.gov/sites/default/files/fy22ab_v2firerescue.pdf
- City of San Diego, *Fiscal Year 2022 Adopted Budget, Police*.
https://www.sandiego.gov/sites/default/files/fy22ab_v2police.pdf
- City of San Diego, *Fiscal Year 2024 Proposed Budget, Public Utilities*. April 2023.
https://www.sandiego.gov/sites/default/files/pb_v3pud.pdf
- City of San Diego, *General Plan*. March 2008.
<https://www.sandiego.gov/planning/work/general-plan>
- City of San Diego, *Housing Element 2021-2029*, June 16, 2020.
https://www.sandiego.gov/sites/default/files/he_final_screen_view_june2021.pdf
- City of San Diego, *Jurisdictional Runoff Management Plan*. January 2023.
<https://www.sandiego.gov/sites/default/files/cosd-jrmp-2023.pdf>

- City of San Diego, *Land Development Code*. 2014.
<https://www.sandiego.gov/sites/default/files/legacy/development-services/pdf/industry/landdevmanual/ldmusersguide.pdf>
- City of San Diego, *Mobility Element*, June 29, 2015.
https://www.sandiego.gov/sites/default/files/me_2015.pdf
- City of San Diego. *Multiple Species Conservation Program City of San Diego MSCP Subarea Plan*. March 1997.
<https://www.sandiego.gov/sites/default/files/legacy/planning/programs/mscp/pdf/subareafullversion.pdf>
- City of San Diego. Natural Resource Management Plan for Mission Trails Regional Park. February 8, 2019.
<https://www.sandiego.gov/sites/default/files/prnrmpmissiontrailsregionalpark.pdf>
- City of San Diego. *Pedestrian Master Plan City-Wide Implementation Framework Report*. December 2006.
<https://www.sandiego.gov/sites/default/files/legacy//planning/programs/transportation/pdf/pmpfv.pdf>
- City of San Diego, Preliminary Review, Lea Kolesky *Cycle Issues Plan-Historic*. June 18, 2021.
- City of San Diego n.d. *Pure Water San Diego Fact Sheet*. Accessed September 6, 2023.
https://www.sandiego.gov/sites/default/files/pure_water_main_fact_sheet_4-5-2023.pdf
- City of San Diego, *Transportation Study Manual*. September 19, 2022.
<https://www.sandiego.gov/sites/default/files/10-transportation-study-manual.pdf>
- City of San Diego n.d.a. *Water Use Restrictions*. Accessed September 6, 2023.
<https://www.sandiego.gov/public-utilities/sustainability/water-conservation/water-use-restrictions>
- City of San Diego Development Services Department, *California Environmental Quality Act Significance Determination Thresholds*. September 2022.
https://www.sandiego.gov/sites/default/files/september_2022_ceqa_thresholds_final.pdf
- City of San Diego Development Services Department, *Seismic Safety Study, Geologic Hazards and Faults*. Updated 2008. <https://www.sandiego.gov/sites/default/files/legacy/development-services/industry/hazards/pdf/seismicstudy.pdf>

City of San Diego Planning Department, *Otay Mesa-Nestor Community Plan*, September 18, 2023..

City of San Diego, *Stormwater Standards*, May 2021.

https://www.sandiego.gov/sites/default/files/sws_manual_may_2021_update.pdf

Citygate, *Standards of Response Cover Review for the San Diego Fire-Rescue Department*, February 22, 2017.

County of San Diego, *Otay Valley Regional Park Concept Plan*. December 2016.

<https://www.sdparks.org/content/dam/sdparks/en/pdf/Development/OVRP%20Concept%20Plan%20Signed.pdf>

County of San Diego, *San Diego County Sustainable Groundwater Management*.

<https://www.sandiegocounty.gov/pds/SGMA.html>

Federal Transit Administration. *Transit Noise and Vibration Impact Assessment Manual*.

September 2018. https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/research-innovation/118131/transit-noise-and-vibration-impact-assessment-manual-fta-report-no-0123_0.pdf

Regional Water Quality Control Board. *Order No. R9-2013-0001, NPDES No. CAS0109266*.

National Pollutant Discharge Elimination System (NPDES) Permit and Waste Discharge Requirements for Discharges from the Municipal Separate Storm Sewer Systems (MS4s) Draining the Watersheds within the San Diego Region. May 8, 2013.

https://www.waterboards.ca.gov/rwqcb9/board_decisions/adopted_orders/2013/R9-2013-0001.pdf

San Diego Air Pollution Control District, *Smog in San Diego County Fact Sheet*. December 2015.

<https://www.sdapcd.org/content/dam/sdapcd/documents/compliance/Fact%20Sheet-Smog%20in%20SD.pdf>

San Diego Association of Governments, *6th Cycle Regional Housing Needs Assessment*

Methodology, November 22, 2019. <https://www.sandag.org/-/media/SANDAG/Documents/PDF/projects-and-programs/regional-initiatives/housing-land-use/regional-housing-needs-assessment/6th-cycle-regional-housing-needs-assessment-methodology-2019-11-22.pdf>

San Diego Association of Governments, *Series 13: 2050 Regional Growth Forecast*, October 15, 2013.

San Diego Association of Governments, *Series 14: 2050 Regional Growth Forecast*, October 11, 2022.

San Diego County Air Pollution Control District, *San Diego Regional Air Quality Strategy*. December 2016.

[https://www.sdapcd.org/content/dam/sdapcd/documents/grants/planning/2016%20RAQS%20\(1\).pdf](https://www.sdapcd.org/content/dam/sdapcd/documents/grants/planning/2016%20RAQS%20(1).pdf)

San Diego County Regional Airport Authority, *Brown Field Municipal Airport Land Use Compatibility*. December 20, 2010.

https://www.san.org/DesktopModules/Bring2mind/DMX/API/Entries/Download?EntryId=16145&Command=Core_Download&language=en-US&PortalId=0&TabId=807

San Diego County Regional Airport Authority, *Naval Outlying Landing Field Imperial Beach Airport Land Use Compatibility*. October 15, 2015.

https://www.san.org/DesktopModules/Bring2mind/DMX/API/Entries/Download?EntryId=16129&Command=Core_Download&language=en-US&PortalId=0&TabId=807

San Diego County Regional Airport Authority, *Naval Station North Island Airport Land Use Compatibility*. October 1, 2020.

https://www.san.org/DesktopModules/Bring2mind/DMX/API/Entries/Download?EntryId=16157&Command=Core_Download&language=en-US&PortalId=0&TabId=807

San Diego Regional Water Quality Control Board, *Water Quality Control Plan for the San Diego Basin (Basin Plan)*. September 1994; updated 2021.

https://www.waterboards.ca.gov/sandiego/water_issues/programs/basin_plan/#:~:text=The%20Water%20Quality%20Control%20Plan,available%20in%20electronic%20format%20only.

San Diego County Sustainable Groundwater Management n.d. Accessed September 9, 2023.

<https://www.sandiegocounty.gov/pds/SGMA.html>

State of California Department of General Services, Building Standards Commission, *California Code of Regulations, Title 14, Division 6, Chapter 3, Article 13: Review and Evaluation of EIRs and Negative Declarations*. July 1, 2019.

State of California Department of General Services, Building Standards Commission, *California Code of Regulations, Title 24: California Building Standards Code*. July 1, 2019.

State of California, Office of the Attorney General. *Best Practices for Analyzing and Mitigating Wildfire Impacts of Development Projects Under the California Environmental Quality Act*.

October 10, 2022. <https://oag.ca.gov/system/files/attachments/press-docs/2022.10.10%20-%20Wildfire%20Guidance.pdf>

State Office of Planning and Research (OPR), *Technical Advisory on Evaluating Transportation Impacts in CEQA*. April 2018.

https://opr.ca.gov/docs/20180416-743_Technical_Advisory_4.16.18.pdf

State Water Resources Control Board. *State Water Boards adopts emergency water conservation Regulations*. May 24, 2022. <https://www.sandiego.gov/insidesd/san-diegans-urged-serve-city-implements-new-water-use-restrictions>

South Coast Air Quality Management District *California Emission Estimator Model (CalEEMod) Users Guide*. May 2021. https://www.aqmd.gov/docs/default-source/caleemod/user-guide-2021/01_user-39-s-guide2020-4-0.pdf?sfvrsn=6

13.0 INDIVIDUALS AND AGENCIES CONSULTED/ PREPARERS

This document has been prepared by the City of San Diego's Development Services Department. The Environmental Impact Report (EIR) is based on independent analysis and determination made pursuant to the San Diego Land Development Code (LDC) Section 128.0103.

Provided below is a list of individuals who assisted in preparing this document.

City of San Diego

Development Services Department

- Elizabeth Shearer-Nguyen, Environmental Analysis Section (EAS) Program Manager
- Dawna Marshall, EAS
- Morgan Dresser, EAS
- Clare Gamelin, Landscaping
- Tariq Hasani, Engineering
- Mary Rose Santos, Transportation Development
- Chet Dowling, Map Check
- Jacobe Washburn, Geology
- Matthew Kessler, Permit Planning
- Oscar Galvez III, DPM

Planning Department

- Suchitra Lukes, Long Range Planning
- Shannon Corr, Long Range Planning
- Shannon Scoggins, Park & Recreation
- Daniel Monroe, MSCP

Public Utilities Department

- Gary Nguyen, PUD-Water and Sewer Development

Fire-Rescue Department

- W. Tyler Larson, Deputy Fire Marshal/DSD Liaison

San Diego Police Department

- Officer Brian Schimpf, SDPD Operational Support

EIR Preparation and Management

KLR Planning

- Karen L. Ruggels
- Brittany Ruggels Wallace
- Jennifer Clemente

Air Quality Technical Report

Bluescape Environmental

- James Westbrook
- Estee Lafrenz

Archaeological Resources Technical Report

ASM Affiliates

- Holly Drake

Biological Technical Report

Alden Environmental

- Gregory Mason

Drainage Study

Pasco Laret Suiter & Associates

- Gregory W. Lang
- Tim Worley

Evacuation Plan

FIREWISE2000, LLC

- Peter Montgomery

Geotechnical and Geologic Evaluation

Advanced Geotechnical Solutions

- Shane P. Smith
- Jefferey A. Chaney
- Paul De Risi

Local Mobility Analysis

Michael Baker International

- Jacob Swim
- Dawn Wilson

Noise Study

dB Associates, Inc.

- Steven Friedlander

Phase I Environmental Site Assessment

Advantage Environmental Consultants, LLC

- Daniel Weis
- Keith Sy

Phase II Environmental Site Assessment

Advantage Environmental Consultants, LLC

- Daniel Weis
- Eric Cathcart

Sewer Study

Dexter Wilson Engineering, Inc.

- Andrew M. Oven

Storm Water Quality Management Plan

Pasco Laret Suiter & Associates

- Gregory W. Lang
- Tim Worley

Vehicle Miles Traveled Assessment

Michael Baker International

- Jacob Swim

Waste Management Plan

KLR PLANNING

- Karen L. Ruggels

Agencies/Individuals Consulted

Otay Mesa-Nestor Planning Group

- Alert Velasquez, Chair

AB 52 Contacts

- San Pasqual Band of Mission Indians
- Jamul Indian Village
- Iipay Nation of Santa Ysabel

FAA (No Hazard Determination)

- Vivian Vilaro, Specialist

MTS

- Sean Myott, Manager of Real Estate Assets

Otay Valley Regional Park

- Kiran Kaur, County of San Diego
- Juliette Orozco, County of San Diego
- Laura Ball, City of San Diego

County of San Diego (easement)

- Juliette Orozco, County of San Diego

State Water Resources Control Board – Division of Drinking Water

- William DiBiase

City of San Diego - Multiple Species Conservation Program

- Kristen Forburger
- Daniel Monroe

California Department of Fish and Wildlife

- Karen Drewe
- Jennifer Turner
- David Mayer

California Department of Fish and Wildlife

- David Zoutendyk
- Patrick Gower