

## Appendix A

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### Notice of Preparation (NOP) and Comments on the NOP



**Date of Notice:** November 9, 2018

**PUBLIC NOTICE OF PREPARATION OF A  
PROGRAM ENVIRONMENTAL IMPACT REPORT  
AND SCOPING MEETING  
PLANNING DEPARTMENT**

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**PUBLIC NOTICE:** The City of San Diego as the Lead Agency has determined that the project described below will require the preparation of a Program Environmental Impact Report (PEIR) in compliance with the California Environmental Quality Act (CEQA). This Notice of Preparation of a PEIR and Scoping Meeting was publicly noticed and distributed on November 9, 2018. This notice was published in the SAN DIEGO DAILY TRANSCRIPT and placed on the City of San Diego website at:

<http://www.sandiego.gov/city-clerk/officialdocs/notices/index.shtml>, and on

the Planning Department website at:

<https://www.sandiego.gov/planning/programs/ceqa>

**SCOPING MEETING:** The City of San Diego Planning Department will hold a public scoping on **Wednesday, November 28, 2018** from 4:30 PM to 6:30 PM at the Serra Mesa – Kearny Mesa Branch Library located at 9005 Aero Drive, San Diego, CA 92123. **Please note that depending on the number of attendees, the meeting could end earlier than 6:30 PM.** Written comments regarding the proposed PEIR's scope and alternatives will be accepted at the meeting.

Written/mail-in comments may also be sent to the following address: **Sara Osborn, Environmental Planner, City of San Diego Planning Department, 9485 Aero Drive, MS 413, San Diego, CA 92123** or **e-mail your comments to [PlanningCEQA@sandiego.gov](mailto:PlanningCEQA@sandiego.gov) with the Project Name in the subject line** no later than December 10, 2018. Responsible agencies are requested to indicate their statutory responsibilities in connection with this project when responding. A PEIR incorporating public input will then be prepared and distributed for public to review and comment.

**PROJECT NAME:** Kearny Mesa Community Plan Update / Project No. 607857  
**COMMUNITY PLAN AREA:** Kearny Mesa  
**COUNCIL DISTRICT:** Districts 6 and 7

**PROJECT DESCRIPTION:** The project is the update to the Kearny Mesa Community Plan. The Kearny Mesa Community Planning Area is a major industrial, office, and commercial center at the geographic center of the City of San Diego (Attachment 1). The current Kearny Mesa Community Plan was adopted in 1992. The current designated land use categories are shown in Attachment 2. The existing development patterns throughout the community reveal that the uses are more diverse and some areas have undergone change since the community plan was last updated.

The Kearny Mesa Community Plan Update is a process to determine how Kearny Mesa will develop in the future so it continues to thrive as a key employment center. The update process has included community workshops, meetings, outreach events, and online activities. Plan documents are available on the project website at: <http://kearnymesaconnected.com/>. An existing conditions Map Atlas was prepared that details some of the constraints and opportunities for the Kearny Mesa Community Planning Area. The Map Atlas is available for review on the project website at:

[http://kearnymesaconnected.com/wp-content/uploads/20170608\\_KMCPU\\_MapAtlas\\_CPGSC-Final-Version.pdf](http://kearnymesaconnected.com/wp-content/uploads/20170608_KMCPU_MapAtlas_CPGSC-Final-Version.pdf).

The proposed project builds on the 2008 City of San Diego General Plan and provides community specific land use designations and policies and recommendations for the Kearny Mesa Community Planning Area. The project provides a comprehensive policy framework for growth and development in the community and would serve as the basis for guiding a variety of other actions such as new village areas planned for mixed use, multimodal streetscape enhancements, public facilities, and infrastructure improvements. The updated community plan will include policies for increased connections, alternative modes of transportation, and strategic roadway improvements. The community plan will contain strategies and implementation policies for the following sections: Land Use and Economic Prosperity, Mobility, Urban Design and Sustainability, Parks, Recreation, and Open Space, and Public Facilities, Services, and Safety.

The updated community plan is anticipated to include policies and actions that will protect employment areas, create new village areas for increased transit-oriented and pedestrian-friendly development, and provide increased housing capacity for approximately 25,000 residential dwelling units generally located along Clairemont Mesa Boulevard, Convoy Street, and south of Aero Drive. The Draft Proposed Land Use Map is provided as Attachment 3.

In addition to adoption of the community plan, the project includes: amendments to the General Plan to incorporate the Community Plan land uses; amendments to the Land Development Code; a comprehensive rezone; and a comprehensive update to the Impact Fee Study (IFS) (formerly Public Facilities Financing Plan). The actions together with the proposed Community Plan Update form the project for this PEIR. Discretionary actions by other agencies include a recommendation from the San Diego County Regional Airport Authority.

**APPLICANT:** City of San Diego, Planning Department

**RECOMMENDED FINDING:** Pursuant to Section 15060(d) of the CEQA Guidelines, the proposed project may result in significant environmental impacts in the following areas: **Air Quality, Biological Resources, Energy Conservation, Geology and Soils, Greenhouse Gas Emissions, Historical Resources (Built-Environment, Archaeology, and Tribal Cultural Resources), Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use, Noise, Paleontological Resources, Population and Housing, Public Services and Facilities, Public Utilities, Transportation/Circulation, and Visual Effects and Neighborhood Character.**

**AVAILABILITY IN ALTERNATIVE FORMAT:** To request this Notice in alternative format, call the Planning Department at (619) 235-5200 OR (800) 735-2929 (TEXT TELEPHONE).

**ADDITIONAL INFORMATION:** For environmental review information, contact Sara Osborn at (619) 236-6368. For information regarding public meetings/hearings on this project, contact the Project Manager, Lisa Lind, at (619) 236-6531. This Notice was published in the SAN DIEGO DAILY TRANSCRIPT and distributed on November 9, 2018.

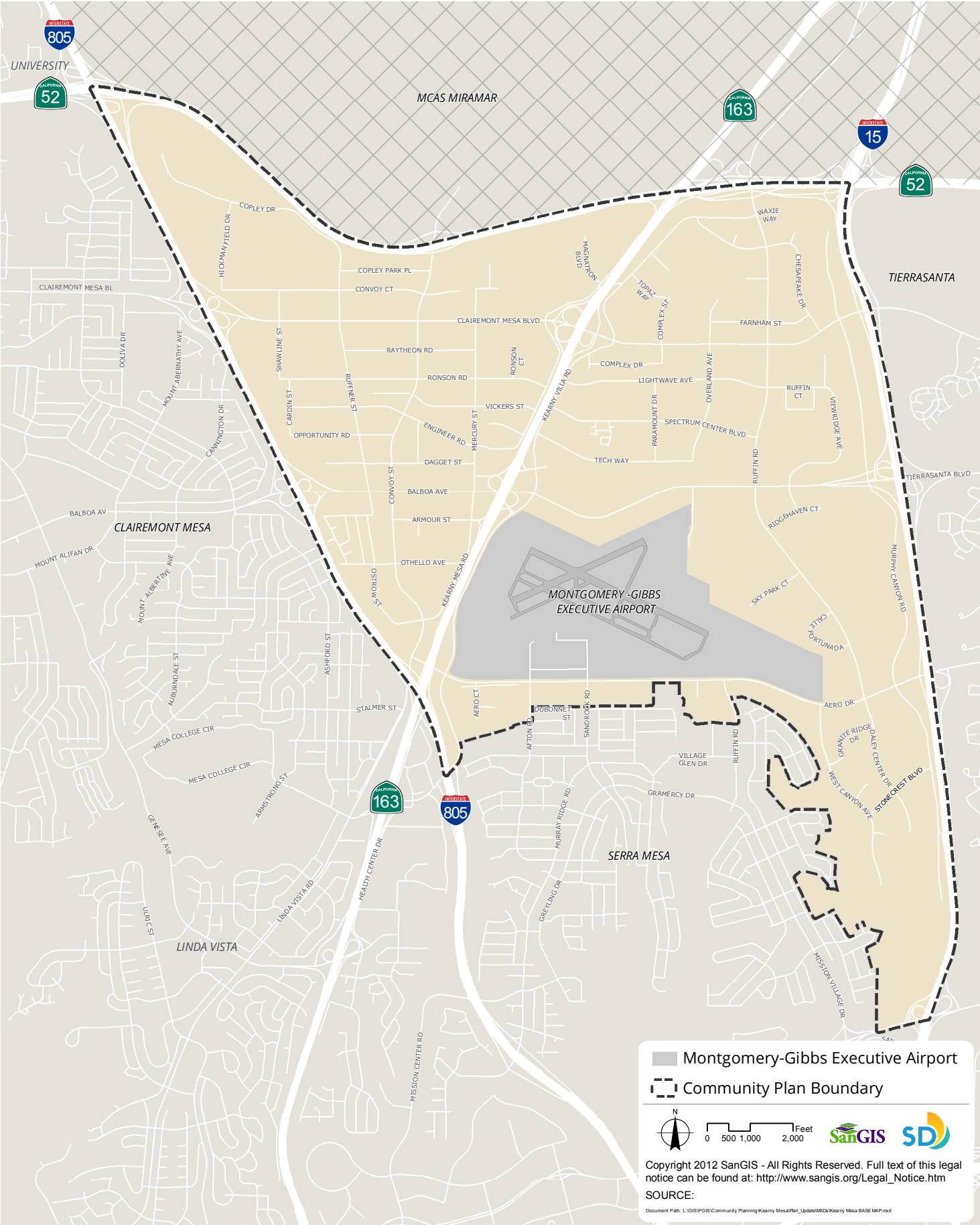
Alyssa Muto  
Deputy Director  
Planning Department

**DISTRIBUTION:** See Attached

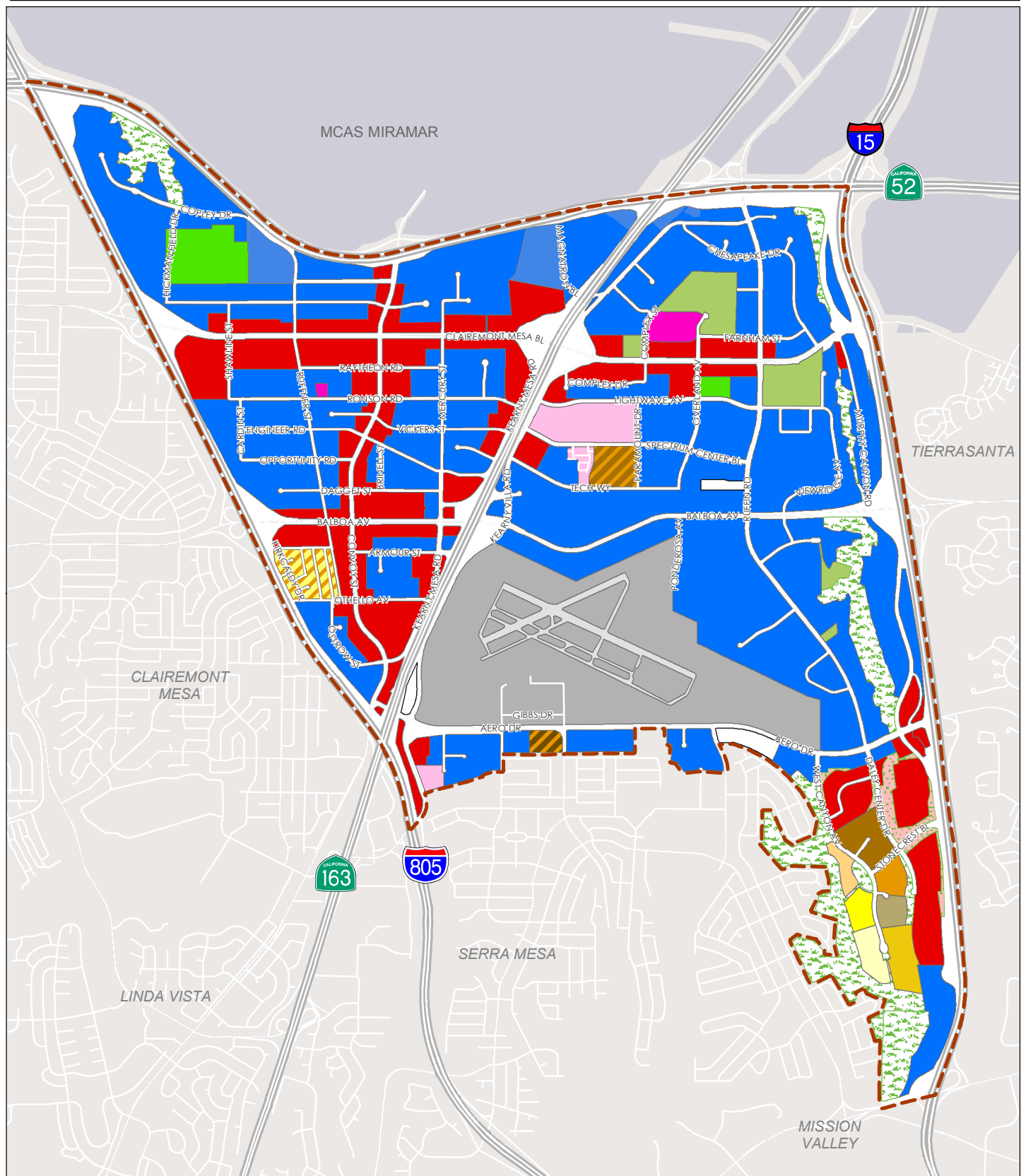
**ATTACHMENTS:** Kearny Mesa Community Plan Area Boundary (Attachment 1)  
Kearny Mesa Adopted Community Plan Land Uses (Attachment 2)  
Kearny Mesa Draft Proposed Land Uses (Attachment 3)



Attachment 1



Kearny Mesa Community Plan Area Boundary

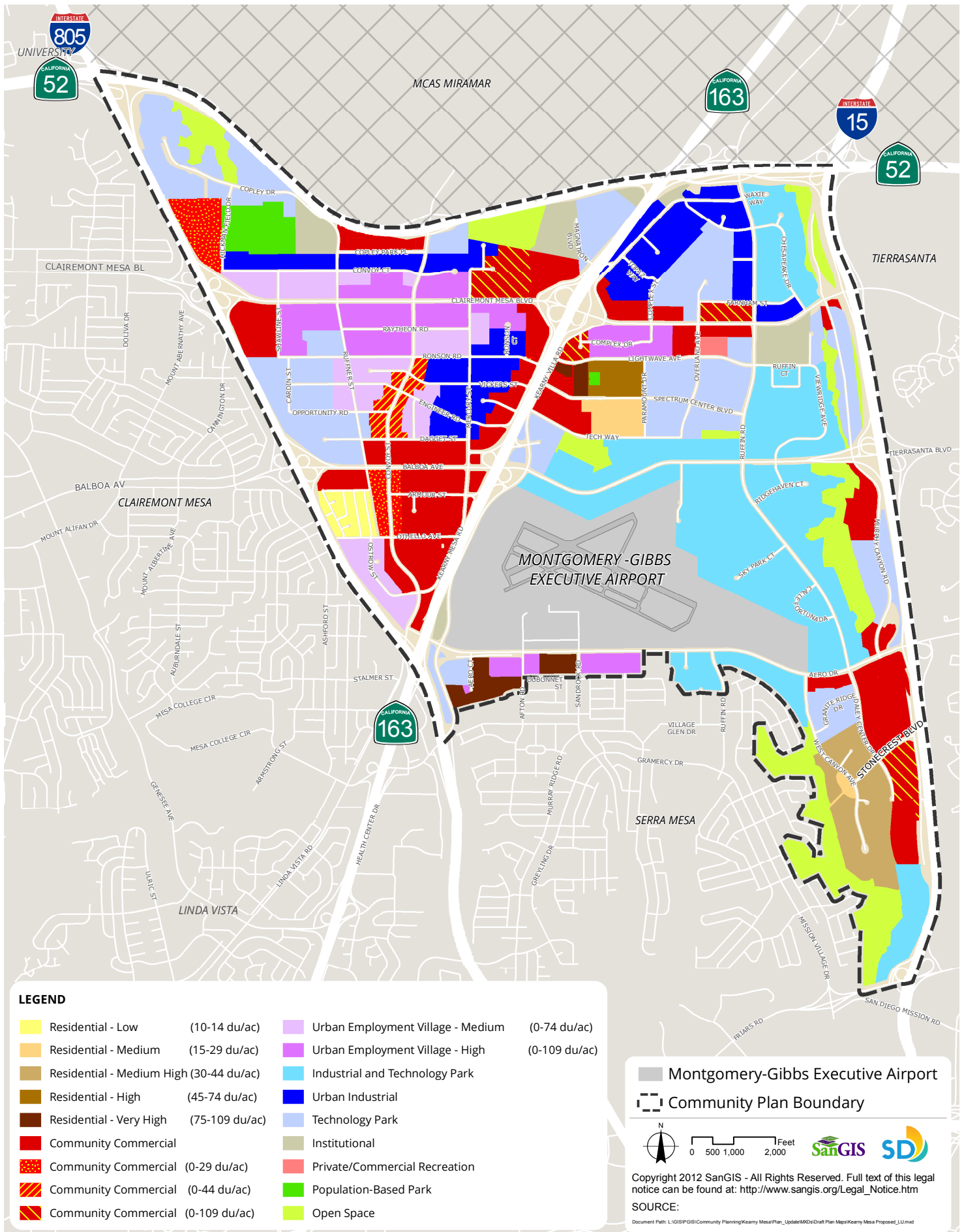


<b>LEGEND</b>	<span style="color: red;">◆</span> General Commercial	<span style="color: yellow;">◆</span> Residential 14 DU/AC	<span style="color: brown;">◆</span> Low Medium Density Residential (20-29 du/ac)	<span style="color: green;">◆</span> Community Parks	<span style="color: green;">◆</span> County Facilities
<span style="color: green;">◆</span> General Commercial-Landscape OS	<span style="color: brown;">◆</span> Residential 16 DU/AC	<span style="color: brown;">◆</span> High Density Residential (45-74 du/ac)	<span style="color: green;">◆</span> Open Space	<span style="color: green;">◆</span> Vernal Pool	
<span style="color: yellow;">◆</span> Residential 7 DU/AC	<span style="color: brown;">◆</span> Residential 22 DU/AC	<span style="color: blue;">◆</span> Industrial and Business Parks	<span style="color: pink;">◆</span> Utility	<span style="color: blue;">◆</span> Police Station	
<span style="color: yellow;">◆</span> Residential 9 DU/AC	<span style="color: brown;">◆</span> Residential 24 DU/AC	<span style="color: pink;">◆</span> Mixed Use Commercial Residential (Up to 70 Du/ac)	<span style="color: blue;">◆</span> Fire Station	<span style="color: blue;">◆</span> Military Use	
<span style="color: orange;">◆</span> Residential 11 DU/AC	<span style="color: yellow;">◆</span> Low Density Residential (5-9 du/ac)	<span style="color: grey;">◆</span> General Aviation Airport		<span style="color: brown;">◆</span> Community Plan Boundary	

## Kearny Mesa Adopted Community Plan Land Uses



0 500 1,000 2,000 Feet



## **DISTRIBUTION LIST:**

Copies of the NOP were distributed to the following individuals, organizations, and agencies:

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MCAS Miramar (13)  
Environmental Protection Agency (19)  
US Fish and Wildlife Service, Pat Gower (23)  
US Army Corps of Engineers Los Angeles District, Shelly Lynch (26)

### **State of California**

Caltrans District 11 (31)  
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Housing and Community Development (38)  
Department of Toxic Substance Control (39)  
Natural Resources Agency (43)  
Regional Water Quality Control Board, Region 9 (44)  
State Clearinghouse (46A)  
California Air Resources Board (49)  
California Transportation Commission (51)  
California Department of Transportation (51A)  
Native American Heritage Commission (56)

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Air Pollution Control District (65)  
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County Water Authority (73)  
Department of Environmental Health (75)  
Land & Water Quality Division (76)

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City Government

San Diego Housing Commission (88)

City Advisory Boards or Committees

Park and Recreation Board (83)  
Community Forest Advisory Board (90)  
Historical Resources Board (87)

Libraries

Central Library, Government Documents (81 & 81A)  
Balboa Branch Library (81B)  
Serra Mesa Branch Library (81GG)  
University Community Branch Library (81JJ)

**Other Agencies**

San Diego Association of Governments (108)  
San Diego Unified Port District (109)  
San Diego County Regional Airport Authority (110)  
Metropolitan Transit System (112/115)  
San Diego Gas & Electric (114)

**School Districts**

San Diego Unified School District, Tony Raso (125)  
San Diego Unified School District, Sarah Hudson (132A)  
San Diego Community College District (133)

**Community Planning Groups**

Kearny Mesa Planning Group (265)  
Serra Mesa Planning Group (263A)

**Community Councils**

Serra Mesa Community Council (264)

**Historical, Archaeological and Tribal Groups**

Carmen Lucas (206)  
South Coastal Information Center (210)  
San Diego Historical Society (211)  
San Diego Archaeological Center (212)  
Save Our Heritage Organisation (214)

Ron Christman (215)  
Clint Linton (215B)  
Frank Brown - Inter-Tribal Cultural Resource Council (216)  
Campo Band of Mission Indians (217)  
San Diego County Archaeological Society Inc. (218)  
Native American Heritage Commission (222)  
Kuumeyaay Cultural Heritage Preservation (223)  
Kuumeyaay Cultural Repatriation Committee (225)

**Native American Distribution**

Barona Group of Capitan Grande Band of Mission Indians (225A)  
Campo Band of Mission Indians (225B)  
Ewiiapaayp Band of Mission Indians (225C)  
Inaja Band of Mission Indians (225D)  
Jamul Indian Village (225E)  
La Posta Band of Mission Indians (225F)  
Manzanita Band of Mission Indians (225G)  
Sycuan Band of Mission Indians (225H)  
Viejas Group of Capitan Grande Band of Mission Indians (225I)  
Mesa Grande Band of Mission Indians (225J)  
San Pasqual Band of Mission Indians (225K)  
Ipai Nation of Santa Ysabel (225L)  
La Jolla Band of Mission Indians (225M)  
Pala Band of Mission Indians (225N)  
Pauma Band of Mission Indians (225O)  
Pechanga Band of Mission Indians (225P)  
Rincon Band of Luiseno Indians (225Q)  
San Luis Rey Band of Luiseno Indians (225R)  
Los Coyotes Band of Mission Indians (225S)

**Other Interested Agencies, Organizations and Individuals**

Daily Transcript  
San Diego Chamber of Commerce (157)  
Building Industry Association (158)  
San Diego River Park Foundation (163)  
San Diego River Coalition (164)  
Sierra Club San Diego Chapter (165)  
San Diego Canyonlands (165A)  
San Diego Natural History Museum (166)  
San Diego Audubon Society (167)  
Jim Peugh (167A)  
San Diego River Conservancy (168)  
Environmental Health Coalition (169)  
California Native Plant Society (170)  
San Diego Coastkeeper (173)  
Citizens Coordinate for Century 3 (179)  
Endangered Habitats League (182 & 182A)  
League of Women Voters (192)  
Mary Johnson (263B)  
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**DEPARTMENT OF TRANSPORTATION**

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*Making Conservation  
a California Way of Life.*

December 6, 2018

11-SD-VAR  
(805, 52, 163, 15)  
Kearny Mesa Community Plan Update  
SCH# 2018111024

Ms. Lisa Lind  
City of San Diego  
9485 Aero Drive, MS 413  
San Diego, CA 92123

Dear Ms. Lind:

The California Department of Transportation (Caltrans) appreciates the opportunity to comment on the Notice of Preparation (NOP) for the Kearny Mesa Community Plan Update (Plan) Draft Environmental Impact Report (EIR). The area is served by State Route 52 (SR-52), State Route 163 (SR-163), Interstate 805 (I-805), Interstate 15 (I-15), and Interstate 8 (I-8). The mission of Caltrans is to provide a safe, sustainable, integrated, and efficient transportation system to enhance California's economy and livability.

Caltrans has the following comments:

It is understood that the Plan proposes higher density development and a greater mix of land use. Potential transit mitigation for development impacts should be analyzed, such as improved transit accommodation through the provision of park and ride facilities, bicycle access, signal prioritization for transit, or other enhancements that can improve mobility and alleviate traffic impacts to State facilities. The San Diego Association of Governments (SANDAG) is currently updating the Regional Transportation Plan (RTP). As part of the RTP update, the transit network scenarios are being updated. Coordination and consistency with SANDAG regarding the transit network is recommended.

### **Traffic Impact Study**

A traffic impact study (TIS) is necessary to determine this proposed project's near-term and long-term impacts to the State facilities – existing and proposed – and to propose appropriate mitigation measures.

- The geographic area examined in the TIS should also include, at a minimum, all regionally significant arterial system segments and intersections, including State highway facilities where the project will add over 100 peak hour trips. State

- highway facilities that are experiencing noticeable delays should be analyzed in the scope of the traffic study for projects that add 50 to 100 peak hour trips.
- A focused analysis may be required for project trips assigned to a State highway facility that is experiencing significant delay, such as where traffic queues exceed ramp storage capacity.
  - The data used in the TIS should not be more than 2 years old.
  - Please provide Synchro Version 10 files.
  - Early coordination is recommended.

### **Complete Streets and Mobility Network**

Caltrans views all transportation improvements as opportunities to improve safety, access and mobility for all travelers in California and recognizes bicycle, pedestrian and transit modes as integral elements of the transportation system. Caltrans supports improved transit accommodation through the provision of Park and Ride facilities, improved bicycle and pedestrian access and safety improvements, signal prioritization for transit, bus on shoulders, ramp improvements, or other enhancements that promotes a complete and integrated transportation system. Early coordination with Caltrans, in locations that may affect both Caltrans and the City of San Diego, is encouraged.

### **Transportation Demand Management**

Caltrans supports Transportation Demand Management (TDM). SANDAG Smart Growth Tool Box identifies TDM strategies found here:

<https://www.sandag.org/index.asp?projectid=334&fuseaction=projects.detail>.

### **Mitigation**

Caltrans endeavors that any direct and cumulative impacts to the State Highway System be eliminated or reduced to a level of insignificance pursuant to the California Environmental Quality Act (CEQA).

The City should continue to coordinate with Caltrans to implement necessary improvements at intersections and interchanges where the agencies have joint jurisdiction, as well as coordinate with Caltrans as development proceeds and funds become available to ensure that the capacity of on-/off-ramps is adequate.


Mitigation measures to State facilities should be included in TIS/TIA. Mitigation identified in the traffic study, subsequent environmental documents, and mitigation monitoring reports, should be coordinated with Caltrans to identify and implement the appropriate mitigation.

Ms. Lisa Lind  
December 6, 2018  
Page 3

This includes the actual implementation and collection of any "fair share" monies, as well as the appropriate timing of the mitigation. Mitigation improvements should be compatible with Caltrans concepts.

If you have any questions, please contact Roy Abboud, of the Caltrans Development Review Branch, at (619) 688-6968 or by e-mail sent to [roy.abboud@dot.ca.gov](mailto:roy.abboud@dot.ca.gov).

Sincerely,



JACOB ARMSTRONG, Chief  
Development Review Branch



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

EDMUND G. BROWN JR., Governor  
CHARLTON H. BONHAM, Director



January 9, 2019

Sara Osborn  
Environmental Planner  
City of San Diego Planning Department  
9485 Aero Drive, MS 413  
San Diego, CA 92123  
[PlanningCEQA@sandiego.gov](mailto:PlanningCEQA@sandiego.gov)

**Subject: Comments on the Notice of Preparation of a Draft Program Environmental Impact Report for the Kearny Mesa Community Plan Update; Project Number 607857; SCH# 2018111024.**

Dear Ms. Osborn:

The California Department of Fish and Wildlife (Department) has reviewed the above-referenced Draft Program Environmental Impact Report (draft PEIR) for the Kearny Mesa Community Plan Update, dated November 9, 2018. The public review period for this NOP ended on December 10, 2018. The Department appreciates the City's receptiveness to receiving comments on the NOP after the close of the formal comment period (Lisa Lind, personal communication, January 8, 2019). The following statements and comments have been prepared pursuant to the Department's authority as Trustee Agency with jurisdiction over natural resources affected by the project (California Environmental Quality Act [CEQA], Guidelines §15386) and pursuant to our authority as a Responsible Agency under CEQA Guidelines section 15381 over those aspects of the proposed project that come under the purview of the California Endangered Species Act (CESA; Fish and Game Code § 2050 *et seq.*) and Fish and Game Code section 1600 *et seq.* The Department also administers the Natural Community Conservation Planning (NCCP) program. The City of San Diego (City) participates in the NCCP program by implementing its approved Multiple Species Conservation Program (MSCP) Subarea Plan (SAP).

The Kearny Mesa Community Plan (Proposed Project) is a comprehensive update to the Kearny Mesa Community Plan, which was adopted in 1982 and most recently amended in January 2018. The City intends the Proposed Project to continue to guide growth and development within Kearny Mesa through the year 2050. The Proposed Project provides community-specific policies that further implement the City's General Plan with respect to distribution and arrangement of land uses, local street and transit networks, urban design guidelines, recommendations to preserve and enhance natural open space and historic and cultural resources, and prioritize public facilities within the Kearny Mesa community.

The Department recommends that the draft PEIR reference and incorporate the City of San Diego Vernal Pool Habitat Conservation Plan and the Vernal Pool Management and Monitoring Plan (collectively, Vernal Pool HCP). The Kearny Mesa Community Planning area is rich with vernal pool resources that, by and large, are surrounded by development and are sensitive to edge effects. The Kearny Mesa Community Planning Area includes, but is not limited to, the following vernal pool complexes as identified in the City's Vernal Pool HCP: F 16-17—Menlo KM Parcel, N1-4, N5-6, N7, N8, U15, U19, and the Sanders Mitigation site (mitigation for the City's



PURE Water Project). The City's Vernal Pool HCP addresses each of the sites and includes Site Evaluations and Management Recommendations by complex. Species addressed within the City's Vernal Pool HCP that are present or have been historically present within the Kearny Mesa Community Planning Area include, but are not limited to, San Diego mesa mint (*Pogogyne abramsii*), spreading navarretia (*Navarretia fossalis*), San Diego button-celery (*Eryngium aristulatum* var. *parishii*), and San Diego fairy shrimp (*Branchinecta sandiegonensis*). The Kearny Mesa Community Planning Area also includes additional sensitive species including spadefoot toad (*Spea hammondi*) and Campbell's liverwort (*Geothallus tuberosus*) amongst other species both covered and not covered under the City's SAP. The draft PEIR should identify the known sensitive species locations and aggregate all applicable management measures to minimize direct and indirect impacts of future developments under the Kearny Mesa Community Plan Update.

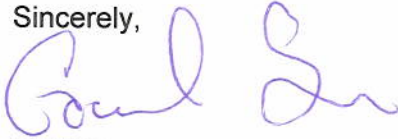
The Kearny Mesa Community Plan Update should ensure that the City's Land Development Code remains as protective, if not increasingly protective, of biological resources, particularly vernal pool resources within the various Kearny Mesa Planning Area open spaces. The Initial study states that the "...project includes: amendments to the General Plan to incorporate the Community Plan land uses; amendments to the Land Development Code; a comprehensive rezone; and a comprehensive update to the Impact Fee Study (IFS) (Formerly Public Facilities Financing Plan)". The November 9, 2018, Public Notice of Preparation of a Program Environmental Impact Report and Scoping Meeting directs the reader to an information portal for the proposed project (<http://Kearnymesaconnected.com>). However, the Department was unable to find additional information regarding the purpose, need, or nature of any changes envisioned for the Land Development Code. The draft PEIR should detail the purpose, need, and nature of each proposed amendment to the City's Land Use Development Code while maintaining a sharp focus on biological protections. In establishing the need, the draft PEIR should analyze the potential indirect effects of any proposed revisions on biological resources, open spaces, and the City's SAP. The draft PEIR should include the proposed Land Use Development Code amendment language in its entirety, with deletions shown in strikeout underline, and additions in ***bold italicized*** when supporting the draft PEIR's proposed amendments of the Land Use Development Code.

The City's Kearny Mesa Connected webpage includes an opportunities and constraints memo and accompanying map. Both documents identify Opportunity Area 4: Prime Industrial Land including a 500-foot buffer from industrial uses. The draft PEIR should identify whether the Kearny Mesa Community Plan Update would add or remove properties identified as Prime Industrial Land. Additions to Prime Industrial Lands should be evaluated for compatibility with open spaces, steep canyons, and the City's SAP. The configuration and industrial land uses should be designed to buffer open space areas and Multiple Habitat Planning Area (MHPA) from the more intensive industrial practices (e.g., manufacturing, noise and/or pollution generation sources) with potentially less intensive land uses (e.g., parking, storm water treatment facilities). Areas immediately east of Opportunity Area 4 include previously conserved lands associated with prior developments (e.g., Habitrak Gains). The draft PEIR should catalogue all conserved lands within the Kearny Mesa Community Planning Area and identify them in an accompanying figure to the draft PEIR. The Department considers direct or indirect impacts to conserved lands and Habitrak Gain lands significant absent appropriate avoidance

and mitigation measures. The draft PEIR should analyze the potential to configure Opportunity Area 4 to minimize the interface of Prime Industrial Lands, conserved lands, MHPA, and other open space land use designations.

The Department appreciates the opportunity to comment on the draft PEIR to assist the City in identifying and mitigating project impacts on biological resources. Questions regarding this letter or further coordination should be directed to Eric Weiss, Senior Environmental Scientist at (858) 467-4289, [Eric.Weiss@wildlife.ca.gov](mailto:Eric.Weiss@wildlife.ca.gov).

Sincerely,



Gail Sevens  
Environmental Program Manager

ec: David Zoutendyk, USFWS, Carlsbad  
Office of Planning and Research, State Clearinghouse, Sacramento

## References

City of San Diego. March 1997. Multiple Species Conservation Program, City of San Diego Subarea Plan. City of San Diego Community and Economic Development Department.

City of San Diego. August 1998. Final Regional Plan for the Multiple Species Conservation Program.

City of San Diego. 2012. San Diego Municipal Code Land Development Code—Biology Guidelines. Amended April 23, 2012.



**NATIVE AMERICAN HERITAGE COMMISSION**

Cultural and Environmental Department  
1550 Harbor Blvd., Suite 100  
West Sacramento, CA 95691  
Phone (916) 373-3710  
Email: [nahc@nahc.ca.gov](mailto:nahc@nahc.ca.gov)  
Website: <http://www.nahc.ca.gov>  
Twitter: @CA\_NAHC

November 20, 2018

Lisa Lind  
City of San Diego  
9485 Aero Drive  
San Diego, CA 92123

RE: SCH# 2018111024 Kearny Mesa Community Plan Update, San Diego County

Dear Ms. Lind:

The Native American Heritage Commission (NAHC) has received the Notice of Preparation (NOP), Draft Environmental Impact Report (DEIR) or Early Consultation for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code §21000 et seq.), specifically Public Resources Code §21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource, is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit.14, §15064.5 (b) (CEQA Guidelines §15064.5 (b)). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an Environmental Impact Report (EIR) shall be prepared. (Pub. Resources Code §21080 (d); Cal. Code Regs., tit. 14, § 5064 subd.(a)(1) (CEQA Guidelines §15064 (a)(1)). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources within the area of potential effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code §21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code §21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code §21084.3 (a)). **AB 52 applies to any project for which a notice of preparation, a notice of negative declaration, or a mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. §800 et seq.) may also apply.

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments.

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

## AB 52

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

1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project: Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:
  - a. A brief description of the project.
  - b. The lead agency contact information.
  - c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code §21080.3.1 (d)).
  - d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code §21073).
2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report: A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subds. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1(b)).
  - a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code §65352.4 (SB 18). (Pub. Resources Code §21080.3.1 (b)).
3. Mandatory Topics of Consultation If Requested by a Tribe: The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:
  - a. Alternatives to the project.
  - b. Recommended mitigation measures.
  - c. Significant effects. (Pub. Resources Code §21080.3.2 (a)).
4. Discretionary Topics of Consultation: The following topics are discretionary topics of consultation:
  - a. Type of environmental review necessary.
  - b. Significance of the tribal cultural resources.
  - c. Significance of the project's impacts on tribal cultural resources.
  - d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code §21080.3.2 (a)).
5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process: With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code §6254 (r) and §6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code §21082.3 (c)(1)).
6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document: If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:
  - a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
  - b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code §21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code §21082.3 (b)).

7. Conclusion of Consultation: Consultation with a tribe shall be considered concluded when either of the following occurs:
  - a. The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
  - b. A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).
8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document: Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code §21082.3 (a)).
9. Required Consideration of Feasible Mitigation: If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code §21084.3 (b). (Pub. Resources Code §21082.3 (e)).
10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:
  - a. Avoidance and preservation of the resources in place, including, but not limited to:
    - i. Planning and construction to avoid the resources and protect the cultural and natural context.
    - ii. Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
  - b. Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
    - i. Protecting the cultural character and integrity of the resource.
    - ii. Protecting the traditional use of the resource.
    - iii. Protecting the confidentiality of the resource.
  - c. Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
  - d. Protecting the resource. (Pub. Resource Code §21084.3 (b)).
  - e. Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code §815.3 (c)).
  - f. Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code §5097.991).
11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource: An Environmental Impact Report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
  - a. The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.
  - b. The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
  - c. The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: [http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation\\_CalEPAPDF.pdf](http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf)



## SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code §65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: [https://www.opr.ca.gov/docs/09\\_14\\_05\\_Updated\\_Guidelines\\_922.pdf](https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf)

Some of SB 18's provisions include:

1. **Tribal Consultation:** If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code §65352.3 (a)(2)).
2. **No Statutory Time Limit on SB 18 Tribal Consultation.** There is no statutory time limit on SB 18 tribal consultation.
3. **Confidentiality:** Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code §65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code §5097.9 and §5097.993 that are within the city's or county's jurisdiction. (Gov. Code §65352.3 (b)).
4. **Conclusion of SB 18 Tribal Consultation:** Consultation should be concluded at the point in which:
  - a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
  - b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>

## NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center ([http://ohp.parks.ca.gov/?page\\_id=1068](http://ohp.parks.ca.gov/?page_id=1068)) for an archaeological records search. The records search will determine:
  - a. If part or all of the APE has been previously surveyed for cultural resources.
  - b. If any known cultural resources have already been recorded on or adjacent to the APE.
  - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
  - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
  - a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
  - b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

3. Contact the NAHC for:
  - a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
  - b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.
4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
  - a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, §15064.5(f) (CEQA Guidelines §15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
  - b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
  - c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code §7050.5, Public Resources Code §5097.98, and Cal. Code Regs., tit. 14, §15064.5, subdivisions (d) and (e) (CEQA Guidelines §15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions or need additional information, please contact me at my email address: [Katy.Sanchez@nahc.ca.gov](mailto:Katy.Sanchez@nahc.ca.gov).

Sincerely,

  
for

Katy Sanchez  
Associate Environmental Planner

cc: State Clearinghouse



401 B Street, Suite 800  
San Diego, CA 92101-4231  
(619) 699-1900  
Fax (619) 699-1905  
sandag.org

December 10, 2018

File Number 3300300

Ms. Sara Osborn  
City of San Diego Planning Department  
9485 Aero Drive, MS 413  
San Diego, CA 92123  
PlanningCEQA@sandiego.gov

MEMBER AGENCIES

Cities of  
Carlsbad  
Chula Vista  
Coronado  
Del Mar  
El Cajon  
Encinitas  
Escondido  
Imperial Beach  
La Mesa  
Lemon Grove  
National City  
Oceanside  
Poway  
San Diego  
San Marcos  
Santee  
Solana Beach  
Vista  
and  
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ADVISORY MEMBERS

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San Diego  
Unified Port District  
  
San Diego County  
Water Authority  
  
Southern California  
Tribal Chairmen's Association  
  
Mexico

Dear Ms. Osborn:

Subject: Kearny Mesa Community Plan Update (Project No. 607857) Notice  
of Preparation

Thank you for the opportunity to comment on the Kearny Mesa Community Plan Update (CPU) Notice of Preparation (NOP). The San Diego Association of Governments (SANDAG) appreciates the City of San Diego's efforts to implement the policies included in San Diego Forward: The Regional Plan (2015 Regional Plan) that emphasize the need for better land use and transportation coordination. These policies will help provide people with more travel and housing choices, protect the environment, create healthy communities, and stimulate economic growth. SANDAG comments are based on policies included in the 2015 Regional Plan and are submitted from a regional perspective.

**Long-Range Transportation**

The 2015 Regional Plan contains several transportation projects that provide service to the Kearny Mesa community. In particular, the plan includes Trolley routes 562 and 563, as well as *Rapid* routes 28, 120, 640B, and 890. Please consider incorporating existing and future transit route information into the Kearny Mesa CPU and Draft Program Environmental Impact Report (PEIR); Table A.2 in Appendix A of the 2015 Regional Plan has additional information on these routes and services.

SANDAG is currently working on the update of the 2015 Regional Plan and appreciates coordination with the City of San Diego staff in developing the 2019 Regional Plan. As the Draft Transportation Network process continues, SANDAG will seek input from City staff on regional issues and routes as they pertain to and inform CPUs. Beginning in early 2019, SANDAG expects the Board of Directors to discuss the Draft Transportation Networks. After the Draft Scenarios are developed, SANDAG will carry out another robust public outreach process to inform the final mix of projects, programs, and policies that will be included in the final San Diego Forward: The 2019-2050 Regional Plan (2019 Regional Plan) for consideration by the Board of Directors.



Should City staff have any questions regarding network development, SANDAG staff is available to discuss the process.

### **Smart Growth**

This project is located in two Smart Growth Opportunity Areas (SGOAs) identified on the Smart Growth Concept Map: an Existing/Planned Town Center (SD KM-2) and a Potential Town Center (SD KM-1). SANDAG appreciates the City of San Diego has utilized a Smart Growth Implementation Planning Grant and prioritized transit-oriented development and land use changes that support the Smart Growth Concept Map and 2015 Regional Plan. A key goal of the 2015 Regional Plan is to focus growth in SGOAs. Development in these areas supports a sustainable and healthy region, a vibrant economy, and an outstanding quality of life for all. Please continue facilitating access to planned transit routes and services (listed previously) within the plan area.

### **Climate and Electric Vehicle Planning**

Please consider incorporating robust electric vehicle (EV) charging infrastructure into the Kearny Mesa CPU and Draft Program Environmental PEIR to help mitigate greenhouse gas emissions impacts, while also supporting goals of the 2015 Regional Plan and the State of California for EV deployment and uptake. Electric, shared mobility services require fast charging points to support operations; consider siting future EV charging stations at community destinations.

SANDAG also encourages the City to utilize resources from the Plug-in San Diego (Plug-in SD) program, which implements recommendations from the San Diego Regional Plug-In Electric Vehicle Readiness Plan. Plug-in SD provides a technical expert, known as “the EV Expert”, who is available to assist stakeholders in person, via email, or by phone. SANDAG encourages City staff to contact the EV Expert with any questions regarding EVs and/or EV charging stations at (866) 967-5816 or [evexpert@energycenter.org](mailto:evexpert@energycenter.org).

In addition, SANDAG supports the climate planning goals outlined in the City’s Climate Action Plan (CAP), adopted in 2015. When developing the Kearny Mesa CPU and Draft PEIR, please continue to ensure consistency with the strategies identified in the CAP.

### **Transportation Demand Management**

Please consider incorporating transportation demand management (TDM), parking management, and intelligent transportation system (ITS) strategies into the Kearny Mesa CPU and Draft PEIR to help mitigate traffic and parking impacts. The Kearny Mesa Community Plan area is a major hub for employment within the region. Please consider incorporating policies that encourage developers and property managers to integrate TDM strategies through the entitlement process. This could include priority parking for carpools and vanpools, secure bike parking, and bike amenities at key destinations. Also, consider developing a comprehensive parking management plan for the Kearny Mesa Community Plan area to help balance the parking demand. This could include reduced parking requirements in areas near transit, shared parking, priced parking, smart parking solutions, and designated curb space for rideshare passenger pick-up and drop-off.

The iCommute Employer Services program can assist with promoting regional TDM programs to employers and employees. This includes the SANDAG Vanpool Program, which provides a subsidy of up to \$400 per month for eligible vans, a Carpool Incentive Program with Waze Carpool, and the iCommute GO by BIKE Mini-Grant program and iCommute bike education services. More information on regional TDM programs is available at [www.iCommuteSD.com](http://www.iCommuteSD.com).

## **Mobility Hubs**

Mobility hubs provide an integrated suite of transportation services, amenities, and technologies that enhance access to high-frequency transit stations and other shared mobility services. The CPU presents opportunities to implement mobility hub features that connect the community to existing and future transit services, listed below:

- Consider pursuing partnerships with shared mobility service providers that can serve the mobility needs within the community and reduce reliance on a personal vehicle to fulfill short trips within Kearny Mesa.
- Neighborhood electric vehicles (NEVs) could help Kearny Mesa residents, employees, and visitors fulfill short trips within and around the community. SANDAG sponsored Senate Bill 1151 (Bates, 2018) to authorize any city within San Diego County to establish a NEV transportation plan.
- As dedicated bikeways are implemented throughout the area and demand for bike parking continues to grow, consider a transition from bike racks to secure bike parking facilities. Additional bike amenities, such as bicycle repair stands, throughout the Kearny Mesa area could further encourage bicycling as a convenient transportation choice.
- Consider enhancing wayfinding investments to include kiosks that display real-time travel information about regional transit services, shared mobility services, parking availability, and other available transportation options.

Additional information on the Regional Mobility Hub Strategy is available at [www.sdfoward.com/mobility-planning/mobilityHubs](http://www.sdfoward.com/mobility-planning/mobilityHubs).

## **Complete Streets**

Clairemont Mesa Boulevard is a major corridor within the community. As a main thoroughfare for existing and future transportation projects, SANDAG encourages several Complete Streets-related safety improvements within this corridor, which can be found in *Designing for Smart Growth: Creating Great Places in the San Diego Region*, as well as other documents listed at the end of this letter. SANDAG looks forward to continuing to work with City staff in identifying these improvements and implementing them in the future.

## **Active Transportation**

Within the Kearny Mesa Community Plan area, the most dangerous areas for biking are at freeway crossing and overpasses. The Community Plan suggests Class 2 facilities on these overpasses. Please consider including language within the CPU and Draft PEIR requiring high-quality bike facilities in these areas, including concepts such as bike signals, protected intersections, bend outs, and other bike infrastructure that could help make crossings safer. To avoid overpass crossings entirely, please consider including more non-motorized crossings of freeways.

Some of the major corridors within the Kearny Mesa Community Plan area (e.g., Balboa Avenue, Clairemont Mesa Boulevard) are designated for Class IV bike facilities; please consider expanding the network of these facilities to develop a safe and comfortable environment for biking within the Community Plan area.

### **Other Considerations**

SANDAG has a number of resources that can be used for additional information or clarification on topics discussed in this letter. These can be found on our website at [www.sandag.org](http://www.sandag.org):

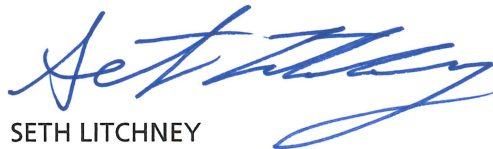
- Designing for Smart Growth: Creating Great Places in the San Diego Region
- Parking Strategies for Smart Growth
- Trip Generation for Smart Growth
- Planning and Designing for Pedestrians: Model Guidelines for the San Diego Region
- Regional Mobility Hub Strategy
- SANDAG Regional Parking Management Toolbox
- Riding to 2050: The San Diego Regional Bike Plan
- San Diego Regional Plug-In Electric Vehicle Readiness Plan

When available, please send any additional environmental documents related to this project to:

Intergovernmental Review  
c/o SANDAG  
401 B Street, Suite 800  
San Diego, CA 92101

We appreciate the opportunity to comment on the City of San Diego's Kearny Mesa CPU NOP. If you have any questions, please contact me at (619) 699-1943 or at [seth.litchney@sandag.org](mailto:seth.litchney@sandag.org).

Sincerely,



SETH LITCHNEY  
Senior Regional Planner

SLI/KHE/ais



November 20, 2018

City of San Diego  
Planning Department  
Attn: Sara Osborn  
9485 Aero Drive, MS 413  
San Diego, CA 92123

Re: Kearny Mesa Community Plan Update NOP

Dear Ms. Osborn:

The San Diego County Regional Airport Authority (SDCRAA) appreciates the opportunity to review and provide comments on the scope and content of the Notice of Preparation (NOP) of a Program Environmental Impact Report (PEIR) for the Kearny Mesa Community Plan Update (CPU).

SDCRAA is the Airport Land Use Commission (ALUC) for San Diego County. Pursuant to California Public Utilities Code §21676(b), amendments to a general or specific plan, zoning ordinance, or building code within an Airport Influence Area (AIA) are subject to review by the local ALUC for a determination of consistency with the applicable Airport Land Use Compatibility Plan (ALUCP). The proposed CPU affects land that is located within the AIAs for the adopted Montgomery-Gibbs Executive Airport and MCAS Miramar ALUCPs and is therefore subject to ALUC review. We have attached a map indicating the areas where the proposed land use categories appear to be in conflict with the adopted ALUCPs. Several areas are proposed for residential and nonresidential land uses with densities and/or intensities that exceed the limits established in the adopted ALUCPs.

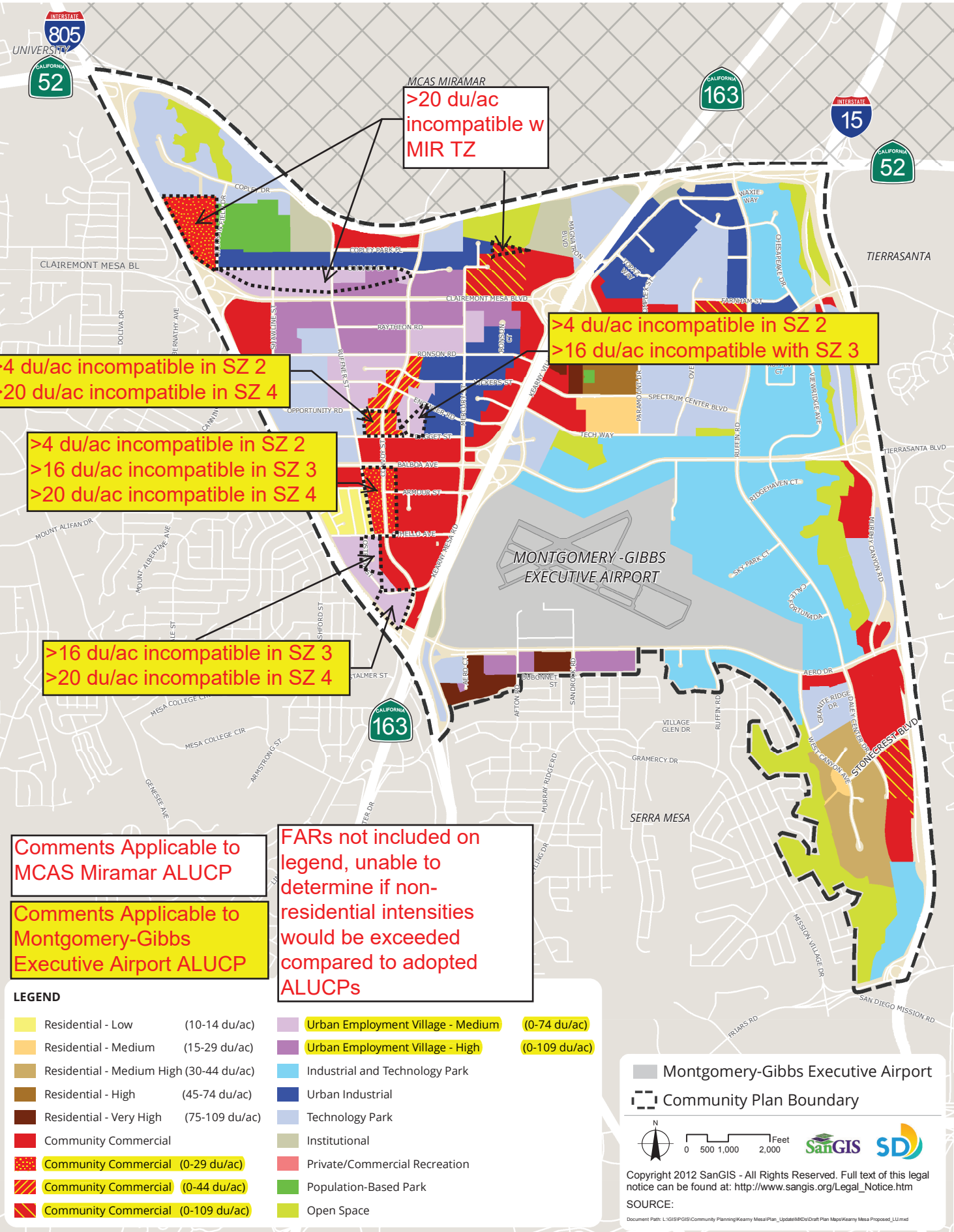
SDCRAA is appreciates the continued communication and coordination between our agencies on land use compatibility matters. Such coordination has proved to be beneficial in the past, and we look forward to continuing such efforts.

Please contact me if you have any questions at (619) 400-2464 or [rredman@san.org](mailto:rredman@san.org).

Thank you,

Ralph Redman  
Manager, Airport Planning

Attachment



# VIEJAS

TRIBAL GOVERNMENT

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

Phone: 6194453810  
Fax: 6194455337  
viejas.com

November 19, 2018

Sara Osborn  
Environmental Planner  
City of San Diego Planning Dept.  
9485 Aero Drive, MS 413  
San Diego, CA 92123

**RE: Kearny Mesa Community Plan Update/ Project 607857**

Dear Ms. Osborn,

In reviewing the above referenced project the Viejas Band of Kumeyaay Indians ("Viejas") would like to comment at this time.

The project area may contain many sacred sites to the Kumeyaay people. We request that these sacred sites be avoided with adequate buffer zones.

Additionally, Viejas is requesting, as appropriate, the following:

- All NEPA/CEQA/NAGPRA laws be followed
- Immediately contact Viejas on any changes or inadvertent discoveries.

Thank you for your collaboration and support in preserving our Tribal cultural resources. I look forward to hearing from you. Please call me at 619-659-2312 or Ernest Pingleton at 619-659-2314, or email, [rteran@viejas-nsn.gov](mailto:rteran@viejas-nsn.gov) or [epingleton@viejas-nsn.gov](mailto:epingleton@viejas-nsn.gov), for scheduling. Thank you.

Sincerely,



Ray Teran, Resource Management  
VIEJAS BAND OF KUMEYAAY INDIANS





## San Diego County Archaeological Society, Inc.

Environmental Review Committee

19 November 2018

To: Ms. Sara Osborn  
Planning Department  
City of San Diego  
1010 Second Avenue, Mail Station 614C  
San Diego, California 92101

Subject: Notice of Preparation of a Draft Environmental Impact Report  
Kearny Mesa Community Plan Update  
Project No. 607857

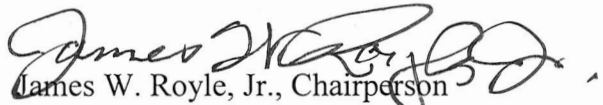
Dear Ms. Osborn:

Thank you for the Notice of Preparation for the subject project, received by this Society last month.

We are pleased to note the inclusion of historical resources in the list of subject areas to be addressed in the DEIR, and look forward to reviewing it during the upcoming public comment period. To that end, please include us in the distribution of the DEIR, and also provide us with a copy of the cultural resources technical report(s).

SDCAS appreciates being included in the City's environmental review process for this project.

Sincerely,

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

cc: SDCAS President  
File

December 10, 2018

**Sent via Email**

Sara Osborn, Environmental Planner  
City of San Diego Planning Department  
9485 Aero Drive, MS 413  
San Diego, CA 92123  
PlanningCEQA@sandiego.gov

**Re: Kearny Mesa Community Plan Update, Project No. 607857**

Dear Ms. Sara Osborn:

This law firm represents the Southwest Regional Council of Carpenters (Southwest Carpenters) and submits this letter on the above-referenced project on its behalf.

Southwest Carpenters represents 50,000 union carpenters in six states, including in Southern California, and has a strong interest in ensuring well-ordered land-use planning and reducing the environmental impacts of development projects, such as the Kearny Mesa Community Plan Update (Project). In its Notice of Preparation, the City of San Diego (City) determined the Project would have a significant effect on almost all aspects of the environment.

While details regarding the Project and the City's evaluation of environmental impacts are sparse, the City describes the Project as an update to the Kearny Mesa Community Plan currently in effect. This update would increase housing capacity by approximately 25,000 residential dwelling units and create new "village areas" the City states will be designed around "transit-oriented" and "pedestrian-friendly" development. The City does not clarify whether this will be oriented toward public or private transit options.

Southwest Carpenters agrees the Project has the potential to cause significant impacts in almost every regard, which the City must mitigate to the maximum extent possible. In its DEIR, the City should consider the following:

**Hazards and Hazardous Materials**

The Project borders wildlands that are known for being a high fire hazard. Furthermore, the City must evaluate the potential of the Project to construct development in areas prone to landslide, earthquake, and flooding. The City should also evaluate the hazards of placing high-density residential development directly south of the airport, and ideally avoid any placement of



housing near the airport, if possible. Finally, in the DEIR, please disclose all areas that are known to the City to contain hazardous materials, such as properties listed in state or federal databases as hazardous waste or remediation sites.

### **Air Quality and Greenhouse Gas**

While the Project will likely be found to have significant and unavoidable air quality and greenhouse gas impacts, the City must still mitigate Project impacts to the maximum extent feasible.

The City should disclose baseline air quality conditions of the Project area. Furthermore, the City must describe the impact the Project would have on this baseline, particularly as the Project would substantially increase the housing density within the Project area, including any conflict with any air quality management plan in effect within the San Diego Air Basin. Importantly, the City must accurately describe cumulative air quality impacts in relation to the Project.

Regarding greenhouse gases, the City should quantify baseline greenhouse gas emissions, as well as any new emissions that will be caused by the Project and compare those emissions to a quantitative significance threshold to determine the significance of these impacts. Furthermore, the City should address whether it has promulgated a Climate Action Plan and, if so, whether the City is currently on track to meet the reductions goals of its Climate Action Plan, whether the Project will impede attainment of this plan, and whether this plan has been updated to reflect the greenhouse reductions from all applicable laws and policies.

### **Public Services and Utilities**

As the Project will greatly increase the build-out density of residential development, it is likely the City will determine there will be significant impacts to public services, recreational resources, and public utilities. The City must account for and mitigate impacts to all of these services and utilities.

The City does not identify significant impacts to recreational resources in its Notice of Preparation. Because the Project would greatly increase development density, it should be expected to significantly impact recreational resources. Please evaluate impacts to City parks and other recreational resources in the DEIR.

Sara Osborn, Environmental Planner  
Re: Kearny Mesa Community Plan Update  
December 10, 2018  
Page 3

The City has a limited water supply, upon which the Project will place an additional strain. Please evaluate whether the City will have sufficient water to supply the Project, in addition to any potential impacts the Project will cause to water quality.

### **Conclusion**

Southwest Carpenters thanks the City for providing an opportunity to comment on the Notice of Preparation. Pursuant to Section 21092.2 of the Public Resources Code and Section 65092 of the Government Code, Southwest Carpenters request notification of all CEQA actions and notices of any public hearings concerning this Project, including any action taken pursuant to California Planning and Zoning Laws. In addition, pursuant to Public Resources Code section 21167(f), please provide a copy of each Notice of Determination issued by the City in connection with this Project and please add Southwest Carpenters to the list of interested parties in connection with this Project and direct all notices to my attention. Please send all notices by email, or if email is unavailable, by U.S. Mail to:

Nicholas Whipps  
Ashley McCarroll  
Wittwer Parkin LLP  
147 S. River St., Ste. 221  
Santa Cruz, CA 95060  
nwhipps@wittwerparkin.com  
amccarroll@wittwerparkin.com

Very truly yours,  
WITTWER PARKIN LLP



Nicholas Whipps

**From:** Cindy  
**To:** [PLN\\_PlanningCEQA](#)  
**Subject:** Kearny Mesa Community Plan Update/Project No 607857  
**Date:** Wednesday, December 05, 2018 6:02:01 AM

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In response to the Notice of Preparation I'm submitting these comments.

Serra Mesa is adjacent to Kearny Mesa with Aero Drive as the dividing border. Increasing the density along the western end of Aero Drive will directly impact Serra Mesa, especially in the areas of traffic, parks and recreation, schools, and on-street parking. These impacts should be studied.

Justification for Traffic Impact study request:

- The roads in Serra Mesa are the most direct path to Mission Valley and I-805 and will be used to access schools, parks and the recreation center. These roads include Sandrock Road, Afton Road, Ruffin Road, Mission Village Drive, Gramercy/Greyling, Hammond, and Murray Ridge Road. What will be the impact on these roads?

Justification for Parks and Recreation Impact study request:

- Kearny Mesa lacks sufficient parks and a recreation center.
- The Serra Mesa Recreation Center on Village Glen Drive is the closest recreation center to Aero Drive. What will be the impact on the recreation center?
- The Serra Mesa parks are the closest ones: including Cabrillo Heights Park, Angier Joint Use Park, Wegeforth Joint Use Park, and Serra Mesa Community Park. What will be the impact on these parks?

Justification for School Impact study request:

- The closest, non-charter public schools are Serra Mesa schools, specifically Angier Elementary School, Wegeforth Elementary School, and Taft Middle School. What will be the impact on these schools?

Justification for On-Street Parking Impact study request:

- Increased density, especially if a decrease in the on-site parking requirement is allowed, may impact parking on Serra Mesa streets, especially along Afton Road and Sandrock Road. What will be the parking impact on these roads?

Additionally, when the Palladium at Aero project (now called Olympus Corsair) at the corner of Aero Drive and Sandrock Road was approved, the community was assured that the drainage problem that arises at this corner when it rains would be addressed. This didn't occur. Here's the response from the developer of the Palladium at Aero project when questioned by the community:

"I had a chance to catch up with our Civil Engineer regarding the potential accumulation of water after heavy rains in the right of way near our project. Standing water after rain events in Kearny Mesa/Serra Mesa along Aero Drive has been a challenge for decades. Major portions of Aero Drive are flatter than most standard roads in San Diego today (less than 1%). In addition there is not ample storm drain infrastructure to convey storm water below ground. While the redevelopment at Broadstone Kearny Mesa is unfortunately within this area of substandard infrastructure, we implemented progressive earthen water quality/landscape areas to actually reduce their storm water run-off from the previous commercial buildings."

Will the drainage problem be studied and addressed?

Cindy Moore

**From:** Jackie Ander  
**To:** [PLN PlanningCEQA](#)  
**Subject:** Re Kearny Meaa Community Plan Update  
**Date:** Thursday, November 29, 2018 1:47:08 PM

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I wish to call your attention to the need of drainage of the intersection of Aero Drive and Sandroek Rd. because of flooding during heavy rainstorms.

Also, because of the additional traffic lights, the buildup of traffic at the intersections of Convoy and Kearny Villa Rd. with Aero Drive during peak traffic hours (in late afternoon) is getting highly congested. Both the Fire Trucks and Ambulances stations are situated on Kearny Villa Rd. Additional housing on Aero Drive will only add to the problem.

Please remedy these hazards.

Thank you,

Jacquelin Ander

**From:** Serra Mesa Planning Group  
**To:** [Osborn, Sara](#); [Serra Mesa Planning Group](#)  
**Subject:** NOP Kearny Mesa Community Plan Update / Project No. 607857  
**Date:** Monday, December 10, 2018 1:58:54 PM

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December 10, 2018

Sara Osborn, AICP  
Senior Planner  
City of San Diego | Planning Department  
9485 Aero Drive  
San Diego, CA 92123  
[sosborn@sandiego.gov](mailto:sosborn@sandiego.gov)  
<http://www.sandiego.gov/planning>

RE: NOP Kearny Mesa Community Plan Update / Project No. 607857

Dear Sara Osborn:

The Serra Mesa Planning Group unanimously passed a motion on November 15th, 2018 to request that the Kearny Mesa Community Plan Update study the impacts on Serra Mesa, specifically traffic, parks and recreation, and schools. The closest recreational facilities and schools to Kearny Mesa are located in Serra Mesa and the roads in Serra Mesa provide access to Mission Valley and the I-805 freeway.

"Bryce Niceswanger (Chair) is to write a letter to the City of San Diego responding to the notice and addressing our concerns. We encourage the City of San Diego to study the impact of the Kearny Mesa Community Plan Update on the Serra Mesa Community. Vote: 11-0-0."

Cindy Moore, long time SMPG member, described the the following concerns of the Serra Mesa Community in her email response in which I am attaching below. Her email reflects the concerns that the Serra Mesa Planning Group is requesting be addressed in the Kearny Mesa Community Plan update:

Serra Mesa is adjacent to Kearny Mesa with Aero Drive as the dividing border. Increasing the density along the western end of Aero Drive will directly impact Serra Mesa, especially in the areas of traffic, parks and recreation, schools, and on-street parking. These impacts should be studied.

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"I had a chance to catch up with our Civil Engineer regarding the potential accumulation of water after heavy rains in the right of way near our project. Standing water after rain events in Kearny Mesa/Serra Mesa along Aero Drive has been a challenge for decades. Major portions of Aero Drive are flatter than most standard roads in San Diego today (less than 1%). In addition there is not ample storm drain infrastructure to convey storm water below ground. While the redevelopment at Broadstone Kearny Mesa is unfortunately within this area of substandard infrastructure, we implemented progressive earthen water quality/landscape areas to actually reduce their storm water run-off from the previous commercial buildings."

Will the drainage problem be studied and addressed?

Sincerely,

Bryce Niceswanger  
Chair, Serra Mesa Planning Group





# CITY OF SAN DIEGO

## PLANNING DEPARTMENT CEQA AND ENVIRONMENTAL POLICY PUBLIC SCOPING MEETING

### Kearny Mesa Community Plan Update NOVEMBER 28, 2018

This meeting is being held pursuant to the California Public Resources Code Section 21083.9 et seq., and is provided to give the public and interested parties an opportunity to submit comments regarding the potential environmental impacts of the proposed project. This information will be used to develop the scope and content of the proposed Environmental Impact Report (EIR) for the project described at this meeting. Please record your comments in the space provided below and submit this form to City staff at the conclusion of the meeting, or mail to the address noted on the back of this form. Thank You.

#### Comments:

I think this area needs higher density residential. As a recent graduate, it is very tough to find decently priced housing. By adopting a plan that allows for higher density residential uses, I think it would alleviate my pain. I think The best Plan is the "Draft Alternative 1 Land Use" plan. The one that allows for 218 du/acre is very important to reducing housing crisis.

Name

Forrest

Signature

Address

2751 2nd Ave San Diego, CA 92103