

CHAPTER 4

Response to Comments

As stated in CEQA Guidelines, Section 15074(b), “Prior to approving a project, the decisionmaking body of the lead agency shall consider the proposed negative declaration or mitigated negative declaration together with any comments received during the public review process. The decisionmaking body shall adopt the proposed negative declaration or mitigated negative declaration only if it finds on the basis of the whole record (including the initial study and any comments received), that there is no substantial evidence that the project will have a significant effect on the environment and that the negative declaration or mitigated negative declaration reflects the lead agency’s independent judgment and analysis.”

Nineteen (19) comment letters were received during the 30-day public review period for the project. This chapter provides a copy of the letters, as well as the lead agency’s response to the comments presented in the letters. **Table 4-1** below lists the comment letters received.

TABLE 4-1
LIST OF COMMENT LETTERS RECEIVED

ID No.	Date Of Letter	Commenter	Agency/Organization
Draft Subsequent IS/MND Comments			
A	April 2, 2013	Dave Singleton, Program Analyst	Native American Heritage Commission
B	April 22, 2013	David Mayer	CDFW
C	April 22, 2013	Jeffrey Szymanski	City of San Diego Development Services Department
D	April 22, 2013	Peters & Freedman, L.L.P. Attorneys at Law	Escala Master Association
E	April 22, 2013	Michael Albers	
F	April 22, 2013	Nancy Barnhart	
G	April 22, 2013	Mary Beth Brown-Kennett	
H	April 19, 2013	Randy Dolph	
I	April 22, 2013	Michael Fennell and Janet Cunningham	
J	April 22, 2013	Kathleen Ford	
K	April 22, 2013	John and Bev Hammond	
L	April 22, 2013	Mary Jean Johnson	
M	April 22, 2013	Kevin Johnston	

ID No.	Date Of Letter	Commenter	Agency/Organization
Draft Subsequent IS/MND Comments			
N	April 22, 2013	Jill Kaplan	
O	April 22, 2013	Lois Lippold	
P	April 22, 2013	Patty Manjarrez	
Q	April 22, 2013	Charles Tucker	
R	April 22, 2013	Laura Arnold and Jerry Urick	
S*	April 24, 2013	Terry L. Ward	

*Letter received after close of public review period.

Each comment letter (or email) is assigned a unique letter with each comment individually numbered. Individual comments and issues within each comment letter are numbered individually along the margins. For example, Comment A-1 is the first comment in Comment Letter A; “A” represents the commenter; “1” refers to the first comment in that letter.

The following responses do not alter the project, nor do they change the conclusions presented in the Draft Initial Study/Mitigated Negative Declaration.

STATE OF CALIFORNIA

Edmund G. Brown, Jr., Governor

NATIVE AMERICAN HERITAGE COMMISSION

915 CAPITOL MALL, ROOM 364
SACRAMENTO, CA 95814
(916) 653-6251
(916) 657-5390 - FAX

April 2, 2013

Mr. Kevin McKerman, Executive Officer

San Diego River Conservancy (SDRC)

13150 Front Street, Suite 3024
San Diego, CA 92101



RE: SCH# 2013031068 CEQA Notice of Completion; proposed Mitigated Negative Declaration – “**San Diego river – Ruffin Canyon Trail and Urban Walk Project;**” located in the Serra Mesa/Mission Valley Area; San Diego County, California

Dear Mr. McKerman

The Native American Heritage Commission (NAHC) has reviewed the CEQA Notice regarding the above referenced project. In the 1985 Appellate Court decision (170 Cal App 3rd 604), the court held that the NAHC has jurisdiction and special expertise, as a state agency, over affected Native American resources impacted by proposed projects, including archaeological places of religious significance to Native Americans, and to Native American burial sites.

The California Environmental Quality Act (CEQA) states that any project that causes a substantial adverse change in the significance of an historical resources, which includes archeological resources, is a significant effect requiring the preparation of an EIR (CEQA guidelines 15064(b)). To adequately comply with this provision and mitigate project-related impacts on archaeological resources, the Commission recommends the following actions be required:

Contact the appropriate Information Center for a record search to determine :If a part or all of the area of project effect (APE) has been previously surveyed for cultural resources, which we know that it has. The NAHC recommends that known cultural resources recorded on or adjacent to the APE be listed in the draft Environmental Impact Report.

If an additional 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. We suggest that this be coordinated with the NAHC, if possible. The final report containing site forms, site significance, and mitigation measurers 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 pursuant to California Government Code Section 6254.10. Contact has been made to the Native American Heritage Commission for :a Sacred Lands File Check. A list of appropriate Native American Contacts for consultation concerning the project site has been provided and is attached to this letter to determine

A-1

A-2

Comment Letter A

if the proposed active might impinge on any cultural resources. Lack of surface evidence of archeological resources does not preclude their subsurface existence.

A-2

Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, per California Environmental Quality Act (CEQA) §15064.5(f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities. Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans. Lead agencies should include provisions for discovery of Native American human remains in their mitigation plan. Health and Safety Code §7050.5, CEQA §15064.5(e), and Public Resources Code §5097.98 mandates the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery.

A-3

Sincerely,

Dave Singleton
Program Analyst
(916) 653-6251

CC: State Clearinghouse

Attachment: Native American Contacts list

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**Native American Contacts
San Diego County Comment Letter A
April 2, 2013**

Barona Group of the Capitan Grande
Clifford LaChappa, Chairperson
1095 Barona Road Diegueno
Lakeside , CA 92040
sue@barona-nsn.gov
(619) 443-6612
619-443-0681

Sycuan Band of the Kumeyaay Nation
Daniel Tucker, Chairperson
5459 Sycuan Road Diegueno/Kumeyaay
El Cajon , CA 92019
ssilva@sycuan-nsn.gov
619 445-2613
619 445-1927 Fax

La Posta Band of Mission Indians
Gwendolyn Parada, Chairperson
PO Box 1120 Diegueno/Kumeyaay
Boulevard , CA 91905
gparada@lapostacasino.
(619) 478-2113
619-478-2125

Viejas Band of Kumeyaay Indians
Anthony R. Pico, Chairperson
PO Box 908 Diegueno/Kumeyaay
Alpine , CA 91903
jrothau@viejas-nsn.gov
(619) 445-3810
(619) 445-5337 Fax

Manzanita Band of Kumeyaay Nation
Leroy J. Elliott, Chairperson
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Boulevard , CA 91905
ljbirdsinger@aol.com
(619) 766-4930
(619) 766-4957 Fax

Kumeyaay Cultural Historic Committee
Ron Christman
56 Viejas Grade Road Diegueno/Kumeyaay
Alpine , CA 92001
(619) 445-0385

San Pasqual Band of Mission Indians
Allen E. Lawson, Chairperson
PO Box 365 Diegueno
Valley Center, CA 92082
allenl@sanpasqualband.com
(760) 749-3200
(760) 749-3876 Fax

Campo Band of Mission Indians
Ralph Goff, Chairperson
36190 Church Road, Suite 1 Diegueno/Kumeyaay
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chairgoff@aol.com
(619) 478-9046
(619) 478-5818 Fax

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2013031068; CEQA Notice of Completion; proposed Mitigated Negative Declaration for the San Diego River Trail and Urban Walk Project; located in the Serra Mesa/Mission Valley area; San Diego County, California

**Native American Contacts
San Diego County Comment Letter A
April 2, 2013**

Jamul Indian Village
Raymond Hunter, Chairperson
P.O. Box 612 Diegueno/Kumeyaay
Jamul, CA 91935
jamulrez@sctdv.net
(619) 669-4785
(619) 669-48178 - Fax

Kumeyaay Cultural Repatriation Committee
Steve Banegas, Spokesperson
1095 Barona Road Diegueno/Kumeyaay
Lakeside, CA 92040
sbenegas50@gmail.com
(619) 742-5587
(619) 443-0681 FAX

Mesa Grande Band of Mission Indians
Mark Romero, Chairperson
P.O. Box 270 Diegueno
Santa Ysabel, CA 92070
mesagrandeband@msn.com
(760) 782-3818
(760) 782-9092 Fax

Ewiiapaayp Tribal Office
Will Micklin, Executive Director
4054 Willows Road Diegueno/Kumeyaay
Alpine, CA 91901
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(619) 445-6315 - voice
(619) 445-9126 - fax

Kwaaymii Laguna Band of Mission Indians
Carmen Lucas
P.O. Box 775 Diegueno -
Pine Valley, CA 91962
(619) 709-4207

Iipay Nation of Santa Ysabel
Clint Linton, Director of Cultural Resources
P.O. Box 507 Diegueno/Kumeyaay
Santa Ysabel, CA 92070
cjlinton73@aol.com
(760) 803-5694
cjlinton73@aol.com

Inaja Band of Mission Indians
Rebecca Osuna, Chairman
2005 S. Escondido Blvd. Diegueno
Escondido, CA 92025
(760) 737-7628
(760) 747-8568 Fax

Iipay Nation of Santa Ysabel
Rodney Kephart, Environmental Coordinator
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syirod@aol.com
(760) 765-0845

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2013031068; CEQA Notice of Completion; proposed Mitigated Negative Declaration for the San Diego River Trail and Urban Walk Project; located in the Serra Mesa/Mission Valley area; San Diego County, California

Response to Comment Letter A

Native American Heritage Commission

April 2, 2013

- A-1 The commenter requests that the appropriate Information Center be contacted for a record search to determine if all or a part of the Area of Potential Effect has been previously surveyed for cultural resources and that this information be noted in the environmental document. See Appendix B of the Draft MND for the Cultural Letter Report. ASM Affiliates (ASM) has contacted the appropriate Information Center by conducting a records search for the project at the California Historical Resources Information System (CHRIS) South Central Information Center (SCIC) located at San Diego State University on December 2, 2011. The records search indicated that the entire trail system in Ruffin Canyon (project area) had been previously surveyed in 2007. The records search did not indicate the presence of cultural resources within the project area. Two previously recorded resources, a prehistoric lithic scatter and a prehistoric isolate, have been recorded within approximately 0.25 mile of the project area.
- A-2 The commenter notes that if an additional archaeological survey is required, a final report should be prepared detailing the findings and recommendations of the records search and field survey. The commenter suggests coordinating this effort with NAHC. The commenter confirmed that contact was made with the Native American Heritage Commission for a Sacred Lands File Check and provided a list of appropriate Native American contacts. ASM has determined that no additional cultural resources survey is required. In addition to the records search mentioned in Response to Comment A-1, above, ASM also contacted the NAHC to request a Sacred Lands File (SLF) search. The SLF contains information on sites of traditional, cultural, or religious value to the Native American community. On December 6, 2011, the NAHC responded to ASM's request and indicated that no Native American cultural resources were located within the project area. The NAHC response letter also included an attached list of Native American contacts. Follow up letters to the individuals and groups on the list was sent by ASM. No responses were received. Based on the records search results and the SLF search, ASM determined that the project area was not sensitive for cultural resources and did not recommend further cultural resources surveys.
- A-3 The commenter notes the lead agency should include provisions for the identification and evaluation of accidentally discovered archaeological resources in a mitigation plan. In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources should monitor all ground-disturbing activities. Based on the results of the records search and SLF search, ASM determined that no archaeological or Native American monitoring would not be necessary. ASM cited the previous cultural resources surveys of

the project area, as well as the nature of the proposed action, for not recommending full-time archaeological and Native American monitoring. While ASM did not recommend any measures to be taken in the case of accidental or inadvertent discoveries of cultural resources, the project would be required to comply with Health and Safety Code, Section 7050.5 and Public Resources Code, Section 5097 which address the protection of human remains inadvertently discovered and the handling of any remains.

ADMINISTRATIVE DRAFT



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

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



Comment Letter B

April 22, 2013

Mr. Kevin McKernan
San Diego River Conservancy
1350 Front Street, Suite 3024
San Diego, CA 92101

Subject: Comments on the Notice of Intent to Adopt a Mitigated Negative Declaration (MND) for the San Diego River Ruffin Canyon Trail and Urban Walk project, San Diego, CA (SCH# 2013031068)

Dear Mr. McKernan:

The California Department of Fish and Wildlife (Department) has reviewed the draft Mitigated Negative Declaration (MND), dated March 2013, for the San Diego River Ruffin Canyon Trail and Urban walk project. The San Diego River Conservancy (SDRC) serves as the lead agency under the California Environmental Quality Act in the preparation and evaluation on the environmental effects of the proposed project. The comments provided herein are based on information provided in the draft MND/Initial Study and our knowledge of sensitive and declining vegetation communities in the County of San Diego, and our participation in regional conservation planning efforts.

The Department is a Trustee Agency and a Responsible Agency pursuant to the California Environmental Quality Act (CEQA; §§15386 and 15381, respectively) and is responsible for ensuring appropriate conservation of the state's biological resources, including rare, threatened, and endangered plant and animal species, pursuant to the California Endangered Species Act (Fish and Game Code §2050 et seq.) and other sections of the Fish and Game Code. The Department also administers the Natural Community Conservation Planning (NCCP) program. While the Department acknowledges that the SDRC is not a signatory to the NCCP, the project site is located within the approved boundaries of the City of San Diego (City) Multiple Species Conservation Program (MSCP) Subarea Plan (SAP). Ruffin Canyon is part of the City's Multi-Habitat Planning Area (MHPA); therefore, to the extent feasible, the Department seeks for the proposed project to be consistent with MSCP objectives.

The project site is set within an urban area of the Serra Mesa and Mission Valley communities. The 'urban walks' would occur along existing developed City-approved public access easements and other public right-of-way facilities including sidewalks and pedestrian street crossings. Ruffin Canyon is surrounded primarily by single-family residential land uses. Taft Middle School is located to the northeast of Ruffin Canyon and San Diego Gas & Electric Company's Mission Control facility is located to the southwest of Ruffin canyon.

B-1

B-2

Ruffin Canyon consists of approximately 100 acres of flat mesa tops and steep sloping canyon terrain. Elevations within the canyon range from 140 feet above sea level in the southern portions to approximately 400 feet above sea level in the northern portions. The canyon is characterized by low slopes along the canyon bottoms, between 3-10% in most areas, with steeply sided slopes, between 50-100%, on the canyon walls. Vegetation within the canyon includes Diegan Coastal Sage Scrub, native grasslands, southern willow scrub, and riparian vegetation. There is also a dominant presence of non-native ornamental vegetation in proximity to the residential land uses.

B-2

Drainage within the canyon follows a north-to-south route. A dry wash along the bottom of the canyon carries storm water runoff from the project site to the San Diego River, and evidence of substantial erosion is present along the canyon walls and in higher use areas adjacent to the drainage in the upper canyon (near Gramercy Drive). Informal trails currently exist within Ruffin Canyon, which are used on occasion by pedestrians exploring or traversing the canyon. The use of these informal trails contributes to the erosion and degradation of the stream environment in the open space areas of the proposed project.

In order to assist the SDRC in avoiding, minimizing, and adequately mitigating project-related impacts to biological resources, we offer the following comments and recommendations.

1. The Department has responsibility for wetland and riparian habitats. It is the policy of the Department to strongly discourage development in wetlands or conversion of wetlands to uplands. We oppose any development or conversion which would result in a reduction of wetland acreage or wetland habitat values, unless, at a minimum, project mitigation assures there will be "no net loss" of either wetland habitat values or acreage. Development and conversion include but are not limited to conversion to subsurface drains, placement of fill or building of structures within the wetland, and channelization or removal of materials from the streambed. All wetlands and watercourses, whether intermittent or perennial, should be retained and provided with substantial setbacks which preserve the riparian and aquatic values and maintain their value to on-site and off-site wildlife populations. Mitigation measures to compensate for impacts to mature riparian corridors must be included in the MND and must compensate for the loss of function and value of a wildlife corridor.

B-3

- a. The project area supports riparian and wetland habitats; therefore, a jurisdictional delineation of the creeks and their associated riparian habitats should be included in the MND. The delineation should be conducted pursuant to the U. S. Fish and Wildlife Service wetland definition adopted by the Department¹. Please note that some wetland and riparian habitats subject to the Department's authority may extend beyond the jurisdictional limits of the U.S. Army Corps of Engineers.

B-4

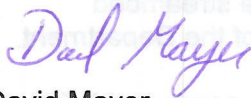
¹Cowardin, Lewis M., et al. 1979. Classification of Wetlands and Deepwater Habitats of the United States. U.S. Department of the Interior, Fish and Wildlife Service.

- b. The Department also has regulatory authority over activities in streams and/or lakes that will divert or obstruct the natural flow, or change the bed, channel, or bank (which may include associated riparian resources) of a river or stream, or use material from a streambed. The MND should state that the areas defined with the current jurisdictional delineation report are being regulated pursuant to Section 1600 et seq. of the Fish and Game Code. While mitigation ratios to offset temporary and permanent impacts stated in the MND meet minimum requirements pursuant to the County's Guidelines for Determining Significance for Biological Resources, the Department will evaluate the adequacy of ratios at the time the project applicant formally submits a streambed notification package to the Lake and Streambed Alteration Program of the Department. B-4
2. The MND proposes to mitigate the impacts to 0.368 acre of coastal sage scrub and 0.521 acre of mixed chaparral with 1.05 acres of coastal sage scrub within the MHPA at a 1:1 ratio; however, the restoration areas indicated in Figure 15 of the biological survey report do not appear to be within the MHPA as indicated in Figure 2. The SDRS should review and confirm the location of the proposed restoration areas and mitigation ratios and revise the MND accordingly. B-5
3. The MND should discuss the proposed trail alignment's consistency with the City's SAP Section 1.5.2 General Management Directives: Public Access, Trails and Recreation (page 52):
- a. Provide sufficient signage to clearly identify public access to the MHPA. Barriers such as vegetation, rocks/boulders or fencing may be necessary to protect highly sensitive areas. Use appropriate type of barrier based on location, setting and use. For example, use chain link or cattle wire to direct wildlife movement, and natural rocks/boulders or split rail fencing to direct public access away from sensitive areas. Lands acquired through mitigation may preclude public access in order to satisfy mitigation requirements. B-6
- b. Locate trails, view overlooks, and staging areas in the least sensitive areas of the MHPA. In general, locate trails along the edges of urban land uses adjacent to the MHPA, or the seam between land uses (e.g., agriculture/habitat), and follow existing dirt roads as much as possible rather than entering habitat or wildlife movement areas. Avoid locating trails between two different habitat types (ecotones) for longer than necessary due to the typically heightened resource sensitivity in those locations. B-7
4. Mitigation measure MM-BIO-5 refers to onsite restoration within existing disturbed areas and refers to habitat enhancement being implemented in areas identified for mitigation. The Department considers restoration to be the replacement of one vegetation type, such as non-native grassland, to another, such as coastal sage scrub. Enhancement is considered the improvement of existing vegetation using techniques such as invasive removal. The MND should clearly identify the areas proposed for restoration and those proposed for enhancement. B-8
5. The MND should include a discussion addressing edge effects such as increased human incursion and increased exotics in the proposed trial alignment. B-8

6. The MND should include a figure that shows the potential brush management areas. We appreciate the opportunity to comment on the MND for this project and to assist the SDRC in further minimizing and mitigating project impacts to biological resources. If you should have any questions or comments regarding this letter please contact Jennifer Edwards at (858)467-2717 or via email at Jennifer.Edwards@wildlife.ca.gov.

B-8

Sincerely,



David Mayer
Acting Environmental Program Manager
South Coast Region

cc: David Zoutendyk, U.S. Fish and Wildlife Service, Carlsbad
Scott Morgan, State Clearinghouse, Sacramento

Response to Comment Letter B

California Department of Fish and Wildlife

April 22, 2013

B-1 The commenter notes that the California Department of Fish and Wildlife (CDFW) is a Trustee and Responsible Agency pursuant to CEQA. The commenter recognizes that the project is within the boundaries of the City of San Diego Multiple Species Conservation Program (MSCP) Subarea Plan (SAP) and requests that the project be consistent with the MSCP SAP objectives. As discussed in Sections 3.4 and 3.10 of the Draft MND, the project is consistent with the MSCP SAP guidelines and management directives.

B-2 The commenter describes the existing conditions of the project. Comment noted.

B-3 The commenter notes that wetland impacts should be avoided where possible and mitigation provided to compensate for any loss of function and value of riparian corridors. Comment noted.

B-4 The commenter states that a jurisdictional delineation should be included in the MND. A wetland delineation was performed and is addressed in the Biology Technical Report (Appendix A of the Draft MND).

The commenter also requests that text be added to the MND to state that CDFW jurisdictional areas are regulated by Section 1600 eq seq. of the Fish and Game Code. This text has been added under the heading 'CDFW Jurisdiction' in Section 3.4, Biological Resources in the Final MND.

B-5 The commenter is correct in that the restoration area at Gramercy Drive is not located within the Multi-Habitat Planning Area (MHPA); all others areas are located within the MHPA. Habitat impacts will be mitigated at a 2:1 ratio to account for mitigation located both inside and outside the MHPA. The Final MND and Biology Technical Report have been edited to reflect this mitigation ratio.

B-6 The proposed trail is being designed to conform to trail construction guidelines in the MSCP SAP as stated in Section 3.10, Land Use and Land Use Planning and Section 3.4, Biological Resources of the Draft MND. For example, the trail is located on disturbed hillsides to the extent feasible to avoid the sensitive streambed at the canyon bottom. In addition, the trail will be consistent with the City's Consultant's Guide to Park Design and Development, Appendix K – Trail Policies and Standards.

B-7 Only restoration activities are being proposed in the identified mitigation areas, not enhancement. The Draft MND and Biological Technical Report have both been updated by removing all references to habitat enhancement. A restoration plan identifying restoration of biological resources is currently being prepared and will be submitted as part of the City's Site Development Permit application. The areas identified for

restoration will be identified in the plan and include the decommissioning of unauthorized trails (with the exception of the City's sewer access).

- B-8 The Draft MND discusses the potential edge effects of the project in Section 3.4, Biological Resources. Implementation of Mitigation Measures MM-BIO-1 through MM-BIO-6 would reduce these effects to less than significant. Per the commenter's request, the potential brush management areas have been added to Figure 1-5 in the Final MND and Figures 15 and 16 of the Biological Technical Report.

ADMINISTRATIVE DRAFT



THE CITY OF SAN DIEGO

April 22, 2013

San Diego River Conservancy

Submitted via email to: kmckernan@sdrca.gov

Subject: **City of San Diego Comments on the Draft Mitigated Negative Declaration (DMND) for the San Diego River Tributary Canyon Project**

The City of San Diego ("City") has received and reviewed the DMND for the above project and appreciates this opportunity to provide comments to the San Diego River Conservancy. The City identified potential environmental issues that may result in a significant impact to the environment. Continued coordinated planning between the City, the San Diego County Regional Airport Authority, and other local, regional, state, and federal agencies will be essential in order to implement this project.

Staff from the following City departments has reviewed the DEIR and can provide the following comments regarding the content of the DEIR:

Development Services Department:

Environmental Analysis Section

Jeffrey Szymanski, Senior Planner (619) 533-4550, jszymanski@sanidiego.gov

1. The project would mitigate impacts to sensitive upland habitats through an on-site revegetation/restoration plan. Mitigation measure BIO-5 states that the plan will be completed; however, in order to avoid mitigation deferral a revegetation/restoration plan would have to be approved prior to the certification of the MND.

C-1

2. The revegetation/restoration plan should be prepared in accordance with Attachment B of the San Diego Land Development Code Biology Guidelines (June, 2012). The plan should also include mitigation for impacts to coastal wren habitat.

C-2

3. The project is located within the City's MHPA and the MND needs to implement MHPA Land Use Adjacency guidelines. Please see comments from City of San Diego MSCP staff for additional comments regarding the MHPA.

C-3

Page 2 of 2
San Diego River Conservancy
San Diego River Tributary Canyons Project Draft MND
April 22, 2013

4. The trail project does not meet the definition of an Essential Public Project as defined in the City's Biological Guidelines. The biological technical report must include the analysis identifying how the project would qualify as the Biologically Superior Option. In addition the biological technical report should demonstrate how the project could make the Supplemental Findings identified in LDC Section 126.0504(c).

C-4

5. A wetland conceptual mitigation plan must be approved prior to the certification of the MND.

C-5

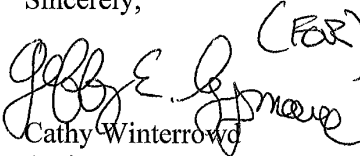
6. Please update references to the Biological Guidelines to June 2012.

C-6

7. In the Cultural Resources Section 3.5, it is not entirely clear if the entirety of the project APE has been surveyed. Please provide additional information confirming the extent of the previous surveys in the area.

C-7

Sincerely,

 (FAR)
Cathy Winterrowd
Assistant Deputy Director
Development Services Department

cc: CSchaefer@esassoc.com, (via email)
JGorzeman@esassoc.com (via email)

**CITY OF SAN DIEGO
MEMORANDUM**

DATE: April 22, 2013
TO: Jeff Szymanski, Senior Planner, Environmental Analysis Section (EAS)
FROM: Kristy Forburger, Senior Planner, Multiple Species Conservation Program, (MSCP)
SUBJECT: Status of *San Diego River Tributary Canyons Project, Initial Study/Mitigated Negative Declaration and Executive Summary San Diego River Tributary Canyon Trial and Urban Walk Project, 2013 Biology Survey Report*

The Multiple Species Conservation Program (MSCP) staff has reviewed the above-referenced reports and determined that revisions to the reports are required. More specifically, the following comments and revisions were identified by MSCP. Please revise the draft document to reflect the comments below. Upon resubmittal, please provide three copies of the report for concurrent review by MSCP and EAS staff. Comments provided below are in reference to the *Initial Study/MND* and shall be carried over into the *Biology Survey Report (BRS)* where appropriate. All general comments shall be carried over in both documents.

C-8

GENERAL COMMENTS

1. Please revise "Multiple Habitat Planning Area" to "Multi-Habitat Planning Area"
2. Permanent vs. Temporary Impacts all tables: The City of San Diego Biology Guidelines only recognize "impacts" and does not decipher between temporary and pertinent impacts. Please define "temporary impact." The City may informally recognize that temporary impacts result when the root systems would not be harmed and the upland habitat is expected to recover on its own. Temporary impacts to wetland shall be included with permanent as there is no distinction between impacts to wetland. Mitigation shall be provided accordingly.
3. In June 2012, the City amended the Environmentally Sensitive Lands regulation and Biology Guidelines in regards to wetland deviations. In both the BRS and IS/MND the Biology Guidelines 2002 is referenced. Please revise where necessary to reflect the City Biology Guidelines June 2012 and associated ESL requirements.

C-9

C-10

C-11

INITIAL STUDY/MND

4. On page 55 of the BRS, it is stated that "The project qualifies as an Essential Public Service Project." for the purposes of wetland deviations. This statement is incorrect. The proposed project is not identified in an adopted *land use plan* or implementing document and identified on the Essential Public Projects List adopted by Resolution as Appendix III to the Biology Guidelines 2012 nor is it linear infrastructure, including but not limited to

C-12



Page 2
Jeff Szymanski
April 22, 2013

major roads and *land use plan* circulation element roads and facilities pursuant to Land Development Code (LDC) Section §143.0510.

Rather, the project would be considered under the “Biologically Superior Option” pursuant to LDC Section §143.0510 (3) (a) (b). Analysis required by the Biology Guidelines 2012 for the Biologically superior option is detailed on pages 28-31. Link to the Biology Guidelines below:

<http://www.sandiego.gov/development-services/pdf/industry/landdevmanual/ldmbio.pdf>

C-12

The Biological Resources section of the IS/MND shall be revised to include the required Biologically Superior Option analysis. Only “low quality” wetland habitat may be impacted pursuant to the Biology Guidelines. Detailed evidence supporting why there is no feasible, less environmentally damaging location or alternative to avoid any impacts must be provided for City staff review, as well as a mitigation plan that specifically identifies how the project is to compensate for any unavoidable impacts. Avoidance is the first requirement; mitigation can only be used for impacts clearly demonstrated to be unavoidable. Unavoidable impacts will require deviation from the City's ESL. Concurrence by the Wildlife Agencies is required prior to the public hearing for issuance of the Site Development Permit.

5. Page 3-31 e). This sections shall be revised to include discussion of the new June 2012 biology guidelines and ESL regs in regards to wetland deviations.

C-13

6. Revise MM BIO-1 with the following:

Species Specific Mitigation (Required to meet MSCP Subarea Plan Conditions of Coverage) Mitigation for Potential Impacts to California Gnatcatcher

1. Prior to the issuance of any grading or construction permit and/or prior to the preconstruction meeting), the ADD (or appointed designee) shall verify that the Multi-Habitat Planning Area (MHPA) boundaries and the following project requirements regarding the coastal California gnatcatcher are shown on the construction plans: NO CLEARING, GRUBBING, GRADING, OR OTHER CONSTRUCTION ACTIVITIES SHALL OCCUR BETWEEN MARCH 1 AND AUGUST 15, WHICH EFFECT THE BREEDING SEASON OF THE COASTAL CALIFORNIA GNATCATCHER WHOSE TERRITORY IS WHOLLY WITHIN/OR PARTIALLY WITHIN A MHPA AREA, UNTIL THE FOLLOWING REQUIREMENTS HAVE BEEN MET TO THE SATISFACTION OF THE CITY MANAGER:

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- A. A QUALIFIED BIOLOGIST (POSSESSING A VALID ENDANGERED SPECIES ACT SECTION 10(a)(1)(A) RECOVERY PERMIT) SHALL SURVEY THOSE HABITAT AREAS WITHIN THE MHPA THAT WOULD BE SUBJECT TO CONSTRUCTION NOISE LEVELS EXCEEDING 60 DECIBELS [dB(A)] HOURLY AVERAGE FOR THE PRESENCE OF THE COASTAL CALIFORNIA GNATCATCHER. SURVEYS FOR THE COASTAL CALIFORNIA GNATCATCHER SHALL BE CONDUCTED PURSUANT TO THE PROTOCOL SURVEY GUIDELINES ESTABLISHED

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BY THE U.S. FISH AND WILDLIFE SERVICE WITHIN THE BREEDING SEASON PRIOR TO THE COMMENCEMENT OF ANY CONSTRUCTION. IF GNATCATCHERS ARE PRESENT, THEN THE FOLLOWING CONDITIONS MUST BE MET:

- I. BETWEEN MARCH 1 AND AUGUST 15, NO CLEARING, GRUBBING, OR GRADING OF OCCUPIED GNATCATCHER HABITAT SHALL BE PERMITTED. AREAS RESTRICTED FROM SUCH ACTIVITIES SHALL BE STAKED OR FENCED UNDER THE SUPERVISION OF A QUALIFIED BIOLOGIST; AND
- II. BETWEEN MARCH 1 AND AUGUST 15, NO CONSTRUCTION ACTIVITIES SHALL OCCUR WITHIN ANY PORTION OF THE SITE WHERE CONSTRUCTION ACTIVITIES WOULD RESULT IN NOISE LEVELS EXCEEDING 60 dB(A) HOURLY AVERAGE AT THE EDGE OF OCCUPIED GNATCATCHER HABITAT. AN ANALYSIS SHOWING THAT NOISE GENERATED BY CONSTRUCTION ACTIVITIES WOULD NOT EXCEED 60 dB(A) HOURLY AVERAGE AT THE EDGE OF OCCUPIED HABITAT MUST BE COMPLETED BY A QUALIFIED ACOUSTICIAN (POSSESSING CURRENT NOISE ENGINEER LICENSE OR REGISTRATION WITH MONITORING NOISE LEVEL EXPERIENCE WITH LISTED ANIMAL SPECIES) AND APPROVED BY THE CITY MANAGER AT LEAST TWO WEEKS PRIOR TO THE COMMENCEMENT OF CONSTRUCTION ACTIVITIES. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION ACTIVITIES DURING THE BREEDING SEASON, AREAS RESTRICTED FROM SUCH ACTIVITIES SHALL BE STAKED OR FENCED UNDER THE SUPERVISION OF A QUALIFIED BIOLOGIST; OR
- III. AT LEAST TWO WEEKS PRIOR TO THE COMMENCEMENT OF CONSTRUCTION ACTIVITIES, UNDER THE DIRECTION OF A QUALIFIED ACOUSTICIAN, NOISE ATTENUATION MEASURES (e.g., BERMS, WALLS) SHALL BE IMPLEMENTED TO ENSURE THAT NOISE LEVELS RESULTING FROM CONSTRUCTION ACTIVITIES WILL NOT EXCEED 60 dB(A) HOURLY AVERAGE AT THE EDGE OF HABITAT OCCUPIED BY THE COASTAL CALIFORNIA GNATCATCHER. CONCURRENT WITH THE COMMENCEMENT OF CONSTRUCTION ACTIVITIES AND THE CONSTRUCTION OF NECESSARY NOISE ATTENUATION FACILITIES, NOISE MONITORING* SHALL BE CONDUCTED AT THE EDGE OF THE OCCUPIED HABITAT AREA TO ENSURE THAT NOISE LEVELS DO NOT EXCEED 60 dB(A) HOURLY AVERAGE. IF THE NOISE ATTENUATION TECHNIQUES IMPLEMENTED ARE DETERMINED TO BE INADEQUATE BY THE QUALIFIED ACOUSTICIAN OR BIOLOGIST, THEN THE ASSOCIATED CONSTRUCTION ACTIVITIES SHALL CEASE UNTIL SUCH TIME THAT

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

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

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

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

7. CACTUS WREN discussion and mitigation. Revise BIO MM-3: City Staff considered the list of cactus wren host species below (Table I) and using the consulting biologist's report, annotated it to list presence, absence, or possibility of presence of these species on-site and the following measures are required:

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TABLE 1

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NATIVE CACTUS AND SUCCULENT SPECIES TARGETED FOR SALVAGE*

(*this list is to be annotated with a star for those species present on-site based on site specific biology reports & City staff input – this list is also subject to future refinements at the discretion of the City and Wildlife Agencies)

Scientific Name	Common Name
<i>Cylindropuntia californica</i> var. <i>californica</i>	Snake cholla –
<i>Cylindropuntia prolifera</i>	Coast cholla
<i>Dudleya</i> spp.	Live-forevers
<i>Ferocactus viridescens</i>	Barrel cactus
<i>Mammillaria dioica</i>	Fish-hook cactus
<i>Opuntia littoralis</i>	Coastal prickly pear
<i>Opuntia oricola</i>	Chaparral prickly pear
<i>Yucca whipplei</i>	Our Lord's candle
<i>Yucca schidigera</i>	Mojave yucca
<i>Euphorbia misera</i>	Cliff Spurge

C-15

Revise MM BIO-3 to include the following:

Coastal Cactus Wren Plant Salvage Mitigation (State Species of Special Concern/MSCP Covered Species) 4-30-09 (Please note, additional mitigation is required for projects directly impacting Coastal Cactus Wren)

1. Prior to the issuance of the grading permit, all listed species in Table I actually present on-site (as appropriate) shall be described in a salvage plan to the satisfaction of the City ADD of Entitlements (or Designee). The salvaged plan is required to provide appropriate species for use within City sanctioned coastal cactus wren mitigation sites. These sites are currently as follows: Northern -Lake Hodges and Wild Animal Park; Southern -Rancho Jamul/San Diego National Wildlife Refuge Sites.

Preconstruction

A) Prior to the first pre-construction meeting, the applicant shall provide a letter of verification to the ADD of Entitlements stating that a qualified Biologist, as defined in the City of San Diego Biological Resource Guidelines (BRG), has been retained to implement the coastal cactus wren salvage plan.

B) At least thirty days prior to the pre-construction meeting, the qualified Biologist

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shall verify that a coastal cactus wren plant salvage/ relocation plan (including species, locations, numbers, timing and handling, etc.) plan has been completed and approved by City Mitigation Monitoring Coordination (MMC) Staff and the appropriate contact from the receiving site (MMC can aid notification by phone and/or email).

Construction

A) Salvage, storage and transport requirements shall be carried out as specified in the approved salvage plan and at the preconstruction meeting.

Post-construction

A) Prior to the release of the grading bond, the project biologist shall submit a letter report to the Environmental Review Manager that assesses any project impacts resulting from construction. Any actions taken related to coastal cactus wren protection, including salvage of species in Table 1, shall also be included in this letter. This letter report shall be submitted to EAS, MSCP, and MMC Staff.

C-15

8. Both MM BIO-5 and MM-BIO-6 state that preparation of a revegetation/restoration plan for upland impacts and wetland impacts (respectively) would be prepared to mitigate impacts to below a level of significance. The City requires that conceptual mitigation plans be submitted and approved and details of those plans be included in the MMRP prior to distribution of the environmental document for issuance of a Site Development Permit. Until the plans are submitted, the City cannot determine impacts would be reduced to below a level of significance. Please provide both upland and wetland conceptual 5-year mitigation plans.

C-16

Please NOTE: Mitigation ratios are subject to change based upon the location of upland restoration once determined and conceptual plan submittal and wetland analysis/conceptual plan submittal pursuant to the Biology Superior Option of the Biology Guidelines June 2012.

9. BIO MM-4 Revise with the following:

Avian Protection For All Species

1. If project grading/brush management is proposed in or adjacent to native habitat during the typical bird breeding season (i.e. Feb. 1-Sept. 15), or an active nest is noted, the project biologist shall conduct a pregrading survey for active nests in the development area and within 300 feet of it (by sight and ancillary data if off-site access is not permissible), and submit a letter report to MMC prior to the preconstruction meeting
 - A. If active nests are detected, or considered likely, the preconstruction report shall include the following mitigation and a post construction report shall be required;
 1. All project activities within 300 feet of an active nest shall be delayed until September 15 or until the nest is vacated and juveniles have fledged and there is

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no evidence of a second attempt at nesting as determined by a qualified biologist.

2. If the project biologist determines that a narrower buffer between the project activities and observed active nests is warranted, he/she should submit a written explanation as to why (e.g. species-specific information; ambient conditions and birds' habituation to them; and the terrain, vegetation, and birds' lines of sight between the project activities and the nest and foraging areas) to the City and, upon City request or in the event a MSCP covered or ESA listed species is involved, the Wildlife Agencies. Based on the submitted information, the City (and Wildlife Agencies), if they so request) will determine whether to allow a narrower buffer.
3. Flagging, stakes, and/or construction fencing shall be used to demarcate any required buffers and contractor education should occur for the protected species in keeping with the **BIOLOGICAL RESOURCE PROTECTION DURING CONSTRUCTION MITIGATION**. Care should be taken to minimize attraction of nest predators to the site.
4. The report shall also include, if necessary additional mitigation in conformance with the City's Biology Guidelines and applicable State and Federal Law (i.e. appropriate follow up surveys, monitoring schedules, construction/ noise barriers, and specific buffers widths, etc.) to the satisfaction of the Assistant Deputy Director (ADD) of the Entitlements Division.
5. All the above mitigation and protective measure requirements determined by the project biologist and the ADD shall also be incorporated into the project's Biological Construction Monitoring Exhibit (BCME) and monitoring results shall be incorporated into a final post-construction biological monitoring report (prior to release of any grading bonds) to document compliance with applicable State and Federal laws pertaining to the protection of nesting resident and migratory birds.

B. If no nesting birds are detected per "A" above, mitigation under "A" is not required.

10. Page 3-57 Land Use c). This section states that the project is consistent with the MSCP Subarea Plan (SAP); however, a consistency analysis is required in order to demonstrate this statement. Please include a MSCP Consistency analysis that details how the project would conform to Sections 1.4.1 Compatible Land Uses, 1.4.2 General Planning Policies and Design Guidelines, 1.4.3 Land Use Adjacency Guidelines, and 1.5.2 General Management Directives of the MSCP SAP.

11. In order to reduce potential land use impacts of the MSCP a MM-LU-1 shall be included as stated below:

- For all projects adjacent to the MHPA, the development shall conform to all applicable MHPA Land Use Adjacency Guidelines (Section 1.4.3) of the MSCP Subarea Plan. In particular,

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lighting, drainage, landscaping, grading, access, and noise must not adversely affect the MHPA. Prior to issuance of any authorization to proceed, the following shall occur:

- **Lighting:**
Lighting should be directed away from the MHPA, and shielded if necessary and a note shall be included on the plans to the satisfaction of the Environmental Review Manager (ERM).
- **Drainage**
Drainage should be directed away from the MHPA, or if not possible, must not drain directly into the MHPA. Instead, runoff should flow into sedimentation basins, grassy swales or mechanical trapping devices prior to draining into the MHPA. Drainage shall be shown on the site plan and reviewed satisfactory to the City Engineer.
- **Landscaping**
The landscape plan shall be review and approved by the ERM to ensure that no invasive non-native plant species shall be planted in or adjacent to the MHPA.
- **Grading**
All manufactured slopes must be included within the development footprint and outside the MHPA.
- **Access to the MHPA, if any, should be directed to minimize impacts and shall be shown on the site plan and reviewed and approved by the ERM**
- **Noise**
Due to the site's location adjacent to (*could also be within*) the MHPA, construction noise will need to be avoided, if possible, during the breeding season of the *California gnatcatcher* (3/1-8/15), *least Bell's vireo* (3/15-9/15), *southwestern willow flycatcher* (5/1-8/30). If construction is proposed during the breeding season for the species, U.S. Fish and Wildlife Service protocol surveys will be required in order to determine species presence/absence. If the species *is/are* not identified within the MHPA, no additional measures will be required. If present, measures to minimize noise impacts will be required and should include temporary noise walls/berms. If a survey is not conducted and construction is proposed during the species' breeding season, presence would be assumed and a temporary wall/berm would be required. Noise levels from construction activities during the bird breeding season should not exceed 60 dBA hourly LEQ at the edge of the occupied MHPA, or the ambient noise level if noise levels already exceed 60 dBA hourly LEQ.

12. For all MSCP Covered Species that would be affected by the proposed project, Please state the area specific management directive (ASMD's) for the particular species and demonstrate how each directive would be implemented. The ASMD's are stated in Appendix A of the City MSCP SAP or Table 3-5 of the Final MSCP Plan.
13. Please include a map of the MHPA overlain upon the proposed project maps within the IS/MND.



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14. Please include the MHPA boundary line on Figure 15.
15. In order to mitigate potential indirect impacts during construction: please include the following as MM-BIO-7:

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Biological Resource Protection During Construction

Preconstruction Measures

1. Prior to the issuance of any grading permits and/or the first pre-construction meeting, the owner/permittee shall submit evidence to the ADD of Entitlements verifying that a qualified biologist has been retained to implement the biological resources mitigation program as detailed below (A through D):
 - A. Prior to the first pre-construction meeting, the applicant shall provide a letter of verification to the ADD of Entitlements stating that a qualified Biologist, as defined in the City of San Diego Biological Resource Guidelines (BRG), has been retained to monitor construction operations.
 - B. At least thirty days prior to the pre-construction meeting, a second letter shall be submitted to the MMC section which includes the name and contact information of the Biologist names and of all persons involved in the Biological Monitoring of the project, if changed and/or not provided in the first letter.
 - C. At least thirty days prior to the pre-construction meeting, the qualified Biologist shall verify that any special reports, maps, plans and time lines, such as but not limited to: revegetation plans, plant salvage/ relocation requirements and timing (i.e. per coastal cactus wren requirements etc.), avian or other wildlife (including USFWS protocol) surveys, impact avoidance areas or other such information/plans are completed and are placed on the construction plans and approved by City MMC.
 - D. The qualified biologist (project biologist) shall attend the first preconstruction meeting and arrange to perform any measures site-specific fauna/flora surveys/salvage.

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Construction Measures

1. The project biologist shall meet with the owner/permittee or designee and the construction crew and conduct an on-site educational session regarding the need to avoid impacts outside of the approved construction area and to protect sensitive flora and fauna (i.e. explain flag system for removal or retention, limit vegetation removal/demolition areas to fall only outside of sensitive biological areas).



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2. As determined at the Precon Meeting, the project biologist shall supervise the installation/placement of the limit of work fence/orange construction fencing (per approved Exhibit A) along the limits of disturbance within and surrounding sensitive habitats to protect biological resources and during construction be on-site to prevent/note any new disturbances to habitat, flora, and/or fauna onsite. The biologist shall perform pregrading bird surveys; flag biological resources such as plant specimens etc. for avoidance during access (as appropriate). In the event of a positive bird nest survey/sighting, the biologist shall delay construction and notify City MMC to accommodate additional mitigation as needed/required (i.e. "Avian Mitigation for All Species" would be evoked if not already in the MMRP).
3. All construction (including staging areas) shall be restricted to areas proposed for development, staging, or previously disturbed as shown on "Exhibit A" (this includes the accepted biology report). The project biologist shall monitor construction activities as needed to ensure that construction activities do not encroach into biologically sensitive areas, or cause other similar damage, and that the work plan has been amended to accommodate any sensitive species located during the pre-construction surveys.

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Post Construction Measures

1. Prior to the release of the construction bond, the project biologist shall submit a letter report to the ADD of Entitlements that assesses any project impacts resulting from construction. In the event that impacts exceed the allowed amounts, the additional impacts shall be mitigated in accordance with the City of San Diego Land Development Code, to the satisfaction of the City ADD.
2. The Principal Qualified Biologist (PQB) shall submit two copies of the Final Biological Monitoring Report, which describes the results, analysis, and conclusions of all phases of the Biological Monitoring and Reporting Program (with appropriate graphics) to MMC for review and approval within 30 days following the completion of monitoring.
3. The PQB shall submit any required revised Report to MMC (with a copy to the Resident Engineering (RE)) for approval within 30 days.
4. MMC will provide written acceptance to the PQB and RE of the approved report.

Response to Comment Letter C

City of San Diego Development Services Department

April 22, 2013

- C-1 The commenter states that the restoration plan required as part of Mitigation Measure MM-BIO-5 needs to be completed prior to certification of the MND. Mitigation Measure MM-BIO-5 in the Draft MND states that “A Revegetation/Restoration Plan shall be prepared consistent with Attachment B of the Land Development Code (LDC) 2012 Biology Guidelines.” Attachment B outlines specific performance standards that are to be incorporated in a restoration plan. Under CEQA, if a mitigation measure requires the preparation of a certain plan but it is not practical to define the specifics of the plan when the environmental document is prepared, the lead agency may defer formulation of the specifics of the plan if performance standards are identified. As such, preparation of the Revegetation/Restoration Plan for the project at a later date is permissible under CEQA. A Revegetation/Restoration Plan will be submitted to the City as part of the Site Development Permit (SDP) application.
- C-2 Mitigation Measure MM-BIO-5 in the Draft MND requires that the Revegetation/Restoration Plan be prepared in accordance with Attachment B of the City’s LDC 2012 Biology Guidelines and includes mitigation for impacts to coastal wren habitat.
- C-3 Comment noted. See Response to Comment C-19.
- C-4 The Draft MND states that a deviation from the Environmental Sensitive Lands Regulations for impacts to wetland habitat is required from the City of San Diego, and would be considered as part of the SDP application to construct the project. It is recognized that the project, as defined, does not meet the criteria for granting a wetland deviation under the Essential Public Project option. Reference to this text has been deleted in the Final MND. A Biology Survey Report will be prepared and submitted to the City as part of the SDP application. The Report will address the Supplemental Findings identified in LDC Section 126.0504(c).
- C-5 A conceptual wetland mitigation plan will be included in the Revegetation /Restoration Plan that will be submitted to the City as part of the SDP application. See Response to Comment C-1.
- C-6 The proper reference date for the Biology Guidelines has been corrected in the Final MND and Biology Technical Report (BTR).
- C-7 See Response to Comment A-1.
- C-8 The commenter is requesting that the Draft MND and BTR be revised as recommended in the comments that follow. Comment noted.

- C-9 The text has been edited accordingly.
- C-10 Section 3.4, Biological Resources of the Final MND and the BTR have been updated with the following statement, and mitigation has been provided accordingly: *“It should be noted that the City only recognizes “impacts” on a general scale and does not decipher between temporary and permanent impacts. While temporary impacts (defined as areas where the root systems of upland vegetation are maintained and vegetation may reestablish on its own) are anticipated to occur from project implementation, all impacts, whether temporary or permanent shall be mitigated as if they were “permanent” according to the City’s Biology Guidelines.”*
- C-11 The Final MND and BTR have been revised accordingly.
- C-12 See Response to Comment C-4.
- C-13 See Response to Comment C-4. A BTR will be submitted to the City that includes the analysis of a Biologically Superior Option as part of the SDP application.
- C-14 Mitigation Measure MM-BIO-1 has been revised to accommodate the intent of the commenter’s recommended language for this measure.
- C-15 Mitigation Measure MM-BIO-3 has been revised to accommodate the intent of the commenter’s recommended language for this measure. Per Mitigation Measure MM-BIO-2 and MM-BIO-3, if host plant species for the cactus wren cannot be avoided then a salvage plan shall be included in the restoration plan for the project. As noted in Response to Comment C-1, the restoration plan will be submitted to the City for approval as part of the SDP application.
- C-16 See Response to Comment C-1.
- C-17 Mitigation Measure MM-BIO-4 has been edited to accommodate the intent of the commenter’s recommended language for this measure.
- C-18 The Draft MND concludes that the project is consistent with the City’s Multiple Species Conservation Program (MSCP) Subarea Plan (SAP). A MSCP consistency analysis separate from the analysis conducted in the Draft MND is a specific City request and will be provided with the submittal of the SDP application to the City.
- C-19 The Draft MND concluded that the project is consistent with the MSCP SAP, including its policies, directives, and guidelines. See Sections 1.5, 3.4, and 3.10 of the Draft MND. To clarify that this consistency includes compliance with Section 1.4.3 of the MSCP SAP (MHPA Land Use Adjacency Guidelines), the second to the last paragraph in Section 3.10, Land Use and Land Use Planning has been revised to read: *“The project is being designed to be fully compliant with the*

MHPA, including the Land Use Adjacency Guidelines set forth in Section 1.4.3 of the MSCP SAP; the Area Specific Management Directives in Table 3-5 of the MSCP SAP; the City's ESL designation; and City trails specifications. The proposed trail would improve or replace existing informal trails segments with a more sustainable trail to create less environmentally damaging access through Ruffin Canyon and to improve the public's ability to access the canyon. The proposed project adheres to the specific management policies and directives under MSCP Urban Habitat Lands, specifically guideline B16 which discusses the restoration of native vegetation along the San Diego River corridor. Section 3.4, Biological Resources, discusses in detail the potential biological resources impacts."

- C-20 The Final MND and the BTR have been updated to state that the project is consistent with Table 3-5 of the MSCP. See Response to Comment C-18 and C-19.
- C-21 Figures 1-2 and 1-5 in the Final MND have been revised to include the MHPA boundary.
- C-22 Figure 15 in the BTR has been revised to include the MHPA boundary.
- C-23 The commenter is recommending that Mitigation Measure MM-BIO-7 be added to the Final MND, which contains typical language specific to the City's approval for project construction. It is at the City's discretion to add this condition at the time of issuance of the SDP. As such, the mitigation measure has not been added to the Final MND.

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SIMON J. FREEDMAN (RET)

April 22, 2013

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RE: ***San Diego River Tributary Canyons Project (Ruffin Canyon Trail & Urban Walk)***
Our Client: Escala Master Association
File No. 2617

Dear Ladies and Gentlemen:

Please be advised that the law firm of Peters & Freedman, L.L.P. represents the Escala Master Association ("Association"). The purpose of this letter is to inform you of the Association's objections to the San Diego River Conservancy's ("Conservancy") Notice of Intent to Adopt Mitigated Negative Declaration ("MND") regarding the proposed San Diego Tributary Canyons Project (Ruffin Canyon Trail and Urban Walk) a portion of which is proposed to be located within property owned and maintained by Escala Master Association.. Significant adverse effects to the environment will occur due to the proposed project, which warrant an EIR

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I. Background

The Escala community consists of approximately 773 upscale residences within a private gated community. The Conservancy and other related agencies are proposing to develop a pedestrian/non-motor vehicular “trail” for use by the public, a portion of which is located on, and traverses directly through, the Association’s property. The “trail” will consist of the sidewalk along Northside Drive, leading to the Association’s property consisting of an open space lot at the most northern portion of the Escala community project, located near the bottom of Ruffin Canyon. The trail proposes to proceed into the steep slopes of Ruffin Canyon for over one mile until it reaches Gramercy Road. To the south of Escala, the proposed “trail” is located on the Portofino Apartment property, which leads to a tunnel below Friars Road. The tunnel connects to commercial property (Fenton Marketplace) on the South side of Friars Road (i.e. Costco). Gates exist at each terminus of the tunnel which limit access.

Below are the preliminary objections which the Association has with respect to this project at this time. As further information and documentation is produced and obtained regarding this matter, the Association reserves the right to modify and/or supplement such objections:

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II. Objections

1. Incompatible and/or Conflicting Purposes. The Conservancy and related organizations have stated various and conflicting purposes for the trail, including but not limited to (1) connection of the Serra Mesa community with Mission City/Mission Valley and the Fenton Marketplace (See MND Section 1.1); (2) to “provide a means for pedestrians and bicyclists to pass through various planning areas”, (3) recreational use; and (4) use for “local access to shopping” and to “regional transit”. Further, the report refers to “urban walks”, which are not defined and appear inconsistent with the use of a steep “canyon trail”.

D-3

Most telling of the lack of need for this project is that the MND admits “operation of the trail would not differ much from existing conditions which already support an unofficial trail system” (See MND page 3-44), and contemplates only “minimal” or “infrequent” users (i.e. the “occasional hiker”). If that is the case, the proposed project will not promote the Conservancy’s stated goal of “improving accessibility or connectivity”, and therefore should not be pursued.

The entire MND primarily focuses on the alleged impacts of “construction” of the trail being subject to mitigation or not having an impact. See, i.e. MND Page 3-44, 3-46, 3-50. However, the MND is deficient as to a real and practical analysis of the actual long-term operation and use of the trail.

D-4

The reference to “cooperation with local community groups” (MND Section 1.1) is misleading, and implies that the communities which the Conservancy proposes to “link” including local residents located adjacent to the trail, have been provided full notice, disclosure and an opportunity to voice objection/comment as to the proposed public access. Neither the residents, including Escala residents, nor the San Diego Unified School District (Taft Middle School) are reflected as having received formal notice of the proposed MND.

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We note that the San Diego River Conservancy's primary emphasis, as stated in the SD River's Trail Gaps Analysis (October 2010) is to pursue a continuous link along the San Diego River, from "Julian" to the Pacific Ocean. Other goals include promoting education, facilitating the preservation of environmentally sensitive lands. Allowing public access to the Escala property does not appear to promote such goals.

D-6

2. Lack of/Inadequate Disclosure. There has been a lack of and/or inadequate disclosure as to the proposed trail consisting of "Urban Walks" and a canyon trail connecting communities north of the canyon (Serra Mesa) to those in the south (Escala). Further, disclosure as to the potential alternatives and/or elimination of same were not adequately made and have not been addressed.

Also, noticeably absent from the list of entities/persons to which notice of the MND was provided are the individual homeowners within Escala, and the owners of lots bordering Ruffin Canyon to which the proposed "trail" is located almost immediately adjacent. Further, it does not appear that San Diego Unified School District was notified or provided disclosure as to potential impacts, such as safety and security, due to a public access trail being installed next to Taft Middle School.

D-7

3. Failure to Prepare an EIR. It is our understanding that the City and/or Conservancy have declined to prepare an EIR, and instead propose to adopt a Mitigated Negative Declaration ("MND"). The failure to prepare an EIR for this particular project violates CEQA, as there are numerous significant environmental impacts that will result, as are noted in the MND, and a number of which are detailed below. In addition, we understand there has been no analysis of alternative routes (i.e. Sandrock) outside of the Association's property, as would normally occur as part of an EIR. An EIR must address potential alternatives before eliminating or refraining from pursuing same. Further, the impacts of the entire proposed project must be fully disclosed and analyzed. A piecemeal approach as to the single portion which is the subject of the MND is not compliant with the relevant requirements. The Association is prepared to exercise all available legal and equitable remedies to compel a proper and full environmental review.

D-8

4. Access Within Gated Community. Escala was established, and approved by relevant City authorities, as a gated community, for the purpose of excluding unauthorized persons from its property. The Master Association, not the City or Conservancy, is responsible to maintain, repair and replace its property, including the proposed "trail" to be located within the property. See CC&Rs Section 6.1 and 6.2.. The prospect of a "public trail" through the Association's property only compromises the intent that the community be closed to access by the general public and presents safety and security issues that are not discussed or disclosed in the MND or otherwise.

D-9

Further, no limits on hours of use are discussed or proposed in the MND. Be advised that even assuming the trail is subsequently approved, Escala will continue to provide for restricted access to its community, and will limit hours of use (i.e. sunrise to sunset).

Per relevant agreements pertaining to the tunnel, access to other portions of the trail which are to connect with Escala are limited and were disclosed as being limited or may be limited. The Friar's tunnel was constructed with gates at each terminus. In addition, there are portions of the proposed

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trail which were not designated for access by the public. Such “gaps” in the proposed trail, making public access within Escala unnecessary.

D-10

5. Crime. Access by the public to a community which was built as gated almost certainly increases the potential for crime. The Conservancy’s San Diego River Tributary Canyons Report 2010 Report (“2010 Report”) on page 2-44 specifically notes that crime is a real concern. Further, while the 2010 Report on such page notes that “patrols should be provided for trail areas on a random schedule” (Page 2-44), the MND conversely notes that no additional personnel such as police services, are anticipated. (See MND Section 3.14, page 3-67).

Also noticeably absent from any discussion of the MND is safety and crime concerns involving installation of a formal trail open to the public which passes immediately adjacent to Taft Middle School. At minimum, such a trail that can be accessed presents an attractive nuisance to middle school students or others in relation to the school. Construction of the trail only facilitates unauthorized access by middle school students, to the detriment of their safety, and for strangers originating from the trail entering onto school grounds, where no access existed before. We note that San Diego Unified School District was not a listed party as receiving Notice of the MND so that they may object or provide comment.

D-11

6. Soils/Geological Concerns. The MND in Section 3.6 specifically notes erosion and slope slippage concerns as to the proposed trail on the open space within Escala. See Report of Ninyo & Moore dated January 28, 2013 attached as Appendix C to the MND. Further, the 2010 Report acknowledges that the slopes within Escala contain the “steepest slopes found along the trail route in Mission Valley”, and that the “improvements proposed for steep portions of the slope may require special treatment to minimize the potential for erosion and other (related) problems.” (See 2010 Report, page 2-39.) Clearly, this concern has not been fully analyzed or discussed. It is our understanding that concerns as to run off and erosion were also raised by the Army Corps of Engineers. A full environmental study is needed to assess and account for these factors.

D-12

In addition, the 2010 Report sets forth an exhibit highlighting the open space within Escala area as being subject to potential liquefaction. (See Diagram 2.8 to the 2010 Report). This is not mentioned or accounted for in the MND.

The proposed restoration/revegetation does not appear to discuss permanent impacts, including prevention and/or monitoring for slope failure and erosion, of an area which is already admitted prone to erosion. Nor have the proposed mitigation measures been analyzed to determine impact to soils and erosion, and potential consequences to the residences below and near the canyon. Further, the impact of increase in human use/access of the canyon has not been addressed, such as increased trash, dog droppings, off-leash damage to habitat.

In Section 3.9 addressing “Hydrology”, very little or no discussion of existing conditions or the existing trail is made, and the new proposed’s trail’s long term effect on the area, particularly the Escala property.

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7. Exacerbation of Risk of Fire. The MND fails to address issues raised in the Report as to restoration of certain vegetation that was noted to cause concerns over increased fire and erosion hazards. (See 2010 Report, page 2-30.) This concern is increased where increased human access would be encouraged via a formal trail. A full environmental study is required to address the impact on potential fire hazards.

D-14

8. Circulation and Traffic. As noted in the 2010 Report and MND (Page 1-9), no public parking is available within Escala, which is a gated community. Thus, the prospect for access by the public over the trail within Escala is not real or practical. This factual scenario is distinguishable from a trailhead where ample public parking exists, in which encouragement of public use would make sense.

While the MND states the “trail would improve accessibility and connectivity for the residential communities and encourage the use of alternate modes of transportation such as walking and biking” (Page 3-44), it is not realistic that persons in Serra Mesa will travel almost 2 miles by foot (or by bike) over the steep mountainous paths within Ruffin Canyon, to the Mission City shopping center to buy goods at Costco, Lowes or Ikea, or to reach the Mission Valley Library and travel back to their home, nor that persons in Mission City would traverse a steep trail to reach a park, or recreation center or business district in Serra Mesa that serves primarily residents of Serra Mesa. Any shopping at such stores would necessarily involve travel by vehicle, rendering pedestrian access for such purpose from Serra Mesa to Mission City unnecessary. It is clear the alleged desire to “connect” the communities over Ruffin Canyon (“linking upland neighborhoods north and south” to the river and its related amenities”, as stated by the Conservancy) is not well thought out, and does not make sense.

D-15

While private pathways within Escala may encourage Escala residents to walk to the Fenton Marketplace, a public connection through Ruffin Canyon encourages trespass on private property, and should be denied.

In addition, until other more significant connections to other portions of the San Diego River are actually pursued and constructed, the full impact of which has not been analyzed nor is the subject of this MND, the small portion of “trail” proposed within Escala is futile and not useful.

D-16

9. Public Services. Surprisingly, the MND in Section 3.14 states there is “no impact” on the need for new facilities. However, the Conservancy has failed to explain how members of the public access who hike over a canyon several miles and through the gated private community of Escala will not require necessary public facilities, such as water fountains, bathrooms, trash cans, etc. Per the maps attached to the MND, persons must walk over two miles from Gramercy Drive to the Fenton Marketplace before being able to access a public bathroom with running water. Further, with an increase in use by the public, there would naturally be an increased demand for emergency services including but not limited to police and fire/ambulance (i.e. heat related conditions (heat stroke), falls, snake bites, crime, etc.), which is not addressed. No increase in trash or other service is addressed.

D-17

10. Improper Expansion of Scope and Use of Trail. The original purpose of the Mission Valley portion of the trail is for “pedestrian” use, which is referred to throughout the Conservancy’s

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Concept Plan/Report (see pages 1-4, 1-5, 1-9, 2-15, 3-25 and 3-33.) Further, the initial Candidate Findings for the Mission City Specific Plan refer to “pedestrian access” and a ‘strong pedestrian focus’. The MND now appears to expand the stated use to “a path for pedestrians and bicyclists”. The impact of having bicyclists on what is primarily an 8 (eight) foot wide unpaved path within the Association necessarily presents a danger and the direct potential for injury where both are traveling together in such close proximity and in such narrow width. Further, while the stated purpose of such trail is to connect “two communities” (Serra Mesa to Mission city area), there would be no real or practical path for bicyclists over “steep slopes”, as Ruffin Canyon is described both in the 2010 Report and MND.

D-18

We note that the SDR Trail Gaps Analysis (October 2010) refers to certain multi use paths not being recommended for bicycles. See 1.3.8 and 1.3.11. The report further indicates that each segment of the project shall be evaluated as to accessibility by bicyclists on a ‘project by project’ basis. Thus, any inclusion and expansion of use to include bicyclists would be inappropriate and should be denied, in the case of sidewalks and portions of the trail on Association property, and on steep canyon trails.

11. Visual/Aesthetic Impacts. The trail is proposed to be located immediately adjacent to the single family residences within Escala. (See MND, page 3-69, Section (a)). The MND in Section 3.1 finds only a “less than significant impact” on aesthetics due to the proposed trail. In many cases, the trail is proposed only several feet from many of the Escala residences. Imagine a resident sitting in their dining room and having trail users pass in front of their windows on a continuous basis. Such activity will result in a significant nuisance and loss of reasonable use and enjoyment of these homes.

D-19

12. Noise. In Section 3.12, the MND focuses on “noise” that will be associated with construction and/or maintenance of the trail, but wholly omits any discussion as to the noise associated with everyday use of the proposed trail, and its impact on residents living immediately adjacent to the trail. Any EIR should include a full analysis of the noise impact due to the use by humans, dogs, and the like.

D-20

13. Impact on Property Values and Loss of Taxable Value. Property values will be negatively affected due to the public having access over what was designed and constructed as a private, gated restricted access community. The property taxes and other taxes from these properties which are enjoyed by the various governmental entities will be reduced, due to a project of this type and scope, within several feet of these homes. It is apparent that lenders as to this project will not be able to recover or protect their interest in these properties if this project proceeds as planned.

D-21

14. Inapplicability of ADA to Association Property.

We note that there are several references to accessible areas by handicapped persons in relation to the ADA. Please note that the Association is not bound by ADA requirements with respect to its property. The Association is not required to modify or construct its property so as to meet such requirements, contrary to reference to same. Further, natural run-off on portions of the trail often create crevices which may make portions of same unusable by handicapped persons. This has not

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been studied or analyzed as part of the MND. Thus, any path within the Association will not result in furthering the goal of such access.

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D-22
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15. Further Action.

In summary, the above issues demonstrate that the proposed project will result in significant adverse impacts to the environment, specifically, the Escala property. The Association is prepared and intends to pursue any and all legal or equitable remedies to protect the interests of Escala and its members, and its property, as to the above matters.

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We and other representatives and members of the Escala Master Association intend to be present at the meeting/hearing on May 2, 2013 regarding this proposed project.

Sincerely,

PETERS & FREEDMAN, L.L.P.


David M. Peters, Esq.

DMP:LFM:im

Enclosures

cc: Board of Directors

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MISSION CITY SPECIFIC PLAN

III. RECREATION AND OPEN SPACE ELEMENT

B. OTHER PUBLIC AREAS

Development in Planning Area 6, the Multiple Use area in *Mission City South*, will provide opportunities to create additional public spaces. Public uses may include paseos, plazas, green belts provided for passive recreational enjoyment, community halls and civic uses (such as libraries and day-care centers). The planned system of expanded pedestrian trails and sidewalks will function as a cohesive element, linking other public spaces and land uses.

C. TRAILS AND LINKAGES

A unique feature of *Mission City* will be the ability for pedestrians and bicyclists to traverse the entire Specific Plan area, from north to south, via an identified trail system. The *Mission City Trail* which will connect the variety of uses planned in *Mission City* and provide a continuous pedestrian/bicycle connection to the LRT.

1. Mission City North Trail

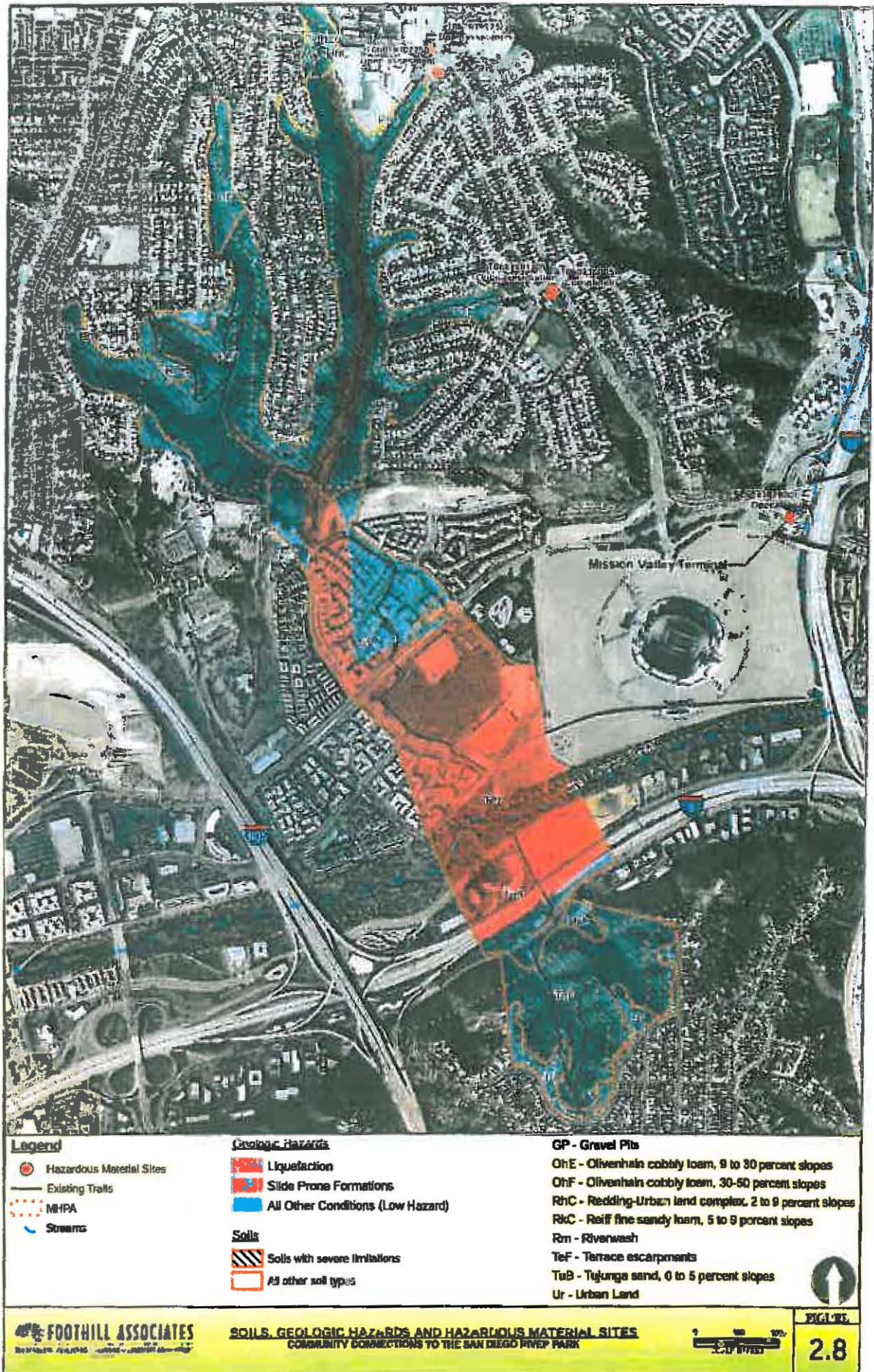
The *Mission City Trail* begins at two locations within the *Mission City Private Recreation Complex*. An eight-foot wide sidewalk within a 20-foot wide landscaped parkway will occur along the east of the northern part of "A" Street. A similar trail will also occur along the west side of the northern part of Northside Drive. At roughly the midpoint of these two roadways, the trails will traverse the central portion of *Mission City North* in a 30 to 50-foot wide bench slope along the interface of Planning Areas 3 and 5. Converging in the center of the bench slope, the two trail linkages will become one and continue south. As the trail approaches the Friars Road undercrossing, it will broaden into a landscaped access node, created as an arrival point on the north side of the undercrossing. A gated entrance to the trail at this location will restrict unauthorized access.

2. Mission City South Paseo and Trails

Similar to the access node on the north side of the Friars Road under crossing, an arrival point will also occur on the south side of the Friars Road undercrossing in the form of a formal plaza (the *Mission City Paseo*). As the trail enters *Mission City South*, it will continue through the plaza as a paseo of trees and hardscape features framing development within Planning Area 6. The Paseo may occur as sidewalks alongside internal streets and may also connect through parking lots, provided access is clearly identified and defined in a manner which promotes pedestrian safety and minimizes conflicts with automobiles. "A" Street will accommodate a primary link of *Mission City Trail* within *Mission City South* and will be designed as a pedestrian sidewalk separated from the vehicle travelway by a landscaped parkway. In this manner, a continuous pedestrian and bicycle linkage is provided from the residential planning areas of *Mission City North*, through *Mission City South*, to the LRT and the San Diego River corridor. Two other trail linkages will be provided in *Mission City South*. One will connect the paseo to "A" Street and the other will connect the Northside Drive cul-de-sac to "A" Street. Additional connections are encouraged and should be considered in conjunction with development proposals for public land uses planned in Planning Area 6.

3. River Run Linkage

A connection also will be made to the adjacent River Run development. A 12-foot wide easement will allow construction of a trail extension at the southeast corner of River Run, parallel to the north side of the LRT, and ending at the LRT arrival station provided as part of development plans for Planning Area 6. The extension of Rio San Diego Drive to connect with "A" Street, will provide an additional trail connection as sidewalks along this roadway extension.



Ruffin/Sandrock Canyon

The lower portions of Sandrock and Ruffin canyons are in a more natural condition than the upper portions. The upper portions of the canyons are heavily impacted by invasive exotic species and offer excellent restoration opportunities. The majority of the length of the canyon bottom in the upper half of both canyons is dominated by fan palm (*Washingtonia robusta*), pepper tree (*Schinus terebinthifolia*), and other exotic species. Willows (*Salix spp.*), mulefat (*Baccharis salicifolia*), and other wetland species are present, which indicates appropriate hydrology for riparian restoration. Much of the upland slopes adjacent to the drainage are dominated by iceplant and could be restored to CSS or CH habitats. Elimination of this large source of exotic species in the upper reaches of the drainage would eliminate a long-term threat to downstream degradation of natural habitats in the MHPA and the San Diego River corridor. Detailed mapping of restoration areas was not completed during this phase of the project, but preliminary mapping indicates a minimum of 2 acres of restoration area available in Sandrock Canyon and at least 1 acre is available in Ruffin Canyon (see Figure 2.4). While the actual extent of upland restoration that is possible needs to be verified with detailed surveys, this estimate could double. Additional restoration opportunities exist elsewhere in the canyon, including a badly eroding hillside located on the northern edge of the SDG&E parcel in Sandrock Canyon. Restoration of this area would be challenging, but highly beneficial to water quality, habitat quality, and trail stability.



Some opposition from adjacent residents to restoration of CSS and CH habitats may be encountered due to concerns over increased fire and erosion hazards perceived to be associated with the work. Technical approaches to address these concerns are available, but assuaging the associated fear of neighboring property owners may be more difficult.

Mission Valley

Restoration areas within the study area of Mission Valley include the eradication of invasive exotic species within the existing riparian corridor and the possible expansion of riparian habitat. Without detailed biological surveys, it is not possible to quantify the extent of exotic species to be removed.

Such detail could be developed during future planning phases.



Expansion of the floodplain and riparian habitat could potentially be achieved on the north side of the river through regrading the existing storm channel extending from the end of Fenton Parkway. This channel delivers stormwater from Ruffin Canyon to the San Diego River and is currently relatively narrow. Portions of the small undeveloped parcel immediately south of the Fenton Parkway trolley station could be graded to lower elevations to establish new riparian habitat. Similar efforts could potentially be applied to the old practice field site located directly to the east of Fenton Parkway. It is important to note that these areas have limited capacity to balance cut and fill grading on site, and exporting excess cut material is often prohibitively expensive. These issues may place practical limits on the extent of riparian expansion that can be accomplished; however, it is recommended that such actions be considered in association with the more detailed planning required for a river crossing.

2.9 Slopes

In general, slopes on the floor of Mission Valley are gentle and the slopes of the valley walls are extremely steep. Selection of feasible trail routes from the valley floor to the mesa tops requires detailed investigation of the topography of various possible routes (see Figure 2.9).

Ruffin/Sandrock Canyon

Ruffin and Sandrock canyons are characterized by low slopes along the canyon bottom (3-10% in most areas) surrounded by steep side slopes on the canyon walls ranging as high as 50 to 100%. Trails placed on canyon walls will require careful siting and construction to achieve appropriate footing, benching, and tread stability. It will be necessary for at least a portion of the trail to be placed on the steep canyon walls in order to connect the trail the full length of the canyon from its lower outlet to its upper extremities.

Ellison Canyon

Slopes in Ellison Canyon are similar to those found in Ruffin Canyon; however, the slope of the overall canyon floor is substantially steeper, ranging from 10-15% on average. As with Ruffin Canyon, it will be necessary for at least a short portion of a trail through Ellison Canyon to be placed on the steep canyon walls in order to connect the trail to the canyon rim. Trail segments that cross steep sideslopes in the canyons may require special treatment such as retaining walls or stairs to minimize potential for erosion and other problems.

Mission Valley

The Mission Valley segment is characterized by slopes less than 8% in most areas, and less than 15% in all areas. The Escala development contains the steepest slopes found along the trail route in Mission Valley, but it has been designed with appropriate trail grades integrated into the development. No significant slope issues are anticipated within the Mission Valley segment.

Project Guidelines

The following principles guide the use of slope information through the remainder of the project:

- 1 Trails shall be located on slopes that conform to the City of San Diego Trail Standards where-ever possible
- 2 Trails shall be designed to maximize safety and minimize maintenance and erosion problems where they must be placed on steep slopes.

2.10 Scenic Resources

Mission Valley is a community with significant scenic resources including the river, valley walls, canyons, and mesa tops. Each of these features can be seen from public vantage points as identified in Figure 2.9. Mission Valley and its scenic resources are among the first things that visitors see when traveling from the east to the City of San Diego and are valued by San Diego residents as part of the beauty of San Diego. Any proposed changes to the scenic character of Mission Valley should be carefully considered.

The visual character of Mission Valley can be described in response to its basic landforms, as outlined below

Project Guidelines

The following principles guide the use of scenic resource information through the remainder of the project.

1. Trail routing shall maximize scenic viewing opportunities along the trail corridor
2. Trail routing and design shall minimize alteration of natural landforms, habitats, and other valued scenic elements.
3. Trail facilities shall be designed to compliment their natural and built surroundings in scale, color, and materials.

2.11 Crime

ARJIS (Automated Regional Justice Information System) data for the project area shows relatively high crime rates in the urban core of the Normal Heights neighborhood, relatively low crime rates in Mission Valley and the northern portions of Normal Heights near the proposed trail, and relatively moderate crime rates in Serra Mesa. Crime rates generally increase with proximity to urban centers, roads, and highways, and decrease closer to canyons and open space. See Figure 2.10

For the successful implementation of any trail project, it is critical to establish what effect, if any, trail construction has on crime. Crime is a common issue of concern for residents with homes or property adjacent to, or near a proposed trail. Although it is a common concern, research indicates that trails typically have a neutral to positive effect on crime and vandalism. This is generally attributed to the fact that well-planned public trails attract a user group of responsible citizens. This "eyes on the street" effect is shown to discourage crime, vandalism, and homeless encampments along a trail corridor. Attracting responsible users to trails can be accomplished by providing the proper amenities such as quality trail construction, trash cans, benches, and kiosks. It is also accomplished through patrolling by rangers and encouraging community stewardship of public rights-of-way, particularly events such as nature walks, environmental cleanups, and trail maintenance parties.

One good example of the interplay between trails and crime is found in Seattle. A study conducted by the Seattle Engineering Department's Office for Planning found the existence of the Burke-Gilman Trail in Seattle has little, if any, effect on crime and vandalism near and adjacent to the trail corridor. Police officers interviewed found no greater incidence of burglaries and vandalism of homes along the trail. Residents interviewed reported that the establishment of the trail has helped to decrease the amount of litter, and discourage vagrants within the corridor. Real estate agents who buy and sell homes in areas near and adjacent to the trail found the trail brought an increase in property values and provided an added selling point. Similar experiences have been documented in cities throughout the country.

Project Guidelines

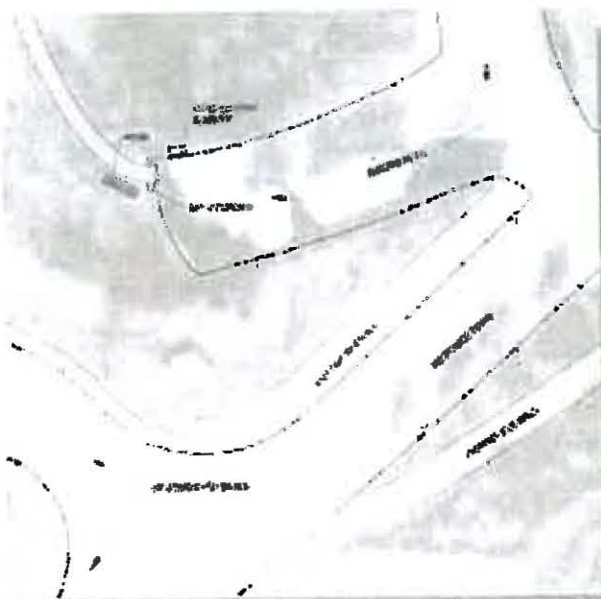
The following principles guide the use of crime information through the remainder of the project.

1. Trails shall be designed to maximize visibility along the trail
2. Trailheads shall be designed to discourage unwanted loitering and shall include user safety information
3. Patrols shall be provided for trail areas on a random schedule. Contact information for rangers or other patrolling groups shall be posted at trailheads.

The discussion below provides detailed information and recommendations for Alternative 1. See Appendix A for similar descriptions of Alternatives 2 and 3.

Access Points

The southern trailhead for the recommended alignment (Alternative 1) begins at the end of an asphalt utility turn-around area just north of Northside Drive and just west of the sewer access path that extends down into the canyon. Basic trailhead signage and a kiosk are proposed, and small interpretive elements could potentially be added. The storm drain inlet that carries all runoff from Ruffin and Sandrock Canyons to the river lies directly adjacent to the proposed trailhead, offering an excellent opportunity for interpretive information focusing on water quality, watershed function, and the ecological connection between the canyons and the San Diego River. The trailhead is



wheelchair accessible. The trailhead would be located on an open space parcel owned by the Escala Master Association. An open space easement and a narrow public right-of-way is recorded on the parcel and may provide sufficient rights for a trailhead in this particular location. An alternative location in the same general vicinity (depicted in association with Alternative 2 on Figure 3.2) could also be suitable for the proposed trailhead if sufficient public access rights do not exist for the first trailhead location. Escala is a restricted-access gated community, and no public parking is available near the proposed southern trailhead. Trail access at this point will be restricted to users who approach the trail on foot or bicycle via the Friar's Road tunnel!

- an existing tunnel under Friar's Road provides a separated and safe pedestrian crossing of Friar's Road.
- an existing network of sidewalks and urban trails provides public routes through residential and commercial areas on the valley floor (the Mission City Trail).

Each of these items individually provides major advantages as compared to other parts of the valley, but the fact that they all occur along one cross-section of the valley is a very fortuitous combination. That fortune is further enhanced by the land uses, ownership patterns, and amenities that exist along the route. Specifically,

- The Normal Heights and Serra Mesa neighborhood business districts anchor each end of the route, and Fenton Marketplace provides a major commercial/retail node at the proposed trail's connection to the San Diego River Trail.
- The route connects directly to major residential populations in each of the three communities.
- The route connects directly to the Fenton Parkway trolley station, allowing optimal connectivity between pedestrian networks and public transit and posing new transit-enhanced recreational opportunities.
- The Mission Valley Library, Serra Mesa Library, Adams Recreation Center, Serra Mesa Recreation Center, Adams Elementary School, Normal Heights Elementary School, Taft Middle School, Wegeforth Elementary School, and future San Diego River Discovery Center lie directly on or near the route.
- No other location in the valley has the extent of City-owned land found on and around the Qualcomm Stadium site, which is directly adjacent to the proposed trail route. A probable future redevelopment of the stadium site is likely to include new amenities that could transform this portion of the valley into a major hub of recreational activity along the San Diego River.

Project Vision

The San Diego River Tributary Canyons Project is envisioned to build on the vision and goals established for the San Diego River corridor and its surrounding communities, and to respond to the environmental, social, recreational, and transportation needs of the river and residents. A strategic conceptual plan and feasibility report for the cross-valley trail concept is the first step. The trail is to be part of an inter-neighborhood pedestrian network, consisting of designated neighborhood routes and canyon trails that will link upland neighborhoods north and south of the San Diego River to the river and its related amenities. The project will achieve community planning goals and reflect the Conservancy's multiple interests: land conservation, recreation and education, natural and cultural resource preservation and restoration, and maintenance of water quality and natural flood conveyance.

1.3 Goals and Objectives

The Conservancy's mission is based on a balanced approach to providing for preservation, conservation, and restoration of natural and cultural resources along with enhancing opportunities for recreation and education. Goals and objectives for the Tributary Canyons Project are structured to reflect the Conservancy's mission. Goals provide broad vision and definition of purpose for the project, whereas objectives articulate specific measures that support one or more goals.

Goal #1 – Recreation: Improve recreational access to the San Diego River and its tributary canyons.



- o Objective 1-1: Provide canyon trails that maximize the users' ability to view and experience natural open space responsibly.
- o Objective 1-2: Provide a trail experience that appeals to a wide cross-section of the public.
- o Objective 1-3: Maximize functional connections to the San Diego River Trail, urban pedestrian routes, and other trails.

Goal #2 – Transportation: Improve non-vehicular transportation options for movement within and between neighborhoods.



- o Objective 2-1: Connect Normal Heights and Serra Mesa to Mission Valley by way of the most direct, safe, and logical pedestrian routes possible.
- o Objective 2-2: Maximize functional connections to residential, commercial, office, recreational, community destination points and the trolley.
- o Objective 2-3: Maximize functionality for pedestrian users, while incorporating multimodal accessibility for bicycles and disabled access as much as possible.

Goal #3 – Environmental: Preserve and enhance natural resources and processes.



- o Objective 3-1: Avoid and minimize biological, cultural, water quality, and other environmental impacts of trails to the maximum possible extent.
- o Objective 3-2: Restore existing degraded habitats near the trail corridor.
- o Objective 3-3: Improve water quality through proper trail design, use of permeable surfaces, and incorporation of bioswales and similar BMP's.
- o Objective 3-4: Demonstrate sustainable development through maximizing use of recycled and green materials.

Goal #4 – Education: Promote environmental awareness and learning.



- o Objective 4-1: Implement comprehensive interpretive programs that address San Diego's natural and cultural resources, green building practices, fire-safe and water-wise landscape design, and environmental conservation initiatives.
- o Objective 4-2: Incorporate interpretive elements into all aspects of the trail corridor for fully integrated appeal.

The goal of this report is to summarize the process followed during the planning of the project, to articulate the proposed designs for the trail route and its related amenities, and to outline a strategic plan for the implementation of the project that the Conservancy can use to prepare for the next steps in the process.

Preliminary discussions with the City's trail coordinator were held to discuss the City's intentions and options within Normal Heights and Serra Mesa. The City shares the desire to establish the trail connections proposed by this project. All work proposed by the project has been coordinated with the City throughout the planning process in an effort to be consistent with City goals.

Normal Heights Mobility Study

The mobility study, completed in 2006, identifies issues and needs for non-vehicular mobility within Normal Heights. It indicates the potential for a pedestrian/bicycle connection to Mission Valley within Ellison Canyon. It also highlights North Mountain View Drive and Hawley Street as major existing pedestrian and bicycle routes within the community. These observations and recommendations are consistent with the goals of the Tributary Canyons Project and provide strong support for the selected connection to Normal Heights. The pedestrian and bicycle routes noted in the study connect the trail project to the rest of the community and to major urban trail routes that extend beyond Normal Heights into North Park and City Heights.



City of San Diego Pedestrian Master Plan

The City of San Diego Pedestrian Master Plan (Phase 1 completed in 2006) was developed as a guide for the City to plan and implement new or enhanced pedestrian projects. The plan aims to help the City enhance neighborhood quality and mobility options by identifying and prioritizing pedestrian projects based on technical analysis and community input. The vision identified in the plan is to create a safe, accessible, connected and walkable pedestrian environment that enhances neighborhood quality and promotes walking as a practical and attractive means of transportation in a cost-effective manner. The Tributary Canyons Project is consistent with the vision and goals of this plan by providing safe, accessible pedestrian connectivity between neighborhood, transportation and commercial infrastructure.

Three major linear barriers exist to foot or bicycle traffic traveling across the valley: 1) Interstate 8, 2) the San Diego River, and 3) Friar's Road. Additional barriers to movement across the valley are presented by the various developments present, which have, in general, blocked pedestrian movement through them. The portion of Mission Valley being studied is unique in that solutions for each of these typical issues (except a San Diego River crossing) are already in place, and they happen to lie precisely in line with the trail alignment proposed by this study. These solutions include:



Interstate 8: Pedestrian traffic can cross I-8 in several places in Mission Valley, however, the Mission City Parkway overpass bridge is the only place where pedestrians can cross the freeway without being forced to cross numerous freeway ramps or associated busy surface streets.



Friar's Road: During the development of Fenton Marketplace and the Escala residential community, an old truck tunnel used by gravel mining operations in the area was converted to a pedestrian undercrossing of Friar's Road. The tunnel was closed for several years following its construction, but was finally opened for public use in the summer of 2009.



Development: Fenton Marketplace was planned in the 1990's, guided by the Mission City Specific Plan, and construction began in late 1999. The Specific Plan called for a circulation system that promoted pedestrian and bicycle travel as well as access to City open space in Ruffin Canyon. Fenton Marketplace includes a pedestrian promenade with a row of pedestrian-oriented shops on its western edge. The existing sidewalk and pedestrian experience is well-suited to foot traffic and provides an efficient and safe route from the San Diego River to the Friar's Road tunnel. The Escala development was designed with a pedestrian path called the Mission City Trail connecting the Friar's Road tunnel to various points within the development and to the mouth of Ruffin Canyon. The

intent of the Mission City Trail was that it be open to the public to allow public access from Ruffin Canyon through Escala and Fenton Marketplace to the light rail station along the river.

Existing Conditions

Project Guidelines

The following principles guide the use of the existing trail information through the remainder of the project:

1. Existing trails shall be used to the maximum extent possible.
2. Existing trails shall not be used where they present safety hazards to users, create unnecessary long-term environmental impacts, or conflict with adopted land use policies.
3. Existing trails not needed for implementation of this project and not considered suitable for future trail projects shall be closed.

Recommended design for the trailhead is based upon 1) the park-like qualities of the space, 2) potential nuisance factors for neighbors, and 3) visibility and aesthetic considerations from Sandrock Road. The proposed design provides an enhanced experience beyond basic trailhead amenities, but avoids features that could generate substantial noise or unwanted activity. The recommended design includes the following features:

- An 8' wide improved trail with a class II road base surface is proposed from the end of Sandrock Road through the western edge of the trailhead area.
- The entry path from Sandrock Road is marked by a pair of cairns identifying the trail (see Design Guidelines section).
- Native landscape buffer plantings are proposed on the east and west edges of the space to minimize potential nuisance factors for neighboring properties and improve the aesthetics of the area.
- A native plant and water conservation demonstration garden is proposed in the northern portion of the flat R.O.W. area. The demonstration garden could illustrate fire-safe and water conserving solutions recommended for use on residential lots on canyon edges. The design should include class II gravel surfacing on paths and a well planned mix of groundcovers that require minimum weeding and maintenance. Basic plant identification information should be provided along with sources of additional information.
- The garden includes a central space that could host naturalist presentations or interpretive installations as well as a standard informational kiosk (see Design Guidelines section). The trail side of the kiosk should contain a trail map, trail rules, and similar information. The garden side of the kiosk should contain interpretive information and garden-related facts. Several large rectangular stone seats are proposed within the central space as well.

Community Connections

The recommended alignment (Alternative 1) provides a direct connection between Serra Mesa and Mission Valley through a diverse landscape. The southern end of the trail leaves the Ruffin Canyon natural area and connects to the Escala development, the Mission City Trail and Fenton Marketplace thereby creating the pedestrian corridor envisioned in community plans and reinforced in the specific area plan for eastern Mission Valley. There is no other feasible link between Serra Mesa and Mission Valley meeting the goals of the project other than the alignments that converge at the mouth of Ruffin Canyon.

The northern end of the trail provides a connection to the Serra Mesa business district one block further to the north. The Serra Mesa Recreation Center, Serra Mesa Library, and Taft Middle School are a short walk to the north and east. Though Alternatives 2 and 3 provide a more direct connection to those three facilities, the recommended alignment (Alternative 1) provides a better overall connection to the center of the community.

Trail Route

Sandrock and Ruffin canyons offer an expansive, natural canyon experience for trail users. The recommended alignment through Sandrock Canyon offers a more diverse trail experience than the other two alternatives, which both have a more immersive, rugged character along nearly their entire length. The lower segment (roughly half of the length) of the recommended alignment has the same sort of rugged, immersive natural character, which affords the user a sense of escape from urban development and a view of unaltered native habitats. The canyon is wider, deeper, and generally natural in the lower half, and the trail is located near the canyon floor. The upper segments have a more "urban transitional" character given that the upper end of the canyon is narrower, shallower,

Mission City Trail

The Mission City Trail was first identified as a planned element in the Mission City Specific Plan to provide a continuous pedestrian route from Ruffin Canyon open space, through residential and commercial developments, to the MTS trolley station beside the San Diego River. The Mission City Trail was implemented as part of the Escala residential community and Fenton Marketplace shopping center. With the opening of the pedestrian tunnel under Friar's road in 2009, the vision of the Mission City Trail was complete. It is a tremendous asset to the community, providing for a safe, pleasant, and wheelchair-accessible route to a variety of destinations, including the pedestrian-oriented shops in Fenton Marketplace, Ruffin Canyon open space, and the Fenton Parkway trolley station.

No changes or improvements are recommended for the existing trail alignment, width, or surfacing. However, additional wayfinding elements are proposed for the Mission City Trail to help create a single identity with the proposed canyon trails and to assist navigation of the trail for new users. The wayfinding elements should be visually compatible with the existing features of Escala and Fenton Marketplace and should be both prominent enough to be noticed by those who are looking for them and subtle enough to go unnoticed by those who are not. The following wayfinding elements are proposed:

- **Cairns:** Low, arts and crafts themed rock cairns are proposed at key locations along the alignment of the proposed Tributary Canyons Project trail (See Design Guidelines section for details). Cairns are recommended at the locations depicted on Figure 3.3, typically placed in pairs, one on either side of the trail.
- **Sidewalk Plaques:** The wayfinding cairns are proposed to include a bronze plaque identifying the proposed trail mounted on one or more sides. Figure 3.3 indicates locations where these same plaques are recommended to be embedded in existing sidewalks as wayfinding elements.
- **Trail Maps:** Maps are recommended at key locations, illustrating the trail route through Fenton Marketplace and Escala to the connecting trail segments as well as the pedestrian points of interest within the Mission City Specific Plan area. Maps are recommended at the Ruffin Canyon trailhead, the tunnel under Friar's Road, and at the Fenton Parkway trolley station. The top surface of the cairns could provide a unique opportunity for displaying a wayfinding map.

Access Points

As an urban trail highly integrated with its adjacent land uses, the Mission City Trail reach of the proposed trail network can be accessed at numerous points along its length. No improved or additional access points are necessary.

Community Connections

Mission Valley is a major hub of activity and transportation connections. The Mission City Trail helps form the epicenter of pedestrian-friendly development in this part of Mission Valley. It provides



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6. Pedestrian Orientation/Linkage

The Mission City Specific Plan provides a unique opportunity to successfully combine different housing products with a variety of commercial uses linked together by a functional pedestrian, bicycle and vehicular circulation plan. Designed as an urban community with a strong pedestrian focus, the complement of land uses will be tied together with a pedestrian/bicycle trail network and functional circulation system, strengthening the cohesiveness of the land use mix in a manner which emphasizes pedestrian access. The Mission City trail network will provide access to the LRT and other surrounding land uses, such as the River Run residential development and Qualcomm Stadium. Connections to transit (including bus routes and the LRT) will enable residents and employees within Mission City to easily access the variety of uses planned for Mission City or to "catch" a trolley, accessing other areas of San Diego. An undercrossing at Friars Road for the Mission City trail will link areas in Mission City North to the multiple use area in Mission City South. Development in Mission City's multiple use area will further strengthen pedestrian connections and linkages while de-emphasizing the preeminent role that the automobile typically plays in site planning. Envisioned as an activity node for Mission City, the Mission City Paseo located in the multiple use area will become a focal point for resting, eating, conversing and people watching.

7. Increased Housing Opportunities

The proposed plan creates a land use plan which anticipates market needs and public demands by providing a diversity of housing types to be selected at the time of final map recording. This selection time will allow the builder to provide a housing project in current demand. The base zones available for selection provide for a range of high quality small-lot detached, and attached housing to serve a spectrum of potential buyers and renters.

8. Zoning Code Update

The proposed project may be the very first development to implement the City's new Land Development Code, the product of the City's five-year Zoning Code Update. The new Land Development Code provides simplified decision making processes and increases regulation flexibility for businesses and new development while staying within the policies set by City Council. The Land Development Code improves implementation of Council policy direction and community planning goals. Because the objectives of the Zoning Code Update were similar to the Settlement Agreement, the applicant agreed to use certain City-wide base zones in lieu of land uses and development regulations drafted solely for Mission City. To address certain limited items that could not be addressed by the base zones, the proposed project includes the Mission

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City Overlay Zone which will be adopted by ordinance and made a part of the Land Development Code.

9. Open Space

Mission City will provide a full array of recreation and open space opportunities. The Mission City Private Recreation Complex, planned in the northern part of Mission City, will serve the active and passive recreational needs of residents in Mission City. The area north of the private recreation area will be placed in an open space easement and will function as a continuation of the offsite open space area provided within the Serra Mesa community. The Specific Plan also preserves as open space the San Diego River floodway and its associated biological communities. Other bands of open space would occur as manufactured slopes within the Specific Plan area and as revegetated mined slope faces. Development of the Multiple Use area in Mission City South (Planning Area 6) will include additional areas for public spaces including the Mission City Paseo/Trail and associated pedestrian links, as well as variety of walkways and plazas constructed to serve the mix of uses in Planning Area 6. The pedestrian trail system and private streets planned throughout Mission City will provide a means for pedestrians and bicyclists to pass through the various planning areas in a pleasant environment, as well as opportunities for jogging and a linkage for the various land uses by way of a green belt tying together offsite open space slopes to the north with the San Diego River corridor and LRT on the south.

R. 289994

Response to Comment Letter D

Peters & Freeman LLP on behalf of Escala Master Association

April 22, 2013

- D-1 Commenter states that the Escala Master Association (Association) opposes the project and suggests that there are significant effects to the environment which warrant the preparation of an Environmental Impact Report (EIR). This summary statement is followed by a list of objections for which responses have been prepared.
- D-2 The commenter reiterates the Association's objection to the project and notes that the objections that follow are preliminary and that the Association reserves the right to modify and/or supplement these objections. Comment noted.
- D-3 The commenter states that there are conflicting purposes for the trail in the Draft MND including, but not limited to 1) connection of the Serra Mesa community with Mission City/Mission Valley and the Fenton Marketplace; 2) to provide a means for pedestrians and bicyclists to pass through various planning areas; 3) recreational use; and 4) use for local access to shopping and to regional transit. As explained throughout the Draft MND, the proposed trail (both the canyon portion and the urban walk portion) will serve multiple uses, including the ones noted above. These uses complement each other and are consistent with policies and objectives of the San Diego General Plan, the Serra Mesa Community Plan, and the Mission Valley Specific Plan. See Section 3.10, Land Use and Land Use Planning of the Draft MND and Response to Comment D-18.

The commenter also states that the Draft MND does not define the urban walk portion of the trail which appears to be inconsistent with the steep canyon trail. See Section 1.5, Project Description of the Draft MND for a detailed description of the urban walk which would connect the San Diego River Trail with the Ruffin Canyon trail, and link Serra Mesa with Mission Valley.

- D-4 The commenter states that the Draft MND only analyzes the construction activities of the project and not the operational activities. The project's operational impacts are analyzed and discussed throughout the respective resource topics in the Draft MND. Pursuant to CEQA, the Draft MND adequately analyzes operational activities of the project as it relates to any adverse changes to the physical environment as defined in Pub Res C § 21060.5.
- D-5 Project outreach has centered around the community planning groups (Serra Mesa, Mission Valley, and Normal Heights), and Friends of Ruffin Canyon. Agenda-noticed project presentations were made to the Serra Mesa Community Planning Group meetings and to the Mission Valley Community Planning Group. The Escala Homeowners Association and H.G. Fenton Industries (developer/master planners for the Escala/Portofino development) were consulted during the feasibility stage, as part of

researching the City's public access easement for the proposed trail system. A Notice of Intent was sent to the Escala Master Association. In addition, Friends of Ruffin Canyon have a long-standing collaboration with Taft Middle School and have kept the school informed of the trail plans. Proper noticing of the project was provided as required under CEQA Guidelines, § 15072.

D-6 See Response to Comment D-3.

D-7 See Responses to Comments D-3 and D-5. Also, Section 1.4, Project Evolution of the Draft MND summarizes the evaluation process that occurred in selecting the proposed trail alignment. A detailed alternatives analysis is not required to be included in a mitigated negative declaration. The Draft MND includes the required content pursuant to CEQA Guidelines § 15071 and has adequately analyzed the adverse changes to the physical environment as defined in Pub Res C §21060.5.

D-8 The commenter states that an EIR should have been prepared for the project and that the Draft MND does not include alternative routes that avoid the Escala development. The Draft MND shows that the project would not have a significant effect on the environment with adoption of the proposed mitigation measures. As such, an appropriate environmental document to prepare is a MND. Also, see Responses to Comments D-7 and D-9 through D-21.

The commenter also suggests that the analysis of the project is a piecemeal approach to a larger connected action and therefore is in violation of CEQA. As stated in Section 1.1, Introduction of the Draft MND, the project has 'independent utility' as it serves to connect the Serra Mesa/Mission City residents with Mission Valley amenities which include a public library, trolley station, canyon open space, and the San Diego River corridor. The construction of the Ruffin Canyon and Urban Walk Trail is not dependent on the construction of other portions of the San Diego River Trail or other trail systems that may be proposed for the area.

D-9 As explained in Section 1.5, Project Description of the Draft MND, the proposed trail would be located within City-approved public easements or rights-of-way and would go from the intersection of Gramercy Drive and Sandrock Road south to the San Diego River corridor. Public access easements through the Escala property were granted to the City in 2003. Information regarding these easements should have been included in the disclosure statements signed by each property owner at the time of purchase. Upon field verification by City staff, these easements are currently freely accessible to the public. Further, it has been verified that the public can currently traverse the Mission City Trail from Fenton Marketplace through the pedestrian tunnel under Friars Road, through the Portofino Apartments property, continuing through the Escala property to Ruffin Canyon. This section of the trail was existing at the time of the Notice of Preparation for the project and no improvements for this section are planned aside from installing some ground-level, directional markers. This section of trail is currently in use by surrounding

residents; and, as such, there would be no potential adverse environmental effect over and above this present practice.

It is anticipated that the maintenance of the trail would involve a combination of agencies that includes the San Diego River Conservancy, the City Parks and Recreation Department, the City Streets Division, and possibly a 501(c)(3) non-for-profit conservation organization. It is also anticipated that future discussion between the Escala Master Association and the lead agency (San Diego River Conservancy) would occur to clarify maintenance responsibilities and hours of operation for that portion of the trail through the Escala development. Regarding safety and security issues please see Section 3.14, Public Services of the Draft MND and Response to Comment D-11.

- D-10 The commenter states that there are some gaps in proposed trail that are not currently accessible to the public, such as the underpass at Friar's Road which is gated; thereby making the portion of the proposed trail through the Escala development unnecessary. See Response to Comment D-9.
- D-11 An impact on public services in itself is not a physical environmental impact required to be evaluated under CEQA; instead, the question is whether the response to the services impact – such as the construction of new facilities – will have significant environmental impacts. Use of the improved trail, as proposed, is not anticipated to require an increase in police services to monitor trail use activities to a point that it would necessitate the expansion or construction of a police station to accommodate any additional police officers that may be required to service the trail. Police services would be provided as needed, as in similar situations within the City of San Diego. Also, please note that the feasibility study for the project recognizes that while crime is a concern to residents adjacent to established trails, research indicates that trails typically have a neutral to positive effect on crime and vandalism (Foothill Associates, 2010).
- D-12 The commenter states that the Draft MND does not adequately address the potential for erosion and landslides associated with the proposed trail through Ruffin Canyon. Please refer to the geologic site reconnaissance report prepared by Ninyo & Moore dated January 28, 2013 (Appendix C of the Draft MND). The report recognizes the presence of surface erosion likely due to the diversion of runoff from adjacent development, and limited slope failures mainly in the central to lower portions of the canyon slopes. Mitigation Measure MM-GEO-1 would ensure that the trail is designed and constructed to avoid and/or minimize erosion impacts to the canyon slopes.
- D-13 The commenter states that there is little or no discussion of existing conditions and the proposed trail's long-term effects. The description of existing conditions and hydrologic aspects of the canyon are spread throughout the document in addition to Section 3.9, Hydrology of the Draft MND. For example, Section 1.3, Environmental Setting describes the drainage conditions and existing trails of Ruffin Canyon; Section 3.4, Biological Resources describes the wetlands and riparian/riverine regime in the canyon; and Section 3.6, Geology, Soils, and Seismicity describes the surface composition of the existing

trails and canyon drainage patterns which include the Escala property. Pursuant to CEQA, the Draft MND has adequately analyzed the adverse changes to the physical environment as defined in Pub Res C §21060.5.

- D-14 The commenter states that the environmental document does not adequately address the project's impact on potential fire hazards. The Draft MND adequately analyzes fire hazards/protection in Section 3.14, Public Services. The nearest fire station and related response times are described in this section along with the impact of the project on fire services. Construction and operational activities were evaluated relative to the potential for the project to impact fire services. Per the CEQA significance thresholds applied to the analysis of the project, a significant impact to fire services would occur if implementation of the project would result in the need to construct or physically alter existing fire facilities which could result in environmental impacts. It was determined that the project would not result in the need to expand existing fire facilities or construct new facilities.
- D-15 The commenter states that the prospect of the public using the southern portion of the proposed trail through the Escala community is not real or practical as there is no existing or proposed trailhead with public parking for accessing the trail, as proposed on the north portion of the trail. As stated in Section 1.5, Project Description of the Draft MND, the south trailhead would be located at the base of the existing asphalt ramp linking Ruffin Canyon with Pompeii Lane. The only trailhead improvement in this location would be directional signage placed within a public easement. There would be no public vehicular access to the south trailhead. While the lack of public parking at the south trailhead may dissuade the general public from outside the adjacent communities to begin at this point of the trail, it does not reduce the effective use of the trail by those living in close proximity to it; and serves as an important connection for trail users (whether inside or outside of the adjacent communities) to continue their travels from the more northerly or southerly portions of the trail. Also, see Response to Comment D-9.

The commenter also suggests that a public-use trail through Ruffin Canyon encourages trespassing on private property. The commenter does not provide any evidence to this effect. Pursuant to Pub Res C §21091(d)(2)(B), this is not considered a substantive comment on an environmental issue, and does not require a specific response. Nonetheless, it is noted in Section 1.3, Environmental Setting of the Draft MND that informal trails currently exist within Ruffin Canyon which are used on occasion by pedestrians. The proposed trail alignment would be designed and constructed in such a way that would clearly delineate the trail limits through surface improvements, signage, and selective pruning of vegetation; thereby encouraging trail users to stay on the trail.

- D-16 As stated in Section 1, Introduction of the Draft MND, the proposed Ruffin Canyon and Urban Walk Trail evaluated in this MND is part of the San Diego River Tributary Canyons Project that includes canyons located within the communities of Serra Mesa, Mission Valley, and Normal Heights. The Ruffin Canyon and Urban Walk trail has

- independent utility, connecting Serra Mesa with Mission Valley. It would serve both Serra Mesa and Mission Valley residents and the general public with improved access to Ruffin Canyon and the amenities of Serra Mesa. Also, see Response to Comment D-8.
- D-17 Section 1.5 of the Draft MND details the components of the project. Site amenities such as water fountains, restrooms and trash receptacles are not a part of the project and, therefore, are not required to be analyzed under CEQA. Impacts of the project on public services such as police and fire services are analyzed in Section 3.14 of the Draft MND. Also, see Response to Comment D-11 and D-14.
- D-18 The concept of a joint use pedestrian/bicycle trail is recognized in the Candidate Findings and Statement of Overriding Considerations of the EIR for Mission City Specific Plan (City Council Resolution No. 289994 adopted April 21, 1998). Item 6 under Statement of Overriding Considerations states “The Mission City Plan provides a unique opportunity to successfully combine different housing products with a variety of commercial uses linked together by a functional pedestrian, bicycle, and vehicular circulation plan. Designed as an urban community with a strong pedestrian focus, the complement of land uses will be tied together with a pedestrian/bicycle trail network and functional circulation system, strengthening the cohesiveness of the land use mix in a manner that emphasizes pedestrian access.” Also, as stated under Item 9 “The pedestrian trail system and private streets planned throughout Mission City will provide a means for pedestrians and bicyclists to pass through the various planning areas in a pleasant environment, as well as opportunities for jogging and a linkage for the various land uses by way of a green belt tying together offsite open space slopes to the north with the San Diego River corridor and LRT on the south.”
- D-1 As described in Section 3.1, Aesthetics of the Draft MND, the operations of the project would not have a significant impact on the visual character of the site or cause public view blockage. There may be a temporary visual impact during project construction as small construction equipment is introduced to the site.
- D-20 As described in Section 1.3, Environmental Setting and Section 3.12, Noise of the Draft MND, operational noise levels from the project would be similar to those that currently exist onsite from public use of the informal trail system throughout Ruffin Canyon and would not result in a substantial increase in ambient noise levels.
- D-21 The Draft MND does not consider comments that relate to potential economic impacts, such as property values, except to the extent such impacts could cause a physical change in the environment (CEQA Guidelines § 15064(e)). Such comments do not address the adequacy or accuracy of the environmental analysis or identify any other significant environmental issue. Accordingly, the Draft MND does not address issues regarding property values.
- D-22 The commenter states that the Association is not bound by ADA requirements with respect to its property and that any path within the Association will not result in

furthering the goal of such access. Pursuant to Pub Res C §21091(d)(2)(B), this is not considered a substantive comment on an environmental issue, and does not require a specific response. However, it is noted that the portion of the proposed trail that would be built to ADA standards is located at the north end of Ruffin Canyon, outside of the Escala Association property.

- D-23 The commenter makes a summary statement that the project will result in significant adverse impacts to the environment, specifically the Escala property; and that the Escala Association is prepared to pursue all legal means to protect the interests of Escala and its members. Pursuant to Pub Res C §21091(d)(2)(B), this is not considered a substantive comment on an environmental issue, and does not require a specific response.

From: Michael Albers <malbers1@san.rr.com>
Date: April 22, 2013, 10:00:39 PM PDT
To: kmckernan@sdrc.ca.gov>
Subject: Ruffin Canyon Trail

Hello Kevin McKernan,

We were told that you're planning to put another trail in Ruffin Canyon. There is a trail currently located in the bottom of the canyon along the usually dry creek bed. That trail is used by hikers, people that clean and maintain the trail, and the City of San Diego Sewer department who drive their tractors and vehicles into the canyon to perform maintenance and inspect the sewer pipes.

E-1

I feel this new trail is unnecessary because of erosion to the West side of the canyon. Many birds nest in the chaparral on either side of the canyon and the trail would disrupt their habitat. The few hikers that use the trail are happy enough with the existing trail. The trail in its current location is away from the homes that rim the canyon edge. The privacy and security of those homes is better insured by the steep canyon walls. Placing the trail up the side of canyon just invites problems.

E-2

Michael & Gerda Albers
2901 Sego Place
San Diego, CA 92123

Response to Comment Letter E

Michael and Gerda Albers

April 22, 2013

- E-1 The commenter states that the current informal trail system in Ruffin Canyon is used by hikers, people who clean and maintain the trails, and the City Sewer Department to inspect sewer pipes. Comment noted.
- E-2 The commenter is opposed to a new trail because of potential erosion, impacts to wildlife, proximity of the trail to existing homes, and privacy and security of residents near the proposed trail. Comments noted. The comments do not address the adequacy or accuracy of the environmental analysis or identify any other significant environmental issue and, as such, do not require a specific response. Also, see Response to Comment D-11 and D-12.

Kevin McKernan
Executive Officer
San Diego River Conservancy
1350 Front Street Suite 3024
San Diego, CA 92101
619.645.3183
kmckernan@sdrc.ca.gov
www.sdrc.ca.gov

From: Nancy Barnhart [mailto:nanbarn@hotmail.com]
Sent: Monday, April 22, 2013 1:30 PM
To: kmckernan@sdrc.ca.gov
Subject: Ruffin Canyon Urban Walk

Mr. McKernan -

I have recently learned of the planned Ruffin Canyon Urban Walk. I am writing to you to express my concerns over the location of this trail. I live on Walker Drive and can see from my backyard the markers of where the trail is planned. I have also reviewed the map on the " Initial Study / Mitigated Negative Declaration". This location is extremely close to houses in this neighborhood. Several homeowners have spent several thousand dollars on their steep hillsides to prevent erosion. The geologist who surveyed our property explained that the erosion danger was high. Just from my observation of the hill that is part of our property, I can see how much continues to erode even with the prevention measures that have been instituted by us at great expense. I have great concern about continuing erosion with development and use of this trail that is currently not there. I am sure you are aware of the existing trail at the bottom of the canyon. We regularly observe people on this trail smoking and firing guns. The fire danger this year is higher than it has been for years and the concern about fires is constant. Having more people walking, smoking, potentially inadvertently if not deliberately starting fires seems quite high. Wildlife is another concern. Targets have been observed in the canyon and shots have been heard firing at them. Recently, I observed what appeared to be two adolescent males with guns firing at what could have been animals. Another big concern is burglary. Most people do not have any fences around their property and it would be very easy to walk right into someone's back yard. We do also observe transients in the canyon already and do not want to encourage more access to homes backyards that would be easy access without any police patrol or protection.

Thank you for your consideration. Our neighborhood has been a quiet one that we would like to continue to enjoy without worrying daily about who was potentially breaking into our homes and/or starting fires and causing further erosion to the already steep hills. I do not support this project.

Nancy Barnhart
858-204-0330

F-1

F-2

Response to Comment Letter F

Nancy Barnhart

April 22, 2013

- F-1 The commenter expresses concern over the project because of potential erosion, fire hazard, impacts to wildlife, and safety and security of residents. See Response to Comment E-2 and D-14.
- F-2 The commenter is opposed to the project. Comment noted.

ADMINISTRATIVE DRAFT

From: "Mary Beth Brown-Kennett" <mbbk@san.rr.com>
Date: April 22, 2013, 5:15:03 PM PDT
To: <Kmckernan@sdrc.ca.gov>
Subject: Ruffin Canyon Trail

Hi Kevin, I am responding to the proposed trail in Ruffin Canyon.

I just heard about it on Wed the day before the Serra Mesa planning meeting. AND wondering why we were never notified.

I live on Walker drive and I oppose this project, for a number of reasons.

1. Safety, erosion of our hillside
2. Safety, of our home, the trail as shown on the map is about 20-30ft from our lot line, we do not have a fenced in property.
3. Safety, Fire hazard, with kids and transients smoking and having fires in the Canyon.
4. Safety, it is a long way day should someone fall from the trail.
5. Safety, homeless being able to walk the canyon close to all our homes. With access under our deck.
6. COST, We think the money could be better spent.
7. Environment, what about the animals that live there, the Redtail hawks, Barn Owls, frogs, birds and even the coyotes, I would rather have them than the trail.

G-1

Our neighborhood is not pleased with the proposed project, and will be there in full force. We are very disappointed that we didn't hear of this until one day before the Serra Mesa planning board met.

G-2

Take Care!



Mary Beth Brown-Kennett | **REALTOR** LIC#10356032 | **Cameron Real Estate Group**
Keller Williams Realty-Carmel Valley/Del Mar
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Cell: 619-838-8277
Email: mbbk@san.rr.com
<http://marybeth.justlistedinsandiego.com>

Response to Comment Letter G

Mary Beth Brown-Kennett

April 22, 2013

- G-1 The commenter expresses disappointment that no notification of the project was provided to individual residents of the Serra Mesa community until one day before a scheduled Serra Mesa community planning meeting. The commenter is opposed to the project for reasons of erosion, safety and security of existing homes and residents, fire hazard, trespassing on private property, cost, and wildlife impacts. See Response to Comment D-5, E-2, and D-14.
- G-2 The commenter reiterates opposition to the project. Comment noted.

From: Randy Dolph <rdolph@delawie.com>
Date: April 19, 2013, 9:09:22 AM PDT
To: "kmckernan@sdrc.ca.gov" <kmckernan@sdrc.ca.gov>
Subject: Ruffin Canyon Trail Environmental Report - Comments

4/19/13

Kevin McKernan
San Diego River Conservancy
1350 Front Street, #3024
San Diego, 92101
kmckernan@sdrc.ca.gov

Hi Kevin,

I am in receipt of the San Diego River Conservancy's "Notice of Intent to Adopt a Mitigated Negative Declaration" for the Ruffin Canyon Trail.

I have reviewed the "San Diego River Ruffin Canyon Trail & Urban Walk – Initial Study / Mitigated Negative Declaration" dated March 2013 available on the Conservancy's web site, and offer the following comments:

<!--[if !supportLists]-->1. <!--[endif]-->A portion of the public trail is proposed to run in an east-west direction between Portofino Apartments (a.k.a. Northside Apartments) and Escala. The Final Subdivision Public Report (File No. 110725LA-FOO, dated 2/20/04) provided to me as an Escala homeowner states the following regarding the trail between the two communities:

A pedestrian and non-motor vehicular path is or will be constructed on a portion of the apartment site located or to be located on parcel 1 of parcel map no. 19170 ("Northside Apartment Site"). The path on the Northside Apartment site is not open to public use but may be used by owners and other occupants of the Northside Apartment site, the Escala Master Community, and certain additional real property.

H-1

An electronic copy of this map is attached to this email for reference. On the map, the text pointing to the path references "Existing 12' wide pedestrian and non-motor vehicular right-of-way dedicated per map no 14550." However, neither this map nor 14550 references this right-of-way as being dedicated to the "public." Please provide recorded documentation that the path between Escala and Portofino Apartments has been dedicated to the City of San Diego as public.

↑
H-1
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<!--[if !supportLists]-->2. <!--[endif]-->A photo of the existing path between Escala and Portofino Apartments is attached to this email, specifically where the path transitions from the North/South direction to the East/West direction, at the north end of the Portofino site. It is at this point that the path transitions from a concrete sidewalk to a decomposed granite (DG) path. The DG path continues to slope upward from this transition heading eastbound to Northside Drive.

Many jurisdictions do not permit DG as an approved material along an accessible path of travel since it is often not maintained in a firm and stable condition as required.*

↑
H-2
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This is especially concerning for this portion of the existing path, since it is relatively long and slopes upward.

To provide an accessible path of travel that would better serve disable users, alternative paths for the trail routes have not been presented in the initial environmental report. Please include such alternatives within the report, and compare their impact(s) to the trail as proposed.

↑
H-3
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I appreciate the efforts of the San Diego River Conservancy in preparing the initial environmental study for the Ruffin Canyon Trail, and request that the aforementioned comments and concerns be addressed in the final report.

Regards,
--Randy Dolph
rdolph@san.rr.com
rdolph@delawie.com
Escala Resident

**The 2010 California Building Code, Chapter 11B, addresses accessibility for the public. Specifically, Section 1132B addresses outdoor occupancies and includes the following for trails:*

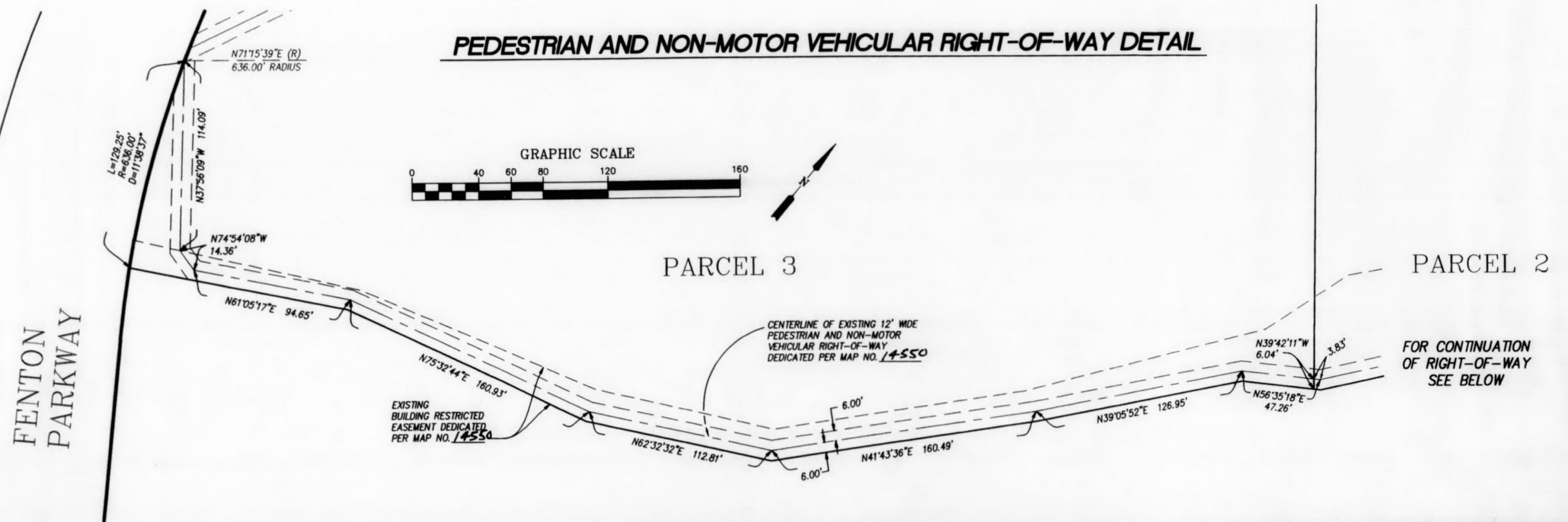
Trails and paths: Trails, paths and nature walk areas, or portions of these, shall be constructed with gradients which will permit at least partial use by wheelchair occupants. Hard surface paths or walks shall be provided to serve buildings and other functional areas.

Nature Trails: Nature trails and similar educational and informational areas shall be accessible to the blind by the provision of rope guidelines, raised Arabic numerals and symbols for identification, information signs and related guide and assistance devices.

PARCEL MAP NO. 19170

SHEET 7 OF 7 SHEETS

PEDESTRIAN AND NON-MOTOR VEHICULAR RIGHT-OF-WAY DETAIL

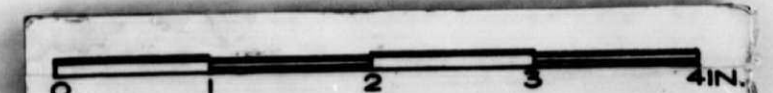


PARCEL 3

PARCEL 2

FOR CONTINUATION OF RIGHT-OF-WAY SEE ABOVE

PARCEL 1



Comment Letter H



Response to Comment Letter H

Randy Dolph
April 19, 2013

- H-1 For the Escala development, dedications to the City of San Diego for public use of the pedestrian and non-motor vehicular right-of-way were acquired per Mission City Phase IV Final Map number 14550 recorded on February 23, 2003 as document number 2003-0228670, Official Record. Please contact the City for any questions associated with this matter. Also, see Response to Comment D-9.
- H-2 The commenter notes that many jurisdictions do not permit decomposed granite (DG) as an approved material along an accessible path of travel. Comment noted. As described in Section 1.6, Project Construction of the Draft MND, the canyon trail would be constructed to California State Parks and City of San Diego trail standards.
- H-3 The commenter states that the Draft MND needs to evaluate alternative paths of travel for disable users. The project includes the construction of a trail that meets Americans with Disabilities (ADA) standards for the first approximately 500 feet of trail extending south from the north trailhead at Gramercy Drive, terminating at an overlook. Also, see Response to Comment D-7.

2801 Walker Drive
San Diego, CA 92123
858-541-2524
fennellster@gmail.com

April 22, 2013

Re: Notice of Intent to Adopt a Mitigated Negative Declaration on San Diego River – Ruffin Canyon Trail and Urban Walk

Dear Mr. McKernan

We are writing to express our concern over the proposed “San Diego River – Ruffin Canyon Trail and Urban Walk.

We support the concept of improving public access to the canyon and making it available to the community. However, we have concerns over two aspects of the project. We live on the east side of Walker Drive, and our home is on the western edge of the canyon, so our home will be directly affected by the work done on the canyon.

I-1

Ruffin Canyon has very steep slopes, and at times catastrophic erosion occurs during rainstorms. We are concerned that trail building will be done at the expense of removing trees that are anchoring the soil to the sides of the canyon. This could result in dirt slides particularly during an El Nino event when the ground is saturated. In turn, that could undermine the yards and homes at the top of the canyon. It is my understanding that home insurance does not cover land movement, so any damage to the homes resulting from work done on the canyon would be borne solely by the home owners.

I-2

In some areas, the trail comes very close to the backyards of homes on the side of the canyon. This makes the yards vulnerable to intruders, who prior to the existence of the trail, would not have had easy access to these areas. We request that you reconsider the layout of the trail, and move it to locations further down the hillside wherever possible to maintain a greater distance from the trail to the homes. We saw a layout of the trail map on a topographic map the Serra Mesa Planning Group meeting, and it appears that this could easily be done without affecting the grade of the trail.

I-3

We only just learned of this project recently. When cables were undergrounded in our neighborhood, we receive several fliers on our doorsteps to alert us to the project and to keep us up to date on what would be going on. Since this project could have extremely deleterious affects on our homes and our safety, we would like to be equally well informed about the progress on this project.

I-4

After attending the Serra Mesa Planning Committee presentation, and seeing the committee's vote, we understand that the opinions of home owners with canyon edge property will carry very little weight. We also can appreciate that others in the community would like to have greater access to the canyon and that the work may result in improvements to the canyon via removal of invasive species and provision of greater access for firefighters. Our request is that the integrity of the hillside and the safety of those living on the edge of the canyon also enter into the planning process.

↑
I-4
↓

Sincerely,

Michael Fennell
Janet Cunningham

Response to Comment Letter I

Michael Fennell and Janet Cunningham

April 22, 2013

- I-1 The commenter is in support of the project but has two concerns due to the nearness of the commenter's home to the proposed canyon trail. The concerns and responses follow this comment – they are erosion of the hillside and safety of the adjacent residents.
- I-2 The commenter expresses concern over the potential erosion that may be caused by the construction of the proposed trail. See Response to Comment D-12.
- I-3 The commenter expresses concern over the nearness of the proposed trail to existing homes and the potential for intruders to access private property. Pursuant to Pub Res C §21091(d)(2)(B), this is not considered a substantive comment on an environmental issue, and does not require a specific response. Nonetheless, it is noted in Section 1.3, Environmental Setting of the Draft MND that informal trails currently exist within Ruffin Canyon which are used on occasion by pedestrians. The proposed trail alignment would be designed and constructed in such a way that would clearly delineate the trail limits through surface improvements, signage, and selective pruning of vegetation; thereby encouraging trail users to stay on the trail. Also, see Response to Comment D-11.
- I-4 The commenter requests to be informed of the progress of the project. The commenter also understands that the benefits of the project include better canyon access, removal of invasive plant species, and greater access for firefighters; yet, two concerns remain – erosion and safety. Comment noted. See Response to Comment I-2 and I-3.

From: "Kathleen F." <kfr3@yahoo.com>
Date: April 22, 2013, 9:13:07 PM PDT
To: "kmckernan@sdrc.ca.gov" <kmckernan@sdrc.ca.gov>
Subject: **Support for adoption of Mitigated Negative Declaration**
Reply-To: "Kathleen F." <kfr3@yahoo.com>

Dear Mr. Kevin McKernan,

As a resident and community volunteer in Serra Mesa I think the San Diego River – Ruffin Canyon Trail and Urban Walk project is a wonderful idea and will be an asset to Serra Mesa/Mission Valley.

I support the adoption of the Mitigated Negative Declaration for San Diego River – Ruffin Canyon Trail and Urban Walk project.

Sincerely,

Kathleen Ford
9129 Village Glen Drive Unit 177
San Diego, CA 92123

email: kfr3@yahoo.com

J-1

Response to Comment Letter J

Kathleen Ford

April 22, 2013

J-1 The commenter is supportive of the project. Comment noted.

ADMINISTRATIVE DRAFT

Kevin McKernan, Executive Officer
San Diego River Conservancy

April 22, 2013

Just tonight, April 22nd, I found out about the proposed Ruffin Canyon Trail.

How in the world is it permissible to impact private property integrity without notifying those who will be impacted? Sure you posted notices that are probably required by law but only by accident would property owners on the canyon rim find out what would be happening. Most likely they would find out when construction of the trail would be started and it would be too late to object.

K-1

We have lived in our residence for fifty years and certainly know what the canyon is all about. Providing public access along the upper part of the trail will create noise, a fire hazard created by those who would use it and create a huge possibility of erosion problems. This is a very steep walled canyon on the west side and creating a trail on the upper part of the slope could not be constructed without undermining the natural configuration.

There are areas along the upper canyon wall that already have erosion problems that could contribute to loss of property and use of same. You can't cut a trail along the canyon without contributing to more erosion. After spending my entire career in the construction industry and site development, I believe I would have enough experience to recognize that you cannot put a "earth surfaced canyon trail" in this type of terrain. I have never seen anything like this that did not deteriorate to a serious situation. It looks pretty when it is constructed but in a few years it would be a disaster and there would be no money to reconstruct it or compensate damages that it would cause.

K-2

I would be surprised if anyone who will be affected would not object to this trail.

What recourse does a homeowner have to prevent this from happening?

K-3

John & Bev Hammond
2909 Sego Place
San Diego, CA 92123

Response to Comment Letter K

John and Bev Hammond

April 22, 2013

- K-1 The commenter lives along the rim of the canyon and states that they were not notified of the project. See Response to Comment D-5.
- K-2 The commenter expresses concern that the proposed trail will cause erosion and increase fire hazard. See Response to Comment D-12 and D-14.
- K-3 The commenter is opposed to the project. Comment noted.

ADMINISTRATIVE DRAFT

From: "Warren Johnson" <wmjohnson2@earthlink.net>
Date: April 22, 2013, 6:27:47 PM PDT
To: <kmckernan@sdrc.ca.gov>
Subject: **Support of the adequacy of Mit. Neg. for SD River-Ruffin Canyon Trail**

Date: April 22, 2013
To: San Diego River Conservancy
Attn: Kevin McKernan
1350 Frost Street , Suite 302,
San Diego, CA 92101
Kmckernan@sdrc.ca.gov

RE: Support of the Adoption of the Mitigated Negative Declaration for the San Diego River- Ruffin Canyon Trail and Urban Walk.

As a long time resident of Serra Mesa, who in 1987 helped organize the community to request the city purchase Ruffin Canyon for open space, this project would be a dream come true. The public will have better access to this beautiful canyon if this project is approved and built.

After reading the CEQA report that found the trail to Mission Valley from Serra Mesa to have no environmental impacts or less than significant impacts, there appears to be no reason not to adopt this report. Vegetation and wild life would be better protected by having an official trail and not all the informal trails now in use.

I see this trail only as a benefit to the community. Residents will have a "safe" trail for hiking and enjoying this open space right in the middle of their community. Residents will have access to the Valley, the San Diego River, and the trolley. Mission Valley will have a safe access to the schools in Serra Mesa. This is a win, win situation for everyone.

Sincerely,

Mary Jean Johnson
2505 Mammoth Drive

L-1

San Diego, CA 92123
maryjjohnson@earthlink.net

Response to Comment Letter L

Mary Jean Johnson

April 22, 2013

L-1 The commenter supports the project. Comment noted.

ADMINISTRATIVE DRAFT

Kevin McKernan
Executive Officer
San Diego River Conservancy
1350 Front Street Suite 3024
San Diego, CA 92101
619.645.3183
kmckernan@sdrc.ca.gov
www.sdrc.ca.gov

From: Kevin Johnston [mailto:kevinjohnston1972@yahoo.com]
Sent: Monday, April 22, 2013 3:57 PM
To: Kevin McKernan
Subject: Re: Serra Mesa Planning Group Meeting -- April 18, 2013

Please include this as my comment -

I support SDRC's Ruffin Canyon Trail Project.

First of all, having the trailhead at the Gramercy fence, west of Taft Middle School is a better option than starting from the Taft native garden. There will be less interference with school activities. Parking (for those driving to the trail) at the dead end of Ruffin, near the Taft driveway would pose unnecessary additional traffic/pedestrian conflicts. The section of Gramercy adjacent to the proposed trailhead has a lot of on-street parking available. I walk and drive by there often. The only times I've seen all the spaces taken were during Chargers games.

M-1

The existing Gramercy and Taft trailheads both lead to the canyon floor sewer access paths and informal trails. If the proposed trail followed the existing route, users would be walking on large cobble rocks for almost half the length of the trail (see the pictures in the SDRC document). It would be very difficult to create a sustainable trail here, and the extent of habitat impacts would be similar to that of the trail proposal, with more impacts to riparian habitat. Figure 13 of the SDRC document shows the minimum habitat utilization/territories for the observed gnatcatchers. The proposed trail is mostly avoiding these areas, whereas other options would pose a greater disturbance in these areas. The State Parks crew has done a great job of preparing a trail alignment that mostly follows contour lines, provides an ADA portion and overlook, keeps impacts to sensitive vegetation to a minimum, and stays out of the sensitive riparian areas until the southernmost end (where there is only the narrow pedestrian easement over the Escala HOA property, in the canyon wash). I have talked to some people I have seen walking in the canyon - most people turn around

M-2

at about the halfway point or earlier because of the difficulty walking on the cobble.

↑ M-2

The 'Tributary Canyons Project' was discussed extensively at Friends of Normal Heights Canyons meetings from 2007 to 2010. We had meetings with the neighbors and the sisters at the Carmelite Monastery (owner of much of the private land in Ellison Canyon of Normal Heights). Almost everyone we talked to, including the sisters, were open to (and many very excited about) the idea of a trail from the northern end of 33rd street, along the existing SDGE easement trail on the canyon floor, on to Camino Del Rio South and over the 8 on the Mission City Parkway sidewalk - with hopes of a pedestrian bridge over the river. (see further discussion of this in the 'San Diego River Tributary Canyons - Feasibility Report, April 2010 on the sdrc.ca.gov site). It's unfortunate that the Normal Heights side is not included at this time, but getting one side of the concept approved and implemented would provide incentive to continue looking at ways to achieve the full concept of a canyon/urban trail from Normal Heights to Serra Mesa. Imagine an organized annual canyon/urban hike from the Manzanita/Hollywood/Swan trails, through City Heights and Normal Heights and all the way to Serra Mesa, to promote a Canyonlands Regional Park.

M-3

All of the attendees at the Friends of Ruffin Canyon March meeting were very excited that we have finally seen a full proposal and environmental analysis. It's my understanding that this has also been a hot topic at FRC events well before I moved to Serra Mesa. The two active Friends groups in NH and SM played a role in getting the tunnel under Friars opened, as officials acknowledged at the opening ceremony. Even if the Normal Heights side and river crossing never pans out, there is great merit to seeing this Ruffin Canyon trail finally happen. The implementation of this trail would be a great step toward improving environmental education and stewardship of our canyons, in addition to connecting communities.

Kevin Johnston
Friends of Ruffin Canyon
Board of Directors - San Diego Canyonlands

From: Kevin McKernan <kmckernan@sdrc.ca.gov>
To: 'Kevin Johnston' <kevinjohnston1972@yahoo.com>
Sent: Monday, April 22, 2013 1:47 PM
Subject: RE: Serra Mesa Planning Group Meeting -- April 18, 2013

Thanks Kevin,
Any chance you could send me your recommendation that you mentioned as a formal comment? Our comment period closes at 5 today, but can accept comments after that with the "received after comment period" caveat.

Kevin McKernan
Executive Officer
San Diego River Conservancy
1350 Front Street Suite 3024
San Diego, CA 92101

619.645.3183

kmckernan@sdrc.ca.gov

<http://www.sdrc.ca.gov/>

Response to Comment Letter M

Kevin Johnston

April 22, 2013

- M-1 The commenter supports the project and suggests that the proposed trailhead at Gramercy Drive be located to the west of the Taft Middle School. The project does propose to start the north portion of the canyon trail west of the school, with on-street, trailhead parking on Gramercy Drive.
- M-2 The commenter notes that the proposed trail follows existing contour lines, avoids sensitive habitat, provides an ADA section of trail, and is more sustainable than following existing routes. Comment noted.
- M-3 The commenter notes that the project was extensively discussed at Friends of Normal Heights Canyons meetings from 2007-2010, Friends of Ruffin Canyon, and with neighbors and sisters at the Carmelite Monastery. The commenter reiterates support for the project. Comments noted.

Kevin McKernan
Executive Officer
San Diego River Conservancy
1350 Front Street Suite 3024
San Diego, CA 92101
619.645.3183
kmckernan@sdrc.ca.gov
www.sdrc.ca.gov

From: Jill Kaplan [mailto:jkaplan1@san.rr.com]
Sent: Monday, April 22, 2013 11:40 AM
To: kmckernan@sdrc.ca.gov
Cc: jkaplan1@san.rr.com
Subject: Please No

Please Kevin hear me out, I am very concern about the "walking path" that is being considered. My concerns are, fire,b-b guns being fired towards our homes,the safety of the small children playing in their own back yards,the homeless having easy access to "bed down", disturbing the wildlife while hacking up the hillside,and mostly the erosion of the land (there is a lot of filled dirt here on this hillside) we have already experienced some land slides. Please just improve the already existing trail, I would love to see that happen. Do not destroy the beauty of our canyon, PLEASE.

Thank you for hearing me out,
Respectively yours,

Jill Kaplan

N-1

Response to Comment Letter N

Jill Kaplan

April 22, 2013

- N-1 The commenter is concerned about fire, b-b guns firing into homes from the canyon, safety, intruders, and erosion. See Response to Comment E-2 and D-14.

ADMINISTRATIVE DRAFT

Kevin McKernan
Executive Officer
San Diego River Conservancy
1350 Front Street Suite 3024
San Diego, CA 92101
619.645.3183
kmckernan@sdrc.ca.gov
www.sdrc.ca.gov

From: Lois Lippold [mailto:llippold@san.rr.com]
Sent: Monday, April 22, 2013 11:24 AM
To: Kmckernan@sdrc.ca.gov
Subject: : Proposed new trail in Ruffin Canyon

Dear Kevin McKernan,

We are homeowners on the side of the canyon of the new Ruffin Canyon proposed trail. It is right beneath our house. We are very much against a new trail for the following reasons:.

1. The canyon on our side is very steep. We don't need any more erosion we have had one massive canyon cave in. It cost us more that \$7000 to bring in dirt to stabilize the hill. The proposed train is right over the area that we had to have rebuilt with tons of dirt. There are at least 10 other properties along Walker drive that have had to rebuild their canyons because of slides. I am collecting the dollar estimates for that work today.
2. The fire hazard in the summer is extreme. We have put in fire retardant vegetation and sprinklers in the event of a fire. We can watch the walkers who use the lower trail now and many of them smoke and a couple of built fires in the canyon. Others use the canyon for their pot smoking.
3. The steep wall is not stable. The geologist that we hired to help stabilize our property said that most of the 15 feet he dug now to was fill from when our houses were built. At that time the construction people just pushed the top soil over the top of the hill and down the canyon.
4. the canyon is home to lots of wildlife and more dogs and people will displace these occupants further. We watch people with dogs let their animals run everywhere this displaces Raccoons, coyotes, quail, foxes and lots of birds.
5. We have watched kids and adults bring guns to the canyon and target practice, "paintball warriors" hunt each other and various types of other gun activity.

6. We are OK with the existing trail . There are roads and sewage connections already on the floor of the canyon. The city comes to clean those several times a year.

└ O-2

Please let me know if there is any other information that you might need. I am a professional environmentalist.

Thank you,

Lois Lippold
2881 Walker Drive
San Diego 92123

Response to Comment Letter O

Lois Lippold
April 22, 2013

- O-1 The commenter is opposed to the project for the following reasons: erosion, fire hazard, impact on wildlife, and use of guns in the canyon. See Response to Comment E-2 and D-14.
- O-2 The commenter wants the existing trails to remain. Comment noted.

ADMINISTRATIVE DRAFT

Kevin McKernan
Executive Officer
San Diego River Conservancy
1350 Front Street Suite 3024
San Diego, CA 92101
619.645.3183
kmckernan@sdrc.ca.gov
www.sdrc.ca.gov

From: Patty Manjarrez [mailto:patty@RESORTCOM1.onmicrosoft.com]
Sent: Monday, April 22, 2013 4:19 PM
To: kmckernan@sdrc.ca.gov
Subject: Hiking trails escala

Dear Kevin.

I am a resident at escala. I wish to put in my 2 cents. I am all for the trail for hikers and perhaps their dogs. I am not for non residents coming into a gated community. Parking , thrash left on property and on the trails, and most concerning undesirables etc. There would have to be curfews, however that will not keep some folks from spending the nights as once reported. I understand it may be mostly responsible older folks but it only takes one to spoil the whole bunch. So I hope you will have in place safeguards for all situations. Also, I wish to speak to you personally about another matter. If you can email me a phone # or call me at 619 280 2702 9 am -1pm best time to reach me.

P-1

Thank you, Patty M.

Response to Comment Letter P

Patty Manjarrez

April 22, 2013

- P-1 The commenter lives in the Escala development and supports the trail for hikers but is not in support of the portion of trail that would go through the Escala development. Comment noted.

ADMINISTRATIVE DRAFT

From: "Charles E. Tucker" <cetucker7073@att.net>
Date: April 22, 2013, 6:36:21 PM PDT
To: <kmckernan@sdrc.ca.gov>
Subject: **SAN DIEGO RIVER - RUFFIN CANYON TRAIL AND
URBAN WALK -- SERRA MESA/MISSION VALLEY, CITY OF SAN
DIEGO**

<!--[if mso 9]--> <!--[endif]-->
Mr. McKernan,

My family and I strongly oppose this proposed project; we are residents of Serra Mesa and will be directly impacted as we live right above the canyon. First off, we feel like we're being taken advantage of, as today is the first time that we have even heard of this proposal and it's the last day for public review. After talking to a few of my neighbors, I have found out that we're not the only ones who didn't know about it until today!

Our biggest concerns are vagrancy and trespassing. We've had our share of people finding their way onto our property and that's with no Urban Walk; in my opinion it can only get worse for us; so once again, I say to you that we strongly oppose this proposed project.

Q-1

Charles E. Tucker
U. S. Navy-Retired

Phone: (H) 619.985.0281
Email: (H) cetucker7073@att.net

Response to Comment Letter Q

Charles E. Tucker

April 22, 2013

- Q-1 The commenter opposes the project and expresses concern over vagrancy and trespassing. Comment noted. See Response to Comment I-3.

ADMINISTRATIVE DRAFT

From: laura arnold <lba_jd@yahoo.com>

Date: April 22, 2013, 8:05:48 PM PDT

To: kmckernan@sdrc.ca.gov

Subject: San Diego River - Ruffin Canyon Trail and Urban Walk

Thank you for taking the time to consider my family's concerns about your proposed project to construct a trail along the western ridge of Ruffin Canyon, adjacent to our property line. My husband and I are career public servants. He is a SDUSD teacher, and I am a deputy public defender. We are the proud parents of two little girls (6 and 8) and three dogs, including two German Shepherds. We are from the midwest, where green land is abundant, and we paid market price for this property in 2003, precisely because it was a canyon-rim property without public access and with an amazing panoramic view. We have lived here, happily, since that time.

We love our dogs and selected the breed because German Shepherds are wonderful guard dogs and obedient loving intelligent companions. When we are not at home (during the day), our dogs are contained in a peaceful area in our backyard, with 6' fences, and without any harassment or agitation. We have serious concerns about the impact of the proposed trail, adjacent to our property line, on our dogs. We are worried that they will become anxious due to the proximity of strangers to "their yard" and will become extremely agitated and anxious. We are worried about what they may do to our property in this agitated state.

R-1

We love our daughters and cherish their safety and their privacy. We chose this home because our backyard provides so much privacy while still being connected to the beautiful world in which we live. Our children have never had to worry about strangers scaling the canyon walls and intruding on their safety. We are concerned that this proposed project will jeopardize our privacy and their safety.

R-2

We love the canyon and enjoy hiking. We travel, as a family, to Mission Trails, where we can hike without invading other people's privacy. As much as we love and cherish privacy, we respect the sanctitude of people's homes.

We don't understand why this trail needs to be constructed; nor do we understand why it needs to be constructed on such unstable eroded

R-3

terrain and so near the property lines of us and our neighbors. We support the renovation of Serra Mesa, and we would enjoy a earth-surfaced trail in Ruffin Canyon, but we cannot support this project due to the concerns discussed above.

↑
R-3

Thank you again for your careful thought to this important decision.

Very truly yours,

Laura Arnold and Jerry Urick
2793 Walker Dr., 92123

Response to Comment Letter R

Laura Arnold and Jerry Urick

April 22, 2013

- R-1 The commenter expresses concern over the location of the proposed trail near residences and its effect on their dogs' behavior. Comment noted. Pursuant to Pub Res C §21091(d)(2)(B), this is not considered a substantive comment on an environmental issue, and does not require a specific response.
- R-2 The commenter expresses concern that the project would jeopardize safety and privacy. Comment noted. See Response to Comment D-11 and I-3.
- R-3 The commenter expresses concern over constructing a trail on unstable terrain and nearness of the trail to residences; and does not support the project due to these concerns. Comment noted. See Response to Comment D-12 and I-3.

24 April 2013

San Diego River Conservancy
c/o Kevin McKernan, Executive Officer
1350 Front Street, Suite 3024
San Diego, CA 92101

RE: Objections to Pedestrian Trail Proposed by San Diego River Conservancy

Dear Mr. McKernan,

I am an owner and resident within the Escala community in Mission Valley. It is my understanding that a trail for pedestrian/non-motor vehicular use by the public is being proposed by the San Diego River Conservancy which will go directly through the privately owned Escala community. I was not adequately informed of the nature and scope, and proposed use, of the trail and trail system.

S-1

I strongly object to the public having access over property within our private, gated community, based on the following significant adverse effects to the environment and to the property within Escala, including but not limited to: safety/security of all Escala homes and residents, increased crime, liability to the Escala community and cost/inability to obtain proper insurance for public access facilities, inability to control where the public will venture within the private property owned by Escala owners, erosion/slope slippage, fire safety to the community and canyon areas, lack of public facilities and parking/vehicle access, excessive noise, aesthetics, gravely detrimental impact on my property value, failure to achieve stated purposes of the project, and lack of full and logical environmental analysis of the proposed trail/trail system. In addition, in these times of critical fiscal problems how can this type of project be justified in any way, shape or form?

S-2

I expect that these objections warrant a full environmental review of this proposed project by the responsible entities, and that alternatives outside of the Escala community be pursued.

S-3

Thank you for your consideration.



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Response to Comment Letter S

Terry L. Ward

April 24, 2013

- S-1 (Note: This letter was received after the public comment period for the Draft MND was closed.) The commenter lives in the Escala development and notes that he was not adequately informed of the project. See Response to Comment D-5.
- S-2 The commenter is opposed to the project for the following reasons: safety and security of Escala residents, crime, liability to the Escala Association, trespassing, erosion, fire hazard, noise, aesthetics, and devaluation of property. See Responses to Comments D-9 through D-14, D-19 through D-21, and I-3.

ADMINISTRATIVE DRAFT