

Mr. Moty;

In response to your questions, please note the following in the same order listed in your letter dated April 22, 2013 (copy attached):

Response to question #1:

The CEQA document is a Mitigated Negative Declaration and not an EIR. Moreover, once the Environmental staff has completed their checklist, a "draft" environmental document will be prepared. It will be sent to the community group and they can make comments which will be answered by the Environmental Analyst.

All your concerns and our responses will be shared with the City of San Diego Development Services staff in charge of processing the CEQA document.

Response to question #2:

The estimated start of construction is summer, 2014. The construction duration is estimated to be 60 working days.

Regarding nesting potential, the project site does not support suitable habitat for the coastal California gnatcatcher, or any other threatened bird species, and none have been detected in the project vicinity during biological surveys. Searches of the California Natural Diversity Database and USFWS sensitive species database also did not report any observations of threatened bird species in the project vicinity. Threatened bird species are not expected to occur in the project area. However, the project site does support vegetation communities that could support nesting sites for birds in general and as such, the project would comply with the Migratory Bird Treaty Act (MBTA) to avoid potential impacts to nesting birds protected under the MBTA (this includes almost all bird species that might be encountered in the project vicinity).

Please note that in order to maintain compliance with the Migratory Bird Treaty Act and to avoid potential impacts to nesting birds, vegetation clearing would take place outside of the general avian breeding season (February 1 - August 31), if feasible.

Any conflict with bird-breeding season will attempt to be avoided but if vegetation clearing must occur during the avian breeding season, a qualified biologist would conduct a pre-construction survey for nesting birds no more than 7 days prior to vegetation clearing. If no active nests are found, clearing can proceed. If active nests are found, no clearing may take place within the buffer zone of any active nest until a qualified biologist determines that the nest is no longer active or has failed. Buffer zones would be established in conformance with the City's Biology Guidelines and applicable State and Federal Law.

Response to question #3:

It is agreed that there are areas within the limit of work that exceed the slopes shown on plan (45 degrees). The slopes will not be 're-graded' or reconstructed. They will be restored and repaired to their existing, or un-failed condition. Additional survey has been completed so that the plans can be updated to reflect a more accurate slope of the existing condition.

In order for a contractor to install the storm drain pipe and rehabilitate the failed slope, a limit of work has been established to allow construction. The improvements, grading and environmental impacts have all been designed to stay within this limit of work. This project requires that the geotechnical engineer have a representative on site during the grading process to inspect for none surveyed soils and verify the grading of the contractor. Any modifications to the pipe design will be analyzed to verify the behavior of the system and reflected on plan.

Engineering will have no issues designing an effective system to convey the runoff. The contractor will have no issues using the proper equipment to construct the items approved on the plans to install the pipe and rehabilitate the failed slope.

Response to question #4:

The project requires a 25-month revegetation and maintenance period where the site will be irrigated and monitored to ensure the establishment of revegetation. It is recommended to install one gallon sized plantings, because the stock tends to do better and start growing more quickly than larger sizes.

However, five gallon plants will be added to the revegetation plan for more diversity at the beginning of the 25-month process. Larger size plants are more difficult to find and become cost prohibitive as they have a higher risk of failure due to transplant shock and tend to grow more slower than younger plants.

All the vegetative plants installed are required to survive the 25-month monitoring period or will be required to be replaced to fulfill the revegetation condition.

Response to question #5:

Only one tree in this area is scheduled for removal as it is located in the path of the proposed storm drain. The biology report does not specifically address this tree, which is a non-native species, and has no special status or protections in terms of biological resources. From a biological resources perspective/biology-related regulations, replacement of this tree is not required. The only biological issue related to the tree would be as a potential location for nesting birds – but as long as the project complies with the Migratory Bird Treaty Act and does not impact active bird nests, then there is no biological issue with removing the tree and not replacing it.

The demolition plan will be updated to show the tree(s) that will be impacted by the construction work.

Response to question #6:

The use of colored concrete for the outfall structure will be incorporated into the project plans and documents with standard galvanized chain link fence. It is our understanding that the color requested is the equal to "Davis Colors, Adobe 61078" since we were not able to find the 'Navajo Brown' color mentioned in your recommendations.

Response to question #7:

The northern most part of Miracle Drive will be removed and replaced due to the trenching for the pipe, the installation of new curb and gutter, and the replacement of the storm drain curb inlet. The scope of work will include resurfacing the impacted areas at the end of Miracle Drive.

Thank you for your patience & support.

Michael Handal, P.E.

Project Manager

Right-of-Way Design Division

Public Works-Engineering & Capital Projects

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