

SAN DIEGO METROPOLITAN TRANSIT SYSTEM

Resolution No. 22-14

Resolution Approving and Adopting a Mitigated Negative Declaration and a Mitigation Monitoring and Reporting Program for the Clean Transit Advancement Campus Project and Approving the Project

WHEREAS, the San Diego Metropolitan Transit System ("MTS") and the San Diego Association of Governments ("SANDAG") intend to construct the Clean Transit Advancement Campus ("Project") located north of Federal Boulevard and west of 47th Street in the Ridgeview neighborhood of Mid-City and the City Heights community in the central portion of the City of San Diego (Assessor Parcel Numbers 541-611-04-00, 541-611-27-00, 541-611-31-00, 541-611-34-00, and 541-611-35-00). The Project would consist of a new bus maintenance and charging facility for electric buses, within the central portion of MTS' current and future operational bus service footprint near the Interstate 805 (I-805)/State Route 94 (SR 94) interchange in the City of San Diego; and

WHEREAS, the Project is divided into two portions. The smaller portion of the project site occurs on the eastern side and is proposed for employee parking and an administration/operation building. The larger portion occurs on the western side and is proposed for bus parking/charging, maintenance bays, bus washes, and an operations building. Access to the Project would be located at up to four driveways along the Federal Boulevard project frontage. A new traffic signal would be installed at the western-most site driveway; and

WHEREAS, the Project is a joint effort between MTS and SANDAG. MTS would acquire the necessary property (phase one) and SANDAG would build the new facility (phase two). MTS would own and operate the Project. As the agency with the principal responsibility for carrying out the first phase of the Project and the agency that will act first on the Project, MTS is the lead agency for the Project under the California Environmental Quality Act ("CEQA"), Public Resources Code section 21000 *et seq.*, and the accompanying State CEQA Guidelines, Title 14 of the California Code of Regulations, section 15000 *et seq.*; and

WHEREAS, based on the information contained in the Initial Study, which concluded that the Project would not have significant impacts on the environment with mitigation incorporated, MTS determined that a Mitigated Negative Declaration should be prepared for the Project, and a Draft Initial Study/MND ("MND"), State Clearinghouse No. 2022070236, was prepared in accordance with CEQA and the State CEQA Guidelines; and

WHEREAS, on October 20, 2022, the Board of Directors held a duly noticed public hearing on this matter; and

WHEREAS, pursuant to State CEQA Guidelines section 15072, a Notice of Intent to Adopt the MND was circulated for the required 30-day public review period, including posting notice in a newspaper of general circulation and with the County Clerk; and

WHEREAS, the Notice of Intent to Adopt the Draft MND was also submitted to the State Clearinghouse for state agency review under State CEQA Guidelines section 15073; and

WHEREAS, during the public comment period, copies of the Draft MND, including any technical appendices, were available for review and inspection at the offices of MTS and SANDAG, at the Valencia Park/Malcom X Library, at the Oak Park Branch Library, and on MTS' website; and

WHEREAS, MTS received nine comment letters during the public review period, which did not raise any new potentially significant environmental effects of the Project; and

WHEREAS, MTS staff has reviewed all comments and prepared responses to each comment as reflected in the Final MND and staff's separate response to an additional comment letter from *Groundwork San Diego Chollas Creek* dated August 11, 2022; and

WHEREAS, the Final MND consists of the Draft MND, comments and responses on the Draft MND, and the Mitigation Monitoring and Reporting Program ("MMRP"); and

WHEREAS, the MND is attached hereto as Exhibit A and the MMRP is attached hereto as Appendix L to the MND; and

WHEREAS, in compliance with Public Resources Code section 21080.3.1, MTS solicited tribal input on the Project on May 12, 2022, by email and on May 17, 2022, by mail, based on the list of tribes that have requested notification of projects from SANDAG and the tribal contacts provided by the California Native American Heritage Commission. Four tribes responded, with three requesting consultation (San Luis Rey Band of Mission Indians, San Pasqual Band of Diegueno Mission Indians, and the Viejas Band of Kumeyaay Indians). Consultation has concluded with these tribes. Due to the proximity of the Chollas Creek corridor and known habitation sites along the creek, there is potential to discover previously unknown tribal cultural resources at the Project site. Implementation of Mitigation Measure CUL-1 requiring an archeological and Kumeyaay Native American Monitor during initial grading and other ground-disturbing construction activities would reduce potential impacts to tribal cultural resources to less than significant; and

WHEREAS, as contained herein, the Board of Directors has endeavored in good faith to set forth the basis for its decision on the Project; and

WHEREAS, all the requirements of the Public Resources Code and the State CEQA Guidelines have been satisfied by MTS in connection with the preparation of the MND. The MND is sufficiently detailed so that all potentially significant environmental effects of the Project, as well as feasible mitigation measures, have been adequately evaluated; and

WHEREAS, all of the findings and conclusions made by the Board of Directors pursuant to this Resolution are based upon the oral and written evidence presented to it as a whole and the entirety of the administrative record for the Project, which are incorporated herein by this reference, and not based solely on the information provided in this Resolution; and

WHEREAS, prior to acting, the Board of Directors has heard, been presented with, reviewed and considered all of the information and data in the administrative record, including but not limited to the Initial Study, MND, and MMRP; and

WHEREAS, the MND reflects the independent judgment and analysis of the Board of Directors and is deemed adequate for purposes of making decisions on the merits of the Project; and

WHEREAS, no comments submitted during the public review period, or made during the public hearing conducted by the Board of Directors, and no additional information submitted to MTS require substantial revisions to the MND necessitating recirculation or additional environmental review of the Project under State CEQA Guidelines section 15073.5;

WHEREAS, all other legal prerequisites to the adoption of this Resolution have occurred.

NOW, THEREFORE BE IT RESOLVED by the Governing Board that MTS finds the foregoing recitals are true and correct and are incorporated herein as substantive findings of this Resolution; and

BE IT FURTHER RESOLVED as the decision-making body for the Project, the Board of Directors has reviewed and considered the information contained in the MND, comments received, other documents contained in the administrative record, and all other written and oral evidence presented to the Board of Directors for the Project. The Board of Directors further finds that the MND and the MMRP have been completed in compliance with CEQA and the State CEQA Guidelines; and

BE IT FURTHER RESOLVED based on the whole record before it, the Board of Directors finds that the Project would have potentially significant impacts but that those impacts can be mitigated to less than significant through mitigation measures outlined in the MND and the MMRP. The Board of Directors finds that the MND contains a complete, objective, and accurate reporting of the environmental impacts associated with the Project and reflects the independent judgment and analysis of the Board of Directors; and

BE IT FURTHER RESOLVED no new significant environmental effects have been identified in the Final MND and no changes to the Final MND constitute substantial revisions requiring recirculation under State CEQA Guidelines section 15073.5. All the mitigation measures contained in the MMRP have been made conditions of Project approval in accordance with State CEQA Guidelines 15074(d); and

BE IT FURTHER RESOLVED the Final MND, attached hereto as Exhibit A, is approved and adopted; and

BE IT FURTHER RESOLVED the MMRP prepared for the Project, attached hereto as Appendix L to Exhibit A, is approved and adopted; and

BE IT FURTHER RESOLVED staff is directed to file a Notice of Determination with the San Diego County Clerk and the Office of Planning and Research within five (5) working days of approval of the Project and adoption of the Final MND; and

BE IT FURTHER RESOLVED the documents and materials associated with the Project and the MND that constitute the record of proceedings on which these findings are based are located at 1255 Imperial Avenue, San Diego, California 92101. The Clerk of the Board is the custodian of the record of proceedings; and

BE IT FURTHER RESOLVED this Resolution shall become effective immediately upon its adoption.

PASSED AND ADOPTED by the Board of Directors this 20th day of October, by the following vote:

AYES: Fletcher, Sotelo-Solis, Aguirre, Elo-Rivera, Mullin, Galvez, Gastel, Whitton, Goble, Montgomery, Steppe, Campillo, Salas, Sandke, Shu

NAYS:

ABSENT: Hall

ABSTAINING:



Chairperson
San Diego Metropolitan Transit System

Filed by:



Clerk of the Board
San Diego Metropolitan Transit System

Approved as to form:



General Counsel
San Diego Metropolitan Transit System

Resolution 22-12

- Attachments:
- A. Exhibit A –
 - B. Mitigated Negative Declaration (MND)
 - C. Appendix A - Air Quality
 - D. Appendix B - Cultural
 - E. Appendix C - Energy
 - F. Appendix D - Geotech
 - G. Appendix E - CAP Checklist
 - H. Appendix F - ESA
 - I. Appendix G - Drainage

- J. Appendix H - PCSM
- K. Appendix I - Noise
- L. Appendix J - TIS
- M. Appendix K - RTCs
- N. Appendix L – Mitigation Monitoring and Reporting Program (MMRP)