APPENDIX A

Notice of Preparation and Comment Letters

THE CITY OF SAN DIEGO

DEVELOPMENT SERVICES DEPARTMENT

Date of Notice: August 25, 2017

PUBLIC NOTICE
OF THE PREPARATION OF AN
ENVIRONMENTAL IMPACT REPORT

SAP No. 24007173

PUBLIC NOTICE: The City of San Diego as the Lead Agency has determined that the project described below will require the preparation of an Environmental Impact Report (EIR) in compliance with the California Environmental Quality Act (CEQA). This Notice of Preparation of a project EIR was publicly noticed and distributed on August 25, 2017. This notice was published in the SAN DIEGO DAILY TRANSCRIPT and placed on the City of San Diego website at: http://www.sandiego.gov/city-clerk/officialdocs/notices/index.shtml under the "California Environmental Quality Act (CEQA) Notices & Documents" section. In addition, the Public Notice was also distributed to the Central Library, as well as to the City Heights/Weingart Branch Library.

Written comments may be sent to the following address**: L. Sebastian, Environmental Planner, City of San Diego Development Services Department, 1222 First Avenue, MS 501, San Diego, CA 92101** or submitted via e-mail to **DSDEAS@sandiego.gov** with the Project Name and Number in the subject line within 30 days of the receipt of this notice. Responsible agencies are requested to indicate their statutory responsibilities in connection with this project when responding. An EIR incorporating public input will then be prepared and distributed for the public to review and comment.

GENERAL PROJECT INFORMATION:

- **PROJECT NAME / NUMBER:** 4TH CORNER APARTMENTS / 535323
- **COMMUNITY AREA:** Mid-City
- **COUNCIL DISTRICT:** 9

DESCRIPTION: A SITE DEVELOPMENT PERMIT to demolish an existing historic structure (American Legion Hall, HRB #525) and construct 73 apartment units with amenities totaling approximately 99,537-sqaure-feet on multiple lots with 86 on-site, at-grade parking spaces. One existing commercial building located at 4089 Fairmount Avenue would remain unaltered. The proposed residential amenities would consist of 6,150-square-feet of outdoor community recreation open space on the podium deck; a 1,447-square-foot community room; a community kitchen; laundry room; and lounge. Various site improvements would also be constructed that include associated hardscape and landscape. The project would conform to the Affordable/In-Fill Housing and Sustainable Buildings Expedite Program by providing affordable housing. Deviations from applicable regulations for two non-contiguous parcels as a single premise, floor area ratio, height, setbacks, and building transparency are also being requested.

The 1.15 acre project site is located at 4021, 4035, 4037, 4061 and 4089 Fairmount Avenue. The project site is designated Commercial and Mixed-Use (29 dwelling units per acre with a mixed use density bonus of up to 43 dwelling units per acre available) and within the CUPD-CU-2-3 zone. Additionally, the project site is within the Transit Area Overlay Zone and the Mid-City Communities Plan Area (City Heights). (LEGAL DESCRIPTION: APN 471-461-22, APN 471-461-04, APN 471-461-07, and APN 471-461-09.) **The site is not included on any Government Code listing of hazardous waste sites.**

APPLICANT: City Heights Realty, LLC

RECOMMENDED FINDING: Pursuant to Section 15060(d) of the CEQA Guidelines, it appears that the proposed project may result in significant environmental impacts in the following areas: **Land Use, Transportation/Circulation, Air Quality, Energy, Geologic Conditions, Greenhouse Gas Emissions, Historical Resources, Tribal Cultural Resources, Hydrology, Noise, Visual Effects and Neighborhood Character, Water Quality, and Cumulative Effects.**

AVAILABILITY IN ALTERNATIVE FORMAT: To request the this Notice or the City's Scoping Letter to the applicant detailing the required scope of work in alternative format, call the Development Services Department at (619) 446-5460 or (800) 735-2929 (TEXT TELEPHONE).

ADDITIONAL INFORMATION: For environmental review information, contact Lindsey Sebastian at (619) 236-5993. The Scoping Letter and supporting documents may be reviewed, or purchased for the cost of reproduction, at the Fifth floor of the Development Services Department. **For information regarding public meetings/hearings on this project, contact the Project Manager, Jeffrey A. Peterson at (619) 446-5499.** This notice was published in the SAN DIEGO DAILY TRANSCRIPT and distributed on August 25, 2017.

Kerry M. Santoro
Deputy Director
Development Services Department

DISTRIBUTION: See Attached

ATTACHMENTS: Figure 1: Regional Map
Figure 2: Location Map
Figure 3: Aerial Map
Figure 4: Site Plan
Scoping Letter

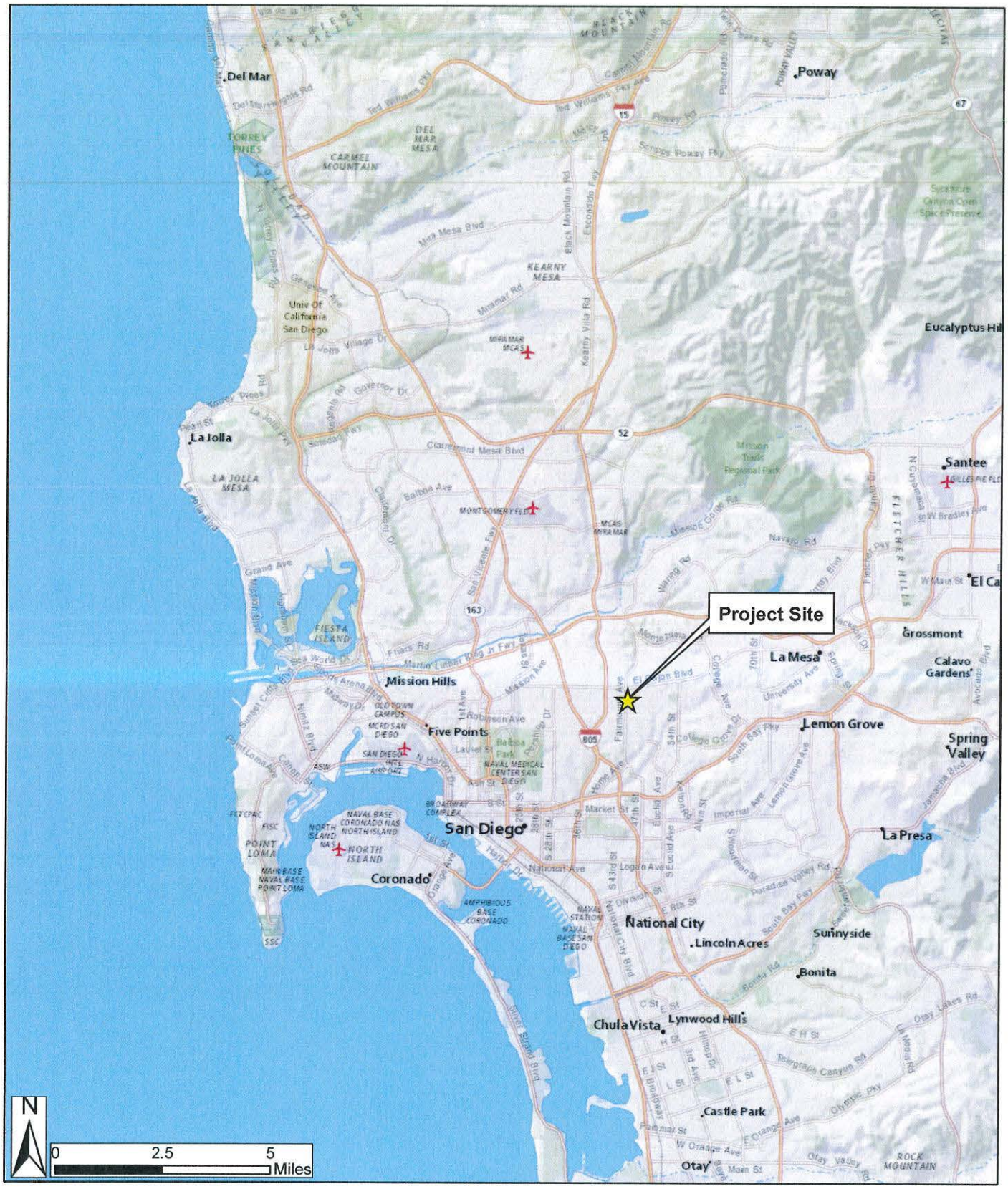
Distribution:

STATE OF CALIFORNIA
State Clearinghouse (46A)
California Department of Transportation (51)
California Transportation Commission (51A)
California Transportation Commission (51B)
California Native American Heritage Commission (222)

CITY OF SAN DIEGO
Mayor's Office (91)
Councilmember Bry, District 1 (MS 10A)
Councilmember Zapf, District 2 (MS 10A)
Councilmember Ward, District 3 (MS 10A)
Councilmember Cole, District 4 (MS 10A)
Councilmember Kersey, District 5 (MS 10A)
Councilmember Cate, District 6 (MS 10A)
Councilmember Sherman, District 7 (MS 10A)
Councilmember Alvarez, District 8 (MS 10A)
Councilmember Gomez, District 9 (MS 10A)
Development Services Department
    EAS, L. Sebastian
    EAS, E. Shearer-Nguyen
    Transportation, K. Islas
    Plan - Historic, J. Brown
    Project Manager, Jeff Peterson
Transportation Development - DSD (78)
Development Coordination (78A)
Fire and Life Safety Services (79)
Library Department - Government Documents (81)
Central Library (81A)
City Heights/Weingart Branch Library (81G)
Historical Resources Board (87)
Tom Tomlinson, Facilities Financing (93B)
Joshua Odom, San Diego Police Department (MS776)
Larry Trame, San Diego Fire-Rescue (MS603)
City Attorney (93C)

OTHER ORGANIZATIONS AND INTERESTED INDIVIDUALS
San Diego Association of Governments (108)
San Diego Transit Corporation (112)
Metropolitan Transit Systems (115)
South Coastal Information Center (210)
San Diego History Center (211)
San Diego Archaeological Center (212)
Save Our Heritage Organisation (214)
San Diego County Archaeological Society (218)

City Heights Business Improvement Association (285)
The Boulevard, El Cajon Boulevard Business Improvement Association (286)
City Heights Area Planning Committee (287)
Theresa Quiroz (294)
Fox Canyon Neighborhood Association, Inc. (295)
William D. Jones, Citylink Investment Corporation (296)
Colina Del Sol Senior Citizens, Center Director (297)
Oak Park Community Council (299)
Mel Shapiro (300)
Eastern Area Communities Planning Committee (302)
Fairmount Park Neighborhood Association (303)
John Stump (304)
Darnell Community Council, Attn: Bill Coylar (306)
City Heights Realty, LLC, Applicant
Christina Willis, BRG Consultant
Francisco Garcia



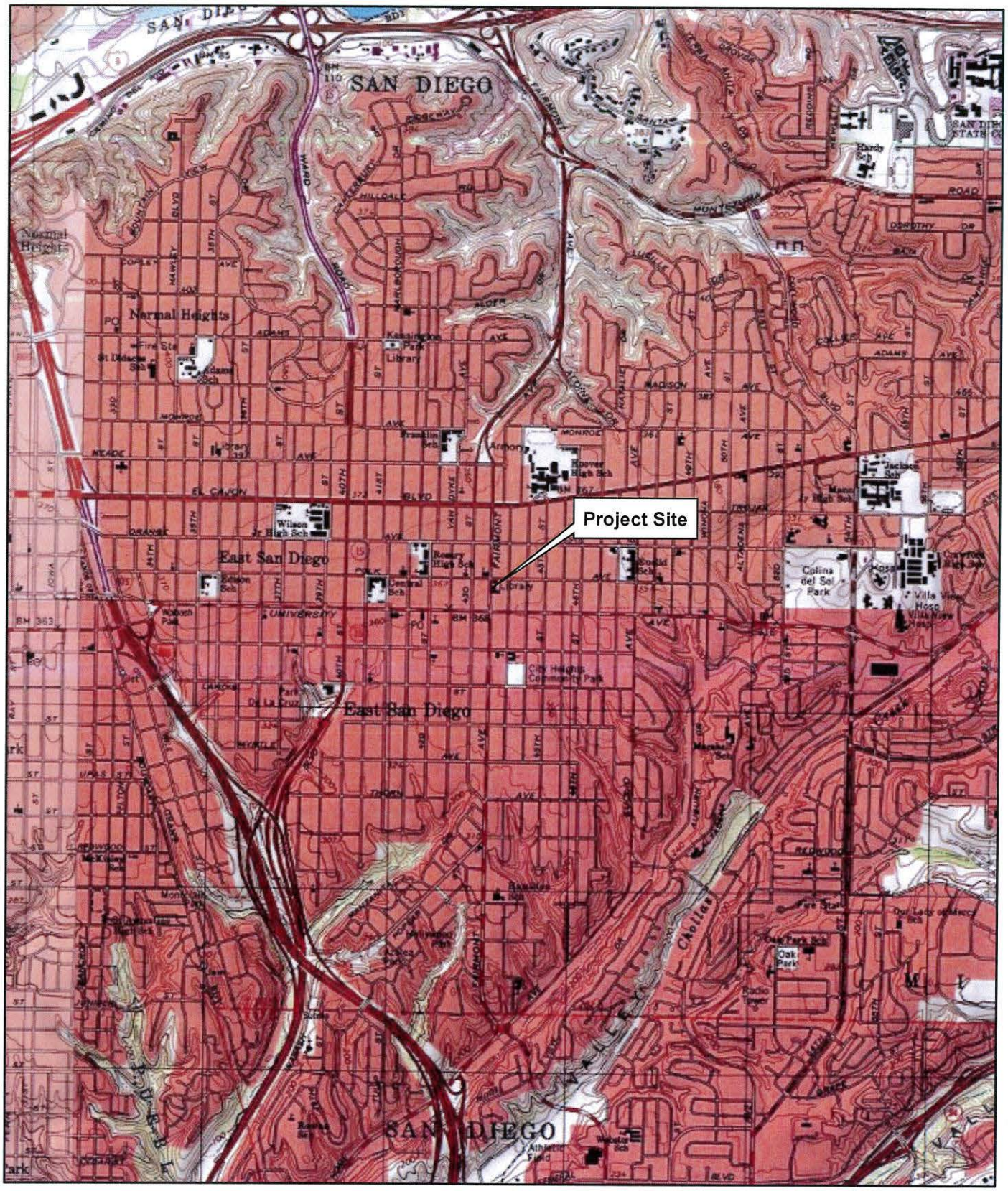
Fourth Corner Apartments Project (Proj. No 535323)

FIGURE

Regional Map

No. 1

City of San Diego - Development Services Department



Fourth Corner Apartments Project (Proj. No 535323)

Location Map (USGS Topography)

City of San Diego - Development Services Department

FIGURE

No. 2

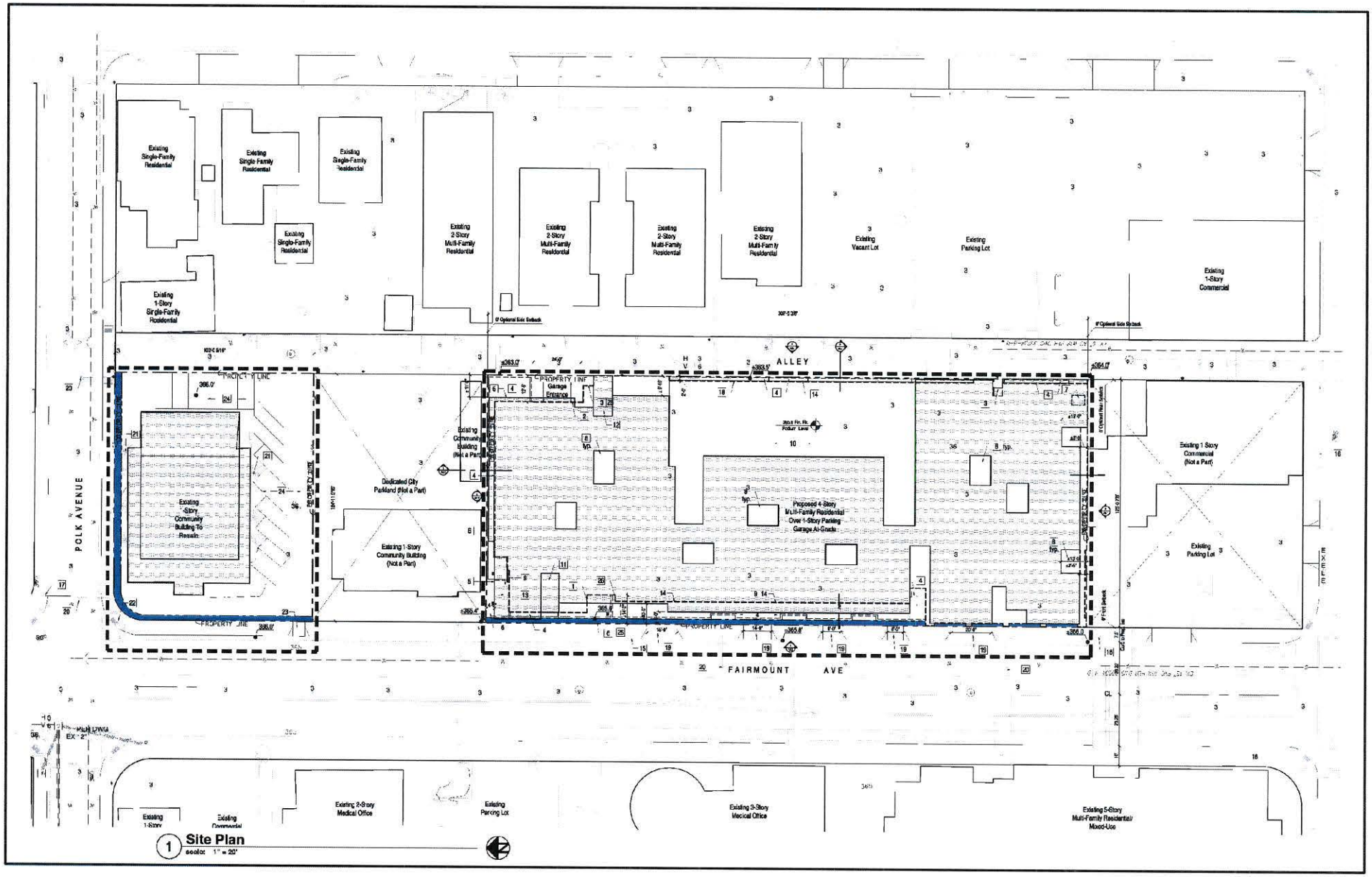
Fourth Corner Apartments Project (Proj. No 535323)

FIGURE

Aerial Map

No. 3

City of San Diego - Development Services Department



Fourth Corner Apartments Project (Proj. No 535323)

Project Site Plan

City of San Diego - Development Services Department

FIGURE

No. 4

The City of
SAN DIEGO
Development Services Department
Land Development Review Division

August 25, 2017

Allison Mandelbaum, Project Manager
City Heights Realty, LLC
7777 Fay Avenue, Suite 300
La Jolla, CA 92037

SUBJECT: **Scope of Work for an Environmental Impact Report for 4th Corner Apartments (Project Tracking System (PTS) No. 535323)**

Dear Mr. Wood:

Pursuant to Section 15060(d) of the California Environmental Quality Act (CEQA), the Environmental Analysis Staff (EAS) of the City of San Diego has determined that the 4th Corner Apartments project (project) may have significant effects on the environment, and the preparation of an Environmental Impact Report (EIR) is required. Staff has determined that a project EIR is the appropriate environmental document for the project.

The purpose of this letter is to identify the issues to be specifically addressed in the EIR. The EIR shall be prepared in accordance with the City's "Technical Report and Environmental Impact Report Guidelines," (updated December 2005). A copy of the current guidelines is attached.

A Notice of Preparation (NOP) will be distributed to the Responsible Agencies and others who may have an interest in the project as required by CEQA Section 15082. CEQA Section 21083.9(a)(2) requires scoping meetings for projects that may have statewide, regional or area-wide environmental impacts. The City's EAS staff has determined that the project does not meet this threshold.

Changes or additions to the scope of work may be required as a result of input received in response to the NOP. In addition, the applicant may need to adjust the project over time through the discretionary review process, and these changes would be disclosed in the EIR under the section "History of Project Changes" and accounted for in the EIR impact analysis to the extent required by CEQA.

Each section and issue area of the EIR shall provide a descriptive analysis of the project followed by a comprehensive evaluation. The EIR shall also include sufficient graphics and tables, which, in conjunction with the relevant narrative discussions, provide a complete and meaningful description of

1222 First Avenue, Mail Station 301
San Diego, CA 92101- 4101
dsdweb@sandiego.gov

T (619) 446-5000
sandiego.gov

all major project features, the environmental impacts of the project, as well as cumulative impacts, mitigation of significant impacts, and alternatives to the project.

PROJECT DESCRIPTION

Discretionary Approvals
A Site Development Permit is required because the site contains a designated historical resource and for deviations to the development regulations.

Location of Project
The developed 1.15-acre project site (including APNs 452-406-1400, 1500, 1600, and 1700) is located on six contiguous lots at 4021, 4035, 4037 and 4061 Fairmount Avenue and one non-contiguous lot at 4089 Fairmont Avenue (see **Figures 1** and **2**). The project site is designated Commercial and Mixed-Use (29 dwelling units per acre with a mixed use density bonus of up to 43 dwelling units per acre available) and within the Central Urbanizing Planned District (CUPD-CU-2-3 zone). The project site is also within the Transit Area Overlay Zone and the Mid-Cities Communities Plan (City Heights) area known as the "Teralta East" Neighborhood.

The project site is bound by Polk Avenue on the north, a commercial development on the south, Fairmont Avenue on the west, and an alley on the east. The project site is also bisected by dedicated City parkland at 4077 Fairmont Avenue. Residential uses predominate the area north of Polk Avenue and east of the alley. The areas immediately south of the project site and south of University Avenue are developed with commercial uses. The area west of the project site is developed with commercial uses, as well as a five-story mixed-use (residential/commercial) development known as "City Heights Square" (see **Figure 3**, Aerial Map).

Project Description

The project would demolish the American Legion Hall (HRB #525) located at 4061 Fairmont Avenue, a designated historical resource. The project site also includes an existing commercial building at 4089 Fairmont Avenue. This existing building would remain unaltered.

The project would construct 73 multi-family units (including a unit for on-site manager) along with residential amenities, including 6,150 square feet (SF) of outdoor community recreation open space on the podium deck; a 1,447 SF community room; a community kitchen; laundry room, and lounge. New construction would occur on 4021, 4035, 4037 and 4061 Fairmount Avenue. The building would be four stories of residential - wood construction, over a parking structure at-grade, approximately 62 feet in height (see **Figure 4**, Project Site Plan). The elevator lobby, entrance and manager's office/ lounge would be located off Fairmount Avenue.

The project would provide eight (8) affordable dwelling units (DU) for Very Low Income households earning at or below 35 percent of area median income, or 16 percent of the maximum pre-density bonus dwelling units allowed for the site (50 DUs). With this, the project qualifies for a 50 percent density bonus and five (5) development incentives per Table 143-07A (maximum units =76) in compliance with the Affordable Housing Density Bonus Regulations, and in conformance with the

criteria of the Affordable/In-Fill Housing and Sustainable Buildings Expedite Program. The project also includes the following development incentives under the updated Affordable Housing regulations:

1. Deviation from SDMC Section 143.0310(b)(1) to consider two-non continuous parcels as a single premise as part of the Site Development Permit;
2. Deviation from SDMC Section 155.0242, Table 155-02D to increase the Maximum Building Floor Area ratio from 1.0 to 1.96;
3. Deviation from SDMC Section 155.0242, Table 155-02D to increase Maximum Structural Height from 50 feet to 62 feet;
4. Deviation from SDMC Section 155.0242, Table 155-02D for Building Side and Rear Setbacks; and
5. Deviation from SDMC Section 155.0242, Table 155-02D for Building Transparency.

Various site improvements would also be constructed that include associated hardscape (driveways, walkways, alley resurfacing) and landscape.

Parking Facilities/Access
The proposed Site Plan is included as **Figure 3**. Vehicular parking (86 spaces), personal storage lockers, motorcycle and bicycle parking, and a refuge/recycling area (288 SF) will be provided in a secured garage on the street level (**Figure 4**).

Access to the parking garage would be provided from the alley. Access to 4089 Fairmont Avenue would not be changed, and would continue to be provided via Fairmont Avenue and from the alley.

Construction
Total construction is expected to take approximately 14 months. Construction of the project would include grading, public and private utilities, building and garage construction, architectural coatings, paving of alleys and sidewalks, public improvements, and landscaping improvements. The project would require a total export of approximately 537 cubic yards of soil.

EIR FORMAT/CONTENT REQUIREMENTS

The EIR serves to inform governmental agencies and the public of a project's environmental impacts. Emphasis in the EIR must be on identifying feasible solutions to environmental impacts. The objective is not to simply describe and document an impact, but to actively create and suggest mitigation measures or project alternatives to substantially reduce the significant adverse environmental impacts. The adequacy of the EIR will depend greatly on the thoroughness of this effort.

The EIR must be written in an objective, clear, and concise manner, utilizing plain language. The use of graphics is encouraged to replace extensive word descriptions and to assist in clarification. Conclusions must be supported with quantitative, as well as qualitative, information, to the extent feasible. **The entire environmental document must be left justified. In addition, the environmental document is required to utilize Opens Sans, 10 pitch font.**

I. CONCLUSIONS

Prior to the distribution of the draft EIR for public review, Conclusions, which are attached at the front of the draft EIR, will also need to be prepared. The Conclusions cannot be prepared until an approved draft has been submitted and accepted by the City.

II. TITLE PAGE

The EIR shall include a Title Page that includes the project name, Project Tracking System (PTS) number, State Clearinghouse (SCH) number and the date of publication. DO NOT include any company logo's, applicant's or consultant's names.

III. TABLE OF CONTENTS

The Table of Contents must list all sections included in the EIR, as well as the Appendices, Tables, and Figures. Immediately following the Table of Contents, a list of acronyms and abbreviations utilized in the text must be provided.

IV. EXECUTIVE SUMMARY

The consultant will prepare the Executive Summary to be submitted for review with the last screencheck draft EIR, unless otherwise determined. The executive summary shall have an independent numbering system (e.g., S-1, S-2). In general, the summary should reflect the EIR outline, but not need contain every element of the EIR. At a minimum, the summary must include: a brief project description; impacts determined to be significant (including cumulative); impacts found to be less than significant; alternatives; areas of controversy; and lastly a matrix listing the impacts and mitigation. Please refer to the Environmental Impact Report Guidelines for further detailed information.

V. INTRODUCTION

The EIR shall introduce the project with a brief discussion on the intended use and purpose of the EIR. This discussion shall focus on the type of analysis that the EIR is providing and provide an explanation of why it is necessary to implement the project. This section shall describe and/or incorporate by reference any previously certified environmental documents that cover the project site including any EIRs. This section shall briefly describe areas where the project is in compliance or non-compliance with assumptions and mitigation contained in these previously certified documents. Additionally, this section shall provide a brief description of any other local, state and federal agencies that may be involved in the project review and/or any grant approvals.

VI. ENVIRONMENTAL SETTING

The EIR shall describe the precise location of the project site with an emphasis on the physical features of the sites and the surrounding area and present it on a detailed topographic map and a regional map. Provide a local and regional description of the

environmental setting of the project, as well as any adjacent land uses, area topography, drainage characteristics, and vegetation. Describe any upcoming changes to the area and any cumulative changes that may relate to the project site. Include the existing and planned land uses in the vicinity, on-and off-site resources, the community plan area land use designation(s), existing zoning, all utility easements and any required maintenance access, and any overlay zones within this section. Include any applicable land use plans/overlay zones that affect the project site, such as the city of San Diego's Multiple Species Conservation Program (MSCP)/Multi-Habitat Planning Area (MHPA), environmentally sensitive lands such as steep hillsides, wetlands, and the Federal Emergency Management Agency (FEMA) 100 year floodplains and/or floodways that intersect with the project components. Provide a recent aerial photo of the project site and surrounding uses, and clearly identify the project location.

VII. PROJECT DESCRIPTION

The EIR shall include a detailed discussion of the goals and objectives of the project, in terms of public benefit (increase in housing supply, employment centers, etc.). Project objectives will be critical in determining the appropriate alternatives for the project, which would avoid or substantially reduce potentially significant impacts. As stated in CEQA Section 15124(b), "A clearly written statement of objectives will help the lead agency develop a reasonable range of alternatives to evaluate in the EIR and aid the decision makers in adopting findings and/or a statement of overriding considerations, if necessary. The statement of objectives should include the underlying purpose of the project."

This section shall describe all discretionary actions needed to implement the project (e.g. General Plan Amendment, Community Plan Amendment, Planned Development Permit, Tentative Map, etc.) including all permits required from federal, state, and local agencies. If other agencies have responsibility for approvals or project review, describe this involvement. The description of the project shall include all major project features, including density, grading (cut and fill), relocation of existing facilities, land use, retaining walls, landscaping, drainage design, improvement plans, including any off-site improvements, vehicular access points and parking areas associated with the project. The project description shall describe any off-site activities necessary to construct the project. The EIR shall include sufficient graphics and tables to provide a complete description of all major project features. Project phasing also should be described in this section. This discussion shall address the whole of the project.

VIII. HISTORY OF PROJECT CHANGES

This section of the EIR shall outline the history of the project and any physical changes that have been made to the project in response to environmental concerns identified during the review of the project (i.e. in response to NOP or public scoping meetings or during the public review period for the draft EIR).

IX. ENVIRONMENTAL IMPACT ANALYSIS

The potential for significant environmental impacts must be thoroughly analyzed and mitigation measures identified that would avoid or substantially lessen any significant impacts. The City of San Diego is the Lead Agency for this project, and therefore the EIR must represent the independent analyses of the Lead Agency. Accordingly, all impact analysis must be based on the City's "Significance Determination Thresholds" (January 2011) unless otherwise directed by the City. Below are key environmental issue areas that have been identified for this project, within which the issue statements must be addressed individually.

Discussion of each issue statement shall include an explanation of the existing project site conditions, impact analysis, significance determination, and appropriate mitigation. The impact analysis shall address potential direct, indirect, and cumulative impacts that could be created through implementation of the project and its alternatives. Lastly, the EIR should summarize each required technical study or survey report within each respective issue section, and all requested technical reports must be included as the appendices to the EIR and summarized in the text of the document.

In each environmental issue section, mitigation measures to avoid or substantially lessen impacts must be clearly identified and discussed. The ultimate outcome after mitigation should also be discussed (i.e., significant but mitigated, significant and unmitigated). If other potentially significant issue areas arise during the detailed environmental investigation of the project, consultation with Development Services Department is required to determine if these areas need to be added to the EIR. As supplementary information is required, the EIR may also need to be expanded.

Land Use

Issue 1: Would the project result in an inconsistency/conflict with the environmental goals, objectives, and recommendations of the General Plan/community plan in which it is located?

Issue 2: Would the project require a deviation or variance, and the deviation or variance would in turn result in a physical impact on the environment?

Issue 3: Would the project result in the exposure of people to noise levels which exceed the City's Noise Ordinance or are incompatible with the Noise Compatibility Guidelines (Table NE-3) in the Noise Element of the General Plan?

The project site is currently designated Commercial and Mixed-Use. The site is currently zoned CU-2-3 (commercial - residential, permits a maximum density of one dwelling unit (DU) for each 1,000 square feet (SF) of lot area permits up to 43 DU per acre, with a mixed use density bonus). The City Heights Community Plan requires mixed-use developments

within established commercial corridors (p. 81 of Community Plan). The project proposes to include the non-continugous parcel at 4089 Fairmont Avenue into the project to satisfy this requirement.

The project would require a Site Development Permit. Additionally there will be associated ministerial permits that may include, but are not limited to, grading and building permits.

The impacts of land use changes must be addressed in the EIR. In addition, the EIR shall evaluate consistencies/inconsistencies (including all deviations, variances, etc.) with local, state, and federal policy documents and regulations (the City's General Plan (2008), the Mid-Cities Community Plan, City's Land Development Code, and Multiple Species Conservation Program). If the project is found to be inconsistent with any adopted land use plans, the EIR should disclose this information if the inconsistency would result in potentially significant physical impacts.

Additionally, an acoustical technical report shall be prepared for the project that would include an evaluation with regards to adopted Airport Land Use Compatibility Plans (if applicable), the City's Noise Ordinance and with the Noise Compatibility Guidelines (Table NE-3) in the Noise Element of the General Plan.

Transportation/Circulation

Issue 1: Would the project result in traffic generation in excess of specific community plan allocation?

Issue 2: Would the project result in an increase in projected traffic which is substantial in relation to the existing traffic load and capacity of the street system?

Issue 3: Would the project result in a substantial impact upon existing or planned transportation systems?

Issue 4: Would the project result in an increase in traffic hazards for motor vehicles, bicyclists or pedestrians due to a proposed, non-standard design feature (e.g., poor sight distance or driveway onto an access-restricted roadway)?

Issue 5: Would the project result in a conflict with adopted policies, plans or programs supporting alternative transportation models (e.g., bus turnouts, bicycle racks)?

The project is estimated to generate approximately 438 ADT with 35 AM peak hour trips and 40 PM peak hour trips. This section of the EIR shall identify potential impacts to the traffic and circulation system based on the results of the 4th Corner Apartments Project Traffic Access Analysis (TAA). The TAA was prepared consistent with the City of San Diego Traffic Impact Study Manual and shall be included as an appendix to the EIR. A summary of the

approved TAA shall be included in the body of the EIR and document the effect the project would have on surrounding circulation element roadways and intersections within the study area. The analysis shall focus on segment and intersection conditions for existing and near-term conditions with or without the project. If significant traffic impacts are identified, this section shall also describe mitigation measures that would reduce impacts to below a level of significance per the standards set by the City of San Diego.

Air Quality

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

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

Issue 3: Would the project expose sensitive receptors to substantial pollutant concentrations?

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

Issue 5: Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including release emissions which exceed quantitative thresholds for ozone precursors)?

This Section of the EIR shall discuss the project's impact on the ability of the San Diego Air Basin to meet regional air quality strategies. Air emissions from construction and operation of the project would be quantified and compared to the City of San Diego's Significance Determination Thresholds. The EIR section shall also discuss the potential for criteria pollutants, odors and toxic air contaminant emissions to be generated by the project.

Energy

Issue 1: Would construction and operation of the project result in the use of excessive amounts or electrical power?

Issue 2: Would the project result in the use of excessive amounts of fuel or other forms of energy (including natural gas, oil, etc.)?

Appendix F of the State CEQA Guidelines requires that potentially significant energy implications of a project shall be considered in an EIR to the extent relevant and applicable to the project. Particular emphasis on avoiding or reducing inefficient, wasteful and unnecessary consumption of energy should be included in this section. The EIR shall address the estimated energy use for the project and assess whether the project would

generate a demand for energy (electricity and/or natural gas) that would exceed the planned capacity of the energy suppliers. A description of any energy and/or water saving project features would also be included in this section (with cross-references to the GHG emissions discussion, as appropriate). This section shall describe any proposed measures included as part of the project that would conserve energy and reduce energy consumption, and shall address all applicable issues described within Appendix F of the CEQA Guidelines.

Geologic Conditions

Issue 1: Would the project be located on a geologic unit or soil that is unstable or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

Issue 2: Would the project result in a substantial increase in wind or water erosion of soils, either on or off the site?

Issue 3: Would the project expose people or structures to geologic hazards such as earthquakes, landslides, mudslides, ground failure, or similar hazards?

This section of the EIR shall summarize the findings of the Preliminary Geotechnical Investigation prepared for the project. This section of the EIR shall analyze potential impacts related to geologic hazards such as earthquakes, landslides, mudslides, ground failure, lateral spreading, subsidence, liquefaction, or collapse as well as seismicity and seismic hazards created by faults present in the project vicinity. If significant impacts related to geology and soils are identified, the EIR shall include mitigation measures that would reduce impacts to below a level of significance per the standards set by the City of San Diego. The EIR should also discuss the potential for either short- or long-term erosion impacts to soils on-site.

Greenhouse Gas Emissions

Issue 1: Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

Issue 2: Would the project conflict with the City's Climate Action Plan or an applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?

This section shall present an overview of greenhouse gases (GHG) including the most recent information regarding the current understanding of the mechanisms behind current conditions and trends, and the broad environmental issues related to global climate change. A discussion of current domestic legislation, plans, policies, and programs pertinent to global climate change shall also be included. The EIR shall provide details of the project's sustainable features such as pedestrian access and orientation, sustainable design and

building features, and others that meet criteria outlined in the Conservation Element of the General Plan.

Additionally, this section of the EIR shall summarize the findings of the City of San Diego Climate Action Plan Consistency Checklist (June 2017) prepared for the project. This section of the EIR shall also evaluate whether the project would generate greenhouse gas emissions that would result in direct or indirect impacts on the environment or whether the project would conflict with the City's Climate Action Plan.

Historical Resources (Built Environment and Archaeological Resources)

Issue 1: Would the project result in an alteration, including the adverse physical or aesthetic effects and/or the destruction of a prehistoric or historic building (including an architecturally significant building), structure, or object or site?

Issue 2: Would the project result in any impact to existing religious or sacred uses within the potential impact area?

Issue 3: Would the project result in the disturbance of any human remains, including those interred outside of formal cemeteries?

Built Environment

The American Legion Hall, located at 4061 Fairmont Avenue is a designated historical resource and is listed as HRB Site 525. Additionally while no changes are proposed for the existing structure at 4089 Fairmont Avenue, it is over 45 years old. The EIR section shall be based upon the Historic Resources Technical Report prepared for 4061 Fairmont Avenue and the Historic Resources Research Report prepared for 4089 Fairmont Avenue prepared in accordance with the City of San Diego's Land Development Code Historical Resources Guidelines (amended April 30, 2001). The EIR shall analyze the potential for any impacts to historic resources resulting from the proposed project and identify mitigation measures to address those impacts.

Archaeological Resources

Additionally, the project site is not located on the City of San Diego's Historical Resources Sensitivity map and development is proposed on previously developed parcels. An archaeological record search shall be conducted for the project area (area of potential effect) to access any recently recorded sites that may be adversely impacted by the development proposal. If appropriate, the EIR shall identify requirements for archaeological monitoring during grading operations and specify mitigation for any discoveries.

Tribal Cultural Resources

Issue 1: Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

a.) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or

b.) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

The project would be subject to Tribal Consultation under Assembly Bill (AB) 52. While the project is in review, City staff will distribute notification to those Native American Tribes that have requested consultation. The EIR shall analyze the potential for any impacts to tribal cultural resources resulting from the proposed project and identify mitigation measures to address those impacts.

Hydrology

Issue 1: Would the project result in a substantial increase in impervious surfaces and associated increased runoff?

Issue 2: Would the project result in a substantial alteration to on- and off-site drainage patterns due to changes in runoff flow rates or volumes?

Issue 3: Would the project impose flood hazards on other properties or develop wholly or partially within the 100-year floodplain identified in the Federal Emergency Management (FEMA) maps?

Hydrology deals with the properties, distribution, and circulation of surface water, groundwater and atmospheric water. The quantity of water which flows in a creek or river is calculated based on historic climatic conditions combined with the watershed characteristics. The slope and shape of the watershed, soil properties, recharge area, and relief features are all watershed characteristics, which influence the quantity of surface flows. Therefore, as land is developed, impervious area is increased, thereby increasing runoff.

The EIR shall evaluate if the proposed project would have a potential for increasing runoff rates and volumes within the proposed project area. Anticipated changes to existing drainage patterns, runoff rates and volumes, and groundwater recharge rates in the proposed project area shall be addressed in the EIR. The EIR shall incorporate the findings of the Preliminary Drainage Report prepared for the project and measures to protect on-site and downstream properties from increased runoff, erosion, or siltation must be identified; if required. This study shall be included in the appendices of the EIR. The EIR should address the potential for project implementation to impact the hydrologic conditions within and downstream of the project area.

Noise

Issue 1: Would the project result in or create a significant increase in the existing ambient noise levels?

Issue 2: Would the project result in exposure of people to current or future transportation noise levels which exceed standards established in the Transportation Element of the General Plan or an adopted airport Comprehensive Land Use Plan?

The EIR shall incorporate the findings of the acoustical analysis prepared for the proposed project, in accordance with the City's "Acoustical Report Guidelines". This section will evaluate if the project has the potential to create significant noise impacts. Additionally, it will evaluate the project's consistency with the General Plan Noise Element. If there is a potential for proposed uses to be incompatible with exterior noise levels at outdoor amenities or interior areas, measures must be included as project design features in order to ensure consistency with the General Plan Noise Element (i.e., setbacks, use of double-paned glass, noise walls/berms and other noise attenuation techniques). The EIR should include a comparison of the change in noise levels projected along affected roadways (as identified in the traffic study) resulting from project implementation. Tables within the noise study will be included, which show the existing, and future noise levels of dB(A) and any increased noise levels over dB(A) in 3 dB(A) increments along affected roads. This study shall be included in the appendices of the EIR.

The analysis should discuss how the project would conform to the City of San Diego Municipal Code Noise and Abatement Control Ordinance §59.5.01 and the General Plan. Additionally, construction noise may impact surrounding uses and the EIR should include a discussion regarding this potential impact.

Visual Effects and Neighborhood Character

Issue 1: Would the project result in the creation of a negative aesthetic site or project?

Issue 2: Would the project result in substantial alteration to the existing or planned character of the area?

Issue 3: Would the project result in a project bulk, scale, materials, or style which would be in compatible with surrounding development?

Issue 4: Would the project result in substantial light or glare which would adversely affect daytime or nighttime view in the area?

To the extent feasible, the EIR should provide an evaluation of the Visual Quality/Neighborhood Character (Aesthetics) impacts due to the project. This section should describe the structures in terms of building mass, bulk, height, and architecture. The City's Significance Determination Thresholds include, but are not limited to, the following in determining such impacts: exceed the allowed height or bulk regulations and existing patterns of development in the surrounding area by a significant margin; and/or located in a highly visible area and would strongly contrast with the surrounding development or natural topography through excessive bulk, signage, or architectural projection. This section of the EIR should include a conceptual description and analysis of the allowed building mass, bulk, height, and architectural style that would result from the project. The EIR shall also analyze the use of materials that could emit or reflect a significant amount of light or glare and any potential effect on light sensitive species or on adjacent aviation uses. Renderings, cross sections and visual simulations of the project should be incorporated into the EIR section when possible. The visual quality discussion would also describe or state how the project complies with or is allowed by the City's standards for the zone (or proposed zone).

Water Quality

Issue 1: Would the project result in an increase in pollutant discharge to receiving waters during or following construction? Would the project discharge identified pollutants to an already impaired water body?

Issue 2: What short-term and long-term effects would the project have on local and regional water quality? What types of pre- and post-construction Best Management Practices (BMPs) would be incorporated into the project to preclude impacts to local and regional water quality?

Water Quality is affected by sedimentation caused by erosion, by urban run-off carrying contaminants, and by direct discharge of pollutants (point-source pollution). As land is developed or redeveloped, the impervious surfaces could send an increased volume of runoff containing oils, heavy metals, pesticides, fertilizers, and other contaminants (non-source pollution) into associated watersheds. Degradation of water quality could impact human health as well as wildlife systems. Sedimentation can cause impediments to stream flow. In addition, oxygen availability is affected by sedimentation, which can significantly influence aquatic and riparian habitats. Compliance with the City's Storm Water Standards is generally considered to preclude water quality impacts. The Storm Water Standards are available online.

This section of the EIR shall discuss the project's effect on water quality within the project area and downstream. If the project requires treatment control Best Management Practices (BMPs), a Water Quality Technical Report (WQTR) consistent with the City's Storm Water Standards will be submitted. The report must describe how source control and site design have been incorporated into the project, the selection and calculations regarding the numeric sizing treatment standards, BMP maintenance schedules and maintenance costs, and the responsible party for future maintenance and associated costs. The report must also address water quality by describing the types of pollutants that would be generated during post construction and the pollutants to be captured and treated by the BMPs. The findings in this report must be reflected within this section of the EIR. Based on the analysis and conclusions of the WQTR, the EIR shall disclose how the project would comply with local, state, and federal regulations and standards.

X. SIGNIFICANT ENVIRONMENTAL EFFECTS WHICH CANNOT BE AVOIDED IF THE PROPOSED PROJECT IS IMPLEMENTED

This section shall discuss the significant unavoidable impacts of the project, including those significant impacts that can be mitigated but not reduced to below a level of significance. Discuss impacts that cannot be reduced to below a level of significance in spite of the applicant's willingness to implement all feasible mitigation measures. Please do not include analysis. State which impacts (if any) cannot be alleviated without imposing an alternative design or location. In such cases, describe why the project has been proposed in spite of the probable significant effects. See Guidelines Section 15126.2(b).

XI. SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL CHANGES

In accordance with CEQA Section 15126.2(c), the EIR shall include a discussion of any significant irreversible environmental changes which would be caused by the action should it be implemented. This section shall address the use of nonrenewable resources during the construction and life of the project. See CEQA Section 15127 for limitations on the requirements for this discussion.

XII. GROWTH INDUCEMENT

The EIR shall address the potential for growth inducement through implementation of the project. The EIR shall discuss the ways in which the project 1) is directly and indirectly growth inducing (i.e. fostering economic or population growth by land use changes, construction of additional housing, etc.) and 2) if the subsequent consequences (i.e. impacts to existing infrastructure, requirement of new facilities, roadways, etc.) of the growth inducing project would create a significant and/or unavoidable impact, and provide for mitigation or avoidance. Accelerated growth could further strain existing community facilities or encourage activities that could significantly affect the environment. This section need not conclude that growth-inducing impacts if any are significant unless the project would induce substantial growth or concentration of population.

XIII. CUMULATIVE IMPACTS

In accordance with CEQA Section 15130, potential cumulative impacts shall be discussed in a separate section of the EIR. This section shall include all existing and pending development proposals, including those undergoing review with the Development Services Department. The discussion shall address the potential cumulative effects related to each environmental resources area that should be discussed in the EIR as outlined above.

The EIR shall summarize the overall short-term and long-term impacts this project could have in relation to other planned and proposed projects. When this project is considered with other past, present and reasonably foreseeable probable future projects within close proximity, would the project result in significant environmental changes that are individually limited but cumulatively considerable? If incremental impacts do not rise to the level of cumulatively significant the Draft EIR shall make a statement to that extent.

XIV. EFFECTS FOUND NOT TO BE SIGNIFICANT

A separate section of the EIR shall include a brief discussion of why certain areas were not considered to be potentially significant and were therefore not included in the EIR. For the 4th Corner Apartments project, these include agricultural resources, air quality, biological resources, geologic conditions, health and safety, land use, mineral resources, paleontological resources, public services and facilities, public utilities, hydrology, and water quality. If issues related to these areas or other potentially significant issues areas arise during the detailed environmental investigation of the project, consultation with EAS is recommended to determine if subsequent issue area discussions need to be added to the EIR. Additionally, as supplementary information is submitted (such as with the technical reports), the EIR may need to be expanded to include these or other additional areas.

XV. ALTERNATIVES

The EIR shall place major attention on reasonable alternatives that avoid or reduce the project's significant environmental impacts while still achieving the stated project objectives. Therefore, a discussion of the project's objectives should be included in this section. The alternatives should be identified and discussed in detail and should address all significant impacts. Refer to Section 15364 of the CEQA Guidelines for the CEQA definition of "feasible."

This section should provide a meaningful evaluation, analysis, and comparison of alternatives' impacts to those of the project (matrix format recommended). These alternatives should be identified and discussed in detail and shall address all significant impacts. The alternatives analysis should be conducted with sufficient graphics, narrative and detail to clearly assess the relative level of impacts and feasibility. Issues to consider when assessing "feasibility" are site suitability, economic viability, availability of infrastructure, general plan consistency, other regulatory limitations, jurisdictional boundaries and the applicant's control over alternative sites (own, ability to purchase, etc.). The advantages and disadvantages of each alternative will be compared to the proposed

project and reasons for rejecting or recommending the alternative will be discussed in the EIR.

Preceding the detailed alternatives analysis, provide a section entitled "Alternatives Considered but Rejected." This section should include a discussion of preliminary alternatives that were considered but not analyzed in detail. The reasons for rejection must be explained in detail and demonstrated to the public the analytical route followed in rejecting certain alternatives.

No Project Alternative

The No Project Alternative discussion shall compare the environmental effects of approving the project with impacts of not approving the project. In accordance with CEQA Guidelines Section 15126.6(e)(3)(B), the No Project Alternative shall discuss the existing conditions at the time of the NOP, as well as what would be reasonably expected to occur in the foreseeable future if the proposed project is not approved, based on current zoning, land use designations, and available infrastructure. The No Project/Development assumes no construction associated with the proposed project, with future development occurring consistent with the existing land use. The intent of this alternative is to satisfy CEQA's requirement to address development of the project in accordance with any approved plans or existing zoning.

Other Project Alternatives

In addition to a No Project Alternative, the EIR shall consider other alternatives that are determined through the environmental review process that would mitigate potentially significant environmental impacts. These alternatives must be discussed and/or defined with EAS staff prior to including them in the EIR.

The Alternatives section of the EIR will be based on a description of "reasonable" project alternatives, which reduce or avoid potentially significant impacts associated with the proposed project. Site-specific alternatives, if needed, will be developed in response to the findings of the environmental analyses and the various technical studies and may include alternative project design to mitigate one or more of the identified significant adverse impacts of the proposed project. This may include a reduction in land use intensity, alternative land use plan(s) or feasible design scenarios.

If, through the environmental analysis, other alternatives become apparent that would mitigate potential impacts, these should be discussed with EAS staff prior to including them in the Draft EIR. It is important to emphasize that the alternatives section of the EIR should constitute a major part of the report. The timely processing of the environmental review will likely be dependent on the thoroughness of effort exhibited in the alternative analysis.

XVI. MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)

Mitigation measures should be clearly identified and discussed and their effectiveness assessed in each issue section of the EIR. A Mitigation, Monitoring, and Reporting Program (MMRP) for each issue area with significant impacts is mandatory and projected effectiveness must be assessed (i.e., all or some CEQA impacts would be reduced to below a level of significance, etc.). At a minimum, the MMRP should identify: 1) the department responsible for the monitoring; 2) the monitoring and reporting schedule; and 3) the completion requirements. In addition, mitigation measures and the monitoring and reporting program for each impact should also be contained (verbatim) to be included within the EIR in a separate section and a duplicate separate copy (Word version) must also be provided to EAS.

XVII. REFERENCES

Material must be reasonably accessible. Use the most up-to-date possible and reference source documents.

XVIII. INDIVIDUALS AND AGENCIES CONSULTED

List those consulted in preparation of the EIR. Seek out parties who would normally be expected to be a responsible agency or an interest in the project.

XIX. CERTIFICATION PAGE

Include City and Consulting staff members, titles, and affiliations.

XX. APPENDICES

Include the EIR Notice of Preparation (NOP), and any comments received regarding the NOP and Scoping Letter. Include all accepted technical studies.

CONCLUSION

If other potentially significant issue areas arise during detailed environmental investigation of the project, consultation with staff from the Environmental Analysis Section of the Land Development Review Division is required to determine if these other areas need to be addressed in the EIR. Should the project description be revised, an additional scope of work may be required. Furthermore, as the project design progresses and supplementary information becomes available, the EIR may need to be expanded to include additional issue areas.

It is important to note that timely processing of your project will be contingent in large part on your selection of a well-qualified consultant. Prior to starting work on the EIR, a meeting between the consultant and EAS will be required to discuss and clarify the scope of work. Until the screencheck for the draft EIR is submitted, which addresses all of the above issues, the environmental processing timeline will be held in abeyance. Should you have any questions regarding this letter or the environmental process, please contact the environmental analyst, Lindsey Sebastian at (619) 236-5993; for general questions regarding project processing and/or the project, contact Jeffrey A. Peterson, Project Manager at (619) 446-5237.

Sincerely,

Kerry M. Santoro
Deputy Director
Development Services Department

KMS:les

cc: Lindsey Sebastian, Land Development Review Division
Environmental Project File
Jeff Peterson, Project Management Division
Christina J. Willis, BRG Consulting, Inc.

STATE OF CALIFORNIA

Governor's Office of Planning and Research

State Clearinghouse and Planning Unit

Edmund G. Brown Jr.
Governor

Ken Alex
Director

Notice of Preparation

August 24, 2017

To: Reviewing Agencies

Re: 4th Corner Apartments
SCH# 2017081051

Attached for your review and comment is the Notice of Preparation (NOP) for the 4th Corner Apartments draft Environmental Impact Report (EIR).

Responsible agencies must transmit their comments on the scope and content of the NOP, focusing on specific information related to their own statutory responsibility, within 30 days of receipt of the NOP from the Lead Agency. This is a courtesy notice provided by the State Clearinghouse with a reminder for you to comment in a timely manner. We encourage other agencies to also respond to this notice and express their concerns early in the environmental review process.

Please direct your comments to:

Lindsey H. Sebastian
City of San Diego
1222 First Avenue, MS-501
San Diego, CA 92101

with a copy to the State Clearinghouse in the Office of Planning and Research. Please refer to the SCH number noted above in all correspondence concerning this project.

If you have any questions about the environmental document review process, please call the State Clearinghouse at (916) 445-0613.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Attachments
cc: Lead Agency

1400 TENTH STREET P.O. BOX 3044 SACRAMENTO, CALIFORNIA 95812-3044
TEL (916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

Document Details Report
State Clearinghouse Data Base

SCH# 2017081051
Project Title 4th Corner Apartments
Lead Agency San Diego, City of

Type NOP Notice of Preparation

Description A Site Development Permit to demolish an existing historic structure (American Legion Hall, HRB #525) and construct 73 apartment units with amenities totaling approx. 99,537 sq. ft. on multiple lots with 86 on-site, at-grade parking spaces. One existing commercial building located at 4089 Fairmount Avenue would remain unaltered. The proposed residential amenities would consist of 6,150 sq. ft. of outdoor community recreation open space on the podium deck; a 1,447 sq. ft. community room; a community kitchen; laundry room; and lounge. Various site improvements would also be constructed that include associated hardscape and landscape. The project would conform to the Affordable/In-fill Housing and Sustainable Buildings Expedite Program by providing affordable housing. Deviations from applicable regulations for two non-contiguous parcels as a single premise, floor area ratio, height, setbacks, and building transparency are also being requested.

Lead Agency Contact

Name Lindsey H. Sebastian
Agency City of San Diego
Phone 619-236-5993 **Fax**
email
Address 1222 First Avenue, MS-501
City San Diego **State** CA **Zip** 92101

Project Location

County San Diego
City San Diego
Region
Cross Streets Folk Ave. and University Ave.
Lat / Long 32.750108° N / 117.00596° W
Parcel No. 471-261-22, -04, -07, -09
Township **Range** **Section** **Base**

Proximity to:

Highways I-15
Airports
Railways
Waterways
Schools Rosa Parks ES
Land Use Commercial and Mixed Use/CUPD-CU-2-3/Residential

Project Issues Aesthetic/Visual; Air Quality; Archaeologic-Historic; Geologic/Seismic; Noise; Traffic/Circulation; Water Quality; Landuse; Cumulative Effects; Other Issues

Reviewing Agencies Resources Agency; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; Department of Fish and Wildlife, Region 5; Department of Housing and Community Development; Native American Heritage Commission; Caltrans, District 11; Regional Water Quality Control Board, Region 9

Date Received 08/24/2017 **Start of Review** 08/24/2017 **End of Review** 09/22/2017

Note: Blanks in data fields result from insufficient information provided by lead agency.

2017081051

Notice of Completion & Environmental Document Transmittal

Mail to: State Clearinghouse, P. O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613
For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

SCH # N/A

Project Title: 4th Corner Apartments

Lead Agency: City of San Diego
Contact Person: Lindsey H. Sebastian
Mailing Address: 1222 First Avenue, MS 501
Phone: (619) 236-5993
City: San Diego, CA
Zip: 92101
County: San Diego

Project Location: County: San Diego
City/Nearest Community: San Diego/City Heights
Cross Streets: Polk Avenue and University Avenue
Zip Code: 92105
Lat. / Long.: 32.750108/-117.00596; 32.750339/-117.100577; 32.750347/-117.100903; 32.750779/-117.100575; 32.751276/-117.100585
Total Acres: approx. 1.15
Assessor's Parcel No.: 471-461-22, 471-461-04, 471-461-07, and 471-461-09
Section: ____ Twp.: ____ Range: ____ Base
Within 2 Miles: State Hwy #: Interstate 15
Waterways:
Airports:
Railways:
Schools: Rosa Parks Elem.

Document Type:

CEQA:
- ☒ NOP
- ☐ Early Cons
- ☐ Neg Dec
- ☐ Mit Neg Dec
- ☐ Draft EIR
- ☐ Supplement/Subsequent EIR (Prior SCH No.)
- Other
- ☐ NOI
- ☐ EA
- ☐ Draft EIS
- ☐ FONSI

Other:
- ☐ Joint Document
- ☐ Final Document
- ☐ Other

Governor's Office of Planning & Research
AUG 24 2017
STATE CLEARINGHOUSE

Local Action Type:

- ☐ General Plan Update
- ☐ General Plan Amendment
- ☐ General Plan Element
- ☐ Community Plan
- ☐ Specific Plan
- ☐ Master Plan
- ☐ Planned Unit Development
- ☐ Site Plan
- ☐ Rezone
- ☐ Prezone
- ☐ Use Permit
- ☐ Land Division (Subdivision, etc.)
- ☐ Annexation
- ☐ Redevelopment
- ☐ Coastal Permit
- ☒ Other: Site Development

Development Type:

- ☒ Residential: Units 73 Acres 1.15
- ☐ Office: Sq.ft. ____ Acres ____ Employees ____
- ☐ Commercial: Sq.ft. ____ Acres ____ Employees ____
- ☐ Industrial: Sq.ft. ____ Acres ____ Employees ____
- ☐ Educational
- ☐ Recreational
- ☐ Water Facilities: Type ____ MGD ____
- ☐ Transportation: Type
- ☐ Mining: Mineral
- ☐ Power: Type ____ MW ____
- ☐ Waste Treatment: Type ____ MGD ____
- ☐ Hazardous Waste: Type
- ☒ Other: One existing commercial bldg. located at 4089 Fairmount Avenue would remain unaltered.

Project Issues Discussed in Document:

- ☒ Aesthetic/Visual
- ☐ Agricultural Land
- ☒ Air Quality
- ☒ Archeological/Historical
- ☐ Biological Resources
- ☐ Coastal Zone
- ☐ Drainage/Absorption
- ☐ Economic/Jobs
- ☐ Fiscal
- ☐ Flood Plain/Flooding
- ☐ Forest Land/Fire Hazard
- ☒ Geologic/Seismic
- ☐ Minerals
- ☒ Noise
- ☐ Population/Housing Balance
- ☐ Public Services/Facilities
- ☐ Recreation/Parks
- ☐ Schools/Universities
- ☐ Septic Systems
- ☐ Sewer Capacity
- ☐ Soil Erosion/Compaction/Grading
- ☐ Solid Waste
- ☐ Toxic/Hazardous
- ☒ Traffic/Circulation
- ☐ Vegetation
- ☒ Water Quality
- ☐ Water Supply/Groundwater
- ☐ Wetland/Riparian
- ☐ Wildlife
- ☐ Growth Inducing
- ☒ Land Use
- ☒ Cumulative Effects
- ☒ Other: Energy, Greenhouse Gas Emissions, Tribal Cultural Resources, Hydrology

Present Land Use/Zoning/General Plan Designation: Commercial and Mixed Use/CUPD-CU-2-3/Residential

Project Description: *(please use a separate page if necessary)* See attached Public Notice / Project Description

Note: The state Clearinghouse will assign identification numbers for all new projects. If a SCH number already exists for a project (e.g. Notice of Preparation or previous draft document) please fill in.

January 2008

NOP Distribution List

County: San Diego

SCH# 2017081051

Resources Agency

- ■ **Resources Agency**
  Nadell Gayou
- ☐ **Dept. of Boating & Waterways**
  Denise Peterson
- ☐ **California Coastal Commission**
  Allyson Hitt
- ☐ **Colorado River Board**
  Lisa Johansen
- ☐ **Dept. of Conservation**
  Crina Chan
- ☐ **Cal Fire**
  Dan Foster
- ☐ **Central Valley Flood Protection Board**
  James Herota
- ■ **Office of Historic Preservation**
  Ron Parsons
- ■ **Dept of Parks & Recreation**
  Environmental Stewardship Section
- ☐ **S.F. Bay Conservation & Dev't. Comm.**
  Steve Goldbeck
- ■ **Dept. of Water Resources**
  Resources Agency
  Nadell Gayou

Fish and Game

- ☐ **Depart. of Fish & Wildlife**
  Scott Flint
  Environmental Services Division
- ☐ **Fish & Wildlife Region 1**
  Curt Babcock
- ☐ **Fish & Wildlife Region 1E**
  Laurie Harnsberger
- ☐ **Fish & Wildlife Region 2**
  Jeff Drongesen
- ☐ **Fish & Wildlife Region 3**
  Craig Weightman
- ☐ **Fish & Wildlife Region 4**
  Julie Vance
- ■ **Fish & Wildlife Region 5**
  Leslie Newton-Reed
  Habitat Conservation Program
- ☐ **Fish & Wildlife Region 6**
  Tiffany Ellis
  Habitat Conservation Program
- ☐ **Fish & Wildlife Region 6 I/M**
  Heidi Calvert
  Inyo/Mono, Habitat Conservation Program
- ☐ **Dept. of Fish & Wildlife M**
  William Paznokas
  Marine Region

Other Departments

- ☐ **California Department of Education**
  Lesley Taylor
- ☐ **OES (Office of Emergency Services)**
  Monique Wilber
- ☐ **Food & Agriculture**
  Sandra Schubert
  Dept. of Food and Agriculture
- ☐ **Dept. of General Services**
  Cathy Buck
  Environmental Services Section
- ■ **Housing & Comm. Dev.**
  CEQA Coordinator
  Housing Policy Division

Independent Commissions,Boards

- ☐ **Delta Protection Commission**
  Erik Vink
- ☐ **Delta Stewardship Council**
  Kevan Samsam
- ☐ **California Energy Commission**
  Eric Knight
- ■ **Native American Heritage Comm.**
  Debbie Treadway
- ☐ **Public Utilities Commission**
  Supervisor
- ☐ **Santa Monica Bay Restoration**
  Guangyu Wang
- ☐ **State Lands Commission**
  Jennifer Deleong
- ☐ **Tahoe Regional Planning Agency (TRPA)**
  Cherry Jacques

Cal State Transportation Agency CalSTA

- ☐ **Caltrans - Division of Aeronautics**
  Philip Crimmins
- ☐ **Caltrans – Planning HQ LD-IGR**
  Christian Bushong
- ☐ **California Highway Patrol**
  Suzann Ikeuchi
  Office of Special Projects

Dept. of Transportation

- ☐ **Caltrans, District 1**
  Rex Jackman
- ☐ **Caltrans, District 2**
  Marcelino Gonzalez
- ☐ **Caltrans, District 3**
  Eric Federicks – South
  Susan Zanchi - North
- ☐ **Caltrans, District 4**
  Patricia Maurice
- ☐ **Caltrans, District 5**
  Larry Newland
- ☐ **Caltrans, District 6**
  Michael Navarro
- ☐ **Caltrans, District 7**
  Dianna Watson
- ☐ **Caltrans, District 8**
  Mark Roberts
- ☐ **Caltrans, District 9**
  Gayle Rosander
- ☐ **Caltrans, District 10**
  Tom Dumas
- ■ **Caltrans, District 11**
  Jacob Armstrong
- ☐ **Caltrans, District 12**
  Maureen El Harake

Cal EPA

Air Resources Board

- ☐ **Airport & Freight**
  Jack Wursten
  - ☐ **Transportation Projects**
    Nesamani Kalandiyur
  - ☐ **Industrial/Energy Projects**
    Mike Tollstrup
- ☐ **California Department of Resources, Recycling & Recovery**
  Sue O'Leary
- ☐ **State Water Resources Control Board**
  Regional Programs Unit
  Division of Financial Assistance
- ☐ **State Water Resources Control Board**
  Cindy Forbes – Asst Deputy
  Division of Drinking Water
- ☐ **State Water Resources Control Board**
  Div. Drinking Water #_____
- ☐ **State Water Resources Control Board**
  Student Intern, 401 Water Quality Certification Unit
  Division of Water Quality
- ☐ **State Water Resouces Control Board**
  Phil Crader
  Division of Water Rights
- ☐ **Dept. of Toxic Substances Control**
  CEQA Tracking Center
- ☐ **Department of Pesticide Regulation**
  CEQA Coordinator

Regional Water Quality Control Board (RWQCB)

- ☐ **RWQCB 1**
  Cathleen Hudson
  North Coast Region (1)
- ☐ **RWQCB 2**
  Environmental Document Coordinator
  San Francisco Bay Region (2)
- ☐ **RWQCB 3**
  Central Coast Region (3)
- ☐ **RWQCB 4**
  Teresa Rodgers
  Los Angeles Region (4)
- ☐ **RWQCB 5S**
  Central Valley Region (5)
  - ☐ **RWQCB 5F**
    Central Valley Region (5)
    Fresno Branch Office
  - ☐ **RWQCB 5R**
    Central Valley Region (5)
    Redding Branch Office
- ☐ **RWQCB 6**
  Lahontan Region (6)
  - ☐ **RWQCB 6V**
    Lahontan Region (6)
    Victorville Branch Office
- ☐ **RWQCB 7**
  Colorado River Basin Region (7)
- ☐ **RWQCB 8**
  Santa Ana Region (8)
- ■ **RWQCB 9**
  San Diego Region (9)

☐ **Other** _____

_____

_____

☐ _____
Conservancy

Last Updated 8/3/17

STATE OF CALIFORNIA
NATIVE AMERICAN HERITAGE COMMISSION
Environmental and Cultural Department
1550 Harbor Blvd., Suite 100
West Sacramento, CA 95691
Phone (916) 373-3710

Edmund G. Brown Jr., Governor

August 29, 2017

Lindsey H. Sebastian
City of San Diego
1222 First Avenue, MS-501
San Diego, CA 92101

Sent via e-mail: dsdeas@sandiego.gov

RE: SCH# 2017081051; 4th Corner Apartments Project, City of San Diego; San Diego County, California

Dear Ms. Sebastian:

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

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a **separate category of cultural resources**, "tribal cultural resources" (Pub. Resources Code § 21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment (Pub. Resources Code § 21084.2). Please reference California Natural Resources Agency (2016) "Final Text for tribal cultural resources update to Appendix G: Environmental Checklist Form," http://resources.ca.gov/ceqa/docs/ab52/Clean-final-AB-52-App-G-text-Submitted.pdf. Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code § 21084.3 (a)). **AB 52 applies to any project for which a notice of preparation or a notice of negative declaration or mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements**. If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. § 800 et seq.) may also apply.

The NAHC recommends **lead agencies consult with all California Native American tribes** that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments. **Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.**

AB 52

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

1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project: Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a **lead agency** shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:
    a. A brief description of the project.
    b. The lead agency contact information.
    c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code § 21080.3.1 (d)).
    d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code § 21073).

2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report: A **lead agency** shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code § 21080.3.1, subds. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or environmental impact report. (Pub. Resources Code § 21080.3.1(b)).
    a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code § 65352.4 (SB 18). (Pub. Resources Code § 21080.3.1 (b)).

3. Mandatory Topics of Consultation If Requested by a Tribe: The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:
    a. Alternatives to the project.
    b. Recommended mitigation measures.
    c. Significant effects. (Pub. Resources Code § 21080.3.2 (a)).

4. Discretionary Topics of Consultation: The following topics are discretionary topics of consultation:
    a. Type of environmental review necessary.
    b. Significance of the tribal cultural resources.
    c. Significance of the project's impacts on tribal cultural resources.
    d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code § 21080.3.2 (a)).

5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process: With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code sections 6254 (r) and 6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code § 21082.3 (c)(1)).

6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document: If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:
    a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
    b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code section 21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code § 21082.3 (b)).

7. Conclusion of Consultation: Consultation with a tribe shall be considered concluded when either of the following occurs:
    a. The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
    b. A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code § 21080.3.2 (b)).

8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document: Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code section 21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code section 21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code § 21082.3 (a)).

9. Required Consideration of Feasible Mitigation: If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code section 21084.3 (b). (Pub. Resources Code § 21082.3 (e)).

10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:
    a. Avoidance and preservation of the resources in place, including, but not limited to:
        i. Planning and construction to avoid the resources and protect the cultural and natural context.
        ii. Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
    b. Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
        i. Protecting the cultural character and integrity of the resource.
        ii. Protecting the traditional use of the resource.
        iii. Protecting the confidentiality of the resource.
    c. Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
    d. Protecting the resource. (Pub. Resource Code § 21084.3 (b)).
    e. Please note that a federally recognized California Native American tribe or a nonfederally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code § 815.3 (c)).
    f. Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code § 5097.991).

11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource: An environmental impact report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
    a. The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code sections 21080.3.1 and 21080.3.2 and concluded pursuant to Public Resources Code section 21080.3.2.
    b. The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
    c. The lead agency provided notice of the project to the tribe in compliance with Public Resources Code section 21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code § 21082.3 (d)).

    This process should be documented in the Cultural Resources section of your environmental document.

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

SB 18

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

Some of SB 18's provisions include:

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

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

NAHC Recommendations for Cultural Resources Assessments

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

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center (http://ohp.parks.ca.gov/?page_id=1068) for an archaeological records search. The records search will determine:
    a. If part or all of the APE has been previously surveyed for cultural resources.
    b. If any known cultural resources have been already been recorded on or adjacent to the APE.
    c. If the probability is low, moderate, or high that cultural resources are located in the APE.
    d. If a survey is required to determine whether previously unrecorded cultural resources are present.

2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
    a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.

b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

3. Contact the NAHC for:
   a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
   b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.

4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
   a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, section 15064.5(f) (CEQA Guidelines section 15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
   b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
   c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code section 7050.5, Public Resources Code section 5097.98, and Cal. Code Regs., tit. 14, section 15064.5, subdivisions (d) and (e) (CEQA Guidelines section 15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

Please contact me if you need any additional information at gayle.totton@nahc.ca.gov.

Sincerely,

Gayle Totton, M.A., PhD.
Associate Governmental Program Analyst

cc: State Clearinghouse

San Diego County Archaeological Society, Inc.

Environmental Review Committee

4 September 2017

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

Subject: Notice of Preparation of a Draft Environmental Impact Report
4th Corner Apartments
Project No. 535323

Dear Ms. Sebastian:

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

We are pleased to note the inclusion of historical resources in the list of subject areas to be addressed in the DEIR, and look forward to reviewing it during the upcoming public comment period. To that end, please include us in the distribution of the DEIR, and also provide us with a copy of the cultural resources technical report(s). We expect the DEIR to address the City's Historical Resources Board's consideration of the proposed demolition of HRB #525, the American legion Hall.

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

Sincerely,

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

cc: SDCAS President
File

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