



THE CITY OF SAN DIEGO

## MEMORANDUM

DATE: March 28, 2023

TO: Chairman Hoffman and Members of the Planning Commission

FROM: Elizabeth Shearer-Nguyen, Program Manager, Development Services Department

SUBJECT: Item No. 1 Bella Mar Project No. 631240 – Errata to Final Mitigated Negative Declaration

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Subsequent to distribution of the final Mitigated Negative Declaration (MND) dated December 5, 2022, typographical clarifications have been made when compared to the final environmental document. An erratum has been prepared that outlines the revisions made to the final environmental document.

ES/es

Attachment

# ERRATA

**Bella Mar Apartments  
Mitigated Negative Declaration  
Project No. 631240 / State Clearinghouse No. 2022040642  
March 27, 2023**

Subsequent to distribution of the final Mitigated Negative Declaration (MND) dated December 5, 2022, typographical clarifications have also been made when compared to the final environmental document. The following revisions to the environmental document have been made and are reflected in a ~~double strikethrough~~ and/or double underline format.

1. MND, Subject: The project description has been revised to clarify the proposed approval of an amendment to San Diego Municipal Code, Section 132.0402:

“... a LOCAL COASTAL PROGRAM AMENDMENT to create consistency with the proposed Community Plan Amendment and COASTAL DEVELOPMENT PERMIT; amendment to SAN DIEGO MUNICIPAL CODE (SDMC) Section 132.0402, redesignating the Coastal Overlay Zone from Coastal Deferred Certification; and NEIGHBORHOOD DEVELOPMENT PERMIT ...”

2. MND, Section V(C), Biological Resources, Mitigation Measure Bio-1A, Section (1)(D) – Minor typographical clarifications have been made to the response as follows:

“... western burrowing owl (BUOW) exclusions, etc.) ...”

3. MND, Section V(C), Biological Resources, Mitigation Measure Bio-1B, Section (1)(D) – Minor typographical clarifications have been made to the response as follows:

“... within ~~40~~ three ~~3~~ calendar days ...”

4. MND, Section V(C), Biological Resources, Mitigation Measure Bio-2, During Construction, Section 2(A)(2) – Minor typographical clarifications have been made to the response as follows:

“... repeatedly (four ~~4~~ or more sightings) use the site for roosting or foraging, the City’s MMC and MSCP Sections shall be notified and any portion of the site where owls have been ~~sites~~ observed and that has ...”

5. MND, Section V(C), Biological Resources, Mitigation Measure Bio-2, Post Construction, Section 1 – Minor typographical clarifications have been made to the response as follows:

“This report must include summaries of ~~off~~ all previous reports for the site; and maps of the project site and BUOW locations on aerial photos.”

6. Initial Study, Description of Project – Refinements have been made to the project description as follows:

A GENERAL PLAN AMENDMENT and COMMUNITY PLAN AMENDMENT to re-designate the land use from Open Space to Medium Density Residential (allowing up to 29 dwelling units per acre); a REZONE from Agriculture-Residential (AR-1-2) and Open Space (OF-1-1) to Multiple-Unit Medium Density Residential (RM-2-5); a TENTATIVE MAP to divide one parcel into two; a SITE DEVELOPMENT PERMIT; a LOCAL COASTAL PROGRAM AMENDMENT to create consistency with the proposed Community Plan Amendment and COASTAL DEVELOPMENT PERMIT; NEIGHBORHOOD DEVELOPMENT PERMIT for proposed deviations to the San Diego Municipal Code Development Regulations; and a MULTI-HABITAT PLANNING AREA BOUNDARY LINE ADJUSTMENT to construct 380 multi-family units within two parcels (north and south neighborhood). The project proposes a General Plan/Community Plan Amendment (CPA) to redesignate the project site from Open Space to Medium Density Residential and a rezone from Agriculture Residential (AR 1-2) and Open Space (OF 1-1) to Multiple Unit Medium Density Residential (RM 2-5). The project also includes a Tentative Map and the construction of two residential communities within two parcels. The project proposes a total of 380 multi-family units. The proposed density would be consistent with the allowable residential density of the land use designation, which allows up to 29 dwelling units per acre, and the underlying zone, which allows one dwelling unit per 1,500 square feet plus density bonuses for an affordable component.

The Otay-Mesa Nestor Community Plan Amendment would include revisions to maps and land use designations throughout the Plan to reflect the project proposed land use redesignation from Open Space to Medium Density Residential. In addition, minor edits throughout the Plan have been made that serve to clean up, clarify, and update City and community conditions, as well as terminology and nomenclature, since the plan's adoption in 1996.

~~Specifically, the~~ The development would consist of two neighborhoods, a north neighborhood and south neighborhood. The north neighborhood would contain 14 separate, three-story buildings with a total of 280 market rate dwelling units, in addition to a 1,500-square-foot option leasing building and a ~~2,500- 4,350-square-foot clubhouse and leasing office, a~~ cabana area. ~~Other amenities include~~ with pool/spa and play area. Parking in the northern neighborhood will be accommodated through a combination of surface parking and private enclosed garages. The south neighborhood would include a single four-story building consisting of 100 affordable housing dwelling units.

7. Initial Study, Description of Project – Refinements have been made to the project description as follows:

Table 1 Requested Deviations			
SDMC Regulation	Applicable Project Design	Required	Proposed Deviation
Table 131-04G	Building Height	40 feet	55 feet <sup>1</sup>
Section 131.0443(e)(2)(A)	Side Setbacks	10 Percent of Premises	Setback varies <sup>2</sup>
Section 142.0510(e)	Parking Encroachment into Front Yard	Prohibited	Encroachment Allowed
Section 142.0560(j)(1) Table 142-05M	Driveway Width	Limited to 20 Feet Wide <sup>3</sup>	Allow for 26-foot Width
<del>Deviation from City's General Plan Urban Design Policies</del>	<del>Limitation of Access to Open Space</del>	<del>Limit Physical Connectivity and Access to Open Space</del>	<del>Allow In-fill Development of Project Site.</del>
<sup>1</sup> Parcel 2 (Affordable Neighborhood) and Parcel 1 (Market Rate Neighborhood) buildings 1–14			
<sup>2</sup> See Site Plan and Affordable/In-fill Housing and Sustainable Buildings Expedite Program: Deviations/Incentives Request Form			
<sup>3</sup> Due to being in the Parking Impact Overlay Zone			

8. Section III, AIR QUALITY, Subsection c. The second paragraph under Operation has been revised to remove reference to construction of a wall and landscaping along the project frontage with I-5. As detailed in the project description and project plans, a five-foot metal fence is proposed around the perimeter of the project site. This revision removes reference to a solid wall. Additionally, this edit is consistent with revisions to the Air Quality Analysis, which removed reference to the wall and landscaping. The revisions were to clarify that the air quality emission calculations did not factor a wall or landscaping at this location as an emission reduction measure. The text has been revised as follows:

Based on the predicted ground level concentrations, the 30-year maximum excess cancer risk is anticipated to exceed 10 in a million at the buildings located closest to I-5. However, the risk to residences would be reduced by the inclusion of various project design features which would be made conditions of project approval, including planting vegetation between the freeway and project site, ~~construction of a wall along the frontage with I-5,~~ and the provision of heating, ventilation, and air conditioning (HVAC) units with Minimum Efficiency Reporting Value 13 (MERV-13), or better, air filters in each unit. The project would be subject to the 2019 Title 24 building code which requires that MERV-13 filters be included in all new construction. The MERV-13 filters would remove approximately 90 percent of DPM entering the indoor air, thus reducing cancer risk from diesel exhaust exposure. Thus, with the inclusion of the wall ~~along the freeway, the landscaping proposed between the freeway and project site,~~

and provision of the equivalent of MERV-13, or better, air filters in the HVAC units, the potential increase in cancer risk and the non-cancer chronic risks would be less than significant.

9. REFERENCES, Air Quality. The reference to the site-specific Air Quality Analysis has been revised to reflect a revised date of January 2023.

### **Recirculation**

Pursuant to CEQA Guidelines Section 15073.5, a lead agency is required to recirculate an MND when the document must be substantially revised. In accordance with CEQA Section 15073.5(b), a "substantial revision" of the mitigated negative declaration refers to (1) A new, avoidable significant effect is identified and mitigation measures or project revisions must be added in order to reduce the effect to insignificance, or (2) The lead agency determines that the proposed mitigation measures or project revisions will not reduce potential effects to less than significance and new measures or revisions must be required. CEQA Section 15073.5(c) states that recirculation is not required under the following circumstances: (1) Mitigation measures are replaced with equal or more effective measures pursuant to Section 15074.1; (2) New project revisions are added in response to written or verbal comments on the project's effects identified in the proposed negative declaration which are not new avoidable significant effects; (3) Measures or conditions of project approval are added after circulation of the negative declaration which are not required by CEQA, which do not create new significant environmental effects and are not necessary to mitigate an avoidable significant effect; (4) New information is added to the negative declaration which merely clarifies, amplifies, or makes insignificant modifications to the negative declaration.

The revisions made to the final Mitigated Negative Declaration do not affect the analysis or conclusions of the environmental document. In accordance with the California Environmental Quality Act, Section 15073.5(c)(4), recirculation is not required as there are no new impacts and no new mitigation identified to avoid a significant environmental impact.