



## MITIGATED NEGATIVE DECLARATION

THE CITY OF SAN DIEGO

Project No. 588751  
SCH No. N/A

**SUBJECT: 4<sup>th</sup> Avenue Apartments:** A request for the City Council to overrule the San Diego County Regional Airport Authority (SDCRAA), determination of inconsistency with the Airport Land Use Compatibility Plan (ALUCP) for San Diego International Airport (SDIA) and a SITE DEVELOPMENT PERMIT for City Council to override of the determination of inconsistency with the SDIA ALUC A request for a SITE DEVELOPMENT PERMIT (SDP) for a City Council overrule of Airport Land Use Commission (ALUC) determination of inconsistency with the San Diego International Airport (SDIA) Airport Land Use Compatibility Plan (ALUCP) with respect to residential density to allow the construction of a six-story, mixed-use development and increase overall density from 22 dwelling units to 36 dwelling units in accordance with the City's Affordable Housing Regulations. The mixed-use development would consist of 36 multi-family units and a 1,174-square-foot retail suite. The project would also construct various site improvements, including parking (one level at grade and one subterranean level), associated hardscape, landscaping, infrastructure (e.g., off-site utility connections of water, sewer), storm drain, and access. Allowable incentives in the form of deviations from the development regulations are being requested pertaining to building height, ground floor commercial, private exterior open space, and side and rear yard setbacks projection into the setbacks, building structure height, and retaining wall height. The project site is a 0.23-acre vacant lot located at 2426 4<sup>th</sup> Avenue (Assessor's Parcel Number [APN] 533-106-13-00). The project site is designated Community Commercial (residential density of 0-109 dwelling units per acre [du/acre] in the Uptown Community Plan and is zoned CC-3-9 (Commercial-Community). The project site is also within the Airport Approach Overlay Zone (San Diego International Airport (SDIA)), Airport Influence Area (SDAI-Review Area 1), Federal Aviation Administration (FAA) Part 77 Notification Area (SDIA and North Island Naval Air Station), Safety Zones (SDIA), Community Plan Implementation Overlay Zone (CPIOZ-A), Residential Tandem Parking Overlay Zone, Transit Area Overlay Zone, and the Transit Priority Area. (LEGAL DESCRIPTION: Lots H and I, Block 280, Horton's Addition.) APPLICANT: Next Space Development.

**UPDATE: February 21, 2020. Revisions and/or minor corrections have been made to the final document when compared to the draft Mitigated Negative Declaration. In accordance with the California Environmental Quality Act, Section 15073.5(c)(4), the addition of new information that clarifies, amplifies, or makes insignificant**

**modifications does not require recirculation as there are no new impacts and no new mitigation identified. An environmental document need only be recirculated when there is the identification of new significant environmental impacts or the addition of a new mitigation measure required to avoid a significant environmental impact. The modifications within the environmental document do not affect the environmental analysis or conclusions of the Mitigated Negative Declaration. All revisions are shown in a ~~striketrough~~ and/or underline format.**

**I. PROJECT DESCRIPTION:**

See attached Initial Study.

**II. ENVIRONMENTAL SETTING**

See attached Initial Study.

**III. DETERMINATION:**

The City of San Diego conducted an Initial Study which determined that the proposed project could have a significant environmental effect with regard to **Noise (construction-related)**. Subsequent revisions in the project proposal create the specific mitigation identified in Section V of this Mitigated Negative Declaration. The project as revised now avoids or mitigates the potentially significant environmental effects previously identified, and the preparation of an Environmental Impact Report will not be required.

**IV. DOCUMENTATION:**

The attached Initial Study documents the reasons to support the above Determination.

**V. MITIGATION, MONITORING AND REPORTING PROGRAM:**

**A. GENERAL REQUIREMENTS - PART I Plan Check Phase (prior to permit issuance)**

1. Prior to the issuance of a Notice to Proceed (NTP) for a subdivision, or any construction permits, such as Demolition, Grading or Building, or beginning any construction-related activity on-site, the Development Services Department (DSD) Director's Environmental Designee (ED) shall review and approve all Construction Documents (CD; plans, specification, details, etc.) to ensure the Mitigation Monitoring and Reporting Program (MMRP) requirements are incorporated into the design.
2. In addition, the ED shall verify that the MMRP Conditions/Notes that apply ONLY to the construction phases of this project are included VERBATIM, under the heading, "**ENVIRONMENTAL/MITIGATION REQUIREMENTS.**"

3. These notes must be shown within the first three sheets of the construction documents in the format specified for engineering construction document templates as shown on the City website:  
<http://www.sandiego.gov/development-services/industry/standtemp.shtml>
4. The **TITLE INDEX SHEET** must also show on which pages the “Environmental/Mitigation Requirements” notes are provided.

**B. GENERAL REQUIREMENTS – PART II Post Plan Check (After permit issuance/Prior to start of construction)**

1. **PRE-CONSTRUCTION MEETING IS REQUIRED TEN (10) WORKING DAYS PRIOR TO BEGINNING ANY WORK ON THIS PROJECT.** The PERMIT HOLDER/OWNER is responsible to arrange and perform this meeting by contacting the CITY RESIDENT ENGINEER (RE) of the Field Engineering Division and City staff from MITIGATION MONITORING COORDINATION (MMC). Attendees must also include the Permit holder’s Representative(s), Job Site Superintendent and the following consultants: Paleontological Monitor.

**Note: Failure of all responsible Permit Holder’s representatives and consultants to attend shall require an additional meeting with all parties present.**

CONTACT INFORMATION:

- a) The PRIMARY POINT OF CONTACT is the **RE** at the **Field Engineering Division, 858-627-3200.**
- b) For Clarification of ENVIRONMENTAL REQUIREMENTS, it is also required to call **RE and MMC at 858-627-3360.**

2. **MMRP COMPLIANCE:** This Project, Project Tracking System (PTS) Number 588751 and/or Environmental Document Number 588751, shall conform to the mitigation requirements contained in the associated Environmental Document and implemented to the satisfaction of the DSD’s Environmental Designee (MMC) and the City Engineer (RE). The requirements may not be reduced or changed but may be annotated (i.e., to explain when and how compliance is being met and location of verifying proof, etc.). Additional clarifying information may also be added to other relevant plan sheets and/or specifications as appropriate (i.e., specific locations, times of monitoring, methodology, etc).

**Note: Permit Holder’s Representatives must alert RE and MMC if there are any discrepancies in the plans or notes, or any changes due to field conditions. All conflicts must be approved by RE and MMC BEFORE the work is performed.**

3. **OTHER AGENCY REQUIREMENTS:** Evidence of compliance with all other agency requirements or permits shall be submitted to the RE and MMC for review and acceptance prior to the beginning of work or within one week of the Permit Holder obtaining documentation of those permits or requirements. Evidence shall include copies of permits, letters of resolution or other documentation issued by the responsible agency: **Not Applicable**
  
4. **MONITORING EXHIBITS:** All consultants are required to submit to RE and MMC, a monitoring exhibit on a 11x17 reduction of the appropriate construction plan, such as site plan, grading, landscape, etc., marked to clearly show the specific areas including the **LIMIT OF WORK**, scope of that discipline's work, and notes indicating when in the construction schedule that work will be performed. When necessary for clarification, a detailed methodology of how the work will be performed shall be included.

**Note: Surety and Cost Recovery – When deemed necessary by the DSD Director or City Manager, additional surety instruments or bonds from the private Permit Holder may be required to ensure the long-term performance or implementation of required mitigation measures or programs. The City is authorized to recover its cost to offset the salary, overhead, and expenses for City personnel and programs to monitor qualifying projects.**

5. **OTHER SUBMITTALS AND INSPECTIONS:** The Permit Holder/Owner's representative shall submit all required documentation, verification letters, and requests for all associated inspections to the RE and MMC for approval per the following schedule:

DOCUMENT SUBMITTAL/INSPECTION CHECKLIST		
Issue Area	Document Submittal	Associated Inspection/Approvals/Notes
General	Consultant Qualification Letters	Prior to Preconstruction Meeting
General	Consultant Construction Monitoring Exhibits	Prior to or at Preconstruction Meeting
Noise	Acoustical Reports	Noise Mitigation Features Inspection
Waste Management	Waste Management Reports	Waste Management Inspections
Bond Release	Request for Bond Release Letter	Final Inspections Prior to Bond Release Letter

**C. SPECIFIC MMRP ISSUE AREA CONDITIONS/REQUIREMENTS**

**Noise (construction)**

**NOI-1 Construction Noise Limits:** Prior to the issuance of a Notice To Proceed for a subdivision, or any construction permits, such as Demolition, Grading, or Building, or

beginning any construction-related activity on site, the Development Services Department Director's Environmental Designee shall ensure the following measures have been incorporated on construction documents:

The project proponent shall require construction activities and contractors to adopt the following measures to control noise generated by construction activities:

- Project construction and related activities shall be limited to daytime hours (7:00 a.m. to 7:00 p.m.).
- Active noise monitoring shall be required during each construction work day to ensure noise levels do not exceed an average sound level of 75 dBA  $L_{EQ}$  during the 12-hour period from 7:00 a.m. to 7:00 p.m.
- Construction equipment operating at noise levels exceeding 75 dBA  $L_{EQ}$  shall not actively operate for more than 30 minutes of each one-hour period within 30 feet of adjacent sensitive receptors.
- Construction equipment shall be properly maintained per manufacturers' specifications and fitted with the best available noise-suppression devices (e.g., mufflers, silencers, wraps).
- All impact tools shall be shrouded or shielded and all intake and exhaust ports on power equipment shall be muffled or shielded.
- Heavy-duty construction equipment shall be staged and used at the farthest distance feasible from adjacent sensitive receptors.
- Construction equipment shall not be idled for extended periods.
- Fixed/stationary equipment (such as generators, compressors, rock crushers, and cement mixers) shall be located as far as possible from noise-sensitive receptors.
- An on-site coordinator shall be employed by the project applicant/contractor and his or her telephone number along with instructions on how to file a noise complaint shall be posted conspicuously around the project site during construction phases. The coordinator's duties shall include fielding and documenting noise complaints, determining the source of the complaint (e.g., piece of construction equipment), determining whether noise levels are within acceptable limits and according to City standards, and reporting complaints to the City. The coordinator shall contact nearby noise-sensitive receptors, advising them of the construction schedule.
- A summary of construction monitoring results shall be provided to the City following monitoring.

**NOI-2 Vibration Monitoring.** Prior to the issuance of a Notice To Proceed for a subdivision, or any construction permits, such as Demolition, Grading, or Building, or beginning any construction-related activity on site, the Development Services Department Director's Environmental Designee shall ensure the following measure has been incorporated on construction documents:

- Vibration generated by the project's construction equipment shall not exceed 1.0 inch per second PPV (120 VdB PPV), as measured at the nearest off-site residences. To ensure vibration levels do not exceed these limits, active vibration monitoring shall be provided by a City-approved vibration consultant during excavation activities. Feedback regarding vibration levels shall be provided to the project's contractor, and if levels exceed the vibration threshold, construction shall cease until appropriate vibration-reduction measures are implemented by the construction contractor to ensure vibration levels remain below 1.0 inch per second PPV. A summary of construction monitoring results shall be provided to the City following monitoring.

**VI. PUBLIC REVIEW DISTRIBUTION:**

Draft copies or notice of this Mitigated Negative Declaration were distributed to:

City of San Diego

- Mayor's Office (91)
- Councilmember Bry, District 1 (MS 10A)
- Councilmember Campbell, District 2 (MS 10A)
- Councilmember Ward, District 3 (MS 10A)
- Councilmember Montgomery, District 4 (MS 10A)
- Councilmember Kersey, District 5 (MS 10A)
- Councilmember Cate, District 6 (MS 10A)
- Councilmember Sherman, District 7 (MS 10A)
- Councilmember Moreno District 8 (MS 10A)
- Councilmember Gomez, District 9 (MS 10A)
- Development Services Department
  - EAS
  - LDR Planning
  - Plan-Historic
  - Engineering
  - Geology
  - Transportation
  - Landscaping
  - DPM
  - PUD Water & Sewer
- Planning Department
  - Plan-Long Range Planning
  - Park and Recreation
  - Plan Facilities Financing
- Environmental Services Department
- Transportation Development - DSD (78)
- Development Coordination (78A)
- Fire and Life Safety Services (79)
- Library Department - Government Documents (81)
- Central Library (81A)

Mission Hills Branch Library (81Q)  
Historical Resources Board (87)  
City Attorney (93C)

Other Organizations Groups and Interested Individuals

San Diego Transit Corporation (112)  
Metropolitan Transit System (115)  
San Diego Natural History Museum (166)  
Clint Linton, Lipay Nation of Santa Ysabel  
Lisa Cumper, Jamul Indian Village  
Jesse Pinto, Jamul Indian Village  
Middletown Property Owners' Association (496)  
Mission Hills Heritage (497)  
Uptown Planners (498)  
Hillside Protection Association (501)  
Banker's Hill Canyon Association (502)  
Allen Canyon Committee (504)  
UCSD Physical & Community Planning (505)  
Saverio Barbieri  
Alec Deaton  
Pamela Deavours  
Brenda Foster  
Janice Mulligan  
Christine Lambert  
William Kelley  
Edward Callahan  
Tim Belzman, HELIX Environmental Planning, Consultant  
Rudy Medina, Next Space Development, Applicant  
Mulligan, Banham & Findley  
Brenda Foster

**VII. RESULTS OF PUBLIC REVIEW:**

- ( ) No comments were received during the public input period.
- (X) Comments were received but did not address the accuracy or completeness of the draft environmental document. No response is necessary and the letters are incorporated herein.
- ( ) Comments addressing the accuracy or completeness of the draft environmental document were received during the public input period. The letters and responses are incorporated herein.

Copies of the draft Mitigated Negative Declaration, the Mitigation, Monitoring and Reporting Program and any Initial Study material are available in the office of the Development Services Department for review, or for purchase at the cost of reproduction.



E. Shearer-Nguyen  
Senior Planner  
Development Services Department

August 20, 2019  
Date of Draft Report

February 21, 2020  
Date of Final Report

Analyst: Shearer-Nguyen

Attachments: Initial Study Checklist  
Figure 1 – Location Map  
Figure 2 – Site Plan  
Figure 3 – Conceptual Project Design  
Figure 4a – Building Elevations  
Figure 4b – Building Elevations





MULLIGAN, BANHAM & FINDLEY

Law Offices

JANICE F. MULLIGAN\*  
ELIZABETH A. BANHAM  
BRIAN K. FINDLEY  
\*A PROFESSIONAL CORPORATION

STEPHEN A. WALLACE, M.D., J.D.  
KEENAN P. O'CONNOR

August 21, 2019

E. Shearer-Nguyen  
City of San Diego Development Services Center  
1222 First Avenue  
MS 501  
San Diego, CA 92101

RE: Project: 4<sup>th</sup> Avenue Apartments  
SAP No. 24007643  
Project No.: 588751

VIA CERTIFIED RETURN RECEIPT & REGULAR MAIL

To Whom it May Concern:

Thank you for the opportunity to comment regarding the Draft Mitigated Negative Declaration for the above-referenced Project.

We are the owners and business occupiers of the directly neighboring property to the north of the Project. We are located at 2442 Fourth Ave., San Diego, CA 92101.

We have concerns on multiple grounds about the density, the projection into the setback, the structure height and the retaining wall height, particularly where deviations from existing development regulations are being requested.

Allowing the deviations will exacerbate the issues described below, which we hope will be addressed and accommodations required of the Developer if the Project is allowed to move forward.

The recommended finding is that the project will not have a significant effect on the environment. **This recommended finding is invalid and unsupported by reality, for the reasons stated below. Reasonable accommodations are requested in order to make this claim a reality.**

**NOISE:**

Our building (2442 Fourth) is home to several law firms and a psychologist's office. All of our businesses depend on a quiet work environment. We cannot serve our clients or patients without a reasonably quiet surrounding.

The Project lot is currently in use as a storage yard with daily activity moving, painting and storing l-beams and lumber for another project. We have already found it difficult to concentrate and to speak on the phone without tremendously loud construction noise (and the Project has just begun.) Large pallet-lifters, trucks and fork-lifts are operating with great noise and back-up sounds just a few

2442 FOURTH AVENUE · SUITE 100 · SAN DIEGO · CALIFORNIA 92101  
Phone 619.238.8700 Fax 619.238.8701

A-1

A-2

A-1 This comment is an introductory statement, which identifies some general issues raised in subsequent comments, but does not provide any further supporting information. The City reviews proposed projects to analyze whether the development would exceed any thresholds of significance for CEQA and mitigation purposes. Based on that review, density, setbacks, structure height, and retaining wall height were not found to have a significant impact on the environment. Increased density is allowed per the State Affordable Housing Density Bonus regulations. Although the proposed density would exceed the applicable Airport Land Use Comparability Plan Safety recommendations, the density is permitted by and consistent with zoning and state regulations. The deviation request would increase the side setbacks from the applicable zero-foot setback to 1.5 feet to allow for space between the proposed project and existing structures. The increased setbacks would not result in a significant impact on the environment. An additional eight feet of height is being requested over the Community Plan Implementation Overlay Zone (CPIOZ) and Airport Approach Path Buffer maximum height of 65 feet. The CPIOZ is a guideline for the community and any requests to exceed 65 feet are required to undergo discretionary review. Thus, although the height of the proposed building would exceed the CPIOZ discretionary review trigger height, the proposed project's total height is within the allowed maximum height of the base zone. Furthermore, although the height crosses the Airport Approach Path Buffer threshold, the Federal Aviation Administration reviewed the project and determined it would not constitute a hazard. Finally, deviations for retaining walls have not been requested.

The comment also expresses an opinion regarding the recommended significance finding. The conclusions and supporting analysis contained in the Draft Mitigated Negative Declaration (MND) are supported by substantial evidence contained in the record. Project impacts are adequately analyzed and assessed based on established methodologies and identified CEQA significance thresholds. Where potentially significant impacts are identified, feasible mitigation measures are identified that would avoid or reduce impacts to below a level of significance.

COMMENTS

RESPONSES

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City of San Diego Development Services Center  
August 21, 2019  
Page Two

yards away from our windows. As of this current date, lumbar and construction vehicles are no more than 10 yards from our windows, making it nearly impossible to have conversations in the office.

Unless reasonable steps are taken for containment of noise, the **proposed Project will bring our businesses to a grinding halt**. We request the following accommodations to mitigate noise during the Project:

1. Require the developer to first **replace our windows with double-pane windows or noise cancelling windows** prior to the start of construction, at developer's expense.
2. Ban **radios or music from being played during the work on the property**. Already, music has been a nuisance and added to noise pollution.
3. Limit the number of workers onsite. Even with 4-5 people presently working there, there is quite a bit of yelling to be heard over the construction vehicles. We need a way to mitigate the **worker noise** being generated and which will be generated when a large workforce arrives outdoors next door.
4. **Construction tool noise** is also anticipated to be an issue. We need project revisions/conditions that will mitigate this significant impact during the time of the construction.

**DUST and PAINT:**

Huge dust clouds are already rising up even when no wind. Please see the photos of the dust problem already existing on Project site. As can be seen in the photos, where no wind is blowing, but dust is rising 6-7 feet off the ground and higher than the level of our fence, blanketing the cars with thick layers of dirt on a regular basis. We need mitigation efforts, including a solid barrier between the construction zone and our parking lot.

*Worse than dust is paint:* Workers have been spray-painting l-beams in the yard, and paint is blowing into our parking area and onto our cars. On multiple occasions, we have asked the workers to put up a hard fence to avoid paint going through the chain link and scrim. Yet, nothing has been done. Painting on the Project, particularly where the retaining wall will be higher, deviating from the standard regulation, if deviation is granted, is a big concern that must be addressed.

**PARKING:**

Trucks and construction vehicles are already parking across our driveway, blocking access to our own parking lot and impeding our employees trying to get to work on time. This must be prevented from happening if the Project moves forward.

A-2  
(cont.)

A-3

A-4

A-5

A-2 As discussed in Initial Study Checklist Section XII (Noise) of the Draft MND, construction activities associated with the proposed project are anticipated to result in potentially significant noise and vibration impacts and as a result, mitigation would be required during project construction, (Mitigation Measures NOI-1 and NOI-2). The proposed mitigation requires the implementation of specific noise control measures, as well as monitoring, to reduce noise levels and comply with City standards.

Vibration monitoring would also be required during project construction to ensure that vibration levels do not adversely affect nearby uses. Refer to Section V.C. of the MND. The identified mitigation is adequate and feasible to ensure any potential adverse impacts are reduced below a level of significance. No additional mitigation is required.

A-3 As discussed in Initial Study Checklist Section III (Air Quality) of the Draft MND, construction activities can result in short-term generation of dust. Project construction would be required to comply with standard measures stipulated by the grading permit issued by the City in compliance with San Diego Municipal Code Section 142.0710. Those measures prohibit airborne contaminants, including dust, from extending beyond the project site onto other properties. Standard measures include watering exposed soil areas multiple times daily and reducing speeds of vehicles on the site to less than 15 miles per hour. Such measures would be required to be implemented by the construction contractor throughout the construction period. The project would not generate any long-term operational air emissions such a dust because such emissions are not associated with residential land uses. As concluded in Initial Study Checklist Section III (Air Quality) of the MND, long-term air quality impacts resulting from implementation of the project would be less than significant.

A-4 Project construction would include painting the proposed building and other surfaces on the site. Application of paint would be controlled via standard practices (such as shielding, covering, and masking) so as to not cause overspray onto adjacent properties in compliance with San Diego

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City of San Diego Development Services Center  
August 21, 2019  
Page Three

A-5  
(cont.)

Parking is already limited in this area. What is the City doing to plan for parking related to the construction of this project and also to parking for residents if this is to be a 36 multi-family units building? The deviations sought and the number of units cause us great concern. A number of other projects that are nearing completion in the area only add to the congestion and parking problem this area is undergoing.

**Construction Waste:**


Right now, debris and waste fragments are blowing into our landscaping and on our walkways. Rules need to be implemented to address this. We need to be assured that there will be containment of waste within the area of the property.

A-6

Thank you for your attention to our concerns and your involvement of city staff and the developer in order to make sure these problems are addressed BEFORE any deviations are granted and before work on the actual project is begun.

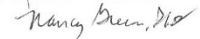
Sincerely,  
  
Janice F. Mulligan, Owner

Cc and Approved by: All Tenants of 2442 Fourth Ave., San Diego, CA 92101

  
Alex Landon, Esq.

  
John Cotsirilos, Esq.

  
Mark Vonderhaar, Esq.

  
Nancy Greene, Ph.D.

A-4 (cont.)

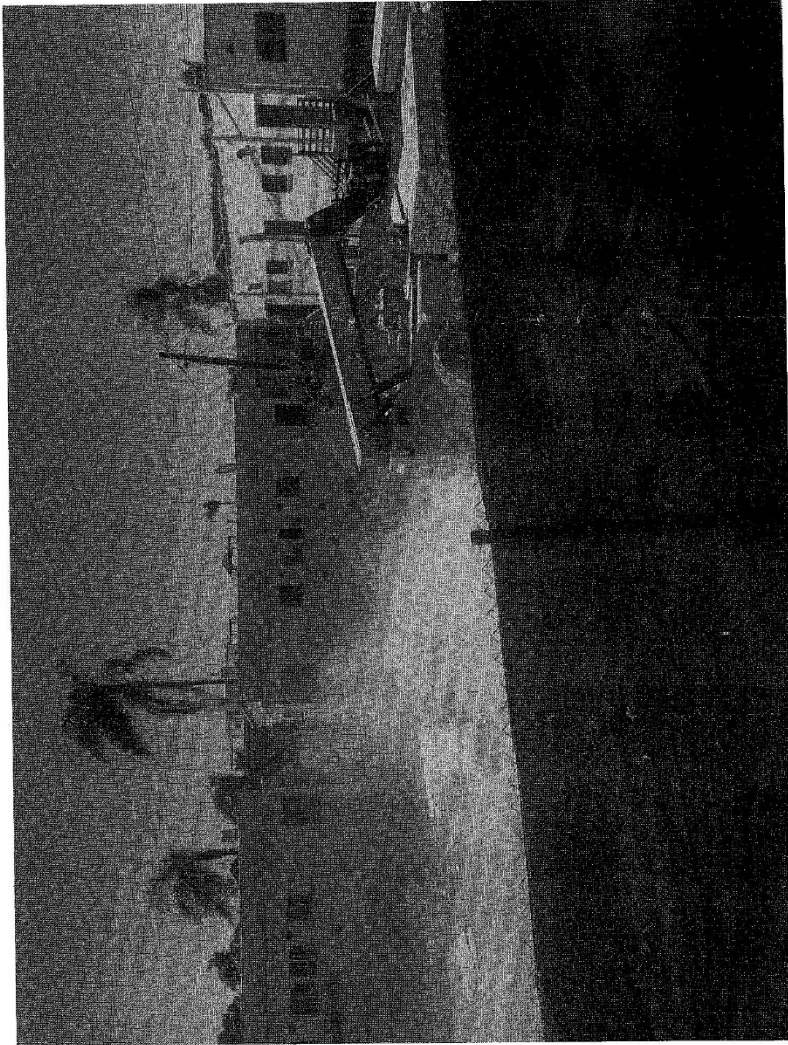
Municipal Code Section 142.0710. As stated in Initial Study Checklist Section III (Air Quality) of the MND, short-term construction and long-term operational air quality impacts resulting from implementation of the project would be less than significant.

A-5

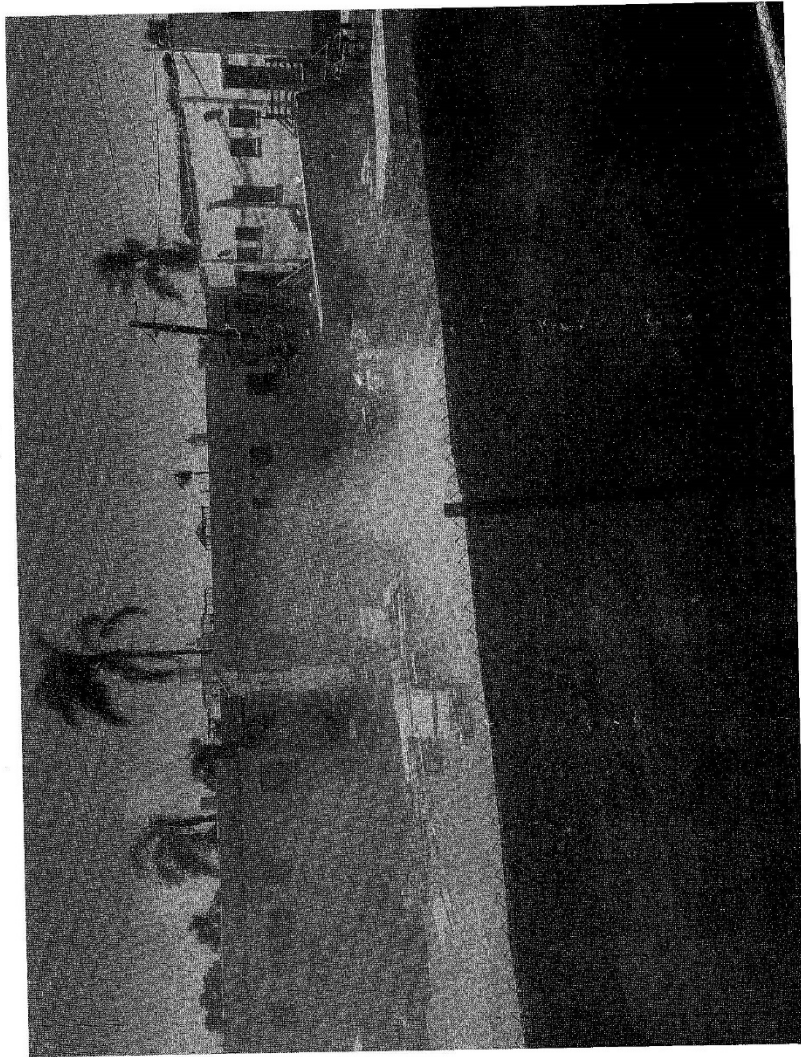
The project would require implementation of a City approved Traffic Control plan during the construction period, which would prohibit construction vehicles from blocking access to nearby properties. Residents of the project and customers of the proposed retail use would park in designated spaces within the parking levels of the proposed building. Parking would be provided in compliance with the parking ratios required by San Diego Municipal Code Sections 142.0525 and 143.0710, which requires 21 parking spaces for the 36 multiple family residential units, and 142.0530 which requires 3 parking spaces for the 1,085-square foot commercial use for a total of 24 parking spaces. The proposed project will provide 24 spaces, including 3 electric vehicle spaces plus 4 motorcycle spaces and 15 bicycle spaces.

A-6

As discussed in Initial Study Checklist Section XVIII (Utilities and Service Systems), debris and waste generated during the construction period would be handled pursuant to City requirements for diversion and recycling of construction waste in accordance with the Construction and Demolition (C&D) Debris Deposit Ordinance (San Diego Municipal Code Chapter 6, Article 6, Division 6), which requires the proposed project to pay a refundable C&D Debris Recycling Deposit and divert at least 50 percent of their waste by recycling, reusing, or donating reusable materials. The project would also be subject to compliance with the City's Recycling Ordinance (San Diego Municipal Code Chapter 6, Article 6, Division 7), which requires on-site recyclable collection for residential uses, and San Diego Municipal Code Chapter 14, Article 2 Division 8, that requires minimum exterior refuse and recyclable material storage areas at residential and commercial properties. As concluded in the Draft MND, impacts were determined to be less than significant.



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COMMENTS

RESPONSES

**From:** Brenda Foster [<mailto:foster.brenda@gmail.com>]  
**Sent:** Sunday, September 8, 2019 7:33 PM  
**To:** Lee, Myra <[MYLee@sanidiego.gov](mailto:MYLee@sanidiego.gov)>; DSD EAS <[DSDEAS@sanidiego.gov](mailto:DSDEAS@sanidiego.gov)>  
**Subject:** Re: Draft MND - 4th Avenue Apartments - Project No. 588751 Date 8-20-19

Dear Myra Lee and E. Shearer-Nguyen:

*Thank you for providing the Public Notice of a Draft Mitigated Negative Declaration. I have comments regarding the accuracy of the document, and the project, as follows:*

*There are additional Environmental Factors Potentially Affected by this project, in addition to only Noise. Primarily of concern should be the burden this project will put on the City's sewer line that runs down 4th Avenue.*

*As all residents and businesses along 4th Ave know, the City's sewer line is overburdened already. This causes a backup of sewage into the private pipes and sewer lines of residences and businesses all along 4th Ave. Ultimately, this causes not only extreme expense, but dangerous noxious gas and unsanitary conditions for the residents of the City of San Diego.*

*By way of an example, the Laurel Bay community in its short lifespan has already had to incur extreme expense in relocating residents and replacing piping multiple times caused solely by the backup of sewage from the City's line into and through its property. Residents have had sewer gas, smells and waste protrude into their living space, which is not only inconvenient, but unsafe and unsanitary.*

*The City of San Diego should be incredibly concerned about further burdening this already overloaded sewer line by allowing any additional construction that would tap into that line. Any higher-occupancy developments in this area create not only an environmental, but a safety, hazard for all residents, businesses and buildings on and around 4th Avenue.*

Thank you,

Brenda Foster

B-1

B-1 The comment makes a reference to the "Environmental Factors Potentially Affected" section of the Initial Study Checklist contained in the Draft MND, which identifies that the project would potentially result in significant impacts related to Noise, as discussed in Section Initial Study Checklist Section XII (Noise) of the Draft MND. The comment states an opinion that other environmental resources besides noise should be identified as potentially affected by the project, namely sewer systems associated with the existing sewer line within Fourth Avenue. The project proposes to construct a sewer lateral that would connect to an existing 12-inch-diameter vitrified clay sewer line within Fourth Avenue. As discussed in Initial Study Checklist Section XVIII (Utilities and Service Systems) of the Draft MND, existing sewer infrastructure exists within the roadways adjacent to the project site (i.e., the above noted sewer line within Fourth Avenue) and the City determined that the existing sewer facilities have adequate capacity to serve the project. Therefore, no sewer improvements to the existing line within Fourth Avenue are required or proposed.

## INITIAL STUDY CHECKLIST

1. Project title/Project number: 4<sup>th</sup> Avenue Apartments / 588751
2. Lead agency name and address: City of San Diego, 1222 First Avenue, MS-501, San Diego, California, 92101
3. Contact person and phone number: E. Shearer-Nguyen / (619) 446-5369
4. Project location: 2426 4<sup>th</sup> Avenue, City San Diego, California 92101
5. Project Applicant/Sponsor's name and address: Rudy Medina, Next Space Development, 2820 Shelter Island Drive, San Diego, CA 92105.
6. Community Plan designation: Community Commercial (0 – 109 dwelling units/acre)
7. Zoning: CC-3-9 (Commercial-Community).
8. Description of project (describe the whole action involved, including but not limited to, later phases of the project, and any secondary, support, or off-site features necessary for its implementation):

A request for the City Council to overrule the San Diego County Regional Airport Authority (SDCRAA), determination of inconsistency with the Airport Land Use Compatibility Plan (ALUCP) for San Diego International Airport (SDIA) and a SITE DEVELOPMENT PERMIT for City Council to override of the determination of inconsistency with the SDIA ALUC ~~A request for a SITE DEVELOPMENT PERMIT (SDP) for a City Council overrule of Airport Land Use Commission (ALUC) determination of inconsistency with the San Diego International Airport (SDIA) Airport Land Use Compatibility Plan (ALUCP) with respect to residential density~~ to allow the construction of a six-story, mixed-use development and increase overall density from 22 dwelling units to 36 dwelling units in accordance with the City's Affordable Housing Regulations. The mixed-use development would consist of 36 multi-family units and a 1,174-square-foot retail suite. The residential component would consist of 36 multi-family residential dwelling units in one six-story building (five levels of residential space over a concrete podium with one level of parking at ground level and one subterranean parking level) with a total residential building area of 38,132 square feet (Figure 3, *Conceptual Project Design* and Figures 4a and 4b, *Building Elevations*). The residential product mix would include 18 studios, 2 loft units, 10 one-bedroom units, and 6 two-bedroom units for a total of 36 dwelling units ranging in size from 549 to 1,178 square feet. Proposed on-site amenities would include a ground level lobby, common area recreational open space with landscaping, and tenant storage. The commercial component would consist of a single retail suite of approximately 1,174 square feet which would be accessed at ground level from 4<sup>th</sup> Avenue. The proposed building would be approximately 73 feet in height.

As identified above, the project includes a density bonus pursuant to California Government Code Section 65915 (State Density Bonus Law) as well as the City's Land Development Code (LDC). The project would provide four "very low-income household" residential units, which

equates to 15 percent of the 26 units allowed by the underlying zone. Pursuant to the Land Development Code (LDC) Section 143.0740 Table 143.07A of the LDC, ~~this allows for a 50-percent density bonus would allow for and up to 5 incentives. With the density bonus, up to 39 units would be allowed, along with 5 incentives.~~ Consistent with these regulations, the project proposes 36 units and 5 allowable incentives. The incentives, in the form of deviations from the development regulations, are as follows:

~~More specifically, the Land Development Code (LDC), Section §143.0740, allows incentives for affordable housing density bonus projects. The incentives, in the form of deviations from the development regulations, are as follows:~~

1. Building Height as specified by the AAOZ – deviation to exceed the maximum building height limit to in the AAOZ by 35.85 feet for a total height of 310.85 feet at the northern portion of the project along Fourth Avenue, where 275 feet is the height limit required by LDC Section 132.0205 65-foot height limit of the Community Plan Implementation Overlay Zone (CPIOZ) by approximately 8 feet. The CC-3-9 zone does not have a maximum height structure per Table 131-05e of the SDMC.
2. Building Height as specified by the CPIOZ-A –to exceed the maximum building height limit in the CPIOZ by 8.15 feet where up to 65 feet above ground level is allowed for ministerial projects per LDC Section 132.1401.
3. Ground Floor Restrictions – to a deviation from SDMC 131.0540(c)(1) to allow accessory residential use within the front 30 feet of lot where residential use and parking is prohibited per LDC Section 131.0540(c)(1).
4. Private Exterior Open Space – a deviation from SDMC 131.0455(d) to eliminate private exterior space requirement for four five units where 50 square feet of private exterior space is required per LDC Section 131.0455(d).
5. Side and Rear Yard Setbacks – a deviation from SDMC 131.0543(b) to allow 1.625 foot side yard-setback and a 1.5 foot rear-yard setback where either a zero-foot or a 10-foot side-yard or rear-year setback is required per LDC Section 131.0543(b) of 1.625 feet (side) and 1.5 feet (rear) where 10-foot minimum and 0-foot option is allowed; building must be at the property line or 10 feet from property line.
5. ~~Airport Approach Path Buffer – a deviation from SDMC 132.0205 to exceed the airport approach overlay zone buffer threshold by eight feet.~~

Two levels of parking would be provided; one at grade and one subterranean level. The project would provide 21 secured parking spaces for the residential units. Three of the 24 automobile parking stalls within the parking structure would be reserved for the retail suite. In addition, 4 motorcycle spaces, 15 bicycle spaces, and 3 electrical vehicle spaces would be provided. All of the residential parking spaces would be covered podium areas underneath the residential component. Access to the project site would be provided via a gated garage entrance along the 4<sup>th</sup> Avenue frontage. The driveway would serve to access the parking areas for both the commercial and the residential components of the project.



The project proposes on-site infrastructure improvements such as connections to off-site utilities (existing 12-inch water line and 12-inch sewer line) in 4<sup>th</sup> Avenue adjacent to the site. In addition, connections to the storm drain system would also be provided consistent with the City's Storm Water Regulations and be directed into appropriate storm drain systems designated to carry surface runoff that has been reviewed and accepted by City Engineering staff.

The project's landscape design concept includes a softscape comprised of a drought tolerant plant palette and an automatic drip irrigation system. The majority of the frontage along 4<sup>th</sup> Avenue would be landscaped, with the exception of the entrance to the structured parking. At the street level, trees would be used to line 4<sup>th</sup> Avenue, along with shrub and ground covers to buffer the street impact. All tree and shrub sizes and quantities would meet or exceed all City of San Diego requirements. Furthermore, all landscape areas would be maintained by the Property Association.

The building is designed such that the apartments surround an internal corridor on the second level (above the podium) which is open to the elements. This central corridor on the second level would be planted with succulents, and other low growing shrubs and drought tolerant species. Levels 3 through 6 include a central open area which extends through the entire building, allowing sunlight to reach the common open space (with landscaping) on Level 2. Level 2 also includes planters along the west side of the building as well as decorative paving, planters, and seating areas. Approximately 539 square feet of common open space is provided on Level 2; while an additional 589 square feet of common open space (with barbecue and seating areas) is provided on Level 6. In total, 1,128 square feet of common open space would be provided; whereas 900 square feet is required.

The overall 0.23-acre project site would be graded in preparation for the construction of the project. In particular, the subterranean parking would require excavation below existing grade. Grading quantities are estimated at 4,715 cubic yards (cy) of cut, 5 cy of fill, and 4,710 cy of export. Proposed fill depths would range up to a maximum of 1.5 feet while proposed cut depths range up to a maximum 15 feet (Figure 5 *Grading Plan*).

9. Surrounding land uses and setting:

The square-shaped 0.23-acre project site is comprised of a single vacant parcel (APN 533-106-13-00) located off 4<sup>th</sup> Avenue in the Banker's Hill neighborhood of the Uptown Community Planning area. The site is located on the block bounded by 4<sup>th</sup> Avenue on the east, Kalmia Street on the south, 3<sup>rd</sup> Avenue on the west, and Laurel Street on the north. The site is vacant and includes perimeter fencing, debris, utility boxes, and disturbed vegetation. Adjacent land uses include multi-family residential to the north, south, and west. Fourth Avenue is immediately adjacent to the east. Surrounding land uses include multi-family apartments and St. Paul's Villa (senior services) to the south; apartments and cottages to the west; commercial/office uses to the north; and multi-family apartments to the east. Balboa Park is located two blocks to the east. Topographically, the site generally has a downward gradient toward the south; as most of Banker's Hill descends toward downtown. Elevations at the site range from 233 feet above mean sea level at the south to approximately 237 feet above mean sea level to the north.

The parcel has a Community Commercial land use designation (allowing a residential density of 0-109 dwelling units per acre [du/acre] in the Uptown Community Plan and is zoned CC-3-9 (Commercial-Community). Additionally, the project site is also within the Airport Approach, Fire Hazard Severity, and Transit Area Overlay Zones, as well as within the Airport Influence Area (SDIA - Review Area 1) and the Federal Aviation Administration (FAA) Part 77 Notification Area. Furthermore, the site is situated in an urbanized setting of similar uses (commercial and residential) and is currently served by existing public services and utilities.

10. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement):

None required.

11. Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, has consultation begun?

In accordance with the requirements of Public Resources Code 21080.3.1, the City of San Diego provided formal notifications to the Lipay Nation of Santa Isabel and the Jamul Indian Village, both traditionally and culturally affiliated with the project area, requesting consultation via email on February 26, 2019. Consultation was declined by both the Native American tribes on March 3, 2019.

Note: Conducting consultation early in the CEQA process allows tribal governments, lead agencies, and project proponents to discuss the level of environmental review, identify and address potential adverse impacts to tribal cultural resources, and reduce the potential for delay and conflict in the environmental review process. (See Public Resources Code section 21083.3.2.) Information may also be available from the California Native American Heritage Commission's Sacred Lands File per Public Resources Code section 5097.96 and the California Historical Resources Information System administered by the California Office of Historic Preservation. Please also note that Public Resources Code section 21082.3(c) contains provisions specific to confidentiality.

## ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- |   |   |  |
|---|---|--|
| <input type="checkbox"/> Aesthetics                         | <input type="checkbox"/> Hazards & Hazardous Material | <input type="checkbox"/> Recreation                                    |
| <input type="checkbox"/> Agriculture and Forestry Resources | <input type="checkbox"/> Hydrology/Water Quality      | <input type="checkbox"/> Transportation/Traffic                        |
| <input type="checkbox"/> Air Quality                        | <input type="checkbox"/> Land Use/Planning            | <input type="checkbox"/> Tribal Cultural Resources                     |
| <input type="checkbox"/> Biological Resources               | <input type="checkbox"/> Mineral Resources            | <input type="checkbox"/> Utilities/Service System                      |
| <input type="checkbox"/> Cultural Resources                 | <input checked="" type="checkbox"/> Noise             | <input checked="" type="checkbox"/> Mandatory Findings of Significance |
| <input type="checkbox"/> Geology/Soils                      | <input type="checkbox"/> Population/Housing           |  |
| <input type="checkbox"/> Greenhouse Gas Emissions           | <input type="checkbox"/> Public Services              |  |

### DETERMINATION: (To be completed by Lead Agency)

On the basis of this initial evaluation:

- The proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- The proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- The proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect (a) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (b) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required.
- Although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or (MITIGATED) NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or (MITIGATED) NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

## EVALUATION OF ENVIRONMENTAL IMPACTS:

1. A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis.)
2. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.
4. “Negative Declaration: Less Than Significant With Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Than Significant Impact.” The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from “Earlier Analyses”, as described in (5) below, may be cross-referenced).
5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or (mitigated) negative declaration. *Section 15063(c)(3)(D)*. In this case, a brief discussion should identify the following:
  - a. Earlier Analysis Used. Identify and state where they are available for review.
  - b. Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
  - c. Mitigation Measures. For effects that are “Less Than Significant With Mitigation Measures Incorporated”, describe the mitigation measures that were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
7. Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
8. This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project’s environmental effects in whatever format is selected.
9. The explanation of each issue should identify:
  - a. The significance criteria or threshold, if any, used to evaluate each question; and
  - b. The mitigation measure identified, if any, to reduce the impact to less than significant.

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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I. AESTHETICS – Would the project:

- a) Have a substantial adverse effect on a scenic vista?

The Uptown Community Plan identifies Laurel Street as a public view corridor from 5<sup>th</sup> Avenue eastward and also identifies a public viewshed along West Laurel Street from Curlew Street westward, overlooking SDIA and San Diego Bay. The project is near Laurel Street (approximately 160 feet); but is not adjacent to, or in close proximity to the sections of Laurel Street identified as comprising a public viewshed or view corridor. The proposed building would not change or block existing views provided along the Laurel Street vista. Therefore, no impacts to scenic vistas would occur.

- b) Substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

The project site is vacant, ~~however but disturbed and previously was developed with a the previously existing warehouse multi-family apartment complex which the existing warehouse~~ was demolished in 2005. There are no scenic resources (trees, rock outcroppings, or historic buildings) located on the project site. The project would not result in the physical loss, isolation, or degradation of a community identification symbol or landmark, as none are identified by the Uptown Community Plan as occurring in the project vicinity. In addition, there are no scenic resources adjacent to the project site. The project would not substantially damage scenic resources along a State Scenic Highway or local roadway. The project site is located approximately 0.35 mile from State Route 163, which is officially designated a state scenic highway in the project vicinity. However, this stretch of highway is located in a canyon to the east, and project development would not change the visual character or quality along this designated state highway. No impacts would occur.

- c) Substantially degrade the existing visual character or quality of the site and its surroundings?

The project site is vacant, ~~however but disturbed and previously was developed with a the previously existing warehouse multi-family apartment complex which the existing warehouse~~ was demolished in 2005. The project site is located in an urbanized area and surrounded by existing development, including one-to-five-story residential and commercial buildings. The project proposes a maximum six-story mixed-use building, which is within the allowable height and bulk regulations of the underlying CC-3-9 zone and similar in height and scale to nearby buildings. As such, the project would not exceed the height and/or bulk of existing development in the surrounding neighborhood. Additionally, no contrasting architectural features or visual elements are proposed. The project, therefore, would be visually compatible with the existing character in terms of development patterns, building forms, and bulk and scale. Consequently, the project would not substantially degrade the visual character and quality of the site or the surrounding area. Impacts would be less than significant.

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Lighting

The project site is currently vacant and there are no existing on-site light sources. However, the project site is located within an urbanized area surrounded by uses which currently includes lighting sources such as street lights, light from homes and commercial businesses, parking lighting, and security lighting. The project would include lighting typical of residential and commercial retail uses; such lighting would not create a new source of substantial light that would adversely affect daytime or nighttime views in the area. Lighting would be regulated by compliance with Section 142.0740 of the City of San Diego Land Development Code.

Overall, no substantial sources of lighting would be generated during construction, as construction activities would occur during daylight hours. Furthermore, the contribution of light emitted from the project site would not be substantial; all permanent exterior lighting would be required to comply with the City lighting regulations. Impacts would be less than significant.

Glare

The project would incorporate glass on the building exterior, but no single elevation of the project's exterior would incorporate glass material having a light reflectivity greater than 30 percent, consistent with Section 142.0730 of the Land Development Code. Those areas that would provide glass material would not result in the reflection of natural or artificial light off of the glass such that a safety impact to motorists on surrounding roadways would occur. Impacts would be less than significant.

As such, the project would not create a new source of substantial light or glare that would adversely affect day or nighttime views in the area; impacts would be less than significant.

II. AGRICULTURAL AND FOREST RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:

a) Converts Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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The project site does not contain prime farmland, unique farmland, or farmland of Statewide Importance as designated by the California Department of Conservation. Agricultural land is not

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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present on the site or in the general vicinity. As a result, the project would not result in the conversion of such lands to non-agricultural use. No impacts would occur.

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| b) Conflict with existing zoning for agricultural use, or a Williamson Act Contract? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Refer to II(a), above. The project site is not zoned for agricultural use, nor is it included in a Williamson Act Contract. Furthermore, the project would not affect any properties zoned for agricultural use or affected by a Williamson Act Contract, as there are none within the project vicinity. No impacts would occur.

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 1220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

No designated forest land or timberland occurs on-site or in the vicinity. Therefore, the project would not conflict with existing zoning for or cause a rezoning of forest land, timberland, or timberland zoned Timberland Production. No impacts would occur.

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| d) Result in the loss of forest land or conversion of forest land to non-forest use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Refer to II(c), above. The project would not remove or convert forest land to non-forest use. No impacts would occur.

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| e) Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Refer to II(a) through II(d), above. No existing agricultural or forest uses are located in the proximity of the project site. Therefore, the project would not involve changes in the existing environment that could result in the conversion of farmland or forest land into non-agricultural or non-forest use. No impacts would occur.

III. AIR QUALITY – Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied on to make the following determinations. Would the project:

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Conflict with or obstruct implementation of the applicable air quality plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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The project site is located in the San Diego Air Basin (SDAB) and is under the jurisdiction of the San Diego Air Pollution Control District (SDAPCD) and the California Air Resources Board (CARB). Both the State of California and the Federal government have established health-based Ambient Air Quality Standards (AAQS) for the following six criteria pollutants: carbon monoxide (CO), ozone (O<sub>3</sub>), nitrogen oxides (NO<sub>x</sub>), sulfur oxides (SO<sub>x</sub>), particulate matter up to 10 microns in diameter (PM<sub>10</sub>), and lead (Pb). O<sub>3</sub> (smog) is formed by a photochemical reaction between NO<sub>x</sub> and reactive organic compounds (ROCs). Thus, impacts from O<sub>3</sub> are assessed by evaluating impacts from NO<sub>x</sub> and ROCs. A new increase in pollutant emissions determines the impact on regional air quality as a result of a project. The results also allow the local government to determine whether a project would deter the region from achieving the goal of reducing pollutants in accordance with the Air Quality Management Plan (AQMP) in order to comply with Federal and State AAQS.

The SDAPCD and San Diego Association of Governments (SANDAG) are responsible for developing and implementing the clean air plan for attainment and maintenance of the AAQS in the SDAB. The County Regional Air Quality Strategy (RAQS) was initially adopted in 1991 and is updated on a triennial basis (most recently updated in 2016). The RAQS outlines the SDAPCD's plans and control measures designed to attain the state air quality standards for ozone (O<sub>3</sub>). The RAQS relies on information from the CARB and SANDAG, including mobile and area source emissions, as well as information regarding projected growth in San Diego County and the cities in the county, to project future emissions and then determine the strategies necessary for the reduction of emissions through regulatory controls. CARB mobile source emission projections and SANDAG growth projections are based on population, vehicle trends, and land use plans developed by San Diego County and the cities in the county as part of the development of their general plans.

The RAQS relies on SANDAG growth projections based on population, vehicle trends, and land use plans developed by the cities and by the County as part of the development of their general plans. As such, projects that propose development that is consistent with the growth anticipated by local plans would be consistent with the RAQS. However, if a project proposes development that is greater than that anticipated in the local plan and SANDAG's growth projections, the project might be in conflict with the RAQS and may contribute to a potentially significant cumulative impact on air quality.

The Housing Element of the City's General Plan serves as a policy guide to address the comprehensive housing needs of the City of San Diego. The intent of the Housing Element is to assist with the provision of adequate housing to serve San Diegans of every economic level and demographic group and includes reliance and analysis of the use of affordable housing and density bonus to achieve projected residential housing needs. Specific to affordable housing, Goal 4 of the Housing Element is to "provide affordable housing opportunities consistent with a land use pattern which promotes infill development and socioeconomic equity; and facilitate compliance with all applicable federal, state, and local laws and regulations". Policy direction specific to density bonus is to:

- Encourage and promote the use of available Housing Density Bonus Programs. Future consideration should be given to further expanding density bonus incentives and provisions.



Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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- Enforce all federal, state, and local ordinances or regulations pertaining to land use incentives which promote affordable housing opportunities for low- and moderate-income homebuyers, such as inclusionary housing and density bonus.

As identified under the description of the project, the project includes a density bonus pursuant to California Government Code Section 65915 (State Density Bonus Law) as well as the City's Land Development Code (LDC) consistent with State Law. The project would provide four "very low-income household" residential units, which equates to 15 percent of the 26 units allowed by the underlying zone, and allow up to 39 units. Consistent with these regulations, the project proposes 36 units.

The project is consistent with the General Plan, Uptown Community Plan, and the underlying zone. Therefore, the project would be consistent at a sub-regional level with the RAQS and would not obstruct implementation of the RAQS. No impacts would occur.

- |  |                          |                          |                                     |                          |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

#### Short-Term (Construction) Emissions

Project construction activities could potentially generate combustion emissions from on-site heavy-duty construction vehicles and motor vehicles transporting the construction crew and necessary construction materials. Exhaust emissions generated by construction activities would generally result from the use of typical construction equipment that may include excavation equipment, forklift, skip loader, and/or dump truck. Variables that factor into the total construction emissions potentially generated include the level of activity, length of construction period, number of pieces and types of equipment in use, site characteristics, weather conditions, number of construction personnel, and the amount of materials to be transported on- or off-site. It is anticipated that construction equipment would be used on-site for four to eight hours per day; however, construction would be short-term and impacts to neighboring uses would be minimal and temporary.

Demolition, excavation, and grading can cause fugitive dust emissions. Construction of the project would be subject to standard measures required by a City of San Diego grading permit to reduce potential air quality impacts to less than significant. These measures include, but are not limited to, compliance with San Diego Municipal Code (SDMC) 142.0710, which prohibits airborne contaminants from emanating beyond the boundaries of the premises upon which the use emitting the contaminants is located. Some example measures are watering three times daily, reducing vehicle speeds to 15 miles per hour on unpaved or use architectural coatings that comply with SDAPCD Rule 67.0 (i.e., architectural coatings that meet a volatile organic compound [VOC] content of 100 grams per liter [g/l] for interior painting and 150 g/l for exterior painting) would be used during construction. Therefore, impacts associated with fugitive dust are considered less than significant and would not violate an air quality standard or contribute substantially to an existing or projected air quality violation.

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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Long-Term (Operational) Emissions

Long-term air emission impacts are those associated with stationary sources and mobile sources related to any change caused by a project. After construction, air emissions from the project could result from heating, ventilation, and cooling (HVAC) systems typically associated with residential and commercial retail uses. The project is compatible with the surrounding development and is consistent with the community plan and zoning designations for the site. Based on the City's Trip Generation Manual, the project would generate approximately 256 trips, which does not warrant preparation of a traffic impact analysis. Therefore, automobile emissions that result in violation of air quality standards are not anticipated. Based on the residential and commercial land use, project emissions over the long-term are not anticipated to violate any air quality standard or contribute substantially to any existing or projected air quality violations. Impacts would be less than significant.

- |  |                          |                          |                                     |                          |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| <p>c) 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 releasing emissions which exceed quantitative thresholds for ozone precursors)?</p> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

The San Diego Air Basin is considered a non-attainment under Federal standards for O<sub>3</sub> (8-hour standard). As described above in III(b), construction operations temporarily increase the emissions of dust and other pollutants. However, construction emissions would be temporary and short-term in duration. Implementation of Best Management Practices (BMPs) would reduce potential impacts related to construction activities to less than significant.

Operational air pollutant emissions resulting from such sources as HVAC systems, motorized equipment, and project traffic would not be generated in quantities that would result in exceedances of regulatory thresholds for criteria pollutants. Projects that propose development consistent with the growth anticipated by applicable general plans were considered in, and therefore are consistent with, the RAQS. The project is consistent with the applicable land use plans (General Plan and Uptown Community Plan), and therefore, buildout of the project site has been accounted for in region-wide air quality plans. Therefore, the project would not result in a cumulatively considerable net increase of criteria pollutants for which the project region is non-attainment under applicable federal or state ambient air quality standards. Impacts would be less than significant.

- |  |                          |                          |                                     |                          |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| <p>d) Create objectionable odors affecting a substantial number of people?</p> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

Short-Term (Construction) Emissions

Project construction could result in minor amounts of odor compounds associated with diesel heavy equipment exhaust and architectural coatings. These compounds would be emitted in various amounts and at various locations during construction. Sensitive receptors near the construction site

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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include the residences adjacent to the project site and residences located to the east across 4<sup>th</sup> Avenue. However, odors are highest near the source and would quickly dissipate away from the source. Such odors are temporary and generally occur at magnitudes that would not affect a substantial number of people. Therefore, impacts related to construction-generated odors would be less than significant.

Long-Term (Operational) Emissions

Typical long-term operational characteristics of the project are not associated with the creation of such odors nor anticipated to generate odors affecting a substantial number of people. The project would construct a 36-unit apartment building and with retail and associated amenities areas. The project would not create uses that, in the long-term operation, would be typically associated with the creation of such odors, nor are they anticipated to generate odors affecting a substantial number of people. Therefore, impacts related to odors generated from project operations would be less than significant.

IV. BIOLOGICAL RESOURCES – Would the project:

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| <p>a) Have substantial adverse effects, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?</p> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

The project site is vacant but disturbed due to previous development and located within an urbanized area. No native habitat is located on-or adjacent to the site. As such, the project would not directly or through habitat modification effect any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by California Department of Fish and Wildlife (CDFW) or U.S. Fish and Wildlife Service (USFWS). No impacts would occur.

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| <p>b) Have a substantial adverse effect on any riparian habitat or other community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?</p> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Refer to IV(a), above. The project would not directly or indirectly impact any riparian habitat or other sensitive plant community. No impacts would occur.

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| <p>c) Have a substantial adverse effect on federally protected wetlands as defined by section 404 of the Clean Water Act (including but not limited to marsh, vernal pool, coastal, etc.) through direct removal, filling,</p> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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hydrological interruption, or other means?

The project site is vacant but disturbed due to previous development and does not contain any federally protected wetlands as defined by Section 404 of the Clean Water Act. Therefore, no impacts would occur. Refer to IV.a, above.

d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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The project site is vacant but disturbed due to previous development and completely surrounded by urban development. No established and/or informal wildlife corridors are located on or near the project, and the project would not impede the movement of wildlife or the use of wildlife nursery sites. Therefore, no impacts related to wildlife movement would occur.

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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The project site is vacant but disturbed due to previous development and located within an urbanized area. No biological resources are located on-or adjacent to the site. As such, there are no local policies or ordinances protecting biological resources that apply to the project site. No impacts would occur.

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Refer to IV(a), above. The project site is not located within or adjacent to the Multi-Habitat Planning Area (MHPA) and no other adopted conservation plans affect the site. The project would not conflict with any local conservation plans. Therefore, no impacts would occur.

V. CULTURAL RESOURCES – Would the project:

a) Cause a substantial adverse change in the significance of an historical resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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The purpose and intent of the Historical Resources Regulations of the Land Development Code (Chapter 14, Division 3, and Article 2) is to protect, preserve and, where damaged, restore the historical resources of San Diego. The regulations apply to all proposed development within the City

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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of San Diego when historical resources are present on the premises. Before approving discretionary projects, CEQA requires the Lead Agency to identify and examine the significant adverse environmental effects which may result from that project. A project that may cause a substantial adverse change in the significance of a historical resource may have a significant effect on the environment (Sections 15064.5(b) and 21084.1). A substantial adverse change is defined as demolition, destruction, relocation, or alteration activities, which would impair historical significance (Sections 15064.5(b)(1)). Any historical resource listed in, or eligible to be listed in the California Register of Historical Resources, including archaeological resources, is historically or culturally significant.

The City of San Diego criteria for determination of historic significance, pursuant to CEQA, is evaluated based upon age (over 45 years), location, context, association with an important event, uniqueness, or structural integrity of the building. Projects requiring the demolition and/or modification of structures that are 45 years or older can result in potential impacts to a historical resource. The project site previously contained structures, but they were removed circa 2005 based on a review of historic aerial imagery. There are currently no buildings, structures, or foundations present within the project site. Therefore, the project would have no impacts on built-environment historical resources.

- |   |                          |                          |                                     |                          |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

Based on a review of the Uptown Community Plan Final Program EIR (SCH No. 2016061023) maps showing cultural sensitivity for Prehistoric Resources, the project site is located within an area designated with a low cultural sensitivity rating. Furthermore, the geotechnical report prepared for the project (SCST, Inc.; January 12, 2018) states that the top one to eight feet of the project site is comprised of fill. Therefore, it was determined that there is little to no potential to impact unique or non-unique archaeological resources and no further work would be required. Impacts would be less than significant.

- |   |                          |                          |                                     |                          |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

According to the project geotechnical report (SCST; January 2018), the project site is underlain by fill, very old paralic deposits (also known as the Lindavista Formation), and the San Diego Formation. According to the City's CEQA Significance Determination Thresholds, the San Diego Formation has a high sensitivity rating for paleontological resources while the Lindavista Formation has a moderate rating. Paleontological monitoring is required for grading that extends 10 feet or greater in depth and involves 1,000 cubic yards or more within high sensitivity paleontological geological units and/or 2,000 cubic yards or more within moderate sensitivity paleontological geological units.

The project proposes approximately 4,715 cy of cut to a depth of 15 feet; therefore, the project would require paleontological monitoring during grading and/or excavation activities in accordance with SDMC Section 142.0151 (Paleontological Resources Requirements for Grading Activities).

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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Compliance with these SDMC regulations are assured through permit conditions. Implementation of the Paleontological Resources Requirements for Grading Activities, as required by SDMC Section 142.0151, would ensure that impacts to paleontological resources would be less than significant.

d) Disturb and human remains, including those interred outside of dedicated cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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As noted in V(b) above, it was determined that there is no potential to impact any unique or non-unique archaeological resources. Additionally, no formal cemeteries or human remains are known to exist on-site or in the vicinity. However, should human remains be discovered during ground-disturbing activities associated with redevelopment of the project site, work would be required to halt in that area and no soil would be exported off-site until a determination could be made regarding the provenance of the human remains via the County Coroner and Native American representative, as required. The project would be required to treat human remains uncovered during construction in accordance with the California Public Resources Code (Sec. 5097.98) and State Health and Safety Code (Sec. 7050.5). No impacts would occur.

VI. GEOLOGY AND SOILS – Would the project:

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The project site is located within geologic hazards zone 13 as shown on the City's Seismic Safety Study. Zone 13 is the Downtown Special Study Zone which was created in response to recognized active faulting in the downtown area. Based on the site-specific geotechnical investigation prepared for the project by SCST (January 2019), no known active faults have been mapped at or near the project site. The closest known active surface fault is the Newport-Inglewood-Rose Canyon fault located approximately six miles west of the site. The site is not located within a State of California Earthquake Fault Zone. Furthermore, the risk of fault rupture is considered low. However, any structures associated with the project would be required to be constructed in accordance with the applicable California Building Code guidelines that would reduce impacts to people or structures due to local seismic events to an acceptable level of risk. Therefore, impacts would be less than significant.

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Refer to Section VI(a)(i).

iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Liquefaction generally occurs in areas where four criteria are met: the site is subject to seismic activity, on-site soil consists of cohesionless soil or silt and clay with low plasticity, groundwater is encountered within 50 feet of the surface, and soil relative densities are less than 70 percent. Seismically induced settlement can occur whether the potential for liquefaction exists or not. Within the project site, the potential for liquefaction or seismically induced settlement is considered to be negligible, due to the lack of shallow groundwater and the relatively dense nature of the materials beneath the site. Furthermore, construction associated with the project would be required to comply with applicable California Building Code guidelines that would reduce impacts to people or structures to an acceptable level of risk. Therefore, impacts would be less than significant.

iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Evidence of landslides were not observed on the project site, nor are there any geomorphic features indicative of landslides noted in the review of published geological maps. Furthermore, construction associated with the project would be required comply with applicable California Building Code guidelines that would reduce impacts to people or structures to an acceptable level of risk. Therefore, impacts would be less than significant.

b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Construction activities would temporarily expose soils to increased erosion potential. However, the use of standard erosion control measures and implementation of storm water BMPs requirements consistent with the City's Storm Water Standards during construction would avoid potential impacts. Grading activities within the site would also be required to comply with the City's Grading Ordinance as well as the Storm Water Standards, which would ensure soil erosion and topsoil loss is minimized. Furthermore, permanent storm water BMPs would also be required post-construction consistent with the City's regulations. Therefore, the project would not result in substantial soils erosion or loss of topsoil and impacts would be less than significant.

c) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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As discussed in VI(a)(iv) and VI(a)(iii), the project site is not likely to be subject to landslides, and the potential for liquefaction and subsidence is negligible. The soils and geologic units underlying the

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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site are considered to have a “very low” to “low” expansion potential. The project would be constructed consistent with proper engineering design, in accordance with the California Building Code. Utilization of appropriate engineering design measures and standard construction practices, to be verified at the building permit stage, would ensure that potential impacts from geologic hazards would be reduced to an acceptable level of risk. As such impacts would be less than significant.

d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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As stated in VI(c), the soils and geologic units underlying the site are considered to have a “very low” to “low” expansion potential. The project would be constructed consistent with proper engineering design, in accordance with the California Building Code. Utilization of appropriate engineering design measures and standard construction practices, to be verified at the building permit stage, would ensure that potential impacts from geologic hazards would be reduced to an acceptable level of risk. Impacts would be less than significant.

e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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The project does not propose the use of septic tanks or alternative wastewater disposal systems; the project site would be served by the existing public sewer system. Therefore, no impacts with regard to the capability of soils to adequately support the use of septic tanks or alternative wastewater disposal systems would occur.

VII. GREENHOUSE GAS EMISSIONS – Would the project:

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Climate Action Plan

The City adopted the Climate Action Plan (CAP) in December 2015 (City of San Diego 2015). With implementation of the CAP, the City aims to reduce emissions 15 percent below the baseline to approximately 11.1 million metric tons (MMT) of carbon dioxide equivalent (CO<sub>2</sub>e) by 2020, 40 percent below the baseline to approximately 7.8 MMT CO<sub>2</sub>e by 2030, and 50 percent below the baseline to approximately 6.5 MMT CO<sub>2</sub>e by 2035. The City has identified the following five CAP strategies to reduce GHG emissions to achieve the 2020 and 2035 targets: (1) energy- and water-efficient buildings; (2) clean and renewable energy; (3) bicycling, walking, transit, and land use; (4) zero waste (gas and waste management); and (5) climate resiliency.



Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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CAP Consistency Checklist

The City’s CAP Consistency Checklist, adopted July 12, 2016 (most recently revised June 2017), is the primary document used by the City to ensure project-by-project consistency with the underlying assumptions in the CAP and thereby to ensure that the City would achieve the emission reduction targets identified in its CAP. The CAP Consistency Checklist includes a three-step process to determine project if the project would result in a greenhouse gas (GHG) impact. Step 1 consists of an evaluation to determine the project’s consistency with existing General Plan, Community Plan, and zoning designations for the site. Step 2 consists of an evaluation of the project’s design features compliance with the CAP strategies. Step 3 is only applicable if a project is not consistent with the land use and/or zone, but is also in a transit priority area to allow for more intensive development than assumed in the CAP.

Under Step 1 of the CAP Consistency Checklist, the proposed mixed-use development project is consistent with the land use designation per existing the General Plan designation for the site, the Uptown Community Plan, and the CC-3-9 zone, which implements the community plan Community Commercial land use designation. ~~The~~ Although the project’s proposed has a density of 156 du/ac that does exceed the ~~designated~~ density range of the Community Commercial designation (0-109 du/ac) as outlined in the Uptown Community Plan, ~~the project is consistent with the~~ and the allowed density per the CC-3-9 zone (1/400 square feet [sf]), however, the proposed project density is allowed per State Density Bonus Law and the City’s Affordable Housing Regulations which implements the Community Commercial land use designation. The project is consistent with the land use designation description contained in Table 2-3 of the Uptown Community Plan, which states typical development should provide for shopping areas with retail, service, civic, and office uses for the community at-large within three to six miles and housing may be allowed up to a very high residential density as part of a mixed-use development. The project provides street-level retail space and high-density housing. ~~Lastly, the project is consistent with the setback, bulk, and density requirements of the CC-3-9 zone except where deviations are proposed.~~ The project is consistent with the development regulations of the underlying zone, except for where incentives are requested for proposed deviations. ~~Of the~~ Although the project proposed to utilize five incentives (refer to X(b) requested for the project, three of which propose deviations to the CC-3-9 regulations, ~~these~~ are allowed by right pursuant to the California state affordable housing density bonus regulations and thus, the project maintains consistency with the CC-3-9 zone. Therefore, the project is consistent with the growth projections and land use assumptions used in the CAP.

Furthermore, completion of Step 2 of the CAP Consistency Checklist demonstrates that the project would be consistent with applicable strategies and actions for reducing GHG emissions. This includes project features consistent with the energy and water efficient buildings strategy, as well as bicycling, walking, transit, and land use strategy. These project features would be assured as a condition of project approval. Thus, the project is consistent with the CAP. Step 3 of the CAP Consistency Checklist would not be applicable, as the project is not proposing a land use plan amendment or a rezone.

Therefore, the project would be consistent with the CAP, would result in a less than significant impact on the environment with respect to GHG emissions, and further GHG emissions analysis and mitigation would not be required.

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Refer to VII(a). Impacts would be less than significant.

VIII. HAZARDS AND HAZARDOUS MATERIALS – Would the project:

a) Create a significant hazard to the public or the environment through routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Historical information identifies that the site was originally developed with multi-family residential uses in the 1910s or 1920s and was occupied up until the early 2000s when the previous building was demolished. A review of the Geotracker database reveals that there are no historic cases related to the project site itself. There is a total of nine cases within 1,000 feet of the project site, including four leaking underground storage tank (LUST) cases. However, all nine cases have been completed and closed.

Construction of the project may require the use of hazardous materials (e.g., fuels, lubricants, solvents, etc.), which would require proper storage, handling, use and disposal; however, the project would not routinely transport, use, or dispose of hazardous materials. Once the project is operational, the routine transport, use, or disposal of hazardous materials is not anticipated given the residential and commercial retail uses. Although small amounts of hazardous materials may be used for cleaning and maintenance, standard BMPs would be applied to ensure that regulated hazardous materials are handled and disposed of properly, and that no hazards would result during long-term operation of the project. Hazardous materials and waste would be managed and used in accordance with all applicable federal, state, and local laws and regulations. Therefore, the project would not create a significant hazard to the public or environment. Impacts would be less than significant.

b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Refer to VIII(a). The project would not create a significant hazard to the public or environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. No impacts would occur.

c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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Refer to VIII(b). The project site is within approximately one-tenth of a mile from the Museum School (a public charter school) located at 3<sup>rd</sup> Avenue and Maple Street. However, the project proposes residential and retail uses only, and would not emit hazardous emissions or handle hazardous materials, substances, or waste. No impacts would occur.

d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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The State Water Resources Control Board (SWRCB) GeoTracker database, California Department of Toxic Substances Control (DTSC) Envirostor database, and California Environmental Protection Agency (CalEPA) Cortese List provide information on hazardous materials sites. GeoTracker is a database and geographic information system (GIS) that provides online access to environmental data. It tracks regulatory data about LUSTs, Department of Defense, Spills-Leaks-Investigations-Cleanups, and landfill sites. EnviroStor is an online database search and GIS tool for identifying sites that have known contamination or sites where there may be reasons to investigate further. It also identifies facilities that are authorized to treat, store, dispose or transfer hazardous waste. The Cortese List is a Hazardous Waste and Substance Sites List, which is a planning resource use by state and local agencies and developers to comply with CEQA requirements in providing information about the location of hazardous materials release sites. Government Code section 65962.5 requires CalEPA to develop, at least annually, an updated Cortese List. DTSC is responsible for a portion of the information contained in the Cortese List. Other state and local government agencies are required to provide additional hazardous material release information for the Cortese List.

A search of potential hazardous materials sites compiled pursuant to Government Code Section 65962.5 was completed for the project site. Several databases and resources were consulted including the DTSC EnviroStor database, the SWRCB GeoTracker database, and other sources of potential hazardous materials sites available on the California EPA website. No cases on the project site were identified during the record search identified but nine historical cases occur within 1,000 feet of the project site, including four LUST cases. However, all nine of the cases have been completed and were closed. Thus, no hazard to the public or environment would result from project implementation. No impacts would occur.

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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The basic function of Airports Land Use Compatibility Plans (ALUCPs) (or Compatibility Plans) is to promote compatibility between airports and the land uses that surround them to the extent that these areas are not already devoted to incompatible uses. With limited exception, California law

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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requires preparation of a compatibility plan for each public-use and military airport in the state. Most counties have established an Airport Land Use Commission (ALUC), as provided for by law, to prepare compatibility plans for the airports in that county and to review land use plans and development proposals, as well as certain airport development plans, for consistency with the compatibility plans. In San Diego County, the ALUC function rests with the San Diego County Regional Airport Authority (SDCRAA), as provided in Section 21670.3 of the California Public Utilities Code.

The project site is within the Airport Influence Area (AIA) Review Area 1 of the SDIA, Airport Approach Overlay Zone, and the Federal Aviation Administration Part 77 Noticing Area. The project requires a City Council overrule because the ALUC determined that the project was inconsistent with the SDIA ALUCP with respect to residential density. The ALUCP for SDIA limits residential density and non-residential intensity for proposed uses by safety zone and neighborhood based on the average existing development intensity and density. Residential uses are measured by dwelling units per acre and commercial uses are measured by people per acre. For a mixed-use development, the residential density is converted to intensity measured by people per acre, based on a people per household factor in the ALUCP, which is then added to the commercial intensity for the total project intensity. A maximum of 50 percent of the maximum site intensity criteria (Policy S.8) may be applied for the residential portion of a mixed-use development.

Pursuant to Exhibit 3-1, Safety Compatibility Zones, of the ALUCP, the project site lies within Safety Zone 3NE. Table 3-1 of the ALUCP shows that Zone 3NE in the Uptown area is allowed a maximum ~~density/intensity of 6 278 people per acre, which equates to 64 people for the 0.23-acre site, 2 du/ac~~ with the residential portion limited to 50 percent, or 32 people. A maximum of 22 dwelling units would be allowed using the ALUCP factor of 1.48 people per household, whereas the project proposes 36 dwelling units whereas the project proposes approximately 156 du/ac. The ALUCP occupancy factor for the retail component of the project is 170 square feet per person, or 7 retail space occupants for the 1,174-square foot retail suite, which is below the 32-people allowed for the nonresidential half of the mixed-use development. Pursuant ~~However, pursuant to the California~~ Public Utilities Code section 21676.5(a), and SDMC Sections 132.0310 and 132.1555, City Council can determine that the proposed use meets the intent of the ALUCP with certain findings being made; these findings and the project’s general consistency with them are briefly discussed below.

1. *The proposed development will not be detrimental to the public health, safety, or welfare.* The proposed project entails an infill mixed-use development that is consistent with existing surrounding development patterns. The project site is located in an urbanized area and surrounded by existing one-to-five-story residential and commercial buildings with similar (and in some cases higher) densities. The project is within the allowable height and bulk regulations of the underlying CC-3-9 zone and similar in height and scale to nearby buildings. The project site is outside of the Threshold Sitting Surface area and is therefore consistent with the ALUCP for airspace protection. Furthermore, the project has obtained a “no hazard” to air navigation determination from the FAA. Given that the proposed project would not introduce a development at a higher density than what already exists in the immediate vicinity, it would not be detrimental to the public health, safety, or welfare of its future occupants.

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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2. *The proposed development will minimize the public's exposure to excessive noise and safety hazards to the extent feasible. The Project is located within the 60-65 decibel Community Noise Equivalent Level (dB CNEL) noise contour. The ALUCP for SDIA identifies commercial uses located within the 60-65 dB CNEL noise contour as compatible with airport uses, and identifies residential uses located within the 60-65 dB CNEL noise contour as conditionally compatible with airport uses, provided that the residences are sound attenuated to 45 dB CNEL interior noise level.* As discussed in Section X(b), the project site would be exposed to elevated noise levels from nearby roadways and from its proximity to SDIA. However, interior noise attenuation measures would be incorporated into the project's design, through discretionary permit conditions of approval, to ensure interior noise levels are reduced to acceptable levels that would not expose future occupants of the project to excessive noise. See above discussion regarding safety hazards.
  
3. *The proposed development will meet the purpose and intent of the California Public Utilities Code Section 21670. The purpose of California Public Utilities Code (CPUC) Section 21670 is to protect public health, safety, and welfare by ensuring the orderly expansion of airports and the adoption of land use measures that minimize the public's exposure to excessive noise and safety hazards within areas around public airports to the extent that these areas are not already devoted to incompatible uses. As discussed above (under Finding 1), the project site is located in an urbanized area and the proposed in-fill, mixed-use development would be consistent with existing surrounding development in terms of bulk and scale. The project received a "no hazard" to air navigation determination from the FAA and is outside of Threshold Siting Surface used by the ALUCP for SDIA to limit building heights and protect airspace within the runway approach area. Similarly, the discussion above (under Findings 1 and 2) notes the project would not expose its future occupants to excessive noise and/or safety hazards. The ALUCP for SDIA limits density and intensity for proposed uses by safety zone and neighborhood based on the average existing development intensity and density. For a mixed-use development, the residential density is converted to intensity. The project's proposed density exceeds the 22 units allowed on the 0.23-acre site for a mixed-use development per the ALUCP people/household factor and 50 percent maximum site intensity that can be applied to the residential component for a mixed-use development. However, the project would have a combined residential and non-residential intensity of 60 people, which does not exceed the 64 people ALUCP limitation for the site based on the 278 people per acre intensity for Uptown Safety Zone 3NE per the SDIA ALUCP.*

Based on the above, and considering the consistency and compatibility of the project with the land use designation per the Uptown Community Plan, and the City's Affordable Housing regulations, the project's intensity below the 64 people ALUCP limitation for the site, and below the average existing intensity of the high intensity development in the immediate area, and the project's location in a highly urban area already devoted to similar land uses meets, the Project meets the intent of CPUC section 21670

The project would not result in a safety hazard for people residing or working in the project area. Therefore, impacts would be less than significant.

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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The project is not within the vicinity of a private airstrip. No impacts would occur.

g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Construction of the proposed project may temporarily affect traffic circulation within the project area. However, an approved Traffic Control Plan would be implemented during construction which would allow emergency plans to be employed. Therefore, the project would not impair or physically interfere with the implementation of an adopted emergency response plan or emergency evacuation plan. Impacts would be less than significant.

h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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The project site is located within Fire Hazard Severity Overlay Zone as a portion of the site is located in a mapped "very high fire hazard severity zone" (City 2009) associated with the canyon systems to the east and north. The project site, however, is in a completely urbanized area surrounded by existing development and not connected or adjacent to these nearby canyon systems or other open space area. Impacts would be less than significant.

IX. HYDROLOGY AND WATER QUALITY - Would the project:

a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Potential impacts to existing water quality standards associated with the project would include minimal short-term construction-related erosion/sedimentation and long-term operational storm water discharge. The project would be subject to the requirements of SDMC Section 43.03 and Municipal Storm Water Permit Order No. R9-2013-0001 as amended by R9-2015-0001 and R9-2015-0100. These orders require that the project implement the source control and site design BMPs for standard projects. Adherence with the standards would ensure that water quality standards are not violated and also preclude a cumulatively considerable contribution to water quality; therefore, a less than significant impact would result.

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The project does not require the construction of wells or the use of groundwater. Therefore, the project would not substantially deplete groundwater supplies. The project would have a minor effect on the site's groundwater recharge capabilities as the site would be converted from vacant to a mixed-use building. However, the site was developed from the 1910s through 2005 and is not a significant contributor to groundwater recharge. Further, the project is located in an urban neighborhood with served by existing infrastructure. The project would connect to the existing public water system. No impacts would occur.

c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner, which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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The project would not substantially alter the existing drainage pattern of the site or the area. There are no streams or rivers within or adjacent to the project site and thus, no such resources would be impacted through the proposed grading activities. Additionally, per the project Hydrology Study (Civil Landworks, July 10, 2018), the project would increase the peak runoff by 0.433 cubic feet per second (cfs) when compared to the existing (vacant) condition; however, runoff but this would be similar when compared to consistent with the discharge associated with the previous development on the site, which was a warehouse also a multi-family apartment complex. Project runoff would discharge onto 4<sup>th</sup> Avenue via a curb outlet and into the existing storm drain system. The Hydrology Study concluded that the downstream system would not be impacted by the project. Although grading would be required for the project, BMPs would be implemented during construction activities to ensure that substantial erosion or siltation on or off-site would not occur. Impacts would be less than significant.

d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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As indicated in IX(c), the project would not alter the existing drainage pattern of the site or significantly alter runoff volumes. Thus, the project would not substantially alter the overall drainage pattern for the site or area, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site. Impacts would be less than significant.

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
e) Create or contribute runoff water, which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Refer to IX(a) through IX(d), above. The project would not exceed the capacity of the existing or planned storm water drainage system. All runoff from impervious surfaces would be treated as required by City Storm Water Regulations. To comply with current storm water regulations, on-site low impact design (LID) and integrated management practices (IMP) would be implemented to control peak runoff from the development. Qualified City staff determined that the project would not exceed the capacity of the existing storm sewer system. Potential release of sediment or other pollutants into surface water drainages downstream from the site would be avoided by implementation of BMPs required by City regulations, in compliance with San Diego Regional Water Quality Control Board requirements to implement the federal Clean Water Act. Proper irrigation and landscaping would ensure that runoff would be controlled and unpolluted. Impacts would be less than significant.

f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Refer to responses IX(a), (c), and (e). Compared to existing conditions, the project would increase impervious surface area and increase peak runoff by 0.433 cfs. However, this would be consistent with the previous development on the site, which was ~~a warehouse also an apartment complex~~. All storm water would be conveyed onto 4<sup>th</sup> Avenue via a curb outlet and then directed into the existing storm drain system. Pursuant to the hydrology plan prepared for the project by Civil Landworks (July 2018), the downstream system would not be impacted by the project. Potential release of sediment or other pollutants into surface water drainages downstream from the site would be avoided by implementation of BMPs required by City regulations. Therefore, no significant surface water quality impacts are expected to result from the proposed activity. Impacts would be less than significant.

g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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According to a Federal Emergency Management Agency (FEMA) flood insurance rate map (FIRM 06073C1885G) (FEMA, 2012), the project site is not located within a 100-year flood hazard area. No impacts would occur.

h) Place within a 100-year flood hazard area, structures that would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Refer to IX(a), above. No impacts would occur.



Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
X. LAND USE AND PLANNING – Would the project:				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The project consists of infill mixed-use development in an existing urbanized area. Project implementation would not substantially change the nature of the surrounding area and would not introduce any barriers or project features that could physically divide the community. Thus, the project would result in no impacts related to physically dividing an established community.

b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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The project is consistent with the land use designation of the Uptown Community Plan, which designates the site as Community Commercial. Per Table 2-3 of the Uptown Community Plan, the Community Commercial designation (within the CC-3-9 zone) should provide for shopping areas with retail, service, civic, and office uses for the community at-large within three to six miles and housing may be allowed up to a very high residential density as part of a mixed-use development. Consistent with this designation, the project would provide commercial retail space and high-density housing within a mixed-use building. The project would also be consistent with the land use goals and policies of the Uptown Community Plan, which encourage mixed-use infill development along commercial corridors and in the core village centers. The project site is located within a Neighborhood Village as identified on Figure 2-5 of the Uptown Community Plan. The project also includes on-site affordable housing consistent with the policies of the General Plan Housing Element and the Uptown Community Plan.

The project site is zoned CC-3-9, which is intended to accommodate development with a high intensity, pedestrian orientation and permits a maximum density of 1 dwelling unit for each 400 square feet of lot area. The project would be consistent with this zone as it would provide high-density housing with street-level commercial retail use. Landscape and hardscape improvements are proposed along the 4<sup>th</sup> Avenue frontage to foster a pedestrian orientation.

The project includes a density bonus pursuant to California Government Code Section 65915 (State Density Bonus Law) as well as the City's Land Development Code (LDC). The project would provide four "very low-income household" residential units, which equates to 15 percent of the 26 units allowed by the underlying zone. Pursuant to the Land Development Code (LDC) Section 143.0740 Table 143.07A of the LDC, this allows for a 50-percent density bonus would allow for and up to 5 incentives. ~~With the density bonus, up to 39 units would be allowed, along with 5 incentives.~~ Consistent with these regulations, the project proposes 36 units and 5 allowable incentives. The incentives, in the form of deviations from the development regulations, are as follows:

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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More specifically, the Land Development Code (LDC), Section §143.0740, allows incentives for affordable housing density bonus projects. The incentives, in the form of deviations from the development regulations, are as follows:

1. Building Height as specified by the AAOZ – deviation to exceed the maximum building height limit to in the AAOZ by 35.85 feet for a total height of 310.85 feet at the northern portion of the project along Fourth Avenue, where 275 feet is the height limit required by LDC Section 132.0205 65-foot height limit of the Community Plan Implementation Overlay Zone (CPIOZ) by approximately 8 feet. The CC-3-9 zone does not have a maximum height structure per Table 131-05e of the SDMC.
2. Building Height as specified by the CPIOZ-A –to exceed the maximum building height limit in the CPIOZ by 8.15 feet where up to 65 feet above ground level is allowed for ministerial projects per LDC Section 132.1401.
3. Ground Floor Restrictions – to a deviation from SDMC 131.0540(c)(1) to allow accessory residential use within the front 30 feet of lot where residential use and parking is prohibited per LDC Section 131.0540(c)(1).
4. Private Exterior Open Space – a deviation from SDMC 131.0455(d) to eliminate private exterior space requirement for four five units where 50 square feet of private exterior space is required per LDC Section 131.0455(d).
5. Side and Rear Yard Setbacks – a deviation from SDMC 131.0543(b) to allow 1.625-foot side yard-setback and a 1.5-foot rear-yard setback where either a zero-foot or a 10-foot side-yard or rear-year setback is required per LDC Section 131.0543(b) of 1.625 feet (side) and 1.5 feet (rear) where 10-foot minimum and 0-foot option is allowed; building must be at the property line or 10 feet from property line.
6. Airport Approach Path Buffer – a deviation from SDMC 132.0205 to exceed the airport approach overlay zone buffer threshold by eight feet.

As discussed in VIII(e), the project requires a City Council overrule because the Airport Land Use Commission (ALUC) determined that the project was inconsistent with the SDIA ALUCP with respect to residential density. Pursuant to Exhibit 3-1, Safety Compatibility Zones, of the ALUCP, the project site lies within Safety Zone 3NE. Table 3-1 of the ALUCP shows that Zone 3NE in the Uptown area is allowed a maximum density/intensity of 278 people per acre, which equates to 64 people for the 0.23-acre site, with the residential portion limited to 50 percent, or 32 people. A maximum of 22 dwelling units would be allowed using the ALUCP factor of 1.48 people per household, whereas the project proposes 36 dwelling units. The ALUCP occupancy factor for the retail component of the project is 170 square feet per person, or 7 retail space occupants for the 1,174-square foot retail suite, which is below the 32-people allowed for the nonresidential half of the mixed use development 62 du/ac whereas the project proposes approximately 156 du/ac. Pursuant to the California Public Utilities Code section 21676.5(a), and SDMC Sections 132.0310 and 132.1555 to SDMC Section 132.0310, City Council can determine that the proposed use meets the intent of the

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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ALUCP if certain findings are made. Refer to VIII(e) for a brief discussion of the project consistency with the required findings. Based on the referenced consistency analysis, the project would meet the intent of the ALUCP.

The project site would be exposed to elevated noise levels from nearby roadways and from its proximity to SDIA. According to the project’s Acoustical Site Assessment (ISE 2018), future roadway traffic conditions on 4<sup>th</sup> Avenue would expose the project to noise levels as high as 65 community noise equivalent level (CNEL), and aircraft noise levels of approximately 62 CNEL. Combined, the project would be exposed to noise levels of approximately 67 CNEL. ~~Because the project does not propose outdoor balconies, patios, or shared spaces, there would be no conflict with the General Plan Noise Element limits for exterior use areas.~~ The General Plan and the California Code of Regulations (CCR) Title 24 regulations, however, do require interior use areas for residences to be limited to less than 45 CNEL. According to the project’s Acoustical Site Assessment (ISE 2018), provision of mechanical ventilation and acoustical treatments would be required to ensure interior noise levels are reduced to less than 45 CNEL within the residential units. These treatments are identified in Table 1, *Minimum Acoustical Building Assembly Requirements*, below.

Unit/Plan	Building Assembly	Minimum Required STC Rating
All rooms	Roof/Ceiling assembly	48
All rooms	Wall assembly	46
All rooms	All solid door assemblies	27
All rooms	All French glass door assemblies	26
Loft Plan: Living room, Bedroom	Bedroom glass window assemblies	26
Studio A Plan: Living room	Glass window assemblies	26
Two-bedroom Plan (East): Bedroom 2	Glass window assemblies	26
All other rooms (all floor plans)	Glass window assemblies	24

Source: ISE 2018

STC = Sound Transmission Class

Incorporation of the interior noise attenuation measures identified above into the project’s design, through discretionary permit conditions of approval, will ensure the project is consistent with the General Plan Noise Element and potential and land use-noise compatibility impacts on future residents of the project would not be significant.

In summary, the project would occur within an urbanized neighborhood with similar development. The project would not conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including but not limited to the general plan, community plan, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect. Impacts would be less than significant.

- c) Conflict with any applicable habitat conservation plan or natural community conservation plan?

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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Refer to IV(f). The City is a participant in the Multiple Species Conservation Program (MSCP), a comprehensive, long-term habitat conservation program designed to provide permit issuance authority for take of covered species to the local regulatory agencies. The MSCP is implemented in the City through the Subarea Plan. The project site is not located within or adjacent to MHPA lands. Furthermore, the project would not conflict with the provisions of any other adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. No impacts would occur.

XI. MINERAL RESOURCES – Would the project:

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

There are no known mineral resources located on the project site. The project site is not currently being utilized for mineral extraction and does not contain any known mineral resources that would be of value to the region. The urbanized and developed nature of the site and vicinity would preclude the extraction of any such resources. No impacts would occur.

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Refer to XI(a), above. The project area has not been delineated on a local General Plan, specific plan, or other land use plan as a locally important mineral resource recovery site, and no such resources would be affected with project implementation. No impacts would occur.

XII. NOISE – Would the project result in:

- |   |                          |                                     |                          |                          |
|---|--------------------------|-------------------------------------|--------------------------|--------------------------|
| a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|-------------------------------------|--------------------------|--------------------------|

Construction Noise

Construction of the project would generate a temporary increase in noise in the project area. Short-term noise impacts would be associated with excavation, grading, and construction activities of the project. Construction-related short-term noise levels would be higher than existing ambient noise levels in the project area but would no longer occur once construction is completed.

Construction activity would occur during allowable times, in compliance with SDMC Section 59.5.0404. The SDMC states that construction noise in residential zones shall not exceed an average sound level greater than 75 A-weighted decibels (dBA) equivalent sound level (L<sub>EQ</sub>) during the 12-hour period from 7:00 a.m. to 7:00 p.m. As described in the project’s Acoustical Site Assessment (ISE 2018a), construction noise may be as high as 87 dBA L<sub>EQ</sub>. Because construction of the project

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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would not comply with the City's 75 dBA L<sub>EQ</sub> (12 hour) noise limit, construction noise impacts would be significant.

Therefore, a Mitigation Monitoring Reporting Program (MMRP), as detailed within Section V of the MND, would be implemented. With implementation of the monitoring program, potential impacts on noise (construction) would be reduced to less than significant.

Operational Noise

The City Noise Ordinance (SDMC Section 59.5.0401) sets limits for noise generation, as measured at the property line. For the project's commercial zone, the applicable noise standard would be 65 dBA L<sub>EQ</sub> during the daytime hours from 7:00 a.m. to 7:00 p.m. and 60 dBA L<sub>EQ</sub> for the evening and nighttime hours from 7:00 p.m. to 7:00 a.m. According to the project's Acoustical Site Assessment (ISE 2018), operational noise would be generated by HVAC units. The units are expected to generate noise levels of 40 dBA L<sub>EQ</sub> at the nearest property lines, which would not exceed City standards.

To generate a noticeable increase in noise levels, traffic volumes generated by a project would generally have to double existing conditions. Traffic volumes associated with the project would not sufficiently raise the volume of traffic to create a significant change in noise levels. Operational noise impacts would be less than significant.

- |   |                          |                                     |                          |                          |
|---|--------------------------|-------------------------------------|--------------------------|--------------------------|
| b) Generation of excessive ground borne vibration or ground borne noise levels? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|-------------------------------------|--------------------------|--------------------------|

The project's Construction Vibration Assessment (ISE 2018b) analyzed anticipated construction vibration based on existing soil conditions and the findings of an on-site dynamic soil test. Due to the close proximity of existing structures to sources of construction vibration, vibration levels exceeding 1.0 inches per second peak particle velocity (PPV) may affect nearby receptors and structures. As a result, project construction may generate excessive ground borne vibration and impacts would be potentially significant.

Therefore, a Mitigation Monitoring Reporting Program (MMRP), as detailed within Section V of the MND, would be implemented. With implementation of the monitoring program, potential impacts on noise (construction) would be reduced to less than significant.

- |  |                          |                          |                                     |                          |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

Refer to response XII(a). The project would not result in a significant permanent noise increase. Impacts would be less than significant.

- |   |                          |                          |                                     |                          |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above existing without the project? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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Refer to response XII(a). The project would not result in a significant temporary or periodic noise increase. Impacts would be less than significant.

- |   |                          |                          |                                     |                          |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| e) For a project located within the vicinity of a private airstrip or an airport land use plan, or, where such a plan has not been adopted, within two miles of a public airport or public use airport would the project expose people residing or working in the area to excessive noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

As discussed in X(b), the project site is located within the 60 CNEL contour associated with the SDIA, and the project Acoustical Site Assessment (ISE 2018) estimates aircraft noise levels from SDIA to be 62 CNEL at the project site, which is not considered excessive. Therefore, the project would not expose people residing or working in the area to excessive noise levels. Impacts would be less than significant.

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

The project is not located within the vicinity of a private airstrip. No impacts would occur.

XIII. POPULATION AND HOUSING - Would the project:

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

The project proposes a mixed-use project that is comprised of multi-family residential units with a commercial component. An additional 36 residential units would be added to the project area, but this would not induce substantial population growth. Further, the project site is planned for residential uses and does not involve the extension of roads or services, as the project is an infill project located within an existing urban community. Therefore, the project would not induce substantial population growth in the area. No impacts would occur.

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

No housing would be displaced by the project because there is no existing housing on the project site. The project proposes a multi-family residential project with 36 units as well as a retail component on a vacant site. No impacts would occur.

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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Refer to XII(a) above. No impacts would occur.

XIV. PUBLIC SERVICES

a) Would the project result in substantial adverse physical impacts associated with the provisions of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

i) Fire protection

The project site is located in an urbanized area where fire protection services are provided. The project would not adversely affect existing levels of fire protection services to the area and would not require the construction of new or expanded governmental facilities. Impacts to fire protection would be less than significant.

ii) Police protection

The project site is located in an urbanized area where police protection services are provided. The project would not adversely affect existing levels of police protection services to the area and would not require the construction of new or expanded governmental facilities. Impacts to police protection would be less than significant.

iii) Schools

The project is served by the San Diego Unified School District (SDUSD). Potential impacts to schools serving the project area would be related to the number of students generated by the project. SDUSD estimates the number of students generated from projects by evaluating census tract data and the number of dwelling units proposed. The precise ratio of students expected to be generated per apartments or condominiums for the project is unknown at this time, since the number of students per unit in multi-family developments varies widely depending on the unit size, proximity to schools, sales price or rent, density, target market, and specific amenities.

By law (California Government Code, Section 65996) payment of school fees constitutes full mitigation. The applicant's compliance with Senate Bill 50 and Government Code Section 65995 requiring the applicant to pay developer fees for school facilities construction would reduce impacts to schools to a less than significant level.

iv) Parks

The project site is located in an urbanized and developed area where City-operated parks are available. The project would not substantially increase the demand on existing neighborhood or regional parks or other recreational facilities. Nor is the project anticipated to result in a significant increase in demand for parks or other offsite recreational facilities. As such, impacts related to parks would be less than significant.

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
v) Other public facilities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The project site is located in an urbanized area where public services are already provided. The project would not adversely affect existing levels of facilities to the area and would not require the construction of new or expanded governmental facilities. No impacts to other public facilities would occur.

XV. RECREATION

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
--	--------------------------	--------------------------	-------------------------------------	--------------------------

The project would not adversely affect existing levels of neighborhood and regional parks and would not require the construction or expansion of those facilities. The project would not significantly increase the use of existing neighborhood or regional parks or other recreational facilities as the project would be consistent with applicable land use plans and underlying zone designations. The project is not anticipated to result in the use of available parks or facilities such that substantial deterioration occurs, or that would require the construction or expansion of recreational facilities to satisfy demand. Therefore, impacts would be less than significant.

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--	--------------------------	--------------------------	--------------------------	-------------------------------------

See XV(a). The project does not propose recreational facilities nor require the construction or expansion of any such facilities. No impacts would occur.

XVI. TRANSPORTATION/TRAFFIC – Would the project?

a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
---	--------------------------	--------------------------	-------------------------------------	--------------------------

The project is consistent with the Community Plan land use and underlying zone designations. The project would not alter the existing circulation patterns on area roadways. Based on the City's Trip Generation Manual, the project would generate approximately 256 average daily trips (ADT) with approximately 21 AM peak hour trips and 23 PM peak hour trips. Based on the project's expected trip generation, preparation of a transportation impact analysis was not required. The project is not



Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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expected to cause a significant short- or long-term increase in traffic volumes, and therefore, would not conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system. Impacts would be less than significant.

- b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?
- |  |                          |                          |                                     |                          |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
|  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

The project would not conflict with an applicable congestion management program and would not negatively affect level of service standards. Furthermore, the project would not conflict with applicable plans or polices establishing measures of effectiveness for the performance of the circulation system. Refer to XVI(a) above. Therefore, impacts would be less than significant.

- c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?
- |  |                          |                          |                                     |                          |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
|  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

The project site is located within the Airport Influence Area of SDIA and in the FAA Notification Area. Due to the project's proposed building height relative to SDIA, it is required to submit to the FAA a Notice of Proposed Construction. However, the project would not result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks. The project would not result in a substantial safety risk. Impacts would be less than significant.

- d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?
- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
|  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

The project would not include the construction of hazards (e.g., sharp curves or dangerous intersections), and would not result in incompatible uses with the surrounding developed area. The project has been designed in accordance with the City's Street Design Manual and SDMC regulations and would include adequate sight distances at the project driveway along 4<sup>th</sup> Avenue. Therefore, no significant impact would occur.

- e) Result in inadequate emergency access?
- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
|  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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As stated XVI(d), the project has been designed consistent with the City's engineering standards. Additionally, the project has been reviewed by the Fire-Rescue Department to ensure proper circulation on and off the site for emergency services vehicles. No impacts would occur.

- |  |                          |                          |                                     |                          |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

The project would not permanently disrupt existing or planned bicycle or pedestrian facilities surrounding the project site. The project may temporarily impact circulation during construction activities relative to traffic, pedestrians, public transit, and bicycles. However, the preparation and implementation of a Traffic Control Plan would ensure that any disruption to these services would not be significant. The project would not conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities. Therefore, impacts to the pedestrian, bicycle, or transit network within and surrounding the project site would be less than significant.

XVII. TRIBAL CULTURAL RESOURCES – 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 | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

The project would not cause a substantial adverse effect to tribal cultural resources, as there are no recorded sites listed or sites eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined by the Public Resources Code. No impacts would occur.

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 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. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Tribal Cultural Resources include sites, features, places, cultural landscapes, and sacred places or objects that have cultural value or significance to a Native American Tribe. Tribal Cultural Resources include “non-unique archaeological resources” that, instead of being important for “scientific” value as a resource, can also be significant because of the sacred and/or cultural tribal value of the resource. Tribal representatives are considered experts appropriate for providing substantial

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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evidence regarding the locations, types, and significance of tribal cultural resources within their traditional and cultural affiliated geographic area (Public Resources Code § 21080.3.1(a)).

The City of San Diego, as Lead Agency, determined that Tribal Cultural Resources pursuant to subdivision Public Resources Code Section 5024.1(c) would not be potentially impacted through project implementation, as the project site has been developed and is located within an urban area. Although no resources occur on site, the project site is within one-mile radius of recorded archaeological sites. Therefore, in accordance with the requirements of Public Resources Code 21080.3.1, the City of San Diego provided formal consultation notification to the Lipay Nation of Santa Isabel and the Jamul Indian Village, both traditionally and culturally affiliated with the project area, via email February 26, 2019. Both Native American Tribes responded within the 30-day formal notification period and determined that tribal cultural resources would not be anticipated onsite; therefore, consultation was deemed unnecessary. No impact would result.

XVIII. UTILITIES AND SERVICE SYSTEMS - Would the project:

- |   |                          |                          |                                     |                          |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

Wastewater facilities used by the project would be operated in accordance with the applicable wastewater treatment requirements of the RWQCB. Treatment of effluent from the site is anticipated to be routine and is not expected to exceed the wastewater treatment requirements of the RWQCB. Existing sewer infrastructure exists within roadways surrounding the project site, as described below, and has adequate capacity to serve the project. Thus, impacts related to wastewater treatment requirements would be less than significant.

- |  |                          |                          |                                     |                          |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

Refer to XVIII(a), above. Water service is also provided by the Public Utilities Department. Construction of the project would not significantly increase the demand for water or wastewater treatment services, and as such, would not trigger the need for new water or wastewater treatment facilities or the expansion of those facilities. Adequate services are available to serve the project. Impacts would be less than significant.

- |   |                          |                          |                                     |                          |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

Refer to IX(a), above. The project would not exceed the capacity of the City's existing storm water drainage system and would not require the expansion of the system. Impacts would be less than significant.

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The project does not meet the thresholds requiring the need for the project to prepare a water supply assessment. The existing project site currently receives water service from the City, and adequate services are available to serve the structures without requiring new or expanded entitlements. Impacts would be less than significant.

e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
---	--------------------------	--------------------------	-------------------------------------	--------------------------

The City has determined that it has adequate wastewater treatment capacity to serve the project. Refer to XVIII(a), above. The existing facilities available to serve the project site were determined to be acceptable; in addition, the treatment facility has remaining capacity. Therefore, no new facilities would be needed to serve the project. Subsequently, the project would not adversely affect existing wastewater treatment services and adequate services are available to serve the project without requiring new or expanded entitlements. The project would result in less than significant impacts with respect to wastewater treatment capacity.

f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
--	--------------------------	--------------------------	-------------------------------------	--------------------------

The City's Miramar Landfill is currently planned and permitted to provide capacity to approximately the year 2031. Currently, yearly tonnage is estimated by the City to be approximately 910,000 tons of trash per year. In addition, the project would be required to comply with the City's Recycling Ordinance (SDMC Chapter 6, Article 6, Division 7), which requires on-site recyclable collection for residential SDMC Code Chapter 14, Article 2 Division 8), that requires minimum exterior refuse and recyclable material storage areas required at residential and commercial properties; as well as the Construction and Demolition (C&D) Debris Deposit Ordinance (SDMC Chapter 6, Article 6, Division 6), which requires that the majority of construction, demolition, and remodeling projects requiring building, combination, or demolition permits pay a refundable C&D Debris Recycling Deposit and divert at least 50 percent of their waste by recycling, reusing, or donating reusable materials.

Waste would be generated from the demolition, construction, and operation of the project that would require proper disposal of at a licensed landfill or construction and demolition debris recycling facility. Projects that include the construction, demolition, or renovation of 1,000,000 square feet or more of building space may generate approximately 1,500 tons of waste or more and are considered to have direct impacts on solid waste management. The City's significance threshold for cumulatively considered solid waste impacts of 40,000 square feet or more of building space. The project is proposing approximately 39,306 square feet of occupiable building space (residential plus retail) which would not exceed the City's thresholds. Therefore, the project would not result in a significant direct or cumulative impact related to solid waste management.

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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Nevertheless, the project would comply with all federal, state, and local statutes and regulations related to solid waste. The project would not result in the generation of large amounts of solid waste, nor generate or require the transport of hazardous waste materials other than minimal amounts generated during the construction phase. All activities would comply with City of San Diego requirements for diversion of both construction waste during the demolition phase and solid waste during the long-term, operational phase. With compliance with local and state regulations, impacts related to solid waste would be less than significant.

- |  |                          |                          |                                     |                          |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| g) Comply with federal, state, and local statutes and regulation related to solid waste? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

Refer to XVIII(f). Overall, the project would comply with federal, state and local statutes and regulations related to solid waste. Impacts would be less than significant.

XIX. MANDATORY FINDINGS OF SIGNIFICANCE –

- |  |                          |                          |                                     |                          |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

The project proposes infill development on a site that was previously developed with a multi-family residential structure; but which is currently vacant and disturbed. The project site does not contain biological resources, and development of the project would not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory. As disclosed throughout this Initial Study, the project would either result in no impacts or less than significant impacts, and mitigation measures were not warranted except for those required to mitigate temporary construction noise.

- |  |                          |                          |                                     |                          |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| b) Does the project have impacts that are individually limited but cumulatively considerable (“cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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Cumulative environmental impacts are those impacts that by themselves are not significant, but when considered with impacts occurring from other projects in the vicinity would result in a cumulative impact. Related projects considered to have the potential of creating cumulative impacts in association with the project consist of projects that are reasonably foreseeable and that would be constructed or operated during the life of the project. The project would be located in a developed area that is largely built out. No other construction projects are anticipated in the immediate area of the project.

As documented in this Initial Study, the project would not have the potential to degrade the environment that could result in have cumulatively considerable impacts when viewed in connection with the effects of other potential projects in the area. Other future projects within the surrounding area would be required to comply with applicable local, state, and federal regulations to reduce potential impacts to less than significant, or to the extent possible. As such, the project is not anticipated to contribute to potentially significant cumulative environmental impacts. Project impacts would be less than significant.

- c) Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?

Construction and operation of the project would not cause long-term environmental effects that would significantly directly or indirectly impact human beings. Residents and employees on surrounding properties could be exposed to temporary, short-term, elevated noise and vibration levels during construction activities, but mitigation identified in XII(a) and XII(b) would reduce impacts to below a level of significance. For other project-related construction activities that have the potential to cause adverse effects on human beings (traffic, dust), the project is required to meet all SDMC grading and construction requirements and implement standard BMPs, which would be implemented during project construction to minimize or avoid adverse environmental effects.

As evidenced by the Initial Study Checklist, no other substantial adverse effects on human beings, either indirectly or directly, would occur as a result of project implementation.

**INITIAL STUDY CHECKLIST  
REFERENCES**

**I. Aesthetics / Neighborhood Character**

- City of San Diego General Plan
- Community Plan: Uptown Plan
- Other: Caltrans, California State Scenic Highway Mapping System

**II. Agricultural Resources & Forest Resources**

- City of San Diego General Plan
- U.S. Department of Agriculture, Soil Survey - San Diego Area, California, Part I and II, 1973
- California Agricultural Land Evaluation and Site Assessment Model (1997)
- Site Specific Report:

**III. Air Quality**

- California Clean Air Act Guidelines (Indirect Source Control Programs) 1990
- Regional Air Quality Strategies (RAQS) - APCD
- Site Specific Report:

**IV. Biology**

- City of San Diego, Multiple Species Conservation Program (MSCP), Subarea Plan, 1997
- City of San Diego, MSCP, "Vegetation Communities with Sensitive Species and Vernal Pools" Maps, 1996
- City of San Diego, MSCP, "Multiple Habitat Planning Area" maps, 1997
- Community Plan - Uptown Community Plan Update - Resource Element
- California Department of Fish and Game, California Natural Diversity Database, "State and Federally-listed Endangered, Threatened, and Rare Plants of California," January 2001
- California Department of Fish and Game, California Natural Diversity Database, "State and Federally-listed Endangered and Threatened Animals of California," January 2001
- City of San Diego Land Development Code Biology Guidelines
- Site Specific Report:

**V. Cultural Resources (includes Historical Resources)**

- City of San Diego Historical Resources Guidelines
- City of San Diego Archaeology Library
- Historical Resources Board List
- Community Historical Survey
- Site Specific Report:
  - Geotechnical Investigation and Fault Rupture Hazard Evaluation, prepared by SCST, Inc., January 12, 2019
- Other:
  - Final Program Environmental Impact Report for the Uptown Community Plan Update. September 2016

**VI. Geology/Soils**

- City of San Diego Seismic Safety Study
- U.S. Department of Agriculture Soil Survey - San Diego Area, California, Part I and II, December 1973 and Part III, 1975
- Site Specific Report:  
Geotechnical Investigation and Fault Rupture Hazard Evaluation, prepared by SCST, Inc., January 12, 2019

**VII. Greenhouse Gas Emissions**

- Site Specific Report:  
Climate Action Plan Consistency Checklist – 4<sup>th</sup> Avenue Apartments. December 2018

**VIII. Hazards and Hazardous Materials**

- San Diego County Hazardous Materials Environmental Assessment Listing
- San Diego County Hazardous Materials Management Division
- FAA Determination
- State Assessment and Mitigation, Unauthorized Release Listing, Public Use Authorized
- Airport Land Use Compatibility Plan
- Site Specific Report:
- Other: Official Very High Fire Hazard Severity Zone Map, Grid 15

**IX. Hydrology/Drainage**

- Flood Insurance Rate Map (FIRM)
- Federal Emergency Management Agency (FEMA), National Flood Insurance Program-Flood Boundary and Floodway Map
- Clean Water Act Section 303(b) list, [http://www.swrcb.ca.gov/tmdl/303d\\_lists.html](http://www.swrcb.ca.gov/tmdl/303d_lists.html)
- Site Specific Report:  
Hydrology Study for 4<sup>th</sup> Avenue Apartments, prepared by Civil Landworks, July 10, 2018

**X. Land Use and Planning**

- City of San Diego General Plan
- Community Plan: Uptown
- Airport Land Use Compatibility Plan
- City of San Diego Zoning Maps
- FAA Determination:
- Other Plans:

**XI. Mineral Resources**

- California Department of Conservation - Division of Mines and Geology, Mineral Land Classification
- Division of Mines and Geology, Special Report 153 - Significant Resources Maps
- City of San Diego General Plan: Conservation Element
- Site Specific Report:



**XII. Noise**

- City of San Diego General Plan
- Community Plan: Uptown
- San Diego International Airport - Lindbergh Field CNEL Maps
- Brown Field Airport Master Plan CNEL Maps
- Montgomery Field CNEL Maps
- San Diego Association of Governments - San Diego Regional Average Weekday Traffic Volumes
- San Diego Metropolitan Area Average Weekday Traffic Volume Maps, SANDAG
- Site Specific Reports:
  - Exterior Acoustical Site Assessment, CCR Title 24 Interior Noise Survey for Fourth Avenue Apartments, prepared by Investigative Science and Engineering, Inc., December 19, 2018
  - Construction Vibration Assessment for Fourth Avenue Apartments, prepared by Investigative Science and Engineering, Inc., October 23, 2018

**XIII. Paleontological Resources**

- City of San Diego Paleontological Guidelines
- Deméré, Thomas A., and Stephen L. Walsh, "Paleontological Resources City of San Diego," Department of Paleontology San Diego Natural History Museum, 1996
- Kennedy, Michael P., and Gary L. Peterson, "Geology of the San Diego Metropolitan Area, California. Del Mar, La Jolla, Point Loma, La Mesa, Poway, and SW 1/4 Escondido 7 1/2 Minute Quadrangles," *California Division of Mines and Geology Bulletin* 200, Sacramento, 1975
- Kennedy, Michael P., and Siang S. Tan, "Geology of National City, Imperial Beach and Otay Mesa Quadrangles, Southern San Diego Metropolitan Area, California," Map Sheet 29, 1977
- Site Specific Report:
  - Geotechnical Investigation and Fault Rupture Hazard Evaluation, prepared by SCST, Inc., January 12, 2019

**XIV. Population / Housing**

- City of San Diego General Plan
- Community Plan
- Series 11/Series 12 Population Forecasts, SANDAG
- Other:

**XV. Public Services**

- City of San Diego General Plan
- Community Plan

**XVI. Recreational Resources**

- City of San Diego General Plan
- Community Plan
- Department of Park and Recreation
- City of San Diego - San Diego Regional Bicycling Map
- Additional Resources:

**XVII. Transportation / Circulation**

- City of San Diego General Plan
- Community Plan:
- San Diego Metropolitan Area Average Weekday Traffic Volume Maps, SANDAG
- San Diego Region Weekday Traffic Volumes, SANDAG
- Site Specific Report:

**XVIII. Utilities**

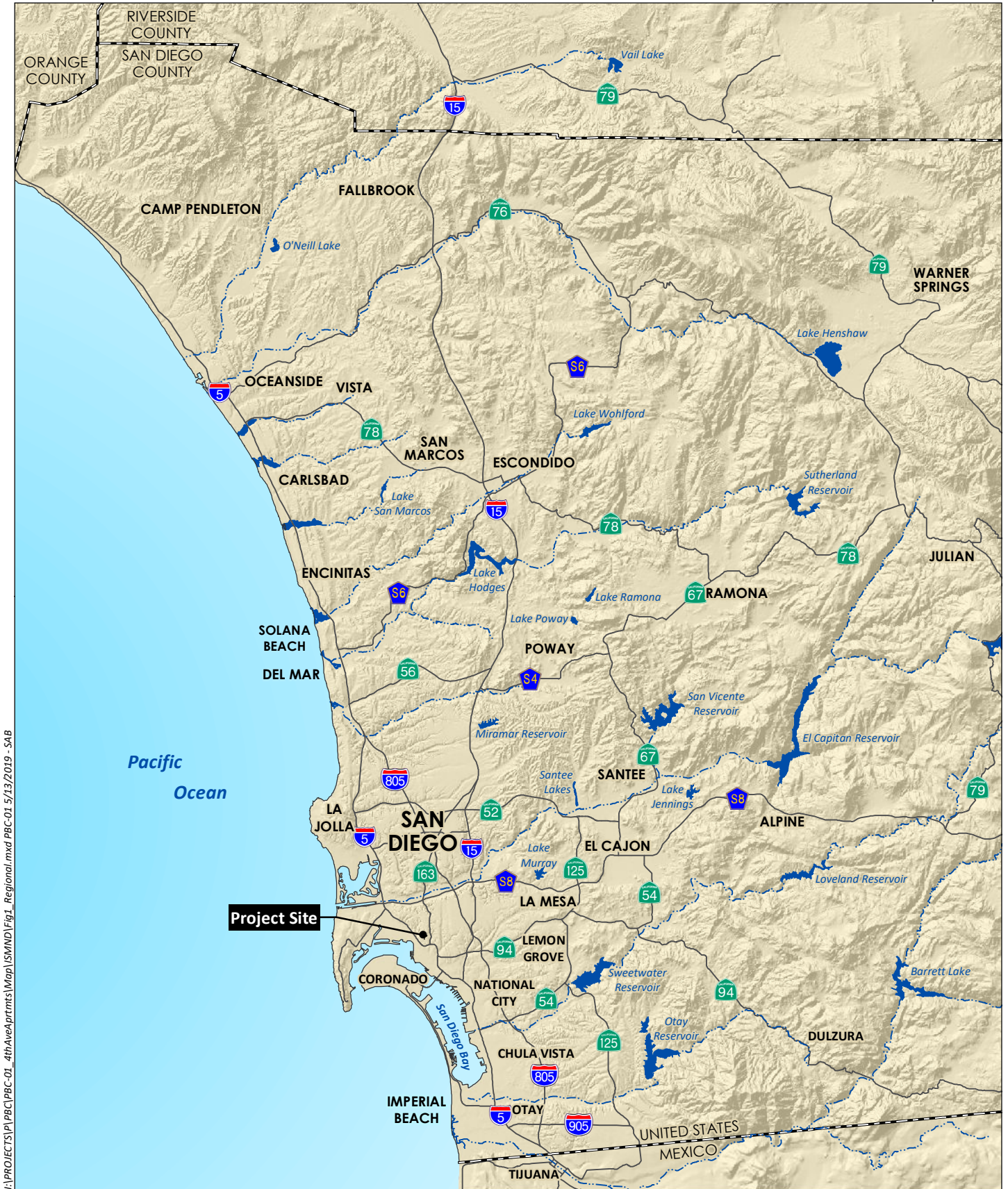
- Site Specific Report:

**XIX. Water Conservation**

- Sunset Magazine, *New Western Garden Book*, Rev. ed. Menlo Park, CA: Sunset Magazine

**XX. Water Quality**

- Clean Water Act Section 303(b) list, [http://www.swrcb.ca.gov/tmdl/303d\\_lists.html](http://www.swrcb.ca.gov/tmdl/303d_lists.html).
- Site Specific Report:

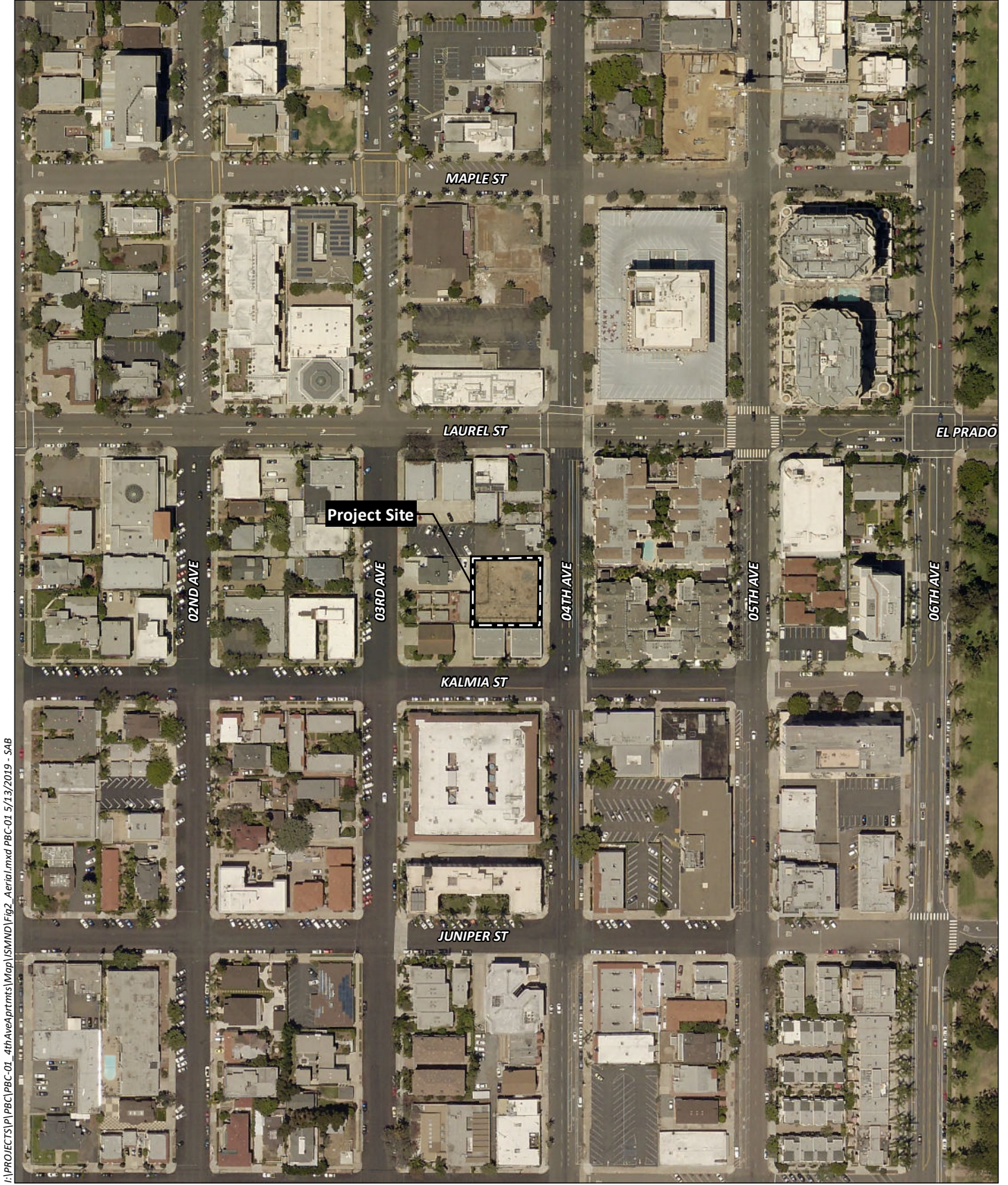


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Source: Base Map Layers (SanGIS, 2016)

# Regional Location

Figure 1



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Source: Aerial (SanGIS 2017)

# Project Vicinity (Aerial Photography)

Figure 2



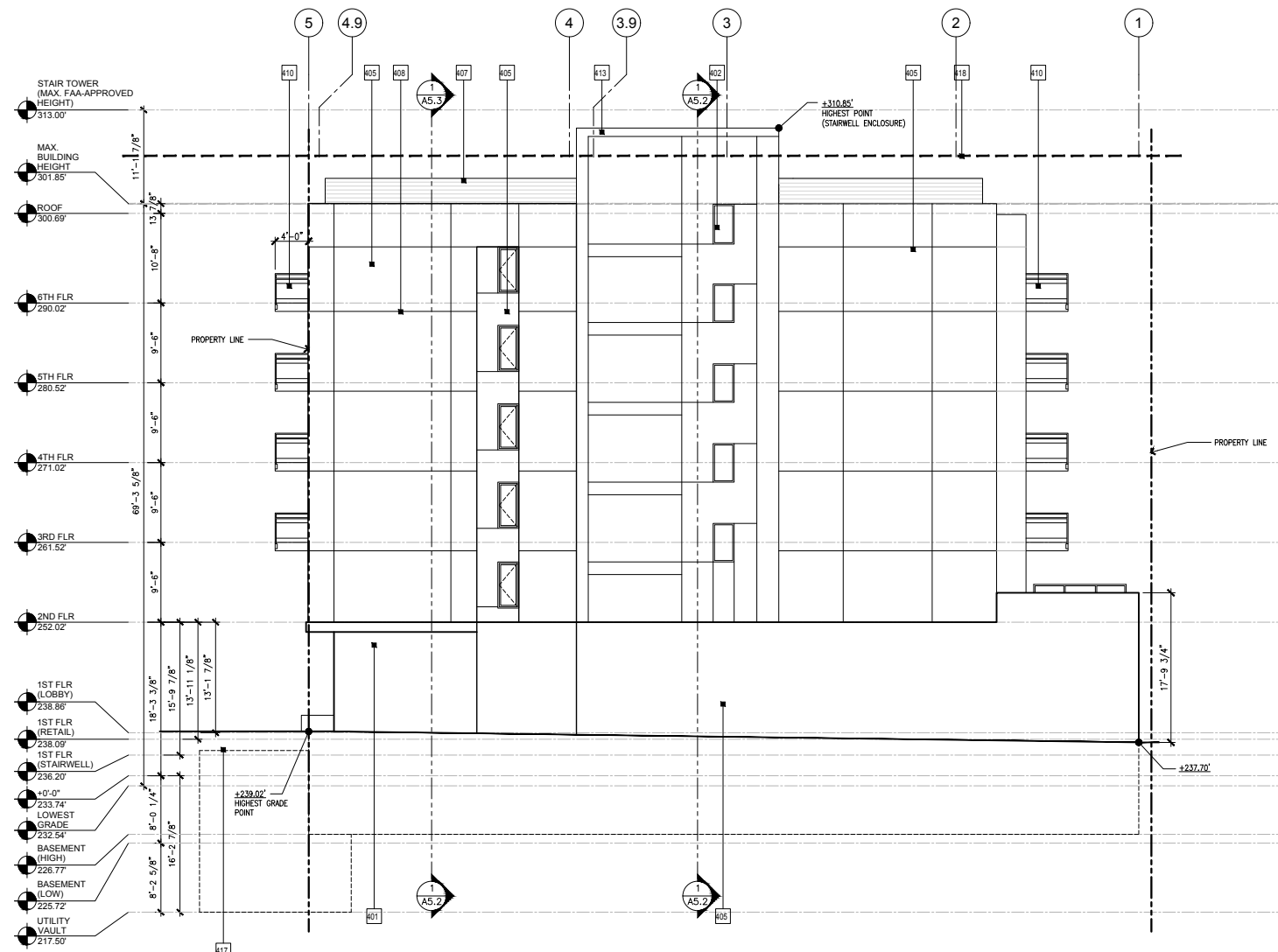
I:\PROJECTS\PROJECTS\4thAveApartments\Map\SMIND\Fig3\_SitePlan.indd PBC-01 05/13/2019 - 5:48

Source: Awbrey, Cook, Rogers, McGill - 2019

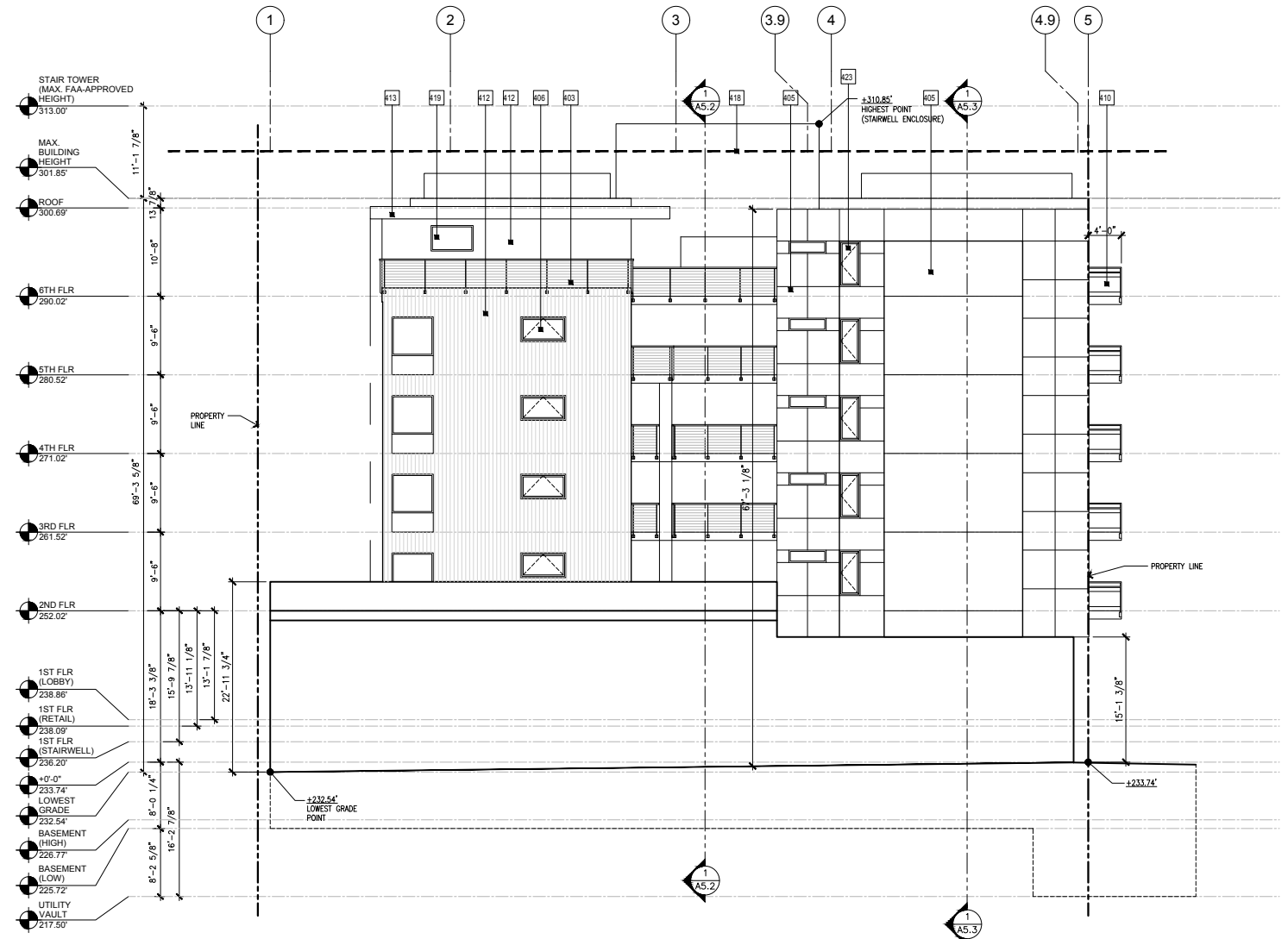
# Conceptual Project Design

Figure 3

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NORTH



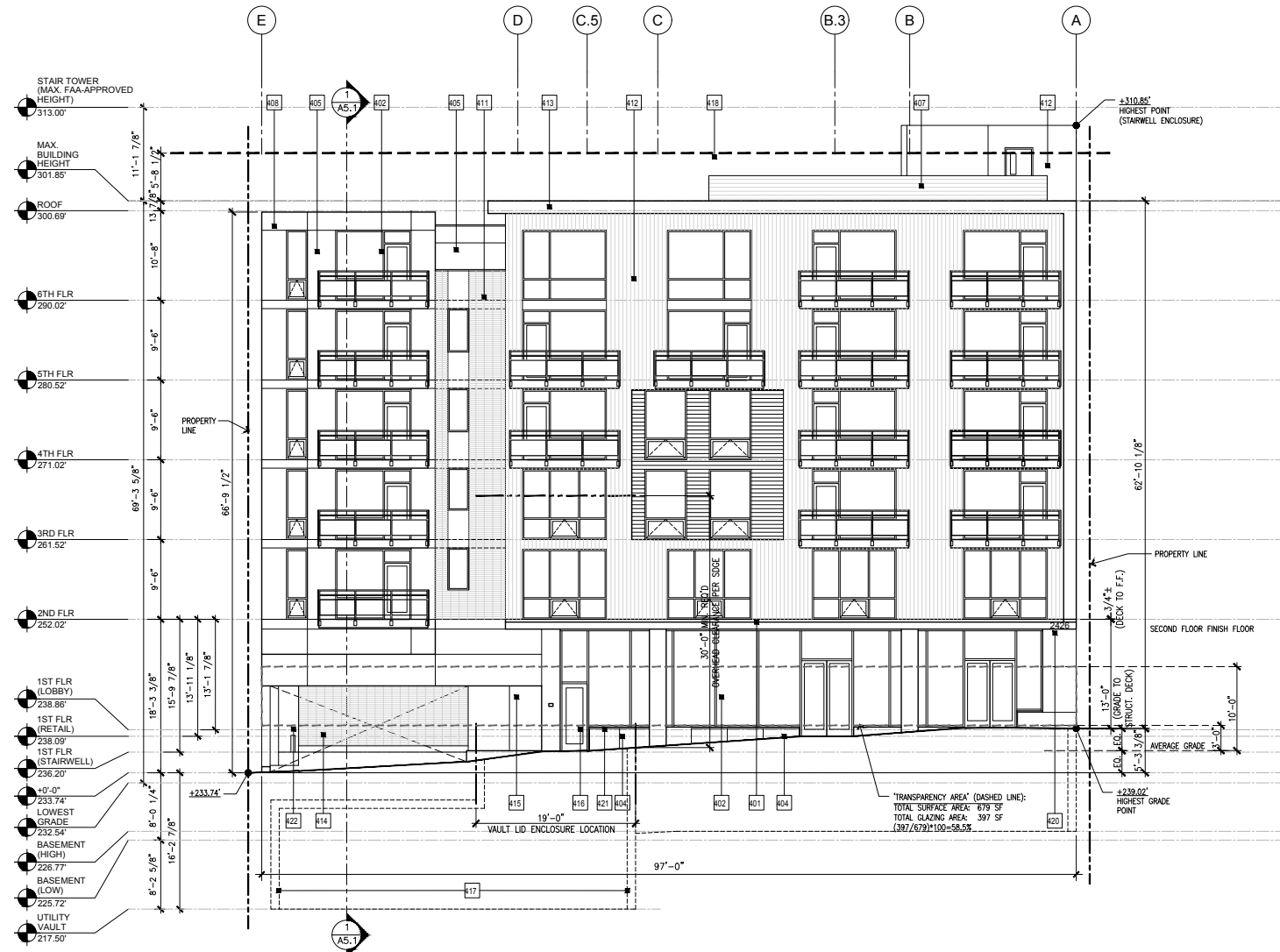
SOUTH

Source: Awbrey, Cook, Rogers, McGill - 2019

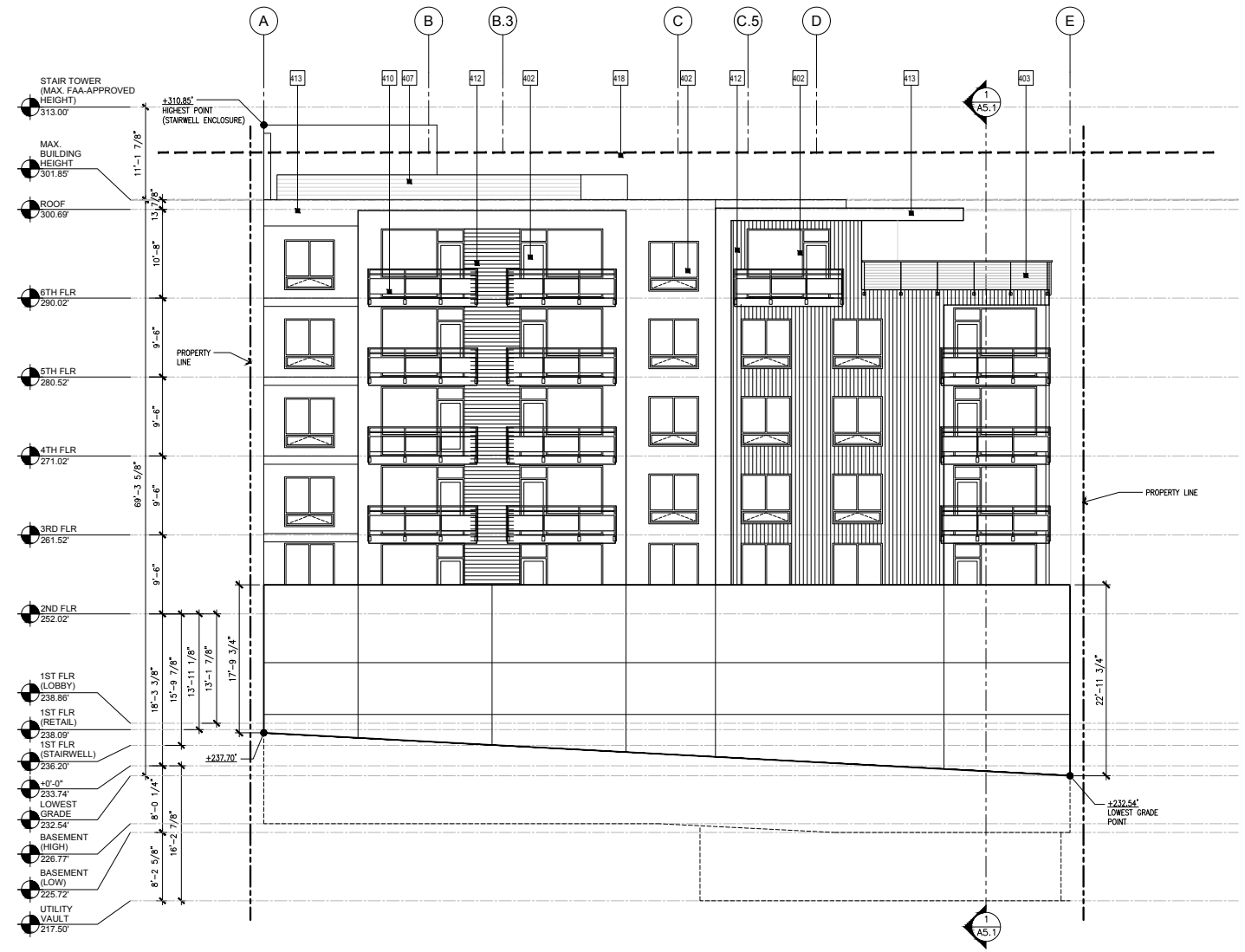
Building Elevations - North and South

Figure 4a

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EAST



WEST

Source: Awbrey, Cook, Rogers, McGill - 2019

# Building Elevations - East and West

Figure 4b