



**SAN DIEGO COUNTY CLERK
CEQA FILING COVER SHEET**

FILED
Mar 04, 2022 09:03 AM
Ernest J. Dronenburg, Jr.
SAN DIEGO COUNTY CLERK
File # 2022-000168
State Receipt # 37030420220144
Document # 2022-NOD-24

THIS SPACE FOR CLERK'S USE ONLY

Complete and attach this form to each CEQA Notice filed with the County Clerk

TYPE OR PRINT CLEARLY

Project Title

EPOCA J NDP

Check Document being Filed:

- Environmental Impact Report (EIR)
- Mitigated Negative Declaration (MND) or Negative Declaration (ND)
- Notice of Exemption (NOE)
- Other (Please fill in type):

**FILED IN THE OFFICE OF THE SAN DIEGO
COUNTY CLERK ON** March 4, 2022
Posted March 4, 2022 **Removed** _____
Returned to agency on _____
DEPUTY _____

Filing fees are due at the time a Notice of Determination/Exemption is filed with our office. For more information on filing fees and No Effect Determinations, please refer to California Code of Regulations, Title 14, section 753.5.

**NOTICE OF DETERMINATION
(Consistency Determination Pursuant to CEQA Section 15162)**

(Choose one)

To: Recorder/County Clerk
P.O. Box 1750, MS A33
1600 Pacific Hwy, Room 260
San Diego, CA 92101-2422

From: City of San Diego
Development Services Department
1222 First Avenue, MS 501
San Diego, CA 92101

Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

Project Number: 675612

State Clearinghouse Number: 2004651076

Project Title: Epoca J NDP

Project location: 2240 Cactus Road, San Diego, California 92154

Project description: A request for a Neighborhood Development Permit to allow for the construction of eleven three-story buildings with tuck under parking. The project is comprised of 64 one-bedroom units, 72 two-bedroom units, and 24 three-bedroom units for a total of 160 apartment units totaling 180,909 square feet and 17,619-square feet of common open space area including a pool and 3,310-square foot recreation building with a gym, community room, and rental office. The 4.69-acre project site is located at 2240 Cactus Road. The land use designation is Community Village and is zoned RM-2-5 within the Central Village Specific Plan of the Otay Mesa Community Plan. Additionally, the project site is located within the Airport Land Use Compatibility Overlay Zone (Brown Field), the Airport Influence Area (Brown Field, Review Area 2), the Federal Aviation Administration Part 77 Noticing Area (Brown Field), the Very High Fire Hazard Severity Zone, and Transit Priority Area.

Description of Previous Action/Project: The City of San Diego previously prepared a Program Environmental Impact Report (PEIR) for the Otay Mesa Community Plan Update (Project No. 30330/304032). The PEIR was certified by the City of San Diego City Council on March 11, 2014, Resolution No. R-308810. The OMCP involved an update to the Otay Mesa Community Plan, a General Plan Amendment, rescission of the Otay Mesa Development District, adoption of a Rezone Ordinance to replace the Otay Mesa Development District with citywide zoning and creation of two new CPIOZs, amendments to the City's Land Development Code (LDC), and an update of the Otay Mesa Community Plan Public Facilities Financing Plan (PFFP). Subsequently, the City of San Diego prepared an Addendum to the PEIR for the Central Village Specific Plan adopted by City Council per Resolution No. R-11019, on April 13, 2017, which involved an update to the Otay Mesa Community Plan, adoption of the CVSP and adoption of a Rezone Ordinance to accommodate the land uses proposed by the Specific Plan and an Addendum to the PEIR for the Lumina project adopted by City Council per Resolution No. R-312589, on July 29, 2019, which allowed for grading and public improvements and analyzed the future development of up to 1,868 dwelling units on a 93.3-acre site.

Pursuant to Public Resources Code Section 21166 and CEQA guidelines 15162 and 15163, the City has determined that: (1) there is substantial evidence that none of the conditions requiring preparation of a subsequent or supplemental EIR or subsequent Negative Declaration/Mitigated Negative Declaration exist, and (2) the City will rely on the previous environmental document, which adequately addresses this project.

The proposed project would, or would not introduce additional impacts or increase the severity of impacts beyond those already analyzed in the Program Environmental Impact Report.

Project applicant: Danny Gabriel, 444 West Beech Street, Suite 300, San Diego, California 92101, (858) 490-2343


This is to advise that the Development Services Department of the City of San Diego on January 13, 2022 approved the above described project and made the following determinations:

- (1) No Substantial changes are proposed in the project which will require major revisions of the previous Program Environmental Impact Report due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and,
- (2) No Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous Program Environmental Impact Report due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or,
- (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous Program Environmental Impact Report was certified, shows any of the following:
 - a. The project will have one or more significant effects not discussed in the previous Program Environmental Impact Report;
 - b. Significant effects previously examined will be substantially more severe than shown in the previous Program Environmental Impact Report;
 - c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or,
 - d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous Program Environmental Impact Report would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

It is hereby certified that the final environmental report, including comments and responses, is available to the public at the office of the Development Services Department, 1222 First Avenue, San Diego, CA 92101.

Analyst: M. Dresser

Telephone: (619) 446-5404

Filed by: 

Signature

Senior Planner

Title

[Attach Copy of Check, Proof of CDFG Payment, or No Effect Form]
Reference: California Public Resources Code, Section 15162/63.

State of California--Natural Resources Agency
CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
2014 ENVIRONMENTAL FILING FEE CASH RECEIPT

RECEIPT#
 SD2014 0310
 STATE CLEARING HOUSE # (if applicable)
 2004651076

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY

LEAD AGENCY: CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT DATE: 04/18/2014

COUNTY/STATE AGENCY OF FILING: SAN DIEGO DOCUMENT NUMBER: 2004651076

PROJECT TITLE OTAY MESA COMMUNITY PLAN

PROJECT APPLICANT NAME: CITY OF SAN DIEGO PLANNING, NEIGHBORHOODS AND ECONOMIC DEVELOPMENT DEPARTMENT PHONE NUMBER: 619-235-5206

PROJECT APPLICANT ADDRESS: 1222 1ST AVENUE CITY: SAN DIEGO STATE: CA ZIP CODE: 92101

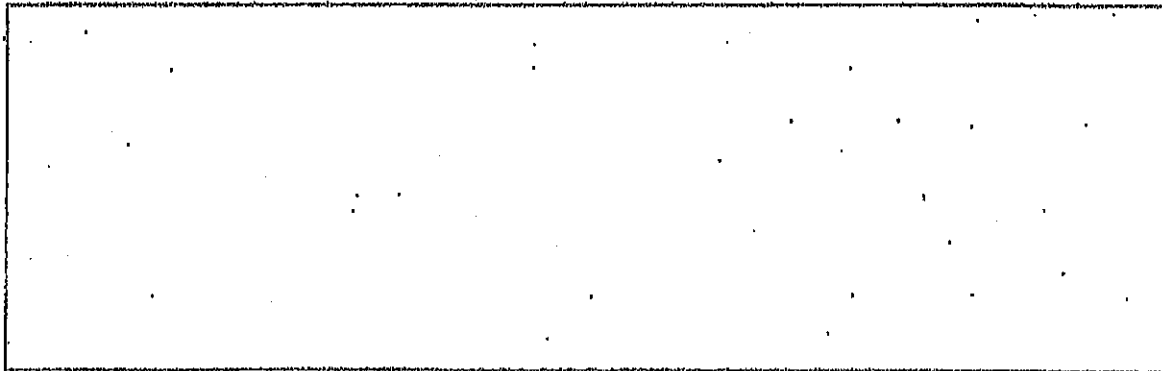
PROJECT APPLICANT (Check appropriate box):
 Local Public Agency School District Other Special District State Agency Private Entity

CHECK APPLICABLE FEES: **1.40063**

| | | | |
|---|------------|----------|---------|
| <input checked="" type="checkbox"/> Environmental Impact Report (EIR) | \$3,029.78 | \$ _____ | \$0.00 |
| <input type="checkbox"/> Negative Declaration (ND)(MND) | \$2,181.25 | \$ _____ | |
| <input type="checkbox"/> Application Fee Water Diversion (State Water Resources Control Board Only) | \$850.00 | \$ _____ | |
| <input type="checkbox"/> Projects Subject to Certified Regulatory Programs (CRP) | \$1,830.25 | \$ _____ | |
| <input checked="" type="checkbox"/> County Administrative Fee | \$80.00 | \$ _____ | \$50.00 |
| <input type="checkbox"/> Project that is exempt from fees | | | |
| <input type="checkbox"/> Notice of Exemption | | | |
| <input checked="" type="checkbox"/> CDFW No Effect Determination (Form Attached) | | | |
| <input type="checkbox"/> Other _____ | | \$ _____ | |

PAYMENT METHOD:
 Cash Credit Check Other CHK# 0001339865 TOTAL RECEIVED \$ _____ \$50.00

SIGNATURE: **x DN. Hernandez** TITLE: Deputy





State of California - Natural Resources Agency
 DEPARTMENT OF FISH AND WILDLIFE
 South Coast Region
 3883 Ruffin Road
 San Diego, CA 92123
www.wildlife.ca.gov

EDMUND G. BROWN JR., Governor
 CHARLTON H. BONHAM, Director



CEQA Filing Fee No Effect Determination

Applicant Name and Address:

City of San Diego
 1222 First Avenue
 San Diego, CA 92101

CEQA Lead Agency: City of San Diego, Department of Development Services

Project Name: Otay Mesa Community Plan Update

CEQA Document Type: Environmental Impact Report

State Clearing House Number and/or local agency ID number: SCH No. 2004061076,
 PTS 30330/304032

Project Location: The Otay Mesa Community Planning Area includes approximately 9,300 acres in the southeastern portion of the City of San Diego. It is bordered by the City of Chula Vista to the north, the County of San Diego to the east, the international border with Mexico to the south, and the San Ysidro and Otay Mesa-Nestor planning areas to the west.

Brief Project Description: The project is an update to the 1981 Otay Mesa Community Plan. The updated plan implements the City of San Diego's General Plan with respect to the distribution and arrangement of land uses, local street and transit network, prioritization and provision of public facilities, community and site-specific urban design guidelines, and recommendations to preserve and enhance natural and cultural resources within the Otay Mesa community.

Determination: Based on a review of the project as proposed, the Department of Fish and Wildlife has determined that for purposes of the assessment of CEQA filing fees (Fish and Game Code [FGC] Section 711.4(c)) the project has no effect on fish, wildlife or their habitat and the project as described does not require payment of a CEQA filing fee. This determination does not in any way imply that the project is exempt from CEQA and does not determine the significance of any potential project effects evaluated pursuant to CEQA.

Please retain this original determination for your records. Local lead agencies are required to file two copies of this determination with the county clerk at time of filing of the Notice of Determination (NOD) after the project is approved. State lead agencies are required to file two copies of this determination with the Office of Planning and Research (State Clearinghouse) at the time of filing the NOD. If you do not file a copy of this determination as appropriate with the county clerk or State Clearinghouse at the time of filing of the NOD, the appropriate CEQA filing fee will be due and payable.

Without a valid CEQA Filing Fee No Effect Determination form or proof of fee payment, the project will not be operative, vested, or final and any local permits issued for the project will be invalid, pursuant to FGC Section 711.4(c)(3).

DFG Approved By:  Bryand Duke, Date: 03/20/2014

Title: Senior Environmental Scientist (Specialist)

Conserving California's Wildlife Since 1870



San Diego County



Transaction #: 6290614
Receipt #: 2022106619

Ernest J. Dronenburg, Jr.
Assessor/Recorder/County Clerk
1600 Pacific Highway Suite 260
P. O. Box 121750, San Diego, CA 92112-1750
Tel. (619) 237-0502 Fax (619) 557-4155
www.sdarcc.com

Cashier Date: 03/04/2022
Cashier Location: SD

Print Date: 03/04/2022 9:03 am

Payment Summary

| | |
|-----------------|---------|
| Total Fees: | \$50.00 |
| Total Payments: | \$50.00 |
| Balance: | \$0.00 |

| | |
|---|--|
| Payment | |
| CHECK PAYMENT #853803 | \$50.00 |
| Total Payments | \$50.00 |
| Filing | |
| CEQA - NOD | FILE #: 2022-000168 Date: 03/04/2022 9:03AM Pages: 5 |
| | State Receipt # 37-03/04/2022-0144 |
| Fees: Fish & Wildlife County Administrative Fee | \$50.00 |
| Total Fees Due: | \$50.00 |
| Grand Total - All Documents: | \$50.00 |



State of California - Department of Fish and Wildlife
2022 ENVIRONMENTAL FILING FEE CASH RECEIPT
 DFW 753.5a (Rev. 01/01/22) Previously DFG 753.5a

| |
|---|
| RECEIPT NUMBER: 37-03/04/2022-0144 |
| STATE CLEARING HOUSE NUMBER (If applicable) 2004651076 |

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY.

| | | |
|---|----------------------------------|--------------------|
| LEAD AGENCY CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT | LEAD AGENCY EMAIL | DATE 03/04/2022 |
| COUNTY/STATE AGENCY OF FILING SAN DIEGO | DOCUMENT NUMBER 2022-NOD-0024 | |

PROJECT TITLE
EPOCA J NDP

| | | |
|--|-------------------------|------------------------------|
| PROJECT APPLICANT NAME DANNY GABRIEL | PROJECT APPLICANT EMAIL | PHONE NUMBER 858-490-2343 |
| PROJECT APPLICANT ADDRESS 444 WEST BEECH STREET SUITE 300 | CITY SAN DIEGO | STATE CA |
| | | ZIP CODE 92101 |

PROJECT APPLICANT (Check appropriate box)

Local Public Agency
 School District
 Other Special District
 State Agency
 Private Entity

CHECK APPLICABLE FEES:

| | | | |
|---|------------|----|-------|
| <input checked="" type="checkbox"/> Environmental Impact Report (EIR) | \$3,539.25 | \$ | 0.00 |
| <input type="checkbox"/> Mitigated/Negative Declaration (MND)/(ND) | \$2,548.00 | \$ | 0.00 |
| <input type="checkbox"/> Certified Regulatory Program (CRP) document - payment due directly to CDFW | \$1,203.25 | \$ | 0.00 |
| | | | |
| <input type="checkbox"/> Exempt from fee | | | |
| <input type="checkbox"/> Notice of Exemption (attach) | | | |
| <input type="checkbox"/> CDFW No Effect Determination (attach) | | | |
| <input checked="" type="checkbox"/> Fee previously paid (attach previously issued cash receipt copy) | | | |
| <hr/> | | | |
| <input type="checkbox"/> Water Right Application or Petition Fee (State Water Resources Control Board only) | \$850.00 | \$ | 0.00 |
| <input checked="" type="checkbox"/> County documentary handling fee | | \$ | 50.00 |
| <input type="checkbox"/> Other | | \$ | 0.00 |

PAYMENT METHOD:

Cash
 Credit
 Check
 Other

TOTAL RECEIVED \$ 50.00

| | |
|---------------|---|
| SIGNATURE | AGENCY OF FILING PRINTED NAME AND TITLE San Diego County Clerk, MONICA MORALES, Deputy |
|---------------|---|

Payment Reference #: CHECK NO. 853803 RCT 2014-0310 REM 04/18/2014