

## Notice of Exemption

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**To:** Office of Planning and Research  
P.O. Box 3044, Room 113  
Sacramento, CA 95812-3044

**From:** The California Department of General Services  
707 3rd Street  
West Sacramento, CA 95605

**Project Title:** 1350 Front Street Project (within Downtown Community Plan Project)

**Project Applicant:** Michaels Student Living LLC; 1350 Front Street – Michaels, LLC, A Delaware Limited Liability Company; 345 W. Ash Street – Michaels, LLC, A Delaware Limited Liability Company, 2236 Longport Court, Suite 100, Elk Grove, California, 95758; 916-883-1100; Attn: Raoul Amescua.

**Project Location:** The project site comprises two full blocks located at 345 W. Ash Street, 1301 State Street, and 1350 West Front Street in downtown San Diego, California. The two full blocks, separated by Union Street, consist of three parcels, Assessor's Parcel Numbers (APNs) 533-411-10 (West) and 533-412-07 and 533-426-05 (East) totaling approximately 2.68 acres.

**City:** The City of San Diego

**County:** The County of San Diego

**State Clearinghouse Numbers:** 2003041001; 2006091032; 2015021053; and 2019060003.

**Description of Nature, Purpose, and Beneficiaries of Project:** The project proposes to construct two mixed use towers, including active commercial uses and affordable housing in the City of San Diego's Downtown Community Plan (DCP) area. The California Department of General Services (DGS) solicited a request for qualifications (RFQ) No. 4-21 in accordance with E.O. N-06-19 to lease the surplus property to enhance affordable housing opportunities pursuant to Government Code Section 14671.2. The overall targeted development on both sites combined is 2,221,320 square feet of development in two 41 story towers, containing up to 1,541 units and earning its FAR either through the City's state density bonus law program (up to 159 very low income units, 249 low income units, 497 moderate income units with a mix at  $\geq 100$  percent AMI and  $\leq 120$  percent AMI, and 636 market rate units) or the City's Complete Communities program (up to 159 very low income units, 63 low-income units  $\leq 60\%$  AMI, 186 low income units  $\leq 80\%$  AMI, 497 moderate income units with a mix at  $\geq 100$  percent AMI and  $\leq 120$  percent AMI, and 636 market rate units). The project would include parking, ground floor retail, landscaping, a Green Street Promenade, and amenities for residents. DGS on behalf of the State of California has executed a Ground Lease Option Agreement (Lease Option Agreement) that commits the State to definite course of action relating to the Ground Lease as stated therein. The beneficiaries of the Project in addition to the future market rate and affordable housing tenants, include the project applicant as lessee.

**Lead Agency Approving Project & Contact Information:** California Department of General Services  
Josh Palmer, Senior Real Estate Officer  
Asset Management Branch  
Real Estate Services Division  
Department of General Services  
707 3rd Street, West Sacramento, CA 95605  
(279) 946-8305 [Jeff.Newbury@dgs.ca.gov](mailto:Jeff.Newbury@dgs.ca.gov)

Authority cited: Sections 21083 and 21110, Public Resources Code.  
Reference Section 21000-21174, Public Resources Code.

## NOTICE OF EXEMPTION

**Exempt Status:** (check one):

Ministerial (Sec. 21080(b)(1); 15268);

Declared Emergency (Sec. 21080(b)(3); 15269(a));

Emergency Project (Sec. 21080(b)(4); 15269(b)(c));

Categorical Exemption. The project qualifies for an exemption under CEQA Guidelines §15332 as a Class 32 Urban Infill development.

Statutory Exemptions. State code number: The project also qualifies for an exemption from further environmental review pursuant to Public Resources Code §21166 as implemented by CEQA Guidelines §15162, 15168, and 15180.

**Reasons why project is exempt:**

### CLASS 32 CATEGORICAL EXEMPTION

The project qualifies for an exemption under CEQA Guidelines §15332 as a Class 32 Urban Infill development. The CEQA Class 32 Categorical Exemption Report (incorporated herein by reference) provides the detailed analysis of the project's consistency with the Class 32 Categorical Exemption. The project is consistent with Criterion A, General Plan and Zoning, Criterion B, Urban Location, Criterion C, Sensitive Biological Resources, Criterion D, Significant Effects, and Criterion E, Existing Utilities. There are no exceptions to the CEQA exemption pursuant to CEQA Guidelines Section 15300.2 that apply to the project.

### CONSISTENCY DETERMINATION PURSUANT TO CEQA SECTION 21166 AND RELATED GUIDELINES

In addition to the CEQA Class 32 Categorical Exemption Report, a Consistency Determination Checklist (incorporated herein by reference) has been prepared for the project in accordance with in accordance with Public Resource Code Section 21166 and California Environmental Quality Act (CEQA) Guidelines Sections 15168, 15162, and 15180, and determines consistency with the Final Environmental Impact Report (DCP FEIR) (SCH: 2003041001) for the Downtown Community Plan (DCP), Centre City Planned District Ordinance (CCPDO), and 10th Amendment to the Centre City Redevelopment Plan, General Plan Final Environmental Impact Report (GP FEIR) (SCH: 2006091032), Climate Action Plan Final Environmental Impact Report (CAP FEIR) (SCH: 2015021053), and Complete communities Program Final Environmental Impact Report (CC FEIR) (SCH: 2019060003). Under this process described in CEQA Guidelines Section 15168(c), a Consistency Evaluation is prepared for each subsequent proposed action as a written checklist to determine whether additional environmental documentation beyond the FEIR and applicable sections of the GP FEIR, CAP FEIR, and CC FEIR must be prepared.

The Consistency Evaluation was performed to determine whether the project would have effects not examined, or whether there is substantial evidence that the project is within the scope of the DCP FEIR, CAP FEIR, GP FEIR, and CC FEIR. The applicant shall incorporate feasible mitigation measures developed in the DCP FEIR, CAP FEIR, GP FEIR, and CC FEIR as applicable, and included within the Ground Lease Requirements. In accordance with Sections 15168, 15162, and 15180 of the CEQA Guidelines, the

potential impacts associated with future development within the DCP area are addressed in the DCP FEIR, the GP FEIR, the CAP FEIR, and the CC FEIR. These documents address the potential environmental effects of future development within the DCP based on buildout forecasts projected from the land use designations, density bonus, and other policies and regulations governing development intensity and density, with which the project is consistent.

The Consistency Evaluation, including the Consistency Determination Checklist, concluded that, for purposes of CEQA, with the inclusion of feasible mitigation measures developed in the DCP FEIR, CAP FEIR, GP FEIR, and CC FEIR as project Ground Lease Requirements, the project activity is adequately described in, consistent with and within the scope of these prior approved program EIR such that no new significant project impacts would occur and none of the conditions requiring preparation of a subsequent or supplemental EIR exist. Further, the project would not have significant impacts on the environment that are outside of the scope of those analyzed in the Downtown FEIR, GP FEIR, CAP FEIR, and CC FEIR.

This is to advise that the **California Department of General Services** has approved the above-described project on August 26, 2024 and has made the following determinations regarding the above-described project.

1. The 1350 Front Street Project [ will  will not] have a new significant environmental impact or substantial increase in the severity of environmental impact beyond those previously analyzed for the buildout of the Downtown Community Plan Project, implementation of City Climate Action Plan Project, implementation of General Plan Project, and implementation of Complete Communities Project; there is not a substantial change in circumstances or new information as defined in CEQA Guidelines 15162.
2.  A Consistency Determination Checklist was prepared for the 1350 Front Street Project pursuant to the provisions of CEQA Guidelines Sections 15162, 15168, and 15180 following previous preparation of the DCP EIR, CAP FEIR, GP FEIR, and CC FEIR.
3. Mitigation Measures [ were  were not] made conditions of approval for the projects evaluated in the DCP EIR, CAP FEIR, GP FEIR, and CC FEIR and were made a condition of the approval of the 1350 Front Street Project through its Project Requirements.
4. A new mitigation reporting or monitoring plan [ was  was not] adopted for the 1350 Front Street Project.
5. A new Statement of Overriding Considerations [ was  was not] adopted for the 1350 Front Street Project, but we previously made for certification of the DCP EIR, CAP FEIR, GP FEIR, and CC FEIR projects.
6. Findings [ were  were not] made pursuant to the provisions of CEQA.

The Consistency Determination Checklist, CEQA Class 32 Categorical Exemption Report, and record of project approval, is available to the General Public upon request. Please contact the DGS Project Manager listed above to request the documents as needed. This information will be made available in alternative formats upon request.

*Jim Martone*

Jim Martone, Branch Chief, DGS RESD-AMD

08/26/2024

Date