



PUBLIC NOTICE

**U.S. ARMY CORPS OF ENGINEERS
LOS ANGELES DISTRICT**

BUILDING STRONG®

**APPLICATION FOR PERMIT
National City CarMax Project**

Public Notice/Application No.: SPL-2018-00262-KJD

Project: National City CarMax Project

Comment Period: September 17, 2018 to October 17, 2018

Project Manager: Kyle Dahl; (760) 602-4834; Kyle.J.Dahl@usace.army.mil

Applicant

Doug Moyers
CarMax Auto Superstores
12800 Tuckahoe Creek Parkway
Richmond, Virginia 23238

Contact

Lanika Cervantes
ICF, Inc.
525 B Street, Suite 1700
San Diego, California 92101

Location

The project is located east of U.S. Interstate 805, south of California State Highway 54, north of Plaza Bonita Road and west of Sweetwater Road, within the city of National City, San Diego County, California (at: 32.659094, -117.068976).

Activity

The applicant proposes to construct a commercial development consisting of an automobile dealership, a hotel and associated infrastructure. Project related impacts to waters of the U.S. include temporary impacts to 0.19 acre (627 linear feet) of non-wetland waters, permanent impacts to 0.51 acres (2,213 linear feet) of non-wetlands waters, and permanent impacts to 0.50 acres of wetland waters. Project related impacts will result in the permanent loss of 0.42 acres (2,034 linear feet) of non-wetland waters of the U.S. and 0.41 acres of wetland waters of the U.S. Project related impacts are associated with grading activities to facilitate construction of buildings and utilities, the relocation of existing waters onsite, and erosion control structures within waters onsite. For more information see Additional Project Information section below.

Interested parties are hereby notified an application has been received for a Department of the Army permit for the activity described herein and shown on the attached drawing(s). We invite you to review today's public notice and provide views on the proposed work. By providing substantive, site-specific comments to the Corps Regulatory Division, you provide information that supports the Corps' decision-making process. All comments received during the comment period become part of the record and will be considered in the decision. This permit will be issued, issued with special conditions, or denied under Section 404 of the Clean Water Act. Comments should be mailed to:

DEPARTMENT OF THE ARMY
LOS ANGELES DISTRICT, U.S. ARMY CORPS OF ENGINEERS
REGULATORY DIVISION
ATTN: Kyle Dahl

Alternatively, comments can be sent electronically to: Kyle.J.Dahl@usace.army.mil

The mission of the U.S. Army Corps of Engineers Regulatory Program is to protect the Nation's aquatic resources, while allowing reasonable development through fair, flexible and balanced permit decisions. The Corps evaluates permit applications for essentially all construction activities that occur in the Nation's waters, including wetlands. The Regulatory Program in the Los Angeles District is executed to protect aquatic resources by developing and implementing short- and long-term initiatives to improve regulatory products, processes, program transparency, and customer feedback considering current staffing levels and historical funding trends.

Corps permits are necessary for any work, including construction and dredging, in the Nation's navigable water and their tributary waters. The Corps balances the reasonably foreseeable benefits and detriments of proposed projects, and makes permit decisions that recognize the essential values of the Nation's aquatic ecosystems to the general public, as well as the property rights of private citizens who want to use their land. The Corps strives to make its permit decisions in a timely manner that minimizes impacts to the regulated public.

During the permit process, the Corps considers the views of other Federal, state and local agencies, interest groups, and the general public. The results of this careful public interest review are fair and equitable decisions that allow reasonable use of private property, infrastructure development, and growth of the economy, while offsetting the authorized impacts to the waters of the United States. The permit review process serves to first avoid and then minimize adverse effects of projects on aquatic resources to the maximum practicable extent. Any remaining unavoidable adverse impacts to the aquatic environment are offset by compensatory mitigation requirements, which may include restoration, enhancement, establishment, and/or preservation of aquatic ecosystem system functions and services.

Evaluation Factors

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof. Factors that will be considered include conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and, in general, the needs and welfare of the people. In addition, if the proposal would discharge dredged or fill material, the evaluation of the activity will include application of the EPA Guidelines (40 CFR Part 230) as required by Section 404 (b)(1) of the Clean Water Act.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to

determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Preliminary Review of Selected Factors

EIS Determination- A preliminary determination has been made an environmental impact statement is not required for the proposed work.

Water Quality- The applicant is required to obtain water quality certification, under Section 401 of the Clean Water Act, from the California Regional Water Quality Control Board. Section 401 requires any applicant for an individual Section 404 permit provide proof of water quality certification to the Corps of Engineers prior to permit issuance.

Coastal Zone Management- This project is located outside the coastal zone and preliminary review indicates it would not affect coastal zone resources. After a review of the comments received on this public notice and in consultation with the California Coastal Commission, the Corps will make a final determination of whether this project affects coastal zone resources after review of the comments received on this Public Notice.

Essential Fish Habitat- No Essential Fish Habitat (EFH), as defined by the Magnuson-Stevens Fishery Conservation and Management Act, occurs within the project area and no EFH is affected by the proposed project.

Cultural Resources- Preliminary determinations indicate that the proposed activity will have no effect on historic properties. Therefore, the Corps will initiate consultation with the California State Historic Preservation Officer. Additionally, the Corps will contact the Native American Heritage Commission to determine the presence of sacred lands and receive a list of tribal contacts which will be consulted.

Endangered Species- Preliminary determinations indicate the proposed project may potentially affect federally-listed endangered or threatened species, or their critical habitat. Therefore, the Corps will initiate consultation with the U.S. States Fish and Wildlife Service pursuant to Section 7 of the Endangered Species Act.

Public Hearing- Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearing shall state with particularity the reasons for holding a public hearing.

Proposed Activity for Which a Permit is Required

Basic Project Purpose- The basic project purpose comprises the fundamental, essential, or irreducible purpose of the proposed project, and is used by the Corps to determine whether the applicant's project is water dependent (i.e., requires access or proximity to or siting within the special aquatic site to fulfill its basic purpose). Establishment of the basic project purpose is necessary only when the proposed activity would discharge dredged or fill material into a special aquatic site (e.g., wetlands, pool and riffle complex, mudflats, coral reefs). The basic project purpose for the proposed project is to construct a commercial development. The project **is not** water dependent.

Overall Project Purpose- The overall project purpose serves as the basis for the Corps' 404(b)(1) alternatives analysis and is determined by further defining the basic project purpose in a manner that more specifically describes the applicant's goals for the project, and which allows a reasonable range of alternatives to be analyzed. The applicant stated overall project purpose for the proposed project is to construct a commercial development consisting of an automobile dealership, a hotel and associated infrastructure.

Additional Project Information

Baseline information- The project is surrounded by a residential development to the east, an existing commercial development to the south, a state highway and mixed use development to the north, and Sweetwater County Park to the west. The city of National City currently owns the project site.

Project description- The applicant proposes to construct a commercial development consisting of an automobile dealership, hotel and associated infrastructure. Construction of the proposed development would include the permanent discharge of approximately 9,400 cubic yards (cy) of earthen material into 0.384 acres (1905 linear feet) of non-wetland waters of the U.S. for the purpose of conducting grading activities associated with the construction of the automobile dealership, hotel and associated infrastructure. The proposed project also includes the permanent discharge of 11,610 cy of earthen material into 0.41 acres of wetland waters of the U.S. for the purpose of conducting grading activities associated with the construction of the automobile dealership and associated infrastructure. Additionally, the project proposes to permanently discharge 479 cy of earthen fill material into 0.31 acre (898 linear feet) of non-wetland waters of U.S., permanently discharge 334 cy of earthen fill material into 0.093 acre (243 linear feet) of wetland waters of the U.S. for the purpose of conducting countering activities associated with the relocation of existing waters of the U.S. The project would also involve the permanent discharge of 43 cy of rip rap material into 0.013 acres (36 linear feet) of non-wetland waters of the U.S. for the purpose of providing erosion protection in the proposed rerouted channel (see attached drawings).

Proposed Mitigation- The proposed mitigation may change as a result of comments received in response to this public notice, the applicant's response to those comments, and/or the need for the project to comply with the 404(b)(1) Guidelines. In consideration of the above, the proposed mitigation sequence (avoidance/minimization/compensation), as applied to the proposed project is summarized below:

Avoidance: The applicant has stated that the project has been re-designed since initial discussions with the regulatory agencies. Specifically the project footprint was reduced to avoid impacts to waters of the U.S.

Minimization: The applicant has stated that the project has been re-designed since initial discussions with the regulatory agencies. Specifically the project footprint was reduced to minimize impacts to waters of the U.S.

Compensation: The project proposed to provide compensatory mitigation for project related losses of waters of the United States via on-site and off-site permittee responsible mitigation. Specifically, the project proposes to rehabilitate on-site non-wetland waters of the U.S., restore on-site non-wetland waters and to restore off-site non-wetland waters of the U.S.

For additional information please call Kyle Dahl of my staff at (760) 602-4834 or via e-mail at Kyle.J.Dahl@usace.army.mil. This public notice is issued by the Chief, Regulatory Division.



Regulatory Program Goals:

- To provide strong protection of the nation's aquatic environment, including wetlands.
- To ensure the Corps provides the regulated public with fair and reasonable decisions.
- To enhance the efficiency of the Corps' administration of its regulatory program.

**DEPARTMENT OF THE ARMY
LOS ANGELES DISTRICT, U.S. ARMY CORPS OF ENGINEERS**

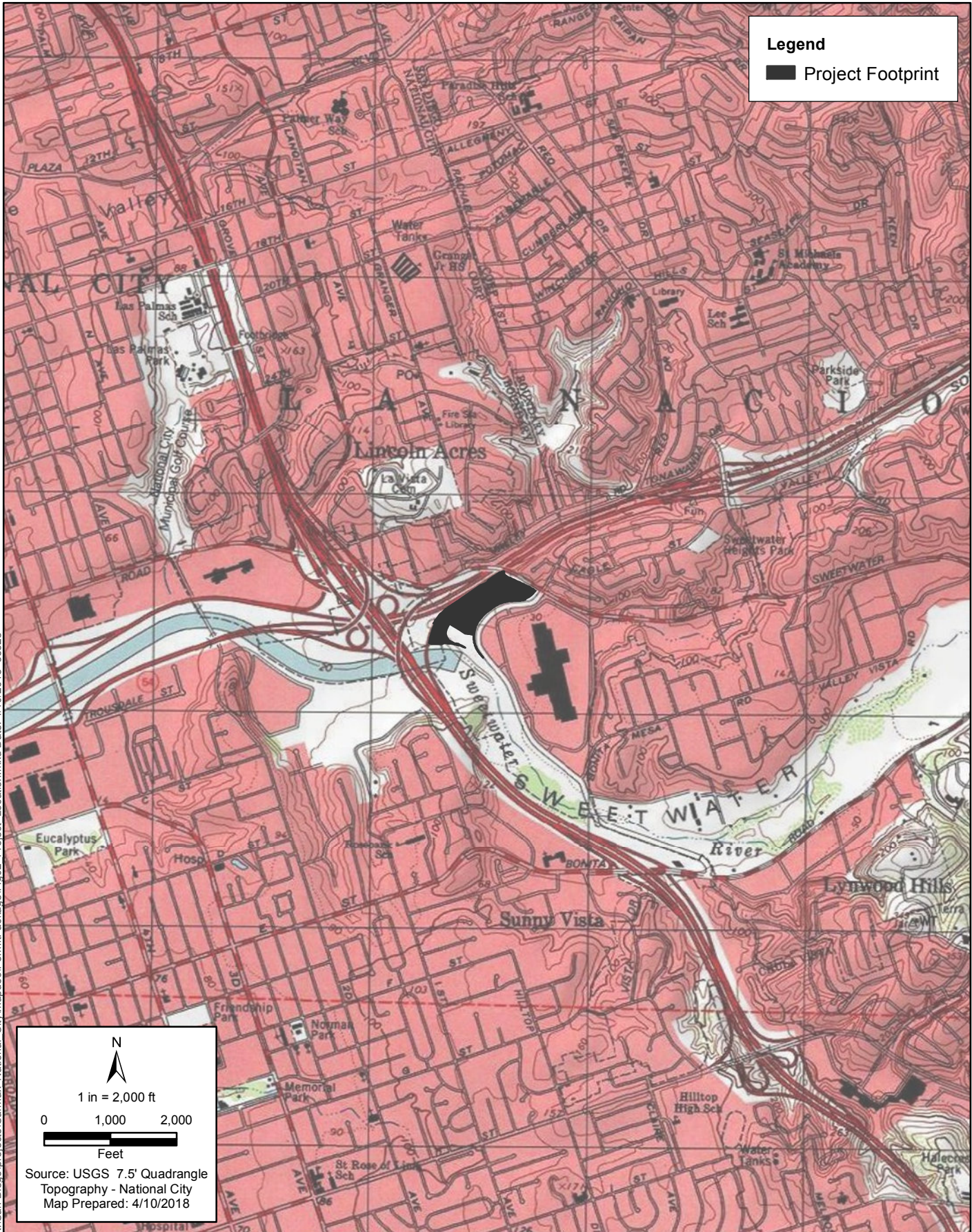
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Figure 1
Regional Vicinity Map
National City CarMax Project



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Figure 2
Project Location
National City CarMax Project

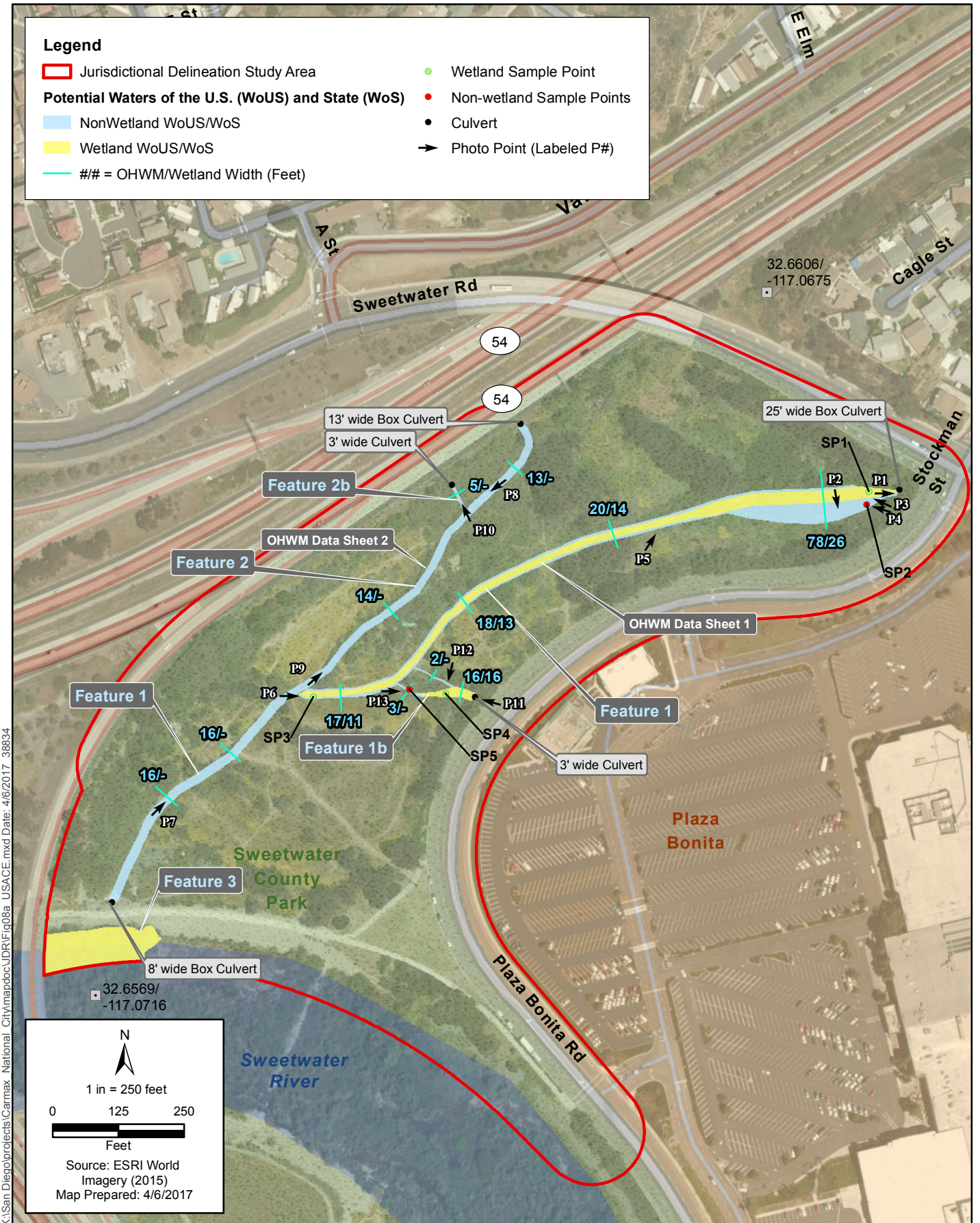
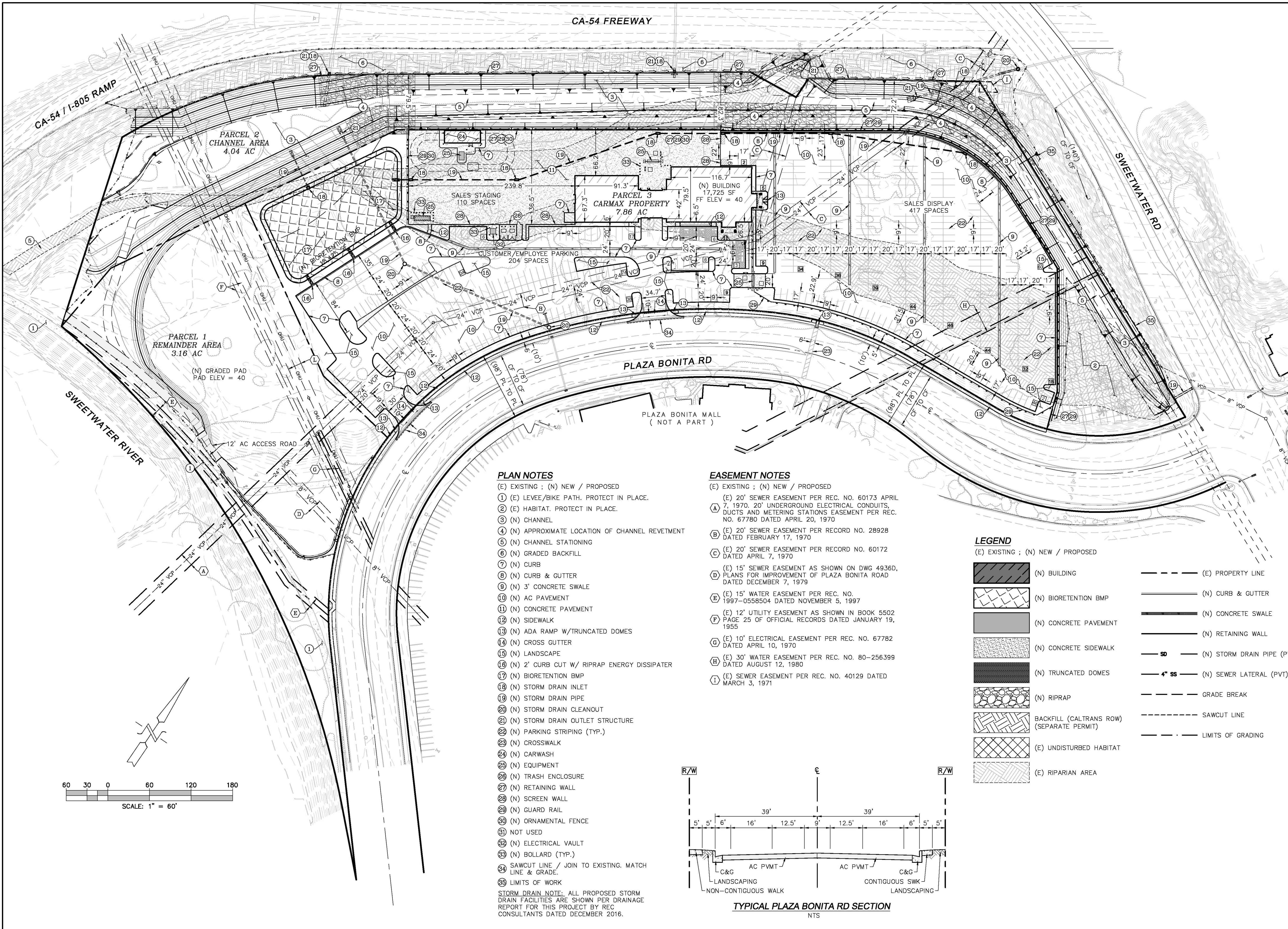


Figure 3
USACE/RWQCB Jurisdictional Delineation Results Map
National City CarMax Project



PLAN NOTES

- (E) EXISTING ; (N) NEW / PROPOSED
- ① (E) LEVEE/BIKE PATH. PROTECT IN PLACE.
- ② (E) HABITAT. PROTECT IN PLACE.
- ③ (N) CHANNEL
- ④ (N) APPROXIMATE LOCATION OF CHANNEL REVETMENT
- ⑤ (N) CHANNEL STATIONING
- ⑥ (N) GRADED BACKFILL
- ⑦ (N) CURB
- ⑧ (N) CURB & GUTTER
- ⑨ (N) 3' CONCRETE SWALE
- ⑩ (N) AC PAVEMENT
- ⑪ (N) CONCRETE PAVEMENT
- ⑫ (N) SIDEWALK
- ⑬ (N) ADA RAMP W/TRUNCATED DOMES
- ⑭ (N) CROSS GUTTER
- ⑮ (N) LANDSCAPE
- ⑯ (N) 2' CURB CUT W/ RIPRAP ENERGY DISSIPATER
- ⑰ (N) BIORETENTION BMP
- ⑱ (N) STORM DRAIN INLET
- ⑲ (N) STORM DRAIN PIPE
- ⑳ (N) STORM DRAIN CLEANOUT
- ㉑ (N) STORM DRAIN OUTLET STRUCTURE
- ㉒ (N) PARKING STRIPING (TYP.)
- ㉓ (N) CROSSWALK
- ㉔ (N) CARWASH
- ㉕ (N) EQUIPMENT
- ㉖ (N) TRASH ENCLOSURE
- ㉗ (N) RETAINING WALL
- ㉘ (N) SCREEN WALL
- ㉙ (N) GUARD RAIL
- ㉚ (N) ORNAMENTAL FENCE
- ㉛ NOT USED
- ㉜ (N) ELECTRICAL VAULT
- ㉝ (N) BOLLARD (TYP.)
- ㉞ SAWCUT LINE / JOIN TO EXISTING. MATCH LINE & GRADE.
- ㉟ LIMITS OF WORK

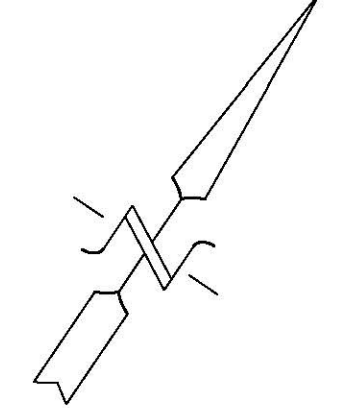
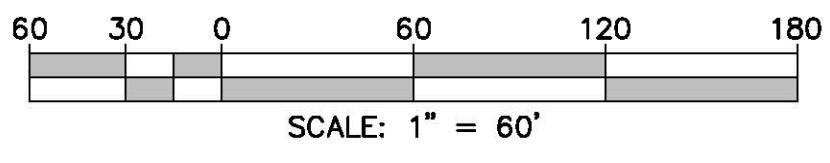
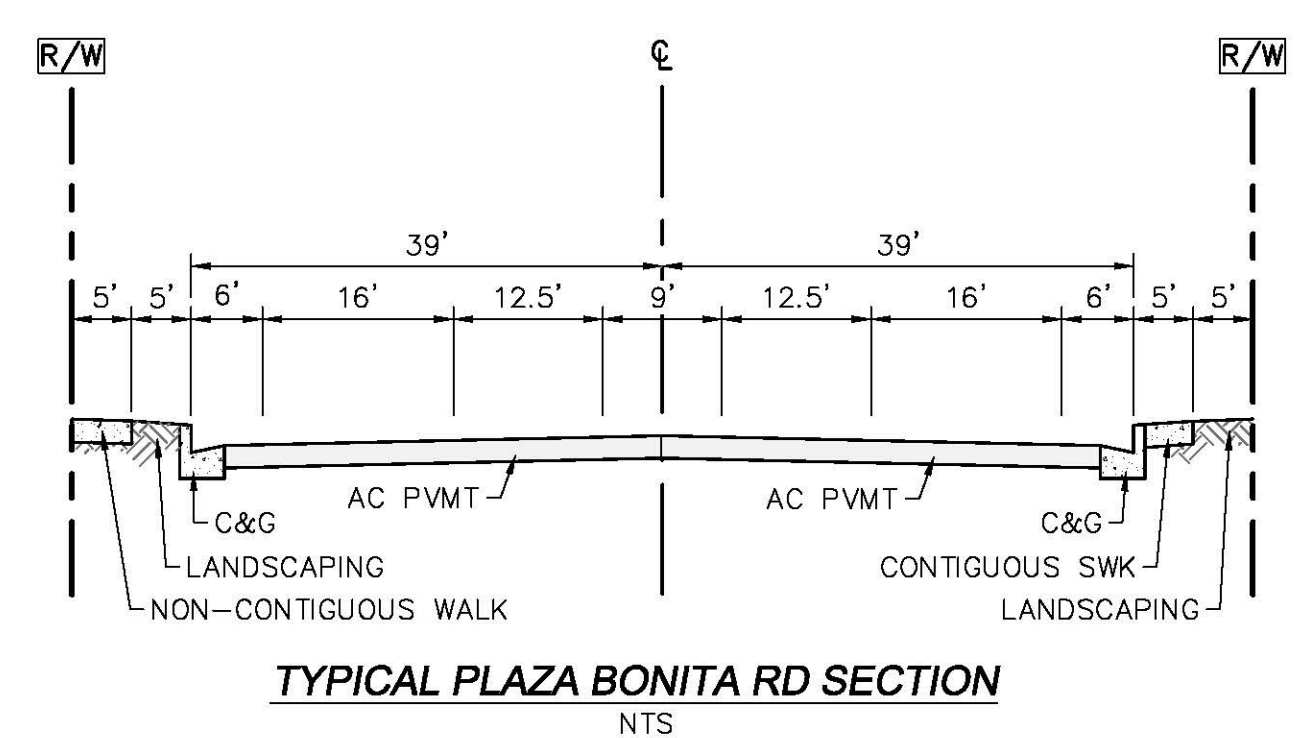
STORM DRAIN NOTE: ALL PROPOSED STORM DRAIN FACILITIES ARE SHOWN PER DRAINAGE REPORT FOR THIS PROJECT BY REC CONSULTANTS DATED DECEMBER 2016.

EASEMENT NOTES

- (E) EXISTING ; (N) NEW / PROPOSED
- (E) 20' SEWER EASEMENT PER REC. NO. 60173 APRIL 7, 1970. 20' UNDERGROUND ELECTRICAL CONDUITS, DUCTS AND METERING STATIONS EASEMENT PER REC. NO. 67780 DATED APRIL 20, 1970
- (E) 20' SEWER EASEMENT PER RECORD NO. 28928 DATED FEBRUARY 17, 1970
- (E) 20' SEWER EASEMENT PER RECORD NO. 60172 DATED APRIL 7, 1970
- (E) 15' SEWER EASEMENT AS SHOWN ON DWG 4936D, PLANS FOR IMPROVEMENT OF PLAZA BONITA ROAD DATED DECEMBER 7, 1979
- (E) 15' WATER EASEMENT PER REC. NO. 1997-0558504 DATED NOVEMBER 5, 1997
- (E) 12' UTILITY EASEMENT AS SHOWN IN BOOK 5502 PAGE 25 OF OFFICIAL RECORDS DATED JANUARY 19, 1955
- (E) 10' ELECTRICAL EASEMENT PER REC. NO. 67782 DATED APRIL 10, 1970
- (E) 30' WATER EASEMENT PER REC. NO. 80-256399 DATED AUGUST 12, 1980
- (E) SEWER EASEMENT PER REC. NO. 40129 DATED MARCH 3, 1971

LEGEND

- (E) EXISTING ; (N) NEW / PROPOSED
- (N) BUILDING
- (N) BIORETENTION BMP
- (N) CONCRETE PAVEMENT
- (N) CONCRETE SIDEWALK
- (N) TRUNCATED DOMES
- (N) RIPRAP
- BACKFILL (CALTRANS ROW) (SEPARATE PERMIT)
- (E) UNDISTURBED HABITAT
- (E) RIPARIAN AREA
- (E) PROPERTY LINE
- (N) CURB & GUTTER
- (N) CONCRETE SWALE
- (N) RETAINING WALL
- (N) STORM DRAIN PIPE (PVT)
- (N) SEWER LATERAL (PVT)
- GRADE BREAK
- SAWCUT LINE
- LIMITS OF GRADING



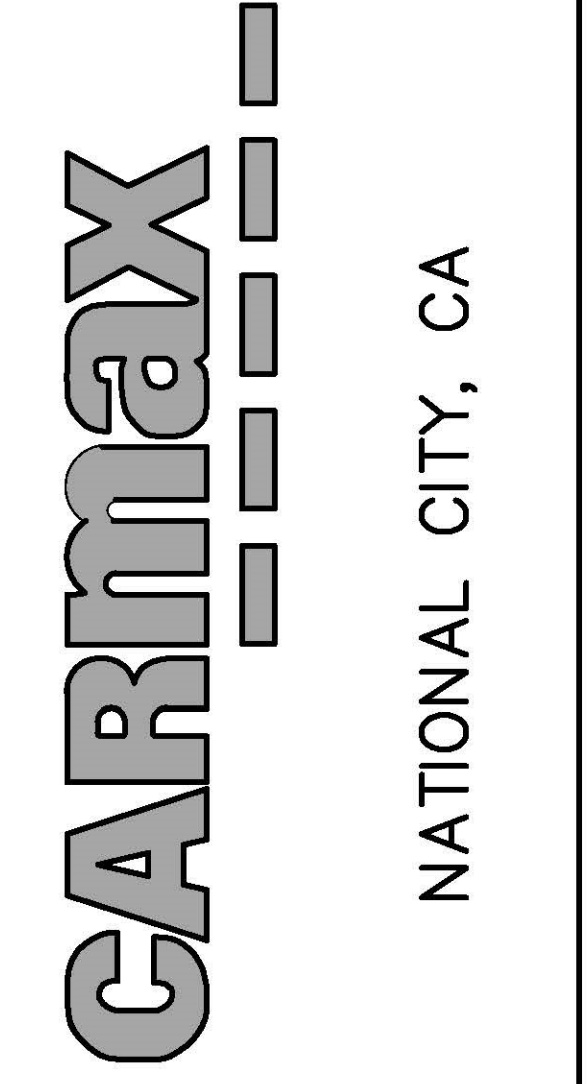
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APPROVAL

REVISIONS			
REV. NO.	DATE	DESCRIPTION	BY



PROJECT NO TBD
DATE 2/8/2018
SHEET TITLE SITE PLAN

SHEET NO C-01