



THE CITY OF SAN DIEGO
REPORT TO THE PLANNING COMMISSION

DATE ISSUED: March 22, 2013 **REPORT NO. PC-13-031**

ATTENTION: Planning Commission, Agenda of March 28, 2013

SUBJECT: CHOLLAS CREEK VILLAS AMENDMENT - PROJECT NO. 308375.
PROCESS FOUR

REFERENCE: 1. Recorded Site Development Permit No. 11820 (Project No. 6896)
2. City Council Report No. 06-001, City Council Hearing of January 24, 2006

**OWNER/
APPLICANT:** CHOLLAS CREEK 31, LLC, A California Limited Liability
Company (Attachment 10)

SUMMARY

Issue: Should the Planning Commission approve an amendment to the Chollas Creek Villas Site Development Permit to allow for the payment of a fee in lieu of providing five affordable units on site? The project is located at 4880-4892 Charles Lewis Way, within the Encanto neighborhood of the Southeastern San Diego Community Plan?

Staff Recommendation: Approve Site Development Permit No. 1079760 (Amendment to Site Development Permit No. 11820).

Community Planning Group Recommendation: The Encanto Neighborhoods Community Planning Group voted 5-0-3 to recommend approval of the proposed amendment on January 31, 2013, with no recommended conditions (Attachment 9).

Environmental Review: A Mitigated Negative Declaration (MND) No. 6896 was prepared and certified for the original project (SDP No. 11820). The project proposes an amendment to modify a condition to pay an in-lieu fee as a method of conformance to the Inclusionary Affordable Housing Regulations. It was reviewed by the Environmental Analysis Section and it was determined that, in accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15162(a) that no subsequent MND or other environmental document is needed for this amendment, as all of the impacts were adequately addressed and disclosed in MND No. 6896.

Fiscal Impact Statement: None with this action; the cost of processing this project have been paid by the applicant through a deposit account.

Code Enforcement Impact: None with this action.

Housing Impact Statement: The Southeastern San Diego Community Plan designates the project site for multi-family residential uses at a medium density of 15-17 dwelling units per acre, which would allow a range of 27-31 dwelling units on this site. The 31 residential units approved by the original Site Development Permit (SDP) No. 6896 have been constructed. SDP No. 6896 was approved on January 24, 2006. In that original project, it was stated that the proposal for providing affordable units at the Project would “help the City address its shortage of affordable housing units during a time when the City Council has determined that the City is in a Housing State of Emergency.” However, that is no longer the case. Since 2006, the market value for condominiums in the Chollas View area of San Diego has declined. According to the Permit, all five (5) of the affordable units at the Project would be three-bedroom units restricted at 100% of Area Median Income (AMI) as adjusted for family size, for the San Diego Metropolitan Area. The restricted sale price for the five (5) affordable units would be \$328,278. This restricted price for the affordable units is significantly higher than current market price. Three-bedroom units in and around the Project are currently being offered for sale in the range of \$289,990 to \$309,990. Therefore, the Housing Commission will not receive any benefit from affordable units at the Project. Based on the foregoing, the Housing Commission supports Developer’s application to modify the Permit condition requiring Developer to provide five (5) affordable units and requests that the City modify the Permit to allow the Developer to pay an in lieu fee of \$129,265 to satisfy the Inclusionary Housing Regulations.

BACKGROUND

The 2.51-acre project site is located at 4880-4892 Charles Lewis Way, north of Nogal Street, west of 49th Street, and south of Castana Street in the MF-2500 Zone of Southeastern San Diego Planned District within the Encanto Neighborhoods planning area of the Southeastern San Diego Community Plan (Attachment 3).

Prior Project Approval:

Project No. 6896, which included Site Development Permit No. 11820, Tentative Map No. 203245, and Public Right-of-Way Vacation No. 11822, was approved by the City Council on January 24, 2006 (Attachments 6 and 7). This project allowed the construction of a new, 31-unit detached residential condominium development on vacant undeveloped land.

That approval required the Project set aside five (5) units of the proposed total of thirty-one units as restricted affordable housing by including the following condition regarding conformance with the Affordable Housing Requirements:

Condition 17. “Prior to receiving the first residential building permit, the applicant shall comply with the Affordable Housing Requirements of the City’s Inclusionary Housing

Ordinance (Chapter 14, Article 2, Division 13) of the Land Development Code. The applicant has elected to meet these requirements by selling at least a minimum 10 percent of the units at prices affordable to households earning no more than 100% area median income [AMI]. Prior to receiving the first residential building permit, the applicant must enter into an agreement with the San Diego Housing Commission. The applicant has agreed to meet their obligation by restricting 16 percent of the units at 100 percent AMI: Five units of the thirty-one units proposed.”

Current Request:

The amendment requests modification to the Permit condition to allow the applicant to pay an in-lieu fee instead of providing five (5) affordable units. The San Diego Housing Commission (“Housing Commission”) is charged with the implementation of the Inclusionary Regulations.

In March 2009, the Housing Commission and the applicant entered into negotiations for the Housing Commission’s purchase of the project. In March 2010, the purchase of the property fell through and the parties entered into a Termination, Settlement, Waiver and Release Agreement pursuant to which the Housing Commission and the applicant agreed to seek modification of the affordable housing requirement of the Permit. The Housing Commission has determined the in lieu fee for the Project, if authorized, would be \$129,265.

Accordingly, the applicant has submitted this request for an Amendment to the previously-approved SDP No. 11820 solely to modify Condition No. 17 which addresses the method of conformance with the Inclusionary Affordable Housing Regulations of the San Diego Municipal Code. The requested modification would allow the developer to pay an affordable housing fee instead of providing five (5) affordable units on-site.

At this time, all other approved actions with the prior Project No. 6896 have been completed. The construction of the homes is complete and lacks only the Final Inspection. The Final Inspection is on hold pending the resolution of the affordable housing component, which is the subject of this action.

No other modifications to the previously-approved Site Development Permit are proposed with this action.

Decision Process Level:

The final decision on the original project was made by the City Council (Process 5), due to the inclusion of the Public Right-of-Way Vacation action which was a component of that project. The original project also included a Tentative Map on a site that contained environmentally sensitive lands, which necessitated a Process Four Site Development Permit pursuant to SDMC Section 126.0502(d)(3).

This requested amendment is only for the Site Development Permit component of the project, which would otherwise be a Process 4 level decision because the original project was an Affordable/In-Fill Housing and Sustainable Building Expedite Program project and included deviations from development standards as part of the affordable/in-fill housing regulations, in

accordance with San Diego Municipal Code (SDMC) 126.0502(d)(9). Because the Site Development Permit is the only action requiring an amendment, this project is appropriately being heard by the Planning Commission.

DISCUSSION

Project Description:

In the original project (Project No. 6896), it was stated that the proposal for providing affordable units at the Project would “help the City address its shortage of affordable housing units during a time when the City Council has determined that the City is in a Housing State of Emergency.” However, that is no longer the case. Since 2006, the market value for condominiums in the Chollas View area of San Diego has declined. According to the Permit, all five (5) of the affordable units at the Project would be three-bedroom units restricted at 100% of Area Median Income (AMI) as adjusted for family size, for the San Diego Metropolitan Area. The restricted sale price for the five (5) affordable units would be \$328,278. This restricted price for the affordable units is significantly higher than current market price. Three-bedroom units in and around the Project are currently being offered for sale in the range of \$289,990 to \$309,990. Therefore, the Housing Commission will not receive any benefit from affordable units at the Project.

Based on the foregoing, the Housing Commission supports Developer’s application to modify the Permit condition requiring Developer to provide five (5) affordable units and requests that the City modify the Permit to allow the Developer to pay an in lieu fee of \$129,265 to satisfy the Inclusionary Housing Regulations.

All other conditions of the previously-approved SDP No. 11820 would remain in effect. The proposed SDP No. 1079760 (Amendment to SDP No. 11820) would essentially only replace the Affordable Housing Regulations condition with the following:

Affordable Housing Regulations:

New Condition 12. “No later than 30 days after the end of the appeal period for this Site Development Permit Amendment, the Owner/Permittee shall pay an in-lieu fee in the amount of \$129,265 (in one lump sum payment) to comply with the affordable housing requirements of the City's Inclusionary Affordable Housing Regulations (SDMC §142.1301 et seq.), all to the satisfaction of the President and Chief Executive Officer, or designee, [CEO] of the San Diego Housing Commission. The Owner/Permittee shall be credited with any and all payments, if any, made to the San Diego Housing Commission out of the proceeds of the sale of units, as documented by the Owner/Permittee. Any and all deeds of trust that secure the Owner/Permittee’s obligations under the Inclusionary Ordinance, previously recorded in favor of the San Diego Housing Commission, shall be fully reconveyed upon payment, in full, of the in lieu fee referenced above, including credits for prior payments by the Owner/Permittee, if any, as verified by the CEO of the San Diego Housing Commission.”

Because there are no other modifications proposed, and because the only change is for a method of conformance with the City's Inclusionary Affordable Housing Regulations, there are no plans included with this proposal. The approved Exhibit A plans from SDP No. 11820 would remain as the approved Exhibit A for this proposal as well. The draft permit prepared for this project mentions this in Condition 9.

Conclusion:

Based on the above information, staff recommends the Planning Commission approve the requested SDP No. 1079760 (Amendment to previously-approved SDP No. 11820).

ALTERNATIVES

1. **Approve** Site Development Permit No. 1079760 (Amendment to Site Development Permit No. 11820), with modifications.
2. **Deny** Site Development Permit No. 1079760 (Amendment to Site Development Permit No. 11820), if the findings required to approve the project cannot be affirmed.

Respectfully submitted,



Mike Westlake
Assistant Deputy Director
Development Services Department



Michelle Sokolowski, Project Manager
Development Services Department

WESTLAKE/MS

Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Draft Permit Resolution with Findings
5. Draft Permit with Conditions
6. Copy of City Council Report No. 06-001
7. Copy of Recorded Site Development Permit and Resolution No. 11820
8. Copy of Mitigated Negative Declaration and MMRP for Project No. 6896
9. Community Planning Group Recommendation
10. Ownership Disclosure Statement

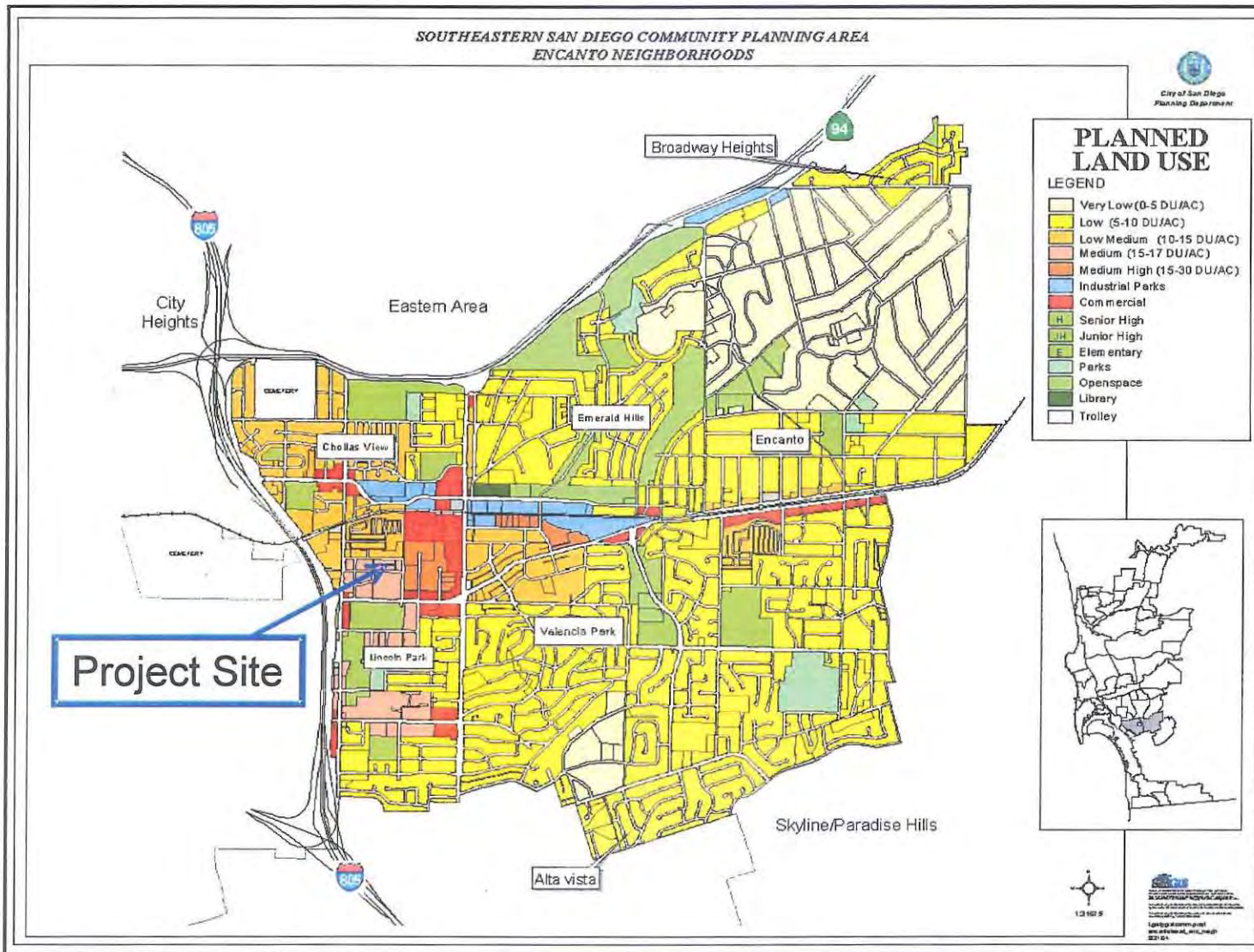


Aerial Photo

CHOLLAS CREEK VILLAS AMENDMENT - PROJECT NO. 308375

4880-4892 Charles Lewis Way





Community Land Use Map

CHOLLAS CREEK VILLAS AMENDMENT - PROJECT NO. 308375

4880-4892 Charles Lewis Way



Project Location Map

CHOLLAS CREEK VILLAS AMENDMENT – PROJECT NO. 308375

4880-4892 Charles Lewis Way



PLANNING COMMISSION
RESOLUTION NO. _____
SITE DEVELOPMENT PERMIT NO. 1079760
(AMENDMENT TO SITE DEVELOPMENT PERMIT NO. 11820)
CHOLLAS CREEK VILLAS AMENDMENT - PROJECT NO. 308375 (MMRP)

DRAFT

WHEREAS, CHOLLAS CREEK 31, LLC, A California Limited Liability Company, Owner/Permittee, filed an application with the City of San Diego for a permit to modify the Affordable Housing Requirement condition (as described in and by reference to the approved Exhibits "A" of Site Development Permit No. 11820 and corresponding conditions of approval for the associated Permit No. 1079760), on portions of a 2.51-acre site;

WHEREAS, the project site is located at 4880-4892 Charles Lewis Way in the MR-2500 Zone of the Southeastern San Diego Planned District, within the Encanto Neighborhood of the Southeastern San Diego Community Plan;

WHEREAS, the project site is legally described as Lot 1 and Lot A, Chollas Creek Villas, Map No. 15550;

WHEREAS, on March 28, 2013, the Planning Commission of the City of San Diego considered Site Development Permit No. 1079760 pursuant to the Land Development Code of the City of San Diego;

WHEREAS, a Mitigated Negative Declaration (MND) No. 6896 was prepared and certified for the original project (Site Development Permit No. 11820). The project proposes an amendment to modify a condition to pay an in-lieu fee as a method of conformance to the Inclusionary Affordable Housing Regulations. It was reviewed by the Environmental Analysis Section and it was determined that, in accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15162(a) that no subsequent MND or other environmental document is needed for this amendment, as all of the impacts were adequately addressed and disclosed in MND No. 6896; NOW, THEREFORE,

BE IT RESOLVED by the Planning Commission of the City of San Diego as follows:

That the Planning Commission adopts the following written Findings, dated March 28, 2013.

A. **SITE DEVELOPMENT PERMIT FINDINGS- San Diego Municipal Code (SDMC) Section 126.0504(a):**

1. **The proposed development will not adversely affect the applicable land use plan.** The project consists of a Site Development Permit (SDP) Amendment to modify a project condition regarding the method of conformance with the Inclusionary Affordable Housing Regulations of the San Diego Municipal Code. The requested modification would allow the developer to pay an affordable housing fee instead of providing five (5) affordable units on-site. The previously-approved (SDP No. 11820) and constructed Chollas Creek Villas project includes 31 residential units on a 2.51-acre site. The property is located at 4880-4892 Charles Lewis Way within the Encanto neighborhood of the Southeastern San Diego Community Plan. All other conditions of

the previously-approved SDP No. 11820 would remain in effect.

The project site is located within the Southeastern San Diego community planning area and more specifically within the Lincoln Park neighborhood of the Encanto Neighborhoods planning area. The site is designated for residential medium density at 15 to 17 dwelling units per acre. This land use designation would allow a range of 27 to 31 units on the subject site. The project consists of new construction of 31 detached for-sale residential units. The residential objectives of the community plan include the increase of home ownership opportunities and increasing the level of owner occupancy to increase maintenance of properties and to increase pride in individual neighborhoods.

The amendment to allow removal of the on-site affordable requirement would result in sales prices less than the restricted prices required by the Housing Commission, since the restricted price for the affordable units is significantly higher than current market price. This change to allow payment of an in-lieu fee would therefore result in greater affordability to buyers in addition to the collection of fees. At this time, all other approved actions with the prior Project No. 6896 have been completed and all 31 units have been constructed in conformance with the City's previous approvals.

As specified in the required findings of approved Site Development Permit No. 11820, incorporated herein by reference, the proposed development will not adversely affect the applicable land use plan. The condition change associated with this amendment will not modify the project's conformance with this required finding.

2. The proposed development will not be detrimental to the public health, safety, and welfare.

The project consists of a Site Development Permit (SDP) Amendment to modify a project condition regarding the method of conformance with the Inclusionary Affordable Housing Regulations of the San Diego Municipal Code. The requested modification would allow the developer to pay an affordable housing fee instead of providing five (5) affordable units on-site. The previously-approved (SDP No. 11820) and constructed Chollas Creek Villas project includes 31 residential units on a 2.51-acre site. The property is located at 4880-4892 Charles Lewis Way within the Encanto neighborhood of the Southeastern San Diego Community Plan. All other conditions of the previously-approved SDP No. 11820 would remain in effect.

At this time all other approved actions with the prior Project No. 6896 have been completed and all 31 units have been constructed in conformance with all of the City's previous approvals. The project included grading and construction of retaining walls and proposed units. A series of two retaining walls to a maximum combined height of 15 feet were required to create the public trail system to access down to Chollas Creek. The project was constructed in accordance with engineering standards and Best Management Practices to create a safe and stable site. The project conforms to the development regulations for storm water quality standards. The development was required to obtain Building Permits to show that all construction would comply with all applicable Building, Fire and all other health and safety code requirements.

The project included mitigation measures to offset potential impacts to the environment. A Mitigated Negative Declaration was prepared in accordance with the State of California Environmental Quality Act, and a Mitigation, Monitoring and Reporting Program was implemented to reduce impacts to biological resources and visual quality, to below a level of significance.

As specified in the required findings of approved Site Development Permit No. 11820, incorporated herein by reference, the proposed development would not be detrimental to the public health, safety, and welfare. The condition change associated with this amendment will not modify the project's conformance with this required finding.

3. **The proposed development will comply with the applicable regulations of the Land Development Code, including any allowable deviations pursuant to the Land Development Code.** The project consists of a Site Development Permit (SDP) Amendment to modify a project condition regarding the method of conformance with the Inclusionary Affordable Housing Regulations of the San Diego Municipal Code. The requested modification would allow the developer to pay an affordable housing fee instead of providing five (5) affordable units on-site. The previously-approved (SDP No. 11820) and constructed Chollas Creek Villas project includes 31 residential units on a 2.51-acre site. The property is located at 4880-4892 Charles Lewis Way within the Encanto neighborhood of the Southeastern San Diego Community Plan. All other conditions of the previously-approved SDP No. 11820 would remain in effect.

At this time, all other approved actions with the prior Project No. 6896 have been completed. The construction of the homes is complete and lacks only the Final Inspection. The Final Inspection is on hold pending the resolution of the affordable housing component, which is the subject of this action. The development complies with the Land Development Code, as required by the approved permit conditions, and underlying code requirements.

As specified in the required findings of approved Site Development Permit No. 11820, incorporated herein by reference, the proposed development would comply with the regulations of the Land Development Code. The condition change associated with this amendment will not modify the project's conformance with this required finding.

B. SUPPLEMENTAL FINDINGS – Environmentally Sensitive Lands (SDMC Section

1. **The site is physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to environmentally sensitive lands.** The project consists of a Site Development Permit (SDP) Amendment to modify a project condition regarding the method of conformance with the Inclusionary Affordable Housing Regulations of the San Diego Municipal Code. The requested modification would allow the developer to pay an affordable housing fee instead of providing five (5) affordable units on-site. The previously-approved (SDP No. 11820) and constructed Chollas Creek Villas project includes 31 residential units on a 2.51-acre site. The property is located at 4880-4892 Charles Lewis Way within the Encanto neighborhood of the Southeastern San Diego Community Plan. All other conditions of the previously-approved SDP No. 11820 would remain in effect. At this time all other approved actions with the prior Project No. 6896 have been completed and all 31 units have been constructed in conformance with all of the City's previous approvals.

An environmental analysis was completed for this project in association with the previously approved project, and the City Council certified the Mitigated Negative Declaration (MND) on January 24, 2006. In addition the associated Mitigation, Monitoring and Reporting Program (MMRP) adopted for this project has been implemented and the project constructed. The MND and MMRP were prepared and implemented in accordance with the California Environmental Quality Act [CEQA], and all potential impacts to environmentally sensitive lands have been reduced to below a level of significance. It was also determined through the that this site was

physically suitable for the design and location of the project. Therefore the site is physically suitable for the proposed development and the development would result in minimum disturbance to environmentally sensitive lands.

- 2. The proposed development will minimize the alteration of natural land forms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards.** The project consists of a Site Development Permit (SDP) Amendment to modify a project condition regarding the method of conformance with the Inclusionary Affordable Housing Regulations of the San Diego Municipal Code. The requested modification would allow the developer to pay an affordable housing fee instead of providing five (5) affordable units on-site. The previously-approved (SDP No. 11820) and constructed Chollas Creek Villas project includes 31 residential units on a 2.51-acre site. The property is located at 4880-4892 Charles Lewis Way within the Encanto neighborhood of the Southeastern San Diego Community Plan. All other conditions of the previously-approved SDP No. 11820 would remain in effect, as well as the environmental protections adopted as part of the MND and MMRP. At this time all other approved actions with the prior Project No. 6896 have been completed and all 31 units have been constructed in conformance with all of the City's previous approvals.

During the planning, design and environmental review process of the previously approved project the applicant provided and the City approved a number of technical studies (i.e. grading plans; FEMA maps; drainage studies; geotechnical investigation) analyzing and wholly mitigating any and all impacts associated with the alteration of natural land forms, geology, erosion, floods and fires. Therefore, the proposed development has minimized the alteration of natural land forms and did not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards.

- 3. The proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands.** The project consists of a Site Development Permit (SDP) Amendment to modify a project condition regarding the method of conformance with the Inclusionary Affordable Housing Regulations of the San Diego Municipal Code. The requested modification would allow the developer to pay an affordable housing fee instead of providing five (5) affordable units on-site. The previously-approved (SDP No. 11820) and constructed Chollas Creek Villas project includes 31 residential units on a 2.51-acre site. The property is located at 4880-4892 Charles Lewis Way within the Encanto neighborhood of the Southeastern San Diego Community Plan. All other conditions of the previously-approved SDP No. 11820 would remain in effect, as well as the environmental protections adopted as part of the MND and MMRP. At this time all other approved actions with the prior Project No. 6896 have been completed and all 31 units have been constructed in conformance with all of the City's previous approvals.

During the planning, design and environmental review process of the previously-approved project the applicant provided and the City approved a number of technical studies (i.e. biological technical report; Chollas Creek Enhancement Program; the projects Best Management Practices) analyzing and wholly mitigating any and all impacts associated with potential impacts to environmentally sensitive lands. Therefore, the proposed development was located and designed to prevent adverse impacts to all adjacent environmentally sensitive lands.

- 4. The proposed development will be consistent with the City of San Diego's Multiple Species Conservation Program [MSCP] Subarea Plan.** The project is not located in the City's MHPA, so there will be no impacts. Therefore, the proposed development will be consistent with the City of San Diego's MSCP Subarea Plan.

5. **The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply.** The proposed project is not located on a beach or bluff and will not contribute to the erosion of public beaches. The Pacific Ocean is approximately five miles from this project area. A Drainage Study and Water Quality Technical Report/Stormwater Management Plan, dated November 2004, was prepared for the project by REC Environmental, Inc. The project design requires that runoff from the site would be diverted into grass treatment swales and via filtered catch basins to an existing storm drain system. Construction BMPs are defined as project mitigation to minimize storm water runoff into Chollas Creek during construction and grading activity. Therefore, the proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply.

6. **The nature and extent of mitigation required as a condition of the permit is reasonably related to, and calculated to alleviate, negative impacts created by the proposed development.** The project consists of a Site Development Permit (SDP) Amendment to modify a project condition regarding the method of conformance with the Inclusionary Affordable Housing Regulations of the San Diego Municipal Code. The requested modification would allow the developer to pay an affordable housing fee instead of providing five (5) affordable units on-site. The previously-approved (SDP No. 11820) and constructed Chollas Creek Villas project includes 31 residential units on a 2.51-acre site. The property is located at 4880-4892 Charles Lewis Way within the Encanto neighborhood of the Southeastern San Diego Community Plan. All other conditions of the previously-approved SDP No. 11820 would remain in effect, as well as the environmental protections adopted as part of the MND and MMRP. At this time all other approved actions with the prior Project No. 6896 have been completed and all 31 units have been constructed in conformance with all of the City's previous approvals.

During the planning, design and environmental review process of the previously-approved project the applicant provided and the City approved a number of plans, documents and technical studies analyzing the nature and extent of mitigation required. City staff determined and the City Council adopted and approved the project confirming that the mitigation required of this project was reasonably related to, and was calculated to alleviate all negative impacts created by the proposed development.

C. SDP - Supplemental Findings—Deviations For Affordable/In-Fill Housing Projects (SDMC Section 126.0504(l))

1. **The proposed development will materially assist in accomplishing the goal of providing affordable housing opportunities in economically balanced communities throughout the City.** The project consists of a Site Development Permit (SDP) Amendment to modify a project condition regarding the method of conformance with the Inclusionary Affordable Housing Regulations of the San Diego Municipal Code. The requested modification would allow the developer to pay an affordable housing fee instead of providing five (5) affordable units on-site. The previously-approved (SDP No. 11820) and currently constructed Chollas Creek Villas project includes 31 residential units on a 2.51-acre site.

The property is located at 4880-4892 Charles Lewis Way within the Encanto neighborhood of the Southeastern San Diego Community Plan. The project site is located within the Southeastern San Diego community planning area and more specifically within the Lincoln Park neighborhood of the Encanto Neighborhoods planning area.

The site is designated for residential medium density at 15 to 17 dwelling units per acre. The residential objectives of the community plan include the increase of home ownership opportunities and increasing the level of owner occupancy to increase maintenance of properties and to increase pride in individual neighborhoods. The amendment to allow removal of the on-site affordable requirement would result in home sales prices less than the restricted prices required by the Housing Commission, thereby facilitating implementation of the Community Plan's objective to increase home ownership opportunities. Implementation of the proposed amendment will result in both the project's homes selling at more affordable rates and the collection of affordable housing fees earmarked for other affordable housing opportunities in the community, therefore this project will materially assist in accomplishing the goal of providing affordable housing opportunities in economically balanced communities.

- 2. The development will not be inconsistent with the purpose of the underlying zone.** The project consists of a Site Development Permit (SDP) Amendment to modify a project condition regarding the method of conformance with the Inclusionary Affordable Housing Regulations of the San Diego Municipal Code. The requested modification would allow the developer to pay an affordable housing fee instead of providing five (5) affordable units on-site. The previously-approved (SDP No. 11820) and constructed Chollas Creek Villas project includes 31 residential units on a 2.51-acre site. The property is located at 4880-4892 Charles Lewis Way within the Encanto neighborhood of the Southeastern San Diego Community Plan. All other conditions of the previously-approved SDP No. 11820 would remain in effect.

The 2.51-acre site is located in the MF-2500 zone of Southeastern San Diego Planned District. The MF zones are multiple-family zones primarily intended to provide for multiple-family residential development at varying densities ranging up to forty-five dwelling units per net residential acre. The MF-2500 zone requires a maximum of 17.42 dwelling units per net acre with 2,500 square feet of land area per dwelling unit. The site is presently designated residential medium density at 15 to 17 dwelling units per acre by the community plan which was adopted by the City Council on July 13, 1987. This land use designation would allow a range of 27 to 31 units on the subject site. The project has been constructed with 31 detached for-sale residential units consistent with the purpose and intent of the underlying MF-2500 zone.

- 3. Any proposed deviations are appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone.** The Chollas Creek Villas project is a fully developed residential development project previously approved by the City Council pursuant to Site Development Permit (SDP) No. 11820. The current amendment request proposes to modify one of the project's conditions regarding the method of conformance with the Inclusionary Affordable Housing Regulations of the San Diego Municipal Code. The requested modification would allow the developer to pay an affordable housing fee instead of providing five (5) affordable units on-site.

There are no proposed deviations associated with this SDP amendment, however the original SDP included eight deviations from the development standards of the SDMC for wall height, parking, driveway openings, street trees, remaining yard trees, and setbacks. The project is now completely built out and all of the proposed deviations have been incorporated into the design of the development. Each of the originally requested deviations were necessary to allow for the efficient and cost-effective construction of the 31 unit project given the site size and constraints.

The project area consisted of vacant previously graded lands along the south side of Chollas Creek, which created a benched topography. The development of this vacant property was constrained by Chollas Creek and the numerous existing unimproved public easements. In addition, the project exceeded the minimum requirements for supplying Affordable Housing, and allowed improvement and residential use of a challenging and constrained parcel for both the Community and the City.

Although the proposed amendment will substitute the set aside of affordable units on-site with the payment of a fee, the project continues to help the City address its shortage of affordable housing units during a time when the City Council has determined that the City is in a housing state of emergency. Since 2006, the market value for condominiums in the Chollas View area of San Diego has declined. According to the original permit all five (5) of the affordable units at the project would be three-bedroom units restricted at 100% of Area Median Income (AMI) as adjusted for family size, for the San Diego Metropolitan Area. Due to declining market values, the restricted sale price for the five (5) affordable units would actually be significantly higher than current market price. As a result, neither the Housing Commission nor the City will receive any benefit from the affordable units at the project. The proposed amendment will allow for the sale of naturally affordable units as well as the payment of a fee which will be utilized by the Housing Commission to create other affordable housing opportunities within the community, thereby increasing the overall affordable housing opportunities at the site.

D. SDP - Southeastern San Diego Development Permit — SDMC Section 1519.0202(c)

1. **The development shall be compatible with the existing and proposed land use on adjoining properties and shall not constitute a disruptive element to the neighborhood and community. In addition, architectural harmony with the surrounding neighborhood and community shall be achieved as far as practicable.** The project consists of a Site Development Permit (SDP) Amendment to modify a project condition regarding the method of conformance with the Inclusionary Affordable Housing Regulations of the San Diego Municipal Code. The requested modification would allow the developer to pay an affordable housing fee instead of providing five (5) affordable units on-site. The previously-approved (SDP No. 11820) and constructed Chollas Creek Villas project includes 31 residential units on a 2.51-acre site. The property is located at 4880-4892 Charles Lewis Way within the Encanto neighborhood of the Southeastern San Diego Community Plan. All other conditions of the previously-approved SDP No. 11820 would remain in effect.

The 2.51-acre project site is located north of Nogal Street, west of 49th Street, and south of Castana Street in the MF-2500 zone of Southeastern San Diego Planned District within the Encanto Neighborhoods of the Southeastern San Diego Community Plan. Adjacent land uses consist of a trailer park to the north across Chollas Creek, and residential land use to the west, south and east. The property abuts Chollas Creek on the north, 49th Street to the east, and a portion of Nogal Street to the south.

The physical design of the constructed units includes six different architectural themes; Irving Gill, Ranch, Mediterranean Villa, Cap Cottage, Spanish Villa and Craftsman in a row home style. The design includes a stucco exterior or cement shingle siding. Special design features include trellises, Spanish tile or cement shingle tile roofing, and patio covers. The landscaping theme provides plant types to blend the residences into the surroundings. The landscape facing Chollas

Creek is designed with California native trees, shrubs and grasses to blend the landscape from Chollas Creek up the planted walls to the new row homes. Tree themes are utilized in the residences front and back yards, and along the new streets. The landscaping is designed to reinforce the rhythm of the architecture, and create a transition from the new homes to the existing neighborhood that surrounds the project site.

The development enhances the visual image of the surrounding neighborhood and is compatible with existing and planned land uses on adjoining properties. Adjacent properties are mainly comprised of single-family, mobilehome and multi-family units with respective land use designations of medium density (15-17 du/ac) and low medium density (10-15 du/ac). The provision of street trees along the public right-of-way and pathways and the variety of species ties the buildings to the streets and sidewalks. Landscaping along the creek includes plant species that are typical of wetland/creek environments. Common outdoor areas and associated landscaping are found in the proposed project via a tot lot area, a small passive recreation area with benches, picnic tables and barbeque facilities as well as the trail and interpretive station for the display of creek related information and natural features along the trail.

Therefore, the development shall be compatible with the existing and proposed land use on adjoining properties and shall not constitute a disruptive element to the neighborhood and community. In addition, architectural harmony with the surrounding neighborhood and community shall be achieved as far as practicable.

2. **The proposed use, because of the conditions that have been applied to it, will not be detrimental to the health, safety and general welfare of persons residing or working in the area, and will not adversely affect other property in the vicinity.** The project consists of a Site Development Permit (SDP) Amendment to modify a project condition regarding the method of conformance with the Inclusionary Affordable Housing Regulations of the San Diego Municipal Code. The requested modification would allow the developer to pay an affordable housing fee instead of providing five (5) affordable units on-site. The previously-approved (SDP No. 11820) and constructed Chollas Creek Villas project includes 31 residential units on a 2.51-acre site. The property is located at 4880-4892 Charles Lewis Way within the Encanto neighborhood of the Southeastern San Diego Community Plan. All other conditions of the previously-approved SDP No. 11820 would remain in effect.

At this time all other approved actions with the prior Project No. 6896 have been completed and all 31 units have been constructed in conformance with all of the City's previous approvals. The project included grading and construction of retaining walls and proposed units. A series of two retaining walls to a maximum combined height of 15 feet were required to create the public trail system to access down to Chollas Creek. The project was constructed in accordance with engineering standards and Best Management Practices to create a safe and stable site. The project conforms to the development regulations for storm water quality standards. The development was required to obtain Building Permits to show that all construction would comply with all applicable Building, Fire and all other health and safety code requirements.

The project included mitigation measures to offset potential impacts to the environment. A Mitigated Negative Declaration was prepared in accordance with the State of California Environmental Quality Act, and a Mitigation, Monitoring and Reporting Program was implemented to reduce impacts to biological resources and visual quality, to below a level of significance.

As specified in the required findings of approved Site Development Permit No. 11820, incorporated herein by reference, the proposed development would not be detrimental to the public health, safety, and welfare. The condition change associated with this amendment will not modify the project's conformance with this required finding.

3. **The proposed use will comply with the relevant regulations of the Municipal Code.** The project consists of a Site Development Permit (SDP) Amendment to modify a project condition regarding the method of conformance with the Inclusionary Affordable Housing Regulations of the San Diego Municipal Code. The requested modification would allow the developer to pay an affordable housing fee instead of providing five (5) affordable units on-site. The previously-approved (SDP No. 11820) and constructed Chollas Creek Villas project includes 31 residential units on a 2.51-acre site. The property is located at 4880-4892 Charles Lewis Way within the Encanto neighborhood of the Southeastern San Diego Community Plan. All other conditions of the previously-approved SDP No. 11820 would remain in effect.

At this time, all other approved actions with the prior Project No. 6896 have been completed. The construction of the homes is complete and lacks only the Final Inspection. The Final Inspection is on hold pending the resolution of the affordable housing component, which is the subject of this action. The development complies with the Land Development Code, as required by the approved permit conditions, and underlying code requirements.

As specified in the required findings of approved Site Development Permit No. 11820, incorporated herein by reference, the proposed development would comply with the regulations of the Land Development Code. The condition change associated with this amendment will not modify the project's conformance with this required finding.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Planning Commission, Site Development Permit No. 1079760 (Amendment to Site Development Permit No. 11820) is hereby GRANTED by the Planning Commission to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. 1079760, a copy of which is attached hereto and made a part hereof.

Michelle Sokolowski
Development Project Manager
Development Services

Adopted on: March 28, 2013

Internal Order No. 24003491

RECORDING REQUESTED BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICES
PERMIT INTAKE, MAIL STATION 501

WHEN RECORDED MAIL TO
PROJECT MANAGEMENT
PERMIT CLERK
MAIL STATION 501

SPACE ABOVE THIS LINE FOR RECORDER'S USE

INTERNAL ORDER NUMBER: 24003491

SITE DEVELOPMENT PERMIT NO. 1079760
CHOLLAS CREEK VILLAS - PROJECT NO. 308375 (MMRP)
AMENDMENT TO SITE DEVELOPMENT PERMIT NO. 11820 (PROJECT NO. 6896)
PLANNING COMMISSION

DRAFT

This Site Development Permit No. 1079760, Amendment to Site Development Permit No. 11820), is granted by the Planning Commission of the City of San Diego to CHOLLAS CREEK 31, LLC, A California Limited Liability Company, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0502. The 2.51-acre site is located at 4880-4892 Charles Lewis Way in the MR-2500 Zone of the Southeastern San Diego Planned District, within the Encanto Neighborhood of the Southeastern San Diego Community Plan. The project site is legally described as: Lot 1 and Lot A, Chollas Creek Villas, Map No. 15550.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to modify the Affordable Housing Requirement condition, described and identified by size, dimension, quantity, type, and location on the approved Site Development Permit No. 1079760 dated March 28, 2013, on file in the Development Services Department.

The project shall include:

- a. All actions previously permitted by Site Development Permit No. 11820 (Recorded at the County of San Diego on March 2, 2016 as Document No. 2006-0149169) for the construction of 31 detached residential condominiums (with the exception of Condition No. 17, "Affordable Housing Requirements," of that permit); and
- b. The modification of said Condition 17, "Affordable Housing Requirements," to allow payment of an in-lieu fee as described in Condition 12 of this Permit (Amendment to Site Development Permit No. 11820).

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36 month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker. This permit must be utilized by March 11, 2016.
2. No permit for the construction, occupancy, or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder.
3. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.
4. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.
5. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
6. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).
7. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial building modifications and site improvements may be required to comply with applicable building, fire, mechanical, and plumbing codes, and State and Federal disability access laws.
8. All conditions (with the exception of Condition 17) of Site Development Permit No. 11820, approved by the City Council on January 24, 2006, apply to this project and remain in full effect. Condition 17 of that permit ("Affordable Housing Requirements") has been replaced by Condition 12 of this permit.

9. Construction plans shall be in substantial conformity to Exhibit "A" of Site Development Permit No. 11820, dated January 24, 2006. Changes, modifications, or alterations to the construction plans are prohibited unless appropriate application(s) or amendment(s) to this Permit have been granted.

10. All of the conditions contained in this Permit have been considered and were determined-necessary to make the findings required for approval of this Permit. The Permit holder is required to comply with each and every condition in order to maintain the entitlements that are granted by this Permit.

If any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo, and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

11. The Owner/Permittee shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, relating to the issuance of this permit including, but not limited to, any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify Owner/Permittee of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the Owner/Permittee shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, Owner/Permittee shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and Owner/Permittee regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the Owner/Permittee shall not be required to pay or perform any settlement unless such settlement is approved by Owner/Permittee.

AFFORDABLE HOUSING REQUIREMENTS:

12. No later than 30 days after the end of the appeal period for this Site Development Permit Amendment, the Owner/Permittee shall pay an in-lieu fee in the amount of \$129,265 (in one lump sum payment) to comply with the affordable housing requirements of the City's Inclusionary Affordable Housing Regulations (SDMC §142.1301 et seq.), all to the satisfaction of the President and Chief Executive Officer, or designee, [CEO] of the San Diego Housing Commission. The Owner/Permittee shall be credited with any and all payments, if any, made to the San Diego Housing Commission out of the proceeds of the sale of units, as documented by

the Owner/Permittee. Any and all deeds of trust that secure the Owner/Permittee's obligations under the Inclusionary Ordinance, previously recorded in favor of the San Diego Housing Commission, shall be fully reconveyed upon payment, in full, of the in lieu fee referenced above, including credits for prior payments by the Owner/Permittee, if any, as verified by the CEO of the San Diego Housing Commission.

INFORMATION ONLY:

- The issuance of this discretionary use permit alone does not allow the immediate commencement or continued operation of the proposed use on site. The operation allowed by this discretionary use permit may only begin or recommence after all conditions listed on this permit are fully completed and all required ministerial permits have been issued and received final inspection.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this Permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code-section 66020.
- This development may be subject to impact fees at the time of construction permit issuance.

APPROVED by the Planning Commission of the City of San Diego on March 28, 2013, by Resolution No. _____.

Site Development Permit No. 1079760
March 28, 2013

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES
DEPARTMENT

Michelle Sokolowski
Development Project Manager

**NOTE: Notary acknowledgment
must be attached per Civil Code
section 1189 et seq.**

The undersigned Owner/Permittee, by execution hereof, agrees to each and every condition of this Permit and promises to perform each and every obligation of Owner/Permittee hereunder.

Chollas Creek 31, LLC
Owner/Permittee

By _____

NAME
TITLE

**NOTE: Notary acknowledgments
must be attached per Civil Code
section 1189 et seq.**



THE CITY OF SAN DIEGO
REPORT TO THE CITY COUNCIL

DATE ISSUED: January 18, 2006 REPORT NO. 06-001

ATTENTION: Council President and City Council
Docket of January 24, 2006

SUBJECT: Chollas Creek Villas – Site Development Permit, Tentative Map, Right-of-Way Vacation Project Number 6896 - Council District 4, Process 5

REFERENCE: Report to the Planning Commission No. PC-05-290. Planning Commission Hearing of November 9, 2005

OWNERS: Distinctive Homes Chollas Creek LP, a California Limited Partnership;
Steve Santa Cruz and Duane Betty

APPLICANT: Duane Betty

SUMMARY

Issue - Should the City Council approve a new 31 unit detached residential condominium development on vacant undeveloped land located north of Nogal Street, west of 49th Street, and south of Castana Street within the Southeastern San Diego community planning area?

Staff's Recommendations:

1. **CERTIFY** Mitigated Negative Declaration No. 6896, and **ADOPT** the Mitigation, Monitoring and Reporting Program; and
2. **APPROVE** Site Development Permit No. 11820; and
3. **APPROVE** Tentative Map No. 203245 and a waiver to the requirement to underground a portion of the existing overhead utilities; and
4. **APPROVE** Public Right-of-Way Vacation No. 11822.

Planning Commission Recommendation - On November 17, 2005, the Planning Commission voted 6-0 to recommend approval of the project. Commissioner Robert Griswold was not in attendance. The Planning Commission placed the project on the consent agenda and voted unanimously to recommend the City Council approve staff's recommendations.

Community Planning Group Recommendation - The Encanto Neighborhoods Community Planning Group voted 6-4-1 on March 21, 2005 to recommend approval with recommendations discussed within this report.

Environmental Review - Mitigated Negative Declaration No. 6896 has been prepared for the project in accordance with State of California Environmental Quality Act (CEQA) guidelines. A Mitigation, Monitoring and Reporting Program has been prepared and will be implemented which will reduce, to a level of insignificance, any potential impacts identified in the environmental review process.

Fiscal Impact Statement: None. All staff costs associated with processing this project is recovered from a separate deposit account provided by the applicant.

Code Enforcement Impact - None.

Housing Impact Statement - The Southeastern San Diego community plan designates the subject project site for multi-family residential use at a medium density of 15 to 17 dwelling units per acre, which would allow a range of 27 to 31 units on this site. The proposed project would provide a total of 31 detached residential units of which five would be restricted affordable housing units for households with an income at or below 100 percent of the area median income (\$63,400 for a family of four). The site is currently vacant, and therefore, the project would result in a net gain of 31 units to the Encanto Neighborhoods planning area of the Southeastern San Diego community planning area. As a component of the application, the proposed project would conform to the Inclusionary Affordable Housing regulations, which requires setting aside at least 10 percent of the total number of for-sale dwelling units for households with an income at or below 100 percent of the area median income. The proposed project would be setting aside 16 percent or five units of the proposed total of 31 units as restricted affordable housing. Therefore, the project would not be paying an in-lieu fee to meet the City's affordable housing requirements. The proposal would also help the City address its shortage of affordable housing units during a time when the City Council has determined that the City is in a Housing State of Emergency.

As of January 1, 2004, the total number of housing units in this community was 28,122 with approximately 29 percent of these units being multi-family. Based on planned land use designations per the community plan, a total maximum number of 31,000 housing units could be allowed in the community planning area. According to San Diego Housing Commission's information on affordable housing restricted units for the entire City, there are 1,104 completed affordable housing restricted units in the Southeastern San Diego

community planning area that comprises approximately six percent of the total completed number of units in the City (17,097). In addition, there are 77 restricted units currently in process within this community.

Water Quality Impact Statement – A Water Quality Technical Report was prepared and approved for the project. A Storm Water Pollution Prevention Plan (SWPPP) and a Monitoring Program Plan will be implemented concurrently with the commencement of grading activities. Onsite Best Management Practices (BMPs) would be implemented.

BACKGROUND

The 2.51-acre project site is located north of Nogal Street, west of 49th Street, and south of Castana Street in the MF-2500 Zone of Southeastern San Diego Planned District within the Encanto Neighborhoods planning area of the Southeastern San Diego Community Plan. The MF zones are multiple-family zones primarily intended to provide for multiple-family residential development at varying densities ranging up to 45 dwelling units per net residential acre. The MF-2500 Zone requires a maximum of 17.42 dwelling units per net acre (du/ac) with 2,500 square feet of land area per dwelling unit.

The project area consists of vacant previously graded lands along the south side of Chollas Creek, which created a benched topography. Elevations on-site range from approximately 130-feet at the southeastern corner of the property to 82-feet along the northern property boundary. Adjacent land uses consist of a trailer park to the north across Chollas Creek, and residential land use to the west, south and east. The property abuts Chollas Creek on the north, 49th Street to the east, and a portion of Nogal Street to the south. The dead end portion of Castana Street exists at the northwest corner of the property. Existing unimproved unnamed alleys are located along the properties western and southern boundaries. An unimproved portion of Castana Street abuts the northern property boundary. The development of this vacant property is constrained by Chollas Creek and the numerous existing unimproved public easements.

The project site is part of the Chollas Creek Enhancement Program area adopted by the City Council in May of 2002. This development abuts the southern portion of Chollas Creek, therefore it is required to provide public access to Chollas Creek. This project is being processed through the Affordable/In-Fill Housing and Sustainable Building Expedite Program. The project would provide affordable housing per Council Policy 600-27. The project would exceed the minimum requirements for supplying Affordable Housing. The project would also allow improvement of a challenging and constrained parcel to provide residential use and affordable housing for the Community and the City.

DISCUSSION

Project Description:

The project proposes the subdivision of a 2.51-acre site and construction of a 31 unit detached residential condominium development, of which 5 units would be designated as affordable

housing. The project would construct a public trail system along the northern portion of the site, which will descend from the west and east sides to an interpretive location at Chollas Creek below. Public right-of-way vacations and dedications would allow for the creation of a new public street between the residences, and for the creation of the trail system to the creek.

The physical design of the proposed units will include six different architectural themes: Irving Gill, Ranch, Mediterranean Villa, Cap Cottage, Spanish Villa and Craftsman in a row home style. The design includes a stucco exterior or cement shingle siding. Special design features would include trellises, Spanish tile or cement shingle tile roofing, and patio covers. The structures would be three stories, to a maximum height of 25-feet. The MF-2500 Zone does not limit the structure height. The gross floor area would be 2,135 square feet for 27 units and 2,595 square feet for 4 units. The Floor Area Ratio (FAR) is 0.62, significantly below the maximum allowed FAR of 1.00. The lot coverage is 22 percent, significantly below the maximum allowed of 50 percent. FAR and lot coverage calculations are based on the total premises of 2.51 acres. However, the density calculation excludes the areas of the premises that are designated for streets, as streets may not be used in the calculation of maximum density (MC 143.0310.b.4). The net site area is 1.8 acres. Therefore, the number of residential units is limited to 31 based on the allowable density. Each unit includes parking in an enclosed first floor garage. Parking would include 27 two car tandem garages, and 4 two car garages; totaling 62 off-street parking spaces. An additional 27 public on-street parking spaces would be created on the newly dedicated Street 'A' located between the residences. Deviations to the development standards, as discussed in the Project Related Issues section below, are necessary to allow construction of the proposed residential project.

The landscaping theme proposes plant types to blend the residences with the surroundings. The landscape facing Chollas Creek would be designed with California native trees, shrubs and grasses to blend the landscape from Chollas Creek up the planted walls to the new row homes. Tree themes are utilized in the residences front and back yards, and along the new streets. The landscaping is designed to reinforce the rhythm of the architecture, and create a transition from the new homes to the existing neighborhood that surrounds the project site.

Due to the topographic features of the site caused by previous grading activities, the project proposes minor cut and fill grading in order to achieve a level buildable site. No grading or development is proposed within either the 100 year or 500 year floodplain of Chollas Creek as shown on the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map. Grading would include approximately 6,200 cubic yards of cut and 7,200 cubic yards of fill, which includes approximately 1,000 cubic yards of imported fill. A series of two retaining walls to a maximum combined height of 15-feet are required to create the public trail system to access down to Chollas Creek. However, it is important to note that a retaining wall would have been required to create a level buildable site for the proposed development. Therefore, the proposed trail system is in fact helping break up a required retaining wall system by terracing the wall into two segments. The applicant is requesting a deviation for the retaining wall as portions of the wall's dimensions do not meet development regulations of the Land Development Code.

Access and circulation to the property is from the south along Nogal Street or 49th Street. A portion of 49th Street located along the eastern property boundary would provide the main access into the project. This portion of 49th Street is only partially improved, but would be widened and improved as part of this project. The project paves an existing unimproved alley along the southwestern property boundary to provide a second fire access. The existing unimproved alley right-of-way traversing east to west along the southern portion of the property would be widened and improved to create a new public street. This new street, currently designated as Street 'A', would provide a cul-de-sac turn around and parking along the south side. Pedestrian access would include new sidewalks and public access along a new trail system down to Chollas Creek. This new trail system would allow pedestrian circulation from the Chollas Creek open space area along the project's northern boundary, to the newly improved public streets. The trail design does not adversely affect the Chollas Creek Enhancement Program. The proposed trail would eventually connect with other trails located or planned for in nearby properties that are adjacent to the Chollas Creek system. The project is also located near mass transit opportunities; a half-mile away from the City trolley station on 47th Street, or a half-mile to the trolley station on North Euclid Avenue.

The proposed project requires a Site Development Permit, Tentative Map, and Public Right-of-Way Vacation. A Site Development Permit is required for this project to deviate from the Land Development Code's development regulations. Affordable/In-Fill Housing projects may request a deviation from the applicable development regulations pursuant to a Site Development Permit. The project proposes eight Deviations (see "Project Related Issues" section below). A Site Development Permit is required for this project due to the identified impacts to sensitive vegetation. The project also requires a Site Development Permit to create this residential development as required by a Southeastern San Diego Development Permit, as the project is located in the Southeastern San Diego Planned District. A Tentative Map is required to subdivide the project into two lots; one lot includes 31 detached residential condominiums, the other lot creates the public trail system to Chollas Creek. The Tentative Map includes on-site public right-of-way dedications and vacation, and a waiver to the requirement for undergrounding a portion of the existing overhead utilities. A Public Right-of-Way Vacation is required for the off-site portions to be vacated; the northern half of Castana Street, and the western half of the unnamed unimproved alley adjacent to the southeastern portion of the project.

Affordable Building Expedite Program:

This project qualified for the Affordable/In-Fill Housing and Sustainable Building Expedite Program. The Expedite Program provides expedited permit processing for all eligible affordable/in-fill housing and sustainable building projects. This project qualified for this program as the project provides and exceeds the minimum quantity of affordable housing units per Council Policy 600-27. In addition, the project is requesting deviations from development standards as part of the affordable/in-fill housing regulations in accordance with San Diego Municipal Code (SDMC) 143.0915 and 143.0920, pursuant to a Site Development Permit.

Community Plan Analysis:

The project site is located within the Southeastern San Diego community planning area and more specifically within the Lincoln Park neighborhood of the Encanto Neighborhoods planning area. The project site is also located within the Central Imperial Redevelopment Project Area; however, the proposed project is not a City of San Diego Redevelopment Agency (SEDC) project. The site is presently designated residential medium density at 15 to 17 dwelling units per acre by the community plan, which was adopted by the City Council on July 13, 1987. This land use designation would allow a range of 27 to 31 units on the subject site. The project proposes new construction of 31 detached for-sale residential units on a vacant site where five out of the 31 units would be set aside as restricted affordable housing.

The proposed request for construction of 31 residential units and on-site active and passive recreation areas, including improvements associated with the Chollas Creek Enhancement Program, would not adversely affect the Southeastern San Diego Community Plan in that it would implement the policies and recommendations of the community plan associated with building scale and character, site and building design, pedestrian access, streetscape, landscaping, outdoor amenities, pedestrian activity areas, and natural creek areas. More specifically, the proposed project would help increase overall housing supply as well as affordable housing supply in the City by providing a new and high quality for-sale housing development within the community. The proposed project includes six different building types for the 27 detached 3-story units as follows: Ranch, Irving Gill, Mediterranean Villa, Cape Cottage, Spanish Villa, and Craftsman. The variety of building styles will result in a more interesting appearance along the creek. The detached units or row houses with porches are also oriented towards Chollas Creek thereby taking advantage of this natural feature and using the creek as a positive park-like feature of the proposed project. This orientation towards the creek also strengthens the relationship between the buildings and associated amenities and recreational opportunities that would be offered at the subject site. The proposed project features pedestrian-oriented design elements and pedestrian activity areas, such as the eight feet wide stabilized decomposed granite trail along Chollas Creek, interpretive station/signage and benches along the trail. Sidewalks are proposed along Street 'A' (proposed public street), 49th Street and a small portion of Nogal Street that is part of this project. In addition, a five feet wide pathway connects the entry paths to all 27 units facing the creek.

The proposed development would also enhance the visual image of the surrounding neighborhood and it would be compatible with existing and planned land uses on adjoining properties. Adjacent properties are mainly comprised of single-family, mobilehome and multi-family units with respective land use designations of medium density (15-17 du/ac) and low medium density (10-15 du/ac). The provision of street trees along the public right-of-way and pathways and the variety of species will help tie the buildings to the existing and proposed streets and sidewalks. Landscaping along the creek includes plant species that are typical of wetland/creek environments. Common outdoor areas and associated landscaping are found in the proposed project via a tot lot area, a small passive recreation area with benches, picnic tables and barbeque facilities as well as the trail and interpretive station for the display of creek related

information and natural features along the trail.

The proposed project would also not adversely affect the Progress Guide and General Plan as one of the goals in the General Plan encourages in-fill development and revitalization. The proposed project would accommodate in-fill development by allowing additional quality housing development in the community. The plan also discusses the importance of improving the neighborhood environment to increase personal safety, comfort, pride and opportunity. The proposed project would develop much needed single-family housing to help improve the neighborhood and its surroundings. The proposed project would also not adversely affect the Housing Element of the Progress Guide and General Plan as the proposed use would be ensuring the development of new housing to help meet the City's housing needs. The project would also include five restricted affordable housing units on the site for households with an income at or below 100 percent of the area median income (\$63,400 for a family of four). This in turn would address another goal of the Housing Element to increase affordable housing opportunities.

Environmental Analysis:

An environmental analysis was completed for this project. The project site is not within or adjacent to the City's Multi-Habitat Planning Area (MHPA). No grading or development is proposed within either the 100 year or 500 year floodplain of Chollas Creek. A Mitigated Negative Declaration was prepared in accordance with the California Environmental Quality Act (CEQA), and a Mitigation, Monitoring and Reporting Program (MMRP) will be implemented to reduce impacts to biological resources and visual quality to below a level of significance. Sensitive habitats were encountered within the project premises along Chollas Creek that will be impacted by the proposed development. Impacts and mitigation are summarized below, and included in the environmental analysis:

Biological Resources - The construction of a trail system required by the Chollas Creek Enhancement Program would impact disturbed wetlands. The project would impact approximately 0.77 acres of Non-native grassland (Tier IIIB), 1.52 acres of Disturbed land (Tier IV), 0.03 acres of Disturbed coastal sage scrub (Tier II), and 0.05 acres of Disturbed wetland. No mitigation is required for Disturbed and Developed lands (Tier IV). Mitigation is required for the 0.77 acres of Non-native Grassland and 0.03 acres of Disturbed Coastal sage scrub, totaling 0.8 acres of direct upland impacts. The applicant has the option to provide off-site acquisition within the MHPA, or pay into the City's Habitat Acquisition Fund, or a combination of these two mitigation types. In addition, a mitigation ratio of 2:1 is required for disturbed wetlands. Wetland mitigation must be in kind and achieve no net loss. The applicant will purchase 0.1 acre of Mitigation Credits within the Rancho Jamul Mitigation Bank.

Visual Quality - The construction of an ADA accessible trail system to Chollas Creek would create retaining walls, which exceed 50 feet in length and/or 6 feet in height; therefore the walls could result in a significant adverse visual impact. The two proposed walls would be approximately 550 to 600 feet in length, with an 8-foot wide trail between the walls, for a total maximum height of 15 feet. Mitigation includes screening of the retaining walls with

landscaping (i.e. native trees, shrubs and vines) in accordance with the Chollas Creek Enhancement Program.

Project-Related Issues:

Deviations for Affordable/In-Fill Housing - Deviations are being requested as part of the affordable/in-fill housing regulations in accordance with SDMC 143.0915 and 143.0920, pursuant to a Site Development Permit. The project proposes eight deviations from the development standards of the SDMC for wall height, parking, driveway openings, street trees, remaining yard trees, and setbacks:

1. The maximum permitted retaining wall height is 12 feet outside the setback per SDMC 142.0340 (e). The retaining wall on the north side of the project will exceed this height by a maximum of 3' for a length of approximately 191 feet. This deviation is necessary to maintain the permissible ADA grade on the Chollas Creek Multi-Use Trail.
2. A deviation from SDMC Section 142.0340(d)(1) for a retaining wall over 6 feet in height within the rear yard setback. The project has approximately 160 feet of retaining wall within the rear yard setback over 6 feet in height, with portions to a height of 12 feet. This deviation is necessary to maintain the permissible ADA grade and create a second trail access for the Chollas Creek Multi-Use Trail.
3. The parking requirements for this project consisting of 4 four-bedroom units and 27 three-bedroom units located within a Transit Overlay Zone is 62 vehicle parking spaces (SDMC 132.0905). The project proposes to provide 62 fully enclosed parking spaces but deviates from the parking requirements by proposing tandem parking for 27 of the 31 homes. In addition, by modifying the existing alley to a single loaded public street an additional 27 public parking spaces are provided or a total of 89 provided by the project. The project has been conditioned to provide 62 off-street parking places.
4. SDMC 142.0560(j)(8)(A) permits one driveway opening per 100 foot of street frontage which would allow 8, and the project proposes 27 driveways in 550 feet for the 27 detached condominium units. The 27 detached condominium units are designed with individual enclosed garages as part of each unit. The only alternative that would satisfy the code requirement would be to detach the parking from the homes and cluster it in a parking lot. This deviation would allow the single-family row home style with attached enclosed garages.
5. A deviation is requested from SDMC 142.0405(b)(2)(B) for landscape requirements in the remaining yards. The code requires that projects with two or more residential buildings on a lot provide one 24-inch box tree on each side and in the rear of each building. One tree is provided in the rear of each building but none are provided between the buildings because the minimum separation of 6 feet from a tree to a building cannot be met, as the 27 row homes are only 4 feet apart.

6. A deviation is requested from SDMC 142.0409(a)(1) for street tree quantity. The project proposes to install street trees only on the south side of Street 'A', not on the north side where the right-of-way is limited in width. The Southeastern San Diego Community Plan requires that the project be oriented toward Chollas Creek therefore the majority of the landscaping is proposed on the north side of the residences along the Chollas Creek frontage. There is not sufficient room to permit both a street tree and a street yard tree Street 'A' frontage. The objective of solar shading of the street would be accomplished by the street trees on the south side of the Street 'A'.

7. The required front yard setback is 10 feet and the project proposes a 5 foot front yard setback along the north side of Street 'A'. The SDMC designates the front yard along the north side of Street 'A' for the 27 units, though the Community Plan requests that the residence be designed with the front entrance adjacent to Chollas Creek. A deviation is requested from SDMC Section 103.1706(f)(3) for the front yard setback reduction adjacent to the north side of Street 'A'. This deviation allows for a wider rear yard setback so that the 27 units are oriented towards Chollas Creek as the Community Plan recommends.

8. A deviation is requested from SDMC Section 131.0450 for the building spacing in residential zones. Detached dwelling units are required to maintain a minimum distance of 6 feet between dwellings where the project proposes a minimum spacing of 4 feet between the buildings.

The proposed development would provide 31 detached housing units with 5 of them designated as affordable. Each of the requested deviations would be necessary to allow the 31 proposed units given the site size and topographical constraints. The proposed development has otherwise been designed and conditioned to ensure conformance to the requirements of the City of San Diego Land Development Code.

Chollas Creek Trail System/Retaining Walls - The policy of the City of San Diego is to maintain and restore Chollas Creek to its natural state, per the Chollas Creek Enhancement Program adopted May 14, 2002. The project site is located within the South Branch-Phase 1 of the program area, which is considered the highest profile area. The South Branch area contains the greatest diversity with small habitat areas, large disturbed areas that can be restored, several rehabilitation areas, and two limited reconstruction areas. This branch provides ultimate access to San Diego Bay, opportunities for wetland restoration, and the greatest exposure with urban areas. The Southeastern San Diego Community Plan policy is to preserve creeks and drainage areas in their natural state. The plan states that the Chollas Creek system is an important linear open area resource and that all creeks in the community should be made available for passive recreation where safe. The community plan recommends strategies and guidelines for development that would implement the community's vision for Chollas Creek. The design of the Chollas Creek Villas project incorporates the recommendations of the Chollas Creek Enhancement Program and the Community Plan. The design includes single-family homes at

multi-family densities fronting on Chollas Creek. The project includes the required public access trail system to Chollas Creek. The proposed trail system triggered an environmental analysis and biological and visual mitigation to be able to construct this trail as required in the Chollas Creek Enhancement Program.

The Chollas Creek Enhancement Program and the Southeastern San Diego Community Plan contain development guidelines that are designed to create a trail system along Chollas Creek. The plans note that the remaining natural portions of Chollas Creek should be planned as a linear park with bicycle and pedestrian paths along a naturalized or landscaped creek bottom. The Chollas Creek Enhancement Program ("plan") states that public access to the creek should be provided from and through private development and public rights-of-way along the creek. In this case, public access to the proposed trail would come from 49th Street and the cul-de-sac at Street 'A' with adequate signs, passive/active recreation areas, seating areas, and shade trees flanking the accesses. The proposed design under the subject proposal would include an 8-foot wide multi-use trail, flanked with native shrubs and trees where the plan calls for an 8-10 foot wide trail. Largely, trees and native shrubs would be planted in areas at least five feet wide on both sides of the proposed trail wherever feasible due to site topographical constraints and adjacency to sensitive vegetation. The trail surface would consist of stabilized decomposed granite to blend with the natural environment and meet Americans with Disabilities Act (ADA) requirements as stated in the plan.

Trail gradients must meet current ADA standards, and where appropriate install interpretive displays. Since the Chollas Creek Villas project is located approximately 15 to 20 feet above Chollas Creek, the overall trail design and requirement to construct an ADA trail system down to Chollas Creek was a challenge. An ADA trail cannot exceed a maximum 5% grade, which required a trail distance of 380 feet. This distance was over half of the project's frontage length on Chollas Creek. A second trail access was required, though there was not sufficient distance remaining to bring a second ADA trail from the project area to Chollas Creek. Meetings were held with the City's Park and Recreation trail manager to assess design options and still assure that the proposed trail would be ADA compliant. The applicant redesigned the project so that one ADA access was created from the west side of the project down to Chollas Creek. The second trail access that was required from the east side of the project down to Chollas Creek could not meet ADA 5% gradient, however, this portion of the trail was able to meet a 10.7% grade 'barrier free access' that is allowed per ADA as long as an alternative ADA route is provided and signs are installed informing the public of such alternative route. Therefore, the west trail end provides the ADA access. This design creates two approximate 550 to 600-foot long keystone retaining walls with 3 feet high tubular steel railings for safety to be constructed adjacent to Chollas Creek, along the northern boundary of the project site. The public trail would be constructed between the two keystone retaining walls which reach a maximum height of 15 feet and decrease to 0 feet in height. This keystone wall is required in order to create the western ADA handicap and accessible trail and the eastern trail access to the creek below. The wall and adjacent areas would be landscaped in accordance with the City of San Diego's environmental and landscape regulations. Six pedestrian benches would be placed along the trail length, and an interpretive station with signage and seating area would be located at the base of the trail adjacent

to the creek bottom area. The interpretive station would follow the guidelines of the Chollas Creek Enhancement Program. The proposed project would be meeting the minimum 15 foot setback for safety from the property line abutting the creek. The proposed units' frontages with doors and several windows are directly facing Chollas Creek thereby addressing the transparency guideline of the Chollas Creek Enhancement Program. Shade trees and covered patios/porches proposed for units fronting the creek are part of the proposed design that also helps compliment the creek.

SEDC – The project is located within and supported by the Southeastern Economic Development Corporation (SEDC). The project is not funded by SEDC. The project is privately funded. SEDC reviewed the project and stated that the potential negative visual impacts resulting from the retaining wall have been mitigated. SEDC requested that a condition be added to the permit so that a protective coating would be added to the wall to aid against graffiti during the establishment of the permanent landscaping. Condition No. 28 has been added to the draft Permit (Attachment 9).

Community Planning Group - The Encanto Neighborhoods Community Planning Group voted 6-4-1 on March 21, 2005 to recommend approval of the project with two conditions. The board requested that the applicant look into the liability issue associated with the public trail and address noise insulation issues of units.

1. The project requires the property owners to provide public access at the northwestern and northeastern sides of the project down to Chollas Creek and proposed trail. Approval of the project would create Lot A, which includes this public trail system. A public access easement for the public trails would be dedicated on the Tentative Map. Lot A is a private lot that will be managed by the homeowners association for this condominium development. Research into the liability of allowing public access on private land for trails noted that owners of trails on private land are generally immune from liability as long as they don't charge for access and are not grossly negligent. The California Legislature enacted a broad array of statutory immunities to protect private and public landowners who allow their properties to be used by the general public for recreational purposes. The immunities are especially strong with respect to public trails. Therefore, staff understands that the legal statutes in place were specifically enacted to encourage private participation in public trail projects.

2. The project design creates detached row home style single-family residential units. Twenty seven of the units are 4 feet apart, while four of the units are 11 feet apart. The project would incorporate standard building code requirements required for noise insulation. The building permit review would require that the row home units meet the building code requirements for Townhouse Contiguous Dwellings, which are classified as Group R Division 3. Property line walls shall have a minimum Sound Transmission Class [STC] rating of 50. Therefore, all noise insulation issues would be required to meet the building type and building code for noise.

Partial Under Ground Utility Waiver Request - The project will underground all new utilities to the 31 new residential units. However, a partial underground conversion waiver is necessary for 4 utility poles in the existing alley, which will become dedicated public Street 'A'. Existing homes front on Nogal Street to the south of the project, and are serviced by overhead utilities. These existing overhead utilities are located at the rear of these existing homes, along the south side of new Street 'A'. These utilities are scheduled to be undergrounded as part of the project for District 5, Block 4G's Underground Utility District. The developer plans to remove the existing overhead poles for the length of the project and install all underground facilities to serve the project, though will need to temporarily replace the overhead poles and lines with 4 up poles where the utility services will come from the new underground facilities. This will allow the existing homes to the south to continue to be served overhead until the undergrounding on Nogal Street is complete as part of the larger utility company project. There will be no wire between the up poles as they will only serve to take power from the underground service to the existing house, assuming the Chollas Creek project is constructed prior to the district undergrounding program.

Street & Alley Vacations - Portions of unimproved public alleys and streets are proposed to be vacated by the project. A 677 foot unimproved portion of Castana Street is proposed to be vacated. This portion of Castana Street was mapped over Chollas Creek and could only be constructed if either elevated above Chollas Creek as a bridge or if Chollas Creek were to be channelized and contained. There is no right of way for Castana Street east of the portion to be vacated. The southern half of this vacated portion of Castana Street becomes part of the project premises, and creates Lot A for the trail system to Chollas Creek. The northern half of the vacated portion of Chollas Creek would revert back to the underlying fee owner, the adjacent owner of the trailer park to the north. Existing unimproved unnamed alleys are located along the properties western and southern boundaries. The project would maintain and pave the existing unimproved alley along the southwestern property boundary to provide a second fire access. The approximate 100 foot length of the existing unimproved alley right-of-way at Unit 31 would be vacated. The western half of this vacated alley will go to the underlying fee owner, the adjacent property owner on Nogal Street. The existing unimproved alley right-of-way traversing east to west along the southern portion of the property will be widened and improved as a public street. This new street, currently designated as Street A, will provide a cul-de-sac turn around and parking along the south side. Therefore, City staff found that there is no present or prospective public use for these public right-of-ways, either for the facility for which it was originally acquired or for any other public use of a like nature that can be anticipated. The proposed Tentative Map would vacate all portions of the proposed right-of-way vacations within the project boundary. The off-site vacation areas for Castana Street and the alley adjacent to Lot 31 would be vacated per the Streets and Highways Code therefore requiring a separate approval, Public Right-of-Way Vacation No. 11822.

Conclusion:

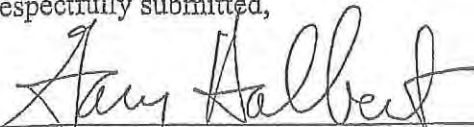
In summary, staff finds that the project does not adversely affect the community plan, design guidelines, and development standards in effect for this site per the adopted Southeastern San

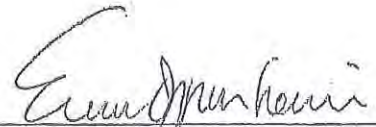
Diego Community Plan, the Chollas Creek Enhancement Program, the MF-2500 Zone, the Subdivision Map Act, the California Streets and Highways Code, and the City of San Diego Progress Guide and General Plan. In addition, this project will exceed the minimum requirements for supplying Affordable Housing and allows improvement and residential use of a challenging and constrained parcel for both the Community and the City.

ALTERNATIVES

1. Certify Mitigated Negative Declaration No. 6896, and Adopt the Mitigation, Monitoring and Reporting Program, and Approve Site Development Permit No. 11820, Tentative Map No. 203245, and Public Right-of-Way Vacation No. 11822, with modifications.
2. Do Not Certify Mitigated Negative Declaration No. 6896, or Adopt the Mitigation, Monitoring and Reporting Program, and Deny Site Development Permit No. 11820, Tentative Map No. 203245, and Public Right-of-Way Vacation No. 11822, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,


 Gary W. Halbert
 Development Services Director


 Approved: Ellen Oppenheim
 Deputy City Manager

HALBERT/DM

Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Project Data Sheet
5. Project Site Plans & Tentative Map
6. Off-site Street Vacation Drawing
7. Draft Tentative Map Resolution with Conditions
8. Draft Off-site Street Vacation Resolution
9. Draft Permit with Conditions
10. Draft Permit Resolution with Findings
11. Community Planning Group Recommendation
12. SEDC Recommendation
13. Partial Under Ground Utility Waiver Request
14. Ownership Disclosure Statement
15. Project Chronology

*Note: Due to the size of the attachments, the distribution will be limited to the City Council Docket binders. A copy is available for review in the Office of the City Clerk.

**RECORDING REQUESTED BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICES DEPARTMENT
PERMIT INTAKE, MAIL STATION 501**

THE ORIGINAL OF THIS DOCUMENT
WAS RECORDED ON MAR 02 2006
DOCUMENT NUMBER 2006-0149169
GREGORY J SMITH COUNTY RECORDER
SAN DIEGO COUNTY RECORDER'S OFFICE
TIME 4:38 PM

**WHEN RECORDED MAIL TO
CITY CLERK
MAIL STATION 2A**

SPACE ABOVE THIS LINE FOR RECORDER'S USE

JOB ORDER NUMBER 42-1489

**SITE DEVELOPMENT PERMIT NO. 11820
CHOLLAS CREEK VILLAS [MMRP] - PROJECT NO. 6896
CITY COUNCIL**

This site development permit is granted by the Council of the City of San Diego to Distinctive Homes Chollas Creek LP, a California Limited Partnership, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] sections 143.0920, 126.0504(a)-(m), and 103.1703(b)(2). The 2.51-acre site is located north of Nopal Street, west of 49th Street, and south of Castana Street in the MF-2500 zone of the Southeastern San Diego Planned District within the Encanto Neighborhoods of the Southeastern San Diego Community Plan. The project site is legally described as Lots 157 through 167 and 169 through 191 of Sunshine Gardens, Map 1804, Township 17 South, Ranch 2 West, San Bernardino Base Meridian.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to construct thirty-one detached residential condominiums, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated JAN 24 2006, on file in the Development Services Department.

The project or facility shall include:

- a. Grading and construction for thirty-one 2- and 3-story detached residential condominiums;
- b. Deviations (8): For a 15 foot high retaining wall for a length of 191 feet where the maximum height of 12 feet would be allowed, for twenty-seven tandem parking garage spaces where non-tandem would be required, for providing thirty-one driveways where a maximum of eight would be allowed, for not providing one 24-inch box tree between each building where one would be required, for providing thirty-five street yard trees where forty-five would be required, for a 5 foot front yard setback along "A" Street where 10 feet would be required, for portions of a 6 to 12 foot high retaining wall for a length of 160 feet in the rear yard setback where a

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maximum of 6 feet is allowed, and for a spacing of 4 feet between residential buildings where 6 feet is required.;

- c. Landscaping (planting, irrigation and landscape related improvements);
- d. Off-street parking facilities;; and
- e. Accessory improvements determined by the City Manager to be consistent with the land use and development standards in effect for this site per the adopted community plan, California Environmental Quality Act Guidelines, public and private improvement requirements of the City Engineer, the underlying zone(s), conditions of this Permit, and any other applicable regulations of the SDMC in effect for this site.

STANDARD REQUIREMENTS:

1. Construction, grading or demolition must commence and be pursued in a diligent manner within thirty-six months after the effective date of final approval by the City, following all appeals. Failure to utilize the permit within thirty-six months will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all the SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker.
2. No permit for the construction, occupancy or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder.
3. Unless this Permit has been revoked by the City of San Diego the property included by reference within this Permit shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the City Manager.
4. This Permit is a covenant running with the subject property and shall be binding upon the Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this Permit and all referenced documents.
5. The utilization and continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
6. Issuance of this Permit by the City of San Diego does not authorize the Permittee for this permit to violate any Federal, State or City laws, ordinances, regulations or

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policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).

7. In accordance with authorization granted to the City of San Diego from the United States Fish and Wildlife Service [USFWS] pursuant to Section 10(a) of the ESA and by the California Department of Fish and Game [CDFG] pursuant to Fish and Game Code section 2835 as part of the Multiple Species Conservation Program [MSCP], the City of San Diego through the issuance of this Permit hereby confers upon Permittee the status of Third Party Beneficiary as provided for in Section 17 of the City of San Diego Implementing Agreement [IA], executed on July 16, 1997, and on file in the Office of the City Clerk as Document No. OO 18394. Third Party Beneficiary status is conferred upon Permittee by the City: (1) to grant Permittee the legal standing and legal right to utilize the take authorizations granted to the City pursuant to the MSCP within the context of those limitations imposed under this Permit and the IA, and (2) to assure Permittee that no existing mitigation obligation imposed by the City of San Diego pursuant to this Permit shall be altered in the future by the City of San Diego, USFWS, or CDFG, except in the limited circumstances described in Sections 9.6 and 9.7 of the IA. If mitigation lands are identified but not yet dedicated or preserved in perpetuity, maintenance and continued recognition of Third Party Beneficiary status by the City is contingent upon Permittee maintaining the biological values of any and all lands committed for mitigation pursuant to this Permit and of full satisfaction by Permittee of mitigation obligations required by this Permit, as described in accordance with Section 17.1D of the IA.

8. The Owner/Permittee shall secure all necessary building permits. The applicant is informed that to secure these permits, substantial modifications to the building and site improvements to comply with applicable building, fire, mechanical and plumbing codes and State law requiring access for disabled people may be required.

9. Before issuance of any building or grading permits, complete grading and working drawings shall be submitted to the City Manager for approval. Plans shall be in substantial conformity to Exhibit "A." No changes, modifications or alterations shall be made unless appropriate application(s) or amendment(s) to this Permit have been granted.

10. All of the conditions contained in this Permit have been considered and have been determined to be necessary in order to make the findings required for this Permit. It is the intent of the City that the holder of this Permit be required to comply with each and every condition in order to be afforded the special rights which the holder of the Permit is entitled as a result of obtaining this Permit.

In the event that any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de

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novo and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

11. Prior to issuance of any building permits for this project, a final subdivision map shall be recorded on the subject property.

12. This Permit shall become effective with recordation of the corresponding final subdivision map for and approval of the project site.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

13. Mitigation requirements are tied to the environmental document, specifically the Mitigation, Monitoring, and Reporting Program [MMRP]. These MMRP conditions are incorporated into the permit by reference or authorization for the project.

14. As conditions of Site Development Permit No. 22820 and Tentative Map No. 203245, the mitigation measures specified in the MMRP, and outlined in Mitigated Negative Declaration LDR No. 6896 shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL/MITIGATION REQUIREMENTS.

15. The Owner/Permittee shall comply with the MMRP as specified in Mitigated Negative Declaration LDR No. 6896 satisfactory to the City Manager and City Engineer. Prior to issuance of the first grading permit, all conditions of the MMRP shall be adhered to to the satisfaction of the City Engineer. All mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas:

Biological Resources and Visual Quality

16. Prior to issuance of any construction permit, the applicant shall pay the Long Term Monitoring Fee in accordance with the Development Services Fee Schedule to cover the City's costs associated with implementation of permit compliance monitoring.

AFFORDABLE HOUSING REQUIREMENTS:

17. Prior to receiving the first residential building permit, the applicant shall comply with the Affordable Housing Requirements of the City's Inclusionary Housing Ordinance (Chapter 14, Article 2, Division 13) of the Land Development Code. The applicant has elected to meet these requirements by selling at least a minimum 10 percent of the units at prices affordable to households earning no more than 100% area median income [AMI]. Prior to receiving the first residential building permit, the applicant must enter into an agreement with the San Diego Housing Commission. The applicant has agreed to meet their obligation by restricting 16 percent of the units at 100 percent AMI. Five units of the thirty-one units proposed.

ENGINEERING REQUIREMENTS:

18. The Site Development Permit shall comply with the conditions of Tentative Map No. 203245.

LANDSCAPE REQUIREMENTS:

19. Prior to issuance of any engineering permits for grading, construction documents for temporary erosion control, including hydroseeding shall be submitted in accordance with the Landscape Standards and to the satisfaction of the City Manager. All plans shall be in substantial conformance with Exhibit "A" (including Environmental conditions).

20. Installation of slope planting and erosion control including seeding of all disturbed land (slopes and pads) consistent with the approved landscape and grading plans is considered to be in the public interest. The Permittee shall initiate such measures as soon as the grading has been accomplished. Such erosion control/slope planting and the associated irrigation systems (temporary and/or permanent) and appurtenances shall be installed in accordance with the approved plans and the Landscape Standards.

21. Prior to issuance of any engineering permits for right-of-way improvements, landscape construction documents for right-of-way improvements shall be submitted to the City Manager for approval. Improvement plans shall take into account a 40 square feet area around each tree which is unencumbered by utilities. Driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees.

22. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction document plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind and equivalent size per the approved plans documents to the satisfaction of the City Manager within thirty days prior to final inspection.

23. All required landscape shall be maintained in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees is not permitted. The trees shall be maintained in a safe manner to allow each tree to grow to its mature height and spread.

24. Prior to final inspection, it shall be the responsibility of the Permittee or subsequent Owner to install all required landscape. A No Fee Street Tree Permit shall be obtained for the installation, establishment and on-going maintenance of all street trees.

25. The Permittee or subsequent Owner(s) shall be responsible for the installation and maintenance of all landscape improvements consistent with the Landscape Regulations and Landscape Standards. Invasive species are prohibited from being planted adjacent to any canyon, water course, wet land or native habitats within the city limits of San Diego. Invasive plants are those which rapidly self propagate by air born seeds or trailing as noted in section 1.3 of the Landscape Standards.

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26. Prior to issuance of any construction permits for retaining walls, complete landscape and irrigation construction documents consistent with the Landscape Standards (including planting and irrigation plans, details and specifications) shall be submitted to the City Manager for approval. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Concept Plan.
27. Prior to issuance of any construction permits for structures, complete landscape and irrigation construction documents consistent with the Landscape Standards (including planting and irrigation plans, details and specifications) shall be submitted to the City Manager for approval. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Concept Plan.
28. Prior to issuance of any building permits, the applicant shall apply a protective coating on the face of the trail wall, along the northern portion of the property, to aid against graffiti during the establishment of the permanent landscaping.

PLANNING/DESIGN REQUIREMENTS:

29. There shall be compliance with the regulations of the underlying zone(s) unless a deviation or variance to a specific regulation(s) is approved or granted as a condition of approval of this Permit. Where there is a conflict between a condition (including exhibits) of this Permit and a regulation of the underlying zone, the regulation shall prevail unless the condition provides for a deviation or variance from the regulations. Where a condition (including exhibits) of this Permit establishes a provision which is more restrictive than the corresponding regulation of the underlying zone, then the condition shall prevail.
30. The height(s) of the building(s) or structure(s) shall not exceed those heights set forth in the conditions and the exhibits (including, but not limited to, elevations and cross sections) or the maximum permitted building height of the underlying zone, whichever is lower, unless a deviation or variance to the height limit has been granted as a specific condition of this Permit.
31. A topographical survey conforming to the provisions of the SDMC may be required if it is determined, during construction, that there may be a conflict between the building(s) under construction and a condition of this Permit or a regulation of the underlying zone. The cost of any such survey shall be borne by the Permittee.
32. Any future requested amendment to this Permit shall be reviewed for compliance with the regulations of the underlying zone(s) which are in effect on the date of the submittal of the requested amendment.
33. No building additions, including patio covers, shall be permitted unless approved by the homeowners association and the City Manager. Patio covers may be permitted only if they are consistent with the architecture of the dwelling unit.
34. The applicant shall post a copy of the approved discretionary permit or Tentative Map in the sales office for consideration by each prospective buyer.

35. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located and in accordance with the applicable regulations in the SDMC.
36. The use of textured or enhanced paving shall meet applicable City standards as to location, noise and friction values.
37. The subject property and associated common areas on site shall be maintained in a neat and orderly fashion at all times.
38. No mechanical equipment, tank, duct, elevator enclosure, cooling tower, mechanical ventilator, or air conditioner shall be erected, constructed, converted, established, altered, or enlarged on the roof of any building, unless all such equipment and appurtenances are contained within a completely enclosed, architecturally integrated structure whose top and sides may include grillwork, louvers, and latticework.
39. Prior to the issuance of building permits, construction documents shall fully illustrate compliance with the Citywide Storage Standards for Trash and Recyclable Materials (SDMC) to the satisfaction of the City Manager. All exterior storage enclosures for trash and recyclable materials shall be located in a manner that is convenient and accessible to all occupants of and service providers to the project, in substantial conformance with the conceptual site plan marked Exhibit "A."

TRANSPORTATION REQUIREMENTS:

40. No fewer than sixty-two off-street parking spaces (fifty-four spaces within twenty-seven tandem garages) shall be maintained on the property at all times in the approximate locations shown on the approved Exhibits "A." Parking spaces shall comply at all times with requirements of the Land Development Code and shall not be converted for any other use unless otherwise authorized by the City Manager.
41. Prior to the issuance of the first engineering permit, the applicant shall pay two third of the current cost of the future construction of City standard cul-de-sac (35' curb radius) at the north end of 49th Street including design cost, permit fee cost, construction cost, and contingency fee cost, satisfactory to the City Engineer.
42. This project shall comply with all current street lighting standards according to the City of San Diego Street Design Manual (Document No. 297376, filed November 25, 2002) and the amendment to Council Policy 200-18 approved by City Council on February 26, 2002 (Resolution R-296141) satisfactory to the City Engineer.

WASTEWATER REQUIREMENTS:

43. The developer shall design and construct all proposed public sewer facilities to the most current edition of the City of San Diego's sewer design guide. Proposed facilities that do not meet the current standards shall be private or redesigned.

44. The developer shall install all sewer facilities required by the accepted sewer study, necessary to serve this development. Sewer facilities as shown on the approved Tentative Map will require modification based on the accepted sewer study.
45. The developer shall provide evidence, satisfactory to the Metropolitan Wastewater Department Director, indicating that each lot/condominium will have its own sewer lateral or provide CC&R's for the operation and maintenance of on-site private sewer mains that serve more than one lot/condominium.
46. Prior to the issuance of any building permits, the developer shall assure, by permit and bond, the design and construction of all public sewer facilities necessary to serve this development.
47. Proposed private underground sewer facilities located within a single lot shall be designed to meet the requirements of the California Uniform Plumbing Code and shall be reviewed as part of the building permit plan check.
48. No trees or shrubs exceeding three feet in height at maturity shall be installed within ten feet of any public sewer facilities.

WATER REQUIREMENTS:

49. Prior to the issuance of the first building permit, the Owner/Permittee shall assure, by permit and bond, the design and construction of public 12-inch water facilities within the 49th Street right-of-way, from Nogal Street to the northerly project boundary, in a manner satisfactory to the Water Department Director and the City Engineer.
50. Prior to the issuance of the first building permit, the Owner/Permittee shall assure, by permit and bond, the design and construction of public 12-inch water facilities within the Street "A" right-of-way, from 49th Street to the westerly cul-de-sac, in a manner satisfactory to the Water Department Director and the City Engineer.
51. Prior to the issuance of the first building permit, the Owner/Permittee shall assure, by permit and bond, the design and construction of public 8-inch water facilities and the cut, plug and abandonment of the existing public water facilities within the Nogal Street right-of-way, from 49th Street to the westerly project boundary, and reconnect all existing water services still in service adjacent to the project to the 8-inch mains, in a manner satisfactory to the Water Department Director and the City Engineer.
52. Prior to the issuance of the first building permit, the Owner/Permittee shall assure, by permit and bond, the design and construction of new water services, and the disconnection at the mains of all existing unused water services adjacent to the project site, in a manner satisfactory to the Water Department Director and the City Engineer.
53. Prior to the first final inspection of any building permit for the Chollas Creek Villas project, the Owner/Permittee shall install and/or replace fire hydrants at locations satisfactory to the Fire Marshal, the Water Department Director and the City Engineer.

54. Prior to the first final inspection of any building permit for the Chollas Creek Villas project, the Owner/Permittee shall design and construct new public water facilities, into acceptable alignments and rights-of-way, in the event any public water facility in the vicinity of the project site loses integrity due to the construction and grading activities associated with this development, in a manner satisfactory to the Water Department Director and the City Engineer.

55. Prior to the first final inspection of any building permit for the Chollas Creek Villas project, all public water facilities necessary to serve this development shall be complete and operational in a manner satisfactory to the Water Department Director and the City Engineer.

56. The Owner/Permittee agrees to design and construct all proposed public water facilities in accordance with established criteria in the most current editions of the City of San Diego Water Facility Design Guidelines and City regulations, standards and practices pertaining thereto. Public water facilities and easements, as shown on approved Exhibit "A," shall be modified at final engineering to comply with standards.

57. Prior to the issuance of any building permits, the Owner/Permittee shall grant adequate water easements over all public water facilities that are not located within fully improved public rights-of-way, satisfactory to the Water Department Director and the City Engineer. Easements, as shown on approved Exhibit "A," will require modification based on standards at final engineering.

INFORMATION ONLY:

Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code section 66020.

APPROVED by the City Council of the City of San Diego on JAN 24 2006, by
Resolution No. R- 301198.

ORIGINAL

AUTHENTICATED BY THE CITY MANAGER

By *Samy Halbert*

The undersigned Permittee, by execution hereof, agrees to each and every condition of this Permit and promises to perform each and every obligation of Permittee hereunder.

DISTINCTIVE HOMES CHOLLAS
CREEK LP,
a California Limited Partnership
Owner/Permittee

By *[Signature]*
By _____

**NOTE: Notary acknowledgments
must be attached per Civil Code
section 1180 et seq.**

PERMIT/OTHER - Permit Shell 11-01-04

ORIGINAL

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of San Diego } ss.

On Feb. 28, 2006 before me, Tracie D. Rambo-Majeed
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared Gary Halbert
Name(s) of Signer(s)

personally known to me

proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

Tracie D. Rambo-Majeed
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document
Title or Type of Document: Permit (SDP # 11820 Chollas Creek Villas #6894)

Document Date: Jan. 24, 2006 Number of Pages: _____

Signer(s) Other Than Named Above: none

Capacity(ies) Claimed by Signer(s)

Signer's Name: Gary Halbert

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____

RIGHT THUMBPRINT OF SIGNER
Top of thumb here

Signer Is Representing: City of San Diego

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____

RIGHT THUMBPRINT OF SIGNER
Top of thumb here

Signer Is Representing: _____

ORIGINAL

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of San Diego

} ss.

On 2-17-06
Date

before me,

Joniene Swick, Notary Public
Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared

Steve Santa Cruz
Name(s) of Signer(s)

personally known to me

proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



Place Notary Seal Above

WITNESS my hand and official seal.

[Signature]
Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: Site development Permit No: 6894

Document Date: January 24, 2006

Number of Pages: 1-10

Signer(s) Other Than Named Above: n/a

Capacity(ies) Claimed by Signer(s)

Signer's Name: Steve Santa Cruz

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: owner
permittee

Signer Is Representing: _____



Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____

Signer Is Representing: _____



ORIGINAL

(R-2006-588)
(COR.COPY)RESOLUTION NUMBER R- 301198DATE OF FINAL PASSAGE JAN 24 2006

WHEREAS, Distinctive Homes Chollas Creek LP, a California Limited Partnership, Owner/Permittee, filed an application with the City of San Diego for a site development permit to construct a thirty-one detached residential condominium development known as the Chollas Creek Villas project, located north of Nogal Street, west of 49th Street, and south of Castana Street, and legally described as Lots 157 through 167 and 169 through 191 of Sunshine Gardens, Map 1804, Township 17 South, Range 2 West, San Bernardino Base Meridian, in the Encanto Neighborhoods Southeastern Community Plan area, in the MF-2500 zone of the Southeastern San Diego Planned District; and

WHEREAS, on November 17, 2005, the Planning Commission of the City of San Diego considered Site Development Permit [SDP] No. 11820, and pursuant to Resolution No. 3885-PC voted to recommend City Council approval of the Permit; and

WHEREAS, under Charter section 280(a)(2) this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the decision and where the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; and

WHEREAS, the matter was set for public hearing on JAN 24 2006, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

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BE IT RESOLVED, by the Council of the City of San Diego, that it adopts the following findings with respect to Site Development Permit No. 11820:

**A. SITE DEVELOPMENT PERMIT - SAN DIEGO MUNICIPAL CODE [SDMC]
SECTION 126.0504**

1. Findings for all Site Development Permits:

a. The proposed development will not adversely affect the applicable land use plan. The 2.51-acre project site is located north of Nogal Street, west of 49th Street, and south of Castana Street in the MF-2500 zone of Southeastern San Diego Planned District. The project site is located within the Southeastern San Diego community planning area and more specifically within the Lincoln Park neighborhood of the Encanto Neighborhoods planning area. The site is presently designated residential medium density at 15 to 17 dwelling units per acre by the community plan which was adopted by the City Council on July 13, 1987. This land use designation would allow a range of 27 to 31 units on the subject site. The project proposes new construction of thirty-one detached for-sale residential units on a vacant site where five out of the thirty-one units would be set aside as restricted affordable housing. The residential objectives of the community plan include the increase of home ownership opportunities and increasing the level of owner occupancy to increase maintenance of properties and to increase pride in individual neighborhoods.

The site is also within the Chollas Creek Enhancement Program adopted May 14, 2002. The project site is located within the South Branch-Phase 1 of the Program, which is considered the highest profile area. This program is to maintain and restore Chollas Creek to its natural state.

The community plan's open space and recreation objectives are to increase opportunities for public enjoyment of open space areas, including access to Chollas Creek. The community plan recommends strategies and guidelines for development that would implement the community's vision for Chollas Creek. Chollas Creek Villas incorporates the community plan's recommendations by providing single-family homes at multi-family densities that open to the creek and a public access trail that traverses the site.

The proposed request for construction of thirty-one residential units and on-site active and passive recreation areas, including improvements associated with the Chollas Creek Enhancement Program, would not adversely affect the Southeastern San Diego Community Plan in that it would implement the policies and recommendations of the community plan associated with building scale and character, site and building design, pedestrian access, streetscape, landscaping, outdoor amenities, pedestrian activity areas, and natural creek areas. More specifically, the proposed project would help increase overall housing supply as well as affordable housing supply in the City by providing a new and high quality for-sale housing development within the community.

The proposed project includes six different building types for the twenty-seven detached 3-story units as follows: Ranch, Irving Gill, Mediterranean Villa, Cape Cottage,

Spanish Villa, and Craftsman. The variety of building styles would result in a more interesting appearance along the creek. The detached units or row houses with porches/covered patios are also oriented towards Chollas Creek thereby taking advantage of this natural feature and using the creek as a positive park-like feature of the proposed project. This orientation towards the creek also strengthens the relationship between the buildings and associated amenities and recreational opportunities that would be offered at the subject site. The proposed project features pedestrian-oriented design elements and pedestrian activity areas, such as the eight feet wide stabilized decomposed granite trail along Chollas Creek, interpretive station/signage and benches along the trail. Sidewalks are proposed along Street A, 49th Street and a small portion of Nogal Street that are part of this project. In addition, a five feet wide pathway connects the entry paths to all twenty-seven units facing the creek.

The proposed development of the 31-unit affordable for sale housing project on the site would be developed to be consistent with the plan objectives of the Southeastern San Diego Community Plan by providing opportunity of home ownership and incorporating Chollas Creek with restoration and a public access trail. Therefore, the proposed development would not adversely affect the applicable land use plan.

b. The proposed development will not be detrimental to the public health, safety, and welfare. The project proposes the construction of 31 detached homes and a public access trail system to Chollas Creek. The project proposes grading and construction for retaining walls and to create a level pad for the proposed units. Due to the topographic features of the site caused by previous grading activities, the project proposes minor cut and fill grading in order to achieve a level buildable site. Grading will include approximately 6,200 cubic yards of cut and 7,200 cubic yards of fill, which includes approximately 1,000 cubic yards of imported fill. A series of two retaining walls to a maximum combined height of 15-feet are required to create the public trail system to access down to Chollas Creek.

The project construction plans include measures to reduce potentially adverse impacts associated with erosion and slope instability. The project conditions require approval of an engineering permit to allow the proposed grading. The project would be constructed in accordance with engineering standards and Best Management Practices to create a safe and stable site. The proposed project conforms to the development regulations for storm water quality standards. The proposed development would be required to obtain Building Permits to show that all construction would comply with all applicable Building and Fire Code requirements.

The project includes mitigation measures to offset potential impacts to the environment. A Mitigated Negative Declaration was prepared in accordance with the State of California Environmental Quality Act, and a Mitigation, Monitoring and Reporting Program will be implemented to reduce impacts to biological resources and visual quality, to below a level of significance. Therefore, the proposed development would not be detrimental to the public health, safety, and welfare.

c. The proposed development will comply with the applicable regulations of the Land Development Code. The 2.51-acre site is located in the MF-2500 zone of Southeastern San Diego Planned District. The project requires a Site Development Permit,

Tentative Map, and Public Right-of-Way Vacation. A Site Development Permit is required for this project to deviate from the Land Development Code's development regulations. Affordable/In-Fill Housing projects may request a deviation from the applicable development regulations pursuant to a Site Development Permit.

The MF zones are multiple-family zones primarily intended to provide for multiple-family residential development at varying densities ranging up to 45 dwelling units per net residential acre. The MF-2500 zone requires a maximum of 17.42 dwelling units per net acre with 2,500 square feet of land area per dwelling unit. The site is presently designated residential medium density at 15 to 17 dwelling units per acre by the community plan which was adopted by the City Council on July 13, 1987. This land use designation would allow a range of 27 to 31 units on the subject site. The project proposes new construction of thirty-one detached for-sale residential units on a vacant site where five out of the thirty-one units would be set aside as restricted affordable housing.

The structures will be three stories, to a maximum height of 25-feet. The MF--2500 zone does not limit the structure height. The gross floor area will be 2,135 square feet for twenty-seven units and 2,595 square feet for four units. The Floor Area Ratio is 0.62, significantly below the maximum allowed Floor Area Ratio of 1.00. The number of residential units is limited to thirty-one based on the allowable density. Each unit includes parking in an enclosed first floor garage. Parking will include twenty-seven 2-car tandem garages, and four 2-car garages; totaling sixty-two off-street parking spaces. An additional twenty-seven public on-street parking spaces will be created on the newly dedicated A Street located between the residences. Deviations are being requested as part of the affordable/in-fill housing regulations in accordance with San Diego Municipal Code 143.0915 and 143.0920, pursuant to a Site Development Permit. The project proposes eight deviations from the development standards for wall height, parking, driveway openings, street trees, remaining yard trees, and setbacks. The deviations are for a 15 foot high retaining wall for a length of 191 feet where the maximum height of 12 feet would be allowed, for twenty-seven tandem parking garage spaces where non-tandem would be required, for providing thirty-one driveways where a maximum of eight would be allowed, for not providing one 24-inch box tree between each building where one would be required, for providing thirty-five street yard trees where forty-five would be required, for a 5 foot front yard setback along "A" Street where 10 feet would be required, for portions of a 6 to 12 foot high retaining wall for a length of 160 feet in the rear yard setback where a maximum of 6 feet is allowed, and for a spacing of 4 feet between residential buildings where 6 feet is required.

Each of the requested deviations would be necessary to allow the Thirty-one proposed units and public trail system, given the site size and topographical constraints. The project area consists of vacant previously graded lands along the south side of Chollas Creek, which created a benched topography. The development of this vacant property is constrained by Chollas Creek and the numerous existing unimproved public easements. In addition, this project would exceed the minimum requirements for supplying Affordable Housing and allows improvement and residential use of a challenging and constrained parcel for both the Community and the City. Other than these eight deviations, the project meets the intent, purpose, and goals of the underlying zone. Therefore, the proposed development would comply with the regulations of the Land Development Code.

2. Supplemental Findings – Environmentally Sensitive Lands

a. The site is physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to environmentally sensitive lands. An environmental analysis was completed for this project. The project site is not within or adjacent to the City's Multi-Habitat Planning Area [MHPA]. No grading or development is proposed within either the 100 year or 500 year floodplain of Chollas Creek as shown on the Federal Emergency Management Agency Flood Insurance Rate Map. A Mitigated Negative Declaration was prepared in accordance with the California Environmental Quality Act [CEQA], and a Mitigation, Monitoring and Reporting Program [MMRP] will be implemented to reduce impacts to biological resources and visual quality to below a level of significance. Sensitive habitats were encountered within the project premises along Chollas Creek that will be impacted by the proposed development.

The construction of a trail system required by the Chollas Creek Enhancement Program will impact disturbed wetlands. The project would impact approximately 0.77 acres of Non-native grassland (Tier IIIB), 1.52 acres of Disturbed land (Tier IV), 0.03 acres of Disturbed coastal sage scrub (Tier II), and 0.05 acres of Disturbed wetland. No mitigation is required for Disturbed and Developed lands (Tier IV). Mitigation is required for the 0.77 acres of Non-native Grassland and 0.03 acres of Disturbed Coastal sage scrub, totaling 0.8 acres of direct upland impacts. The applicant has the option to provide off-site acquisition within the MHPA, or pay into the City's Habitat Acquisition Fund, or a combination of these two mitigation types. In addition, a mitigation ratio of 2:1 is required for disturbed wetlands. Wetland mitigation must be in kind and achieve no net loss. The applicant will purchase 0.1 acre of Mitigation Credits within the Rancho Jamul Mitigation Bank.

The construction of an ADA accessible trail system to Chollas Creek would create retaining walls which exceed 50 feet in length and/or 6 feet in height; therefore the walls could result in a significant adverse visual impact. The two proposed walls would be approximately 550 to 600 feet in length, with an 8 feet wide trail between the walls, for a total maximum height of 15 feet. Mitigation includes screening of the retaining walls with landscaping in accordance with the Chollas Creek Enhancement Program.

Pursuant to Section 143.0141 of the City of San Diego Municipal Code, the project conferred with the U.S. Fish & Wildlife Service, the Army Corps of Engineers, and the California Department of Fish and Game, to seek input on impact avoidance, minimization, mitigation and buffer requirements. The recommended measures to reduce impacts have been incorporated as mitigation measures to the project and are defined in the MMRP as documented in the Mitigated Negative Declaration. Therefore the site is physically suitable for the design and siting of the proposed development and the development would result in minimum disturbance to environmentally sensitive lands.

b. The proposed development will minimize the alteration of natural land forms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards. The project area consists of vacant previously graded lands along the south side of Chollas Creek, which created a benched topography. Elevations on-site range from approximately 130-feet at the southeastern corner of the property to 82-feet along the northern

property boundary. Adjacent land uses consist of a trailer park to the north across Chollas Creek, and residential land use to the west, south and east. The property abuts Chollas Creek on the north, 49th Street to the east, and a portion of Nogal Street to the south. Chollas Creek is a partially natural channel and partially channelized.

Due to the topographic features of the site caused by previous grading activities, the project proposes minor cut and fill grading in order to achieve a level buildable site. No grading or development is proposed within either the 100 year or 500 year floodplain of Chollas Creek as shown on the Federal Emergency Management Agency [FEMA] Flood Insurance Rate Map. Grading will include approximately 6,200 cubic yards of cut and 7,200 cubic yards of fill, which includes approximately 1,000 cubic yards of imported fill. A series of two retaining walls to a maximum height of 15-feet are required to create the public trail system to access down to Chollas Creek.

A drainage study was prepared by REC Environmental, Inc. to determine surface flow for storm water runoff and the drainage features were found to be adequate to accommodate the proposed runoff. A geotechnical investigation was prepared by Construction Testing and Engineering. The report finds that the site is suitable for the proposed development with the implementation of the geotechnical recommendations to address the existing fill material. No earthquake faults have been mapped on or immediately adjacent to the site. The project would not result in fire hazards. The project has been designed to meet all fire and life safety codes. The project design minimizes impacts to natural land forms. Therefore, the proposed development will minimize the alteration of natural land forms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards.

c. **The proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands.** The 2.51 acre project site abuts Chollas Creek. The project is not within or adjacent to the City's Multi-Habitat Planning Area. No grading or development is proposed within either the 100 year or 500 year floodplain of Chollas Creek. Chollas Creek is a partially natural channel and partially channelized. A complete environmental analysis was performed for the project site. A Mitigated Negative Declaration was prepared in accordance with CEQA, and a MMRP will be implemented to reduce impacts to biological resources and visual quality to below a level of significance.

The final Chollas Creek Villas Biological Technical Report, dated May 2005, evaluated the vegetation communities of the project site. Their analysis determined that the creek is currently comprised of a mixture of native and non-native wetland species and has been channelized on the southern bank with concrete. The bottom of the creek was found to be comprised of cobble and sand. The area of the creek adjacent to the site was found to be degraded which provides little habitat value for animal species. This disturbed wetland channel was found to have a low potential to support avian species. Though, sensitive habitats were encountered within the project premises along Chollas Creek that will be impacted by the required development of the Chollas Creek trail system.

The construction of the trail system required by the Chollas Creek Enhancement Program will impact disturbed wetlands. The project would impact approximately 0.77 acres of Non-native grassland (Tier IIIB), 1.52 acres of Disturbed land (Tier IV), 0.03 acres of Disturbed

coastal sage scrub (Tier II); and 0.05 acres of Disturbed wetland. No mitigation is required for Disturbed and Developed lands (Tier IV). Mitigation is required for the 0.77 acres of Non-native Grassland and 0.03 acres of Disturbed Coastal sage scrub, totaling 0.8 acres of direct upland impacts. The applicant has the option to provide off-site acquisition within the MHPA, or pay into the City's Habitat Acquisition Fund, or a combination of these two mitigation types. In addition, a mitigation ratio of 2:1 is required for disturbed wetlands. Wetland mitigation must be in kind and achieve no net loss. The applicant will purchase 0.1 acre of Mitigation Credits within the Rancho Jamul Mitigation Bank.

There is no existing buffer and no required wetland buffer for Chollas Creek. Project meetings and decisions by City environmental staff, California Department of Fish and Game and Army Corps of Engineers, noted that these resource agencies would not take jurisdiction over the giant reed dominated area, and a buffer would not be required due to the fact that a buffer does not presently exist. The proposed project includes the eradication of giant reed which has invaded this portion of Chollas Creek and the area would be revegetated with native willows, thus improving the overall functions and values of Chollas Creek.

The project will be constructed in accordance with engineering standards and Best Management Practices [BMP's] to create a safe and stable site. The proposed project conforms to the development regulations for storm water quality standards. Therefore, the proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands.

d. **The proposed development will be consistent with the City of San Diego's Multiple Species Conservation Program [MSCP] Subarea Plan.** The project is not located in the City's MHPA, so there will be no impacts. Therefore, the proposed development will be consistent with the City of San Diego's MSCP Subarea Plan.

e. **The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply.** The proposed project is not located on a beach or bluff and will not contribute to the erosion of public beaches. The Pacific Ocean is approximately two and half miles from this project area. A Drainage Study and Water Quality Technical Report/Stormwater Management Plan, dated November 2004, was prepared for the project by REC Environmental, Inc. The project design requires that runoff from the site would be diverted into grass treatment swales and via filtered catch basins to an existing storm drain system. Construction BMP's are defined as project mitigation to minimize storm water runoff into Chollas Creek during construction and grading activity. Therefore, the proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply.

f. **The nature and extent of mitigation required as a condition of the permit is reasonably related to, and calculated to alleviate, negative impacts created by the proposed development.** The project would create affordable housing and additional housing for this community in an area that was previously un-useable land. The property was previously graded, leaving a benched topography in close proximity to Chollas Creek. Numerous unimproved public alleys and streets traverse the site. Any site development has been constrained by this previous grading, the close proximity to Chollas Creek, and the existing

unimproved public easements. The additional grading required for this project will be the minimum necessary to grade and fill this area to create a level pad for the proposed residential units and the required trail system to Chollas Creek. In addition, the environmental study determined that this proposed project could have a significant environmental effect in the areas of biological and visual resources. Mitigated Negative Declaration No. 6896 was prepared and a MMRP will be implemented which will reduce potentially adverse impacts associated with biological and visual resources to below a level of significance.

The project grading and development include construction practices and mitigation which includes; maintain fencing along the edge of the creek, removing invasive plant species from the creek and to replant with native species, removing trash and debris from the creek, and shield outdoor lighting from falling on the creek. To protect water quality, mitigation includes; complying with the State Water Resources Control Board General Construction Permit, and the Municipal Storm Water Permit, install and maintain silt fencing along Chollas Creek during construction activity, developing and adhere to a Water Pollution Control Plan and Storm Water Pollution Prevention Plan, maintaining on-site construction equipment in good condition, and installing grass swales and other filters to treat storm runoff. To protect air quality, mitigation includes; providing for site watering and sweeping to reduce dust.

The construction of the trail system required by the Chollas Creek Enhancement Program will impact disturbed wetlands. The project would impact approximately 0.77 acres of Non-native grassland (Tier IIIB), 1.52 acres of Disturbed land (Tier IV), 0.03 acres of Disturbed coastal sage scrub (Tier II), and 0.05 acres of Disturbed wetland. No mitigation is required for Disturbed and Developed lands (Tier IV). Mitigation is required for the 0.77 acres of Non-native Grassland and 0.03 acres of Disturbed Coastal sage scrub, totaling 0.8 acres of direct upland impacts. The applicant has the option to provide off-site acquisition within the MHPA, or pay into the City's Habitat Acquisition Fund, or a combination of these two mitigation types. In addition, a mitigation ratio of 2:1 is required for disturbed wetlands. Wetland mitigation must be in kind and achieve no net loss. The applicant will purchase 0.1 acre of Mitigation Credits within the Rancho Jamul Mitigation Bank. Therefore, the nature and extent of mitigation required as a condition of the permit is reasonably related to, and calculated to alleviate, negative impacts created by the proposed development.

3. SDP - Supplemental Findings—Deviations For Affordable/In-Fill Housing Projects

a. **The proposed development will materially assist in accomplishing the goal of providing affordable housing opportunities in economically balanced communities throughout the City.** The Southeastern San Diego community plan designates the subject project site for multi-family residential use at a medium density of 15 to 17 dwelling units per acre, which would allow a range of 27 to 31 units on this site. The proposed project would provide a total of thirty-one detached residential units of which five would be restricted affordable housing units for households with an income at or below 100 percent of the area median income [AMI] (\$63,400 for a family of four). The site is currently vacant, and therefore, the project would result in a net gain of thirty-one units to the Encanto Neighborhoods planning area of the Southeastern San Diego community planning area. As a component of the application, the proposed project would conform to the Inclusionary Affordable Housing

regulations, which requires setting aside at least 10 percent of the total number of for-sale dwelling units for households with an income at or below 100 percent of the area median income. The proposed project would be setting aside 16 percent or five units of the proposed total of thirty-one units as restricted affordable housing. The proposal would also help the City address its shortage of affordable housing units during a time when the City Council has determined that the City is in a Housing State of Emergency.

As of January 1, 2004, the total number of housing units in this community was 28,122 with approximately 29 percent of these units being multi-family. Based on planned land use designations per the community plan, a total maximum number of 31,000 housing units could be allowed in the community planning area. According to San Diego Housing Commission's information on affordable housing restricted units for the entire city, there are 1,104 completed affordable housing restricted units in the Southeastern San Diego community planning area that comprises approximately 6 percent of the total completed number of units in the City (17,097). In addition, there are seventy-seven restricted units currently in process within this community.

The project is not paying an in-lieu fee to meet the City housing requirements. The project will be exceeding the City Inclusionary Affordable Housing regulations by supplying 16 percent for sale affordable housing units in comparison to the minimum requirement of 10 percent at 100% AMI. Therefore, the proposed development will materially assist in accomplishing the goal of providing affordable housing opportunities in economically balanced communities throughout the City.

b. The development will not be inconsistent with the purpose of the underlying zone. The 2.51-acre site is located in the MF-2500 zone of Southeastern San Diego Planned District. The project requires a Site Development Permit, Tentative Map, and Public Right-of-Way Vacation. A Site Development Permit is required for this project to deviate from the Land Development Code's development regulations. Affordable/In-Fill Housing projects may request a deviation from the applicable development regulations pursuant to a Site Development Permit.

The MF zones are multiple-family zones primarily intended to provide for multiple-family residential development at varying densities ranging up to forty-five dwelling units per net residential acre. The MF-2500 zone requires a maximum of 17.42 dwelling units per net acre with 2,500 square feet of land area per dwelling unit. The site is presently designated residential medium density at 15 to 17 dwelling units per acre by the community plan which was adopted by the City Council on July 13, 1987. This land use designation would allow a range of 27 to 31 units on the subject site. The project proposes new construction of thirty-one detached for-sale residential units on a vacant site where five out of the thirty-one units would be set aside as restricted affordable housing.

The structures will be three stories, to a maximum height of 25-feet. The MF-2500 zone does not limit the structure height. The gross floor area will be 2,135 square feet for twenty-seven units and 2,595 square feet for four units. The Floor Area Ratio is 0.62, significantly below the maximum allowed Floor Area Ratio of 1.00. The number of residential units is limited to thirty-one based on the allowable density. Each unit includes parking in an

enclosed first floor garage. Parking will include twenty-seven 2-car tandem garages, and four 2-car garages; totaling sixty-two off-street parking spaces. An additional twenty-seven public on-street parking spaces will be created on the newly dedicated A Street located between the residences. Deviations are being requested as part of the affordable/in-fill housing regulations in accordance with San Diego Municipal Code sections 143.0915 and 143.0920, pursuant to a Site Development Permit. The project proposes eight deviations from the development standards for wall height, parking, driveway openings, street trees, remaining yard trees, and setbacks. The deviations are for a 15 foot high retaining wall for a length of 191 feet where the maximum height of 12 feet would be allowed, for twenty-seven tandem parking garage spaces where non-tandem would be required, for providing thirty-one driveways where a maximum of eight would be allowed, for not providing one 24-inch box tree between each building where one would be required, for providing 35 street yard trees where 45 would be required, for a 5 foot front yard setback along "A" Street where 10 feet would be required, for portions of a 6 to 12 foot high retaining wall for a length of 160 feet in the rear yard setback where a maximum of 6 feet is allowed, and for a spacing of 4 feet between residential buildings where 6 feet is required.

Each of the requested deviations would be necessary to allow the thirty-one proposed units and public trail system, given the site size and constraints. The project area consists of vacant previously graded lands along the south side of Chollas Creek, which created a benched topography. The development of this vacant property is constrained by Chollas Creek and the numerous existing unimproved public easements. In addition, this project will exceed the minimum requirements for supplying Affordable Housing and allows improvement and residential use of a challenging and constrained parcel for both the Community and the City. Other than these eight deviations, the project meets the intent, purpose, and goals of the underlying zone. Therefore, the development will not be inconsistent with the purpose of the underlying zone.

c. Any proposed deviations are appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone. The 2.51 acre project area consists of vacant previously graded lands along the south side of Chollas Creek, which created a benched topography. The development of this vacant property is constrained by Chollas Creek, the previous grading, and the numerous existing unimproved public easements traversing the site. The project is requesting deviations as part of the affordable/in-fill housing regulations in accordance with SDMC sections 143.0915 and 143.0920, pursuant to a Site Development Permit. The project provides five affordable housing units which exceeds the minimum required for this development to be an affordable housing project. The project proposes eight deviations from the development standards of the SDMC for wall height, parking, driveway openings, street trees, remaining yard trees, and setbacks:

The maximum permitted retaining wall height is 12 feet outside the setback per SDMC section 142.0340 (e). The retaining wall on the north side of the project will exceed this height by a maximum of 3' for a length of approximately 191 feet. This deviation is necessary to maintain the permissible ADA grade on the Chollas Creek Multi-Use Trail.

A deviation from SDMC section 142.0340(d) (1) for a retaining wall over 6 feet in height within the rear yard setback. The project has approximately 160 feet of retaining wall

within the rear yard setback over 6 feet in height, with portions to a height of 12 feet. This deviation is necessary to maintain the permissible ADA grade and create a second trail access for the Chollas Creek Multi-Use Trail.

The parking requirements for this project consisting of four 4-bedroom units and twenty-seven 3-bedroom units located within a Transit Overlay Zone is sixty-two vehicle parking spaces (SDMC section 132.0905). The project proposes to provide sixty-two fully enclosed parking spaces but deviates from the parking requirements by proposing tandem parking for twenty-seven of the thirty-one homes. In addition, by modifying the existing alley to a single loaded public street an additional twenty-seven public parking spaces are provided or a total of eighty-nine provided by the project. The project has been conditioned to provide sixty-two off street parking places.

SDMC section 142.0560(j)(8)(A) permits one driveway opening per 100 foot of street frontage which would allow eight, and the project proposes twenty-seven driveways in 550 feet for the twenty-seven detached condominium units. The twenty-seven detached condominium units are designed with individual enclosed garages as part of each unit. The only alternative that would satisfy the code requirement would be to detach the parking from the homes and cluster it in a parking lot. This deviation would allow the single family row home style with attached enclosed garages.

A deviation is requested from SDMC section 142.0405(b) (2) (B) for landscape requirements in the remaining yards. The code requires that projects with two or more residential buildings on a lot provide one 24-inch box tree on each side and in the rear of each building. One tree is provided in the rear of each building but none are provided between the buildings because the minimum separation of 6 feet from a tree to a building cannot be met, as the twenty-seven row homes are only 4 feet apart.

A deviation is requested from SDMC section 142.0409(a)(1) for street tree quantity. The project proposes to install street trees only on the south side of Street A, not on the north side where the right-of-way is limited in width. The South East San Diego Community Plan requires that the project be oriented toward Chollas Creek therefore the majority of the landscaping is proposed on the north side of the residences along the Chollas Creek frontage. There is not sufficient room to permit both a street tree and a street yard tree Street A frontage. The objective of solar shading of the street will be accomplished by the street trees on the south side of the Street A.

The required front yard setback is 10 feet and the project proposes a 5 foot front yard setback along the north side of A Street. The SDMC designates the front yard along the north side of Street A for the twenty-seven units, though the Community Plan requests that the residence be designed with the front entrance adjacent to Chollas Creek. A deviation is requested from SDMC section 103.1706(f)(3) for the front yard setback reduction adjacent to the north side of Street A. This deviation allows for a wider rear yard setback so that the twenty-seven units are oriented towards Chollas Creek as the Community Plan recommends.

A deviation is requested from SDMC section 131.0450 for the building spacing in residential zones. Detached dwelling units are required to maintain a minimum distance of 6

feet between dwellings where the project proposes a minimum spacing of 4 feet between the buildings.

The proposed development would provide thirty-one detached housing units with five of them designated as affordable. Each of the requested deviations would be necessary to allow the thirty-one proposed units given the site size and constraints. The proposed development has otherwise been designed and conditioned to ensure conformance to the requirements of the City of San Diego Land Development Code. Therefore, the proposed deviations are appropriate for this location and will result in a more desirable project than would have been achieved if designed in strict conformance with the development regulations of the applicable zone.

4. SDP - Southeastern San Diego Development Permit – SDMC
Section 103.1703.b.2

a. **The proposed use and project design meet the purpose and intent of this Division, comply with the recommendations of the Southeastern San Diego Community Plan, and will not adversely affect the General Plan or other applicable plans adopted by the City Council.** The 2.51-acre site is located in the MF-2500 zone of Southeastern San Diego Planned District. The project requires a Site Development Permit, Tentative Map, and Public Right-of-Way Vacation. A Site Development Permit is required for this project to deviate from the Land Development Code's development regulations. Affordable/In-Fill Housing projects may request a deviation from the applicable development regulations pursuant to a Site Development Permit.

The MF zones are multiple-family zones primarily intended to provide for multiple-family residential development at varying densities ranging up to forty-five dwelling units per net residential acre. The MF-2500 zone requires a maximum of 17.42 dwelling units per net acre with 2,500 square feet of land area per dwelling unit. The site is presently designated residential medium density at 15 to 17 dwelling units per acre by the community plan which was adopted by the City Council on July 13, 1987. This land use designation would allow a range of 27 to 31 units on the subject site. The project proposes new construction of thirty-one detached for-sale residential units on a vacant site where five out of the thirty-one units would be set aside as restricted affordable housing.

The structures will be three stories, to a maximum height of 25-feet. The MF-2500 zone does not limit the structure height. The gross floor area will be 2,135 square feet for twenty-seven units and 2,595 square feet for four units. The Floor Area Ratio is 0.62, significantly below the maximum allowed Floor Area Ratio of 1.00. The number of residential units is limited to thirty-one based on the allowable density. Each unit includes parking in an enclosed first floor garage. Parking will include twenty-seven 2-car tandem garages, and four 2-car garages; totaling sixty-two off-street parking spaces. An additional twenty-seven public on-street parking spaces will be created on the newly dedicated A Street located between the residences. Deviations are being requested as part of the affordable/in-fill housing regulations in accordance with San Diego Municipal Code sections 143.0915 and 143.0920, pursuant to a Site Development Permit. The project proposes eight deviations from the development standards for wall height, parking, driveway openings, street trees, remaining yard trees, and setbacks. The

deviations are for a 15 foot high retaining wall for a length of 191 feet where the maximum height of 12 feet would be allowed, for twenty-seven tandem parking garage spaces where non-tandem would be required, for providing thirty-one driveways where a maximum of eight would be allowed, for not providing one 24-inch box tree between each building where one would be required, for providing thirty-five street yard trees where forty-five would be required, for a 5 foot front yard setback along "A" Street where 10 feet would be required, for portions of a 6 to 12 foot high retaining wall for a length of 160 feet in the rear yard setback where a maximum of 6 feet is allowed, and for a spacing of 4 feet between residential buildings where 6 feet is required.

Each of the requested deviations would be necessary to allow the thirty-one proposed units and public trail system, given the site size and constraints. The project area consists of vacant previously graded lands along the south side of Chollas Creek, which created a benched topography. The development of this vacant property is constrained by Chollas Creek and the numerous existing unimproved public easements. In addition, this project will exceed the minimum requirements for supplying Affordable Housing and allows improvement and residential use of a challenging and constrained parcel for both the Community and the City. Other than these eight deviations, the project meets the intent, purpose, and goals of the underlying zone.

The project site is located within the Southeastern San Diego community planning area and more specifically within the Lincoln Park neighborhood of the Encanto Neighborhoods planning area. The project site is also located within the Central Imperial Redevelopment Project Area; however, the proposed project is not a City of San Diego Redevelopment Agency project. The site is presently designated residential medium density at 15 to 17 dwelling units per acre by the community plan which was adopted by the City Council on July 13, 1987. This land use designation would allow a range of 27 to 31 units on the subject site. The project proposes new construction of thirty-one detached for-sale residential units on a vacant site where five out of the thirty-one units would be set aside as restricted affordable housing.

The proposed request for construction of thirty-one residential units and on-site active and passive recreation areas, including improvements associated with the Chollas Creek Enhancement Program, would not adversely affect the Southeastern San Diego Community Plan in that it would implement the policies and recommendations of the community plan associated with building scale and character, site and building design, pedestrian access, streetscape, landscaping, outdoor amenities, pedestrian activity areas, and natural creek areas. More specifically, the proposed project would help increase overall housing supply as well as affordable housing supply in the City by providing a new and high quality for-sale housing development within the community. The proposed project includes six different building types for the twenty-seven detached 3-story units as follows: Ranch, Irving Gill, Mediterranean Villa, Cape Cottage, Spanish Villa, and Craftsman. The variety of building styles will result in a more interesting appearance along the creek. The detached units or row houses with porches are also oriented towards Chollas Creek thereby taking advantage of this natural feature and using the creek as a positive park-like feature of the proposed project. This orientation towards the creek also strengthens the relationship between the buildings and associated amenities and recreational opportunities that would be offered at the subject site. The proposed project features pedestrian-oriented design elements and pedestrian activity areas, such as the eight feet wide stabilized decomposed granite trail along Chollas Creek, interpretive station/signage and benches along the

trail. Sidewalks are proposed along Street 'A' (proposed public street), 49th Street and a small portion of Nogal Street that is part of this project. In addition, a five feet wide pathway connects the entry paths to all twenty-seven units facing the creek.

The proposed project would also not adversely affect the Progress Guide and General Plan as one of the goals in the General Plan encourages in-fill development and revitalization. The proposed project would accommodate in-fill development by allowing additional quality housing development in the community. The plan also discusses the importance of improving the neighborhood environment to increase personal safety, comfort, pride and opportunity. The proposed project would develop much needed single-family housing to help improve the neighborhood and its surroundings. The proposed project would also not adversely affect the Housing Element of the Progress Guide and General Plan as the proposed use would be ensuring the development of new housing to help meet the City's housing needs. The project would also include five restricted affordable housing units on the site for households with an income at or below 100 percent of the AMI (\$63,400 for a family of four). This in turn would address another goal of the Housing Element to increase affordable housing opportunities.

Therefore, the proposed use and project design meet the purpose and intent of this Division, comply with the recommendations of the Southeastern San Diego Community Plan, and will not adversely affect the General Plan or other applicable plans adopted by the City Council.

b. The development shall be compatible with the existing and proposed land use on adjoining properties and shall not constitute a disruptive element to the neighborhood and community. In addition, architectural harmony with the surrounding neighborhood and community shall be achieved as far as practicable. The 2.51-acre project site is located north of Nogal Street, west of 49th Street, and south of Castana Street in the MF-2500 zone of Southeastern San Diego Planned District within the Encanto Neighborhoods of the Southeastern San Diego Community Plan. Adjacent land uses consist of a trailer park to the north across Chollas Creek, and residential land use to the west, south and east. The property abuts Chollas Creek on the north, 49th Street to the east, and a portion of Nogal Street to the south.

The physical design of the proposed units will include six different architectural themes; Irving Gill, Ranch, Mediterranean Villa, Cap Cottage, Spanish Villa and Craftsman in a row home style. The design includes a stucco exterior or cement shingle siding. Special design features will include trellises, Spanish tile or cement shingle tile roofing, and patio covers. The landscaping theme proposes plant types to blend the residences into the surroundings. The landscape facing Chollas Creek will be designed with California native trees, shrubs and grasses to blend the landscape from Chollas Creek up the planted walls to the new row homes. Tree themes are utilized in the residences front and back yards, and along the new streets. The landscaping is designed to reinforce the rhythm of the architecture, and create a transition from the new homes to the existing neighborhood that surrounds the project site.

The proposed development would also enhance the visual image of the surrounding neighborhood and it would be compatible with existing and planned land uses on adjoining properties. Adjacent properties are mainly comprised of single-family, mobilehome

and multi-family units with respective land use designations of medium density (15-17 du/ac) and low medium density (10-15 du/ac). The provision of street trees along the public right-of-way and pathways and the variety of species will help tie the buildings to the existing and proposed streets and sidewalks. Landscaping along the creek includes plant species that are typical of wetland/creek environments. Common outdoor areas and associated landscaping are found in the proposed project via a tot lot area, a small passive recreation area with benches, picnic tables and barbeque facilities as well as the trail and interpretive station for the display of creek related information and natural features along the trail.

Therefore, the development shall be compatible with the existing and proposed land use on adjoining properties and shall not constitute a disruptive element to the neighborhood and community. In addition, architectural harmony with the surrounding neighborhood and community shall be achieved as far as practicable.

c. The proposed use, because of the conditions that have been applied to it, will not be detrimental to the health, safety and general welfare of persons residing or working in the area, and will not adversely affect other property in the vicinity. The project construction plans include measures to reduce potentially adverse impacts associated with erosion and slope instability. The project conditions require approval of an engineering permit to allow the proposed grading. The project will be constructed in accordance with engineering standards and BMP's to create a safe and stable site. The proposed project conforms to the development regulations for storm water quality standards. The proposed development will be required to obtain Building Permits to show that all construction will comply with all applicable Building and Fire Code requirements.

The project includes mitigation measures to offset potential impacts to the environment. A Mitigated Negative Declaration was prepared in accordance with CEQA, and a MMRP will be implemented to reduce impacts to biological resources and visual quality, to below a level of significance. Therefore, the proposed use, because of the conditions that have been applied to it, will not be detrimental to the health, safety and general welfare of persons residing or working in the area, and will not adversely affect other property in the vicinity.

d. The proposed use will comply with the relevant regulations of the Municipal Code. The 2.51-acre site is located in the MF-2500 zone of Southeastern San Diego Planned District. The project requires a Site Development Permit, Tentative Map, and Public Right-of-Way Vacation. A Site Development Permit is required for this project to deviate from the Land Development Code's development regulations. Affordable/In-Fill Housing projects may request a deviation from the applicable development regulations pursuant to a Site Development Permit.

Deviations from the Municipal Code regulations are being requested as part of the affordable/in-fill housing regulations. The deviations are requested in accordance with San Diego Municipal Code sections 143.0915 and 143.0920, pursuant to a Site Development Permit. The project proposes eight deviations from the development standards for wall height, parking, driveway openings, street trees, remaining yard trees, and setbacks. The deviations are for a 15 foot high retaining wall for a length of 191 feet where the maximum height of 12 feet would be allowed, for twenty-seven tandem parking garage spaces where non-tandem would be required,

for providing thirty-one driveways where a maximum of eight would be allowed, for not providing one 24-inch box tree between each building where one would be required, for providing thirty-five street yard trees where forty-five would be required, for a 5 foot front yard setback along "A" Street where 10 feet would be required, for portions of a 6 to 12 foot high retaining wall for a length of 160 feet in the rear yard setback where a maximum of 6 feet is allowed, and for a spacing of 4 feet between residential buildings where 6 feet is required.

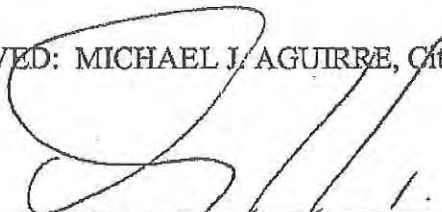
Each of the requested deviations would be necessary to allow the thirty-one proposed units and public trail system, given the site size and constraints. The project area consists of vacant previously graded lands along the south side of Chollas Creek, which created a benched topography. The development of this vacant property is constrained by Chollas Creek and the numerous existing unimproved public easements. In addition, this project will exceed the minimum requirements for supplying Affordable Housing and allows improvement and residential use of a challenging and constrained parcel for both the Community and the City. Other than these eight deviations, the project meets the intent, purpose, and goals of the underlying zone. Therefore, the proposed use will comply with the relevant regulations of the San Diego Municipal Code.

The above findings are supported by the minutes, maps and exhibits, all of which are incorporated herein by this reference.

BE IT FURTHER RESOLVED, that Site Development Permit No. 11820 is granted to Distinctive Homes Chollas Creek LP, a California Limited Partnership, Owner/Permittee, under the terms and conditions set forth in the attached permit which is made a part of this resolution.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By



 Douglas K. Humphreys
 Deputy City Attorney

DKH:pev

01/04/06

01/18/06 COR.COPY

Or.Dept:DSD

R-2006-588

MMS #2908

Passed by the Council of The City of San Diego on January 24, 2006, by the following vote:

YEAS: PETERS, FAULCONER, ATKINS, YOUNG, MAIENSCHHEIN,
FRYE, MADAFFER, HUESO.
NAYS: NONE.
NOT PRESENT: NONE.
VACANT: NONE.

AUTHENTICATED BY:

JERRY SANDERS

Mayor of The City of San Diego, California

ELIZABETH S. MALAND

City Clerk of The City of San Diego, California

(Seal)

By: Peggy Rogers, Deputy

I HEREBY CERTIFY that the above and foregoing is a full, true and correct copy of
RESOLUTION NO. R-301198, passed by the Council of The City of San Diego, California on
January 24, 2006.

ELIZABETH S. MALAND

City Clerk of The City of San Diego, California

(SEAL)

By:  Deputy

ORIGINAL



Land Development
Review Division
(619) 446-5460

Mitigated Negative Declaration

Project Number: 6896
SCH Number: 2005061049

SUBJECT: Chollas Creek Villas: TENTATIVE MAP, SITE DEVELOPMENT PERMIT, STREET VACATION, AND UNDERGROUND WAIVER to allow the subdivision of a 2.54-acre site and construction of 31 detached, single-family residences of which five residences would be designated as affordable housing. A Street Vacation is proposed to vacate Castana Street along the project frontage. The proposal includes the installation of a City of San Diego standard cul-de-sac at the west end of Castana Street in order to provide adequate vehicle turn-around. The project proposes to modify the existing 26-foot wide alley into a single loaded residential street with a pavement width of 28-feet and a five-foot wide sidewalk to be located on the south side of proposed "Street A." The project site is located east of existing Castana Street, north of Nogal Street, and south of Chollas Creek in the Encanto Neighborhood of the Southeastern San Diego Community Plan area. (Lots 157-167 and 169-191 of "Sunshine Gardens" Map 1804). Applicant: Duane Betty, Distinctive Homes

- 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 in the following areas: **BIOLOGICAL RESOURCES AND VISUAL QUALITY**. 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 effect 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:

BIOLOGICAL RESOURCES

- I.

- 1. Prior to permit issuance direct impacts to 0.77-acres of Non-native Grassland (NNGL) in conjunction with direct impacts to 0.03-acre of Coastal sage scrub (CSS) habitat totaling 0.8-acre of direct upland impacts shall be mitigated to the satisfaction of the City Manager, through one of the following: (a) off-site acquisition within the MHPA; (b) payment into the City's Habitat Acquisition Fund as described below, or c) a combination of a and b above:

- a. Prior to issuance of the first grading permit, the owner/permittee shall acquire and dedicate to the City of San Diego, interest in property necessary to maintain the land in its existing condition in perpetuity, a total of 0.44-acre of Tier II or better habitat located off-site, in the City of San Diego's MHPA. The 0.44-acre of acquisition would satisfy the mitigation acreage requirement of 0.5:1 (Tier IIB) plus 1.5:1 (Tier II) for impacts outside the MHPA that would be mitigated inside the MHPA; or
 - b. Prior to issuance of the first grading permit, the applicant shall pay into the City's Habitat Acquisition Fund (\$25,000 per acre) for 0.44-acre of Tier IIB and Tier II habitat. The 0.44-acres of contribution would satisfy the would satisfy the mitigation acreage requirement of 0.5:1 (Tier IIB) plus 1.5:1 (Tier II) for impacts outside the MHPA that would be mitigated inside the MHPA.
2. Prior to the first Preconstruction (Precon) meeting, the owner/permittee shall mitigate for direct impacts to 0.05-acre of Disturbed wetland at a 2:1 ratio through the purchase of 0.1-acre of Mitigation Credits within the Rancho Jamul Mitigation Bank as approved by the City of San Diego and Wildlife Resource Agencies (California Department of Fish and Game, U.S. Fish and Wildlife Service, and Army Corps of Engineers). Verification of purchase shall be provided to the ADD of LDR prior to the first Precon.

II. The Mitigation Monitoring and Coordination Section (MMC) Implementation of Wetland Monitoring Plan - Prior to Precon Meeting

1. LDR Plan Check
 - a. Prior to the first Precon Meeting, the Assistance Deputy Director (ADD) Environmental Designee shall verify that the requirements for Biological Monitoring have been noted on the appropriate construction documents.
 - b. Letters of Qualification Have Been Submitted to MMC
Prior to the first Precon Meeting, the applicant shall provide a letter of verification to MMC stating that a qualified Biologist, as defined in the City's Biological Resources Guidelines, has been retained to implement the following monitoring program, which includes the name of the Biologist and the name of all persons involved in the biological monitoring of the project.
 - c. MMC shall notify Plan check that the biologist has been retained.
 - d. Prior to the Precon Meeting the qualified Biologist shall identify pertinent information concerning protection of sensitive resources, such as but not limited to, flagging of individual plants or small plant groups, limits of grade fencing and limits of silt fencing (locations may include 10-foot or less inside the limits of grading, or up against and just inside of the limits of the grade fencing).

III. Precon Meeting

1. Monitor Shall Attend Precon Meetings
 - a. Prior to beginning any work that requires monitoring, the Applicant shall arrange a Precon Meeting that shall include the Biologist, Biological Monitors, Construction Manager and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The qualified Biologist shall attend any grading related Precon Meetings to make comments and/or suggestions concerning the monitoring program with the Construction Manager and/or Grading Contractor.
 - b. If the Biologist is not able to attend the Precon Meeting, the RE or BI, if appropriate, will schedule a focused Precon Meeting for MMC, Environmental Analysis Section (EAS) staff, as appropriate, Monitors, Construction Manager and appropriate Contractor's representatives to meet and review the job on-site prior to start of any work that requires monitoring.
2. Identify Areas to Be Monitored
 - a. At the Precon Meeting, the Biologist shall submit to MMC a copy of the site/grading plan (reduced to 11"x17") that identifies areas to be protected, fenced and monitored as well as areas that may require delineation of grading limits.
3. When Monitoring Will Occur
 - a. Prior to the start of work, the Biologist shall also submit a construction schedule to MMC through the RE or BI, as appropriate, indicating when and where monitoring is to begin and shall notify MMC of the start date for monitoring.

IV. During Construction

1. Biological Monitor Shall Be Present During Grading/Excavation
 - a. The Biological Monitor shall be on site to ensure that grading limits are observed and shall document activity via the Consultant Site Visit Record. This record shall be sent to the RE or BI, as appropriate, each month. The RE, or BI as appropriate, will forward copies to MMC. The biological monitor shall have the authority to divert work or temporarily stop operations to avoid significant impacts. It is the Construction Manager's responsibility to keep the monitors up-to-date with current plans.
 - b. No staging/storage areas for equipment and materials shall be located within or adjacent to habitat retained in open space area; no equipment maintenance shall be conducted within or near adjacent open space.
 - c. Natural drainage patterns shall be maintained as much as possible during construction. Erosion control techniques, including the use of sandbags, hay bales, and/or the installation of sediment traps, shall be used to control erosion and deter drainage during construction activities into the adjacent open space.

- d. No trash, oil, parking or other construction related activities shall be allowed outside the established limits of grading. All construction related debris shall be removed off site to an approved disposal facility.
2. For any unforeseen additional biological resources impacted during monitoring, the rehabilitation, revegetation or other such follow up action plans shall be included as part of the Final Biological Monitoring Report. Additional mitigation measures may also be required if additional impacts to the adjacent wetland habitat occur as a result of project construction.

III. Post Construction

1. Submittal of Draft Monitoring Reports to MMC
 - a. The Applicant or Project Biologist, as appropriate, shall submit two copies of the Draft Monitoring Report which describes the results, analysis, and conclusions of all phases of the Biological Monitoring Program (with appropriate graphics) to MMC for review and approval within 90 days following the completion of monitoring,
 - b. MMC shall return the Draft Monitoring Report to the Applicant or Project Biologist for revision, for preparation of the Final Report.
 - c. The Applicant or Project Biologist shall submit revised Draft Monitoring Report to MMC for approval.
 - d. MMC shall provide written verification to the Applicant or Project Biologist of the approved report.
 - e. MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.
2. Submittal of Final Monitoring Reports to MMC
 - a. The Applicant or Project Biologist shall submit one copy of the approved Final Monitoring Report to the RE or BI as appropriate, and one copy to MMC, within 90 days after notification from MMC that the draft report has been approved.
 - b. The RE shall, in no case, issue the Notice of Completion until receiving a copy of the approved Final Monitoring Report from MMC.

VISUAL QUALITY

1. Prior to issuance of any construction permits for retaining walls, the applicant shall provide adequate visual quality screening by submitting complete landscape and irrigation construction documents consistent with the Landscape Standards (including planting and irrigation plans, details and specifications) to the City Manager for approval. The construction documents shall be in substantial conformance with Exhibit A, Landscape Concept Plan, on file in the Office of Development Services.

VI. PUBLIC REVIEW DISTRIBUTION:

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

United States Government

U.S. Army Corps of Engineers (26)
 U.S. Environmental Protection Agency (19)
 U.S. Fish and Wildlife Service (23)

State of California

State Clearinghouse (46)
 California Department of Fish and Game (32A)
 California Regional Water Quality Control Board (44)

San Diego County

Department of Environmental Health (75)

City of San Diego

Councilmember Young, District 4
 Planning Department
 MSCP, Besty Miller (5A)
 Long Range Planning, Patsy Chow (4A)
 Development Services Department
 Library Government Documents (81)
 Wetland Advisory Board (171)
 Historical Resources Board (87)
 Housing Commission (MS 49R)

Other

Southeastern San Diego Planning Committee (449)
 Encanto Neighborhoods Community Planning Committee (449A)
 SDGE (114)
 MTDB (115)
 SD Transit (112)
 Sierra Club, San Diego Chapter (165)
 San Diego Audubon Society (167)
 California Native Plant Society (170)
 Center for Biological Diversity (176)
 Endangered Habitats League (182)
 South Coastal Information Center (210)
 Save Our Heritage Organisation (214)
 Ron Christman (215)
 Louie Guassac (215A)
 Dr. Jerry Schaefer (209)
 San Diego County Archaeological Society (218)
 San Diego Archaeological Center (212)
 San Diego Historical Society (211)
 Kumeyaay Cultural Repatriation Committee (225)
 San Diego Natural History Museum (166)
 Native American Distribution (225A-R Public Notice)
 Barona Group of Capitan Grande Band of Mission Indians
 Campo Band of Mission Indians
 Cuyapaipe Band of Mission Indians
 Inaja and Cosmit Band of Mission Indians
 Jamul Band of Mission Indians
 La Posta Band of Mission Indians

Manzanita Band of Mission Indians
 Sycuan Band of Mission Indians
 Viejas Group of Capitan Grande Band of Mission Indians
 Mesa Grande Band of Mission Indians
 San Pasqual Band of Mission Indians
 Santa Ysabel Band of Diegueño Indians
 La Jolla Band of Mission Indians
 Pala Band of Mission Indians
 Pauma Band of Mission Indians
 Pechanga Band of Mission Indians
 Rincon Band of Luiseno Mission Indians
 Los Coyotes Band of Mission Indians
 Duane Betty, Distinctive Homes, Applicant

VII. RESULTS OF PUBLIC REVIEW:

- () No comments were received during the public input period.
- () Comments were received but did not address the draft Mitigated Negative Declaration finding or the accuracy/completeness of the Initial Study. No response is necessary. The letters are attached.
- (X) Comments addressing the findings of the draft Mitigated Negative Declaration and/or accuracy or completeness of the Initial Study were received during the public input period. The letters and responses follow.

Copies of the draft Mitigated Negative Declaration and Initial Study material are available in the office of the Land Development Review Division for review, or for purchase at the cost of reproduction.


 Myra Herrmann, Senior Planner
 Development Services Department

Analyst: K. Forburger

June 6, 2005
 Date of Draft Report

July 19, 2005
 Date of Final Report



STATE OF CALIFORNIA
 Governor's Office of Planning and Research
 State Clearinghouse and Planning Unit



Sean Walsh
 Director

Arnold
 Schwarzenegger
 Governor

RESPONSES TO COMMENTS
 State Clearinghouse (July 11, 2005)

July 11, 2005

Kristy Forburger
 City of San Diego
 1222 First Avenue, MS-501
 San Diego, CA 92107

Subject: Chollas Creek Villas
 SCH#: 2005061049

Dear Kristy Forburger:

The State Clearinghouse submitted the above named Mitigated Negative Declaration to selected state agencies for review. The review period closed on July 8, 2005, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. | 1.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Terry Roberts

Terry Roberts
 Director, State Clearinghouse

1. Comment Noted

SCH# 2005061049
Project Title Chollas Creek Villas
Lead Agency San Diego, City of

Type MN Mitigated Negative Declaration
Description D

Tentative Map, Site Development Permit, Street Vacation, and Underground Waiver to allow the subdivision of a 2.54-acre site and construction of 31 detached, single-family residences of which five residences would be designated as affordable housing. A Street Vacation is proposed to vacate Castana Street along the project frontage. The proposal includes the installation of a City of San Diego standard cul-de-sac at the west end of Castana Street in order to provide adequate vehicle turn-around. The project proposes to modify the existing 26-foot wide alley into a single loaded residential street with a pavement width of 28 feet and a five-foot wide sidewalk to be located on the south side of proposed "Street A." The project site is located east of existing Castana Street, north of Nogal Street, and south of Chollas Creek in the Encanto Neighborhood of the Southeastern San Diego Community Plan area. (Lots 157-167 and 169-191) of "Sunshine Gardens" Map 1804). Applicant: Duane Betty, Distinctive Homes

Lead Agency Contact

Name Kristy Forburger
Agency City of San Diego
Phone (619) 446-5375 Fax
email
Address 1222 First Avenue, MS-501
City San Diego State CA Zip 92107

Project Location

County San Diego
City
Region
Cross Streets Castana Street / Nogal Street
Parcel No. 547-330-2900
Township Range Section Base

Proximity to:

Highways I-805
Airports
Railways
Waterways Chollas Creek
Schools
Land Use SESDPD-MF-2500 / Residential in SESDCP

Project Issues Aesthetic/Visual; Archaeologic-Historic; Drainage/Absorption; Flood Plain/Flooding; Geologic/Seismic; Landuse; Public Services; Soil Erosion/Compaction/Grading; Vegetation; Water Quality; Wetland/Riparian; Wildlife

Reviewing Agencies Resources Agency; Regional Water Quality Control Board, Region 9; Department of Parks and Recreation; Native American Heritage Commission; Department of Health Services; Office of Historic Preservation; Department of Fish and Game, Region 5; Department of Water Resources; Department of Conservation; California Highway Patrol; Caltrans, District 11

Date Received 06/09/2005 Start of Review 06/09/2005 End of Review 07/08/2005

Note: Blanks in data fields result from insufficient information provided by lead agency.



San Diego County Archaeological Society, Inc.

Environmental Review Committee

16 June 2005

To: Ms. Kristen Forburger
Development Services Department
City of San Diego
1222 First Avenue, Mail Station 501
San Diego, California 92101

Subject: Draft Mitigated Negative Declaration
Chollas Creek Villas
Project No. -6896


Dear Ms. Forburger:

I have reviewed the subject DMND on behalf of this committee of the San Diego County Archaeological Society.

Based on the information contained in the DMND and initial study, and the archaeological survey report prepared by Affinis, we agree that the project should have no significant impacts on historical resources. Consequently, we also agree that no mitigation measures for such resources are required.

SDCAS appreciates being included in the City's environmental review process for this project.

Sincerely,


James W. Royle, Jr., Chairperson
Environmental Review Committee

cc: Affinis
SDCAS President
File

P.O. Box 81106 • San Diego, CA 92138-1106 • (619) 538-0935

RESPONSES TO COMMENTS
San Diego County Archaeological Society, Inc. (June 16, 2005)

2. Comment Noted

2.

ATTACHMENT 08

City of San Diego
 Development Services Department
 LAND DEVELOPMENT REVIEW DIVISION
 1222 First Avenue, Mail Station 501
 San Diego, CA 92101
 (619) 446-5460

INITIAL STUDY

Project Number: 6896

SCH Number: 2005061049

SUBJECT: Chollas Creek Villas: TENTATIVE MAP, SITE DEVELOPMENT PERMIT, STREET VACATION, AND UNDERGROUND WAIVER to allow the subdivision of a 2.54-acre site and construction of 31 detached, single-family residences of which five residences would be designated as affordable housing. A Street Vacation is proposed to vacate Castana Street along the project frontage. The proposal includes the installation of a City of San Diego standard cul-de-sac at the west end of Castana Street in order to provide adequate vehicle turn-around. The project proposes to modify the existing 26-foot wide alley into a single loaded residential street with a pavement width of 28-feet and a five-foot wide sidewalk to be located on the south side of proposed "Street A." The project site is located east of existing Castana Street, north of Nogal Street, and south of Chollas Creek in the Encanto Neighborhood of the Southeastern San Diego Community Plan area. (Lots 157-167 and 169-191 of "Sunshine Gardens" Map 1804). Applicant: Duane Betty, Distinctive Homes

I. PURPOSE AND MAIN FEATURES:

The proposed Tentative Map, Site Development Permit, Street Vacation, and Underground Waiver would allow for the subdivision of a 2.54-acre site and construction of 31 detached single-family residences of which five residences would be designated as affordable housing. The project site is located east of existing Castana Street, north of Nogal Street, and south of Chollas Creek in the Encanto Neighborhood of the Southeastern San Diego Community Plan area. (Figure 1). A Street Vacation is proposed to vacate Castana Street along the project frontage. The proposal includes the installation of a City of San Diego standard cul-de-sac at the west end of Castana Street in order to provide adequate vehicle turn-around. In addition, the project proposes to modify the existing 26-foot wide alley into a single loaded residential street with a pavement width of 28-feet and a five-foot wide sidewalk to be located on the south side of the proposed "Street A" (Figure 2). The proposed development includes the construction of 31 detached single-family units within two pad areas (Figure 2). Lots 1 through 27 are located on the northern pad of development footprint and are accessible via proposed "Street A" which is located west of existing 49th Street. Lots 28 through 31 are located to the south of proposed "Street A" and east of an existing residential development. Access to Lots 28 through 31 would be provided via Nogal Street.

The project proposes six different architectural themes including an Irving Gill, Ranch, Mediterranean Villa, Cape Cottage, Spanish Villa, and Craftsman design. Special design features are proposed for the various architectural themes which include, but are not limited to, window trellises, patio trellises, garages, Spanish S-tile roofing, cement shingles, foam plant-on window headers, wooden guardrails and patio covers. The proposed structures would be three stories incorporating a first floor garage and would not exceed 25-feet in height (Figure 3). Parking would consist of 31 attached garage spaces providing 2 spaces each resulting in 62 off-street parking spaces. Additionally, 32 on-street parallel parking spaces would be provided on the proposed "Street A"; therefore, the proposed project would provide a total of 94 vehicular parking spaces.

Due to the project site's adjacency to Chollas Creek, the proposal includes design elements consistent with the Chollas Creek Enhancement Plan which was adopted by the City of San Diego City Council in May of 2000. The project proposes to construct an 8-10 foot wide multi-use trail on the south side of the creek, flanked with shrubs and riparian trees that meander along the northeast property boundary line. The proposed trail gradients would meet current American with Disabilities Act (ADA) standards and would eventually connect with other trails located or planned for in nearby properties. The project proposes to utilize species detailed in the Chollas Creek Plant Palette. The Landscape Plan identifies planting species in accordance with the Chollas Creek Plant Palette, including but not limited to, California Sycamore, Toyon, Lemonadeberry Sumac, and California Encelia.

The project proposes 6,200 cubic yards of cut and 7,200 cubic yards of fill over the 2.54-acre site. The project would construct eight retaining walls within the project development footprint. The proposed walls would be a maximum 550 feet in length and a maximum 15-feet in height. The walls would be constructed in a terracing fashion as to provide a Keystone retaining wall with planting provided in the terraced area.

II. ENVIRONMENTAL SETTING:

The proposed project site is located east of existing Castana Street, north of Nogal Street, and south of Chollas Creek in the Encanto Neighborhood of the Southeastern San Diego Community Plan area. The property is bound on the east by 49th Street, on the north by Chollas Creek, on the south by Nogal Street and existing single-family residences, and on the west and south by single-family residences. Elevations range from around 120 feet above mean sea level (AMSL) on the southernmost pads to about 85-feet AMSL in the lower portions of the property along Chollas Creek. Riparian vegetation occurs mainly off the subject property to the north along Chollas Creek. The Southeastern San Diego Community Plan designates the subject project site for multi-family residential use at a density of 15 to 17 dwelling units per acre, which translates into a range of 27 to 31 units allowed on the subject property based on total net site area of 1.813 acres (acreage obtained after deducting the area of the street to be dedicated from gross site area per Section 143.0410). Therefore, the proposed 31 units implements the Southeastern San Diego Community plan land use designation for the proposed project site.

III. ENVIRONMENTAL ANALYSIS: See attached Initial Study checklist.

IV. DISCUSSION:

The following environmental issues were considered during review and determined to be significant: **BIOLOGICAL RESOURCES AND VISUAL QUALITY**

BIOLOGICAL RESOURCES

A "Final Chollas Creek Villas Biological Technical Report, Project Number: 6896" was prepared by REC Consultants (May 2005) to evaluate the vegetation communities of the project site. Biological field surveys were conducted and included a sensitive plant species assessment, a general wildlife survey, and impact analysis. The biological report is available for review at the offices of the Land Development Review Division and the is summarized below.

The report determined that the creek is currently comprised of a mixture of native and non-native wetland species and has been channelized on the southern bank with concrete; the bottom of the creek is comprised of cobble and sand. Currently, the area of the creek adjacent to the site is degraded which provides little habitat value for animal species.

The disturbed wetland channel has a low potential to support avian species. If construction is scheduled prior to August 31, preactivity surveys would be completed by a qualified biologist to determine if nesting birds are present. If nesting birds are found, the start date of construction would be delayed to August 31.

LAND COVER TYPES WITHIN THE CHOLLAS CREEK RESTORATION SURVEY AREA

Land Cover Type	Acres of Direct Impact
Non-native Grassland	0.77
Disturbed Land	1.52
Disturbed coastal sage scrub	0.03
Disturbed wetland	0.05
Disturbed riparian scrub	0

The proposed project would impact approximately 0.77-acre of Non-native grassland (Tier IIIB), 1.52-acres of Disturbed land (Tier IV), 0.03-acre of Disturbed coastal sage scrub (Tier II), and 0.05-acre of Disturbed wetland. No direct impacts to Disturbed riparian scrub would result with project implementation. According to the *City of San Diego's Biology Guidelines (July 2002)*, Disturbed and Developed lands are considered Tier IV habitats. Impacts to Tier IV habitats are considered insignificant; therefore, no mitigation is required for direct impacts to Disturbed and/or Developed lands. However, direct impacts to non-native habitat in conjunction with direct impacts to Disturbed coastal sage scrub habitat and Disturbed wetlands would be considered significant and mitigation is required. The giant reed non-native vegetation is considered a disturbed wetland community by the City of San Diego. According to the *City of San Diego's Biology Guidelines (July 2002)* a mitigation ratio of 2:1 for disturbed wetlands is required. Wetland mitigation must be "in kind" (same habitat type), and achieve no net loss of wetland functions and values. With implementation of the mitigation measures contained in Section V., Mitigation, Monitoring and Reporting Program (MMRP), of the Mitigated Negative Declaration, direct impacts to on-site upland, disturbed wetland, and on-site riparian habitat would be reduced to below a level of significance.

Additionally, a wetland buffer is an area that surrounds an identified wetland and helps to protect the functions and values of the adjacent wetland by reducing physical disturbance from noise, activity, and domestic animals and provides a transition zone where one habitat phases into another. Currently, there is no buffer to the existing wetland as it is located at the base of a manufactured slope. The disturbed wetland would be impacted due to the

installation of a trail required by the Chollas Creek Enhancement Program. The plan proposes to increase the overall functions and values of Chollas Creek. The level of urbanization around Chollas Creek has led to the lack of native habitat and normal functions of the creek. Much of the creek has been channelized with concrete which is an impermeable and is fed by stormdrains which collect polluted water from the surrounding areas and direct the water into the creek. The proposed project does not provide a buffer for the wetland area, however, the height of the proposed retaining wall and fence associated with the proposed trail would aid in discouraging human and animal intrusion into the wetland. On June 8, 2004 there was a pre-application meeting with California Department of Fish and Game (CDFG), Army Corps of Engineers (ACOE) and City staff to discuss the potential impacts to on-site disturbed wetland, riparian scrub, and the lack of proposed buffer to the wetland. CDFG and ACOE determined that both resource agencies would not take jurisdiction over the giant reed dominated area, and a buffer would not be required due to the fact that a buffer does not presently exist. The proposed project includes the eradication of giant reed which has invaded this portion of Chollas creek and the area would be revegetated with native willows; thus, improving the overall functions and values of Chollas Creek.

VISUAL QUALITY

The project would construct eight retaining walls within the project development footprint. The proposed walls would be a maximum 550 feet in length and a maximum 15- feet in height. Retaining walls which exceed 50 feet in length and/or 6 feet in height could result in a significant adverse visual impact. This condition can become more significant if visible from designated open space area, roads, parks, or recognized visual landmarks. The project proposes adequate screening of the proposed retaining walls through landscaping in accordance with the Chollas Creek Enhancement Program. With implementation of the mitigation measures contained in Section V., Mitigation, Monitoring and Reporting Program (MMRP), of the Mitigated Negative Declaration, direct impacts to visual quality would be reduced to below a level of significance.

The following environmental issues were considered during review and determined NOT to be significant: HISTORICAL RESOURCES (ARCHAEOLOGY), LAND USE, FLOODWAY/HYDROLOGY/DRAINAGE, WATER QUALITY, AND GEOLOGY

HISTORICAL RESOURCES (ARCHAEOLOGY)

Due to the presence of recorded archaeological sites within one mile of the project site and the project site being vacant/undeveloped, the preparation of an archaeological survey an "*Archaeological Resources Survey, Castana Street Residential Development,*" by Affinis (May 2003) was required to determine the presence or absence of historical resources. The archaeological resource survey report is available for review at the offices of the Land Development Review Division and is summarized below.

The report determined that since the project site has already been disturbed, and since no archaeological resources were found during the course of the archaeological survey, there would be no direct impacts to cultural resources. CA-SDI-11,960 was recorded adjacent to the subject property, but would not be directly impacted with the proposed project implementation. No further work is recommended; therefore, no mitigation is required.

LAND USE

The Chollas Creek Restoration Project is consistent with the Chollas Creek Enhancement Program as well as the Chollas Creek South Branch Phase I Implementation Program and Wetlands Management Plan. Both of these plans, adopted by City Council on May 14, 2002, include implementation measures which serve as the basis for the proposed improvements. Specifically, the proposed improvements are consistent with every element of the Enhancement Program, including: the Community Vision; Existing City Policies; Design/Development Guidelines; and Strategy for Implementation. The project is consistent with the goals and objectives of the Southeastern San Diego Community Plan; therefore, no land use impact would result with project implementation and no mitigation is required.

FLOODWAY/HYDROLOGY/DRAINAGE

The proposed residential development design would minimize impacts to natural land forms. The project site includes a portion of Chollas Creek which has been channelized. The project would not result in impacts to flood hazards or erosion. Chollas Creek along the project site is partially natural and partially channelized. Elevations range from around 120 feet AMSL on the southernmost pads to about 85-feet AMSL in the lower portions of the property along Chollas Creek. No development is proposed within either the 100-year or 500-year floodplain of Chollas Creek as shown on the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map.

A "Drainage Study for Chollas Creek Villas" was prepared by REC Consultants (November 12, 2004) in order to determine surface flow for storm water runoff. The study concluded that post-development peak storm water runoff discharge rates would exceed the pre-development rates resulting from the added impervious surfaces. The 100-year flow rate for Chollas Creek down stream from the site is 5,300 cfs, the additional 3 cfs would be considered a negligible increase in downstream erosion. An inlet and catch basin would be capturing most of the on-site runoff into the existing creek. Therefore, the proposed drainage features were determined to be adequate to accommodate the proposed runoff; thus, no mitigation is required.

WATER QUALITY

Water quality is affected by sedimentation caused by erosion, runoff carrying contaminants, and direct discharge of pollutants (point-source pollution). As land is developed, impervious surfaces send an increased volume of runoff containing oils, heavy metals, pesticides, fertilizers and other contaminants (non-point source pollution) into the stormwater drainage system. A "Storm Water Quality Technical Report for Chollas Creek Villas-City of San Diego," by REC Consultants (November 2004) was prepared to address the proposed project's construction and post-construction Best Management Practices (BMP's) The project's consistency with the Chollas Creek Enhancement Program and compliance with the City of San Diego's Storm Water Standards would reduce water quality impact to below a level of significance.

GEOLOGY

The project area is located in a seismically active region of California, and therefore, the potential exists for geologic hazards, such as earthquakes and ground failure. According to the City of San Diego's *Seismic Safety Study*, the project area lies within Geologic Hazard Category 52. Hazard Category 52 is characterized as having a favorable geologic structure with low risk for instability. Proper engineering design would ensure that the potential for geologic impacts from regional hazards would be insignificant.

V. RECOMMENDATION:

On the basis of this initial evaluation:

- () The proposed project would not have a significant effect on the environment, and a NEGATIVE DECLARATION should be prepared.
- (X) Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described in Section IV above have been added to the project. A MITIGATED NEGATIVE DECLARATION should be prepared.
- () The proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT should be required.

PROJECT ANALYST: K. Forburger

Attachments:

Figure 1-Location Map
Figure 2-Grading Plan
Figure 3-Elevations
Initial Study Checklist

VICINITY MAP



Vicinity Map A2

Not To Scale T0-01

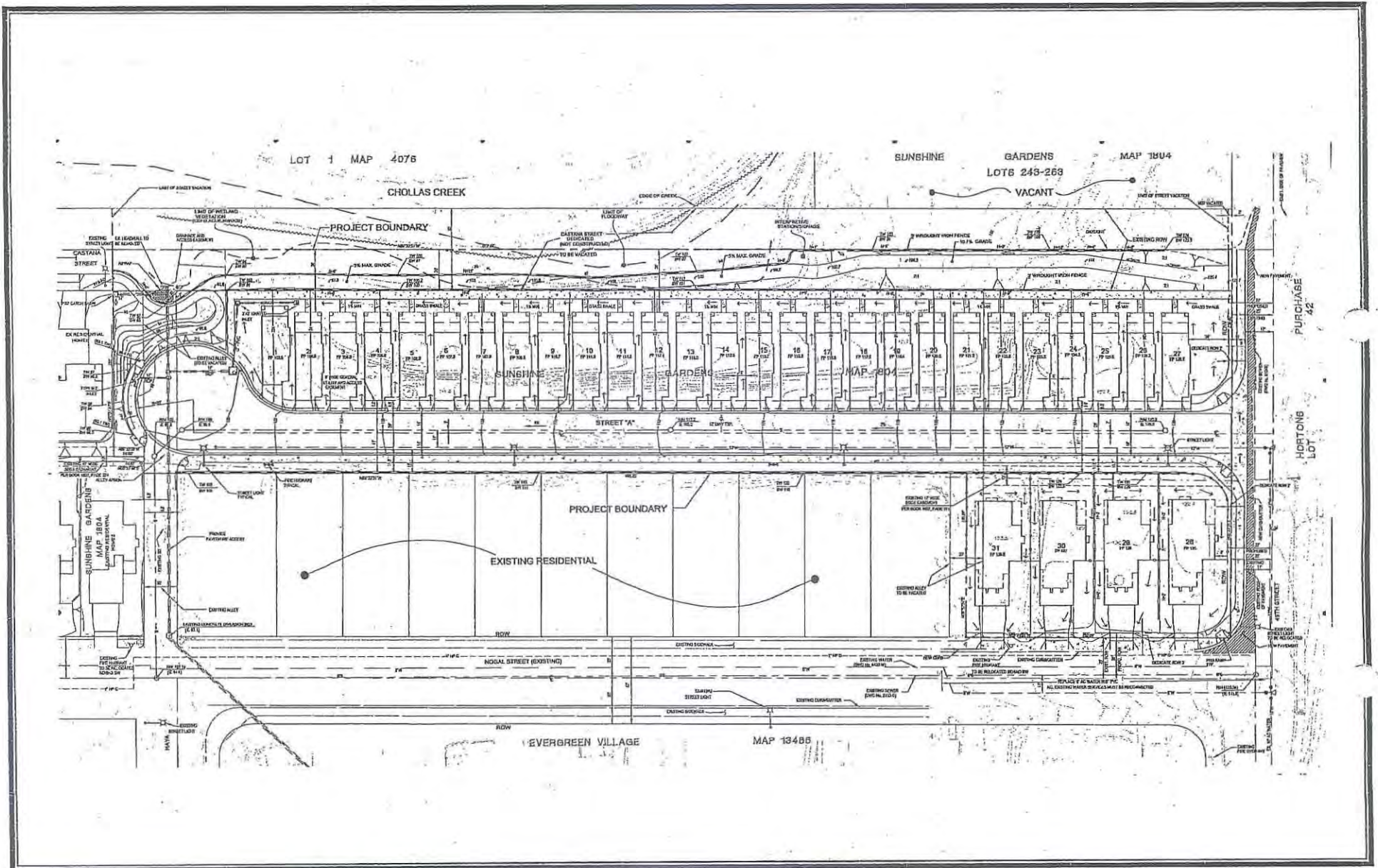
Chollas Creek Villas



Location Map

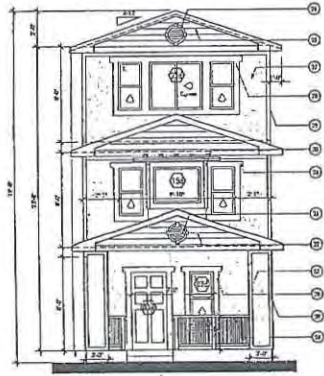
Environmental Analysis Section Project No. 6896
CITY OF SAN DIEGO • DEVELOPMENT SERVICES

Figure
1

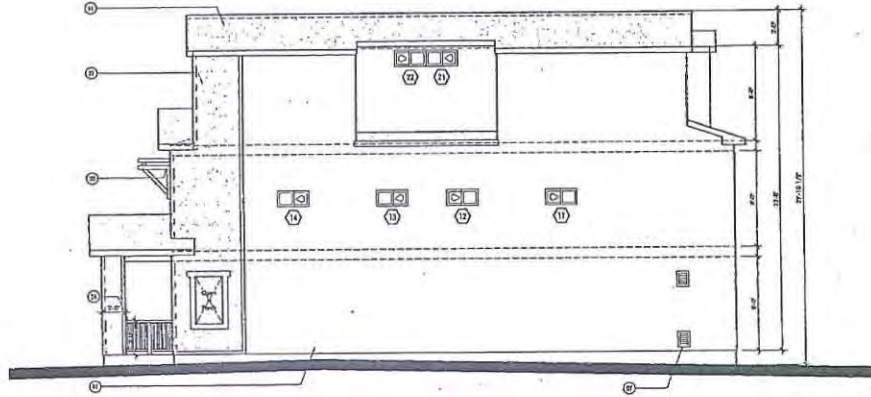


Grading Plan
 Environmental Analysis Section - Project No. 6896
 CITY OF SAN DIEGO · DEVELOPMENT SERVICES

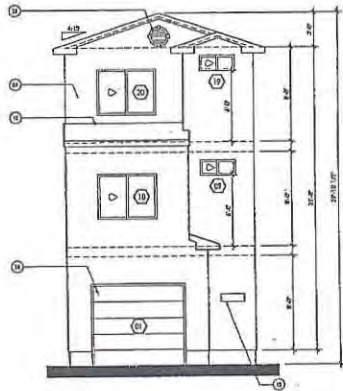
Figure
2



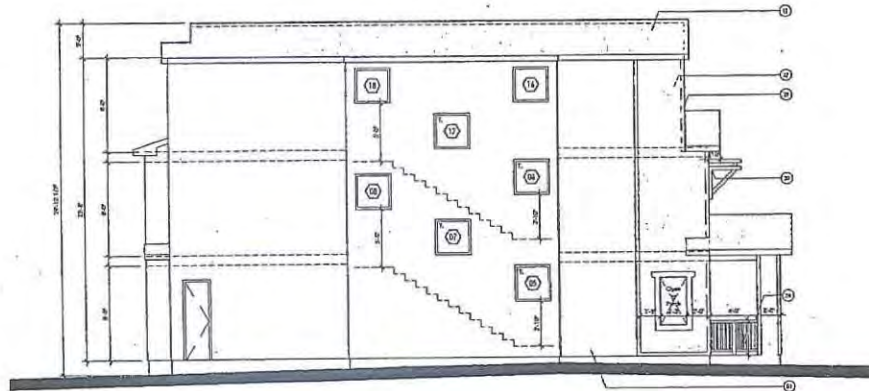
North/Front Elevation E 2
1/4"=1'-0"



West/Right Elevation E 2
1/4"=1'-0"



South/Rear Elevation E 4
1/4"=1'-0"



East/Left Elevation E 4
1/4"=1'-0"



Elevations Plan

Environmental Analysis Section - Project No. 6896
CITY OF SAN DIEGO · DEVELOPMENT SERVICES

Figure
3

Initial Study Checklist

Date: May 22, 2003

Project No.: 6896

Name of Project: Chollas Creek Villas

III. ENVIRONMENTAL ANALYSIS:

The purpose of the Initial Study is to identify the potential for significant environmental impacts which could be associated with a project pursuant to Section 15063 of the State CEQA Guidelines. In addition, the Initial Study provides the lead agency with information which forms the basis for deciding whether to prepare an Environmental Impact Report, Negative Declaration or Mitigated Negative Declaration. This Checklist provides a means to facilitate early environmental assessment. However, subsequent to this preliminary review, modifications to the project may mitigate adverse impacts. All answers of "yes" and "maybe" indicate that there is a potential for significant environmental impacts and these determinations are explained in Section IV of the Initial Study.

Yes Maybe No

I. AESTHETICS / NEIGHBORHOOD CHARACTER – Will the proposal result in:

- | | | | |
|--|---|---|----------|
| A. The obstruction of any vista or scenic view from a public viewing area?
<u>The proposed structures would not be constructed to a height exceeding 30-feet. No obstruction would result.</u> | — | — | <u>X</u> |
| B. The creation of a negative aesthetic site or project?
<u>The proposed project would not create a negative aesthetic.</u> | — | — | <u>X</u> |
| C. Project bulk, scale, materials, or style which would be incompatible with surrounding development?
<u>The proposed project's bulk, scale, and materials would be compatible with the surrounding residential developments.</u> | — | — | <u>X</u> |
| D. Substantial alteration to the existing character of the area?
<u>The proposed project is surrounded by residential development.</u> | — | — | <u>X</u> |

	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
E. The loss of any distinctive or landmark tree(s), or a stand of mature trees? <u>The proposed project is vacant and would not impact adjacent riparian habitat</u>	—	—	<u>X</u>
F. Substantial change in topography or ground surface relief features? <u>No substantial change would result as development would be confined to the existing residential development footprint.</u>	—	—	<u>X</u>
G. The loss, covering or modification of any unique geologic or physical features such as a natural canyon, sandstone bluff, rock outcrop, or hillside with a slope in excess of 25 percent? <u>No loss would result.</u>	—	—	<u>X</u>
H. Substantial light or glare? <u>No such impact would result.</u>	—	—	<u>X</u>
I. Substantial shading of other properties? <u>No shading would result from project implementation.</u>	—	—	<u>X</u>
II. AGRICULTURE RESOURCES / NATURAL RESOURCES / MINERAL RESOURCES – Would the proposal result in:			
A. The loss of availability of a known mineral resource (e.g., sand or gravel) that would be of value to the region and the residents of the state? <u>No such loss would result.</u>	—	—	<u>X</u>
B. The conversion of agricultural land to nonagricultural use or impairment of the agricultural productivity of agricultural land? <u>No impairment of agricultural productivity would result.</u>	—	—	<u>X</u>

Yes Maybe No

III. AIR QUALITY – Would the proposal:

- | | | | |
|--|---|---|----------|
| A. Conflict with or obstruct implementation of the applicable air quality plan?
<u>No such impact would result.</u> | — | — | <u>X</u> |
| B. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?
<u>A such violation would result.</u> | — | — | <u>X</u> |
| C. Expose sensitive receptors to substantial pollutant concentrations?
<u>No such exposure would result.</u> | — | — | <u>X</u> |
| D. Create objectionable odors affecting a substantial number of people?
<u>No such creation would result.</u> | — | — | <u>X</u> |
| E. Exceed 100 pounds per day of Particulate Matter 10 (dust)?
<u>Dust would be generated temporarily during construction only and would be controlled with standard construction practices.</u> | — | — | <u>X</u> |
| F. Alter air movement in the area of the project?
<u>No such alteration would result.</u> | — | — | <u>X</u> |
| G. Cause a substantial alteration in moisture, or temperature, or any change in climate, either locally or regionally?
<u>No such alteration would result.</u> | — | — | <u>X</u> |

IV. BIOLOGY – Would the proposal result in:

- | | | | |
|---|---|----------|----------|
| A. A reduction in the number of any unique, rare, endangered, sensitive, or fully protected species of plants or animals?
<u>See Initial Study Discussion.</u> | — | <u>X</u> | — |
| B. A substantial change in the diversity of any species of animals or plants?
<u>See Initial Study Discussion</u> | — | <u>X</u> | — |
| C. Introduction of invasive species of plants into the area?
<u>No invasive plant species are proposed.</u> | — | — | <u>X</u> |

Yes Maybe No

E. Interference with the movement of any resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors?

See Initial Study Discussion

— X —

E. An impact to a sensitive habitat, including, but not limited to streamside vegetation, aquatic, riparian, oak woodland, coastal sage scrub or chaparral?

See Initial Study Discussion.

— X —

F. An impact on City, State, or federally regulated wetlands (including, but not limited to, coastal salt marsh, vernal pool, lagoon, coastal, etc.) through direct removal, filling, hydrological interruption or other means?

See Initial Study Discussion.

— X —

G. Conflict with the provisions of the City's Multiple Species Conservation Program Subarea Plan or other approved local, regional or state habitat conservation plan?

No such conflict would result as the proposed project site is neither located within nor adjacent to the MHPA

— — X

V. ENERGY – Would the proposal:

A. Result in the use of excessive amounts of fuel or energy (e.g. natural gas)?

No such use would result with project implementation.

— — X

B. Result in the use of excessive amounts of power?

See V. A.

— — X

VI. GEOLOGY/SOILS – Would the proposal:

A. Expose people or property to geologic hazards such as earthquakes, landslides, mudslides, ground failure, or similar hazards?

The City of San Diego's Seismic Safety Study maps have the site rated a 52: favorable geologic structure, low risk for instability.

— — X

B. Result in a substantial increase in wind or water erosion of soils, either on or off the site?

No such increase would result.

— — X

	Yes	Maybe	No
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? <u>See VI. A.</u>	—	—	<u>X</u>
VII. HISTORICAL RESOURCES – Would the proposal result in:			
A. Alteration of or the destruction of a prehistoric or historic archaeological site? <u>See Initial Study Discussion.</u>	—	<u>X</u>	—
B. Adverse physical or aesthetic effects to a prehistoric or historic building, structure, object, or site? <u>See Initial Study Discussion.</u>	—	<u>X</u>	—
C. Adverse physical or aesthetic effects to an architecturally significant building, structure, or object? <u>No structures exist on site.</u>	—	—	<u>X</u>
D. Any impact to existing religious or sacred uses within the potential impact area? <u>No existing religious or sacred uses occur on-site.</u>	—	—	<u>X</u>
E. The disturbance of any human remains, including those interred outside of formal cemeteries? <u>See VII. A.</u>	—	<u>X</u>	—
VIII. HUMAN HEALTH / PUBLIC SAFETY / HAZARDOUS MATERIALS: Would the proposal:			
A. Create any known health hazard (excluding mental health)? <u>There is no proposal for the storage of any hazardous materials on-site..</u>	—	—	<u>X</u>
B. Expose people or the environment to a significant hazard through the routine transport, use or disposal of hazardous materials? <u>See VIII. A.</u>	—	—	<u>X</u>
B. Create a future risk of an explosion or the release of hazardous substances (including but not limited to gas, oil, pesticides, chemicals, radiation, or explosives)? <u>See VIII. A.</u>	—	—	<u>X</u>

	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
D. Impair implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan? <u>The proposed project would not impair or interfere with an adopted emergency plan.</u>	—	—	<u>X</u>
E. 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, create a significant hazard to the public or environment? <u>According to the County of San Diego Department of Environmental Health Hazardous Materials Listing (2003), no recorded hazardous materials sites exist on-site or within the proximity of this site.</u>	—	—	<u>X</u>
F. 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? <u>See VIII. A.</u>	—	—	<u>X</u>
IX. HYDROLOGY/WATER QUALITY – Would the proposal result in:			
A. An increase in pollutant discharges, including down stream sedimentation, to receiving waters during or following construction? Consider water quality parameters such as temperature dissolved oxygen, turbidity and other typical storm water pollutants. <u>See Initial Study Discussion</u>	—	<u>X</u>	—
B. An increase in impervious surfaces and associated increased runoff? <u>See Initial Study Discussion.</u>	—	<u>X</u>	—
C. Substantial alteration to on- and off-site drainage patterns due to changes in runoff flow rates or volumes? <u>The project would not substantially alter drainage patterns.</u>	—	<u>X</u>	—
D. Discharge of identified pollutants to an already impaired water body (as listed on the Clean Water Act Section 303(b) list)? <u>No such discharge would result.</u>	—	—	<u>X</u>

Yes Maybe No

- | | | | | |
|------|---|---|----------|----------|
| E. | A potentially significant adverse impact on ground water quality?
<u>No such impact would result.</u> | - | - | <u>X</u> |
| F. | Cause or contribute to an exceedance of applicable surface or groundwater receiving water quality objectives or degradation of beneficial uses?
<u>See Initial Study Discussion.</u> | - | <u>X</u> | - |
|
 | | | | |
| X. | LAND USE – Would the proposal result in: | | | |
| A. | A land use which is inconsistent with the adopted community plan land use designation for the site or conflict with any applicable land use plan, policy or regulation of an agency with jurisdiction over a project?
<u>The project is consistent with the Southeastern San Diego Community Plan.</u> | - | - | <u>X</u> |
| B. | A conflict with the goals, objectives and recommendations of the community plan in which it is located?
<u>The proposed project site is designated "Residential" in the Southeastern San Diego Community Plan. No conflict would result.</u> | - | - | <u>X</u> |
| C. | A conflict with adopted environmental plans, including applicable habitat conservation plans adopted for the purpose of avoiding or mitigating an environmental effect for the area?
<u>See X. A.</u> | - | - | <u>X</u> |
| D. | Physically divide an established community?
<u>Proposed project would not physically divide an established community.</u> | - | - | <u>X</u> |
| E. | Land uses which are not compatible with aircraft accident potential as defined by an adopted airport Comprehensive Land Use Plan?
<u>No such impact would result.</u> | - | - | <u>X</u> |
|
 | | | | |
| XI. | NOISE – Would the proposal result in: | | | |
| A. | A significant increase in the existing ambient noise levels?
<u>No such increase would result.</u> | - | - | <u>X</u> |

	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
B. Exposure of people to noise levels which exceed the City's adopted noise ordinance? <u>See XI. A.</u>	—	—	<u>X</u>
C. Exposure of people to current or future transportation noise levels which exceed standards established in the Transportation Element of the General Plan or an adopted airport Comprehensive Land Use Plan? <u>See XI. A.</u>	—	—	<u>X</u>
XII. PALEONTOLOGICAL RESOURCES: Would the proposal impact a unique paleontological resource or site or unique geologic feature? <u>The project proposed to grade at a depth not exceeding one foot. No impact would result.</u>	—	—	<u>X</u>
XIII. POPULATION AND HOUSING – Would the proposal:			
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)? <u>The proposed project would not induce population growth.</u>	—	—	<u>X</u>
B. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? <u>The project would not displace or necessitate the construction of housing.</u>	—	—	<u>X</u>
C. Alter the planned location, distribution, density or growth rate of the population of an area? <u>The project would not alter the population of the community.</u>	—	—	<u>X</u>
IV. PUBLIC SERVICES – Would the proposal have an effect upon, or result in a need for new or altered governmental services in any of the following areas:			
A. Fire protection? <u>No additional fire protection services would be required.</u>	—	—	<u>X</u>

	Yes	Maybe	No
B. Police protection? <u>No additional police protection would be required.</u>	—	—	<u>X</u>
C. Schools? <u>No change to existing schools would occur.</u>	—	—	<u>X</u>
D. Parks or other recreational facilities? <u>Existing access to recreational areas would not be affected.</u>	—	—	<u>X</u>
E. Maintenance of public facilities, including roads? <u>Existing public facilities would not be affected.</u>	—	—	<u>X</u>
F. Other governmental services? <u>Existing services would remain unaffected.</u>	—	—	<u>X</u>
XV. RECREATIONAL RESOURCES – Would the proposal result in:			
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? <u>The project does not include recreational facilities or require the construction or expansion of recreational facilities.</u>	—	—	<u>X</u>
C. 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? <u>See XV. A.</u>	—	—	<u>X</u>
XVI. TRANSPORTATION/CIRCULATION – Would the proposal result in:			
A. Traffic generation in excess of specific/ community plan allocation? <u>No such generation would result.</u>	—	—	<u>X</u>
B. An increase in projected traffic which is substantial in relation to the existing traffic load and capacity of the street system? <u>No such increase would result.</u>	—	—	<u>X</u>

	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
C. An increased demand for off-site parking? <u>Additional off-street parking would be provided; thus, no off-site parking is proposed</u>	—	—	<u>X</u>
D. Effects on existing parking? <u>No such effects would result.</u>	—	—	<u>X</u>
E. Substantial impact upon existing or planned transportation systems? <u>Project would not impact existing or planned transportation systems. The proposal includes the construction of new street.</u>	—	—	<u>X</u>
F. Alterations to present circulation movements including effects on existing public access to beaches, parks, or other open space areas? <u>No such impact would result.</u>	—	—	<u>X</u>
G. Increase in traffic hazards for motor vehicles, bicyclists or pedestrians due to a proposed, non-standard design feature (e.g., poor sight distance or driveway onto an access-restricted roadway)? <u>Project would not increase traffic hazards for motor vehicles, bicyclists or pedestrians.</u>	—	—	<u>X</u>
H. A conflict with adopted policies, plans or programs supporting alternative transportation models (e.g., bus turnouts, bicycle racks)? <u>No such conflict would result</u>	—	—	<u>X</u>
XVII. UTILITIES – Would the proposal result in a need for new systems, or require substantial alterations to existing utilities, including:			
A. Natural gas? <u>Existing utilities would not be affected.</u>	—	—	<u>X</u>
B. Communications systems? <u>Existing utilities would not be affected.</u>	—	—	<u>X</u>
C. Water? <u>Existing utilities would not be affected.</u>	—	—	<u>X</u>
D. Sewer? <u>Existing utilities would not be affected.</u>	—	—	<u>X</u>

	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
E. Storm water drainage? <u>No change in drainage patterns is anticipated.</u>	—	—	<u>X</u>
F. Solid waste disposal? <u>Existing service would remain unaffected.</u>	—	—	<u>X</u>
XVIII. WATER CONSERVATION – Would the proposal result in:			
A. Use of excessive amounts of water? <u>The project would not require the use of excessive amounts of water.</u>	—	—	<u>X</u>
B. Landscaping which is predominantly non-drought resistant vegetation? <u>Landscaping would be in compliance with the City's Landscape Standards (LDC, Chapter 14).</u>	—	—	<u>X</u>
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? <u>See Initial Study Discussion.</u>	—	<u>X</u>	—
B. Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals? (A short-term impact on the environment is one which occurs in a relatively brief, definitive period of time while long-term impacts would endure well into the future.) <u>The proposed project would not result in an impact to long-term environmental goals.</u>	—	—	<u>X</u>
C. Does the project have impacts which are individually limited, but cumulatively considerable? (A project may impact on two or more separate resources where the impact on each resource is			

relatively small, but where the effect of the total of those impacts on the environment is significant.)
The proposed project would not result in cumulative impacts.

<u>Yes</u>	<u>Maybe</u>	<u>No</u>
—	—	<u>X</u>

D. Does the project have environmental effects which would cause substantial adverse effects on human beings, either directly or indirectly?
The project would not result in environmental effects which would cause substantial effects on human beings.

—	—	<u>X</u>
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INITIAL STUDY CHECKLIST

REFERENCES

- I. Aesthetics / Neighborhood Character**
- City of San Diego Progress Guide and General Plan.
 - Community Plan.
 - Local Coastal Plan.
- II. Agricultural Resources / Natural Resources / Mineral Resources**
- City of San Diego Progress Guide and General Plan.
 - U.S. Department of Agriculture, Soil Survey - San Diego Area, California, Part I and II, 1973.
 - California Department of Conservation - Division of Mines and Geology, Mineral Land Classification.
 - Division of Mines and Geology, Special Report 153 - Significant Resources Maps.
- III. Air**
- 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 - 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 & 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: *"Final Chollas Creek Villas Biological Technical Report, Project Number: 6896"* was prepared by REC Consultants (May 2005)
- V. Energy**
 - _____
- 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: _____
- VII. 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: *"Archaeological Resources Survey, Castana Street Residential Development,"* by Affinis (May 2003)
- VIII. Human Health / Public Safety / Hazardous Materials**
 - San Diego County Hazardous Materials Environmental Assessment Listing, 1996.
 - San Diego County Hazardous Materials Management Division

- FAA Determination
- State Assessment and Mitigation, Unauthorized Release Listing, Public Use Authorized 1995.
- Airport Comprehensive Land Use Plan.
- Site Specific Report: _____
- IX. Hydrology/Water Quality**
- 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, dated May 19, 1999, http://www.swrcb.ca.gov/tmdl/303d_lists.html.
- Site Specific Report: "*Storm Water Quality Technical Report for Chollas Creek Villas-City of San Diego*," by REC Consultants (November 2004)
- Site Specific Report: "*Drainage Study for Chollas Creek Villas*" was prepared by REC Consultants (November 12, 2004)
- X. Land Use**
- City of San Diego Progress Guide and General Plan.
- Community Plan.
- Airport Comprehensive Land Use Plan
- City of San Diego Zoning Maps
- FAA Determination
- XI. Noise**
- Community Plan
- Site Specific Report: _____
- 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.
- City of San Diego Progress Guide and General Plan.

XII. Paleontological Resources

- City of San Diego Paleontological Guidelines.
- 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:_____.

XIII. Population / Housing

- City of San Diego Progress Guide and General Plan.
- Community Plan.
- Series 8 Population Forecasts, SANDAG.
- Other:_____.

XIV. Public Services

- City of San Diego Progress Guide and General Plan.

Community Plan.

XV. Recreational Resources

City of San Diego Progress Guide and General Plan.

Community Plan.

Department of Park and Recreation

City of San Diego - San Diego Regional Bicycling Map

Additional Resources: _____

XVI. Transportation / Circulation

City of San Diego Progress Guide and General Plan.

Community Plan.

San Diego Metropolitan Area Average Weekday Traffic Volume Maps, SANDAG.

San Diego Region Weekday Traffic Volumes, SANDAG.

XVII. Utilities

XVIII. Water Conservation

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

(R-2006-585)
(COR.COPY)

RESOLUTION NUMBER R- 301197

DATE OF FINAL PASSAGE JAN 24 2006

WHEREAS, Distinctive Homes Chollas Creek, LP, a California Limited Partnership, submitted an application to the City of San Diego for a site development permit, tentative map and right-of-way vacation for the Chollas Creek Villas project; and

WHEREAS, the matter was set for a public hearing to be conducted by the Council of the City of San Diego; and

WHEREAS, the issue was heard by the City Council on JAN 24 2006; and

WHEREAS, under Charter section 280(a)(2) this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the decision and where the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; and

WHEREAS, the City Council considered the issues discussed in Mitigated Negative Declaration LDR No. 6896; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it is certified that

Mitigated Negative Declaration LDR No. 6896, on file in the office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations section 15000 et seq.), that the declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process,

has been reviewed and considered by this Council in connection with the approval of a site development permit, tentative map, and right-of-way vacation for the Chollas Creek Villas project.

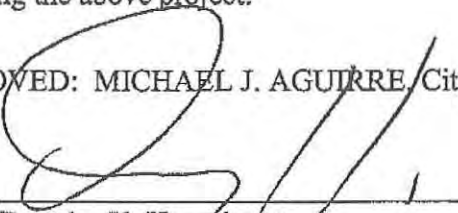
BE IT FURTHER RESOLVED, that the City Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, that the Mitigated Negative Declaration, a copy of which is on file in the office of the City Clerk and incorporated by reference, is approved.

BE IT FURTHER RESOLVED, that pursuant to California Public Resources Code section 21081.6, the City Council adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment, a copy of which is attached hereto, as Exhibit A, and incorporated herein by reference.

BE IT FURTHER RESOLVED, that the City Clerk is directed to file a Notice of Determination [NOD] with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By



Douglas K. Humphreys
Deputy City Attorney

DKH:pev
12/22/05
01/18/06 **COR.COPY**
Or.Dept:DSD
R-2006-585
MMS #2908
ENVIRONMENTAL - MND 11-01-04

EXHIBIT A

MITIGATION MONITORING AND REPORTING PROGRAM

CHOLLAS CREEK VILLAS

COUNCIL APPROVAL

PROJECT NUMBER: 6896

This Mitigation Monitoring and Reporting Program is designed to ensure compliance with Public Resources Code Section 21081.6 during implementation of mitigation measures. This program identifies at a minimum: the department responsible for the monitoring, what is to be monitored, how the monitoring shall be accomplished, the monitoring and reporting schedule, and completion requirements. A record of the Mitigation Monitoring and Reporting Program will be maintained at the offices of the Land Development Review Division, 1222 First Avenue, Fifth Floor, San Diego, CA 92101. All mitigation measures contained in the Mitigated Negative Declaration Project No. 6896 shall be made conditions of COUNCIL APPROVAL as may be further described below.

BIOLOGICAL RESOURCES

I.

1. Prior to permit issuance direct impacts to 0.77-acres of Non-native Grassland (NNGL) in conjunction with direct impacts to 0.03-acre of Coastal sage scrub (CSS) habitat totaling 0.8-acre of direct upland impacts shall be mitigated to the satisfaction of the City Manager, through one of the following: (a) off-site acquisition within the MHPA; (b) payment into the City's Habitat Acquisition Fund as described below, or c) a combination of a and b above:
 - a. Prior to issuance of the first grading permit, the owner/permittee shall acquire and dedicate to the City of San Diego, interest in property necessary to maintain the land in its existing condition in perpetuity, a total of 0.44-acre of Tier II or better habitat located off-site, in the City of San Diego's MHPA. The 0.44-acre of acquisition would satisfy the mitigation acreage requirement of 0.5:1 (Tier IIB) plus 1.5:1 (Tier II) for impacts outside the MHPA that would be mitigated inside the MHPA; or
 - b. Prior to issuance of the first grading permit, the applicant shall pay into the City's Habitat Acquisition Fund (\$25,000 per acre) for 0.44-acre of Tier IIB and Tier II habitat. The 0.44-acres of contribution would satisfy the would satisfy the mitigation acreage requirement of 0.5:1 (Tier IIB) plus 1.5:1 (Tier II) for impacts outside the MHPA that would be mitigated inside the MHPA.

2. Prior to the first Preconstruction (Precon) meeting, the owner/permittee shall mitigate for direct impacts to 0.05-acre of Disturbed wetland at a 2:1 ratio through the purchase of 0.1-acre of Mitigation Credits within the Rancho Jamul Mitigation Bank as approved by the City of San Diego and Wildlife Resource Agencies (California Department of Fish and Game, U.S. Fish and Wildlife Service, and Army Corps of Engineers). Verification of purchase shall be provided to the ADD of LDR prior to the first Precon.

II. The Mitigation Monitoring and Coordination Section (MMC) Implementation of Wetland Monitoring Plan - Prior to Precon Meeting

1. LDR Plan Check
 - a. Prior to the first Precon Meeting, the Assistance Deputy Director (ADD) Environmental Designee shall verify that the requirements for Biological Monitoring have been noted on the appropriate construction documents.
 - b. Letters of Qualification Have Been Submitted to MMC
Prior to the first Precon Meeting, the applicant shall provide a letter of verification to MMC stating that a qualified Biologist, as defined in the City's Biological Resources Guidelines, has been retained to implement the following monitoring program, which includes the name of the Biologist and the name of all persons involved in the biological monitoring of the project.
 - c. MMC shall notify Plan check that the biologist has been retained.
 - d. Prior to the Precon Meeting the qualified Biologist shall identify pertinent information concerning protection of sensitive resources, such as but not limited to, flagging of individual plants or small plant groups, limits of grade fencing and limits of silt fencing (locations may include 10-foot or less inside the limits of grading, or up against and just inside of the limits of the grade fencing).

III. Precon Meeting

1. Monitor Shall Attend Precon Meetings.
 - a. Prior to beginning any work that requires monitoring, the Applicant shall arrange a Precon Meeting that shall include the Biologist, Biological Monitors, Construction Manager and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The qualified Biologist shall attend any grading related Precon Meetings to make comments and/or suggestions concerning the monitoring program with the Construction Manager and/or Grading Contractor.
 - b. If the Biologist is not able to attend the Precon Meeting, the RE or BI, if appropriate, will schedule a focused Precon Meeting for MMC, Environmental Analysis Section (EAS) staff, as appropriate, Monitors, Construction Manager and appropriate

Contractor's representatives to meet and review the job on-site prior to start of any work that requires monitoring.

2.
 - a. Identify Areas to Be Monitored.
At the Precon Meeting, the Biologist shall submit to MMC a copy of the site/grading plan (reduced to 11"x17") that identifies areas to be protected, fenced and monitored as well as areas that may require delineation of grading limits.
3. When Monitoring Will Occur.
 - a. Prior to the start of work, the Biologist shall also submit a construction schedule to MMC through the RE or BI, as appropriate, indicating when and where monitoring is to begin and shall notify MMC of the start date for monitoring.

IV. During Construction

1. Biological Monitor Shall Be Present During Grading/Excavation.
 - a. The Biological Monitor shall be on site to ensure that grading limits are observed and shall document activity via the Consultant Site Visit Record. This record shall be sent to the RE or BI, as appropriate, each month. The RE, or BI as appropriate, will forward copies to MMC. The biological monitor shall have the authority to divert work or temporarily stop operations to avoid significant impacts. It is the Construction Manager's responsibility to keep the monitors up-to-date with current plans.
 - b. No staging/storage areas for equipment and materials shall be located within or adjacent to habitat retained in open space area; no equipment maintenance shall be conducted within or near adjacent open space.
 - c. Natural drainage patterns shall be maintained as much as possible during construction. Erosion control techniques, including the use of sandbags, hay bales, and/or the installation of sediment traps, shall be used to control erosion and deter drainage during construction activities into the adjacent open space.
 - d. No trash, oil, parking or other construction related activities shall be allowed outside the established limits of grading. All construction related debris shall be removed off site to an approved disposal facility.
2. For any unforeseen additional biological resources impacted during monitoring, the rehabilitation, revegetation or other such follow up action plans shall be included as part of the Final Biological Monitoring Report. Additional mitigation measures may also be required if additional impacts to the adjacent wetland habitat occur as a result of project construction.

III. Post Construction

1. Submittal of Draft Monitoring Reports to MMC.
 - a. The Applicant or Project Biologist, as appropriate, shall submit two copies of the Draft Monitoring Report which describes the results, analysis, and conclusions of all phases of the Biological Monitoring Program (with appropriate graphics) to MMC for review and approval within 90 days following the completion of monitoring.
 - b. MMC shall return the Draft Monitoring Report to the Applicant or Project Biologist for revision, for preparation of the Final Report.
 - c. The Applicant or Project Biologist shall submit revised Draft Monitoring Report to MMC for approval.
 - d. MMC shall provide written verification to the Applicant or Project Biologist of the approved report.
 - e. MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.
2. Submittal of Final Monitoring Reports to MMC.
 - a. The Applicant or Project Biologist shall submit one copy of the approved Final Monitoring Report to the RE or BI as appropriate, and one copy to MMC, within 90 days after notification from MMC that the draft report has been approved.
 - b. The RE shall, in no case, issue the Notice of Completion until receiving a copy of the approved Final Monitoring Report from MMC.

VISUAL QUALITY

1. Prior to issuance of any construction permits for retaining walls, the applicant shall provide adequate visual quality screening by submitting complete landscape and irrigation construction documents consistent with the Landscape Standards (including planting and irrigation plans, details and specifications) to the City Manager for approval. The construction documents shall be in substantial conformance with Exhibit A, Landscape Concept Plan, on file in the Office of Development Services.



City of San Diego
Development Services
1222 First Ave., MS-302
San Diego, CA 92101

THE CITY OF SAN DIEGO

Community Planning Committee Distribution Form Part 2

Project Name: Chollas Creek Villas Amendment		Project Number: 308375	Distribution Date: 1/14/2013	
Project Scope/Location: ENCANTO (SOUTHEASTERN) SDP Amendment (Process 4) to modify a condition (regarding the method of conformance with the Inclusionary Affordable Housing Regulations of the San Diego Municipal Code) of approved SDP No. 11820, which allowed the construction of 31 residential units on a 2.51-acre site. The property is located at 4880-4892 Charles Lewis Way in the MF-2500 zone of the Southeastern San Diego Community Plan and Council District 4.				
Applicant Name: Ben C. Anderson, Chollas Creek 31, LLC			Applicant Phone Number: 714-966-1544 x 213	
Project Manager: Michelle Sokolowski	Phone Number: (619) 446-5278	Fax Number: (619) 321-3200	E-mail Address: msokolowski@sandiego.gov	
Committee Recommendations (To be completed for Initial Review): None				
<input checked="" type="checkbox"/> Vote to Approve	Members Yes 5	Members No 0	Members Abstain 3	
<input type="checkbox"/> Vote to Approve With Conditions Listed Below	Members Yes	Members No	Members Abstain	
<input type="checkbox"/> Vote to Approve With Non-Binding Recommendations Listed Below	Members Yes	Members No	Members Abstain	
<input type="checkbox"/> Vote to Deny	Members Yes	Members No	Members Abstain	
<input type="checkbox"/> No Action (Please specify, e.g., Need further information, Split vote, Lack of quorum, etc.)			<input type="checkbox"/> Continued	
CONDITIONS: None				
NAME: Kenneth Malbrough		TITLE: ENCPG Chair Person		
SIGNATURE:		DATE: 01/31/2013		
<i>Attach Additional Pages If Necessary.</i>		Please return to: Project Management Division City of San Diego Development Services Department 1222 First Avenue, MS 302 San Diego, CA 92101		
Printed on recycled paper. Visit our web site at www.sandiego.gov/development-services . Upon request, this information is available in alternative formats for persons with disabilities.				



Ownership Disclosure Statement

Approval Type: Check appropriate box for type of approval (s) requested: Neighborhood Use Permit Coastal Development Permit
 Neighborhood Development Permit Site Development Permit Planned Development Permit Conditional Use Permit
 Variance Tentative Map Vesting Tentative Map Map Waiver Land Use Plan Amendment Other _____

Project Title **Project No. For City Use Only**
 Chollas Creek Villas 308375

Project Address:
 4880 -4892 Charles Lewis Way, San Diego, CA 92102

Part I - To be completed when property is held by Individual(s)

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter, as identified above, will be filed with the City of San Diego on the subject property, with the intent to record an encumbrance against the property. Please list below the owner(s) and tenant(s) (if applicable) of the above referenced property. The list must include the names and addresses of all persons who have an interest in the property, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all individuals who own the property). A signature is required of at least one of the property owners. Attach additional pages if needed. A signature from the Assistant Executive Director of the San Diego Redevelopment Agency shall be required for all project parcels for which a Disposition and Development Agreement (DDA) has been approved / executed by the City Council. Note: The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process.

Additional pages attached Yes No

Name of Individual (type or print):
 Chollas Creek 31, LLC / Ben C. Anderson
 Owner Tenant/Lessee Redevelopment Agency

Street Address:
 3194-C2 Airport Loop Drive
 City/State/Zip:
 Costa Mesa, CA 92626
 Phone No: (714) 966-1544 Fax No: (714) 966-1540
 Signature: _____ Date: _____

Name of Individual (type or print):

 Owner Tenant/Lessee Redevelopment Agency

Street Address:

 City/State/Zip:

 Phone No: _____ Fax No: _____
 Signature : _____ Date: _____

Name of Individual (type or print):

 Owner Tenant/Lessee Redevelopment Agency

Street Address:

 City/State/Zip:

 Phone No: _____ Fax No: _____
 Signature : _____ Date: _____

Name of Individual (type or print):

 Owner Tenant/Lessee Redevelopment Agency

Street Address:

 City/State/Zip:

 Phone No: _____ Fax No: _____
 Signature : _____ Date: _____

Project Title: Chollas Creek Villas	Project No. (For City Use Only)
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Part II - To be completed when property is held by a corporation or partnership

Legal Status (please check):

Corporation
 Limited Liability -or-
 General) What State? _____ Corporate Identification No. _____
 Partnership

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter, as identified above, will be filed with the City of San Diego on the subject property with the intent to record an encumbrance against the property. Please list below the names, titles and addresses of all persons who have an interest in the property, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all corporate officers, and all partners in a partnership who own the property). **A signature is required of at least one of the corporate officers or partners who own the property.** Attach additional pages if needed. **Note:** The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process. **Additional pages attached** Yes No

Corporate/Partnership Name (type or print):
 Chollas Creek 31, LLC

Owner Tenant/Lessee

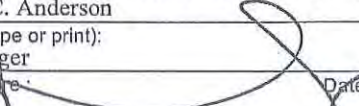
Street Address:
 3194-C2 Airport Loop Drive

City/State/Zip:
 Costa Mesa, CA 92626

Phone No: (714) 966-1544 Fax No: (714) 966-1540

Name of Corporate Officer/Partner (type or print):
 Ben C. Anderson

Title (type or print):
 Manager

Signature:  Date: _____

Corporate/Partnership Name (type or print):

Owner Tenant/Lessee

Street Address:

City/State/Zip:

Phone No: Fax No:

Name of Corporate Officer/Partner (type or print):

Title (type or print):

Signature : Date:

Corporate/Partnership Name (type or print):

Owner Tenant/Lessee

Street Address:

City/State/Zip:

Phone No: Fax No:

Name of Corporate Officer/Partner (type or print):

Title (type or print):

Signature : Date:

Corporate/Partnership Name (type or print):

Owner Tenant/Lessee

Street Address:

City/State/Zip:

Phone No: Fax No:

Name of Corporate Officer/Partner (type or print):

Title (type or print):

Signature : Date:

Corporate/Partnership Name (type or print):

Owner Tenant/Lessee

Street Address:

City/State/Zip:

Phone No: Fax No:

Name of Corporate Officer/Partner (type or print):

Title (type or print):

Signature : Date:

Corporate/Partnership Name (type or print):

Owner Tenant/Lessee

Street Address:

City/State/Zip:

Phone No: Fax No:

Name of Corporate Officer/Partner (type or print):

Title (type or print):

Signature : Date: