

Page 3	City of San Diego · Information Bulletin 620		August 2018
	City of San Diego Development Services 1222 First Ave., MS-302 San Diego, CA 92101		Community Planning Committee Distribution Form
Project Name: AVA Pacific Beach		Project Number: 1059329	
Community: Pacific Beach			
For project scope and contact information (project manager and applicant), log into OpenDSD at https://aca.accela.com/SANDIEGO. Select "Search for Project Status" and input the Project Number to access project information.			
☒ Vote to Approve ☐ Vote to Approve with Conditions Listed Below ☐ Vote to Approve with Non-Binding Recommendations Listed Below ☐ Vote to Deny			Date of Vote: May 14, 2025
# of Members Yes 12	# of Members No 0	# of Members Abstain 0	
Conditions or Recommendations: N/A			
☐ No Action (Please specify, e.g., Need further information, Split vote, Lack of quorum, etc.)			
NAME: JOHN C TERELL			
TITLE: Chair, Development Subcommittee		DATE: May 16, 2025	

Visit our web site at www.sandiego.gov/development-services.

Upon request, this information is available in alternative formats for persons with disabilities.

DS-5620 (08-18) ONLINE FORM



Location Map

3823 Ingraham Street - Project No. PRJ-1059329

Development Services Department

**FIGURE
No. [3]**

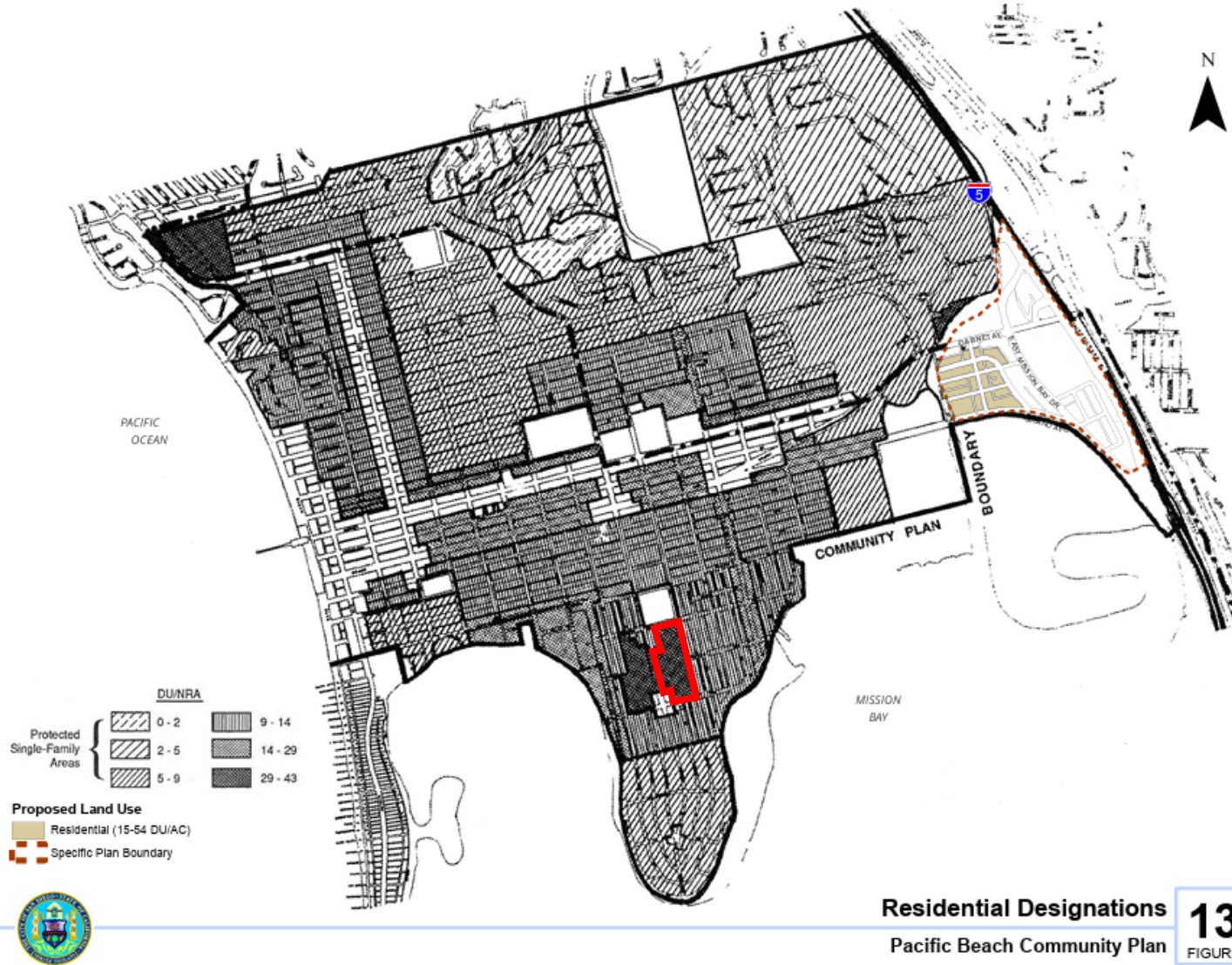


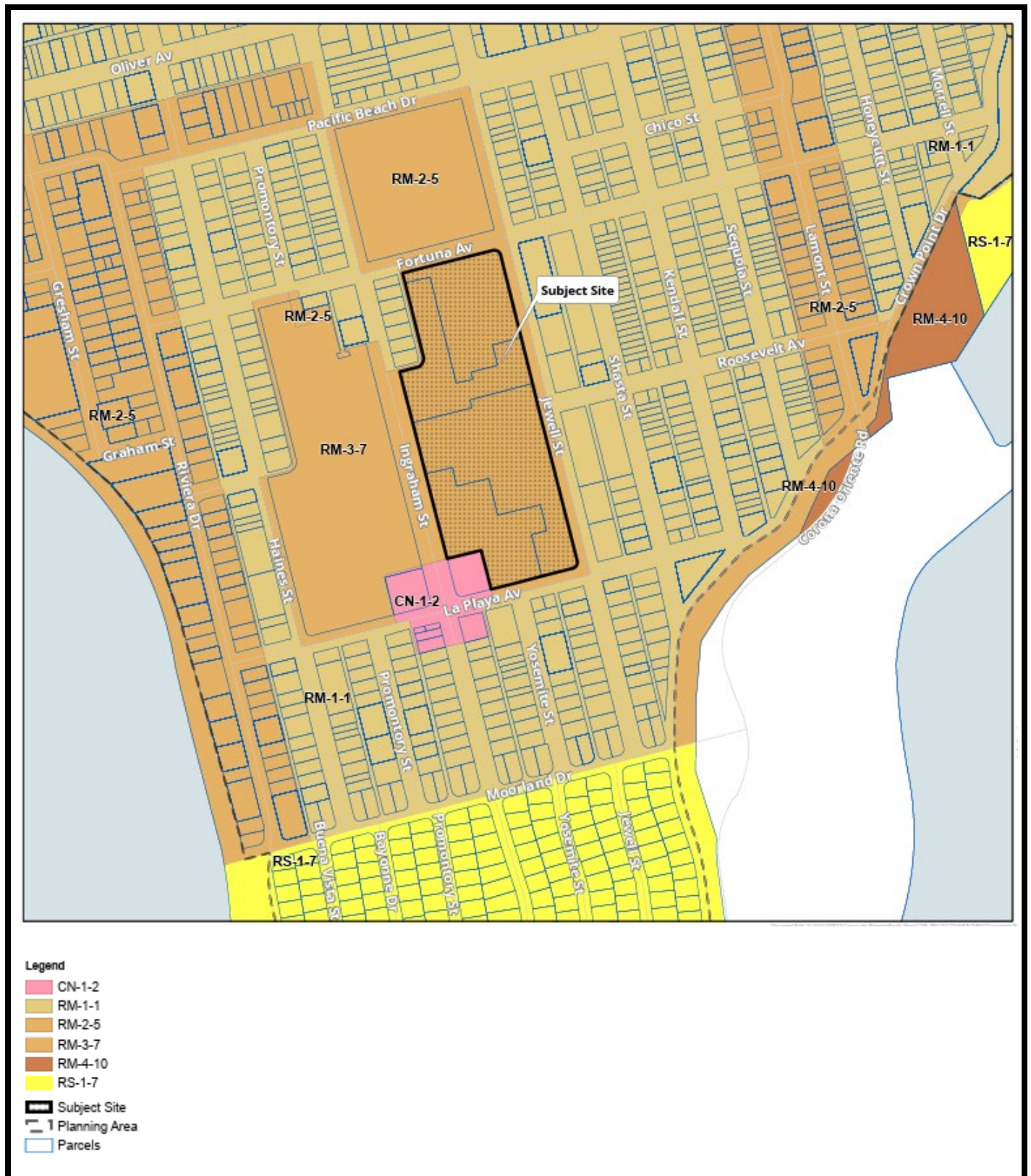
Aerial Map

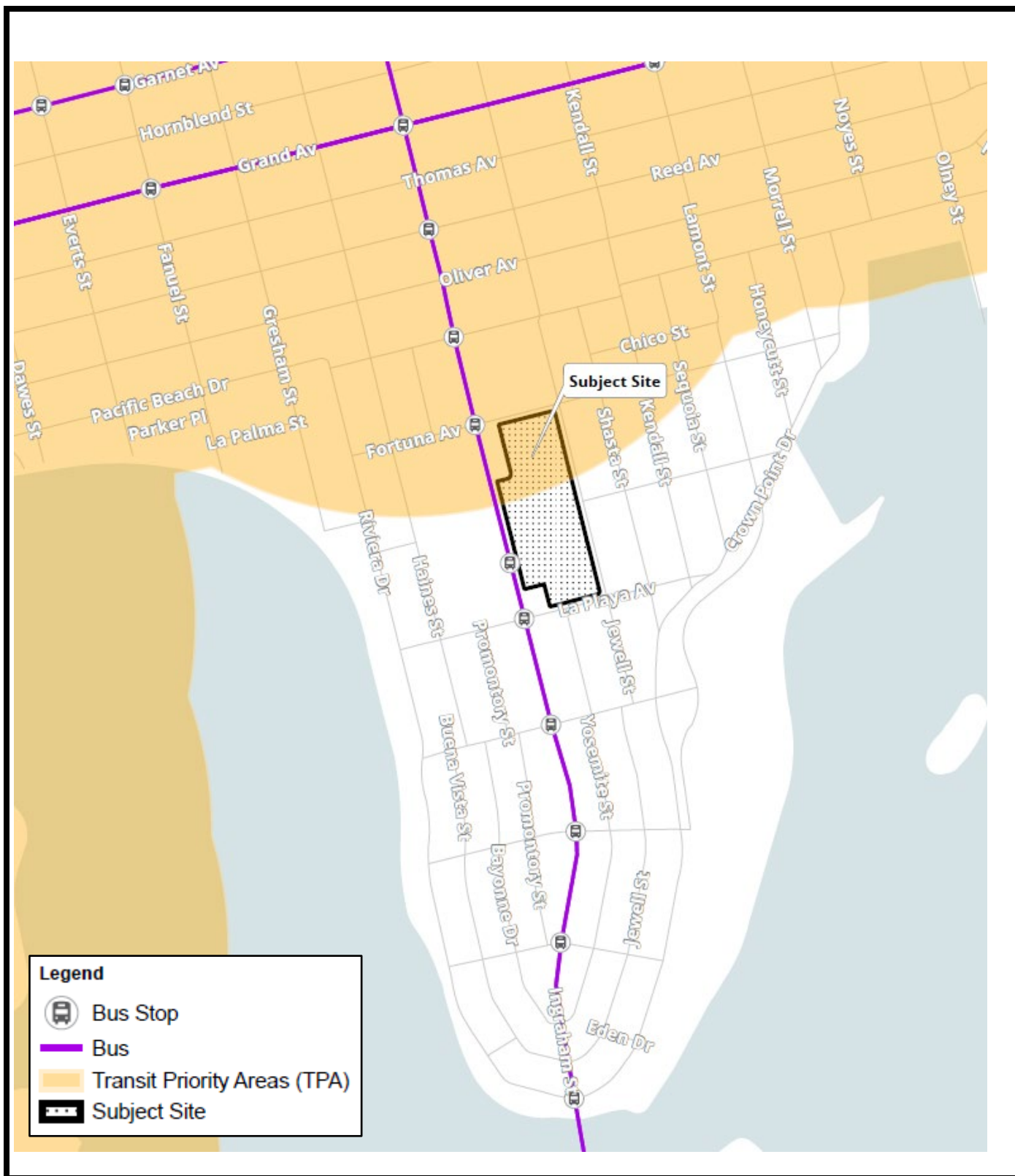
3823 Ingraham Street - Project No. PRJ-1059329

Development Services Department

**FIGURE
No. [4]**









ERRATA

3823 Ingraham Street Environmental Impact Report No. 1059329 October 1, 2025

Subsequent to distribution of the final Environmental Impact Report (FEIR) minor revisions to the 3828 Ingraham Street EIR have been made. Specifically, clarification have been made related to the discretionary actions required, Project Description, Public Utilities, and Land Use. Therefore, the following revisions have been made. All revisions are shown in a ~~striketrough~~ and/or underline format.

1. **Table of Contents:** Revised to reflect edits to the Discretionary Actions section. Utility Easements and Inventive and Waivers are no longer subsections on their own but incorporated in the Coastal Development Permit

3.3 Discretionary Actions.....3-4

3.3.1 Community Plan Amendment.....	3-4
3.3.2 Rezone.....	3-4
3.3.3 Coastal Development Permit.....	3-5
3.3.4 Utility Easements.....	3-5
3.3.5 Incentives and Waivers.....	3-5

2. **3.0 Project Description, Discretionary Actions, Section 3.3 Rezone:** Clarification has been added regarding the rezone and consistency with the density outlined within the Pacific Beach Community Plan:

The project site is zoned Residential Multiple Unit (RM-3-7). The project requires a rezone to the Residential Multiple (RM-3-8 zone) to provide the additional 138 residential units on 4.35 acres of the 12.96-acre project site resulting in 702 units which would implement the proposed Community Plan land use designation. The zone permits the multiple dwelling unit development, and the land use density is consistent with the zone density, ensuring internal consistency between the General Plan, Community Plan and the zoning implementation. ~~zone permits a maximum density of one dwelling unit for each 800 square feet of lot area, which would permit up to a maximum density of 54.45 du/ac and would support a maximum density of 705 dwelling units on the project site.~~ See Figure 3-8, *Proposed Rezone*.

3. **Project Characteristics, Section 3.2.1 Site Plan:** The project characteristics have been edited to add clarification on the proposed sewer easement vacation.

A portion of the proposed project improvements would encroach into the existing 15-foot sewer easement that runs through the site. Where this occurs, the sewer line and associated easement would be re-routed to avoid conflicts with proposed improvements. The existing easement would be replaced with a 20-foot easement, and the new easement and sewer

line will be rerouted through the site, mostly in the same location and to avoid the proposed improvements. (See Figure 3-1, *AVA Pacific Beach Site Plan*).

4. **Coastal Development Permit, 3.3.3:** Revised section to incorporate Sections 3.3.4 and 3.3.5 as discussion into 3.3.3. Added additional clarification to Utility Easement. Added additional clarification to Incentives and Waivers section.

3.3.4 Utility Easements

As part of the project, the exiting on-site sewer easement would be affected, requiring City approval of the Public Service Utility Easement modification. Specifically, a portion of the proposed project improvements would encroach into the existing 15-foot sewer easement that runs through the site. The project would maintain the general sewer alignment that currently exists. However, where encroachment into the existing easement occurs, the sewer line and associated easement would be re-routed to avoid proposed improvements. The existing easement would be replaced with a 20-foot easement, and the new easement and sewer line will be rerouted through the site, mostly in the same location and to avoid the proposed improvements. In order to ensure adequate access to the sewer lines, the project would establish new public sewer easements, which would allow for vehicle access to all points of the on-site sewer line. In instances where the easement is encroached upon by the existing balconies, special shoring would be required in the event that the sewer line needs to be excavated.

The project would require connection to SDG&E utilities to provide electricity service to the project. Additionally, the project would remove and/or relocate existing SDG&E utilities and easements that occur on-site to better serve the project and SDG&E. Public Utilities Code Sections 851-857 requires SDG&E to seek California Public Utilities Commission (CPUC) approval prior to disposing of SDG&E property or allowing encroachments within SDG&E easements. Because the project would require modification to SDG&E facilities and easements, the CPUC will make a determination regarding such modifications.

3.3.5 Incentives and Waivers

The project is proposing a density bonus and shall be entitled to incentives and waivers pursuant to Land Development Code Section 143.0740 and State Housing Law. The project requests an incentive relative to ~~SDMC's 142.0407(e)~~ SDMC §142.0406 ~~The SDMC requires solar mounted shade structures within vehicular use areas shall cover a minimum of 50 percent of the exposed parking space. to waive the required vehicle use area planting area requirement for the parking structures, where one tree is required within 30 feet of each parking space on the top floor. The project includes two parking structures but does not propose any planting areas for either structure. The project does not propose solar mounted shade structures. The project site is located within the Coastal Height Limit Overlay Zone, which has a strict height limit for structures of 30 feet. In order to provide vitally necessary affordable and market-rate housing at a scale and density consistent with the project site and surroundings, it is not possible to provide solar mounted shade structures without exceeding the Coastal Height Limit Overlay Zone height limit. This incentive allows for the project to not meet the requirements for solar.~~

The project would require a waiver from SDMC Table 142-10B, which requires off-street loading spaces. The project proposes 149,682 square feet of multi-family residential use. Per Table 142-10B, the project would be required to provide one off-street loading space. The project does not propose any new loading spaces. The project site represents an in-fill development constrained by existing site parameters, height limitations due to location in the Coastal Height Limit Overlay Zone, and surrounding development. Project implementation requires not only awareness of existing residential buildings and resident amenities on-site, but also requirements relative to utilities and fire safety access to the site. The provision of an additional off-street loading space is not able to be provided taking into account the various physical and regulatory constraints on the site. Loading is currently provided and actively managed by the on-site management company; this active management would be maintained with project implementation. This waiver results in a superior project design, greater provision of housing, and better responsiveness to access requirements than what may be accomplished with strict compliance with the off-street loading space requirement.

SDMC Section 131.0443(f)(3)(A) provides that the minimum street side setback is 10 feet or 10 percent of the premises width, whichever is greater. The project ~~would require~~ requests a waiver to reduce the required street side setback of 34 feet (10% of the premises width) down to 21 feet (7% of the premises width). ~~allow for encroachment into the street side setback.~~

5. Land Use, 5.1.3.1 Analysis: Clarification has been added regarding the rezone and consistency with the San Diego Municipal Code

As described above, the project site is designated as Residential in the General Plan, designated as multi-family residential (23-43 du/ac) in the Community Plan, and zoned as RM-3-7. The project is concurrently processing a Community Plan Amendment (CPA), as well as a Rezone, which would increase the intensity of use and allow for the proposed increase in residential development on-site.

The project has been evaluated with regard to the proposed rezone of the project site from RM-3-7 to RM-3-8 and regulations of the City's LDC. The RM-3-8 implements the High Residential land use, which is consistent with other areas of the Pacific Beach Community with the same land use designation. Pursuant to SDMC §113.0222(a), the maximum number of units that may be permitted on any premises is determined by the applicable base zone. The RM-3-8 zone defines the maximum dwelling unit as one per 800 square feet of lot area which results in 706 dwelling units and equates to a density of 54.45 du/ac for this project site. Although the unit count is slightly different, the density of the land use and zone are the same per the rules of calculation. The SDMC section 113.0222(a)(1) states, to "determine if the quotient resulting from this calculation exceeds a whole number by 0.50 or more, the number of dwelling units shall be increased to the next whole number." The rules of calculating density in the General Plan are also described in Footnote 1 of Table LU-4 General Plan and Community Plan Land Use Category Description of the Land Use Element of the General Plan, which states, "calculations of residential density is to be rounded to the nearest whole number if the calculation exceeds a whole number by 0.5 or more in most

cases.” Therefore, if a calculation exceeds a whole number by less than 0.50, the number is rounded down. The rezone to RM-3-8 with a maximum density of 54.45 du/ac is rounded down, and the density per the SDMC and General Plan is 54 du/ac.

The project is intended to implement overarching General Plan policies through site-specific implementation of citywide goals and policies, as detailed in the Pacific Beach Community Plan. The project has been evaluated with regard to the proposed rezone of the project site from RM-3-7 to RM-3-8 and regulations of the City's LDC. As documented below, the project would be consistent with the applicable planning documents. Additionally, the project would require waivers and incentives, as described below. The project's waivers and incentives would not result in substantial adverse impacts upon the environment.

6. Community Plan Consistency, Pg. 5.1-12: Clarification has been added regarding the project's consistency with the Pacific Beach Community Plan

The project proposes a CPA to redesignate the project site as Multi-Family Residential (15 – 54 du/ac). The change in residential density would be consistent with the Community Plan as the Pacific Beach Community is predominantly residential and most new development within the Community Plan would consist of infill or redevelopment projects that are at least in part residential. As discussed above, pursuant to SDMC §113.0222(a), the maximum number of units that may be permitted on any premises is determined by the applicable base zone. The RM-3-8 zone defines the maximum dwelling unit as one unit per 800 square feet of lot area, which results in 706 dwelling units and equates to a density of 54.45 du/ac for this project site. As discussed above, although the unit count is slightly different, the density of the land use and zone are the same per the rules of calculation. The SDMC section 113.0222(a)(1) states, to “determine if the quotient resulting from this calculation exceeds a whole number by 0.50 or more, the number of dwelling units shall be increased to the next whole number.” The rules of calculating density in the General Plan are also described in Footnote 1 of Table LU-4 General Plan and Community Plan Land Use Category Description of the Land Use Element of the General Plan, which states, “calculations of residential density is to be rounded to the nearest whole number if the calculation exceeds a whole number by 0.5 or more in most cases.” Therefore, if a calculation exceeds a whole number by less than 0.50, the number is rounded down. The rezone to RM-3-8 with a maximum density of 54.45 du/ac is rounded down, and the density per the SDMC and General Plan is 54 du/ac The project proposes 702 units at a density of 54 du/ac, which conforms to both the Community Plan and zone density. The zone permits the multiple dwelling unit development, and the land use density is consistent with the zone density, ensuring internal consistency between the Community Plan and zoning implementation.

7. Land Use, Analysis: Clarified the waiver being utilized

As described below waivers and incentives would be applied to the project for Municipal Code 142.0407 (e), 142.0406 Additional Vehicular Use Area Solar Requirements Vehicular Use Area Planting Area and Point Requirements.

8. Land Use Solar Mounted Shade Structures: Clarified waiver being utilized

The project requests an incentive relative to SDMC's 142.0407(e) ~~142.0406~~. The SDMC ~~requires solar mounted shade structures within vehicular use areas shall cover a minimum of 50 percent of the exposed parking space. The project does not propose solar mounted shade structures. The project site is located within the Coastal Height Limit Overlay Zone, which has a strict height limit for structures of 30 feet. In order to provide vitally necessary affordable and market-rate housing at a scale and density consistent with the project site and surroundings, it is not possible to provide solar mounted shade structures without exceeding the Coastal Height Limit Overlay Zone height limit. This incentive allows for the project to not meet the requirements for solar. The project requests an incentive to waive the required vehicle use area planting area requirement for the parking structures, where one tree is required within 30 feet of each parking space on the top floor. The project includes two parking structures but does not propose any planting areas for either structure. This incentive allows the project to not meet planting area requirements within vehicular use areas.~~

9. Land Use, Setbacks: Clarified waivers for setbacks

SDMC Section 131.0443(f)(3)(A) provides that the minimum street side setback is 10 feet or 10 percent of the premises width, whichever is greater. The project ~~would require~~ requests a waiver to reduce the required street side setback of 34 feet (10% of the premises width) down to 21 feet (7% of the premises width). ~~allow for encroachment into the street side setback, where Building 3 of the project encroaches into the setback more than five feet along Jewell Street. The premises of the project site is approximately 340 feet wide, which makes the required street side setback along Jewell Street 34 feet. SDMC Section 131.0443(f)(3)(B) allows for up to 50 percent of the building façade to encroach up to five feet into the required street side setback. For the project, 65 percent of the façades along Jewell Street encroach more than five feet into the required street side setback. The amount of encroachment ranges from approximately 11 feet to approximately 19.5 feet.~~

10. Public Utilities, Pg. 5.12-14, Wastewater: Clarification has been added regarding the easement vacations

The project proposes sewerage all 138 multi-family residential units by way of the existing eight-inch sewer line that exists on-site within public easements. The project would result in an increase of 0.088 cubic feet per second (CFS) of sewage. These additional flows increase the ratio of depth of flow to pipe diameter (dn/D) ratio and exceed the City's design criteria in the existing condition between nodes 8 and 14. This section of pipe would be upsized to 10-inch, bringing the dn/D ratio to 0.51. Additionally, a portion of the proposed improvements would encroach into the existing 15-foot sewer easement that runs through the site. Where this occurs, the sewer line and associated easement would be re-routed to 20-foot easement to avoid the proposed improvements. The easement vacation and rerouting of the sewer line and easement will improve sewer capacity, and replace an old public facility with a new one. This new improvement will not impact existing sewer capacity during construction, and therefore, the project's easement vacation will not adversely affect the sewer's functionality. The increase of 0.088 CFS of sewage to be produced as a result of the project are negligible compared to the overall capacity of the exiting 24-inch public sewer

to which the project discharges, thus no improvements are necessary for the trunk sewer line to which the project is tributary. The project would result in less than significant impacts.

Pursuant to CEQA Guidelines Section 15088.5(a), a lead agency is required to recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review under Section 15087 but before certification. The term "information" can include changes in the project or environmental setting as well as additional data or other information. New information added to an EIR is not significant unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement. Significant new information requiring recirculation include, for example, a disclosure showing that:

1. A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.
2. A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
3. A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project's proponents decline to adopt it.
4. The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

In accordance with the CEQA Section 15088.5(b), recirculation is not required when new information is added which merely clarifies, amplifies, or makes insignificant modifications to the EIR. An environmental impact report need only be recirculated when there is the identification of new significant environmental impact, or the addition of a new mitigation measure required to avoid a significant environmental impact. The revisions made to the final environmental document merely clarify and do not affect the analysis or conclusions of the final EIR. As none of the conditions outlined in Section 15088.5(a) have occurred, recirculation is not required.

RESOLUTION NUMBER R-_____

DATE OF FINAL PASSAGE _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO CERTIFYING ENVIRONMENTAL IMPACT REPORT NO. 1059329/SCH NO. 2022120345, ADOPTING FINDINGS AND A STATEMENT OF OVERRIDING CONSIDERATIONS AND ADOPTING MITIGATION MONITORING AND REPORTING PROGRAM NO. 1059329 FOR 3823 INGRAHAM STREET (a.k.a. AVA PACIFIC BEACH), PROJECT NO. 1059329.

RECITALS

The Council of the City of San Diego adopts this Resolution based on the following:

A. On June 15, 2022, Avalon Bay Communities submitted an application to Development Services Department for a Community Plan and Local Coastal Program Land Use Plan Amendment, Rezone, Coastal Development Permit, and Public Service Easement Vacation for the 3823 Ingraham Street (a.k.a AVA Pacific Beach) project (Project).

B. On October 30, 2025, the Planning Commission of the City of San Diego considered the issues discussed in Environmental Impact Report No. 1059329 and voted to recommend certification of the Environmental Impact Report (EIR) and approval of the Project.

C. The matter was set for a public hearing and heard by the Council of the City of San Diego of the City of San Diego on [DATE]. At the hearing, the Council of the City of San Diego considered the issues discussed in Environmental Impact Report No. 1059329 (Report) prepared for this Project.

D. The Office of the City Attorney prepared this Resolution based on the information provided by City staff (including information provided by affected third parties and verified by City staff), with the understanding that this information is complete and accurate.

E. Under San Diego Charter section 280(a)(2), this Resolution is not subject to veto by the Mayor because this matter requires the 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.

ACTION ITEMS

Be it resolved by the Council of the City of San Diego:

1. It is certified the Report has been completed in compliance with the California Environmental Quality Act of 1970 (CEQA) (California Public Resources Code section 21000, *et seq.*), as amended, and the State CEQA Guidelines (California Code of Regulations, Title 14, Chapter 3, section 15000, *et seq.*), that the Report 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 the Council of the City of San Diego in connection with the approval of the Project.
2. Under CEQA section 21081, State CEQA Guidelines section 15091, and State CEQA Guidelines section 15093, the Council of the City of San Diego adopts the Findings and Statement of Overriding Considerations made with respect to the Project, which are attached to this Resolution as Exhibit A.
3. Under CEQA section 21081.6, the Council of the City of San Diego adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the Project as required by the Council of the City of San Diego to mitigate or avoid significant effects on the environment, which is attached to this Resolution as Exhibit B.
4. The Report and other documents constituting the record of proceedings upon which the approval is based are available to the public at the office of the City Clerk, 202 C Steet, San Diego, CA 92101.

5. The City Clerk is directed to file a Notice of Determination in accordance with CEQA with the San Diego County Clerk's Office and the State Clearinghouse in the Office of Land Use and Climate Innovation regarding the Project.

APPROVED: HEATHER FERBERT, City Attorney

I certify that the Council of the City of San Diego adopted this Resolution at a meeting held on _____.

DIANA J.S. FUENTES
City Clerk

By _____
Deputy City Clerk

Attachments:

Appendix A - CEQA Findings and Statement of Overriding Consideration

Appendix B - Mitigation Monitoring and Reporting Program

APPENDIX A
DRAFT FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS
REGARDING THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE
3823 INGRAHAM STREET (a.k.a. AVA PACIFIC BEACH)

PRJ-1059329
SCH No. 2022120345

June 2025

DRAFT

1.0 INTRODUCTION

1.1 Findings of Fact and Statement of Overriding Considerations

The following Candidate Findings of Fact (Findings) and Statement of Overriding Considerations (SOC) are made for development of the 3823 Ingraham Street (a.k.a. AVA Pacific Beach) project (Project Number 1055329) (Project). The environmental effects of the Project are addressed in the Final Environmental Impact Report (Final EIR) (SCH. 2022120345) July 31, 2025 which is incorporated by reference herein.

The California Environmental Quality Act (CEQA) (Pub. Res. Code §21000 et seq.), and the State CEQA Guidelines (Guidelines) (14 Cal. Code Regs. § 15000 et seq.) require that the environmental impacts of a proposed project be examined before a project is approved. In addition, once significant impacts have been identified, CEQA and the Guidelines require that certain findings be made before project approval. (CEQA § 21081; Guidelines § 15091.) It is the exclusive discretion of the decision-maker certifying the Environmental Impact Report (EIR) to determine the adequacy of the proposed candidate findings. Specifically, regarding findings, Guidelines Section 15091 provides:

- (a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:
 - 1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.
 - 2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
 - 3. Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.
- (b) The findings required by subdivision (a) shall be supported by substantial evidence in the record.
- (c) The finding in subdivision (a)(2) shall not be made if the agency making the finding has concurrent jurisdiction with another agency to deal with identified feasible mitigation measures or alternatives. The finding in subdivision (a)(3) shall describe the specific reasons for rejecting identified mitigation measures and project alternatives.

- (d) When making the findings required in subdivision (a)(1), the agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to avoid or substantially lessen significant environmental effects. These measures must be fully enforceable through permit conditions, agreements, or other measures.
- (e) The public agency shall specify the location and custodian of the documents or other materials which constitute the record of the proceedings upon which its decision is based.
- (f) A statement made pursuant to Section 15093 does not substitute for the findings required by this section.

These requirements also apply pursuant to Section 21081 of the CEQA statute. The “changes or alterations” referred to in Section 15091(a)(1), above, that are required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effects of the project may include a wide variety of measures or actions as set forth in Guidelines Section 15370’s definition of mitigation, including:

- (a) Avoiding the impact altogether by not taking a certain action or parts of an action.
- (b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation.
- (c) Rectifying the impact by repairing, rehabilitating, or restoring the impacted environment.
- (d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.
- (e) Compensating for the impact by replacing or providing substitute resources or environments, including through permanent protection of such resources in the form of conservation easements.

Should significant and unavoidable impacts remain after changes or alterations are applied to the project, a Statement of Overriding Considerations (SOC) must be prepared. (CEQA §§ 21002, 21002.1(c); Guidelines § 15093.) The SOC provides the lead agency’s views on whether the benefits of a project outweigh its unavoidable adverse environmental effects. Regarding an SOC, Guidelines Section 15093 provides:

- (a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental

benefits, of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered “acceptable.”

- (b) When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the Final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the Final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.
- (c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.

Having received, reviewed, and considered the Final EIR for the 3823 Ingraham Street (a.k.a. AVA Pacific Beach) project (project), Project No. 1059329/State Clearinghouse No. 2022120345, as well as all other information in the record of proceedings on this matter, the following Findings of Fact (Findings) are made and an SOC is adopted by the City of San Diego (City) in its capacity as the CEQA Lead Agency on the basis of substantial evidence in the record. These Findings and SOC set forth the environmental basis for current and subsequent discretionary actions to be undertaken by the City and responsible agencies for the implementation of the project.

Furthermore, the Findings and SOC have been submitted by the City Development Services Department as Candidate Findings to be made by the decision-making body. They are attached to allow readers of this report an opportunity to review the applicant’s position on this matter and to review potential reasons for approving the project despite the significant and unavoidable effects identified in the Final EIR. It is the exclusive discretion of the decision-maker certifying the EIR to determine the adequacy of the proposed Candidate Findings. It is the role of staff to independently evaluate the proposed Candidate Findings, and to make a recommendation to the decision-maker regarding their legal adequacy.

1.2 Record of Proceedings

For purposes of CEQA and these Findings and SOC, the Record of Proceedings for the project consists of the following documents and other evidence, at a minimum:

- The Notice of Preparation (NOP) and all other public notices issued by the City in conjunction with the project;

- All responses to the NOP received by the City;
- The draft EIR for the Project (Draft EIR);
- The Final EIR;
- All written comments submitted by agencies or members of the public during the public review comment period on the Draft EIR;
- All responses to the written comments included in the Final EIR;
- All written and oral public testimony presented during a noticed public hearing for the project at which such testimony was taken;
- The Mitigation Monitoring and Reporting Program;
- The reports and technical memoranda included or referenced in the Draft EIR, the Final EIR, and any responses to comments in the Final EIR;
- The reports and technical memoranda included or referenced in the Final EIR;
- All documents, studies, EIRs, or other materials incorporated by reference in, or otherwise relied upon during the preparation of, the Draft EIR and the Final EIR;
- Matters of common knowledge to the City, including, but not limited to, Federal, State, and local laws and regulations;
- Any documents expressly cited in these Findings and SOC; and
- Any other relevant materials required to be in the record of proceedings by Public Resources Code Section 21167.6(e).

1.3 Custodian and Location of Records

The documents and other materials that constitute the administrative record for the City's actions related to the project are located at the City, Development Services Department, 550 W C Street, San Diego, California 92101. The Development Services Department is the custodian of the administrative record for the project. Copies of these documents, which constitute the Record of Proceedings, are and at all relevant times have been and will be available upon request at the offices of the Development Services Department (DSD). This information is provided in compliance with Public Resources Code Section 21081.6(a)(2) and Guidelines Section 15091(e).

The Draft EIR was placed on the City Clerk's website at <https://www.sandiego.gov/ceqa/draft>; and the Final EIR was placed on DSD's website at <https://www.sandiego.gov/ceqa/final>. This information is provided in compliance with Public Resources Code Section 21081.6(a)(2) and State CEQA Guidelines Section 15091(e).

2.0 PROJECT SUMMARY

2.1 Project Location

The 12.96-acre AVA Pacific Beach project site is located in the Pacific Beach community of the City of San Diego, within San Diego County. The Pacific Beach community is in the mid-coastal region of the

City of San Diego, south of La Jolla, west of Interstate 5 (I-5), and north of Mission Bay Park. The Pacific Ocean forms the western boundary of the Pacific Beach community. The project site is identified as within the Crown Point neighborhood of Pacific Beach. The project site is bordered by Fortuna Avenue to the north, Jewell Street to the east, Ingraham Street to the west, and La Playa Avenue to the south. Surrounding the project site to the west, east, and south are multi- and single-family residential and commercial uses. The Crown Point Junior Music Academy is located immediately north of the project site, with single- and multi-family residential uses located farther north beyond the school. Regional access to the site is provided by I-5, approximately three miles east of the project site. Local access to the site is via Ingraham Street, Fortuna Avenue, La Playa Avenue, and Jewell Street.

The AVA Pacific Beach project site is currently developed as 564 multi-family apartment units, associated resident amenities, and approximately five acres of surface parking. Landscaping consists of street trees, shrubbery along project street frontage, shade trees in surface parking areas, and accent trees and native plant species along building walkways and sidewalks. Elevations on-site range from 30 feet to 32 feet above mean sea level (AMSL).

2.2 Project Description

2.2.1 Statement of Objectives

Pursuant to Guidelines Section 15124(b) and as described in Section 3.1.2 of the Final EIR, the project has the following objectives:

1. Redevelop underutilized portions of an existing multi-family residential site where public facilities and amenities are readily available and easily accessed via alternative modes of travel, including transit, bike, and pedestrian.
2. Maximize site efficiency while assisting the City in implementing the General Plan's housing goals by providing rental housing stock with a mix of affordable and market-rate housing on the same site contributing to a range of housing opportunities and affordability.
3. Provide affordable housing on-site in a location proximate to employment uses (including the adjacent Crown Point Music Academy, nearby office, and commercial uses) and multi-modal and transportation amenities, thereby reducing reliance on the personal automobile to go about daily life.

2.2.2 Project Components

The project involves demolishing some surface parking areas and a recreational sports deck. These areas would be redeveloped as multi-family dwelling units in three buildings (Buildings 1, 2, and 3)

consisting of 138 units, including seven affordable housing units. Building 1, located in the northwest corner of the project site along Fortuna Avenue, would provide 69 units and 384 parking spaces in a parking garage. Building 2, located along the western portion of the project site fronting Jewell Street, would provide 21 units and 20 surface parking spaces. Building 3 is located in the southeast portion of the project site at the corner of Jewell Street and La Playa Avenue and would provide 48 units and 230 parking spaces in a parking garage. Residential units for the project would be provided in one-bedroom and two-bedroom configurations. All units would have private outdoor space in balconies or patios. Buildings would be two levels and three levels and would not exceed the Coastal Zone height limit of 30 feet. Parking would be provided as partially wrapped structures and minimal surface parking. A portion of the project improvements would encroach into the existing 15-foot sewer easement that runs through the site. Where this occurs, the sewer line and associated easement would be re-routed to avoid conflicts with the proposed improvements.

The project would provide a total of 634 parking spaces, where none are required. The parking spaces would be provided in garages (614 spaces) and surface parking (20 spaces). Parking on site would total 756 spaces (122 existing to remain and 634 new).

Residential vehicular access to the project site currently occurs from driveways on Jewell Street, Fortuna Avenue, and La Playa Avenue. Vehicular access is also provided to the leasing office at the project site from Ingraham Street. The project would consolidate the three existing driveways along Fortuna Avenue to one driveway. The five existing driveways along La Playa Avenue would also be consolidated to one driveway. In total, the project proposes three driveways along Ingraham Street for vehicular access to the main project entrance; as well as three driveways along Jewell Street, one driveway along Fortuna Avenue, and one driveway along La Playa Avenue for vehicular access to the parking lots and parking structures.

Pedestrian movement would be accommodated throughout the project site, allowing pedestrians to easily move between the buildings and recreation areas via accentuated enhanced paving and signage. An accessible pedestrian route is provided along Ingraham Street including access to bus stops along Ingraham Street. The project proposes a new non-contiguous sidewalk and landscaped parkway along a portion of the project site's frontage on Ingraham Street. Additionally, the project would add a concrete pad to the existing bus stop on Ingraham Street. At the entry to the leasing office on Ingraham Street, the project proposes modifications to meet Americans with Disabilities Act (ADA) requirements. The existing non-contiguous concrete sidewalk along Fortuna Avenue would remain, as well as the existing non-contiguous concrete sidewalk and pedestrian ramps at Fortuna Avenue and the alley along the west side of Building 1. The project proposes a new non-contiguous concrete sidewalk along the length of the east side of Building 1. The existing non-contiguous concrete sidewalk along the south side of Building 1 would remain. For Building 2, the project proposes new non-contiguous concrete sidewalks on the northern and southern boundaries of the building. On the eastern side of the building, along Jewell Street, the existing concrete driveway would remain, and a new vehicular gate would be installed at this project entrance.

The project includes a linear park along Jewell Street at its corner with La Playa Avenue, east of Building 3. The linear park would connect with and expand landscaping proposed along Jewell Street and La Playa Avenue. Enhanced features of the linear park would include a fitness court, bike racks, bicycle repair station, and seating structures with benches.

The proposed landscape plan includes the use of low-water-use plant materials and meets all current codes and requirements. The landscape plan has been designed to accentuate and complement existing landscaped areas, to be aesthetically pleasing and welcoming to all residents and guests, to provide a variety of experiences through multiple recreation areas, and to provide softness and scale to the architecture.

2.3 Discretionary Actions

For the 3823 Ingraham Street (a.k.a. AVA Pacific Beach) Project, the following discretionary actions are being requested.

2.3.1 Community Plan/General Plan Amendment

An amendment to the Pacific Beach Community Plan to change the existing land use from Residential (29-43 dwelling units/acre) to Residential (15-54 du/ac). The Residential (15-54 du/ac) land use designation would allow between 194 and 700 units on the project site. The proposed 138 additional units plus the existing 564 units would result in a total of 702 units on-site resulting in a density of 54.16 du/ac and is consistent with the proposed Residential (15-54 du/ac) land use designation due to density allowance (54.45 du/ac) in the proposed zone (see Section 2.3.2, *Rezone*, below).

The project includes an associated rezone from RM-3-7 to RM-3-8, which would implement the proposed Community Plan land use designation. The RM-3-8 zone permits a maximum density of one home for each 800 square feet of lot area. This would permit up to a maximum density of 54.45 units per acre. The RM-3-8 zone implements the High Residential land use, which is consistent with the other areas of the Pacific Beach Community with the same land use designation.

Pursuant to SDMC Section §113.0222(a), the maximum number of units that may be permitted on any premises is determined by the applicable base zone. The RM-3-8 zone defines the maximum dwelling unit as one unit per 800 square feet of lot area, which results in 706 dwelling units and equates to a density of 54.45 du/ac for this project site. Although the unit count is slightly different, the density of the land use and zone are the same per the rules of calculation. The SDMC section §113.0222(a)(1) states, to “determine if the quotient resulting from this calculation exceeds a whole number by 0.50 or more, the number of dwelling units shall be increased to the next whole number.” The rules of calculating density in the General Plan are also described in Footnote 1 of

Table LU-4 General Plan and Community Plan Land Use Category Description of the Land Use Element of the General Plan, which states, “calculations of residential density is to be rounded to the nearest whole number if the calculation exceeds a whole number by 0.5 or more in most cases.” Therefore, if a calculation exceeds a whole number by less than 0.50, the number is rounded down. The rezone to RM-3-8 with a maximum density of 54.45 du/ac is rounded down, and the density per the SDMC and General Plan is 54 du/ac.

The project proposes 702 units at a density of 54 du/ac, which conforms to both the Community Plan and zone density. The zone permits the multiple dwelling unit development, and the land use density is consistent with the zone density, ensuring internal consistency between the General Plan, Community Plan, and zoning implementation.

The project site has a General Plan land use designation of Residential. The project is consistent with this land use designation. However, the project requires a Community Plan Amendment to modify the land use designation to reflect the proposed density. Because Community Plans are essentially community-specific components of the City’s General Plan, a Community Plan Amendment inherently triggers a General Plan Amendment. The project includes a General Plan Amendment in name only, as the land use designation and associated text and graphics of the General Plan are consistent with the project.

2.3.2 Rezone

The project site is zoned Residential Multiple Unit (RM-3-7). The project requires a rezone to the Residential Multiple (RM-3-8) zone to provide the additional 138 residential units on 4.35 acres of the 12.96-acre project site resulting in a total of 702 units. The RM-3-8 zone permits a maximum density of one dwelling unit for each 800 square feet of lot area, which would permit up to a maximum density of 54.45 du/ac and would support a maximum density of 705 dwelling units on the project site.

2.3.3 Coastal Development Permit

A Coastal Development Permit (CDP) is required to allow for redevelopment of the project site within the Coastal Overlay Zone.

2.3.4 Utility Easements/Modifications

As part of the project, the exiting on-site sewer easement would be affected, requiring City approval of the Public Service Utility Easement modification. Specifically, a portion of the project improvements would encroach into the existing 15-foot sewer easement that runs through the site. The project would maintain the general sewer alignment that currently exists. However, where encroachment into the existing easement occurs, the sewer line and associated easement would be

re-routed to avoid proposed improvements. In order to ensure adequate access to the sewer lines, the project would establish new public sewer easements, which would allow for vehicle access to all points of the on-site sewer line. In instances where the easement is encroached upon by the existing balconies, special shoring would be required in the event that the sewer line needs to be excavated.

The project would require connection to San Diego Gas & Electric (SDG&E) utilities to provide electricity service to the project. Additionally, the project would remove and/or relocate existing SDG&E utilities and easements that occur on-site to better serve the project and SDG&E. Public Utilities Code Sections 851–857 requires SDG&E to seek California Public Utilities Commission (CPUC) approval prior to disposing of SDG&E property or allowing encroachments within SDG&E easements. Because the project would require modifications to SDG&E facilities and easements, the CPUC will make a determination regarding such modifications.

2.3.5 Incentives and Waivers

The project is proposing a density bonus and shall be entitled to incentives and waivers pursuant to Land Development Code (San Diego Municipal Code [SDMC]) Section 143.0740 and California Government Code Section 65915 et seq. The project requests an incentive relative to SDMC Section 142.0407(e). Section 142.0407(e) requires solar mounted shade structures within vehicular use areas shall cover a minimum of 50 percent of the exposed parking space. The project does not propose solar mounted shade structures. The project site is located within the Coastal Height Limit Overlay Zone, which has a strict height limit for structures of 30 feet. In order to provide vitally necessary affordable and market-rate housing at a scale and density consistent with the project site and surroundings, it is not possible to provide solar mounted shade structures without exceeding the Coastal Height Limit Overlay Zone height limit. This incentive allows for relief from the requirements of Section 142.0407(e).

The project would require a waiver from SDMC Table 142-10B, which requires off-street loading spaces. The project proposes 149,682 square feet of multi-family residential use. Per Table 142-10B, the project would be required to provide one off-street loading space. The project does not propose any new loading spaces. The project site represents an in-fill development constrained by existing site parameters, height limitations due to location in the Coastal Height Limit Overlay Zone, and surrounding development. Project implementation requires not only awareness of existing residential buildings and resident amenities on-site, but also requirements relative to utilities and fire safety access to the site. The provision of an additional off-street loading space is not able to be provided taking into account the various physical and regulatory constraints on the site. Loading is currently provided and actively managed by the on-site management company; this active management would be maintained with project implementation. This waiver results in a superior project design, greater provision of housing, and better responsiveness to access requirements than what may be accomplished with strict compliance with the off-street loading space requirement.

SDMC Section 131.0443(f)(3)(A) requires a minimum street side setback of 10 feet or 10 percent of the premises width, whichever is greater. The project would require a waiver to allow for encroachment into the street side setback. The premises of the project site is approximately 340 feet wide, which makes the required street side setback along Jewell Street 34 feet. SDMC Section 131.0443(f)(3)(B) allows for up to 50 percent of the building façade to encroach up to five feet into the required street side setback. For the project, a waiver is required, as 65 percent of the façades along Jewell Street encroach more than five feet into the required street side setback. The amount of encroachment ranges from approximately 11 feet to approximately 19.5 feet. The building frontage along Jewell Street represents existing and proposed buildings. Of the 65 percent total frontage encroachment along Jewell Street, existing building comprise encroachment along 51 percent of the frontage (representing approximately 80 percent of the total encroachment), while proposed buildings make up 14 percent of the frontage encroachment (or approximately 20 percent of the total encroachment). The new building encroachment into the street side setback would be 12 feet, three inches. This encroachment is reflective of the overall development pattern and rhythm along the project frontage of Jewell Street and maintains a consistent street wall, which encroaches within the minimal end of the existing encroachment range. The project design results in a cohesive appearance along Jewell Street between the existing and proposed buildings and allows for buildings to better address Jewell Street, thereby creating interest and activity for pedestrians along Jewell Street.

SDMC Section 131.0455(c) allows for private exterior open space to be located within the required front yard, but no closer than nine feet from the front property line. The project would require a waiver to allow balconies to encroach into the front yard setback. One of the balconies of proposed Building 3 is approximately seven feet from the property line along La Playa Avenue. This balcony encroaches into the required front yard setback due to the specific layout and design of the unit type to which it is attached. The one balcony that would minimally encroach into the required setback allows for unit variety without unduly hindering the pedestrian realm along La Playa Avenue.

3.0 ENVIRONMENTAL REVIEW AND PUBLIC PARTICIPATION

The City conducted an environmental review under CEQA (California Public Resources Code Sections 21000, et seq.) and the Guidelines promulgated thereunder in the California Code of Regulations, Title 14. Further, the City is the lead agency as the public agency which has the principal responsibility for carrying out or approving the project. (CEQA § 21067.) In compliance with Section 15082 of the State CEQA Guidelines, the City published a Notice of Preparation on June 22, 2022, which began a 30-day period for comments on the appropriate scope of the EIR. Consistent with CEQA Section 21083.9, the City held a virtual public agency scoping meeting, allowing the public to provide comments from December 15, 2022, through January 16, 2023. The purpose of this meeting was to seek input from the public regarding the environmental effects that may potentially result from the project. Various agencies and other interested parties responded to the NOP. The NOP, comment letters, and

transcript of comments made during the scoping meeting are included as Appendix A of the Final EIR.

The City prepared and published a Draft EIR, which was circulated for a 45-day public review and comment period beginning on April 2, 2025, in compliance with CEQA. Pursuant to State CEQA Guidelines Section 15085, upon publication of the Draft EIR, the City filed a Notice of Completion with the Governor's Office of Planning and Research, State Clearinghouse, indicating that the Draft EIR had been completed and was available for review and comment by the public. The City also posted a Notice of Availability of the Draft EIR at this time pursuant to State CEQA Guidelines Section 15087.

During the public review period, the City received comments on the environmental document. After the close of public review period on May 19, 2025, the City provided responses in writing to all comments received on the Draft EIR. The Final EIR and the response to comments for the project was published on July 31, 2025. The Final EIR has been prepared in accordance with CEQA and the State CEQA Guidelines.

4.0 SUMMARY OF IMPACTS

Impacts associated with specific environmental issues resulting from approval of the project and future implementation are discussed below.

The Final EIR concludes that the project would have no impacts with respect to the following issues:

- Agricultural Resources and Forestry
- Mineral Resources
- Biological Resources
- Geologic Conditions
- Paleontological Resources
- Health and Safety
- Population and Housing
- Wildfire

The Final EIR concludes that the project would have a less than significant impact and requires no mitigation measures with respect to the following issues:

- Land Use
- Visual Effects and Neighborhood Character
- Air Quality
- Greenhouse Gas Emissions
- Energy
- Noise

- Hydrology
- Water Quality
- Public Services and Facilities
- Public Utilities

The Final EIR concludes the project would potentially have a **significant impact but mitigated to below a level of significance** with respect to the following issue areas:

- Historical Resources
- Tribal Cultural Resources

The Final EIR concludes the project would potentially have a **significant and unavoidable impact** and no feasible mitigation measures are available to reduce impacts to below a level of significance for the following issue area:

- Transportation (VMT)

5.0 FINDINGS REGARDING SIGNIFICANT IMPACTS

In making each of the findings below, the City has considered the plans, programs, and policies discussed in the Final EIR. The plans, programs, and policies discussed in the Final EIR are existing regulatory plans and programs the project is subject to, and, likewise, are explicitly made conditions of the project's approval.

5.1 Findings Regarding Impacts that will be Mitigated to Below a Level of Significance [CEQA § 21081(a)(1) and CEQA Guidelines § 15091(a)(1)]

The City, having independently reviewed and considered the information contained in the Final EIR and the Record of Proceedings pursuant to Public Resource Code Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), adopts the following findings regarding the significant effects of the project, as follows:

Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant effects on the environment as identified in the Final EIR (PRJ-1059329/SCH No. 2022120345) as described below.

5.1.1 Historical Resources

5.1.1.1 Potentially Significant Effect

The project site is built out and the likelihood of discovering prehistoric resources is low. However, the project site is within the boundaries of a known archaeological site and, based on the amount and depth of grading and excavation needed for the project, there is potential for buried significant

cultural resources to be encountered that would meet the significance criteria in Section 15064.5 of the State CEQA Guidelines. Refer to Final EIR Section 5.8.3 for additional details.

5.1.1.2 Facts in Support of Finding

The records search conducted for the project showed that the project is within the boundaries of a known archaeological site. The project site is built out and the likelihood of discovering prehistoric resources is low. However, the possibility remains that intact cultural deposits may exist in the subsurface of the project site and could be encountered during grading and excavation activities. Impacts to historical resources (archaeology) would be potentially significant (Final EIR Section 5.8.3).

Mitigation Measures:

MM-HIST-1

This measure requires a qualified archaeological and Native American monitor that would monitor areas with during grading, excavation, and trenching. In the event of a discovery, the monitor shall direct the contractor to temporarily divert all soil disturbing activities, including but not limited to digging, trenching, excavating or grading activities in the area of discovery and in the area reasonably suspected to overlay adjacent resources. If human remains are discovered, work shall halt in that area and no soil shall be exported off-site until a determination can be made regarding the provenance of the human remains and procedures as set forth in CEQA Section 15064.5(e), the California Public Resources Code (Sec. 5097.98) and State Health and Safety Code (Sec. 7050.5) are undertaken.

5.1.1.3 Finding

With the implementation of MM-HIST-1, impacts to historical resources would be reduced to below a level of significance. The mitigation monitoring program would ensure impacts are reduced through monitoring conducted by a qualified archaeologist for ground-disturbing activities during the project construction phase. If a resource is found, grading activities would be limited to allow for proper recovery and review by qualified archaeologists. Any significant resources found would be curated at a qualified institution or repatriated as applicable per the measure, and associated information preserved. Implementation of this monitoring program would ensure that the development of the AVA Pacific Beach project would mitigate direct project impacts to historical resources to below a level of significance.

Reference: Final EIR § 5.8.

5.1.2 Tribal Cultural Resources

5.1.2.1 Potentially Significant Effect

The project site is located within an area identified as sensitive on the City of San Diego Historical Resources Sensitivity Maps. The project area has the possibility for potential tribal cultural resources (in the form of unknown subsurface archaeological resources). Therefore, there is the potential for inadvertent discovery of a significant resource that could be impacted by project grading and excavation activities. Impacts to tribal cultural resources would be potentially significant. Refer to Final EIR Section 5.13.3.

5.1.2.2 Facts in Support of Finding

The likelihood of discovering tribal cultural resources is low due to the project site being fully developed. However, the possibility remains that intact subsurface cultural deposits may exist within the proposed project site considering the sensitivity rating of the area and that cultural resources have been identified in the area of the project site (Final EIR Section 5.13.3). Proposed grading would potentially disturb or destroy such subsurface resources. Impacts to tribal cultural resources would be potentially significant. Construction monitoring by a qualified archaeologist and Native American monitor would be required for ground-disturbing activities during the project construction phase.

Mitigation Measures:

MM-HIST-1 listed above in 5.1.1.2 requires a monitoring program and would be implemented to mitigate this impact.

5.1.2.3 Finding

With implementation of MM-HIST-1, impacts to tribal cultural resources would be reduced to below a level of significance through monitoring conducted by a qualified archaeologist and Native American monitor for ground disturbing activities during the project construction phase. If a resource is found, grading activities would be limited to allow for proper recovery and review by qualified archaeologists and a Native American monitor. Any significant resources found would be curated at a qualified institution or repatriated as applicable per the measure, and associated information preserved.

Reference: Final EIR § 5.13.

5.2 Findings Regarding Mitigation Measures that Are Significant and Unavoidable [CEQA § 21081(a)(3) and CEQA Guidelines § 15091(a)(3)]

The City, having reviewed and considered the information contained in the Final EIR and the Record of Proceedings and pursuant to Public Resource Code §21081(a)(3) and State CEQA Guidelines

§15091(a)(3), makes the following findings regarding transportation and circulation impacts associated with VMT:

Specific economic, legal, social, technological, or other considerations, including considerations of the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the Final EIR (PRJ. 1059329/SCH No. 2022120345) as described below.

“Feasible” is defined in Section 15364 of the CEQA Guidelines to mean “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.” The CEQA statute (Section 21081) and Guidelines (Section 15019(a)(3)) also provide that “other” considerations may form the basis for a finding of infeasibility. Case law makes clear that a mitigation measure or alternative can be deemed infeasible on the basis of its failure to meet project objectives or on related public policy grounds. This finding is appropriate with respect to the project because there are no feasible mitigation measures available that would reduce the identified impacts to below a level of significance.

5.2.1 Transportation and Circulation

5.2.1.1 Potentially Significant and Unavoidable Impact

The residential VMT per capita for the project exceeds the significance threshold for residential projects of 15 percent below the regional mean VMT per capita. Therefore, the project would result in a significant transportation impact relative to VMT. Refer to Final EIR Sections 5.2.3.2 and 6.3.2; and Appendix C of the Final EIR for additional details.

5.2.1.2 Facts in Support of Finding

In conformance with California Senate Bill (SB) 743, the project’s vehicular impacts were evaluated using a vehicle miles traveled (VMT) metric, pursuant to the latest direction from the OPR Technical Advisory and consistent with the City’s Transportation Study Manual (TSM). The project is located within Census Tract 77.02 with 17.4 VMT per resident, which is 91.9 percent of the regional mean. The significance threshold for a residential project is 15 percent or more below the regional mean VMT per capita. This residential project generates 828 unadjusted daily trips, which is under the 2,400-trip threshold, indicating that the project’s residential VMT per capita can be considered the same as the residential VMT per capita of the census tract in which it is located. The SANDAG Series 14 (ABM 2+ base Year 2016) Regional VMT screening map at the project site shows that the census tract that contains the project is not a VMT-efficient area with over 85 percent of the regional residential mean VMT per capita. Because the census tract residential VMT per capita is 91.9 percent

of the residential mean VMT per capita of 18.9, it is more than the 85 percent threshold and does not pass the screening.

SDMC Ordinance Number O-21274 describes the regulations for the Mobility Choices portion of the Complete Communities Program. The project is subject to Mobility Choices Regulations. One purpose of the Mobility Choices Regulations is to assist the City in determining the feasible level of VMT reductions that developments can implement to address environmental impacts from developments on the City's VMT, while still providing other benefits from the development that the City finds desirable. The site is located within Mobility Zone 2, meaning it is partially or entirely within a Transit Priority Area (TPA). According to the SDMC Section 143.1103(b)(1), development in Mobility Zone 2 shall include VMT Reduction Measures totaling at least five points, unless the project exceeds the Basic parking requirements. Parking for the project, including existing parking for the project site, does not exceed the Basic parking requirement (1,140 spaces); therefore, the project must and shall include VMT Reduction Measures totaling at least five points.

The project would implement mitigation measure TRANS-1, provided below, that includes VMT reduction measures totaling five points. These measures are recognized in the Mobility Choices regulations as the feasible level of VMT reductions that the project can implement to address the VMT of development. However, the VMT reduction measures would not result in reducing the project's VMT impact to below 15 percent; and there are no additional measures that can be implemented such that the project is 15 percent or more below the regional mean VMT per capita. Therefore, the projects VMT impact would remain significant and less than fully mitigated.

TRANS-1: This mitigation measure requires that the project include VMT Reduction Measures; specifically, installing a resting area/recreation node on-site, adjacent to the pedestrian walkway; and providing an on-site bicycle repair station.

5.3.1.2 Finding

The project is providing mitigation to the extent feasible. However, as the VMT reduction measures would not result in reducing the project's VMT impact to below 15 percent, and there are no additional measures to implement such that the project is 15 percent or more below the regional mean VMT per capita, the potentially significant transportation and circulation impact would remain significant and unavoidable.

Reference: Final EIR § 5.2.3.2, Final EIR § 6.3.2 and Final EIR Appendix C.

5.3 Findings Regarding Mitigation Measures Which are the Responsibility of Another Agency (CEQA § 21081(a)(2)) and CEQA Guidelines § 15091(a)(2))

The City, having reviewed and considered the information contained in the Final EIR and the Record of Proceedings, finds pursuant to CEQA Section 21081(a)(2) and CEQA Guidelines Section 15091(a)(2)

that there are no changes or alterations that could reduce significant impacts that are within the responsibility and jurisdiction of another public agency.

5.4 Findings Regarding Alternatives (CEQA § 21081(a)(3) and CEQA Guidelines § 15091(a)(3))

Because the project has the potential to cause one or more significant environmental effects, the City must make findings with respect to the alternatives to the project considered in the Final EIR, evaluating whether these alternatives could feasibly avoid or substantially lessen the project's significant environmental effects while achieving most of its objectives (listed in Section 2.3, above, and Section 3.1.2 of the Final EIR).

The City, having reviewed and considered the information contained in the Final EIR and the Record of Proceedings, and pursuant to Public Resource Code Section 21081(a)(3) and State CEQA Guidelines Section 15091(a)(3), makes the following findings with respect to the alternatives identified in the Final EIR (PRJ-1059329/ SCH No. 2022120345):

Specific economic, legal, social, technological, or other considerations, including considerations of the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the Final EIR (PRJ-1059329/ SCH No. 2022120345) as described below.

"Feasible" is defined in Section 15364 of the CEQA Guidelines to mean "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors." The CEQA statute (Section 21081) and Guidelines (Section 15019(a)(3)) also provide that "other" considerations may form the basis for a finding of infeasibility. Case law makes clear that a mitigation measure or alternative can be deemed infeasible on the basis of its failure to meet project objectives or on related public policy grounds. This finding is appropriate with respect to the project because there are no feasible mitigation measures available that would reduce the identified impacts to below a level of significance.

5.4.1 Alternative 1 – No Project/No Build

CEQA Guidelines Section 15126.6(e) requires that an EIR evaluate a "no project" alternative, along with its impacts. The purpose of describing and analyzing a no project alternative is to allow a lead agency to compare the impacts of approving the project to the impacts of not approving it. Specifically, Section 15126.6(e)(3)(B) requires that an EIR for a development project on an identifiable property address the no project alternative as circumstances under which the project does not proceed. In other words, the No Project/No Build alternative assumes that the project site would not be developed with the project.

Under the *No Project/No Build* alternative, the project would not be implemented on the site. The existing underutilized portions of the site would not be demolished; the site would be left as it exists today. No redevelopment of the site to include additional residential buildings, amenities, associated landscaping, and other improvements would occur.

5.4.1.1 Potentially Significant Effects

When compared to the project, the *No Project/No Build* alternative would eliminate the potential for impacts to transportation and circulation (VMT threshold), historic resources (archaeology), and tribal cultural resources associated with the project, as no grading or construction would occur. The *No Project/No Build* alternative would also reduce environmental effects associated with air quality, GHG emissions, and energy, as no new trips would occur under this alternative. This alternative would also result in less noise impacts as no new construction or grading would occur; however, there are no significant noise impacts associated with the project and therefore the *No Project/ No Build* alternative would result in the same no impact conclusion. There would also be less impacts to public services and public utilities, as well as no impacts to schools, libraries, and recreation, as no residential development would occur. However, based on the analysis in the Final EIR, none of those effects would be regarded as significant under the project and therefore the *No Project/ No Build* alternative would result in the same no impact conclusion. Although the *No Project/No Build* alternative would be less compatible visually and from a neighborhood character perspective than what is proposed by the project, such effects would not reach a level of significance.

5.4.1.2 Finding and Supporting Facts

Finding: The *No Project/No Build* alternative is rejected because it fails to satisfy the project's underlying purpose and basic project objectives. Social considerations, including matters of public policy and housing needs, make this alternative infeasible. The City finds that each of these grounds is independently sufficient to support rejection of this alternative.

Rationale: Under the *No Project/No Build* alternative, no new development would be implemented on the site. The existing underutilized portions of the site would not be demolished; the site would be left as it exists today. No redevelopment of the site to include additional residential buildings, amenities, associated landscaping, and other improvements would occur.

The *No Project/No Build* alternative would not meet any of the project objectives. This alternative would not provide additional market rate and affordable housing to serve the urgent needs of the City and where transit is immediately available and would not result in community benefits that promote access to transit and improve the pedestrian experience. The *No Project/No Build* alternative would not feasibly accomplish the basic objectives of the project. Social considerations, including matters of public policy and housing needs, make this alternative infeasible.

Reference: Final EIR § 10.6.1.

5.4.2 Alternative 2 – Reduction of Cultural Resources (Archaeology) and Tribal Cultural Resources

The *Reduction of Cultural Resources (Archaeology) and Tribal Cultural Resources Impacts* alternative that eliminates Building 1 was evaluated, which would reduce the potential to encounter subsurface cultural resources (archaeology) and tribal cultural resources. Building 1 fronts on Fortuna Avenue and would include half of the overall new residential units provided by the project. Building 1 involves the construction of 69 units wrapped around a new parking garage that would provide 384 parking spaces.

As identified in Section 5.8 and 5.13 of the Final EIR, grading and excavation could affect unknown subsurface resources, resulting in a potentially significant effect to archaeological and tribal cultural resources. Mitigation measure HIST-1 would reduce impacts to below a level of significance. The only way to avoid impacts to archaeological and tribal cultural resources would be to not construct the project—essentially the *No Project/No Build* alternative, addressed as Alternative 1 Section 5.4.1, above. To reduce the potential for impacts associated with archaeological and tribal cultural resources, the area proposed for redevelopment would need to be reduced in size such that the overall area graded would be less.

Therefore, a reduced density alternative that eliminates Building 1 would reduce the potential to encounter subsurface cultural resources (archaeology) and tribal cultural resources, as no grading or excavation would occur in that area.

With the elimination of Building 1, this alternative would provide a total of 69 new residential units in Building 2 (21 units) and Building 3 (48 units) and would include three affordable housing units and a total of 250 parking spaces (20 spaces at Building 2 and 230 spaces at Building 3). Proposed landscape and pedestrian improvements along Fortuna Avenue would not occur, because there would be no new construction along that street to warrant improvements to the existing sidewalk and landscaping. Buildings 2 and 3 would be constructed under this alternative as proposed by the project, as well as project amenities associated with those buildings, proposed landscape, and pedestrian improvements along Jewell Street and La Playa Avenue. The architecture and design of Buildings 2 and 3 would be the same as the proposed project.

Because of the height limits restriction of the Coastal Height Limit Overlay Zone, the 69 units contained in Building 1 could not be moved to Buildings 2 and/or 3, as those buildings are at the maximum height allowed in the Coastal Height Overlay Zone. Thus, under this alternative, only 69 new units would be provided on the project site. Similar to the project, the intensity of development resulting from this alternative (48 dwelling units per acre) would exceed the residential land use designation of the Community Plan, as well as the density allowed in the existing zone. Therefore, this alternative would require a Community Plan Amendment and Rezone, as the project does.

5.4.2.1 Potentially Significant Effects

When compared to the project, the *Reduction of Cultural Resources (Archaeology) and Tribal Cultural Resources Impacts* alternative would reduce impacts to historic resources (archaeology) and tribal cultural resources. This alternative would result in the same level of impacts to transportation and circulation with regard to VMT, as the project and could implement similar mitigation measures to partially reduce impacts to below a level of significant. This alternative would also result in less noise impacts, as less grading would occur; however, there are no significant noise impacts associated with the project. This alternative would have a slight reduction in effects associated with air quality, GHG emissions, and energy, as less development would occur under this alternative. There would also be a slight reduction in impacts to public services and public utilities, as less residential development would occur. However, based on the analysis in the Final EIR, none of those effects would be regarded as significant under the project. Impacts relative to visual effects and neighborhood character would be the same as the project and would also not be significant.

Finding: The *Reduction of Cultural Resources (Archaeology) and Tribal Cultural Resources Impacts* alternative would result in reduced potential for impacts to historic (archaeology) and tribal cultural resources due to the reduced footprint. This alternative would contribute 69 less units than the project and the wrap-around parking garage with 384 parking spaces would not be constructed. This alternative would not meet the Project Objective 2 to maximize site efficiency while assisting the City in implementing the General Plans housing goals, and would also satisfy Project Objective 3 to a substantially lesser extent since development would not be maximized. Social and housing need considerations, including matters of public policy, render this alternative infeasible. Therefore, the City rejects this alternative and finds that any of these grounds are independently sufficient to support rejection of this alternative.

Rationale:

The *Reduction of Cultural Resources (Archaeology) and Tribal Cultural Resources Impacts* alternative would meet two-thirds of the project objectives, albeit at a much reduced level. This is most evident with Project Objectives 2 and 3. This alternative does not *maximize site efficiency by providing medium-high density residential uses that contribute to meeting the dual housing affordability/availability needs of the City* and does not *provide for infill redevelopment of underutilized portions of a site within an urban area, where public facilities and amenities are readily available and easily accessed via alternative modes of travel, including transit, bike, and pedestrian* to the extent that the project does.

The goals of the General Plan Land Use Element include increasing the City's supply of land designated for various residential densities and ensuring diverse and balanced neighborhoods and communities with housing available for households of all income levels. The General Plan's Housing Element has policies that aim to provide a variety of housing types and sizes with varying levels of affordability in residential and village developments (HE-I.1 and HE-I.2). The unit mix also

accommodates the needs of a variety of potential residents, as they can select a unit that meets their size and budgetary needs (LU-H.1, LU-H.2). Although this alternative would provide new housing that relies on and supports transit use (HE-O.2), as stated above, it would not do so at a substantially reduced level when compared with the project considering it would provide 69 fewer units.

The project would contribute 138 units to the 108,036 units allocated to the City under the County's Regional Housing Needs Assessment (RHNA) for the 2021-2029 Housing Element period. While the City is planning for additional housing to meet the need and targeted to permit more than 88,000 new housing units between 2010 – 2020, less than half of those units were constructed (42,275) as of December 2019 (City of San Diego 2020). Considering this, as public policy, the City aims to maximize the number of new residential units due to the ongoing housing crisis. This alternative would not maximize the number of units and would not fulfill City policy to the extent of the proposed project.

The Pacific Beach Community Plan Residential Land Use element includes the goal to “[p]romote the development of a variety of housing types and styles in Pacific Beach to provide a greater opportunity for housing that is both affordable and accessible by everyone.” While the *Reduction of Cultural Resources (Archaeology) and Tribal Cultural Resources Impacts* alternative would include 69 units with three affordable units, it would be half than the project's 138 units with seven affordable units. The *Reduction of Cultural Resources (Archaeology) and Tribal Cultural Resources Impacts* alternative would not meet the Pacific Beach Community Plan vision and strategies to the extent of the proposed project. This alternative would not result in an efficient use of an infill site, located proximate to transit and well-served by existing infrastructure, and also would not provide for the amount of market rate and affordable housing as the project would, thereby reducing the effect of redeveloping the project site to create housing opportunities in the Pacific Beach community and the City. Additionally, pursuant to Public Resources Code section 21159.26, “[w]ith respect to a project that includes a housing development, a public agency may not reduce the proposed number of housing units as a mitigation measure or project alternative for a particular significant effect on the environment if it determines that there is another feasible specific mitigation measure or project alternative that would provide a comparable level of mitigation.” Based on the analysis in the Final EIR, none of the effects reduced by the *Reduction of Cultural Resources (Archaeology) and Tribal Cultural Resources Impacts* alternative would be regarded as significant under the project, which includes specific mitigation measures that provide a comparable level of mitigation.

As indicated above, the City is in a housing crisis and needs additional housing supply. Considering the City's Housing Element and 2022 Climate Action Plan, the City policy is to locate additional housing within transit priority areas to the extent possible in order to reduce vehicle miles travelled and associated emissions. The greater increase in housing within these areas would result in greater reductions in vehicle miles travelled and related GHG emissions, including by increasing opportunities for and frequency of transit service. Thus, although the *Reduction of Cultural Resources*

(Archaeology) and Tribal Cultural Resources Impact alternative would increase the number of residential units within a transit priority area, the proposed project would further increase the number of residential units within a transit priority area and promote the City's goals of providing housing and reducing greenhouse gas emissions to a greater extent.

The reduction in the proposed number of units renders the *Reduction of Cultural Resources (Archaeology) and Tribal Cultural Resources Impacts* alternative infeasible based on social considerations and City's housing needs.

Additionally, pursuant to Public Resources Code section 21159.26, the City may not reduce the proposed number of housing units as a project alternative because there are other feasible specific mitigation measures which will provide a comparable level of mitigation.

Reference: Final EIR § 10.6.2.

6.0 FINDINGS REGARDING OTHER CEQA CONSIDERATIONS

6.1 Growth Inducement

6.1.1 Short-term Growth Inducing Effects

During construction activities associated with the project, demand for various construction trade skills and labor would increase. However, it is anticipated that this demand would be met by the local labor force and would not require the importation of a substantial number of workers, which could cause an increased demand for temporary or permanent housing in this area. Further, construction of the project would be short-term and temporary. It would not lead to an increase in employment on-site that would stimulate the need for additional housing or services. Therefore, no associated substantial short-term growth-inducing effects would result.

6.1.2 Long-term Growth Inducing Effects

The project proposes the construction of 138 multi-family dwelling units in three buildings with parking on underutilized portion of the project site currently developed with 564 multi-family residential units. The project site is designated as Residential Multi-family [23-43 dwelling units per acre (du/ac)] in the Pacific Beach Community Plan. The project site is zoned Residential Multiple (RM)-3-7. The project would require a Community Plan Amendment and a Rezone to allow for the proposed increase of residential development on-site.

Based on San Diego Association of Governments (SANDAG's) 2050 Regional Growth Forecast rate for the Pacific Beach community for year 2035, the population rate coefficient is 1.99 persons per household. Thus, the 138-unit development would introduce an estimated 274.62 people to the area. The project would help accommodate the existing and planned population and population

growth anticipated in the City and would aid the existing housing shortage by providing market-rate and affordable rental units. The project would not directly induce substantial growth through the development of residential land uses within a vacant site.

The City of San Diego is experiencing a housing shortage as discussed in the City of San Diego General Plan Housing Element 2021-2029. The City of San Diego's portion of the County's RHNA target for the 2021-2029 Housing Element period is 108,036 homes (City of San Diego 2020). While the City is planning for additional housing to meet the need and targeted to permit more than 88,000 new housing units between 2010 and 2020, less than half of those units were constructed (42,275) as of December 2019 (City of San Diego 2020). The project's proposed construction of 138 units is anticipated to help accommodate the existing and planned population and population growth anticipated in the City and help with the existing housing shortage. Therefore, the project would not directly induce substantial unplanned population growth to the area.

The project would not induce extensions of roads or other infrastructure. The project site is surrounded by residential and commercial development that is served by existing public services and utility infrastructure. The project would connect to existing utilities. No new major infrastructure facilities are required to accommodate the proposed project. The project would not remove an obstacle to growth or expand public services and facilities to accommodate additional economic or population growth beyond that proposed for the site. Roadways already exist to serve the project, and no improvements would be needed as a result of the project.

Additionally, the project site is fully served by public infrastructure and does not propose to extend new infrastructure or increase the capacity of public services, such as water or sewer, in excess of what is necessary to adequately serve the project site. Although the project includes some improvements to existing utilities within the site, these improvements would serve only the project and would not extend off-site. Additionally, surrounding areas are generally developed and the overall area is currently served by public infrastructure. The project would not result in a substantial alteration to the planned location, distribution, density, or growth rate of the Pacific Beach community, adjacent communities, or the City as a whole. The project would not result in significant impacts associated with growth inducement.

6.2 Significant Irreversible Environmental Changes that Will Be Caused by the Project

As required by Section 15126.2(c) of the CEQA Guidelines, the significant irreversible environmental changes of a project shall be identified. Irreversible commitments of non-renewable resources are evaluated to assure that their use is justified. Irreversible environmental changes typically fall into three categories: primary impacts, such as the use of nonrenewable resources; secondary impacts, such as highway improvements that provide access to previously inaccessible areas; and environmental accidents associated with a project. Section 15126.2(d) of the Guidelines states that

irretrievable commitments of resources should be evaluated to ensure that the current consumption of resources is justified.

6.2.1 Impacts Related to Nonrenewable Resources

Development would occur as a result of the project that would entail the commitment of energy and natural resources. The primary energy sources would be electricity, natural gas, and fossil fuels. Use of electricity, natural gas, and fossil fuels represents an irreversible commitment of these resources. Construction of the project would also require the use of various raw materials, including cement, concrete, lumber, steel, etc. These resources would also be irreversibly committed. Once constructed, operation of the project would entail a further commitment of energy resources in the form of fossil fuels and electricity. This commitment would be a long-term obligation since the project would result in the development of structures that are likely to have a useful life of 20 to 30 years or more.

The project would increase demand for energy in the project area and SDG&E's service area. However, no adverse effects on non-renewable resources are anticipated. The project would follow Uniform Building Code (UBC) and Title 24 requirements for energy efficiency and would incorporate sustainable design features directed at reducing energy consumption. The impact of increased energy usage would not result in a significant adverse environmental impact.

Additionally, the project would be consistent with the City's Climate Action Plan (CAP). A CAP Consistency Checklist has been prepared for the project that outlines specific strategies and actions that reduce greenhouse gas emissions, which would also reduce energy consumption. For example, pursuant to CAP Strategy 1, the project would include roofing materials with a minimum three-year aged solar reflection and thermal emittance or solar reflection index equal to or greater than the values specified in the voluntary measures under California Green Building Standards Code; or would include roof construction that has a thermal mass over the roof membrane, including areas of vegetated (green) roofs weighing at least 25 pounds per square foot as specified in the voluntary measures under California Green Building Standards Code; or would provide a combination of these two design features. In accordance with Strategy 2, the project would include low-flow fixtures and appliances. Pursuant to Strategy 3, the project includes electric vehicle parking spaces with the necessary electric vehicle supply equipment installed to provide active electric vehicle charging stations ready for use by residents.

6.2.2 Other Environmental Changes

Implementation of the project would not result in significant irreversible impacts to agricultural, mineral resources, biological resources, geologic conditions, paleontological resources, health and safety, population and housing, and wildfire. The project site is currently accessible via regional transportation facilities and local roadways. The immediate vicinity is a developed, urbanized area of

the City with residential and neighborhood commercial uses to the west, east and south and the Crown Point Junior Music Academy to the immediate north. No new freeways or roadways are proposed that would provide access to currently inaccessible areas. Therefore, implementation of the project would not result in a significant irreversible commitment with regard to unplanned land use.

7.0 FINDINGS REGARDING RESPONSES TO LETTERS OF COMMENTS AND FINAL EIR REVISIONS

The Final EIR includes the comments received on the Draft EIR and responses to those comments. The focus of the responses to comments is on the disposition of significant environmental issues that are raised in the comments, as specified by CEQA Guidelines Section 15088(c).

Finding/Rationale: Responses to comments made on the Draft EIR merely clarify and amplify the analysis presented in the Draft EIR, and do not trigger the need to recirculate per CEQA Guidelines section 15088.5(b).

8.0 STATEMENT OF OVERRIDING CONSIDERATIONS

Pursuant to Section 21081(b) of CEQA and Sections 15093 and 15043(b) of the State CEQA Guidelines, the City is required to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or state-wide benefits, of a proposed project against its unavoidable significant environmental impacts when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered acceptable pursuant to Public Resources Code Section 21081.

Pursuant to Public Resources Code Section 21081(b) and the State CEQA Guidelines Section 15093, the City has balanced the benefits of the project against potential unavoidable significant impacts to Transportation (VMT) associated with the project and has examined alternatives to the project that could avoid these significant impacts and has rejected them as infeasible, finding that none of them would fully meet the basic project objectives and, additionally, each is independently infeasible due to social considerations, including matters of public policy and housing needs.

Each of the separate benefits of the project, as stated herein, is determined to be, unto itself and independent of the other project benefits, a basis for overriding all potential unavoidable significant environmental impacts identified in these findings. Any one of the reasons set forth below is sufficient to justify approval of the project. Substantial evidence supports the various benefits and such evidence can be found whether in the preceding section, which are by reference in this section, the Final EIR, or in documents that comprise the Records of Proceedings in this matter.

Having considered the entire administrative record on the project, and (i) made a reasonable and good faith effort to eliminate or substantially mitigate the impacts resulting from the project, adopting all feasible mitigation measures; (ii) examined a reasonable range of alternatives to the project and, based on this examination, determined that all those alternatives are either environmentally inferior, fail to meet the basic project objectives, or are not feasible, and therefore should be rejected; (iii) recognized all significant, unavoidable impacts; and (iv) balanced the benefits of the project against the project's significant and unavoidable effects, the City hereby finds that the following economic, legal, social, technological, or other benefits, including region-wide benefits, of the project outweigh the potential unavoidable adverse environmental impacts and render those potential adverse environmental impacts acceptable based upon the following considerations, set forth below.

8.1 Considerations

8.1.1 Provide Much-Needed Housing

The AVA Pacific Beach project will add 138 residential units, including seven affordable housing units that will be provided to very low income households. The project would contribute 138 units to the 108,036 units allocated to the City under the County's Regional Housing Needs Assessment (RHNA) for the 2021-2029 Housing Element period. Re-developing underutilized portions of the existing project site with additional residential development will serve the growing needs of the Pacific Beach community and the City of San Diego by meeting critical housing needs and supporting current and future employment centers.

8.1.2 Contributes to Community Character

The project contributes to the enhancement of the character of the Crown Point neighborhood of the Pacific Beach community through redevelopment of an underutilized site with architectural elements, enhanced landscaping, and design components that further contribute to the character of this neighborhood. Project design includes low-rise buildings consistent with the existing patterns of development in the project vicinity.

8.1.3 Provide Housing Proximate to Transit

The project will provide affordable housing adjacent to two Metropolitan Transit System (MTS) bus stops along the project frontage and within one-half mile of two MTS bus transit stops. The project would also provide housing near employment and institutional uses, multi-modal transit, and regional transportation amenities. This would assist in reducing reliance on the personal automobile to go about daily life.

8.1.6 Implements the City's Climate Action Plan

The City's CAP is a proactive step toward addressing and reducing the City's greenhouse gas (GHG) emissions. The CAP provides a roadmap for the City to collaborate with communities in assessing vulnerability to future climate change, developing overarching adaptation strategies and implementing measures to enhance resilience. Compliance with the CAP is determined via the CAP Consistency Checklist which ensures that the specified emissions targets identified in the CAP are achieved.

The City's CAP Consistency Checklist focuses on operational emissions associated with planned land uses and includes a three-step process to determine if a project would result in a GHG impact. Step 1 consists of an evaluation to determine the project's consistency with existing General Plan, Community Plan, and zoning designations for the site. Step 2 consists of an evaluation of the project's compliance with the CAP strategies. Step 3 is only applicable if a project is not consistent with the land use and/or zone, but results in a more intensive project in a transit priority area than assumed in the CAP.

The project is consistent with Step 1 of the checklist as it includes a Community Plan Amendment that results in an increased density within a TPA. The project is also consistent with Step 2 as it is consistent with each of the strategies and measure outlined in Step 2 of the CAP Checklist. The project would comply with Step 3, as the project would provide transit-supportive residential densities within a TPA; support the increased use of transit in a TPA; implement features that support walkability and bicycle use; contribute to the City's urban canopy tree coverage goal; and function overall as a Transit Oriented Development. The project is consistent with Step 3 of the CAP.

The project is consistent with the CAP and therefore ensures the specified emissions targets identified in the CAP are achieved.

8.2 CONCLUSION

For the foregoing reasons, the City Council finds in accordance with Public Resources Code 21081(b) and 21085.5 and CEQA Guidelines 15093 and 15043, that the project's adverse, unavoidable environmental impacts are outweighed by the noted benefits, any of which individually would be sufficient to reach the conclusion that overriding findings justify the significant, unmitigated effects that were found. Therefore, the City Council has adopted this SOC.

APPENDIX B
MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)
3823 INGRAHAM STREET (a.k.a. AVA PACIFIC BEACH)

Mitigation Measures

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

1. Prior to the issuance of a Notice To Proceed (NTP) for a subdivision, or any construction permits, such as Demolition, Grading or Building, or beginning any construction related activity on-site, the Development Services Department (DSD) Director's Environmental Designee (ED) shall review and approve all Construction Documents (CD), (plans, specification, details, etc.) to ensure the MMRP requirements are incorporated into the design.

2. In addition, the ED shall verify that the MMRP Conditions/Notes that apply ONLY to the construction phases of this project are included VERBATIM, under the heading, **"ENVIRONMENTAL/MITIGATION REQUIREMENTS."**

These notes must be shown within the first three (3) sheets of the construction documents in the format specified for engineering construction document templates as shown on the City website:

<http://www.sandiego.gov/development-services/industry/standtemp.shtml>

3. The **TITLE INDEX SHEET** must also show on which pages the "Environmental/Mitigation Requirements" notes are provided.

4. **SURETY AND COST RECOVERY** – The Development Services Director or City Manager may require appropriate surety instruments or bonds from private Permit Holders to ensure the long-term performance or implementation of required mitigation measures or programs. The City is authorized to recover its cost to offset the salary, overhead, and expenses for City personnel and programs to monitor qualifying projects.

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

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

Qualified Archaeological Monitor

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

CONTACT INFORMATION:

- a) The PRIMARY POINT OF CONTACT is the **RE** at the **Field Engineering Division – 858-627-3200**
 - b) For Clarification of ENVIRONMENTAL REQUIREMENTS, applicant t is also required to call **RE and MMC at 858-627-3360.**
2. **MMRP COMPLIANCE:** This Project, Project Tracking System (PTS) Number 1059329 and/or Environmental Document Number 1059329, shall conform to the mitigation requirements contained in the associated Environmental Document and implemented to the satisfaction of the DSD's Environmental Designee (MMC) and the City Engineer (RE). The requirements may not be reduced or changed but may be annotated (i.e., to explain when and how compliance is being met and location of verifying proof, etc.). Additional clarifying information may also be added to other relevant plan sheets and/or specifications as appropriate (i.e., specific locations, times of monitoring, methodology, etc.).

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

3. **OTHER AGENCY REQUIREMENTS:** Evidence of compliance with all other agency requirements or permits shall be submitted to the RE and MMC for review and acceptance prior to the beginning of work or within one week of the Permit Holder obtaining documentation of those permits or requirements. Evidence shall include copies of permits, letters of resolution or other documentation issued by the responsible agency:
- N/A
4. **MONITORING EXHIBITS:** All consultants are required to submit, to RE and MMC, a monitoring exhibit on a 11"x17" reduction of the appropriate construction plan, such as site plan, grading, landscape, etc., marked to clearly show the specific areas including the **LIMIT OF WORK**, scope of that discipline's work, and notes indicating when in the construction schedule that work will be performed. When necessary for clarification, a detailed methodology of how the work will be performed shall be included.
- Note: Surety and Cost Recovery – When deemed necessary by the Development Services Director or City Manager, additional surety instruments or bonds from the private Permit Holder may be required to ensure the long-term performance or implementation of required mitigation measures or programs. The City is authorized to recover its cost to offset the salary, overhead, and expenses for City personnel and programs to monitor qualifying projects**
5. **OTHER SUBMITTALS AND INSPECTIONS:** The Permit Holder/Owner's representative shall submit all required documentation, verification letters, and requests for all associated inspections to the RE and MMC for approval per the following schedule:

DOCUMENT SUBMITTAL/INSPECTION CHECKLIST		
Issue Area	Document Submittal	Associated Inspection/Approvals/Notes
General	Consultant Qualification Letters	Prior to Preconstruction Meeting
General	Consultant Construction Monitoring Exhibits	Prior to or at Preconstruction Meeting
Transportation and Circulation	Building Plans	Building Permit Issuance
Noise	Building Plans	Building Permit Issuance
Archaeology	Records Search/Monitoring Report(s)	Archaeology/Historic Site Observation
Tribal Cultural Resources	Archaeology Reports	Archaeology/Historic Site Observation

Bond Release	Request for Bond Release Letter	Final MMRP Inspections Prior to Bond Release Letter
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C. SPECIFIC MMRP ISSUE AREA CONDITIONS/REQUIREMENTS

Transportation and Circulation (VMT)

TRANS-1: In accordance with SDMC Section 143.1103(b)(1), the project shall include VMT Reduction Measures totaling five points. Prior to issuance of Certificate of Occupancy, the Owner/Permitee shall provide and maintain the following Vehicle Miles Traveled (VMT) reduction measures totaling five points as shown on Exhibit A, satisfactory to the City Engineer:

- Pedestrian Measure 8: Install resting area/recreation node on-site, adjacent to public pedestrian walkway (Four Points)
- Bicycle Measure 12: Provide on-site bicycle repair station (One Point)

Historical Resources

MM HIST-1 ARCHAEOLOGICAL RESOURCES

I. Prior to Permit Issuance

- A. Entitlements Plan Check
 1. Prior to issuance of any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits or a Notice to Proceed for Subdivisions, but prior to the first preconstruction meeting, whichever is applicable, the Assistant Deputy Director (ADD) Environmental designee shall verify that the requirements for Archaeological Monitoring and Native American monitoring have been noted on the applicable construction documents through the plan check process.
- B. Letters of Qualification have been submitted to ADD
 1. The applicant shall submit a letter of verification to Mitigation Monitoring Coordination (MMC) identifying the Principal Investigator (PI) for the project and the names of all persons involved in the archaeological monitoring program, as defined in the City of San Diego Historical Resources Guidelines (HRG). If applicable, individuals involved in the archaeological monitoring program must have completed the 40-hour HAZWOPER training with certification documentation.
 2. MMC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the archaeological monitoring of the project meet the qualifications established in the HRG.
 3. Prior to the start of work, the applicant must obtain written approval from MMC for any personnel changes associated with the monitoring program.

II. Prior to Start of Construction

- A. Verification of Records Search
 - 1. The PI shall provide verification to MMC that a site-specific records search (1/4 mile radius) has been completed. Verification includes, but is not limited to a copy of a confirmation letter from South Coastal Information Center, or, if the search was in-house, a letter of verification from the PI stating that the search was completed.
 - 2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.
 - 3. The PI may submit a detailed letter to MMC requesting a reduction to the ¼ mile radius.
- B. PI Shall Attend Precon Meetings
 - 1. Prior to beginning any work that requires monitoring; the Applicant shall arrange a Precon Meeting that shall include the PI, Native American consultant/monitor (where Native American resources may be impacted), Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The qualified Archaeologist and Native American Monitor shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the Archaeological Monitoring program with the Construction Manager and/or Grading Contractor.
 - a. If the PI is unable to attend the Precon Meeting, the Applicant shall schedule a focused Precon Meeting with MMC, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.
 - 2. Identify Areas to be Monitored
 - a. Prior to the start of any work that requires monitoring, the PI shall submit an Archaeological Monitoring Exhibit (AME) (with verification that the AME has been reviewed and approved by the Native American consultant/monitor when Native American resources may be impacted) based on the appropriate construction documents (reduced to 11x17) to MMC identifying the areas to be monitored including the delineation of grading/excavation limits.
 - b. The AME shall be based on the results of a site-specific records search as well as information regarding existing known soil conditions (native or formation).
 - 3. When Monitoring Will Occur
 - a. Prior to the start of any work, the PI shall also submit a construction schedule to MMC through the RE indicating when and where monitoring will occur.
 - b. The PI may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification to the monitoring program. This request shall be based on relevant information such as review of final

construction documents which indicate site conditions such as depth of excavation and/or site graded to bedrock, etc., which may reduce or increase the potential for resources to be present.

III. During Construction

- A. Monitor(s) Shall be Present During Grading/Excavation/Trenching
 - 1. The Archaeological Monitor shall be present full-time during all soil disturbing and grading/excavation/trenching activities which could result in impacts to archaeological resources as identified on the AME. The Construction Manager is responsible for notifying the RE, PI, and MMC of changes to any construction activities such as in the case of a potential safety concern within the area being monitored. In certain circumstances OSHA safety requirements may necessitate modification of the AME.
 - 2. The Native American consultant/monitor shall determine the extent of their presence during soil disturbing and grading/excavation/trenching activities based on the AME and provide that information to the PI and MMC. If prehistoric resources are encountered during the Native American consultant/monitor's absence, work shall stop and the Discovery Notification Process detailed in Section III.B-C and IV.A-D shall commence.
 - 3. The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition such as modern disturbance post-dating the previous grading/trenching activities, presence of fossil formations, or when native soils are encountered that may reduce or increase the potential for resources to be present.
 - 4. The archaeological and Native American consultant/monitor shall document field activity via the Consultant Site Visit Record (CSV). The CSVs shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (Notification of Monitoring Completion), and in the case of ANY discoveries. The RE shall forward copies to MMC.
- B. Discovery Notification Process
 - 1. In the event of a discovery, the Archaeological Monitor shall direct the contractor to temporarily divert all soil disturbing activities, including but not limited to digging, trenching, excavating or grading activities in the area of discovery and in the area reasonably suspected to overlay adjacent resources and immediately notify the RE or BI, as appropriate.
 - 2. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery.
 - 3. The PI shall immediately notify MMC by phone of the discovery, and shall also submit written documentation to MMC within 24 hours by fax or email with photos of the resource in context, if possible.

4. No soil shall be exported off-site until a determination can be made regarding the significance of the resource specifically if Native American resources are encountered.
- C. Determination of Significance
 1. The PI and Native American consultant/monitor, where Native American resources are discovered shall evaluate the significance of the resource. If Human Remains are involved, follow protocol in Section IV below.
 - a. The PI shall immediately notify MMC by phone to discuss significance determination and shall also submit a letter to MMC indicating whether additional mitigation is required.
 - b. If the resource is significant, the PI shall submit an Archaeological Data Recovery Program (ADRP) which has been reviewed by the Native American consultant/monitor, and obtain written approval from MMC. Impacts to significant resources must be mitigated before ground disturbing activities in the area of discovery will be allowed to resume. Note: If a unique archaeological site is also an historical resource as defined in CEQA, then the limits on the amount(s) that a project applicant may be required to pay to cover mitigation costs as indicated in CEQA Section 21083.2 shall not apply.
 - c. If the resource is not significant, the PI shall submit a letter to MMC indicating that artifacts will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that that no further work is required.

IV. Discovery of Human Remains

If human remains are discovered, work shall halt in that area and no soil shall be exported off-site until a determination can be made regarding the provenance of the human remains; and the following procedures as set forth in CEQA Section 15064.5(e), the California Public Resources Code (Sec. 5097.98) and State Health and Safety Code (Sec. 7050.5) shall be undertaken:

- A. Notification
 1. Archaeological Monitor shall notify the RE or BI as appropriate, MMC, and the PI, if the Monitor is not qualified as a PI. MMC will notify the appropriate Senior Planner in the Environmental Analysis Section (EAS) of the Development Services Department to assist with the discovery notification process.
 2. The PI shall notify the Medical Examiner after consultation with the RE, either in person or via telephone.
- B. Isolate discovery site
 1. Work shall be directed away from the location of the discovery and any nearby area reasonably suspected to overlay adjacent human remains until a

determination can be made by the Medical Examiner in consultation with the PI concerning the provenance of the remains.

2. The Medical Examiner, in consultation with the PI, will determine the need for a field examination to determine the provenance.
 3. If a field examination is not warranted, the Medical Examiner will determine with input from the PI, if the remains are or are most likely to be of Native American origin.
- C. If Human Remains ARE determined to be Native American
1. The Medical Examiner will notify the Native American Heritage Commission (NAHC) within 24 hours. By law, ONLY the Medical Examiner can make this call.
 2. NAHC will immediately identify the person or persons determined to be the Most Likely Descendent (MLD) and provide contact information.
 3. The MLD will contact the PI within 24 hours or sooner after the Medical Examiner has completed coordination, to begin the consultation process in accordance with CEQA Section 15064.5(e), the California Public Resources and Health & Safety Codes.
 4. The MLD will have 48 hours to make recommendations to the property owner or representative, for the treatment or disposition with proper dignity, of the human remains and associated grave goods.
 5. Disposition of Native American Human Remains will be determined between the MLD and the PI, and, if:
 - a. The NAHC is unable to identify the MLD, OR the MLD failed to make a recommendation within 48 hours after being granted access to the site, OR;
 - b. The landowner or authorized representative rejects the recommendation of the MLD and mediation in accordance with PRC 5097.94 (k) by the NAHC fails to provide measures acceptable to the landowner, the landowner shall reinter the human remains and items associated with Native American human remains with appropriate dignity on the property in a location not subject to further and future subsurface disturbance, THEN
 - c. To protect these sites, the landowner shall do one or more of the following:
 - (1) Record the site with the NAHC;
 - (2) Record an open space or conservation easement; or
 - (3) Record a document with the County. The document shall be titled "Notice of Reinternment of Native American Remains" and shall include a legal description of the property, the name of the property owner, and the owner's acknowledged signature, in addition to any other information required by PRC 5097.98. The document shall be indexed as a notice under the name of the owner.

V. Night and/or Weekend Work

- A. If night and/or weekend work is included in the contract
 - 1. When night and/or weekend work is included in the contract package, the extent and timing shall be presented and discussed at the precon meeting.
 - 2. The following procedures shall be followed.
 - a. No Discoveries
In the event that no discoveries were encountered during night and/or weekend work, the PI shall record the information on the CSV and submit to MMC via fax by 8AM of the next business day.
 - b. Discoveries
All discoveries shall be processed and documented using the existing procedures detailed in Sections III - During Construction, and IV - Discovery of Human Remains. Discovery of human remains shall always be treated as a significant discovery.
 - c. Potentially Significant Discoveries
If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section III - During Construction and IV- Discovery of Human Remains shall be followed.
 - d. The PI shall immediately contact MMC, or by 8AM of the next business day to report and discuss the findings as indicated in Section III-B, unless other specific arrangements have been made.
- B. If night and/or weekend work becomes necessary during the course of construction
 - 1. The Construction Manager shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin.
 - 2. The RE, or BI, as appropriate, shall notify MMC immediately.
- C. All other procedures described above shall apply, as appropriate.

VI. Post Construction

- A. Preparation and Submittal of Draft Monitoring Report
 - 1. The PI shall submit two copies of the Draft Monitoring Report (even if negative), prepared in accordance with the Historical Resources Guidelines (Appendix C/D) which describes the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program (with appropriate graphics) to MMC for review and approval within 90 days following the completion of monitoring. It should be noted that if the PI is unable to submit the Draft Monitoring Report within the allotted 90-day timeframe resulting from delays with analysis, special study results or other complex issues, a schedule shall be submitted to MMC establishing agreed due dates and the provision for submittal of monthly status reports until this measure can be met.
 - a. For significant archaeological resources encountered during monitoring, the Archaeological Data Recovery Program shall be included in the Draft Monitoring Report.

b. Recording Sites with State of California Department of Parks and Recreation

The PI shall be responsible for recording (on the appropriate State of California Department of Park and Recreation forms-DPR 523 A/B) any significant or potentially significant resources encountered during the Archaeological Monitoring Program in accordance with the City's Historical Resources Guidelines, and submittal of such forms to the South Coastal Information Center with the Final Monitoring Report.

2. MMC shall return the Draft Monitoring Report to the PI for revision or, for preparation of the Final Report.
3. The PI shall submit revised Draft Monitoring Report to MMC for approval.
4. MMC shall provide written verification to the PI of the approved report.
5. MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.

B. Handling of Artifacts

1. The PI shall be responsible for ensuring that all cultural remains collected are cleaned and catalogued
2. The PI shall be responsible for ensuring that all artifacts are analyzed to identify function and chronology as they relate to the history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate.
3. The cost for curation is the responsibility of the property owner.

C. Curation of artifacts: Accession Agreement and Acceptance Verification

1. The PI shall be responsible for ensuring that all artifacts associated with the survey, testing and/or data recovery for this project are permanently curated with an appropriate institution. This shall be completed in consultation with MMC and the Native American representative, as applicable.
2. The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC.
3. When applicable to the situation, the PI shall include written verification from the Native American consultant/monitor indicating that Native American resources were treated in accordance with state law and/or applicable agreements. If the resources were reinterred, verification shall be provided to show what protective measures were taken to ensure no further disturbance occurs in accordance with Section IV – Discovery of Human Remains, Subsection 5.

D. Final Monitoring Report(s)

1. The PI shall submit one copy of the approved Final Monitoring Report to the RE or BI as appropriate, and one copy to MMC (even if negative), within 90 days after notification from MMC that the draft report has been approved.

2. The RE shall, in no case, issue the Notice of Completion and/or release of the Performance Bond for grading until receiving a copy of the approved Final Monitoring Report from MMC which includes the Acceptance Verification from the curation institution.

Tribal Cultural Resources

MM HIST-1: Listed above.

**PRJ #1059329 Ingraham Street (AVA Pacific Beach)
Community Plan Amendment Response to
Planning Commission Resolution No. 5185-PC Issues**

The following information is provided for consideration in reviewing the consistency of the proposed Ingraham Street (AVA Pacific Beach) Community Plan Amendment (CPA) submission with Planning Commission Staff Report No. PC-22-020 and Planning Commission Resolution No. 5185-PC dated May 5, 2022.

Land Use Designation

1. Evaluate the appropriate land use designation and zoning for the site.

This project proposes to redesignate the community plan land use for the site from Residential (30-44 dwelling units per acre) to the Residential (15-54 dwelling units/net acre) designation and with the corresponding rezone from RM-3-7 to RM-3-8 zone to implement the land use designation. Increased density at the project site is appropriate due to its location within a Transit Priority Area (TPA), within an area that has moderate-high village propensity as identified by the General Plan and within the Highest Resource Area as identified by the 2025 California Tax Credit Allocation Opportunity Map. Additionally, the project site is located within walking distance to entertainment, commercial, and recreational uses. Sites within the TPA, a higher village propensity area and a Highest Resource Area provide for opportunities for additional homes which help to meet the City's housing, equity and climate goals.

Site Design

2. Incorporate sustainability features in the building and site design.

Sustainable features would be incorporated into both building and site design. Relative to building design, the project would meet or exceed California Building Code, Title 24, as well as Climate Action Plan requirements. The project would be designed to meet Title 24 and Climate Action Plan Consistency Checklist requirements, which address sustainable development. The project would also incorporate sustainable building and site design by designing buildings that meet CALGreen, California Green Building Standards Code; reduce energy use through building orientation; construct and operate buildings using materials and methods that promote healthful indoor air quality; consider re-use of building materials; install low wattage and/or LED light features; and use of low flow shower heads, faucets, and toilets.

3. Incorporate streetscape elements including street trees to enhance the appearance of the community and site.

The project would include new 36-inch canopy street trees along La Playa Avenue, Jewell Street, and Fortuna Avenue to promote and support pedestrian walkability. Additional streetscape elements include a linear park at the corner of Jewell Street and La Playa Avenue, as well as a new non-contiguous sidewalk the length of Jewell Street. Project landscaping merges the plant palette of the existing development with more water conserving plant material. These project features represent streetscape elements that enhance the appearance of the community and the project site.

Urban Design

4. Evaluate the compatibility of the bulk and scale of the structures with the adjacent neighborhood character.

The project represents an in-fill component to an existing development. Existing buildings on-site are three stories in height. The project would develop three buildings of two- and three-stories in height on surface parking and underutilized recreational areas within the existing development. As such, the project would be compatible with the existing bulk and scale on-site.

Surrounding development includes three-story apartment buildings to the west of the project site, across Ingraham Street, of similar bulk and scale to the existing structures on-site and the proposed project. Structures to the east and south are multi-family buildings of two and three stories in height. Single-family residences are located to the north and south of the site that range from one to three stories in height. Recreational fields of adjacent Crown Point Junior Music Academy are located to the north of the project site. The project would be compatible with the bulk and scale of the surrounding community.

5. Incorporate architectural features to enhance the appearance and function of the development.

The project incorporates architectural features to enhance the appearance and function of the development. Balconies on the proposed units are consistent with the existing development and add visual interest to the building façades. Additionally, the project proposes to include mural elements on wall expanses of parking garages as a means of engaging with community artists and beautifying the site.

The existing buildings on-site went through an aesthetic improvement in 2015. In coordination with the proposed development, existing buildings will be further incorporated into the development as they will be “wrapped” by the new residential buildings; thereby screening parking and improving views of the site from adjacent streets and sidewalks. These improvements allow for the existing and proposed structures to seamlessly integrate into a cohesive project appearance.

Mobility

6. Evaluate vehicle, bicycle, and pedestrian circulation adjacent to the site.

The site is surrounded by existing sidewalks that support pedestrian movement. Along Jewell Street—an identified PB Pathway and designated safe route to Crown Point Junior Music Academy—a new non-contiguous sidewalk will be constructed along with the planting of new canopy street trees. Existing non-contiguous sidewalks on La Playa Avenue and Fortuna Avenue will be preserved and enhanced as part of the project. A portion of Ingraham Street south of the project driveway would be improved to non-contiguous sidewalk. Collectively, these improvements will maintain and strengthen pedestrian circulation in the area.

For bicycle circulation, the Pacific Beach Community Plan identifies Jewell Street as a Class III bikeway with connections to the Class II bikeway along Crown Point Drive.

Relative to vehicle circulation, a Local Mobility Assessment (LMA) has been processed as part of the project. The LMA concluded that no impacts to vehicle circulation would result with the project.

7. Connect and enhance the active transportation options for residents of the site and adjacent neighborhood.

The project site is well-served by public transit, with MTS Route 9 bus stops located immediately adjacent along Ingraham Street. MTS Route 9 provides services within Pacific Beach and connections to Routes 8, 29, and 30, as well as the Old Town Transit Center, offering access to the San Diego Trolley, Coaster, and Amtrak services.

To support and enhance active transportation, the applicant is installing bicycle racks, incorporating PB Pathways signage along the Jewell Street frontage and planting canopy street trees to promote walkability. These improvements, combined with project features like the non-contiguous sidewalk along Jewell Street, a new linear park at Jewell Street and La Playa Avenue, and the site's close proximity to the multi-modal path at Mission Bay, will improve connectivity and expand active transportation options for both project residents and the surrounding neighborhood.

Affordable Housing

8. Analyze the ability to accommodate affordable housing on-site.

The Inclusionary Affordable Housing Regulations require the applicant to provide four percent of the total units as affordable to low-income households with rents not exceeding 30 percent of 60 percent of Area Median Income (AMI) for a period of 55 years. Four percent of 138 units is 5.52 units, for a total of six units. However, the project will provide seven affordable units at Very Low Income with rents of no more than 30 percent of 50 percent of AMI for no fewer than 55 years to receive one incentive pursuant to SDMC 143.0740 and three waivers pursuant to SDMC section 143.0743. The project site is within a Highest Resource Area as identified by the 2025 California Tax Credit Allocation Committee Opportunity Map.

RESOLUTION NUMBER R-_____

DATE OF FINAL PASSAGE _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO ADOPTING AMENDMENTS TO THE PACIFIC
BEACH COMMUNITY PLAN.

RECITALS

The Council of the City of San Diego (Council) adopts this Resolution based on the following:

A. The Council held a public hearing for the purpose of considering an amendment to the General Plan and the Pacific Beach Community Plan.

B. AVALONBAY COMMUNITIES, INC., requested an amendment to the Pacific Beach Community Plan to redesignate a 12.96-acre site located at 3823, 3863, and 3913 Ingraham Street and 3952 Jewell Street (ASSESSOR PARCEL NUMBERS 424-471-13-00, 424-471-14-00, 424-471-15-00, 424-471-16-00) from Medium-High Density (29-43 dwelling units per net residential acre) to High Residential (15-54 dwelling unit per acre) residential land use. The site is legally described as Lots 1, 2, 3 and 4 of Crown Point Country Club Condominiums, in the City of San Diego, County of San Diego, State of California, according to Map Thereof No. 10664, filed in the Office of the County Recorder of San Diego County, June 22, 1983; and

C. The Planning Commission of the City of San Diego found the proposed amendment consistent with the General Plan.

D. The Council has considered all maps, exhibits, and written documents contained in the file for this project on record in the City of San Diego, and has considered the oral presentations given at the public hearing.

E. The Office of the City Attorney prepared this Resolution based on the information provided by City staff (including information provided by affected third parties and verified by City staff), with the understanding that this information is complete and accurate.

F. Under San Diego Charter section 280(a)(2), this Resolution is not subject to veto by the Mayor because this matter requires the 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.

ACTION ITEMS

Be it resolved by the Council of the City of San Diego:

1. The Council adopts the amendments to the Pacific Beach Community Plan, a copy of which is on file in the office of the City Clerk as Document No. RR-_____.

2. This project is located in the Coastal Zone, therefore the Council's decision requires amending the City's Local Coastal Program. As a result, these amendments will not become effective in the Coastal Zone until the Coastal Commission unconditionally certifies the Local Coastal Program amendment.

APPROVED: HEATHER FERBERT, City Attorney

By _____
Shannon Christine Eckmeyer
Deputy City Attorney

SCE:cm
September 19, 2025
Or.Dept: City Planning
Doc. No. 4195003

Attachment: Pacific Beach Community Plan Land Use Amendment Strikeout Underline

I certify that the Council of the City of San Diego adopted this Resolution at a meeting held on
_____.

DIANA J.S. FUENTES
City Clerk

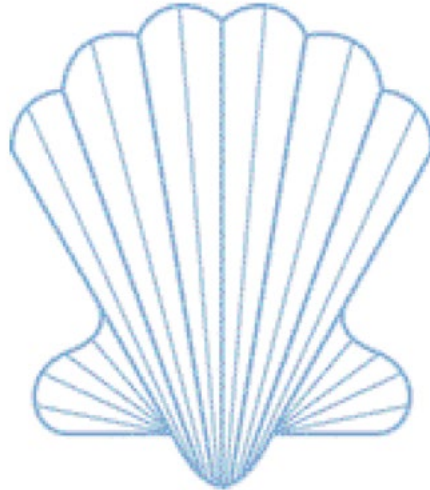
By _____
Deputy City Clerk

DRAFT

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Pacific Beach Community Plan

and Local Coastal Program Land Use Plan



AVA Pacific Beach
Community Plan Amendment

Draft: August 2025

PACIFIC BEACH COMMUNITY PLAN AMENDMENTS

The following amendments have been incorporated into this February 2020 posting of this Plan:

Amendment	Date Approved by Planning Commission	Resolution Number	Date Adopted by City Council	Resolution Number
Pacific Beach Community Plan adopted	December 2, 1993		February 28, 1995	R-28517
Balboa Avenue Station Area Specific Plan	December 13, 2018		August 1, 2019	R-312605
AVA Pacific Beach <u>Redesignation of 12.96 acres from Medium-High residential (29-43 du/nra) to High Residential (15-54 du/ac) for AVA Pacific Beach.</u>	XXXX XX, 2025		XXXX, XX, 2025	R-XXXXXX

Certified by the California Coastal Commission on May 11, 1995 by Certificate Number 2-95C0

Because the community has experienced fluctuations in development intensity over the years, there is an increasing need to address the variations in neighborhood character that have surfaced and that will likely continue to surface in the future.

The Garnet Avenue commercial district stands in need of change. Residential uses are encouraged to enhance and increase use of the area (See the Commercial Element). Multi-use zoning has advantages to commercial and residential tenants: access to shops by tenants, new customers for commercial enterprises, and physical security to both, as the property will be occupied by one user of the other throughout the day.

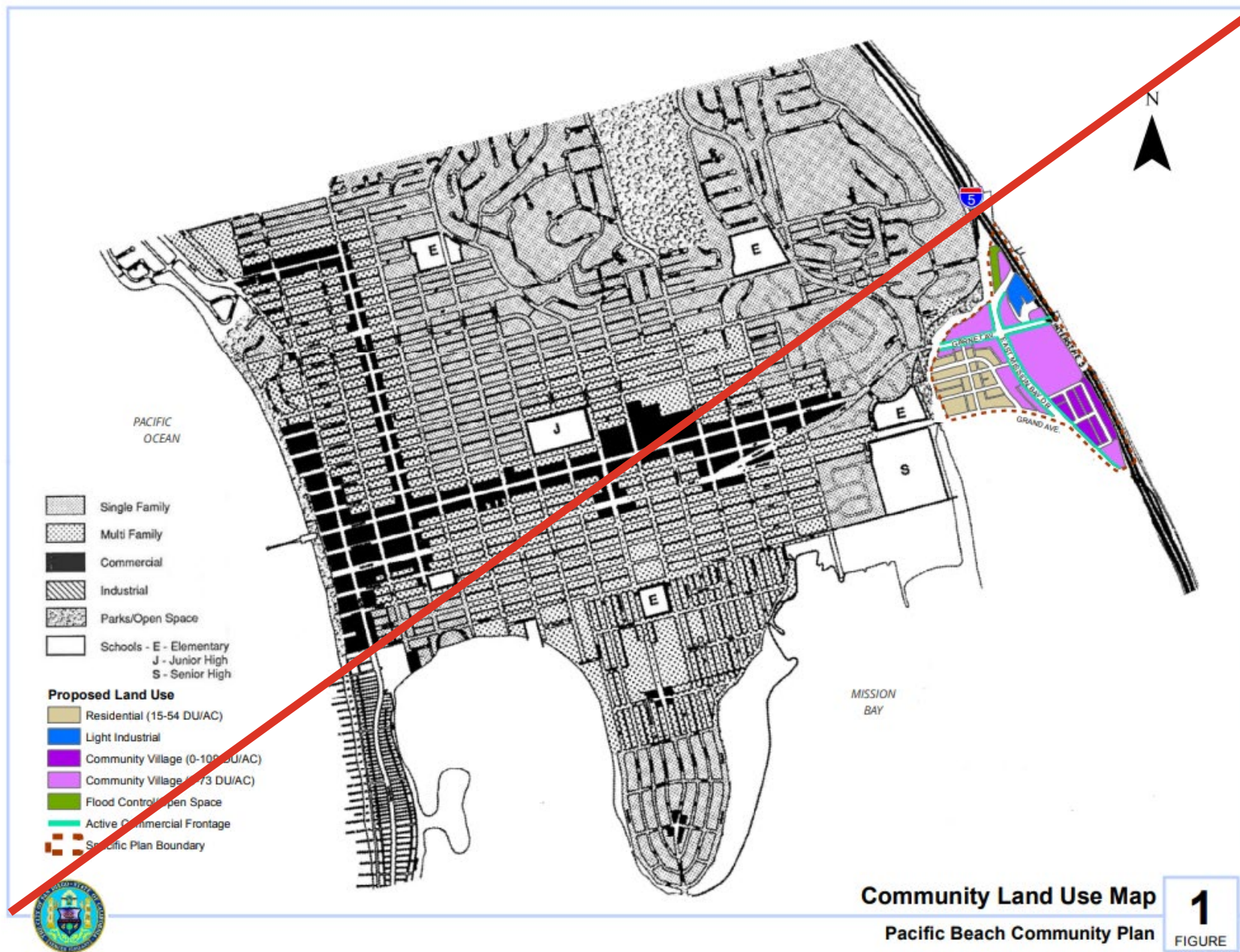
Residential Densities

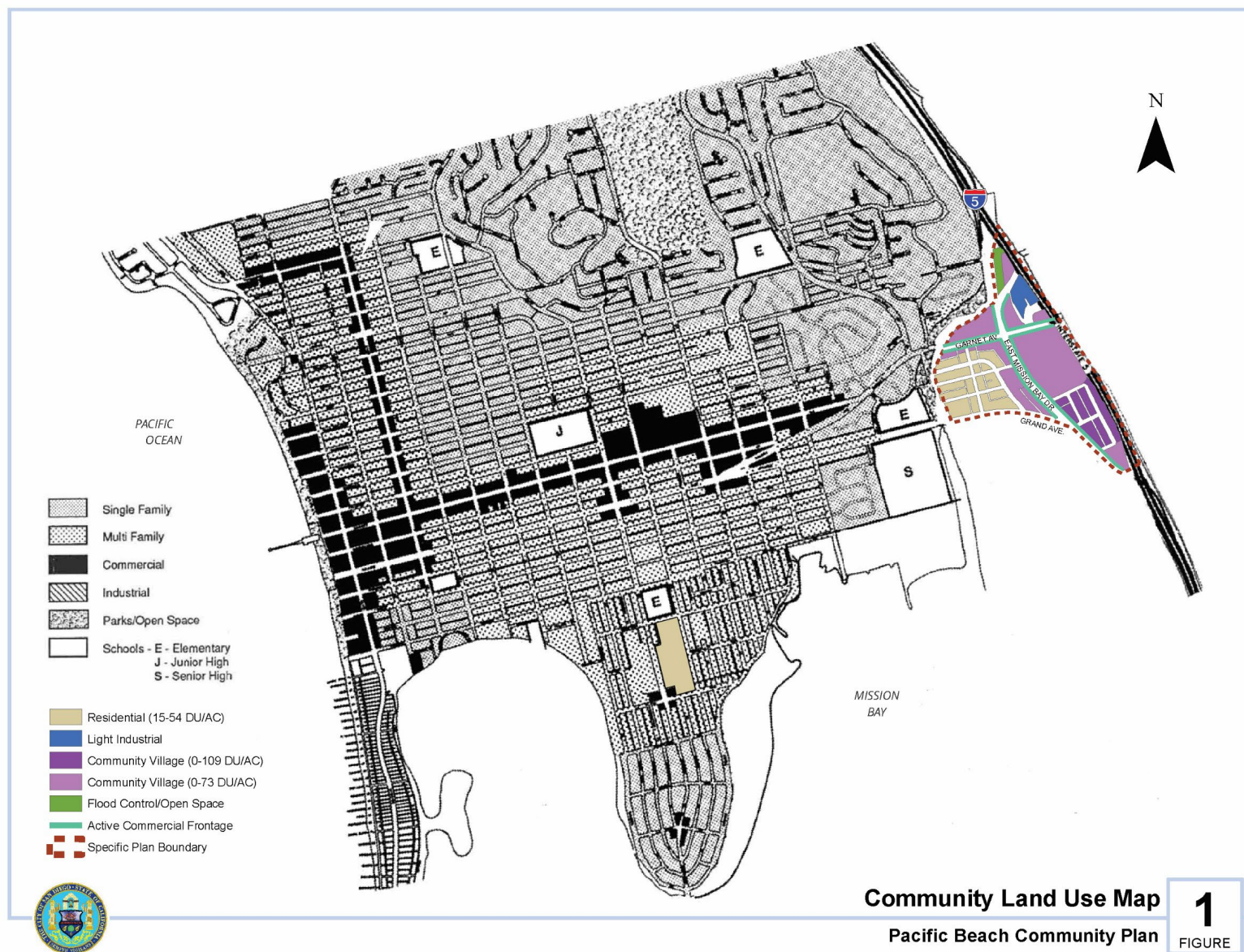
1. Very Low-Density (0 - <5 dwelling units/acre) – In Pacific Beach, this density occurs primarily in the “hills” area of the community and is characterized by the development of detached, single-family homes on lots typically ranging from 10,000 square feet to 20,000 square feet.
2. Low-Density (5 - <9 dwelling units/acre) - This density, which occurs primarily in the northeastern “plains” area of Pacific Beach typifies conventional single-family detached units on lots that are 5,000 to 6,000 square feet.
3. Low-Medium Density (9 - <15 dwelling units/acre) - This density category, which predominately occupies those portions of the community that are closer to the beach and bay, is characterized by lower intensity multifamily housing, such as two-on-ones or duplexes.
4. Medium-Density (15 - <30 dwelling units/acre) - This density occurs primarily along Sail Bay, Grand Avenue, Hornblend Street and Lamont Street, and is characterized by four-plexes or four-unit condominiums.
5. Medium-High Density (30 - <40 dwelling units/acre) – This ~~is the highest density~~ category for residential development ~~in Pacific Beach and~~ is characterized by multi-unit condominium or apartment development such as the Oakwood complex on Ingraham Street.
6. High-Density (15 – 54 dwelling units/acre) – This is the highest density category for residential development in Pacific Beach and is characterized by multi-unit apartment development, such as AVA Complex on Ingraham Street and the mixed-use development located south of Rosewood Street along Mission Bay Drive.

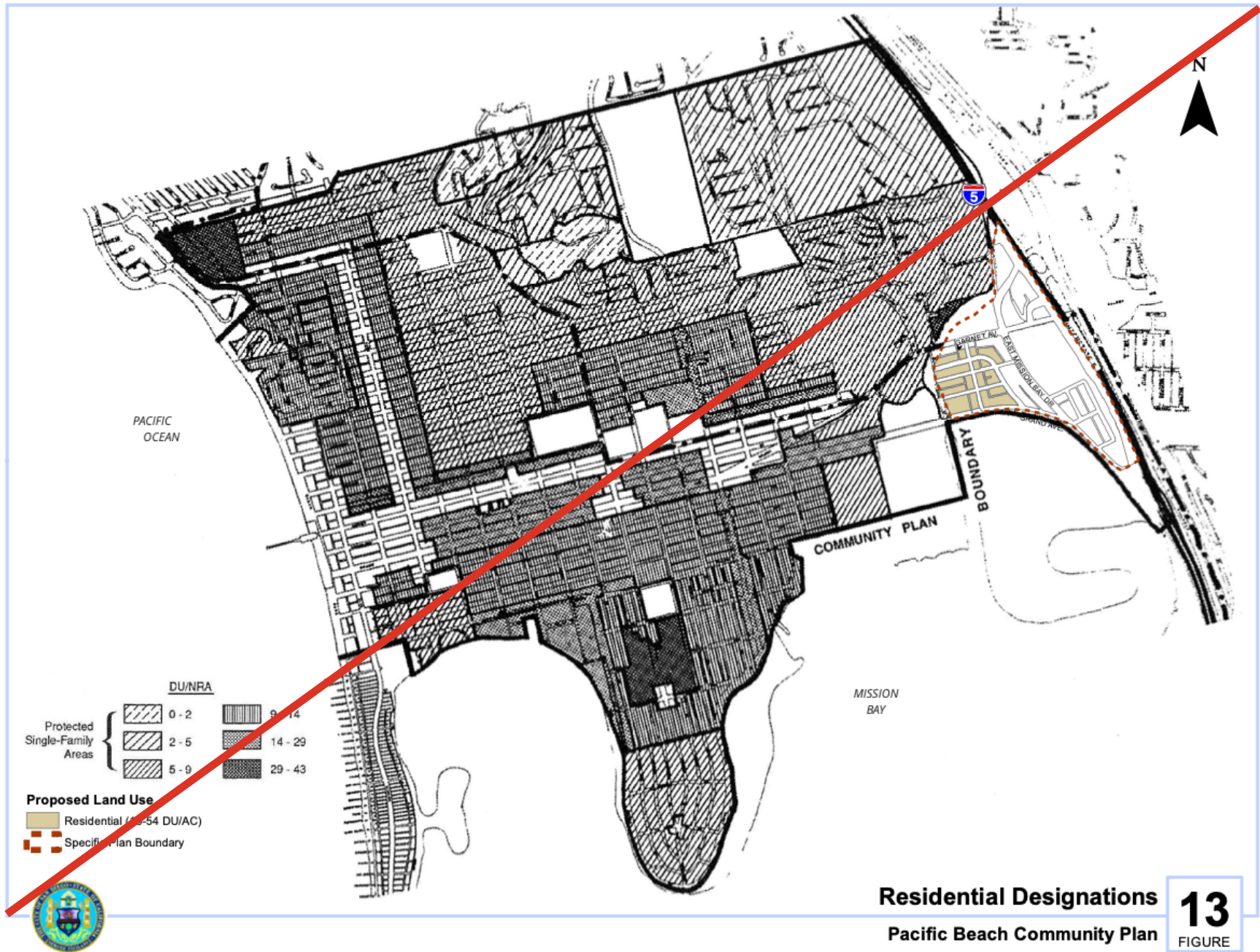
GOALS

- Promote the development of a variety of housing types and styles in Pacific Beach to provide a greater opportunity for housing that is both affordable and accessible by everyone.

- Create safe and pleasant pedestrian linkages between residential neighborhoods and commercial areas and community facilities, such as schools, parks and the library.
- 1. Enhance residential neighborhoods by establishing and maintaining street tree patterns and promoting general maintenance and improvement of residential properties.







ORDINANCE - REZONE

(O-20[Ord Code])

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO REZONING 12.96 ACRES LOCATED AT 3823, 3863, AND 3913 INGRAHAM STREET AND 3952 JEWELL STREET (ASSESSOR PARCEL NUMBERS 424-471-13-00, 424-471-14-00, 424-471-15-00, 424-471-16-00), WITHIN THE PACIFIC BEACH COMMUNITY PLAN AREA, IN THE CITY OF SAN DIEGO, CALIFORNIA, FROM THE RESIDENTIAL MULTIPLE (RM-3-7) ZONE TO THE RESIDENTIAL MULTIPLE (RM-3-8) ZONE AS DEFINED BY SAN DIEGO MUNICIPAL CODE SECTION 131.0406; AND REPEALING ORDINANCE NO. O-18167(NEW SERIES) ADOPTED MARCH 20, 1995, OF THE ORDINANCES OF THE CITY OF SAN DIEGO INsofar AS IT CONFLICTS HEREWITH.

RECITALS

The Council of the City of San Diego (Council) adopts this Ordinance based on the following:

A. AvalonBay Communities, Inc., applied to rezone a 12.96 acre site located at 3823, 3863, and 3913 Ingraham Street and 3952 Jewell Street, Assessor Parcel Numbers 424-471-13-00, 424-471-14-00, 424-471-15-00, 424-471-16-00, and legally described as Lots 1, 2, 3 and 4 of Crown Point Country Club Condominiums, in the City of San Diego, County of San Diego, State of California, according to Map Thereof No. 10664, filed in the Office of the County Recorder of San Diego County, June 22, 1983, from Residential Multiple (RM-3-7) Zone to Residential Multiple (RM-3-8) Zone, in the Pacific Beach Community Plan area.

B. Resolution R-_____ (Pacific Beach Community Plan amendments), which was considered along with this Ordinance, proposes an amendment to the Pacific Beach Community Plan to redesignate the 12.96-acre site located at 3823, 3863, and 3913 Ingraham

ORDINANCE - REZONE

(O-20[Ord Code])

Street and 3952 Jewell Street from Medium-High Density (29-43 dwelling units per net residential acre) to High Residential (15-54 dwelling unit per acre) residential land use.

C. On [INSERT DATE], the Planning Commission of the City of San Diego considered this rezone and voted to recommend Council approval. The matter was then set for a public hearing to be conducted by the Council.

D. The Office of the City Attorney prepared this Ordinance based on the information provided by City staff (including information provided by affected third parties and verified by City staff), with the understanding that this information is complete and accurate.

E. Under San Diego Charter section 280(a)(2), this Ordinance is not subject to veto by the Mayor because this matter requires the 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.

ACTION ITEMS

Be it ordained by the Council of the City of San Diego:

Section 1. The 12.96-acres located at 3823, 3863, and 3913 Ingraham Street and 3952 Jewell Street and legally described as Lots 1, 2, 3 and 4 of Crown Point Country Club Condominiums, in the City of San Diego, County of San Diego, State of California, According to Map Thereof No. 10664, Filed in the Office of the County Recorder of San Diego County, June 22, 1983 (Assessor Parcel Number (APN) 424-471-13-00, 424-471-14-00, 424-471-15-00, 424-471-16-00), in the Pacific Beach area, in the City of San Diego, California, as shown on Zone Map Drawing No. B4378 filed in the Office of the City Clerk as Document No. OO-

ORDINANCE - REZONE

(O-20[Ord Code])

_____, is rezoned from the RM-3-7 Zone into the RM-3-8 Zone as the zone is described and defined by San Diego Municipal Code Chapter 13, Article 1, Division 4. This action amends the Official Zoning Map adopted by Resolution R-301263 on February 28, 2006 (March 14, 2006).

Section 2. Ordinance No. O-18167 (New Series), adopted March 20, 1995, of the ordinances of the City of San Diego is repealed insofar as it conflicts with the rezoned uses of the land by this Ordinance.

Section 3. The Council dispenses with a full reading of this Ordinance before its passage because a written copy of this Ordinance was made available to the Council and the public before the date of its passage.

Section 4. This Ordinance will not take effect until the date the California Coastal Commission unconditionally certifies these provisions as a local coastal program amendment, or until the thirtieth day after its final passage, whichever occurs later. If this Ordinance is not certified or is certified with suggested modifications by the California Coastal Commission, the provisions of this Ordinance will be null and void.

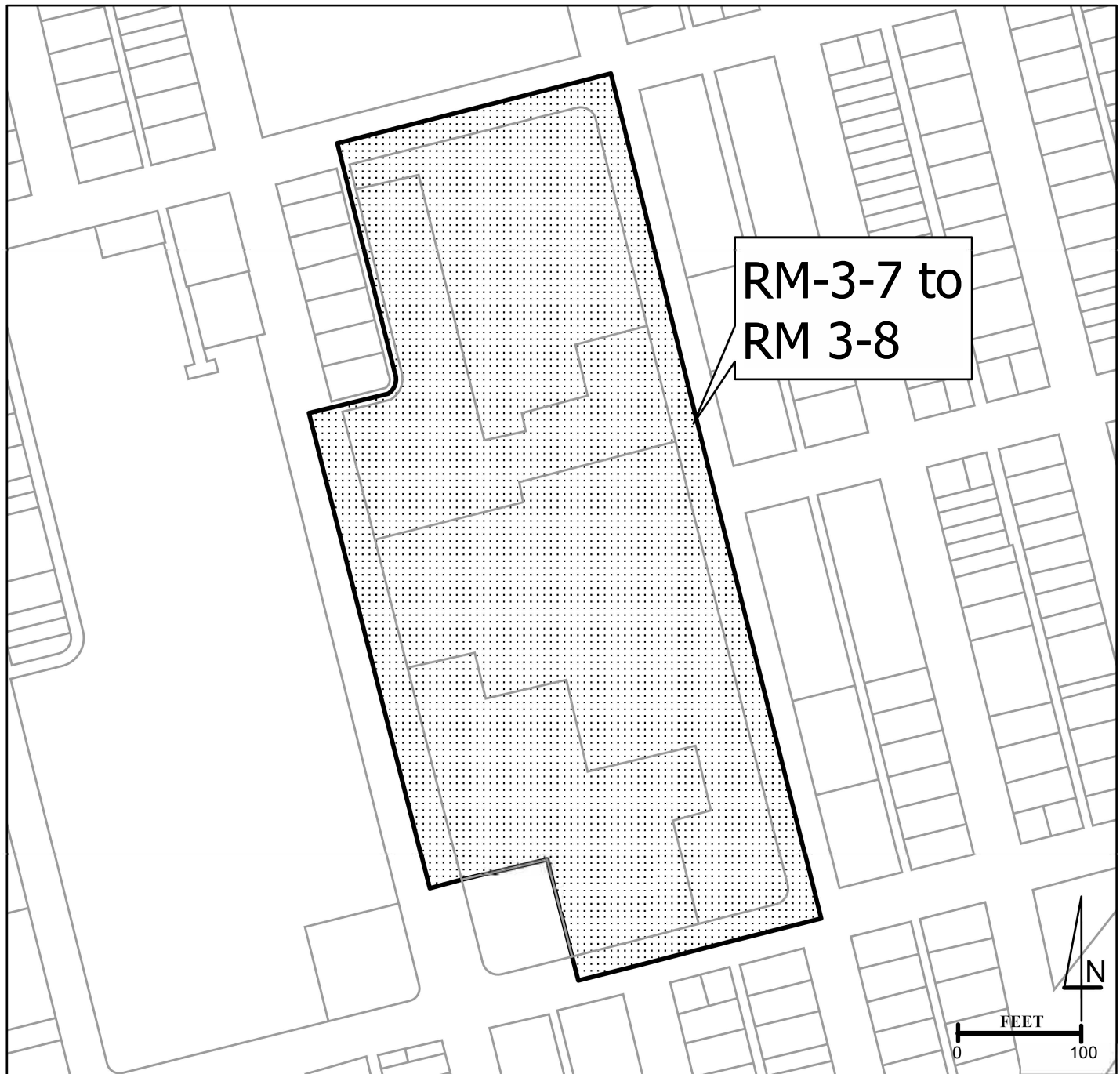
Section 5. No building permits for development inconsistent with the provisions of this Ordinance will be issued unless the application was made prior to the date of adoption of this Ordinance.

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CITY OF SAN DIEGO • DEVELOPMENT SERVICES

PROPOSED REZONING



REQUEST: REZONE 12.96 ACRES FROM RM-3-7 to RM 3-8

Legal Description: Lots 1, 2, 3, and 4 of Crown Point Country Club Condominiums in the City of San Diego, County of San Diego, State of California, According to Map thereof no. 10664, Filed in the Office of the County Recorder of San Diego County, June 22, 1983.79, more particularly described in the Commonly known as: Vacant Land - Ocean View Village

B-4378

APN(s): 4244711300, 4244711400,
4244711500, 4244711600

ORDINANCE NO. _____

EFF. DATE ORD. _____

EFF. DATE ZONING _____

**PLANNING COMM.
RECOMMENDATION**

**CITY COUNCIL
ACTION**

DRAFT

RECORDING REQUESTED BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICES
PERMIT INTAKE, MAIL STATION
DSD-1A

WHEN RECORDED MAIL TO
CITY CLERK
MAIL STATION 2A

INTERNAL ORDER NUMBER: 24009264

SPACE ABOVE THIS LINE FOR RECORDER'S USE

COASTAL DEVELOPMENT PERMIT NO. PMT-3160115
3823 INGRAHAM STREET PROJECT NO. PRJ-1059329 [MMRP]
CITY COUNCIL

This Coastal Development Permit is granted by the City Council of the City of San Diego to AVALONBAY COMMUNITIES, INC., Owner and Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0708. The 12.96-acre site is located at 3823, 3863, and 3913 Ingraham Street and 3952 Jewell Street in the RM-3-8 (Residential – Multiple) zone, the Coastal Overlay Zone (Non-Appealable Area); the Coastal Height Limit Overlay Zone; the Parking Impact Overlay Zone; a Parking Standards Transit Priority Area; and a Transit Priority Area with the Pacific Beach Community Plan and Local Coastal Program Land Use Plan. The project site is legally described as: Lots 1, 2, 3 and 4 of Crown Point Country Club Condominiums, in the City of San Diego, County of San Diego, State of California, according to Map Thereof No. 10664, filed in the Office of the County Recorder of San Diego County, June 22, 1983.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to redevelop 4.35 acres of a 12.96-acre site that currently contains 564 multiple-dwelling units, associated surface parking, and resident amenity spaces with an additional 138 multiple-dwelling units, including seven affordable units, a surface parking lot, and two new parking structures within the existing multi-dwelling unit development, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated [INSERT Approval Date], on file in the Development Services Department.

The project shall include:

- a. Demolition of 4.35 acres of surface parking and private recreation space for the construction of three multiple-dwelling unit buildings with parking.**
- b. Construction of three new buildings with 138 multiple-dwelling units, including seven affordable units.**

BUILDING 1: 181,490 gross square feet with a total of 69 dwelling units:
24 units: 2-Bedroom
45 units: 1-Bedroom

BUILDING 2: 24,418 gross square feet with a total of 21 dwelling units:

9 units: 2-Bedroom

12 units: 1-Bedroom

BUILDING 3: 138,529 gross square feet with a total of 48 dwelling units:

26 units: 2-Bedroom

22 units: 1-Bedroom

(Existing units: 564; New units: 138. Total on-site dwelling units: 702)

b. Seven affordable units allowing for one incentive and three waivers:

Incentive: Planting Area Requirements

SDMC §142.0406 contains vehicle use area planting requirements for vehicular use areas. The project requests an incentive to waive the required vehicle use area planting area requirement for the parking structures, where one tree is required within 30 feet of each parking space on the top floor. The project includes two parking structures but does not propose any planting areas for either structure.

Waiver: Off-Street Loading

SDMC Table 142.10B requires the project to provide one off-street loading space for gross floor area between 100,001 and 200,00 square feet. The project would result in a total residential building area of 149,682 square feet (requiring one loading space) and does not propose any new loading spaces.

Waiver: Setbacks

SDMC Section 131.0443(f)(3)(A), requires a minimum street-side setback of 10 feet or 10 percent of the premises width, whichever is greater. The project would require a waiver for Building 3 to encroach into the street-side setback by more than five feet along Jewell Street. The project site is approximately 340 feet wide, which makes the required street-side setback along Jewell Street 34 feet. SDMC Section 131.0443(f)(3)(B) allows for up to 50 percent of the building façade to encroach up to five feet into the required street-side setback. The encroachment into the setback along Jewell Street ranges from approximately 11 feet to approximately 19.5 feet along 65 percent of the façade.

Waiver: Private Exterior Open Space

SDMC Section 131.0455 requires at least 75 percent of the dwelling units have at least 60 square feet of usable, private, exterior open space abutting the unit with a minimum dimension of six feet. The open space may be located in the required front yard but shall be no closer than nine feet to the front property line. The waiver allows the balconies of Building 3 to encroach into the setback less than nine feet away from the property line along La Playa Avenue.

c. Landscaping (planting, irrigation and landscape-related improvements);

d. Off-street parking:

A total of 634 new parking spaces in two buildings (614 spaces) and one surface parking lot (20 spaces). Ten percent of the parking spaces are reserved for electric vehicles, 14 spaces for ADA, 8 spaces for motorcycles and 30 spaces for bicycles.

BUILDING 1: 384-space parking structure;

BUILDING 3: 230-space parking structure;

BUILDING 2 (adjacent): 20-space surface parking lot;

(Existing on-site parking spaces: 122. New parking spaces: 634. Total on-site parking spaces: 756.)

- e. Public and private accessory improvements** determined by the Development Services Department to be consistent with the land use and development standards for this site in accordance with the adopted community plan, the California Environmental Quality Act [CEQA] and the CEQA Guidelines, the City Engineer's requirements, zoning regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

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 **[ENTER DATE 3 years, AFTER THE APPEAL TIME]**.
2. This Coastal Development Permit shall become effective only after the California Coastal Commission certifies the amendment to the Local Coastal Program required by this project (approving Pacific Beach Community Plan Amendment No. PMT-3160116 and Rezone No. PMT-3160117).
3. 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.
4. 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.

5. 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.
 6. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
 7. 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.).
 8. 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.
 9. Construction plans shall be in substantial conformity to Exhibit "A." 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" conditions(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.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

12. Mitigation requirements in the Mitigation, Monitoring, and Reporting Program [MMRP] shall apply to this Permit. These MMRP conditions are hereby incorporated into this Permit by reference.

13. The mitigation measures specified in the MMRP and outlined in Environmental Impact Report No. 1059329/SCH No. 2022120345, shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL MITIGATION REQUIREMENTS.

14. The Owner/Permittee shall comply with the MMRP as specified Environmental Impact Report, No. 1059329/SCH No. 2022120345, to the satisfaction of the Development Services Department and the City Engineer. Prior to issuance of any construction permit, all conditions of the MMRP shall be adhered to, to the satisfaction of the City Engineer. All mitigation measures described in the MMRP shall be implemented for the following issue areas:

Historical Resources

Tribal Cultural Resources

Transportation

CLIMATE ACTION PLAN REQUIREMENTS:

15. Owner/Permittee shall comply with the Climate Action Plan (CAP) Consistency Checklist stamped as Exhibit "A." Prior to issuance of any construction permit, all CAP strategies shall be noted within the first three (3) sheets of the construction plans under the heading "Climate Action Plan Requirements" and shall be enforced and implemented to the satisfaction of the Development Services Department.

AFFORDABLE HOUSING REQUIREMENTS:

16. Prior to the issuance of any building permits, the Owner/Permittee shall enter into an affordable housing agreement with the San Diego Housing Commission to provide affordable housing units in compliance with the City's Inclusionary Affordable Housing Regulations (SDMC § 142.1301 et seq.).

17. Prior to issuance of any building permit associated with this Project, the Owner/Permittee shall demonstrate compliance with the provisions of the Affordable Housing Density Bonus Regulations of Chapter 14, Article 3, Division 7 of the San Diego Municipal Code and Inclusionary Affordable Housing Regulations of San Diego Municipal Code Chapter 14, Article 2, Division 13. The Owner/Permittee shall enter into a written Agreement with the San Diego Housing Commission

which shall be drafted and approved by the San Diego Housing Commission, executed by the Owner/Permittee, and secured by a deed of trust which incorporates applicable affordability conditions consistent with the San Diego Municipal Code. The Agreement will specify that in exchange for the City's approval of the Project, alone or in conjunction with any incentives or concessions granted as part of Project approval, the Owner/Permittee shall provide seven (7) Very Low Income affordable units with rents of no more than 30 percent of 50 percent of Area Median Income (AMI) for no fewer than 55 years. The unit mix and characteristics for the affordable units – including, but not limited to number of bedrooms, and amenities – must be comparable to the unit mix and characteristics for the unrestricted units in the project.

ENGINEERING REQUIREMENTS:

18. Prior to the issuance of any building permit, the Owner/Permittee shall assure, by permit and bond, the construction of a new bus pad per current City.
19. Prior to the issuance of any building permit, the Owner/Permittee shall assure, by permit and bond, replacement of the existing driveways per current City standards adjacent to the site on Ingraham Street.
20. Prior to the issuance of any building permit, the Owner/Permittee shall assure, by permit and bond, the construction of a new mid-block curb ramp per current City standards adjacent to the site on Ingraham Street.
21. Prior to the issuance of any building permit the Owner/Permittee shall obtain an Encroachment Maintenance Removal Agreement, from the City Engineer, for existing backflow preventer devices on Ingraham Street right-of-way.
22. Prior to the issuance of any building permit, the Owner/Permittee shall obtain an Encroachment Maintenance Removal Agreement from the City Engineer for any landscaping, irrigation and street trees within the Ingraham Street, Jewell Street, La Playa and Fortuna Avenue public rights of way.
23. Prior to the issuance of any building permit, the Owner/Permittee shall obtain a bonded grading permit for the grading proposed for this project. All grading shall conform to the requirements of the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.
24. The drainage system proposed for this development, as shown on the site plan, is private and subject to approval by the City Engineer.
25. Prior to the issuance of any construction permit, the Owner/Permittee shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance, satisfactory to the City Engineer.
26. Prior to the issuance of any construction permit, the applicant shall submit a Technical Report based on the Storm Water standards in effect at the time of the construction permit issuance. The report will be subject to final review and approval by the City Engineer.

27. Prior to the issuance of any construction permit, the Owner/Permittee shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance, satisfactory to the City Engineer.

28. Development of this project shall comply with all storm water construction requirements of the State Construction General Permit, Order No. 2009-0009DWQ, or subsequent order, and the Municipal Storm Water Permit, Order No. R9-2013-0001, or subsequent order. In accordance with Order No. 2009-0009DWQ, or subsequent order, a Risk Level Determination shall be calculated for the site, and a Storm Water Pollution Prevention Plan (SWPPP) shall be implemented concurrently with the commencement of grading activities.

LANDSCAPE REQUIREMENTS:

29. Prior to issuance of any grading permit, the Owner/Permittee shall submit complete construction documents for the revegetation and hydro-seeding of all disturbed land in accordance with the City of San Diego Landscape Standards, Storm Water Design Manual, and to the satisfaction of the Development Services Department. All plans shall be in substantial conformance to this permit (including Environmental conditions) and Exhibit "A," on file in the Development Services Department.

30. Prior to issuance of any public improvement permit, the Owner/Permittee shall submit complete landscape construction documents for right-of-way improvements to the Development Services Department for approval. Improvement plans shall show, label, and dimension a 40-square-foot 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.

31. Prior to issuance of any building permit (including shell), the Owner/Permittee shall submit complete landscape and irrigation construction documents, which are consistent with the Landscape Standards, to the Development Services Department for approval. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Development Plan, on file in the Development Services Department. Construction plans shall provide a 40-square-foot area around each tree that is unencumbered by hardscape and utilities unless otherwise approved per §142.0403(b)6.

32. Prior to issuance of any building permit (including shell), the Owner/Permittee shall submit complete landscape and irrigation construction documents, which are consistent with the Landscape Standards, to the Development Services Department for approval. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Development Plan, on file in the Development Services Department. Construction plans shall provide a 40-square-foot area around each tree that is unencumbered by hardscape and utilities unless otherwise approved per §142.0403(b)6.

33. In the event that a foundation-only permit is requested by the Owner/Permittee, a site plan or staking layout plan shall be submitted to the Development Services Department, identifying all landscape areas consistent with Exhibit "A," Landscape Development Plan, on file in the

Development Services Department. These landscape areas shall be clearly identified with a distinct symbol, noted with dimensions, and labeled as 'landscaping area.'

34. The Owner/Permittee shall be responsible for the maintenance of all landscape improvements shown on the approved plans, including in the right-of-way, unless long-term maintenance of said landscaping will be the responsibility of another entity approved by the Development Services Department. All required landscape shall be maintained consistent with the Landscape Standards in a disease, weed, and litter-free condition at all times. Severe pruning or "topping" of trees is not permitted.

PLANNING/DESIGN REQUIREMENTS:

35. The automobile, motorcycle and bicycle parking spaces must be constructed in accordance with the requirements of the SDMC. All on-site parking stalls and aisle widths shall be in compliance with requirements of the City's Land Development Code and shall not be converted and/or utilized for any other purpose, unless otherwise authorized in writing by the appropriate City decision maker in accordance with the SDMC.

36. 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 Owner/Permittee.

37. All signs associated with this development shall be consistent with sign criteria established by either the approved Exhibit "A" or City-wide sign regulations.

38. 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.

TRANSPORTATION REQUIREMENTS

39. The Owner/Permittee shall provide and maintain a 10-foot by 10-foot visibility triangle area on both sides of each driveway measured along the property line on Ingraham Street, La Playa Avenue, Jewell Street and Fortuna Avenue. No obstacles higher than 36 inches shall be located within this area, e.g., shrubs, landscape, hardscape, walls, columns, signs, etc.

40. The Owner/Permittee shall provide and maintain a 25-foot by 25-foot visibility triangle area at the corner of La Playa Avenue and Jewell Street, measured along the property line. No obstacles higher than 36 inches shall be located within this area, including, but not limited to, shrubs, landscape, hardscape, walls, columns, and signs.

41. The Owner/Permittee shall provide and maintain a 25-foot by 25-foot visibility triangle area at the corner of Fortuna Avenue and Jewell Street, measured along the property line. No obstacles higher than 36 inches shall be located within this area, including, but not limited to, shrubs, landscape, hardscape, walls, columns, and signs.

42. Prior to issuance of the first building permit, the Owner/Permittee shall dedicate an additional five (5) feet of right-of-way and shall assure by permit and bond the construction a five-foot wide non-contiguous sidewalk along a portion of the project's frontage on Ingraham Street from the southern boundary to the bus pad, per Exhibit "A" satisfactory to the City Engineer. All improvements shall be completed and operational prior to first occupancy.

43. Prior to the issuance of the first building permit, the Owner/Permittee shall assure by permit and bond the construction of a new 6-foot-wide non-contiguous sidewalk along the project frontage on Jewell Street, satisfactory to the City Engineer. All improvements shall be completed and operational prior to first occupancy.

PUBLIC UTILITIES DEPARTMENT REQUIREMENTS:

44. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of new water and sewer service(s) outside of any driveway or drive aisle and the abandonment of any existing unused water and sewer services within the right of way adjacent to the project site, in a manner satisfactory to the Public Utilities Department and the City Engineer.

45. The Owner/Permittee shall apply for a plumbing permit for the installation of appropriate private backflow prevention device(s) on each water service (domestic, fire and irrigation) in a manner satisfactory to the Public Utilities Department and the City Engineer. BFPDs shall be located above ground on private property, in line with the service and immediately adjacent to the right of way.

46. All proposed private water and sewer facilities are to be designed to meet the requirements of the California Uniform Plumbing Code and will be reviewed as part of the building permit plan check.

47. No trees or shrubs exceeding three feet in height at maturity shall be installed within ten feet of any sewer facilities and five feet of any water facilities.

48. Prior to the recordation of the sewer easement vacation, the Owner/Permittee shall assure, by permit, bond and operational acceptance, the abandonment of the sewer main, in a manner satisfactory to the Public Utilities Department and the City Engineer.

49. The Owner/Permittee shall design and construct all proposed public water and sewer facilities in accordance with established criteria in the current edition of the City of San Diego Water and Sewer Facility Design Guidelines and City regulations, standards and practices.

50. The Owner/Permittee shall be responsible for any damage caused to City of San Diego water and sewer facilities within the vicinity of the project site due to the construction activities associated with this project in accordance with Municipal Code section 142.0607. In the event that any such facility loses integrity, the Owner/Permittee shall repair or reconstruct any damaged public water and sewer facility in a manner satisfactory to the Public Utilities Department and the City Engineer.

51. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of all public sewer facilities as required in the accepted sewer study for this project in a manner satisfactory to the Public Utilities Department and the City Engineer. Water and sewer facilities, as shown on the approved Exhibit "A", may require modification based on the accepted water and sewer study and final engineering.

52. Prior to final inspection, all public water and sewer facilities shall be complete and operational in a manner satisfactory to the Public Utilities Department and the City Engineer.

53. The Owner/Permittee shall process encroachment maintenance and removal agreements (EMRA), for all acceptable encroachments into the sewer easement, including but not limited to private water main, sewer laterals, structures, enhanced paving, or landscaping. No structures or landscaping of any kind shall be installed in or over any vehicular access roadway.

54. The Owner/Permittee shall grant adequate sewer easements, including vehicular access to each appurtenance for all public sewer facilities that are not located within fully improved public rights-of-way, satisfactory to the Public Utilities Department.

INFORMATION ONLY:

- The issuance of this discretionary permit alone does not allow the immediate commencement or continued operation of the proposed use on site. Any operation allowed by this discretionary 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 City Council of the City of San Diego on [INSERT Approval Date] and [Approved Resolution Number].

Coastal Development Permit No. PMT-3160115

Date of Approval: XX

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

Sara Osborn
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.

AvalonBay Communities, Inc.
Owner/Permittee

By _____
Mark Janda
Senior Vice President

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

RESOLUTION NUMBER R-_____

DATE OF FINAL PASSAGE _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO APPROVING COASTAL DEVELOPMENT
PERMIT NO. PMT-3160115 FOR THE 3823 INGRAHAM
STREET PROJECT, PROJECT NO. PRJ-1059329 (MMRP)

RECITALS

The Council of the City of San Diego (Council) adopts this Resolution based on the following:

- A. AVALONBAY COMMUNITIES, INC., Owner submitted an application to the City of San Diego for a Coastal Development Permit to construct 138 multiple-dwelling units, including seven affordable dwelling units, with two new parking structures and surface parking lot within an existing multiple-dwelling unit development (as described in and by reference to the approved Exhibits “A” and corresponding conditions of approval), for the 3823 Ingraham Street project (Project).
- B. The 12.96-acre-acre site is located at 3823, 3863, and 3913 Ingraham Street and 3952 Jewell Street in the RM-3-8 (Residential – Multiple) zone, the Coastal Overlay Zone (Non-Appealable Area); the Coastal Height Limit Overlay Zone; the Parking Impact Overlay Zone; a Parking Standards Transit Priority Area; and a Transit Priority Area with the Pacific Beach Community Plan and Local Coastal Program Land Use Plan (Community Plan). The project site is legally described as Lots 1, 2, 3 and 4 of Crown Point Country Club Condominiums, in the City of San Diego, County of San Diego, State of California, According to Map Thereof No. 10664, Filed in the Office of the County Recorder of San Diego County, June 22, 1983.
- C. On [INSERT DATE], the Planning Commission of the City of San Diego considered Coastal Development Permit No. PMT-3160115 and voted to recommend Council approval of the project pursuant to Resolution No. [INSERT RESO #]-PC.

D. On [INSERT DATE], the Council considered Coastal Development Permit No. PMT-3160115 pursuant to the Land Development Code of the City of San Diego.

E. The Office of the City Attorney prepared this Resolution based on the information provided by City staff (including information provided by affected third parties and verified by City staff), with the understanding that this information is complete and accurate.

F. Under San Diego Charter section 280(a)(2), this Resolution is not subject to veto by the Mayor because this matter requires the 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

ACTION ITEMS

Be it resolved by the Council of the City of San Diego:

1. The Council adopts the following findings with respect to Coastal Development Permit No. PMT-3160115:

COASTAL DEVELOPMENT PERMIT – San Diego Municipal Code (SDMC) Section 126.0708

- a. The proposed coastal development will not encroach upon any existing physical accessway that is legally used by the public or any proposed public accessway identified in a Local Coastal Program land use plan; and the proposed coastal development will enhance and protect public views to and along the ocean and other scenic coastal areas as specified in the Local Coastal Program land use plan.**

The project site is located on a developed site at 3823, 3863, and 3913 Ingraham Street and 3952 Jewell Street in the Crown Point neighborhood of Pacific Beach. It is approximately 1.2 miles from the Pacific Ocean (beach access) to the west and 0.3 miles from Mission Bay (bay access) to the west and east. The project site is within the Coastal Overlay Zone (Non-Appealable Area) and Coastal Height Limit Overlay Zone. It is surrounded by urban development and does not encroach on any existing physical accessway.

There are no public views or coastal access through or adjacent to the project site as identified on Figure 15, Ocean and Bay Access Points, and Figure 16, Coastal Views, within the Pacific Beach Community Plan and Local Coastal Program Land Use Plan (Community Plan). The project conforms to the coastal height limit and all setbacks, except along Jewell Street, where a reduction of the street-side setback is requested as an affordable housing waiver. The waiver requested is to deviate from San Diego Municipal Code (SDMC) Section 131.0443(f)(3)(A), which requires a minimum street-side setback of 10 feet or 10 percent of the premises width, whichever is greater. The project would require a waiver for Building Three to encroach into the street-side setback by more than five feet along Jewell Street. The project site is approximately 340 feet wide, which makes the required street-side setback along Jewell Street 34 feet. SDMC Section 131.0443(f)(3)(B) allows for up to 50 percent of the building façade to encroach up to five feet into the required street-side setback. The encroachment into the setback along Jewell Street ranges from approximately 11 feet to approximately 19.5 feet along 65 percent of the façade. The Community Plan does not identify Jewell Street at this location to include public views or public access, and the reduction of the street-side setback along Jewell Street would not encroach upon any existing physical accessway that is legally used by the public or any proposed public accessway identified in a Local Coastal Program land use plan.

The project will enhance and protect public views by keeping all development on private property. It would also enhance pedestrian mobility along the affected frontages (La Playa Avenue, Jewell Street, and Fortuna Avenue) by improving sidewalks and adding landscape and street trees, thereby facilitating public access to designated accessways to the coast. Furthermore, all street trees shall conform to Appendix E of the Community Plan.

Therefore, the proposed coastal development will not encroach upon any existing physical accessway that is legally used by the public, any proposed public accessway identified in the Local Coastal Program, or other scenic coastal areas as specified in the Local Coastal Program land use plan.

b. The proposed coastal development will not adversely affect environmentally sensitive lands.

The project redevelops 4.35 acres of a 12.96-acre site at 3823, 3863, and 3913 Ingraham Street and 3952 Jewell Street in the Pacific Beach community. The site currently contains 564 multiple-dwelling units, associated surface parking, and resident amenity spaces. The project proposes infill development of surface parking with 138 multiple-dwelling units in three buildings with structured parking and one surface lot. The project site has been previously graded for existing development on-site, is vegetated with non-native plant species, and remains operable as a multi-dwelling unit apartment community.

The redevelopment of the site includes stormwater and pedestrian improvements. The permit includes various conditions and references exhibits of approval

relevant to achieving project compliance with the applicable regulations of the SDMC applicable to the project. Those conditions include closure of existing non utilized driveways and restoration of curb and gutter, sidewalk and landscaping per current City Standards adjacent to the site on La Playa Avenue, Jewell Street and Fortuna Avenue, construction of non-contiguous sidewalks to current City Standards along Jewell Street frontage, compliance with all stormwater construction requirements, and implementation of Best Management Practices (BMPs).

The project site is located within an urbanized community surrounded by residential development, and the site does not contain nor is it adjacent to Sensitive Biological Resources, Steep Hillside, Coastal Beaches, Sensitive Coastal Bluffs and 100-year floodplains as identified in the Environmentally Sensitive Lands regulations per SDMC Section 113.0103. Furthermore, both the subject and adjacent sites are all previously developed with single- and multi-dwelling units and commercial developments. Therefore, the proposed development will not adversely affect environmentally sensitive lands.

c. The proposed coastal development is in conformity with the certified Local Coastal Program land use plan and complies with all regulations of the certified Implementation Program.

The project is located on a developed site at 3823, 3863, and 3913 Ingraham Street and 3952 Jewell Street within the established urban neighborhood of Crown Point in the Pacific Beach community and is subject to the Pacific Beach Community Plan and Local Coastal Program Land Use Plan. It redevelops 4.35 acres of surface parking lots on a 12.96-acre site that contains a 564-unit apartment complex. The project proposes infill development of surface parking with 138 multiple-dwelling units in three buildings with structured parking and one surface lot. The project site is within a Transit Priority Area and parking is not required for the new dwelling units. However, the project would maintain 122 existing parking spaces and provide a total of 634 new parking spaces in partially wrapped garages (614 spaces) and a new surface parking lot (20 spaces), resulting in 756 parking space. Seven of the new dwelling units will be affordable rental units. Buildings One and Three would be three stories with partially wrapped parking structures; Building Two would be two stories with minimal surface parking.

The project includes a Community Plan Amendment to change the land use designation from Medium-High Density Residential 29 to 43 dwelling units per acre (du/ac) to High Residential 15 to 54 du/ac. The site is 12.96 acres or 564,538 square feet. The project's proposed plan land use density is High Residential (15-54 du/ac), which ranges from 194 to 700 dwelling units. The RM-3-8 zone implements this density range.

The project includes an associated rezone from RM-3-7 to RM-3-8, which would implement the proposed Community Plan land use designation. The RM-3-8 zone

permits a maximum density of one home for each 800 square feet of lot area. This would permit up to a maximum density of 54.45 units per acre. The RM-3-8 zone implements the High Residential land use, which is consistent with the other areas of the Pacific Beach Community with the same land use designation.

Pursuant to SDMC section 113.0222(a), the maximum number of units that may be permitted on any premises is determined by the applicable base zone. The RM-3-8 zone defines the maximum dwelling unit as one unit per 800 square feet of lot area, which results in 706 dwelling units and equates to a density of 54.45 du/ac for this project site. Although the unit count is slightly different, the density of the land use and zone are the same per the rules of calculation. The SDMC section 113.0222(a)(1) states, to “determine if the quotient resulting from this calculation exceeds a whole number by 0.50 or more, the number of dwelling units shall be increased to the next whole number.” The rules of calculating density in the General Plan are also described in Footnote 1 of Table LU-4 General Plan and Community Plan Land Use Category Description of the Land Use Element of the General Plan, which states, “calculations of residential density is to be rounded to the nearest whole number if the calculation exceeds a whole number by 0.5 or more in most cases.” Therefore, if a calculation exceeds a whole number by less than 0.50, the number is rounded down. The rezone to RM-3-8 with a maximum density of 54.45 du/ac is rounded down, and the density per the SDMC and General Plan is 54 du/ac.

The project proposes 702 units at a density of 54 du/ac, which conforms to both the Community Plan and zone density. The zone permits the multiple dwelling unit development, and the land use density is consistent with the zone density, ensuring internal consistency between the General Plan, Community Plan, and zoning implementation.

A Residential Goal of the Community Plan is to “promote the development of a variety of housing types and styles in Pacific Beach to provide a greater opportunity for housing that is both affordable and accessible by everyone.” Similarly, a residential policy of the Community Plan recommends providing “incentives for encouraging affordable housing in the form of smaller (1-2 bedroom) units. Further consider options for allowing higher densities in transit corridors while maintaining the intensity of the underlying zone (e.g., by regulating the number of bedrooms).” The proposed mix of units would include one- and two-bedroom units. The affordable units will be a comparable mix to the total development. In addition to increasing residential land use density, the project will rezone the site from RM-3-7 to RM-3-8 to allow residential development at the proposed density. This supports the above goal and policy of providing additional housing opportunities in the Pacific Beach community.

Inclusionary Affordable Housing

The project is in compliance with the City's Inclusionary Affordable Housing Regulations (SDMC Section 142.1301) and the City's Affordable Housing Regulations (SDMC Section 143.0740). The project was deemed complete on June 15, 2022, at which time the inclusionary affordable housing requirement was four percent. The project will provide 138 new rental units. The Inclusionary Affordable Housing Regulations require the applicant to provide four percent of the total units as affordable to low-income households with rents not exceeding 30 percent of 60 percent of Area Median Income (AMI) for a period of 55 years. Four percent of 138 units is 5.52 units, for a total of six units. However, the project will provide seven affordable units at Very Low Income with rents of no more than 30 percent of 50 percent of AMI for no fewer than 55 years to receive one incentive pursuant to SDMC 143.0740 and three waivers pursuant to SDMC section 143.0743. The project site is within a Highest Resource Area as identified by the 2025 California Tax Credit Allocation Committee Opportunity Map.

Incentives and Waivers

The project has four waivers/incentives. A waiver is a request to waive or reduce a development standard that physically precludes construction of the development and incentives are a request to reduce or deviate from a development requirement to ensure the project's viability. The proposed waivers and incentives are listed below:

Incentive: Planting Area Requirements: SDMC Section 142.0406 contains vehicle use area planting requirements for vehicular use areas. The project requests an incentive to waive the required vehicle use area planting area requirement for the parking structures, where one tree is required within 30 feet of each parking space on the top floor. The project includes two parking structures but does not propose any planting areas for either structure.

Justification: The project site is located within the Coastal Height Limit Overlay Zone, which has a strict height limit for structures of 30 feet. In order to provide vitally necessary affordable and market-rate housing at a scale and density consistent with the project site and surroundings, it is not possible to provide the required planting area nor the optional alternative solar-mounted shade structures per SDMC Section 142.0407(e) without exceeding the Coastal Height Limit Overlay Zone height limit.

This incentive allows the project to not meet planting area requirements within vehicular use areas. However, to provide less heat escaping, the project would include roofing materials with a minimum three-year aged solar reflection and thermal emittance or solar reflection index equal to or greater than the values specified in the voluntary measures under California Green Building Standards Code, roof construction with a thermal mass over the roof membrane, including areas of vegetated (green) roofs, weighing at least 25 pounds per square foot as specified in the voluntary measures under California Green Building Standards Code, or a combination of the two. The project is also exceeding the required

landscape outside of the vehicle use area.

Waiver: Off-Street Loading

The project is categorized as multiple-unit residential use, and SDMC Table 142.10B requires the project to provide one off-street loading space for gross floor area between 100,001 and 200,000 square feet. The project would result in a total residential building area of 149,682 square feet (requiring one loading space) and does not propose any new loading spaces. The project would apply a waiver to allow deviation from this code requirement.

The project is an infill development and is constrained by existing site conditions, height limitations due to location in the Coastal Height Limit Overlay Zone, and surrounding development. Project implementation requires the consideration of existing residential buildings and resident amenities on-site, and the requirements for utilities and fire safety access to the site. The provision of an additional off-street loading space cannot be provided due to the various physical and regulatory constraints on the site. The project is an expansion of the existing apartment complex, which is a fully managed property and already contains an off-street loading area. Move-in, move-out and deliveries requiring an off-street loading space would be scheduled with the apartment complex management to ensure loading spaces are available when needed. Waiving the loading space requirement also allows more space to be allocated to housing and amenity space. Management of the loading space would ensure no issues result from the waiver.

Waiver: Setbacks

The project is subject to SDMC Section 131.0443(f)(3)(A), which requires a minimum street-side setback of 10 feet or 10 percent of the premises width, whichever is greater. The project requests a waiver to reduce the required street side setback of 34 feet (10 percent of the premises width) down to 21 feet (7 percent of the premises width). The project would require a waiver for Building 3 to encroach into the street-side setback by more than five feet along Jewell Street. The project site is approximately 340 feet wide, which makes the required street-side setback along Jewell Street 34 feet. SDMC Section 131.0443(f)(3)(B) allows for up to 50 percent of the building façade to encroach up to five feet into the required street-side setback. The encroachment into the setback along Jewell Street ranges from approximately 11 feet to approximately 19.5 feet along 65 percent of the façade.

The building frontage along Jewell Street represents existing and proposed buildings. Of the 65 percent total frontage encroachment along Jewell Street, existing buildings comprise encroachment along 51 percent of the frontage (representing approximately 80 percent of the total encroachment), while the proposed buildings make up 14 percent of the frontage encroachment (or approximately 20 percent of the total encroachment). The new building encroachment into the street side setback would be 12 feet, three inches. This encroachment is reflective of the overall development pattern and rhythm along

the project frontage of Jewell Street and maintains a consistent street wall. The project design results in a cohesive appearance along Jewell Street between existing and proposed buildings.

Waiver: Private Exterior Open Space

The project is subject to SDMC Section 131.0455 which requires the RM-3-7, RM-3-8, and RM-3-9 zones to provide at least 75 percent of the dwelling units with at least 60 square feet of usable, private, exterior open space abutting the unit with a minimum dimension of six feet. The open space may be located in the required front yard but shall be no closer than nine feet to the front property line. Building 3 balcony stack encroaches into the setback less than nine feet away from property line along La Playa Avenue.

In order for the project to provide 75 percent of the units with the required exterior open space, the balconies for Building 3 need to be located within nine feet of the property line along La Playa Avenue. Due to the infill nature of the project and layout of the existing buildings the balcony stack encroaches into the setback. The project would require a waiver to allow balconies to encroach into the front yard setback.

The 12.96-acre site includes 14 vehicular access points around the property. The redevelopment of 4.35 acres would replace surface parking with three buildings and reduce the number of vehicular access points to eight.

This reduces vehicular and pedestrian conflicts and provides an opportunity for additional landscape. An overall goal of the Community Plan is to “create safe and pleasant pedestrian linkages among residential neighborhoods, commercial facilities and other neighborhood destinations.” The project will enhance and protect public views by keeping all development on private property and would enhance pedestrian mobility along the affected frontages (La Playa Avenue, Jewell Street, and Fortuna Avenue) by improving sidewalks, closing driveways and adding landscape and street trees, thereby enhancing public access to designated accessways to the coast. Furthermore, all street trees shall conform to Appendix E of the Community Plan.

The units incorporate a variety of materials, including stucco, wood siding and planter boxes, to provide texture and color, adding visual interest and blending with the existing structures in the neighborhood. The Community Plan contains urban design standards to upgrade and physically enhance the community's residential areas. The plan policies recommend avoiding “radical and intrusive changes to existing residential areas, reducing the amount of visual clutter, promoting harmony in visual relationships, encouraging mixed uses, and providing safe and convenient pedestrian crossings, walkways and parking areas.” The project will be two- and three-story and will conform to the 30-foot coastal height limit.

The redevelopment of the site includes stormwater and pedestrian improvements. The permit includes various conditions to achieve project compliance with the applicable SDMC regulations. These conditions include the dedication of an additional five feet of right of way with construction of non-contiguous sidewalk along Ingraham Street from the southern boundary to the bus pad, the construction of a new bus pad and relocate existing bus bench out of sidewalk area on Ingraham Street, replacement of the existing driveways, the construction of a new mid-block curb ramp adjacent to the site on Ingraham Street, closure of existing non-utilized driveways and restoration of curb and gutter and landscaping adjacent to the site on La Playa Avenue, Jewell Street and Fortuna Avenue, the construction of non-contiguous sidewalks along Jewell Street frontage, compliance with all stormwater construction requirement, and implementation of Best Management Practices (BMPs).

The project is consistent with applicable Community Plan Local Coastal Program goals and policies, particularly those related to improved pedestrian linkages, the promotion of safe and attractive bicycle and pedestrian routes, the enhancement of residential neighborhoods, and the promotion of housing to provide greater opportunity for affordable and accessible housing. Thus, the proposed coastal development is in conformity with the certified Local Coastal Program land use plan and complies with all regulations of the certified Implementation Program.

- d. For every Coastal Development Permit issued for any coastal development between the nearest public road and the sea or the shoreline of any body of water located within the Coastal Overlay Zone, the coastal development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act.**

The site is not located between the nearest public road and the sea or the shoreline of any body of water located within the Coastal Overlay Zone. Therefore, this finding is not applicable.

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

3. Based on these findings adopted by the Council, Coastal Development Permit No. PMT-3160115 is granted by the Council to the referenced Owner/Permittee, in the form, exhibits, terms, and conditions as set forth in Coastal Development Permit No. PMT-3160115, a copy of which is attached to and made a part of this Resolution by this reference.

(The template did not include a signature page.)

RESOLUTION NUMBER R-_____

DATE OF FINAL PASSAGE _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO
APPROVING EASEMENT VACATION NO. PMT-3279433 (LEGALLY
DESCRIBED AS LOTS 1, 2, AND 3 OF CROWN POINT COUNTRY CLUB
CONDOMINIUMS IN MAP NO. 10664, AND MORE PARTICULARLY
SEWER EASEMENT GRANTED PER MAP NO. 6264 FOR 3823
INGRAHAM STREET – PROJECT NO. PRJ-1059329.

RECITALS

The Council of the City of San Diego (Council) adopts this Resolution based on the following:

A. AvalonBay Communities, Inc., Applicant, and Armando D. Dupont, Engineer, filed an application with the City of San Diego to vacate a portion of a 15-foot-wide existing sewer easement totaling 19,300 square feet for the 3883 Ingraham Street Project, PRJ-1059329 (Project), located at 3823, 3863, and 3913 Ingraham Street and 3952 Jewell Street, and legally described as Lots 1, 2, and 3 of Crown Point Country Club Condominiums in Map No. 10664, in the RM-3-8 (Residential – Multiple) zone, Coastal Overlay Zone; Coastal Height Limitation Overlay Zone; Parking Impact Overlay Zone; Parking Standards Transit Priority Area; and Transit Priority Area, within the Pacific Beach Community Plan area.

B. California Streets and Highways Code section 8320, *et seq.* and San Diego Municipal Code section 125.1001, *et seq.* provide a procedure for the vacation of public service easements by Council resolution.

C. On [INSERT DATE], the Planning Commission of the City of San Diego considered Easement Vacation No. PMT-3279433 and voted to recommend approval of the project pursuant to Resolution No. [INSERT RESO #]-PC.

D. On [INSERT DATE], the Council held a noticed public hearing to consider Easement Vacation No. PMT-3279433 pursuant to San Diego Municipal Code section 125.1040, and the Council

received for its consideration written and oral presentations, evidence, and testimony from all interested parties at the public hearing. The Council has fully considered and has been fully advised on this matter.

E. The Office of the City Attorney prepared this Resolution based on the information provided by City staff (including information provided by affected third parties and verified by City staff), with the understanding that this information is complete and accurate.

F. Under San Diego Charter section 280(a)(2), this Resolution is not subject to veto by the Mayor because this matter requires the 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.

ACTION ITEMS

Be it resolved by the Council of the City of San Diego:

1. The Council adopts the following findings with respect to Portions of public sewer easement located within the project boundaries as shown in Easement Vacation No. PMT-3279433 are vacated. The Council adopts the following findings with respect to Easement Vacation No. PMT-3279433:

PUBLIC SERVICE EASEMENT VACATION – SDMC SECTION 125.1040

- a. There is no present or prospective public use for the easement, either for the facility or purpose for which it was originally acquired or for any other public use of a like nature that can be anticipated.**

The easement vacation would vacate a portion of a 15-foot-wide existing sewer easement totaling 19,300 square feet. The project redevelops 4.35 acres of a 12.96-acre site at 3823, 3863, and 3913 Ingraham Street and 3952 Jewell Street in the Pacific Beach community. It proposes infill development of surface parking with 138 multiple-dwelling units in three buildings with structured parking and one surface lot. The proposed vacation is of a portion of a public sewer easement that is located within the project site. The vacated portion of the sewer utility will be relocated to allow for the redevelopment and to meet current City

standards. A portion of an existing 15-foot public sewer easement will be vacated, and a new, larger 20-foot easement will be dedicated. The relocated easement will generally be in the same location, avoid the proposed buildings, and accommodate a new sewer line. The functionality of the sewer will not be adversely affected by the project, as the utility will be replaced and upgraded with a larger utility and easement. The City will not be responsible for maintaining the area of the portion of the easement to be vacated that is not located in the new easement area. The easement vacation and dedication of the new easement will not impact existing sewer capacity during construction, nor will it impact existing SDG&E easement areas. The vacation will not have any impacts as the new easement is on developed land and is mostly in the same location as the vacated easement. The vacated easement will be replaced with a new sewer line and a 20-foot easement and will meet current City standards; therefore, there is no present or prospective public use for the easement, either for the facility or the purpose for which it was originally acquired or for any other public use of a like nature that can be anticipated.

b. The public will benefit from the action through improved utilization of the land made available by the vacations.

Relocating the on-site public sewer will benefit the public, as this action allows for the construction of 138 new multiple-dwelling units, including seven affordable housing units. In this regard, relocating the on-site sewer will result in a more efficient use of the property while also providing much-needed housing. The proposed easement vacation would facilitate more productive use of the property, and the development of the site and therefore, the public will benefit from the action through improved utilization of the land made available by the vacation.

c. The vacations are consistent with the applicable land use plan.

The project is located on a developed site at 3823, 3863, and 3913 Ingraham Street and 3952 Jewell Street within the established urban neighborhood of Crown Point in the Pacific Beach community and is subject to the Pacific Beach Community Plan and Local Coastal Program Land Use Plan. It redevelops 4.35 acres of a 12.96-acre site that currently contains 564 multiple-dwelling units, associated surface parking, and resident amenity spaces with an additional 138 residential units, including seven affordable units, a surface parking lot, and two new parking structures within an existing multi-dwelling unit development. Buildings One and Three would be three stories with partially wrapped parking structures; Building Two would be two stories with minimal surface parking.

The project includes a Community Plan Amendment to change the land use designation from Medium-High Density Residential 29 to 43 dwelling units per acre (du/ac) to High Residential 15 to 54 du/ac. With the construction of the 138 dwelling units, the total number of dwelling units for the 12.96-acre site will be 702 units (564 existing + 138 proposed) and have a density of 54 du/ac.

A Residential Goal of the Community Plan is to “promote the development of a variety of housing types and styles in Pacific Beach to provide a greater opportunity for housing that is both affordable and accessible by everyone.” Similarly, a residential policy of the Community Plan recommends providing “incentives for encouraging affordable housing in the form of

smaller (1-2 bedroom) units. Further consider options for allowing higher densities in transit corridors while maintaining the intensity of the underlying zone (e.g., by regulating the number of bedrooms)." The proposed mix of units would include one- and two-bedrooms. The affordable units will be a comparable mix to the total development.

Relocating a portion of the on-site sewer will remove an impediment to redeveloping the site, and result in a more efficient use of the property. The proposed easement vacation and relocation of the sewer connection would help facilitate the redevelopment of the property and provide much-needed housing. Therefore, the vacation is consistent with the Pacific Beach Community Plan and would not adversely affect the applicable land use plan.

d. The public facility or purpose for which the easement was originally acquired will not be detrimentally affected by the vacations or the purpose for which the easement was acquired no longer exists.

Please refer to Finding A for additional discussion. The project proposes vacating a portion of a public sewer easement located within the project site to allow for redevelopment. The public sewer will be realigned, and as a condition of the vacation and project, a new easement will be recorded to provide clear access to the public sewer. The project will not adversely affect the sewer's functionality, as the sewer is only being realigned to help facilitate the redevelopment on site, and therefore, the public facility or purpose for which the easement was originally acquired will not be detrimentally affected by the vacation.

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

3. Based upon these findings adopted by the Council, Easement Vacation No. PMT-3279433, as more particularly described in the legal description marked as Exhibit "A" and shown on Drawing No. 101807-1-B, marked as Exhibit "B", incorporated here by reference, and made a part of this Resolution, is ordered vacated subject to the following condition which is made a part of this Resolution:

A. Prior to the recordation of the sewer easement vacation, the Owner/Permittee shall assure, by permit, bond and operational acceptance, the abandonment of the sewer main, in a manner satisfactory to the Public Utilities Department and the City Engineer.

4. Upon satisfaction of the condition described in this Resolution, as determined by the City Engineer, the Development Services Department shall record a certified copy of this Resolution with attached exhibits, attested by the City Clerk under seal, in the Office of the County Recorder.

ATTACHMENTS: Exhibit A – Legal Description
Exhibit B – Drawing No. 101807-1-B

DRAFT

EXHIBIT A

LEGAL DESCRIPTION

SEWER EASEMENT VACATION

BEING A VACATION OF ALL THAT SEWER EASEMENT IN LOTS 1, 2, AND 3 OF CROWN POINT COUNTRY CLUB CONDOMINIUMS, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 10664 FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY JUNE 22, 1983 AS GRANTED TO THE CITY OF SAN DIEGO PER CROWN POINT COUNTRY CLUB, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 6246 FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY DECEMBER 6, 1968.

ATTACHED HERETO IS A DRAWING NO. 101807-B, LABELED AS EXHIBIT "B", AND BY THIS REFERENCE MADE A PART HEREOF.

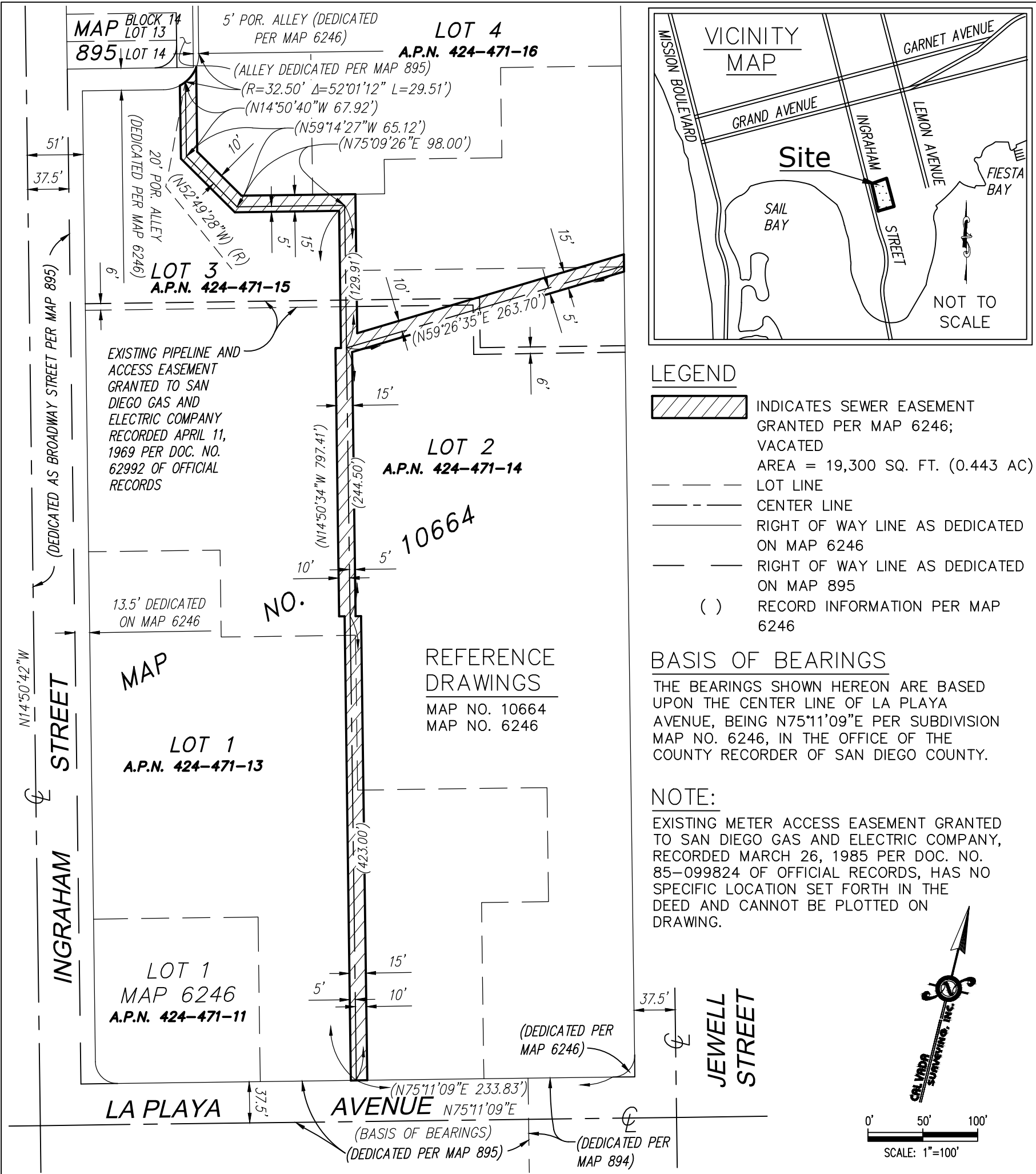
PREPARED UNDER MY SUPERVISION:



ARMANDO D. DUPONT, P.L.S. 7780

PRJ NO.: 1059329
PMT NO.: 3279433
DWG NO.: 101807-B

EXHIBIT B



CAL VADA
SURVEYING, INC.
411 Jenks Cir., Suite 205, Corona, CA 92880
Phone: 951-280-9960 Fax: 951-280-9746
Toll Free: 800-CALVADA www.calvada.com

ARMANDO D. DUPONT P.L.S. 7780
JOB NO. 21670

LICENSED LAND SURVEYOR
Armando D. Dupont
L.S. 7780
Date Signed: 11/22/2024
STATE OF CALIFORNIA

RESOLUTION No. _____

ADOPTED: _____

DOCUMENT No. _____

RECORDED _____

SEWER EASEMENT VACATION					LOTS 1, 2, & 3 OF CROWN POINT COUNTRY CLUB CONDOMINIUMS IN MAP NO. 10664	
DESCRIPTION	BY	APPROVED	DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA SHEET 1 OF 1 SHEET	PRJ NO.: 1059329 PMT NO.: 3279433
						1868-6255 NAD 83 COORDINATES
					FOR CITY LAND SURVEYOR	228-1695 LAMBERT COORDINATES
STATUS					101807-1-B	B001



City of San Diego
Development Services
1222 First Ave., MS 302
San Diego, CA 92101
(619) 446-5000

Ownership Disclosure Statement

FORM
DS-318

October 2017

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: AVA Pacific Beach **Project No. For City Use Only:** _____

Project Address: 3823, 3863, 3913 Ingraham Street, 3952 Jewell Street

Specify Form of Ownership/Legal Status (please check):

☒ Corporation ☐ Limited Liability -or- ☐ General - What State? Maryland Corporate Identification No. 77-0404318
☐ Partnership ☐ Individual

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter 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), applicant(s), and other financially interested persons of the above referenced property. A financially interested party includes any individual, firm, co-partnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, receiver or syndicate with a financial interest in the application. If the applicant includes a corporation or partnership, include the names, titles, addresses of all individuals owning more than 10% of the shares. If a publicly-owned corporation, include the names, titles, and addresses of the corporate officers. (A separate page may be attached if necessary.) If any person is a nonprofit organization or a trust, list the names and addresses of **ANY** person serving as an officer or director of the nonprofit organization or as trustee or beneficiary of the nonprofit organization. A signature is required of at least one of the property owners. 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.

Property Owner

Name of Individual: AvalonBay Communities, Inc. ☒ Owner ☐ Tenant/Lessee ☐ Successor Agency

Street Address: 2050 Main Street #1200

City: Irvine State: CA Zip: 92614

Phone No.: (949) 955-6200 Fax No.: (949) 724-9208 Email: mark_janda@avalonbay.com

Signature: [Signature] Date: 4.29.22

Additional pages Attached: ☐ Yes ☐ No

Applicant

Name of Individual: AvalonBay Communities, Inc. ☒ Owner ☐ Tenant/Lessee ☐ Successor Agency

Street Address: 2050 Main Street #1200

City: Irvine State: CA Zip: 92614

Phone No.: (949) 955-6200 Fax No.: (949) 724-9208 Email: mark_janda@avalonbay.com

Signature: [Signature] Date: 4.29.22

Additional pages Attached: ☐ Yes ☐ No

Other Financially Interested Persons

Name of Individual: N/A ☐ Owner ☐ Tenant/Lessee ☐ Successor Agency

Street Address: _____

City: _____ State: _____ Zip: _____

Phone No.: _____ Fax No.: _____ Email: _____

Signature: _____ Date: _____

Additional pages Attached: ☐ Yes ☐ No

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.